



July 11, 2012

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

Re: Public Comment – Tennessee Gas Pipeline Company [TGP], LLC, Northeast Upgrade Project, Docket No. D-2011-022-1

Dear Ms. Collier and Commissioners:

We submit the following comments on behalf of Delaware Riverkeeper Network (“DRN”) regarding draft docket D-2011-022-1 (surface water withdrawal). DRN proposes that the Delaware River Basin Commission (“Commission”) not approve the above-referenced draft docket.

As stated on the Commission’s website, this is an application to approve a surface water withdrawal project to supply a temporary withdrawal of up to 6 mgm (200,000 gpd) of water for the applicant’s natural gas transmission pipeline upgrade project from two sources located on the Lackawaxen and Delaware Rivers. The allocation is requested for hydrostatic testing and pipeline installation purposes. The project is located in Berlin, Texas, and Palmyra Townships in Wayne County, Pennsylvania; Westfall and Milford Townships in Pike County, Pennsylvania; and Montague Township in Sussex County, New Jersey. Portions of the project are located within the drainage area of the sections of the non-tidal Delaware River known as the Upper and Middle Delaware, which are classified as Special Protection Waters.

The Commission’s Executive Director Determination dated May 19, 2009 stated that “as a result of water withdrawals, wastewater disposal and other activities, natural gas extraction projects ... may individually or cumulatively affect the water quality of Special Protection Waters [SPW] . . .” Pursuant to W.C. Section 3.10.3.A.2.b.1, the Commission is legally required to ensure that the TGP’s water withdrawals from the Delaware and Lackawaxen River sources will result in “no measurable change” to existing water quality at “Boundary and Interstate Control Points” for

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these waters. Furthermore, by regulation, the Commission requires permit applicants to address the impact of their proposed projects on the basin. Specifically, “applications before the Commission should address the impact of the withdrawal, use and disposal of water on the water resources of the basin.” Rules of Practice and Procedure Section 2.3.7(A).

The water withdrawal docket under consideration by the Commission is premature and improper, is sought by an operator with a history of flagrant and continuous noncompliance with regulatory controls, lacks a comprehensive analysis of cumulative impacts, fails to include the requisite level of specificity, and will negatively affect water quality, quantity, and flow rate. For the reasons more fully detailed below, the Commission must not approve the TGP docket, as it is likely to have substantial harmful effects on the water resources of the Delaware River Basin.

1) The Planned Locations for the Delaware River Intake Site and Loop 323 Discharge Site are Not Yet Finalized

The draft docket indicates that the planned Delaware River Intake Site and Loop 323 Discharge Site are located along TGP’s proposed right of way, north of the Delaware Water Gap National Recreation Area. The purpose of the withdrawal and discharge at these sites is to withdraw water for the horizontal direct drilling (“HDD”) of the pipeline under the Delaware River and to test the structural integrity of the section of pipe that is installed.

However, this proposed route is currently being challenged at the Federal Energy Regulatory Commission (“FERC”). A number of intervenors, including the Pike County Board of Commissioners and several landowners, are appealing the proposed route and are encouraging FERC to co-locate that section of the project along the existing right of way (through the Delaware Water Gap National Recreation Area). On July 9 2012, FERC issued an order granting an extension of time for further consideration of these issues.¹ If the appeal is ultimately successful, the HDD site may change, thus necessitating a change of the planned Delaware River Intake Site and the Loop 323 Discharge site under consideration here. As such, the Commission must wait until FERC has made a final ruling before considering this docket.

2) The Water Withdrawal Docket as a Whole is Premature and Improper as Numerous Permits for Draft Docket Project Remain Outstanding or have been Deemed Deficient

The Northeast Upgrade Project (“Project”) ultimately needs approval by a number of federal and State agencies before it is able to move forward. To date, numerous permits either remain outstanding or have been cited as deficient by the reviewing regulatory agency. The Commission should not approve this docket prematurely, as the project as a whole may not move forward, and to the extent that it does move forward, may be significantly different in size and scope from the currently proposed Project.

¹ See ORDER GRANTING REHEARING FOR FURTHER CONSIDERATION (submittal number 20120628-5171), Docket No. CP11-161, July 9, 2012.

FERC is the lead federal agency reviewing the Project. A coalition of environmental groups (including DRN, the New Jersey Highlands Coalition, and the New Jersey Chapter of the Sierra Club) have obtained intervenor status before FERC, and are currently appealing FERC's environmental analysis and approval of the Project through a formal request for rehearing. This appeal includes challenging the Project's underlying supporting documents, such as the Environmental Construction Plan which the Commission has relied upon in evaluating this docket.²

Intervenor currently seek a rehearing and rescission of FERC's Certificate of Public Convenience and Necessity because the underlying environmental review fails to meet the requirements of the National Environmental Policy Act ("NEPA"). Intervenor challenge seven specific errors that require FERC to revoke the permit and rectify its deficient NEPA analysis. These errors include:

- FERC erred in unlawfully segmenting consideration of the NEUP's environmental impacts from those of inter-dependent Projects on the Eastern Leg of the 300 Line.
- FERC erred in not treating the NEUP as a major new pipeline project necessitating an EIS.
- FERC erred in concluding that the NEUP would not have a significant impact on the quality of the human environment and that an EIS is not warranted.
- FERC erred in concluding that its cumulative impact analysis for the NEUP is sufficient.
- FERC erred in concluding that the mitigation measures prescribed in the EA, and incorporated into the Order, will be fully complied with and will be sufficient to avoid significant adverse impacts.
- FERC's EA erred in failing to adequately analyze and consider reasonable and viable project alternatives.
- FERC erred in concluding that certification of the NEUP is required by the public convenience and necessity.

FERC has issued an order granting an extension of time for further consideration of the issues cited in the pending rehearing requests.³ The Commission's premature approval of this docket would not only rely on data that may be found to be deficient and unreliable by FERC, but would also waste the time and resources of this Commission if the challengers are ultimately successful in their appeals.

² See REQUEST FOR REHEARING (submittal number 20120628-5171), Docket No. CP11-161, June 28, 2012, available at: http://www.delawariverkeeper.org/resources/Testimonies/Delaware_Riverkeeper_Network_Sierra_Highlands_Request_Rehearing.pdf.

³ Order, *supra*, note 1.

Furthermore, a number of State permits for the NEUP have either been deemed deficient, or are currently pending before a regulatory agency. Until such time that these permits are properly approved, the Commission should withhold its issuance of the proposed docket.

On April 21 2012, the Pike County Conservation District, acting within its delegated authority under the Pennsylvania Department of Environmental Protection (“PADEP”), determined that the existing application for an Erosion and Sediment Control Permit for the Project was “*inadequate* for erosion and sediment pollution control and does not meet the minimum requirements of the Department of Environmental Protection’s (DEP) rules and regulations, Chapter 102, Erosion and Sediment Control and the Clean Streams Law.”⁴ (emphasis added) A letter submitted by PCCD to the PADEP provides 62 comments, over the span of 12 pages, identifying various deficiencies in TGP’s permit application. These comments include deficiencies with respect to “Chapter 102 provisions for minimizing earth disturbance, riparian buffer protections, construction sequencing, site stabilization and Chapter 93 Antidegradation requirements.” Until such time as TGP has adequately responded to the problems identified by PCCD in its comments, the Commission should not provide approval for this water withdrawal. Relying on TGP’s unsubstantiated assertions that its techniques for erosion and sediment control are adequate does not meet the Commission’s requirements for adequate protection of the basin’s resources.

TGP is also required to obtain Pennsylvania Chapter 105 Water Obstruction and Encroachment Permits (which are jointly issued by PADEP and the Army Corps of Engineers, with the Clean Water Act 404 individual permit). Currently, this joint permit is still pending before the Army Corps of Engineers and is not imminent. The permit involves regulatory controls regarding water crossings of particularly sensitive areas of the Delaware River Basin, including the Delaware River itself. As this permit has yet to be approved, the Commission should withhold issuing its docket.

Lastly, New Jersey’s Department of Environmental Protection (“NJDEP”) has also found that TGP’s flood hazard and wetlands permit applications for Loop 325 of the project are technically deficient, and the permits are not pending before the agency at this time. Furthermore, NJDEP has also indicated that TGP has not received yet received its wetlands permit for Loop 323 of the Project.

For the aforementioned reasons, the Commission should deny approval of the draft docket until all federal and state permits have properly issued and become final.

3) TGP’s Continuous and Systemic Compliance and Regulatory Failures Strongly Weigh Against Approval of the Docket

The high frequency of violations, at both the state and federal levels, demonstrate that there are continuous and systemic failures in TGP’s compliance with regulatory controls. As such, the

⁴ See *First E&S Technical Plan Review*, April 20 2012, pg. 1.

Commission should not allow TGP to move forward with its docket until such time that TGP comes into full compliance in its previous project, and the Commission is assured that TGP has in place the systems and protocols necessary to avoid future violations. Many of these violations involve mitigation measures and procedures that are similar, if not identical, to the mitigation measures proposed in the draft docket.

In November 2011, TGP put into service the 300 Line Upgrade Project, a pipeline construction project similar in design and scope to the currently proposed NEUP. While the 300 Line Upgrade is already operational, TGP's numerous and ongoing failures to conform to the terms and conditions of its permits for the 300-Line Upgrade Project necessitate that the Commission deny TGP's current application.

These compliance failures include numerous violations reported by the Conservation Districts in Pike, Wayne, and Susquehanna counties. In Pike County alone, no fewer than 19 Notices of Violations have been reported, which include at least: 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. In Wayne County, out of 16 inspections conducted by the County Conservation District during the 300 Line Upgrade Project, 15 violations were found. The number of past violations amassed in Pike County, and the startling 93% failure rate in Wayne County alone, provide strong evidence of chronic compliance failures by TGP.

Additionally, TGP has continued in recent months to accumulate NOV's from Conservation Districts. Although the 300 Line was put into service in November 2011, much of the right of way involved in the project has yet to be sufficiently stabilized and re-vegetated in violation of applicable permit requirements. On March 8, 2012, employees of the DRN observed two construction sites presenting pollution concerns. DRN staff observed piles of unconsolidated dirt with inadequate straw layers and mulching, as well as bare unconsolidated soil on the sites, both of which could directly lead to sediment discharges into waters designated as high quality waters under the Clean Streams Law.⁵

After making these observations, DRN staff notified the Pike County Conservation District ("PCCD") of the ongoing permit violations. On March 15, 2012, PCCD issued an additional NOV to TGP. The NOV stated:

The inspection(s) revealed that earth disturbance activities at the TGP 300 Line site are in continued violation of the Rules and Regulations of the Department and the Clean Streams Law. Additional violations were documented on inspection reports dated June 22, 2011 (IR 11-01), July 26, 2011 (IR 11-04), August 15, 2011 (IR 11-05), August 24, 2011 (IR 11-06), August 31, 2011 (IR 11-07), September 10, 2011 (IR 11-08), September 13, 2011 (IR 11-09), September 16-17, 2011 (IR 11-10), September 20 & 21, 2011 (IR 11-11), September 26, 2011 (IR 11-12), September 28, 2011 (IR 11-13), October 5, 2011 (IR 11-14), October 14, 2011 (IR 11-16),

⁵ Hotline Pollution Report: Observer: Faith Zerbe, Delaware Riverkeeper Network.

October 20, 2011 (IR 11-17), November 3rd and 4th, 2011 (IR 11 -18), December 12, 2012 (IR 11-19) and February 15, 2012 (IR 12-20).

