



For Immediate Release

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Clean Water Act Approval Given by Pennsylvania Challenged in Court

Philadelphia, PA – The Delaware Riverkeeper Network (DRN) filed in federal court today to challenge a Pennsylvania State approval given to the PennEast Pipeline project. The organization filed the petition for review of the Pennsylvania Department of Environmental Protection’s (PADEP) decision approving a Water Quality Certification under section 401 of the Federal Clean Water Act with the United States Court of Appeals for the Third Circuit.

The Delaware Riverkeeper Network filed the lawsuit against the Pennsylvania Department of Environmental Protection (“PADEP”) on February 28, 2017, alleging that PADEP improperly issued a Clean Water Act Section 401 Water Quality Certification for the PennEast Pipeline project, a large scale gas transmission pipeline. This legal challenge is similar to challenges the organization filed against the Leidy Southeast Pipeline on May 5, 2015 and against the Atlantic Sunrise Pipeline project filed on May 4, 2016. Both cases are proceeding through the court process.

The Delaware Riverkeeper Network argues that Pennsylvania failed to apply appropriate state standards for determining whether a 401 Water Quality Certification was proper and instead issued the certification contingent upon future review and state permitting of the project.

“The issuance of this approval to PennEast is a betrayal by the Wolf administration of the highest order. Governor Wolf and PADEP are more concerned with serving the profit goals of the pipeline companies than they are with protecting Pennsylvania’s environment and communities,” said **Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network**. “Governor Wolf’s administration continues to issue unsupported and premature approvals to projects like the PennEast pipeline. PADEP, with the full knowledge and support of the Wolf administration, is failing to fulfill its obligations to determine whether pipelines like the PennEast pipeline will harm our communities and environment prior to deciding whether to give them state approval – this is an obvious violation of the state’s obligation to protect our environment and communities.”

The PennEast pipeline, if built, would carry fossil fuels through environmentally sensitive

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areas and public lands. Concerned residents and environmental groups have voiced concerns about the devastating and irreversible impacts should construction continue.

The 401 Certification was issued on February 7, 2017 and was noticed in the Pennsylvania Bulletin on February 25, 2017. If built, the PennEast pipeline would cut through creeks, wetlands, forests and communities in Dallas, Kingston, Jenkins, Plains and Bear Creek Townships, West Wyoming, Wyoming and Laflin Boroughs, Luzerne County; Kidder, Penn Forest, Towamensing and Lower Towamensing Townships, Carbon County; Lehigh, Moore, East Allen, Upper Nazareth, Lower Nazareth, Bethlehem, Lower Saucon, and Williams Townships, and Easton City, Northampton County; and Durham and Rieglesville Townships, Bucks County. In addition the pipeline would cut through communities in Mercer and Hunterdon Counties, New Jersey. New Jersey has not taken steps to issue its approval for the project. Approvals are also required from the Delaware River Basin Commission and the US Army Corps of Engineers. The Federal Energy Regulatory Commission would also have to approve the project “but that agency is so biased we all know their approval is a foregone conclusion,” says van Rossum. “It is just a matter of when they will issue their approval, not if they will issue it.”

A copy of the petition for review filed can be found at: <http://bit.ly/DRN401PetitionforReview>

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About the Delaware Riverkeeper Network

Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the four states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.