

ATLANTIC SUNRISE PIPELINE COMMENT DOCUMENT

On April 30, 2016, Pennsylvania Department of Environmental Protection (DEP) published notice in the *Pennsylvania Bulletin* of the eight Chapter 105, Water Obstruction and Encroachment Permits for the Atlantic Sunrise Pipeline Project proposed by Transcontinental Gas Pipe Line Company, LLC (Transco). DEP extended the comment period for an additional 60-days which was published on June 11, 2016 in the *Pennsylvania Bulletin*. This first comment period on the eight applications concluded on August 1, 2016.

On May 27, 2017, DEP published notice in the *Pennsylvania Bulletin* the eight Chapter 105, Water Obstruction and Encroachment Permits and the one Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-2) Notice of Intent (NOI) for the Atlantic Sunrise Pipeline Project proposed by Transco. During this comment period, DEP also held four public hearings to take comments from the public on the Chapter 105 Water Obstruction and Encroachment permit applications and Chapter 102 ESCGP-2 NOI. This second comment period closed on June 26, 2017.

This comment response document contains the public comments submitted to DEP by 4,255 commentators during both public participation process and during the four public hearings. This comment response document is broken down into three parts. The first part contains a table of the commentators that commented during the two separate comment periods. Part two of the document contains that comment submitted and the department's response to the comment received. Each public comment is listed with the identifying Commentator ID number at the end of the comment. Part three of the document contains any attachments that the commentator submitted with the public comment.

COMMENTS FROM 1st COMMENT PERIOD

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General

1. COMMENT

Please help us create a cleaner and safer world for your children. I don't have any, but it's damned obvious that solar is the way to go and we need to put up some reasonable measures that would effectively eliminate the pollution from fracking-related activity that is pushing PA back toward the 3rd world environment it had after all the timber and coal barrons had their way. Hello. Can we not repeat history here? Yes, we can. I'm putting my money where my mouth is and investing my life savings in a passive solar house and a garage designed with the correct pitch for PV panels. It will be self-sustaining. Period. All the science is correct, down to the R-40 ceilings and 35 walls, etc. Get real here. (399)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

2. COMMENT

The Atlantic Sunrise pipeline, 42" is scheduled to run 6/10 of a mile from Columbia County, PA's. Southern Area school with its 1430 children. A 30" pipeline which recently exploded in Salem Township melted the siding on a building 5/10 of a mile from the blast. People from two miles distant had to be evacuated. Still, we are assured that our school is not in the hazard zone. Really? Another school, Greenwood Friends School, is within breathing distance of the toxic fumes that a compressor station will emit. Williams Co., who has the worst reputation in the business for infractions and negligence, assures *us* that everything is safe, still that line will run for as long as the gas flows and will corrode as the years go on. Can you help our children in any way? FERC is still hearing comments through e-mail. The docket number is CPIS-138. Please do all your power to at least change the route of this line. Better yet, prevent it -and outlaw fracking. (403)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Transco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

3. COMMENT

For the reasons discussed herein, the Pennsylvania Department of Environmental Protection should deny water obstruction and encroachment permits in Columbia, Northumberland, Lancaster and Lebanon Counties. Note: the attached documents referenced in this comment are included in part three of the comment response document. (404)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial). DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Transco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

4. COMMENT

Seneca Resources Corporation ("Seneca") submits these comments on the above-referenced applications in response to comments submitted to the Department on or about May 31, 2016 by the Allegheny Defense Project, Appalachian Mountain Advocates, Clean Air Council, Lower Susquehanna Riverkeeper, and Sierra Club (collectively referred to herein as the "Commenters") regarding Seneca's operations in its Eastern Development Area on acreage leased to Seneca by the PA Department of Conservation & Natural Resources ("DCNR").

Seneca is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and is the exploration and production subsidiary of National Fuel Gas Company. Seneca explores for, develops and produces natural gas and oil reserves in California, New York and Pennsylvania, including the Marcellus and Utica Shales and is a customer of Transcontinental Gas Pipe Line Company, LLC ("Transco"). Seneca owns/leases approximately 780,000 net acres of oil and natural gas interests in the Commonwealth of Pennsylvania and will be a Shipper on the Atlantic Sunrise Project. By managing the project as described in its FERC application, Transco will minimize environmental impacts by maximizing use of existing facilities and right of way corridors, avoiding duplication of facilities, limiting impacts on landowners, reducing project construction costs, and limiting the earth disturbance necessary to accomplish this increased pipeline capacity in Appalachia.

In their comments, the Commenters accuse the oil and gas industry of "encroaching on Pennsylvania's public lands." *Black's Law Dictionary*, abridged 6th edition, defines the term "encroach" as: "To enter by gradual steps or stealth into the possession or rights of another; to trespass or intrude. To gain or intrude unlawfully upon the lands, property, or authority of another."

So it seems that the Commenters are characterizing Seneca and other operators as trespassers upon property of the Commonwealth. This couldn't be any further from the truth. Despite its accusations of encroachment and allegations of forest fragmentation, the Commenters avoid stating the obvious truth that the Commonwealth itself, acting through the DCNR, voluntarily sought an oil and gas operator via public bid to develop its oil and gas properties. Seneca was a successful bidder and was granted oil and gas development rights by virtue of express leases approved and executed by the Commonwealth. Presumably, if the DCNR believed that entering into these leases was going to result in undue harm to its property and be contrary to its mission, it would

never have initiated a bid process to lease its oil and gas properties and it would not have entered into the leases for those properties. Hence, Seneca is greatly offended by the Commenters' veiled accusations that Seneca is unlawfully conducting oil and gas operations on State land. On the contrary, Seneca has express legal rights as authorized by and agreed to by the Commonwealth to conduct oil and gas operations on DCNR Tracts 001, 007, and 595. Seneca's and the Commonwealth's interests are aligned as to these leases and both parties desire to fully develop the properties to maximize the value therefrom in an environmentally safe and efficient manner.

The Commenters also infer that if Transco does not construct the Atlantic Sunrise Project, then Seneca would not be pursuing oil and gas development related to its DCNR leases. This is absolutely untrue. Seneca certainly supports timely authorization of and construction of the Atlantic Sunrise Project, however, Seneca will continue its oil and gas development on its DCNR leases whether that pipeline project is ultimately constructed or not.

Relying on the maximum allowed well pads and disturbed acreage set forth in DCNR's leases, the Commenters predict that the Atlantic Sunrise Project will result in highly fragmented forests and significant negative impacts on public recreation in the future. In support thereof, they cite to a DCNR document titled *Impacts of Leasing Additional State Forest for Natural Gas Development* for the proposition that DCNR itself has concluded that additional development would significantly damage state forests. Reality counters the Commenters' generalized assumptions. The document to which the Commenters cite is an undated Power Point document. Presumably this document was created after DCNR entered into its leases with Seneca but before Governor Wolf's moratorium on future leasing. See, PA Executive Order 2015-03 (January 29, 2015). Notably, the Commenters conveniently ignore and fail to highlight in their comments that the DCNR Power Point document is a discussion of the potential impacts of additional oil and gas leasing rather than addressing additional development related to existing oil and gas leases. Obviously, Seneca's development activities on DCNR properties only concern Seneca's existing DCNR leases so the DCNR Power Point document has no relevance to Seneca's current and future operations on the DCNR leases. Also, the Commenter's quote of the DCNR's conclusion at page 39 of their comments is misleading and erroneously implies that DCNR has concluded that all development should be precluded, when, in fact, the document provides absolutely no opinions and conclusions regarding existing DCNR leases. Furthermore, despite the Commenters' predictions of significant negative impacts from Seneca's oil and gas development, Seneca notes that it has already developed approximately 50% of its DCNR lease acreage and has done so by using only a small fraction of the maximum well pads and surface disturbance allowed under the DCNR leases. The Commenters' fears that "Seneca could disturb much more acreage than is needed," are similarly unwarranted as Seneca is required, per the lease terms, to cooperate with and collaborate with DCNR regarding surface disturbance activities.

The benefits of the Atlantic Sunrise Project will outweigh its impacts. Transco's Construction and implementation of the Atlantic Sunrise Project will allow Pennsylvania operators to access markets along the eastern United States. As evidence of the domestic market demands and need for this project, Seneca has already entered into long-term natural gas sales contracts for 100% of its reserved firm capacity (189,405 Dth/day) on Atlantic Sunrise. Both natural gas and electric consumers are reliant upon these natural

gas sales transactions. In addition, construction of the Atlantic Sunrise Project will provide residential, commercial and industrial customers in markets all along the Transco pipeline system with greater access to the competitively priced and abundant volumes of natural gas from the Marcellus and Utica Shales. Because the Atlantic Sunrise Project impacts a wide range of parties and commercial arrangements, timely approval and construction of the Atlantic Sunrise Project is in the public interest.

Seneca thanks the Department for its diligent efforts regarding this important matter and respectfully requests that the Department enter these comments into the record for the above-referenced permit applications and that the Department approve, without modification or delay, the permit applications. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1296)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

5. COMMENT

The nine undersigned public interest groups respectfully urge you to cure the defects in the Baltimore District's Public Notice on the application from Williams-Transco ("Transco") for a permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act for the Atlantic Sunrise Project ("Atlantic Sunrise" or "the Project").¹ Specifically, we urge you to cure the following defects:

- ◇ incomplete/inaccessible permit application;
- ◇ incomplete/inaccessible statement on water impact avoidance and minimization;
- ◇ incomplete/inaccessible mitigation plan; and
- ◇ incomplete/inaccessible information on associated Pennsylvania water permitting.

As we explain below, such defects deny us—and other stakeholders—our procedural right to participate in the Army Corps' public interest review under the Clean Water Act and the National Environmental Policy Act. The defective notice also violates the Army Corps' own regulations, 33 C.F.R. § 230.94(b), 33 C.F.R. Parts 320-325, 332, as well as the public participation requirements in 40 C.F.R. § 230.94.

As a practical matter, the Public Notice set a public comment deadline (June 30, 2016) that precludes meaningful participation because it falls just three days after the comment deadline for the Federal Energy Regulatory Commission's (FERC) Atlantic Sunrise Draft Environmental Impact Statement (DEIS). This exacerbates the vast impacts and the vast, yet incomplete/inaccessible record that the public is being asked to review. Indeed, numerous stakeholders—including the undersigned groups³ and elected officials⁴—requested more time to review the DEIS, underscoring the hardship posed by the short public comment period provided by FERC. The comment period provided by the Baltimore District is even shorter (45 days), adding to this hardship. As a result, the public is yet to have a meaningful participation opportunity on a mega-project that would forever alter people's lives, beloved recreational areas, and public natural resources—especially in Pennsylvania.

The Baltimore District’s reliance on Transco’s assertions is particularly troubling. Nothing in the Public Notice reassures us that, before issuing it, the Baltimore District independently verified the completeness and accuracy of the company’s submittals, including the application and the vitally important plan to avoid, minimize, and mitigate the Project’s water impacts. This increases the burden on us—and other stakeholders—to discover the information gaps, which in turn requires more time for public review.

- For all these reasons, set out in detail below, we respectfully request that you:
- Issue a revised public notice that cures the defects in the original;
- Open a new public comment period of at least 90 days; and
- Schedule at least one new public hearing pursuant to 33 C.F.R. § 327.4(b) because curing the public notice defects will require significant new information to be disclosed and reviewed, and there is overwhelming public interest in participating, as shown during the FERC public meetings held earlier this month.

Factual Background

On March 31, 2015, Transco filed an application with FERC under Section 7(c) of the Natural Gas Act, 15 U.S.C. § 717f, for a certificate of public convenience and necessity (“Certificate”) for the Atlantic Sunrise Project.⁵

On April 9, 2015, Transco filed an application with the Army Corps for a permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and/or Section 404 of the Clean Water Act for the Atlantic Sunrise Project.⁶

As part of the Atlantic Sunrise Project, Transco proposes to:

- construct 183.7 miles of 30- and 42-inch-diameter greenfield pipeline known as the Central Penn Line (“CPL”) North and CPL South in Pennsylvania;
- construct 11.5 miles of new 36- and 42-inch diameter loops known as Chapman and Unity Loops in Pennsylvania;
- replace 2.5 miles of 30-inch pipeline in Virginia;
- construct two new compressor stations in Pennsylvania;
- increase compression at three existing compressor stations in Pennsylvania and Maryland;
- construct two new meter stations and three new regulator stations in Pennsylvania; and
- modify existing aboveground facilities in Pennsylvania, Virginia, North Carolina, and South Carolina to allow for bi-directional flow and the installation of supplemental odorization, odor detection, and/or odor masking/deodorization equipment.⁷

By any measure, the Project will have significant impacts, especially on water resources. According to FERC, the water impacts are concentrated in four major watershed basins (i.e., 6-digit hydrologic unit codes): the Upper Susquehanna, the Lower Susquehanna, and the West Branch Susquehanna in Pennsylvania, and the Potomac in Virginia. More specifically, in eight watershed subbasins: the Upper Susquehanna-Lackawanna, the Upper

Susquehanna- Tunkhannock, the Lower Susquehanna, the Lower Susquehanna-Swatara, the Lower Susquehanna-Penns, the Middle West Branch Susquehanna, and the Lower West Branch Susquehanna in Pennsylvania, and the Middle Potomac-Anacostia-Occoquan in Virginia.

In these watersheds, the Project will have pervasive impacts:

- 333 waterbody crossings, including 207 perennial streams, 79 intermittent streams, 41 ephemeral streams, and 6 other open water areas; and
- 255 wetlands crossings, including at least 48.4 wetland acres of wetland of which at least 10.9 acres are forested wetlands.⁸

The problem is, the scale and scope of the impacts is not properly disclosed in the DEIS or elsewhere in the FERC e-library. Nor did Baltimore District provide any information beyond the limited content in the Public Notice, which we describe further below, much less identify where the public can find the information that is relevant to the District's public interest review of water impacts.

The undersigned groups have already submitted extensive comments on the outstanding information gaps on the Project's water impacts. We have persistently voiced our concerns that these gaps preclude meaning public participation. Nonetheless, we have tried as best as we can under the circumstances to identify and comment on the problems with how Transco proposes to handle the Project's water impacts.

Here, we incorporate by reference all of these earlier comments, including:

- Allegheny Defense Project et al comments on DEIS (June 27, 2016);⁹
- Clean Air Council comments on DEIS (June 27, 2016);¹⁰
- Sierra Club et al comments on DEIS (June 27, 2016);¹¹
- Lancaster Against Pipelines comments on DEIS (June 27, 2016);¹²
- Lancaster Against Pipelines comments on Chapter 105 permit (May 31, 2016);¹³
- Allegheny Defense Project et comments on Chapter 105 permit (May 31, 2016);¹⁴ and
- Lebanon Pipeline Awareness comments (June 28, 2016)¹⁵

Also, we incorporate by reference the recent statements by PADEP and the U.S. Environmental Protection Agency recognizing the need to improve public participation opportunities because of the Project's vastness, and because of the outstanding information gaps:

First, on June 1, 2016, "in the interest of transparency and public participation," PADEP extended the comment period on the applicable state permitting processes.¹⁶ PADEP rightly recognized that a "project of this size requires thoughtful public input," and thus extended by 60 days the comment periods on the state water obstruction and encroachments, erosion and sedimentation control, and air quality permits."¹⁷

Earlier this week, PADEP urged FERC to recognize that certain state water permitting processes are ongoing, and to fully factor the outcome of the same into FERC's public interest review.¹⁸ In other words, neither FERC, nor anyone else has a complete picture of the water impacts, because the state of Pennsylvania is still reviewing and developing the record on the impacts.

Earlier this week, EPA also wrote FERC that the Project raises "environmental concerns," and that the DEIS presents "insufficient information."¹⁹ EPA noted that key aspects of the Project—including the need, the water impacts, and the alternatives—have yet to be properly studied and disclosed. EPA "recommend[ed] that the information not currently included in the DEIS be disseminated and appropriately evaluated with the resource agencies and public stakeholder participation prior to the issuance of any certificates by FERC."²⁰

On May 15, 2016, the Baltimore District issued the Public Notice setting June 30, 2016, as the deadline for public comments.²¹ At the same time, the Public Notice states: "Any comments received by our office [i.e., the Baltimore District] or FERC will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for the proposed work"²²—hence our cross-reference, above, to our comments filed with FERC.

The Public Notice provides only limited information on the Atlantic Sunrise Project and the Baltimore District's responsibilities under NEPA and the Clean Water Act. It says nothing about where the public can access Transco's Section 404 permit application, mitigation plan, or, as we noted above, any other information that the Baltimore District considers pertinent to its public interest review. In fact, the Public Notice states that Transco is still "designing a wetland mitigation plan," without any indication of when the plan will be completed. Moreover, the information on mitigation in the Public Notice appears to be mere excerpts from Transco's incomplete mitigation plan.²³ The section titled "Avoidance, Minimization, and Compensation" is no better. It consists of four short paragraphs, none of them even mention the requisite water dependency test, much less discuss the availability of alternatives that do not involve aquatic sites. There is, however, one bald assertion that Transco somehow already "implemented measures to avoid and minimize impacts on surface waters and wetlands."²⁴ This leaves the public in the dark on how to verify that Transco did so.

After many attempts to locate Transco's submittals to the Baltimore District,²⁵ and other material relevant to the Corps' public interest review, we tried the contact listed in the Public Notice, Mike Dombroskie, to confirm how to access these materials. Mr. Dombroskie acknowledged that "since the original application has been submitted there has been a number of major amendments, updates, to the original application."²⁶ Therefore, Mr. Dombroskie said the "best bet maybe to go on the FERC web site, as the information, with all of the amendments, would be posted on the docket."²⁷ When we asked him to specify where the information is posted on FERC's website, Mr. Dombroskie directed us to Joanne Wachholder, the Baltimore District's lead environmental reviewer for the Atlantic Sunrise Project. When we tried contacting Ms. Wachholder, however, we received an automated

response that she was out of the office until July 7, 2016, a week after the deadline for these comments.²⁸

The Public Notice also lacks the requisite statement of the public's right to request a hearing on this matter.

Legal Background

Clean Water Act Section 404²⁹—and the associated public participation requirements—aim to avoid the unnecessary destruction or alteration of Waters of the United States, including wetlands, and to compensate for the unavoidable loss of such waters. Specifically, Section 404 prohibits the discharge of dredged or fill material if there is a practicable alternative that would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. Every proposed discharge within the ambit of Section 404, therefore, requires an evaluation of the potential to use non-aquatic areas and other aquatic sites that would result in less adverse impact to the aquatic ecosystem. The Army Corps cannot issue a permit in circumstances where an environmentally preferable practicable alternative for the proposed discharge exists.

Section 404 permitting starts with the Army Corps verifying that the application is complete. The Army Corps regulations define completeness as “when sufficient information is received to issue a public notice,”³⁰ with cross-references to two sets of requirements³¹—one on the content of applications, the other on the content of public notices. Intuitively, before issuing a public notice, the Army Corps thus has a duty to verify that the underlying application is complete and contains all the requisite information.³²

The Army Corps also has an overarching duty to ensure that all public notices contain “sufficient information to give a clear understanding of the nature and magnitude of the activity to generate meaningful comment.”³³ Army Corps regulations specify 17 “items of information” to be included in the notices. This includes, for instance, a statement that any person may request a hearing,³⁴ and “in case of doubt, a public hearing shall be held.”³⁵ Public notices also are to include “[a]ny other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any, on factors affecting the public interest.”³⁶ It is beyond dispute that such requirements aim to facilitate meaningful participation, not preclude it.

Additionally, public notices for Section 404 permit applications “must contain a statement explaining how impacts associated with the proposed activity are to be avoided, minimized, and compensated for.”³⁷ Importantly, the “level of detail” in the statement “must be commensurate with the scope and scale of the impacts.”³⁸ Courts recognize that compensatory mitigation may be the “single most important material issue related to the justification” of Section 404 permits.³⁹ As such, it is particularly important for the Army Corps to provide the public access to and an opportunity to comment on the complete mitigation plan for projects seeking Section 404 permits.

Discussion

I. The Public Notice's failure to include or otherwise ensure public access to the complete permit application violates public participation requirements, and draws into question whether the Baltimore District made a proper completeness determination.

One of the fundamental defects in the Public Notice is that it fails to tell the public where to find the complete permit application, in violation of public participation requirements. To be sure, the complete application should always be “available” because it is a prerequisite to issuing the public notice. Here, the Baltimore District should have provided the complete application with the Public Notice for any number of reasons, including, first, doing so would “assist interested parties”⁴⁰ given the multiple “major amendments” and “updates” to the application that cannot be readily located in the FERC docket, as evidenced by our fruitless searches.

Second, the contact listed in the Public Notice could not even describe how to locate the complete application. This is an alarming state of affairs. Not only does it preclude meaningful public participation, but it also draws into question whether the District made a proper completeness determination. If staff whom the District holds out as knowledgeable about the Project cannot readily locate the complete application, was a completeness determination even made?

Third, Transco's most recent filing proposing changes to the Project is dated May 18, 2016,⁴¹ three days after the Baltimore District issued the Public Notice. Without knowing what the District considered the “complete application,” it is impossible to tell which changes the District

is considering in its public interest review. This leaves us with an ill-defined, moving target, rather than the “clear understanding of the nature and magnitude of the activity” on which we are supposed to comment, in violation of public participation requirements.⁴²

II. The Public Notice's statement on water impact avoidance and minimization is so devoid of detail as to violate public participation requirements.

The section in the Public Notice titled “Avoidance, Minimization, and Compensation” is confoundingly slim. Whereas the level of detail here is supposed to be “commensurate with the scope and scale of the impacts,”⁴³ it is by no means so. Instead, this section appears to rely entirely on assertions by Transco, without any hint as to how the public (or the Baltimore District) can locate and verify Transco's avoidance and minimization analyses. Yet those analyses and the independent verification are supposed to be the focus of Section 404 public interest reviews. Surely, that is why there are express requirements for both the application and the public notice to discuss how impacts to waters of the United States are to be avoided and minimized.⁴⁴

The bald assertion in the Public Notice that Transco somehow already “implemented measures to avoid and minimize impacts on surface waters and wetlands,”⁴⁵ shuts down

inquiry instead of inviting it. This violates public participation requirements.

III. The Public Notice's references to Transco's incomplete mitigation plan, with no direction for how to access the plan or track its development, violates public participation requirements.

Like avoidance and minimization, mitigation is supposed to be the focus of Section 404 public interest reviews. Yet the Public Notice is similarly defective in its coverage of mitigation. Besides the references and excerpts to Transco's incomplete mitigation plan, the Public Notice includes no direction for locating it or the eventual final version. Additionally, the Public Notice does not specify where trenchless crossings (a relatively more environmentally protective technique) will be used, nor how that determination will be made. This is not the "level of detail" that is "commensurate with the scope and scale of the impacts." It precludes meaningful input in violation of public participation requirements.

IV. The Public Notices' failure to address the incomplete/unavailable information due to Pennsylvania's ongoing water permitting also precludes meaningful public participation.

As PADEP reminded FERC earlier this week, its water permitting processes are ongoing, and PADEP is still developing information on the Project's water impacts. There is no mention of this fact, however, in the Public Notice. Instead, the Public Notice includes an confusing reference to Pennsylvania's Clean Water Action Section 401 water quality certification: Although PADEP issued that certification in April (at least the certification corresponding to FERC's certification decision), the Public Notice does not acknowledge this, but states that "the Section 401 certifying agency [PADEP] has a statutory limit of one year from the date of this public notice [May 15, 2016] to make its decision."⁴⁶ This fails to explain to the public the relevance of Pennsylvania's ongoing water permitting, how the various federal and state permitting decisions on water impacts are interrelated and coordinated, and where the relevant information on water impacts will be disclosed. All of this precludes meaningful public participation.

Finally, the Public Notice's failure to state that any person may request a hearing in and of itself makes the notice legally insufficient.

For all the foregoing reasons, we urge you to:

1. Issue a revised public notice that cures the defects in the original;
2. Open a new public comment period of at least 90 days; and
3. Schedule at least one new public hearing pursuant to 33 C.F.R. § 327.4(b) because curing the public notice defects will require significant new information to be disclosed and reviewed, and there is overwhelming public interest in participating, as shown during the FERC public meetings held earlier this month. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1297 - 1310, 1313, 1314)

Response: Comments regarding the Army Corps of Engineers (ACOE) Baltimore District's Public Notice procedures and requirements should be directed towards the ACOE. Pennsylvania DEP's public comment and hearing requirements satisfy the public notice regulatory requirement in the Pennsylvania Chapter 105 regulations for the authorizations being provided by Pennsylvania DEP. Pennsylvania DEP held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

6. COMMENT

If DEP does not deny the application, it must condition any permit by requiring Transco to demonstrate that it will comply with 25 Pa. Code § 102.14 with respect to riparian buffers in high quality and exceptional value watersheds. In addition, Transco must protect all wetlands located in the riparian buffer consistent with Chapter 105. 25 Pa. Code § 102.14(c)(2). (1300, 1313)

Response: Recipients of any permits issued by the Department must comply with all statutes and regulations applicable to the respective activities being permitted. This includes the provisions of 25 Pa. Code §102 and 25 Pa. Code §105. Requiring the same as a specific condition of any permit is not necessary and would be redundant. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies, and satisfied all applicable legal requirements for issuance of the environmental permits, including the requirements related to riparian buffers.

7. COMMENT

DEP should deny Transco's applications for water obstruction and encroachment permits. At a minimum, DEP should extend the comment period an additional 30 days to provide the public more time to fully understand the scale and potential environmental impact of the Atlantic Sunrise Project. During that time, DEP should seek better coordination of its permit processes with those of other Federal and State agencies. 25 Pa. Code § 105.24. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and

received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices. The Department has conducted a coordination with other resource agencies, as part of its review under 25 Pa. Code § 105.14(b)(5) and 25 Pa. Code § 105.24.

8. COMMENT

I have been a farmer in Lancaster County PA for 45 years. I have farmed over 1500 acres over 11 different farms and also did custom farming on countless others. I have farmed across land containing many buried pipelines. If there had not been the occasional marker or sign I would never have known they were there. Within a few years of installation, and often immediately if the ground is well replaced there is negligible difference in the crops being grown. I would prefer not to have a pipeline near my house, but across open farmland the loss tradeoff is very minor for the advantages a pipeline produces. My own farms are in the PA ag preserve program and I have served in the past as a director on the Lancaster Farmland Trust. I do not speak for them, but I feel that if the historic and sensitive environmental areas impact can be mitigated as well as possible that loss of preserved farmland should not be a limiting actor in a pipeline decision. (1474)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

9. COMMENT

If people could visualize just what is under their county, (i.e. cables, sewers, pipelines, conduits, etc) they would see their uproar is momentary about an improvement that will last until they are gone. And they are just as likely to complain when a railroad has a derailment involving tank cars. (1476)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

10. COMMENT

The cycle continues, people get run over in the name of big energy. If you don't believe that these jobs go to out of state workers visit local campgrounds and check out all of the dual wheeled pickups covered in mud with license plates from all over the U.S. I did this this past winter and those campers weren't here to enjoy the balmy weather. Thanks for letting me rant. (1477)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

11. COMMENT

Do we really need a pipeline through the heart of Lancaster Co., prime farmland & nature? Are we looking out for our rich fertile soils & the people who live there or for making

money & shipping gas overseas? Think about the harm that you are doing rather than the \$ value! (1478)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

12. COMMENT

Concerning the pipeline for gas that is proposed to come through PA- 10 counties, please look at the big picture, place adequate controls on the project to protect the environment, and let the construction begin. (1479)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

13. COMMENT

I am very concerned with the withdrawal permit requests regarding the Atlantic Sunrise Pipeline Project. I live in Columbia County. The withdrawals, they are proposing will have definite environmental impacts. Please consider and I am asking that you have public hearings regarding these withdrawals. And really, slowed these permits be given the OK from your agency when the pipeline project hasn't been given approval. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1481)

Response: Transco received permits from the Susquehanna River Basin Commission for all water withdrawals. The water withdrawal permitting process ensures that water withdrawals do not exceed acceptable levels. A summary of Transco's proposed water withdrawals is provided in Attachment L-5 of Transco's Application. The locations and potential temporary and permanent impacts to the waters of the Commonwealth due to the water withdrawal infrastructure were considered as part of the review of the Water Obstruction and Encroachment permit and E&S Permits for the project.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

14. COMMENT

DRN also requests that the DEP refer to and incorporate into the record DRN's past comments and filings pertaining to the Atlantic Sunrise Pipeline project and the Transco Leidy Pipeline that are related and have been submitted on the FERC Docket and the DEP dated 8/16/14, 2/9/15, 3/23/15, and 7/24/15, as well as the May 5, 2016 lawsuit against DEP for its issuance of the Clean Water Act 401 Water Quality Certificate for the Atlantic Sunrise project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department acknowledges the commentator's request. All comments addressed to the Department have been considered.

15. COMMENT

For these reasons, DRN objects to DEP's issuance of the Chapter 105 permit for the Atlantic Sunrise pipeline project. We also urge the DEP issue more time for the public to contribute important and meaningful information for the DEP to consider as Williams - Transco continues to submit applications and supplemental information on the record on the harm it plans to inflict to the Commonwealth and hold a series of public meetings up and down the 195-mile pipeline path so the impacted landowners have the opportunity to comment. Thank you for your time and consideration. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

16. COMMENT

The reports DRN commissioned relate to similar pipeline projects including mostly Penn East. EPA makes mention of using similar lines or for the Penn East to be considered as an alternative (for the EIS). We are submitting those reports since they are similar pipelines with similar construction techniques and stream and wetland impacts that are similar in nature to be considered in the Atlantic Sunrise application.

This comment supplements the comment Delaware Riverkeeper Network (DRN) submitted to the Pennsylvania Department of Environmental Protection (DEP) on May 30, 2016. DRN also requests that the DEP refer to and incorporate into the record DRN's past comments, expert reports, and FERC and state filings pertaining to the Atlantic Sunrise Pipeline project and the Transco Leidy Pipeline that are related and have been submitted on the FERC Docket and the DEP dated 8/16/14, 2/9/15, 3/23/15, and 7/24/15, as well as the May 5, 2016 lawsuit against DEP for its issuance of the Clean Water Act 401 Water Quality Certificate for the Atlantic Sunrise project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1484)

Response: The Department acknowledges the commentator's comments regarding this proposed pipeline project. All comments addressed to the Department have been considered. The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

17. COMMENT

I am writing to express my opposition to the Atlantic Sunrise pipeline project for the following environmental reasons:

- Impact on the Chesapeake Bay clean-up: increased sediment from stormwater run-off, erosion, flooding and soil compaction.
- Forest fragmentation, destruction of riparian vegetation buffers.
- Aquifer contamination, water supply degradation.
- Air quality degradation.
- Destruction of wildlife habitat; impact on threatened/ endangered species and native plants.

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1492)

Response: DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the applications for the necessary permits. The environmental permit application materials outline the necessity and public

benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources, including waters within the Chesapeake Bay Watershed are adequately protected and maintained. Any authorized temporary or permanent impacts to watercourses and wetlands for this project require mitigation, and restoration plans that have been developed, reviewed and approved.

18. COMMENT

The project will include compressor stations and thus far, there has been no analysis or disclosure of the hazardous air pollutants from compressor stations. Such pollutants would include benzene, formaldehyde and toluene. The compressor stations will be located in or near areas which currently do not meet national ambient air quality standards for ozone and fine particulates. Lancaster County's air quality ranks among the worst in the nation. (1492)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. Transco must meet other regulatory standards and any applicable permitting requirements for regulated activities and impacts to other resources. Comments related to the air quality impacts of the Transco proposed pipeline project are not addressed in this Comment/Response document. Air quality comments related to the Transco proposed pipeline project will be addressed in the Comment/Response related to Air Quality Plan Approval 36-001GC to allow transfer and use of 106.0 tons of nitrogen oxide (NO_x) Emission Reduction Credits (ERCs) to the project construction activities in Lancaster County to offset emissions from construction activities and satisfy requirements specified by the Federal Energy Regulatory Commission's General Conformity Determination for the project. The notice of intent to approve that air quality plan approval was published in the *Pennsylvania Bulletin* on July 22, 2017. 47 Pa.B. 3995.

19. COMMENT

There are many critical environment-related issues which are not addressed in the DEIS; including the final pipeline route, mitigation plans, methods for crossing streams, DEP permits & special conditions, air quality measurements, and pipeline maintenance plans & schedules. These issues should be thoroughly addressed by DEP before issuing the final State permits. The Atlantic Sunrise pipeline is not a necessary 'infrastructure' project. It would only serve as a convenient short-cut to existing pipelines that provide ample capacity for the gas industry's needs. (1492)

Response: The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the

pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies, and satisfied all applicable legal requirements for issuance of the environmental permits. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

20. COMMENT

I am writing this letter on behalf of the Refton Fire Company regarding the proposed Atlantic Sunrise project. Through community grant programming, Williams partners with local non-profit organizations to assist in identifying community needs and supports efforts to address them. Our Fire Company is completely volunteer and must rely on the generosity of local corporate sponsors for much needed equipment. We appreciate Williams' commitment to first responders and public safety. Our fire company, founded in 1921, is based in south central Lancaster County. We respond to over 100 emergency fire calls each year. In 2015, the Fire Company, set out to replace our existing 1973 International fire truck. This truck is characterized as a "Brush" vehicle. It responds to brush fires, medical calls, second out piece on accidents, and much more. We received delivery of our new truck in October 2015, but still needed to purchase three radios for the new truck to be effective in the community. Our Fire Company is located in a more rural Pennsylvania community. To raise funding for our operations we host chicken waffle suppers, soup and apple dumpling sales, breakfasts, and a summer benefit auction to help pay overhead costs and upgrade equipment to keep our fire company doors open. We needed funding to get proper safety protection on our new fire emergency vehicle, which will help provide proper communication at fire scenes and help offset the cost of pulling costly funds from our operating funds. Williams stepped in to help and we are extremely grateful for their generosity. We applaud and greatly appreciate that Williams has made an investment in our community and hope you will recognize their level of commitment to Lancaster County and the region. We look forward to working with them in the future as they continue to grow their connections in our community and surrounding area. (1536)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

21. COMMENT

I am writing this letter on behalf of Lititz Fire Company in Lancaster County regarding the proposed Atlantic Sunrise project. Time and time again, Williams has partnered with local non-profit organizations to assist in identifying and supporting local and critical needs. Their support of our fire company is another example of their efforts to support local programming and meaningful projects. By supporting first responders, Williams is promoting safety for all our local residents. The Lititz Fire Company had a real need to update our existing ladder truck. In the past 11 years, the ladder truck has seen a lot of front line use. As a result, there were several components in need of repair. Compartment doors are damaged and not operating correctly and tool boards for mounting hand tools are worn

out and need to be replaced. Additionally, we wanted to make upgrades to the equipment storage areas to enable more equipment to be carried. We also need to upgrade the perimeter scene lighting to improved LED lighting. All of these upgrades and improvements allow us to better serve and protect our community.

By partnering with Williams we are able to make these upgrades and improvements. The direct benefit of this grant is clear; better equipment will allow us to respond to an emergency and provide better fire suppression in our community. This will subsequently save businesses, homes, and most importantly, lives. Williams' gift also reveals important qualities and core beliefs of the company: a focus on safety and community involvement. By supporting local first responders with generous grants, Williams is going above and beyond the typical corporate role by promoting and supporting our needs and the needs of local community members. This sets the standard for local investment and corporate partnership. We greatly appreciate the generosity shown by Williams and hope to continue working with them in the future as they continue to grow their connections in our community and the Atlantic Sunrise project region. (1537)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project

22. COMMENT

We have seen ineffective erosion control measures from the Chief gathering pipeline placed in our community a few years ago. Chief assured numerous landowners that erosion control would be put into place. If that erosion control plan was approved by a government agency, we pray it was not required to comply with Pennsylvania's Erosion & Sediment Control regulatory requirements because these methods did not work! Instead, landowners experienced new water problems that they did not have prior to the pipeline installation. Worse yet, Chief would take no responsibility and left landowners to try and correct these new problems at their own expense. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1543)

Response: The 102 application materials include an erosion and sedimentation control plan that provides the control measures that will be employed during earth disturbance activities at all locations across the Project, as well as stormwater management requirements that are applicable after construction is complete. Most of the project area will be restored and revegetated following pipeline installation, keeping existing drainage patterns intact. As a result, the change in runoff resulting from construction of the Project will be negligible.

23. COMMENT

This pipeline is redundant and a bad idea for the following reasons:

1. you already have a right of way for the existing pipeline you are presently using. it is wide enough to accommodate an additional pipe. Use the existing ROW.
2. As you doubtless have read not only does it put preserved in trust farms and wetlands at risk (proposed pipeline is 1.5x diameter and at 1.5x the pressure of

existing which when similar ones have ruptured created a crater about 2 football fields in size.

3. proposed routing comes within 100ft of at least 2 occupied dwellings (see #2).

4. How can you possibly call this "for the public good" to invoke Eminent domain when this is all being done by companies for profit?

5. environmentally, the fracking has been PROVEN to destroy wells and aquifers.

6. this gas is not going to benefit the USA- it is for export sale. Oil & gas are finite resources--so when we sell ours off early and run short we get to buy what we need at someone else prices.

Hold a hearing & listen to the public! (1686)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

24. COMMENT

Fracking uses far too much potable water and destroys water sources with unknown chemicals called "proprietary," which, in this case, is corporate greed code for "dangerous." What is known is terrifying.

The Atlantic Sunrise Pipeline is intended to connect and expand Williams' Transcontinental pipeline to move fracked gas from Northeastern Pennsylvania to export facilities in Maryland (Cove Point) and the Gulf States.

Pipeline construction would result in hundreds of wetland and water-body crossings--many of which are located on steep, rugged terrain--with sensitive ecological resources being

irrevocably contaminated. Pipelines are notorious for ruptures and leaks. Even the "safest" pipeline is an environmental disaster waiting to happen.

This is absolutely unacceptable. Here is a list of the known impacts: 327 River and Stream Crossings -58 crossings impacting high-quality, cold-water fisheries; -5 major river crossings: Susquehanna River (2 locations), Conestoga River, Tunkhannock Creek, and Swatara Creek, each of which is a source of drinking and recreational waters; -1 crossing impacting Tucquan Creek, a State Scenic River. 251 Wetland Crossings -51 wetlands that are designated "exceptional value" (EV) wetlands -15 of those EV wetlands that also contain a forest component. -8 forested wetlands, each of which is designated a "Natural or Special Concern Community Type" by the Pennsylvania Department of Conservation and Natural Resources. I thank the Commonwealth's Department of Environmental Protection for extending the comment period regarding this pipeline, and respectfully urge request the DEP to hold public hearings for residents' input on this project. The potential impacts of this pipeline are too great, and the public must be given ample input opportunity. And, until the fossil-fuel industry ensures that its methods are entirely safe, we must favor people over profits. That means no more pipelines and no more fracking. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1688)

Response: The Department acknowledges the comments regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this pipeline project.

The Department's public comment and hearing opportunities for this project satisfied the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

25. COMMENT

Ms. Geraldine Nesbitt respectfully submits the enclosed comments, prepared by Meliora Design (Meliora Comments) on the Transcontinental Gas Pipe Line Company, LLC (Transco), Atlantic Sunrise Pipeline Project (Project), Water Obstructions and Encroachments Application Nos. E40-769 and E66-160, related to the significant and unwarranted water quality impacts resulting from proposed wetland and stream water obstructions/encroachments related to the project.

In addition, Ms. Nesbitt respectfully submits, and incorporates herein by reference, amended corrective comments submitted by her in response to the Federal Energy Regulatory Commission's (FERC) Draft Environmental Impact Statement (DEIS), and comments submitted by her in response to the applicant's Section 404 permit application. The DEIS and Section 404 comments further support the Meliora Comments on water

quality impacts and, in addition, identify other significant impacts from the proposed project that are inconsistent with the Department's Dam Safety and Waterway Management regulations, 25 Pa. Code §105.I, *et seq.*

(Chapter 105 Regulations). Among other things, the Meliora, DEIS and Section 404 comments demonstrate that the applicant has failed to adequately:

1. Provide a detailed analysis of alternatives to the proposed action, including alternative locations, routings or designs to avoid or minimize adverse environmental impacts. 25 Pa. Code § 105.13(e)(1)(viii);
2. Identify mitigation actions. 25 Pa. Code § 105.13(e)(1)(xi);
3. Provide a detailed analysis of the potential impacts of the proposed project on water quality, stream flow, fish and wildlife, aquatic habitat, Federal and State forests, parks, recreation, instream and downstream water uses, prime farmlands, areas or structures of historic significance, streams which are identified candidates for or are included within the Federal or State wild and scenic river systems and other relevant significant environmental factors. 25 Pa. Code § 105.13(e)(1)(x);
4. Demonstrate that the project- which traverses karst terrain containing significant sinkholes and abandoned mine lands with ongoing mine fires --will not cause a threat to life or property. 25 Pa. Code 105.14(b)(1);
5. Demonstrate that the project will not adversely impact the riparian rights of owners upstream, downstream or adjacent to the project, such as the water that serves Ms. Nesbitt's significant silvaculture operations. 25 Pa. Code 105.14(b)(3);
6. Demonstrate that the project will not adversely impact natural areas, wildlife sanctuaries, public water supplies, other geographical or physical features including cultural, archaeological and historical landmarks, National wildlife refuges, National natural landmarks, National, State or local parks or recreation areas or National, State or local historical sites, such as the area's rare and sacred Native American stone landscapes. 25 Pa. Code 105.14(b).
7. Demonstrate that the project is consistent with State antidegradation requirements contained in Chapters 93,95 and 102.25 Pa. Code 105.14(b)(11);
8. Consider the cumulative impact of the project and other potential or existing projects. 25 Pa. Code 105.14(b)(14);
9. Provide an Environmental Assessment. 25 Pa. Code § 105.15;
Demonstrate that the public benefits of the proposed project outweigh the harm to the environment and public natural resources. 25 Pa. Code § 105.16(b). There is no "public benefit" from the proposed project. The project purpose to serve the "development of energy resources." However, the 183-mile greenfield CPL will serve only one shipper, Cabot Oil & Gas Corporation (Cabot) which subscribed to the CPL's full 850,000 dt/day capacity. Cabot will use 350,000 dt/day to transport gas to Dominion's Cove Point, for export to Japan. Cabot will devote the remaining 500,000 dt/day capacity to its contract with WGL Midstream, under which Cabot will transport Marcellus Gas to WGL Midstream. Therefore, at most, the CPL will benefit three private entities: Cabot, a producer and shipper, two Japanese utilities and WGL Midstream, a gas marketer. None of these entities will serve a public gas or even electric utility that sells to the public. The business and financial desires of those that are financially invested in the proposed project must not be confused with a "public benefit." ¹

Even if the Department were to find that the project provides a public benefit (which it does not), such benefit clearly fails to outweigh the numerous and significant harms to the environment and public natural resources that will result from the project. Among other things, the project will destroy many of acres of wetlands and forest habitat for endangered species and migratory birds (including bog turtle habitat), and significantly impact streams, creeks and other waterways;

11. Demonstrate that the project, which is located within areas that serve as habitat for threatened or endangered species and in waters designed Exceptional Value, will not have an adverse impact on public natural resources. 25 Pa. Code§ 105.16(c);
12. Affirmatively demonstrate that the project, which will affect Exceptional value wetlands, is water-dependent (in fact, the project is not water dependent). 25 Pa. Code § 105.18a(a)(2);
13. Affirmatively demonstrate that there is no practicable alternative to the proposed project that would not involve a wetland or that would have less effect on the wetland, and not have other significant adverse effects on the environment. 25 Pa. Code§ 105.18a(a)(3);
14. Affirmatively demonstrate that the cumulative effect of this project and other projects will not result in the impairment of the Commonwealth's Exceptional Value wetland resources. 25 Pa. Code§ 105.18a(a)(6);
15. Affirmatively demonstrate that the project will not otherwise have a significant adverse impact on wetlands. 25 Pa. Code§ 105.18a(b)(1);
16. Affirmatively demonstrate that there is no practicable alternative to the proposed project that would not involve a wetland or that would have less adverse impact on the wetland, and that would not have other significant adverse impacts on the environment. Pa. Code § 105.18a(b)(3). It shall be a rebuttable presumption that there is a practicable alternative, not involving a wetland, to a nonwater-dependent project (such as the present project), and that the alternative would have less adverse impact on the wetland. 25 Pa. Code § 105.18a(b)(3)(i);
17. Affirmatively demonstrate that the project is necessary to abate a substantial threat to the public health and safety, 25 Pa. Code § 105.18a(c);
18. Demonstrate that the project will adequately protect public health, safety and the environment. 25 Pa. Code§ 105.21(a)(3);
19. Demonstrate that project or action is consistent with the environmental rights and values secured by Pa. Const. Art. I, § 27 and with the duties of the Commonwealth as trustee to conserve and maintain public natural resources of this Commonwealth. 25 Pa. Code§ 105.21(a)(4). *See Robinson Township v. Commonwealth*, 623 Pa. 564, 83 A.3d 901 (2013).

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies

raised by the Department and satisfied all applicable legal requirements for issuance, including those enumerated by the commentator. These requirements, the application submissions by Transco, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

The Department reviewed the Water Obstruction and Encroachment permit applications in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. In addition, the applicant completed geological investigations to design the project to minimize risks associated with karst terrain and abandoned mine lands. The applicant developed a Karst Investigation and Mitigation Plan that identifies specific measures to reduce the potential for stormwater infiltration that could initiate or accelerate the development of karst features, eliminate soft ground or void features associated with geophysical anomalies, and provide long-term monitoring to identify any potential developing karst features during operation of the pipeline (see Attachment 7 of Transco's ECP in Attachment M of Transco's Application). The applicant also developed an Abandoned Mine and Investigation Mitigation Plan that includes the results of all AML investigations, the results of secondary investigations to further characterize potential mine-related features, and site-specific mitigation and monitoring measures that would be implemented when crossing AML lands (see Attachment 20 of Transco's ECP in Attachment M of Transco's Application).

The requirements are to avoid, minimize and otherwise provide mitigation for the project impacts to waters of the Commonwealth. Where permanent impacts to waters of the Commonwealth could not be avoided or minimized by the applicant, the Department has required compensatory mitigation for the acreage impacted, as well as the altered functions and values of the wetland resources. The environmental permit application materials outline the necessity and public benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project,

which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

26. COMMENT

Transcontinental Gas Pipeline Company, LLC (Transco) submitted a Water Obstruction and Encroachment permit application (the Application) to the Department of Environmental Protection (the Department or DEP) for its proposal to construct the Atlantic Sunrise pipeline and related facilities (the Project) in Luzerne County. 46 Pa. Bull. 2212 (April 30, 2016); 46 Pa. Bull. 3000 (June 11, 2016). The Department extended the public comment deadline on this application from May 31, 2016 to August 1, 2016. 46 Pa. Bull. 3000 (June 11, 2016). Citizens for Pennsylvania's Future (PennFuture) conducted an informal file review of the Application at DEP's Northeast Regional Office on June 1, 2016 and submits these comments based on materials made available during that review.

PennFuture is a membership-based public interest, environmental organization whose activities include advocating and advancing legislative action on a state and federal level; providing education for the public; and assisting citizens in public advocacy. PennFuture is concerned with the protection of Pennsylvania's waters and the conservation of its resources for future generations.

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

27. COMMENT

Based on our review of the Application, PennFuture believes that Transco has not satisfied all the requirements set forth in the Chapter 105 regulations. We request that the Department deny a Water Obstruction and Encroachment permit to Transco unless and until the regulatory requirements are fully satisfied. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1689)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

28. COMMENT

I appreciate your consideration, and hope that you are as concerned as I am about leaving our environment safe, healthful, and beautiful for our children. Note: the attached documents referenced in this comment are included in part three of the comment response document. (390, 403)

Response: The Department acknowledges the comments regarding the potential environmental impacts of this project. The Department has determined that the applicant

has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

29. COMMENT

DEP should follow New York's lead when it comes to analyzing pipeline construction impacts to water bodies and wetlands. Just recently, the New York Department of Environmental Conservation denied water quality certification for the Constitution Pipeline, which means that the company is legally prohibited from building the pipeline in New York. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1705)

Response: PADEP issued a water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The water quality certification is conditioned on Transco acquiring and complying with certain permits required under Pennsylvania law, including a National Pollutant Discharge Elimination System (“NPDES”) permit for the discharge of water from the hydrostatic testing of the proposed pipeline pursuant to the Pennsylvania Clean Streams Law and all applicable implementing regulations; an Erosion and Sediment Control General Permit for earth disturbance associated with oil and gas production pursuant to the Pennsylvania Clean Streams Law, Pennsylvania’s Storm Water Management Act and all applicable regulations; and a Water Obstruction and Encroachment Permit for the construction and operation of all water obstructions and encroachments associated with the project in regulated waters, including floodways, pursuant to the Pennsylvania Clean Streams Law, the Pennsylvania Dam Safety and Encroachments Act, the Pennsylvania Flood Plain Management Act and all applicable implementing regulations. PADEP determined that the permits required as a condition of the water quality certification will properly regulate the activities to be undertaken as part of the project to ensure Pennsylvania’s water quality standards are achieved. The permits will define restrictions and protective measures necessary under state law to protect water quality as the project encounters various streams, floodways, wetlands, and other water resources.

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27, and Pennsylvania regulations, including those at Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and determined that the project complies with applicable law.

30. COMMENT

It’s time we put our efforts into air, solar, and water power. We have fought for civil rights; now it is time to take on environmental rights and the rights of our progeny. The people of our state are so incensed by the losses to the environment and to their property values and occupations that they are ready to fight-legally and physically – to preserve Penns Woods. Note: the attached documents referenced in this comment are included in part three of the comment response document. (390, 403)

Response: The Department acknowledges the comments regarding this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

31. COMMENT

I was told 92 percent of the gas is already sold to China. Don't get me wrong GOD knows we all need power but I'm hoping there are still some common sense conscious people to help guide these big businesses. Don't forget we need to feed the American people here in the United States of America.

Montour Townships Supervisors, with the help of many people drew up a pipeline ordinance and forwarded it to Columbia County for changes and approval. Did their hard work even get read or discussed?

Can a route without hurting people's safety, health and property values be found?

If you need any additional information or have any questions, please contact me. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1706)

Response: The Department acknowledges the comment regarding the potential environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

As part of the application, Transco submitted an Alternatives Analysis that included site-specific analyses of practicable alternatives to avoid or minimize Project environmental impacts including those for Exceptional Value wetlands and wildlife. The Alternatives Analysis also established that the Project is designed to remain in existing utility corridors where possible and to minimize impacts to the environment and surrounding communities.

32. COMMENT

We urge the DEP, in light of the large impacts and fragmenting nature of this extensive project that would cut through 9 counties of the state, a much longer and broader comment period for the public to be able to weigh in on the record is needed before DEP issues such a certification. Furthermore, since the certification seems to rely on Transco obtaining certain permits in the future and putting in applications that have yet to be submitted or available for review—means that the public cannot adequately respond to Transco's plans. Alternate pipeline routes and even landowners who will be greatly impacted by this project as the pipeline proposed to cut through people's properties, still have many questions and have yet to have all the information they need to adequately respond and comment to the full impacts this pipeline is proposing to inflict on residents of Pennsylvania. Supplemental data packages and information is still being filed by Transco which means again, the public does not have all the information they need to adequately comment on this project. For example, on July 21, 2015, supplemental data packages including maps of fragmentation and interior forest impacts among other filings by Transco were filed on the FERC docket

– this certification and public timeline does not allow adequate time for the public to be able to review and check these documents to be able to provide important and substantive comment. The same can be said for Transco’s plans shared on June 8, 2015 regarding what appears to be HDD plans for only two stream crossings for the entire Atlantic Sunrise route – that of just the Susquehanna River and Conestoga River only. This pipeline would cut across many important waterbodies and wetlands and for Transco to only be proposing HDD for two streams, is woefully inadequate and jeopardizing waters of the Commonwealth. The Chapter 105 requirements for this project, again are far from fully identified, completed or reviewed for this public comment timeframe and Transco’s own filing on June 8, 2015 to the FERC docket states that “it is currently developing the HDD contingency plan for the Conestoga River in coordination with USACE and that it will provide a plan for the crossing in a supplemental filing following coordination with USACE”. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Since submitting its original applications in 2015, Transco completed additional field surveys and adjusted the pipeline route based on field conditions, landowner coordination, and FERC's review of the Project. Transco's Application includes field verified data for the entire project (see Attachment L, Enclosure D).

The Department’s public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department’s February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

33. COMMENT

For these reasons we object to DEP issuing a water quality certificate for the Atlantic Sunrise pipeline project. We also urge the DEP to provide more time for the public to weigh in on this very large project in a meaningful way since so many people and resources will be impacted by this pipeline that will cause irreversible damage and a long legacy of resource extraction. Issuance of only a 30-day comment period during the summer months means many have missed the opportunity to comment, the pipeline application process is just beginning, and therefore there should be more time for the public to contribute important and meaningful information for the DEP to consider as Williams -Transco continues to submit applications and supplemental information on the record on the harm it plans to inflict to the Commonwealth. Thank you for your time and consideration of our comment and we look forward to providing more review as information becomes more available. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

34. COMMENT

Thank you for the extension of comment period to allow 60 more days for the public to review the 105 application by Transco/Williams for the 195-mile long Atlantic Sunrise (AS) natural gas pipeline, that would cut across nine counties in the Commonwealth if permitted. This comment supplements the comment Delaware Riverkeeper Network (DRN) submitted to the Pennsylvania Department of Environmental Protection (DEP) on May 30, 2016. DRN also requests that the DEP refer to and incorporate into the record DRN's past comments, expert reports, and FERC and state filings pertaining to the Atlantic Sunrise Pipeline project and the Transco Leidy Pipeline that are related and have been submitted on the FERC Docket and the DEP dated 8/16/14, 2/9/15, 3/23/15, and 7/24/15, as well as the May 5, 2016 lawsuit against DEP for its issuance of the Clean Water Act 401 Water Quality Certificate for the Atlantic Sunrise project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department acknowledges the commentator's comments regarding this proposed pipeline project.

35. COMMENT

Since this pipeline would operate for decades in the state and require continual company oversight for safety and health and the environment and wellbeing of PA waterways and wetlands, it's important that the PA DEP consider the long term health of the operators looking to impact the state and their long term viability as businesses. See the news article here related to six directors and the Williams Chair resigning from the Williams company, <http://www.reuters.com/article/us-williams-board-idUSKCN0ZG35S> (June 30, 2016, Reuters). An April 4, 2016 expert report enclosed here and conducted by Jannette M. Barth, Ph.D., Pepacton Institute LLC, "Review of PennEast Pipeline Project Economic Impact Analysis" cites some of the many considerations needed for these large infrastructure projects and lays out claims made by the operators are often far from accurate on many accounts citing various pipelines considered in the recent years. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to

ensure Pennsylvania's water resources are adequately protected. Compliance with any authorizations related to project will be monitored and evaluated by the Department.

36. COMMENT

DRN has submitted in the past various considerations to take into account about this project in regard to segmentation and related pipeline projects, like the Leidy Transco Pipeline that would interconnect with sections of the proposed Atlantic Sunrise pipeline. The Atlantic Sunrise project is at least one of three applications and pipelines FERC has certified or is reviewing that Transco has filed that will impact Pennsylvania since the Leidy Southeast Expansion. Each of these projects leap-frog on the Leidy Pipeline system and the planned Atlantic Sunrise project would add looping sections of pipeline filling in gaps along Transco's Leidy line system, which would be located along some of the same geographic corridor as the Project. DRN's scoping comments for Atlantic Sunrise (dated August 16, 2014) requested that FERC include a consideration of impacts resulting from all inter-related projects, including Cove Point, and their potential overlapping zones of impact, in its review of the Atlantic Sunrise Project. By considering the environmental impacts of these five inter-related and functionally inter-dependent projects in separate NEPA documents, rather than completing a full Environmental Impact statement to review upgrading the Leidy line system as a whole that includes the Atlantic Sunrise Project, FERC is unlawfully segmenting its analysis in violation of its obligations under NEPA. It is important and critical with such a proposed build out of pipelines in the Commonwealth to move natural gas abroad and to other markets, and with FERC's track record of this improper segmentation as evidenced in successful litigation brought by Delaware Riverkeeper Network, that DEP also consider these other pipeline projects and the environmental impacts they will cause cumulatively as part of the state's permitting and certification process in order to best protect the Commonwealth from the rampant gas pipeline projects that are being considered, already built, or being built in the state. The court held that the Commission (FERC) violated NEPA by: "(1) segmenting its environmental review of the Northeast Upgrade Project – i.e., failing to consider the Northeast Upgrade Project in conjunction with three other connected, contemporaneous, closely related, and interdependent Tennessee Gas pipeline projects – and (2) failing to provide a meaningful analysis of the cumulative impacts of these projects to show that the impacts would be insignificant" (Delaware Riverkeeper Network, et. al. v. Federal Energy Regulatory Commission, Tennessee Gas Pipeline Company). DRN argues that FERC has continued its practice of segmenting its environmental reviews of pipeline projects, including the Leidy Southeast Expansion Project and the Atlantic Sunrise Pipeline Project. It is critical with this lack of thorough oversight at the federal level and segmentation continuing, that DEP use all regulatory measures in its authority to consider the wetlands and stormwater impacts through, Chapter 105 and Chapter 102 regulations. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 102 and 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapters 102 and 105, including those pertaining to

resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

37. COMMENT

Furthermore, pipeline route variations and alternate pipeline routes and even landowners who will be greatly impacted by this project, still have many questions and have yet to have all the information they need to adequately respond and comment to the full impacts this pipeline is proposing to inflict on residents of Pennsylvania. Supplemental data packages and information is still being filed by Transco and agencies are still requesting additional information from Transco, which means again, the public does not have all the information they need to adequately comment on this project. This point was made clear through testimony at the FERC EIS hearings by residents and community leaders and EPA also made this point in their correspondence. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Since submitting its original applications in 2015, Transco completed additional field surveys and adjusted the pipeline route based on field conditions, landowner coordination, and FERC's review of the Project. Transco's Application includes field verified data for the entire project (see Attachment L, Enclosure D). The Department satisfied the public comment and hearing requirements in the Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

38. COMMENT

DEP should deny Transco's application. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department acknowledges the commentators' comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

39. COMMENT

If DEP does not deny the applications, it must condition any permit by requiring Transco to utilize trenchless methods where possible. At a minimum, this should include any crossings of HQ and EV waterbodies and wetlands, Tucquan Creek, and locations containing habitat for threatened, endangered and candidate species. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department thanks the commentator for their comment on this proposed pipeline project. The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2, which analysis addresses among other things, the antidegradation requirements applicable to special protection watersheds. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

40. COMMENT

As a Pennsylvania resident living in the vicinity of the proposed Atlantic Sunrise pipeline expansion project, I write to voice my strong support for this important energy infrastructure project. As numerous government officials have stated, natural gas is playing a critical role in reducing America's carbon emissions. But to expand the use of natural gas to produce electricity, this fuel must be able to affordably travel to power plants. The Atlantic Sunrise project will provide much-needed transportation capacity. In addition, the Atlantic Sunrise project will benefit my community through jobs, tax revenues, and additional economic activity. As I understand, as many as 2,300 jobs will be created in the area where construction will take place, which will result in \$1.6 billion in economic activity. In addition, the pipeline will enable Pennsylvania natural gas to reach markets for years to come. I believe that our nation has neglected investing in our infrastructure for too long. This pipeline project will help keep electricity and natural gas affordable throughout the Northeast. We should not let the alarmist views of a vocal minority stop infrastructure projects that broadly benefit Pennsylvania households, businesses, national security and the economy. Thank you for your consideration of my views. I look forward to hearing soon that the Atlantic Sunrise project will be moving forward. (222 – 378, 1315 -1470)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

41. COMMENT

For more than 60 years, the Transcontinental (Transco) pipeline – one of the most vital components of America's energy network – has moved natural gas through Pennsylvania

safely and reliably. This important pipeline and others like it are not only helping provide greater access to affordable and reliable energy, but they're also helping our country achieve carbon-reduction and other environmental goals.

A proposed expansion of this pipeline – Atlantic Sunrise – will not only help us maintain our environmental momentum, but it will likely also help us accelerate it by providing more people, utilities and businesses access to a ready supply of Pennsylvania-produced natural gas that can meet around-the-clock energy needs affordably and reliably.

We support Atlantic Sunrise and want the Pennsylvania Department of Environmental Protection to permit Atlantic Sunrise without delay.

Our understanding is that since the project was first proposed back in 2014, Williams, the owner and operator of Transco, has taken a collaborative approach when working with land owners, regulators and other key stakeholders to plan and develop this much-needed pipeline.

As a result, Williams has adjusted more than half of the originally planned route and worked extensively to minimize the environmental impacts associated with this project. That is one of the many reasons why the Federal Energy Regulatory Commission's draft Environmental Impact Statement concluded Atlantic Sunrise's environmental impacts would be reduced to less-than- significant levels with the implementation of recommended mitigation measures.

Williams' environmental stewardship is further evidenced through its Atlantic Sunrise Community Grant and Atlantic Sunrise Environmental Stewardship programs, which have contributed more than \$3.5 million to 148 fire departments, schools, townships, hospitals and – in coordination with The Conservation Fund – 17 conservation projects throughout the proposed pipeline route.

Atlantic Sunrise is a critical infrastructure investment sorely needed in Pennsylvania. It will help millions more Americans gain access to affordable, reliable, environmentally responsible and domestically produced energy. It will also provide many short- and long-term economic benefits, such as jobs, taxes and countless game-changing business investment opportunities.

For nearly 110 years, Williams has been and remains committed to using best engineering and operations practices to ensure public safety and protect the environment. With this in mind, we simply cannot afford to delay this critical energy infrastructure. Please permit this pipeline as soon as possible. Note: the attached documents referenced in this comment are included in part three of the comment response document. (406 – 1295)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

42. COMMENT

I support the Atlantic Sunrise Pipeline and encourage all our State Agencies involved to expedite approvals. (1472)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

43. COMMENT

For more than 60 years, the Transcontinental (Transco) pipeline- one of the most vital components of America's energy network- has moved natural gas through Pennsylvania safely and reliably. This important pipeline and others like it are not only helping provide greater access to affordable and reliable energy; but they're also helping our country achieve carbon-reduction and other environmental goals. A proposed expansion of this pipeline - Atlantic Sunrise - will not only help us maintain our environmental momentum, but it will likely also help us accelerate it by providing more people, utilities and businesses access to a ready supply of Pennsylvania-produced natural gas that can meet around-the-clock energy needs affordably and reliably. I support Atlantic Sunrise and want the Pennsylvania Department of Environmental Protection to permit Atlantic Sunrise without delay. My understanding is that since the project was first proposed back in 2014, Williams, the owner and operator of Transco, has taken a collaborative approach when working with land owners, regulators and other key stakeholders to plan and develop this much-needed pipeline. As a result, Williams has adjusted more than half of the originally planned route and worked extensively to minimize the environmental impacts associated with this project. That is one of the many reasons why the Federal Energy Regulatory Commission's draft Environmental impact Statement concludes Atlantic Sunrise's environmental impacts would be reduced to less-than-significant levels with the implementation of recommended mitigation measures. Williams' environmental stewardship is further evidenced through its Atlantic Sunrise Community Grant and Atlantic Sunrise Environmental Stewardship programs, which have contributed more than \$3.5 million to 148 fire departments, schools, townships, hospitals and - in coordination with The Conservation Fund - 17 conservation projects throughout the proposed pipeline route. Atlantic Sunrise is a critical infrastructure investment sorely needed in Pennsylvania. It will help millions more Americans gain access to affordable, reliable, environmentally responsible and domestically produced energy. It will also provide many short- and long-term economic benefits, such as jobs, taxes and countless game-changing business investment opportunities. Please permit this pipeline as soon as possible.
(1496 – 1533)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

44. COMMENT

As a representative of Pipeliners local 798, I understand the importance of infrastructure projects like Atlantic Sunrise first hand. Pipeliners 798 is a trade union that provides the highest quality of pipeline welders to contractors across the country and Pennsylvania, in particular. We represent thousands of skilled welders, helpers and journeymen who make sure pipelines are constructed safely and with Integrity. Nothing is of greater importance than your safety and the safety of your family when it comes to pipeline construction and welding in your community. Our members go above and beyond to not just adhere to all

safety requirements, but to enforce the best practices in pipeline and workplace safety. We are the ones literally "in the trenches," so when we discuss pipeline safety, It Is personal to our welders and their families. Pipelines are by far, the safest method of natural gas transportation, especially compared to rail and above ground methods. It is our commitment to keep that fact true. When working on a pipeline project, it is always our desire to become valued partners within the community. It is our hope that If you see the Pipeliners 7981ogo in the community, you will know that worker genuinely cares about the work they do and about local families. We build pipelines. Projects like Atlantic Sunrise provide great opportunities for our members to continue working to build critically important, safe and environmentally protective infrastructure that connects natural gas to regions that desperately need this affordable, reliable, and domestic resource. Pipeliners 798 has a strong track (record of weld integrity, which is critical In preventing any environmental hazard. Atlantic Sunrise is a critical piece of energy infrastructure that will not only positively Impact our membership and the construction trades Unions that will build this project, but also benefits all Pennsylvanians. School districts and municipalities will realize essential tax revenue from the pipeline itself and a growing manufacturing Industry whose processes or products require a reliable, safe supply of natural gas will have a more affordable energy source. Atlantic Sunrise Is also the solution to the current limitations on pipeline capacity and will deliver Pennsylvania-produced natural gas to millions of households throughout the Northeast and Mid-Atlantic markets that desperately need it. Please trust in our abilities, and the benefits and opportunities that can be realized from the Atlantic sunrise project. We look forward to working on this project and hope you all necessary approvals will be issued without delay. (1534-1535)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

45. COMMENT

I urge the Department of Environmental Protection to permit construction of the Atlantic Sunrise pipeline expansion as soon as possible. I wholeheartedly support this project as a member of Pennsylvania\'s energy sector and as an American citizen and consumer. Natural gas development in the Marcellus Shale has benefited communities across Pennsylvania, including my own. Energy development not only provides family-sustaining jobs, but it also provides tax revenues that support critical government services in boroughs, townships, and counties. One of the greatest challenges facing Pennsylvania\'s energy sector is insufficient pipeline capacity. Simply put, for our sector to add more jobs and contribute further to local communities, we need to reach markets throughout the Northeast. We cannot meet demand unless pipeline capacity is increased in the region. The Atlantic Sunrise project will meet this goal, adding 1.7 million dekatherms per day of pipeline capacity. I also want energy infrastructure to be expanded to help continue to keep utility prices down. Rejecting this pipeline project could create an artificial and unnecessary drag on our economy and household budgets. This project can be completed without significant environmental impacts. Given this conclusion, there is no basis for rejecting approval of this project. I appreciate this opportunity to share my position. (1538)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

46. COMMENT

Former Governor Ed Rendell, who presided over the Pennsylvania's fracking boom, just days ago admitted the state's fracking regulations favored economics over environmental safety. This is not revelatory news, but it further substantiates the gas industry's sanctioned domain over our Commonwealth. DEP must deny this permit and restore the integrity of its mission, "...to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment." Note: the attached documents referenced in this comment are included in part three of the comment response document. (1302, 1480, 1485, 1601)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department acknowledges the comments regarding the impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

47. COMMENT

Based on the forgoing, and the Meliora, DEIS and Section 404 comments, it is clear that Transco's Chapter 105 applications must be denied by the Department. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied

the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project

48. COMMENT

Because the Atlantic Sunrise Pipeline will damage waterways, wetlands, and the life they nurture, I implore you to deny water quality certification for this project.

Response: PADEP issued a water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The water quality certification is conditioned on Transco acquiring and complying with certain permits required under Pennsylvania law, including a National Pollutant Discharge Elimination System (“NPDES”) permit for the discharge of water from the hydrostatic testing of the proposed pipeline pursuant to the Pennsylvania Clean Streams Law and all applicable implementing regulations; an Erosion and Sediment Control General Permit for earth disturbance associated with oil and gas production pursuant to the Pennsylvania Clean Streams Law, Pennsylvania’s Storm Water Management Act and all applicable regulations; and a Water Obstruction and Encroachment Permit for the construction and operation of all water obstructions and encroachments associated with the project in regulated waters, including floodways, pursuant to the Pennsylvania Clean Streams Law, the Pennsylvania Dam Safety and Encroachments Act, the Pennsylvania Flood Plain Management Act and all applicable implementing regulations. PADEP determined that the permits required as a condition of the water quality certification will properly regulate the activities to be undertaken as part of the project to ensure Pennsylvania’s water quality standards are achieved. The permits will define restrictions and protective measures necessary under state law to protect water quality as the project encounters various streams, floodways, wetlands, and other water resources.

49. COMMENT

For these reasons and the outlined impacts, expert reports, testimony, agency correspondence, DRN objects to DEP’s issuance of the Chapter 105 permit for the Atlantic Sunrise pipeline project and requests DEP deny the application outright. We also urge the PA DEP to formally issue more time for the public to contribute important and meaningful information as Williams -Transco continues to submit applications and supplemental information on the record on the harm it plans to inflict to the Commonwealth. A series of public meetings up and down the 195-mile pipeline path so the impacted landowners have the opportunity to comment would also still be very beneficial to the PA community in addition to the extension of comment that was provided. Thank you for your time and consideration. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

The Department’s public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day

public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

50. COMMENT

Delaware Riverkeeper Network (DRN) is writing to request that the Pennsylvania Department of Environmental Protection (DEP) deny the Chapter 105 application for Transco's Atlantic Sunrise Pipeline project due to the irreparable harm it would cause to the state during construction and throughout its lifespan and beyond. This project would have significant adverse environmental impacts, safety issues, air and climate change impacts, economic ramifications, permanent impacts on scenery, and threaten drinking water sources, groundwater wells, water quality, and septic systems of the Commonwealth. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department acknowledges the comment regarding the potential impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

51. COMMENT

The Allegheny Defense Project, Appalachian Mountain Advocates, Clean Air Council, Lower Susquehanna Riverkeeper, and Sierra Club (collectively, "Commenters") respectfully urge you to deny Transcontinental Pipe Line Company's ("Transco") above-referenced Chapter 105 water obstruction and encroachment applications for the Atlantic Sunrise Project. *See* 46 Pa.B. 2019, 2132 (Apr. 23, 2016). Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department acknowledges the comment regarding this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

52. COMMENT

In addition to these comments on the certification, DRN is submitting for DEP consideration past comments made on the Federal Energy Regulatory Commission (FERC) docket in regard to segmentation and related pipeline projects, like the Leidy Transco Pipeline that would be interconnected with sections of the proposed Atlantic Sunrise pipeline. The Atlantic Sunrise project is one of three applications and pipelines FERC has certified or is reviewing that Transco has filed that will impact Pennsylvania since the Leidy Southeast Expansion. Each of these projects leap-frog on the Leidy Pipeline system and the planned Atlantic Sunrise project would add looping sections of pipeline filling in

gaps along Transco's Leidy line system, which would be located along some of the same geographic corridor as the Project. DRN's scoping comments for Atlantic Sunrise (dated August 16, 2014) requested that FERC include a consideration of impacts resulting from all inter-related projects, including Cove Point, and their potential overlapping zones of impact, in its review of the Atlantic Sunrise Project. By considering the environmental impacts of these five inter-related and functionally inter-dependent projects in separate NEPA documents, rather than completing a full Environmental Impact statement to review upgrading the Leidy line system as a whole that includes the Atlantic Sunrise Project, FERC is unlawfully segmenting its analysis in violation of its obligations under NEPA. It is important and critical with such a proposed build out of pipelines in the Commonwealth to move natural gas abroad and to other markets, and with FERC's track record of this improper segmentation as evidenced in successful litigation brought by Delaware Riverkeeper Network, that DEP also consider these other pipeline projects and the environmental impacts they will cause cumulatively as part of the state's permitting and certification process in order to best protect the Commonwealth from the rampant gas pipeline projects that are being considered, already built, or being built in the state. The court held that the Commission (FERC) violated NEPA by: "(1) segmenting its environmental review of the Northeast Upgrade Project – i.e., failing to consider the Northeast Upgrade Project in conjunction with three other connected, contemporaneous, closely related, and interdependent Tennessee Gas pipeline projects – and (2) failing to provide a meaningful analysis of the cumulative impacts of these projects to show that the impacts would be insignificant" (Delaware Riverkeeper Network, et. al. v. Federal Energy Regulatory Commission, Tennessee Gas Pipeline Company). In the months since the D.C. Circuit first ruled against FERC in June of 2014, FERC has yet to take any public action on the Court ordered remand of the Tennessee Gas Pipeline. Therefore, DRN argues that FERC has continued its practice of segmenting its environmental reviews of pipeline projects, including the Leidy Southeast Expansion Project and the Atlantic Sunrise Pipeline Project. It is critical with this lack of thorough oversight at the federal level and potential segmentation continuing, that DEP use all regulatory measures in its authority to consider the wetlands and stormwater impacts through, for example, Chapter 105 and Chapter 102 regulations. Because the Commonwealth has also permitted over 8,000 unconventional gas wells drilled that has led to over 250 instances of water contamination, it is also critical that DEP use its authority and consider these beginning of pipe and end of pipe impacts that fracking is causing and will exacerbate if these additional pipelines are permitted by DEP. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. The applicant satisfactorily demonstrated compliance with the regulatory requirements

including those pertaining to cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. In addition, the applicant completed geological investigations to design the project to minimize risks associated with karst terrain and abandoned mine lands, developed a Karst Investigation and Mitigation Plan, as well as an Abandoned Mine and Investigation Mitigation Plan, and has provided a Well and Spring Monitoring Report.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The application submissions by Transco, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

53. COMMENT

Transco has proposed to construct the Atlantic Sunrise pipeline project, which would create a new right of way corridor of approximately 184 miles in Pennsylvania, including a 28-mile route in Lebanon County. This new pipeline corridor would bisect Lebanon County from north to south, crossing through several streams and wetlands along its path. As this is a high pressure, 42-inch natural gas transmission line, the environmental impacts to our county streams and wetlands will be both noticeable and severe.