Furthermore, as late as April 14, 2012, PCCD issued an additional NOV for TGP's failure to implement effective Erosion and Sediment Control Best Management Practices and to install erosion control matting, causing sediment or other pollutant discharges into waters of the Commonwealth.

In addition to TGP's violations of state issued permits, FERC's inspections of the work being done on the 300 Line Upgrade Project also suggest that TGP has chronic problems with regard to regulatory compliance. During the 300 Line Upgrade Project, in 28 out of 38 "Environmental Compliance Monitoring Program Weekly Summary Report[s]" that were provided on FERC's website, there was at least one recorded incident where construction activity did not come into "compliance with Project specifications, mitigation measures, and applicable FERC-approved Project plans." Additionally, there were also at least 10 separate instances where an inspector in his "Environmental Compliance Monitoring Program Weekly Summary Report" indicated that a noncompliance report would be filed at a later date, but where the inspector failed to file a noncompliance report with FERC (and no reason was provided for the failure to issue that report in the following week's report). These 10 separate instances indicate that either FERC has maintained incomplete records for the project, or that there were multiple failures to follow up on potentially enforceable noncompliance matters by FERC-sanctioned environmental inspectors.

If the Commission approves the docket without having evaluated the environmental ramifications and compliance failures of the 300 Line Upgrade, the Commission risks, if not invites, similar compliance failures and further environmental damage. Susan Beecher of the PCCD has been quoted regarding TGP's 300 Line Project as saying, "[t]he things we see go wrong are the same stupid mistakes over and over again. I do not trust the contractor and company to manage this project."⁶ Therefore, it is entirely premature for the Commission to approve the pending docket at this time before TGP has demonstrated that it has the ability and the will to comply fully with all permit terms and requirements imposed for water and resource protection.

4) The Delaware River Basin Commission Should Exercise its Authority to Review the NEUP Project as a Whole

The Commission should exercise its authority to require TGP to submit all appropriate application materials and information so the Commission may review the project in total, including its construction, installation, operation, and maintenance. The Delaware Riverkeeper Network has submitted three letters, dated February 1, 2012, March 30, 2012, and May 7, 2012, requesting that the Commission exercise its legal authority to regulate pipeline projects within the basin.

⁶ Beth Brelje, Pike County official fed up with gas company's violations, (last visited July 10 2012), *available at*: <http://www.poconorecord.com/apps/pbcs.dll/article?AID=/20110920/NEWS/109200330/-1/rss01>.

As noted in DRN's previous letters, the Commission has the authority to regulate pipeline construction activities that involve a "significant disturbance of ground cover" affecting water resources. Specifically, Article 3, section 2.3.5 (12) of the RPP states that the following activities are excluded from Commission jurisdiction:

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; unless they would pass in, on, under or across an existing or proposed reservoir or recreation project area as designated in the Comprehensive Plan; *unless such lines would involve significant disturbance of ground cover affecting water resources.* . . (emphasis added).

To date, DRN has only received a single response to any of its letters to the Commission. This letter, received on July 9, 2012, stated that the NEUP *did not* "in the view of the DRBC staff 'involve[] a significant disturbance of ground cover affecting water resources.'" The Commission provides no further explanation how a project that involves 102 water crossings, the clearance of over 120 acres for new permanent right of way, the disturbance of over 810 acres affected by construction activity, and the staging and withdrawal of roughly 6 million gallons of water does not involve "significant disturbance of groundcover affecting water resources." Indeed, it is premature for the Commission to make this determination in the absence of a full docket application detailing the project's clearing, construction, and operation plans.

The Commission should take jurisdiction over the project to ensure the proper protection of the basin's resources. In addition, how this project moves forward and the level of involvement the Commission chooses to exercise will set precedent for all future pipeline projects in this Watershed.

5) The Commission Should Conduct Cumulative Impact Analysis Over All Current and Foreseeable Land Disturbance Activities and Water Withdrawals Related to Gas Drilling

The Commission must analyze, consider, and address adverse impacts of the cumulative water withdrawals that are occurring as a result of pipeline construction and expansion activities in the basin. Within the last 18 months, there have been no fewer than six major pipeline construction projects that have required water withdrawals for pipe integrity testing. These projects include the:

- Columbia 1276k Replacement;
- Transco Sentinel Project;
- Transco Northeast Supply Link;
- Transco Philadelphia Lateral Project;

- Tennessee Gas Pipeline 300 Line Upgrade Project; and,
- Tennessee Gas Pipeline Northeast Upgrade Project.

These projects are only those that have been required to obtain a certificate of public necessity and convenience from FERC, and do not include any of the smaller pipeline projects within the Delaware River Basin that require water withdrawals and disturb vegetation and existing ground cover. The failure of the Commission to address how the use of water in gas infrastructure development and the disturbance and change of existing ground cover will affect the basin's water resources is a violation of the Commission's regulations and procedures. This analysis should be done as part of a cumulative impact analysis and comprehensive environmental review prior to the issuance of any permits for natural gas related activities, including this docket.

Additionally, the Commission should expand this analysis not only to include infrastructure build-out activities, but also to extend it to include all land disturbance activities resulting from gas drilling activity. 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 gas well pads that may be installed and become operational. And there is certainly no such entity considering such cumulative impacts on the Delaware River Watershed itself.

This reality highlights the need for the Commission to exercise the full power of its authority to be reviewing and overseeing the installation of pipelines and other activities that operators may seek to pursue within or through the boundaries of the Delaware River Watershed. The Commission needs to ensure that its review of each project includes a cumulative impact analysis that takes into consideration all direct and indirect impacts of such activity, and considers the full array of projects proposed and/or anticipated for the basin.

Looking only piecemeal at proposed projects, and failing to consider the cumulative effects of multiple projects occurring simultaneously within the basin, will not only impede properly informed and protective decision-making by the Commission, but will also directly result in an unnecessary exposure of the resources of the Delaware River Basin to considerable environmental harm.

6) The Docket Fails to Specify State Disposal Sites for the Discharge of Drilling Muds and Solids from the HDD Process

In Section A.4.c. of the docket, the Commission states that “[u]sed drilling mud and solids from the drilling process will be stored in tanks and will only be disposed of at an approved state disposal facility.” This description is insufficient for three primary reasons. First, nowhere in the docket are any of the facilities that will be accepting such material named or identified. Second, there is no information provided in the docket detailing that such facilities have the technical capacity and/or proper certifications to effectively take on and dispose of this material. Third, there is no description in the docket of the oversight methods that will be implemented to

track the materials to ensure that they reach their proper destination (which of course, has yet to be identified). This lack of oversight and control violates the requirements of the Commission to prevent the degradation and pollution of the water resources of the basin. For these reasons, the draft docket is deficient.

7) The Docket Should Provide Precautionary Measures to Avoid Dry Bentonite from Entering the Environment

In Section A.4.c of the docket, the Commission states that “Water withdrawn from the Delaware River for HDD will be mixed with bentonite to create the drilling mud used in HDD activities. No other additives will be used in the drilling process.” Also at Section C.m of the docket decision, it is stated “With the exception of bentonite and water, no other additives shall be used in the HDD process.” DRN supports this prohibition of other additives and/or toxic materials. However, according to the Material Data Safety Sheet on bentonite, the dry material is a health hazard because the small particles can cause respiratory damage and/or silicosis.⁷ Precautions should be taken to avoid the material drying out and being distributed to the environment during or after use as an additive in the drilling mud.

8) USGS Flow Rate Data Demonstrate that the Water Withdrawal Schedule for Hydrostatic Testing Conflicts with the Assertions Made in the Application Itself

Section B (Findings) indicates that “[t]he docket holder is planning to perform . . . hydrostatic water withdrawals between August and September 2013,” and further explains that “[w]henver the streamflow at USGS Gage No. 01430000 is less than this amount [72.25 cfs], no withdrawal shall be made.” However, median daily statistics from USGS Gage No. 01430000 indicate that during the months of August and September the cfs rate falls well below the minimum 72.25 cfs for most, if not all, of the water withdrawal window.⁸ It is therefore impossible to withdraw any water during this time period from the proposed location without the operator violating its own condition. The Commission is required to ensure this project does not have a deleterious effect on the water resources of the Basin. Because the Docket articulates an inadequate water withdrawal schedule and location, and does not comply with the requirements of the Commission’s regulations and procedures, it must be denied.

9) Pass-By Flows and Withdrawal Restrictions are not Protective of Surface Water Quality or Waterway Ecosystems

Section C (Decision) indicates that water withdrawals from the Delaware River and the Lackawaxen River are based on the Commission’s current pass-by flow policy. The pass-by flow is not adequate to protect the stream and can be expected to cause direct harm to the habitats and water quality of these waterways. The effect of the withdrawal, set using the Q7-10, is that the stream’s flow will be “flattened” and the natural flow regime and seasonality will be disrupted. This will change the flow regime of the Delaware River and the Lackawaxen River adversely impacting instream habitat and the living resources—fish, fishlife, aquatic life, amphibians,

⁷ See, Exhibit C; see also Material Data Safety Sheet, <http://www.naturalsourcing.com/>.

⁸ See, Exhibit A, USGS Data Pass-By Flow Data.

wildlife—that rely on the stream’s natural variability and specific characteristics in order to live, reproduce and thrive.

DRN opposes and objects to the use of a formula based on the Q7-10 to compute the pass-by flow in a stream where a water withdrawal project is proposed. The Delaware River and Lackawaxen River are located within Special Protection Waters and require that the water quality and resources be maintained which adds an additional responsibility to protect existing quality resources.

The nationally recognized Instream Flow Council explains that the Q7-10 is not an instream flow method; it is a flow statistic designed to be used to set the volume of water needed in a stream to meet point discharge water quality standards. It was never meant to be used as a method to set safe minimum stream levels, despite the fact that some States use it. The Instream Flow Council states “The hydrologic statistic has often been misused as a minimum flow for keeping fish alive”.⁹ They go on to point out “This method should only be used to determine wastewater discharge criteria...This method does not protect aquatic life (Camp Dresser and McKee 1986) and its use as a standard to do so is inappropriate...The 7Q10 should never be used to make instream flow prescriptions for riverine stewardship...the 7Q10 drought flow is inadequate to conserve aquatic life or ecological integrity.”¹⁰

They further explain that “Fish communities can generally withstand near-drought conditions that occur infrequently and for short periods. However, setting such a flow as a long-term condition will not sustain them. The influence of flow on aquatic organisms includes more than just magnitude and frequency, duration and season are also important. Making such a low flow the norm is like recommending the sickest day of your life as a satisfactory level for future well-being. Use of the 7Q10 persists because it favors off-stream uses. However, it does so by sacrificing the fish and wildlife resources that belong to the public and over which government has a stewardship responsibility.”¹¹

The aquatic life of the stream, fish, the ecological flow needs, water quality, and the stream’s hydrology need to be adequately protected in order to avoid degradation. An alternative method of setting a pass-by flow that takes these factors into account must be developed. The Commission is in the process of developing an ecologically based flow regime to protect the exceptional quality and resources of the river and its tributaries. This approval should not proceed without that regulatory system in place. The pass-by flow and minimum flow regime set in the proposed docket is improper and must be withdrawn.

Furthermore, special care needs to be paid to the waterways that are being withdrawn from and the streams and groundwater where the water will be discharged because of their vulnerable and special values. Currently pending before PADEP is a re-designation petition which includes a request for a re-designation of the Lackawaxen to an Exceptional Value waterway.¹²

⁹ *Instream Flows for Riverine Resource Stewardship*, Instream Flow Council, Cheyenne, Wyoming, 2004, page178

¹⁰ Ibid.

