



September 11, 2019

Domenic Rocco, P.E.  
Waterways and Wetlands Program Manager  
Regional Permit Coordination Office  
400 Market Street | Harrisburg, PA 17101  
[Electronically Submitted via: RA-EPPENNEAST@pa.gov](mailto:RA-EPPENNEAST@pa.gov)

***RE: Delaware Riverkeeper Network's Comment for PennEast Pipeline Company, LLC's Chapter 102, Erosion and Sediment Control Application (Permit No: ESG02000160002)***

Dear Mr. Rocco,

The Delaware Riverkeeper Network ("DRN") submits this comment in response to the Pennsylvania Department of Environmental Protection's ("Department" or "DEP"), August 17, 2019, PA Bulletin Notice (PA.B.Doc.No. 19-1234) regarding proposed permitting pursuant to Chapter 102 for the PennEast Pipeline Project ("PennEast"). The PennEast Pipeline Company, LLC., is a limited liability corporation formed by AGL Resources, NJR Pipeline Company, PSEG Power; SJI Midstream, Spectra Energy Partners and UGI Energy Services. PennEast is proposing the installation and maintenance of an approximately 77.3-mile-long, 36-inch diameter pipeline and appurtenant facilities in various municipalities within Luzerne, Carbon, Monroe, Northampton and Bucks Counties for the purpose of transporting natural gas from Marcellus Shale production areas to an existing pipeline in Mercer County, NJ. The project also includes 0.5 mile of 4-inch diameter Blue Mountain Lateral and 2.1-mile-long, 24-inch diameter Hellertown Lateral. The project consists of four Water Obstruction and Encroachment Permits (Chapter 105) and one Chapter 102 Erosion and Sediment Control Permit.

In a letter dated September 9, 2019, in response to the Delaware Riverkeeper Network's August 29, 2019 Right-to-Know request (Right-to-Know Request Tracking Number: 2019-0668 (CO)), the Department asserted: "DEP possesses no records responsive to [our] request and is aware of no records in the possession of a third party that would be covered under Section 506(d)(1) of the RTKL, 65 P.S. § 67.506(d)(1)."

With this letter we seek to confirm for the record, and on the record, that there are no new records created or received by the DEP or any third party entity—including but not limited to any internal or external communications, memos, email correspondence, property deeds/titles, reports, budget sheets, financial reports, and written and/or photographic documents of any kind, including maps and digital map data (such as GIS layers and shapefiles)—that are in the possession of the DEP regarding the PennEast Pipeline Project and/or the PennEast Pipeline Company's pending applications before the DEP since the previous official comment period closed in March, 2019.

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If the DEP finds that there are in fact new records in its possession, internal or external, that are relevant to the decision-making process for permitting pursuant to Chapter 102 and/or Chapter 105 for the PennEast Pipeline Project, we expect that these records will be released to the public and that a minimum 90 day comment period with accessible public hearings will be provided in order for the public to fully and fairly evaluate any new information.

The Delaware Riverkeeper Network previously submitted comments and expert reports to the DEP on March 18, 2019, during the official comment period noticed by the DEP regarding gross deficiencies of the PennEast Pipeline Company's Chapter 105, Water Obstruction and Encroachment applications for Luzerne County (E40-780), Carbon County (E13-185), Northampton County (E48-435), and Bucks County (E09-998) and Chapter 102, Erosion & Sediment Control application (ESG02000160001) for Luzerne, Carbon, Monroe, Northampton, and Bucks Counties. We want to confirm, for the record, that it is our understanding, as the result of DEP communications, that these comments will in fact be considered as part of the official record for the aforementioned decision-making by the Department.

Finally, as laid out in prior comment, DRN urges the Dept. to deny Chapter 102 and 105 permits due to the gross harm PennEast would cause to Pennsylvania streams and wetlands. DEP's own July 3, 2019 deficiency letters for Carbon County alone list 82 deficiencies by PennEast – many of which would cause significant harm to wetlands and streams and clearly show missing stream restoration, E&S and BMP plans, inadequate mapping and data, and improper ID of sensitive resources that are required by Chapter 102 and 105 under the Clean Streams Law. Furthermore, the same construction pipeline conditions and practices that lead to inevitable and foreseeable subsequent failures and pollution events both in the short term during construction and in the long term, DRN and other community monitors have observed first hand on other pipeline construction paths across PA and other DRBC states for over a decade. These pollution events cause great harm and continue to be proposed in this PennEast application. It would be a gross error for DEP to continue to accept and permit the same sub-standard practices and analyses that are resulting in irreparable harm and repeated sediment, hydrologic, thermal, floodplain, riparian buffer, and water pollution impacts that DRN, the DEP, and the County Conservation Districts have documented time and time again along similar fracked and liquid gas pipeline projects. Slapping fines on gas pipeline operators after the harm is done simply cannot be enough. Our freshwater resources and their associated floodplains and riparian buffers of the Commonwealth deserve better protection and a denial of the Penneast application is warranted and justified.

If any of the information outlined in this letter is inaccurate we ask that you communicate such to us immediately, in writing via email, to my assistant Bridget Brady at [bridget@delawareriverkeeper.org](mailto:bridget@delawareriverkeeper.org), and USPS priority mail so we may appropriately respond.

Sincerely,



Maya K. van Rossum  
the Delaware Riverkeeper  
Delaware Riverkeeper Network