Our concerns for this project and reason for the hearing request include the following:

- At last review of stream crossing plans, Transco does not intend to use HDD (horizontal directional drilling) beneath any of the streams and wetlands in Lebanon County, but will instead use environmentally damaging open trench methods to install the pipeline. Stream crossings include the Swatara Creek, Conewago Creek, and Quittapahilla Creek, all of which have been the subject of restoration efforts (and in some cases, state financial investment) by local organizations in order to improve water quality. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1302)

Response: The Department thanks the commentator for their comment on this proposed pipeline project. The applicant's decision on whether to utilize HDD for water crossings

relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2, which analysis addresses among other things, the antidegradation requirements applicable to special protection watersheds. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

54. COMMENT

I live in Columbia County. A stream which empties into Roaring Creek runs close to my house. The Atlantic Sunrise pipeline is scheduled to run on top of a hill directly above my house. I'm concerned about possible damage to the life in the stream, which nurtures fish that are harvested when mature in the larger waters this creek feeds.

I do have a serious objection to this line. Williams, a private Company, is not only preempting valuable farm land and trees, but encouraging ipso facto more fracking, which creates more severe future damage to the entire state's water, air and public health. I believe a class-action suit is in order to stop this bullying for profit.

It's time we put our efforts into air, solar, and water power. We have fought for civil rights; now it is time to take on environmental rights and the rights of our progeny. The people of our state are so incensed by the losses to the environment and to their property values and occupations that they are ready to fight-legally and physically – to preserve Penns Woods. Note: the attached documents referenced in this comment are included in part three of the comment response document. (390, 403)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

Public Process – hearings, comment period

1. COMMENT

I am writing to ask that you hold a public hearing on Transcontinental Pipe Line Company's (Transco) application for the 102/105 Water Obstruction and Encroachment permits for its proposed Atlantic Sunrise Pipeline (FERC Docket: CP15-138). The Atlantic Sunrise Pipeline would cause significant impacts to waterbodies and wetlands. Transco is proposing at least 578 waterbody and wetland crossings along the proposed pipeline route in Pennsylvania, impacting numerous exceptional value wetlands, high-quality watersheds and Tucquan Creek, a State Scenic River. The DEP has an obligation to protect these sensitive ecological resources under Art. I, Sec. 27 of the Pennsylvania Constitution.

Before it can issue permits for a project of this magnitude, DEP must first provide citizens the opportunity to voice their opinions on the record at a public hearing. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices

The Department has reviewed the Chapter 102 and 105 applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 102 and 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapters 102 and 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

Finally, the Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

2. COMMENT

I am writing to ask that you hold a public hearing on Transcontinental Pipe Line Company's (Transco) application for water obstruction and encroachment permits for its proposed Atlantic Sunrise Pipeline (FERC Docket: CP15-138). The Atlantic Sunrise Pipeline would cause significant impacts to waterbodies and wetlands. Transco is proposing at least 578 waterbody and wetland crossings along the proposed pipeline route in Pennsylvania, impacting numerous exceptional value (EV) wetlands, high-quality watersheds and Tucquan Creek, a State Scenic River. The DEP has an obligation to protect these sensitive ecological resources under Art. I, Sec. 27 of the Pennsylvania Constitution.

Before it can issue permits for a project of this magnitude, the DEP must first provide citizens the opportunity to voice their opinions on the record at a public hearing. (2 – 221, 398, 400, 405, 1488 – 1490, 1494, 1539)

Response: The Department’s public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department’s February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices

The Department has reviewed the Chapter 102 and 105 applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 102 and 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapters 102 and 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

Finally, the Department evaluates cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department’s review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department’s review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

3. COMMENT

This pipeline is going to have a lot impact on natural areas in Pennsylvania, so there should definitely be a public hearing on it. Probably several public hearings. And I would hope that in this case the DEP would even listen to the public and take seriously its job of protecting our ecological resources. (402)

Response: The Department’s public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and

received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices

4. COMMENT

7. The Department should extend the comment deadline and provide public hearings.

Clean Air Council respectfully requests that the Department provide public hearings in each region on Williams's Chapter 105 applications. The Atlantic Sunrise pipeline would be a massive project if built, affecting communities across nearly the entire North-South breadth of Pennsylvania. As FERC noted in the DEIS at page 1-6, "In addition to the comments received at the public scoping meetings, over 1,880 written comments and 130 motions to intervene were filed with FERC and placed in the public record for the Project as of April 13, 2016." Clearly this is a project of major public import, deserving of commensurate public engagement opportunities.

Yet while interested citizens and public interest organizations are working to digest and respond to the information available relating to Williams's Chapter 105 permit applications, they are also scrambling to digest and respond to a number of other regulatory approvals or intents to approve at the same time:

- Multiple organizations have just filed challenges to the Department's issuance of the Section 401 water quality certification for Atlantic Sunrise;
- The period for comments to the Army Corps of Engineers for Section 404 of the Clean Water Act for Atlantic Sunrise closes June 30, 2016;
- The appeal deadline for the Atlantic Sunrise Chapman Loop Section 401 approval closes June 13, 2016; and
- The comment deadline for the FERC's DEIS for Atlantic Sunrise closes June 27, 2016.

This all has come as a flood of information and deadlines. Those who would be harmed by the building of the pipeline are Pennsylvanians from all walks of life, most of whom have not had adequate time to pore over the literally thousands of pages of technical documents agencies review and produce in consideration of Williams's applications. It is overwhelming. The DEIS alone is 1342 pages with its appendices, and the applications for the Chapter 105 permits are collectively thousands of pages. Yet what other option do regular Pennsylvanians have to protect their lives and their livelihoods?

So that everyone has a fair chance to provide input on a major project that is projected to do great harm to the waters of this Commonwealth, Clean Air Council respectfully requests that the Department extend the deadline to comment on Williams's applications for Chapter 105 permits. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

5. COMMENT

We urge the DEP, in light of the large impacts and fragmenting nature of this extensive project that would cut through 9 counties of the state, a much longer and broader comment period for the public to be able to weigh in on the record is needed before DEP's Chapter 105 permitting. Furthermore, the application materials submitted by Williams has significant data and resources with only remote sensed data which means the application is far from complete. For example, in accession # 20160505-4005 appendix K-1 water bodies crossed by the Atlantic Sunrise Pipeline, there are at least 23 streams along CPL North that are designated as being surveyed with remote sensing and for CPL South another 39 streams that appear to only be remote sensed. As indicated by PA DEP on the proposed Penn East Pipeline docket, another large pressure gas line that is proposed, these non-verified remote sensed resources need to be field verified by the applicant since a state cannot issue a permit based on remote sensed data. In multiple times in the past, DRN has also documented and field verified where resources or impacts on the ground do not match the pipeline companies' observations showing the real need for scrutiny and complete information and field verification conducted by the agencies of the applicant's information (March 12, 2013 DRN letter submitted to the USACE Re: TGP NEUP and others).

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

Since submitting its original applications in 2015, the applicant has completed additional field surveys and adjusted the pipeline route based on field conditions, landowner coordination, and FERC's review of the Project. The applications include field verified data for the entire project (see Attachment L, Enclosure D).

6. COMMENT

Furthermore, pipeline route variations and alternate pipeline routes and even landowners

who will be greatly impacted by this project, still have many questions and have yet to have all the information they need to adequately respond and comment to the full impacts this pipeline is proposing to inflict on residents of Pennsylvania. Supplemental data packages and information is still being filed by Transco and agencies are still requesting additional information from Transco, which means again, the public does not have all the information they need to adequately comment on this project.

Response: Since submitting its original applications in 2015, the applicant has completed additional field surveys and adjusted the pipeline route based on field conditions, landowner coordination, and FERC's review of the Project. The applications include field verified data for the entire project (see Attachment L, Enclosure D).

7. COMMENT

DEP's own "Pipeline Taskforce" called for better and more meaningful public participation was needed with pipelines. "Pennsylvania will see as many as 30,000 miles of new pipeline built over the next 20 years to take gas resources of the Marcellus and Utica Shales to market," the Department of Environmental Protection Secretary, John Quigley, said. Secretary Quigley stated he expects the industry to add 20,000- 25,000 miles of gathering lines, smaller pipelines that connect gas wells to processing plants or main transmission lines. He said an additional 4,000 to 5,000 miles of interstate pipelines will be built over the next 20 years. According to StateImpact, the panel includes industry representatives, federal, state and local government officials, end-users, state lawmakers, farmers, and emergency preparedness officials. All of this gas development infrastructure would bring irreparable harm to our water resources for an unsustainable and heat trapping methane source that will exacerbate the impacts of climate change. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permit applications were thoroughly reviewed by staff for conformance with the pertinent environmental statutes and regulations. The Department has reviewed the permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 102 and 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapters 102 and 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

8. COMMENT

Please know that the above reasons represent only some of our apprehensions for this project. In addition, we are certain there are other concerns that individual citizens will bring to the discussion when given the opportunity.

Article I, Section 27 of the Pennsylvania Constitution affords our state's citizens the "right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment." Under this section of the constitution, the state is directed to

“conserve and maintain” our “public natural resources,” which are “common property of all the people.” For this reason, the people of Pennsylvania must be granted the opportunity to voice their opinions at a public hearing for Transco’s application for water obstruction and encroachment permits.

We thank you for your consideration of this request and look forward to the opportunity to express our concerns at a future hearing. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1302)

Response: The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department’s thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

9. COMMENT

Lebanon Pipeline Awareness, a nonprofit grassroots organization based in Lebanon County, Pennsylvania, requests that the Pennsylvania Department of Environmental Protection schedules a public hearing for Transcontinental Gas Pipe Line Company’s (Transco) application for water obstruction and encroachment permits for its proposed Atlantic Sunrise Pipeline (FERC Docket: CP15-138).

In addition, since most people with concerns on this important issue are working citizens, we request an extension of the current comment period by 60 days to allow a more reasonable time to review the application material and provide comments. We also ask that to provide the optimal opportunity for public input, public hearings are held in each county where construction has been proposed for the Atlantic Sunrise project. These individual county hearings and the extension of the comment period would help to meet the recommendation of the Pipeline Infrastructure Task Force, as noted under public participation, to “consider public input into the planning, construction and operation of pipelines and associated infrastructure.” Note: the attached documents referenced in this comment are included in part three of the comment response document. (1302)

Response: The Department’s public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department’s February 24, 2017

technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

10. COMMENT

Ms. Nesbitt respectfully requests a public hearing given the immense public interest in the proposed Atlantic Sunrise project, and the impacts proposed to her property, which will extend beyond the bounds of her property and affect the water quality in three different sub-watersheds. (1493)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

11. COMMENT

Ms. Nesbitt also requests an extension of the comment deadline to allow for fully-informed comments on the Chapter 105 applications. At the present time, Ms. Nesbitt has not had a full opportunity to review the relevant application material and plans. The applications, which are voluminous, were filed over nine (9) months ago. Thirty (30) days is simply insufficient time for the public to both obtain the documents from the Department, digest them, and provide informed and pertinent comments. (1493)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

12. COMMENT

In closing, Ms. Nesbitt respectfully requests that the Department extend the comment deadline for at least another thirty (30) days, and hold one or more public hearings on the proposed applications. Thank you for your consideration of this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition,

during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

13. COMMENT

Ms. Nesbitt respectfully requests that the Department hold one or more public hearings on the applications. Thank you for your attentions to this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

14. COMMENT

Lancaster Against Pipelines respectfully submits this request for public hearing and for an extension of the comment deadline on its own behalf and on behalf of its members regarding the proposed Atlantic Sunrise pipeline project (specifically the proposed Chapter 105 permit application for Lancaster County). (1303-1305)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

15. COMMENT

Lancaster Against Pipelines ("LAP") is a grassroots coalition of local residents, business owners, church communities, and non-profits committed to protecting their home county against the proposed Atlantic Sunrise gas pipeline. LAP is a registered 501(c)(3) organization. LAP and its members seek to preserve and protect what they most love and cherish about Lancaster County: their farmland, their woods, their scenic waterways, their rural way of life, their Amish neighbors, their Native American heritage, and the well-being of their tight-knit communities. (1303-1305)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

16. COMMENT

This request for public hearing and request for extension of comment deadline are timely filed within thirty (30) days of the April 30, 2016 Pennsylvania Bulletin notices. This letter is filed without prejudice to LAP's right to submit a full comment letter on the proposed Chapter 105 applications.

LAP respectfully requests a public hearing given the immense local interest in the proposed Atlantic Sunrise project, and the extent of the impacts in Lancaster County alone. As one example, LAP has numerous members who live directly in the path of the proposed pipeline. These members' properties will not only suffer direct environmental impacts and degradation of their constitutionally-protected environmental rights, but also these members face the threat of eminent domain for the proposed pipeline construction. LAP has other members who live in the hazard or "blast" zone for the proposed pipeline; members who hunt, fish, farm, and/or otherwise rely on clean streams and groundwater for drinking, recreation, small business income, or simply for scenic enjoyment. The proposed pipeline has a widespread impact in Lancaster County alone, and a public hearing is proper for such a situation.

LAP also requests an extension of the comment deadline to allow for fully-informed comments on the Chapter 105 applications. At the present time, LAP has not had a full opportunity to review the relevant application material and plans, and thirty (30) days is simply insufficient time for the public to both obtain the documents from the Department, digest them, and provide informed and pertinent comments.

In closing, LAP respectfully requests that the Department extend the comment deadline for at least another thirty (30) days, and hold one or more public hearings on the proposed applications. Thank you for your consideration of this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

17. COMMENT

I am writing to express my concern regarding wetlands and water in our area.

The proposed pipeline would result in hundreds of wetland and waterbody crossings, many of which are located on steep, rugged terrain with sensitive ecological resources.

A breakdown of the impacts: 327 River and Stream Crossings – 58 crossings impact high-quality, cold-water fisheries – 5 major river crossings: Susquehanna River (2 locations), Conestoga River, Tunkhannock Creek, and Wetland Crossings – 51 wetlands are designated “exceptional value” wetlands.

Fifteen of those EV wetlands also contain a forest component – 8 forested wetlands are considered a “Natural or Special Concern Community Type” by the PA SCNR.

Due to the above situations, I feel it necessary for the public to have more opportunity to address the impact this could have on our environment and our communities at a public hearing. This would allow residents more time to understand the impacts, and would provide opportunities for impacted communities both hear and express thoughts and knowledge regarding this important issue.

Please provide the opportunity for public input on this issue. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1482)

Response: The Department’s public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department’s February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

18. COMMENT

The Atlantic Sunrise is intended to connect and expand Williams’ Transcontinental pipeline to move fracked gas from Northeastern Pennsylvania to export facilities in Maryland (Cove Point) and the Gulf States. Pipeline construction would result in hundreds of wetland and waterbody crossings, many of which are located on steep, rugged terrain with sensitive ecological resources. Here’s a breakdown of the impacts: 327 River and Stream Crossings, -58 crossings impact high-quality, cold-water fisheries, -5 major river crossings: Susquehanna River (2 locations), Conestoga River, Tunkhannock Creek, and Swatara Creek, -1 crossing impacts Tucquan Creek, a State Scenic River. 251 Wetland Crossings, 51 wetlands are designated "exceptional value" wetlands, -15 of those EV wetlands also contain a forest component, -8 forested wetlands are considered a "Natural or Special Concern Community Type" by the PA DCNR. I thank DEP for extending the comment period, but request DEP to hold public hearings for residents’ input on this project. The potential impacts of this pipeline are too great, and the public must be given ample input opportunity. I urge PADEP to consider the gravity of the negative impact the

proposed Atlantic Sunrise Project would have on Pennsylvania's Natural Resources and Water features. SRBC has cited that permits to draft water from local streams are under their jurisdiction, but the return of the polluted water back into those streams (after hydro testing and flushing the debris and chemicals from within the newly completed pipe) falls under DEP jurisdiction... Please deny permitting the large scale pollution this would cause to local streams, the Susquehanna River, and the Chesapeake Bay. Deny Williams / Transco the ability to pollute Pennsylvania's water. Deny permits to dump the chemical and polluted waters into our water! Prevent the Atlantic Sunrise Project. (14, 24, 44, 48, 49, 54, 59, 61, 81 - 84, 111, 130, 178, 184, 198, 202, 379 – 396, 186, 1309, 1386, 1387, 1485, 1488, 1546 - 1685)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department's PAG-10, General permit for Discharges from Hydrostatic Testing of Tanks and Pipelines, sets effluent limitations and terms and conditions for discharge of the water used in hydrostatic testing of the pipeline.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices

19. COMMENT

I am writing to request a public hearing for the wetlands and waterways permits for Transcontinental Pipe Line Company's (Transco) application for water obstruction and encroachment permits for its proposed Atlantic Sunrise Pipeline (FERC Docket: CP15-138). I understand that multiple non-profits have filed appeals to the permit. I believe that a hearing is essential to facilitate public participation in the permitting process. Please keep me informed, I will follow up with a phone call. (397, 1542)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

20. COMMENT

In addition to extending the public comment period, DRN also requests that multiple public hearings by the DEP be held along the 195-mile route (in addition and separate from the planned FERC EIS hearings scheduled in June) to allow for maximum participation by the impacted communities along the path and that the dates of the hearings are published multiple times and at least 30 days before-hand so the public can attend. According to the Draft FERC EIS, over 1,880 written comments were received by the public and 130 motions to intervene were filed on the FERC docket as of April 13, 2016 for this pipeline project – indicating a very strong concern for the impacts this project would cause. These public process steps are critical since this pipeline would impact large habitats and waterbodies across the state along its expansive 195-mile path. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

21. COMMENT

I have signed up to receive DEP news releases as it appears there is a yearly subscription fee for the PA Bulletin. Hopefully, DEP will prove more fair and democratic in this process and actually listen to and address landowner concerns about potential property damage. In that light, I encourage the DEP to hold public hearings per county at the very least. With all of the public concern, it is insufficient, and actually insulting to the public to hold only one hearing and at the state level. I hope you and the decision makers will consider the unnecessary hardship and increased burden that would be placed on landowners if they could not attend a public hearing in their own county. That is the very least the DEP could do to serve the "taxpaying" public. Thank you, also, for allowing us to save some significant expense and send our concerns and back-up information to you via e-mail. Understandably, the e-mail may become too large and require me to send in separate sections. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1543)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017

technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

22. COMMENT

Please be advised that Joan and Thomas Byron would like a public hearing regarding the ASP and the wetland/environmental issues. We have been informed that miles 23.2 – 24.0 are on our property, yet no one has walked the area. We have 2 streams and 80 acres of wetland; a pond and many springs with water bubbling out of the ground. The EIS statement produced by FERC is inaccurate with regards to our land. A spokesperson from FERC on June 16, 2016, when asked by me (Joan Bryon) where they got the information said “we make this stuff up.” A quote from Joanne Wachholder. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1544)

Response: The Department’s public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department’s February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

23. COMMENT

I realized my dream of purchasing a 20-acre farm in Lancaster County two years ago. I have wonderful well water which nourishes both my family and my many animals. I grow my own hay and raise vegetables for my family. It is with utter dismay that my neighbors and I find ourselves facing the possibility of a pipeline cutting through our wonderful farmland and communities here in Lancaster County. The Atlantic Sunrise is intended to connect and expand Williams’ Transcontinental pipeline to move fracked gas from Northeastern Pennsylvania to export facilities in Maryland (Cove Point) and the Gulf States. This in no way benefits Lancaster County and in fact, could be absolutely devastating to our land and water. The pipeline will cross hundreds of rivers, streams and wetlands. Gasline leakage and even explosions in the US have not been uncommon, and the results of such accidents have resulted in disastrous effects to the surrounding land and water. I urge the DEP to hold public hearings for residents’ input on this project. The potential impacts of this pipeline are too great, and the public must be given ample input opportunity. (1545)

Response: The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PMSA.

The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable

Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

24. COMMENT

The Atlantic Sunrise is intended to connect and expand Williams' Transcontinental pipeline to move fracked gas from Northeastern Pennsylvania to export facilities in Maryland (Cove Point) and the Gulf States, and will have major environmental impacts. I'd like to that DEP hold public hearings for residents' input on this project. The potential impacts of this pipeline are too great, and the public must be given ample input opportunity. (1687)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

25. COMMENT

The Columbia County Commissioners have been approached by a group of concerned citizens (CCAP) inquiring about the required water permits for the proposed Atlantic Sunrise Pipeline (FERC Docket: CP15-138). It's the groups understanding that public hearings must be held. Are there any scheduled at this time? Note: the attached documents referenced in this comment are included in part three of the comment response document. (1690 – 1692)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017

technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

26. COMMENT

The Atlantic Sunrise Pipeline would cause significant impacts to waterbodies and wetlands. Transco is proposing at least 578 waterbody and wetland crossings along the proposed pipeline route in Pennsylvania, impacting numerous exceptional value (EV) wetlands and high-quality watersheds, including Fishing Creek. The DEP has an obligation to protect these sensitive ecological resources under Art I, Sec. 27 of the Pennsylvania Constitution. Before it can issue permits for a project of this magnitude, we believe that the DEP should first provide citizens the opportunity to voice their opinions on the record at a public hearing. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1693 – 1701)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial). The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

27. COMMENT

We believe that citizens have legitimate concerns that need to be aired at a public hearing. We suggest that, in the best interests of the Commonwealth, an open public meeting be held for the consideration of the proposed water obstruction and encroachment permit which would greatly impact the quality of life in this region by impacting the land, water, animal habitat and citizens. Thank you for considering our request. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1693 – 1701)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

28. COMMENT

The Columbia-Montour Coalition for Source Water Protection believes in proactive water protection. As the agency, responsible for the permitting of project with potentially significant impacts on water quality and quantity in our Columbia County, we urge the Department of Environmental Protection to hold a public hearing on the application for water obstruction and encroachment permits for Transcontinental Pipeline Company (Transco) for the Atlantic Sunrise Pipeline (FERC Docket: CP15-138). Note: the attached documents referenced in this comment are included in part three of the comment response document. (1698, 1701 - 1704 and 4 nonlegible signatures)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

29. COMMENT

In the best interest of the citizens of Pennsylvania, we believe these concerns should be open for discussion at a public hearing. Thank you for your consideration of our request. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1698, 1701 - 1704 and 4 nonlegible signatures)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

30. COMMENT

And before any decision is handed down, please assure those of us impacted by this life the right to a public hearing, which I hope is a high priority for you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (390, 403)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional

public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

31. COMMENT

I am writing to ask that you hold a public hearing on Transcontinental Pipe Line Company's (Transco) application for water obstruction and encroachment permits for its proposed Atlantic Sunrise Pipeline (FERC Docket: CPIS-138).

The Atlantic Sunrise Pipeline would cause significant impacts to water bodies and wetlands. Transco is proposing at least 578 water body and wetland crossings along the proposed pipeline route in Pennsylvania, impacting numerous exceptional value (EV) wetlands, high-quality watersheds and Tucquan Creek, a State Scenic River. The DEP has an obligation to protect these sensitive ecological resources under Art. I, Sec. 27 of the Pennsylvania Constitution. Before it can issue permits for a project of this magnitude, the DEP must first provide citizens the opportunity to voice their opinions on the record at a public hearing. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1705)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

32. COMMENT

We are writing to ask that you hold a public hearing on Transcontinental Pipeline Company's (Transco) application for water obstruction and encroachment permits for its proposed Atlantic Sunrise Pipeline (FERC Docket: CP15-138)

The Atlantic Sunrise Pipeline would cause significant impacts to waterbodies and wetlands. Transco is proposing at least 578 waterbody and wetland crossings along the proposed pipeline route in Pennsylvania, impacting numerous exceptional value (EV) wetlands, high-quality watersheds and rivers. The DEP has an obligation to protect these sensitive ecological resources under Art. I, Sec. 27 of the Pennsylvania Constitution. Before it can issue permits for a project of this magnitude, the DEP must first provide citizens the opportunity to voice their opinions on the record at a public hearing.

The Pipeline Infrastructure Task Force executive summary acknowledges that "permits are not for the cumulative and long-term impacts" and that "chosen routes for not necessarily avoid sensitive lands, habitats, and natural features." Further, it states that these impacts are not always minimized or mitigated. The Task Force identified "recommendations of the highest priority for the Commonwealth" that included amplifying and engaging meaningful public participation. Holding a public hearing for these permits will show the public that inclusion and participation is indeed "of the highest priority" for the DEP.

We believe that citizens have serious and legitimate concerns that need to be aired at a public hearing. We suggest that, in the next interests of the Commonwealth, an open public meeting be held for consideration of the proposed water obstruction and encroachment permit which would greatly impact the quality of life in this region by impacting the land, water, animal habitat and citizens, Thank you for your consideration in this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1700 – 1701)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications*

(*Technical Guidance No. 310-2137-006*). The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

33. COMMENT

Finally, we respectfully request the opportunity to file additional comments and request that DEP hold a public hearing on Transco's application. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

34. COMMENT

Due to the lack of information in the Notice, DEP should republish notification and provide a new comment period.

DEP should extend the comment period. As explained above, the Notice for the Chapman Loop 102 permit contained virtually no information about Transco's application. Rather, DEP simply states that Transco is the applicant, the area to which the requested permit applies is in Chapman Township, Clinton County, and three exceptional value streams that would be impacted. *See* 46 Pa. B. 2397, 2453 (May 14, 2016). Nowhere does the notice even identify that the permit application is for the "Chapman Loop" or that it is part of the broader Atlantic Sunrise Project. This does not constitute adequate notice. Therefore, DEP should republish notification, file Transco's application in the FERC docket, and provide a new comment period.

Providing a new comment period will in no way prejudice Transco. On June 1, 2016, DEP extended the comment period for Transco's Chapter 105 permit applications for the Central Penn Line portion of the Atlantic Sunrise Project to August 1, 2016. Moreover, DEP has not even published notification for Transco's 102 applications for the Central Penn Line or Unity Loop. Thus, a new comment period following adequate notice for the Chapman Loop 102 application will not prejudice Transco. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1300, 1313)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

35. COMMENT

Absent the permit denial to adequately protect the public and PA communities, like that of the recent 401 Water Quality Certification for the Constitution pipeline denial in New York by the DEC; at a minimum, DRN requests an extension of the public comment period for the Chapter 105 application for the linear proposed 195-mile long Atlantic Sunrise, (that was published in the April 30, 2016 Pennsylvania Bulletin) for at least 60 days beyond the point when all information for the application is determined complete by the DEP. To end the public comment period, as is proposed on May 31, 2016, and before the application is fully complete by Transco means that the public does not have all of the needed information nor adequate time to comment fully on the proposed impacts. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

36. COMMENT

Please consider this a formal request for a public hearing to be held in Lebanon County concerning this Water Obstruction and Encroachment Permit application (E38-195) for the Atlantic Sunrise Pipeline Project. The notice of this permit application appeared in the Pennsylvania Bulletin on April 30, 2016. The public comment period ends on May 31, 2016. Please consider extending the public comment period to include a public hearing. The citizens of Lebanon County need adequate time and opportunity to comment on this significant 195-mile natural gas pipeline project that would cut across 28 miles in this County. This proposed project would cross many streams and wetlands in Lebanon County and in the Susquehanna River Basin watershed. The proposed project would adversely impact landowners, businesses, farms and travelers in the following municipalities in Lebanon County: Cold Springs, East Hanover, North Annville, South Annville, South Londonderry, Swatara, North Lebanon and Union Townships. The PA B notice indicates that to compensate for the proposed permanent project impacts in

Lebanon County, the applicant is proposing the creation of a compensatory wetland mitigation project located in West Cocalico Township, Lancaster County. This is inadequate and unacceptable. The project is located entirely within the Chesapeake Bay watershed. It will affect streams that have heavy agricultural, industrial, water supply and recreational uses and will impede our County's and state's ability to meet Pennsylvania's commitment to the restoration and protection of the Chesapeake Bay watershed. Surprisingly, PA DEP issued the 401 water quality certification for this pipeline project on April 28, 2016, even though the permit reviews are not finished. It is imperative that reasonable time and opportunity for public comment on this project be fostered. The U.S. Army Corps of Engineers also recently published notice announcing a public comment period ending June 30, 2016, for Transco's 404 application for the Atlantic Sunrise Pipeline Project. Since the federal and state agencies coordinate their reviews of such applications, it would not slow down the process for PA DEP to hold a public hearing as requested. Thank you for your consideration of these comments. Please acknowledge receipt of this email communication. (184)

Response: The applicant has developed and submitted a Site-Specific Permittee Responsible Mitigation Plan (see Attachment Q of Transco's Application). The Department determined that the plan adequately address the measures to avoid, minimize, and mitigate for temporary and permanent project-related impacts and includes off-site wetland creation and enhancement projects designed to compensate for conversions of wetland vegetation cover types occurring as a result of construction and operation of the pipeline.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

The Department undertook a coordinated review of all the Chapter 102 and 105 applications for this project. The loops associated with the Atlantic Sunrise Pipeline were permitted separately from the main CPL portion of the project, but all applications associated with the project including the loops were considered together. Further the loops, main line and other known existing or potential projects with a potential impact on the same resources were evaluated as part of the Comprehensive Environmental Evaluation of the projects.

37. COMMENT

As you are well aware, Transcontinental Pipeline Company (aka Williams Partners) has made application to FERC (FERC Docket: CP15-138) to construct a 195 mile natural gas pipeline that would cut across 28 miles of the county I live in, Lebanon. This is an enormous pipeline that uses 30-inch, 36-inch and 42-inch pipes to push gas under very high

pressure through my county to be shipped to overseas markets. This project will encroach and severely impact numerous wetlands, streams, creeks and rivers throughout its course and in Lebanon County. This project is located entirely within the Chesapeake Watershed and will impact the Watershed in harmful ways that will be felt for generations to come. The public comment period ends on May 31, 2016. Please consider extending the public comment period to include a public hearing in Lebanon County. The public hearing would provide an important opportunity for residents like me to comment on the permit application. I would appreciate an acknowledgement of this email, and thank you for your consideration. (1309)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

The Department acknowledges the comment regarding the potential environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

38. COMMENT

Many of my Lebanon County constituents have valid concerns regarding the proposed Atlantic Sunrise Pipeline Project. You are in the process of reviewing an Application for a Water Obstruction and Encroachment Permit (No. E38-195).

I would like to request a public hearing in Lebanon County on the permit so these constituents can have their comments and questions on record. Realizing the public comment period ends on May 31, please consider an extension of time for comments in order to hold this hearing.

This is one of several pipeline projects to go through Lebanon County. Giving people adequate time to review and question these projects is the responsible thing to do.

Thank you for the important work you do every day. I look forward to your prompt response. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1487)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and

received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

39. COMMENT

As a citizen of South Londonderry Township, Lebanon County Pennsylvania, I am writing to request that you schedule a public hearing on Transcontinental Pipe Line Company's (Transco) application for water obstruction and encroachment permits for its proposed Atlantic Sunrise Pipeline (FERC Docket: CP15-138).

Transco has proposed to construct the Atlantic Sunrise pipeline project, creating a new right of way corridor of approximately 184 miles in Pennsylvania, which includes a 28-mile route in Lebanon County. This pipeline would bisect Lebanon County from north to south crossing numerous water bodies and causing significant impacts on numerous exceptional value (EV) wetlands and high-quality watersheds. The DEP has an obligation to protect these sensitive ecological resources under Art. I, Sec. 27 of the Pennsylvania Constitution. Before it can issue permits for a project of this magnitude, the DEP must first provide citizens the opportunity to voice their opinions on the record at a public hearing.

The Pipeline Infrastructure Task Force executive summary identified "recommendations of the highest priority for the Commonwealth" that included amplifying and engaging in meaningful public participation. Holding a public hearing for these permits will show the public that inclusion and participation is indeed "of the highest priority" for the DEP.

In Lebanon County, proposed stream crossings include the Swatara, Quittapahilla, and Conewago, plus numerous tributaries and wetlands. None of the crossings will be without negative consequences as Williams does not plan to drill under any of these creeks but will cut an open trench through them to lay the pipe beneath the stream bed. Blasting through rock might even be needed in some of the streams.

Cumulative impacts of the proposed Atlantic Sunrise project must be considered due to the immense scope of this project. Construction of the Atlantic Sunrise will contribute to erosion and sediment not only through the construction of pipeline stream crossings, but also through increased runoff created by permanent clearing of riparian buffers and also permanent and temporary clearing of trees in adjacent forested areas. This is in direct conflict with goals needed to achieve agreements already in place to protect the Chesapeake Bay.

As a result of analyzing pipeline construction impacts to water bodies and wetlands, the New York Department of Environmental Conservation denied the water quality certification for the Constitution Pipeline, legally prohibiting the building of the pipeline in New York. Let us follow their lead. I urge your office to schedule a public hearing on these questions, so that the public can voice its concerns and have its questions addressed by PA-DEP and Transco. Thank you for your consideration in this matter. Note: the attached documents referenced in this comment are included in part three of the comment

response document. (1491)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

40. COMMENT

I am a resident of Lebanon County, a member of the Sierra Club and a co-founder of the grass-roots group, Concerned Citizens of Lebanon County. Last week, I sent by email a letter request to Scott Williamson, PA DEP's SCRO program manager of the Waterways and Wetlands Program, asking for a public hearing to be held in Lebanon County concerning (Williams's) Transcontinental Gas Pipe Line Company's application (E38-195) to PA DEP for a water obstruction and encroachment permit for the Atlantic Sunrise Pipeline Project. I requested that DEP consider extending the public comment period that ends today to include a public hearing. I am now aware that the Sierra Club, Pennsylvania Chapter, has also requested of you to extend the public comment period for the various county-wide Chapter 105 permit applications submitted for the Atlantic Sunrise project and

to hold public hearings in each county where the pipeline is proposed to be constructed. I write today in support of the Sierra Club requests to extend the public comment period and to hold hearings in each county through which the pipeline passes, especially in Lebanon County. As you know, Transco also has an application for the Atlantic Sunrise Pipeline Project pending at the Federal Energy Regulatory Commission (FERC Docket CP15-138). FERC recently opened a public comment period ending June 30, 2016, on that agency's Draft Environmental Impact Statement, a more than 1,300-page document. FERC does not expect to finish its review of the pipeline project until later this year or early 2017. The U.S. Army Corps of Engineers also recently published notice announcing a public comment period ending June 30, 2016, for Transco's 404 application for the Atlantic Sunrise Pipeline Project, a companion permit to the state's Chapter 105 permit. It would not hold up the process of the various agencies' reviews for PA DEP to extend the public comment period and hold hearings on the pipeline's Chapter 105 permits. The applications for the Atlantic Sunrise Pipeline Project submitted by Transco to the various agencies for review are voluminous and complicated. It is imperative that the public be granted a more reasonable time to review the materials and to provide comments. It is important to the public health, safety and the environment for the maximum time to be provided to consider this pipeline project. Thank you for your consideration of this and other requests for extension of the public comment period and for public hearings on the Atlantic Sunrise Project. (184)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

41. COMMENT

Ms. Geraldine Nesbitt respectfully submits this request for an extension of the public comment period and for a public hearing regarding the proposed Atlantic Sunrise pipeline project, and specifically the proposed Chapter 105 permit applications for the above-specified municipalities in Luzerne and Wyoming Counties. This request is timely filed within thirty (30) days of the April 30, 2016 Pennsylvania Bulletin notices. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017

technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

42. COMMENT

Furthermore, DEP's own newly formed "Pipeline Taskforce" identified in its first meeting this week that better and more meaningful public participation was needed with pipelines. "Pennsylvania will see as many as 30,000 miles of new pipeline built over the next 20 years to take...gas resources of the Marcellus and Utica Shales to market," the Department of Environmental Protection Secretary, John Quigley, said. The panel's goals include routing pipelines to minimize community and environmental impacts; facilitate "meaningful" public participation, and create a system of "predictable and efficient" permitting. Quigley also said the task force is not intended to produce more regulation on the gas industry (<https://stateimpact.npr.org/pennsylvania/2015/07/22/new-task-force-seeks-to-manage-massive-buildout-of-pipelines/#more-35468>, July 22, 2015). Secretary Quigley stated he expects the industry to add 20,000- 25,000 miles of gathering lines, smaller pipelines that connect gas wells to processing plants or main transmission lines. He said an additional 4,000 to 5,000 miles of interstate pipelines will be built over the next 20 years. Secretary's comments came after the 48-member task force heard a presentation on its mission that aims to deliver a report on pipeline development to Gov. Tom Wolf by February 2016. According to StateImpact, the panel includes industry representatives, federal, state and local government officials, end-users, state lawmakers, farmers, and emergency preparedness officials. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices. The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has concluded that the applications satisfy the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

43. COMMENT

As indicated in our May correspondence, DEP's own "Pipeline Taskforce" called for better and more meaningful public participation was needed with pipelines. "Pennsylvania will see as many as 30,000 miles of new pipeline built over the next 20 years to take...gas resources of the Marcellus and Utica Shales to market," the Department of Environmental Protection Secretary, John Quigley, said. Secretary Quigley stated he expects the industry to add 20,000-25,000 miles of gathering lines, smaller pipelines that connect gas wells to processing plants or main transmission lines. He said an additional 4,000 to 5,000 miles of interstate pipelines will be built over the next 20 years. According to StateImpact, the panel

includes industry representatives, federal, state and local government officials, end-users, state lawmakers, farmers, and emergency preparedness officials. All of this gas development infrastructure would bring irreparable harm to our water resources for an unsustainable and heat trapping methane source that will exacerbate the impacts of climate change. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices. The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has concluded that the applications satisfy the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

44. COMMENT

Lancaster Against Pipelines respectfully submits this comment on its own behalf and on behalf of its members regarding the proposed Atlantic Sunrise pipeline project, and specifically the proposed Chapter 105 permit applications for Lancaster County.

Lancaster Against Pipelines ("LAP") is a grassroots coalition of local residents, business owners, church communities, and non-profits committed to protecting their home county against the proposed Atlantic Sunrise gas pipeline. LAP is a registered 501(c)(3) organization. LAP and its members seek to preserve and protect what they most love and cherish about Lancaster County: their farmland, their woods, their scenic waterways, their rural way of life, their Amish neighbors, their Native American heritage, and the well-being of their tight-knit communities.

The relevant Pennsylvania Bulletin notice for Lancaster County appeared substantially as follows:

E36-947, Atlantic Sunrise, Transcontinental Gas Pipe Line Company, LLC, 2800 Post Oak Boulevard, Level 6, Houston, TX 77056. Atlantic Sunrise Pipeline in Conestoga, Drumore, Manor,

Martic, Mount Joy, Rapho, Pequea, Eden, East Donegal, and West Hempfield Townships, Borough of Mount Joy, Lancaster County, ACOE Baltimore District. The proposed project starts at Lebanon County Lancaster County border Elizabethtown, PA Quadrangle N: 40°, 12', 30"; W: -76°, 31', 49" and ends at CPL south, southern tie-in Holtwood, PA Quadrangle N: 39°, 50', 9"; W: -76°, 15', 15".

The project consists of the installation and maintenance of approximately 36.8 miles long, 42 inch pipeline and appurtenant structures. The proposed project impacts in Lancaster County include a total of 4,416 linear feet of temporary impacts to Back Run TSF, MF, Brubaker Run TSF, MF, Chiques Creek WWF, MF, Climbers Run CWF, MF, Indian Run WWF, MF, Little Chiques Creek TSF, MF, Muddy Run TSF, MF, Pequea Creek WWF, MF, Shawnee Run WWF, MF, Shells Run TSF, MF, Stamans Run WWF, MF, Strickler Run WWF, MF, Tucquan Creek HQ-CWF, MF, Four UNTs to Back Run TSF, MF, UNT to Brubaker Run WWF, MF, Two UNTs to Chiques Creek WWF, MF, UNT to Climbers Run CWF, MF, Two UNTs to Conestoga River WWF, MF, Two UNTs to Fishing Creek CWF, MF, UNT to Indian Run WWF, MF, Four UNTs to Little Chiques Creek TSF, MF, Seven UNTs to Pequea Creek WWF MF, UNT Stamans Run WWF, Two UNTs to Strickler Run WWF, MF, Nine UNTs to Witmers Run WWF, MF, Witmers Run WWF, MF, a total of 505 linear feet of permanent impacts to Back Run TSF, MF, Brubaker Run TSF, MF, Chiques Creek WWF, MF, Climbers Run CWF, MF, Indian Run WWF, MF, Little Chiques Creek TSF, MF, Pequea Creek WWF, MF, Shawnee Run WWF, MF, Shells Run TSF, MF, Stamans Run WWF, MF, Strickler Run WWF, MF, Tucquan Creek HQ-CWF, MF, Four UNTs to Back Run TSF, MF, UNT to Brubaker Run WWF, MF, Two UNTs to Chiques Creek WWF, MF, UNT to Climbers Run CWF, MF, Two UNTs to Conestoga River WWF, MF, Two UNTs to Fishing Creek CWF, MF, UNT to Indian Run WWF, MF, Three UNTs to Little Chiques Creek TSF, MF, Six UNTs to Pequea Creek WWF MF, UNT Stamans Run WWF, Two UNTs to Strickler Run WWF, MF, four UNTs to Witmers Run WWF, MF, Witmers Run WWF, MF and 2.02 acres of floodway impacts, 1.42 acre of temporary impacts to PEM, PSS and PFO wetlands and 0.28 acre of permanent impacts to PEM, PSS and PFO wetlands. To compensate for the proposed permanent project impacts in Lancaster County, the applicant is proposing the creation of a compensatory wetland mitigation project located on the Hibred Farms property along State Route 897 (Latitude: 40° 17` 02.38"N; Longitude: 76° 10` 34.03"W) in

West Cocalico Township, Lancaster County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Lancaster County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson 717-705-4799 to request a file review.

This comment and request for public hearing are timely filed within thirty (30) days of the April 30, 2016 Pennsylvania Bulletin notice.

LAP previously submitted a request for extension of comment deadline and a request for a

public hearing. This letter is filed without prejudice to LAP's right to submit further comments on the proposed Chapter 105 applications after a full and fair opportunity to review the application material. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices. Transco considered existing use designations for all stream crossings when evaluating impacts and included this information in its permit Application and provided appropriate antidegradation analyses, such as in Attachment M,, as well as in Attachment L-5, Appendix 1, Section 2.2. The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

45. COMMENT

In addition, as will be explained below, DEP has not yet provided a meaningful public participation opportunity on the above-referenced applications and other related applications. Therefore, DEP should withdraw authorizations prematurely issued and comprehensively evaluate the direct, secondary, and cumulative effects of the *entire* Atlantic Sunrise Project. Commenters incorporate by reference previous comment submitted on May 31, 2016. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project*

Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006). The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Applications- process, CI, Art 1

1. COMMENT

8. The Department should not rely on FERC conclusions in its decision making.

As the Department is aware, Williams is pursuing a parallel approval process before FERC. The Council does not believe the Department would rely on FERC's conclusions in its own review process, but out of an abundance of caution asks the Department not to do so. To put it plainly, FERC does not conduct a balanced assessment of the environmental impacts of pipelines. Rather, for reasons which are irrelevant here, FERC has concluded that the environmental impacts of *every single pipeline project* that has sought its approval are acceptable.

Accepting conclusions on environmental matters from an agency which considers environmental concerns always subservient to market conditions would be inappropriate for the Department, which conducts a far fairer review process.

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project based upon the Department and Conservation District review of the applicant's submissions.

2. COMMENT

The Allegheny Defense Project respectfully urges you to deny Transcontinental Pipe Line Company's ("Transco") above-referenced Chapter 102 erosion and sediment control permit ("ESCP") application for the Chapman Loop, which is part of Transco's Atlantic Sunrise Project. *See* 46 Pa. B. 2397, 2453 (May 14, 2016) ("Notice"). As we explain below, at a minimum, the Department should stay any further consideration.

Pennsylvania's erosion and sediment control regulations require best management practices ("BMPs") "be undertaken to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth." 25 Pa. Code § 102.2(b). The Chapter 102 program is integrated into the Chapter 105 water obstruction and encroachment regulations.

To the best of our knowledge, Transco has not yet submitted 102 permit

applications for the other parts of the Atlantic Sunrise Project (*i.e.*, the Central Penn Line and Unity Loop).

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1300, 1313)

Response: Transco has submitted all necessary Chapter 102 applications, including applications necessary for the Chapman Loop, which have been reviewed by DEP and Conservation Districts. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

3. COMMENT

DEP has not coordinated the various permit processes for the Atlantic Sunrise Project.

A primary concern of Commenters' previous comments was DEP's failure to coordinate the various permit processes associated with the Atlantic Sunrise Project. DEP is required "to coordinate the application for and issuance of permits under [25 Pa. Code § 105] with permit processes conducted under other statutes and regulations administered by [DEP] and with permit processes administered by other Federal and State agencies." 25 Pa. Code § 105.24(a). In addition, the DEP is supposed to "facilitate the submission of information on related activities of a project regulated under statutes and regulations administered by the [DEP] and other Federal and State agencies[.]" *Id.* § 105.24(b).

Instead of a coordinated permitting process, however, the public has been forced to navigate an unwieldy permit process over the past year for the Atlantic Sunrise Project. As previously explained, there has been little to no coordination of the various DEP permits that Transco must obtain, let alone coordination with other Federal and State agencies. For example, while DEP is soliciting comments on the above-referenced applications, it has already issued the Chapter 105 permit for the Chapman Loop component of the Atlantic Sunrise Project. The Atlantic Sunrise Project is a single project. DEP should not issue water obstruction and encroachment permits for a single project in multiple separate authorizations that are not coordinated.

Commenters previously noted that DEP should utilize the FERC docket system to share information, such as Transco's applications for the Atlantic Sunrise Project, with the public. This could be accomplished by either DEP submitting the applications when it receives them from an applicant or by requiring the applicant to file the applications for state-based permits in the FERC docket when they are filed with DEP. This is in keeping with DEP's trustee obligations under Article I, Sec. 27 of the Pennsylvania Constitution, would better "coordinate" the various permit processes, and would "facilitate the submission of information on related activities of a project[.]" 25 Pa. Code § 105.24.

Response: DEP coordinated the review of applications for the Atlantic Sunrise Project internally among DEP programs and regions, as well as with delegated Conservation Districts, and also coordinated with appropriate state and federal agencies. DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent

with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

4. COMMENT

As a result of DEP's failure to coordinate permit processes and facilitate the flow of information to the public, DEP should withdraw authorizations prematurely issued and comprehensively evaluate the direct, secondary, and cumulative effects of the *entire* Atlantic Sunrise Project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department coordinated the review of applications for the Atlantic Sunrise Project internally among department programs and regions, as well as with delegated Conservation Districts, and coordinated with appropriate state and federal agencies.

The Department held a 60-day public comment period in summer 2016, during which the Department conducted five public hearings and received feedback from more than 29,000 commentators. The Department did not hold an additional public comment period because the revisions Transco made to the applications did not substantively change right-of-ways nor the corridors of the permits. The previously submitted comments were still applicable to those revisions. The Department extended the comment period at the outset of the comment period and made the applications available online and in the applicable regional offices.

The Department reviewed applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. Those materials are all available in the public file and on the DEP website.

The Department evaluates the secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative

impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

5. COMMENT

Additionally, the Department has failed to coordinate the applications for and issuance of permits under Chapter 105 with permit processes conducted under other statutes and regulations administered by the Department and with permit processes administered by other Federal and State agencies. 25 Pa. Code § 105.24.

Response: DEP coordinated the review of applications for the Atlantic Sunrise Project internally among DEP programs and regions, as well as with delegated Conservation Districts, and also coordinated with appropriate state and federal agencies. The Department has conducted a coordination with other resource agencies, as part of its review under 25 Pa. Code § 105.14(b)(5) and 25 Pa. Code § 105.24

6. COMMENT

Finally, the applicant originally submitted its Chapter 105 applications in 2015. Thereafter the applicant significantly realigned the project on Ms. Nesbitt's property. The Chapter 150 applications reflecting the realigned project were not provided to Meliora during its review of the Department's documents in May of 2016. To the extent that the applicant has failed to revise the Chapter 105 applications to reflect the realignment, such failure should be fatal to the applications. To the extent that the applicant did modify the applications to reflect the realignment, such modifications should have been published in the *Pennsylvania Bulletin* and made available to Meliora. The failure to notice the modified applications and make them available for review has prejudiced Ms. Nesbitt and severely impacted her ability to meaningfully comment on the applications. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

As documented in Attachment P-1 (Section 7.4) of Transco's Application, Transco has adopted CPL North Alternative 13 into the proposed route, which avoids the Nesbitt Property.

7. COMMENT

DEP's failure to coordinate permit processes has resulted in segmented environmental review and requires DEP to withdraw authorizations prematurely issued and to comprehensively evaluate the direct, secondary and cumulative effects of the *entire* Atlantic Sunrise Project.

DEP is required "to coordinate the application for and issuance of permits under [25 Pa. Code § 105] with permit processes conducted under other statutes and regulations administered by [DEP] and with permit processes administered by other Federal and State

agencies.” 25 Pa. Code § 105.24(a). The permitting process that has unfolded for the Atlantic Sunrise Project, however, has been anything but “coordinated.” In fact, as Table 1 below shows, it has been woefully uncoordinated, with various DEP offices issuing public notices for segmented parts of the Atlantic Sunrise Project over the past year.

Instead of requiring Transco to submit a single application for the above-referenced permits and requests, DEP accepted Transco’s submission of isolated parcels of the Atlantic Sunrise Project. Even if one considers a single permit program, Transco submitted isolated parcels of the Atlantic Sunrise Project. For example, instead of submitting a single application for a Chapter 105 permit, Transco submitted three separate applications for the Unity Loop, Chapman Loop, and Central Penn Line between September 2015 and April 2016. To make matters worse, DEP’s public notices for these applications do not reference the other parts of the overall project.

In its Chapter 105 permit application for Unity Loop, for instance, DEP states that the Unity Loop is a “new 8.6 mile long pipe” proposed “as part of the Atlantic Sunrise Project.” 45 Pa. B. 5667, 5708 (Sept. 19, 2105). There is no reference to the FERC docket and no reference to the fact that there are approximately another 190 miles of pipeline proposed “as part of the Atlantic Sunrise Project.” The public notice for the Chapter 105 permit application for the Chapman Loop suffers from the same lack of information about the true nature and scope of the Atlantic Sunrise Project. *See* 45 Pa. B. 6391, 6429 (Oct. 31, 2015).

It would not be until April 30, 2016, that DEP published the notice of applications for the Central Penn Line part of the Atlantic Sunrise Project. *See* Notice at 2211-2215. Nowhere does the Notice reference the two other parts of Atlantic Sunrise (Unity Loop and Chapman Loop) for which DEP had already solicited comments. Nor does the Notice make clear that all three components (Central Penn Line, Unity Loop, and Chapman Loop) are, in fact, part of the same overall project. And, again, there is no reference to the FERC docket.

The lack of information is exacerbated by the deficient notice for the May 14, 2016 Chapman Loop 102 permit application, the application at issue in these comments. In the Notice, DEP simply states that Transco is the applicant, the area to which the requested permit applies is in Chapman Township, Clinton County, and three exceptional value streams that would be impacted. *See* 46 Pa. B. 2397, 2453 (May 14, 2016). Nowhere does the notice identify that the permit application is for the “Chapman Loop” or that it is part of the broader Atlantic Sunrise Project. And, once again, there is no reference to the FERC docket.

This convoluted and fragmented permitting process is the antithesis of coordination. And these are just some of the permit programs administered by DEP. The lack of coordination extends to other permit programs administered by other agencies as well. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department undertook a coordinated review of all the Chapter 102 and 105 applications for this project. The loops associated with the Atlantic Sunrise Pipeline were permitted separately from the main CPL portion of the project, but all applications associated with the project including the loops were considered together. Further the loops, main line and other known existing or potential projects with a potential impact on the same resources were evaluated as part of the Comprehensive Environmental Evaluation of the projects.

8. COMMENT

Furthermore, DEP should utilize the FERC docket to provide quick and easy access to permit applications and requests. Currently, DEP does not provide a company's application or request when it publishes a notice in the Pennsylvania Bulletin. Rather, DEP tells citizens that if they want to see a particular application or request that they must either pay a fee to have the documents copied and sent in the mail or they can schedule a file review. This is unnecessarily burdensome for several reasons.

First and foremost, as a trustee of the Commonwealth's environmental resources, DEP should not be charging citizens (*i.e.*, beneficiaries) for access to permit applications and WQC requests. *See Robinson Township, v. Commonwealth of Pennsylvania*, 83 A.3d 901, 983 n. 60 ("the Commonwealth has failed to discharge its trustee duty of gathering and *making available to the beneficiaries* complete and accurate information as to the nature and amount of the trust property.") (emphasis added). *Robinson Township* also referenced the Restatement (Second) of Trusts § 173, noting that the "right of access to trust records is [an] essential part of [a] beneficiary's right to complete information concerning administration of the trust[.]" The court further noted that the "right of inspection has [an] independent source in [the] beneficiary's property interest in [the] trust estate" and that the beneficiary "is always entitled to such information as is reasonably necessary to enable him to enforce his rights under the trust or to prevent or redress a breach of trust." *Id.* In light of DEP's constitutional obligations as a trustee, as well as its statutory obligation to waive fees if it "is in the public interest to do so," 65 P.S. § 67.1307(f)(2), the agency should not charge citizens or citizen groups to access permit applications for activities that would potentially harm trust resources.

Second, file reviews are not an adequate substitute for fulfilling DEP's trustee obligations. This is because file reviews often cannot be scheduled within a reasonable time to afford citizens the opportunity to fully review relevant documents and provide meaningful comments before the end of a comment period. Moreover, since DEP only allows file reviews during normal business hours, it is often difficult for citizens to take off work in order to conduct the file review.

Therefore, when DEP receives a permit application or a WQC request for a project that is part of a FERC proceeding, it should upload those filings to the relevant FERC docket and provide information about how to access those filings when it publishes notice in the Pennsylvania Bulletin. This would better "coordinate" DEP's permit processes with FERC's. 25 Pa. Code § 105.24(a). It would also fulfill its trustee obligations pursuant to Art. I., Sec. 27 of the Pennsylvania Constitution. Moreover, it should not be at all

burdensome on DEP since it should take no more than a few minutes to upload the applicant's filings to the FERC docket. If anything, it should lessen the burden on DEP by reducing the amount of individual records and file review requests. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department satisfied the public comment and hearing requirements in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department made the applications available online and in the applicable regional offices.

9. COMMENT

As stated above, none of the public notices for the Chapter 105 or Chapter 102 permit applications even referenced the FERC docket. Failing to identify the FERC docket and provide information about how to access materials associated with the FERC proceeding deprives citizens of critical information about the true nature and scope of the overall project. Therefore, DEP should have a policy in place that requires it to include the FERC docket number and information about how to access the docket for all applications and requests that it receives for projects that are part of a FERC proceeding. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department made the applications available online and in the applicable regional offices. Also, The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters.

10. COMMENT

According to the Federal Energy Regulatory Commission's draft Environmental Impact Statement, Transco proposes to use a 75-foot-wide construction right-of-way in most wetlands, except where we have approved additional workspace on a site-specific basis. Additionally, "construction would affect a total of 50.4 acres of wetlands, including 11.9 acres of forested wetlands, 8.6 acres of scrub-shrub wetlands, and 29.9 acres of emergent wetlands. Fifty-one of the wetlands crossed by the proposed pipelines in Pennsylvania are classified as exceptional value, with 15 of these containing a forest component. The Project would cross eight forested wetlands in Pennsylvania that are characteristic of the Hemlock/Mixed Hardwood Palustrine Forest Community type, which the Pennsylvania Department of Conservation and Natural Resources identified as a natural or special

concern community type.” Additionally, the route of the Atlantic Sunrise Pipeline will disturb numerous areas of ecological importance, including many documented in the County Natural Heritage Inventory (CNHI). The PA Department of Conservation and Natural Resources conducted the inventory to be used as a planning, economic, and infrastructural development tool, intending to avoid the destruction of habitats and species of concern. According to the Natural Heritage Inventory report, core habitats “contain plant or animal species of state or federal concern, exemplary natural communities, or exceptional native diversity.” The inventory notes that the species in these habitats will be significantly impacted by disturbance activities. Supporting landscapes are defined as areas that “maintain vital ecological processes or habitat for sensitive natural features.” Finally, the provisional species of concern sites are regions where species have been identified outside of core habitat and are in the process of being evaluated. The Atlantic Sunrise intersects 16 core habitats, 12 supporting landscapes, and 6 provisional sites. I have created four maps, submitted in this comment, that show the CNHI landscapes affected by the route of the Atlantic Sunrise pipeline. I have also included detailed descriptions of each Core Habitat that explain their significance, threats, and conservation recommendations. The Pipeline Infrastructure Task Force executive summary acknowledges that “permits are not reviewed for the cumulative and long-term impacts” and that “chosen routes do not necessarily avoid sensitive lands, habitats, and natural features.” Further, it states that these impacts are not always minimized or mitigated. The Task Force identified “recommendations of the highest priority for the Commonwealth” that included amplifying and engaging in meaningful public participation. Holding a public hearing for these permits will show the public that inclusion and participation is indeed a highest priority for the DEP. Thank you for your consideration in this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document.

(1)

Response: The Department acknowledges the comment regarding the potential impacts of this project. The Pipeline Infrastructure Task Force executive summary should not be confused with the Department’s review of this project. In its review of the applications for this project, the Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

Furthermore, the Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department’s February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

The Department evaluates cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department’s review of a water obstruction and encroachment permit application, other

existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

11. COMMENT

The Pipeline Infrastructure Task Force executive summary acknowledges that “permits are not reviewed for the cumulative and long-term impacts” and that “chosen routes do not necessarily avoid sensitive lands, habitats, and natural features.” Further, it states that these impacts are not always minimized or mitigated. The Task Force identified “recommendations of the highest priority for the Commonwealth” that included amplifying and engaging in meaningful public participation. Holding a public hearing for these permits will show the public that inclusion and participation is indeed “of the highest priority” for the DEP. Just recently, the New York Department of Environmental Conservation denied water quality certificates for the Constitution Pipeline, which means that the company is legally prohibited from building the pipeline in New York. DEP should follow New York's lead when it comes to analyzing pipeline construction impacts to waterbodies and wetlands to ensure that Pennsylvania's resources are protected to the fullest extent possible. I request that DEP deny these wetland and waterways permits due to the severe water impacts that would result from the many waterbody crossings proposed. Thank you for your consideration. (2 – 221, 398, 400, 405, 1488 – 1490, 1494, 1539)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 102 and 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment

review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

12. COMMENT: DEP must consider the secondary and cumulative impacts of the Atlantic Sunrise Project, including shale gas development, on public natural resources.

Implementation of erosion and sedimentation control plans is integrated into the Chapter 105 permitting process. See 25 Pa. Code § 105.46. As part of its review of Transco's applications for Chapter 105 water obstruction and encroachment permits, DEP must consider the secondary and cumulative impacts associated with shale gas development on the Commonwealth's public natural resources. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1300, 1313)

Response: The Department evaluates secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

13. COMMENT

Transco's cumulative impacts analysis does not contain sufficient information for the DEP to make an informed decision about Transco's Applications.

When evaluating a proposed project's impact on health, safety, and the environment under 25 Pa. Code § 105.14, DEP must consider "the cumulative impact of this project and other potential or existing projects." *Id.* § 105.14(b)(14). Nothing in the regulation limits the "other potential or existing projects" to those related to the project proposed in the application under review. A gas pipeline, a power line, a housing development, an industrial park, and a marina might have cumulative impacts that must be considered on water resources even though all of them are proposed by unrelated entities and none of them is engendered by any of the other projects or depends on any other project to go forward. As part of its analysis of cumulative impacts, DEP must consider the potential impacts of "numerous piecemeal changes" on wetland resources and recognize that each wetland site "is part of a complete and interrelated wetland area." *Id.*

For water obstructions and encroachments that will affect non-Exceptional Value (EV) wetlands, DEP generally may issue a permit only if "[t]he cumulative effect of this project and other projects will not result in a *major impairment* of this Commonwealth's wetland resources." 25 Pa. Code § 105.18a(b)(6) (emphasis added). The term "major impairment"

is not defined in Chapter 105; however, since wetlands are subject to DEP's antidegradation requirements set forth at 25 Pa. Code Chapter 93, the DEP may not allow any impairment so "major" that it prevents wetlands from attaining their existing uses, and DEP must protect the level of water quality necessary to protect those uses. 25 Pa. Code § 93.4a(b).² Moreover, any wetlands that are impaired must be replaced in accordance with 25 Pa. Code § 105.20a. *See* 25 Pa. Code § 105.18a(b)(7).

When a project will affect EV wetlands, as Transco's Project will in several instances, DEP generally may not issue a water obstruction and encroachment permit unless "[t]he cumulative effect of this project and other projects *will not result in the impairment* of the Commonwealth's exceptional value wetland resources." 25 Pa. Code § 105.18a(a)(6) (emphasis added). Thus, as part of its review of the Applications, DEP must find in writing that Transco affirmatively demonstrated that EV resources would not be impaired by the cumulative impact of the Project and all other potential or existing projects. This is a significant burden – and one that Transco has not met in this case.

For example, in regards to its application for Luzerne County (E40-769), Transco states that it has evaluated "identified past, present, and reasonably foreseeable Projects and other human related activities occurring in the vicinity of the Project." Transco Application for Luzerne County at 40. Transco does not, however, list the projects it considered to allow DEP to evaluate cumulative impacts for itself. Instead, throughout its analysis, Transco seems to follow a format of: identifying (in qualitative terms) potential impacts that could result from the Project; describing actions Transco is taking to mitigate or minimize those impacts; and concluding summarily that there will not be a "significant measurable cumulative effect" on the resource in question. *See generally id.* at 41-52.

Transco makes little attempt to discuss, except in the most basic terms, the impacts that can be expected from other human activity in the area. Transco's limited discussion of impacts from other projects is marred by the following shortcomings:

- Transco fails to adequately quantify impacts of other projects in the vicinity of the Atlantic Sunrise pipeline. Considering that the purpose of a cumulative impacts analysis is to determine how the project contributes to the combined effect of multiple projects, the failure to even attempt to quantify the effects from other projects is a critical deficiency.
- Even when Transco acknowledges impacts from other activities, it does not explain how these effects will contribute to adverse impacts on resources. For example, in its discussion of impacts to surface water resources, Transco admits that natural gas drilling creates the "potential ... for cumulative effects on surface waters affected within the same watersheds crossed by the Project." *Id.* at 44. Transco, however, does not provide any more information about these potential effects, because the information "was not readily available." *Id.* If information is about a major potential impact like gas drilling is "not readily available," Transco cannot reasonably conclude that "there will be no significant measurable cumulative effects on these resources." *Id.*
- When discussing the cumulative impacts of water body crossings, Transco dismisses impacts from other activities, because they will not "affect the same

waterbodies in the same timeframe as the Project.” The timeframe of project activity should not be relevant to Transco’s cumulative impacts analysis. As the regulations make clear, the cumulative impacts analysis should include information about all “*potential or existing* projects.” 25 Pa. Code § 105.14(b)(14) (emphasis added). Many “existing” projects have permanent impacts that remain long after construction activity is complete, and Chapter 105 specifically requires consideration of “potential” projects that have not yet begun, so Transco’s assertion that these activities are not taking place “in the same timeframe” as the Project is of little value.

- Many of Transco’s assertions of a lack of significant cumulative impacts are conclusory and not supported by fact or reasoning. For example, in discussing impacts to wildlife, Transco states:

Transco expects that similar restoration activities would be employed for the Projects identified in the cumulative effects analysis as well, along with the implementation of BMPs and other effect avoidance measures. Based on this, Transco believes there will be no significant measurable cumulative effects of the Project on wildlife.

Transco Application for Luzerne County at 44. Transco provides no basis for its “expectation” that other projects would implement BMPs and avoidance measures sufficient to avoid cumulative impacts. Transco should: (1) identify the projects it believes could contribute to cumulative impacts; (2) explain with specificity the expected impacts and any mitigation measures in place to minimize those impacts; and (3) provide a quantification of the aggregate impacts expected from its Project in conjunction with other potential and existing projects in the vicinity. Only then can Transco – or DEP – make a reasonable conclusion about expected cumulative impacts and their effect on the Commonwealth’s resources.

Despite Transco’s conclusions, it is likely that cumulative impacts will be significant. On behalf of the Clean Air Council, CNA Analysis and Solutions recently performed an analysis of the expected impacts on the nearby Delaware River Basin that would result from the completion of just eight proposed transmission pipelines. Just from these pipelines and just in Pennsylvania alone, CNA projected a loss of over 400 acres of forest, and permanent impacts on over 15 acres of wetlands. Lars Hanson and Steven Habicht, “Cumulative Land Cover Impacts of Proposed Transmission Pipelines in the Delaware River Basin” at 39, available at https://www.cna.org/CNA_files/PDF/IRM-2016-U-013158.pdf (last accessed: August 1, 2016). Although the Atlantic Sunrise pipeline is not included in this analysis, it is likely that it and the many other pipelines proposed in the Susquehanna River Basin will have comparable effects. When these effects are added to the many other projects, like natural gas well pads, electricity transmission lines, housing developments, industrial facilities, etc., the cumulative impact is likely to be considerable. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department evaluates cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with

Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

14. COMMENT

It is also critical that the DEP consider the full cumulative impacts along the entire pipeline path. This pipeline project if approved would span nine counties of the Commonwealth and parts of Virginia and cut across, according to the FERC Draft Environmental Impact Statement (EIS), 58 HQ-CWF, MF streams and a total of at least 331 waterbodies and 250 wetlands (approximately 50.4 wetland acres). DRN notes that it is odd that, according to the Draft EIS, there are no Exceptional Value (EV) streams listed to be proposed to be cut along this pipeline path and requests that that information be verified by the agencies especially considering various upgrades have been approved over the last year by PA agencies. Just last week an existing use table was updated by the DEP (May 16, 2016) that can be accessed here, for example as more streams are upgraded in the state: <http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/WaterQuality/Pages/ExistingUse.aspx#.VzXIhp3D92M>. Fish and Boat Commission has spent the last year designating hundreds of streams as Wild Trout and Class A waters which would require some upgrades to HQ designation. Cross verification between those designated and newly updated lists are needed to ensure no CWF streams in the pipeline path may in fact now be HQ waters. There is also another bundle of streams being considered by the FBC currently for changes. The Commission is proposing the addition of 102 deserving stream segments to the wild trout or Class A Wild Trout List at their July meeting. These designations must help call for effective and timely protection of these diverse and important cold water habitats of the Commonwealth and the project and Chapter 105 review must consider these changes. Furthermore, with the extent of wetlands that are proposed to be cut by the pipeline, it is unclear which of these 250 wetlands are considered EV wetlands as they may be located within a HQ watershed where native brook trout thrive. Pursuant to Chapter 105.18a(a), is that the project encroachment will not have an "adverse impact on the wetland". In order to determine if an adverse impact has occurred, the function and values of the wetlands are evaluated (PA Code 105.14.b(13)). As indicated in past comment and expert reports submitted by DRN, forested wetlands are especially vulnerable to thermal impacts and permanent changes with pipeline cuts.¹ EV and HQ streams and wetlands that remain in Pennsylvania should not be sacrificed for a gas pipeline project like the Atlantic Sunrise that exacerbates climate change and causes irreparable direct harm to streams that the path would cut.

In addition to sensitive waterbodies, impaired streams would also be further impacted by this project, adding injury from pipeline cuts to at least 42 streams of which many are

already polluted and on the 303(d) list already due to siltation problems which is often a direct impact from pipeline cuts with open trench wet crossings (8 waterbodies proposed) and dry crossings – dam and pump or flume methods (274 waterbodies proposed) as well as blasting streams (20 waterbodies proposed but it appears that this analysis of blasting is based on USDA soils data and/or field surveys so it is not fully complete since not all areas have not been field verified). Abandoned mine drainage, sink holes, possible dewatering of streams, mine subsidence, mine fires, and other hazards are also concerns in areas the pipeline would cut where anthracite mining has been conducted – according to the FERC Draft EIS, 3.9 miles of the proposed pipeline could be in a high, moderate or low risk for subsidence which could cause potential and irreparable harm to streams, wetlands and groundwater resources.

Stream science clearly indicates that when forests (and forested streams) are cut for a pipeline and soils compacted etc - those impacts must be considered fully by the DEP for its Chapter 105 since this impact on the land impacts watershed health. FERC's EIS notes that 45 interior forests in the Commonwealth would be cut by this pipeline across an estimated 19.3 miles of the pipeline path through these last remaining areas of interior forest. Science and reports submitted to the DEP by Delaware Riverkeeper Network shows that with these pipeline cuts through forests comes an additional 300 feet on either side of the pipeline cut that impacts that sensitive interior forested habitat. DRN does not believe these numbers are fully nor adequately reflected or included in the current application – the FERC Draft EIS estimates 270.4 acres of habitat would be affected during construction to these interior forests.

DRN has submitted in the past various considerations to take into account about this project in regard to segmentation and related pipeline projects, like the Leidy Transco Pipeline that would interconnect with sections of the proposed Atlantic Sunrise pipeline. The Atlantic Sunrise project is at least one of three applications and pipelines FERC has certified or is reviewing that Transco has filed that will impact Pennsylvania since the Leidy Southeast Expansion. Each of these projects leap-frog on the Leidy Pipeline system and the planned Atlantic Sunrise project would add looping sections of pipeline filling in gaps along Transco's Leidy line system, which would be located along some of the same geographic corridor as the Project. DRN's scoping comments for Atlantic Sunrise (dated August 16, 2014) requested that FERC include a consideration of impacts resulting from all inter-related projects, including Cove Point, and their potential overlapping zones of impact, in its review of the Atlantic Sunrise Project. By considering the environmental impacts of these five inter-related and functionally inter-dependent projects in separate NEPA documents, rather than completing a full Environmental Impact statement to review upgrading the Leidy line system as a whole that includes the Atlantic Sunrise Project, FERC is unlawfully segmenting its analysis in violation of its obligations under NEPA. It is important and critical with such a proposed build out of pipelines in the Commonwealth to move natural gas abroad and to other markets, and with FERC's track record of this improper segmentation as evidenced in successful litigation brought by Delaware Riverkeeper Network, that DEP also consider these other pipeline projects and the environmental impacts they will cause cumulatively as part of the state's permitting and certification process in order to best protect the Commonwealth from the rampant gas

pipeline projects that are being considered, already built, or being built in the state. The court held that the Commission (FERC) violated NEPA by: “(1) segmenting its environmental review of the Northeast Upgrade Project – i.e., failing to consider the Northeast Upgrade Project in conjunction with three other connected, contemporaneous, closely related, and interdependent Tennessee Gas pipeline projects – and (2) failing to provide a meaningful analysis of the cumulative impacts of these projects to show that the impacts would be insignificant” (Delaware Riverkeeper Network, et. al. v. Federal Energy Regulatory Commission, Tennessee Gas Pipeline Company). DRN argues that FERC has continued its practice of segmenting its environmental reviews of pipeline projects, including the Leidy Southeast Expansion Project and the Atlantic Sunrise Pipeline Project. It is critical with this lack of thorough oversight at the federal level and segmentation continuing, that DEP use all regulatory measures in its authority to consider the wetlands and stormwater impacts through, Chapter 105 and Chapter 102 regulations. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department evaluates cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department’s review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department’s review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Transco reported any Exceptional Value stream crossings in Attachment L, Enclosure D, Section B.1, Table L(d)-5 of its Application.