¹¹ *Instream Flows for Riverine Resource Stewardship*, Instream Flow Council, Cheyenne, Wyoming, 2004, page178-179

¹² See, Exhibit D.

10) Spawning Season Restrictions on the Lackawaxen Indicate that the Water Withdrawal Schedule is Improper

Additionally, the draft docket provides no explanation of the term “spawning season,” and therefore provides insufficient analysis of the environmental impacts of the proposed water withdrawal. The Lackawaxen is fundamentally a trout stream, as it enjoys an HQ-TSF and MF protected use designation.¹³ In Pennsylvania, brook and brown trout are fall spawners. Brook trout generally spawn between September and November.¹⁴ Additionally, by nature rainbow trout are spring spawners; however, by process of selection in the hatchery system, this species has been selected to spawn during the late summer and early fall (August - September).¹⁵ Therefore, the withdrawal schedule for hydrostatic testing between August and September 2013 falls exactly within the date range when trout are spawning in the Lackawaxen River. As such, this withdrawal schedule is improper and must be reconsidered and/or withdrawn.

11) Additional Considerations for Denial of the Draft Docket

In Section B (Findings), it is stated that “[t]he ECP’s meet all conditions outlined in FERC’s Wetland and Waterbody Construction and Mitigation Procedures and the Upland Erosion Control, Revegetation and Maintenance Plan *except in areas where the docket holder is requesting a waiver from specific conditions such as temporary workspace encroachments on wetlands and waterbodies in a few instances where it was unavoidable.*” (emphasis added) However, nowhere in the docket does it identify where the operator has requested waivers, and to what extent these waivers may result in environmental harms. Until such time that those instances are identified, the Commission should not approve the docket.

At Findings Section B. “Final Site Construction Plans and Operation Plans” and at Decision Section C.b. it is stated that Final Construction Plans and Operation Plans are not yet approved. The Executive Director is empowered to approve these plans after Docket approval. This is not acceptable and removes these important plans from the public comment process. All required plans should be made available to the public for review and comment prior to approval by the Commission.

Similarly, at Findings Section B. “Final Site Construction Plans and Operation Plans” and at Decision Section C.k. it is stated that an Invasive Species Control Plan is required and not yet approved but may be approved by the Executive Director. All required plans should be made available to the public for review and comment prior to approval by the Commission.

For instance, nowhere in the draft docket are there any specific provisions detailing precautionary steps to be taken with regard to preventing the proliferation of Didymosphenia geminata (rock snot) during water withdrawals or discharges. The public concern regarding the

¹³ See, 25 Pa. Code § 93.b (High Quality-Trout Stocking, Migratory Fishes)

¹⁴ See, Spawning Trout Male v. Female (last visited July 10 2012), available at: http://www.fish.state.pa.us/images/pages/qa/fish/trout_spawn.htm.

¹⁵ *Id.*

spread of rock snot has been made clear since the discovery of its spread in the Delaware River. The public should have the opportunity to review and comment on rock snot controls and other invasive species control planning.

The Final Construction Plan, Operations Plan and Invasive Species Control Plan should be completed and publicly reviewed and commented on prior to consideration of the docket. Until such time, the Commission should not approve the docket.

At Decision Section C.f. specifications for the construction and design of the withdrawal apparatus and the flow through screen velocities are discussed, yet there is no affirmative statement that the Pennsylvania Fish and Boat Commission (“PFBC”) has reviewed and approved these specifications. The PFBC should be consulted and its approval should be required for these specifications.

At Decision Section C.j. reseeded is mentioned as a means of minimizing erosion and the deposition of sediment in streams. This statement should be revised to *avoid* erosion and sedimentation, not just *minimize*. Additionally, wetlands should be added to the features that require protection under this section. Further, the Commission should require restoration to natural vegetation that employs native species in a professionally landscaped manner under the direction of a certified landscape architect or botanist. Seeding is not a sufficient mitigation or protection revegetation measure and does not restore natural functions to disturbed areas. The Commission is required to achieve “no measurable change” in the quality of Special Protection Waters and to do so revegetation to a natural condition should be required under this docket.

Sections 2.1.4 and 2.5.2 of the W.C., as well as certain portions of the 1982 Good Faith Agreement, necessitate the Commission to require conservation efforts. Significant portions of the docket lack the level of detail to evaluate the nature and sufficiency of measures required of TGP.

W.C. Sec. 2.200 requires the Commission to maintain the quality of basin waters in a safe and satisfactory condition for wildlife, fish, and other aquatic life. This requirement has not been strictly applied to the draft docket because of the lack of specificity, especially as concerns water conservation and flow requirements.

12) Members of the Public Oppose the Proposed Docket, Call for its Denial, and Request Commission to Exercise its Authority and Jurisdiction Regarding Pipeline Projects

The proposed docket has been controversial as many members of the public and their elected representatives and organizations are opposed to its approval, and further ask that the Commission exercise its full authority and jurisdiction regarding pipeline projects in the Delaware River Watershed. While reviewing the cumulative impacts of pipeline projects on the water resources of the basin, people are asking that the Commission not approve any individual water withdrawals or other docket approvals related to this infrastructure.

Several letters have been submitted by elected representatives in Pennsylvania and New Jersey and more are expected in the coming weeks. Attached are copies of the letters submitted

requesting the docket not be approved and the Commission step up to address the impacts of pipelines.¹⁶ Letters have been submitted by:

- Representative Michael H. O'Brien, 175th District Pennsylvania;
- Senator Andy Dinimin, 19th District Pennsylvania;
- Senator John C. Rafferty, Jr., 44th District Pennsylvania;
- Representative Camille "Bud" George, 74th District Pennsylvania, Chairman Environmental Resources and Energy Committee;
- Representative Greg Vitali, 166th District Pennsylvania;
- Representative Lawrence H. Curry, 154th Legislative District Pennsylvania;
- Representative Steve Santarsiero, 31st Legislative District Pennsylvania;
- Senator Daylin Leach, 17th District Pennsylvania;
- Senator Lisa Boscola, 18th District Pennsylvania;
- Pike County Commissioners;
- Richard A. Caridi, Chairman;
- Matthew M. Osterberg, Vice-Chairman;
- Karl A. Wagner Jr., Commissioner;
- Senator Shirley K. Turner, 15th Legislative District New Jersey (copy not available at this time).

Organizations active in the Watershed submitted a letter to the Commission on June 27, 2012, regarding the proposed docket (copy attached). The letter stated "We, the undersigned, would like to ask that the Delaware River Basin Commission (DRBC) not take action on the proposed water withdrawal applications submitted for the Tennessee Gas Pipeline Company's Northeast Upgrade Project. We also urge the DRBC to exercise its full authority in reviewing this proposed pipeline project under the DRBC's rules of Practice and Procedure, Article 3, section 2.3.5 which grants DRBC authority to regulate pipeline construction activities 'that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan' or 'incur significant disturbance of ground cover' affecting water resources within the Delaware River basin."

Members of the public have also submitted letters to the Commission through Delaware Riverkeeper Network's website and through other means. Delaware Riverkeeper Network has submitted letters to the Commission on behalf of our 10,000 members advocating that the

¹⁶ See, Exhibit B.

Commission deny the proposed docket and immediately commence a comprehensive assessment, including cumulative impact analysis, of pipelines and related projects because of the significant impacts associated with the many pipeline projects in or proposed for the Delaware River Watershed. No other agency is evaluating the impacts of these projects with a goal of insuring that no measurable harm will result to the water resources of the basin.

In conclusion, we request the Commission deny the proposed docket D-2011-022-1 (surface water withdrawal) for the Tennessee Gas Pipeline Company [TGP], LLC, Northeast Upgrade Project.

Sincerely,



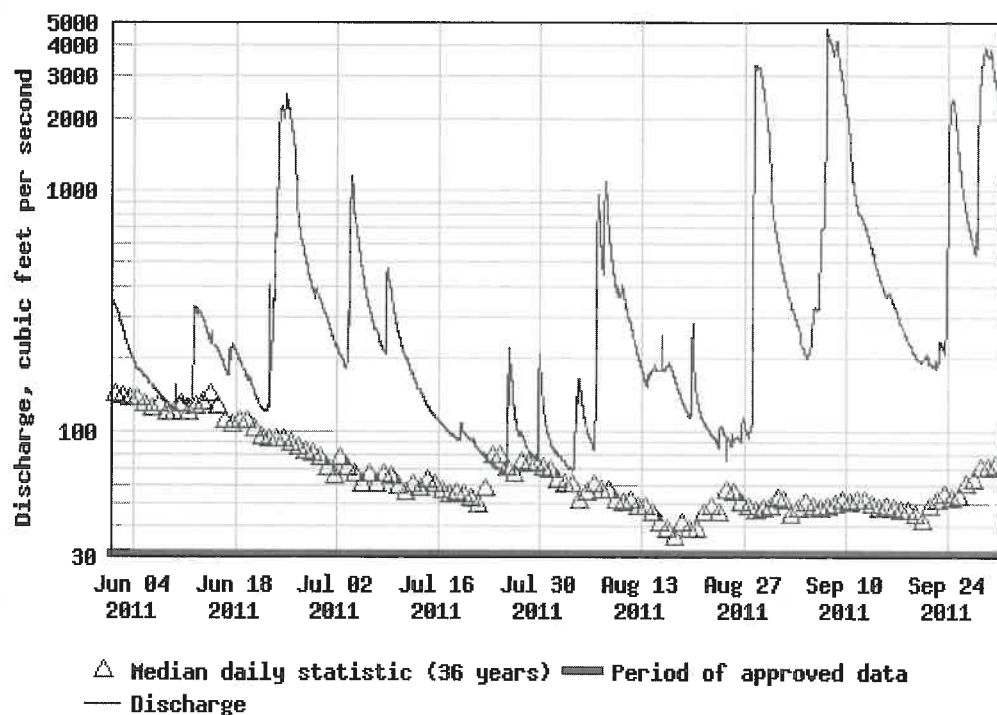
Maya van Rossum
the Delaware Riverkeeper

