



January 22, 2018

Ed Muzic
Section Chief
Waterways & Wetlands Program
Southcentral Region
Pennsylvania Department of Environmental Protection
909 Elmerton Avenue
Harrisburg, PA 17110

By email to emuzic@pa.gov

***RE: Water Obstruction and Encroachment Applications:
E06-716: Birdsboro Power, LLC (Berks County)***

Dear Mr. Muzic:

The Delaware Riverkeeper Network (DRN), a private non-profit organization, champions the rights of our communities to a Delaware River and tributary streams that are free-flowing, clean, healthy, and abundant with a diversity of life. DRN has nearly 20,000 members throughout the Delaware River Watershed including residents of Birdsboro and Berks County.

DRN is writing to make the Pennsylvania Department of Environmental Protection (PADEP) aware of our continuing concerns that Birdsboro Power LLC is not in compliance with the requirements of the Pennsylvania Scenic Rivers Act as regards the above referenced application.

DRN has previously noted that multiple permit applications submitted by Birdsboro Power appear to omit important information about the site in Robeson Township where the 230 kV substation is proposed to be constructed. The completed substation is described as occupying approximately 5 acres. No wetland delineation was undertaken for the five acres site or it was not included in the above referenced application. In addition, the substation site is omitted from the mapping provided in permit applications.

DRN has now learned that coordination with the Pennsylvania Department of Conservation and Natural Resources (PADCNR) for the Pennsylvania Scenic Rivers Act was undertaken only regarding the proposed 230 kV transmission line associated with this application. No information was provided to PADCNR regarding the substation for coordination under the Pennsylvania Scenic Rivers Act (See attachment A).

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In Chapter 41. Rivers Conservation—Statement of Policy, the Pennsylvania Code provides guidance for eligibility as a scenic river as well as guidance for protecting rivers that have been designated under Pennsylvania Scenic Rivers Act. This Statement of Policy states that:

Recreation and modified recreation river classifications shall conform with the following:

- (i) It is intended to develop a more coordinated utilization of those river segments that best portray outstanding aesthetic-recreational values and that are ideally suited for active or intensive recreational uses. The utilization shall, however, be maintained within the restraints imposed by the resource capability to adequately support use without degradation. The segments could combine interesting intermixtures of forests, fields and other human modifications, that notwithstanding their marked human influences, still blend into a pleasant readily accessible river-landscape of high visitor interest.

The proposed substation does not represent “interesting intermixtures of forests, fields and other human modifications, that notwithstanding their marked human influences.” These human influences degrade the outstanding aesthetic-recreational values.

The Program interpretation Pennsylvania Wild and Scenic River System in the Pennsylvania Code states:

Of primary importance is the preservation of the feeling of freedom that the wilderness, or rural, or river expanse imparts. The significance of such segments in social, scientific and educational value as a comparative frame of reference for present and future generations is beyond measure.¹

The proposed substation will take away from the feeling of freedom that this scenic reach of the Schuylkill River imparts.

In addition, filling of the floodplain at the substation site will be necessary to secure Robeson Township zoning approval. Elevation of the site, described as occupying at least five acres, out of the floodplain will increase substation’s visibility in the river corridor, negatively impacting the Scenic Schuylkill.

DRN opposes construction of the proposed substation (as well as the proposed transmission line) in flood prone areas. This puts our environment as well as the electrical grid at risk. The applicant proposes a substation built on fill in the floodplain with no risk assessment or plan for resiliency. The applicant’s failure to provide mapping, plans, and engineering for the proposed substation site can only increase the risk. DRN believes that, given the impacts of climate change, flood risk is greater than what the applicant currently anticipates. Elevating the substation without a performing a thorough risk assessment could provide a false sense of security that could ultimately result in a catastrophic failure during a flood event.

Once again, DRN urges the PADEP to deny the above referenced application. Failure to include the substation in permitting documents is a significant and consistent oversight, and PADEP should reject Birdsboro Power’s application as a result.

Respectfully Submitted,



Maya K. van Rossum
the Delaware Riverkeeper

¹ Title 17 PA Code § 41.2(b)(i) Program interpretation Pennsylvania Wild and Scenic River System.

Chari Towne

From: [REDACTED]
Sent: Tuesday, January 16, 2018 1:07 PM
To: 'chari@delawariverkeeper.org'
Subject: Birdsboro Scenic River Review
Attachments: 860_849rev_Birdsboro Pipeline_Electric lines_Schuylkill_2017.pdf

Chari,
Per your request, attached is the letter we sent to the project applicant for the electric transmission and natural gas transmission lines related to the Birdsboro project. The applicant submitted 2 separate projects for review but we responded with one letter to address cumulative impacts. We were never asked to comment on the substation, or given significant information about the station that would have led us to believe that it was part of the permit application.

If you have any questions, please get in touch with me anytime.

[REDACTED]
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<http://www.dcnr.state.pa.us/brc> | www.ExplorePAtrails.com