15. COMMENT

Because the Commonwealth has permitted 8,191 unconventional gas wells (since Jan 30, 2015) and the scientific community has published, since April 2015 over 400 peer reviewed papers indicating harm, it is also critical that DEP use its authority and consider these beginning of pipe and end of pipe impacts that fracking and related infrastructure is causing and will exacerbate if these additional pipelines are permitted by DEP. According to Physicians for Safe Energy, 72% of these original research studies on water quality indicate potential, positive association, or actual incidence of water contamination; and 95% of all original research studies on air quality indicate elevated concentrations of air pollutants. Air pollution impacts water so all of these cumulative impacts must be considered by the DEP as part of its 404 and Chapter 105 review. And air pollution in the state already is ailing on many levels, causing harm to our waterways and the public. For example, just last week two of the five consecutive days (5/25 and 5/26/16 for Bristol, PA DEP air station) had ozone way above the 70 ppb ozone standard (90 ppb and 85 ppb). In Tioga County, three of the five consecutive days (5/24, 25, 26/16) last week were in exceedance for ozone

(73, 77, and 74 ppm). These exceedances were detected by DEP's ambient air quality monitoring program. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

16. COMMENT

Transco's cumulative impacts analysis does not contain sufficient information for the Department to make an informed decision about the Application.

When evaluating a proposed project's impact on health, safety, and the environment under 25 Pa. Code § 105.14, the Department must consider "the cumulative impact of this project and other potential or existing projects." *Id.* § 105.14(b)(14). Nothing in the regulation limits the "other potential or existing projects" to those related to the project proposed in the application under review. A gas pipeline, a power line, a housing development, an industrial park, and a marina might have cumulative impacts that must be considered on water resources even though all of them are proposed by unrelated entities and none of them is engendered by any of the other projects or depends on any other project to go forward. As part of its analysis of cumulative impacts, the Department must consider the potential impacts of "numerous piecemeal changes" on wetland resources and recognize that each wetland site "is part of a complete and interrelated wetland area." *Id.*

For water obstructions and encroachments that will affect non-Exceptional Value (EV) wetlands, the Department generally may issue a permit only if "[t]he cumulative effect of this project and other projects will not result in a *major impairment* of this Commonwealth's wetland resources." 25 Pa. Code § 105.18a(b)(6) (emphasis added). The term "major impairment" is not defined in Chapter 105; however, since wetlands are subject to the Department's antidegradation requirements set forth at 25 Pa. Code Chapter 93, the Department may not allow any impairment so "major" that it prevents wetlands from attaining their existing uses, and the Department must protect the level of water quality necessary to protect those uses. 25 Pa. Code § 93.4a(b).¹ Moreover, any wetlands that are impaired must be replaced in accordance with 25 Pa. Code § 105.20a. *See* 25 Pa. Code § 105.18a(b)(7).

When a project will affect EV wetlands, as Transco's Project will in several instances, the Department generally may not issue a water obstruction and encroachment permit unless "[t]he cumulative effect of this project and other projects *will not result in the*

impairment of the Commonwealth’s exceptional value wetland resources.” 25 Pa. Code § 105.18a(a)(6) (emphasis added). Thus, as part of its review of the Applications, the Department must find in writing that Transco affirmatively demonstrated that EV resources would not be impaired by the cumulative impact of the Project and all other potential or existing projects. This is a significant burden – and one that Transco has not met in this case.

Transco states that it has evaluated “identified past, present, and reasonably foreseeable Projects and other human related activities occurring in the vicinity of the Project.” Application, Attachment L, Enclosure D at 40. Transco does not, however, list the projects it considered to allow the Department to evaluate cumulative impacts for itself. Instead, throughout its analysis, Transco seems to follow a format of: identifying (in qualitative terms) potential impacts that could result from the Project; describing actions Transco is taking to mitigate or minimize those impacts; and concluding summarily that there will not be a “significant measurable cumulative effect” on the resource in question. *See generally* Application, Attachment L, Enclosure D at 41-52.

Transco makes little attempt to discuss, except in the most basic terms, the impacts that can be expected from other human activity in the area. Transco’s limited discussion of impacts from other projects is marred by the following shortcomings:

- Transco does not appear to make any effort to quantify impacts of other projects in the vicinity of the Atlantic Sunrise pipeline. Considering that the purpose of a cumulative impacts analysis is to determine how the project contributes to the combined effect of multiple projects, the failure to even attempt to quantify the effects from other projects is a critical deficiency.
- Even when Transco acknowledges impacts from other activities, it does not explain how these effects will contribute to adverse impacts on resources. For example, in its discussion of impacts to surface water resources, Transco admits that natural gas drilling creates the “potential for cumulative effects on surface waters affected within the same watersheds crossed by the Project.” Application, Attachment L, Enclosure D at 44. Transco, however, does not provide any more information about these potential effects, because the information “was not readily available.” *Id.* Transco does not explain how it reconciles its acknowledgement of drilling’s potential, but unspecified, impacts on surface water resources with its conclusion that “there will be no significant measurable cumulative effects on these resources.” *Id.*
- When discussing the cumulative impacts of water body crossings, Transco dismisses impacts from other activities, because they will not “affect the same waterbodies in the same timeframe as the Project.” The timeframe of project activity should not be relevant to Transco’s cumulative impacts analysis. As the regulations make clear, the cumulative impacts analysis should include information about all “*potential* or *existing* projects.” 25 Pa. Code § 105.14(b)(14) (emphasis added). Many “existing” projects have permanent impacts that remain long after construction activity is complete,² and Chapter 105 specifically requires consideration of “potential” projects that have not yet begun, so Transco’s assertion that these activities are not taking place “in the same timeframe” as the Project is of

little value.

- Many of Transco's assertions of a lack of significant cumulative impacts are conclusory and not supported by fact or reasoning. For example, in discussing impacts to wildlife, Transco states, Transco expects that similar restoration activities would be employed for the Projects identified in the cumulative effects analysis as well, along with the implementation of BMPs and other effect avoidance measures. Based on this, Transco believes there will be no significant measurable cumulative effects of the Project on wildlife.

Application, Attachment L, Enclosure D at 44. Transco provides no basis for its "expectation" that other projects would implement BMPs and avoidance measures sufficient to avoid cumulative impacts. Transco should: (1) identify the projects it believes could contribute to cumulative impacts; (2) explain with specificity the expected impacts and any mitigation measures in place to minimize those impacts; and (3) provide a quantification of the aggregate impacts expected from its Project in conjunction with other potential and existing projects in the vicinity. Only then can Transco – or the Department – make a reasonable conclusion about expected cumulative impacts and their effect on the Commonwealth's resources.

Despite Transco's conclusions, it is likely that cumulative impacts will be significant. On behalf of the Clean Air Council, CNA Analysis and Solutions recently performed an analysis of the expected impacts on the nearby Delaware River Basin that would result from the completion of just eight proposed transmission pipelines. Just from these pipelines and just in Pennsylvania alone, CNA projected a loss of over 400 acres of forest, and permanent impacts on over 15 acres of wetlands. Lars Hanson and Steven Habicht, "Cumulative Land Cover Impacts of Proposed Transmission Pipelines in the Delaware River Basin" at 39, available at https://www.cna.org/CNA_files/PDF/IRM-2016-U-013158.pdf (last accessed: July 28, 2016). Although the Atlantic Sunrise pipeline is not included in this analysis, it is likely that it and the many other pipelines proposed in the Susquehanna River Basin will have comparable effects. When these effects are added to the many other projects, like natural gas well pads, electricity transmission lines, housing developments, industrial facilities, etc., the cumulative impact is likely to be considerable.

The Department should request that Transco conduct a more comprehensive cumulative impacts analysis that includes – at a minimum – a list of projects considered, the expected impacts of those projects, and a quantification of aggregated impacts before making a determination as to whether the cumulative impact will result in an impairment of the state's wetland resources. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1689)

Response: The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland

resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project. This evaluation included identifying other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the applicant's identified cumulative impacts analysis, and also a considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

17. COMMENT

The Pipeline Infrastructure Task Force executive summary acknowledges that "permits are not reviewed for the cumulative and long-term impacts" and that "chosen routes do not necessarily avoid sensitive lands, habitats, and natural features." Further, it states that these impacts are not always minimized or mitigated. The Task Force identified "recommendations of the highest priority for the Commonwealth" that included amplifying and engaging in meaningful public participation. Holding a public hearing for these permits will show the public that inclusion and participation is indeed "of the highest priority" for the DEP. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1705)

Response: The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance*

No. 310-2137-006). The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The Department's public comment and hearing requirements satisfy the public notice regulatory requirement in its Chapter 105 regulations. The Department held a 90-day public comment period between April 30, 2016 and August 1, 2016. In addition, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The Department held an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and in the applicable regional offices.

18. COMMENT

The Spencer Philips, Ph.D. report (enclosed), "Economic Costs of the Atlantic Coast Pipeline," February 2016 cites ecosystem services lost and taxpayer expenses over the life of a project from a similar pipeline project in Western and Central Virginia that is being considered by the agencies. In this report findings included:

- Lost ecosystem service value, such as for water and air purification, recreational benefits, and others accounted for: Over the two-year construction period: between \$16.9 and \$61.0 million (a one-time cost); and annually for the life of the pipeline: between \$4.9 and \$17.8 million.
- Annual loss of recreation tourism expenditures of \$41.3 million that supports 387 jobs and \$7.4 million in payroll and generates \$1.8 million in state and \$1.3 million in local taxes.

These are ecological services costs and recreational losses PA DEP should consider for similar pipeline projects like AS especially in light of the water impacts and park and public land impacts that would have irreparable and lasting impacts to so many of PA waterways and parks with the linear pattern of the project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included

consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identifying other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the Applicant's identified cumulative impacts analysis, and also a considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

19. COMMENT

An expert report by Cathy Kunkel and Tom Sanzillo in April 2016, "Risks Associated with Natural Gas Pipeline Expansion in Appalachia," is another recent report that shines the light on considerations and habits such as overbuilding of this industry that need to be considered as the PA DEP weighs more pipeline proposals bringing with it more wetland and stream cuts for this pipeline. To highlight, the report finds:

- *"Existing natural gas pipeline capacity is going underutilized, even as companies propose new pipelines. A 2015 report by the Dept of Energy found that from 1998 to 2013, existing pipelines in the US had an average capacity utilization of 54%"*.
- *"Southwestern Energy in the Fayetteville shale of Arkansas and in Appalachia, predicts overbuilt pipeline capacity by 2018. And vice president for Marketing and Midstream Operations for Range Resources, one of the largest Appalachian shale drillers, has stated that Range expects that "the Appalachian Basin's takeaway capacity will be largely overbuilt by the 2016-2017 timeframe"*.
- *FERC facilitates over building...there is a lack of comprehensive planning process for natural gas infrastructure which attracts more capital into pipeline development than is necessary.*
- *Kelcy Warren, CEO of Energy Transfer Partners (ETP), "the pipeline business will overbuild until the end of time. I mean that's what competitive people do" In a subsequent earnings call, he provided the specific example of the Barnett shale in TX: "there is no question there are certain areas that are overbuilt. For example, we overbuilt in the Barnett shale. The production peaked and its now down." (Recall ETP is the company that Williams was looking to merge with.*

It is critical that the DEP consider the full cumulative impacts along the entire pipeline path as well as pipeline cuts that are within the same watersheds and regions with multiple companies vying for various markets and competing with one another with no concern over the multiple cuts they propose.

See 25 Pa. Code § 105.14(b). Secondary impacts are:

associated with but not the direct result of the construction or substantial modification of the . . . water obstruction or encroachment in the area of the project and in areas adjacent thereto and future impacts associated with . . . water obstructions or encroachments, the construction of which would result in the need for additional . . . water obstructions or encroachments to fulfill the project purpose.

Id. § 105.14(b)(12). DEP must also consider the cumulative impacts of the Atlantic Sunrise Project and “other potential or existing projects.” *Id.* § 105.14(b)(14). “In evaluating the cumulative impact, the Department will consider whether numerous piecemeal changes may result in a major impairment of the wetland resource.” *Id.*

By reversing the flow of its long haul mainline, constructing the Central Penn Line and two loops, and adding new and expanded compressor stations, Transco will provide natural gas companies with greatly increased capacity for transporting current and reasonably foreseeable shale gas production from northern Pennsylvania to other states and international markets. This will cause secondary and cumulative impacts on the Commonwealth’s waterbodies and wetlands as additional forestland is converted to roads, well sites, gathering lines and other infrastructure associated with shale gas development. It will also contribute to secondary and cumulative impacts on other Commonwealth resources, including public lands, threatened and endangered species, and air quality. As the Pennsylvania Supreme Court made clear in *Robinson Township*:

By any responsible account, the exploitation of the Marcellus Shale Formation will produce a detrimental effect on the environment, on the people, their children, and future generations, and potentially on the public purse, perhaps rivaling the environmental effects of coal extraction.

83 A.3d 901, 976 (Pa. 2013). It is therefore imperative that DEP carefully considers the secondary and cumulative impacts of shale gas development “*before* it acts” on Transco’s permit applications. *Id.* at 952 n. 41 (2013) (quoting language from questions and answers document distributed to public prior to referendum) (emphasis added). Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department evaluates secondary and cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105.

As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identifying other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the applicant's identified cumulative impacts analysis, and also a considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

20. COMMENT

DEP must consider the secondary and cumulative impacts of shale gas development on the Susquehanna River watershed and Chesapeake Bay.

DEP must consider the secondary and cumulative impacts of shale gas development on the Susquehanna River watershed and Chesapeake Bay. The Susquehanna River is the "longest, commercially nonnavigable river in North America." Susquehanna River Basin Commission, Information Sheet – Susquehanna River Basin, *available at* http://www.srb.com/pubinfo/docs/SRB%20General%205_13%20Updated.pdf. The Susquehanna River basin is "comprised of six major subbasins," has "more than 49,000 miles of waterways," and is "made up of 63 percent forest lands." *Id.*

In addition, the Susquehanna River is "the largest tributary of the Chesapeake Bay[.]" *Id.* The Susquehanna River comprises "43 percent of the Chesapeake Bay's drainage area" and provides "50 percent of its fresh water flows." *Id.* Thus, [t]he river and the Bay are two integral parts of one ecosystem" and "pollution that flows into Pennsylvania's rivers and streams [within the Susquehanna River watershed] finds its way to the Chesapeake Bay." Chesapeake Bay Foundation, The Susquehanna River, *available at* <http://www.cbf.org/about-the-bay/more-than-just-the-bay/susquehanna-river>.

Over the past decade, “vast areas of some of the most pristine and sensitive habitats within the [Chesapeake] Bay watershed face an ever growing wave of industrialization” – shale gas development. Chesapeake Bay Foundation, Natural Gas, *available at* <http://www.cbf.org/about-the-bay/issues/natural-gas-drilling>. “Because of the magnitude and intensification of natural gas drilling and the associated infrastructure it brings, unconventional gas development threatens to have a profound impact on the landscape of the Bay watershed for generations to come.” *Id.* “The cumulative impacts from the construction and operation of well pads, access roads, pipelines, and compressor stations, as well as the water quality impacts and air pollution from trucks, well drilling, and ships may pose a risk to the Chesapeake Bay and the rivers and streams that feed into it.” *Id.*

These are important considerations as DEP reviews Transco’s applications for the Atlantic Sunrise Project. The entire Pennsylvania component of the Atlantic Sunrise Project is located within the Susquehanna River watershed. *See* FERC DEIS at 4-48, Table 4.3.2-1. In addition, at least 55% of the over 9,300 shale gas wells that have been drilled in Pennsylvania, have been drilled in the Susquehanna River watershed.

Between 2004 and April 30, 2016, at least 1,356 “unconventional” shale gas wells were drilled in Bradford County, 896 were drilled in Tioga County, 926 were drilled in Lycoming County, 123 were drilled in Sullivan County, 255 were drilled in Wyoming County, and 1,277 were drilled in Susquehanna County. *See* DEP, Office of Oil and Gas Management, Wells Drilled by County (Northcentral District Office). That is over 4,830 shale gas wells drilled over the in this region of Pennsylvania since 2004, all of which are in the Susquehanna River watershed. DEP must consider the impacts of this level of shale gas development on the Susquehanna River watershed and Chesapeake Bay *before* it issues any more permits for the Atlantic Sunrise Project.

In addition, it is critical that DEP consider the impacts on the Susquehanna River watershed and Chesapeake Bay from future shale gas development, especially as this development encroaches upon the most forested part of the Susquehanna River watershed. As Figure 1 above shows, most of the shale gas development that has occurred in the Susquehanna River watershed has been concentrated in six counties in northeastern Pennsylvania. While some of this development has certainly impacted forests, much of the existing shale gas development has occurred areas dominated by agriculture. *Compare* Figure 1 *with* Susquehanna River Basin Commission, Susquehanna River Basin – Land Use Land Cover, 2006, *available at* http://srbc.net/atlas/downloads/BasinwideAtlas/PDF/1507_LandUse.PDF.

As the shale gas industry expands to the south and west of this region, however, it impacts forested lands. This is very concerning since forested lands “contribute[] the lowest loading rate per acre of all the land uses[.]” Environmental Protection Agency, Chesapeake Bay TMDL, Section 4, p. 4-36, *available at* <https://www.epa.gov/chesapeake-bay-tmdl/chesapeake-bay-tmdl-document> (“Chesapeake Bay TMDL”). According to the U.S. Geological Survey:

Natural gas exploration and development result in spatially explicit patterns of

landscape disturbance involving the construction of well pads and impoundments, roads, pipelines, and disposal activities that have structural impacts on the landscape . . . Forest loss as a result of disturbance, fragmentation, and edge effects has been shown to negatively affect water quality and runoff (Wickham and others, 2008).

Slonecker, E.T., et al., Landscape Consequences of Natural Gas Extraction in Bradford and Washington Counties, Pennsylvania, 2004-2010: USGS Open-File Report 2012-1154, p. 8 (2012), *available at* <https://pubs.usgs.gov/of/2012/1154/of2012-1154.pdf> (“USGS Report”); *see also* STAC (Chesapeake Bay Program Scientific and Technical Committee). 2013. Exploring the environmental effects of shale gas development in the Chesapeake Bay Watershed, STAC Publ. #13-01, Edgewater, MD. p. 16, *available at* http://www.chesapeake.org/pubs/297_Gottschalk2013.pdf (“STAC Report”) (“well pad[s] and associated infrastructure (including roads and pipelines) . . . change the hydrology and sediment, nutrient, and organic export to receiving streams . . . lead[ing] to altered flow regimes and habitats and increased sedimentation and nutrient input into streams”). It is no surprise that researchers have concluded that one of the “key priorities” for protecting Chesapeake Bay is to require that there is “no net loss of forest lands.” Claggett, Peter, and Thompson, Renee, eds., 2012, Proceedings of the Workshop on Alternative Futures – Accounting for growth in the Chesapeake Bay watershed: USGS Open-File Report 2012-1216, p. 8, *available at* <http://pubs.usgs.gov/of/2012/1216/OFR2012-1216.pdf>.

DEP must consider how the loss of forested areas from past, present and future shale gas development will impact the Susquehanna River watershed and compliance with the Chesapeake Bay TMDL, which EPA approved in 2010. *See* Chesapeake Bay TMDL. “[A] TMDL specifies the maximum amount of a pollutant that a waterbody can receive and still meet applicable [water quality standards].” *Id.* at Section 1, p. 1-15. The Chesapeake Bay TMDL identified three pollutants of concern – nitrogen, phosphorus, and sediment. *Id.* at Section 2, p. 2-7. Clearing forested areas for roads, pipelines, well pads and other shale gas infrastructure will increase sediment loads into the Susquehanna River watershed, which could cause Pennsylvania to fall short of its obligations pursuant to the Chesapeake Bay TMDL.

Regardless of whether shale gas development in the Susquehanna River watershed causes significant impacts on Chesapeake Bay, researchers “agree[] that there is a high probability of a possible-long term landscape effect in Pennsylvania (and maybe all states in the active [shale gas] development area), and each jurisdiction will perhaps need to offset their load allocations.” STAC Report, p. 17. These researchers also stressed the importance of permitting processes that are “project-based rather than individual site-based” and requiring that “permits provide potential build-out scenarios to provide better potential cumulative effects information.” *Id.* at 5. This is not being done in Pennsylvania.

According to the Susquehanna River Basin Commission (“SRBC”), as of 2012, there were at least 2,000 shale gas well pads in the Susquehanna River Basin, “creat[ing] 13,000 acres of disturbed lands” from the well pads themselves and associated road construction. *Id.* at 11. However, “[t]his level of disturbance should be viewed as a minimum, since additional lands must also be cleared for gathering and transmission pipelines.” *Id.* Thus,

the acres disturbed from shale gas development is likely much higher than 13,000 acres.

According to the Nature Conservancy, shale gas companies could drill 27,600 wells in the Susquehanna River basin by 2030. *Id.* Extrapolating from the SRBC's calculations, that would result in approximately 6,900 well pads, assuming four wells per pad. Subtracting the existing 2,000 well pads results in an additional 4,900 well pads, which would create an additional 31,850 acres of disturbed lands. Again, these figures are conservative since they are only based on SRBC's estimates for the well pad and associated road network. The Nature Conservancy believes that up to 110,000 acres of forested land could be cleared by 2030. *Id.* DEP must consider how this level of disturbance to forested lands in the Susquehanna River watershed will impact water quality within the basin and sub-basins as well as Pennsylvania's compliance with the Chesapeake Bay TMDL. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department evaluates the secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identifying other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the applicant's identified cumulative impacts analysis, and also a considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

21. COMMENT

Secondary and cumulative impacts of shale gas development on terrestrial and aquatic habitats and wildlife.

Research indicates that shale gas development has substantial and long-term impacts on terrestrial and aquatic habitats and wildlife.

Recent research on the impacts of shale gas drilling on wildlife habitat (terrestrial and aquatic) underscores the importance of considering these impacts *before* acting on Transco's permit applications. For example, according to Souther et al. (2014), studies indicate that "shale- gas development will affect ecosystems on a broad scale" but that "site-specific or single variable risk assessments likely underestimate threats to ecological health." Souther et al. (2014), Biotic impacts of energy development from shale: research priorities and knowledge gaps. *Frontiers in Ecology and the Environment* 12(6): 334, available at http://www.morgantingley.com/wp-content/uploads/2014/08/SoutherEtAl_FREE2014.pdf. In order to bridge this divide, these researchers emphasized the urgent need to better understand a host of variables, including the "cumulative ecological impacts of shale development." *Id.* at 337.

The USGS report documents how shale gas development in Pennsylvania is has already caused "extensive and long-term habitat conversion":

A recent analysis of Marcellus well permit locations in Pennsylvania found that well pads and associated infrastructure (roads, water impoundments, and pipelines) required nearly 3.6 hectares (9 acres) per well pad with an additional 8.5 hectares (21 acres) of indirect edge effects (Johnson, 2010). This type of extensive and long-term habitat conversion has a greater impact on natural ecosystems than activities such as logging or agriculture, given the great dissimilarity between gas-well pad infrastructure and adjacent natural areas and the low probability that the disturbed land will revert back to a natural state in the near future (high persistence) (Marzluff and Ewing, 2001).

USGS Report at 10. This "extensive and long-term habitat conversion" does not only impact the terrestrial ecosystem but also the aquatic ecosystem since "[f]orest loss as a result of disturbance, fragmentation, and edge effects has been shown to negatively affect water quality and runoff (Wickham and others, 2008)[.]" *Id.* at 8.

Indeed, according to recent research that was published in Environmental Science & Technology:

Potential effects [of shale gas drilling] on terrestrial and aquatic ecosystems can result from many activities associated with the extraction process and the rate of development, such as road and pipeline construction, well pad development, well drilling and fracturing, water removal from surface and ground waters, establishment of compressor stations, and by unintended accidents such as spills or well casing failures . . . The cumulative effect of these potential stressors will depend in large part on the rate of development in a region. Depending on extent of development, oil and gas extraction has the potential to have a large effect on associated wildlife, habitat and aquatic life.

Brittingham, M.C., et al., Ecological Risks of Shale Oil and Gas Development to Wildlife, Aquatic Resources and their Habitats, Environmental Science & Technology, pp. 11035-11037 (Sept. 4, 2014) (citations omitted), *available at* [https://www.researchgate.net/publication/265343414 Ecological Risks of Shale Oil and Gas Development to Wildlife Aquatic Resources and their Habitats](https://www.researchgate.net/publication/265343414_Ecological_Risks_of_Shale_Oil_and_Gas_Development_to_Wildlife_Aquatic_Resources_and_their_Habitats). The impacts of shale gas development are significant because it “changes the landscape” as “[l]and is cleared for pad development and associated infrastructure, including pipelines, new and expanded roads, impoundments, and compressor stations[.]” *Id.* at 11037 (citations omitted). “Seismic testing, roads, and pipelines bisect habitats and create linear corridors that fragment the landscape.” *Id.*

“Habitat fragmentation is one of the most pervasive threats to native ecosystems and occurs when large contiguous blocks of habitat are broken up into smaller patches by other land uses or bisected by roads, transmission lines, pipelines or other types of corridors.” *Id.* “Habitat fragmentation is a direct result of shale development with roads and pipelines having a larger impact than the pads.” *Id.* (citations omitted). In Bradford County, Pennsylvania, “forests became more fragmented primarily as a result of the new roads and pipelines associated with shale development, and development resulted in more and smaller forest patches with loss of core forest (forest > 100 m from an edge) at twice the rate of overall forest loss.” *Id.* (citation omitted). “Pipelines and roads not only resulted in loss of habitat but also created new edges.” *Id.* “Fragmentation from linear corridors such as pipelines, seismic lines, and roads can alter movement patterns, species interactions and ultimately abundance depending on whether the corridor is perceived as a barrier or territory boundary or used as an avenue for travel and invasion into habitats previously inaccessible.” *Id.* (citations omitted).

According to the New York Department of Environmental Conservation, “development of one horizontal [shale] well requires over 3300 one-way truck trips.” *Id.* at 11038 (citation omitted). “This is a concern because roads of all types have a negative effect on wildlife through direct mortality, changes in animal behavior, and increased human access to areas, and these negative effects are usually correlated with the level of vehicular activity.” *Id.* (citations omitted). “Even after a well is drilled and completed, new roads and pipelines provide access for more people, which results in increased disturbance.” *Id.* “In Wyoming, Sawyer et al. found that mule deer migratory behavior was influenced by disturbance associated with coal bed gas development and observed an increase in movement rates, increased detouring from established routes, and overall decreased use of habitat along migration routes with increasing density of well pads and roads. *Id.* (citation omitted).

Shale gas development “is associated with both short-term and long-term increases in noise.” *Id.* “In the short term, site clearing and well drilling, [high volume hydraulic fracturing], and construction of roads, pipelines and other infrastructure are a limited time disturbance similar to disturbance and sound associated with clearing land and home construction.” *Id.* (citation omitted). “Depending on number of wells drilled, construction and drilling can take anywhere from a few months to multiple years.” *Id.*

“Compressor stations, which are located along pipelines and are used to compress gas to facilitate movement through the pipelines, are a long-term source of noise and continuous disturbance.” *Id.* (citation omitted). “Because chronic noise has been shown to have numerous costs to wildlife, compressors have potential to have long-term effects on habitat quality. *Id.* (citation omitted). “For many species of wildlife, sound is important for communication, and noise from compressors can affect this process through acoustical masking and reduced transmission distances.” *Id.*; *see also* U.S. Fish and Wildlife Service Letter January 27, 2015 Letter to FERC (FERC Docket CP14-112-000, Accession No. 20150202-0104) (“[n]oise levels over background levels can adversely affect wildlife, particularly songbirds, that rely on call identification for successful breeding.”). “Studies on effects of noise from compressors on songbirds have found a range of effects including individual avoidance and reduced abundance, reduced pairing success, changes in reproductive behavior and success, altered predator-prey interactions, and altered avian communities . . . Greater sage-grouse (*Centrocercus urophasianus*) gather at leks where males display in order to attract females.” *Id.* “Lek attendance declined in areas with chronic natural gas-associated noise and, experimentally, sage-grouse were shown to experience higher levels of stress when exposed to noise.” *Id.* (citations omitted).

“Because of the large overlap between the Appalachian shale play and core forest habitat in the East, many forest species are vulnerable to development.” *Id.* at 11040. “Area-sensitive forest songbirds are primarily insect-eating Neotropical migrants, are an important component of forest ecosystems, and, as a group, many have declined in numbers in response to forest fragmentation.” *Id.* (citations omitted). “These birds are area-sensitive because breeding success and abundance are highest in large blocks of contiguous forest, and numerous research studies have documented negative effects of fragmentation on abundance and productivity[.]” *Id.* “The impact that shale development has on this group of species will depend on the scale and extent of development.” *Id.* “By some estimates, less than 10% of potential shale gas development has occurred in the Appalachian basin [and] [i]f this is the case, there is the potential for a 10-fold increase in the amount of shale gas development which would likely have negative impacts on area-sensitive forest songbirds and other forest specialists. *Id.* (emphasis added) (citation omitted).

“Development of shale resources, which clears land for well pads and roads, is occurring across a large portion of the native range of brook trout, *especially in Pennsylvania.*” *Id.* (emphasis added) (citation omitted). “If remaining high-quality stream reaches become unsuitable to brook trout, there may be further fragmentation of the larger meta-population.” *Id.*

“Rare species with limited ranges are always a concern when development occurs” and any type of disturbance can be very detrimental to them.” *Id.* “Freshwater mussels are an additional taxonomic group of interest because of already high numbers of listed species and relative sensitivity to toxicants.” *Id.* (citation omitted). “Gillen and Kiviat 2012 reviewed 15 species that were rare and whose ranges overlapped with the Marcellus and Utica shale by at least 35%.” *Id.* “The list included the West Virginia spring salamander (*Gyrinophilus subterraneus*), a species that is on the IUCN Red List as endangered and

whose range overlaps 100% with the shale layers.” *Id.* This salamander “requires high quality water and is sensitive to fragmentation suggesting that this species is at great risk to oil and gas development.” *Id.* “The list also included eight Plethodontid salamanders, a group that tends to be vulnerable because of the overlap between their range and shale layers, their dependence on moist environments and sensitivity to disturbance.” *Id.* at 11040-11041.

“Habitat fragmentation, effects on water quality and quantity, and cumulative effects on habitats and species of concern have already been identified as problems and are expected to increase in magnitude as shale resource development continues to expand.” *Id.* at 11043. Brittingham et al. (2014) “suggests that species and habitats most at risk are ones where there is an extensive overlap between a species range or habitat type and one of the shale plays (leading to high vulnerability) coupled with intrinsic characteristics such as limited range, small population size, specialized habitat requirements, and high sensitivity to disturbance.” *Id.* “Examples include core forest habitat and forest specialists, sagebrush habitat and specialists, vernal pond inhabitants, and stream biota.” *Id.* Brittingham et al. (2014) demonstrates the substantial impact that shale gas drilling is having and will continue to have on terrestrial and aquatic habitats and wildlife throughout the Marcellus and Utica shale region. Such impacts will only worsen if DEP and FERC continue facilitating such drilling by authorizing infrastructure projects such as the one proposed here without analyzing their cumulative impacts. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department evaluates the secondary and cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department’s review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department’s review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identifying other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the applicant’s identified cumulative impacts analysis, and also a considered, if any,

potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

22. COMMENT

Existing shale gas development has already profoundly altered the Commonwealth's landscape and impacted habitat and further shale gas development will only exacerbate these impacts.

As Figure 1 above shows, thousands of shale gas wells have already been drilled in northeastern and northcentral Pennsylvania. This is precisely the region from which the Atlantic Sunrise Pipeline would transport shale gas. *Compare* Figure 1 with FERC DEIS at 2-6 (Atlantic Sunrise Project Location Map). The development of thousands of shale gas wells in this region of Pennsylvania is having a profound impact on Pennsylvania's terrestrial and aquatic resources and wildlife.

For instance, it is likely that the dramatic increase in shale gas drilling in this region of Pennsylvania has already disrupted bobcat populations in a manner similar to that documented in the Brittingham et al. (2014) research regarding mule deer. In 2012, NYDEC revised its "Bobcat Management Plan" because:

Observations by hunters and trappers, and reports from the general public suggest that bobcat populations are increasing and expanding throughout New York State outside of their historic core range in the Taconic, Catskill, and Adirondack mountains and into central and western New York. *In addition, emigration of bobcats from Pennsylvania has likely fostered growth of the bobcat population in the southern tier of the state* (Matt Lovallo, Pennsylvania Game Commission, personal communication).

NYDEC. Management Plan for Bobcat in New York State 2012-2017. p. 8. 2012 (emphasis added). *available at:*

http://www.dec.ny.gov/docs/wildlife_pdf/finalbmp2012.pdf. The plan further stated:

The presence of bobcat in New York's Southern Tier has *increased dramatically* over the past decade. What began as occasional sightings along the New York/Pennsylvania border has progressed to large numbers of observations, trail camera photos, and incidental captures and releases by trappers. *Over the past five years* there have been 332 bobcat observations documented in the harvest expansion area[.]

Id. at 17 (emphasis added). The Figure 2, showing the number confirmed bobcat observations in New York from 2006-2011, reveals a concentration of observations along the Pennsylvania border:

While NYDEC was documenting an increase in bobcat observations in the southern tier of New York between 2006-2011, hundreds and then thousands of shale gas wells were being drilled in the northern tier of Pennsylvania. *See* Figure 1 above. As Figure 1 indicates, between 2006- 2011, gas companies drilled at least 4,858 shale gas wells in Pennsylvania. Many of these wells were drilled in Pennsylvania’s northern tier. Thus, at the same time the gas industry began and then rapidly escalated gas drilling across the northern tier of Pennsylvania, the bobcat population in the southern tier of New York “increased dramatically.” Since there has been no shale gas development in New York throughout this time period due to a moratorium (and now ban)¹ on shale gas development, this suggests that the rapid increase in shale gas development in Pennsylvania may be causing “emigration of bobcats from Pennsylvania” into southern New York.

National Fuel’s 2013 Annual Report suggests why this could be happening. For example, National Fuel stated that the drilling operations of its exploration and production subsidiary, Seneca Resources, occur 24-hours a day. *See* National Fuel 2013 Annual Report, p. 3 (emphasis added), *available at* http://s2.q4cdn.com/766046337/files/doc_financials/2013/NFG_SAR_13_Final.pdf. If Seneca and other shale gas drilling companies are operating in forested and remote areas 24-hours a day, then it is reasonable to assume that those operations have significant consequences on wildlife that depend on remote, forested habitat for survival. DEP must examine the impacts that 24-hour shale gas drilling operations are having on wildlife populations in Pennsylvania.

Concurrent with the sharp rise of gas drilling in Pennsylvania’s northern tier, several companies began expanding their pipeline systems in Pennsylvania. For example, between 2009-2011, FERC approved four Tennessee Gas expansion projects along the company’s 300 Line in northern Pennsylvania. *See Tennessee Gas Pipeline, L.L.C.*, 153 FERC ¶ 61,215, P 3 (Nov. 19, 2015). Thus, construction of these projects overlapped with the substantial increase in shale gas development and the “emigration of bobcats from Pennsylvania” into southern New York. Construction of projects like Atlantic Sunrise, which will induce further gas drilling in this region, will only exacerbate these impacts.

It is important to reiterate that, as of 2014 when the Brittingham research was published, “less than 10% of potential shale gas development has occurred in the Appalachian basin [and] [i]f this is the case, there is the potential for a 10-fold increase in the amount of shale gas development which would likely have negative impacts on area-sensitive forest songbirds and other forest specialists.” Brittingham et al. at 11040. In other words, if wildlife populations are already being displaced when “less than 10% of potential shale gas development has occurred in the Appalachian basin,” then it is very likely that wildlife will be far more impacted if agencies like DEP continue issuing permits for shale gas development and pipelines.

In a 2012 presentation provided through the Penn State Cooperative Extension, The

Nature Conservancy (“TNC”) estimated that 60,000 shale gas wells could eventually be drilled in Pennsylvania. TNC, Marcellus Gas Well & Pipeline Projections, p. 13 (2012), available at <http://extension.psu.edu/natural-resources/forests/private/training-and-workshops/2012-goddard-forum-oil-and-gas-impacts-on-forest-ecosystems/marcellus-gas-well-and-pipeline-projections>. TNC further reviewed how these projected wells would be distributed on the landscape under various well pad development scenarios. *Id.* at 13. TNC also analyzed where Marcellus Shale drilling was likely to occur (*id.* at 15-17) and how many miles of new pipelines and the direct and indirect effects of those pipelines on forests by 2030 (*id.* at 21).

By 2030, TNC estimated that there could be 10,000 – 25,000 miles of new gathering pipelines causing an estimated *60,000 to 150,000 acres of direct forest clearing and 300,000 to 900,000 acres of forest edge effects*. *Id.* (emphasis added). According to TNC, pipeline mileage in Pennsylvania will at least double if not quadruple by 2030. *Id.* at 22. The footprint from pipelines alone is projected to be larger than the “cumulative area impacted by all other Marcellus gas infrastructure combined.” *Id.*

These are enormous impacts that will have long-term consequences that will not only impact Pennsylvania’s terrestrial habitat but also Pennsylvania’s waterbodies since construction of shale gas wells, pipelines, and roads requires extensive surface-disturbing activities that cause erosion and sedimentation into water. State officials have already documented the impacts of recent shale gas drilling on fisheries in the Pine Creek watershed, including wild trout populations. According to the PAFBC:

Looking beyond the mainstem of Pine Creek is where we may have the greatest opportunity to improve management and protection. There are many unassessed streams in the Pine Creek watershed that likely harbor wild trout populations. Many of these streams are located on State Forest Land and were, until recently, considered “safe” from development and mineral extraction. *However, with the recent Marcellus Shale boon [sic], much of the Pine Creek watershed has been leased for natural gas drilling . . . Our observations of several township roads in the Pine Creek watershed during winter 2009/2010 that were being used to access Marcellus well sites was that the roads were not built to handle the heavy truck traffic, and were not improved in any manner prior to well development. The roads were heavily rutted and much erosion was occurring. The impacts of sedimentation can be severe, especially for brook trout[.]*

Pine Creek Fisheries Management Plan, 24-25 (emphasis added).

According to the SRBC, there are at least 81 natural gas drilling pads² in the Pine Creek watershed. See SRBC, Pine Creek Watershed Profile, available at <http://mdw.srbc.net/remotewaterquality/assets/downloads/pdf/Pine%20CreekBlackwellWatershedProfile.pdf>. A lot of this development is in the lower Pine Creek watershed in Tiadaghton State Forest. What was once a mostly intact part of the Pine Creek watershed on state-owned public lands is now fragmented by roads, well pads, and associated shale gas infrastructure.

Each new road and well pad converts forest land to impervious surface, which increases the amount of erosion and sedimentation entering Pine Creek and its tributaries, which impacts habitat for species like brook trout. These secondary and cumulative impacts must be included in DEP's analysis of the Atlantic Sunrise Project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department evaluates the secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identifying other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the applicant's identified cumulative impacts analysis, and also a considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

23. COMMENT

Secondary and cumulative impacts of shale gas development on public lands.

As noted above, the land use changes caused by shale gas development are having and, if not properly regulated, will continue to have profound and long-term ecological consequences in Pennsylvania. While many of these impacts have occurred on private lands, the gas industry continues encroaching on Pennsylvania's public lands, which provide some of the most remote, forested wildlife habitat not only in Pennsylvania but in the eastern United States. DEP has an obligation to "conserve and maintain" Pennsylvania's public resources, including public lands and, therefore, must consider and disclose how its approval of Transco's applications would further degrade Pennsylvania's

state forests and other public lands.

In 2002, researchers modeled the extent of forest fragmentation in the United States. The results underscore the importance of Pennsylvania's public lands. For example, the researchers used "[a] lattice of 56.25 km² cells . . . to summarize forest area and fragmentation statistics." Riitters, et al., *Fragmentation of Continental United States Forests, Ecosystems* (2002) 5: p. 820, *available at* <http://www.carmelacanzonieri.com/library/6108-LandscapeEcoPlanning/Ritters-FragmentationUSForests.pdf>. Based on this, the researchers created two maps of forest cover. *See id.*, Figures 4A and 4B. In the first map, "[t]he relative amount of forest area within each cell is shaded from low (red) to high (green), for the 106,316 cells that contained more than 0.5% forest" *Id.* The second map identified "[t]he relative amount of 'interior' forest (7-ha landscapes) from low (red) to high (green) for the 38,169 cells that contained at least 60% forest." *Id.*

The second map clearly shows that northern Pennsylvania not only has the highest amount of "interior forest" in the state but some of the highest amounts of interior forest remaining in the eastern United States. As the researchers point out:

Only a few locations (constituting a subset of the green cells in Figure 4B) had relatively large amounts of core forest: the Ouachita, Ozark, southern Appalachian, Adirondack, and *Allegheny mountains*, the northern parts of New England and the Lake States, and the Pacific Northwest."

Id. at 821 (emphasis added). The majority of these remaining "interior forests" are "concentrated in public ownership and/or landforms that are not suitable for agriculture or urban development." *Id.* (emphasis added). The dark green area on the second map clearly shows the general outline of the Allegheny National Forest and Pennsylvania's State Forests. It is imperative that DEP and other agencies "conserve and maintain" Pennsylvania's irreplaceable public lands, which are largely co-extensive with its remaining interior forest habitat.

Pennsylvania's public lands not only provide some of the most remote, interior forest left in the Commonwealth, they also are an invaluable source for low-impact outdoor recreation. Pennsylvania's "[s]tate forests provide unique opportunities for dispersed, low-density outdoor recreation that can be obtained only through large blocks of forest." DCNR, 2015 Draft State Forest Management Plan, p. 166, *available at* http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031287.pdf. Pennsylvania's state forests contain "some of the most remote and wild forest in the Mid-Atlantic Region." DCNR, *Impacts of Leasing Additional State Forest for Natural Gas Development*, 14, *available at* http://www.dcnr.state.pa.us/cs/groups/public/documents/document/d_000603.pdf. "The largest and most remote areas are found . . . in the Northcentral portion of the state." *Id.*

These remote, critically important public forests are threatened by shale gas development.

According to the DCNR:

The majority of [shale gas] development [on state forests] has occurred in the Devonian- aged Marcellus Shale. Approximately 1.5 million acres of state forest lands lie within the prospective limits of the Marcellus Shale. Assuming a drainage area of 120 acres per well, the [DCNR's Bureau of Forestry (Bureau)] expects that approximately *3,000 wells may be drilled* to fully develop the lands it currently has leased . . . In recent years, there has been a marked increase in the development of the Ordovician-aged Utica Shale in western Pennsylvania and eastern Ohio . . . As development moves eastward from the

Pennsylvania-Ohio border, the [Bureau] has seen an increased interest in the Utica Shale on state forest lands. Development of the Utica has become increasingly prevalent adjacent to state forest lands, primarily in Tioga County and the northwestern section of the state forest system.

DCNR, 2015 Draft State Forest Management Plan, 134-35 (emphasis added). DCNR further explains how shale gas development would cause long-term impacts on state forest lands:

Unconventional shale-gas development can cause short-term or long-term conversion of existing natural habitats to gas infrastructure. The footprint of shale-gas infrastructure is a byproduct of shale-gas development. The use of existing transportation infrastructure on state forest lands, such as roads and bridges, increase considerably due to gas development . . . Shale-gas development requires extensive truck traffic by large vehicles, which may require upgrades to existing roads to support this use. These upgrades may affect the wild character of roads, a value that is enjoyed by state forest visitors . . . Noise from compressors can dramatically affect a state forest user's recreational experience and generate conflict. Unlike compressors, most sources of potential noise on state forest land are temporary in nature . . . The development of oil and gas resources requires pipelines for delivering the product to market. When compared to other aspects of gas development, pipeline construction has the greatest potential to cause forest conversion and fragmentation due to the length and quantity of pipelines required.

Id. at 136-38. DEP has an obligation to consider how its decision on Transco's applications will facilitate further Marcellus *and* Utica shale gas development on state forest lands.

DCNR has modeled how shale gas development in Tioga State Forest, just a few miles south of the Project area, could quickly erode the forest's "wild character" with new roads and well pads. *See* DCNR, *Impacts of Leasing Additional State Forest for Natural Gas Development*, 20-28. First, the model shows this portion of Tioga State Forest as it exists with no gas wells. *Id.* at 20. Next, DCNR states that an "estimated 54 new well pads could be developed within the next 5-10 years in this ~ 65,000 acre landscape view." *Id.* at 21. Next, DCNR ranks the existing

landscape in terms of its “wild character” before drilling, ranging from “primitive” and “semi-primitive” to “semi-developed.” *Id.* at 22. When DCNR overlays new roads and well pads, it results in “significant decreases in

Primitive and Semi-Primitive” forests and “a dramatic increase in semi-developed [] areas.” *Id.* at 23-25. DCNR says that 54 new well pads in this part of Tioga State Forest would result in a net loss of 8,171 acres of primitive forest, a net loss of 5,274 acres of semi-primitive forest, and a net gain of 13,545 acres of semi-developed area. *Id.* at 27.

DCNR concludes that any “additional natural gas development involving surface disturbance would *significantly damage the wild character of the state forest.*” *Id.* at 28 (emphasis added). In addition to significantly damaging the wild character of the state forests, additional shale gas development would damage waterbodies and wetlands as a consequence of more roads, well pads and associated infrastructure.

DEP’s approval of Transco’s applications would allow Transco to significantly expand the capacity of its pipeline system in Pennsylvania. A likely consequence of that decision would be increased shale gas drilling on nearby state forest lands. For example, in its April 2016 investor presentation, National Fuel explicitly stated that its production subsidiary, Seneca Resources, would only engage in “*limited development drilling*” in its Eastern Development Area (“EDA”) “until firm transportation on Atlantic Sunrise [Pipeline] (190 MDth/d) is available in late 2017.” National Fuel, Investor Presentation, p. 10 (Apr. 2016) (emphasis added), *available at* http://s2.q4cdn.com/766046337/files/doc_presentations/2016/April/20160428_NFG-IR-Presentation.pdf. Seneca Resources’ EDA is located primarily in Potter, Tioga, and Lycoming Counties, Pennsylvania. *See id.* As Figure 3 below shows, this same area is where

Seneca Resources has at least three leases on state forest lands.

According to Seneca Resources, it has identified “potential future locations” for shale gas development on DCNR Tract 001 in Potter County and DCNR Tract 595 in Tioga County. Tract 001 is located in Susquehannock State Forest. *See* DCNR, Index to Existing Oil and Gas Leases on Pennsylvania State Forest Lands, p. 1 (Last Updated Aug. 26, 2014), *available at* http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20029754.pdf (“DCNR Index”). Seneca Resources’ lease allows it to clear up to 145 acres and construct 29 well pads on Tract 001. *Id.* To date, Seneca Resources has constructed at least one shale gas well pad. *Id.*

Tract 595 is located in Tioga State Forest. *Id.* at 2. Seneca Resources’ lease allows it to construct up to 26 well pads on Tract 595. *Id.* However, Seneca Resources’ lease for Tract 595 does not specify an “allowable disturbed acres per lease” term. *Id.* Thus, even though Seneca Resources is limited to 26 well pads on Tract 595, it could disturb much more acreage than is needed because there is no lease term to limit the amount of acreage disturbed. To date, Seneca Resources has constructed at least seven shale gas well pads on

Tract 595. *Id.*

Seneca Resources has also identified approximately 70 “potential locations” locations for shale gas development on DCNR Tract 007. Tract 007 is also located in Tioga State Forest. *Id.* at 1. To date, Seneca has constructed two well pads on Tract 007. *See* DCNR, Tract 007 Map⁴ According to DCNR, Seneca Resources’ lease allows it to clear up to 200 acres for 40 well pads on Tract 007. *See* DCNR Index at 1. In other words, Seneca Resources could construct another 38 well pads on Tract 007. It is obvious from looking at Attachment 5 that if Seneca Resources is permitted to construct an additional 38 well pads that this part of Tioga State Forest will become highly fragmented with additional roads, well pads, and associated shale gas development. This will further degrade to the “wild character” of Tioga State Forest and increase erosion and sedimentation into waterbodies.

Looking at Tracts 001, 007, and 595 cumulatively, Seneca Resources’ leases allow it to construct up to 95 shale gas well pads. To date, Seneca Resources has constructed at least 10 shale gas well pads. In other words, Seneca Resources has constructed approximately 11% of the well pads that is permitted by its leases. And the company has made clear that it is awaiting construction of the Atlantic Sunrise Project before it moves beyond “limited development drilling.” National Fuel, Investor Presentation, p. 10. Therefore, DEP’s approval of Transco’s permit applications for the Atlantic Sunrise Project will make it much more likely that Tracts 001, 007, and 595 in Susquehannock and Tioga State Forests will become much more fragmented in the future by Seneca Resources’ proposed shale gas development. DEP must address these secondary and cumulative impacts of this potential fragmentation before it issues any permits for the Atlantic Sunrise Project.

The areas in which Seneca Resources and other shale gas companies want to frack for shale gas are among the most remote and beautiful public lands in all of Pennsylvania. For example, Tract 007 is in the Pine Creek watershed, which, according to PAFBC, “truly is a Commonwealth treasure.” Pine Creek Fisheries Management Plan, 1. The headwaters of Pine Creek:

. . . ha[ve] a unique geographical distinction and can be considered the starting point, (triple point) of three major U.S. watersheds. The north side of this triple point is where the Genesee River originates and flows north eventually emptying into Lake Ontario, the Saint Lawrence River and Atlantic Ocean. The western slope of this triple point forms the Allegheny River, flowing into the Ohio River in Pittsburgh; which flows to the Mississippi and the Gulf of Mexico. Pine Creek, which flows south of the triple point, drains into the West Branch of the Susquehanna at Jersey Shore at an elevation of 520 feet. The West Branch flows into the Susquehanna River at Sunbury and eventually empties into the Chesapeake Bay, the largest estuary in the United States.

DCNR-Community Partnership Program, Pine Creek Watershed Rivers Conservation Plan, 48 (Oct. 2005), *available at* http://www.dcnr.state.pa.us/cs/groups/public/documents/document/D_001481.pdf. As

explained by the Pennsylvania Fish and Boat Commission (“PAFBC”):

Carving its way through the mountains of Potter, Tioga, and Lycoming counties, Pine Creek is the second largest tributary (based on watershed size) to the West Branch Susquehanna River (Figure 1). The Pine Creek watershed is *resplendent with a bounty of natural resources*. It is *primarily forested and publicly owned* and drains 2,536 sq km (979 sq miles). The free-flowing mainstem of Pine Creek which anchors this *predominantly wild and relatively undeveloped region of northcentral Pennsylvania* is a *special destination for anglers and outdoor recreationists alike and truly is a 1992 classification as a Scenic River under the Pennsylvania Scenic River Act*.

PAFBC, Pine Creek Fisheries Management Plan, 1 (Mar. 2012) (emphasis added), available at <http://fishandboat.com/water/creeks/pine/pine-creek-plan.pdf>. In the 1970s, Pine Creek was recommended for inclusion in the National Wild and Scenic River System. *Id.* at 4. Unfortunately, the Pennsylvania Department of Environmental Resources (now, the Department of Conservation and Natural Resources (“DCNR”)) opposed that designation. *Id.* at 5. DCNR did, however, recommend that “Pine Creek be included in the State Scenic River Program which was made official in 1992.” *Id.*

Pine Creek is one of only thirteen rivers designated under Pennsylvania’s Scenic Rivers Program. See DCNR, Scenic Rivers, available at <http://www.dcnr.state.pa.us/brc/conservation/rivers/scenicrivers/index.htm>. Portions of Pine Creek are designated “scenic” while others are designated “wild.” See <http://www.dcnr.state.pa.us/brc/conservation/rivers/scenicrivers/pinecreek/index.htm> (click on “Map 1” and “Map 2” to see designations). “Scenic” rivers include “those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and undeveloped, but accessible in places by roads.” 32 P.S. § 820.24(b)(2). “Wild” rivers include “those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.” *Id.* At § 820.24(b)(1).

In addition to being a designated State Scenic River, Pine Creek Gorge, which is just a few miles south of Tract 007, is a National Natural Landmark. See National Park Service, Pine Creek Gorge, available at <http://www.nature.nps.gov/nnl/site.cfm?Site=PICR-PA>.

These are the landscapes that are threatened by shale gas development and related pipeline construction. In addition to Seneca Resources’ leases discussed above, much of the land to the west of Pine Creek Gorge has been leased for gas drilling or is underlain by private mineral rights. See DCNR, Tract 1040 Map.⁵ Ultra Resources has leased Tract 1040 for gas drilling. See DCNR Index, p. 3. Ultra Resources’ lease permits it to disturb up to 500 acres on Tract 1040, a substantial amount of land just to the west of Pine Creek Gorge, a National Natural Landmark. See *id.* According to DCNR, Ultra Resources has constructed two well pads on Tract 1040. *Id.* Thus, approval of Transco’s permit applications could not only lead to the construction of more well pads on Tract 007 just to

the north of Pine Creek Gorge, but also on Tract 1040, just to the west of Pine Creek Gorge.

The expansion of shale gas development surrounding Pine Creek Gorge is a testament to the fact that the Commonwealth's agencies, including DEP, are failing to "conserve and maintain" these vital public resources for "all the people, including generations yet to come." PA. CONST. art. I, § 27. Approving Transco's permit applications for the Atlantic Sunrise Project will likely lead to more shale gas development in this region, which means more fragmentation and impacts to public recreation from new roads, well pads, and other associated infrastructure. DEP must address these secondary and cumulative impacts before making a decision on Transco's applications. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department evaluates the secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identifying other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the applicant's identified cumulative impacts analysis, and also a considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

24. COMMENT

Secondary and cumulative impacts on special-status species.

In addition to wildlife in general, DEP must consider the secondary and cumulative

impacts of the Atlantic Sunrise Project, including (but not limited to) gas drilling, on special- status species, including state-listed threatened, endangered, and candidate species. Transco and FERC acknowledge that the Atlantic Sunrise Project would directly impact habitat and, in some instances, known locations, for several special-status species, including bog turtle, timber rattlesnake, northeastern bulrush, eastern small-footed bat, and Allegheny woodrat. DEP has a constitutional duty under to conserve and maintain these species. PA. CONST. Art. I, Sec. 27. Before DEP can issue any permits, it must comprehensively examine the secondary and cumulative impacts of the Atlantic Sunrise Project on these species.

Bog Turtle

The bog turtle is a state-listed endangered species in Pennsylvania. See FERC DEIS at 4-111. It is also listed as “threatened” in Maryland and North Carolina and on the federal endangered species list. *Id.* “One of the smallest turtles in the world . . . , [t]he greatest threats to the bog turtle are the loss and fragmentation of its habitat.” *Id.*

Initial surveys for the Atlantic Sunrise Project “identified suitable bog turtle habitat in 18 delineated wetlands, 9 in Lebanon County and 9 in Lancaster County.” *Id.* at 4-112. Further surveying identified at least one bog turtle population within one wetland complex in Lancaster County. *Id.* According to FERC, “Transco is currently developing the Phase 2/3 survey report, which will be submitted to the FWS and FERC.” *Id.* DEP cannot issue any additional permits until this and other such reports are completed, submitted to the respective agencies, and a conclusion that there will be no impacts to listed species is reached.

Statements in FERC’s DEIS raise serious questions about the potential impacts to bog turtles in this wetland. For example, FERC claims that the the “bog turtles in the wetland complex are *confined* to the northern end of the wetland and are not using the portion of the wetland within or adjacent to the proposed project workspace.” *Id.* (emphasis added). FERC does not define what it means by “confined” but we doubt that there are impenetrable barriers that prevent bog turtles from “using the portion of the wetland within or adjacent to the proposed project workspace.” Just because bog turtles are not currently using one portion of a wetland at a particular time does not mean that they will not use it at another point in time. DEP must require that Transco investigate the potential using a trenchless crossing method of this wetland.

Timber Rattlesnake

DEP must consider the secondary and cumulative impacts of the Atlantic Sunrise Project on the timber rattlesnake, “a state-listed candidate species, [which] has known critical habitat in the proximity of the project area.” FERC EA at 32. A “candidate species” is one that “could achieve endangered or threatened status in the future.” 58 Pa. Code § 75.3(a). Any “persons who hunt, take, catch or kill” timber rattlesnakes in Pennsylvania must first “have a permit.” 58 Pa. Code § 79.6(a).

It is important to note that the timber rattlesnake is already “extirpated from Maine, Rhode Island, and Ontario,” listed as “state endangered in New Hampshire, Vermont, Massachusetts, Connecticut, Ohio, and New Jersey,” listed as “threatened in New York, and considered a species of concern in West Virginia and Maryland.” PAFBC, Species Action Plan Timber Rattlesnake, p. 4 (June 2011), *available at* <http://fishandboat.com/water/amprep/species-plan-timber-rattlesnake.pdf>. In comparison, the timber rattlesnake “continues to persist in relatively large population densities across some regions of Pennsylvania, though these populations are highly disjunct.” *Id.* “Consequently, Pennsylvania may function as a stronghold for the continued survival of this species.”⁶ *Id.* (emphasis added) (citation omitted).

According to DCNR, “[t]he largest populations of timber rattlesnakes occur in remote, heavily forested regions of Pennsylvania, *which means they often call state forests home.*” DCNR, Rattlesnakes in Pennsylvania State Forests (emphasis added), *available at* <http://dcnr.state.pa.us/forestry/wildlife/rattlesnakes/index.htm>. Pennsylvania’s “2.2 million acres of State Forest lands provide the *largest blocks of timber rattlesnake range remaining in the Northeastern states.*” *Id.* (emphasis added).

Pipeline construction and shale gas drilling could permanently change that, however. According to PAFBC, some of the leading threats to timber rattlesnakes include “natural resource extraction and associated infrastructure development,” “habitat destruction or disturbance in hibernacula areas,” “increase of human activity within habitat range,” “new road construction,” and “high vehicular traffic on previously low volume roadways.” *Id.* at 5. These are precisely the kinds of impacts that result from pipeline construction and shale gas drilling.

DEP has an obligation to conserve and maintain timber rattlesnake and other threatened, endangered, candidate and sensitive species. According to the PAFBC, “in the past decade, encroachment by oil and gas development into Timber Rattlesnake strongholds has increased significantly with the relatively new shale gas industry in this Commonwealth.” 45 Pa.B. 47, 6661, 6694 (Nov. 21, 2015). “The northcentral portions of the range, once considered the core undisturbed populations, have been subject to high volume of exploration, well pad construction, pipeline construction, associated roads and infrastructure.” *Id.*

In light of PAFBC’s statements, it is astonishing that the agency has proposed removing timber rattlesnake from the candidate species list. *See id.* Unfortunately, the proposed rule change does not appear to be grounded in science but rather custom-made to make it easier for the oil and gas industry to destroy timber rattlesnake habitat. For example, PAFBC claims that even though “there are increasing threats to Timber Rattlesnakes through exposure to human disturbance,” shale gas well pads “thus far are on the top of slopes and plateaus and do not directly interfere directly with den habitat” and pipelines “can provide important additional basking habitat in areas where canopy closure has posed problems for available basking and gestating habitat.” *Id.* There are at least five major problems with PAFBC’s assumptions that DEP must consider as part of its analysis of secondary and cumulative impacts.

First, PAFBC's claims are based on "anecdotal evidence" and "Commission observations," not peer-reviewed research. *Id.* Second, as the Brittingham study noted, shale gas drillers have drilled approximately 10% of the shale wells that could be drilled in Pennsylvania. The fact that existing well pads "thus far" have allegedly not directly interfered with den habitat is no indication that substantial interference will not occur if the remaining 90% of shale gas wells are drilled. It is decidedly premature to delist a species when the "*relatively new shale gas industry*" is "encroach[ing] . . . into Timber

Rattlesnake strongholds[.]" *Id.* (emphasis added). Third, PAFBC does not weigh the corresponding risks to timber rattlesnake from road construction, increased heavy-truck traffic, and increased human access into previously remote areas. Even if a new pipeline corridor may provide artificial basking habitat, what does that matter if there is increased road mortality? Fourth, PAFBC admits that "[l]arge portions (estimated 50%) of the Timber Rattlesnake range remain unassessed due to lack of landowner permissions or access difficulty." *Id.* Thus, PAFBC's proposed rule change is based on incomplete data and anecdotal evidence.

Regardless of PAFBC's ill-advised rule change, timber rattlesnake is still a protected species in Pennsylvania and DEP has an obligation to "conserve and maintain" this and other threatened, endangered, candidate and sensitive species. PA. CONST. art. I, § 27. Before DEP makes a decision on Transco's applications, it must consider how the Atlantic Sunrise Project and the secondary and cumulative impacts of shale gas development as well as other pipeline projects will impact timber rattlesnake and ensure that this species is conserved and maintained.

Northeastern Bulrush

Northeastern bulrush is a state-listed endangered species in Pennsylvania. *See* FERC DEIS at 4-113. It is also listed as endangered in Maryland and on the federal endangered species list. *Id.* Northeastern bulrush is a "wetland plant . . . [o]ccurring in isolated areas scattered across seven states [that] is difficult to find and difficult to recognize." FWS, Northeastern Bulrush, *available at* <https://www.fws.gov/northeast/pdf/bulrush.pdf>. "[H]abitat alternations that make a site consistently drier or wetter could make life impossible for northeastern bulrush." *Id.* "Activities such as filling or ditching in a wetland can destroy or degrade this species' habitat and pose a threat." *Id.* The key to recovery for northeastern bulrush is "preventing habitat destruction and deterioration at sites where the plant now grows and any additional locations as they are found." *Id.*

According to FERC, "northeastern bulrush could occur in Clinton, Columbia, and Luzerne Counties, and its range overlaps with the proposed pipeline route in Columbia and Luzerne Counties." FERC DEIS at 4-113 (citations omitted). Surveys identified northeastern bulrush in at least one wetland in Luzerne County and a second wetland in northern Columbia County. *Id.* According to FERC, Transco revised its route to avoid direct impacts on northeastern bulrush in the Luzerne County wetland, but the project "does not avoid the wetland entirely." *Id.* The project will also come within 50 feet of the other wetland in Columbia County. *Id.* DEP must require that Transco investigate the

potential using a trenchless crossing method for these wetlands. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department evaluates the secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identifying other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the applicant's identified cumulative impacts analysis, and also a considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

Transco received the necessary concurrences and/or clearances from various resource agencies such as the United States Fish and Wildlife Service, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission, and the Pennsylvania Department of Conservation and Natural Resources related to possible species impacts.

25. COMMENT

Before making a decision on Transco's applications, DEP must consider the indirect and cumulative effects of related shale gas development. Shale gas development causes similar impacts as pipeline construction – removal of forested vegetation from the construction of roads, well pads, gathering lines and other associated infrastructure. This will cause increased erosion, sedimentation and thermal warming, thereby threatening the water quality of streams and rivers. It will also impact Pennsylvania's public lands. DEP has an obligation to "conserve and maintain" these public resources pursuant to Article I, Section 27 of the Pennsylvania Constitution. If the Atlantic Sunrise Project and related shale gas

development threatens the conservation and maintenance of these public resources, then DEP must deny Transco's applications. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department evaluates secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

26. COMMENT

DEP must consider the secondary and cumulative impacts of the Atlantic Sunrise Project, including shale gas development, on public natural resources.

As part of its review of Transco's applications for water obstruction and encroachment permits, DEP must consider the secondary and cumulative impacts associated with shale gas development on the Commonwealth's public natural resources. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The Department evaluates secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

27. COMMENT

As we explain below, at a minimum, the Department should stay any further consideration of the Request's merits until Transco meets the information requirements under federal and state law, including Article I, Section 27 of the Pennsylvania Constitution. These are commonsense look-before-you-leap requirements. They need to be vigorously enforced, especially now given the oil and gas industry's frenetic push to expand pipeline capacity and production.

Now, despite clear direction from the Wolf Administration to “[p]lan, site and route pipelines to avoid/reduce environmental and community impacts,” Transco presents the Department and the public with yet another blinkered view of the potential impacts to the Commonwealth's water resources of its planned Atlantic Sunrise Project. *See* Governor's Pipeline Infrastructure Task Force Final Report, p. 6 (Feb. 2016), *available at* <http://files.dep.state.pa.us/ProgramIntegration/PITF/PITF%20Report%20Final.pdf>.

Factual Background

On March 31, 2015, Transco filed an application with FERC under Section 7(c) of the Natural Gas Act, 15 U.S.C. § 717f, for a certificate of public convenience and necessity (“Certificate”) for its proposed Atlantic Sunrise Project. *See* FERC Docket No. CP15-138-000. The Atlantic Sunrise Project consists of the following proposed facilities in Pennsylvania: (1) 183.7 miles of new 30- and 42-inch diameter greenfield natural gas pipeline known as the Central Penn Line (“CPL”) North and CPL South; (2) 11.5 miles of new 36- and 42-inch diameter pipeline looping known as the Chapman and Unity Loops; (3) two new compressor stations; and (4) additional compression and related modifications at existing compressor stations. *See* FERC Draft Environmental Impact Statement, ES-1 (“FERC DEIS”).

On June 20, 2015, DEP published a notice in the Pennsylvania Bulletin proposing to grant Transco's request for water quality certification (“WQC”) under Section 401 of the Federal Clean Water Act. *See* 45 Pa.B. 3193, 3274 (June 20, 2015). On September 19, 2015, DEP published in the Pennsylvania Bulletin a notice of Transco's application for a Chapter 105 water obstruction and encroachment permit for the proposed Unity Loop. *See* 45 Pa.B. 5667, 5708 (Sept. 19, 2105). On October 31, 2015, DEP published in the Pennsylvania Bulletin a notice of Transco's application for a Chapter 105 water obstruction and encroachment permit for the proposed Chapman Loop. *See* 45 Pa.B. 6391, 6429 (Oct. 31, 2015).

On April 23, 2016, DEP granted Transco's request for water quality certification (“WQC”) under Section 401 of the federal Clean Water Act for the Atlantic Sunrise Project. *See* 46 Pa.B. 2019, 2132 (Apr. 23, 2016). On April 30, 2016, DEP published in the Pennsylvania Bulletin notice of Transco's applications for water obstruction and encroachment permits for various portions of the Atlantic Sunrise Project's Central Penn Line. *See* 46 Pa.B. 2155, 2211-2215 (Apr. 30, 2016). On May 14, 2016, DEP published in the Pennsylvania Bulletin notice of the instant application for the Chapman Loop. *See*

Notice. Also on May 14, 2016, DEP issued the Chapter 105 permit for the Chapman Loop. *See id.* at 2469-70. On May 5, 2016, FERC published the draft environmental impact statement (“DEIS”) for the Atlantic Sunrise Project. *See* FERC Docket No. CP15-138-000, Accession No. 20160505-4005, *available at* http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14456690.

Regarding the permit application at issue in these comments, the above-referenced Notice neither provided Transco’s application nor identified the DEP’s trustee obligations under Art. I, Sec. 27 of the Pennsylvania Constitution to “conserve and maintain” the Commonwealth’s resources. In fact, the Notice did not even identify the fact that the permit application pertained to the Chapman Loop or the Atlantic Sunrise Project. Rather, it simply notified the public that Transco was the applicant, stated generally the area that would be directly impacted, and told the public where to submit comments. *See* Notice at 2453.

Legal Background

Article I, Section 27 of the Constitution states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

The location of Section 27 in the Commonwealth’s Declaration of Rights signifies a particular constraint on Commonwealth actions because this portion of our charter “delineates the terms of the social contract between government and the people that are of such ‘general, great and essential’ quality as to be ensconced as ‘inviolable.’” *Robinson Township, Delaware Riverkeeper Network, et al. v. Commonwealth*, 83 A.3d 901, 950, 947 (Pa. 2013) (plurality) (citing PA.CONST. art. I, Preamble & § 25). Each of the “three mandatory clauses” in Section 27 establishes distinct “substantive” constraints, and they all reinforce the Department’s duty to complete robust environmental reviews before taking action. *Robinson Twp.*, 83 A.3d at 950, 957; *see also* Sierra Club et al, Comments of Dec. 29, 2015 (discussing application of § 27 to Commonwealth agency decisions concerning pipeline infrastructure) *available at* <http://goo.gl/WPQMLE>. The third clause of Section 27 prohibits the Department from infringing upon the people’s environmental rights, and from permitting or encouraging the degradation, diminution, or depletion of public natural resources. *Robinson Twp.*, 83 A.3d at 953.

See 25 Pa. Code § 105.46. Chapter 105 expressly incorporate DEP’s trustee obligations pursuant to the Pennsylvania Constitution. *See* 25 Pa. Code § 105.2(4) (“The purposes of this chapter are to . . . [p]rotect the natural resources, environmental rights and values secured by PA. CONST. art. I, § 27 and conserve and protect the water quality, natural regime and carrying capacity of watercourse.”) *see also* 25 Pa. Code § 105.21(a)(4) (“ . . . a permit application will not be approved unless the applicant demonstrates that . . . [t]he

proposed project or action is consistent with the environmental rights and values secured by Pa. Const. Art. I, § 27 and with the duties of the Commonwealth as trustee to conserve and maintain public natural resources of this Commonwealth.”). “A person may not construct, operate, maintain, modify, enlarge or abandon a . . . water obstruction or encroachment without first obtaining a written permit from the Department.” 25 Pa. Code § 105.11(a). DEP will only review an application if it is “complete,” meaning that “the necessary information is provided and requirements under the act and this chapter have been satisfied by the applicant.” 25 Pa. Code § 105.13a.

In reviewing an application, DEP must “determine the proposed project’s effect on health, safety and the environment, in accordance with prevailing practices in the engineering profession and in accordance with current environmental principles.” 25 Pa. Code § 105.14(a). DEP also considers several factors to make a determination of the project’s impact, including: (i) effects on regimen and ecology of the watercourse or other body of water, water quality, stream flow, fish and wildlife, aquatic habitat, instream and downstream uses and other significant environmental factors; (ii) effects on nearby natural areas, wildlife sanctuaries, public water supplies, other geographical or physical features including cultural, archaeological and historical landmarks, National wildlife refuges, National natural landmarks, National, State or local parks or recreation areas or National, State or local historical sites; (iii) effects of reasonably foreseeable future development within the affected watershed upstream and downstream of the project; (iv) secondary impacts associated with but not the direct result of the project in the area of the project and in areas adjacent thereto; (v) cumulative impact of the project and other potential or existing projects; (vi) consistency with the federal Wild and Scenic Rivers Act and Pennsylvania Scenic Rivers Act; (vii) consistency with State antidegradation requirements and the Clean Water Act; and (viii) impacts on wetlands values and functions. *See* 25 Pa. Code § 105.14(b).

These and other factors form the basis of an “Environmental Assessment.” *See* 25 Pa. Code § 105.15. No construction, operation, maintenance, modification, enlargement or abandonment may occur until DEP approves this assessment. *Id.* § 105.15(a). For projects where WQC is required under the Clean Water Act, an applicant “shall prepare and submit” for DEP’s review, “an environmental assessment containing the information required by [§ 105.15(a)] for every . . . water obstruction or encroachment located in, along, across or projecting into the regulated water of this Commonwealth.” *Id.* § 105.15(b).

The Clean Water Act Section 401 WQC process is the same for all projects that require a federal license or permit, including interstate gas pipeline projects: First, the state develops state water quality standards. *See* 33 U.S.C. § 1313. Once EPA has approved the standards, Section 401 requires the projects that require a federal license or permit to obtain a certification of compliance with the state water quality standards and other Clean Water Act requirements. *Id.* § 1341(a)(1). The decision to grant or deny Section 401 certification belongs to the state(s) where the discharge originates. *Id.*; *see also* Natural Gas Act, 15 U.S.C. § 717b(d)(3) (preserving states’ rights under the Clean Water Act). States have up to one year from receipt of the complete certification request to make their

decision. *See* 33 U.S.C. § 1341(1). To avoid waiving certification requirements when more time is needed, states can (1) specify detailed criteria for a certification request to be considered complete, and (2) toll or restart the one-year clock as they work with applicants to develop the record and complete their reviews by the deadline for certification set by federal agencies, if any. *See* EPA, Clean Water Act Section 401 Water Quality Certification: A Water Quality Protection Tool For States and Tribes, pp. 11, 13 (2010), *available at* http://dec.alaska.gov/water/wwdp/wetlands/docs/CWA_401_Handbook_2010_Interim.pdf.

When a state decides to grant Section 401 certification, both the timing and content of the certification must meet the requirements of the Clean Water Act and state law. Timing is key because federal agencies must withhold their authorizations until the required Section 401 certification for the project “has been obtained or has been waived.” *Id.* § 1341(a)(1). State-determined requirements of certification then “become a condition on any Federal license or permit” for the project. *Id.* § 1341(d). States therefore must identify and convey to the relevant federal agencies any and all project-specific requirements, such as effluent limitations or monitoring requirements, in time and with enough specificity to allow the federal agencies to assess whether to authorize the project *with the state-determined requirements*. This also aids EPA’s review of whether the project’s discharge may affect other downstream states, so that EPA may give any such states the opportunity to protect their water quality by imposing additional conditions on the project. *Id.* § 1341(a)(2). The Clean Water Act only allows states to change conditions after a project receives its federal license or permit in very narrow circumstances, and thus it is especially important that the state complete a thorough review and establish enforceable and project-specific requirements at the time of initial certification.