Attachments: Exhibits A – D

Exhibit A



USGS 01430000 Lackawaxen River near Honesdale, PA



USGS 01430000 Lackawaxen River near Honesdale, PA

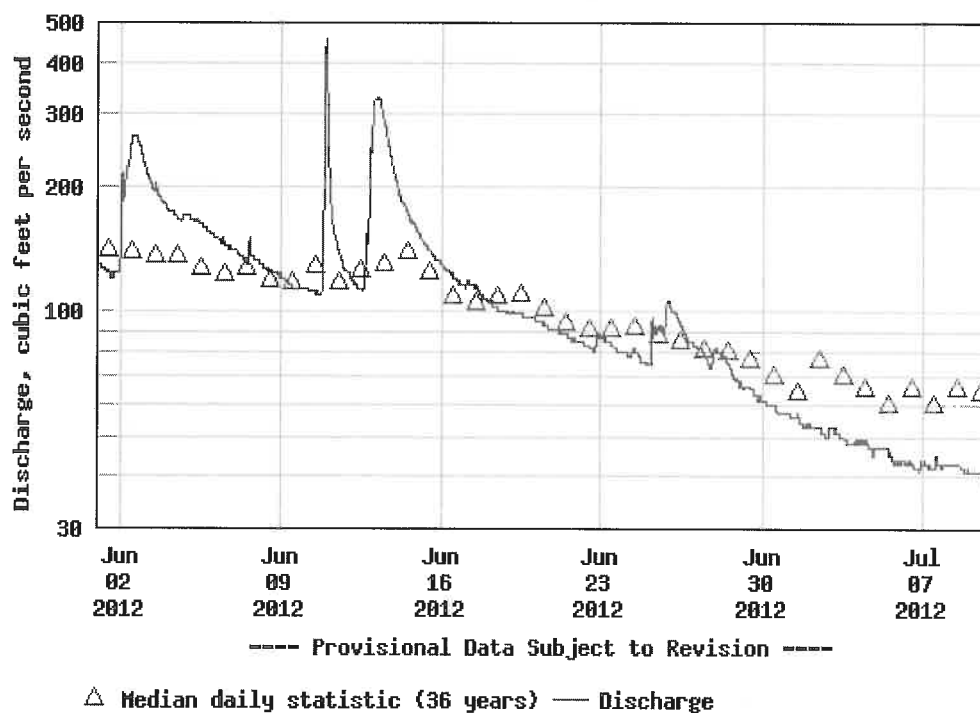


Exhibit B

18TH DISTRICT
LISA M. BOSCOLA

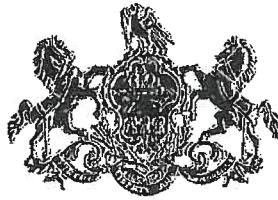
SENATE BOX 203018
THE STATE CAPITOL
HARRISBURG, PA 17120-3018
PHONE: (717) 787-4236
FAX: (717) 783-1257

MAIN STREET COMMONS
559 MAIN STREET, SUITE 270
BETHLEHEM, PA 18018
PHONE: (610) 868-8667
FAX: (610) 861-2184
TOLL FREE: 1-877-535-1818

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FAX: (570) 420-2941

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FAX: (610) 266-2169

Democratic Policy Committee Chair



Senate of Pennsylvania

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EARLY CHILDHOOD EDUCATION CAUCUS
LEGISLATIVE HUNGER CAUCUS

July 10, 2012

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

Dear Ms. Collier,

Please accept this correspondence as my formal request for the Delaware River Basin to take a proactive approach with regard to review of pipeline projects within its jurisdiction to ensure the protection of waterways within the Basin.

As you know, the Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and could certainly have an impact on the water resources of the Delaware River Basin, including the special protection water reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

Therefore, it is my request that the DRBC exercise its existing jurisdiction with regard to the construction, installation and ongoing maintenance (including maintenance of permanent right of ways) of pipelines passing within and/or through the Delaware River Basin. I also request that the DRBC exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews (withdrawals and construction/installation/maintenance) independently as they are intimately and irretrievably connected.

July 10, 2012

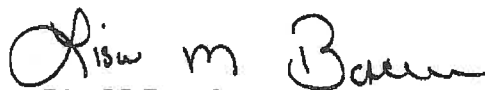
The Delaware River is an irreplaceable source of drinking water for an estimated 15 million people. The Delaware River, its tributaries and watershed ecosystems support a multi-billion dollar ecotourism industry and all the jobs associated with them. The Delaware River and its watershed communities and resources provide educational, recreational, and health benefits to people from throughout the region, nation and world. The ground cover disturbance, excavation and installation associated with pipelines and their associated infrastructure (such as the multiple compressor stations required) has ramifications for all of these vital and irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects include alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

Pipelines that are known to be considered for construction include the Tennessee Gas Pipeline Expansion Project, the Constitution Pipeline, the Tennessee Gas NorthEast Upgrade Project, the Texas Eastern Transmission Philadelphia Lateral Expansion Project, the Transcontinental Northeast Supply Link Project, the Transcontinental Gas Pipeline Brandywine Creek upgrade project and the UGI Commonwealth Pipeline. These projects will cross counties throughout the Basin including Chester County, Pike County, and Monroe County, PA; Sussex County, NJ; Delaware County and Broome County, NY; a number of counties leading up to and into Philadelphia yet to be specifically identified. Additional communities will be targeted with the additional proposals anticipated.

In sum, it is my hope that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decisionmaking be conducted at the same time.

I have concerns that these pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources without necessary review prior to action taken on their plans. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa M. Boscola". The signature is fluid and cursive, with the first name "Lisa" and middle initial "M" being more distinct than the last name "Boscola".

Lisa M. Boscola
State Senator – 18th District

17TH DISTRICT
DAYLIN LEACH

SENATE BOX 203017
THE STATE CAPITOL
HARRISBURG, PA 17120-3017
TELEPHONE: 717-787-5544
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FAX: 610-768-4204



Senate of Pennsylvania

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FINANCE
INTERGOVERNMENTAL OPERATIONS
JUDICIARY (MINORITY CHAIR)
POLICY

www.senatorleach.com

July 9, 2012

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

Dear Ms. Collier,

The Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and would most certainly have an impact on the water resources of the Delaware River Basin, including the special protection waters reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

Therefore, I request that the DRBC exercise its existing jurisdiction with regards to the construction, installation and ongoing maintenance (including maintenance of permanent right of ways) of pipelines passing within and/or through the Delaware River Basin. I also request that the DRBC exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews (withdrawals and construction/installation/maintenance) independently as they are intimately and irretrievably connected.

The Delaware River is an irreplaceable source of drinking water for an estimated 15 million people. The Delaware River, its tributaries and watershed ecosystems support a multi-billion dollar ecotourism industry and all the jobs associated with them. The Delaware River and its watershed communities and resources provide educational, recreational, and health benefits to people from throughout the region, nation and world. The ground cover disturbance, excavation and installation associated with pipelines and their associated infrastructure (such as the multiple compressor stations required) has ramifications for all of these vital and irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects include

alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

Pipelines that are known to be considered for construction include the Tennessee Gas Pipeline Expansion Project, the Constitution Pipeline, the Tennessee Gas NorthEast Upgrade Project, the Texas Eastern Transmission Philadelphia Lateral Expansion Project, the Transcontinental Northeast Supply Link Project, the Transcontinental Gas Pipeline Brandywine Creek upgrade project and the UGI Commonwealth Pipeline. These projects will cross counties throughout the Basin including Chester County, Pike County, and Monroe County, PA; Sussex County, NJ; Delaware County and Broome County, NY; a number of counties leading up to and into Philadelphia yet to be specifically identified. Additional communities will be targeted with the additional proposals anticipated.

In sum, I write to request that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decision making be conducted at the same time.

Additionally, it is my understanding that the DRBC may be considering a water withdrawal application for the NorthEast Upgrade Project without considering the land disturbance and pollution discharges associated with the construction, installation and maintenance of the pipeline project as a whole. Because of the precedent being set with this withdrawal application and the exercise of DRBC jurisdiction, I urge you to remove this application from the July 11 agenda and only consider it at such time as you are prepared to review and render decisions on all elements of the project proposed for the Delaware River Basin.

The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Daylin Leach", with a long, sweeping horizontal line extending to the right.

Senator Daylin Leach
The 17th District

Cc: Ryan Hamilton
The Delaware Riverkeeper Network

MICHAEL H. O'BRIEN, MEMBER

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EMAIL: MOBRIEN@PAHOUSE.NET
WEB: WWW.PAHOUSE.COM/OBRIEN



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

June 27, 2012

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EARLY CHILDHOOD EDUCATION
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NATIONAL CAUCUS OF ENVIRONMENTAL
LEGISLATORS
PRE-K
WOMEN'S HEALTH

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

COPY

Dear Ms. Collier:

The Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across Recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and would most certainly have an impact on the water resources of the Delaware River Basin, including the special protection waters reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

Therefore, I request that the DRBC exercise its existing jurisdiction with regards to the construction, installation and ongoing maintenance (including maintenance of permanent right of ways) of pipelines passing within and/or through the Delaware River Basin. I also request that the DRBC exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews (withdrawals and construction/installation/maintenance) independently as they are intimately and irretrievably connected.

The Delaware River is an irreplaceable source of drinking water for an estimated 15 million people. The Delaware River, its tributaries and watershed ecosystems support a multi-billion dollar ecotourism industry and all the jobs associated with them. The Delaware River and its watershed communities and resources provide educational, recreational, and health benefits to people from throughout the region, nation and world. The ground cover disturbance, excavation and installation associated with pipelines and their associated infrastructure (such as the multiple compressor stations required) has ramifications for all of these vital and irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects include alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

In sum, I write to request that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decision making be conducted at the same time.

Additionally, it is my understanding that the DRBC may be considering a water withdrawal application for the Northeast Upgrade Project without considering the land disturbance and pollution discharges associated with the construction, installation and maintenance of the pipeline project as a whole. Because of the precedent being set with this withdrawal application and the exercise of DRBC jurisdiction, I urge you to remove this application from the July 11 agenda and only consider it at such time as you are prepared to review and render decisions on all elements of the project proposed for the Delaware River Basin.

The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,


MICHAEL H. O'BRIEN
Member 175th District

CAMILLE "BUD" GEORGE, MEMBER

ROOM 388 MAIN CAPITOL BUILDING (EAST WING)
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cgeorge@pahouse.net



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

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COMMITTEE, DEMOCRATIC CHAIRMAN
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PENNSYLVANIA INFRASTRUCTURE
INVESTMENT BOARD
JOINT LEGISLATIVE AIR AND WATER
POLLUTION CONTROL AND
CONSERVATION COMMITTEE
WILD RESOURCE CONSERVATION BOARD
RULES COMMITTEE

June 28, 2012

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

Dear Ms. Collier:

I write to request and encourage the Delaware River Basin Commission to exercise its full authority and jurisdiction regarding the construction, installation and maintenance -- including maintenance of permanent right of ways -- of pipelines passing within and/or through the Delaware River Basin.

I also request that the Commission exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews -- withdrawals and construction/installation/maintenance -- independently as they are intimately and irretrievably connected.

I do not live in the Delaware River watershed. However, I have much experience in such matters as a longtime chair of the Pennsylvania House of Representatives' Environmental Resources & Energy Committee. As such, I have witnessed the Marcellus shale natural-gas boom and its effects on the Commonwealth. It is my studied opinion that Pennsylvania started, and still proceeds, down this energy path poorly prepared and protected.

The Commission need not, and should not, emulate this path of least resistance. Two facts must be considered: 1) Any extraction industry and its support industries and pipelines will have harms and repercussions; and 2) Act 13 of 2012, dealing with the regulation of unconventional natural gas drilling by industrial gas drillers, is woefully inadequate in protecting our communities and water supplies.

The Commission's utmost stringency on pipeline construction, installation and maintenance also is deserved because we are facing new challenges almost daily to the gas-drilling boom, and the cumulative effect of this burgeoning industry has yet to be gauged or even understood.

To paraphrase a late U.S. senator, "Stringency in the defense of water supplies is no vice. And complete accommodation in the pursuit of corporate profits is no virtue."

The Commission has the authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure).

So, use it to its fullest effect.

As you well know, a number of major pipelines are proposed where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and would most certainly have an impact on the water resources of the Delaware River Basin, including the special protection waters reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

A responsible adherence to responsible oversight is even more imperative with the recent report of even more sizeable, recoverable gas resources being found within the Delaware watershed. As reported June 22, 2012, "The South Newark Basin – which includes a large portion of [Bucks] county – has been ranked the third-highest region of untapped natural gas resources on the East Coast, according to a United States Geological Survey report released Wednesday.

We cannot afford to put the watershed at risk. The Delaware River is an irreplaceable source of drinking water for an estimated 15 million people. The Delaware River, its tributaries and watershed ecosystems support a multi-billion dollar ecotourism industry and all the jobs associated with them. The Delaware River and its watershed communities and resources provide educational, recreational, and health benefits to people from throughout the region, nation and world.

