



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

September 25, 2023

Laura Rudolf
Transcontinental Gas Pipeline Company, LLC.
P.O. Box 2400
Tulsa, OK 74102
Via email: laura.rudolf@williams.com

RE: WP-24-016 Transcontinental Gas Pipeline Mainline D

Dear Ms. Rudolf

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On September 6, 2023, and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)** of the Subdivision and Land Development Regulations to permit limited disturbance within the wetland and wetland buffer for a maintenance project at the existing Station 190 Compressor Station. Please see the attached Final Decision Action Report for more information.

On August 25, 2023, and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.115(c) and Section 16.155(a)(1)(i)** of the Subdivision and Land Development Regulations to permit limited disturbance within the floodplain and allow the applicant to substitute the alternative compliance exhibit for the site development plan for the existing Station 190 Compressor Station.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c) and Section 16.155(a)(1)(i) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the [four (4) items OR one (1) item] you were required to address, pursuant to Section 16.104(a)(1):

Subtitle I, Article II, Section 16.115(c)

1. Strict conformance with the requirements will deprive the applicant of right commonly enjoyed by others in similar areas;

The applicant is requesting to complete maintenance work on the property adjoining the existing Station 190 Compressor Station, for improvements mandated by the U.S. Department of Transportation to improve pipeline integrity inspections for portions of existing pipeline. The proposed modifications and improvements do not establish a new use or change in use onsite. The areas of excavation within the floodplain are limited to locations of existing pipelines and associated facilities, which have been previously disturbed for the development and maintenance of the Station. The proposed LOD is limited to the area required to complete the work and meets

safety requirements, while avoiding the adjoining stream bank buffer. Strict conformance with the requirements would prohibit improvements to the existing utility.

2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations;

Station 190 was originally constructed in 1950 and lies within an area that has multiple environmentally sensitive areas. For the site to comply with regulations and current standards implemented by the U.S. Department of Transportation Pipeline and Hazardous Material Safety Administration, occasional impacts to the facility are required. The LOD was limited to avoid the area of stream bank buffer onsite, but access to the existing pipeline and associated facilities are located with the floodplain and there are no other feasible options to avoid impacting that area. Strict adherence to the regulations would prevent compliance with current federal standards required for the safe transportation of natural gas.

3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;

The proposed impacts are within areas of existing pipelines and associated facilities to the Station. The location of work for Mainline D improvements require the impacts are within the floodplain. Proposed impacts are temporary and will be returned to original conditions once the project is completed. Due to the location of the proposed work, the characteristic of the floodplain and the temporary impacts, this request will not confer special privileges to the applicant.

4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.

The proposed improvements will not be detrimental to public health; safety or welfare, or injurious to other properties. The proposed improvements will allow for increased pipeline integrity inspection for portions of existing pipeline, as required under current regulations. The scope of the work is within areas that have previously been disturbed, and all locations of disturbances will be temporary and will be returned to their original conditions once the project is complete. The project proposes no new development and no net loss of existing floodplain volume. Improvements included in this alternative compliance request are to increase the applicant's ability to maintain and inspect the integrity of the existing pipeline and associated facilities. SRC agencies, including the Department of Public Works, the Department of Recreation and Parks, and the Soil Conservation District, have been consulted and have no objection to this alternative compliance request.

Subtitle 1, Article V, Section 16.155(a)(1)(i)

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

Strict compliance with the regulations would require the applicant to submit a formal Site Development Plan for the proposed project. This would result in an unreasonable hardship since the alternative compliance plan exhibit contains all necessary information for permitting and construction. Modifications and improvements proposed with this submission do not establish a new use or a change in use onsite. The maintenance project involves improvements to existing underground pipelines along the ROW on the site that will allow increased ability for integrity inspections. No tree clearing is proposed. The exhibit provided, showing the proposed LOD and improvements are to be retained by the County, and is sufficient to be used in reviewing the design in accordance with the County Regulations. SRC agencies, including the Department of Public Works, the Department of Recreation and Parks, and the Soil Conservation District, have been consulted and have no objections to this alternative compliance request.