Pennsylvania’s water quality standards for Section 401 certification set out broad information requirements such as an “environmental assessment” that anyone requesting a certification must submit to the Department, as well as detailed plans addressing the project’s precise location, the present conditions within the project’s footprint, and project’s foreseeable impacts to aquatic resources. To be sure, much of this information must be conveyed to the Department *before* it decides whether to grant or deny certification. Pennsylvania’s policy and practice also integrates the applicable state reviews and permits into Section 401 certification, including, as explained above, DEP’s trustee obligations pursuant to the Pennsylvania Constitution.

Yet for interstate natural gas pipelines, Pennsylvania has strayed from state law requirements, policy, and practice concerning Section 401 certification. Rather than collecting the required pre-certification information and completing the reviews and permitting decisions in advance, Pennsylvania now defers those reviews and decisions through the use of broad, generic conditions. *See e.g.*, Water Quality Certification for the Atlantic Sunrise Pipeline Project, PADEP File No. WQ02-001, 46 Pa. B. 2019, 2132 (Apr. 23, 2016). We appreciate that the Department has time and resource constraints, and that it has expressed an intention to complete the required record development, project specific reviews, and permitting decisions at a later time. This bifurcated approach, however,

violates the law and poses serious threats to Pennsylvania's water quality. We urge the Department to adhere to the letter of the law as well as its policy and past practice by completing the required reviews and permitting decisions in advance of any certification in order to fully protect our state's waters. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: Section 401 of the Clean Water Act requires applicants for Federal permits or licenses, such as an applicant seeking approval of an interstate natural gas pipeline from the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act, to obtain a certification from the state in which the project is located that the federally authorized activity will comply with the State's water quality standards and other applicable provisions of the Clean Water Act. The Department issued a Section 401 water quality certification for the project in a manner consistent with its regulations, policies, and historic practices as they relate to this and similar projects.

DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

28. COMMENT

EPA submitted a letter to FERC on June 27, 2016 (enclosed) regarding major omissions and missing information they noted in the DEIS for AS, lack of public transparency and full detail, significant cumulative impact to water resources, and the lack of exploration of the alternatives to this pipeline not fully considered by FERC, including several other pipelines or proposed pipelines that had additional colocation possibilities or possibilities depending on impacts. EPA stated that pursuing fully only one alternative as FERC pursued is not appropriate and in keeping with the the NEPA rules.

EPA submitted a letter to FERC on June 27, 2016 (enclosed) regarding major omissions and missing information they noted in the DEIS for AS, lack of public transparency and full detail, significant cumulative impact to water resources, and the lack of exploration of the alternatives to this pipeline not fully considered by FERC, including several other pipelines or proposed pipelines that had additional colocation possibilities or possibilities depending on impacts. EPA stated that pursuing fully only one alternative as FERC pursued is not appropriate and in keeping with the NEPA rules.

EPA stated in their June 27, 2016 letter to FERC on the DEIS:

“EPA is concerned about the amount of detailed information that has yet to be filed and is not evaluated in the DEIS. This includes surveys for land, rare species, historic resources, water supplies, air modeling, mitigation measures to manage and dispose of contaminated groundwater, proposed mitigation measures for source water protection areas, geotechnical feasibility studies for HOD crossing locations

and mitigation measures to minimize drilling risks, and a detailed aquatic resource compensatory mitigation plan. This information is relevant and critical to evaluation of potential impacts. EPA is concerned that a fully informed decision may not be made without this information. EPA is interested in discussing with FERC when and how this information will be assessed and disclosed to the public.”

“EPA is concerned about direct, secondary and cumulative impacts to aquatic resources, groundwater, and water quality. Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdraws for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value (EV) and trout streams. The full assessment of these simultaneously occurring impacts to resources needs to be conducted. With the potential for complex impacts to occur, such as changes in recharge patterns and flow status, additional avoidance and minimization measures may be necessary to protect the aquatic ecosystem. Additional comments on aquatic resources can be found within the enclosures to this document.”

“The EIS reports that a total of 50.4 acres of wetlands would be either crossed by the Project, affected by temporary extra workspaces, or located within the construction right-of-way. The Project would involve 331 waterbody crossings. EPA believes additional information on aquatic resources should be included in the EIS, including impact breakdowns and compensatory mitigation concepts, which are provided in the Corps' PN, detailed stream and wetland assessment data on the quality or functions of the systems, and detailed, or at a minimum conceptual, compensatory mitigation plans. Additionally, as part of the Section 404, CWA permit process, a detailed compensatory mitigation needs to be prepared and submitted. Without more detailed information it is uncertain if the proposed mitigation will compensate for the functions lost.”

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

29. COMMENT

We urge the DEP, in light of the large impacts and fragmenting nature of this extensive project that would cut through 9 counties of the to view and consider all aspects of the project. As also indicated by the EPA, the application materials submitted by Williams are incomplete and significant data and resources outlines are based on only remote sensed data which means the application is far from complete. For example, in accession # 20160505-4005 appendix K-1 water bodies crossed by the Atlantic Sunrise Pipeline, there

are at least 23 streams along CPL North that are designated as being surveyed with remote sensing and for CPL South another 39 streams that appear to only be remote sensed. As indicated by PA DEP on the proposed Penn East Pipeline docket, another large pressure gas line that is proposed, these non-verified remote sensed resources need to be field verified by the applicant since a state cannot issue a permit based on remote sensed data. In multiple times in the past, DRN has also documented and field verified where resources or impacts on the ground do not match the pipeline companies' observations showing the real need for scrutiny and complete information and field verification conducted by the agencies of the applicant's information (March 12, 2013 DRN letter submitted to the USACE Re: TGP NEUP and others). Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance.

Land and Safety

1. COMMENT

My tax dollars have helped to preserve farmland; some of the best non irrigated in the nation. My donations have helped to preserve some of the most beautiful natural areas in Lancaster County. Areas where people can go to unwind from the pressure of our modern society. This is a sad joke when it can all be changed forever because a large corporation wants this land for a quick buck for a few people. Anyone who has ever had a backyard garden knows that the massive movement of soil will for decades destroy the top soil and the reason for preserving these farms. The cleared areas in the preserved woodlands must forever be cleared destroying the landscape forever. Please listen to our cries before these resources are gone forever. (1475)

Response: The permits issued to Transco for the Atlantic Sunrise Project do not convey property rights from private landowners to Transco. See Part B, Standard Condition 2.E. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

2. COMMENT

Landowners along the pipeline route will not only be impacted by lower property values, granting Eminent Domain to Transco-Williams will limit the Landowners' rights to protect and preserve their land, including the elimination of conservation easements. Land owners will also assume the horrific risks of a pipeline explosion; Transco-Williams has a documented history of safety violations and accidents. (1492)

Response: The permits issued to Transco for the Atlantic Sunrise Project do not convey property rights from private landowners to Transco. See Part B, Standard Condition 2.E. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA.

3. COMMENT

Ms. Nesbitt owns approximately 4000 acres of property in Luzerne (Dallas and Franklin Townships) and Wyoming Counties (Monroe and Eaton Townships). Her property is also downstream of proposed pipeline work in Eaton Township. Her property is primarily forested and is at the headwaters of several springs, creeks, and wetlands that feed into the Lower Susquehanna River, the Upper Susquehanna River, and Bowman Creek. Lake Catalpa is located on this property. The proposed Atlantic Sunrise project would bisect Ms. Nesbitt's property, wiping out a substantial amount of forested watershed area and significantly and severely altering her property and the local environment. The project would also impact nonrenewable historic and cultural resources on her property and her economic interests associated with her property. In fact, the project has already negatively impacted her economic interests. In addition, Ms. Nesbitt faces the proposed threat of eminent domain, further diminishing her property that she enjoys, relies upon for economic benefit, and has invested in over the years. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The permits issued to Transco for the Atlantic Sunrise Project do not convey property rights from private landowners to Transco. See Part B, Standard Condition 2. E. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

Additionally, Transco has adopted CPL North Alternative 13 into the proposed route, which avoids the Nesbitt Property; as documented in Attachment P-1 (Section 7.4) of Transco's Application.

4. COMMENT

We respectfully request the DEP to address our property concerns so we may avoid destruction to our home of 28 years and its natural surrounding environment. The affects will be everlasting. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1543)

Response: The permits issued to Transco for the Atlantic Sunrise Project do not convey property rights from private landowners to Transco. See Part B, Standard Condition 2.E. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

5. COMMENT

The Accokeek, Mattawoman, Piscataway Creeks Communities Council, Inc. ("AMP Creeks"), by and through undersigned counsel, hereby submits its public comments to the water obstruction and encroachment permit applications for Transcontinental Gas Pipe Line Company, LLC ("Transco") in the counties of Columbia, Northumberland, Lancaster and Lebanon. Transco seeks these permits to construct the Atlantic Sunrise Project (ASP), a natural gas pipeline expansion project that crosses through Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina.

The Pennsylvania Department of Environmental Protection should not issue the permits for Columbia, Northumberland, Lancaster and Lebanon Counties. ASP as a whole will have negative environmental and economic impacts, and those impacts will also be felt in Pennsylvania counties. Transco seeks to expand its pipeline infrastructure to reach more customers including an export terminal. Although ASP may benefit Transco's business interests, the social and environmental costs of ASP will outweigh any benefit to Pennsylvania counties.

I. Socio-Economics Impacts of the Atlantic Sunrise Project

Doctor Lynne Y. Lewis, PhD, Chair of Economics at Bates College, has reviewed FERC's Draft Environmental Impact Statement (DEIS) on the proposed Atlantic Sunrise Project. Although Dr. Lewis's analysis was not limited to Pennsylvania, Pennsylvania counties will not be immune to these impacts. The following is her analysis of the socio-economic impacts of ASP.

The socioeconomics as outlined on pages 4-166 - 4-180 [of the DEIS] concludes that "construction of the project would not have a significant adverse impact on local populations, housing, employment, or the provision of community services." This analysis

is completely void of long-term permanent changes in the local economy. Best practices in cost-benefit analysis discounts short-term effects (construction) because they are short term. For this DEIS to be complete, a long-term analysis must be included. Even for the short term, the arguments that the impacts would be minor or negligible are not substantiated with evidence from other comparable construction projects.

The report cites potential benefits to the economy that are the short term (temporary) benefits to local sales tax revenue and payroll tax revenue. Payroll tax revenues are only relevant if these are new jobs and not simply jobs that are moving from elsewhere in the economy. Again, long-term impacts are completely missing. Also missing from the socioeconomics section are the economic impacts on recreation and wildlife. While these are addressed in other places in the document, the important economic costs are missing from the study. To ignore these economically important costs of the project is fundamentally flawed.

Most importantly, the expected impacts on property values as outlined in the DEIS is biased and misses much of the literature on the effects on property values as outlined in detail below. Given the vast literature on the impacts of these types of projects on property values, it is my expectation that the ASP project will negatively impact residential and recreation land property values.

II. The ASP Will Diminish Property Values

The DEIS states in section 4.9.4 (pp4-173-174) that there is no indication that the ASP will have an adverse impact on property values adjacent to or near the ASP. There is a substantial peer-reviewed literature that finds quite the opposite. I provide a review of that literature here. The DEIS cites to several studies which purport to demonstrate that no such adverse effects on property value exist. However, this conclusion is severely flawed, as is the methodology used in the studies cited in the DEIS is not based on accepted statistical practice. Additionally, the DEIS has chosen to cite only those studies that support this claim, several of which have been prepared by industry that stands to benefit from the pipeline. For FERC not to consider the entire body of literature on this subject, and especially to utilize peer reviewed journal articles, is inherently flawed. In particular, the DEIS, relies on two studies contracted by the Interstate Natural Gas Association of America Foundation (INGAA) to make its case that the effect on property values will be negligible. The most recent (2016) study was prepared by Integra Realty Resources as contracted for by INGAA. (The earlier study was contracted for with Allen, Williford and Seale, Inc. Rights of Way Valuations.) To the best of my knowledge, neither of these studies was peer reviewed. Clearly this is not an objective study if paid for by a party in favor of expansion. The DEIS is flawed in that regard with its presentation of only a subset of studies. For the DEIS to cite such a study without also citing studies that support alternative scenarios is incomplete. Regardless, the study contains numerous flaws. Two of the study sites they use utilize data from the time period 2008-2015. This time period contains a large downturn in real estate market conditions. The study does not adjust for this structural break in market conditions. The comparison of means method is especially simplistic and does not prove the impacts of location on property values. The statistical (regression) analysis is also extremely simplistic. They do not calculate the marginal willingness to pay for location.

In economics, the accepted methodology is a hedonic property value analysis, which estimates sales price as a function of home characteristics. The INGAA study does present a simple linear estimation of home prices, but neglects the locational characteristics including census characteristics such as school quality and crime rates, land use characteristics, distance from the pipeline, etc that have been shown to strongly influence property values. The estimations the INGAA study reports very likely suffers from omitted variable bias since they do not include many of the important locational features that homebuyers look for.

There is now a fairly extensive peer reviewed body of literature that supports the claim that environmental amenities such as clean, free-flowing rivers, good air quality, open space, etc. provide positive value, including to local property values. Conversely, locations in proximity to environmental disseminates such as dirty rivers, landfills, hazardous waste sites, and sewage treatment plants, reduce property values. People are willing to pay more to be further away from those negatives.

With respect to pipelines, the literature is indeed mixed, however, recent literature has found significant negative impacts, and in fact, when homeowners have been made aware of the pipeline as in the ASP case, the (negative) impacts are larger. Hansen et al., 2006 use the hedonic property valuation method to estimate the effect on housing prices of a fuel pipeline in Washington State. While they find no effect prior to a 1999 rupture and explosion, they find a significant negative effect after the explosion suggesting that perceived risk can impact property values. This effect diminishes as you get farther from the pipeline, which is consistent with other literature that uses distance as a dependent variable. Location is a very important factor in real estate valuation.

Hernstadt and Sweeney (2016) examine the opposition to pipeline expansion and find that most homeowners who live near a pipeline are unaware of its existence, but when made aware of it, the effects on property values go from neutral to negative. In fact, using San Bruno housing data (pre and post explosion and post information letter), they find a significant capitalization effect (negative) on house prices. They find there is ambivalence to the current pipeline network, but a strong and negative reaction to proposed pipeline projects. The information of the existence of a pipeline has a negative impact on property values. The work of Freyboote and Fruit's (2016) work supports this theory. They find (using hedonic property value models) that higher perceived risk from underground natural gas transmission pipelines reduces property values. This work suggests that, given the awareness of the ASP proposal in the region, the impacts on property values will be significant and negative. Hedonic property value models of water quality support this claim. Home buyers are frequently unaware of local water quality conditions, but when made aware, the impact on property values is negative.

Muehlenbachs et al. (2015) use data from Pennsylvania to estimate the impacts on property values from shale gas development. They find large negative impacts on nearby groundwater-dependent homes. They do find that homes with water provision exhibit small positive impacts. This result is important when considering siting and impacts on groundwater. This paper was published in the *American Economic Review*, one of the top 3 journals in Economics.

Winkler and Gordon (2013) examine the impact of the BP Gulf Oil Spill on property values. Not only do they find a 7%-8.8% decline in condominium prices, they find a 50% decline in sales volume. Boxall et al., 2005, find that oil and sour gas facilities located within 4 km of rural residential properties significantly and negatively affect their sale price.

All of these studies are consistent with the extensive literature on the effect of environmental disamenities on property values. Simons et al. (2006) provides a nice summary. They present a meta-analysis of 75 peer reviewed studies that look at the effects on property values of environmental disamenities such as leaking underground storage tanks, superfund sites, landfills, water and air pollution, power lines, pipeline ruptures, nuclear power plants, animal feedlots and several other urban nuisance uses. Unsurprisingly, all of these environmental characteristics have a negative impact on property values.

On the other hand, environmental improvements including dam removal can improve property values. In some of my own work (Lewis et al., 2008), we find a sizable penalty for homeowners living near industrial dam sites, but that penalty disappears post dam removal. Provencher et al., (2008) also finds that small dam removals improve nearby property values. In related work, in a study from Oregon, Netusil (2006) looks at the economic effects of riparian corridors and upland wildlife habitat, found strong evidence that property owners place a premium on lots with habitat providing the highest ecological values and a discount on lots with lower-valued habitat. The economic benefit of being adjacent to a rivers and streams and high-quality riparian corridors even extended to properties up to ½ mile from the valued resource. In her more recent work, Netusil (2013) also find that environmental amenities have a positive impact on property values. In an early work on this topic, Streiner and Loomis (1995) present results from a hedonic analysis of urban stream restoration projects using seven projects located in three counties in California. The authors' estimate that restoration projects that reduce flood damage and improve fish habitat increase property values by 3 to 13 percent of the mean property price in the study area.

In Dr. Lewis's opinion, these studies offer convincing evidence of, what seems in hindsight, an obvious conclusion-- people place a higher value on property adjacent to environments that are more natural and perceived as being more healthy and vibrant.

Given the evidence in the peer reviewed literature, the ASP can be expected to negatively impact property values in the short term and very likely in the long term as well.

III. References Cited in Dr. Lewis's Analysis

Boxall, Peter C., and H. Chan, Melville L. McMillan. 2005. The impact of oil and natural gas facilities on rural residential property values: a spatial hedonic analysis. *Resource and Energy Economics*, vol. 27, Issue 3, October pp. 248-269, ISSN 0928-7655, <http://dx.doi.org/10.1016/j.reseneeco.2004.11.003>.

Freybote, Julia and Eric Fruits. 2015. Perceived Environmental Risk, Media, and Residential Sales Prices. *Journal of Real Estate Research*: vol. 37, No. 2, pp. 217- 244.

Hansen, Julia, Earl D. Benson and Daniel A. Hagen. 2006. Environmental Hazards and Residential Property Values: Evidence from a Major Pipeline Event doi: 10.3368/le.82.4.529. *Land Economics* November vol. 82 no. 4 529-541.

Hernstadt, Evan and Richard Sweeney. 2016 draft paper. Pipeline Incidents and Local Aversion to Infrastructure Expansion.

Lewis, Lynne Y., Curtis Bohlen, and Sarah Wilson. 2008. Dams, dam removal, and river restoration: A hedonic property value analysis. *Contemporary Economic Policy* vol.26.2: 175-186.

Muehlenbachs, Lucija, Elisheba Spiller and Christopher Timmins. 2015. The Housing Market Impacts of Shale Gas Development. *American Economic Review*, 105(12): 3633-59.

Netusil, Noelwah R. 2013. Urban Environmental Amenities and Property Values: Does Ownership Matter? *Land Use Policy* 31: 371-377.

Netusil, Noelwah R. 2006. Economic Valuation of Riparian Corridors and Upland Wildlife Habitat in an Urban Watershed *Journal of Water Research and Education* 134 (July): 39-45.

Provencher, Bill, Helen Sarakinos, and Tanya Meyer. 2008. Does small dam removal affect local property values? An empirical analysis. *Contemporary Economic Policy* vol.26.2: 187-197.

Simons, Robert and Jesse Saginor. 2006. A Meta - Analysis of the Effect of Environmental Contamination and Positive Amenities on Residential Real Estate Values. *Journal of Real Estate Research*: 2006, Vol. 28, No. 1, pp. 71-104.
doi: 10.3368/le.89.4.614 *Land Economics* November 1, 2013 vol. 89 no. 4 614-631

Winkler, Daniel T. and Bruce L. Gordon. 2013. The Effect of the BP Oil Spill on Volume and Selling Prices of Oceanfront Condominiums. doi: 10.3368/le.89.4.614 *Land Economics* November. vol. 89 no. 4 614-631 (404)

Response: The permits issued to Transco for the Atlantic Sunrise Project do not convey property rights from private landowners to Transco. See Part B, Standard Condition 2.E. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

6. COMMENT

Please take the time to read this letter from me as it will be very important to a lot of people. Thank you.

I have told Williams Atlantic Sunrise project since 2014 at their first public meeting held at the Bloomsburg Fire Hall about this high erosion area.

This will be my third letter since June 21, 2016. Please read the June 24, 2016 letter asking for additional time since I have not been contacted and told about another new pipeline route per my daughter, Jodi M. Houseknecht.

Today July 13, 2016 I still have not been contacted by a Williams pipeline representative about this new proposed route now going partly on my daughter and son-in-laws property the other side of the PPL electric lines. According to her the valve site, which will be on my property across State Route SR4004 Ridge Road, Montour Township, Columbia County, hasn't even been discussed with me. Kevin Lefeure from Williams Pipeline is taking advantage of my daughter, Jodi, whom he is discussing the proposed value site with her, since it will be straight across from their driveway where Jodi and Clyde, her husband, and their children live. She is too young to remember the washed out field below the proposed value site pipeline and doesn't know all the following information. I guess Kevin doesn't even want to discuss anything with me – the property owner who pays the taxes.

Now Williams Atlantic Sunrise Project wants to take away my partial livelihood. There will be no way to even farm their area. Not to mention if this 100'x175' cement valve site pipeline, according to my daughter, is put there on my property, which I have not heard anything about this from Williams Pipeline representative, Kevin Lefeure.

This is one large zoned agriculture field. This proposed valve site in this field will make this field unfarmable. The only place that we farm this field is where they are putting this proposed valve site and maybe a little strip of field before the hollow. On the other side of the hollow there are two ponds, a stream, plus a home and business. This field is across the road from the mountain side zoned conservation of Ridge Road.

There is a tremendous amount of water coming off this mountain, not to mention the underground and above ground springs, depending on the precipitation. There are three homes in this field area.

1. The part of the field directly across from my house (Connie Giger) is too wet to farm. The property bordering this field belongs to my son and daughter-in-law, Jeff and Billie Jo Giger and they reside there with their two children plus animals with a pond below their house.
2. The next section going to the left contains one of the PPL Electric power lines on my property, the other being the PPL Electric metal tower lines. This happens to be the wooden PPL power Lines, which I now rent out to a farmer to help pay my taxes. That is where Williams wants to put this proposed valve site. Right below this proposed value site my farms cannot even farm the down side of this hill because of the run off. So much land has washed away. The neighbors pond at the bottom of Ridge Road began filling up with dirt because of a large rain storm. We had to telephone the Agricultural Extension Office for Columbia County and had to install a netting in this bottom and side part of the field. I can't remember how much money it cost, thousands of dollars and it

can't be farmed.

The only part farmed is near the wooden PPL electric power lines and now this proposed valve site (100 feet by 175 feet cement slab with exposed 42' pipes) will create more run off and no more farming. I won't ever have money to help pay my taxes because there will be no more money coming in from that rental section. Maybe the people would like to pay taxes on property with two PPL lines running through it and now maybe a pipeline with a valve site. I'll be tired of paying taxes on property that no one else wants and no one wants to build on if the gas pipeline goes through with this valve site. Devalued Property. My house (Connie's) built new 49 years ago, my daughter and son-in-law and their children's home built new. I guess the pipeline is 200 feet from their home and my son and daughter-in-law and children's home built new will be living in this non-survival zone if an explosion occurs. My whole immediate family. If the pipeline goes through with this unhealthy valve site, which regulates the pressure for the pipelines, it will effect a lot of innocent people. The release of these fumes from this 42' valve site pipeline will be over nearby neighbors, a neighborhood and an elementary school, W. W. Evans Memorial, down in the lower end of this neighborhood. I believe these following people will be in the non-survival zone or injured should an explosion occur:

1. Clyde and Jodi Houseknecht and Family (2 children)
2. Connie Giger
3. Jeff and Billie Jo Giger and Family (2 children) plus animals
4. Cletus (Chips) and Kym Lawler
5. Charles and Susan Marges (6 children)
6. Robert and Ram Sommers
7. James and Bonnie Fiedler
8. Bill and Sandy Heier

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1706)

Response: The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA.

Additionally, Transco relocated the mainline valve located on Ms. Giger's property to avoid permanent impacts to her agricultural land. The revised valve location is listed in Table J-9 of Attachment J of Transco's Application.

7. COMMENT

As such, and as of to-date, we do not know yet exactly where Transco intends to place their pipeline on our yard. It could be as close as 300-500' to our home and well within the blast/kill zone. Hopefully, you have seen the April 2016 news story of the Salem Twp. PA man burning alive while running for his life at 1500' from the natural gas explosion. With at least three natural gas explosions in Pennsylvania in this past year alone, we cannot

understand how a pipeline could be placed so close to human life nor how the industry can continue to provide false data on how far this blast/kill zone actually is. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1543)

Response: The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA.

8. COMMENT

Due to recent failures, explosions and problems, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) is proposing vast changes to its safety regulations for the nation's proposed gas transmission pipelines – public comment was open until July 7, 2016. How can PA DEP proceed with this harmful project while new protections are being considered? The project should be put on hold, public period extended, to incorporate these sorely needed changes to avoid future harm to waterbodies and more. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA.

9. COMMENT

This is unlawful taking of property to profit a private company. Stop this from happening. U need to learn that this just totally wrong. U have no right to approve the taking of land other than Government projects. (1471)

Response: The permits issued to Transco for the Atlantic Sunrise Project do not convey property rights from private landowners to Transco. See Part B, Standard Condition 2.E. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth.

10. COMMENT

I had submitted comments/questions to FERC a long time ago and have received no response. The subject is Corrosion Control that Williams will provide for this proposed pipeline.

1. Will corrosion control/mitigation on this pipeline be active or passive?
2. What measures will be taken during installation to prevent holidays in the pipe coating?
3. Will pipe-to-soil measurements/testing be done immediately after installation?
4. How often will preventive maintenance pipe-to-soil measurements be made after installation?

Response: The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA.

Water Quality – Bay, WQC

1. COMMENT

6. Protection of the Chesapeake Bay should take priority.

In coordination with other Commonwealth agencies, and partly in response to the U.S. Environmental Protection Agency withholding \$3 million from Pennsylvania, the Department has launched a Chesapeake Bay restoration strategy, or “reboot.” The strategy rightly focuses on agriculture in order to reduce nutrient load in the Susquehanna River Watershed and, ultimately, the Bay. The Department, however, should not ignore the role that pipelines such as the Atlantic Sunrise can play in destroying riparian buffers at water crossings, creating linear pathways for increased sediment load in waterways, and reducing the efficacy of wetlands in cleaning and storing water that makes its way into the Bay.

25 Pa. Code § 105.21(a)(3) provides that “a permit application will not be approved unless the applicant demonstrates that ... [t]he proposed project or action will adequately protect public health, safety and the environment.” As explained elsewhere in this comment, Williams proposes to build the Atlantic Sunrise pipeline in a manner that causes needless harm to wetlands and waterways. The pipeline as planned would snake through nearly 200 miles of the Chesapeake Bay Watershed. The pipeline's impacts would be substantial, and would threaten the safety and sanctity of the Chesapeake Bay.

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department has undertaken a thorough evaluation of the applications for the necessary permits and has included special conditions in the permits to ensure Pennsylvania's water

resources, including waterways and wetlands within the Chesapeake Bay Watershed are adequately protected and maintained, and where appropriate are improved.

2. COMMENT

Chesapeake Bay Total Maximum Daily Load

Commenters are concerned the cumulative impacts of the Atlantic Sunrise Project and other projects will impact the Chesapeake Bay clean-up plan by developing “high-value” lands that are supposed to be permanently protected from development. In response to high levels of pollution in the Chesapeake Bay, the federal government has developed a comprehensive plan to clean up and protect the watersheds that feed the Bay. That plan relies heavily on permanently protecting certain lands from pollution-generating development. Construction of the Atlantic Sunrise Project would have significant impact on many of these high value lands and would thus interfere with the federal clean-up plan for the Chesapeake Bay. DEP must address this through, not only to comply with its statutory and constitutional obligations, but as a practical matter: It is unconscionable to spend billions³ of dollars on Chesapeake Bay clean up only to turn around and allow new forms of industrial pipeline pollution to undermine that investment. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department reviewed the water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

Transco will implement the wetland protection and restoration measures contained in its construction and mitigation plan procedures, and comply with the conditions of the Section 404 and the Water Obstruction and Encroachments permits issued by the USACE and DEP respectively, as well as compensatory mitigation requirements.

The Department evaluates cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department’s review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department’s review of

cumulative impacts associated with this project were undertaken as outlined in this guidance.

3. COMMENT

Authority for the Chesapeake Bay Clean-Up Plan

The Chesapeake Bay was designated a national treasure by Executive Order in 2009. The Order also established a federally-led Program tasked with cleaning up the Bay by 2025. Exec. Order No. 13508 (May 12, 2009). To comply with this Order, EPA established the Bay clean-up plan, known as the “Total Maximum Daily Load” (TMDL). The TMDL identifies the necessary pollution reductions of nitrogen, phosphorus, and sediment across Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia and sets pollution limits necessary to meet applicable water quality standards in the Bay and its tidal rivers. The applicable water quality standards vary depending on the particular water body. When setting the standard, a state must first designate the use of the water body (fishing or recreation, for example) and then establish criteria necessary to protect that use. 40 C.F.R. § 131.6. Under the TMDL, all pollution control measures needed to fully restore the Bay must be in place by 2025, with at least 60 percent of the actions completed by 2017. *Am. Farm Bureau Fed., v. EPA*, 984 F. Supp. 2d 289, 305 (Pa. 2013).

1. Development is a Main Stressor to the Chesapeake Bay

Population growth and land development continue to be top stressors to the Chesapeake Bay ecosystem and a threat to the goal of remediating the Chesapeake Bay. Chesapeake Bay Program: Protected Lands – Analysis and Methods Documentation 3 (2013), available at http://www.chesapeakebay.net/indicators/indicator/preserving_lands. Converting land from forests and open lands to urbanized and industrial uses increases pollution by removing the ecosystem services responsible for capturing rainfall and reducing runoff, filtering nutrients and sediment, and stabilizing soils. Margaret Walls & Virginia McConnell, *Incentive-Based Land Use Policies and Water Quality in the Chesapeake Bay*, Discussion Paper 04–20, 4 (March 2004), available at <http://www.rff.org/files/sharepoint/WorkImages/Download/RFF-DP-04-20.pdf>. An 18 percent increase in impervious surfaces results in an 80 percent increase in runoff volume. Stephen J Gaffield, *Public Health Effects of Inadequately Managed Stormwater Runoff*, 93 AM. J. PUB. HEALTH. 1527, 1528 (2003), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448005/pdf/0931527.pdf>. By contrast, naturalgroundcover undisturbed by development generally results in only 10 percent of the precipitation traveling as runoff. PRINCE GEORGE’S COUNTY, LOW IMPACT DEVELOPMENT HYDROLOGIC ANALYSIS 4 (1999), available at http://www.lowimpactdevelopment.org/pubs/LID_Hydrology_National_Manual.pdf. The remaining precipitation is soaked up and filtered by the land.

Stormwater runoff is one of the “non-point” sources of pollution that have become the dominant water quality problem in the Bay, dwarfing all other sources of nutrients and sediments. *Am. Farm Bureau*, 984 F. Supp. 2d at 296. Increased land disturbance increases the discharge of sediments into streams, raising total suspended solids concentrations. P.J. Drohan & M. Brittingham, *Topographic and Soil Constraints to Shale-Gas Development in*

the North Central Appalachians, 76 SOIL SCI. SOC. AM. J. 1696, 1706 (2012). In addition, removing vegetation for construction can cause excess runoff and sedimentation that are harmful to river ecosystems, especially in sensitive headwater streams. Susan L. Brantley et al., *Water Resource Impacts during Unconventional Shale Gas Development: the Pennsylvania Experience*, 126 INT’L J. OF COAL GEOLOGY 140, 153 (2014). Within the watershed, these rivers and all the pollutants contained within ultimately end up in the Chesapeake Bay. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department reviewed these water obstruction and encroachments permit applications and erosion and sediment control permit applications in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science.

Transco’s Erosion and Sedimentation Control Plan and Site Restoration Plan identifies the erosion and sedimentation control and restoration practices to be implemented. Accelerated erosion and stormwater runoff from earth disturbance activities and the discharge of construction-related sediment will be minimized. Transco's erosion and sediment control plan complies with DEP’s Chapter 102 regulations which ensure that it will not cause or contribute to violations of water quality standards.

4. COMMENT

A Key Strategy to Meet the Chesapeake Bay Clean-Up Plan is to “Permanently Protect Lands from Development”

To meet the TMDL, the Chesapeake Bay Program has identified and set aside specific high-value land. This action is part of the Bay Program’s strategy to clean up the Bay. On June 16, 2014, representatives from all seven jurisdictions in the Bay watershed signed a new Chesapeake Bay Watershed Agreement. Chesapeake Bay Program, Watershed Agreement (2014), available at

<http://www.chesapeakebay.net/documents/ChesapeakeBayWatershedAgreementFINAL.pdf>. Pennsylvania is a signatory jurisdiction to this agreement. *Id.* To achieve the goal of

restoring the Bay by 2025, the jurisdictions identified protecting lands as a top priority. Since signing the Watershed Agreement, the Chesapeake Bay Program has been crafting “management strategies” that describe the steps necessary to achieve the goals of the Agreement. Among the steps, jurisdictions committed to protecting an additional two million acres of lands throughout the watershed—currently identified as high-conservation priorities at the federal, state or local level—by 2025. *Management Strategies, Chesapeake Bay Program, available at*

http://www.chesapeakebay.net/managementstrategies/strategy/protected_lands.

The Bay Program defines “protected lands” as those “permanently protected from development, whether by purchase or donation, through a perpetual conservation or open

space easement or fee ownership . . . including transfer of development rights programs.” *Chesapeake Bay Program, Protected Lands: Additional Information, available at http://www.chesapeakebay.net/indicators/indicator/preserving_lands*. Protected lands may be held in private ownership as working farms or forests; designated open space and recreational land such as a county, town, city, state or federal park; publicly owned forests or wetlands; or historically significant properties held as battlefields, colonial towns and farms or military- owned parks. *Analysis and Methods Documentation* at 1.

The Chesapeake Bay Program recommends forest and farm land be targeted for conservation because they are the land covers with the greatest water-pollution-reduction factor. *Chesapeake Bay Program, Protected Lands, available at http://www.chesapeakebay.net/indicators/indicator/preserving_lands*. These lands protect water quality, sustain fish and wildlife, maintain working farms and forests, preserve our history, and provide opportunities for outdoor recreation.

These protected lands are meant to be “permanently protected from development.” *Chesapeake Bay Program, Protected Lands*. The Chesapeake Bay Program’s Watershed Model, which is used to analyze the impact on the watershed of various pollution-reducing actions, assumes that these lands are permanently protected from development. CHESAPEAKE BAY PROGRAM, PHASE 5.3 WATERSHED MODEL Section 4.7.3, at p.4-40, *available at ftp://ftp.chesapeakebay.net/modeling/P5Documentation/SECTION_4.pdf*. The model helps guide decision-making for reducing pollution and meeting water quality standards and cannot accurately predict impacts to the Bay if it is based on false assumptions.

The state of Pennsylvania is also invested in protecting these lands. As the largest agricultural state in the watershed, Pennsylvania has been working to preserve prime farmland since the 1980s to help slow the loss to non-agricultural uses. PA. DEP’T OF ENVTL. PROTECTION, PA. CHESAPEAKE WATERSHED IMPLEMENTATION PLAN: PHASE I, at 76. To date, the state has invested more than \$1 billion to permanently protect land within the watershed from development. CHESAPEAKE BAY PROGRAM: ANALYSIS AND METHODS DOCUMENTATION 2–3, *available at http://www.chesapeakebay.net/indicators/indicator/preserving_lands*. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science.

5. COMMENT

The Atlantic Sunrise Project will Set Back Efforts to Clean Up Chesapeake Bay

Despite Pennsylvania's financial commitment to protecting lands in the Chesapeake Bay watershed and all the resulting water quality, public health, and other gains these protected lands have achieved, the state is supporting the proposed Atlantic Sunrise Project, which threatens to permanently set back efforts to protect the Bay. The Project will disturb 3,905.8 acres of land in connection with the installation and operation of 195.2 new miles of pipeline in Pennsylvania. During construction, temporary right-of-ways will require trees and vegetation to be removed from a 90- to 150-foot swath over the path of the pipeline. FERC DEIS at 2-15 & 2-23. The construction process involves digging trenches deep enough to submerge 30- and 42-inch pipes a minimum of three feet below the surface. *Id.* at table 2.3.1-1. Upon completion of the trenching phase, the construction zone will be allowed to start the decades-long process of reversion back to its natural state. Permanent right-of-ways between 50 and 75 feet wide along which trees will never be allowed to grow will remain along the entire stretch of the project. *Williams, Atlantic Sunrise, What Size Will the Easement Be?*, <http://atlanticsunriseexpansion.com/faq/size-will-easement/>.

Construction of the pipeline will impact agricultural lands the most at 51 percent of the acreage, followed by upland forest at 30 percent and open space at 11 percent. FERC DEIS at 4-125. Already-developed land with the least ecological value accounts for less than five percent of the total lands affected by the pipeline. *Id.*

Pennsylvania is already failing to meet the land-use and water-quality goals set forth in the Bay TMDL. "Without . . . changes, compliance rates will remain low and the commonwealth will fail on its clean water commitments at a huge cost to society. Don Hopey, *EPA Gives Poor Marks to Pa. on Protecting Chesapeake Bay Watershed*, PITT. POST-GAZETTE, Mar. 23, 2015, available at <http://www.post-gazette.com/news/environment/2015/03/23/EPA-gives-poor-marks-to-Pa-on-protecting-Chesapeake-Bay-watershed/stories/201503230007>. In June 2015, the EPA deemed Pennsylvania's progress insufficient to meet water quality expectations for the 2017 midpoint goal, with a remaining reduction of 648 million pounds of sediment still necessary to meet the TMDL's 2025 target. PA DEP'T OF ENVTL. PROTECTION, STRATEGY TO ENHANCE PENNSYLVANIA'S CHESAPEAKE BAY RESTORATION EFFORT, ES-1 (Jan. 21, 2016).

Pennsylvania's inability to meet the TMDL has triggered EPA backstops: \$2,896,723 in federal funding was withheld for Chesapeake Bay-related pollutant reduction projects, and the EPA will consider additional federal action against the state if it becomes necessary to address further restoration shortfalls. EPA INTERIM EVALUATION OF PENNSYLVANIA'S 2014-2015 MILESTONES 3 (June 10, 2015). EPA estimates that in order to reach the sediment goals, Pennsylvania will have to set aside an additional 22,000 acres of forest cover per year, among other practices. An average of 44,000 acres, however, are lost to development annually. PA. DEP'T OF ENVTL. PROTECTION, PA. CHESAPEAKE WATERSHED IMPLEMENTATION PLAN: PHASE I 164 (2011). This loss does not account for the impacts of pipeline projects such as the Atlantic Sunrise Project, which are allowed to undermine conservation easement restrictions and develop protected land.

Of specific concern to the Bay clean-up plan, the proposed Atlantic Sunrise Project will intersect 52 private, federal, or state "protected lands"—lands that have supposedly been

permanently protected from development. *Chesapeake Climate Action Network et al., Easement to Industry: Mapping the Proposed Path of the Atlantic Sunrise Pipeline*, available at <http://chesapeakecommons.org/gists/pipeline/asp/index.html>. Four environmental nonprofits⁴ used open-source geographic information systems to calculate the total protected land acreage intersected by the Atlantic Sunrise Project. See *Easement to Industry*, at 4 (describing analytical methods used). Those 52 intersections will directly impact 177.4 acres of private land that an owner chose to protect indefinitely; 63.1 acres of state land that cost taxpayer money to acquire and maintain; 8.2 acres of federally owned lands; and 1.3 acres of non-profit owned lands.

In total, the pipeline will develop a total of 250 acres that the Chesapeake Bay Program Watershed Model assumes are permanently protected lands that are untouchable by development. Volume I of the DEIS mentions the Chesapeake Bay a mere nine times in the 472- page document. It does not mention protected lands even once. This is testament to the fact that neither FERC nor DEP are giving due attention to impacts on Chesapeake Bay.

FERC's DEIS acknowledges that "the Project would cross a number of areas enrolled in a variety of federal and Commonwealth of Pennsylvania conservation programs." FERC DEIS at 4-152. This acknowledgement does not cover the full breadth of protected lands, however, as Chesapeake Bay's definition of protected lands encompasses more than federal and state conservation programs. Neither FERC nor DEP makes any effort to account for this unexpected development. The DEIS concludes that "construction across land enrolled in [conservation] programs with provisions for tree plantings on the proposed permanent right-of-way would have a permanent effect." *Id.* at 4-153. Yet, despite acknowledging a permanent effect, the DEIS places no conditions on these crossings. Instead it accepts Transco's claim that it "has not yet determined where all of the [conservation] lands involving tree planting are located," despite the fact that the four environmental groups mentioned above created a website showing the exact location of forest and other protected land crossings. FERC concludes this already abbreviated section by allowing "Transco to develop restoration measures [to] ensure enrolled properties remain eligible to participate in the [conservation] programs" at some future time and with no formal conditions in place.

FERC, however, cannot reasonably conclude that the impacts to protected lands can somehow be adequately mitigated if it has not even identified the location and nature of those lands nor the mitigation measures to protect them. Neither can DEP. Protected lands play a key role in the federal government's—and Pennsylvania's—plan to meet the Bay TDML. The proposed Atlantic Sunrise Project will impact 250 acres of protected lands that are supposed to be permanently protected from development, including 75-foot swaths of currently forested land upon which trees can never be planted if this pipeline is built.

DEP should request that Transco conduct a more comprehensive cumulative impacts analysis that includes – at a minimum – a list of projects considered, the expected impacts of those projects, and a quantification of aggregated impacts, including impacts on Chesapeake Bay and Pennsylvania's ability to comply with established clean-up goals, before making a determination on Transco's applications. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permit applications in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science.

6. COMMENT

Cumulative impacts of the proposed Atlantic Sunrise project must be considered due to the immense scope of this project. Construction and the resultant erosion are in direct conflict with goals needed to be achieved for agreements already in place to protect the Chesapeake Bay. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1302)

Response: The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permit applications in accordance with established laws,

including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science.

7. COMMENT

I am pleading for you to refuse Tennessee Gas Pipeline Company's request for water quality certification for its proposed Susquehanna West Project (FERC Docket: CP15-148). The project would cause notable impacts to the local ecosystem, water quality and it would likely result in further fracking. Help us make America a leader in sustainability rather than an embarrassment of self destruction and greed. In it's critical condition, our environment must take priority for the sake of our country, humanity and all whom inhabit the planet at this time. It is important that we transition to renewable energy as soon as possible. Please take responsibility for your position as the Department of Environmental Protection and deny this pipeline while working toward implementing a renewable energy plan instead. (401)

Response: Section 401 of the Clean Water Act requires applicants for Federal permits or licenses, such as an applicant seeking approval of an interstate natural gas pipeline from the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act, to obtain a certification from the state in which the project is located that the federally authorized activity will comply with the State's water quality standards and other applicable provisions of the Clean Water Act. PADEP issued a conditional state water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance of the conditional state water quality certification in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The Department issued a conditional Section 401 state water quality certification for the project in a manner consistent with its regulations, policies, and historic practices as they relate to this and similar projects.

DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable environmental statutory and regulatory requirements. The Department issued these permits only after an extensive iterative process where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance and consistency with state water quality requirements. The permits and conditions provide reasonable protections for public health and safety and the environment.

8. COMMENT

This communication is a Formal Request for your agency, the Pennsylvania Department of Environmental Protection (PADEP) to deny as unfavorable the aforementioned Water Quality Certification (WQC) Permits for the Transcontinental Pipeline Company's Atlantic Sunrise Project.

Upon careful consideration of the entire Federal Energy Regulatory Commission (FERC)'s filed Environmental Impact Statement (EIS) at FERC Docket No. – CP15-138-000; the environmental impacts levied upon the honored State of Pennsylvania and its Citizens far outweigh any benefits which the State and Public would gain. Further, there are no benefits, amenities, services, or net gains listed in the Transcontinental EIS which directly afford restitution assets to the State and its People for the permanent and irreparable negative impacts to the Pennsylvania environment.

The proposed Atlantic Sunrise Project Pipeline transects many waterways, forestlands, sensitive environmental conservation areas, and Public communities in an inordinate manner. The Route is obviously expediently beneficial to Transcontinental and the other associated parties included in this aggressive enterprise. However, the listed proposed methodologies for the institution and installation of this proposed Project lack equitable conscientious environmental protection parameter observances of proper protocol procedures to insure maximum Public Health, Welfare, Safety, and Environmental Protection as cited under Title 42 U.S.C. and Pennsylvania Environmental State Laws. The negative impact damages to wetlands; waterways; riparian buffer zones; forests; and agricultural lands will be greatly significant regarding the legacy aftermath of this proposed project.

The FERC EIS lacks specificity in strategic outcome points for the implementation of this proposed Atlantic Sunrise Project. Too many waterway crossings are designated as “trench cut” which disregards the waterway of choice for this crossing method as insignificant in consideration of post pipeline recovery outcomes. This proposed Project further compounds the environmental condition of an already environmentally impoverished geographic land mass negatively impacted by myriad environmental impacts from other previous projects involving mining; oil/gas hydrofracturing, drilling; and massive transit roadway construction across this entire State. Environmental Mitigation cannot be considered as a negotiable form of compensation in this case; as there are inadequate open spaces left in this Region to restore any wholesale measure of environmental recovery balance.

This proposed project must not be allowed to proceed as prescribed in the FERC EIS. This proposed Action will compound the losses for an already severely impacted environment. Water Quality Issues from this proposed Transcontinental, et al., Project will decisively denigrate the State's already impaired water supply. This should not be allowed to happen.

Therefore, submitted on behalf of the good People of the honored State of Pennsylvania; the LNG Opposition Team of Maryland, Pennsylvania, and Virginia respectfully, adamantly, and resolutely beseech the Pennsylvania Department of Environmental Protection to deny as unfavorable all Water Quality Certification Permits requested by Transcontinental Pipeline Company's Atlantic Sunrise Project based on the overwhelming evidence of negative environmental issues presented in the FERC EIS Record of Decision Documents. As ever in service, I am. (1311)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

Section 401 of the Clean Water Act requires applicants for Federal permits or licenses, such as an applicant seeking approval of an interstate natural gas pipeline from the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act, to obtain a certification from the state in which the project is located that the federally authorized activity will comply with the State's water quality standards and other applicable provisions of the Clean Water Act. PADEP issued a conditional state water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance of the conditional state water quality certification in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The Department issued a conditional Section 401 state water quality certification for the project in a manner consistent with its regulations, policies, and historic practices as they relate to this and similar projects.

DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable environmental statutory and regulatory requirements. The Department issued these permits only after an extensive iterative process where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance and consistency with state water quality requirements. The permits and conditions provide reasonable protections for public health and safety and the environment.

9. COMMENT

In addition to cumulative impacts and segmentation concerns that jeopardize Commonwealth resources, the process DEP appears to be using with this proposed certification and notice to certify that the construction, operation and maintenance of the Atlantic Sunrise Project complies with the applicable provisions of the Federal Clean Water Act puts the cart-before-the-horse since DEP appears to be relying on Transco's future actions – actions and permit applications that have not been completed, submitted, reviewed and approved by the DEP and other regulatory agencies. Standard procedure in granting Section 401 water quality certifications in Pennsylvania is for PADEP to issue the Section 401 water quality certification as part of the permitting process under the Dam Safety and Encroachments Act, which is Chapter 105 of the Pennsylvania Code. *See Pennsylvania Environmental Law and Practice*, ch. 6-4.4 (8th ed. 2015) (“DEP issues its section 401 certifications as part of the permits given under the Dam Safety and Encroachments Act”). To the extent PADEP issues a Section 401 Certification for a proposed pipeline project prior to issuing a Chapter 105 Water Obstruction and Encroachment permit, PADEP is acting in direct contravention of its own procedures. Indeed, there is no procedure recognized in the Pennsylvania Code that allows for separate review of a Section 401 water quality certification and Chapter 105 and/or Chapter 102 permits. As such, it is unlawful for PADEP to issue the Section 401 Certification before receiving final plans and other critical information necessary to ensure that Pennsylvania's water quality standards have been complied with pursuant to Chapter 105 and Chapter 102. DRN filed a lawsuit against DEP's issuance of the 401 Water Quality Certification for the

Atlantic Sunrise on May 5, 2016 and filed a prior suit against the DEP on May 5, 2015 alleging the DEP improperly issued a Clean Water Act Section 401 Water Quality Certification for the Leidy Southeast Pipeline – another Williams-Transco large scale natural gas pipeline project. Similar suits were also submitted by other concerned groups on the Atlantic Sunrise 401 Water Quality Certification. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Section 401 of the Clean Water Act requires applicants for Federal permits or licenses, such as an applicant seeking approval of an interstate natural gas pipeline from the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act, to obtain a certification from the state in which the project is located that the federally authorized activity will comply with the State's water quality standards and other applicable provisions of the Clean Water Act. PADEP issued a conditional state water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance of the conditional state water quality certification in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The Department issued a conditional Section 401 state water quality certification for the project in a manner consistent with its regulations, policies, and historic practices as they relate to this and similar projects.

The water quality certification is conditioned on Transco acquiring and complying with certain permits required under Pennsylvania law, including a National Pollutant Discharge Elimination System ("NPDES") permit for the discharge of water from the hydrostatic testing of the proposed pipeline pursuant to the Pennsylvania Clean Streams Law and all applicable implementing regulations; an Erosion and Sediment Control General Permit for earth disturbance associated with oil and gas production pursuant to the Pennsylvania Clean Streams Law, Pennsylvania's Storm Water Management Act and all applicable regulations; and a Water Obstruction and Encroachment Permit for the construction and operation of all water obstructions and encroachments associated with the project in regulated waters, including floodways, pursuant to the Pennsylvania Clean Streams Law, the Pennsylvania Dam Safety and Encroachments Act, the Pennsylvania Flood Plain Management Act and all applicable implementing regulations. PADEP determined that the permits required as a condition of the water quality certification will properly regulate the activities to be undertaken as part of the project to ensure Pennsylvania's water quality standards are achieved. The permits will define restrictions and protective measures necessary under state law to protect water quality as the project encounters various streams, floodways, wetlands, and other water resources.

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science.

10. COMMENT

In addition to cumulative impacts and segmentation concerns that jeopardize Commonwealth resources, the process DEP appears to be using with this proposed certification and notice to certify that the construction, operation and maintenance of the Atlantic Sunrise Project complies with the applicable provisions of the Federal Clean Water Act appears putting the cart-before-the horse since DEP appears to be relying on Transco's future actions – actions and permit applications that have not been completed, submitted, reviewed and approved by the DEP and other regulatory agencies. Standard procedure in granting Section 401 water quality certifications in Pennsylvania is for PADEP to issue the Section 401 water quality certification as part of the permitting process under the Dam Safety and Encroachments Act, which is Chapter 105 of the Pennsylvania Code. *See Pennsylvania Environmental Law and Practice*, ch. 6-4.4 (8th ed. 2015) (“DEP issues its section 401 certifications as part of the permits given under the Dam Safety and Encroachments Act”). To the extent PADEP issues a Section 401 Certification for a proposed pipeline project prior to issuing a Chapter 105 Water Obstruction and Encroachment permit, PADEP is acting in direct contravention of its own procedures. Indeed, there is no procedure recognized in the Pennsylvania Code that allows for separate review of a Section 401 water quality certification and Chapter 105 and/or Chapter 102 permits. As such, it is unlawful for PADEP to issue the Section 401 Certification before receiving final plans and other critical information necessary to ensure that Pennsylvania's water quality standards have been complied with pursuant to Chapter 105 and Chapter 102. DRN filed a lawsuit against the DEP on May 5, 2015 alleging the DEP improperly issued a Clean Water Act Section 401 Water Quality Certification for the Leidy Southeast Pipeline – another Williams-Transco large scale natural gas pipeline project. The briefing for the case, Delaware Riverkeeper Network, et al.v. Pennsylvania Department of Environmental Protection, et al. (Docket No. 15-2122), is scheduled to conclude in late August with disposition of the matter to take place in the last week of September. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Section 401 of the Clean Water Act requires applicants for Federal permits or licenses, such as an applicant seeking approval of an interstate natural gas pipeline from the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act, to obtain a certification from the state in which the project is located that the federally authorized activity will comply with the State's water quality standards and other applicable provisions of the Clean Water Act. PADEP issued a conditional state water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance of the conditional state water quality certification in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The Department issued a conditional Section 401 state water quality certification for the project in a manner consistent with its regulations, policies, and historic practices as they relate to this and similar projects.

The water quality certification is conditioned on Transco acquiring and complying with certain permits required under Pennsylvania law, including a National Pollutant Discharge Elimination System (“NPDES”) permit for the discharge of water from the hydrostatic testing of the proposed pipeline pursuant to the Pennsylvania Clean Streams Law and all applicable implementing regulations; an Erosion and Sediment Control General Permit for

earth disturbance associated with oil and gas production pursuant to the Pennsylvania Clean Streams Law, Pennsylvania's Storm Water Management Act and all applicable regulations; and a Water Obstruction and Encroachment Permit for the construction and operation of all water obstructions and encroachments associated with the project in regulated waters, including floodways, pursuant to the Pennsylvania Clean Streams Law, the Pennsylvania Dam Safety and Encroachments Act, the Pennsylvania Flood Plain Management Act and all applicable implementing regulations. PADEP determined that the permits required as a condition of the water quality certification will properly regulate the activities to be undertaken as part of the project to ensure Pennsylvania's water quality standards are achieved. The permits will define restrictions and protective measures necessary under state law to protect water quality as the project encounters various streams, floodways, wetlands, and other water resources.

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science.

11. COMMENT

We are also enclosing additional comment and expert reports by Delaware Riverkeeper Network for similar pipeline projects that we believe includes additional information that should be considered – since the pipelines' construction techniques are similar in nature to other pipeline applications being considered. According to the Draft FERC EIS, over 1,880 written comments were received by the public and 130 motions to intervene were filed on the FERC docket as of April 13, 2016 for this pipeline project – indicating a very strong concern for the impacts this pipeline would cause. These continued formal public process steps throughout the process by the PA DEP are critical since this pipeline would impact large habitats and waterbodies across the state along its expansive 195-mile path and since the current data is not yet complete on all accounts.

Delaware Riverkeeper Network (DRN) is writing to request for a second time, that the Pennsylvania Department of Environmental Protection (DEP) deny the Chapter 105 application for Transco's Atlantic Sunrise Pipeline project due to the irreparable harm it would cause to the state's waterways and environment during construction and throughout its lifespan and beyond. This project would have significant adverse environmental impacts, safety issues, air and climate change impacts, economic ramifications, permanent impacts on scenery and rural character of the region, and threaten drinking water sources, groundwater wells, wetlands, springs and seeps, water quality, and septic systems of the Commonwealth. As you know, the PADEP submitted a letter to Kimberly Bose/FERC dated June 27, 2016 indicating missing information and the need for better data and clarification for all state permits as well as flaws in the 401 process and cited the applicant's and FERC's inadequacies and missing pieces with the related Draft

Environmental Impact Statement (DEIS) and the AS 401 Certification – this would indicate what we also believe, that the formal public comment period is being ended even though not all of the information is complete for all aspects of the applications. These large linear projects and impacts cannot be rushed, approved without complete information, or moved forward without the public being fully aware of a complete application that lays out all impacts. Pennsylvania has seen tremendous irreparable harm on past projects, like that of the Constitution pipeline, another Williams/Transco pipeline, where the PADEP allowed tree cutting before all state permits were issued – this gross error cannot be taken back for this past pipeline project – mature forests were cut, opening up waterways to thermal impacts and lack of riparian buffers along streams and local sustainable multi-generation PA maple syrup farmers were put out of business. PA DEP’s June 27, 2016 letter states (emphasis added):

“PADEP’s primary concern with the draft (FERC) EIS is that it does not fully acknowledge the State law requirements that Transco must fulfill to meet its obligations under Section 401 of the Clean Water Act (33 U.S.C. § 1341).” ... “As noted above, the Section 401 of the Clean Water Act imposes an obligation on Transco to obtain a certification from Pennsylvania that the discharges from the project will protect the quality of Pennsylvania’s water resources. In Pennsylvania, that protection is assured through State law permits that PADEP has identified as conditions of the State Water Quality Certification. FERC’s short-hand method of describing Pennsylvania’s State Water Quality Certification and its State law permits required thereunder as permits issued under Section 401 of the Clean Water Act is misleading and should be corrected to accurately describe these requirements as applicable State law authorizations.”

“Section 5.2 of the draft EIS identifies numerous instances in which Transco needs to provide additional information to FERC prior to the end of the draft EIS comment period or prior to construction. PADEP requests that FERC direct Transco to ensure that all pending applications for State permits and authorizations be updated with the current project data and information to ensure actions taken by PADEP are consistent with the project as authorized by FERC, including the State Water Quality Certification. PADEP also requests that FERC require Transco to provide copies of its weekly status reports required under condition 8 concurrently to PADEP.”

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department reviewed the water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science.

12. COMMENT

Because the Commonwealth has permitted 8,191 unconventional gas wells (since Jan 30, 2015) and the scientific community has published, since April 2015 over 400 peer reviewed papers indicating harm, it is also critical that DEP use its authority and consider these beginning of pipe and end of pipe impacts that fracking and related infrastructure is causing and will exacerbate if these additional pipelines are permitted by DEP. According to Physicians for Safe Energy, 72% of these original research studies on water quality indicate potential, positive association, or actual incidence of water contamination; and 95% of all original research studies on air quality indicate elevated concentrations of air pollutants. Air pollution impacts water so all of these cumulative impacts must be considered by the DEP as part of its 404 and Chapter 105 review. And air pollution in the state already is ailing on many levels, causing harm to our waterways and the public. For example, just last week two of the five consecutive days (5/25 and 5/26/16 for Bristol, PA DEP air station) had ozone way above the 70 ppb ozone standard (90 ppb and 85 ppb). In Tioga County, three of the five consecutive days (5/24, 25, 26/16) last week were in exceedance for ozone (73, 77, and 74 ppm). These exceedances were detected by DEP's ambient air quality monitoring program. As indicated above, perhaps DEP is changing its procedures related to 401 certification (percent correspondence cited above) and we hope that is the case. But to reiterate from our May comment, if this is not the case, the process DEP appears to be using with this proposed certification and notice to certify that the construction, operation and maintenance of the Atlantic Sunrise Project complies with the applicable provisions of the Federal Clean Water Act puts the cart-before-the horse since DEP appears to be relying on Transco's future actions – actions and permit applications that have not been completed, submitted, reviewed and approved by the DEP and other regulatory agencies. Standard procedure in granting Section 401 water quality certifications in Pennsylvania is for PADEP to issue the Section 401 water quality certification as part of the permitting process under the Dam Safety and Encroachments Act, which is Chapter 105 of the Pennsylvania Code. *See Pennsylvania Environmental Law and Practice*, ch. 6-4.4 (8th ed. 2015) (“DEP issues its section 401 certifications as part of the permits given under the Dam Safety and Encroachments Act”). To the extent PADEP issues a Section 401 Certification for a proposed pipeline project prior to issuing a Chapter 105 Water Obstruction and Encroachment permit, PADEP is acting in direct contravention of its own procedures. Indeed, there is no procedure recognized in the Pennsylvania Code that allows for separate review of a Section 401 water quality certification and Chapter 105 and/or Chapter 102 permits. As such, it is unlawful for PADEP to issue the Section 401 Certification before receiving final plans and other critical information necessary to ensure that Pennsylvania's water quality standards have been complied with pursuant to Chapter 105 and Chapter 102. DRN filed a lawsuit against DEP's issuance of the 401 Water Quality Certification for the Atlantic Sunrise on May 5, 2016 and filed a prior suit against the DEP on May 5, 2015 alleging the DEP improperly issued a Clean Water Act Section 401 Water Quality Certification for the Leidy Southeast Pipeline – another Williams-Transco large scale natural gas pipeline project. Similar suits were also submitted by other concerned groups on the Atlantic Sunrise 401 Water Quality Certification. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Section 401 of the Clean Water Act requires applicants for Federal permits or licenses, such as an applicant seeking approval of an interstate natural gas pipeline from the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act, to obtain a certification from the state in which the project is located that the federally authorized activity will comply with the State's water quality standards and other applicable provisions of the Clean Water Act. PADEP issued a conditional state water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance of the conditional state water quality certification in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The Department issued a conditional Section 401 state water quality certification for the project in a manner consistent with its regulations, policies, and historic practices as they relate to this and similar projects.

The water quality certification is conditioned on Transco acquiring and complying with certain permits required under Pennsylvania law, including a National Pollutant Discharge Elimination System ("NPDES") permit for the discharge of water from the hydrostatic testing of the proposed pipeline pursuant to the Pennsylvania Clean Streams Law and all applicable implementing regulations; an Erosion and Sediment Control General Permit for earth disturbance associated with oil and gas production pursuant to the Pennsylvania Clean Streams Law, Pennsylvania's Storm Water Management Act and all applicable regulations; and a Water Obstruction and Encroachment Permit for the construction and operation of all water obstructions and encroachments associated with the project in regulated waters, including floodways, pursuant to the Pennsylvania Clean Streams Law, the Pennsylvania Dam Safety and Encroachments Act, the Pennsylvania Flood Plain Management Act and all applicable implementing regulations. PADEP determined that the permits required as a condition of the water quality certification will properly regulate the activities to be undertaken as part of the project to ensure Pennsylvania's water quality standards are achieved. The permits will define restrictions and protective measures necessary under state law to protect water quality as the project encounters various streams, floodways, wetlands, and other water resources.

The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in the engineering profession and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project*

Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006). The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

13. COMMENT

I. Existing Use Protection Required; Antidegradation Analysis under Chapter 93 Required Beyond What Chapter 105 Requires

Under Chapter 93, the Department is required to give existing use protection to surface waters "when the Department's evaluation of information (including data gathered at the Department's own initiative, or data considered in the context of a Department permit or approval action) indicates that a surface water attains or has attained an existing use." 25 Pa. Code § 93.4c; see also 25 Pa. Code § 93.4a. To the extent Transco, the Department, or any commenters have such information, it must be taken into account in analyzing the proposed project's impacts on local watersheds, and what avoidance, minimization, and mitigation of harm Transco must undertake.

Relatedly, the Department must apply Chapter 93 antidegradation criteria regardless of what Chapter 105 requires. Blue Mtn. Preservation Assocs. v. DEP, 2006 EHB 589. Chapter 105 does not contain the same step-by-step analysis, or have the entirely identical scope of concerns as Chapter 93. Thus, the Department must apply Chapter 93 criteria and ensure that Transco has appropriately analyzed impacts under the Chapter 93 framework. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The applicant demonstrates overall project consistency with the State antidegradation requirements contained in 25 Pa. Code Chapter 93, Sections 93.4a through Section 93.4c; 25 Pa. Code Chapter 102, Sections 102.2, 102.4(b)(6), and 102.8(h); 25 Pa. Code Chapter 105, Sections 105.18a(a)(6) and 105.18a(b)(6), and 25 Pa. Code Chapter 95, when applicable.

The application shows that the antidegradation analysis (Attachment L-5, Appendix L-1, 2.2) has been met for Chapter 105 application through the antidegradation analysis of the Chapter 102 Erosion and Sediment Control Permit Application. Within the Chapter 102 application the applicant demonstrated through non-discharge alternatives and through antidegradation best available combination of technologies (ABACT) that the discharge will occur during construction, post-construction or both, and the BMPs ensure that the discharge will be a non-degrading discharge. The erosion and sediment control best management practices (BMPs) and the post construction stormwater management BMPs utilized throughout the project will mitigate the net change in stormwater discharge from construction or after construction has taken place. Further, Transco has affirmatively demonstrated to DEP that the written information is consistent with the requirements in Chapter 105, Sections 105.14(c), 105.15(a), 105.16, and 105.18a.

SCRO

1. COMMENT

Nearby Swatara Creek Water Trail The Swatara Creek Water Trail is a 42-mile-long segment within Swatara Creek extending from Jonestown (Lebanon County) to the PFBC's Middletown access in Middletown (Dauphin County). The PFBC designates water trails; however, individual trails are created and maintained by volunteers, property owners, and associations (PFBC, 2005). Water trails are boat routes suitable for canoes, kayaks, and small motorized watercraft. Like conventional trails, water trails are recreational corridors between specific locations. Water trails are comprised of access points, boat launches, day use sites, and overnight camping areas (PFBC, 2014). CPL South would cross Swatara Creek near MP 49.3 on a parcel of land owned by the Commonwealth of Pennsylvania in Lebanon County. The waterbody is about 145 feet wide at the crossing site, which is about 0.5 mile from the nearest access point. Note: the attached documents referenced in this comment are included in part three of the comment response document.

Response: The Department thanks the commentator for their comment on this proposed pipeline project. The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

2. COMMENT

Transco's environmental impact survey for the proposed Atlantic Sunrise pipeline project is heavily reliant on remote sensed data. In its overview of the draft Biological Assessment outline dated 5/19/2015, Transco stated that surveys completed to date identified only one bog turtle site within the project area, and that remote sensing technology was used to collect data on wetlands and chart wildlife habitats for the environmental impact survey.

The accuracy of ecological data collected remotely from aircraft or satellites has been questioned in numerous scholarly reviews. One such study concludes that, while high resolution satellite imagery can accurately identify open water wetlands, the technology falls short for other wetland classes, such as vernal pool deep or vernal pool shallow wetland communities. In one California study, only 52% of vernal pool deep communities, and 58% of vernal pool shallow communities were correctly classified using remote sensed data.

[http://www.vernalpools.org/documents/Cutler%20etal%202006 Accuracy Assessment RemoteSensing VernalPools.pdf](http://www.vernalpools.org/documents/Cutler%20etal%202006%20Accuracy%20Assessment%20RemoteSensing%20VernalPools.pdf)

This could have serious consequences for wildlife communities along the route of the proposed Atlantic Sunrise pipeline, which crosses some of the most ecologically diverse habitats in Pennsylvania, in western Schuylkill County. Vernal pools, also known as ephemeral ponds, are temporary wetlands that fill annually from precipitation, surface water runoff, and rising groundwater. A large number of rare, endangered, and endemic species

occur in vernal pool areas. Eggs are laid in the vernal pool. Juveniles leave the pool two or three months later to spend most of their lives in the uplands within a few hundred feet of the vernal pool, returning the following spring to breed. Bog turtles favor mucky soils with small ponds of groundwater and drier upland areas with low vegetation and sparse tree cover, such as those surrounding vernal pools. This habitat allows the turtles to thermoregulate by burrowing into the mud to cool off or basking on emergent vegetation to absorb heat. http://www.conservewildlifenj.org/downloads/cwnj_326.pdf Note: the attached documents referenced in this comment are included in part three of the comment response document. (1540)

Response: Transco's revised Chapter 105 permit application submitted on May 5, 2017 provides field survey data for the entire Project footprint (see Attachment L-5 and Attachment E-2). All remote-sensed stream and wetland data was accordingly removed from the Application.

Transco consulted with the USFWS PA Field Office regarding survey requirements for bog turtles and northern long-eared bat in the Project area. Transco completed field surveys in an adequately sized survey area to assess the presence of these species. A bog turtle population was identified at only one site along the pipeline route, in Lancaster County. No populations were identified along the pipeline route, including in Schuylkill County. Transco has received concurrence from the USFWS that implementation of the measures included in its Biological Assessment are sufficient to avoid and minimize impacts to bog turtles and the northern long-eared bat. The USFWS clearance letter dated December 21, 2016 is provided in Attachment G-2 of Transco's Application.

NERO

1. COMMENT

The Appalachian Mountain Club (AMC) is a non-profit organization whose mission is to "promote the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Appalachian region." The protection of our outdoor resources is of great importance to our over 100,000 members, supporters and advocates who reside largely in the Northeast including in New York, New Jersey, Pennsylvania, and Delaware.

AMC has serious concerns about PennEast's application to build a compressor station in Kidder Township, many of which we have voiced in previous correspondence with the Federal Energy Regulatory Commission in addition to our concerns with the larger pipeline project. Our concerns are focused on the compressor's potential to have a negative impact on the health of outdoor recreation users, as well as its potential to be a source of greenhouse gas emissions. AMC opposes the use of a natural gas-fired turbine at the compressor station site proposed in Kidder Township in favor of an electric-powered, zero emissions facility, which we believe is both feasible and practicable.

Because hikers, skiers, paddlers, and other people who spend time exercising in the outdoors risk increased exposure to methane emissions, particulates, and other hazardous air-borne substances which threaten their cardiovascular and pulmonary health, AMC urges

DEP to examine potential air quality degradation from this project in relation to health impacts to these user groups, especially considering the proximity to the Appalachian National Scenic Trail, the Army Corps of Engineers Francis E. Walter Dam, and Jack Frost Big Boulder Ski Resort. The applicant should be required to provide a detailed plan to ensure that these areas are monitored for negative impacts on air quality, and to mitigate for those impacts when they are detected.

In addition to threats to outdoor recreation users, emissions from the proposed compressor station, in particular methane, are contributing to climate change, which harms Pennsylvania through contributing to an increased occurrence of intense storm events and extreme flooding along the Delaware River. To minimize these emissions, the proposed compressor station turbine should be powered with an electric motor instead of natural gas, something that could be accomplished by tapping into the high-voltage lines currently serving

Jack Frost Ski Resort, and should include zero emission pneumatic control features. DEP should also require that the applicant's plans include voluntary participation in the Environmental Protection Agency's Natural Gas STAR program to reduce methane emissions as well as measures to ensure that the proposed compressor station would meet or exceed the Environmental Protection Agency's new standards for controlling volatile organic compounds, which have been in effect since January of 2015.

In conclusion, the Appalachian Mountain Club urges the Department of Environmental Protection to require significant changes to PennEast's proposal for a compressor station. As it stands, the application should not be approved due to threats it poses to outdoor recreation users and Pennsylvania's climate. Thank you for the opportunity to express our thoughts on this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1541)

Response: The Atlantic Sunrise Pipeline does not propose a compressor station in Kidder Township, Carbon County. The Atlantic Sunrise Project is not proposed to traverse through Carbon County.

2. COMMENT

I appreciate the time you took this week to explain the various stages of the DEP process in regard to the Atlantic Sunrise Pipeline (ASP) in our area. As stated, my husband, Walter, and I have made numerous requests to both FERC and Transco/Williams stating our concerns for the proposed ASP pipeline through our yard which have not been adequately or accurately addressed, and in many instances not at all by Transco.

Attached to this e-mail are copies of various pieces of such correspondence detailing the damages we would endure if this pipeline is allowed to dynamite (parallel) through our steep side slope which contains at least two streams and several natural springs that feed our two ponds. Specifically, we are extremely concerned about massive soil erosion, sedimentation and eutrophication of our ponds as well as increased flooding, or diverted flooding from the disrupted streams finding new pathways through our yard.

Also attached is a copy of a letter from our Dallas Twp. Supervisors attesting to this and their concerns as well.

For Transco to simply report to FERC that they have a "plan" is not sufficient. We would like to know: what drainage issues may naturally occur and how that will affect our property; what type of erosion and sediment control is proposed for after construction when they have ripped out our mature trees and dynamited the rock along the proposed pipeline route. The Luzerne Conservation District could not answer these concerns and said we had to wait until the Draft Environmental Impact Study was prepared, then contact you/the DEP. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1543)

Response: Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment.

Transco has demonstrated that impacts will be minimized by implementing its Project-specific Erosion and Sediment Control Plan, Upland Erosion Control Revegetation, and Maintenance Plan, Wetland and Waterbody Construction and Mitigation Procedures, and Spill Plan for Oil and Hazardous Materials. Each of these plans are included in the Environmental Construction Plan (ECP), provided in Attachment M of the Ch 105 applications.

3. COMMENT

We do not believe Transco's permanent ROW "meadow" on our disrupted steep side slope will be able to retain the natural flow of water from flooding our property since the mature trees cannot adequately do this now in heavy rains. Our home and outbuildings currently stay dry and without need or use of a sump pump. However, we have verified with our insurance company that we cannot obtain flood (or any) insurance for this potential disaster from the pipeline on our land. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1543)

Response: Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment.

Transco has demonstrated that impacts will be minimized by implementing its Project-specific Erosion and Sediment Control Plan, Upland Erosion Control Revegetation, and Maintenance Plan, Wetland and Waterbody Construction and Mitigation Procedures, and Spill Plan for Oil and Hazardous Materials. Each of these plans are included in the Environmental Construction Plan (ECP), provided in Attachment M of the Ch 105 applications.

4. COMMENT

In that regard we are extremely concerned that a similar type of mitigation measure will be used if FERC approves the ASP and Williams is allowed to rip out two acres of mature trees after dynamiting our 45 degree rocky and steep side slope with streams and springs surrounding our home. Please note, these springs do not freeze in the winter which supplies our neighbor's cattle with fresh water; more flooding will result in eutrophication of our two ponds which feed into Leonard Creek. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1543)

Response: Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment. The E&S Plan shows that all steep side slopes, stream and springs will be restored to existing conditions once the project has been completed. Also, during construction, Transco will maintain the flow of streams and springs during construction of the project. The streams and springs will flow through the project area with what is referred to as clean water diversions. These clean water diversions will allow the flow of the springs to effectively pass through the construction zone without being affected as well as making sure that the flow of the springs will be maintained during construction.

