

**Delaware Riverkeeper Network  
Sullivan County Residents Against Millennium  
Sullivan Area Citizens for Responsible Energy Development  
Damascus Citizens for Sustainability  
NYH2O  
Citizens for Water  
Catskill Citizens for Safe Energy  
Protect Orange County  
Stop the Minisink Compressor Station  
Catskill Mountainkeeper  
Food & Water Watch  
Highland Concerned Citizens**

December 14, 2016

DRBC Commissioners and Executive Director Steve Tambini  
Delaware River Basin Commission  
25 State Policy Drive  
West Trenton, NJ 08628-0360

Dear DRBC Commissioners and Executive Director Tambini,

It is the height of irresponsibility for the Delaware River Basin Commission to make the decision to abdicate its responsibility over the Millennium Eastern System Upgrade Project (Millennium ESU) before the National Environmental Policy Act review has been completed, before all agencies have received full information on the project (as highlighted by the letter issued by FERC on December 2, 2016 asking for more information from Millennium) and before DRBC has received the report it knows to be underway that would demonstrate that this project is merely one small step in a major expansion of the pipeline being pursued by Millennium. We continue to believe that DRBC should require an individual docket for this project, one that includes DRBC review as well as an opportunity for public review and comment.

June 22, 2016 DRBC received a request from Millennium Pipeline Company that the DRBC abdicate its authority over the Millennium Eastern System Upgrade Project.

July 25 the Delaware Riverkeeper Network, and August 8 the Town of Highland, Town of Bethel, NY SCRAM, Sullivan Area Citizens for Responsible Energy Development, Sullivan Alliance for Sustainable Development, Stop the Minisink Compressor Station, Protect Orange County, Highland Concerned Citizens, Damascus Citizens for Sustainability, Catskill Mountainkeeper and Catskill Citizens for Safe Energy urged the DRBC to reject this request and made clear our belief that the Millennium ESU was a small part of a much larger expansion project intended by Millennium.

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November 28 the Delaware Riverkeeper Network submitted an expert analysis of the Millennium proposal and key resource reports and reiterated our concern about this being step one of a larger project. In that letter we made clear: “evidence to support our contention of planned for expansion is currently in development and will be shared as soon as FERC releases to DRN the data needed to undertake this review and make this demonstration.”

As recently as December 2, 2016 FERC requested additional information from Millennium on the project.

FERC has yet to issue a draft Environmental Assessment (EA) on the project, let alone a final EA or EIS.

In its own letter telling Millennium it was not requiring a docket the DRBC notes that information on the record and before the DRBC clearly demonstrate that absent Millennium’s assurances to the contrary (assurances that are merely stated but not demonstrated), there may indeed be discharges that would in fact require a DRBC docket:

*“Millennium's letter assures the Commission that there will be no discharges of industrial wastewater (including hydrostatic test water) in excess of 10,000 gallons per day (gpd) within the Basin. .... Water used for hydrostatic testing of the compressor stations, meter stations and additional aboveground facilities will be discharged to well-vegetated upland locations adjacent to the stations. The volumes of water to be discharged at several of the facilities located in the Basin (Highland CS, Hancock CS and a pig launcher/receiver) are noted at 10,000 gallons or more in Table 2A-6. Millennium is advised that within the drainage area of Special Protection Waters (SPW), across which the Project is to pass, discharges of 10,000 gpd or more are deemed to have a substantial effect on the Basin's water resources and cannot be undertaken without the Commission's prior review and approval. Resource Report 1 and 2 submitted to FERC should be modified to reflect Millennium's assurances to the Commission that there will be no discharges of industrial wastewater (including hydrostatic test water) of 10,000 gallons per day (gpd) or greater within the Basin.”*

And yet, despite the obviously premature nature of any agency rendering a decision on this project, DRBC decided it was appropriate to abdicate its authority over the project and the need for a DRBC docket.

Please recall that on January 30, 2013, after years of the Delaware Riverkeeper Network alerting DRBC to the need to review and approve major interstate pipeline projects and DRBC rejecting our concerns, DRBC had to admit it had acted inappropriately in failing to conduct our requested reviews. But, of course, by that time it was too late, the projects were built and the irreparable harm done.

DRBC is at another pivotal moment – we have alerted you to the segmentation game in place with regards to the Millennium ESU, we have alerted you to a critical lack of information on the project and its water resource impacts as well as meaningful threats in need of consideration, even FERC has admitted it does not have full information on the project, and there is no NEPA documentation finalized yet for the project (not even a draft has been issued) and yet DRBC writes to the company that it has seen enough to determine that the project is not obligated to undergo any degree of DRBC review, and simply asks the company to let them know if they plan for change or another pipeline. You have the opportunity ....

- to get it right this time,
- to set the precedent that DRBC will await, at a minimum, full NEPA documentation before rendering a decision regarding its jurisdiction, and
- to set the precedent that when faced with credible information from a demonstrably credible source that the potential project and its impacts may be greater than are being asserted and that expert analysis is underway to inform that perspective you will await the facts and data before you give away the store – or in this case the docket and the River.

Respectfully,



Maya K. van Rossum, the Delaware Riverkeeper  
Delaware Riverkeeper Network

George Billard, Founding Member  
Sullivan County Residents Against Millennium

Karen London, Co-founder  
Sullivan Area Citizens for Responsible Energy Development

Barbara Arrindell, Director  
Damascus Citizens for Sustainability

Buck Moorhead, Director  
NYH2O

Joe Levine, Director  
Citizens for Water

Jill Wiener, Member  
Catskill Citizens for Safe Energy

Pramilla Malick, Chair  
Protect Orange County

Pramilla Malick, Founder  
Stop the Minisink Compressor Station

Wes Gillingham, Program Director  
Catskill Mountainkeeper

Wenonah Hauter, Executive Director  
Food & Water Watch

Debra Conway, co-founder  
Highland Concerned Citizens