



December 5, 2016

Department of Environmental Protection
Compacts and Commissions Office
400 Market Street
PO Box 8465
Harrisburg, PA 17101

Re: Delaware River Pipeline Relocation Project, Permit No. E23-530, Authorization No. 1137557

Mr. Walderon:

The Delaware Riverkeeper Network (DRN) submits this comment letter in response to the Pennsylvania Department of Environmental Protection's (DEP or Department) notice for comment on the Delaware River Pipeline Relocation Project, Permit No. E23-530, Authorization No. 1137557, regarding consistency determinations under the Coastal Zone Management Act. DRN appreciates the opportunity to comment on this important issue.

The Delaware Riverkeeper Network is dedicated to the protection of the Delaware River watershed, including all of its communities and inhabitants, and represents our 16,400 members who live within and outside of the watershed.

Paulsboro Natural Gas Pipeline Company LLC's (PNGPC) proposed Delaware River Pipeline Relocation Project would negatively impact the Delaware River and surrounding wetlands, and presents other environmental issues. PNGPC seeks to construct a 2.6 mile pipeline, and in order to do so, would trench through at least five acres of wetlands in an area

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where wetlands are scarce, and trench through the floodplain in the Delaware River coastal zone. These actions are inconsistent with the Coastal Zone Management Act (CZMA) and Pennsylvania's Coastal Resources Management Program (CRMP). This project will affect coastal uses or resources according to the CRMP and the Department must fully consider these negative effects before determining whether the project complies with the CZMA and CRMP.

The project's Federal Consistency application is incomplete and inaccurate, and as such should be denied. In the alternative and at the very least, the public comment period should be extended so that the public can comment on any subsequent, complete application. It appears that the applicant failed to submit a copy of the license or permit application requiring consistency review, as required by the CRMP. As such, the Federal Consistency application is incomplete, and the public cannot assess and therefore comment on the full impacts of the proposed project. The application is incomplete and inconsistent with the CZMA and CRMP for the following additional reasons.

Policy 1: Coastal Hazard Areas

DEP must fully evaluate the impacts of trenching in the floodplain, a "coastal hazard area", particularly near wetlands and vital infrastructure such as an airport. Trenching creates a high likelihood of erosion, particularly when used in flood-prone areas. Any flood event could expose the pipeline and result in damage and a catastrophic rupture. Further, approval of this project would be in violation of the CRMP's policy to reduce the risk of flood loss (Policies 1.5 and 1.6).

Policy 2: Dredging and Spoil Disposal

The applicant proposes to use trenching and horizontal directional drilling (HDD) to construct the natural gas pipeline. HDD results in spoils, and HDD for nearly two miles of pipeline construction will undoubtedly produce large amounts of spoils, however the applicant does not state how these spoils will be handled and claims that the CRMP's Spoil Disposal Policy is "not applicable". CRMP Policies related to Spoil Disposal seek to protect against damages to the public interest and minimize harmful impacts to fish and wildlife habitats. It is unclear how the public interest and fish and wildlife habitats will be protected if the drilling spoils will be completely unaccounted for and if the testing and monitoring of the constituents of the spoils is not developed in the application. This is particularly concerning because portions of the area to be HDD include heavy industry and historic pollution, and any resultant spoils are likely to include harmful constituents which may require special handling and disposal options.

Policy 3: Fisheries Management

The applicant incorrectly states that there will be no impact on fisheries. Trenching for pipeline construction and removal of a portion of the old pipeline will result in sediment loading, an increase in turbidity, and an increase in total suspended solids. All of these negative water quality impacts will directly affect aquatic species. Additionally, the noise generated during pipeline removal and HDD will have a negative impact on aquatic species. The abandonment of the old pipeline will also create a continuous source of heavy metal pollution. While removal will entail negative impacts, it is important that the old pipeline not be left in the river to corrode, releasing any remaining pollutants, diminishing habitat for aquatic species, and causing future

hazards. Delaware Riverkeeper Network strongly objects to any part of the old pipeline to be left in the river bottom.

Additionally, this area of the Delaware River is proposed critical habitat for the Atlantic sturgeon, and sturgeon may spawn in the proposed project area.

