



July 30, 2013

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Re: Tennessee Gas Pipeline Company, L.L.C., Docket No. CP11-161-000  
Northeast Upgrade Project

Dear Ms. Bose,

This letter is a response to the July 23, 2013 letter written by Tennessee Gas Pipeline (TGP) Company to NJDEP and is included in TGP's weekly status report July 15-21, 2013. The TGP letter included rebuttals to observations made by Delaware Riverkeeper Network staff that monitored a large rain event of approximately 1.5" that occurred on July 1, 2013. Delaware Riverkeeper Network (DRN) believes that the many points brought up are irrelevant due to the time lapse between the issues that occurred at the rain event and the date the photos provided by TGP were taken.

*Excerpt from TGP July 15-21 weekly report Loop 323 –Tennessee was made aware of a July 1, 2013 letter submitted to the New Jersey Department of Environmental Protection ("NJDEP") by the Delaware Riverkeeper Network ("DRN"), a nongovernmental organization. The letter documented various concerns and allegations of the DRN regarding the Project. Tennessee has prepared the attached response to the DRN's letter, which was sent to the NJDEP on July 23, 2013.*

DRN observed sediment flowing down the length of Access Road 30.01 on the morning of July 1<sup>st</sup> as already reported with photo documentation. It is clear from the photos in that report that there was sediment that exited the ROW and reached the storm drain located at the junction of Mountain Road and River Road. The images provided by TGP show Mountain Road with clean pavement that has no remnants of sediment. However, it should be noted that these pictures were taken 14 days later on July 15<sup>th</sup>. It is obvious that there would no longer be signs of sediment from a rain event that occurred two weeks prior to the visit by TGP's Environmental Inspector. In the Environmental Construction Plan, it states that TGP's environmental inspector is required to inspect the E&S controls within 24 hours after any rain event in which accumulation is greater than 0.5". If this is the case, there should be no reason that TGP was unaware of the sediment travelling down the roadway as documented in photos taken by DRN staff. Is there any record or photos documenting the conditions observed during the inspections conducted by the environmental inspector that can be reviewed within that 24-hour period? DRN believes these photos should be shared as part of the public record. It should also be noted that a street cleaner is utilized by TGP therefore they would be able to clear the sediment off the roadway prior to taking photos. Their images do not accurately refute the observations made by DRN, as they are not relevant to the issues addressed in DRN's July 1<sup>st</sup> letter.

TGP also references a rain gage located in the vicinity of Mountain Road. What is the location of this rain gage and is there any written record of the rainfall totals observed after each rain event that can be made part of the public record? Is the rain gage maintained and emptied after each rain event? DRN is concerned that it may not be

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monitored daily and that the data collected from it may not be accurate if a daily log is not utilized. Since this project involves large swaths of land disturbance, such rain event monitoring and an inventory should be required of TGP and made part of the public record. Similar rain event monitoring is routine and typical in most environmental monitoring in general. DRN recommends that TGP place additional rain gages at various locations along the ROW to assist with better documentation especially with localized rain events and summer storms that are typical during TGP's construction window and the nature of the steep slopes and high quality and exceptional value streams and wetlands that are being crossed by this pipeline construction. This rain gage monitoring and an accompanied daily rain gage log would also assist the environmental inspectors in their field reviews since they have a large region to cover and inspect.

Photos from the following album;

[https://picasaweb.google.com/lh/sreDIR?uname=105703332397473503863&target=ALBUM&id=5906069516468221089&authkey=Gv1sRgCK\\_HxPbtjtLQKA&invite=CNGMgtkG&feat=email](https://picasaweb.google.com/lh/sreDIR?uname=105703332397473503863&target=ALBUM&id=5906069516468221089&authkey=Gv1sRgCK_HxPbtjtLQKA&invite=CNGMgtkG&feat=email) show the conditions of Mountain Road on July 26<sup>th</sup>, 2013. The first photo shows the pile of gravel that TGP claimed was being used as E&S controls. We fail to find where in the Environmental Construction Plans this is listed as an approved method of effective E&S controls. The second photo shows a new compost sock to replace the old, deteriorating one. Note the gap however, at the end where it was not properly installed to the edge of the entranceway. Sediment and debris has accumulated on the paved section of Mountain Road on the downhill side of the filter sock. The third photo is an additional image of the sediment present on the road, showing that it is also accumulating on the other side of the compost sock. In the next photo, the opposite end of the sock is shown along with more debris piled up behind and also present on the downhill side of the E&S device. Proper maintenance is being ignored as shown in the fifth photo in which a large amount of sediment has been allowed to accumulate in between the two silt fences. Rocks and mud can be seen in the sixth, seventh, and eighth photos piled up almost to the top of the innermost reinforced silt fencing. Overtopping had occurred at this location in the past as can be seen by the mud coating the entire height of the silt fencing. The negligence of the E&S controls can also be seen in this image with the accumulation of mud and sediment between every layer of silt fencing installed. The last image shows the sump pit that is full almost to the top of the silt fence itself. TGP claims that they are continually monitoring this location, but DRN photos show that this is not accurate at the Mountain Road location.

Photos from the following album;

<https://picasaweb.google.com/lh/sreDIR?uname=105703332397473503863&target=ALBUM&id=590607346806035233&authkey=Gv1sRgCNeGtY6GmomL6AE&invite=CK-rzf0N&feat=email> contain images taken on the morning of July 28<sup>th</sup>, 2013 after an overnight rain event with a total accumulation of approximately 0.5" according to NOAA (weather.gov). These photos offer evidence to refute the claim by TGP that their E&S controls are being properly maintained and are effective in stopping the spread of sediment from the ROW. This has been a continual problem at this location. In the past TGP has claimed that the "minor" overtopping and E&S failure were due to large rain events. However, as can be seen in these photos, smaller regular rain events also result in sediment exiting the ROW and E&S controls failing to contain water flowing from the ROW. Sediment laden water can be seen leaving the ROW and continuing past several layers of E&S controls all the way to the storm drain at River Road.

Delaware Riverkeeper Network will continue to monitor this pipeline project and share our findings with the local regulatory agencies as well as FERC. DRN requests that TGP incorporates better E&S controls and monitoring measures as they operate in Special Protection Waters of the Delaware River Basin.

Sincerely,

Joe Zenes  
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cc. Sussex County Soil Conservation Service