5. COMMENT

We are also concerned about the accuracy of Transco/Williams' data supplied to both FERC and the DEP since they have not officially surveyed our land before submitting data to FERC and presumably the DEP.

Transco has still not responded to FERC's DEIS even with the deadline only a few days away. Nor has Transco given us any specific or current information for our property. When expressing our concerns to their engineer over a year ago, his response was that, "It's not our problem." We then had to pay a lawyer \$1,000 to obtain a copy of Transco's proposed route through our land.

After these experiences, we hope to find some integrity in the process and that it will be found in the DEP. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1543)

Response: One hundred percent of the right-of-way for the Atlantic Sunrise Pipeline project has been surveyed as of the May 5, 2017 submission.

6. COMMENT

Additional concerns and issues DRN would like to include now for DEP to consider (some of which are more regional based in Schuylkill County only just due to time for review – a more thorough review certainly would have uncovered bigger gaps):

- Bedrock conditions along 70% of the route for CPL South are shallow which means blasting may have to occur to dig and blast bedrock to dig the pipeline

trench. This also means that top soils are fragile and very thin and the pipeline will cause major disruption to these delicate soils. Blasting in streams and spring areas is also detrimental.

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Topsoil excavated from the pipeline installation will be segregated into stockpiles within all agricultural, residential and wetlands areas. The topsoil will then be placed evenly throughout the right-of-way and stabilized immediately after the pipeline trench has been backfilled. as per the Erosion and Sediment Control Plan Narrative.

7. COMMENT

Endangered bog turtle - In Schuylkill County it appears that though parts of the pipeline would cut across the Swatara Watershed where bog turtle, a federally endangered species have been found, agencies are shirking responsibility to demand a bog turtle survey be done for this endangered species in Schuylkill County full cloth. This is unacceptable being that there are known occurrences of bog turtle in Schuylkill County as recent as 2007. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Transco consulted with the USFWS PA Field Office regarding survey requirements for bog turtles in the Project area. Based on historical bog turtle occurrence data in relation to the Project, the USFWS requested Transco complete bog turtle surveys in all wetlands crossed by the Project in Lancaster and Lebanon Counties. USFWS did not request bog turtle surveys in Schuylkill County. The USFWS concurrence letter dated December 21, 2016 is provided in Attachment G-2 of Transco's Application.

8. COMMENT

Endangered Bats - FERC's analysis does not protect federally listed bat species like the northern long eared bat and Indiana bats that have been documented at 5 portals from the Abandoned Mine Land Inventory in Schuylkill County; FERC's EIS states at least 682 acres of suitable habitat for Indiana bats will be disturbed by the pipeline (cutting of forests where bats roost). An important hibernation area of bats was also documented by Williams/Transco in Schuylkill County during January 2015 surveys – yet FERC says there will be no long term impacts to these federally listed species that are important for our agriculture community and natural pest control. Transco completed mist netting surveys for bats at 312 sites. Of the 312 sites surveyed, 277 sites were targeted and required for survey for the current project alignment. All 277 target sites, which represents 100 percent of the current alignment, were surveyed. Transco captured 70 northern long-eared bats during the mist-netting surveys. Fifty-two of these captured northern long-eared bats were radio- tagged. All but one of the northern long-eared bats were captured along the pipeline route; one was captured along an access road. Plus the surveys and complete reports have not yet been filed – so again how can the public evaluate all information if Transco is still not completed these required reports? FERC's rationale of this project “may affect, but it not likely to adversely affect the Indiana bat” is false and not in line with the federal endangered species act. Note: the attached

documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Transco filed all final species survey reports with FERC as necessary for FERC to complete its assessment of the Project.

Correspondence from the US Fish and Wildlife Service concluded that the project is not likely to adversely affect this species.

9. COMMENT

Bald Eagles – bald eagles are on the rise in Schuylkill County and they are to be protected by the Migratory Bird Act. At least one bald eagle nest in Schuylkill County was mapped by Transco within a 0.5 miles of the pipeline route. With blasting planned for much of this CPL South route, it is highly likely this nest would be impacted. Fish and Wildlife Service National Bald Eagle Nest guidelines note distances of: 330 feet if the activity would not be visible from the nest; 660 feet if the activity would be visible from the nest; and 0.5 mile from blasting activities. This blasting at this area would directly impact Schuylkill County's bald eagle populations. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Transco reviewed the bald eagle mapping tool maintained by the USFWS PA Field Office and agency correspondence to identify bald eagle nests in the vicinity of the Project. One mapped nest was identified in Schuylkill County in the vicinity of the Project,. Transco's construction activities along this portion of CPL South will be outside of the recommended work buffer zones around active bald eagle nests. The USFWS has concurred with Transco's determination that the Project will not adversely affect bald eagles. The USFWS concurrence letter dated December 21, 2016 is provided in Attachment G-2 of Transco's Application.

10. COMMENT

Steep Slopes – 49.8 miles of the pipelines 197.7 miles are along steep slopes – about 25% of the entire pipeline route! On CPL South that would run through Schuylkill County--- 22.8 miles of steep slopes to be impacted with a total of 35.8 miles of 15-30 % steep slopes to be impacted for the entire AS route. And 14 miles of slopes greater than 30% --- that is a total of 49.8 miles of this pipeline crossing steep slopes (that's --- large chance of erosion and blowouts and pollution into local streams as have been documented time and time again when forests are cut and soils are eroded during heavy rain storms along similar pipeline construction routes in PA). One company was fined over \$300,000 by PA DEP for pollution to nearby waterways (no fines issued by FERC). In this instance the pipeline company had a 92% failure rate! This small fine is a slap on the wrist to these companies with such a gross failure rate and meanwhile the community and local water quality suffers permanent harm. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed

areas and minimize the discharge of construction-related sediment. Transco's erosion and sediment control plan was designed in compliance with DEP's Chapter 102 regulations to ensure it will not cause or contribute to violations of water quality standards.

11. COMMENT

Old Landfill ID'd at MP 66.8 –it was verified under the PADEP landfill database (2015) – old landfill – therefore FERC recommends Transco provides mitigation measures to reduce contamination. In Schuylkill County, there has been much illegal dumping over the decades. What has FERC and DEP required of Transco to document similar rural community harms that may be lurking below the surface along the route? These investigations are missing or grossly inadequate from the application. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The permittee shall implement the following procedures at any location of the project site where it knows or has reason to believe that soils are or may be contaminated due to past land uses or upon receipt of written notification from DEP:

- A. Minimize Disturbance – Limit the extent and duration of earth disturbance activities, including the use of less intrusive earth disturbance techniques/equipment, and avoiding and minimizing the impact of ancillary areas that are not necessary for the project.
- B. Incorporate a contingency plan and additional safety protocols in the event unexpected contamination is uncovered. These protocols shall be established in the permittee's PPC Plan. Incorporate appropriate dust control and suppression practices and procedures during dry and windy periods.
- C. Implement immediate stabilization on all contaminated areas of the project site involving earth disturbance. This may be achieved using mats/blankets/linings/mulching (including compost); temporary and/or permanent seeding/vegetation; tarping or other impermeable/impervious cover; or temporary daily cover.
- D. Implement and maintain perimeter E&S BMPs including but not limited to compost filter berms, compost filter socks or weighted sediment filter tubes, and/or non-acrylamide flocculants.

Ch 102

1. COMMENT

DEP must protect riparian buffers and wetlands.

Since the proposed Chapman Loop is part of the broader Atlantic Sunrise Project, these comments address the project as whole. Transco proposes at to disturb “about 3,905.8 acres of land, including the pipeline facilities, aboveground facilities, pipe and

contractor are yards and staging areas, and access roads.” FERC DEIS at 2-8. Of this, “[p]ermanent operations would require about 1,208.3 acres, consisting of 1,081.6 acres for the pipeline right-of-way, 109.4 acres for new and modified aboveground facilities, and 17.3 acres for permanent access roads.” *Id.* In addition, Transco is requesting additional temporary work space (“ATWS”) within 50 feet of a waterbody in nearly 200 locations. *Id.*, App. K, Table K-5. This raises significant concerns about accelerated erosion and sedimentation into these waterbodies.

Under Chapter 102, Transco “may not conduct earth disturbance activities within 150 feet of a perennial or intermittent river, stream, or creek, or lake, pond or reservoir when the project site is located in an exceptional value or high quality watershed[.]” 25 Pa. Code § 102.14(a)(1). DEP “may” waive this requirement for pipelines only “upon a demonstration by the applicant that there are reasonable alternatives for compliance with this section, *so long as any existing riparian buffer is undisturbed to the extent practicable* and that the activity will otherwise meet the requirements of this chapter[.]” 25 Pa. Code § 102.14(d)(2) (emphasis added). It is unclear from FERC’s DEIS whether the 200 locations where Transco proposes ATWS within 50 feet of a waterbody are in high quality or exceptional value watersheds. If this is the case, DEP must disclose that to the public and require Transco to demonstrate that it will comply with 25 Pa. Code § 102.14 and that existing riparian buffers are left undisturbed. In addition, Transco must protect all wetlands located in the riparian buffer consistent with Chapter 105. *See* 25 Pa. Code § 102.14(c)(2). Note: the attached documents referenced in this comment are included in part three of the comment response document. (1300, 1313)

Response: As per 25 Pa Code §102.14(d)(2)(ii) this project qualifies for a waiver and per 25 Pa Code §102.14(f)(2)(ii) the construction activities also constitute an allowable activity in the riparian buffer so long as any existing riparian buffer is undisturbed to the extent practicable and that the activity will otherwise meet the requirements of Chapter 102.

Transco has demonstrated within the application that the impacts to the riparian buffer have been minimized with respect to the permanent right-of-way being the only area that will be maintained as a vegetated cover. The crossings at streams focused on avoiding paralleling the streams, and crossing the streams at a 90-degree angle. The areas outside of the permanent right-of-way (temporary right-of-way, temporary work spaces, alternate temporary work spaces, etc.) will be allowed to revert to existing conditions with periodic maintenance of the woody vegetation being allowed. Transco also proposes to reduce the operational corridor to 30-feet to reduce the riparian buffer impact and replant riparian forest buffers crossed by the project with various tree species. Replanting will occur within the regulated floodplain (Federal Emergency Management Agency [FEMA] mapped 100-year floodplain, or 50-foot-wide floodway, whichever is greater) which will minimize any erosion and sediment runoff as a result of clearing in riparian areas (see Attachment L-5, Appendix L-2 of Transco’s Application). Within wetland areas, Transco proposes to maintain a 10-foot wide permanent right-of-way and let the remaining areas (temporary right-of-way, temporary workspace, alternate temporary work space, etc.) revert to existing conditions with periodic maintenance.

2. COMMENT

Construction of the Atlantic Sunrise will contribute to erosion and sediment runoff not only through the construction of pipeline stream crossings, but also through increased runoff created by permanent clearing of riparian buffers and also permanent and temporary clearing of trees in adjacent forested areas. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1302)

Response: Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment. Transco's erosion and sediment control plan was designed in compliance with DEP's Chapter 102 regulations to ensure it will not cause or contribute to violations of water quality standards.

Transco avoided impacts on riparian buffers to the extent practicable through early routing efforts, which focused on siting the proposed pipeline to avoid paralleling streams, and crossing streams at 90-degree angles. Transco also reduced the construction ROW width by up to 25 feet depending on site-specific conditions at stream crossings. As an additional reestablishment measure, Transco is replanting riparian forest buffers crossed by the Project. Replanting will occur within the regulated floodplain (Federal Emergency Management Agency [FEMA] mapped 100-year floodplain, or 50-foot-wide floodway, whichever is greater) which will minimize any erosion and sediment runoff as a result of clearing in riparian areas (see Attachment L-5, Appendix L-2 of Transco's Application).

3. COMMENT

Pipelines often cite work spaces near and adjacent streams and wetlands, and the same is being proposed by AS in their application and draft EIS, which leads to increased stormwater runoff which in turn can impact water quality and temperatures for trout. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment. Transco's erosion and sediment control plan was designed in compliance with DEP's Chapter 102 regulations to ensure it will not cause or contribute to violations of water quality standards.

The Alternate Workspaces as proposed allow for the reduction of the right-of-way width. This reduction will mitigate the impacts to the streams and wetlands that the natural gas pipeline is crossing. Also, the Alternate Workspaces will aid in the timely completion of earth disturbance activities including restoration of the pipeline within streams and wetlands.

Ch 105

1. COMMENT

The Allegheny Defense Project, Appalachian Mountain Advocates, Chesapeake Climate Action Network, Clean Air Council, Concerned Citizens of Lebanon County, Lancaster Against Pipelines, Lebanon Pipeline Awareness, Lower Susquehanna Riverkeeper, and Sierra Club (collectively, “Commenters”) respectfully submit the following comments in response to the Pennsylvania Department of Environmental Protection’s (“DEP”) June 11, 2016 Pennsylvania Bulletin notice soliciting public comments on Transcontinental Pipe Line Company’s (“Transco”) applications for Chapter 105 water obstruction and encroachment permits for its proposed Atlantic Sunrise Project. Commenters continue to believe that Transco has not satisfied all of the requirements set forth in the Chapter 105 regulations. We request that the DEP deny Water Obstruction and Encroachment permits for the Atlantic Sunrise Project unless and until Transco fully satisfies these regulatory requirements. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

2. COMMENT

Clean Air Council (the “Council”) hereby submits the following comments on behalf of itself and its members in response to the Pennsylvania Department of Environmental Protection’s (the “Department”) notification of its receipt of Transcontinental Gas Pipe Line Company, LLC’s (“Williams”) applications for Chapter 105 water obstruction and encroachment permits for the proposed Atlantic Sunrise Pipeline Project (“ASP” or “Project”). Because of the common issues across multiple applications, the Council has consolidated its comments into this single document.

The Council is a non-profit environmental organization headquartered at 135 South 19th Street, Suite 300, Philadelphia, Pennsylvania 19103, with more than 8,000 members in Pennsylvania. For more than 40 years, the Council has fought to improve the air quality across Pennsylvania. The Council’s mission is to protect everyone’s right to breathe clean air.

Williams is requesting authorization to construct, operate, and maintain an interstate natural

gas pipeline largely in Pennsylvania, but with construction also in Virginia, North Carolina, and South Carolina. The pipeline would span 197.7 miles and cross 247 waterbodies, including 8 major waterways. Crossing methods include dry and wet crossings, open-cut methods, and trenchless methods. The pipeline would also cross through miles of wetlands.

The Project as currently proposed would violate 25 Pa. Code § 105 for adverse impact on wetlands by removing smaller wetlands and compensating with consolidated replacement wetlands, as well as by harming exceptional value wetlands without meeting the requirements to do so. The plan may also violate the Endangered Species Act and would violate 25 Pa. Code § 93 by impairing high-quality streams, using potentially harmful water divergent methods, and blasting where migratory fish and endangered species reside. Protection of the Chesapeake Bay should be taken into account in considering the water impacts of this Project. The Council also asks the Department to do its own independent analyses of Williams's application, and respectfully requests extended public participation opportunities given the significance of the Project and the many other overlapping public comment periods for the Project.

The Council appreciates the opportunity to submit these comments. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

Transco filed all final species survey reports with FERC as necessary for FERC to complete its assessment of the Project.

The Department has concluded that the applications satisfy the regulatory requirements. Further the Department has included special conditions in the permits to ensure Pennsylvania's water resources, including waterways and wetlands within the Chesapeake Bay Watershed are adequately protected and maintained, and where appropriate are improved. Any authorized temporary or permanent impacts to watercourses and wetlands for this project require mitigation and restoration plans that have been developed, reviewed and approved.

3. COMMENT

1. Approval of Williams's permit applications for destruction of exceptional value and

other wetlands would violate Chapter 105.

Between the European colonization of Pennsylvania and the mid-1980s, the Commonwealth lost over half of its wetlands.¹ Wetlands are now protected, with higher protections granted to more valuable wetlands. Exceptional value wetlands receive the greatest protections.

25 Pa. Code §§ 105.18a(a) and (b) state that the Department cannot grant permits for obstruction of and encroachment on exceptional value wetlands and other wetlands unless the “applicant affirmatively demonstrates in writing...that the following requirements are met: (1) the dam, water obstruction or encroachment will not have an adverse impact on the wetland, as determined in accordance with § § 105.14(b) and 105.15 ” 25 Pa. Code § 105.14 states that the agency must consider the impact on the property and wildlife when determining whether or not to issue a permit.

Williams plans to remove smaller wetlands along the right-of-way for construction of the pipeline. It proposes as mitigation for the loss of these small wetlands rehabilitating land into new wetlands in four consolidated large sites. First Pennsylvania Resource, LLC, *Permittee- Responsible Mitigation Master Plan for the Atlantic Sunrise Project*, 2 (April 2015) (“Mitigation Master Plan”). Williams believes this is ideal because the rehabilitation of smaller wetlands have a “higher rate of failure and are generally not sustainable in the long-term.” *Id.*

Smaller wetlands play a critical role in reducing flooding, and wetlands in general work best as spatially distributed systems.² A wetland’s value is not solely determined by its size; its importance is also based on its location and relations to hydrologic and biological fluxes with other landscapes. *Id.* The destruction of a series of wetlands along a linear path, many of which are naturally distributed due to their location in wild areas, cannot be compensated by the enlargement of other wetlands. Therefore, given the importance of the smaller wetlands and the high rate of failure for rehabilitation, the project is likely have an adverse impact on the wetlands and violate 25 Pa. Code §§ 105.18(a) and/or (b).

Additionally, before a permit may issue allowing obstruction of or encroachment on exceptional value wetlands, the applicant must affirmatively demonstrate in writing that, among other things:

- (2) The project is water-dependent. A project is water-dependent when the project requires access or proximity to or siting within the wetland to fulfill the basic purposes of the project.
- (3) There is no practicable alternative to the proposed project that would not involve a wetland or that would have less effect on the wetland, and not have other significant adverse effects on the environment....
- (6) The cumulative effect of this project and other projects will not result in the impairment of the Commonwealth’s exceptional value wetland resources.

25 Pa. Code § 105.18a(a). Williams has not affirmatively demonstrated in its applications

that the Project is water-dependent. To the contrary, Williams can reroute the pipeline around exceptional value wetlands, but has not. Nor has Williams demonstrated that there is no practicable alternative to the Project that would satisfy the third requirement.

The sixth requirement is worth elaborating on. Williams does a cumulative impact analysis for the project, including for water resources.³ Williams does not, however, specifically analyze the cumulative impact on exceptional value wetland resources. Williams does state: “Based on the above analysis, Transco believes there will be no significant measurable cumulative effects from the Project on wetlands.”⁴ This conclusion does not follow from its analysis, which showed, among other things, the measurable permanent conversion of forested wetlands to unforested wetlands and the ongoing artificial stunting of a wider swath of forested wetlands through selective tree cutting. Also, Williams failed to consider not just the cumulative impact from the many wetlands through which the pipeline would cross, but also from other projects.

Williams has failed to demonstrate that it has met the requirements to obstruct or encroach upon the at least 51 exceptional value wetlands it plans to obstruct or encroach upon. Therefore, its applications must be denied.

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: The Department evaluates cumulative impacts during its review of an applicant’s water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department’s review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department’s review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Transco's Comprehensive Environmental Evaluation included in its Application (see Attachment L-5, Appendix 1, Section 2.1) provides an analysis of structures and activities in EV wetlands. The Department has reviewed the project in accordance with the 25 Pa Code Chapter 105 regulations related to water dependency as has determined that the Project is water-dependent. Further the Department has determined that the Project meets the Chapter 105 requirements pertaining to the permitting of structures and activities to work in EV wetlands.

Transco's Comprehensive Environmental Evaluation included in the Application (see Attachment L-5, Appendix 1, Section 2.0) also provides an analysis of antidegradation within special projection watersheds crossed by the overall project, including HQ

watersheds. As detailed in that submittal, the Project meets the requirements to work in HQ waters.

4. COMMENT

At least 327 waterbody crossings in Pennsylvania as part of its Atlantic Sunrise Project. *See* DEIS at 4-48. 210 crossings would impact perennial waterbodies, 79 would impact intermittent waterbodies, and 38 would impact ephemeral waterbodies. *Id.* Of the 327 waterbody crossings, 58 would impact high-quality, cold water fisheries (“HQ-CWF”) waters. *See id.*, Table 4.3.2-5. The Chapman Loop would be constructed in watersheds with receiving streams that are designated exceptional value (“EV”) (Young Woman’s Creek, Post Hollow, and Mudlick Run). *See* 46 Pa. B. 2397, 2453 (May 14, 2016).

Whether a waterbody qualifies for HQ protection depends on it meeting certain chemical or biological conditions. *See* 25 Pa. Code § 93.4b(a). “Under the chemical test, a surface water is HQ if long-term water quality (at least 1 year of data) for 12 chemical parameters is better than levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.” DEP, Water Quality Antidegradation Implementation Guidance, 2 (2003), *available at* <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-47704/391-0300-002.pdf>. “Under the biological test, a water is HQ if “(a) in comparison to a reference stream, the water shows a macroinvertebrate community score of 83% or greater using a protocol based on EPA’s Rapid Bioassessment Protocol (RBP); or (b) the water is a Class A wild trout stream designated by the [PAFBC] following public notice and comment.” *Id.*

An EV classification affords the “highest level of protection” and “requires that ‘*water quality ... be maintained and protected.*’” *Id.* (emphasis in original). A water qualifies for EV if it is an HQ water and meets at least one of the following:

- (1) It flows in a national wildlife refuge or a state game propagation and protection area;
- (2) It flows in a designated state park natural area, state forest natural area, national natural landmark, federal or state wild river, federal wilderness area, or national recreation area;
- (3) It is an outstanding national, state, or local resource water as defined in Section 93.1 of the regulation;
- (4) It is a surface water of exceptional recreational significance as defined in Section 93.1 of the regulation;
- (5) The water achieves a biological test score of 92 percent or greater using the modified RBP; or
- (6) The water is designated a wilderness trout stream by [PAFBC] following public notice and comment.

Id. at 3. “An additional pathway [to an EV classification] is available for waters that possess ‘exceptional ecological significance.’” *Id.* Importantly, “a designated use of a surfacewater may not be lowered to a use that is less stringent than the existing use for the water.” *Id.* at 6.

DEP's decision whether to permit Transco to cross dozens of HQ streams and build pipelines within EV watersheds is a significant matter as DEP has a duty to "conserve and maintain" these protected waterbodies. PA.CONST. art. I, § 27. According to FERC, however, Transco is proposing to use trenchless crossing methods at just two of the HQ stream crossings. *See* DEIS, App. K, Table K-1. Moreover, of the 327 total waterbody crossings, Transco has proposed trenchless crossings at just 8 of these waterbodies. *See id.* DEP must require Transco to reconsider use of these trenchless methods for the other proposed crossings of HQ waterbodies. This should be included as a condition of DEP's WQC for the Atlantic Sunrise Project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1300, 1313)

Response: The Department evaluates cumulative impacts of the overall project during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. An applicant for a 25 Pa Code Chapter 105 Water Obstruction and Encroachments Permit are required to avoid and minimize the overall project's impact on waters of the Commonwealth to the maximum extent practicable in accordance with 25 Pa Code Chapter 105, Sections 105.13(e)(1) (viii), 105.13(e)(1)(x), 105.14(b)(14), 105.15, and 105.18a(a) and 105.18a(b). For overall project impacts, which cannot be avoided or minimized, an applicant has to describe in detail all of the specific measures undertaken or that will be taken to mitigate for the overall project impacts in accordance with Chapter 105, Sections 105.1, 105.13(e)(1)(ix) and 105.20a. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Based on its review of the permit applications in accordance with Chapters 93, 95, 102 and 105, the Department has determined that this project will not result in cumulative impacts to waters of the Commonwealth.

Transco completed a Trenchless Crossing Analysis which included criteria to evaluate trenchless crossing methods for all streams. These criteria was developed in consultation with DEP. As a result of this analysis, Transco incorporated several HDDs and conventional bore stream crossings into the proposed Project. The Trenchless Crossing Analysis is provided in Attachment P, Appendix P-2 of Transco's Application.

5. COMMENT

DEP's history of allowing impacts to occur to sensitive aquatic resources.

Commenters are concerned about the impacts of the Atlantic Sunrise Project, in part, because of DEP's track record of enforcing environmental protections during pipeline construction. For example, in December 2014, the DEP announced that it had reached an \$800,000 settlement agreement with Tennessee Gas Pipeline Company ("Tennessee") for "multiple violations of the [Pennsylvania] Clean Streams Law during the construction of [the 300 Line Project] in 2011 and 2012 through four counties in northeast and north-central

Pennsylvania.” DEP, DEP Announces \$800,000 Settlement against Tennessee Gas Pipeline Company for Violations in Pipeline Construction (Dec. 22, 2014), *available at* <http://www.ahs.dep.pa.gov/NewsRoomPublic/SearchResults.aspx?id=20661&typeid=1>

According to PADEP’s press release:

During 73 inspections of the “300 Line Project,” inspectors with the Potter, Susquehanna, Wayne and Pike County Conservation Districts discovered violations including the discharge of sediment pollution into the waters of the commonwealth, some of which are protected as “High Quality” or “Exceptional Value Waters,” and failure to implement required construction best management practices to protect water quality.

Id. Had DEP adequately enforced its permits issued to Tennessee for the 300 Line Project, it may have prevented damage to High Quality and Exceptional Value Waters. While Tennessee was ultimately held accountable for the damage it caused, the goal must be to prevent this kind of damage from occurring in the first place. Unfortunately, this was not the first time that construction along Tennessee’s 300 Line caused impacts to aquatic resources.

In documents filed by Tennessee in support of its Susquehanna West Project (FERC Docket No. CP15-148-000), it acknowledged that construction of its original 300 Line ROW “highly impacted” a stream that flowed from a wetland complex. *See* Tennessee, Susquehanna West Project, Resource Report 2, App. 2-A, Fig. 4 at 11 (available in FERC Docket CP15-148- 000, Accession No. 20150402-5213). In fact, the impacts were so severe that the stream is now a “former stream” that consists of “barely discernable, sheet flow on [the] ROW.” *Id.* When DEP issued the permits for this construction, it is unlikely that destruction of this stream was intended. Nevertheless, this stream was “highly impacted” and substantially disrupted the hydrological connectivity with its associated wetland.

Similarly, construction of a pipeline through the Tamarack Swamp Natural Area caused significant impacts to this natural area, “one of the few examples of a black spruce-tamarack palustrine woodland community in Pennsylvania.” Western Pennsylvania Conservancy, Clinton County Heritage Review at 79 (2002), *available at* http://www.clintoncountypa.com/departments/county_departments/planning/pdfs/Natural%20Heritage%20Inventory.pdf.

According to the Western Pennsylvania Conservancy:

Selective logging, fire and most recently, *laying of gas pipelines* have altered and compromised the natural community at Tamarack Swamp. *Construction of the gas pipeline appears to have been particularly disruptive, physically separating contiguous sections of wetland, altering hydrological patterns and introducing strips of highly altered substrate that will not easily recover.* The present natural area falls short in providing substantial protection to even the area contained within its boundaries. Part of the uniqueness and viability of this wetland is related to its size and low fertility. Runoff from lawns and roads, and channelized flow along

pipeline ROW's introduces water and nutrients into interior sections of the swamp. Long-term protection must address these inputs.

Id. (emphasis added). Had DEP adequately performed its obligations when reviewing the proposal to construct a pipeline in large wetland that is also a state-designated natural area, perhaps it could have convinced the company to consider an alternative location and the natural community of Tamarack Swamp would not have been so compromised.

The impacts to aquatic resources from the Atlantic Sunrise Project could be just as damaging. Transco proposes at least 329 water body crossings, including 204 perennial waterbody crossings, 79 intermittent waterbody crossings, 40 ephemeral waterbody crossings and 6 open waterbody crossings. *See* U.S. Army Corps of Engineers, Baltimore District, PN-16-30 at 8 (May 16, 2016). A total of at least 32,529.56 linear feet (over 6 miles) of waterbodies would be impacted by the Atlantic Sunrise Project. *Id.* at 9. Transco also proposes to impact a total of at least 48.24 acres of wetlands, including 41.72 acres that would be temporarily impacted and 6.52 acres that would be permanently impacted and converted to lower quality wetland habitat. *Id.* at 11-12. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

Transco's Comprehensive Environmental Evaluation included in the Application (see Attachment L-5, Appendix L-1, Section 2.0 provides an analysis of antidegradation within special projection watersheds crossed by the Project, including HQ watersheds. As detailed in that submittal, the Project meets the requirements to work in HQ waters.

6. COMMENT

The project will cause long-term (possibly permanent) damage to (327) streams and water bodies in Pennsylvania. It will cross multiple public drinking water supply sources, watersheds and wetlands, high quality streams, exceptional value streams, and trout streams. The (195) miles of pipeline right-of-way, and additional miles of access roads, will cut portant habitat, will result in increased runoff, and will compromise the area's resilience to flooding. Pennsylvania is implementing a clean-up plan for the Chesapeake watershed to reduce pollution runoff. However, Pennsylvania is significantly behind target for sediment and phosphorus & nitrogen reductions. Clear-cutting hundreds of thousands of trees, destroying riparian vegetation, trench construction, and stream bed disturbance will contribute to a higher volume of pollutants that flow into the Bay from Pennsylvania. FERC's 'Draft Environmental Impact Study' (DEIS) does not provide an anal sis of the mitigation that will be necessary for the Commonwealth to meet its

commitment to the Chesapeake watershed. Therefore, Transco- Williams should be required to provide DEP with a mitigation plan. (1492)

Response: DEP's review of the applications and issuance of the permits, including the authorizations for Chapter 105 water obstruction and encroachment permits, for the Atlantic Sunrise pipeline is consistent with applicable environmental statutory and regulatory requirements. The Department issued these permits only after an extensive iterative process where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance and consistency with state water quality requirements. The permits and conditions provide reasonable protections for public health and safety and the environment.

7. COMMENT

Transco-Williams is proposing to use trenchless construction at only (5) crossings: Susquehanna River (2 times), Tunkhannock Creek, Conestoga River and Swatara Creek. Transco-Williams should be required to provide DEP with an analysis of why other streams and water bodies along the route (particularly special protection waters) cannot be crossed using trenchless construction methods. (1492)

Response: Transco completed a Trenchless Crossing Analysis which included criteria to evaluate trenchless crossing methods for all streams. These criteria was developed in consultation with DEP. As a result of this analysis, Transco incorporated several horizontal directional drilling (HDDs) and conventional bore stream crossings into the proposed Project. The Trenchless Crossing Analysis is provided in Attachment P, Appendix P-2 of Transco's Application.

8. COMMENT

Furthermore, please provide Columbia County and CCAP with the steps that will be taken to assure water quality, sensitive lands, wildlife habitat and natural features will not be adversely affected.

Your attention to our concerns will be greatly appreciated so we can keep our citizens informed. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1690 – 1692)

Response: DEP's review of the applications and issuance of the permits, including the authorizations for Chapter 105 water obstruction and encroachment permits, for the Atlantic Sunrise pipeline is consistent with applicable environmental statutory and regulatory requirements. The Department issued these permits only after an extensive iterative process where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance and consistency with state water quality requirements. The

permits and conditions provide reasonable protections for public health and safety and the environment.

Transco filed all final species survey reports with FERC as necessary for FERC to complete its assessment of the Project.

9. COMMENT

Our concerns are further supported by the comments of the Environmental Protection Agency (EPA) regarding the Draft Environmental Impact Statement (DEIS) released by the Federal Energy Regulatory Commission (FERC). EPA said, in part: “Without further analysis to specific streams of concern, it should not be assumed that impacts have been minimized and are not significant. EPA is particularly concerned about Fishing Creek, which is a high quality water and fishery. Fishing Creek would face complex impacts resulting from a combination of activities, including water withdrawals, blasting, vegetation removal. The combination of impacts from these activities should be considered, especially for sensitive resources, like Fishing Creek.” Note: the attached documents referenced in this comment are included in part three of the comment response document. (1693 – 1701)

Response: DEP’s review of the applications and issuance of the permits, including the authorizations for Chapter 105 water obstruction and encroachment permits, for the Atlantic Sunrise pipeline is consistent with applicable environmental statutory and regulatory requirements. The Department issued these permits only after an extensive iterative process where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance and consistency with state water quality requirements. The permits and conditions provide reasonable protections for public health and safety and the environment.

10. COMMENT

These designations and trout and benthic health must help call for effective and timely protection of these diverse and important cold water habitats of the Commonwealth and the project and Chapter 105 review must consider these changes as required by the Clean Water Act. Furthermore, with the extent of wetlands that are proposed to be cut by the pipeline, it is unclear which of these 250 wetlands are considered EV wetlands as they may be located within a HQ watershed where native brook trout thrive. Pursuant to Chapter 105.18a(a), is that the project encroachment will not have an “adverse impact on the wetland”. In order to determine if an adverse impact has occurred, the function and values of the wetlands are evaluated (PA Code 105.14.b(13)). As indicated in past comment and expert reports submitted by DRN, forested wetlands are especially vulnerable to thermal impacts and permanent changes with pipeline cuts.¹ EV and HQ streams and wetlands that remain in Pennsylvania should not be sacrificed for a gas pipeline project like the Atlantic Sunrise that exacerbates climate change and causes irreparable direct harm to streams that the path would cut.

In addition to sensitive waterbodies, impaired streams would also be further impacted by

this project, adding injury from pipeline cuts to at least 42 streams of which many are already polluted and on the 303(d) list already due to siltation problems which is often a direct impact from pipeline cuts with open trench wet crossings (8 waterbodies proposed) and dry crossings – dam and pump or flume methods (274 waterbodies proposed) as well as blasting streams (20 waterbodies proposed but it appears that this analysis of blasting is based on USDA soils data and/or field surveys so it is not fully complete since not all areas have not been field verified). Abandoned mine drainage, sink holes, possible dewatering of streams, mine subsidence, mine fires, and other hazards are also concerns in areas the pipeline would cut where anthracite mining has been conducted – according to the FERC Draft EIS, 3.9 miles of the proposed pipeline could be in a high, moderate or low risk for subsidence which could cause potential and irreparable harm to streams, wetlands and groundwater resources.

Stream science clearly indicates that when forests (and forested streams) are cut for a pipeline and soils compacted etc. - those impacts must be considered fully by the DEP for its Chapter 105 since this impact on the land impacts watershed health. FERC's EIS notes that 45 interior forests in the Commonwealth would be cut by this pipeline across an estimated 19.3 miles of the pipeline path through these last remaining areas of interior forest. Science and reports submitted to the DEP by Delaware Riverkeeper Network shows that with these pipeline cuts through forests comes an additional 300 feet on either side of the pipeline cut that impacts that sensitive interior forested habitat. DRN does not believe these numbers are fully nor adequately reflected or included in the current application – the FERC Draft EIS estimates 270.4 acres of habitat would be affected during construction to these interior forests. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The application has identified streams and wetlands located along the ROW and all wetlands that have been delineated have been classified as either exceptional value or other pursuant to Chapter 105.17. Further, the application includes an evaluation of impacts in the Environmental Assessment which are reviewed as required by Chapter 105 in the determination to grant a permit. DEP's review of the applications and issuance of the permits, including the authorizations for Chapter 105 water obstruction and encroachment permits, for the Atlantic Sunrise pipeline is consistent with applicable environmental statutory and regulatory requirements. The Department issued these permits only after an extensive iterative process where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance and consistency with state water quality requirements. The permits and conditions provide reasonable protections for public health and safety and the environment.

11. COMMENT

2. The Project may cause harm to endangered species and will destroy their habitat.

According to the Mitigation Master Plan, there will be 2.66 acres of exceptional value wetlands permanently impacted by the proposed pipeline project, which are specifically protected by 25 Pa. Code §§ 105.17-18a. (Mitigation Master Plan, 7).

Even though Williams proposes to replace exceptional value wetlands at a ratio of 2.5:1 with palustrine forested wetlands, this project still likely constitutes a violation of 25 Pa. Code § 105.18a, which states that a permit will be granted when the applicant can affirmatively show that the obstruction will not have an adverse impact on the wetlands. The Department determines impact by looking at, for one, the effect on the fish and wildlife, and aquatic habitat. 25 Pa. Code § 105.14(b)(4).

The Council is greatly concerned that the safety of the federally-threatened, Commonwealth-endangered bog turtle cannot be guaranteed, as the exceptional value wetlands through which the Atlantic Sunrise pipeline would run are the bog turtle's preferred natural habitat. Williams's surveys for the bog turtle are not yet complete, but Williams still intends to route the pipeline through a wetland with a known bog turtle population, destroying a portion of that wetland. Federal Energy Regulatory Commission ("FERC"), Draft Environmental Impact Statement, Volume I, Atlantic Sunrise Project, EIS-0269D, 4-112 (2016) ("ASP DEIS"). There are also at least 18 identified wetlands that are suitable bog turtle habitat along the Project route.

Permitting Williams to destroy the habitat of this threatened species would be highly inappropriate. Destruction and fragmentation of bog turtle habitat is the principal threat to the turtle. (ASP DEIS, 4-111). The Council respectfully requests the Department to consider the effects to the bog turtles' critical habitat, and refrain from permitting any activity which would destroy its habitat. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: Transco consulted with the USFWS PA Field Office regarding survey requirements for bog turtles in the Project area. Based on historical bog turtle occurrence data in relation to the Project, the USFWS requested Transco complete bog turtle surveys in all wetlands crossed by the Project in Lancaster and Lebanon Counties. USFWS did not request bog turtle surveys in Schuylkill County. The USFWS concurrence letter dated December 21, 2016 is provided in Attachment G-2 of Transco's Application.

Transco's Comprehensive Environmental Evaluation included in its Application (see Attachment L-5, Appendix L-1, Section 2.0) provides an analysis of structures and activities in EV wetlands and demonstrates that the Project is water-dependent. As detailed in that submittal, the Project meets the regulatory requirements for structures and activities in EV wetlands.

12. COMMENT

3. Project construction is likely to cause harm to migratory birds.

There is a high likelihood that the Atlantic Sunrise pipeline would cause significant harm to both permanent and migratory bird populations that are protected under the Migratory Bird Treaty Act ("MBTA"). (ASP DEIS, M-7). MBTA makes it unlawful for anyone to take the protected birds or to alter their habitat in a way that could affect a take. The greatest

potential for impact to migratory birds from Project construction is in Pennsylvania.

Bald eagles and 17 other birds of conservation concern are known to live and breed in the project area. (ASP DEIS, M-18). Two birds of conservation concern use the wetlands that Williams proposes to cross as habitat: the short-eared owl and the rusty blackbird. (ASP DEIS, M-23). The project will thus destroy a significant amount of habitat of the protected birds and it is in violation of MBTA to take the birds or disrupt their habitat. While the U.S. Fish and Wildlife Service encourages industry to use best practices to protect migratory birds, the cumulative impacts of removing so much migratory bird habitat, even if Williams does its best to avoid direct takings, is of major concern. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: Transco reviewed the bald eagle mapping tool maintained by the USFWS PA Field Office and agency correspondence to identify bald eagle nests in the vicinity of the Project. One mapped nest was identified in Schuylkill County in the vicinity of the Project, in a wooded area along Deep Creek about 0.5 mile west of the CPL South route. Transco's construction activities along this portion of CPL South will be outside of the recommended work buffer zones around active bald eagle nests. The USFWS has concurred with Transco's determination that the Project will not adversely affect bald eagles. The USFWS concurrence letter dated December 21, 2016 is provided in Attachment G-2 of Transco's Application.

Transco's Comprehensive Environmental Evaluation included in its Application (see Attachment L-5, Appendix L-1) evaluates the cumulative impacts of the Project with other potential or existing projects. As stated in that document, because protection of threatened, endangered, and other special status species is part of the federal and state permitting processes, cumulative impacts on such species would be reduced or eliminated through conservation and mitigation measures identified during those relevant permitting processes.

As documented in Attachment L-4, Enclosure C Environmental Assessment Form of Transco's Application, Transco developed a Migratory Bird Plan in coordination with the USFWS Pennsylvania Field Office. The plan outlines conservation measures proposed to minimize potential impacts on migratory birds. Transco consulted with the USFWS regarding impacts on migratory birds, and included these details in its Migratory Bird Plan. Transco attempted to minimize impacts on forested habitat areas by routing the proposed pipelines adjacent to existing right-of-way corridors when possible. In addition, Transco consulted with the USFWS regarding voluntary conservation measures that will be provided to offset the removal of upland forest and indirect impacts to interior forests. The USFWS approved Transco's Migratory Bird Plan in a letter to FERC dated February 6, 2017.

13. COMMENT

4. Dry crossing methods for major rivers have the potential to damage high-quality streams and wildlife.

Williams plans to dry-cross 274 waterbodies. (ASP DEIS, 4-60). A majority of these waterbodies are high-quality, cold water fisheries, and/or migratory fisheries. (“HQ-CWF, MF”) 46 Pa. Bull. 2191 (April 30, 2016). Dry crossing involves either flume pipes or a dam-and-pump method to divert water flow around the construction. (ASP DEIS, 4-60). Dry crossing causes harm to aquatic life by causing temporary and permanent modification to stream banks and aquatic habitat. (ASP DEIS, 4-61). These modifications are caused by the resuspension of sediments, increased turbulence, and from blocking access to migratory pathways for aquatic life. (ASP DEIS, 4-61). Williams plans to reduce harm to wildlife by placing a screen on the pipes. (ASP DEIS, 4-100). That is not enough to ensure adequate protection of aquatic life.

A project of this magnitude, using these methods, is likely to cause significant harm to fish, and incidental takes to endangered aquatic life within the waterbody and surrounding habitat. (ASP DEIS, 5-10). Section 9 of the Endangered Species Act prohibits the taking of a listed species. 18 U.S.C.A. § 1538(a)(1)(A). Taking “means to harass, harm, pursue, hunt, shoot, wound kill, trap, capture, or collect, or to attempt to engage in any such conduct.” 18 U.S.C.A. § 1532(19). Within the waterbody, aquatic organisms can get caught against the screens causing injury, death, or extreme stress.⁵ Endangered plant species may be harmed through the construction of the pipeline by disturbing their soil, trampling the plant, or by uprooting the plants and transferring them from the intended construction site. Williams plans to transfer all protected species in order to avoid direct harm to the plants. (ASP DEIS, 5-10). Even if Williams can properly transfer the plants, the plants will further be harmed if they are not properly maintained after transplantation. Williams cannot guarantee that proper care that is needed when transferring the protected flora will occur.

Furthermore, HQ streams are subject to special antidegradation protections to maintain their quality. For example, 25 Pa. Code §§ 93.4a(c) and 93.4c(b)(1)(iii) do not allow for degradation of HQ streams from point source discharges unless the Department finds that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. For nonpoint sources, such as the pollution created by dry- crossing a stream, the Pennsylvania Code requires the use of best management practices. 25 Pa. Code § 93.4c(b)(2). Trenchless crossings generally are one of the best management practices for protection of HQ waters. Williams has nowhere justified its proposed use of highly destructive trenching methods in HQ waters. There may be circumstances justifying case-by-case use of such methods in certain waters here, but if there are, they are not to be found in the applications.

Of particular note among the waterbodies that Williams intends to cross using dry methods are two crossings of greater than 100 feet: at Tunkhannock Creek, using dam-and-pump, and Swatara Creek, using the flume method. (ASP DEIS, 4-49). Absent unusual circumstances not apparent here, it is inappropriate to do dry crossings of major waterbodies, as opposed to trenchless methods. The Governor’s Pipeline Infrastructure Task Force report noted that “Crossings that employ trenchless technologies such as horizontal directional drilling (HDD) and micro-tunneling under the streambed are preferred for larger crossing and those with forested riparian buffers.” (Environmental Protection Workgroup Recommendation #34).

A reduction in water quality also will not be allowed under 25 Pa. Code § 93.4a(b) unless the discharger demonstrates that the HQ stream will support applicable existing and designated water uses. Williams has to prove that the screens and methods used to protect wildlife would not interrupt the uses of the streams, which include habitat to cold water and migratory fish. Williams cannot meet this burden because of the known damage to the species caused by the chosen screening method for fish and replanting method for flora mentioned above. Clean Air Council cautions the Department to use this exception carefully and to fully consider the ramifications to the 247 waterbodies. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

Transco's Comprehensive Environmental Evaluation included in the Application (see Attachment L-5, Appendix 1, Section 2.0) provides an analysis of antidegradation within special projection watersheds crossed by the Project, including HQ watersheds. As detailed in that submittal, the Project meets the requirements to work in HQ waters.

Transco completed a Trenchless Crossing Analysis which included criteria to evaluate trenchless crossing methods for all streams. These criteria was developed in consultation with DEP. As a result of this analysis, Transco incorporated several HDDs and conventional bore stream crossings into the proposed Project. The Trenchless Crossing Analysis is provided in Attachment P, Appendix P-2 of Transco's Application.

14. COMMENT

5. HDD crossings, though preferable, still can harm waterbodies.

Williams plans to use trenchless, or Horizontal Directional Drilling ("HDD"), for eight of the waterbodies. Most of these are major water bodies including, for example, the Susquehanna and Conestoga Rivers. HDD crossings, while often preferred over crossings which trench the water body, still have the potential to leak chemical byproducts, including lubricants, that can injure or kill aquatic life. (ASP DEIS, 4-101). The preparation for a HDD crossing may involve the removal of habitat of crucial species, including the bald eagle. (ASP DEIS, ES-9).

Williams also expects blasting to occur to install the pipeline. Blasting can cause permanent changes to the waterbody and allow chemical byproduct leakage. (ASP DEIS, 4-101). The changes include turbidity, lower dissolved oxygen levels, and modification of riparian and aquatic habitat. (ASP DEIS, 4-61).

The Council respectfully requests the Department to ensure that these dangers are adequately addressed before it issues the Chapter 105 permits, should it issue the permits. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1312)

Response: Attachment L-5, Enclosure D Environmental Assessment, Section B.1 of Transco's Application provides an analysis of impacts to watercourses from blasting. Transco will implement its Blasting Plan to minimize stream disturbance and prevent any long-term impacts related to turbidity, oxygen levels, and habitat.

Transco will minimize the potential impacts associated with HDD crossings through implementation of its Horizontal Directional Drill Contingency Plan included in its Environmental Construction Plan (see Attachment M of Transco's Application).

DEP's review of the applications and issuance of the permits, including the authorizations for Chapter 105 water obstruction and encroachment permits, for the Atlantic Sunrise pipeline is consistent with applicable environmental statutory and regulatory requirements. The Department issued these permits only after an extensive iterative process where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance and consistency with state water quality requirements. The permits and conditions provide reasonable protections for public health and safety and the environment.

15. COMMENT

It is critically important that DEP mandate the use of trenchless crossing techniques. In its recent water quality certification denial for the proposed Constitution Pipeline, the New York Department of Environmental Conservation ("NYDEC") explained that "[o]pen trenching is a highly impactful construction technique involving significant disturbance of the existing stream bed and potential long-term stream flow disruption, destruction of riparian vegetation and establishment of a permanently cleared corridor." NYDEC, Notice of WQC Denial for Constitution Pipeline, p. 8 (Apr. 22, 2016) ("Constitution WQC Denial"), *available at*

http://www.dec.ny.gov/docs/administration_pdf/constitutionwc42016.pdf. In addition, NYDEC

explained the importance of looking at the cumulative impacts of pipeline construction:

Cumulatively, impacts to both small and large streams from the construction and operation of the [Constitution Pipeline] Project *can be profound* and include loss of available habitat, changes in thermal conditions, increased erosion, creation of stream instability and turbidity, impairment of best usages, as well as *watershed-wide impacts* resulting from placement of the pipeline across water bodies in remote and rural areas. *Id.* at 12.

NYDEC's WQC denial for the Constitution Pipeline is a cautionary tale for DEP as it considers whether to issue permits for the proposed Atlantic Sunrise Project since both

projects are part of Williams' expansion efforts in the Appalachian basin. *See Williams, Expansion Projects, available at <http://co.williams.com/expansionprojects/>.* According to NYDEC, Constitution Pipeline's "Trenchless Feasibility Study" did not include information requested by multiple agencies and "did not provide a reasoned analysis to enable [NYDEC] to determine if the [Constitution Pipeline] Project demonstrates compliance with water quality standards." Constitution WQC Denial at 10-11. NYDEC further explained that:

Of the 251 streams to be impacted by the [Constitution Pipeline] Project, [the Trenchless Feasibility] Study evaluated only 87 streams, in addition to the Schoharie Creek, as part of the Phase I desktop analysis which Constitution used to determine if surface installation methods warranted consideration for a trenchless design. Of the 87 streams reviewed, Constitution *automatically eliminated* 41 streams from consideration for trenchless crossing because those streams were 30 feet wide or less . . . Using its review criteria, Constitution's [Trenchless Feasibility] Study finally concluded that *only 11 stream crossings of the 251* displayed preliminary evidence in support of a potentially successful trenchless design and were chosen for the Phase III geotechnical field analysis. [NYDEC] staff *consistently told Constitution that its November 2013 Trenchless Feasibility Study was incomplete and inadequate.*

Id. at 11 (emphasis added) (citation omitted).

Did Transco prepare a similar trenchless feasibility study for the Atlantic Sunrise Project? If not, why not? If so, does DEP have it and does it suffer from the same inadequacies that plagued the one prepared for the Constitution Pipeline? For example, did Transco "automatically eliminate" streams from consideration for trenchless crossing because they were 30 feet wide or less? These are important questions that must be answered in light of the fact that there are more stream crossings involved in the Atlantic Sunrise Project than in the Constitution Pipeline Project and even fewer proposed uses of trenchless crossings.

According to FERC, the only "site-specific crossing plans" that Transco has provided are "for the five major waterbody crossings" of the Susquehanna River (two crossings), Tunkhannock Creek, Conestoga River, and Swatara Creek. DEIS at 4-49 (citation omitted). This is woefully insufficient. DEP must require Transco to submit site-specific crossing plans for *all* waterbody crossings and provide a detailed trenchless feasibility study such as the one that NYDEC sought (but never received) in the Constitution Pipeline proceeding. This should be included as a condition of DEP's WQC for the Atlantic Sunrise Project. DEP cannot issue any permits until Transco submits this information and makes it available for additional public review and comment.

Regarding the three EV waterbodies that would be impacted by construction of the Chapman Loop, would construction occur within 150 feet of the riparian buffer? If so, then Transco must demonstrate that it will comply with 25 Pa. Code § 102.14 and that the existing riparian buffer will be left "undisturbed to the extent practicable." 25 Pa. Code § 102.14(d)(2). In addition, Transco must protect all wetlands located in the riparian buffer

consistent with Chapter 105. *See* 25 Pa. Code § 102.14(c)(2). Note: the attached documents referenced in this comment are included in part three of the comment response document. (1300, 1313)

Response: The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

Transco's Comprehensive Environmental Evaluation included in the Application (see Attachment L-5, Appendix 1, Section 2.0) provides an analysis of antidegradation within special projection watersheds crossed by the Project, including HQ watersheds. As detailed in that submittal, the Project meets the requirements to work in HQ waters.

The Chapter 105 Application for the Project includes a Riparian Area Impact Assessment and Restoration Plan as Attachment L, Appendix 2, which describes the condition of existing riparian areas located within the workspace, evaluates riparian area functions, quantifies riparian area impacts associated with construction and operation, presents proposed best management practices to avoid and minimize Project-related impacts on riparian areas, and presents plans for planting within riparian forest buffers within each respective county.

16. COMMENT

This pipeline project if approved would span nine counties of the Commonwealth and parts of Virginia and cut across, according to the FERC Draft Environmental Impact Statement (EIS), 58 HQ-CWF, MF streams and a total of at least 331 waterbodies and 250 wetlands (approximately 50.4 wetland acres). DRN notes again as indicated in our last correspondence - that it is odd that, according to the Draft EIS, there are no Exceptional Value (EV) streams listed to be proposed to be cut along this pipeline path and requests that that information be verified by the applicant and checked by the agencies especially considering various upgrades have been approved over the last year by PA agencies. On May 16, 2016, DEP updated their existing use list that can be accessed here, for example as more streams are upgraded in the state:

<http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/WaterQuality/Pages/ExistingUse.aspx#.VzXIhp3D92M>.

Data and increased protections and designations by other agencies are also occurring and streams changing designations must be fully considered since these changes impact our waterways and the recreation PA is known for. Sister agencies like the PA Fish and Boat Commission have spent the last few years designating hundreds of streams as Wild Trout and Class A Wild Trout waters which would require some upgrades to HQ designation. Cross verification between those designated and newly updated lists are needed to ensure no CWF streams in the pipeline path may in fact now be HQ waters. There was just another bundle of streams being considered by the FBC for changes - The Commission

proposed and approved the addition of 102 deserving stream segments to the wild trout or Class A Wild Trout List at their July quarterly meeting. And as recently as the July 23, 2016 PA Bulletin - Fish and Boat Commission has proposed changes and upgrades to more Commonwealth streams:

Class A Wild Trout Waters changes: <http://www.pabulletin.com/secure/data/vol46/46-30/1268.html> and the list of streams proposed here: <http://www.pabulletin.com/secure/data/vol46/46-30/1272.html>

Wild Trout Streams additions and revisions on July 23, 2016 – PA Bulletin: <http://www.pabulletin.com/secure/data/vol46/46-30/1269.html>; and the list of streams here: <http://www.pabulletin.com/secure/data/vol46/46-30/1270.html>. Trout require cold stream temperatures and pipeline cuts often denude and cut down the riparian buffer of streams they cross unless horizontal directional drilling (HDD) is employed. These cuts are long lasting since part of the pipeline is required to remain clear. These cuts bring with it management strategies that involve killing woody growth along the pipeline every few years – often adding herbicides to the mix of contaminants impacting these tributaries. Invasive plants often colonize along these stream corridors with pipeline cuts and studies on benthic health conducted by Stroud Water Research show that many benthics, like mayflies, do not thrive where plants like multi flora rose reside along the stream buffer. These stands of monotypic invasive plants may also mean less variety for benthic macroinvertebrates which impacts diversity in the stream and in turn this impacts nutrient cycling conducted by these stream animals. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The Department acknowledges the comment.

Transco reported Exceptional Value stream crossings in Attachment L, Enclosure D, Section B.1, Table L(d)-5 of its Application.

Transco provided information to DEP regarding the crossing of trout streams (see Attachment L, Enclosure D and Attachment E-2 of Transco’s Application). To minimize impacts to trout streams, Transco consulted with PFBC regarding the fishery designations for all streams crossed by the Project and they will be required to comply with the PFBC instream work windows for fisheries.

17. COMMENT

II. Mitigation of Impacts Not Occurring in Most of the Impacted Watersheds

Transco has proposed wetlands mitigation as part of the Atlantic Sunrise project in the counties at the start and end of the pipeline route. However, there are both temporary and permanent wetlands and waterways impacts all along the proposed route, for which mitigation is not being proposed despite the impacts that are proposed to occur. The Department must ensure, both under Chapter 93 and Article I, Section 27 of the Pennsylvania Constitution, that the applicant has absolutely avoided and then minimized impacts as much as possible (“Section 27”), before considering mitigation. Without

scrutiny of proposed impacts, an applicant could propose a significant amount of degradation of water quality in one area under the premise that the water quality will be improved in another. Chapter 93 requires that *all* waterways be protected.

Further, under Section 27, as a trustee of public natural resources, the Department has a fiduciary duty of impartiality, meaning it must treat all beneficiaries equitably in light of the purposes of the trust. The purpose of the trust under Section 27 is that both present *and* future generations have a constitutionally-protected right to enjoy and benefit from public natural resources, including clean streams, their scenic and aesthetic qualities, and the aquatic life in those streams. “Equity” is concerned with what is fair and just, whereas “equal” means sameness or uniformity. Thus, the Department does not have to *treat* all beneficiaries exactly the same, but what it *must* do is ensure that, as the *outcome* of its actions, the Department treats all citizens of the Commonwealth fairly and justly in, for example, their ability to enjoy clean streams and the aquatic life therein. Thus, merely allowing permittees to degrade stream quality in one area under the guise of improving it another – without more – is contrary to this duty in part because it relies on decreasing some citizens’ access to clean streams and healthy aquatic life without ensuring that the degradation is reasonable. It also would allow “death by a thousand cuts” to stream quality, also contrary to Section 27. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

18. COMMENT

III. Unduly Narrow Limits of Biological and Other Investigation (e.g. Archeological)

The limits of Transco’s biological and other types (e.g. historical and archeological) investigation are far too narrow to adequately judge potential impacts. Limiting investigation to the limit of disturbance (“LOD”) or a short distance beyond the LOD leaves an incomplete picture, hindering the applicant and the Department’s ability to assess, and to require Transco to avoid, minimize, and mitigate (in that order) the impacts of the proposed project. For example, if there are archeological features or artifacts just outside the limit of disturbance, those could be damaged by pipeline work, including any blasting that may be used.² Blasting or other heavy directional drilling or other work could damage or significantly disturb the integrity of archeological resources nearby. Likewise, similar concerns apply to biological investigations.

For the Department to meet its obligations under Article I, Section 27 of the Pennsylvania Constitution, it must ensure that it has sufficient information from Transco to determine whether the proposed pipeline project will unreasonably infringe on the people’s

constitutionally- protected rights to, *inter alia*, the “natural, scenic, historic and esthetic values of the environment.” The Department also needs sufficient information to be able to assess whether the proposed project will unreasonably cause degradation, diminution, or depletion of public natural resources such as wildlife, aquatic life, plants, and the healthy habitat on which those species depend. The analysis Transco has undertaken thus far is too narrow to provide the Department with the information it must have to properly carry out its Section 27 obligations. Thank you for your consideration of this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

Transco established all survey limits in consultation with the applicable regulatory agencies, and the survey limits are adequate to assess potential impacts.

DEP’s regulation, 25 Pa. Code § 105.14(b)(5), requires that DEP review the impacts of a dam, water obstruction and encroachment on National, State and local historical sites in making a determination of impact. Further, the Erosion and Sediment Control and Water Obstruction and Encroachment permits require that the permittee be protective of archaeological specimens and that earth disturbance activities must cease upon the discovery of any archaeological specimens.

19. COMMENT

Pennsylvania’s water obstruction and encroachment regulations expressly incorporate DEP’s trustee obligations pursuant to the Pennsylvania Constitution.

The direct effects on protected and sensitive waterbodies and wetlands will be significant and require extensive mitigation and robust enforcement by state and federal agencies.

The Atlantic Sunrise Project would directly impact dozens of protected and sensitive waterbodies in the Commonwealth.

Transco proposes at least 327 waterbody crossings in Pennsylvania as part of its Atlantic Sunrise Project. *See* DEIS at 4-48. 210 crossings would impact perennial waterbodies, 79 would impact intermittent waterbodies, and 38 would impact ephemeral waterbodies. *Id.* Of the 327 waterbody crossings, 58 would impact high-quality, cold water fisheries (“HQ-CWF”) waters. *See id.*, Table 4.3.2-5.

Whether a waterbody qualifies for HQ protection depends on it meeting certain chemical or biological conditions. *See* 25 Pa. Code § 93.4b(a). “Under the chemical test, a surface

water is HQ if long-term water quality (at least 1 year of data) for 12 chemical parameters is better than levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.” DEP, Water Quality Antidegradation Implementation Guidance, 2 (2003), *available at*

<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-47704/391-0300-002.pdf>.

“Under the biological test, a water is HQ if “(a) in comparison to a reference stream, the water shows a macroinvertebrate community score of 83% or greater using a protocol based on EPA’s Rapid Bioassessment Protocol (RPB); or (b) the water is a Class A wild trout stream designated by the [PAFBC] following public notice and comment.” *Id.*

DEP’s decision whether to permit Transco to cross dozens of HQ streams is a significant matter as DEP has a duty to “conserve and maintain” these protected waterbodies. PA.CONST. art. I, § 27. According to FERC, however, Transco is proposing to use trenchless crossing methods at just two of the HQ stream crossings. *See* DEIS, App. K, Table K-1. Moreover, of the 327 total waterbody crossings, Transco has proposed trenchless crossings at just 8 of these waterbodies. *See id.* DEP must require Transco to reconsider use of these trenchless methods for the other proposed crossings of HQ waterbodies. This should be included as a condition of DEP’s WQC for the Atlantic Sunrise Project.

It is critically important that DEP mandate the use of trenchless crossing techniques. In its recent water quality certification denial for the proposed Constitution Pipeline, the New York Department of Environmental Conservation (“NYDEC”) explained that “[o]pen trenching is a highly impactful construction technique involving significant disturbance of the existing stream bed and potential long-term stream flow disruption, destruction of riparian vegetation and establishment of a permanently cleared corridor.” NYDEC, Notice of WQC Denial for Constitution Pipeline, p. 8 (Apr. 22, 2016) (“Constitution WQC Denial”), *available at* http://www.dec.ny.gov/docs/administration_pdf/constitutionwc42016.pdf. In addition, NYDEC explained the importance of looking at the cumulative impacts of pipeline construction:

Cumulatively, impacts to both small and large streams from the construction and operation of the [Constitution Pipeline] Project *can be profound* and include loss of available habitat, changes in thermal conditions, increased erosion, creation of stream instability and turbidity, impairment of best usages, as well as *watershed-wide impacts* resulting from placement of the pipeline across water bodies in remote and rural areas.

Id. at 12.

NYDEC’s WQC denial for the Constitution Pipeline is a cautionary tale for DEP as it considers whether to issue permits for the proposed Atlantic Sunrise Project since both projects are part of Williams’ expansion efforts in the Appalachian basin. *See* Williams, Expansion Projects, *available at* <http://co.williams.com/expansionprojects/>. According to NYDEC, Constitution Pipeline’s “Trenchless Feasibility Study” did not include

information requested by multiple agencies and “did not provide a reasoned analysis to enable [NYDEC] to determine if the [Constitution Pipeline] Project demonstrates compliance with water quality standards.” Constitution WQC Denial at 10-11. NYDEC further explained that:

Of the 251 streams to be impacted by the [Constitution Pipeline] Project, [the Trenchless Feasibility] Study evaluated only 87 streams, in addition to the Schoharie Creek, as part of the Phase I desktop analysis which Constitution used to determine if surface installation methods warranted consideration for a trenchless design. Of the 87 streams reviewed, Constitution *automatically eliminated* 41 streams from consideration for trenchless crossing because those streams were 30 feet wide or less . . . Using its review criteria, Constitution’s [Trenchless Feasibility] Study finally concluded that *only 11 stream crossings of the 251* displayed preliminary evidence in support of a potentially successful trenchless design and were chosen for the Phase III geotechnical field analysis. [NYDEC] staff *consistently told Constitution that its November 2013 Trenchless Feasibility Study was incomplete and inadequate.*

Id. at 11 (emphasis added) (citation omitted).

Did Transco prepare a similar trenchless feasibility study for the Atlantic Sunrise Project? If not, why not? If so, does DEP have it and does it suffer from the same inadequacies that plagued the one prepared for the Constitution Pipeline? For example, did Transco “automatically eliminate” streams from consideration for trenchless crossing because they were 30 feet wide or less? These are important questions that must be answered in light of the fact that there are more stream crossings involved in the Atlantic Sunrise Project than in the Constitution Pipeline Project and even fewer proposed uses of trenchless crossings.

According to FERC, the only “site-specific crossing plans” that Transco has provided are “for the five major waterbody crossings” of the Susquehanna River (two crossings), Tunkhannock Creek, Conestoga River, and Swatara Creek. DEIS at 4-49 (citation omitted). This is woefully insufficient. DEP must require Transco to submit site-specific crossing plans for *all* waterbody crossings and provide a detailed trenchless feasibility study such as the one that NYDEC sought (but never received) in the Constitution Pipeline proceeding. This should be included as a condition of DEP’s WQC for the Atlantic Sunrise Project. DEP cannot issue any permits until Transco submits this information and makes it available for additional public review and comment.

The Atlantic Sunrise Project would adversely impact dozens of protected and sensitive wetlands in the Commonwealth.

Chapter 105 of the Pennsylvania code establishes a clear regulatory regime for protecting wetlands. *See generally*, 25 Pa. Code 105.17-105.18a, et seq. In Pennsylvania, wetlands are classified as either exceptional value (“EV”) wetlands or “other wetlands.” 25 Pa. Code § 105.17(1)-(2). EV wetlands exhibit one or more of the following characteristics:

- (i) Wetlands which serve as habitat for fauna or flora listed as “threatened” or

“endangered under the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 4601-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531-1543), the Wild Resource Conservation Act (32 P.S. §§ 5301-5314), 30 Pa.C.S. (relating to the Fish and Boat Code) or 34 Pa.C.S. (relating to the Game and Wildlife Code).

- (ii) Wetlands that are hydrologically connected to or located within 1/2- mile of wetlands identified under subparagraph (i) and that maintain the habitat of the threatened or endangered species within the wetland identified under subparagraph (i).
- (iii) Wetlands that are located in or along the floodplain of the reach of a wild trout stream or waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto, or wetlands within the corridor of a watercourse or body of water that has been designated as a National wild or scenic river in accordance with the Wild and Scenic Rivers Act of 1968 (16 U.S.C.A. §§ 1271-1287) or designated as wild or scenic under the Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21-820.29).
- (iv) Wetlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply.
- (v). Wetlands located in areas designated by the Department as “natural” or “wild” areas within State forest or park lands, wetlands located in areas designated as Federal wilderness areas under the Wilderness Act (16 U.S.C.A. §§ 1131-1136) or the Federal Eastern Wilderness Act of 1975 (16 U.S.C.A. § 1132) or wetlands located in areas designated as National natural landmarks by the Secretary of the Interior under the Historic Sites Act of 1935 (16 U.S.C.A. §§ 461-467).

25 Pa. Code § 105.17(1)(i)-(v). Any wetlands that do not meet at least one or more of the abovementioned characteristics are defined as “other wetlands.” 25 Pa. Code § 105.17(2). It is important that the correct classification is identified because it determines the level of environmental protection for the wetland and is reflective of the functions and values of that wetland. For example, proposed projects are not permitted to have an “adverse impact” on an EV wetland. 25 Pa. Code § 105.18(a).

Pipeline construction can have significant adverse impacts on wetlands. For example, construction of Tennessee Gas Pipeline Company’s “300 Line” in northern Pennsylvania “highly impacted” the hydrological connectivity between a wetlands complex and a stream to the point that the stream, which had previously flowed from the wetlands complex, is now “barely discernable.” *See* Attachment 1.¹ In addition, according to the Western Pennsylvania Conservancy, construction of a pipeline through Tamarack Swamp in Clinton County “appears to have been particularly disruptive, physically separating contiguous sections of wetland, altering hydrological patterns and introducing strips of highly altered substrate that will not easily recover.” Western Pennsylvania

Conservancy, Clinton County Natural Heritage Review at 79 (2002), *available at* http://www.clintoncountypa.com/departments/county_departments/planning/pdfs/Natural%20Heritage%20Inventory.pdf.

The Atlantic Sunrise Project will almost certainly have significant “adverse impacts” on numerous EV wetlands in Pennsylvania. FERC’s DEIS for the Atlantic Sunrise Project identifies at least 51 EV wetlands that would be crossed by the proposed pipeline. *See* DEIS at 4-71. In only six of these wetlands, however, is Transco proposing to utilize a conventional bore or horizontal directional drill (“HDD”) crossing method. *See id.* at 4-47. DEP must require Transco to reconsider use of these trenchless methods for the other proposed crossings of EV wetlands. This should be included as a condition of DEP’s WQC for the Atlantic Sunrise Project.

It is also important for DEP to perform its own, independent analysis to determine whether Transco and FERC have correctly classified and included all EV wetlands. While FERC’s DEIS references the Chapter 105 regulations for EV wetlands classifications, there is no analysis as to how FERC reached its conclusion that there are only 51 EV wetlands that would be crossed by the Project. Thus, it is possible that wetlands that qualify as EV wetlands were improperly omitted from or mischaracterized in the DEIS. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299, 1300, 1301, 1306, 1307, 1312 – 1314)

Response: The applicant’s decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

Transco's Comprehensive Environmental Evaluation included in the Application (see Attachment L-5, Appendix 1, Section 2.0) provides an analysis of antidegradation within special protection watersheds crossed by the Project, including HQ watersheds. As detailed in that submittal, the Project meets the requirements to work in HQ waters.

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project’s effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

20. COMMENT

The Atlantic Sunrise Pipeline, a greenfield construction proposal, is an unnecessary and unwarranted assault on our most precious resource, water. DEP cannot accept the project’s adverse impacts from 327 river and stream crossings and 251 wetland crossings. Our state

government cannot justify granting permits for a pipeline that is intended to move natural gas from Northeastern Pennsylvania to export facilities in Maryland and the Gulf States to fulfill a private company's foreign market contracts.^{1, 2} We, the citizens of the Commonwealth of Pennsylvania, declare and demand our Constitutional right, under Article 1 Section 27, to "pure water."

All Lebanon County streams eventually drain into the Susquehanna River and the Chesapeake Bay and all of these waterways except one small unnamed stream will be crossed by open trench methods. The resulting deleterious impacts to these streams will eventually be carried downstream to the highly impaired and vulnerable Chesapeake Bay.

The Quittapahilla Creek has been the focus of dedicated restoration projects through the work of the Quittapahilla Watershed Association (QWA).³ Since its founding in 1997, the QWA has successfully garnered numerous state grants to improve the water quality of the creek, which is now a popular trout fishing stream. The Quittapahilla Stream Restoration Project is just beginning its second phase, utilizing \$1million dollars in grants from state agencies to fund the project.

Ironically, this area of intense restoration work lies just upstream from the proposed Atlantic Sunrise pipeline crossing, which will utilize an open trench dam and pump process to cross the stream while also crossing a wetland-designated area. In addition, it is possible that blasting will be required to open the stream bed for the pipeline trench. When finished, the natural riparian buffer currently in place will be permanently altered, negatively impacting the stream's water quality now so carefully cultivated (by taxpayer dollars) upstream.

The Conewago Creek located in southern Lebanon County is another stream under intense restoration efforts. The Tri-County Conewago Creek Association⁴ organized in 2002 to 'mak[e] the Conewago Creek and its surrounding area a cleaner, healthier and more enjoyable place to live.' Through the Conewago Creek Initiative⁵, this group provides valuable efforts into restoring the water quality of the Conewago Creek.

South Londonderry Township Supervisors, out of concern for the Conewago Creek, sent a letter to Transco's storm water engineering firm indicating that engineers contracted by the township, Hanover Engineering Associates, Inc., recommended boring under the stream to lessen the impacts of pipeline construction.⁶ However, the Conewago Creek is slated for open trench crossing, using either the dam and pump or flume process.

In particular, The Swatara Creek is Lebanon County's largest stream and its surface waters are one of two sources of drinking water for ten municipalities in Lebanon County. Transco cannot be allowed to cross the Swatara Creek using the highly impactful trench and flume method. Transco intends to withdraw 10-11 million gallons of water for hydrostatic testing and has applied⁸ to the Susquehanna River Basin Authority (SRBC) to withdraw 2,880 million gallons per day of water. The SRBC permit application has not yet been subject to a public hearing or been approved, though it is very much a part of the pipeline process and should be considered a part of the DEIS.

According to the SRBC application, the hydrostatic test site is within 10 feet of a "test unit" that contained two prehistoric and a single historic specimen, which were sent to the Pennsylvania Historic Museum Commission (PHMC) in November 2015; PHMC response was still pending at the time of the SRBC application, making it difficult to know whether

or not this proposed crossing and water withdrawal is feasible. (It should also be noted that Transco originally misidentified the property owner where the water withdrawal is proposed, causing undue stress for the family and creating doubt on Transco's credibility to present accurate information.)

In addition, the former bed of a feeder branch of the Union Canal,⁹ a National Historic Landmark,¹⁰ is located along the Swatara Creek at the proposed crossing and water withdrawal site. This 22-mile-long branch of the canal extended to the canal's northern terminus at Pine Grove. The Pine Grove feeder branch provided both water for the historic canal system and served as an important means of transporting coal from Schuylkill County's anthracite fields. The proposed open trench crossing of the Swatara Creek will cut through this piece of Pennsylvania and nationally recognized history, leaving behind only a barren pipeline right of way.

The PNDI response included in the SRBC water withdrawal application indicates that the area is subject to bog turtle habitat screening requirements. The US Fish and Wildlife Service's response to the PNDI Environmental Review Receipt lists an avoidance measure stating that the proposed activity should not be conducted within 50 feet of any streams, river, creeks, etc., unless the planned activity has been coordinated with the agency. There is no evidence of this coordination within the SRBC application or in the DEIS, only a letter to US Fish and Wildlife Service stating the following under the Species Impacts Assessments:

Swatara Creek Site (Lebanon County) - As discussed above, no wetlands are located within 300 feet of the site. Therefore, Transco does not anticipate any impacts to bog turtles at this site associated with the water withdrawal activities. *However, due to the nature of the water withdrawal activity, Transco cannot observe the recommend[ed] avoidance measure to conduct the activity at least 50 feet from streams and rivers* (Emphasis added by LPA.)¹¹

This completely negates the avoidance measure as directed; Transco cannot be allowed to circumvent this order simply because their proposed activity does not fit the directive.

