



Tennessee Gas Pipeline Company's Northeast Upgrade Pipeline Project

Counties in the Delaware River Watershed Where Planned --- Wayne (PA), Pike (PA), and Sussex (NJ)

Tennessee Gas Pipeline Company's ("TGP") Northeast Upgrade Project ("NEUP") is an interstate transmission line upgrade project, designed to allow over 600,000 dekatherms per day of natural gas to be transported in Pennsylvania and New Jersey, to be delivered to markets in the Northeast. To create this additional capacity, TGP proposes upgrading its existing 24-inch diameter 300 Line by constructing five, 30-inch diameter pipeline loops and modifying four existing compression stations. A pipeline loop is a segment of pipeline installed adjacent to an existing pipeline and connected to the existing pipeline at both ends. These five loops will close out the remaining un-looped segments of TGP's existing 300 Line east of Bradford County, Pennsylvania, into New Jersey. Three of these loops are located within the Delaware River Basin (Loops 321, 323, and 325), which span Wayne, Pike, and Sussex counties. The project includes pipeline drilling activities under the Delaware River, significant new grading and clearing of previously undisturbed forested land and steep slopes, and over 80 separate water body crossings within the watershed.

The size and scope of the construction activity and stream crossings associated with this project will have a deleterious effect on the water resources of the Delaware River Basin. There are significant concerns related to the cumulative impact that continuous water body crossing pipeline construction activity has on the health and vitality of the Delaware River Basin. In addition to the NEUP, there are at least a dozen major pipeline projects (including Texas Eastern's Philadelphia Lateral and Transco's Northeast Supply Link) that are either currently or soon-to-be under construction within the Delaware River Basin. These construction projects will facilitate the further development of new natural gas wells, access roads, gathering lines, compressor stations, and other supporting infrastructure, which will further degrade the local environment.

There are also numerous documented regulatory compliance failures associated with this type of pipeline construction activity. In a recent pipeline upgrade project similar in both size and scope conducted by Tennessee Gas Pipeline Company, called the 300-Line Upgrade Project, multiple violations were reported by the Conservation Districts in Pike, Wayne, and Susquehanna counties. In Pike County alone, numerous Notices of Violations were reported, including: 17 instances of dirt and sediment being discharged into water bodies, 7 violations for worksite conditions, and 21 instances of failure to properly institute Best Management Practices for erosion and sediment control. This high frequency of violations demonstrates that there were systemic and continued failures in TGP's compliance with regulatory controls, which suggests improper oversight, and or, inadequate enforcement. In Wayne County, out of 16 inspections conducted by the County Conservation District during the 300 Line Extension Project, 15

violations were found. This startling 93% failure rate provides further evidence of systemic compliance failures.

Furthermore, at the federal level, during the 300 Line Extension Project, in 28 out of 38 “Environmental Compliance Monitoring Program Weekly Summary Report[s]” that were provided on Federal Energy Regulatory Commission’s [FERC] website there was at least one recorded incident where construction activity did not come into “compliance with Project specifications, mitigation measures, and applicable FERC-approved Project plans.” Additionally, there were also at least 10 separate instances where an inspector in their “Environmental Compliance Monitoring Program Weekly Summary Report” indicated that a noncompliance report would be filed at a later date, but where the inspector failed to file a noncompliance report with FERC (and no reason was provided for the failure to issue that report in the following week’s report). These 10 separate instances indicate that either FERC has maintained incomplete records for the project, or that there were multiple failures to follow-up on potentially enforceable noncompliance matters by FERC sanctioned environmental inspectors.

On November 21, 2011 TGP presented an Environmental Assessment of the NEUP to FERC. Comments were submitted on behalf of the Delaware Riverkeeper Network, the New Jersey Highlands Coalition, and the New Jersey Chapter of the Sierra Club by the Columbia Environmental Law Clinic before the December 21, 2011 deadline. Click here for comment submitted:

<http://www.delawariverkeeper.org/resources/Comments/Comments%20on%20EA%20for%20NEUP.pdf>

In summary of some of the impacts identified in the December 21, 2011 comment to FERC:

