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## ***Community and Environmental Defenders from Across Pennsylvania Demand Governor Wolf Enforce State Environmental Protections***

*Community Activists Deliver Letters to End Free Passes for Fracking Industry*

**Harrisburg, PA--** Today a letter signed by 47 organizations representing over 300,000 individuals was delivered to Governor Tom Wolf and key state legislators demanding that he and the Pennsylvania Department of Environmental Protection (PADEP) enforce crucial environmental protections before approving unnecessary and dangerous fracked gas pipelines. The letter, which details the regulatory failings of the PADEP under the Clean Water Act, is the latest move by community activists working to stop the unnecessary and dangerous proliferation of fracked gas pipelines cutting through Pennsylvania communities, private properties and public lands.

“By ignoring its regulatory responsibilities, the Pennsylvania Department of Environmental Protection has approved several dangerous pipelines without needed regulatory review or investigation,” said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network. “Pennsylvania’s politicians must cease giving away state power to the pipeline industry and needs to ensure that fracked gas pipelines, especially those that fail to comply with current environmental protections and regulations, are not built in our communities. They must reclaim their role as regulators and stand with Pennsylvania families--not with the fossil fuel industry.”

The letter shows that federal law requires state regulators to review proposed interstate fracked gas pipelines under section 401 of the Clean Water Act, issuing a rejection, approval, or approval with modifications in the form of a Water Quality Certification. However, rather than reviewing pipeline projects for compliance with state laws prior to granting this key federal-state approval, Pennsylvania regulators routinely issue 401 Certifications under the promise of *future* review for compliance. This practice effectively denies the state the ability to later reject these dangerous pipelines if it becomes clear that environmental protection laws cannot and/or will not be met. As a result, pipeline companies are given an unsafe and undeserved pass on honoring the environmental protections guaranteed to Pennsylvanians under the state constitution. The PennEast, Atlantic Sunrise, and Leidy Southeast pipeline projects are the most recent beneficiaries of this power give away by Pennsylvania regulators. This letter is intended to put the Governor and legislators on notice that their failure to enforce the law and represent communities in this most basic and fundamental way is a betrayal of trust that will not be tolerated.

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[Delaware Riverkeeper Network \(DRN\)](#) is a nonprofit membership organization working throughout the 4 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.

*Delaware Riverkeeper Network ~ Berks Gas Truth ~ Energy Justice Network  
North Harford Maple  
Protecting Our Waters ~ Columbia County Against the Pipeline  
350 Bucks County Pennsylvania ~ Local Authority Western PA  
Pohopoco Watershed Conservancy ~ Susquehanna County Gas Forum  
Sanderson Design ~ Breathe Easy Susquehanna County  
Blue Mountain Preservation Association  
Bucks County Concerned Citizens Against the Pipeline  
Bucks County Earth Guardians ~ Fracking Truth Alliance  
Lancaster Against Pipelines ~ Forest Hills Bans Fracking  
Marcellus Media ~ HALT PennEast ~ Potter's Farm  
Schuylkill Pipeline Awareness ~ Marcellus Protest  
Sierra Club (Pennsylvania Chapter)  
Mountain Watershed Association ~ Clean Air Council  
Pictures Moved by Strings ~ Ecojustice Working Group  
Holland Township Citizens Against the Pipeline  
Marcellus Outreach Butler ~ Clean Water Action  
Citizens to Preserve Ligonier Valley ~ PA Alliance for Clean Water and Air  
Catskill Citizens for Safe Energy ~ Food and Water Watch  
Friends of the Harmed ~ Lebanon Pipeline Awareness ~ Alexandria CAP  
Murrysville Watch ~ Waterkeepers Chesapeake ~ Peace Youth  
Alliance for Sustainable Communities-Lehigh Valley  
Cook's Creek Watershed Association ~ Concerned Citizens of Easton  
Lepoco Peace Center ~ Earthworks  
Physicians for Social Responsibility-Philadelphia*

June 29, 2016

Dear Governor Tom Wolf and Pennsylvania Legislators,

Stop giving interstate gas pipelines cutting through Pennsylvania communities a pass on complying with our state environmental and community protection laws.

And stop using the Pennsylvania legal process to grease the wheels for Pipeline companies to get the power of eminent domain, allowing them to take control of people's property, and the parks, gamelands, forests and preserves we have worked so hard to protect here in the Commonwealth of Pennsylvania.

According to PA law, for interstate pipelines subject to FERC jurisdiction to get Clean Water Act 401 water quality certification, the pipeline company must prepare and submit a complete environmental assessment and demonstrate that it can and will comply with regulations found in

Chapter 105 and Chapter 102 of the Pennsylvania Code.

Before receiving a complete application including environmental assessment and/or ensuring a pipeline project will fully comply with applicable Pennsylvania laws, PADEP is handing out empty 401 certifications based on a promise of future review by the agency.

**A 401 certification without Chapter 105 or 102 review and approval is a violation of PA state law and means:**

- **Pipelines are given state approval without an obligation to comply with Pennsylvania environmental and community protection laws;**
- **The pipeline company can get the power of eminent domain regardless of there being proof that it will comply with PA laws;**
- **PA loses its power to reject the pipeline or to approve it with needed modifications prior to the start of construction or the exercise of eminent domain;**
- **Construction of the pipeline can begin before PA's review has even taken place;**
- **Pennsylvania communities, like those along the Constitution Pipeline, can lose property rights and suffer irreparable pipeline construction damage, even when and if the pipeline is rejected by other states and/or agencies.**

When PADEP reviews a pipeline they need to make sure that Pennsylvania standards will be met and complied with. In order for DEP to make the right decision about whether to reject, approve, or mandate modifications prior to approval of a pipeline it needs to have retained its full authority to do so.