Response: The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

Transco has received concurrence from the USFWS that implementation of the Bog Turtle Conservation and Construction Monitoring Plan included in the Biological Assessment is sufficient to avoid and minimize impacts to bog turtles within the wetland complex crossed in Lancaster County where the species is present. In summary, a trenchless crossing of the wetland complex was determined not to be necessary to adequately avoid and minimize impacts. The USFWS concurrence letter dated December 21, 2016 is provided in Attachment G-2 of Transco's Application.

21. COMMENT

I am submitting my comment regarding the Water Obstruction and Encroachment Permits for the proposed Atlantic Sunrise Pipeline Project by Transcontinental Gas Pipe Line Company, LLC.

I would like to express my concerns regarding the environmental impacts of the proposed Atlantic Sunrise Project (ASP) by Transcontinental Gas Pipe Line Company, LLC (Transco). On December 9, 2015, South Londonderry Township Board of Supervisors unanimously passed a resolution stating the township's opposition of the Atlantic Sunrise Project within township borders. Temporary impacts to the environment would be seen during the construction phase of the project, and permanent impacts within South Londonderry Township would occur as a result of the easement. Below is a list of environmental concerns:

1. The Conewago Creek is part of a local, multi-county collaborative effort called the "Conewago Creek Initiative" with the goal to improve water quality of local streams. The construction of the ASP would be disadvantageous to the efforts put forth by the local community.
 - A. The currently proposed Dam-and-Pump method for the crossing of the Conewago Creek would be detrimental to the stream health. South Londonderry Township Engineers requested Transco conduct, at the very least, directional boring method to cross the Conewago Creek. Because Transco has plans to conduct directional boring (to cross State Route 241) within 300 feet of the Conewago Creek crossing, this should be a required plan.
 - B. The construction and pipeline alignment will encroach adjacent wetlands centered between the Conewago Creek and the Little Conewago Creek in the midst of agricultural fields. These important wetlands should be avoided due to their support of reducing erosion and retaining sediment and nutrients.
 - C. These proposed and unforeseen impacts to the Conewago will be reducing the improvements made by the local community, and accounting for the damage of the adjacent wetlands at the proposed location in Lancaster County serves no benefit to the increasing struggle of improving the condition of the Conewago Creek.
2. Between Milepost 41.0 and 41.2 is an area of environmental concern. Within roughly 600ft, the proposed project would cross wetlands, two streams and the existing Sunoco Mariner East Pipelines. The streams (WW-T13-4005 and WW-T13-4002) are tributaries to the Little Conewago Creek, a tributary of the Conewago Creek. This is also an area of increased slope, whereas the clear-cutting of the easement could produce erosion or issues in this sensitive area.

3. The proposed Contractor Staging Area (CS-CSA-LE-2-009) along State Route 241 is projected to be a 15.2-acre temporary staging area in an agricultural field. This specific field has required the construction of swales to reduce run-off per state regulations. Section 314.B.8 of the South Londonderry Township Stormwater Management Ordinance states “All impervious area runoff shall be directed to BMP’s. There are currently no BMP facilities proposed at Contractor Staging Area CS-CSA-LE-2-009, which is also roughly 300 feet from the Conewago Creek. Bordering Contractor Staging Area CS- CSA-LE-2-009 is also an UNT to the Conewago Creek.

The planning of this project and the lack of attempts to avoid sensitive waterways and water bodies is unacceptable. Transco continues to submit “supplemental information” regarding the project, of which is clear information that would have been gathered from initial surveying of properties, in Lebanon County specifically. Please consider these concerns when reviewing. Thank you for your time. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1480)

Response: The applicant’s decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

Transco considered a trenchless crossing of Conewago Creek with a conventional bore, as documented in the Trenchless Crossing Analysis for Lebanon County (see Attachment P, Appendix P-2 of the Application). A conventional bore crossing was determined to be infeasible because the required bore length of 715 feet exceeded the maximum bore distance by over 400 feet. Conewago Creek is not designated as High Quality or Exceptional Value; therefore, Transco did not consider an HDD crossing of this watercourse.

Transco has avoided and minimized impacts to wetlands within the Conewago Creek and Little Conewago Creek watersheds through in-field routing adjustments and by reducing the Project limits of disturbance where possible. Site-specific measures implemented to avoid and minimize impacts to individual watercourses and wetlands crossed by the Project are detailed in Appendix P-1 of Attachment P-1.

Ch 105 – NCRO

1. COMMENT

Transco proposes to cross a minimum of 578 waterbody and wetlands in their pipeline route in Pennsylvania, which would impact several exceptional value (EV) and high quality (HQ) watersheds, including Fishing Creek in Columbia County. Water

withdrawals, blasting, and vegetation removal at these locations could greatly impact the land, water, animal habitat and citizens in the proposed areas. The Environmental Protection Agency (EPA) also cited in their Draft Environmental Impact Statement (DEIS) regarding streams of concern, that "it should not be assumed that impacts have been minimized and are not significant." Note: the attached documents referenced in this comment are included in part three of the comment response document. (1698, 1701 - 1704 and 4 nonlegible signatures)

Response: Attachment L, Enclosure D, Section B.1 of Transco's Application provides an analysis of impacts to watercourses from blasting. Transco will implement its Blasting Plan (Attachment 10 of Transco's ECP provided in Attachment M of its Application) to minimize stream disturbance and prevent any long-term impacts related to turbidity, oxygen levels, and habitat. Transco provided a blasting plan specific for the Atlantic Sunrise Project. The detailed blasting plan was found in Attachment 10, Environmental Construction Plan, Erosion and Sediment Control Narrative for Pennsylvania – Part I. The blasting plan covered both potential upland and in-stream construction conditions that may warrant blasting. Where construction conditions warrant blasting, Transco must provide site specific geological analysis and other technical information to DEP as a part of Blasting Activity Permit Application. The areas where the proposed water withdrawals will be located will be returned to original grading and re-vegetated according to the Environmental Construction Plan. The permanent vegetation cover will be restored to meadow in good condition or better.

2. COMMENT

My personal observations and concerns:

In addition to the above serious concerns regarding water and ecological damage potential for this proposed pipeline, I can see firsthand what I consider "limp" attempts to protect stream crossings, and more, by Williams. I live in Jordan Township, approximately one mile north of the Williams Transco pipeline that was installed in the early to mid- 1960's, and one and one-half miles from the rupture of June 9, 2015 (another issue of enormous concern for people and the environment involving Williams and their installation and maintenance efforts). In the past several months I have daily used roads that cross the existing pipeline and have seen preliminary work done by Williams to add a storage loop in this section of Lycoming County--mud dragged onto roads, ineffective bolsters to retain water and mud and obvious tracks that cross wetland without remediation. Thank you for your consideration in this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1705)

Response: The Department acknowledges and thanks the commentator for the comment. The Department has reviewed the proposed project and associated project design. The Department has determined that the proposed project complies with applicable legal requirements based upon its review of design specifications and the proposed best management practices that are intended to minimize adverse impacts from the project. The terms and conditions of the Department's permits require adherence to approved project

design and implementation and maintainance of best management practices. The permittee's compliance with approved plans associated with Erosion and Sedimentation control and management and wetland crossing design are confirmed by Department and Conservation District Inspectors.

3. COMMENT

The Quittapahilla Watershed Association harbors grave and serious misgivings and concerns regarding the proposed stream and wetlands crossings of the proposed Atlantic Sunrise pipeline project. The Federal Energy Regulatory Commission's Draft Environmental Impact Statement on this project is inadequate and incomplete, as both the federal EPA and Department of the Interior have recently emphasized. This is the case not only for Quittapahilla Creek but for the other proposed 326 stream and river crossings and 251 wetlands crossings of the proposed pipeline project.

Our grave misgivings prompt us to urge the DEP to reject the Chapter 105 permit application submitted by Williams/Transco.

According to the proposed plan submitted by Williams/Transco, most all of the waterway and wetlands crossings will utilize an open-trench, dam-and-pump, or a flume method. In our view, this constitutes building the pipeline "on the cheap," using the least expensive but most environmentally deleterious method available. The resulting erosion from the construction process, and the permanent loss of riparian buffers along most of these 327 rivers and streams, would have a substantially negative impact on the water quality of not only these hundreds of Pennsylvania waterways, but on the Susquehanna River and ultimately on the Chesapeake Bay.

To cite the case we know best: since the year 2000, the DEP's Growing Greener grants have allocated well over \$1 million to restoring the channel, banks, and tributaries of Quittapahilla Creek, effectively reducing erosion and improving the aquatic habitat on this highly impaired waterway. Williams/Transco's proposed crossing of Quittie Creek is just downstream of the restored areas. If DEP were to approve Williams/Transco's application, it would be working directly against a series of successful and expensive efforts to improve this impaired creek's water quality.

At minimum, we urge the DEP to require Williams/Transco to utilize the boring method underneath Pennsylvania waterways and wetlands, including Quittie Creek, which would be more expensive for the company but have far fewer negative environmental consequences.

We urge you to adhere to your mission – to protect the environment in the Commonwealth of Pennsylvania – and to adhere to Article 1, Section 27 of the Pennsylvania Constitution: *"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. . . As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."*

For all these reasons and more, we urge you to reject Transco/Williams' Chapter 105 application. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1485 – 1486)

Response: The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

Transco will minimize impacts to Quittapahilla, Swatara, and Conewago Creeks by implementing its Project-specific Erosion and Sediment Control Plan, Upland Erosion Control Revegetation, and Maintenance Plan, Wetland and Waterbody Construction and Mitigation Procedures, and Spill Plan for Oil and Hazardous Materials. Each of these plans are included in Transco’s Environmental Construction Plan (ECP), provided in Attachment M of Transco’s Application. Transco also proposes to voluntarily replant the riparian forest buffers of these streams where the buffers overlap the regulated floodways. Voluntary riparian buffer replanting areas include 0.34 acre for Quittapahilla Creek, 0.38 acre for Swatara Creek, and 0.26 acre for Conewago Creek.

4. COMMENT

I. Incorrect Designated Uses Provided by Transco

A brief review of the listed streams in the notice reveals that Transco has incorrectly identified the designated use of certain impacted streams in Lancaster County.

Transco has Fishing Creek listed as a Cold Water Fishes (“CWF”) stream. This is incorrect. 25 Pa. Code 93.9(o) lists Fishing Creek as the following:

- o Fishing Creek (basin (i.e. the main stream and all tributaries, wetlands, etc.): source to UNT 07256 (near T434 Bridge) = HQ-CWF
- o Fishing Creek (basin): UNT 07256 (near T434 Bridge) to Mouth = EV
- o UNT 07256 (basin) = EV

Also, LAP requests that the Department confirm whether UNT 1304 to the Conestoga River (at RM 43.05) is crossed by the proposed pipeline, as this stream is designated as CWF, not Warm Water Fishes (“WWF”).¹

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1493)

Response: Lancaster Against Pipelines had raised this comment to FERC as well following the DEIS. There are two Fishing Creeks in Lancaster County, and LAP correctly identified that WW-T01-001 should be designated as HQ-CWF. This correction was made in the permitte’s response to the Department’s [date] Technical Deficiency letter.

5. COMMENT

According to testimony at a public hearing, the South Township engineer has requested directional boring across streams instead of the dam and pump method proposed to minimize impacts on streams and adjacent wetlands. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1483)

Response: The permits issued to Transco for the Atlantic Sunrise Project do not convey property rights from private landowners to Transco. See Part B, Standard Condition 2.e. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa. Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the Commonwealth. The Department has evaluated the proposed crossing methods that were provided by Transco and have found that the indicated methods of crossing the proposed waters of the Commonwealth are acceptable.

Ch 105- NERO

1. COMMENT

The Atlantic Sunrise Project would have impermissible adverse effects on exceptional value wetlands.

An application for a project that may affect an exceptional value wetland or one or more acres of non-EV wetland must include an assessment of wetland functions and values using a methodology accepted by DEP. 25 Pa. Code §105.13(e)(3). DEP may not permit a water obstruction or encroachment in a non-EV wetland unless the applicant affirmatively demonstrates (among other things) that “[a]dverse environmental impacts on the wetland will be avoided or reduced to the maximum extent possible.” 25 Pa. Code §105.18a(b). For projects in exceptional value wetlands, DEP may not issue a permit unless the project “will *not* have an adverse impact on the wetland, as determined in accordance with §§ 105.14(b) and 105.15 (relating to review of applications; and environmental assessment).” 25 Pa. Code §105.18a(a)(1) (emphasis added).

In its application for Luzerne County, Transco acknowledges that it will permanently convert 0.85 acres of palustrine forested (PFO) wetlands to either palustrine scrub-shrub (PSS) or palustrine emergent wetlands (PEM), thus permanently impairing the functions and values of those EV PFO wetlands. See Application for Luzerne County, “Permittee-Responsible Mitigation Master Plan for the Atlantic Sunrise Project” at 5 (August 2015); Impact Table for Individual Permit Application (Luzerne). With respect to general habitat and natural biological functions (subsection (i) of section 105.1 definition), conversion will, among other things, decrease aboveground biomass, habitat for shade-loving plant species, the production of mast (e.g., acorns) for wildlife, and increase exposure to the elements and to localized effects of global warming. Schmid & Company, Inc., *The Effects of Converting Forest or Scrub Wetlands to Herbaceous Wetlands, Prepared for the Delaware Riverkeeper Network* (2014) at 16-17, available at http://www.schmidco.com/Leidy_Conversion_Final_Report.pdf. Concerning natural drainage patterns and water quality (subsection (3)), conversion will decrease soil stabilization, streambank anchoring, and capacity for nutrient storage. *Id.*, at 19-20. Conversion will increase the volume of groundwater discharge and reduce transpiration (subsection (6)), and decrease the capacity for erosion and sediment control (subsections (3)

and (7)). *Id.*, at 21-22. With regard to human recreation (subsection (9)), conversion will impair landscape aesthetics, decrease interior forest and habitat for plants and animals, and impair the maintenance of cold water temperature for trout. *Id.*, at 22. This conversion is clearly an “adverse impact” on PFO wetlands.

Under the clear language of 25 Pa. Code § 105.18(a)(1), these impacts should be prohibited. DEP should not approve Transco’s Applications unless and until these adverse effects on EV wetlands are eliminated from the Project plans. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1299 – 1309, 1312 - 1314, 1495)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to impacts to exceptional value (EV) wetlands. There will be no net loss of wetland area. All proposed wetland encroachments will be restored to wetland conditions. Conversion of palustrine forested (PFO) and palustrine scrub-shrub (PSS) wetlands to emergent (PEM) wetlands will be mitigated for in a site-specific Permittee Responsible Mitigation Plan (see Attachment Q of Transco’s Application). The mitigation plan detail measures to avoid, minimize, and mitigate for temporary and permanent project-related impacts and includes off-site wetland creation and enhancement projects designed to compensate for conversions of wetland vegetation cover types occurring as a result of construction and operation of the pipeline.

2. COMMENT

We write on behalf of the Quittapahilla Watershed Association (QWA), a nonprofit community organization dedicated to cleaner water flowing from the Quittapahilla watershed to the Chesapeake Bay, to request that the PA-DEP schedule a public hearing on Williams / Transcontinental Gas Pipeline Company’s (Williams/Transco) application for water obstruction and encroachment permits for its proposed Atlantic Sunrise Pipeline (FERC Docket No. CP15- 138-00).

As you know, Williams/Transco’s proposed Atlantic Sunrise pipeline would create a new “greenfield” right-of-way extending some 184 miles north-south across Pennsylvania, including approximately 15 miles across the Quittapahilla watershed. This new pipeline corridor is projected to cross through hundreds streams and wetlands in Pennsylvania. We in the QWA are very concerned about the potential negative environmental impacts to the Quittapahilla watershed of this proposed high-pressure, 42-inch diameter underground natural gas pipeline.

More specifically, our concerns for this project and reason we are requesting a public hearing include the following:

- Review of stream crossing plans shows that Williams/Transco does not intend to use horizontal directional drilling techniques beneath any of the streams and

wetlands it intends to traverse. Instead it proposes to use open-trench methods, which as you know are substantially more environmentally damaging to streams and wetlands. Stream crossings in South-Central PA include not only the Quittapahilla Creek but the Swatara and Conewago creeks. All these waterways have been the subject of substantial and sustained restoration efforts by local watershed associations – including our own – over the past 15 to 20 years. Over the past two years, the QWA, in partnership with the Lebanon Valley Conservancy, has received nearly \$1 million in Growing Greener grants from the PA-DEP for stream restoration work. Our concern is that the positive water-quality benefits from these restoration efforts will be undermined and degraded by Williams/Transco's stream and wetland crossing plans.

- Current plans for the building of the Atlantic Sunrise pipeline using open-trench methods have a high likelihood of contributing substantially to increased erosion and sediment runoff in the Quittapahilla and other watersheds. Williams/Transco's plans to create a permanent, tree-free corridor to house the proposed pipeline include the riparian buffers along our waterways, including Quittapahilla Creek, that currently minimize erosion and sediment runoff into the Chesapeake Bay.
- The scale and scope of this proposed pipeline project require PA-DEP to consider not only this project's local impacts in discrete stream and wetland crossings, but its overall, cumulative impact along its entire 184-mile route. Larger, multi-state efforts to improve the quality of the water flowing into the Chesapeake Bay by minimizing erosion and runoff and preserving existing riparian buffers are directly threatened by this proposed pipeline project.

The foregoing represent only some of our deep and abiding concerns about this project. We are confident that many other organizations and individuals in South-Central PA harbor similar concerns. For these reasons we urge your office to schedule a public hearing on these questions, so that the public can voice its concerns and have its questions addressed by PA-DEP and Williams/Transco. Thank you for receiving this urgent request.

Note: the attached documents referenced in this comment are included in part three of the comment response document. (1485 – 1486)

Response: The Department thanks the commentator for the comment on this proposed pipeline project. In response to numerous requests, during the week of June 12, 2017, the Department conducted four public hearings and received feedback from more than 4200 commentators. The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2 of their WOEP permit applications. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary. The Department has reviewed the Chapter 102 and Chapter 105 permit applications, and responses and revisions submitted in response to technical deficiencies cited by the Department, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 102 and Chapter 105, including those pertaining to cumulative impacts.

Potential cumulative effects have been identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project. This evaluation included identifying other known past and present projects such as pipeline, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant has evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department has conducted a separate review of the applicant's identified cumulative impacts analysis, and also considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the applicant has demonstrated compliance with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

Transco will minimize impacts to Quittapahilla, Swatara, and Conewago Creeks by implementing its Project-specific Erosion and Sediment Control Plan, Upland Erosion Control Revegetation, and Maintenance Plan, Wetland and Waterbody Construction and Mitigation Procedures, and Spill Plan for Oil and Hazardous Materials. Each of these plans are included in Transco's Environmental Construction Plan (ECP), provided in Attachment M of Transco's Application. Transco also proposes to voluntarily replant the riparian forest buffers of these streams where the buffers overlap the regulated floodways. Voluntary riparian buffer replanting areas include 0.34 acre for Quittapahilla Creek, 0.38 acre for Swatara Creek, and 0.26 acre for Conewago Creek.

Transco has stated in the Erosion and Sediment Control Plan Narrative of the permit applications that it will avoid impacts on riparian buffers to the extent practicable through early routing efforts, which focus on siting the proposed pipeline to avoid paralleling streams, and crossing streams at 90-degree angles. Transco also reduced the construction ROW width by up to 25 feet depending on site-specific conditions at stream crossings. Transco also proposed voluntary replanting within riparian forest buffers crossed by the Project. Replanting is proposed to be done within the regulated floodplain (Federal Emergency Management Agency [FEMA] mapped 100-year floodplain, or 50-foot-wide floodway, whichever is greater) (see Attachment L-5, Appendix L-2).

3. COMMENT

The Natural Areas Inventory of Schuylkill County-prepared by the Pennsylvania Science Office of the Nature Conservancy in 2003-documents several large-scale, high-quality environments in the ridge and valley province of western Schuylkill County that support populations of rare, threatened, and endangered plants and animals and aquatic species of special concern. These areas are now in the path of the proposed Atlantic Sunrise pipeline project. If remote sensing imagery cannot be trusted to classify vernal pool wetlands with even an 80% accuracy rating, then it is doubtful such imagery can provide reliable data on the status of species inhabiting those communities. A 50-75% accuracy rate for vernal pool identification is unacceptable in a project of this magnitude. Assuming that Transco's data is credible---and that there is only one location for bog turtles and no evidence of northern long-eared bats within the proposed pipeline project area---this data only confirms that those species are declining in greater numbers than was previously

thought, and this alone is sufficient reason to deny Transco the water obstruction and encroachment permits to disturb any areas that, if left in a natural state, could potentially support regenerated populations of declining species.

http://www.naturalheritage.state.pa.us/.../schuylkill%20county%20nai%202_003... Note: the attached documents referenced in this comment are included in part three of the comment response document. (1540)

Response: Transco's revised Chapter 105 permit application submitted on May 5, 2017 provides field survey data for the entire Project footprint (see Attachment L-5 and Attachment E-2). All remote-sensed stream and wetland data was accordingly removed from the Application.

The applicant consulted with the PA Fish and Boat Commission (PFBC), PA Game Commission (PGC), PA Department of Conservation and Natural Resources (DCNR) and US Fish and Wildlife Service (USFWS) individually, beginning coordination in 2014. Project updates were submitted as the project evolved. Each agency reviewed the complete project and determined potential impacts for threatened and endangered species and species of special concern under their jurisdiction, resulting in ongoing coordination, target species surveys, and avoidance and mitigation measures, as needed. Details were provided in Attachment G of the permit application. The Department has reviewed the agency letters, including the proposed avoidance and conservation measures, and determined that the application meets the applicable requirements for the protection of threatened and endangered species and species of special concern.

4. COMMENT

Given the enormous scope of this project, Transco's 400-foot study corridor is insufficient to encompass the zone of potential impacts with regard to rare and endangered species such as the bog turtle and the northern long-eared bat. The impacts of forest fragmentation and the "edge effect" resulting from pipeline cuts can extend for thousands of feet beyond the edges of the pipeline ROW, allowing solar radiation to penetrate deep into forest interiors where many of those endangered plants and animals reside away from the dangers of invasive species and thermal impacts that could doom them to death and extinction. Given the potential for extreme ecological harm to habitats in western Schuylkill County, and the lack of precise enough data to avoid those impacts, I recommend that PADEP reject all remote-sensed ecological data and suspend its review of the project until the applicant has completed its application using only field verified data, at which time a new comment period should be opened for the public to review the application. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1540)

Response: Transco's revised Chapter 105 permit application submitted on May 5, 2017 provides field survey data for the entire Project footprint (see Attachment L-5 and Attachment E-2). All remote-sensed stream and wetland data was accordingly removed from the Application.

The applicant consulted with the PA Fish and Boat Commission (PFBC), PA Game Commission (PGC), PA Department of Conservation and Natural Resources (DCNR) and US Fish and Wildlife Service (USFWS) individually, beginning coordination in 2014. Project updates were submitted as the project evolved. Each agency reviewed the complete project and determined potential impacts for threatened and endangered species and species of special concern under their jurisdiction, resulting in ongoing coordination, target species surveys, and avoidance and mitigation measures, as needed. Details were provided in Attachment G of the permit application. The Department has reviewed the agency letters, including the proposed avoidance and conservation measures, and determined that the application meets the applicable requirements for the protection of threatened and endangered species and species of special concern.

5. COMMENT

The Project would have impermissible adverse effects on exceptional value wetlands.

By law, an application for a project that may affect an exceptional value wetland or one or more acres of non-EV wetland, must include an assessment of wetland functions and values using a methodology accepted by the Department. 25 Pa. Code §105.13(e)(3). The Department may not issue a permit for a water obstruction or encroachment in a non-EV wetland unless the applicant affirmatively demonstrates (among other things) that “[a]dverse environmental impacts on the wetland will be avoided or reduced to the maximum extent possible.” 25 Pa. Code §105.18a(b). For projects in exceptional value wetlands, the Department may not issue a permit unless the project “will *not* have an adverse impact on the wetland, as determined in accordance with §§ 105.14(b) and 105.15 (relating to review of applications; and environmental assessment).” 25 Pa. Code §105.18a(a)(1) (emphasis added).

In its application, Transco acknowledges that it will permanently convert 0.85 acres of palustrine forested (PFO) wetlands to either palustrine scrub-shrub (PSS) or palustrine emergent wetlands (PEM), thus permanently impairing the functions and values of those EV PFO wetlands. *See* Application, “Permittee-Responsible Mitigation Master Plan for the Atlantic Sunrise Project” at 5 (August 2015); Impact Table for Individual Permit Application (Luzerne). With respect to general habitat and natural biological functions (subsection (i) of section 105.1 definition), conversion will, among other things, decrease aboveground biomass, habitat for shade-loving plant species, the production of mast (e.g., acorns) for wildlife, and increase exposure to the elements and to localized effects of global warming. Schmid & Company, Inc., *The Effects of Converting Forest or Scrub Wetlands to Herbaceous Wetlands, Prepared for the Delaware Riverkeeper Network* (2014) at 16-17.³ Concerning natural drainage patterns and water quality (subsection (3)), conversion will decrease soil stabilization, streambank anchoring, and capacity for nutrient storage. *Id.*, at 19-20. Conversion will increase the volume of groundwater discharge and reduce transpiration (subsection (6)), and decrease the capacity for erosion and sediment control (subsections (3) and (7)). *Id.*, at 21-22. With regard to human recreation (subsection (9)), conversion will impair landscape aesthetics, decrease interior forest and habitat for plants and animals, and impair the maintenance of cold water temperature for trout. *Id.*, at 22. This conversion is clearly an “adverse impact” on PFO wetlands.

Under the clear language of 25 Pa. Code § 105.18(a)(1), these impacts should be prohibited. The Department should not approve Transco's Application unless and until these adverse effects on EV wetlands are eliminated from the Project plans. Thank you for your time and consideration of PennFuture's comments. Note: the attached documents referenced in this comment are included in part three of the comment response document. (1689)

Response: In accordance with Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 102, and 105 and as part of the Department's review of a water obstruction and encroachment permit application, impacts to wetland resources are taken into consideration by the Department prior to issuance of a permit. The Department has determined that the applicant provided an adequate demonstration of compliance with the regulatory requirements outlined above.

The proposed wetland encroachments have been determined to have no adverse impacts. The wetland functions are not unique to the area nor will the project impair the wetland systems from providing their functions and values. The encroachments have been minimized to the maximum amount practicable as described in the alternatives analysis. All proposed encroachments will be restored to wetland conditions at original contours with native soils by the completion of the construction providing for no net loss of wetland area. Mitigation will be provided for PFO and PSS wetland crossing locations where wetland vegetative cover will be converted to PEM vegetative conditions. Wetland vegetative conversion impacts will be mitigated through the Permittee's implementation of a mitigation plan.

COMMENTS FROM 2nd COMMENT PERIOD

General

1. COMMENT

Jerry George. I'm a resident of Ross Township, where pipeline is scheduled to go through it.

As a resident of Pennsylvania, I recognize the Commonwealth is in dire need of this project like the Atlantic Sunrise. The economic growth Pennsylvanians have enjoyed for the development of this Marcellus shale is exceptional, supporting thousands of jobs and investing millions into the state economy. Countless businesses have benefitted from the natural gas industry. And with products like the Atlantic Sunrise, more opportunities and benefits are on the horizon.

The Atlantic Sunrise would help create more opportunities in the region and beyond. I urge you to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Project without delay, which will drive new investment in Pennsylvania's future. By doing so, we will increase our national security while ensuring our own energy independence through advanced technology using local workers to develop a Pennsylvania resource. And pipelines like the Atlantic Sunrise are critical components to achieve American and Pennsylvania growth.

Thanks in large part to the growing natural gas industry, regional unemployment has dropped and future job growth over for next decade is expected to climb almost 40 percent. This is not even mentioning the thousands of dollars Williams has awarded in the area of non-profit organizations and first responders through grant programming.

Considering - considering the impact Atlantic Sunrise would have, it seems irresponsible to turn our back on this opportunity.

Williams has been working with the Pennsylvania Department of Environmental Protection, PA DEP, for more than two years, providing the data and information needed for this permit.

The Chapter 102 and 105 permit applications reflect the cooperation and collaboration Williams has demonstrated with Pennsylvania DEP, as well as federal and state permitting agencies, to avoid and minimize impacts to wetlands, waterbodies, and other sensitive environmental areas.

I'm going to say this is the time to build. Let's move this country forward and build Pennsylvania's infrastructure. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (16)

Response: The Department acknowledges the commentator's comment regarding this

proposed pipeline project.

2. COMMENT

My name is Kevin Lynn, I live at Harvey's Lake. I work for Linde Corporation. We do work for Williams and the other big energy suppliers.

But I'd also like to say that I'm a greenie. Okay? I would like the PA DEP to approve Chapter 102 and 105 permits.

And at the risk of incurring the wrath up there on the stage, I know this hearing is all about the Atlantic Sunrise and the specifics of these two permits. But really this whole thing, folks, is about our future. Okay? And there's one question we have to ask. And that's, are we in five years going to need more energy or less? Okay. We're going to need more. I think we can all agree on that. The cloud, whatever that is, is kept aloft by electricity. And renewables aren't going to do it alone.

Right now 14 percent of our energy supply, that keeps the lights on one day a week. But greener days are coming and better days are coming.

Last year natural gas overtook coal nationally on the energy grid for electric generation. We all need. We're using more natural gas now than we use coal, no matter what the grand orange guy in the White House would like us to do.

Nowhere is that impact bigger than nearby at Penn State. In March of 2016, Penn State celebrated what they called their last day of coal. That's the day when 3,250 coal trucks a year, ten a day, stopped rolling onto the Penn State campus in order to power the campus. And 3,325 trucks of coal ash, about one a day, rolled off the campus with all that pollution.

Now, it's not just coal. Nuclear power is also losing out to natural gas. And all over the east, gas and electric prices are falling. And folks, so is pollution. Natural gas is the cleanest fossil fuel to work with. It's cheap. It's abundant. It's domestic. Marcellus shale gas - And Marcellus shale gas is right under our feet here in Wyoming County. That's the big play for the future. It is forecast. Marcellus shale gas is forecast to supply more than 50 percent of our natural gas needs by 2020, if we get out of the way and let them harvest it.

Let's approve this and head for the future. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document.
(17)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

3. COMMENT

Hi, I'm Pete Butler, Tunkhannock resident for about 40 years. Just have a few comments tonight.

And I spent most of my career locally at Proctor & Gamble. And we worked with massive amounts of natural gas. And I've seen firsthand what a tremendous economic shot in the arm it is to have economic natural gas available for business.

This local plant in place well over 2,000 people. And it wouldn't be there if we didn't have natural gas to use for a resource.

On the national picture, before joining P&G, I spent four years overseas as a combat engineer. Tens of thousands of other people served our country in that similar way. But my point is, many, many, many of the young folks that are overseas protecting our country are there largely to secure energy - affordable energy for us.

So now we have affordable energy under our feet. And I feel very strongly we need to develop that resource for that reason, and economic benefits as well. But I also want it done responsibly. And I know Williams has worked with DEP to try to do that.

I have a pretty high opinion of Williams. They're locally headquartered here in Tunkhannock. I've had a lot of interactions with them. I found them to be professional and helpful and community-minded.

I have a compressor station about a quarter mile from my home. It doesn't cause any problems. It's not overly noisy or overly polluting, with lights or issues like that.

So I've seen Williams operate. I'm confident. I know safety is key to them, whether it be methods, inspections, ongoing monitoring. They have a good safety record.

I believe they use best available technology practices, as required by DEP. So I've spent my career working with natural gas. I respect it. And I know a lot of people are concerned about safety and so on.

But like any resource, if it's done properly with the right technology and management. And I believe Williams is up for the task.

So just to summarize, I believe this project is good for the country. It's good for the region. It's good for our communities. I urge you to support moving forward to completion. And I want to thank you for letting me comment. Note: the attached documents referenced in this comment are included in part three of the comment response document. (20)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project

4. COMMENT

Hi, I'm Ed Coker. I come here this evening as a member of Pipeliner's Local Union 798, to ask the Pennsylvania Department of Environmental Protection to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Pipeline without any further delay.

Williams has proved that it has a record for safely operating the pipelines in our nation, as they touch more than 30 percent of our nation's gas supply. To continue to put this project off is costing the State of Pennsylvania jobs and increased tax revenue.

As far as the environmental impact is concerned, Williams is going to spearhead communities by investing over two-and-a-half million dollars in local conservation projects. They have continued to work closely with this department, as well as the Forestry and Wildlife Services and have received a Certificate of Public Convenience and Necessity from FERC.

Adding a little bit to my written statement. It's proven, you can look it up, pipelines are the safest, most environmentally friendly way to transport natural gas. And it's going to be transported and it's going to be used because our country needs it.

This project represents a nearly \$3 billion investment, which will put Pennsylvania energy and people to work. Using our nation's natural resources reduces our dependence on foreign oil bought from countries which, quite frankly, don't like us.

In closing, I am asking this department to make an investment as well by issuing these permits and put Americans workers first. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (21, 53)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project

5. COMMENT

Rebecca Peterson. I'm the director of operations for Tioga Environmental Consulting in Tunkhannock. We are a group of engineers and environmental scientists that design and permit well pads and pipelines. We also provide environmental inspections for well pads and pipelines during construction and post-construction.

We permit Chapter 102 and 105 permits for Williams. And we know that they are dedicated to routing pipelines and utilizing best management practices to minimize environmental impacts during the construction.

We know that the engineers and biologists at the Pennsylvania Department of Environmental Protection provide a careful technical review for all Chapter 102 and Chapter 105 permit applications to ensure that they meet applicable environmental requirements.

Williams has been working with the DEP for more than two years on the Chapter 102 and 105 permit for the Atlantic Sunrise Pipeline. And the current applications reflect the cooperation and collaboration Williams has demonstrated with DEP, as well as federal and state permitting agencies, to avoid impacts to wetlands, waterbodies and other sensitive environmental areas.

We also provide environmental inspections for Williams. And we know firsthand how important the proper implementation - of permit requirements is to the country.

Tioga also knows firsthand how abundant and affordable natural gas has highly impacted the region.

My coworkers and I love this area. We want the best for the community and the environment. We are hunters and outdoor enthusiasts. And we know from professional and personal experience that pipelines provide safe gas transportation without negatively impacting resources or wildlife.

We call on the PA DEP to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Project without delay.

We believe it's critical that the Atlantic Sunrise Project be in service to ensure the economic stability and growth of the area and meet our energy needs. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (26)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project

6. COMMENT

Good evening. Tom Schachner. I'm here to speak in support of the Atlantic Sunrise Project.

The Atlantic Sunrise Project is designed to supply enough natural gas to meet the daily needs of more than 7,000,000 American homes by connecting producing regions in Northeastern Pennsylvania to the markets in the Mid-Atlantic and Southeastern regions.

I am an employee of Cleveland Brothers Equipment Company. Currently we have 27 locations throughout Pennsylvania and Northern Western Virginia. We are a family-owned and operated company founded in 1948. We employ over 1,200 people, both union and nonunion. And have invested in over a half a billion dollars in Caterpillar equipment and engines since 2010, supporting the oil and gas industry here in Pennsylvania.

Our company has close and long-standing supply relationships with pipeline contractors operating throughout Pennsylvania, including many of those who would be involved in this project. We provide them with the best available equipment with respect to productivity, reliability, safety and emissions control.

The pipeline companies that will be doing the work on this project are known for employing best practices in the construction industry, including earth moving, material handling and land restoration. We provide 24 hours a day, seven days a week equipment support to ensure that the projects are not delayed due to equipment downtime.

At stake in this project's approval are the jobs of many thousands of workers that support the production of natural gas and natural gas liquids in the shale formations across Pennsylvania. They cannot produce what cannot be transported to market because of lack of pipeline capacity. The Atlantic Sunrise will go a long way to help alleviate that constraint.

Because of all the construction and energy production activities this pipeline will enable - communities throughout Pennsylvania will benefit from worker incomes earned, much of it spent locally. The resulting state and local taxes paid by workers and their employees will support public education, environmental programs, infrastructure, public safety and other state and local government operations.

From an energy independence standpoint, projects like the Atlantic Sunrise will enable abundant, clean, affordable and domestic fuel to be provided across our state in a safe manner, while reducing our dependence on OPEC and other foreign governments for energy.

This should be about safe and clean energy production and jobs, jobs for our children and our children's children.

Thank you for this opportunity for me to support the pipeline project and the citizens of Pennsylvania. Note: the attached documents referenced in this comment are included in part three of the comment response document. (27)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project

7. COMMENT

Sandy Spencer. Thank you for this opportunity to share my support of the Williams Transco Atlantic Sunrise Project.

Often those who support a project respond to the environmental concerns with information about economic impact and jobs. I understand this really doesn't address the concern and I will focus on why I support this project from an environmental and safety viewpoint, along with other benefits.

The dramatic resurgence of the United States as an energy superpower has provided tremendous economic and environmental benefits. Even as America is leading the world in oil and natural gas production, methane emissions have fallen, thanks to industry leadership and investment in new technologies. U.S. carbon emissions from power generation are now at nearly 30-year lows due to increased use of natural gas.

Methane emissions from 1990 to 2015 associated with the nature gas industry declined by 18.6 percent, while U.S. natural gas production increased by more than 50 percent, according EPA and EIA data. This shows U.S. emissions of methane from the natural gas sector decreased noticeably during one of the largest increases in natural gas production in

the nation's history.

Furthermore, America's oil and natural gas industry continues to lead all other industries in zero and low-carbon investments. Between 2000 and 2014, the oil and natural gas industry invested \$89.9 billion in such investments, more than double that of the next largest private sectors.

In a dynamic, innovation-driven industry like energy, we should be careful not to adopt regulations that prevent technological improvements or stray from opportunities for investments that could deliver environmental benefits and consumer savings for years to come.

Some of the technologies that have been improved and adopted over the past several years directly benefit the pipeline industry and environment. Engineers and environmental scientists work to define routes and methods with the least amount of impact, and then follow best practices for installation and restoration.

Safety for people working on the project, people who will be living nearby, and the general population is always foremost in the minds of those who operate the pipelines. I've had direct experience working with Williams and they take extra precautions to protect and preserve the environment, assure safety for all and support and respect communities where they are operating. Although zero impact is always the goal, with any project there will be some impact. As our world works to become less dependent on fossil fuels, renewable energy options also have environmental impacts. Electric cars are powered by the very electric that is created in large percentage by natural gas. Wind turbines and solar panels are made with products created with natural gas. The harnesses and ropes that safely hold and support the rock climber who is enjoying the beauty of the great outdoors are made with products that include natural gas.

In closing, I'm happy to offer my support for this project. And I encourage DEP without delay to approve it. Note: the attached documents referenced in this comment are included in part three of the comment response document. (28)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project

8. COMMENT

Jim Spak. If you want to raise that up, you can. There you go.

Believe it or not, when I was in ninth grade I was only five feet. Then all of a sudden I started growing. But that was 50 years ago.

My name is Jim Spak. I'm from Ashley, Pennsylvania and I want to make my comments right now.

Since the Pennsylvania Department of Environmental Protection has set this hearing for

public comment on the proposed Atlantic Sunrise pipeline, I feel compelled to offer my observations on this project.

This pipeline is part of a major national network for continued promotion and use of fossil fuels which are dramatically increasing our manmade contributions to climate change. Many people don't realize the immense political and economic power that's concentrated in the hands of the people who control and run the fossil fuel industries.

And despite the significant attempts at public relations and green-washing, the fact remains that natural gas is a significant contributor to potential catastrophic effects of unchecked climate change. If this multibillion dollar fossil fuel infrastructure is successfully completed, it's going to mean more nails in the coffin of Mother Earth.

Unfortunately, our new President and leadership in Congress have their heads in the sand foolishly cheerleading as the United States pulled out of the Paris Climate Accords.

The technology is here for green energy, clean and sustainable, with a zero-carbon footprint. The decisions we make now will determine whether or not our children and grandchildren will bless us for making prudent, courageous and wise decisions to preserve the future of our planet, or will they curse us for letting the last great chance we had slip through our hands?

The people who are profiting from a continued use of fossil fuels, their children and grandchildren are going to suffer the same as the rest of us. I just hope they can open our eyes to make a wise decision to make clean, sustainable transfer to zero emissions zero human carbon footprint and clean sustainable life that can save the planet for further generations. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (29)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Transco's applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

9. COMMENT

Doug McLinko. I'm the Commissioner in Bradford County. I'd like to go over some of the pipeline installed in Bradford County. Natural gas has been processed straight from God himself there.

Transportation-wise, we see 41 miles of Tennessee pipeline, 24 inch. We have 30 - 23

miles of 30 inch Tennessee pipeline. We have two miles of 30 inch Tennessee loop.

Gathering lines we have. This is what's built, 148 miles of six-inch line, 62 inch (sic) of eight inch line - 62 miles of eight-inch lines. Eighty-three (83) miles of ten-inch lines. 286 miles of 12-inch lines. 152 miles of 16-inch lines. And then 45 miles of 20-inch lines, 47 miles of 24-inch line.

And you folks have done a nice job overseeing it and ensuring it's responsibly installed. So built lines is 823 miles, plus a Tennessee proposed gathering line, I'm sorry. We have 200 - just over 200 miles.

Bottom line is, if we laid all the pipelines together, we would reach Florida. We have no problems, they've been installed. We don't have eminent domain, so people have worked with their neighbors to install them. And again, you guys at DEP have done a good job making sure they're put in safely.

With billions of cubic feet of gas flowing through Bradford County a year and with over a thousand miles installed and proposed gas lines in Bradford County constructed and being built with virtually no problems. In fact, the gas lines were installed with the help of neighbors helping neighbors and citizens helping their community, state and nation. It is very important to note that natural gas pipeline can be installed with little or no issues.

The Tennessee pipeline has been in Bradford County for 50 years. There's billions – tens of billions of cubic feet of gas a year that goes through that gas line. In fact, it goes across my uncle's farm and recently has been looped, as I have said, again installed with no opposition and no problems to increase the flow of natural gas. It was done quickly, safely and has billions of cubic feet of gas that goes through.

My home has a gas line across the front of it, with no problems. I do not own the mineral rights to that and we are happy to have that there. Wildlife flourishes. We cut hay. And it's just no problem whatsoever.

We are very happy to help our community. Pennsylvania needs to be able to move gas, create jobs to have low energy prices for home use and for a very healthy tax revenue.

I will conclude with the patriotic part of our God-given resource. Energy is a geopolitical weapon. As we see terrorism across the globe and right here in our country, we must understand that these people, terrorists, are funded through middle eastern energy. Through energy independence, we can stand alone in America.

We will have alternative energy someday, but today we have this at our feet. Let's use it. I encourage Chapter 102 and 105 permits. Let's get this Atlantic Sunrise Pipeline going. Thank you, folks, very much for the work that you do. Note: the attached documents referenced in this comment are included in part three of the comment response document.
(30)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

10. COMMENT

Good evening, everyone. My name is Ed Smith, I reside in the Town of Springfield, outside of the Town of Springfield, Pennsylvania for the past 26 years full time.

I came here when I was nine years old. My family before me - 1957. But the last 25 years I lived here full time. My wife and I are retired. We run a small cattle ranch. We are owners of three properties in Susquehanna County.

We are presently engaged with a pipeline that was installed six years ago and it runs across our land. We have no complaints. We are very satisfied. The wildlife as well as the cattle, love the new grass, they did an excellent job. Everything was clean, professional and well done, according to schedule.

We, if anything, need to thank them more rather than complain. They did an excellent job.

I would like just like to say a few words about natural gas and the Atlantic Sunrise Pipeline Project. I would greatly support and am here to support the permits to be approved by the Department of Environmental Conservation for the permits number 102 and 105. If that is possible, we would love to have that happen.

I think by now we are all aware of what natural gas is and its advantages. There's no reason to waste more time on that. I believe the time has come for us all to agree to share this abundant natural resource with other states and other countries.

The Atlantic Sunrise Pipeline can make this all possible, providing both a useable resource and prosperity, not only to this wonderful state of Pennsylvania that we live in - and our future children will grow here as well other states and other countries as well, by all the jobs it will create. Please support this well-needed project and help bring natural gas to the front line of energy. Thank you very much for your time. (31)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

11. COMMENT

Good evening. My name is Dave Horn. And I'm here as a member of the Laborers' International Union of North America. Some of my members are here now, but it's hot in here and they have been working 10 to 12-hour days, so they may be out catching a little bit of air.

But I'm here to testify in favor of the Sunrise Project and urge the approval of the 102 and 105 permits. Pipelines have already been proven the safest and most effective method of moving natural gas for consumers.

Currently, Williams pipe has more than 30 percent of the nation's natural gas, transporting to new markets across the country. We had to secure all necessary permits and have begun production of Atlantic Sunrise in other states. So we understand the role that federal and state regulators play in protecting the health and safety of the citizens, as well as the environment, including our wildlife.

After receiving the Certificate of Public Convenience and Necessity from FERC in February of 2017, Williams is on the verge of the last remaining permit to begin construction in Pennsylvania. The outstanding Chapter 102 and 105 permits, for which applications were first submitted in 2015, were among the final approvals needed to move this project forward.

The 102 and 105 permit applications reflect the collaboration and cooperation Williams and Williams has demonstrated with DEP, as well as the federal and state regulations to avoid or minimize the impact to wetlands, waterbodies and other sensitive environmental areas.

Williams has committed to implementing the best standards and practices during construction and restoration to mitigate potential impacts associated with installation of this project. It has dedicated full time environmental inspectors that will be employed during construction to oversee and ensure that Williams best management practices are implemented, and the project complies with applicable regulatory permit and approval conditions.

According to FERC, the environmental impact statement, no long-term effects on surface waters are anticipated as a result of construction and operation of this project. The company has also avoided and minimized impacts to wetlands through infield rerouting, adjustment and reducing the project and disturbance where possible.

There will be no loss of wetland acreage as a result of construction. Pennsylvania will benefit from the Atlantic Sunrise approval which will span ten counties from the Susquehanna down to Lancaster.

Once operational, the new pipeline will remain will be maintained and operated according to procedures outlined in the Williams Transco pipeline Integrity Management Program. These procedures, many of which exceed minimum federal industry regulations, include monitoring 24 hours a day seven days a week. Quite simply, natural gas is essential to the quality of life that many of us take for granted. Pennsylvania has an opportunity now to strengthen and build on a strong energy infrastructure. The Atlantic Sunrise Project will create important jobs and foster continued growth on behalf of the men and women of LIUNA, I urge the DEP to approve Chapter 102 and 105 permits. Thank you. (32)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

12. COMMENT

Good evening. My name is Bill Kelley, Sr.

I am the owner and founder of Taylor Rental BX3. We have been here for 11 years and we have been partnering up with the gas industry for those last eight or nine years.

Since they've come to the area, our business has grown from a father-son business to two locations, one in Wyoming County on Route 6 and one in Montrose. We have been able to bring up to 35 families into our payroll and get benefits before Obama Care, due to the gas industry. It has been a great blessing for us.

We enjoy about 60 percent of our revenue from the gas industry and related contractors. And we have found them to be very, very respectful, hard working and a lot of integrity, and good people to work with.

Williams has been an exceptional corporation. I consider it to be great corporate people, as far as I've worked in communities with them. I've worked with them on projects. I've been to seminars with them and found they always try to do the right thing. And I'm here to support them.

The other thing I want to share with you is when we don't have the gas leaving, recessions come very strongly. We had a wonderful growth 2013, '14, then when it started nosediving, it nosedived hard. We just couldn't seem to get out of it.

The Constitution up in New York, they didn't get approved due to political reasons and other things. But due to the fact it didn't get approved, there are a couple trucking companies up there putting compressor stations in and running hundreds of trucks a day up into New England.

If this I'm not suggesting this may happen, but the market's going to do what the market's going to do. And one of the things I think, it's a lot more responsible for us to send it through the pipeline to a multibillion dollar corporation that always does the right thing and always tries to. Thank you. (33)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

13. COMMENT

Hi. My name is Ken Landes, I'm a resident of Tunkhannock Borough and a landowner in Susquehanna County and I have some comments on Williams and natural gas activity.

In the last eight years it's had a low impact. When they've gone through streams, we haven't seen any problems. The projects look good afterwards. There's follow-up. There's constant follow-up from trucks from Williams and other people making sure the projects are correct. So is monitoring on a regular basis.

One of the things - comments somebody said about trees being cut down. What I see is, yes, we lose some trees from the pipeline, but many of the land owners are no longer

cutting lumber, so you're seeing more mature trees, more mature forests. You're also seeing better seeing better stewards of the environment. Landowners have more money, so they're doing more things for the environment, more wildlife, that will improve the community. So I see it as a good thing overall to approve 102 and 105. (34)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

14. COMMENT

Good evening. I would like to thank you folks for coming in on this nice almost summer evening. My name is Veto Barziloski. I'm the president of Bennies Nurseries, Incorporated, a local landscaping - landscaping company and environmental restoration company. Family owned and operated for 85 years this year.

We've had the privilege over the last - well, my lifetime, of working with DEP, soil conservation, NCRS, forestry, several other agencies on different projects. And we thank you for the efforts that you folks put into these things.

We've all heard brief testimony about the Atlantic Sunrise and I'm a hundred percent for it. Our company is a hundred percent for it. So rather than expound on the importance of this pipeline, which many have already done, I'd like to give testimony to the company that's actually constructing this line, that's the Williams companies.

We host - I'm going to speak with two hats, a landowner hat, and a contractor, for the company hat. As a landowner, we host over a mile of pipeline leased and operated by Williams. In fact, starting in 2011 they have been fantastic. I was skeptical to begin with. Working in the environmental industry,

I was skeptical to begin with. But even as of today, they monitor. They have done everything. They follow all permits. They've done everything great, actually.

And I think we have a real good rapport with them across our properties. As a contractor, to sum it up in a nutshell, they do not allow us, as a contractor, any margin of error.

You folks are enforcing that. You folks are enforcing that. And they know that. And working with several, several engineers, environmental engineers inspectors, we sense a true respect for the environment. They want to do what is right.

And we urge you folks to go ahead and get all you need together to get these permits through so construction can be started. And we thank you. (35)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

15. COMMENT

Dale Shupp, I come before you. I am president of the Wyoming-Lackawanna Farm Bureau here. And we are very much in favor, because if you have seen, this gas business, has been

the best thing for farmland preservation and has not cost the government one penny.

You see the farmers have got money, they're upgrading their farms. They're buying new equipment and everything in that respect. So the open ground and agriculture is our number thing in the state. So it's keeping that open ground and keeping things going.

I do have pipeline run across me – on me, it went under the Susquehanna River. I was very skeptical when they started talking about drilling the river, man, but it was a fantastic job. Couldn't believe the guy when he drilled out there beside the river at 2,300 feet. He knocked a stake right out of the ground.

As long as farmers come, this gas business has been a blessing, because they were really struggling and in bad shape.

And then that's all. I'm looking forward to seeing this thing go forward. Thank you. (36)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

16. COMMENT

Thank you for allowing me to speak. My name is Paul Casparro, I'm the business manager for the International Brotherhood of Electrical Workers, Local Union 81, Scranton, Pennsylvania.

I call on the Pennsylvania DEP to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Project without delay. Creating an economic environment that encourages private investment and creates job, while balancing the health and safety of the public and the environment should be a top priority.

Undoubtedly, permitting and regulation play a key role in every infrastructure and economic development project, however, there must be a balance.

Pipelines are proven to be the safest and most efficient method to move natural gas for consumers. Williams has operated safely in the state for decades and currently touches more than 30 percent of the nation's natural gas, transporting it to markets across the country.

After receiving a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission in February 2017, Williams is on the verge of securing the last remaining state permits to begin construction in Pennsylvania. Specifically, Atlantic Sunrise has undergone an unprecedented amount of regulatory and public review.

The time to build is now, the time to approve Atlantic Sunrise is now. Thank you.

Note: the attached documents referenced in this comment are included in part three of the comment response document. (37)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

17. COMMENT

My name is Thomas A. Shepstone. And thank you for this opportunity. I'm a consulting planner with over 40 years of experience consulting with businesses and communities in Northeastern Pennsylvania. I also publish a blog supporting natural gas because I see what it's done economically for our region and our nation. And I'm here tonight with what I hope will be taken as constructive criticism, because I know your intentions are to be fair.

However, Atlantic Sunrise permit applications under Chapters 102 and 105 should be approved by DEP for a very simple reason. And it is that any DEP decision with respect to Chapters 102 and 105 should simply be a matter of technical compliance. Period. Both chapters consist of very specific criteria and standards, which shouldn't be influenced by public opinion as to anything but compliance with those criteria and standards.

Significantly in this regard, both Chapters provide only that the Department may, at its discretion, hold a public hearing. Hearings aren't mandatory because the subject is technical, not political. The regulations moreover do not provide for multiple hearings, but rather a hearing on each application. This strongly suggests what is going on in this case is a little more - is a little more than DEP providing a public ranting opportunity for those who wish to attack the applications. Although, I have to say, I don't think that's the intent. And I think the two hearings held so far were probably more pro than negative.

Still as a supporter of the project, there's very little for me to say other than to point out that the Atlantic Sunrise Project has been extensively reviewed by both FERC and DEP. And the applications clearly meet the Chapter 102 and 105 requirements.

Project opponents though will probably be here tonight, and they have been at previous hearings, and at three more completely unnecessary hearings to attack the project and everything imaginable. Having nothing to do whatsoever with Chapters 102 and 105. They'll talk about their opposition to fossil fuels, their hatred of the oil and gas industry, and their ideology. But very little about Chapter 102 having to do with erosion and sedimentation control, or Chapter 105 having to do with dam safety and water waste management.

I urge DEP to simply follow its own rules. If it does so, there's no basis for anything but an approval of the Atlantic Sunrise Project. The voluminous materials submitted to both FERC and DEP document compliance to the tenth-degree. I further urge DEP to not enable pipeline project opponents by conducting redundant public hearings in the future that serve no purpose, other than to allow those opponents to vent with a view toward getting media coverage of their antics. The regulations are straightforward. Just enforce them. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (43)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

18. COMMENT

Dennis Wydra. Thank you. I strongly support approval of the Pennsylvania DEP's Chapter 2 and Chapter 5 permits for water obstruction encroachment and erosion and sediment control for the Williams ASP project. This company has worked with DEP and the Federal Energy Regulatory Commission for over two years to meet all their rigorous requirements. Williams has made for than 400 modifications of the pipeline route. And now has 25 percent of that route of existing right-of-ways.

FERC is now on the record that the construction of the Atlantic Sunrise Pipeline will not negatively impact water quality or supply during or after construction. Full-time environmental inspectors will oversee construction to insure compliance with required regs. Williams will avoid and minimize impacts to wetland through routing adjustments, and by reducing the project limits of disturbance where possible. There will be no loss of wetland acreage and wetlands within the permit of right-of-way. They will be simply converted to forest and PSS vegetation to PEM and PSS vegetation types.

PennDOT makes wetland litigation a normal environmental practice while constructing new roads without any adverse impact. And Williams will do the same meeting DEP's stringent requirements. The ASP route will have no adverse impact on watershed it traverses. Their environmental construction plan will have almost no impact on the Susquehanna and Chesapeake Bay watersheds.

FERC's impact statement concluded, given the impact of Williams minimization and mitigation measures proposed by Transco, as well as our recommendations, we conclude that the construction and operation of the project will not have a significant adverse affect on wildlife, including migratory birds. And U.S. Fish and Wildlife has concluded it will not have any adverse impact on bald eagles or the bog turtle. Actually, pipelines have a very positive affect on wildlife habitat, as it opens new natural food plots for deer and turkey after replanting, with up to eight different varieties of seeds depending on what the experts determine the soil conditions warrant.

I have successfully geared - I led most of my life to pipeline in McKean and Delaware Counties. It's important to note that it affords a critical place to permit handicap hunters, both young and old, a better place to hunt than walking through the forest. included a photo of my handicap stepson. And he couldn't walk through the forest, but he hunted through many years along pipelines up above the Mansfield Wal-Mart.

One of the neat things about pipelines is run off. Run off will have no negative impact from the pipeline, as the construction route will be restored to original contours and revegetated like never before. When you look closer at the photo in my testimony, you'll find that it actually provides better run off protection than the forested floor. And I'm going to say this. It's not in here, but pipelines have better run off protection than 50 percent of our state forest and our state game land. Thank you. Appreciate it. Note: the attached documents

referenced in this comment are included in part three of the comment response document.
(44)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

19. COMMENT

Hi. Thanks for letting me speak. My name is Kevin Lynn. I live not too far from here at Harvey's Lake. And I work for the Lindy Corporation. We do lots of work for Williams. I'm also a greenie. I also would like the PA DEP to approve Chapter 102 and Chapter 105 permits for the Atlantic Sunrise project.

Tonight you're going to hear lots of people talk about the stringent standards that Williams sets for projects, they do. They're tough. They're just like greenies would expect. And there are lots of well-meaning people here who are worried about the environment. I am here to tell you that Williams is also very worried about the environment. But I want talk to you tonight about the future for about two minutes. The future of energy, you know, the big picture.

I have one question. Going forward, folks, five years out, will we need more energy or less? I think most of agree we're going to need more energy. The cloud, whatever that actually is, it's a little too young for old guys like me. The cloud is kept aloft by electricity. I know that much. We're going to need more energy. And renewables enough are not going to do it. Renewables right now comprise 14 percent of our energy supply. That keeps the lights on only one day a week. And folks, that's no way to head toward the future. So we need more energy and we need it clean. And that's where natural gas comes in.

Natural gas is the cleanest fossil fuel in the world. It's 50 percent cleaner than the coal our President Obama loves so much. And folks, the news is really good. Every day that we use natural gas to power our country, we're not using coal. And every time we shut down a coal plant and change it over to natural gas, the air gets cleaner. Every time Williams expands its capacity, it's good news for us. It's happening more and more.

Last year natural gas overtook coal as the number one fuel for electric generation in this country. The air is getting cleaner every day. And nowhere is that more obvious than nearby Penn State. In March of 2016, Penn State celebrated their, quote, last day of coal, end quote. After 150 years of burning coal to power Penn State, they've switched to natural gas.

Once last year 3,250 coal trucks a year, almost ten a day, rumbled under the Penn State campus with their dirty fuel. 325 ash trucks a year, almost one a day, left the campus with their filth. Everything is better. In 2011, the Penn State Energy - campus energy system operated at 72 percent. That's going to improve to 80 percent, which is twice the efficiency of the electric grid. This is happening all over the country. And it's all because we have more natural gas.

Natural gas is the cleanest fossil fuel. I said that. Natural gas is also cheap, abundant, and domestic, which means we're not enriching a single tin horn dictatorship. More than that, this gas is Marcellus gas. It's from under our feet just north of here in Northeastern Pennsylvania. We are literally fueling our own growth with a domestic supply that could last 100 years.

The future is cleaner, cheaper, and safer because of natural gas. Let's embrace that further and pass the Chapter 102 and 105 permits. Let's get to the future sooner rather than later. Thank you. (17)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

20. COMMENT

Good evening. My name is Fred Gaffney. I'm the President of the Columbia-Montour Chamber of Commerce, which represents approximately 500 organizations throughout Columbia and Montour Counties and beyond. The Columbia-Montour Chamber of Commerce works to strengthen the region's economy by supporting existing employers, as well as encouraging new business development.

As such, our organization has researched the Atlantic Sunrise Pipeline project. We've met with representatives of the project and conducted independent research of natural gas pipeline construction and safety in general. This research indicates that modern pipeline technology provides among the safest methods of transporting natural gas.

Specific to this project, Williams has demonstrated its concern property owners and the environment with the adoption of more than 400 route modifications affecting over 60 percent of its original route. Following a comment period from our membership, the Chamber's Board of Directors adopted the following resolution. Whereas Pennsylvania's natural gas industry is a major economic driver in the Commonwealth through job creation, directly related to gas extraction and transportation, lower utility costs and revenues.

And whereas Pennsylvania's natural gas reserves are projected to be able to serve current and future demands within the Commonwealth with significant surplus or export for decades.

And whereas the current infrastructure within Pennsylvania is insufficient for the safe and economical transportation and distribution of Pennsylvania's natural gas supply to all markets, including residences and businesses within the Commonwealth.

And whereas state and federal regulatory agencies proclaim the modern pipelines to be the safest method of transporting natural gas.

Now therefore be it resolved that the Board of Directors of the Columbia-Montour Chamber of Commerce supports the expansion of Pennsylvania's natural gas transportation and distribution pipeline infrastructure through a responsible collaboration with property

owners for the benefit of the citizenry, and Commonwealth - and the economy of the Commonwealth.

Williams has supported dozens of community organizations and conservations projects in our area. If approved, the Atlantic Sunrise project is expected to support 2,300 jobs, and generate \$1.6 billion in economic activity during the construction stage. We believe this project would be beneficial to our region and the Commonwealth as a whole. Thank you for the opportunity to provide comment. Note: the attached documents referenced in this comment are included in part three of the comment response document. (45)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

21. COMMENT

Hi. My name is Sierra Shamer. I'm a community organizer and environmental scientist.

There are glaring issues with the construction plans as proposed by Transco. They failed to discuss the watershed impact in detail and ignore the cumulative impacts of constructing a natural gas - a large natural gas transmission line through Central Pennsylvania.

The Atlantic Sunrise will require hundreds of new unconventional wells, which will impact air-water quality for thousands of residents throughout Pennsylvania, as evidenced by DEP's oil and gas complaint records. The numerous wetlands, wetland streams, and rivers crossings, will cause erosion and sedimentation issues. Especially because the majority of these crossings will impact the surface. They will not be constructed via horizontal directional drilling.

This project will result in only harm for Central Pennsylvania, its environment, and its residents. DEP should re-evaluate and deny these permits. And re-evaluate also the 401 water quality certificate.

New York State has denied the water quality certificate for similar natural gas pipelines due to impacts to water quality, particularly of high quality streams. Similar high quality streams and watershed exist in Pennsylvania. Please consider these facts when assessing the 102, 105 permits, and 401 water quality certificate. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (46)

Response: The Department acknowledges this comment regarding the environmental impacts of this project. The Department determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits for this project.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations, including those regulations at Title 25 Pa. Code Chapters 93, 95, 102, and 105.

As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The permit applications evaluated cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken in a manner consistent with the aforementioned guidance.

PADEP issued a water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The water quality certification is conditioned on Transco acquiring and complying with certain permits required under Pennsylvania law, including a National Pollutant Discharge Elimination System ("NPDES") permit for the discharge of water from the hydrostatic testing of the proposed pipeline pursuant to the Pennsylvania Clean Streams Law and all applicable implementing regulations; an Erosion and Sediment Control General Permit for earth disturbance associated with oil and gas production pursuant to the Pennsylvania Clean Streams Law, Pennsylvania's Storm Water Management Act and all applicable regulations; and a Water Obstruction and Encroachment Permit for the construction and operation of all water obstructions and encroachments associated with the project in regulated waters, including floodways, pursuant to the Pennsylvania Clean Streams Law, the Pennsylvania Dam Safety and Encroachments Act, the Pennsylvania Flood Plain Management Act and all applicable implementing regulations. PADEP determined that the permits required as a condition of the water quality certification will properly regulate the activities to be undertaken as part of the project to ensure Pennsylvania's water quality standards are achieved. The permits will define restrictions and protective measures necessary under state law to protect water quality as the project encounters various streams, floodways, wetlands, and other water resources. The Department reviewed these water obstruction and encroachments applications and erosion and sediment control permits in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27, and Pennsylvania regulations, including those at Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and determined that the project complies with applicable law.

22. COMMENT

Hi. My name is Wayne Poncheri. I am the chief executive officer of Abbey Road Control in Drums, Pennsylvania. I am for the approval of the pipeline. And while the Atlantic Sunrise pipeline project will bring many good jobs to our area, it also will be a tremendous boost for the entire economy along the path and for our nation as a whole.

James Ricard, who is an economy advisor for the Pentagon and the intelligence communities of the United States has said the benefits of interstate pipeline will be transformed and hundreds of thousands of jobs are created in the actually pipeline

construction. And more jobs can come from connecting to large natural gas from keynotes, allowing natural gas organizations to be placed at existing facilities.

The economic boost would be immediate and transformative. Many more jobs are created through the conversion of vehicles from gasoline to natural gas. Dependence on foreign oil would end. And U.S. trades deficit would evaporate to zero. The environmental benefits are obvious, as natural gas burns cleaner than diesel or gasoline.

According to the Chamber of Commerce, who just spoke, more pipelines need to be built in the Northeastern United States. And if we ignore this need, 78,000 jobs will be lost in our quarter of the country. Another 7.6 billion in GEP will be lost.

A lot of the opponents to the pipeline speak of safety. But I don't think they give enough to what the alternatives would be, which would also be pulling the gas and having to shove them by truck or rail. And of the ways to ship gas, the only truly safe way is by ship on the ocean. Second is pipeline, which is much safer than trucks or rail. And I think this needs to be considered. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (47)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

23. COMMENT

Robert McQuay. Thank you for this opportunity to share my support for the Williams Transco Atlantic Sunrise project. Often those who support a project will respond to the environmental concerns with information about economic impact and jobs. I understand this doesn't really address the concern. And I will focus on why I support this project from an environmental and safety viewpoint, along with other benefits. The dramatic resurgence of the United States as an energy superpower has provided tremendous economic and environmental benefits. Even as America is leading the world in oil and natural gas production, methane emissions have fallen thanks to industry leadership investing in new technologies. U.S. carbon emissions from power-generation are now at nearly 30-year lows due to increase use of natural gas.

Methane emissions from 1990 to 2015 associated with the natural gas industry declined by 18.6 percent, while U.S. natural gas production increased by more than 50 percent, according to EPA and EIA data. This shows U.S. emissions of methane from the natural gas sector decreased noticeably during one of the largest increases in natural gas production in the nation's history.

Furthermore, America's oil and natural gas industry continues to lead all other industries in zero and low carbon investments. Between 2000 and 2014, the oil and natural gas industry invested \$89.9 billion in such environments. More than double that of the next largest private sectors.

In a dynamic innovation-driven industry like energy, we should be careful not to adopt

regulations that prevent technological improvements or shrink opportunities for investments that could deliver environmental benefits, and consumer savings for years to come.

Some of the technologies that have been improved and adopted over the past several years directly benefit the pipeline industry and the environment. Engineers and environmental scientists work to define routes and methods with the least amount of impact. And then follow best practices for installation restoration. Safety for people working on the projects, people who will living nearby, and the general population is always foremost in the minds of those who operate the pipelines.

I've had direct experience working with Williams. And they take extra precautions to protect and preserve the environment, assure safety for all, and support and respect communities where they are operating.

Although zero impact is always the goal, with any project there will be some impact. As our world works to become less dependent on fossil fuels, renewable energy options also have environmental impacts. Electric cars are powered by the very electric that is created in a large percentage by natural gas. Wind turbines and solar panels are made with products created with natural gas. The harness and ropes that safely hold and support the rock climber who's enjoying the beauty of our great outdoors are made with products that include natural gas.

In closing, I'm happy to offer my support for this project. I appreciate the many opportunities and benefit it brings to my community, including economic benefits, increase in jobs, increased business, and lower energy costs, while knowing Williams will do it right. I'm convinced they care. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (48)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

24. COMMENT

My name is Ed Coker. I'm here to tonight as a member of the Pipeliners Local Union 798 to urge the DEP to issue the Chapter 102 and 105 permits necessary for Williams to construct the Atlantic Sunrise pipeline.

I'd like to point out at this time, that Williams has awaited patiently the issuance of these permits since 2015, when the applications were first submitted. Williams does have a proven record, again and again of being a responsible operator of pipelines, friends of the communities they go through, and a champion of the environment.

They have worked with the DEP, FERC, and the Forestry and Wildlife Services to ensure they meet all criteria necessary for the construction of this project. In addition to that, they have voluntarily donated over two and a half million dollars to local conservation projects. And I've got a whole written statement. I kind of want to get off it a second.

This is what I do for a living, as is some other people in here, other labor unions that are here. And we've worked for Williams. We know their high quality standards. We have to adhere to them or we're not employed. So I just want to point that out.

Natural gas is here. It is what's going to make our country independent of nations that don't like us. They just don't like us. And we need natural gas. Everybody in this room is affected by natural gas whether you realize it. From the chairs you're sitting in right now, to the air-conditioning you're enjoying.

In the wintertime, the heat, the cars you drive in, the umbrellas you cover your head with in the rain, every bit of that is touched by natural gas. And if we're ever going to build our energy independence, we've got to build these pipelines now. Yes, there are older pipelines in existence, that's probably time they be replaced. And I'm all for that.

These pipelines are being built with the latest technology, the highest grade pipe, to the highest standards. And being held to more regulations than ever before. So I'm going to skip for rest of this. And I'm just going to say, I urge you to please without any further hesitation approve these permits, so we can make Pennsylvania and the United States energy independent. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (21, 53)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

25. COMMENT

Thank you very much. My name is Carl Marrara. And I'm with the Pennsylvania Manufacturer's Association based in Harrisburg, but actually grew up in Danville. The last time I was actually in this building, I took my SATs. And I'm hoping today goes a lot better than that day went.

We are a state-wide not-for-profit organization that represents the people who make things here in our Commonwealth, representing 560,000 hard working Pennsylvanians on plant floors. And supporting millions more through supply chains, and distribution networks, and vendors of industrial services. I'm honored to be here today. Respectfully asking the Pennsylvania DEP to approve Chapter 102 and 105 permits for the Atlantic Sunrise project without delay.

Manufacturers depend on affordable natural gas and gas byproducts to remain globally competitive. Natural gas demand is poised to increase by 40 percent over the next decade. And the researchers of the National Association of Manufacturers found that the key drivers will be in manufacturing and power generation.

Therefore, it's projects such as the Atlantic Sunrise project that are so vitally important to the productive sector of our Commonwealth's economy.

Affordable gas is simply not getting to network with approximately 25 to 30 percent of Marcellus wells drill to date still not having pipeline take away capacity. Projects such as the Atlantic Sunrise Project open and expand these markets, stabilizing the energy industry that is so vitally important to manufacturers throughout our Commonwealth.

The economic impact will have lasting results far beyond the construction of the pipeline and the manufacturing sector. According to a recent study completed by IHS Economics, increase supply of natural gas, especially at lower delivering prices enhances competitiveness of economy by making them more attractive to manufacturing that are intensive users of natural gas, such as chemicals, paper and metals. The close proximity of existing consumers of manufacturing establishments to increase natural gas supplies can generate new pipeline-related economic development.

In a nutshell, the combination of increased access to shale gas and transmission lines that move affordable energy to manufacturers across America meant 1.9 million jobs in 2015 alone. The United States federal government recognizes that pipelines are the safest method for transporting energy. Modern pipelines use cutting edge technologies such as the Atlantic Sunrise Project are the safest of all.

While public safety and welfare are paramount, it seems like this project has been vetted time and time again. It's time to move forward. As a Pennsylvania Department of Community and Economic Development commissioned a study recommending that Pennsylvania take aggressive action to address potential development in infrastructure constraints proactively. This includes investing in suitable sites to accelerate development, and support MGL pipeline infrastructure and storage capacity.

These actions are critical to insuring Pennsylvania is in a position to development long-term job creating manufacturing opportunities. Pennsylvania's natural gas revolution is giving our manufacturers new momentum with abundant, cost-competitive energy. But to fully realize the potential of shale gas, Pennsylvania needs to robust infrastructure transmission, which is why we urge you to approve today. Thank you. (54)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

26. COMMENT

Chris McCue. Good evening. I'm Chris McCue. I'm vice president of Borton Lawson Engineering. Borton Lawson is a 160-person engineering firm with offices in Wilkes-Barre, Bethlehem, and Pittsburgh. For the past nine years, we have been providing engineering and environmental consulting services for natural gas lines, including Williams.

During that time we have worked with numerous facets of Williams organization and found the performance and standards related to design practices, environmental compliance, and safety to be exemplary. On behalf of Borton Lawson, we respectfully request the Department to work to expedite the review and approval of the Chapter 102 and Chapter

105 permit applications for the Atlantic Sunrise Project for the following reasons.

First, FERC issued the final EIS for the project concluding that environmental impacts would be reduced to less than significant levels with implementation mitigation measures proposed for the project. Williams has made numerous adjustments to more than half of the route to address concerns identified by landowners, public officials, and the permitting agencies. This collaborative approach demonstrates their desire to balance the needs of the environment.

