



February 1, 2012

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

Dear Ms. Collier,

The TGP 300 Line Project and the Columbia 1278 Replacement Project: the Need for Regulatory and/or Enforcement Action

The Delaware Riverkeeper Network is concerned about the incredible level of harm inflicted by the recent installation of two major natural gas transmission pipelines within the Delaware River Basin. The Tennessee Gas and Pipeline Company's 300 Line Extension Project (FERC docket # CP09-444) traversed significant portions of Pike and Wayne counties and crossed numerous special protection waters within the basin (including the West Branch of the Lackawaxen River). The Columbia 1278 Replacement Project (FERC docket # CP10-492) paralleled the Delaware River, and stretched across large sections of Pike County crossing many special protection waters. The level of land disturbance, the number of stream crossings, and the installation practices used by TGP and Columbia were such that tremendous harm was inflicted upon the water resources of the Delaware River Basin.

Specifically, during the 300 Line Extension Project, in 28 out of 38 "Environmental Compliance Monitoring Program Weekly Summary Report[s]" that were provided on FERC's website, at least one recorded incident was reported where an activity did not come into "compliance with Project specifications, mitigation measures, and applicable FERC-approved Project plans." Out of 16 inspections conducted by the Wayne County Conservation District during the 300 Line Extension Project, violations were found in no less than 15 of the inspections. The Pike County Conservation District cited numerous violations during the 300 Line Extension Project including, but not limited to: 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. These startling failure rates demonstrate that there were systemic and continued failures in TGP's compliance with regulatory controls, suggesting improper oversight, and or, inadequate regulatory enforcement.

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During the Columbia 1278 Replacement Project, in 7 out of 7 “Environmental Compliance and Inspection Reports” the inspection summary indicated that there were “construction/restoration problems” and that “construction/restoration was unsatisfactory.” Upon information and belief, the Army Corps went as far as to draft a stop-work order due to the high frequency and repeated environmental permit violations that occurred during construction of the project (just before the draft stop-work order was to be officially issued construction was completed). Additionally, the Pike County Conservation District reported that there were consistent failures to implement restoration activities within the 10 day time period indicated on the associated Environmental Assessments for the Columbia 1278 Replacement Project.

The DRBC Rules of Practice and Procedure Section 2.3.5.A.11. require that:

Liquid petroleum products, pipelines and appurtenances designed to operate at or above pressures of 150 psi; local **electric distribution lines and appurtenances**; local communication lines and appurtenances; **local natural and manufactured gas distribution lines and appurtenances**; local water distribution lines and appurtenances; and local sanitary sewer mains, **including significant disturbance of ground cover affecting water resources**. (emphasis added)

shall be submitted to the Commission for review as they may have a substantial effect on the water resources of the Delaware River Basin.

Further, the DRBC Rules of Practice and Procedure Section 2.3.5.A.12. provide for Commission review for:

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; **that** pass in, on, under, or across an existing or proposed reservoir or recreation project areas as designated in the Comprehensive Plan or **incur significant disturbance of ground cover affecting water resources**. (emphasis added)

TGP’s 300 Line Extension Project and the Columbia’s 1278 Replacement Project were natural gas transmission lines, with appurtenances, that mandated and incurred “significant disturbance of ground cover affecting water resources” and so clearly mandated DRBC review and approval before it could proceed. Therefore, we are troubled by the lack of DRBC oversight in a time and manner that would have prevented the incredible level of harm inflicted.

Did the DRBC review and docket the 300 Extension Line Project and the Columbia 1278 Replacement Project?

- If so, by what process did that review take place and what was the outcome?
- What actions has the DRBC taken to ensure compliance with any measures it may have required of the project, assuming review and docketing?
- If there was not a DRBC review and approval process that was applied to the project, what enforcement measures is the DRBC taking, or has taken, to respond to the violation of the DRBC Compact, its Practices and Procedures, and other legally applicable programs, and to remediate the harm inflicted by the installation and operation of this project?