The ground cover disturbance, excavation and installation associated with pipelines and their associated infrastructure -- such as the multiple compressor stations required -- has ramifications for all of these vital and irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects include alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

Pipelines that are known to be considered for construction include the Tennessee Gas Pipeline Expansion Project, the Constitution Pipeline, the Tennessee Gas NorthEast Upgrade Project, the Texas Eastern Transmission

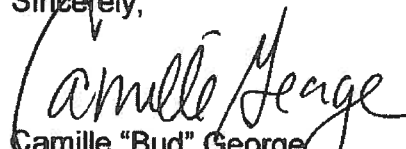
Philadelphia Lateral Expansion Project, the Transcontinental Northeast Supply Link Project, the Transcontinental Gas Pipeline Brandywine Creek upgrade project and the UGI Commonwealth Pipeline. These projects will cross counties throughout the Basin including Chester County, Pike County, and Monroe County, PA; Sussex County, NJ; Delaware County and Broome County, NY; a number of counties leading up to and into Philadelphia yet to be specifically identified. Additional communities will be targeted with the additional proposals anticipated.

In summary, I request that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decision-making be conducted at the same time.

Additionally, it is my understanding that the DRBC may be considering a water withdrawal application for the NorthEast Upgrade Project without considering the land disturbance and pollution discharges associated with the construction, installation and maintenance of the pipeline project as a whole. Because of the precedent being set with this withdrawal application and the exercise of Commission jurisdiction, I urge you to remove this application from the July 11 agenda and only consider it at such time as you are prepared to review and render decisions on all elements of the project proposed for the Delaware River Basin.

It is essential that the DRBC provide a stringent and responsible level of analysis and oversight for this critical and historic watershed.

Sincerely,


Camille "Bud" George
STATE REPRESENTATIVE

CG/mjm

LAWRENCE H. CURRY, MEMBER

HARRISBURG OFFICE:
26 EAST WING
P.O. BOX 202154

HARRISBURG, PENNSYLVANIA 17120-2154
PHONE: (717) 783-1079
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CHAIRMAN,
AGING AND OLDER ADULT SERVICES

COMMITTEE OFFICE:
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P.O. BOX 202154
HARRISBURG, PENNSYLVANIA 17120-2154

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WEBSITE: [HTTP://WWW.PAHOUSE.COM/CURRY](http://WWW.PAHOUSE.COM/CURRY)

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

Dear Ms. Collier,

The Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and would most certainly have an impact on the water resources of the Delaware River Basin, including the special protection waters reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

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The Delaware River is an irreplaceable source of drinking water for an estimated 15 million people. The Delaware River, its tributaries and watershed ecosystems support a multi-billion dollar ecotourism industry and all the jobs associated with them. The Delaware River and its watershed communities and resources provide educational, recreational, and health benefits to people from throughout the region, nation and world. The ground cover disturbance, excavation and installation associated with pipelines and their associated infrastructure (such as the multiple compressor stations required) has ramifications for all of these vital and irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects include alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

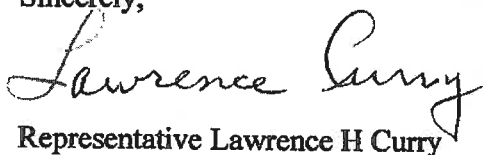
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In sum, I write to request that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decisionmaking be conducted at the same time.

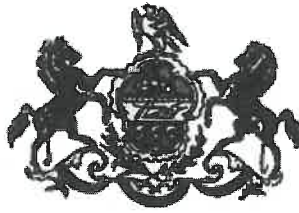
Additionally, it is my understanding that the DRBC may be considering a water withdrawal application for the NorthEast Upgrade Project without considering the land disturbance and pollution discharges associated with the construction, installation and maintenance of the pipeline project as a whole. Because of the precedent being set with this withdrawal application and the exercise of DRBC jurisdiction, I urge you to remove this application from the July 11 agenda and only consider it at such time as you are prepared to review and render decisions on all elements of the project proposed for the Delaware River Basin.

The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence Curry". The signature is written in dark ink and is positioned above the printed name.

Representative Lawrence H Curry



Senate of Pennsylvania

June 20, 2012

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

Dear Ms. Collier,

Transcontinental Gas and Pipeline Company ("Transco") is pursuing plans to replace an existing 30-inch gas pipeline with a 42-inch pipeline along a 2,200-foot stretch of one of Transco's existing major pipelines. The project as proposed would cross and affect the East Branch of the Brandywine Creek and Ludwig's Run at two locations by utilizing an open cut method. Also, an unnamed tributary to East Branch of the Brandywine Creek would be affected by a temporary construction crossing and another unnamed tributary to East Branch of Brandywine Creek would be crossed by the pump diversion during the use of a coffer dam.

The Delaware River Basin Commission has the authority to regulate pipeline construction activities that involve a "significant disturbance of ground cover" affecting water resources. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). As proposed, the scope of the Transco construction activity and the planned stream crossings will have an effect on water resources of the Delaware River Basin. In fact, as proposed, it is our belief this proposed project may have a significant and deleterious effect on the East Branch Brandywine, Ludwig's Run and the unnamed tributary. The "open cut" stream crossing method that Transco plans on utilizing is associated with significant sedimentation problems. Also, much of the right of way in which the construction will take place is atop extremely steep slopes, up to 35-40% gradient, which makes the area particularly vulnerable to sediment and erosion problems from rain events. There will be additional land clearing and activity associated with the project that can affect the quality of the impacted waterways. The project as proposed will very well adversely affect stream habitat and water quality.

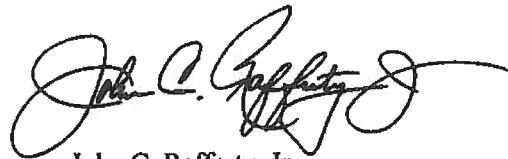
Transco's project is located within the Delaware River Basin and involves significant disturbance of ground cover affecting water resources. As such, the DRBC should have jurisdiction over the project in addition to the Pennsylvania Department of Environmental Protection's existing jurisdiction.

We believe how this project moves forward and the level of involvement DRBC chooses to exercise will set precedent for all future pipeline projects in the Watershed and region.

Respectfully,

A handwritten signature in black ink that reads "Andy E. Dinniman". The signature is fluid and cursive, with the first name "Andy" and last name "Dinniman" clearly legible.

Andy Dinniman
State Senator – 19th District

A handwritten signature in black ink that reads "John C. Rafferty, Jr.". The signature is highly stylized and cursive, with the first name "John" and last name "Rafferty" being the most prominent parts.

John C. Rafferty, Jr.
State Senator – 44th District

PIKE COUNTY COMMISSIONERS

PIKE COUNTY ADMINISTRATION BUILDING

506 BROAD STREET

MILFORD, PA 18337

570-296-7613

FAX: 570-296-6055

RICHARD A. CARIDI
MATTHEW M. OSTERBERG
KARL A. WAGNER JR. } COMMISSIONERS



GARY R. OREEN
CHIEF CLERK

THOMAS F. FARLEY, ESQUIRE
COUNTY SOLICITOR

June 19, 2012

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

Dear Ms. Collier,

As you may be aware, Tennessee Gas Pipeline Company (TGP) is pursuing another expansion of its Tennessee Gas 300 Line pipeline. This is the second major TGP upgrade of this interstate natural gas transmission line in Pike County in recent years designed, according to TGP project documents, to expand the capacity of the pipeline to transport Marcellus Shale gas to various markets. The current Northeast Upgrade Project (NEUP) includes the construction of two loops ("Loop 321 and 323") that would traverse large sections of the Delaware River watershed including lands, streams and wetlands in Pike County, PA, Wayne County, PA and Sussex County, NJ as well as a new crossing of the Delaware River in Westfall Township, Pike County north of an existing TGP crossing.

The Delaware River Basin Commission has the authority to regulate pipeline construction activities that involve a "significant disturbance of ground cover" affecting water resources. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). As proposed, the scope of the TGP NEUP construction activity, especially when considered cumulatively with impacts of the TGP 300-Line Project and the recent Columbia Gas Pipeline 1278 line upgrade project in Pike County, will have an adverse impact on land and water resources of the Delaware River Basin.

For the NEUP project, total length of pipeline in Pike and Wayne Counties in PA and Sussex County, NJ is over 25 miles. In addition to the pipeline right of way, the project includes earth disturbance for additional "temporary workspace", contractor pipeyards and staging areas, access roads and compressor stations. In Pike County alone, the proposed earth disturbance for this project exceeds 137 acres. Earth disturbance in Wayne County is proposed at 138 acres. The Environmental Construction Plan for the project lists over 180 waterbodies and wetlands associated with the project (within the Delaware River Basin) in Pike and Wayne Counties, most within Special Protection watersheds. A proposed "alternate route" for Loop 323 will take a circuitous 7+ mile detour around the existing 300-Line right-of-way, impacting high quality and exceptional value streams and wetlands, steep slopes and intact and undeveloped forested lands in both Pike and Sussex Counties, all of which are critical to the health of the Delaware River, including those reaches designated as Special Protection Waters. Even in those

areas of the where the NEUP is proposed to follow the existing right-of-way route, the right of way is being expanded to accommodate the project.

The construction practices that TGP typically utilizes for these projects have been problematic at best. Pike County's experience with TGP on the recent 300 Line Project (and on the Columbia Gas 1278 line project – which utilized similar Federal Energy Regulatory Commission (FERC) approved construction practices and the same contractor) demonstrate that the construction practices utilized by this industry are not adequate to protect the water resources of the Delaware River Basin. The shortcomings of these construction practices have been raised by the County and the Conservation District in numerous comments and correspondence to FERC on this project (see attached). In Pike County, during construction of the 300-Line Project, the Pike County Conservation District documented more than 190 violations of PA's Clean Streams Law, Chapter 102 Erosion Control Rules and Regulations and TGP's Erosion and Sediment Control permit, including but not limited to: 48 instances of sediment discharged into water bodies, 54 instances of failure to properly implement effective Best Management Practices (BPMs) for erosion and sediment control and 42 instances of failure to adequately maintain BMPs for erosion and sediment control. Although the 300 Line project has been in-service since October 2011, there are vast sections of the right-of-way in Pike County where, 8 months and a very mild winter/spring later, permanent stabilization has still not been implemented.

For the NEUP Project, the Pike County Conservation District, after reviewing State permit application materials for the project, has identified numerous technical deficiencies that need to be addressed to provide information needed to assess impacts or to further minimize impacts to the water resources of the Delaware River Basin. Please see the attached Pike County Conservation District technical review letter for more information. Some examples of the application/plan deficiencies include:

- An incomplete anti-degradation analysis which makes claims about employment of non-discharge alternatives and antidegradation best available combination of technologies (ABACTS) that do not appear to be supported in the plans.
- A failure to address the thermal impacts of forest loss in riparian areas, which TGP proposes to mitigate by planting grass.
- A failure to demonstrate that the extent and duration of earth disturbance is being minimized, particularly in sensitive riparian corridors and in wetlands.
- The application does not present a method of sequencing grading, trenching and restoration options for the project that adequately limits the amount of exposed areas tributary to special protection resources.
- A failure to provide for topsoil segregation, storage and restoration which is integral to successful revegetation and permanent stabilization
- A notation that the District was notified by the Pike County Planning Commission that the **project is inconsistent with the County Comprehensive Plan**

In addition, Tennessee Gas Pipeline Company, LLC, currently has before DRBC an application (D-2011-022-1) to approve a surface water withdrawal project of up to 6 million gpm for the NEUP project from two sources located on the Lackawaxen and Delaware Rivers for hydrostatic testing and pipeline installation purposes. The project is located in Berlin, Texas, and Palmyra Townships in Wayne County, Pennsylvania, Westfall and Milford Townships in Pike County, Pennsylvania, and Montague Township in Sussex County, New Jersey. Portions of the project are located within the drainage area of the sections of the non-tidal Delaware River known as the Upper and Middle Delaware, which are classified as Special Protection Waters. Pike County Commissioners request that DRBC delay action on this water withdrawal request as we believe it is irretrievably connected to and should be considered by the Commission as part of the overall construction of the NEUP project.

