



August 2, 2013

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Tennessee Gas Pipeline Company, L.L.C., Docket No. CP11-161-000
Northeast Upgrade Project – Refueling within 100’ of a wetland

Dear Ms. Bose,

Delaware Riverkeeper Network (DRN) is submitting a complaint regarding observations of pipeline construction equipment refueling operations occurring within 100’ of a high quality wetland. The fueling activity took place on the Tennessee Gas Pipeline (TGP) Northeast Upgrade Project Loop 321 off of Westcolang Road (Pike County, PA). This is a follow up in writing of the original incident shared with Commission staff on July 18, 2013. Commission staff provided the concern to TGP and TGP responded to the concern in their subsequent weekly report. DRN believes TGP response did not reflect the facts on-the-ground.

Additional information and documentation of the incident is outlined in this letter and photographs to support DRN’s observations. At approximately 8am July 18, 2013, DRN observed a fuel truck and a service vehicle parked on timber mats that cross a wetland and that were adjacent to a “NO REFUELING” sign and a “WETLAND BOUNDARY” sign on the west side of the road as can be seen in photo 1 in the following photo album:

<https://picasaweb.google.com/lh/sredir?uname=105703332397473503863&target=ALBUM&id=5901978432377824833&authkey=Gv1sRgCMHlxtW04bObWQ&invite=CLH6kMwM&feat=email>

Reinforced silt fencing was partially installed around the portable bathroom, but E&S controls were not observed anywhere else at this location including around the fuel truck or wetlands. There were no clear markers of where the wetlands and sensitive habitat began or ended; the two vehicles could possibly have been parked directly over the wetlands indicated by the timber mats. This location also lacked the orange safety fencing that is required at a public road crossing.

TGP claims in their Weekly Status Report July 15, 2013 through July 21, 2013 that this incident was approved by the Environmental Inspector due to “congestion on the ROW” (excerpt from TGP report below).

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Weekly Status Report Reporting Period: July 15, 2013 through July 21, 2013

The Commission received a report regarding a re-fueling operation that was potentially conducted within 100 feet of a wetland adjacent to the crossing of Westcolang Road (MP 7.96) on Loop 321. Upon investigation, Tennessee determined that the onsite environmental inspector ("EI") had approved the re-fueling operation at this location on a site-specific basis due to congestion on the ROW and the large distance to the next approved re-fueling site. This exception was conducted under the approval of the EI, and in accordance with the Project's Environmental Construction Plan - Pennsylvania. The EI was present during the re-fueling operation, in which a "two-man" system was utilized, such that one person was stationed at the shut-off valve and the other was operating the nozzle. An absorbent diaper was placed on the ground surface as a precautionary measure and the nozzle was wiped before and after the re-fueling operations. The EI confirmed that absolutely no fuel was spilled.

TGP also claimed that there was an Environmental Inspector (EI) on site, and photo 5 shows three workers standing by the fuel truck. DRN agrees that TGP was utilizing the "2 man approach" with one worker with hand near the valve area and one worker with the nozzle and a third worker standing nearby as seen in photo 4/7 and close up in photo 5/7. But DRN does not believe any of these workers in the pictures were the EI who TGP claims was overseeing the refueling operation that was taking place in the no refueling area. We request that TGP identify the EI in the photos if this is incorrect. Photo 2/7 shows the worker directing the excavator down the construction ROW.

This location does not appear to fall under the exceptions of Section 7.1.3.1 (see below) refueling operations under the PA ECP because the excavator was able to move to this location so there should have been no hindrance for the fuel truck and white service truck to move to the excavator and other equipment in an approved fueling area. Note photo 7/7 of the close up the fuel hose that had already been deployed that day and coiled up on the ground without any absorbent diaper under it as TGP claimed in their weekly report. Photo 6/7 shows a lubricant hose lying unattended on the ground without any absorbent diapers under that hose adjacent the wetland area. There was also no barrier between the refueling station and the wetlands as seen in photo 1/7 that would have allowed this to fall under exceptions of 7.1.3.1. In fact, the wetland even lacked the ECDs required to protect this sensitive wetland area.

7.1.3.1 Refueling Operations

The Contractor will insure that equipment is refueled and lubricated within the ROW and at least 100 feet away from all waterbodies and wetlands with the following exceptions:

- sites where moving equipment to refueling stations from pre-fabricated equipment pads is impracticable or where there is a barrier from the waterbody/wetland (i.e., road or railroad);*
- locations where the waterbody or wetland is located adjacent to a road crossing (from which the equipment can be serviced); and*
- refueling of immobile equipment including, but not limited to, bending and boring machines, air compressors, padding machines, and hydro-test fill pumps.*

I believe what DRN staff observed July 18, 2013 where TGP loop 321 crosses Westcolang Road was gross negligence and in violation of TGP's Environmental Construction Plan.

Sincerely,

Joe Zenes
Delaware Riverkeeper Network

cc Sally Corrigan, Pike County Conservation District