Policy 4: Wetlands

This project's direct effect on emergent and forested/shrub wetlands violates the CRMP's policy to preserve, protect, enhance, and restore the remaining wetlands within the Commonwealth's coastal areas. (Policy 4.1) As mentioned above, this area has few remaining wetlands, and these particular wetlands would act as a buffer for vital infrastructure and the natural ecosystem in the event of a flood in this area.

The conversion of forested/shrub wetlands has lasting and devastating impacts, as documented in the attached reports. The applicant baldly asserts that the project will not result in any permanent impacts to wetlands, and that wetlands will be restored to pre-existing conditions. This is impossible given that trenching activities would require the permanent removal of vegetation and result in a decrease in water quality. The CRMP also requires the replacement or mitigation of any impacted coastal zone wetland, and the applicant does not address this requirement whatsoever.

Further, Policy 4.2 requires the evaluation of runoff from associated activities, including the laydown area and any subsequent projects, to which the applicant frequently and vaguely refers ("the proposed facilities will accommodate...future commercial activity"). The applicant must be forthcoming regarding these future commercial activities so that the Department can assess the runoff from these associated activities. It is important that these activities be evaluated

in concert with the identified activities to provide understanding of the comprehensive and cumulative impacts of the project.

Policy 7: Port Activities

Policy 7 requires the DEP to “stem and reverse” the “general deterioration of the Commonwealth’s urban coastal environment” and to encourage new economic activities adaptable to new technologies and changing needs. A natural gas pipeline is by no means adaptable, as it is a near-permanent fixture further solidifying and generating more path dependency on natural gas consumption, when this type of consumption is unsustainable and becoming decreasingly relevant for U.S. consumers. Further, this infrastructure would only contribute to the deterioration of the urban coastal environment in this area.

Policy 8: Energy Facility Siting

DEP recognizes that improper siting of energy facilities can damage fragile ecosystems, and that these facilities must be sited in an environmentally responsible manner. The siting of a pipeline through wetlands and under a river through porous substrate is environmentally irresponsible and will permanently damage fragile coastal wetlands and has the potential to damage vital river ecosystems.

Policy 9: Intergovernmental Coordination

Policy 9.2 recognizes that “[i]mprovement of water quality is a prime concern”, however this project would only contribute to water quality degradation and would do nothing to improve water quality.

Policy 10: Public Involvement

Policy 10.2 dictates that DEP provide the public, including special interest groups, with “opportunities for early and continuous involvement and participation in the Commonwealth’s Coastal Resources Management Program”. Because the applicant has submitted an incomplete application and asserted that multiple, relevant sections are “not applicable”; the public has been denied the ability to effectively comment on the application. For this reason the comment period should be extended.

Policy 11: Ocean Resources

The applicant confusingly states this Policy is not applicable because the project does not occur in the Great Lakes region. This Policy clearly applies to “the Delaware Estuary coastal zone...[whose] ocean resources include, but are not limited to fisheries and aquatic, riparian and wetland ecosystems”. Policy 11. Further, the Department recognizes this zone as “essential habitat for shad, herring, and striped bass”. The construction of a new natural gas pipeline, removal of portions of the old pipeline and abandonment of others, and the continuous operation of the new, substantially larger and longer natural gas pipeline pose significant threats to these ecosystems and the aquatic species such as shad, herring, striped bass, and endangered sturgeon that rely upon them. Any pipeline leak could have dire consequences for aquatic species, as detailed in the attached Hydroquest report.

Finally, this project would negatively affect multiple endangered and threatened species such as the Atlantic and shortnose sturgeon. The Department must consider the effect this project would have on state and federally listed species, and require relevant mitigation efforts in the event the application is not denied. Additionally, the Department must consider the continuous

pollution created via abandonment of the old pipeline, the navigational hazard created by abandonment and the long-term thermal impacts this pipeline would create.

Conclusion

For these reasons the proposed project is inconsistent with the CZMA and CRMP and should be denied.

Respectfully Submitted,



Maya K. van Rossum
the Delaware Riverkeeper

/s Corinne Bell

Corinne Bell
Staff Attorney

Attach: Thermal Impacts to Exceptional Value Waterbodies in Pennsylvania Cut by Gas Pipeline Projects

The Effects of Converting Forest or Scrub Wetlands into Herbaceous Wetlands in Pennsylvania

Environmental and Geotechnical Considerations Regarding The Proposed Paulsboro Natural Gas Pipeline Crossing Beneath the Delaware River