Williams has demonstrated its commitment to environmental stewardship by voluntarily funding more than two and half million dollars in local conservation projects, beyond the requirements of the Chapter 102 and Chapter 105 permits. Williams has diligently been working with the department for the last two years providing data needed to review and approve the Chapter 102 and 105 permits, including water quality analysis, wetland studies, cultural and archeological studies, best management practices, wildlife protection measures, minimization of impacts to agricultural land, and plans for full-time environmental monitoring during construction. Williams desires to construct this project in full compliance with all regulatory requirements.

The Atlantic Sunrise product is critical to the successful development of Marcellus area due to the fact that we have limited take away capacity available to transport gas out of Pennsylvania to the United States, and in the area in general, to provide affordable, clean energy. Further delays in pipeline infrastructure will only risk further migration of economic investments to other areas of the country, such as the Permian Basin in Texas, where existing infrastructures are already in place.

Williams Atlantic Sunrise is a privately funded project, which will directly benefit ten Pennsylvania counties. And according to Penn State University, the project will provide approximately 2,300 local jobs and generate \$1.6 billion of economic activity to the project area.

And finally, Borton Lawson is an example of a local company successfully supporting the natural gas industry. Which in turn provides family sustaining jobs and careers. Presently, we employ approximately 40 professionals working directly for the natural gas industry. These positions translate to approximately two and half to three million dollars in local salaries and benefits. These employees live in numerous. thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (9)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

27. COMMENT

Good evening. My name's Tom Jamieson. I'm with Cleveland Brothers Equipment Company. I'm here to speak in support of the Atlantic Sunrise pipeline project.

This project is designed to supply enough natural gas to meet the daily needs of more than 7 million American homes by connecting producing regions of Northeast Pennsylvania to markets in the Mid-Atlantic and Southeastern states. Cleveland Brothers is a caterpillar dealership with 27 locations throughout Pennsylvania and West Virginia. We are a family-owned company established in 1948. We employ over 1,200 employees, both union and non-union.

Since 2010, we've invested over a half a billion dollars in machinery to support the oil and gas industry here in Pennsylvania. Our company has had a longstanding supply relationship with pipeline contractors operating throughout Pennsylvania, including many of those that will be involved in this project. The pipeline companies that will be doing the work on this project are known for employing best practices and construction, including earth moving, material handling, and land restoration. This project will support hundred of jobs at Cleveland Brothers. Delays created like in the Mariner East Two project causes us to increase our employee level by over 200 people. Also at stake in this project's approval, the jobs of the thousands of workers to support production and natural gas from the shale formations across Pennsylvania. They cannot produce or transport to market because of the lack of pipeline capacity.

Because of all the construction and energy production activities, the pipeline will enable communities throughout Pennsylvania – throughout Pennsylvania will benefit from workers' income, much of it spent locally. The resulting state and local taxes paid by them and our employers will support public education, environmental programs, infrastructure, public safety, and other state and local government operations.

Much of the opposition to this project will point to alternative energy sources or dangers of carbon, gas leaks associated with pipelines, dangers to our waterways. Please keep this in mind. This project will be built by some of the best pipeline contractors in the country, who, like all Americans, care about the environment. And who have proven over decades, that these pipelines are in fact constructed safely.

There's not one alternative energy project in Pennsylvania the opposition can point to that will supply seven million homes 24 hours a day with clean and affordable energy sources like this project. Nor can the opposition create the thousands of jobs and incomes for state's oil and gas workers, who simply want to support their families through honest and hard work. This should be about safe and clean energy production and jobs. Jobs for citizens. Jobs for our children. And jobs for our children's children.

Thank you for the opportunity for me to offer my view about why this is important to our company and to Pennsylvania. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (55)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

28. COMMENT

Good evening. My name is Abe Amoros, And I'm the Pennsylvania Legislative Director for the Laborer's International Union of North America.

I'm here to testify in favor of the Atlantic Sunrise project. And urge the approval of Chapters 102 and 105 permits. Pipelines are proven to be the safest and most efficient method to get natural gas to consumers. Currently, Williams touches more than 30 percent of the nation's natural gas, transporting it to markets across the country. Williams has also secured all necessary permits and has commenced construction on Atlantic Sunrise facilities in all other states.

Federal and state regulators play in important role in protecting the health and safety of citizens they dutifully serve, as well as the environment and wildlife. Williams wants tough regulations and they want those regulations enforced.

The challenges that exist in the current regulatory environment stem from jurisdictional overlap. This overlap has unfortunately stunted growth. And undoubtedly cost the state jobs and economic investment. The outstanding Chapter 102 and 105 permits, for which applications were first submitted in 2015, are among the final approvals needed to move this project forward.

Williams has committed to implementing the best management practices during construction and restoration to mitigate the potential impacts associated with the installation of the project. It has dedicated full-time environmental inspectors that this will be employed during construction to oversee and ensure that Williams' best management practices are implemented. And that the project complies with all applicable regulatory permit and approval emissions.

Working with stakeholders and permitting agencies, Williams has demonstrated a collaborative approach, which has resulted in the adoption of more than 400 route modifications, affecting more than 60 percent of its original route.

Per DEP's request, environmental culture resources surveys on 100 percent of the preferred routes have been completed. Atlantic Sunrise will not negatively impact the water quality or supply during or after construction, as full-time environmental inspectors will oversee construction activities to ensure full compliance of the required environmental mitigation measures.

As has been mentioned before, this is a \$3 billion privately-funded energy infrastructure project that is ready to put Pennsylvania energy and thousands of people to work. Pennsylvania will benefit from Atlantic Sunrise's approval, which will span ten counties from Susquehanna down to Lancaster.

And as has also been mentioned in economic impact analysis conducted by researchers of Penn State, estimates that 2,300 people will be employed in those counties during the one year construction phase. Which will increase economic activity by \$1.6 billion in the

project area.

Quite simply, natural gas is essential to the quality of life that many of us take for granted. Pennsylvania has an opportunity now to strengthen and build on its strong energy infrastructure.

The Atlantic Sunrise project will create important jobs, foster and continue growth into the future. And on behalf of the men and women of my union, I urge DEP to approve the Chapter 102 and 105 permit applications. Thank you. (56)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

29. COMMENT

Good evening. My name is Jason Fink. And I'm the executive vice president of the Williamsport-Lycoming Chamber of Commerce. And I live at 551 Harding Avenue in Williamsport.

I come forward to request the DEP move quickly to approve the Chapter 102 and 105 permits for the Atlantic Sunrise project. This project has been thoroughly vetted by various entities. It has received a Certificate of Public Convenience and Necessity from FERC in February of this year.

Williams has been working with DEP for more than two years providing the data and information needed for the permit applications to be processed in a timely and efficient manner. It is now time, after these two plus years, for this project to receive DEP approval that it has demonstrated it has earned.

During this time spent in working with DEP, Williams has demonstrated a collaborative approach, which has resulted in the adoption of more than 400 route modifications affecting more than 60 percent of its original route.

They have performed environmental and cultural resource surveys on 100 percent of the preferred route. One-quarter of the project will be done collocating the pipeline with existing right-of-way. FERC environmental impact statement determined that no long-term effects on surface waters are anticipated as a result of construction and operation of the projects.

It has also stated that given the impact of Williams minimization and mitigation measures proposed by Transco, as well as their recommendations, they conclude the construction and operation of the project would not have a significant adverse effect on wildlife, including migratory birds.

Atlantic Sunrise has been through an unprecedented amount of regulatory and public review at federal and state levels from the various agencies with oversight of it. This overlap has stunted growth and undoubtedly cost the state jobs and economic investment.

This nearly \$3 billion project will be a major drive of Pennsylvania's economy by transporting Pennsylvania's Marcellus gas to markets far beyond the binding area of the gas. It will help to drive down the cost of both residents industries that rely upon it for home heating, air conditioning and manufacturing processes.

It is time now for DEP to step forward to end this bureaucratic nightmare for Williams and its Atlantic Sunrise project. Williams has already shown the federal branches of the government that it can and will construct this pipeline with the safety and environmental concerns and oversight that we all expect from any industry conducting operations in the Commonwealth.

DEP should approve the Atlantic Sunrise project given all that Williams has demonstrated to receive the approvals from various federal agencies, including FERC. Thank you for your consideration of my comments in favor of the Atlantic Sunrise and Williams. Note: the attached documents referenced in this comment are included in part three of the comment response document. (57)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

30. COMMENT

My name is Ed Gillet. I represent the operating engineers Local 542. We are the equipment operators that build these pipelines. We have approximately 6,500 members. We live here in Pennsylvania, pay taxes here, and raise our families here. I worked on several pipeline projects over the last four years. I've seen great changes in the way environmental issues are addressed.

Environmental practices are second to none on current pipeline projects. Pipeline infrastructure is as important as our roads and railways. It's not possibly to meet our country's energy needs without natural gas. Pennsylvania must continue to upgrade and build the necessary infrastructure to safely and efficiently transport our energy resources.

Large scale infrastructure projects, such as the Atlantic Sunrise, play an increasing role in the strength of our economy, both now and future decades. As Pennsylvania takes its place as a global energy hub, Local 542 will continue to provide qualified, hard working members with the training and support they need to develop a safe and efficient energy transportation network.

Not only me, but the entire membership of Local 542 operating engineers respectfully ask for your consideration in letting this project move forward. Thank you. (59)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

31. COMMENT

Hello. My name is Bob Garrett. I'm the President CEO of the Greater Susquehanna Valley

Chamber of Commerce. We had 700 members representing 55,000 employees in the union of Montour County areas. I would like thank the DEP for conducting tonight's hearing.

I would like to draw on our recent experience that we had with the Sunbury pipelines. And we know a little bit of what we speak related to Chapters 102 and 105. What I would say for the record, is that this company, Williams, is well-vetted, well-known and responsive. We have found them through our research to be exemplary self-reporters. We also know that the construction companies that are likely or have been selected to work on this, and their employees, such as the pipeliners and the other unions that you will hear from tonight, tend to - that we found, they followed the law, guidelines, and conditions. In fact, it was our experience that during construction of the Sunbury pipeline, that they exceeded the conditions that were set for them. And we were able to use that construction project as a best management practice with some of our local university statements, et cetera.

So I would just say tonight to invite anyone here to come lest over to the Greater Susquehanna Valley. View the pipeline alignment. There's a lot to see as it's greening up. The gas is flowing through the pipeline. And I thank you for the opportunity to be here the tonight. Note: the attached documents referenced in this comment are included in part three of the comment response document. (60)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

32. COMMENT

Sandy Walker is my name. I have a question for you. How many of you live close to or along the pipeline? So you can live within let's say, 1,200 feet of the pipeline. How many? How many of you are concerned about jobs as DEP? I would assume that Department of Environmental Protection is protecting the environment. The jobs that all these people are talking about is not something that has to be your concern. That's my assumption. And I hope it's correct.

FERC over-estimated the value of jobs for this project. And, in fact, it's going to cost the public somewhere between \$21.3 and \$91.6 billion over the life of the pipeline. It's going to cost us that.

So I grew up in Pittsburgh. And this could be us talking about coal 70 years ago. And everybody would have thought it was wonderful. And then later emphysema. And they had to finally turn on all the street lights in the Pittsburgh because they couldn't see during the day from burning coal.

Now, it's methane. We don't see it, but in the four corners down in Southwest, there's a methane cloud over that place. And people are suffering there from the health - their health for that.

The market for this Atlantic Sunrise pipeline isn't going to affect or heat any homes in Pennsylvania. It's going to go to market to be exported. Some of it may go south. But

Pennsylvania gets nothing from that. Just so that you're aware of that.

So methane is a concern because we want clean air in DEP. And methane isn't the only thing. It's Benzene, which causes cancer. The other concern is a great concern of mine is how many trees will be cut down. Trees, as you know from DEP, regulate the aquifers. They regulate the water systems. And they regulate the temperatures. Water consumption for fracking, which as Linda said will never be used again by us for drinking, or by fish for swimming.

So those are areas that are your concern. And I would assume that that's what you would address. I'm also concerned about the number of inspectors you have for this project. Thank you. (61)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

Comments related to the air quality impacts of the Transco proposed pipeline project are not addressed in this Comment/Response document. Air quality comments related to the Transco proposed pipeline project will be addressed in the Comment/Response related to Air Quality Plan Approval 36-001GC to allow transfer and use of 106.0 tons of nitrogen oxide (NOx) Emission Reduction Credits (ERCs) to the project construction activities in Lancaster County to offset emissions from construction activities and satisfy requirements specified by the Federal Energy Regulatory Commission's General Conformity Determination for the project. The notice of intent to approve that air quality plan approval was published in the *Pennsylvania Bulletin* on July 22, 2017. 47 Pa.B. 3995.

33. COMMENT

Good evening. My name is Ed Hill, Junior. I'm a representative of the International Brotherhood of Electrical Workers. And approximately 20,000 construction members in Pennsylvania. I'm here tonight in support of the Atlantic Sunrise project. And encourage the PA DEP to approve the Chapter 102 and 105 permits for this project

I'd like to begin by thanking the PA DEP for holding the public hearing tonight. And giving us an opportunity to voice our opinions on the matter at hand.

Williams has been working with the Pennsylvania DEP for more than two years providing data and information needed to it and other agencies for approval of the Atlantic Sunrise project. Williams is committed to implementing best management practices during the construction and restoration to mitigate potential impacts associated with the installation of this project. Many practices have been well above and will be well above requirements.

Transco has also demonstrated their commitment by utilizing professionally trained construction workers, including those from the IBW, by which who attend at least 900-hours of new class training, and 8,000 hours of on the job training over a five-year period

before they reach journeyman status.

In addition to the IBW, Transco committed to using other highly training construction workers, including the pipeliners, laborers, and operating engineers. Which again, demonstrates a commitment following best possible safety involving practices by utilizing the best trained construction workers in America.

Williams has developed and worked with agencies on a timeline that allows the Department's thorough and complete review of the application. As well as comprehensive construction schedule that would replace the projects service in the safest and most environmentally responsible manner.

The proposed construction schedule would enable the company to fully consider all environmental factors, maximize favorable construction in weather conditions, while minimizing adverse impacts, which would result in a longer construction period.

Again, Williams Transco is committed to ensuring safety and environmental protection during construction and operation of the Atlantic Sunrise project. The IBW encourages a timely approval of the 102 and 105 permits. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (62)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

34. COMMENT

Good evening. Paul McCormick. I'm with the International Union of Operating Engineers Pipeline Department as the Northeast pipeline representative.

Our national training fund this year alone in 2017, has put on over 180 pipeline training courses, with most of them lasting at least two weeks, some even three and four. At a tune of over \$6 million.

The International Union of Operating Engineers has the most highly skilled and training equipment operators in the pipeline industry bar none. Our members know the importance of not only running the equipment safely but know how to do it in a responsible way to protect the environment with the rules and regulations set forth by, not only FERC, Army Corp, local and state conversation districts, the DEP with the regulations they set forth at 102 and 105 permits.

For example, not only does Williams have full-time environmental inspectors on the job, the contractor has environmental crews with our members on them on the right-of-way, with that being their only task. Making sure all environmental controls are in place and working properly. If not, they are repaired, modified, or adjusted so that they will too protect the environment.

Local operating engineers and their families will benefit this project with a decent living wage, health care, pensions, and something to look forward to at retirement. As well as local area businesses, such as stores, lodging facilities, parts suppliers, et cetera. Also, local tax revenue for the communities, fire departments, schools, and townships will see an increase in prosperity.

The International Union of Operating Engineers thanks you for holding these meetings. Do your due diligence, just as FERC, Army Corp, and other agencies have, and approve this project. We ask you to do your due diligence in reviewing all pertinent information, and approve these permits. Thank you. (63)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

35. COMMENT

I oppose the pipeline. (1)

Response: The Department acknowledges the comment this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

36. COMMENT

I am writing to say No to the pipeline! It will not bring jobs nor boost our economy! Instead it'll pollute our water and threaten the environment. For the sake of our children, I say No. (2)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

37. COMMENT

I am writing to register my objection to the Atlantic Sunrise pipeline in general and through Lancaster County specifically. I am a native Lancastrian and, although I now live in Cumberland County, my entire family still lives in Lancaster County, primarily in Manor Township close to where pipeline will be built.

My objections to the pipeline are for various reasons, the first and foremost being the potential effect of this pipeline on the health and safety of my family, particularly my nephews and niece. The pipeline potentially threatens air quality, water quality, farmland

and ultimately, in the event of an explosion, the lives of those who are dearest to me in this world. I am not alone in this. There are many who have the same concerns.

I also object to the degradation, environmentally and aesthetically, of the beautiful and bucolic landscape that comprises Lancaster County. This is a pipeline of convenience that is being built ONLY for corporate, profit-related expediency. This does not benefit the majority of Pennsylvanians, let alone Lancastrians. Approving the building of this pipeline will permanently damage the environment and aesthetic. Conservation efforts may mitigate the damage but cannot fix it or replace the lost ecological treasures that will be lost. I cannot think of any scenario in which convenience is worth such a loss.

Additionally, there are numerous historic sites in Lancaster County that will be negatively affected, if not destroyed outright, by Atlantic Sunrise. Just because these are primarily Native American in origin does NOT make them less important or valuable.

The economic benefits from this project are temporary. There will be temporary jobs but at what cost? Quite frankly, these workers would be better put to work improving and implementing renewable, clean energy sources and infrastructure and addressing the numerous water-quality issues that have made PA the third worst state in the country in regard to drinking water quality issues.

You who are reading this are DEP employees. The very name of your department runs counter to the approval of this pipeline. Fracking itself is a horribly dirty and environmentally brutal act and the fact that DEP has allowed and, indeed, encouraged it has been extremely discouraging. Natural gas is NOT a clean fuel and pipelines are simply an extension of this pollution and scarring across our beautiful state. I am asking you to make the right decision and spare some of the most gorgeous areas of Lancaster County this fate as well as take a responsible step toward the mitigation of climate change, something that seems to be implied when one speaks of environmental protection. Thank you. (3)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process,

as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

As to historical sites and artifacts, the regulation at 25 Pa. Code § 105.14(b)(5) requires that DEP review the impacts of a dam, water obstruction and encroachment on National, State and local historical sites in making a determination of impact. Further, the Erosion and Sediment Control and Water Obstruction and Encroachment permits require that the permittee be protective of archaeological specimens and that earth disturbance activities must cease upon the discovery of any archaeological specimens.

38. COMMENT

My husband and I live in Greenwood Township, Orangeville. We moved there over 30 years ago in order to enjoy the quiet rural life. The Atlantic Sunrise pipeline will be next to our house going through our neighbor's fields. We oppose the pipeline because the natural gas to be extracted/moved through pipelines will not be used to make the USA more energy independent, much less provide energy to local residents, but will be sold to markets outside this country to make a profit for the gas companies. So these companies will become wealthy at the expense of the environment and health of local citizens. It seems as if the only stakeholders under consideration for this project are the stockholders that stand to profit from it financially, not the citizens of the region who are inconvenienced and put at risk by it. The citizens do not seem to be represented well by our elected officials who seem more interested in the private business concerns. Because of this we have attended informational meetings, township meetings and written letters to the editor to voice our concerns—see enclosures.

The pipeline will be close enough to our property that if there is a pipeline rupture and explosion like there was in nearby Unityville our house and its occupants will be incinerated. If that area was not so sparsely populated, there would have been loss of life due to the rupture. It will not be a very comfortable feeling to have this risk when you go to bed every night.

We oppose the pipeline due to these safety issues as well as the health and environmental risk that the pipeline and accompanying compressor station will present. So our primary interest is that the pipeline and compressor station not be built but that is unlikely. We are therefore asking that DEP require the Transcontinental Gas Pipeline Company and its contractors to ensure the following:

- Limit the number of pipes to be installed not only now but in the future
- Provide for sound mitigation of the compressor station in the form of the design of the building with noise dampening shell, silencers on the exhaust and screening around the building with vegetation
- Continual monitoring of the air quality
- Frequent inspections of the pipeline
- Restrict water extraction
- Minimize the negative effect on wetlands and streams that the pipeline crosses
- Minimize the width of pipeline corridor in wooded areas, decreasing forest fragmentation effects

- Provide emergency warning to residents upon detection of leaks
- Conduct surveys for state and federally listed species along the right-of-way after the pipeline is put in place because of the changing dynamics of their populations.

It is more important now more than ever that the state and local governments step up to protect its citizens. Note: the attached documents referenced in this comment are included in part three of the comment response document. (4)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of Transco's applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PMSA. As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Transco. is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. Transco's Project Description states that the pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

39. COMMENT

Thank you for the opportunity to comment on the Atlantic Sunrise Project. On multiple occasions, I have provided comment to FERC in opposition to this project. My main point is that because Williams has existing pipeline connectivity to the mainline near Station 195 in southeastern Pennsylvania and that they should be required to upgrade and expand their existing infrastructure before being permitted to build new. I have attached copies of my prior comments to FERC to provide you with additional detail.

My reasoning is that taking an upgrade and expand approach first for all types of infrastructure including pipelines can be more efficient over time because there is generally less infrastructure to maintain going forward. Plus it also has the potential to improve safety along existing rights of way which can sometimes deteriorate due to heavy use and/or neglect over time.

Not being an expert on DEP's breadth of regulatory authority in this instance, I respectfully request that to the extent possible under law, that DEP deny the requested permits to the

extent that it can be properly documented that there will be less environmental impact along existing rights of ways compared to the currently proposed Atlantic Sunrise route. Ideally, rejecting these permits will force Williams to take an upgrade and expand approach and eliminate the need for Central Penn South portion of the project.

Thank you again for the opportunity to comment on the Atlantic Sunrise Project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (5)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

40. COMMENT

Unable to attend Tuesday meeting at Bloomsburg, but would like to go on record in support of this pipeline. It means jobs and income for our area. (6)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

41. COMMENT

I am writing to express my opposition to the applications submitted by Atlantic Sunrise for Chapter 105 Water Obstruction and Encroachments and Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas activities. Specifically this has to do with their proposed activities located throughout areas in Lancaster, Lebanon, Northumberland and Columbia counties, and would require earth disturbances associated with oil and gas operations and transmission facilities that would affect watercourses, floodways and wetlands.

There is little if any justification for further harming Central Pennsylvania's environment, and endangering its inhabitants beyond what has already occurred—and will continue—to

occur through the inadequately taxed hydrolytic fracturing activity that has been taking place throughout many areas of our Commonwealth. The dangers inherent in this activity are becoming increasingly clear. Adding yet another pipeline (my home is within a few hundred yards of such a pipeline), is irresponsible.

I recognize that cost-benefit analyses are often used as a justification for risky projects. In this case, however there is little, if any, justification. Any financial benefit to the affected areas will be short-term spinoffs associated with the construction of pipelines using foreign materials, while non-local corporations and workers (as noted by the plethora of out of state vehicles parked near the 06/12/2017 DEP hearing the in Lancaster) will reap the profits. The majority of benefits would accrue to financial stakeholders who live outside of the area—and often—outside of Pennsylvania. To add insult to injury, our own energy independence will at best be minimally impacted, as the resources that would snake through these pipelines will largely be used outside of our Country—let alone our Commonwealth! The long-term problems associated with fossil fuels consumption and the transmission of these toxic materials and their by-products, will remain to be dealt with by those of us who continue to reside in Central Pennsylvania. The money will be long gone, as will many of those who profited from this project.

It should be clear by now that the burning of fossil fuels is highly detrimental to our environment and our children's futures. At a time when our Federal Government is turning it's back on fighting climate change, Pennsylvania should be demonstrating leadership...not complicity. I for one, would like to see my grandchildren be able to enjoy the land, air, and waterways of Central Pennsylvania. I hope you agree. Do not betray them so corporations and their lobbyists can rape our countryside, pocket the spoils, and move on!

I implore you to oppose and disapprove Atlantic Sunrise's and all similar projects of this type. Please feel free to contact me if I can provide any clarification—should that be necessary. Thank you (7)

Response: The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has concluded that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

42. COMMENT

I am writing to ask DEP to deny permits for the Atlantic Sunrise pipeline. I understand that many support the pipeline construction because they believe that it will be good for the economy. First of all that is not an issue that should influence DEP one way or another since they should be mostly concerned with the environmental impact of the pipeline. Secondary job creation that they are promoting is misleading. Many of these jobs will be taken by experienced workers from out of state and many of these jobs are short term.

The effects that this construction will have on our environment is immense. Loss of habitat, loss of trees, and possible pollution of our waterways are among a few. Pennsylvania is a beautiful state, a green lush state. Let's not lose what we have. It is the job of DEP to protect our waters, our air, and our flora and fauna. Please stand up for the many residents of the state who will be negatively impacted by this construction. I ask you to deny the permits. Thank you for your consideration. (8)

Response: The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has concluded that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

43. COMMENT

I provided testimony at the Bloomsburg meeting. I wanted to follow up to make sure my correspondence is included in the public comment. This is the same document I handed the stenographer.

My name is Chris McCue, PE, Vice President of Borton Lawson Engineering, Inc. Borton Lawson is a 160 person engineering firm with offices in Wilkes Barre, Bethlehem and Pittsburgh. For the past 9 years we have provided engineering and environmental consulting services for natural gas industry clients, including Williams. During this time we have worked with numerous facets of the Williams' organization, and have found their performance and standards related to design practices, environmental compliance and safety to be exemplary.

On behalf of Borton Lawson Engineering, Inc, we respectfully request that the Department work to expedite the review and approval of the Chapter 102 and Chapter 105 Permit applications for the Atlantic Sunrise Pipeline Project for the following reasons;

- FERC issued its final EIS for the project in December 2016, concluding that environmental impacts would be reduced to "less than significant levels" with the implementation of mitigation measures proposed for the project.
- Williams has made adjustments to more than half the route to address concerns identified by landowners, public officials and permitting agencies. This collaborative approach demonstrates their desire to balance the needs of the environment.

Williams has demonstrated its commitment to environmental stewardship by voluntarily funding more than \$2.5 million in local conservation projects, above and beyond the mitigation measures required by Chapter 102 and 105 permits.

- Williams has diligently been working with the Department, providing the data needed to review and approve the Chapter 102 and 105 permits, including water quality analyses, wetland studies, cultural and archeological studies, best management practices, wildlife protection measures, minimization of impacts to agricultural lands, and plans for full time environmental monitoring during construction. Williams desires to construct this project in full compliance with all regulatory requirements.
- The Atlantic Sunrise project is critical to the successful development of the Marcellus area, due to the fact there is limited takeaway capacity available to transport gas to areas of Pennsylvania and the United States that need affordable clean energy alternatives. Further delays in pipeline infrastructure will only risk further migration of economic investments to other areas of the Country such as the Permian Basin in Texas, where existing infrastructure is in place. Williams' Atlantic Sunrise is a privately funded project which will directly benefit 10 Pennsylvania counties. According to Penn State University, the project will create approximately 2,300 local jobs and generate \$1.6 billion in the project area.
- Borton Lawson is an example of a local company successfully supporting the natural gas industry, which in turn provides family sustaining jobs and careers. At present, we employ approximately 40 professionals working directly for the natural gas industry. These professionals include environmental scientists, engineers, marketing professionals, accounting professionals, and administrative positions. Collectively, these jobs translate to approximately \$2.5 to \$3 million in local salaries and benefits. These employees live in numerous regional Counties and directly support the local economy. Our company has witnessed a significant decrease in natural gas development in the past 2 years, with a significant portion of that decrease being associated with inadequate infrastructure in place necessary to connect completed well sites. We cannot wait any longer to approve these critical infrastructure projects and risk losing our local jobs to other regions of the Country.

For the reasons above, we respectfully request the Department review and approve the Atlantic Sunrise Chapter 102 and 105 permits in an expedited fashion. Thank you for your consideration. Note: the attached documents referenced in this comment are included in part three of the comment response document. (9)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

44. COMMENT

My name is Jennifer Wentzel, and I live at 125 Furnace Street in Lebanon, Pennsylvania. I would like to submit the following comments regarding the Sections 102 and 105 permit

applications filed by Transcontinental for the Atlantic Sunrise Pipeline Project that would travel through Pennsylvania with a great number of crossings of waterways and wetland areas in Pennsylvania. I am requesting that the Department of Environmental Protection deny the permit applications due to the harm to the environment including our water sources and air quality posed by this pipeline. I attended a hearing last night held in Lebanon County in which a maintenance supervisor of the Mariner East pipeline owned by Sunoco testified that he cannot provide reassurance that a pipeline leak will not occur. He indicated that the potential for leaks always remains a risk and that leaks always are significant no matter the quantity of the product leaked. Needless to say, the Atlantic Sunrise pipeline crossing under our waterways and our wetlands poses a threat to these water sources and the sources of our drinking water, some of which supply water to other states. One need only look to the lack of water in the southwest to realize how essential it is vehemently to protect our sources of this very valuable resource.

In addition to the harm that the project poses to the environment and our health and safety in and of itself, the project poses an even more significant harm when viewed against the impacts of other pipeline projects, such as the Mariner East pipeline near my home which is being constructed as we speak, as well as other human impacts and activities upon our wetlands and waterways. The application submitted by Transcontinental fails adequately to account for the cumulative effect of these stressors to these precious resources.

I join in the opinion of many that the risks posed by the Atlantic Sunrise Pipeline and other natural gas pipelines far outweigh the benefit to the community and the Commonwealth of Pennsylvania. I respectfully request that you place the health, safety and welfare of the Commonwealth first and deny the applications for Section 102 and 105 permits. Thank you very much for your consideration. Respectfully Submitted. Note: the attached documents referenced in this comment are included in part three of the comment response document. (10)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PMSA.

The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Transco's applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

45. COMMENT

Any pipeline is a call for destruction. It is not a matter of if it will harm, but when it will harm. Homes and wildlife will be disturbed along with the environment itself. Stop the pipeline! No pipeline is a good pipeline and instead of spending money on fuel that hurts the earth, we should be spending money on finding a fuel that benefits earth. (11)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

46. COMMENT

I strongly oppose the building of the Atlantic Sunrise Pipeline because of its negative impact on the environment. The scientists of the WORLD have been warning us of the dangers of the continued use of fossil fuels. The argument for the pipeline as a job creator is ridiculous when it comes to the possibility of death for most living beings on this planet if we continue using fossil fuels. PLEASE STOP THE PIPELINE. (12)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

47. COMMENT

Dear Department of Environmental Protection Northcentral Regional Office: I am writing today to voice my strong opposition to Governor Wolf's proposal to enact what could be the highest severance tax in America on Pennsylvania natural gas producers. Rather than joining the governor in pushing for a new tax on Pennsylvania's energy sector to meet budget gaps, I urge you to focus instead on helping to foster economic growth and job creation throughout Pennsylvania. The oil and natural gas industry has contributed over \$1 billion in impact taxes since 2012, the bulk going to communities across the commonwealth. Boroughs, townships, and counties can choose what community priorities to fund, per Act 13 guidelines. Unlike the impact tax, Governor Wolf's severance tax will reroute dollars to Harrisburg. Even worse, the severance tax could also draw investment out of the state and slow job creation. In many parts of Pennsylvania, energy operations are a cornerstone of the local economy, providing good-paying jobs and a boost to local revenues. We need leadership that supports and protects this progress, not new taxes that

could undermine our economic future. Robust local natural gas development brings lower energy prices to consumers and local businesses. An additional tax may lead to higher energy costs in all of Pennsylvania. Ultimately, the severance tax is a lose-lose proposal. It could undermine the current financial contributions that are already benefiting communities and impede state economic growth and job creation. I strongly urge you to stand with Pennsylvania energy workers and against the severance tax! Thank you (13)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

48. COMMENT

The EPA told PA-DEP only six months ago that DEP does not have enough inspectors to ensure safe drinking water for Pennsylvanians. DEP stated they do not have the budget for this. On that account alone, it is incomprehensible how DEP could allow an extensive natural gas pipeline to be built let alone based on erroneous information and by a company that has numerous safety problems. Further, from DEP's own account, "DEP's internal reviewers randomly sampled 23 permits proposing earth disturbance activities of 15 acres or more, and found that only 4 met all the applicable regulatory requirements at the outset. Of the 23 approved applications, 16 had been inspected at least once, and 6 were never constructed, and 1 is under construction currently and has been inspected. Inspections of the reviewed project sites reveal one E&S violation of the expedited permit issued." We would like to know how DEP can issue permits when the pipeline companies do not meet all the applicable regulatory requirements. This sounds like rubber-stamping projects without any concern for Pennsylvania's environment or residents.

Supposedly, PA-DEP's Mission Statement is "to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources." (There is nothing in DEP's mission statement that indicates it is responsible for the economy or jobs. Such comments at the hearings should be stricken from consideration of the permits as they do not apply to the permits or to DEP's Mission Statement.) We have been told we have to inspect construction of the natural gas pipeline on our land. As retired seniors it is as incomprehensible to expect us to walk the steep side slope to inspect construction and for which we are not engineers or technically knowledgeable. PA-DEP is a government agency that is suppose to "protect the people and the environment." It is not suppose to facilitate greedy profits for companies. If you do not have the resources to properly handle this, the permits should not be granted. Period. (14)

Response: The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the Best Management Practices it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

49. COMMENT

After attending the PADEP hearing on Tuesday evening, I feel it incumbent on me to voice my opinion. I would expect the Department of Environmental Protection to do just that. After listening to more than enough Williams' employees read statements they obviously did not write about jobs, I realized those comments about jobs should not be part of your deliberation. Too much was said about the subject of jobs from electrical union representatives and business reps. Jobs are not your concern; the protection of the environment should be your only concern. The only relevant statements from pro-pipeline speakers were those about what Williams would do to protect the areas where they will work. Those comments on Tuesday were very nebulous; I will say very unbelievable as well. Saying that Williams will reconstruct river and stream banks and then reseed could do as much harm as digging in the first place. Reseeding with the wrong seed (and they didn't mention what kind of seed) is harmful, not helpful or environmentally protective of our native flora and fauna. Williams' promise of having environmentalists paid by them on hand is really an empty promise with little merit. The proposed location of the pipeline should have discounted the plan from the very beginning. The state has paid to preserve farms, and farmers in good faith have promised to keep farming farms that in some cases have been in their owner's family for generations. It is an abomination to our Lancaster County heritage and principles to even consider putting pipelines through this almost sacred land. My suggestion is that you immediately demand a different route for this pipeline. Shot of that, you must visit and take careful note of other pipelines built by Williams. Have you seen their work in action? Have you seen old pipelines constructed by Williams? You must disallow the construction of Atlantic Sunrise in its present planned location altogether or at the very least review carefully their past practices. I stand with the protesters! (22)

Response: The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections. After the construction of the pipeline, the right-of-way will be restored back to pre-construction conditions. The areas that are currently being farmed on preserve farms today, will be farming on those lands after construction has been completed.

50. COMMENT

The Pennsylvania Department of Environmental Protection (DEP) is evaluating the Chapter 105 applications and Chapter 102 notice of intent, for the proposed Atlantic Sunrise Pipeline. By granting these permits, DEP would be declaring that the construction and operation of this pipeline would not be injurious to this Commonwealth or its residents. We cannot subdivide this project into many small pieces and declare each piece to be of insignificant impact, and thus the whole to be without consequences. This pipeline would not exist without a supply of, and a customer for, the natural gas that it will carry. No single component of this system would function without the others.

Therefore, we must consider the whole of this activity. We will identify the impact of that activity. These permits and this pipeline will be responsible for every bit of gas that will enter it.

The Project would move 1.65 billion cubic feet per day (Ref. 1, Page 1-2) of natural gas. Using the approximation that this is pure methane (at most a 10% error), there are 12 million metric tons of methane transported per year. If this methane is burned by the customers, it yields 33 million metric tons of CO₂, and some water. Methane escapes into the air at the well site, during storage, processing, and delivery to customers. The total leak rate is estimated to be in the range of 3.6% to 7.9% of production, with a mean value of 5.8% of production (Ref 2). Taking production to be 12 million metric tons of methane, which is an underestimation, the total leaked in a year is 0.71 million metric tons of methane. Methane has an enormous Global Warming Potential (GWP) in the first few decades after release, before it undergoes chemical reactions and is no longer methane. This prompt surge in global temperature rise could trigger any of several tipping points. For instance, a large sudden rise in temperature for a few decades could melt the polar ice cap, so that it absorbs more summer sunlight, rather than reflecting it as snow and ice would. Thus, the short term is important to consider here. Using the GWP of methane for the first 20 years of 86 (Ref. 3), the 0.71 million metric tons of methane has the same effect as 61 million metric tons of CO₂, or 61 million metric tons CO₂ equivalent (CO₂e). The total warming effect due to operation of this entire system for one year is the sum of the methane burned, 33 million metric tons CO₂, or leaked, 61 million metric tons CO₂e. The sum is 94 million metric tons CO₂e, considering the effect on the climate for the first 20 years after emission. After 10 years of operation, the total would be 940 million metric tons CO₂e. This pipeline would not operate, or exist without these other emissions. This is equivalent to 15 million automobiles operating for the same 10 years. This is almost twice as many passenger cars as are registered in Pennsylvania (Ref. 4).

Every ton of CO₂e that is added to the atmosphere contributes to changing our weather and climate. Not only does it change the climate in Pennsylvania, but also everywhere on earth, and for many years into the future. Consider how this state agency, DEP, is to evaluate the impact on Pennsylvania, and Pennsylvanians.

Many religious traditions address the question of who is my neighbor. Christianity gives us the story of the good Samaritan. This suggests that even persons normally rejected by society are actually neighbors, which implies that all persons on earth count equally. Native American tradition suggests that neighbors extend seven generations into the future. This should be the value of environmental protection embodied in DEP. We are all brothers and sisters together now, in the past and into the future. We in this location depend on people across the globe for the clothing we wear, some of the foods we eat, and many other things. When our CO₂e emissions contribute to a drought in some part of the world that ruins a banana crop, we may not have bananas. If a drought creates a food shortage in one part of the world, those people may migrate to Pennsylvania to live where food is more available. We are all connected.

The Atlantic Sunrise Pipeline will contribute to harming people around the planet, and in Pennsylvania for centuries to come. Its approval would encourage and justify continued use of fossil fuels far into the future, thus continuing and amplifying the destruction by drought, flood, wildfires, and violent storms. People's homes and businesses will continue to be destroyed now and increasingly so in the future. The Federal Emergency Management Agency (FEMA) is now facing costs for emergencies which increase from year to year. This project would supply "cheap" natural gas and many more costs for later generations. We do not want to have more flooding like we experienced along the Susquehanna river in 1972. Allowing this pipeline takes us down the path of more dirty fossil fuels, and impedes the establishment of the sustainable solutions of the future in renewable energy. Approval of these permits would be immoral and wrong.

Attachment: the Resolution on Fossil Fuel Infrastructure of Pennsylvania Interfaith Power & Light Pennsylvania Interfaith Power & Light is a community of congregations, faith-based organizations, and individuals of faith responding to climate change as a moral issue, through advocacy, energy conservation, energy efficiency, and the use of clean, renewable energy. Note: the attached documents referenced in this comment are included in part three of the comment response document. (23)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Transco's applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

51. COMMENT

The pipeline that would be served by granting permits 102 and 105 is:

1. not needed to meet energy needs of the United States,
2. not needed to boost the economy with its very TEMPORARY jobs,
3. disruptive to homes and infrastructure, and
4. demonstratedly dangerous to public health.

Granting these permits does not serve the public good, and in fact harms it. Allowing this pipeline to be constructed is equivalent to spraying chemical warfare weapons across the fair Commonwealth of PA. Deny these permits and any proposed successor permits. (24)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of Transco's applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

52. COMMENT

As a citizen of Pennsylvania, i implore you to do everything in your power to ensure that the Atlantic Sunrise is not built. As a nation, and for our region, We should not be building new infrastructure for a product that belongs in our past, not our future.

The economic benefit is an illusion that narrow business interests are using to deceive you and the public. Narrow because it ignores both the benefits of alternative infrastructure projects, and ignores the environmental impact and the negative effect on our quality of life. Further, from this pipeline we will receive an insignificant amount of direct benefit since the product will be largely sent overseas. It will benefit the purchasers abroad and the company, but not the Commonwealth of Pennsylvania nor it's citizens.

At the very least, if it will be built, please safeguard us and our environment by ensuring that ALL regulations are observed in full and to the letter and spirit in which they were written. Thank you for reading and considering my opinion. (25)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of Transco's applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

53. COMMENT

So as you know, my name is Kelly Finan, I live in Hop Bottom, which is Susquehanna

County, which is where this pipeline is going to begin.

As a resident of Susquehanna County, I oppose the building and operation of the Atlantic Sunrise Pipeline. The natural gas that will supply the pipeline starts its journey beneath my feet in Susquehanna County. The demand for gas that it creates will increase the number of hydraulically fractured wells, compressors, dehydrators and pipelines in our rural community that is unprotected by any zoning.

Several recent public health studies show correlation between natural gas extraction in Pennsylvania and significant health impacts to residents. In other words, and I can't emphasize this enough, natural gas extraction is already harming the health of my neighbors, family and friends.

Allow me to cite a couple of sites. A published peer reviewed paper by the University of Pittsburgh and Columbia University compared public health records for Wayne County, where there is no fracking, to my county, Susquehanna, and to Bradford County, where there is obviously fracking. They found there were significantly more hospitalizations per capita in both my county and Bradford County when compared to Wayne County since 2007, when fracking began in this region.

The paper's authors attributed the new hospitalizations to the natural gas extraction, particularly cardiac issues from the increase of airborne particulate matter from diesel engines.

If that doesn't chill everyone in this room to the bone, perhaps this will. A second study funded by The Pittsburgh Foundation, published in the Journal of Environmental Protection, showed that since fracking began, the number of infant deaths in the first 28 days of life rose 29 percent in ten heavily- fracked Pennsylvania counties. That includes my county, by the way. During the same time, infant deaths in the rest of the state dropped by two percent.

A third study that took place in Southwestern Pennsylvania agreed. It linked the low birth weights and babies that are small for their gestational age to their mother's proximity to the natural gas wells.

I'm not even including the data on compressor stations, which will be scattered along the length of this pipeline, where they will likely emit volatile organic compounds into the air.

I want to emphasize that two of the three studies that I've cited used public health data from my county since fracking began there.

I'm not speculating about the future. The emissions from fracking are hurting the cardiovascular systems of my family, my neighbors and my friends right now even as I make this testimony. The babies born to some of my friends and neighbors will weigh less and are more prone to cancer and other illnesses thanks to the extraction in my county.

Some people support the industry because of the potential to create job.

But I'm choosing human health over jobs. I would like to close by reminding the DEP that one of the rights of a Pennsylvania citizen, specifically detailed in Article 1, Paragraph 27 of the Commonwealth Constitution is the right to clean air, pure water and the preservation of the natural, scenic, historic and aesthetic values of the environment.

My township and my county have been unable or unwilling to guarantee this right, perhaps the State will. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (38)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Transco's applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

54. COMMENT

Hope you will think about how wrong this pipeline is for Lancaster. It's wrong for the environmental, the productive farm land and the health and safety of the citizens.

Why is no one listening to the citizens? It's all about greed and Williams does not have the best safety record. Please, fracking is wrong not good for the environment. There are earthquakes and this gas is not for PA or the USA. It's for overseas. Please think of the citizens and how they oppose it, for so many valid reasons. NY denied a permit and we hope PA will also. Kind regards. Note: the attached documents referenced in this comment are included in part three of the comment response document. (39)

Response: The Department acknowledges the comment regarding this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

55. COMMENT

That's the "Dept. of Environmental Protection". So when are you going to stand up for the environment and do your jobs?

This review by the Dept. engineers and regulatory requirements that are involved to me is already biased. For almost three years I've been researching all things fracking. Gas companies and the power that fund this industry are going to win this battle. All your pretense of having the concerned parties come and voice their thoughts to no avail time after time is getting old. For years, you have rubber stamped this industry that's killing our air and water. All up and down this 193 mile route the gas company has lavished its so called "grant money" to soften any resistance that there could have been. I'm sure you know of the hundreds of thousands of dollars bought the "good words" that were given for it. I have a real problem with these form letters they have commissioners, fire companies, and other on witting agencies that don't realize how they have been used. Anybody that could further the project were targeted early before information of how detrimental this 42" time bomb was. This pipeline is nothing but a fast track to the countries that have contracts. Atlantic Sunrise is taking out property and putting our four families that live on this farm in the "hazard zone". I don't have to tell you what that means for our enhances if it ruptures or explodes. My youngest son's house always has young children in it. They will be 300 feet from this pipe. Can you in your safe existence imagine the fear everyday we would live with if this unnecessary project goes through? I have lost 15lbs. And haven't slept a decent 4 hrs. since 2014 when we were told if we didn't sign they would take it imminent domain. I can't put into words the pain in my heart and the absolute anger I have for this pipeline and it has accomplished its objective with relevant ease.

So I ask you, if you will find a way to help your people and this planet or just be another way the industry gets what they want? Note: the attached documents referenced in this comment are included in part three of the comment response document. (40)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of the Transco's applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

56. COMMENT

I am writing to you representing our 300 employees of Larson Design Group, a Pennsylvania based professional design and construction services firm with six offices located across the state.

Creating an economic environment that encourages private investment and creates and retains jobs - while balancing the health and safety of the public and the environment - should be a top priority of the Commonwealth and the Pennsylvania Department of Environmental Protection (PA DEP).

Pennsylvania has a tremendous opportunity to capitalize on the game-changing natural gas deposits within the Marcellus and Utica shale basins, and infrastructure is needed to move that resource to market. Pipelines are proven to be the safest and most efficient method to move natural gas to consumers, and they are tremendous economic drivers. Williams' Atlantic Sunrise is a nearly \$3 billion energy infrastructure investment that promises to put Pennsylvania energy and employees to work.

Undoubtedly, permitting and regulation play a key role protecting the health and safety of our citizens as well as the environment and wildlife. However, I also believe that in every infrastructure and economic development project, there must be a balance. After receiving Federal Energy Regulatory Commission approval in February, the company is on the verge of securing the final remaining state permits necessary to advance this multibillion-dollar investment in the state's energy infrastructure. For more than three years, Atlantic Sunrise has undergone an unprecedented amount of regulatory and public review. The time to build is now; the time to approve Atlantic Sunrise is now.

Williams has operated safely in the state for decades and currently touches more than 30 percent of the nation's natural gas, transporting it to markets across the country. Their track record is sound. The PA DEP holds the key to putting more than 8,000 people to work during construction and directly injecting \$1.6 billion into the state's economy. I urge the PA DEP to complete the review of all permit applications related to Atlantic Sunrise without delay. Note: the attached documents referenced in this comment are included in part three of the comment response document. (41)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

57. COMMENT

At this point I am opposed to the pipeline because I don't think it creates adequate controls to prevent or mitigate the potential impact to Susquehanna river and eventually the Chesapeake. (42)

Response: The Department has undertaken a thorough evaluation of the Transco's applications for the necessary permits. The environmental permit application materials outline the necessity and public benefit of the project in the project description as required under the regulations. The Department has concluded that the applications satisfy the

regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

58. COMMENT

I think the is a good thing. it create jobs and help the economy (49)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

59. COMMENT

Chapter 105 Water Obstruction and Encroachment permit applications and Chapter 102:

Deny for clean water and air.

Deny for the Susquehannock / Conestoga Indians in Columbia county and other Native American tribes in Pennsylvania.

Deny due to the environmental tragedy in Centralia, Columbia county.

Deny due to unwanted deaths from leaks and explosions.

Deny because fracking is not needed in Pennsylvania -Deny based on the instability of flowing Natural Gas Liquids through the Atlantic Sunrise pipeline.

Deny due compressor station emissions.

Deny due to the lack of an evacuation plan in Bloomsburg, especially during the annual Bloomsburg Fair, which attracts an estimated 100,000 people daily, with the pipeline route less than 1 mile away.

Deny since the pipeline will run parallel to high power-lines, which can be a volatile ignition source.

Deny because the current plan maps the pipeline directly through an area with an active underground coal mine fire.

Deny because the pipeline steel not being American made.

Deny for the Farmers.

Deny due to the amount of transient workers from out of state scheduled to work on the Atlantic Sunrise.

Deny for the health and well-being of the citizens of Pennsylvania.

Deny due to lack of a thorough environmental impact review from FERC, -Deny due to FERC rubber stamping.

Deny if DEP can't define FERC's "Less than significant" environmental impact statement.

Deny due adverse effects on Pa fish and wildlife.

Deny due to the Unityville accident in 2014.

Deny to preserve the environment for future generations.

Deny due to Williams' poor safety records.

Deny due Williams' questionable business deals.

Deny due to eminent domain for the sole purpose of corporate gain.

Deny based on the necessity and demand for clean and renewable energy.

Deny to protect the environment from unnecessary pollution.

Deny for the health and well-being of the citizens of Pennsylvania, United States, and the World.

DEP please do your job!!!! Thank you! (66)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. DEP and delegated conservation districts will ensure that the permittee complies with the permits, including the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections.

60. COMMENT

My name is Tammy Murphy. I'm with Physicians for Social Responsibility in Pennsylvania. And we are asking that the DEP deny the application for Transco Atlantic Sunrise pipeline project due to the irreparable harm that it would cause to the state's waterways and environment during construction, and throughout the lifespan and beyond. This project has harmful environmental impacts, safety issues, air and climate change impacts, economic ramifications, permanent impacts on scenery and rural character of this region, and drinking water sources, ground water wells, wetlands, springs, and seeps water quality and septic systems, as admitted even by Transco itself.

The aquatic resources have the potential to be impacted by many activities, including water body crossings, clearings, blasting, and water withdrawals from hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including exceptional value and trout streams.

Transco fails to discuss, except for the most basic terms, the impacts that can be expected from other activity in the area. Including that Transco failed to adequately qualify impacts of other projects in the vicinity of the Atlantic Sunrise pipeline. Even when Transco acknowledges the impacts from these other activities, it does not explain how these will affect and contribute to adverse impacts to the water resources.

For example, in its discussion of impact to surface water resources and application, Transco admits the natural gas drilling creates the potential for cumulative effects on the water surfaces, affected by the same watersheds crossed by the project. It does not provide any more information about these potential affects, because the information was readily available according to the Transco application, the Luzerne County application.

So having identified many technical difficulties in the Transco application, nine efficiency letters sent, you are aware that your staff needs to do a thorough technical review of Transco's responses to the deficiency letters to each permit application.

A report prepared by Key-Log Economics in the proposed Atlantic Sunrise pipeline shows enormous ecological damage, including Key-Log Economic details. The true cost of the Atlantic Sunrise pipeline. Costs which include the effects of the pipeline on property values, the diminished values of ecosystem services, economic damages associated with the increase of greenhouse gas emissions, the public health cost due to the release of toxins, and smog-forming pollutants.

The report estimates that the pipeline's total cost to the environment to be between \$21.3 and \$91.6 billion. The ecosystem services value lost during construction are estimated to be \$6.2 to \$22.7 million. While annual cost for the diminished ecosystem would approximately cost \$2.9 to \$11.4 million per year.

The benefits people obtain from ecosystems is perhaps the simplest and the most commonly heard definition of the ecosystem services. These services can be identified and quantified. Lost ecosystem services the value of food production, water supply, air quality, erosion control, biological diversity, soil fertility and waste treatment. (65)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

61. COMMENT

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (66)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

62. COMMENT

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (67 – 84, 87 – 89, 100-117, 119 – 131, 144 – 154, 156 – 196, 231, 232, 234 – 238, 280, 282, 284, 286, 287, 291 – 293, 298, 299 – 312, 319 – 325, 329 – 335, 338, 339, 957 - 959)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

63. COMMENT

I ask you to deny the permits for Chapter 105 and Chapter 102 on the Atlantic Sunrise Pipeline.

This pipeline will do damage to our streams and erode our soil in Lancaster County. When does the little person get to have a say and not be run over by big business? My property is not in the path of the pipeline but I have heard the personal stories of many people who are being forced to sacrifice land that has been in their families for generations.

PA DEP is here to protect our air and water and this pipeline has the potential to destroy our waterways. Transco has admitted that natural gas drilling creates the "potential for cumulative effects on surface waters". This is especially true when the same watersheds are crossed by the pipeline. There will be hundreds of crossings of wetlands and water bodies. We all live downstream and PA DEP needs to protect our water sources, wetlands and springs. Some of these are rated Exceptional Value streams. These water sources will also be caused irreparable harm by clearing, blasting and water withdrawals for hydrostatic testing.

Further study needs to be done on Transco's responses to the technical deficiencies cited by DEP. Please do not give approval for these permits at this time. (85)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the

regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

64. COMMENT

As a resident of Lancaster County and a believer in the future of alternative energy, I ask you to protect our environment and water through denying these permits.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (86)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates

cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

65. COMMENT

Pipelines have a terrible record of leaking. Protect Pennsylvania and keep our water clean. Stop the pipeline.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (93)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a

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66. COMMENT

Deny Atlantic Sunrise Chapter 102/105 permits. I realize it is ALL ABOUT THE MONEY. Extremely sad and troubling. The fracking so-called natural gas industry tried to sell us on the energy independence theory, but it was obvious once the pipe lines were completed the gas would be sold to the highest bidder! Lies and greed.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (94)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential

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67. COMMENT

I am a tax paying, home owning citizen of Lancaster county. I am not naive to the corporate powers that will limit ANY assistance if or when an accident occurs. WE will be left with a decimated environment both through our waterways, drinking water and land. What will the corporation get? A massive amount of wealth at our expense. When does it end? When does money and power stop being more important than OUR environment and well being? Have a conscience. Stand up for what's right. Someday it could be your backyard.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

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68. COMMENT

The citizens of the US do NOT want pipelines and we are no exception here. Why don't we want pipelines? It's antiquated "technology" that is riddled with complications, destroys public and private property, and is a short-term solution for those interested only in profits and not in bettering our energy future.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (96)

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69. COMMENT

As a physician, I can tell you how important this is.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (97)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105*

Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006). The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

70. COMMENT

There is no sound investment in destroying beautiful Pennsylvania lands to more quickly consume a finite resource - especially to enable it's distribution abroad.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (98)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of

cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

71. COMMENT

Please protect the streams, ecosystems and communities of Pennsylvania for future generations. Say NO to the pipeline!!!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

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Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

72. COMMENT

The citizens of PA have had it with big companies getting away with polluting our waters!
NO ATLANTIC SUNRISE PIPELINE!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (132)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

73. COMMENT

Please help to keep the land and water safe for the people of Pennsylvania. Thanks in

advance for your help.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (133)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance

74. COMMENT

Please stop the devastating harm to Pennsylvania's waterways, Susquehanna River Basin and environment. Please stop the irreparable harm to the gifts of nature and all natural interdependent life in our environment, that is in danger because of the Atlantic Sunrise Pipeline proposed plans.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance

75. COMMENT

Fracking is an environmental abomination that must be halted.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (135)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

76. COMMENT

Perhaps an argument of Common Sense will sink in. All of these fossil fuels are running out. Sooner or later, and the sooner the better we're going to have to find another energy source. Rather than wasting money on all of this, why not put it behind something new I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing.

Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

77. COMMENT

Please stop trying to bolster up the fossil fuel industry. The future will leave you behind if it must.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including

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Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

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78. COMMENT

Is money worth more than our environment, the air we breathe and the water we drink!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation.

The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

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79. COMMENT

I do not want to see our lands tainted and destroyed by this pipeline. This pipeline is having a cumulative destructive impact to the land and river basin. This should not be ignored. Protecting the land and water ways should be at the top of the list for this generation and future generations to enjoy, not destroy!!!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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80. COMMENT

Using taxpayer resources to combat deficiencies is unacceptable, as is the behavior of Transco. This is very important to me.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (140)

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81. COMMENT

Keep PA as clean as possible. No to oil pipelines and spills.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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82. COMMENT

Stop destroying the environment and poisoning the water!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

83. COMMENT

Keep PA clean and green!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

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84. COMMENT

Our waterways are life blood of our land. They are fragile and need our stewardship.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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85. COMMENT

For the Many, not the few.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

86. COMMENT

Do what is right for your children and grandchildren.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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87. COMMENT

Please stop this pipeline

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

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88. COMMENT

This is not the Pennsylvania I want to live in, one befouled by fossil fuel accidents and infrastructure which do not even benefit to any extent the people of Pennsylvania. Even if this was for domestic use I would oppose it. We should be preserving Pennsylvania's

beautiful landscape for future generations, not destroying it for dubious short-term gains which will despoil the place we live.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (200)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

89. COMMENT

We have been "fracked" enough in our state. We need clean water, and less air and land pollution, not more!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (201)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

90. COMMENT

Please do not allow the Atlantic Sunrise pipeline project to destroy so much of our beautiful environment.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (202)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

91. COMMENT

Transco's horrible record speaks for itself. We had all the talk by the energy interests about how we need to do more drilling and fracking for our own energy security and national interest and now they want to build pipelines to get it to ports to ship it away. Absolutely ridiculous.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (203)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

92. COMMENT

Eminent domain for who. Not the domain. Only the eminently rich and greedy.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (204)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance. Additionally, eminent domain is not within the scope of the Department's statutory or regulatory authority. As indicated, Department authorizations do not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.

93. COMMENT

The attitude and arrogance is what bothers Americans.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including

waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (205)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

94. COMMENT

Natural gas is a fine thing as far as it goes--and gas from this pipeline will go far from PA, making TRANSCO lots of money at our PA's expense, DO NOT allow this assault on PA's streams, rivers, and flora and fauna to go forward. Our citizens oppose it; The industries that are looking to make a quick buck at our expense want it. Listen to the people who care about PA, not those who want to trash our beautiful state.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including

waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (206)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

95. COMMENT

Transco has spent a lot of money trying to convince PA that this pipeline will be good for jobs, will supply our homes with clean energy, all while being safe for our water and environment. All of these comments are bold face lies. The only thing they really care about is their profits. It is time to tell these people NO for the final time. This pipeline offers PA all of the risks with little to nothing for PA residents!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including

waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (207)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

96. COMMENT

I have been attempting to keep abreast of this issue and my understanding is that this is a massive pipeline with great potential for tragic destruction of the environment, property, and even human life for those who live within close proximity to the pipeline. I also understand that Atlantic Sunrise Pipeline has not been able to show it will be safe and it most certainly will have a negative environmental impact. Please do what is right for the public and deny these permits.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (208)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

97. COMMENT

We need to turn from the use of fossil fuels. Climate change is already having a negative impact on our planet. The ASP is not needed, Williams already owns the necessary infrastructure which needs to be upgraded. Building this Greenfield pipeline is abuse of eminent domain as the majority of this gas is slated for export. Why else would Williams have spent billions on the Cove Point, MD export terminal? Please deny these permits.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (90)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

98. COMMENT

We don't want the pipeline. We don't want to have more possible problems with our river, that so many of us are trying to improve and protect.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including

Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (91)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

99. COMMENT

The proposed pipeline path will go through a locally rare peat bog in Martic Township less than a mile from my house.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the

already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (92)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

100. COMMENT

Good evening. My name is Jeff Logan. I serve as the President of the Pennsylvania Chemical Industry Council and I am speaking in support of the Williams Pipeline Atlantic Sunrise Project.

The Chemical Industry Council is the third largest manufacturing industry in the state and is responsible for approximately 41,000 direct jobs and another 50,000 related and support jobs. And these jobs are good paying jobs with an average annual wage of more than \$93,000 a year.

Federal and state regulators play an important role in protecting the health and safety of the citizens they dutifully serve as well as the environment and wildlife Williams wants tough regulations and they want those regulations enforced. The challenges that exist in the current regulatory environment stem from jurisdictional overlap and limited staffing at DEP. Williams has been working with DEP for more than two years providing with the data and information needed for permit applications to be processed in a timely and efficient manner.

The Chapter 102 and 105 permit applications reflect the cooperation and collaboration Williams has demonstrated with the PA DEP as well as federal and state permitting agencies to avoid or minimize impacts to wetlands, waterbodies and other sets of environmental areas. Dedicated full-time environmental inspectors will be employed during construction to oversee and ensure that Williams' best management practices are implemented and the project complies with applicable regulatory permit approval conditions.

Working with stakeholders and permitting agencies, Williams has demonstrated a collaborative approach which has resulted in the adoption of more than 400 route modifications affecting 60 percent of its original route. Per PA DEP's request, environmental and cultural resource surveys on 100 percent of the preferred route have been completed. The company has reduced the potential for cumulative impacts associated with the Atlantic Sunrise Project by collocating the project with existing rights-of-way for one-quarter of the project.

I call on PA DEP to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Project without delay creating an economic environment that encourages private investment and creates jobs while balancing the health and safety of the public and the environment should be a top priority.

Pipelines are proven to be the safest and most efficient method to move natural gas to consumers Williams has operated safely in the state for decades and currently touches more than 30 percent of the nation's natural gas transporting it to markets across the county.

After receiving approval from the FERC in February of 2017, Williams is on the verge of securing the last remaining permits to begin construction in Pennsylvania, specifically Atlantic Sunrise has undergone an unprecedented amount of regulatory and public the time to build is now. The time to approve the Atlantic Sunrise Project is now. Thank you very much. Note: the attached documents referenced in this comment are included in part three of the comment response document. (209)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

101. COMMENT

Please ensure that the `Atlantic Sunrise` pipeline (and other gas pipelines) are only approved if NO land is taken for them through eminent domain. (50)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The permits issued to Transco for the Atlantic Sunrise Project do not convey property rights from private landowners to Transco. See Part B, Standard Condition 2.E. of the Individual Erosion and Sediment Control Permit and Part 2 of the Standard Conditions of the Water Obstruction and Encroachment Permit. Section 15 of the Dam Safety and Encroachments Act, 32 P.S. § 693.15, and the DEP regulations at 25 Pa.

Code §§ 105.31 and 105.32, specify that a dam, water obstruction or encroachment permit does not convey real or personal property rights, except where DEP has issued a permit for a dam, water obstruction or encroachment to occupy submerged lands of the To the extent the commenter is concerned about the rights of eminent domain conferred by the Natural Gas Act, he/she should raise them in the proceeding before FERC.

102. COMMENT

This looks like a lot and it is a lot. You've given me three minutes to speak about what I have spent three years researching. My name is John Walker. And I don't think there's any way you can misspell that.

Now, these documents are reflective of what I found out, a few things about Williams and Transco. Transco in 1991, was fined by FERC \$11 million as a result of a violation of FERC rules. And that was the largest fine ever levied at that time. In 1996, Williams bought Transco. And in 2002, Williams was fined \$20 million which was the largest fine ever levied at that time by FERC.

Now, I tell you those things because there is a long list of violations. And the reason I'm telling you this, rather than addressing it directly what you have called us here tonight to do, is because there's a lot, either that you don't know, or that you don't care about. Because there are 40 incidents - well, let me start back at the beginning. There are 88 incidents that Williams found it necessary to report from 1986 to the early part of the - to the 1990s. They have acted to obfuscate their poor practice.

Now, you've heard wonderful things about them tonight. I didn't find that out. I found out lots of things that were not wonderful. And I will be sending to you, the documents that I've found. I've got a list of questions that haven't been answered. I've got the Atlantic Sunrise project by Key-Log Industries, who have found a lot of costs that FERC has not even considered. And you, as the keeper of our environmental protection, have responsibilities in all of these areas. You are not here to talk about that tonight.

But let me tell you, this is a report of the accident at Unityville. They have reported that it was stress cracking was the accident. They also reported that they reversed the bi-directional pipeline, that they had been warned about immediately before the explosion. By immediately, I mean in 2014. The explosion happened in 2015. And in 2015, they reversed the direction of the pipeline. And in 12 hours and 6 minutes, it exploded. And they said it had been increasing the pressure throughout the day. And said nothing about what they had done. Nobody was watching. There's lots more. I'll send it to you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (51)

Response: The Department acknowledges the comment regarding the environmental and safety impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project DEP and delegated conservation districts will ensure that the permittee complies with the permits, including

the BMPs it has committed to implement and maintain, through pre-construction meetings and on-site inspections. The federal Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates pipelines transporting natural gas in interstate commerce. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA. Transco will design, construct, and maintain the pipeline consistent with the PHMSA regulations. DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources.

103. COMMENT

Good evening. My name Abe Amoros. And I am a Pennsylvania Legislative Director for the Laborers' International Union of North America. I'm here to testify in favor of the Atlantic Sunrise Project and urge the approval of Chapter 102 and 105 permits.

Pipelines have already been proven to be the safest and most efficient method to move natural gas to consumers. Williams has secured all necessary permits and has commenced construction on Atlantic Sunrise facilities in all other states. Federal and state regulators play an important role in protecting the health and safety of the citizens they dutifully serve as well as the environment and wildlife. Williams wants tough regulations and they want those regulations enforced. The challenges that exist in the current regulatory environment stem from jurisdictional overlap. This overlap has stunted growth and undoubtedly caused the state jobs and economic investment.

The outstanding Chapter 102 and 105 permits for which applications were submitted in 2015 are among the final approvals needed to move this project forward. Williams has committed to implementing best management practices during construction and restoration to mitigate potential impacts associated with installation of the project. It has dedicated full-time environmental inspectors that will be employed during construction to oversee and ensure that Williams' best management practices are implemented and that the project complies with applicable regulatory permit and approval conditions.

Williams has also demonstrated its commitment to environmental stewardship by voluntarily funding more than \$2.5 million in local conservation projects. This funding is not designed to nor does it replace traditional compensatory mitigation for requirements of state and federal permitting agencies.

Per DEP's request, environmental and cultural resource surveys on 100 percent of the preferred route have been completed. Atlantic Sunrise will not negatively impact water quality or supply during or after construction as full-time environmental inspectors will oversee the construction activities. According to FERC, no long term effects on surface waters are anticipated as a result of construction and operation on the project. The company has also avoided and minimized impacts to wetlands through infield routing adjustments and by reducing the project limits of disturbance wherever possible. There will be no loss of wetland acreage as a result of construction. Williams Atlantic Sunrise is nearly \$3 billion

in privately funded energy infrastructure project that is ready to put Pennsylvania energy and thousands of people to work. Pennsylvanians will benefit from Atlantic Sunrise's approval which will span ten counties from Susquehanna through Lancaster.

Lastly, an economic impact analysis conducted by researchers at Penn State estimates 2,300 people will be employed in those counties during the one year construction phase which will increase economic activity by \$1.6 billion. Quite simply, natural gas is essential to the quality of life that many of us take for granted. It's for that reason on behalf of the men and woman of the Laborers' International Union, I urge DEP to approve the Chapter 102 and 105 permit applications. Thank you. (56)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

104. COMMENT

Hello, my name is Ann Pinca, And I'll mention that I'm a lifelong resident of Lebanon County. Thanks of this opportunity. I plan to submit a more detailed statement but will quickly mention a few issues.

Technical deficiency number four suggests the use of additional trenchless water crossings but Transco's response has just one stream which appears to bring the total of trenchless stream crossings in Lebanon County to a whopping total of two. Fifty (50) other streams will be crossed by open trench methods. All but one wetland appear to be open cut. I think we deserve better than that.

Technical deficiency number ten requests the Transco develop a third alternative to stream crossings. But Transco's response simply states that there are no tertiary methods proposed for this project. Is that a collaborative acceptable response to the DEP?

But my bitter concern lies with the entire permitting process itself through meetings with DEP officials and other agencies. It's become painfully clear that despite their good intentions, our regulatory agencies are unable to protect our environment and the people. DEP looked at the impacts per project but says they cannot consider the bigger picture or the public safety aspect even though DEP's mission statement says that their mission is to protect Pennsylvania's air, land and water from pollution than to provide for their health and safety of its citizens through a cleaner environment.

The Atlantic Sunrise Project, just one of several proposed pipeline projects will engender a new way of drilling. FERC's final environmental impact statement estimates that 340 gas wells will be needed to fill the Atlantic Sunrise on a daily basis with many more needed in time due to normal well production declines.

When you consider that each Marcellus well generates tons of drill cuttings require an average of 4.4 million gallons of water for drilling and fracking plus put - plus pushes pollutants into our air. Think about the impact that just the Atlantic Sunrise pipeline and its needed gas wells will inflict on Pennsylvania.

Meanwhile, the health studies are piling up that fracking really isn't good for us and DEP itself has several hundred documented case of a negative water impacts. To that point, I am including a copy of the list of the harm for Pennsylvania, a list of over 700 people who have suffered in the wake up the oil and gas industry.

But the DEP says they can't consider this cumulative impact in their review of the Atlantic Sunrise applications nor do they consider the doubled impacts in Lebanon County of the current construction of the Mariner East Pipeline which will dig up Lebanon County not once, but twice when it comes back to install the Mariner's 2X in the next few years.

Obviously rules need to change but until then we demand that the DEP and our governor step up for Pennsylvanians and deny the permits for the Atlantic Sunrise Project. We ask for our leaders to reject this unnecessary project heralded under the guise of jobs. We ask our leaders to truly protect the people of Pennsylvania from corporations that smooth their way through our state with their dollars and care only about their bottom line.

For those on this list and all of us, please deny the permits for the Atlantic Sunrise.

Protect the people. Protect Pennsylvania. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (210)

Response: The Department thanks the commentator for the comment on this proposed pipeline project. The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2 of their WOEP permit applications. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques). The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a

comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

105. COMMENT

Good evening. Thanks for letting me speak. My name is Kevin Lynn. I'm from just north of here at Harvey's Lake.

I work for Lindy Corporation which is a pipeline company and we've done lots of work for Williams. I'm also a greenie. And I want the Pennsylvania DEP to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Project.

This is not my first time here at Lebanon Valley College, LVC. I was invited here for the Earth Day events of 2015, two years ago with part of a debate with somebody who was against fracking and of course, I'm for it. I'm for natural gas because I'm a greenie. Tonight you're going to hear lots of people talk about the stringent standards that Williams sets for projects and they are tough. I can tell you as somebody who worked for one of the pipeline companies that worked for them and as a greenie, I would expect no less. And frankly, neither should any of you.

There are lots of also well-meaning people here tonight who are very worried about the environment. I am here to tell you that Williams is very concerned about the environment. But I'm not here for that tonight. I'm here to talk to you about something else. I'm here to talk to you tonight about the future. The future of energy. The big picture, if you will.

I have one question and it's the same question I asked when I was here back in 2015. Going forward, will we need more energy or less? I think we all agree we're going to need more energy. The cloud, whatever that actually is, a little beyond old guys like me, but the cloud is actually kept aloft by electricity. So we're going to need more energy and renewables alone are not going to do

Renewables, if you read the - all the the trick. data out there, renewables are 14 percent of our energy supply that keeps the lights on one day a week So we need more energy and we need it clean and that's where natural gas comes in.

Natural gas is the cleanest fossil fuel in the world. It's 50 percent cleaner than the coal our president loves so much. Natural gas produces virtually none of the sulfur dioxide and mercury emissions that you get with coal. And folks, the news gets even better.

Every day that we use more natural gas to power our country, we're not using coal. Every time we shut down a coal plant and change it over to natural gas, the air gets cleaner. It's happening more and more. Last year natural gas overtook coal as the number one fuel for electric generation in this county. The air is getting cleaner every day. Nowhere is that more obvious than Penn State.

In March of 2016, Penn State celebrated their last day of coal. It was a year ago. After 150

years of burning coal to power the school, they switched to natural gas. Gone are 3,250 coal trucks a year. Almost ten a day rumbling onto the Penn State Campus with their dirty fuel. Gone are 325 ash trucks, almost one a day leaving the campus. Everything is better and this is happening all over the country.

As I mentioned, I was here in 2015. In that year natural gas, fire power generation increased 19 percent across the county and Pennsylvania is now the number two gas producing state behind Texas. That's more jobs, cleaner energy and cleaner air for us here in the Keystone State. And this supply could last a hundred years.

Natural gas is the cleanest fossil fuel. I've said that. Natural gas is also cheap, abundant and domestic. So we're not going to have to enrich a single tin-horn dictatorship. The future is cleaner, cheaper and safer because of natural gas. Let's embrace that future sooner than later. Thank you. (17)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

106. COMMENT

My name is Bill Eavenson. I'm a member of the International Brotherhood of Teamsters. I'm currently the union steward on the project in Lebanon County on the Mariner East 2.

I'm here in support of the Williams Transco Atlantic Sunrise Project. The Atlantic Sunrise Project is a well needed project for many reasons. Of course it would boost the local economy for millions and millions of dollars. It creates thousands of jobs, some of them permanent, some of them temporary. The trades in the pipeline industry, we all depend upon temporary jobs.

Year after year we work on temporary jobs, after 20 years or so now we have a pension built up. We have health insurance for our families over these 20 years and good income, the standard of living.

We - the job that I'm on right now, 75 percent of the workers are from central Pennsylvania. I have 54 Teamsters on the job and 40 of them are from central Pennsylvania. There's license plates that they drive these trucks that says Utah on them, don't be fooled by that. The laborers drive them from central Pennsylvania. The foremen drive them from central Pennsylvania and some Teamsters of central Pennsylvania drive these trucks. They're not from Utah. Don't let the license plates fool you.