The Delaware Riverkeeper Network is pleased that the DRBC has properly applied DRBC Rules of Practice and Procedure Section 2.3.5.A.11 and Section 2.3.5.A.12 in mandating that PPL submit an application to the DRBC for review and approval of the Susquehanna-Roseland Power Line, and we fully intend to participate in that public process, as we do believe this project poses significant hazards for the Delaware River and its water resources.

DRBC Action Required to Regulate Other Proposed Powerlines, Pipelines and related infrastructure (such as compressor stations).

In fact, we understand that as long as the DRBC is aware of a power line or natural gas pipeline that is being proposed for our Basin, it will apply the Rules of Practice and Procedure and require review and docket approval for such projects, including their related infrastructure, before they are allowed to proceed. With that in mind, we wanted to be sure that the DRBC is fully informed about all such projects proposed for and/or being implemented in the Basin and that it has in place relationships and understandings that will ensure it is fully aware of any and all such projects for the Basin.

First, we wanted to be sure that you are aware of the following gas pipelines proposals for the Basin: the Tennessee Pipeline and Gas Company's Northeast Upgrade Project (FERC docket # CP11-161), the Transcontinental Northeast Supply Link (FERC docket # CP12-30), the Philadelphia Lateral (FERC docket # CP11-508), and the Transcontinental Gas Pipe Line/Williams Gas Pipeline (NPDES Permit No. E15-780 issued by PA DEP).

Second, we want to encourage you to send a letter of notification to all state and federal agencies that have any level of authority in the Delaware River watershed, including the Federal Energy Regulatory Commission, who has substantial authority over such projects, and remind them of DRBC's legal rights and responsibilities, and remind them of their obligation as cooperating state and federal partners to ensure all applicants they are in contact with secure review and approval by the DRBC before proceeding with their projects.

Third, we want to ensure that the DRBC is taking all in-house measures readily available and appropriate to ensure it is fully apprised of all power and pipeline projects proposed for the watershed. While there is a moratorium on gas drilling, there is no such limitation on pipelines or powerlines that are needed to serve such projects whether they occur within or without the Delaware River watershed. And so while we firmly believe the DRBC will do the right thing and keep in place the moratorium on gas drilling, there are others who are advocating for and anticipating the counter and so are attempting to lay the ground work, the water withdrawals and the pipeline service that would be needed in the future if drilling were allowed. In addition, assuming the moratorium on gas drilling does remain firmly in place, there are drilling operations beyond the watershed boundaries that will seek to pass pipelines, powerlines (including related infrastructure) and/or secure water withdrawal lines from/through our watershed in order to service their out of basin operations. And, therefore the DRBC needs to continue to be vigilant with regards to powerlines and pipelines (including their related infrastructure) that pass through our Basin to any degree.

DRBC Needs to Ensure Cumulative Assessment of All Proposed Powerlines, Pipelines including All Related Infrastructure.

It is important to recognize that there is no other regulatory agency at the regional, state or national level that is looking at the cumulative impacts of all the pipelines needed to service locally, regionally, and nationally gas well pads that may be installed and become operational. And there is certainly no such entity considering such cumulative impacts on a Delaware River watershed basis. This reality highlights the need for the DRBC to exercise the full power of its authority to be reviewing and overseeing the installation of powerlines and/or pipelines that entities may seek to pursue within or through the boundaries of the Delaware River watershed. And the DRBC needs to ensure that its review of each project includes a cumulative impact analysis that takes into consideration all direct and indirect impacts, and considers the full array of projects proposed and/or anticipated for the Basin.

Response to Our Questions and Suggestions is Requested.

We ask the DRBC to please respond to our questions regarding TGP's 300 Extension Line Project and the Columbia's 1278 Replacement Project; to confirm for us that the DRBC is reaching out to other agencies and putting in place the necessary procedures to ensure that the DRBC is fully aware of, and therefore fully regulating under the Compact, any and all powerlines and pipelines that are traversing the watershed to any degree; and to confirm that the DRBC intends to exercise its regulatory authority over the projects we list in this letter.

Respectfully,



Maya K. van Rossum
the Delaware Riverkeeper