The project as proposed and Pike County's experiences with natural gas transmission line construction in the Delaware River watershed clearly demonstrate that these projects, which involve significant

disturbance of ground cover in addition to water withdrawals, impact or have a potential to impact water resources in the Delaware River Basin. As such, and as provided for in DRBC's Rules of Practice and Procedure, Pike County Commissioners urge the Delaware River Basin Commission to exercise its authority and jurisdiction over the TGP NEUP project and all other pipeline projects proposed within the boundaries of the Delaware River watershed. In addition, Pike County Commissioners urge you to remove the water withdrawal application from the July 11, 2012 Commission meeting agenda and only consider it at such time as you are prepared to review and render decisions on all elements of the NEUP project.

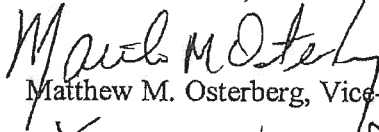
Thank you for your consideration of this request.

Sincerely,

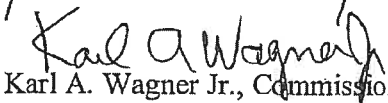
Pike County Commissioners



Richard A. Caridi, Chairman



Matthew M. Osterberg, Vice-Chairman



Karl A. Wagner Jr., Commissioner

Attachments

Cc: Governor Thomas Corbett
Senator Lisa Baker
Representative Michael Peifer
Representative Rosemary Brown
Senator Pat Marino
Senator Robert Casey Jr.
Congressman Thomas Marino
Senator Frank R. Lautenberg (NJ)
Senator Robert Menendez (NJ)
Congressman Garrett Scott (NJ)
Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission
Lackawaxen Township Supervisors
Milford Township Supervisors
Westfall Township Supervisors

STEVE SANTARSIERO, MEMBER
31ST LEGISLATIVE DISTRICT

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WEBSITE: WWW.PAHOUSE.COM/SANTARSIERO



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

ENVIRONMENTAL RESOURCES & ENERGY
LOCAL GOVERNMENT
STATE GOVERNMENT
TRANSPORTATION

DELEGATION

SOUTHEAST

June 21, 2012

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

Dear Ms. Collier,

The Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and would most certainly have an impact on the water resources of the Delaware River Basin, including the special protection waters reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

Therefore, I request that the DRBC exercise its existing jurisdiction with regards to the construction, installation and ongoing maintenance (including maintenance of permanent right of ways) of pipelines passing within and/or through the Delaware River Basin. I also request that the DRBC exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews (withdrawals and construction/installation/maintenance) independently as they are intimately and irretrievably connected.

The Delaware River is an irreplaceable source of drinking water for an estimated 15 million people. The Delaware River, its tributaries and watershed ecosystems support a multi-billion dollar ecotourism industry and all the jobs associated with them. The Delaware River and its watershed communities and resources provide educational, recreational, and health benefits to people from throughout the region, nation and world. The ground cover disturbance, excavation and installation associated with pipelines and their associated

infrastructure (such as the multiple compressor stations required) has ramifications for all of these vital and irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects include alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

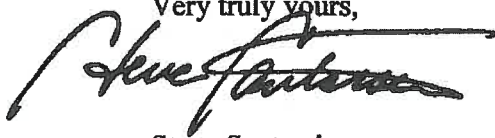
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In sum, I write to request that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decisionmaking be conducted at the same time.

Additionally, it is my understanding that the DRBC may be considering a water withdrawal application for the NorthEast Upgrade Project without considering the land disturbance and pollution discharges associated with the construction, installation and maintenance of the pipeline project as a whole. Because of the precedent being set with this withdrawal application and the exercise of DRBC jurisdiction, I urge you to remove this application from the July 11 agenda and only consider it at such time as you are prepared to review and render decisions on all elements of the project proposed for the Delaware River Basin.

The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

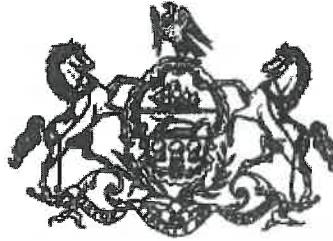
Very truly yours,

A handwritten signature in black ink, appearing to read "Steve Santarsiero", with a stylized flourish at the end.

Steve Santarsiero
State Representative

GREG VITALI, MEMBER
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES
APPROPRIATIONS
ENVIRONMENTAL RESOURCES AND ENERGY
STATE GOVERNMENT

June 22, 2012

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

CAROL
Dear Ms. Collier,

The Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and would most certainly have an impact on the water resources of the Delaware River Basin, including the special protection waters reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

Therefore, I request that the DRBC exercise its existing jurisdiction with regards to the construction, installation and ongoing maintenance (including maintenance of permanent right of ways) of pipelines passing within and/or through the Delaware River Basin. I also request that the DRBC exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews (withdrawals and construction/installation/maintenance) independently as they are intimately and irretrievably connected.

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irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects include alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

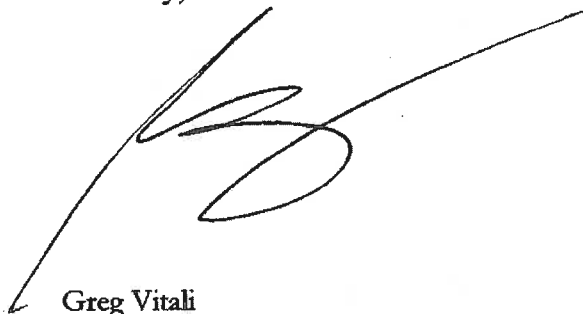
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In sum, I write to request that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decisionmaking be conducted at the same time.

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The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Vitali', with a long, sweeping horizontal line extending to the right.

Greg Vitali
State Representative, 166th District

MICHAEL H. O'BRIEN, MEMBER

107 EAST WING
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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

June 27, 2012

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NATIONAL CAUCUS OF ENVIRONMENTAL
LEGISLATORS
PRE-K
WOMEN'S HEALTH

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

COPY

Dear Ms. Collier:

The Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across Recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and would most certainly have an impact on the water resources of the Delaware River Basin, including the special protection waters reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

Therefore, I request that the DRBC exercise its existing jurisdiction with regards to the construction, installation and ongoing maintenance (including maintenance of permanent right of ways) of pipelines passing within and/or through the Delaware River Basin. I also request that the DRBC exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews (withdrawals and construction/installation/maintenance) independently as they are intimately and irretrievably connected.

The Delaware River is an irreplaceable source of drinking water for an estimated 15 million people. The Delaware River, its tributaries and watershed ecosystems support a multi-billion dollar ecotourism industry and all the jobs associated with them. The Delaware River and its watershed communities and resources provide educational, recreational, and health benefits to people from throughout the region, nation and world. The ground cover disturbance, excavation and installation associated with pipelines and their associated infrastructure (such as the multiple compressor stations required) has ramifications for all of these vital and irreplaceable uses of the Delaware River, its tributaries and watershed. And some of the pipeline projects include alternatives that involve crossing Comprehensive Plan recreation areas like the Delaware Water Gap National Recreation Area and the tributaries that feed these Recreation Areas, an irreplaceable gem in the fabric and health of the Delaware River and the region.

In sum, I write to request that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decision making be conducted at the same time.

Additionally, it is my understanding that the DRBC may be considering a water withdrawal application for the Northeast Upgrade Project without considering the land disturbance and pollution discharges associated with the construction, installation and maintenance of the pipeline project as a whole. Because of the precedent being set with this withdrawal application and the exercise of DRBC jurisdiction, I urge you to remove this application from the July 11 agenda and only consider it at such time as you are prepared to review and render decisions on all elements of the project proposed for the Delaware River Basin.

The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,


MICHAEL H. O'BRIEN
Member 175th District

18TH DISTRICT
LISA M. BOSCOLA

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PHONE: (610) 266-2117
FAX: (610) 266-2169

Democratic Policy Committee Chair



Senate of Pennsylvania

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LEGISLATIVE HUNGER CAUCUS

July 10, 2012

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

Dear Ms. Collier,

Please accept this correspondence as my formal request for the Delaware River Basin to take a proactive approach with regard to review of pipeline projects within its jurisdiction to ensure the protection of waterways within the Basin.

As you know, the Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and could certainly have an impact on the water resources of the Delaware River Basin, including the special protection water reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

Therefore, it is my request that the DRBC exercise its existing jurisdiction with regard to the construction, installation and ongoing maintenance (including maintenance of permanent right of ways) of pipelines passing within and/or through the Delaware River Basin. I also request that the DRBC exercise this jurisdiction at the same time it is considering water withdrawal applications for pipelines, and that it not conduct the two reviews (withdrawals and construction/installation/maintenance) independently as they are intimately and irretrievably connected.

July 10, 2012

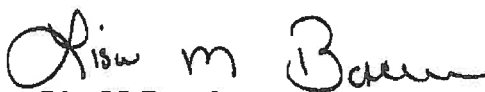
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Pipelines that are known to be considered for construction include the Tennessee Gas Pipeline Expansion Project, the Constitution Pipeline, the Tennessee Gas NorthEast Upgrade Project, the Texas Eastern Transmission Philadelphia Lateral Expansion Project, the Transcontinental Northeast Supply Link Project, the Transcontinental Gas Pipeline Brandywine Creek upgrade project and the UGI Commonwealth Pipeline. These projects will cross counties throughout the Basin including Chester County, Pike County, and Monroe County, PA; Sussex County, NJ; Delaware County and Broome County, NY; a number of counties leading up to and into Philadelphia yet to be specifically identified. Additional communities will be targeted with the additional proposals anticipated.

In sum, it is my hope that the Delaware River Basin Commission exercise its full jurisdiction over the land disturbance, water withdrawals and pollution discharges associated with all pipelines and associated infrastructure (including needed compressors and right of ways) proposed for construction in any portion of the Delaware River watershed and that all reviews and decisionmaking be conducted at the same time.

I have concerns that these pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources without necessary review prior to action taken on their plans. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa M. Boscola". The signature is fluid and cursive, with the first name "Lisa" and middle initial "M" being more distinct than the last name "Boscola".

Lisa M. Boscola
State Senator – 18th District

17TH DISTRICT
DAYLIN LEACH

SENATE BOX 203017
THE STATE CAPITOL
HARRISBURG, PA 17120-3017
TELEPHONE: 717-787-5544
FAX: 717-705-7741

DISTRICT OFFICE
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Senate of Pennsylvania

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JUDICIARY (MINORITY CHAIR)
POLICY

www.senatorleach.com

July 9, 2012

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

Dear Ms. Collier,

The Delaware River Basin Commission (DRBC) has the authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin. (Article 3, section 2.3.5 (12) of the DRBC's Rules of Practice and Procedure). There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed. The level of land disturbance, and the number of stream and wetland crossings associated with these pipelines are significant and would most certainly have an impact on the water resources of the Delaware River Basin, including the special protection waters reaches of the River and in some cases recreation areas included within the DRBC Comprehensive Plan.