Approval of this Alternative Compliance is subject to the following conditions:


1. Any encroachment and grading within the floodplain must be designed to have no net loss of floodplain storage volume.

2. The encroachment is limited to the LOD as shown on the alternative compliance exhibit. Once the proposed project is complete, the LOD shall be restored to its previous condition through stabilization.
3. The applicant must obtain any required regulatory permits for floodplain from MDE and the Army Corps of Engineers. Applicable permit numbers shall be reference on any building or grading permit.
4. Compliance with all applicable County and State Regulations and obtaining all necessary permits from the Department of Inspections, Licenses, and Permits prior to initiating development onsite.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:

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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/kb

cc: Research
DLD - Julia Sauer
Real Estate Services
WHM Consulting, Paul Fisher – paulf@whmgroup.com



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3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-24-016 Transcontinental Gas Pipeline Mainline D**
Request for an alternative compliance to Sections 16.116(a) Subdivision and Land Development Regulations.

Applicant: Laura Rudolf
Transcontinental Gas Pipeline Company, LLC.
P.O. Box 2400
Tulsa, OK 74102
Email: laura.rudolf@williams.com

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)** of the Subdivision and Land Development Regulations. The purpose is to limited disturbance within the wetland and wetland buffer for a maintenance project at the existing Station 190 Compressor Station. The Directors deliberated the application in a meeting on September 6, 2023.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.104(a)(1) and Section 16.116(d):

1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by other in similar areas.

The purpose of the project is to increase pipeline integrity inspections for portions of existing underground utilities, as mandated by the US Department of Transportation. The proposed modifications and improvements do not establish a new use or change in use onsite. The areas of excavation within the wetland and wetland buffer are limited to locations of existing pipelines and associated facilities, which have been previously disturbed for the development and maintenance of the Station. Strict conformance with the regulations would prohibit the necessary disturbance to meet the mandated improvements to the existing pipelines.

2. The uniqueness of the property or topographical conditions would result in practical difficulty, other than economic, or unreasonable hardship from strict adherence to the regulations.

The Station, which was constructed in the 1950s, is located in multiple environmentally sensitive areas. The area of pipelines that will be modified to meet mandated safety requirements lies within the wetland and its associated buffer, and the project cannot be complied without these impacts. The LOD was limited to avoid the area of stream bank buffer onsite, but there are no other feasible options to avoid impacting the wetland area. Strict adherence to the regulations would prevent compliance with current federal standards required for the safe transportation of natural gas.

3. The variance will not confer to the applicant a special privilege that would be denied to other applicants.

No buildings, permanent structures, or impervious areas are proposed. Proposed impacts are temporary and the LOD will be graded to original conditions once the project is completed. Due to the location of the proposed work and necessary impacts to the wetland, this request does not confer special privileges to the applicant.

4. The modification is not detrimental to the public health, safety or welfare, or injurious to other properties.

The project goal is to allow for increased pipeline integrity inspection for portions of existing pipeline, as required under current regulations. The scope of the work is within areas that have previously been disturbed. All locations of disturbances will be temporary and will be returned to their original conditions once the project is completed. The proposed improvements will not be detrimental to public health; safety or welfare, or injurious to other properties. Completion of this project will increase safety of the local utility.

5. Any area of disturbance is returned to its natural condition to the greatest extent possible.

The proposed improvements will temporarily disturb 0.52 acres, but once the project is completed all disturbed areas will be returned to their original condition and contour. The area of excavation is limited to the workspace necessary for the safe completion of the project.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

The project has been reviewed by Howard Soil Conservation District and the submitted exhibit was signed by their office July 17, 2023. The project will use super silt fence, matting, and filter bags to further mitigate potential adverse impacts to water quality and fish, wildlife, and vegetative habitat. All disturbed areas will be stabilized and returned to their original conditions and contour at the completion of the project.

