



Delaware River Basin Commission Jurisdiction Over Pipelines A Powerful and Needed Legal Review Write Your Letter Today

The Delaware River Basin Commission (DRBC) is obligated to review and approve any pipeline projects that pass through the boundaries of the Delaware River Watershed. To date it has chosen not to exercise that jurisdiction. DRBC has received a formal Petition from the Delaware Riverkeeper Network to secure the exercise of their jurisdiction. We need your letter to join with those of 13 other legislators who have already written to urge the DRBC to respond favorably to this formal Petition and to exercise their jurisdiction.

Letters from elected officials to the DRBC hold great power and sway in this currently, highly charged political climate. Please take a moment to let your voice, and that of your constituents, to be heard. A sample letter is attached for your consideration.

Additional Info:

The Delaware River Basin Commission was served with a formal Petition on September 12, 2012 asserting that the Commission has an obligation to exercise its jurisdiction over the proliferation of pipelines being constructed and proposed within the boundaries of the Delaware River watershed. According to the Petition, pipelines are a significant source of waterway degradation and, according to the Delaware River Basin Compact and DRBC's Rules of Practice and Procedure, are therefore subject to DRBC jurisdiction, docketing and oversight.

Pipelines that have been installed have already demonstrated that installation of pipelines, individually and collectively, to be hazardous for the Delaware River, its streams, communities and ecosystems. With nearly a dozen new pipelines or expansions proposed to cross within the watershed boundaries in order to serve the shale gas drilling industry, we are on the cusp of a new and yet to be recognized environmental hazard for our communities. The level of land disturbance and in-water construction the pipelines will require, the volumes of methane that pipelines are known to leak, the noisy and polluting air compressor stations pipelines bring, and the many dozens of violations recent pipelines have imposed on our environment and communities, has raised red flags of concern for citizens and legislators alike.

Before the July DRBC meeting, thirteen state legislators, the Pike County Commissioners, and thirty-two organizations including the Delaware Riverkeeper Network, wrote letters urging the DRBC to exercise jurisdiction over pipelines.

The Delaware River Basin Compact, which provides for the mission and mandates of the DRBC, obligates the Commission to review all projects with substantial effects on the water resources of the Basin for consistency with their Comprehensive Plan. There are no limitations or exceptions within the DRBC Compact or its Rules of Practice or Procedure that would exempt pipelines from DRBC jurisdiction. Furthermore, according to the Petition, pipelines proposed and in general, individually and cumulatively:

- will include “significant disturbance of ground cover affecting water resources”;
- have already been referred to the DRBC by the National Park Service for action under the Rules of Practice and Procedure;
- will affect reaches of the Delaware River designated as Special Protection Waters, which, according to DRBC regulations, cannot be degraded;
- could “pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan” of the DRBC such as the Delaware Water Gap National Recreation Area.

Please join us and send your important letter today to protect the Delaware River Basin and the livelihoods and life the River sustains:

Carol Collier, Executive Director
Delaware River Basin Commission
25 State Police Drive
P.O. Box 7360
West Trenton, NJ 08628-0360

Emails should be directed to: Paula.Schmitt@drbc.state.nj.us

For any questions please contact the Delaware Riverkeeper Network:

Maya K. van Rossum, the Delaware Riverkeeper, 215 369 1188 ext 102 (office & cell)

Jane Davenport, Senior Attorney for the Delaware Riverkeeper Network, 215 369 1188 ext 106

Suggested Legislator Sample Letter

Carol Collier, Executive Director
Delaware River Basin Commission
25 State Police Drive
P.O. Box 7360
West Trenton, NJ 08628-0360

Dear Ms. Collier,

Because natural gas transmission pipelines being proposed to pass within and/or through the boundaries of the Delaware River Basin will have a “substantial effect on the water resources of the basin” (*DRBC Compact Section 3.8*) the Delaware River Basin Commission (DRBC) these project must be subject to the review and approval of the DRBC prior their construction. The DRBC Rules of Practice and Procedure support the exercise of this jurisdiction, as articulated in the Petition submitted to the DRBC by the Delaware Riverkeeper Network at its September 12, 2012 public meeting.

There are at least 12 major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River Basin and therefore must be subject to DRBC review. The Tennessee Gas Northeast Upgrade Project or 300 Line Project is among those that must pass through the boundaries of the Delaware River Basin and so must be subject to DRBC review and approval. The level of land disturbance, and the invasiveness of the River, tributary and wetland crossings associated with these pipelines are significant and will have an impact on the water resources of the Delaware River Basin.

Therefore, I request that the DRBC exercise its existing jurisdiction with regards to the construction, installation and ongoing maintenance (including maintenance of permanent right of ways) of pipelines passing within and/or through the Delaware River Basin. I also request that the DRBC exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews (withdrawals and construction/installation/maintenance) independently as they are intimately and irretrievably connected. And I request that the DRBC update its Rules of Practice and Procedure to make absolutely clear that all pipelines passing within or through any portion of the Basin must be subject to DRBC review.

The Delaware River is an irreplaceable source of drinking water for an estimated 17 million people. The Delaware River, its tributaries and watershed ecosystems support a multi-billion dollar ecotourism industry and all the jobs associated with them. The Delaware River and its watershed communities and resources provide educational, recreational, and health benefits to people from throughout the region, nation and world. The ground cover disturbance, excavation and installation associated with pipelines and their associated infrastructure (such as the multiple compressor stations required) has ramifications for all of these vital and irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects proposed may include alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries

that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

Pipelines that are known to be considered for construction include the Tennessee Gas Pipeline Expansion Project, the Constitution Pipeline, the Tennessee Gas 300 Line & its NorthEast Upgrade Project, the Texas Eastern Transmission Philadelphia Lateral Expansion Project, the Transcontinental Northeast Supply Link Project, the Transcontinental Gas Pipeline Brandywine Creek upgrade project and the UGI Commonwealth Pipeline. These projects will cross counties throughout the Basin including Chester County, Pike County, and Monroe County, PA; Sussex County, NJ; Delaware County and Broome County, NY; a number of counties leading up to and into Philadelphia yet to be specifically identified. Additional communities will be targeted with additional proposals anticipated.

In sum, I write to request that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decision-making be conducted at the same time.

The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,