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The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Daylin Leach", with a long, sweeping horizontal line extending to the right.

Senator Daylin Leach
The 17th District

Cc: Ryan Hamilton
The Delaware Riverkeeper Network

American Rivers ♦ Aquashicola/Pohopoco Watershed Conservancy
Blue Mountain Preservation Association
Catskill Citizens for Safe Energy ♦ Catskill Mountainkeeper
Clean Water Action ♦ Conserve Wildlife Foundation of New Jersey
Cooper River Watershed Association ♦ Damascus Citizens for Sustainability
Delaware Chapter, Sierra Club ♦ Delaware River Greenway Partnership
Delaware Riverkeeper Network ♦ Delaware River Shad Fishermen's
Association Earthjustice ♦ Earthworks Oil & Gas Accountability Project
Environment New Jersey ♦ Food & Water Watch
Friends of the Upper Delaware River ♦ Genesis Farm
NJ Environmental Federation ♦ New Jersey Highlands Coalition
NJ Sierra Club ♦ NorthJersey Pipeline Walkers
NYH2O ♦ Pike-Wayne Trout Unlimited ♦ Pipeline Safety Coalition
Protecting Our Waters ♦ Raymond Proffitt Foundation ♦ Riverkeeper, Inc.
Sierra Club, Atlantic Chapter ♦ Theodore Gordon Flyfishers, Inc.
Twin and Walker Creeks Watershed Conservancy

June 27, 2011

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

Dear Ms. Collier,

We, the undersigned, would like to ask that the Delaware River Basin Commission (DRBC) not take action on the proposed water withdrawal applications submitted for the Tennessee Gas Pipeline Company's Northeast Upgrade Project. We also urge the DRBC to exercise its full authority in reviewing this proposed pipeline project under the DRBC's rules of Practice and Procedure, Article 3, section 2.3.5 which grants DRBC authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin.

Every option of the TGP Northeast Upgrade Project would directly impact the Delaware Water Gap National Recreation Area – some of the alternatives under consideration would pass through the park, others would impact

waterways and natural resources, including Mashipacong Island, Raymondskill Creek, Conashaugh Creek, Sawkill Creek and other natural resources. In addition, every option of the NEUP has will incur significant disturbance of ground cover, as well as wetlands and waterways of the Delaware River Basin and as a result would significantly affect the quality and health of the water resources of the Delaware River and tributaries within the basin.

There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed and should be subject to DRBC review.

Each pipeline, individually and collectively, will have significant impacts on the Delaware River and tributary streams. It is important that the DRBC consider the cumulative as well as the individual impacts of each proposed pipeline project. It is also important that the DRBC review each individual project in total, in terms of the activities taking place within the Basin – including the land disturbance associated with construction, operation and maintenance; the impacts of constructing, operating and maintaining any associated and needed infrastructure such as compressors and rights of way; and the impacts of any water withdrawals and proposed pollution discharges. Looking only piecemeal at proposed pipeline projects, and failing to consider the cumulative affects of multiple pipeline projects, will not allow informed or protective decisionmaking.

Therefore, in the first instance, we urge you to not put the TGP Northeast Upgrade Project Water Withdrawal Application on the agenda for consideration July 11, 2012; and that you instead notify TGP that you will be exercising your authority to review this project in total, including its construction, installation, operation and maintenance, and that you request them to submit all appropriate application materials and information, and that DRBC, at some future meeting, review and decide upon this project in total.

TGP has been a known bad actor with regards to pipeline construction, operation and maintenance within our watershed. In Pike County, during construction of the 300-Line Upgrade, the PCCD documented no fewer than 45 violations of TGP's Erosion and Sediment Control permit, 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. In Wayne County, out of 16 inspections conducted by the Wayne County Conservation District during the 300-Line Upgrade Project's construction, the Conservation District documented 15 violations.

More recently the Pike County Conservation District, after reviewing permit application materials for the project, wrote an 11 page letter with 62 points

(dated April 20, 2012) in which they document where TGP failed to fulfill the requirements of the law, failed to provide accurate information to decisionmakers, failed to provide required documentation, and failed to take all steps reasonable and available to minimize the environmental harms of the NEUP project.

Some of the highlights of the Pike County Conservation District findings include:

- TGP claims they will use non-discharge alternatives to avoid harm to Pennsylvania's highest quality streams, but their plans do not support this claim says the Pike County Conservation District.
- There are ways that TGP could significantly reduce the wetlands impacts its proposed project will have with "minor realignments" and yet TGP chooses not to do so.
- TGP's proposals for minimizing environmental harms include things like laying their pipeline directly in stream channels for over 700 feet, replacing trees with grass in order to address thermal impacts (which rather than improving thermal impacts will actually cause them), choosing and developing a Right of Way where 23% of the right of way will be through wetlands.

In addition to choosing such a damaging path for much of the proposed project, the Pike County Conservation District notes that a 100 ft. permanent right of way is proposed by TGP. And yet, the Conservation District also notes that 50 foot is a typical width for a permanent ROW. This leads us to ask, why is TGP seeking to double the level of permanent disturbance, stormwater runoff etc. with a ROW twice what is normal?

In its application materials reviewed by the Pike County Conservation District TGP proposes that stream crossing decisions shall be made on site by the environmental inspector and the contractor present – this totally cuts the agencies out of the process and fails to provide the level of review, planning and oversight necessary to ensure harms are avoided or minimized to the greatest degree possible and that needed environmental protection is not simply set aside in the interests of expediency, time and/or cost.

The Delaware River provides drinking water, jobs, recreation, education and unparalleled ecological communities. The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,

Laura Craig, Ph.D., Associate Director for
River Restoration
American Rivers

Jim Vogt, President
Aquashicola/Pohopoco Watershed Conservancy

Frank O'Donnell, President
Blue Mountain Preservation Assoc.Inc.

Jill Wiener
Catskill Citizens for Safe Energy

Wes Gillingham, Program Director
Catskill Mountainkeeper

Brady Russell, Eastern PA Director
Clean Water Action

Margaret O'Gorman, Executive Director
Conserve Wildlife Foundation of New Jersey

Roxane C. Shinn, Director
Cooper River Watershed Association

B. Arrindell, Director
Damascus Citizens for Sustainability

Amy Roe, Ph.D., Conservation Chair
Delaware Chapter Sierra Club

Marion M. Kyde Ph.D., President
Delaware River Greenway Partnership

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

Charles Furst, President
Delaware River Shad Fishermen's Association

Deborah Goldberg, Managing Attorney
Earthjustice

Nadia Steinzor, Marcellus Regional Organizer
Earthworks Oil & Gas Accountability Project

Jim Walsh, Eastern Region Director
Food & Water Watch

Doug O'Malley, Interim Director
Environment New Jersey

Daniel Plummer, Chairman of the Board
Friends of the Upper Delaware River

Miriam MacGillis
Genesis Farm

Jeff Tittel, Director
NJ Sierra Club

Dave Pringle
NJ Environmental Federation

Julia Somers, Executive Director
New Jersey Highlands Coalition

Diane Wexler
NorthJersey Pipeline Walkers

Joe Levine, Chair
NYH2O

Matt Wishneski, President
Pike-Wayne Trout Unlimited

Lynda Farrell, Executive Director
Pipeline Safety Coalition

Iris Bloom, Executive Director
Protecting Our Waters

John Hoekstra, Executive Director
Raymond Proffitt Foundation

Kate Hudson, Watershed Program Director
Riverkeeper, Inc.

Roger Downs, Conservation Director
Sierra Club, Atlantic Chapter

John L. Barone, Vice President of
Conservation
Theodore Gordon Flyfishers, Inc.

Ralph Cioppa, Secretary
Twin and Walker Creeks Watershed
Conservancy

Exhibit C



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MATERIAL SAFETY DATA SHEET

BENTONITE CLAY

MSDS

1. PRODUCT NAME AND COMPANY IDENTIFICATION

Product Name:	BENTONITE CLAY, SODIUM TYPE
Product Use:	Personal Care Formulations
Company Name:	Natural Sourcing
Company Address:	341 Christian Street, Oxford, CT 06478, USA
Date Issued:	6/1/2008
Emergency Telephone Number:	Chemtrec Tel: (800) 262-8200

2. COMPOSITION/INGREDIENT INFORMATION

Ingredients:	100% natural mineral, raw material, montmorillonite. Naturally occurring hydrated aluminosilicate of sodium, calcium, magnesium, and iron.
Preservatives & Solvents:	None
Other Gases & Liquids:	None
Other Solids:	Respirable crystalline silica (CAS #s 7631-86-9 and 14808-60-7). Estimated quantity less than 2%.
CAS #:	1302-78-9

3. HAZARDS IDENTIFICATION

Eyes:	Mechanical irritant
Skin:	Possible drying resulting in dermatitis
Ingestion:	Not expected to be a hazard
Inhalation:	Short term exposure to dust levels exceeding the PEL may cause irritation of respiratory tract resulting in a dry cough. Chronic exposure to free silica contain in airborne bentonite dust where levels are higher than TLVs may lead to development of silicosis or other respiratory problems. Persistent dry cough and labored breathing upon exertion are symptomatic.
Risk of Slips/Falls:	To use in complete safety, respect exposure limits. Dampening the floor while cleaning a clay storage site may render it extremely slippery. Dry cleaning is recommended if people are required to continue working on the site.

4. FIRST AID MEASURES

Eyes:	Flush with plenty of water or eye wash solution for 15 minutes. Get medical attention if irritation persists.
Skin:	Due to its use in cosmetics, no adverse effects are expected. May dry mucous and skin. Wash with soap and water.

Ingestion:	No information
Inhalation:	Remove to fresh air. If symptoms of irritation persist, seek medical advice. Inhalation may aggravate respiratory illness.
Medical Conditions Generally Aggravated by Exposure:	Individuals with pulmonary and/or respiratory disease, including but not limited to asthma and bronchitis should be precluded from exposure to dust.

5. FIRE FIGHTING MEASURES

Extinguishing Media:	N/A
Special Firefighting Procedures:	N/A
Unusual Fire & Explosion Hazards:	N/A
Note:	Will not burn

6. ACCIDENTAL RELEASE MEASURES (STEPS FOR SPILLS)

Precautions:	Avoid dust formation. In the event of a high level exposure to volatile dust, wear a protective mask and safety goggles.
Methods for Cleaning Up:	Sweep up or vacuum small spills carefully. For large spills, use water sprays or ventilated evacuation systems to prevent dust prevention. Use caution when using water - very slippery when wet. Dispose of according to local regulations.