- ✓ “FERC’s conclusion that the Project will have no significant environmental impacts is unsupported in the face of evidence demonstrating the potential severity of the Project’s impacts.”
- ✓ “...the project will result in environmental impacts to over 800 acres of land over the 40-mile long project area...”
- ✓ “The transmission of highly flammable natural gas creates significant risks of loss of life and major property damage. The U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration reports that, in the past twenty years, significant on-shore gas transmission incidents have caused 43 fatalities, 219 injuries requiring in-patient hospitalization, and over \$1 billion in property damage resulting from significant on-shore gas transmission incidents.³ Within the past year alone, three pipeline segments owned and operated by TGP have exploded, causing large fires, forcing residential evacuations, and threatening public safety.⁴”
- ✓ “The EA identifies no fewer than thirty-five hazardous waste sites within 1,700 feet of the Project.”
- ✓ “Each of the five pipeline loops will cross through sensitive and unique vegetative communities.”
- ✓ “Loop 323 will cross the Delaware State Forest, High Point State Park, the Appalachian National Scenic Trail, and the Clove Brook Road Corridor Important Bird Area. EA at 2-73, 2-74, 2-45. Loop 323 will also cross the Delaware River, a National Wild and Scenic River. EA at 2-13. Loop 325 is located entirely within the Highlands Region, and will cross the Long Pond Ironworks State Park, the Monksville Reservoir, and Ringwood State Park. EA at 2-75, 2-76, 2-78, 2-79. The pipeline loops will also cross more than seven miles of prime farmland, EA at 2-4, dozens of high quality and exceptional waterbodies that serve as

coldwater and warmwater fisheries, EA at 2-19, and almost fifty acres of wetlands, EA at 2-25.”

- ✓ “The areas affected by the Project serve as habitat for four federally listed threatened or endangered species, the Bald Eagle, and sixty-five state endangered, threatened, or special concern species. “
- ✓ “The Project will permanently convert approximately eighty acres of forested land, potentially leading to increased erosion, fragmentation, and edge habitat, which could “decrease the quality of habitat for forest wildlife species.” EA at 2-36.”
- ✓ “Construction of the Project will substantially degrade an additional 265.4 acres of forested land, which the EA admits will take “many years to regenerate.” EA at 2-36, 2-80. The Project will also cause “a permanent conversion of previously forested wetland areas to non-forested wetland areas,”

The Delaware River Basin has the authority to regulate pipelines construction activity that involves a “significant disturbance of ground cover” affecting water resources. Specifically, Article 3, section 2.3.5 (12) of the DRBC’s Rules of Practice and Procedures states, that the following activities are excluded from DRBC jurisdiction, “Electric transmission or bulk power system lines and appurtenances; major trunk communication lines and appurtenances; natural and manufactured gas transmission lines and appurtenances; major water transmission lines and appurtenances; unless they would pass in, on, under or across an existing or proposed reservoir or recreation project area as designated in the Comprehensive Plan; **unless such lines would involve significant disturbance of ground cover affecting water resources. . .**” (emphasis added). However, up to this point the DRBC has failed to exercise its authority in this arena. In light of the regulatory compliance failures overseen by both the FERC and PADEP, the DRBC should exercise their statutory mandate to regulate pipeline construction activities in order to effectively preserve the natural integrity of the watershed. On September 12, 2012, Delaware Riverkeeper Network submitted a formal petition to the DRBC requesting it regulate pipeline projects. The full petition is available here: http://www.delawariverkeeper.org/resources/PressReleases/2012-09-12_PR_on_Pipeline_with_Petition.pdf. Since that time, over 50 organizations and a dozen legislators have called for DRBC oversight of pipelines and are in support of DRN’s petition.

Three Actions You Can Take Now to Stop Harmful Gas Pipeline Projects

Write your own letter to DRBC urging them to regulate all natural gas pipelines, visit:

<http://www.delawariverkeeper.org/act-now/urgent-details.aspx?Id=125>

Ask your legislator to join other leaders in calling on DRBC to regulate pipelines. Background and a sample letter for your legislator can be found here:

<http://www.delawariverkeeper.org/resources/Factsheets/Legislator.DRBCPipelineAlert&Sample%20Letter.pdf>

Sign and share the petition to Stop Fracked Gas Pipeline Projects here: <http://tinyurl.com/Stop-TGP-Gas-Pipeline>

To learn more and to take action, visit www.delawariverkeeper.org. Join Join DRN’s e-activist network at <http://www.delawariverkeeper.org/join/eactivist.aspx> to stay updated on important issues affecting the Delaware River Basin community. Friend us on Facebook at:

<http://www.facebook.com/Delaware.Riverkeeper.Network>.