The Chapter 105 program ensures protection of Pennsylvania's streams, wetlands and other water bodies with a focus on avoiding or minimizing harms for water quality, flooding frequency and sensitive stream side riparian habitats. The Chapter 10, Erosion and Sediment Control Program ensures use of Best Management Practices to minimize the potential for accelerated erosion and sedimentation during and after construction activities. These measures are especially important for linear pipeline projects that are often hundreds of miles long. For example, the Atlantic Sunrise would cut a 197.7 mile-long swath through 10 counties in Pennsylvania, cut across 331 waterbodies (including 58 High Quality streams), 250 wetlands, and 45 interior forests. Cuts through steep slopes and the need for blasting through bedrock are also common elements of a pipeline project. The importance of complete Chapter 105 and 102 information and analysis is critical if we are to protect Pennsylvania's resources and the communities that enjoy and rely upon them.

Pennsylvania giving its power to the pipeline industry is a betrayal of the state's legal obligations and the public trust. And why would the state want to give away its power this way?

**We need you to tell PADEP to stop giving away Pennsylvania's power by issuing hollow 401 water quality certifications.**

Right now PADEP is proposing yet another hollow 401 Certification, this time for the PennEast Pipeline. We need you to tell PADEP to pull back their 401 certification proposal for PennEast

and wait to make a 401 certification decision until they have fully assessed the pipeline's ability to comply with all applicable Pennsylvania regulations.

In addition, the Atlantic Sunrise 401 certification was issued on April 5<sup>th</sup> without complete Chapter 105/102 reviews. Tell PADEP to rescind the 401 certification until the substantive regulatory review is complete and a final decision is made.

Respectfully,

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*Karen Feridun, Founder, Berks Gas Truth*  
*Alex Lotorto, Shale Gas Program Coordinator, Energy Justice Network*  
*Megan Holleran, Owner, North Harford Maple*  
*Iris Marie Bloom, Executive Director, Protecting Our Waters*  
*Marion Menapace, Member, Columbia County Against the Pipeline*  
*Jasmine Spence, Co-Founder, 350 Bucks County Pennsylvania*  
*Debra Borowiec, Founder, Local Authority Western PA*  
*Jim Vogt, President, Pohopoco Watershed Conservancy*  
*David Plank, Susquehanna County Gas Forum*  
*Shannon, Sanderson Design*  
*Rebecca Roter, Co-Founder, Breathe Easy Susquehanna County*  
*Frank O'Donnell, President, Blue Mountain Preservation Association*  
*Arianne Elinich, Founder, Bucks County Concerned Citizens Against the Pipeline*  
*Kaia Elinich, Youth Founder, Bucks County Earth Guardians*  
*Carrie Hahn, Organizer, The Fracking Truth Alliance of Lawrence and Mercer Counties*  
*Malinda Clatterbuck, Secretary, Lancaster Against Pipelines*  
*Elizabeth Donohoe, Forest Hills Bans Fracking*  
*Marti Louw, Producer, Marcellus Media*  
*Laura Wilson, President, HALT PennEast*  
*Leah Zerbe, Owner, Potter's Farm*  
*Leah Zerbe, Co-Founder, Schuylkill Pipeline Awareness*  
*Briget Shields, Outreach Organizer, Marcellus Protest*  
*Joanne Kilgour, Chapter Director, Sierra Club Pennsylvania Chapter*  
*Beverly Braverman, Executive Director, Mountain Watershed Association*  
*Joseph Otis Minott, Executive Director, Clean Air Council*  
*John Bromberg, Artistic Director, Pictures Moved by Strings*  
*Wanda Guthrie, Convener, Ecojustice Working Group*  
*Lorraine Crown, Holland Township Citizens Against the Pipeline*  
*Diane Sipe, Director, Marcellus Outreach Butler*  
*Steve Hoozdovich, Pennsylvania Campaign Director, Clean Water Action*  
*Jan Milburn, Community Liason, Citizens to Preserve Ligonier Valley*  
*Jenny Lisak, Co-Director, PA Alliance for Clean Water and Air*  
*Jill Wiener, Member, Catskill Citizens for Safe Energy*  
*Tara Zrinski, Local Coordinator, Food and Water Watch, Lehigh Valley*  
*Dana Dolney, Director, Friends of the Harmed*  
*Ann Pinca, President, Lebanon Pipeline Awareness*

*Jackie Freedman, Founder, Alexandria CAP*

*Barbara Sims, Member, Murrysville Watch*

*Betsy Nicholas, Executive Director, Waterkeepers Chesapeake*

*Tina Venini, Organizer, Peace Youth*

*Martin Boksenbaum, Steering Committee member, Alliance for Sustainable Communities-LV*

*James Orben, Member, Cook's Creek Watershed Association*

*Beverly Hernandez, Member, Concerned Citizens of Easton*

*Nancy Tate, Coordinator, Lepoco Peace Center*

*Nadia Steinzor, Eastern Program Coordinator, Earthworks*

*Poune Saberi, Doctor, Physicians for Social Responsibility*