7. HANDLING AND STORAGE

Handling

Safe Handling:	Avoid dust formation. Provide appropriate ventilation where dust forms. In the event where there is insufficient ventilation wear suitable breathing equipment.
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Storage

Requirements for Storage Areas and Containers:	Store in closed containers below 30°C in well ventilated areas. Very slippery when wet.
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8. EXPOSURE CONTROL/PERSONAL PROTECTION

Exposure Value Limits:	Respect the regulatory provisions for dust (inhalable and breathable) and crystalline silica.
Eye:	Safety glasses should be worn.
Skin/Body:	Gloves should be worn.
Respiratory:	Use NIOSH/MSHA approved respirators for silica bearing dust.
Ventilation:	Provide appropriate ventilation and filters in places where dust may be generated.
Other:	Evaluate need based on application. Slip proof shoes may be worn where spills may occur.
Work/Hygiene Practice:	Normal work and hygiene practices

9. PHYSICAL AND CHEMICAL PROPERTIES

Physical State:	Powder
Color:	Grey
Odor:	Characteristic
Solubility in Water:	Insoluble
Vapor Density:	>1

Specific Gravity: 2.45-2.6

10. STABILITY AND REACTIVITY

Stability: Stable
Incompatibility (Materials to Avoid): N/A

Hazardous Decomposition or Byproducts: N/A
Conditions to Avoid: N/A

11. TOXICOLOGICAL INFORMATION

Exposure Limits: OSHA PEL @ 8 hr. TWA) 15 mg/m3 (total dust)
5 mg/m3 (respirable dust)
Reparable crystalline silica : 0.1 mg/m3

Signs & Symptoms of Exposure: Prolonged or high exposure to respirable dust may cause shortness of breath and other respiratory effects.

Carcinogenicity: The international agency for research on cancer has determined that crystalline silica inhaled in the form of quartz or cristobalite in conjunction with the use of these materials from occupational sources is carcinogenic to humans. (Group 1 – carcinogenic to humans) (Refer to IARC monograph 68, Silica, some silicates and organic fibers published June 1997). The National Toxicology Program classifies respirable crystalline silica as "reasonable anticipated to be a carcinogen". For further information, see: "Adverse Effects of Crystalline Silica Exposure" published by the American Thoracic Society, medical section of the American Lung Association, American Journal of Respiratory and Critical Care Medicine, Volume 155, pages 761-765, 1997.

The small quantities of crystalline silica (quartz) found in this material are, under normal conditions, naturally coated with an unremovable layer of amorphous silica and/or clay. IARC (Vol 68, 1997, pp 191-192) states that crystalline silica (quartz) can differ in toxicity depending on the minerals with which it is combined, citing studies in IARC (Vol 42, 1987, p 86) which states that the toxic effect of crystalline silica (quartz) is reduced by the protective effect.... Due mainly to clay minerals....".

12. ECOLOGICAL INFORMATION

Ecotoxicity: No known ecological hazards are associated with this product.

13. DISPOSAL CONSIDERATIONS

Waste Disposal Methods: Dispose of according to local, state and federal regulations, and in a manner that does not pose a risk due to emission of breathable dust.

14. TRANSPORT INFORMATION

DOT Classification: Not classified

15. REGULATORY INFORMATION

No Information

16. ADDITIONAL INFORMATION

This information is provided for documentation purposes only.

The complete range of conditions or methods of use are beyond our control therefore we do not assume any responsibility and expressly disclaim any liability for any use of this product. Information contained herein is believed to be true and accurate however, all statements or suggestions are made without warranty, expressed or implied, regarding accuracy of the information, the hazards connected with the use of the material or the results to be obtained from the use thereof. Compliance with all applicable federal, state, and local laws and local regulations remains the responsibility of the user.

This safety sheet cannot cover all possible situations which the user may experience during processing. Each aspect of your operation should be examined to determine if, or where, additional precautions may be necessary. All health and safety information contained in this bulletin should be provided to your employees or customers.

Exhibit D



December 9, 2011

Michael Krancer
Secretary of Department of Environmental Protection
P.O. Box 2063
Harrisburg, PA 17105-2063

Dear Mr. Krancer,

On behalf of our fellow co-petitioners, Delaware Riverkeeper Network is pleased to submit to the Department of Environmental Protection a stream redesignation petition for the Upper and Middle Delaware River Watershed. We believe this region of the Delaware River is deserving of special protection and Exceptional Value status and enclose a 70-page petition to begin the petition process.

Co-petitioners for the Delaware River redesignation petition include American Rivers, The PA Council of Trout Unlimited, Clean Water Action and over twenty other organizations. In addition to these important partner organizations, over 150 watershed residents have joined in as original co-petitioners to encourage protection of the Delaware River at this critical time in its history. A full list of co-petitioner letters are found in the submitted materials. Delaware Riverkeeper Network will be assembling a CD with additional data subsequent to this petition. If your staff has questions about the petition, please contact Faith Zerbe at 215-369-1188 ext 110 or at faith@delawareriverkeeper.org.

We look forward to working with the Department to make this redesignation petition a reality.

Thank you for your time and consideration.

Sincerely,

Maya van Rossum
the Delaware Riverkeeper

cc: Tony Shaw

Delaware Riverkeeper Network
300 Pond Street, Second Floor
Bristol, PA 19007
tel: (215) 369-1188
fax: (215) 369-1181
drkn@delawareriverkeeper.org
www.delawareriverkeeper.org



December 9, 2011

Michael L. Krancer, Chair Person
Environmental Quality Board
Secretary of Environmental Protection
15th Floor, RCSOB
400 Market Street
Harrisburg, PA 17101-2301

Dear Secretary Krancer,

On behalf of the 24 undersigned organizations and businesses residing and operating within the Delaware River Watershed and beyond, we are writing as co-petitioners in full support of the regional stream redesignation petition being submitted to the PA Department of Environmental Protection and the Environmental Quality Board that requests an upgrade or stream redesignation of the main stem Delaware River and all Pennsylvania tributaries that flow into the Upper and Middle Delaware River from their current designated use status of High Quality or lower designation to Exceptional Value (EV) status. We believe it is critical that PADEP accepts this petition for review and takes immediate actions to see this redesignation through in an expedited redesignation process to ensure this national treasure and treasure of the Commonwealth is protected.

The Delaware River and its tributary streams are deserving of this highest designation status as it meets many of the qualifiers put forth in the anti-degradation guidelines that are summarized in the submitted petition. The Upper and Middle Delaware and its tributary streams are a treasure for Pennsylvanians and other northeast residents and the region who enjoy fishing, boating, and swimming its waters. This wilderness provides the region \$22 billion in economic benefits from activities like hiking, hunting, fishing, boating, and farming. Its headwaters are home to threatened and endangered species, including diverse populations of native freshwater mussels that live in the main stem and tributary streams. The Delaware River is the largest undammed River east of the Mississippi, flowing freely for 330 miles, and is home to diverse wildlife, including forty species of resident and migrating fish.

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
dm@delawareriverkeeper.org
www.delawareriverkeeper.org

Furthermore, the Delaware River Basin provides drinking water for more than 15 million Americans - 42% of Pennsylvanian residents, 34% of New Jersey residents, 81% of Delaware residents, and 35% of New York residents rely on the River for the water they drink, cook, and bathe in. The Delaware River delivers 1,803 mgd to public water supplies. That's about 5% of the Nation's population from a relatively small watershed, only .4% of the land mass of the continental U.S. The Delaware River is one of the largest water supply basins in the mid-Atlantic, providing more drinking water than any adjacent basin. For instance, the Susquehanna River Basin (27,500 square miles) is more than twice as large as the Delaware River Basin (12,769 square miles) yet the Susquehanna provides 6.2 million people with water, less than half of what the Delaware provides each day. That's why river historian Richard Albert recounted that the river has been dubbed —A Little Giant because of the command performance it must meet every day. The value of this water supply has recently been calculated by a University of Delaware study at \$3,767,000. Looking at the many aspects of economic value that the River provides, this study concludes —The Delaware Basin contributes close to \$22 billion in annual market/non-market value to the regional economy.

There are 2,271,000 jobs in Pennsylvania's portion of the Delaware River Basin and 43% of Pennsylvania's population lives in the Watershed, even though only 14% of the State is contained here. The Delaware River supports the largest freshwater port in the world. The Delaware Watershed may be relatively small but it is a great provider and is intensely used.

The Delaware River is a National Wild and Scenic River, designated by Congress for its outstanding attributes and resources, a National Estuary, and the exceptional water quality of the nontidal Delaware. The water quality of the Delaware River is so high that the entire 197-mile nontidal river is protected by a special regulatory program enacted by the Delaware River Basin Commission (DRBC) over the past two decades to prevent water quality degradation. In fact, the Delaware River is the longest stretch of anti-degradation waters in the Nation – and it is the longest undammed river east of the Mississippi. These distinctions make the Delaware an irreplaceable resource, an extraordinary natural asset, a unique and powerful provider that is deserving of the highest designation Pennsylvania has to offer – Exceptional Value status.

The Upper Delaware River and its tributary streams' current PA designated use status does not reflect its quality as one of the most pristine bodies of water in Pennsylvania, or the nation for that matter, nor does it provide adequate protections against the threat of gas drilling currently pending approval of special gas drilling regulations by the Delaware River Basin Commission. If those regulations are approved, there could be up to 64,000 wells drilled within the watershed.

Dr. Erik Silldorff, an aquatic biologist with the DRBC, testified that, "exploratory well drilling projects within the drainage area of Delaware River Basin Special Protection Waters pose a substantial risk to the water quality and ecological condition of these waterways." DRBC macroinvertebrate data, in coordination with PADEP, will be submitted as part of this upgrade petition to illustrate the diverse benthic community residing in the Delaware's tributary streams. Because of the threat gas drilling poses to the Upper and

Middle Delaware River (with 36% of the Delaware underlain with Marcellus shale), American Rivers designated the Upper Delaware River the most endangered River in the Nation in 2010.

An Exceptional Value designation will not stop gas drilling or other development in the Basin. It will, however, require that the necessary steps are taken to ensure preservation of the outstanding quality of the Upper Delaware watershed. Those steps include complete antidegradation reviews for drilling permits, individual permit filing processing instead of general permit processing, and ensuring that the protected waterway is not affected by stormwater runoff and other impacts of drilling through Clean Water Act requirements.

Protecting the Delaware River and its tributary streams for all of the communities that rely on it for healthy clean water is the right thing to do and we are in support of the proposed petition being submitted to the Pennsylvania EQB to rightly designate the Upper and Middle Delaware River Region as Exceptional Value so that Pennsylvania residents and the region can continue to enjoy the beauty, drinking water, and life-giving qualities of the Delaware River.

Thank you for your consideration and your timely action on this redesignation at a critical time.

Sincerely,

William Robert Irvin, American Rivers
Maya K. van Rossum, Delaware Riverkeeper Network
Ken Undercoffer, PA Council of Trout Unlimited
Myron Arnowitt, Clean Water Action
Dan Plummer, Friends of the Upper Delaware
Barbara Benson & Thomas Au, Sierra Club, Pennsylvania Chapter
Heide Marie Cebrick, Stanley Cooper Trout Unlimited Chapter
Robert Sedwin, Brodhead Watershed Association
Marion M. Kyde Ph.D., Delaware River Greenway Partnership
Carole Linkiewicz, The Lackawaxen River Conservancy
Jim Monroe, Delaware River Shad Fisherman's Association
Steven Schwartz, Delaware Valley Ramps
Michael Riska, Delaware Nature Society
Kate Hudson, Riverkeeper, Inc.
Barbara Arrindell, Damascus Citizens for Sustainability
Mark Zakutansky, Appalachian Mountain Club
Maria Payan, Peach Bottom Concerned Citizens Group
The Rev. Sandra L. Strauss, Pennsylvania Council of Churches
Robert E. Hughes, Eastern PA Coalition for Abandoned Mine Reclamation (EPCAMR)
Dan Smith, Friends of Lower Beaverdam Creek
Iris Marie Bloom, Protecting Our Waters
Cinda M. Waldbuesser, National Parks Conservation Association
Joy Bergey, Citizens for Pennsylvania's Future (PennFuture)
Paulette Hammond, Maryland Conservation Council