7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements.

All necessary measures were taken to reduce or eliminate impacts to the surrounding environmental features, while allowing enough area for safe working conditions. The LOD was minimized from the original proposal to eliminate any impacts to the stream bank buffer and limited impacts to the wetland, wetland buffer, and floodplain. There is no forest to be cleared and the project is exempt from forest conservation requirements under Section 16.1202(b)(1)(ix), routine maintenance of existing roads and public utility rights-of-way. The proposed design and associated impacts are the minimum necessary to complete the proposed project.

Directors Action: Approval of alternative compliance of Section 16.116(a) is subject to the following conditions:

1. The encroachment is limited to the LOD as shown on the alternative compliance exhibit. Once the proposed project is complete, the LOD shall be restored to its previous condition through stabilization.
2. Compliance with all applicable County and State Regulations and obtaining all necessary permits from the Department of Inspections, Licenses and Permits prior to initiation of development onsite.

DocuSigned by:

Lynda Eisenberg

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Lynda Eisenberg, AICP, Director

Department of Planning and Zoning

DocuSigned by:

Yosef Kebede

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Yosef Kebede, Director

Department of Public Works

DocuSigned by:

Timothy Lattimer

AEB6003A8F04A0

Timothy Lattimer, Administrator

Office of Community Sustainability

cc: Research; OCS; DPW; WHM Consulting, LLC. Paul Fisher – paulf@whmgroup.com



DPZ Office Use only: File No. Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description:	The project site is located within an existing and maintained pipeline ROW.		
Subdivision Name/Property Identification:	Transcontinental Gas Pipe Line Company, LLC		
Location of property:	Carroll Mill Road, Ellicott City, MD 21042 (39.266100 -76.928270)		
Existing Use:	Existing Pipeline ROW	Proposed Use:	Existing Pipeline ROW
Tax Map:	23	Grid:	0019
		Parcel No:	0007
		Election District:	3
Zoning District:	RR-DEO	Total site area:	0.52 acres

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

Existing and maintained gas pipe line right-of -way. All work will take place within the existing right-of-way.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
No.16.155 (a)(1)(ii)(SDP)	1. Approval of a site development plan is required prior to issuance of Grading and Building Permits for non-residential development (which includes utility development).
No. 16.155 ^{16.115} (c)	<ol style="list-style-type: none"> 1. A person shall not store matertail of any kind in a floodplain either temporarily or permanently. 2. No clearing, excavation, filing, altering drainage, or impervious paving may occur on land located in a floodplain unless required or authorized by the DEpartment of Planning and Zoning upon the advice of the Deaprtmetn of Ispection, License, and Permits, the Department of Public Works, etc.

Brief Summary of Request	
No. 16.116 (c)	1. Grading and removal of vegetative cover and trees , and paving are not permitted in wetland, streams, wetland buffers, stream buffers, or steep slopes unless the DPX, DPW and POCS determines based on a detailed justification provided by the developer that. (i) It is necessary for construction of public and private roads, driveways, utilities, trails, pathways, or stormwater management facilities which are essential for reasonable development of the property.

Signature of Property Owner:  **Date:** 7/24/23

Signature of Petitioner Preparer:  **Date:** 7/24/23

Name of Property Owner: Transcontinental Gas Pipe Line Company, LLC **Name of Petition Preparer:** Paul Fisher

Address: PO Box 2400 **Address:** 366 Walker Drive Suite 300

City, State, Zip: Tulsa, OK 74102-2400 **City, State, Zip:** State College, PA 16801

E-Mail: laura.rudolf@williams.com (primary Transco contact) **E-Mail:** paulf@whmgroup.com

Phone No.: 713 204-1283 **Phone No.:** 814-689-1650

Contact Person: Laura Rudolf (713-204-1283) **Contact Person:** Paul Fisher

Owner's Authorization Attached