I've been working in Lancaster County and Lebanon County for many years working on pipelines and most of the local citizens, the landowners, the famers have no problems with us being on pipeline here. They know there's benefits in the pipelines. The public depends upon them. They need them to heat their houses, to cool their houses. The local industries and factories need them to fuel the cars. Like most of the ones that are anti-pipeline drove here tonight. I'm sure none of them drove their bikes here.

The Amish community - once I was on a line - pipeline, they had a picnic for the pipeliners. They were farmers and they had a – we had an extra 30 minutes for lunch that day and they welcomed us. They had Amish dishes, shoofly pie. You know, they were - had no problems with us being here.

And the pipelines of course are the best way to transport oil and gas. We all know that. And the gas companies do everything they can to prevent any type of environmental damage. There's all kinds of inspectors out there and if you do anything wrong, they will take you off the job. They're very, very strict. There's all kinds of inspectors and all kinds of environmental products to be hauled out there every day, the teamsters that do the hauling of the materials.

And I'm just, you know, basically would like to see this permit go through because there's more damage done on the waterways every time it rains real heavily from the fertilizers and pesticides that come through the water, getting to the water lands. There's more damage from that than any open cut pipeline projects. And there's more methane gas released by livestock than you'll ever have on a gas line, you know.

So for these reasons, I would hopefully you would give the permits without further delay for 102 and 105. Thank you for your time. Note: the attached documents referenced in this comment are included in part three of the comment response document. (211)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

107. COMMENT

Good evening, Robert McQuay. I'm a project manager with Appalachian Prefab. Thank you for this opportunity to share my support of the Williams Transco Atlantic Sunrise Project.

Often those who support a project will respond to the environmental concerns with information about economic impact in jobs. I understand this really doesn't address the concern and I will focus on why I support this project from an environmental and safety viewpoint along with other benefits.

The dramatic resurgence of the United States as an energy superpower has provided tremendous economic and environmental benefits. Even as America is leading the world in oil and natural gas production, methane emissions have fallen thanks to industry leadership and investment in new technologies. U.S. carbon emissions from power generation are now at nearly 30 year lows due to increase use of natural gas.

Methane emissions from 1990 to 2015 associated with the natural gas declined by 18.6 percent while U.S. natural gas production increased by more than 50 percent according to EPA and EIA data. This shows U.S. emissions of methane from the natural gas sector decrease noticeably during one of the largest increases in natural gas production in the nation's history.

Furthermore, America's oil and natural gas industry continues to lead all of their industries in zero and low carbon investments.

Between 2000 and 2014, the oil and natural gas industry invested \$89.9 billion in such investments, more than double that of the next largest private sectors.

In a dynamic innovation driven industry like energy, we should be careful not to adopt regulations that prevent technological improvements or shrink opportunities for investments that could deliver environmental benefits and consumer savings for years to come.

Some of the technologies that have been improved and adopted over this - over the past several years directly benefit the pipeline industry and the environment. Engineers and environmental scientists work to define routes and methods with the least amount of impact and follow best practices for installation and restoration. Safety for people working on the projects, people who will be living nearby and the general population is always foremost in the minds of those who operate the pipelines.

I've had direct experience with Williams, and they take extra precautions to protect and preserve the environment, assure safety for all and support and respect communities where they are operating.

Although zero impact is always the goal, with any project, there will be some impact. As our world works to become less dependent on fossil fuels, renewable energies also have environmental impacts. Electric cars are powered by the very electric that is created in a large percentage by natural gas. Wind turbines and solar panels are made with products created with natural gas. The harness and ropes that safely hold and support the rock climber who is enjoying the beauty of our great outdoors are made with products that include natural gas components.

In closing, I'm happy to offer my support for this project. I appreciate the many opportunities and benefits it brings to my community, including economic benefits for jobs, increased business and lower energy cost, while knowing Williams will do it right. I'm convinced they care. Thank you. (48)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

108. COMMENT

My name is David Butterworth, I'm a business agent for Pipeliners Local 798. I would like to speak this evening about the quality, safety and training that Local 798 brings to the table during the construction of pipeline projects such as the Atlantic Sunrise.

I represent 6,000 welders, helpers and journeymen who live all over the United States. My jurisdiction runs from Maine to Virginia, and there are around 1,000 of our members who

live and work in this northeast jurisdiction. Local 798 has built most of the major pipelines that run across this nation, including the Alaska pipeline.

I would now like to talk about the quality of work and craftsman - craftsmanship that Local 798 devotes to these projects. Our welder members must take a qualification test before they are allowed to weld on the pipeline. These qualification welds are destructively tested, and if any imperfections are found, then that member is not allowed to weld on the pipeline.

If a member does pass the qualification test, he then has every weld he makes on the job x-rayed and reviewed by a level III x-ray technician who decides if the weld is acceptable and stands up to 1104 code. In most places, if a welder has - has three or more unacceptable welds, he will be removed from that project. With these standards in place, Local 798 welders are held under some of the strictest guidelines in the construction industry. And these are standards that we are proud to uphold.

Now, onto environmental and safety training. Safety and environmental training is something that Local 798 holds of the utmost importance. Our contractors and the clients we work for have extensive safety and environmental awareness programs that protect our workers and the land we're working on. When these pipelines are built, they are built by a collective group that understands that when we build a pipeline, we must build it safely, with the least amount of environmental impact possible. And everything else is secondary to that.

Training. Local 798 is home to one of the most state of the art training facilities in the country. We understand that we must keep up with the most current welding procedures in an ever-changing industry. Our facility is equipped with 52 welding booths and state of the art equipment to be used by our membership so they can brush up or learn new skills.

The Local 798 training center is a testament to our dedication to providing our members with the best of the best when it comes to training, so they can apply the latest technologies when pipelines are built now and in the future.

In closing, I would like to say that the purpose of my speech is to show the Pennsylvania DEP who will be building this pipeline and to assure you that it will be built with highly trained, skilled, safe American workers. I support the Atlantic Sunrise Project and hope for swift approval of the permit so the union members I represent can go to work on this project. Thanks. Note: the attached documents referenced in this comment are included in part three of the comment response document. (212)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

109. COMMENT

Thank you, Megan, and thank you, Department of Environmental Protection. My name is Faith Zerbe. I'm a biologist with Delaware Riverkeeper Network.

I'm also a member of Schuylkill Pipeline Awareness. We have a family farm in Schuylkill County, and the Atlantic Sunrise would be passing not through our farm, but through our township, as the Greenfield Pipeline, of course, because there is no existing pipeline.

So what I'd like to talk to you today, very briefly, are the Clean Water Act regulations, which you're well versed on. As a biologist since 2013, I've been out looking at similar natural gas transmission lines throughout Pennsylvania. As I do that recon, I'm looking at water quality issues, and I'm looking at the benthic invertebrates that live in those streams and rivers that have the pipeline cuts.

I am completely amazed that Transco, even with DEP's resistance of the deficiency letters that you have provided to Transco, is still actually proposing open wetland cuts through our exceptional value water resources here in Pennsylvania.

Pennsylvania has incredible water resources, which you know.

The pipeliners who come from – we counted - 12 different states, not Pennsylvania, that are circling right now and speaking. Pennsylvania has more water and more streams than, really, any other state. So it's really important that we protect those wetlands and those tributaries, and that's what Chapter 102 and 105 is about.

So we appreciate you being resistant to this. We also appreciate you not rubberstamping as FERC has. Right, the Federal Energy Regulatory Commission.

And what I wanted to provide you as an exhibit is FERC abuses. Over 200 organizations in 26 states went to Washington, DC last month, talked about what everybody's struggling with here if you're a landowner, the eminent domain, the taking of rights. All of that is in here. It documents abuses. It documents the violations that I helped document on these pipeline cuts through the years.

And just to highlight one, in one small pipeline segment within a six mile pipeline in Pike County, a similar 42 inch line, there are over 43 instances of silt-laden water entering their water resources. There were 15 instances of failure for erosion and sediment control problems. There were nine instances of erosion controls where there were impacts to other resources and trout streams, and there were two instances of streams - in-stream work conducted by violation of fishery restrictions.

And Pike County Conservation District did a great job of coming out to look at that, but we can't let that happen again. Like, that would be 2013. Pennsylvania has seen these pipelines cutting across.

So I appreciate that you're taking a look at thermal impacts to exceptional value waters, taking a look at how the Clean Water Act requires us not to allow degradation of those exceptional value resources and those special - special protection waters and high quality streams.

So I do hope you continue to do a great job and not rush this review. And provide, also, shapefiles for the public to be able to investigate this. As far as we know, on the pipeline portal, there are no shapefiles. Those files were provided for Mariner East, but we don't see them yet on the pipeline portal for DEP.

So we do hope that you deny this permit, and thank you for your time. (213)

Response: The Department thanks the commentator for the comment on this proposed pipeline project.

The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, thermal impacts and impacts to Exceptional Value (EV) streams and other wetland resources.

The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2 of their Water Obstruction and Encroachment permit applications. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment. Transco's erosion and sediment control plan was designed in compliance with DEP's Chapter 102 regulations to ensure it will not cause or contribute to violations of water quality standards.

Transco avoided impacts on riparian buffers to the extent practicable through early routing efforts, which focused on siting the proposed pipeline to avoid paralleling streams, and crossing streams at 90-degree angles. Transco also reduced the construction ROW width by up to 25 feet depending on site-specific conditions at stream crossings. As an additional reestablishment measure, Transco is replanting riparian forest buffers crossed by the Project. Replanting will occur within the regulated floodplain (Federal Emergency Management Agency [FEMA] mapped 100-year floodplain, or 50-foot-wide floodway, whichever is greater) which will minimize any erosion and sediment runoff as a result of clearing in riparian areas (see Attachment L-5, Appendix L-2 of Transco's Application).

Transco has developed and submitted a Site-Specific Permittee Responsible Mitigation Plan (see Attachment Q of Transco's Application). The mitigation plan detail measures to

avoid, minimize, and mitigate for temporary and permanent Project-related impacts and includes off-site wetland creation and enhancement projects designed to compensate for conversions of wetland vegetation cover types occurring as a result of construction and operation of the pipeline.

110. COMMENT

Stephanie Wissman. I am the Executive Director of API Pennsylvania. API PA is a division of the American Petroleum Institute, which represents all segments of America's oil and natural gas industry. Its more than 650 members produce, process, distribute most of the nation's energy. The industry also supports 9.8 million U.S. jobs and eight percent of the U.S. economy.

The USEIA recently announced that fossil fuels have supplied at least 80 percent of the world's energy since the 1900s and will continue to do so for decades to come. In particular, the tremendous supply of clean natural gas is driving economic and job growth in the industrial sector.

Knowing that, it's important that we continue to support the development of pipeline infrastructure, which delivers affordable energy and vital products to people across the country and here in Pennsylvania.

The Atlantic Sunrise Project is one of those important pipeline projects. Once complete, the Atlantic Sunrise expansion will help alleviate infrastructure bottlenecks in Pennsylvania, connecting abundant Marcellus gas supply for the markets in the mid-Atlantic and southeastern U.S. The nearly \$3 billion expansion of the existing Transco natural gas pipeline is designed to increase deliveries by 1.7 billion cubic feet per day, enough to provide service to seven million homes.

High industry standards are a critical part of the API mission. We believe safety and environmental protection go hand in hand with industry operations. Pipeline companies take active steps to ensure that health, safety, security and environmental concerns are addressed with - throughout the planning, construction and operational phases of pipeline operations.

Pipeline projects are designed to minimize the impact to the environment. During the construction phase, care is taken to limit the to water and soil, which are generally temporary to begin with.

For example, directional drilling is used for some water crossings to avoid damming or other disturbing bodies of water. Topsoil in agricultural areas is removed and stockpiled separately so that can it be - so that it can be returned after installation. After construction, the right-of-way is returned to near as possible its original condition.

After construction, pipeline companies work diligently to prevent releases by constantly evaluating, inspecting and maintaining pipelines in a program called Integrity Management that is governed by federal regulations and industry best practices. Pipeline companies

together fund millions of dollars of research into new inspection technologies and spend billions on safety each year.

Once operational, the new pipeline will be maintained and operated according to the procedures outlined in Williams Transco's pipeline integrity management program. These procedures - many of which exceed minimum federal industry regulations - includes monitoring of the pipeline 24 hours a day, seven days a week.

The Atlantic Sunrise pipeline will provide significant benefits to the state, and we recommend that the Pennsylvania DEP grant them their final permits to start construction without delay. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (214)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

111. COMMENT

Good evening. My name is Brian Hansbury. I am the Vice President of the Schuylkill Economic Development Corporation, or SEDCO for short. We're the private nonprofit economic development group servicing all of Schuylkill County. Our primary responsibilities include business retention and recruitment as well as land development.

We've had the pleasure of attending various public meetings with Williams that were held in public forums regarding the pipeline and its construction through our county. We've also met, on multiple occasions, privately with the Williams folks about specific community needs, specific landowners' concerns about routing. And frankly, we found Williams to be professional, thoughtful and engaging.

We have been in firsthand discussions with them actively engaged with the landowners that were having concerns about specific locations throughout the county, some of which would impact farmers, some of which - which would impact environmentally sensitive areas, and found them to be quite responsive to their concerns.

Being in the land development business ourselves, we found Williams to be highly competent and highly understanding and knowledgeable with regard to environmental concerns and land development permitting.

In terms of the actual impact of this project, we think it is a tremendous endeavor for Schuylkill County. Our county is plagued by poor natural gas infrastructure. We have limited capacity, and that seriously hinders our ability to recruit new, much-needed manufacturing jobs to our communities. Schuylkill County still has a majority of its employment found in the manufacturing sector, which is a bit of a - of an anomaly in today's economy. And we'd like to continue to see that grow.

We also have a large - a large number of waste coal-fired electricity generating stations. And if those operators were able to convert to natural gas, I'm pretty certain they would do

so quickly.

And lastly, there's obvious benefits to the community in temporary jobs and the impacts that could have for both the hospitality and commercial enterprises existing in our communities.

So in closing, SEDCO sees great potential for the economic growth related to the Atlantic Sunrise Project. And we fully support all of Williams' efforts. Thank you. (215)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

112. COMMENT

Good evening. My name is Steven Heckman. I am a representative of Cleveland Brothers Equipment Company, and I'm here to speak in the support of the Atlantic Sunrise Pipeline Project.

The Atlantic Sunrise Project is designed to supply enough natural gas to meet the daily needs of more than seven million American homes by connecting producing regions in northeast Pennsylvania to markets in the mid-Atlantic and southern states.

Cleveland Brothers is a Caterpillar dealer that is in 27 locations, both here in Pennsylvania and West Virginia. We are family owned, and we were founded in 1948. We employ over 1,200 employees, both union and non-union.

Since 2010, we have invested over half a billion dollars in Caterpillar machinery to support the oil and gas industry here in Pennsylvania. Our company has a longstanding supply relationship with pipeline contractors operating throughout Pennsylvania, including many of those who were involved in the project.

The pipeline companies that will be doing this work on this project are known for employing best practices in construction, including earth moving, material handling and ran – land restoration. The project will support hundreds of jobs at Cleveland Brothers.

Delays created in projects like the Mariner East 2 cause us to decrease our employment levels by over 200 personnel.

Because of the construction and energy production activities, this pipeline will enable communities throughout Pennsylvania, who will benefit from workers' incomes, much of it spent locally. The resulting state and local taxes paid by them and their employers will support public education, environmental programs, infrastructure, public safety and other state and local government operations.

Much of the opposition to the project tonight will point to alternative energy sources or the dangers of carbon and gas leaks associated with the pipeline or dangers to our waterways. Please keep in mind this project will be built by some of the best pipeliner contractors in

the country, many of which are here tonight, like - whom, like all Americans, care about our environment and who have proven over decades that these pipelines are, in fact, constructed safely. There's no one alternative energy project in Pennsylvania that can oppose and can also supply seven million homes 24 hours a day with clean and affordable energy sources like this project. Nor can the opposition create the thousands of jobs and income for our state's oil and gas workers, who simply want to support their families through honest, hard work.

Pennsylvania needs to spend more time embracing the opportunities that the shale gas has given us and what it can mean for Pennsylvania throughout cooperation and teamwork. This should be about safe and clean energy production and jobs, jobs for our citizens, jobs for our children and jobs for our children's children.

Thank you for this opportunity to offer my views, and this project is important to the - our company and the Commonwealth of Pennsylvania. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (216)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

113. COMMENT

Good evening. My name is Thomas Au. I am the conservation chair for the Pennsylvania chapter of the Sierra Club. The Sierra Club national environmental conservation organization has more than 25,000 active members in Pennsylvania. We ask that DEP deny the applications for the Transco Atlantic Sunrise pipeline to the - due to the irreparable harm that it would cause the state's waterways during construction and throughout its lifespan.

DEP has identified many technical deficiencies in the Transco applications in nine deficiency letters that it sent. DEP staff needs to conduct a thorough review of Transco's responses. I think that you will find that the applications do not adequately address your concerns.

Water resources have the potential to be impacted by many activities, including crossings, clearing, blasting, water withdrawal for hydraulic testing. Some of the resources within the project area include exceptional value wetlands and trout streams. According to Transco's own report, this pipeline would cross 35 trout streams in Lebanon County, alone.

When a project affects an exceptional value wetland, DEP may not issue a permit unless the project is water-dependent and unless the project will not have an adverse effect on the wetland. In addition, DEP must determine that the cumulative effect of the project and other projects will not result in the impairment of the Commonwealth's exceptional value wetland resources.

To date, DEP has not found that Transco has met these requirements.

I have a report here prepared by Key-Log Economics on the proposed Atlantic Sunrise pipeline that shows the enormous ecological damage from this project. Key-Log like - Economics details the true costs of the pipeline, costs which include the effect of the pipeline on property values, the diminished value of ecosystem services and economic damages.

Lost ecosystem services includes the value of food production, water supply, air quality, erosion control, biological diversity, soil fertility and waste treatment.

Dirty air and dirty water have economic costs. The report estimates that the pipeline's lifetime cost to the environment would be between \$21.3 and very - and \$91.6 billion. I'm submitting a copy of this report for the record. We urge that DEP consider this report and that the Sierra Club will be submitting additional written comments. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (217)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

114. COMMENT

Good evening. My name is Rudy Schmehl. I am a resident of Berks County, Pennsylvania. Thank you for the opportunity to speak this evening at this hearing.

We, as Pennsylvanians, are extremely fortunate to have this valuable natural gas resource

in our Commonwealth. Additional infrastructure has been postponed for far too long. We need this pipeline to transport product to market, and we need it now to grow the natural gas industry both here at home and abroad.

Williams goes to great lengths to promote the following. To locate new pipelines in or along existing rights-of-way and to reuse existing boundary areas such as roads, fence rows, property lines and forest edges. To maintain rights-of-way and forest edges to encourage game and non-game species. Also, to maintain rights-of-way to reduce the spread of invasive species. To utilize good soil management and re-seeding, and to constantly employ follow-up assessment of rights-of-way, searching for settling, seeping and vegetative cover.

And also, the industry as a whole, including Williams, offers landholders education. Williams is a committed company to environmental protection.

Previous gas pipeline incidents in California, West Virginia and more closely here at home in Philadelphia and Allentown draw attention to the importance of pipeline safety. Our aging infrastructure and increasing residential development nationwide dictates the need for replacement and for new infrastructure. In the Commonwealth of Pennsylvania, line hits and old cast-iron unprotected steel pipe account for the majority of incidents.

No one gets up in the morning and says, I think I will have a car accident on the way to work today. No one gets up in the morning and says, I think I'd like to fall off a ladder today, and no one who works for an oil and gas company gets up in the morning and says, hey, let's have an accident at work today. Safety is foremost. Williams is committed to safety.

Established in 2015, the Atlantic Sunrise Community Grant Program is intended to benefit community organizations in communities within the Atlantic Sunrise footprint. Since 2015, the Atlantic Sunrise Company Grant Program has shared nearly \$1.5 million across the ten county Atlantic Sunrise project area in support of noteworthy projects. Last fall, Williams distributed more than \$350,000 to 40 organizations that reside in or provide services to communities where the proposed Atlantic Sunrise Project would be constructed and operated.

Grants up to \$10,000 per funding cycle will be awarded based on community need and can be used to provide environmental benefits, economic development and community benefits. Williams is committed to being a good neighbor.

I call on the Pennsylvania DEP to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Project without delay. Thank you. (218)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

115. COMMENT

Good evening. Tanner Sattler. I'm from Berks County. I'm a resident there. I'm originally from upstate New York. I'm going to read a few points, and then I'm going to give a few comments as I've heard some of the testimony here tonight.

As far as the regulatory goes for the 105 and - and - and 102 permits, I - I stand in a place where I think those things should be approved by the DEP. I think it's very important that the Atlantic Sunrise Pipeline Project be given careful consideration, but be given approval.

A couple of reasons why. The outstanding 102 and 105 permits for which the applications were submitted in 2015 will be among the final approvals needed for this project to move forward. It's critical the Department review these applications in a timely manner so that this project can be placed into service as soon as possible.

The company has developed a timeline that allows for the development - or the Department's thorough and complete review of its applications, as well as a comprehensive construction schedule that would place the project's facilities in service in the safest, most environmentally responsible manner. The proposed construction schedule would enable the company to consider all environmental factors, maximize favorable construction weather conditions - which is very important to maximize favorable weather conditions in a way that that company can minimize longer construction periods.

But the economic impact is where I really kind of want to speak. I'm originally from upstate New York. New York is currently a state that's closed to this industry through its governorship and its assembly. Here in Pennsylvania, I think it's a very important process that we're going through, and I think this hearing is very important, to hear both sides of every story.

But I will say from personal experience that there's many in New York who wish they even had this opportunity to speak up. They don't. This is an industry that's closed. So I think that hearing both sides is very important, but I think if you were to ask anybody in New York if they would like this opportunity, I think you'd have a lot of the residents in upstate New York be in agreement for it, because it does provide positive economic conditions.

We've heard this a couple times tonight, but I'm going to reiterate it. Pennsylvanians will benefit from the Atlantic

Sunrise's approval, which will span ten counties from Susquehanna County through Lancaster. The impact as much as possible that could result in economic impact analysis conducted by researcher - researchers at Penn State University estimates 2,300 people will be employed in those - in those counties during the one year period construction phase will increase economic activity by \$1.6 billion. \$1.6 billion. So that's a very strong indication that this is a project that's very important to this area. And like I said, if I put it into the context of other states that are close by that also have this resource, it's very important that it's considered. Thank you very much. (219)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

116. COMMENT

Good evening. My name is Jo Ellen Litz.

Clean water is my passion. For our visitors to our community, the Swatara Creek flows through Lebanon County from Schuylkill, then to Dauphin County into the Susquehanna River and, of course, the Chesapeake Bay. That Chesapeake Bay is in need of help and protection.

As a child, I swam in the local waters, and I saw both clean water and polluted water. For example, I saw leeches that were on my sister when she got out of a stream that was polluted, and I personally experienced boils on my arms and in my ears when I swam in polluted water. On the other hand, fishing with my father, I caught trout. So that was as a child.

As an adult, as a result of those experiences, I've dedicated my life to cleaning up the polluted water.

I know that Williams Atlantic Sunrise has another route established, and I prefer that route is used. But if, ultimately, you come through Lebanon County, I respectfully request that you consider four items.

Number one. While they continue to install best management practices, like planting trees along waterways, government and others, blame farmers for polluting our streams. Sediment is the number one polluter. When a pipeline cuts our riparian buffers and digs up the streambed, the ecology is disturbed and sediment goes downstream.

Therefore, I ask that you have them, if they don't - come through, horizontal drill under creeks like the Swatara and Quittapahilla, as well as sensitive wetlands.

It should not take a law to do the right thing. As guests in our community, please show us this respect. You would do no less if you went into someone's home. You would have to respect their property, their customs and their values.

May I also add that the Swatara Creek rises and falls quickly? After 29 years of helping to organize and paddling the Swatara Creek, I know of equipment that was flooded and pushed downstream, along with Styrofoam ballasts. And the Swatara Sojourn picked up the Styrofoam pieces for years after one such incident.

Number two, register. Have them register with the Susquehanna River Basin Commission and voluntarily pay for our precious water. Do not structure withdrawals to avoid payments. Do avoid times of drought. Do repair any damage to access points.

Also, daily, if necessary, clean up mud from our roadways. The messy roads serve to

agitate residents. Many people have observed dirty and dangerous conditions at 3000 State Drive in South Lebanon Township, where pipes are stored for both Williams and Sunoco time is up.

In closing, the Swatara Creek is part of the national Captain John Smith and Pennsylvania Water Trails. As such, 2018 will be the 30th year of the Swatara Sojourn where we paddle and pick up litter along the way. The first weekend in May, Swatara Watershed Association, we lead a 30 mile flow from Swatara Watershed Park from East Hanover Township, Lebanon County through to the PA Fish and Boat Commission Launch in Middletown, Dauphin County. We will need passage. Thank you for listening, considering and then acting on these requirements. Note: the attached documents referenced in this comment are included in part three of the comment response document. (221)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2 of their Water Obstruction and Encroachment permit applications. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques). The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, thermal impacts and impacts to Exceptional Value (EV) streams and other wetland resources.

Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment, including to roadways during construction. Transco's erosion and sediment control plan was designed in compliance with DEP's Chapter 102 regulations to ensure it will not cause or contribute to violations of water quality standards.

Transco avoided impacts on riparian buffers to the extent practicable through early routing efforts, which focused on siting the proposed pipeline to avoid paralleling streams, and crossing streams at 90-degree angles. Transco also reduced the construction ROW width by up to 25 feet depending on site-specific conditions at stream crossings. As an additional reestablishment measure, Transco is replanting riparian forest buffers crossed by the Project. Replanting will occur within the regulated floodplain (Federal Emergency Management Agency [FEMA] mapped 100-year floodplain, or 50-foot-wide floodway, whichever is greater) which will minimize any erosion and sediment runoff as a result of clearing in riparian areas (see Attachment L-5, Appendix L-2 of Transco's Application).

Transco received permits from the Susquehanna River Basin Commission for all water withdrawals. The water withdrawal permitting process ensures that water withdrawals do not exceed acceptable levels. A summary of Transco's proposed water withdrawals is provided in Attachment L-5 of Transco's Application. The locations and potential temporary and permanent impacts to the waters of the Commonwealth due to the water withdrawal infrastructure were considered as part of the review of the Water Obstruction and Encroachment and ESCGP-2 applications for the project.

117. COMMENT

My name is Douglas Lawrenson. I am a resident of West Cornwall Township here in Lebanon County.

The Transcontinental Gas Pipeline Company's proposed Atlantic Sunrise Pipeline Project would impact 2,200 acres of land during construction and cross hundreds of wetlands and waterbodies. I believe that the project would cause irreparable harm to the state's waterways, environment during construction and beyond. It would threaten drinking water sources, ground - groundwater, wetlands, springs, water quality and septic systems.

The earth moving, tree clearing, blasting, water crossings and water withdrawals for hydrostatic testing associated with the project will adversely impact aquatic resources. Source – some of the resources affected by the project are highly-high quality and sensitive resources, including exceptional value waterbodies and trout streams.

I am especially concerned about the loss of wetlands and their functions and values.

In its review of the permit applications, DEP found that some of the wetlands that the project will affect have not even been identified by Transco according to deficiency letters sent to the applicant. When a project will affect exceptional value wetlands, as this project will, according to the regulations, DEP not – may not issue a water obstruction encroachment permit unless the cumulative effect of this project and other projects will not result in impairment of the Commonwealth exceptional value wetland resources.

To date, Transco has not affirmatively demonstrated that exceptional value resources would not be impaired by the cumulative impact of the project and all other existing or potential projects. The applicant has not adequately addressed the cumulative impacts of this and other pipeline projects on the environment in its permit applications for waterways and wetlands crossings.

For these reasons, I urge the Department to deny the permits requested for the Atlantic Sunrise. Thank you. (222)

Response: In its submissions in May 2017, Transco updated their applications to include all field surveyed water resource impacts.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts.

The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, thermal impacts and impacts to Exceptional Value (EV) streams and other wetland resources.

118. COMMENT

Good evening. My name is Pamela Bishop. I live in West Cornwall Township, Lebanon County.

Lebanon County sits in the crosshairs of two monster pipeline projects. One is Transco's proposed north-south Atlantic Sunrise pipeline, and the other is Sunoco's west to east Mariner East Pipeline Project. The Mariner East Project actually involves one existing and two more under construction pipelines.

These four pipelines will cross each other in South Annville Township, Lebanon County, and also will directly impact landowners in South Londonderry Township, Lebanon County. And I believe it's ten counties that the project goes through in - in its way north-south through central Pennsylvania.

My first concern is that the Department of Environmental Protection has not adequately addressed the cumulative impacts of both pipeline projects on the environment when the agency considered the permit applications for waterways and wetland crossings and earth disturbance for the Mariner East project. And my fear is that you will do the same with regard to this project.

It's not only the impact of one pipeline that should be considered when you review an application. DEP should weigh the impacts of dozens of existing and planned pipelines in Pennsylvania. Compressor stations. Valve stations. Export terminals, processing plants and the hundreds of gas wells drilled to supply them.

We've already experienced polluted wells and waterways, worsening air quality, fragmentation of precious forests, loss of the - some of the best farmland in the United States and living under the threat of disastrous explosions. The people have a right to clean

air, pure water and the preservation of the national scenic, historic and aesthetic values of the environment.

The DEP has a constitutional duty as trustee to conserve and maintain Pennsylvania's public natural resources for the benefit of all the people, including generations to come.

In its permit applications, Transco failed to quantify the impacts of other projects in its vicinity and failed to describe how the cumulative impacts will be ameliorated. DEP cannot adequately address these issues when the applications are incomplete.

My second concern is that Transco has not adequately responded to the Department's nine deficiency letters. For these region - reasons, I urge the Department to deny the permits requested for Atlantic Sunrise. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (223)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts.

Transco has responded to all the Department's technical deficiency letters. Transco submitted its original Chapter 102 and 105 permit applications on August 28, 2015. Comprehensive revised applications were submitted on November 21, 2016 and May 5, 2017, consistent with the applicable statutory and regulatory requirements for the Department's review. Transco's application has gone through a thorough vetting process

by DEP and Transco has responded to the Department's satisfaction to two rounds of technical deficiency comments by the agency by modifying its submittals to address the Department's comments.

119. COMMENT

Hi, my name is Megan Detter. Aside from the statewide impacts to waterways, forests and farmland, I want to address a closer to home issue. I spent much of my childhood fishing up and down the Conewago Creek and can slowly see the - the degradation of the condition due to nutrient and sediment overload.

Over the last few years, multiple organizations and municipalities have worked on numerous projects to revitalize the impaired creek costing large sums of money, tax dollars included. Conditions have improved.

However, the Atlantic Sunrise Project construction would reverse any improvement made to this waterway. The location of the Conewago where this Atlantic Sunrise would cross is arguably one of the worst places that would result in the most - some of the most erosion and sediment runoff, due to the horseshoe shape.

On September 25th, 2015, South Londonderry Township asked Transco that the Conewago be crossed using directional boar instead of the dam and pump method. The correspondence also states that the length of construction and temporary stream impacts extend for a stream length of 100 feet, and the length is excessive and should be minimized as much as possible.

Transco replied, stating there have been no changes to this location. And more recent supplemental filings to the Federal Energy Regulatory Commission show the construction area has actually increased and encroaches more wetlands.

The DEP should deny any project that would disrupt roughly 300 streams that are designated high quality waters and trout and exceptional value waters as the Atlantic Sunrise would, since the purpose of the agency is to protect the environment.

As of 2014, the EPA has - has Pennsylvania listed with 15,882 miles of impaired waterways. If Pennsylvania does, indeed, follow through with the projected number of 30,000 miles of new natural gas infrastructure, how much will the number of impaired waterways increase in the state? How are we to decrease this number, like the Conewago Creek efforts, if we increase the miles of pipelines in the state?

Of course, I also have personal concerns regarding - regarding my own livelihood. Originally planned to cross our property, complete with a threatening visit from Universal Field Services land men, the current proposed route covers the area of a spring on a neighboring property that feeds a creek on our property.

This creek is the sole water source for our horses we rescue. It is also the source of emergency water for our local fire department, which they used last year. We have major

concerns for the condition of the spring and stream, which flows into the Conewago Creek, during and after construction of the Atlantic Sunrise if permits are issued.

The Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.

That's your mission – mission statement. It doesn't say to allow pollution and destruction of our natural resources, does it?

We have to look at the bigger picture. Allowing for permits of this - this destruction means more hydraulic fracturing, which means more environmental impacts. It's time the PA DEP stops chasing its tail and enforces its neglected mission. Thank you. (224)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. The Alternatives Analysis provided to the Department, demonstrates that the pipeline has avoided and minimized impacts to wetlands within the Conewago Creek and Little Conewago Creek watersheds through in-field routing adjustments and by reducing the Project limits of disturbance where possible. Site-specific measures implemented to avoid and minimize impacts to individual watercourses and wetlands crossed by the Project are detailed in Attachment P, Appendix P-1 of the Chapter 105 Application. A trenchless crossing of Conewago Creek with a conventional bore was considered, as documented in the Trenchless Crossing Analysis for Lebanon County (see Attachment P, Appendix P-2 of the Chapter 105

Application). A conventional bore crossing was determined to be infeasible because the required bore length of 715 feet exceeded the maximum bore distance by over 400 feet.

120. COMMENT

Hello. My name is Ellie Salahub. I'm going to start out by requesting that you deny these permits.

I have no confidence in regulations that DEP is using. I have one year technical guidance numbers, technical guidance papers in front of me which acknowledges that there are impacts that cannot be avoided or minimized, and it talks about a wetland impact that can be properly restored which I think is just an example of human arrogance actually. Human arrogance on the part of both DEP and industry to contemplate that things can be properly restored or things can be engineered and constructed at a hundred percent safety.

So the other reason I have no confidence is because we have a lot of documentation of - even our own legislature weakening regulations. The industry is spending I guess millions of dollars on lobbying. One of our own legislators wrote an editorial saying gas industry lobbyists are getting their way. Governor Rendell said he put economics ahead of safety. I'm concerned that there is no agency, federal or state, that is looking out for the health, safety and welfare of the people that benefit when you protect our natural resources.

There was no health registry put in place so we have no baseline data but now there are peer review published papers of research that's being done on health impacts. Unconventional and natural gas development affecting birth outcomes in Pennsylvania is some epidemiology association between unconventional natural gas development and Marcellus shale and asthma exacerbations. This is from JAMA. There is associations between fracking and nasal and sinus migraine headache and fatigue symptoms in Pennsylvania and not to mention increased indoor radon concentrations.

These papers were given to Secretary McDonald so your agency does have these available to you to look at, so. Thank you. (226)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

121. COMMENT

My name is Ralph Blume. I probably don't belong here because I'm from Cumberland County.

I have Mariner East 2 going through my property and what they have done to my property has completely ruined it and with DEP's permission because they gave them permits. They have stripped the topsoil off of over three acres and piled it all in with the shale and did not keep it separate. I have photos to show that if they want it. They have everything in one pile.

They have stopped me from crossing their right-of-way to make hay. You cannot cross it. If you cross it, you will be arrested. They had three constables and three state police there to enforce that, and we have photos of that if anybody wants that forwarded to them, we can do that.

They have torn down my hay shed where I keep my hay. I have no place to store my hay anymore. They've restricted my access to the barn because the pipeline goes within a hundred feet of the barn and great big piles of - great big piles of ground all over the place. I can't - I can't hardly get through.

It caused health problems, they don't care. They lied to me from the beginning saying they're going to this, going to that. Three weeks ago they were going to build me a new hay shed. I haven't seen it yet. Supposedly they're going to do it this week, supposedly. In the meantime, my hay's getting old and my contracts probably won't buy it and I'll be out of money.

It's not a good situation. They want to go through - straight through my sewage system to my house. They said well, we'll get - we'll put the new pipe back in when we get done. The sewage officer that I finally contacted, he said - he don't recommend it but they're probably going to do it anyhow.

And they don't seem to care about anything. Just bullied me for three years now and there is 210 people in Cumberland County as far as I know, landowners that they're going through. Two of us so far. Everybody else just give up because they've been bullied and threatened. And I need about three hours to tell the whole story that I got. Three minutes won't do it. But this is a basic touch of what they've done to me and what they are doing to people all around.

Pipeline - there's not one person that is on my property has been from Pennsylvania. Florida, Georgia, Tennessee, Texas, Wisconsin, Utah.

That's all I see. There's no Pennsylvania tags, no Pennsylvania - and I've talked to these people. Nobody is from here and these jobs have all gone to out of state people. And the woodcutters that cleared the property, they're from Wisconsin. Shame we don't have a couple people there from Pennsylvania with a chainsaw that cut down a tree, but that's where they come from.

And all the product going through this pipeline is going to Marshall, going to Scotland. There were six ships that were built, made a lot of jobs for the Chinese and we get nothing out of it except a hard time and our property - my property will never grow anything for 10-20 years. I'll never see it. I'm 76 years old and it takes seven people to make sure that I don't get physical with these workers. I think it's a shame. Thank you for your time. (228)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

122. COMMENT

Good evening. My name is Ed Hill, Jr. And I'm a representative of the International Brotherhood of Electrical Workers.

I'm here in support of the Atlantic Sunrise Project and encourage the PA DEP to approve the Chapter 102 and 105 permits for the project on behalf of our Pennsylvania membership.

According to the U.S. Department of Transportation statistics and other agencies, pipelines are the safest method for transporting energy, including natural gas. In the United States there are over 305,000 miles of pipeline, that being transmission, and in Pennsylvania there are over 8,600 miles of pipelines. I mention that because I think that demonstrates that if installed - constructed, installed and maintained properly, that demonstrates their safety.

As this project is designed, constructed and operated, Williams is committed to maintaining the highest standards of safety, utilizing construction and operational procedures that exceeds stringent industries regulations. These procedures include monitoring the pipeline 24 hours a day seven days a week.

Williams Transco has also demonstrated their commitment to safety and quality by utilizing professionally trained construction workers including those from the IBW, the pipeliners, laborers, operating engineers and others who are the best trained construction workers in America.

The proposed construction schedule will enable this pipeline as it was presented to be under full consideration of the environment in terms of timeliness. Delays will affect the installation primarily due to weather conditions which would negatively impact their planning and the construction environment.

The IBW encourages the timely approval of Chapter 102 and 105 permits. I'd also like to thank the PA DEP for conducting this hearing this evening. Thank you. (62)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

123. COMMENT

Lea Zerbe. Hi. Thank you for having this tonight. I'm not here to attack all of the out of state pipeline workers. My youngest brother is actually a welder and he works really hard to support his family and I'm sure that all of you do the same thing, too. I actually hope that all of you are making windmills full-time as soon as possible.

I'm here because I live here and my neighbors and I want a say over what happens to our local land. I'm a citizen of Pine Grove, Schuylkill County and no corporation or union paid me to be here.

I'm asking that you to do the right thing and deny the Chapter 105 and 102 applications for

Transco's Atlantic Sunrise pipeline on the basis that it will cause irreversible damage to Pennsylvania's water and our environment during construction and throughout the life of the pipeline.

Over the course of the last several years, I've had the opportunity to sit down at my neighbors' kitchen tables, people who live along the proposed pipeline's path. Many stated they feel taken advantage of, violated, demoralized and victims of trespass and corporate greed. Many farms feel under attack, like they have no control over their own land, water and natural resources. Many report being lied to and they feel like they've been misled. And this isn't the type of corporation we trust to install high pressure natural gas pipelines near our homes and waterways.

You have the power to stop this. Please listen to the people who actually live here and resist the pressure to side with corporations and out of state interests.

Let's talk about – Independent economic reports tell us that pipelines, like the Atlantic Sunrise, will cause ecological damage that will hit our townships and our taxpayers hard including loss of property value. \$21 to \$91 billion, that's the estimated cost of damage to the environment. \$6 million to \$22 million, that's the loss of ecosystem services during construction alone. Nearly \$3 million to \$11.4 million of damage every year thereafter that the pipeline operates. These are ecological services that include loss of food production on farms, like we've heard about earlier, water supply issues, poor air quality, worsening erosion, loss of biological diversity, soil fertility and more.

Please also consider that EPA just issued a letter to FERC last summer saying that the EIS for Atlantic Sunrise lacked the public transparency and full detail needed. Aside from that, the report did not include proper alternative sand it didn't really include an actual cumulative effect that the pipeline would have along with the frack gas it could carry in terms of climate and our water. Science is clear that this can cause significant adverse environmental impact, safety issues, air and climate change impacts, economic ramifications, permanent impacts on scenery and rural character of our region and threatening - threatens our drinking water, wetlands and more.

The pipeline salesmen that have been knocking on my neighbors' doors promising them that the Atlantic Sunrise pipeline will be perfectly safe. Well, they've also had to sit back since then and watch the news and see reports of leaks, explosions and all sorts of other problems that are that have been well documented.

Let's also not forget that our neighboring states of Maryland and New York have banned fracking because the damage caused during fracking and transporting the grass - gas outweighs the benefits.

And this all playing out in Pennsylvania right now. Please stop the damage and deny those permits. Thanks. Note: the attached documents referenced in this comment are included in part three of the comment response document. (229)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to public notice, resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

124. COMMENT

Fossil fuels are going obsolete. The last thing we need is more fossil infrastructure. Just say NO! (233)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

125. COMMENT

Please make the planet and its inhabitants more important than dirty energy and the money that's made from it.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (239)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

126. COMMENT

I strongly urge denial of the Atlantic Pipeline permits. The damage done to Pennsylvania forests would be horrific along with the surrounding environment.
Thank you. (240)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

127. COMMENT

Do what is right for the future if Pennsylvania! Deny the pipeline permit!!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (241)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

128. COMMENT

Good evening. My name is Jeff Logan.

My name is Jeffrey Logan and I serve as the President of the Pennsylvania Chemical

Industry Council and I am speaking in support of the Williams Pipeline, Atlantic Sunrise Project.

The chemistry industry is the third largest manufacturing industry in the state and it's responsible for approximately 41,000 direct jobs and another 50,000 related and support jobs. And these jobs are good paying jobs with an annual wage of more than \$93,000 a year.¹³

Federal and state regulators play an important role in protecting the health and safety of citizens they dutifully serve as well as the environment and wildlife. Williams wants tough regulations, they want those regulations enforced. The challenges that exist in current regulatory environments stem from jurisdictional overlap. Williams has been working with the Pennsylvania Department of Environmental Protection for more than two years, providing the data and information needed for the permit applications to be processed in a timely and efficient manner.

The Chapter 102 and 105 permit application reflect the cooperation and collaboration Williams has demonstrated with the PA DEP as well as federal and state permitting agencies to avoid or minimize impacts to wetlands, water bodies and other sets of environmental areas. Dedicated full-time environmental inspectors will be employed during construction to oversee and ensure that Williams' best management practices are implemented and that the project complies with applicable regulatory permit and approval conditions.

Working with stakeholders and permitting agencies, Williams has demonstrated a collaborative approach which has resulted in the adoption of more than 400 route applications affecting more than 60 percent of its original route. Per DEP's request, environmental and cultural resource surveys on 100 percent of the preferred route have been completed. The company has reduced the potential for cumulative impacts associated with the Atlantic Sunrise Project by collocating the project with existing rights-of-way on one quarter of the project.

I call on the DEP to approve the Chapter 102 and 105 permits of the Atlantic Sunrise Project without delay. Creating an economic environment that encourages private investment and creates jobs while balancing the health and safety of the public and the environment.

Pipelines are proven to be the safest and most efficient method to move natural gas to consumers. Williams has operated safely in the state for decades and currently touches more than 30 percent of the nation's natural gas transporting it to markets across the country. After receiving approval from the FERC in February 2017, Williams is on the verge of securing the last remaining state 15 permits to begin construction in Pennsylvania. Specifically the Atlantic Sunrise has undergone an unprecedented amount of regulatory and public review.

The time to build is now. The time to approve the Atlantic Sunrise Project is now. Thank

you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (209)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

129. COMMENT

Good evening, my name is Kevin Sunday with the Pennsylvania Chamber of Business and Industry. Thank you, DEP, for the opportunity tonight to speak before you and always for your professionalism in these matters.

I'm here today to urge you to conclude the extraordinarily thorough and yet thoughtful review of this project and authorize its construction by granting the necessary Chapter 102 and 105 permits and issue an order so that construction can begin. As the permit documents in FERC's final note a large part of the project's impact will be temporary, minimal and perfectly mitigated will be greatly outweighed by the positive economic benefit.

The expanded use of natural gas will help true up our state, region and nation's energy security at a time of increasing geopolitical turmoil. Our nation's gas can also help support our country's allies across the world freeing them from the compression regimes.

Once placed into service, this project will support increased development of natural gas which in turn will continue to drive economic growth in rural counties across our state which will support our state's number one industry, which is agriculture. This project will also support economic growth along the entire energy supply chain from the vendors and supply companies to steel and pipe manufacturers and provide new opportunity for use in manufacturing and power.

The use of natural gas and combined heat can power application such as cogeneration or fuel cells and drive a way for new investing in the high-tech jobs in Pennsylvania and help grow and preserve the manufacturing and commercial opportunities now available to us.

In addition to continuing the significant and documented downward trend of the carbon emissions and criteria pollutants in Pennsylvania, there's room to grow the market for natural gas use in Pennsylvania and in the region provided we have the infrastructure to do it. And the \$3 billion investment this project represents is a key part of that.

We're at a key turning point in our state's history. We have the 16 demographic from the group expected to increase in the near future and with our state's unemployment rate persistently above the national average, we need projects that are going to drive the economic growth and this project is just that. According to researchers at Penn State, this project is expected to create 8,000 jobs throughout its lifetime, 2,300 of them in the 10 county project region during construction.

And it should be then apparent the economic benefits of this project, which will be constructed in excess of industry best practices greatly outweigh any temporary impact and

as such, on behalf of the Pennsylvania Chamber I urge you to quickly grant approval for this project's necessary permits. Thank you. (242)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

130. COMMENT

Thank you. My name is Tim Spiese.

I'd like to thank you for the opportunity to speak concerning the proposed Atlantic Sunrise pipeline. I'm here today to represent Lancaster Against Pipelines and to make clear our opposition to this pipeline and ask that you deny the water quality permit for this unneeded project.

In April of 2014, Williams presented their planned project to residents at a meeting of County Commission. Over 40 residents spoke, all of them opposed. In June of 2014, over 1,000 people showed up to an open house in Millersville for residents to share their concerns with the pipeline company representatives. These open houses are supposed to address the concerns of landowner but no one there was writing anything down and nothing expressed was ever documented.

In August of 2014, FERC listened to four and a half hours of comments in opposition of this project. A FERC spokeswoman said they've never seen opposition to a project quite like this before. Of the over 6,000 comments received by FERC during the comment period, over 97 percent were opposed.

Clearly, the regulatory process is not designed to serve the public but rather serve the desires of the industry. So why are we dead set against this pipeline? Landowners will be forced through eminent domain to accept a 42 inch high pressure pipeline that will be used primarily for exporting fracked gas overseas in the form of liquefied natural gas. If this is not an environmental issue, then the PA DEP has no bearing on tonight's hearing. It should however be of great concern to anyone who values the right of hard working Americans to have their greatest asset, their home and their property, protected from corporate greed.

I'm sure many of the people here tonight working for the unions who work hard every day for what they have and appreciate those sentiments. This pipeline, if built, will carry fracked gas from Marcellus Shale to export facilities. Fracking is shown to have health impacts in the form of contaminated wells, cancer causing VOCs from compressor stations, decreased birth weights, asthma and the release of otherwise stationary radon in the form of shale formations.

As the project moves south, it crosses hundreds of streams and wetlands in the Susquehanna River Watershed. Horizontal directional drilling will be used to go underneath the Conestoga River and other large water crossings. Just several weeks ago, Energy Transfer Partners experienced the release of bentonite while performing an HDD on the river pipeline in Ohio. The Ohio EPA says the area will take decades, decades to

recover.

During construction in the ten mile long Rock Springs Pipeline in 2016 Williams, who apparently wants to be regulated and wants to be watched closely, was cited for numerous soil erosion control measures. They had in fact not installed anywhere they were removing trees and shrubs in the fishing creek crossing just upstream of the Fishing Creek Conservancy. It was people like myself who sounded the alarm, not the DEP, not the Army Corp of Engineer and not the sole conservation district. It took several weeks before officials made a site visit. They still found numerous violations and yet no fines were issued.

Perhaps the most compelling reason to deny permits for this project is the overwhelming science concerning global warming. The increase of emissions of methane will have catastrophic events that will be as bad or worse than if we continue to burn coal. Agencies of the DEP may or may not have a legal mandate to consider the cumulative impacts but you certainly, certainly have a moral obligation to do so. The potential for disaster - occurs at every water crossing, every well head, and every LNG facility and this is something that we don't need just for corporate profit. It's no secret that the DEP is grossly underfunded. Until the DEP can adequately review and enforce regulations under its jurisdiction regarded construction of this pipelines no permits from the State should be issued. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (118)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The applicant's decision on whether to utilize HDD for water crossings relied heavily on

their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2 of their Water Obstruction and Encroachment permit applications. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

131. COMMENT

My name is Nancy Jeffries, D.O. I'm a family doctor in practice for 30 years and had the honor of delivering 1,200 babies into a community that can trace its ancestry back many generations

Lancaster County is known internationally for having been the most agriculturally productive farmland in the world, so much so that there had been a decades long concerted effort to preserve it for future generations.

By building the Atlantic Sunrise pipeline, Williams wants to take this away threatening not only local families but families worldwide with the impact of fossil fuels on climate change. In Lancaster County alone, the pipeline will go through 35 preserved farms and many more properties stolen by the abuse of eminent domain.

Williams does not need this 42 inch Greenfield pipeline. It already owns the infrastructure to get natural gas to markets. The current infrastructure is aging and in need of upgrading which Williams refuses to consider even though this would create more jobs for Pennsylvania and would improve the safety of the people living near this infrastructure by decreasing the risk of leaks and explosions for many miles of uncapped - unmapped pipelines.

The Atlantic Sunrise pipeline will not benefit Pennsylvania. There will be only 39 full-time jobs created as the many temporary jobs will go to out of state workers.

Study after study shows that this gas is not needed domestically and that the majority of this gas will be going for export. It is disingenuous of the industry to pretend otherwise. \$3.8 billion has been spent building an export terminal in Cove Point, Maryland. Also a New Panama Canal has been constructed as well as a fleet of specialized LNG carriers to fit through the botched canal. Billions and billions of dollars have gone into supporting the export of natural gas yet the abuse of eminent domain for this project has been allowed.

My personal life has become a living hell. I've been fighting this pipeline for three years now. My home will be ground zero for construction. The sheer magnitude of destruction is unimaginable. We will have construction 800 feet behind our home putting us permanently in the vaporization zone. On the property next to us will be the direct horizontal directional drilling to go 90 feet beneath the Conestoga River which will take up to nine months.

The drilling will require that 1.1 million gallons of water per day be transported past my home from the extraction point to the drill pad. This will require at least 170 tanker truck

trips daily on a narrow scenic boulevard. The river water once used will not be returned to the water cycle only because additives for drilling will then be toxic. This toxic water and dredging's from the drilling are going to be disposed of in open waste pits near the drill pad, yet I'm told that my well won't be affected or my home devalued.

After fighting this pipeline for three years I've become someone I hardly recognize. I've gone from being a happy, optimistic, productive human being to being scared, angry and feeling hopeless and the construction hasn't yet started. Human beings are born to the sense of fairness and justice and in the civilized society this is nurtured.

While protesting, this community has been obstructed at every juncture from our township supervisors up to the President of the United States in our quest for justice. This situation's caused the sense of impotent rage at the abuse of power that is shocking and not consistent with democracy. The citizens are being abused and their well-being is being put at risk for the benefit of the greedy few.

These are scary and uncertain times and it is crucial and frightening that these corporations are not permitted by our elected officials to promote their interests of hard working citizens. We are rushing towards a tipping point. We are the guardians of our precious planet. Humanity needs to step back and look at the big picture and make the appropriate changes if life on this planet is to continue. Note: the attached documents referenced in this comment are included in part three of the comment response document. (243)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The applicant's decision on whether to utilize HDD for water crossings relied heavily on their Trenchless Crossing Analysis which can be found in Attachment P, Appendix P-2 of their Water Obstruction and Encroachment permit applications. All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques).

After the construction of the pipeline, the right-of-way will be restored back to pre-construction conditions, including any part of the right-of-way which may go through preserved farmlands.

Finally, Eminent domain is not within the scope of the Department's statutory or regulatory authority. As indicated, a Department authorization does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to

grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.

132. COMMENT

My name is Lynda Like. I am an affected landowner in Conestoga Township.

This project on its present route will affect 30 more streams and wetlands combined. Over 1,000 voices in Conestoga submitted to FERC by Representative Mike Miller were silenced and ignored when asking that this project back to the original right-of-way. Let's go beyond that and state this project should never have been forced through Lancaster County.

The southern end of the County where environment and nature come together to form one of the few pristine places untouched by corporations is visited by many in and out of the state. One Williams' worker was heard to say he didn't know places like this existed. It's amazing here. Too bad. You won't recognize this place in ten years. What a resounding endorsement for the drastic change coming to Lancaster County.

Horizontal drilling will be done here. Recently Sunoco and Rover Pipelines had spills of drilling fluid containing bentonite, clay and water mixed with diesel fuel. Both of these spills totaled over 2,575,000 gallons released into the Delco Creek and Tuscarawas River. One DEP agent stated he didn't know where all the spillage went when asked where the rest of the 20,000 gallons of fluid was.

You as a state agency here in Pennsylvania should have executed your powers as a concerned advocate of environmental issues here instead of the paper pushing from one desk to the other and onto FERC, your agency should have shouted loudly over all other voices of what could and may happen here in this county. As an overseer of our state, I feel you have let us down. You have no more power here than we the citizens. You can't stop any project through any part of this state. So I have to wonder, why in the world you are an agency under this name of DEP.

The tentacles of power reach not only in state but deep into the federal government itself. These tyrants have never been reigned in. It is neither closely monitored or made accountable for its actions. It is so under regulated that it appears to answer to no one. It doesn't have to report any leaks nor any damages under \$50,000. When wells are contaminated, who is going to tell the property owners? No one. They don't have to report it. When an accident happens, we here will be collateral damage and our voices will finally be silenced.

I can only assume you are here now to give us, the citizens, some guidelines. Well we don't need your guidelines. What we needed was leadership and a voice who was not afraid to be heard. And do I sound bitter? You bet I'm bitter and I'm disillusioned over government that can allow this kind of thing to happen to environment and landowners. Note: the

attached documents referenced in this comment are included in part three of the comment response document. (244)

Response: In its application submittal to the Department, Transco demonstrated that potential impacts associated with HDD crossings will be minimized through the implementation of its Horizontal Directional Drill Contingency Plan included in its ECP (see Attachment M of Transco's Chapter 105 Application). In addition, Transco completed geotechnical investigations to confirm that each of the proposed HDD's can be completed safely and effectively. Additionally, Transco has developed a notification plan to notify private well owners within 450 feet of any proposed HDD site. Transco will offer to sample well water before, during, and after the HDD event. The Department included conditions to further reinforce the requirements for notifying and sampling. In addition, the Department has conditioned the permit that any HDD site experiencing an inadvertent return will not be able to resume until first evaluated by a professional engineer or geologist.

133. COMMENT

I'm Jay Parrish. I am a geophysicist and a former state geologist of Pennsylvania and I'm a special assistant for science and technology for DEP.

Geologic work in Pennsylvania is required to be done by registered Pennsylvania geologists except for one condition, the practice of individuals providing geologic services to businesses engaged in exploration and development of gas or oil. For the definition of development according to glossary of geologic terms is the work done on mineral property for mineral production begins on a commercial scale. Work done on transportation network such as pipelines and roads are not part of the resource development and therefore are not exempt.

Pipelines can carry materials other than oil and gas and it's clear that the use of the words development and professional geologist statute refers to geologic understanding of the word. All geologic work done on the pipeline should have done by a professional geologist or a visiting professional geologist with equivalent certification with less than 30 days on the project. I have not seen very many Pennsylvania geologists working on this.

I recognize that this does not correspond with DEP's current use of the word development and given its understanding that is refers only to assessing or modifying mineral property would be incumbent upon DEP to assert the qualification of geologists who have worked on the project to date and have Williams conform with the professional licensing legislation.

I realize that you might want to just dismiss this as something else to look at but I would urge you to check with the legal department and regional person before you dismiss it because I think it's a fairly important point.

Secondly, although I recognize that this is a 102 and 105 hearing, I'd like to remind DEP that on April 23rd we experienced two earthquakes in the region. Such activity is not

unrelated to superficial issues. Past experience in the Reading area has shown seismic activity can activate sinkhole formation. Placing a pipeline along a known seismically active area literally crossing a fault that had activity in 2008 and a 3.4 quake and crossing one of the best known sinkhole- producing formations in the state, Epler formation, seems to be a poor choice.

The 2008 event had epicenter of 1.5 miles from the proposed route, but more importantly the likely fault that caused the quake runs east, west and the pipeline across it near Mount Joy. Moving the location of the pipeline even two miles could move it out by Pennsylvania's most active seismic zones. This is an inherently predictable hazard. We know where seismic activity generally occurs. We know how often it generally occurs. We know the seismic activity activates sinkhole formation. It is not a best practice to place a route where a known hazard exists.

Finally, the DEP has the research on methane. Looking at working wells and coal and other sources and of course pipelines are very large. Lancaster County has a huge air quality problem and it's a further consideration for this. Note: the attached documents referenced in this comment are included in part three of the comment response document. (245)

Response: Geology and seismicity were both taken into consideration during the design of the proposed pipeline as per Transco's Environmental Construction Plan (ECP). Please see Attachment 7, Karst Investigation and Mitigation Plan, 2.121 Task 2 – Geophysical Survey. The analysis shows that the proposed pipeline has been adequately designed to satisfy the ASME B31.8[8] for allowable stress limits for all cases of temporary lack of supports undergoing seismic activity during operation conditions.

Comments related to the air quality impacts of the Transco proposed pipeline project are not addressed in this Comment/Response document. Air quality comments related to the Transco proposed pipeline project will be addressed in the Comment/Response related to Air Quality Plan Approval 36-001GC to allow transfer and use of 106.0 tons of nitrogen oxide (NOx) Emission Reduction Credits (ERCs) to the project construction activities in Lancaster County to offset emissions from construction activities and satisfy requirements specified by the Federal Energy Regulatory Commission's General Conformity Determination for the project. The notice of intent to approve that air quality plan approval was published in the *Pennsylvania Bulletin* on July 22, 2017. 47 Pa.B. 3995.

134. COMMENT

My name is Malinda Harnish Clatterbuck.

I'm speaking tonight because I have grave concerns about the voices that are heard in this process and the voices that are shut out. I've been to a number of set hearings since the ASP was proposed over three years ago only to find that the voices of the people have no power unless they are comments that fit into specific categories of acceptance.

When I spoke with FERC representatives about the comments on the environmental impact statement, they emphasized the need to have substantive comments that show details of

where on the route there are cemeteries, sewers, buildings, all of which the pipeline would be moved around. We were to point out the locations of natural springs, wetlands and old growth forests, not in order to stop their destruction but to ensure that some kind of mitigation would be provided by Williams as if the natural habitats themselves held no value.

We were told to have specialists and professionals comment on why it would be dangerous to put this line through karst formations or on the seismic fault line which meant hiring specialists to do the research or for we the people who study and become specialists ourselves. When I called the DEP to save my space to speak today, I was reminded that I should be sure to make substantive comments about water erosion and encroachment of which I know next nothing. Still I'm invited to have my words heard but those words will only have an impact on the decision if it comes from professionals with comments of quantitative value.

So again, I must either hire experts to address technical and geological detail that are not in my professional repertoire or I am forced to spend all of my time as I have for the past two years to become professionally articulate in the details of how the construction of a pipeline damages and destroys our community and our environment.

The truth is, the Central Penn Line South will have destructive and even irreparable damage on the environment. One wouldn't need a professional to know this. It is unconscionable to me that the opinion of the people who are bearing the brunt of the damage and destruction from this line are the voices with the least power in the decision. Instead it is outside professionals, many of them make their living from the industry. I am not a professional hydrologist or geologist but I am a professional counselor, pastor, educator and mother.

My Family has been in Lancaster County for ten generations and I will speak from my areas of expertise. I have watched members of my community fall apart, marriages break up, women have complications with pregnancies and lifetime farmers suffer heart attacks. Hundreds of people speak to me of the pain and distress this pipeline has brought into their lives. Where is that measured?

I've watched neighbors cry over the destruction of their forests, couples grieve over the devaluation of their properties and still others choosing to flee their homes to escape the destruction of the line only to find they cannot sell their homes because there's the possibility of the pipeline coming through. I've watched industry insiders contact employers of locals trying to get them fired because of their anti-pipeline work. These are the stories that should sway your decision. The environment that needs protecting is the land, the water, the air and even the communities that depend on the land of the water and air for their life.

There's only one answer to the question of whether this line will damage the environment, yes it will incontestably. There's only one answer to the question of whether this line is necessary or ethical. It most definitely is not. It is a greedy short cut and it is completely

unnecessary. Atlantic Sunrise pipeline and the Central Penn Line itself is not a necessary new Greenfield line.

We the people believe there's only one answer to the question of whether the DEP should issue the 102 and 105 permits; they most definitely should not for the sake of our Lancaster County community. We need to speak to the Department of Environmental Protection, protect our environment and deny this permit. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (247)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

135. COMMENT

My name is Chelsea Nasatka.

I'm here for the rejection of required permits for this company. I believe it's crucial. I'm a concerned Mount Joy resident. I am not sure where I am in relation to where the pipeline is going.

The first information that I have discovered began in 2002 when this company made headlines, but unfortunately not the good kind. Representatives of the company are no doubt familiar with that year because it was beginning of their financial crisis coming to life. They were near bankruptcy at the hand of their own stockholders and \$520 million for reporting false data. That settlement set them back \$200 million.

In 2013 they had their first OSHA inspection in that whole ten years since bankruptcy. It was apparent they were not in compliance with the Federal Clean Air Act. I haven't been given the time to read all of my findings but I provided the link to a file of public records that is seven pages long in lawsuits, leaks and explosions. I will however show to you what hit closest to me and clarify these are all pertaining to the Williams Company, they already have pipelines in the ground all over the county in case you're not aware. I was not until this year, the first one here in Susquehanna Valley.

It was 2012 when the gas leaks caused a fire. One ton of methane was released. Shockingly, it was within 24 hours that pumping was resumed despite requests from the Pennsylvania Department of Environmental Protection not to do so. In Colorado one year later when 25 gallons of gas leaked in with that agent, cancer causing, this leak was found by accident and it contaminated directed ground water already. The Williams Company rejected the Army Corporation of Engineers' safety recommendation. Their statement before the fines when this came in was that the recommendations would needlessly delay the construction and run up their costs.

This past year when myself along with the entire nation watched Native Americans under

fire by our own government, I asked myself, what can I do to help. That pipeline is already leaking. It's spilled over 84 gallons of oil in South Dakota. It took over a month to be noticed. It - I thought that if the separate company was having problems, keeping surveyors on hand to monitor that project, what if Williams had the same issue on Atlantic Sunrise. By their website, the wish it to produce our job market, specifically in my neighborhood.

I've been to the construction sites. I've seen the Utah license plates and the precision pipeline from all the way from Wisconsin. This leads me to believe that these workers are indeed not from Pennsylvania. If they are serious about bringing people to work for this company in the area, they would have the people. You get the people who are rightfully scared of the environmental implication of the pipeline keeping you in check, there will not be one inch of that pipeline unmonitored. However, it became obvious to me that this company has little to no regard for its employees or life in general.

At the end of my research, the overwhelming feeling of disgust had made the easy option to stay as far away from this company and end its operations as possible and that is not an option for most of us. We are at an impasse with this company that says one thing and does another. If I'm honest with myself and seeing work for what it's become, corporation for a community, big business before environment, it's already happening.

You've got my attention. You've had their attention and we will be watching you. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (248)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

The federal Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates pipelines transporting natural gas in interstate commerce. Transco will design, construct, and maintain the pipeline consistent with the PHMSA regulations.

136. COMMENT

I am Chief Karaya Guaili.

I'd like to thank the Department of Environmental Protection for allowing me to be heard today. I believe it's your mission statement that brings us here. It says, the Department of Environmental Protection's mission is to protect Pennsylvania's air, land and water from pollution and to provide for the health and safety of its citizens through a cleaner environment. We will work as partners with individuals, organizations, governments and businesses to prevent pollution and restore our natural resources.

The Atlantic Sunrise Pipeline Project is seeking permits to complete its environmentally destructive project by running through documented, federally registered properties containing Native American artifacts and burial sites. These sites must remain preserved,

untouched and unharmed in order to preserve its historic value. It is a reminder of the atrocities committed against Native Americans, which are still happening today. Standing Rock, a perfect example.

The Native American presence in Conestoga Township is very strong and discriminated against still today. A non-native cemetery is just as - a non-native cemetery is just as sacred as a Native American burial ground. They are one and the same. Yet, a non-native cemetery will be protected, preserved and bypassed, while a Native American burial site that is federally registered will be desecrated and destroyed as if it was nothing. That is discrimination, period.

The Atlantic Sunrise pipeline plans to connect northeastern Pennsylvania to market in the mid-Atlantic and southeastern states. We the people of Conestoga Township do not want this for many reasons, several being, but not limited to, this pipeline will cause destruction of our properties by depreciation of property value, negative environmental impact causing land, air, noise and water pollution in various ways on a continual basis - the very things that DEP stands to protect.

Not to mention zoning issues regarding white noise, congestion of traffic, weights of trucks and equipment on roads that are not designated to handle such equipment and weights and making it extremely difficult for people to continue their daily commutes.

Part of the Pennsylvania Historical and Museum Commission report dated July 29th, 2016, page two, paragraph two states, landscape changes to the Conestoga Township Rural Historic District within the revised boundaries. The properties are heavily predominated by connecting sets of rural, single family operated farms since 1966. There has been a gradual increase in areas of open land being let go back to mature strands of trees and major parks. This has occurred to create specific areas for soil erosion prevention.

I just want to say when you look at your children when you arrive home, that's on safety. Note: the attached documents referenced in this comment are included in part three of the comment response document. (250)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

The regulation at 25 Pa. Code § 105.14(b)(5) requires that DEP review the impacts of a dam, water obstruction and encroachment on National, State and local historical sites in making a determination of impact. Further, the Erosion and Sediment Control and Water Obstruction and Encroachment permits require that the permittee be protective of archaeological specimens and that earth disturbance activities must cease upon the discovery of any archaeological specimens. Transco completed cultural resource surveys on the entirety of the Project workspaces, and consulted with PHMC regarding impacts to these resources. PHMC issued its final Statement of Effects letter for the Project on May

25, 2017. In PHMC's Statement of Effects letter, it was concluded that the Project has no adverse effect to historic properties.

137. COMMENT

Good evening. I'm Robin Maguire, and I'm from Conestoga.

I'm here, actually, to ask for independent oversight for the Atlantic Sunrise pipeline. Right now, there is none, which questions the integrity of the research. Experts are brought in to give the public confidence. Yet, once these experts gather their data and give it to Williams, what Williams does with it is up to them.

The PHMC has stated the Conestoga - and that's the Pennsylvania Historic and Museum Commission - has stated that Manor and Conestoga Townships are the most archeologically significant townships in the state and possibly the country. Yet, they can do nothing to - to protect them. One researcher from ACOM and URS, which is the company that Williams hired, stated that the Township should be included in the Federal Registry of Historic Places. Yet, this detailed report was basically thrown in the trash.

As your report states - and it's a nice one - there are 86 registered Native American sites on 30 - 35.5 miles of the pipeline in Lancaster County, all deemed no further study needed. Isn't the fact that there's 86 sites on this route significant in itself?

There's 28 in a property off Main Street in Conestoga that I would like to use as an example of the inaccuracy of all the studies. It's along a ridge with amazing views, and it's a registered Native American site. There's a springhead right on this ridge, on the proposed pipeline route. And it flows right beneath the ground.

However, it is - it is shown on the maps from 1718 to the present and can be seen on Google Earth. Yet, there is no mention of it anywhere. If this is opened up during construction, it could have a devastating effect on our groundwater and the neighboring wells.

The perfect example of inaccurate data being presented as true is an historic cemetery on this Native American site. This cemetery was documented by the Cultural Resources Team hired by Williams to do studies. After submitting the cemetery documentation to the State Historic Preservation Office, mitigation was asked for, including fencing in the area - and I have this paper here - fencing in the area and monitoring it during construction.

Guess what? The cemetery's not real. It is not real. It was put up as a Halloween photoshoot using unused stones from a cemetery. And everyone was shocked that these professionals with Ph.Ds. actually took this to be real.

This is a huge mistake done in the rush to get the job done. With the springhead, that's two mistakes in an area the size of a football field. How many other mistakes have been made because they're rushing to get this project through?

Please, we're begging you for independent oversight to keep these problems from happening. Thank you very much. Note: the attached documents referenced in this comment are included in part three of the comment response document. (251)

Response: The regulation at 25 Pa. Code § 105.14(b)(5) requires that DEP review the impacts of a dam, water obstruction and encroachment on National, State and local historical sites in making a determination of impact. Further, the Erosion and Sediment Control and Water Obstruction and Encroachment permits require that the permittee be protective of archaeological specimens and that earth disturbance activities must cease upon the discovery of any archaeological specimens. Transco completed cultural resource surveys on the entirety of the Project workspaces, and consulted with PHMC regarding impacts to these resources. PHMC issued its final Statement of Effects letter for the Project on May 25, 2017. In PHMC's Statement of Effects letter, it was concluded that the Project has no adverse effect to historic properties.

138. COMMENT

Hi, my name is Jon Telesco. I've been a resident of Lancaster County for about 30 years. My family and I have been working to stop the Atlantic Sunrise Project for the last three years, and I'll be honest, there are a number of things that I would rather be doing with my time.

Along with hundreds of other loyal residents, we are working to protect the waterways and wetlands here in Lancaster County. If you folks in the PA DEP would do your job and protect our water, we wouldn't be - need to be doing this.

I even question the ethics of having the mission statement that was referenced earlier - to protect our land, air and water from pollution - and blatantly violate that by even considering approval of the 102 and 105 permits. We demand that you deny them, even though I know it's a waste of time to say that.

Questionable ethics has been on my mind a lot lately, since this project has been proposed. As an example, the PA DEP relies heavily on the Lancaster County Conservation District to gather data weighing on the water quality permits. The Conservation District oversees a number of groups, including the Conservation Foundation, the LCCWC - the Lancaster County Clean Water Consortium and many other watershed groups.

The LCCWC, in 2015, received over \$290,000 from a single grant from the Williams Pipeline Company. These monies were then distributed to the local watershed groups.

And so I, just to clarify, the groups that are supposed to be most committed to protecting our water are eagerly taking money from the company that is downright dangerous to our water. And the organizations that handle the money have an active role in the permit approval process. It seems ethically questionable.

So although the system is rigged in favor of these greedy corporations, I still feel obligated to remind you that you, the PA DEP, have the power to keep this pipeline from going

through. Just as New York did with the Constitution Pipeline, you can make a big difference and protect your state.

So do the right thing. Reject this - these permits. Stop this project so we can get back to our lives. But if you can't stop it, then we will. Thank you. (252)

Response: The Department acknowledges the comment regarding this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

139. COMMENT

My name is Bill Eavenson. I'm from this area. I've worked in this area for a long time on pipelines. I'm here in support of the Atlantic Sunrise Project and Williams-Transco, permitting of the 102 and 105 without further delay.

We all know about the economic impact it would have on the economy, and there's no sense in going into it. But other people have talked about that. As far as the jobs, a lot of full-time jobs will be created from this project - and of course, there are temporary jobs. These temporary jobs - our unions depend upon that with highly skilled pipelines, and we can survive on temporary jobs year after year after year after year after year. After 20 years, you have 20 years of temporary jobs, a good retirement, good benefits. And we rely on that.

As far as people from out of state, down in Utah - the license plates, I've got Teamsters in Central Pennsylvania driving those trucks a lot. But they lease them from out of state. The people are not from Utah. They're just - the trucks have license plates from Utah. I've got 54 Teamsters on the jobs. Seventy-five (75) percent of them are teams from central Pennsylvania.

And also, like, I've worked in Lancaster before on pipelines. And I've had farmers - and we had Amish families and picnics for the pipelines. And we had to narrow off the run, and we'd get a - get Amish families and farmers. And they'd have picnics for us. There's a lot of farmers out here that would want us to be here, that are friendly to us. Very few that aren't.

And you know, it was - I - I can understand a lot of opposition, because, you know, this site was eminent domain on the Turnpikes. Well, we would be out, and we would be on the Turnpike that took us from Harrisburg to Philadelphia. And it'd take us all day to get there.

And the landowners, I'm sure, just like these landowners who are upset there's a pipeline - well, they - they'd have highways coming through there. And I just want to, you know, say that I'm sorry, but eminent domain is for the public's - you know, this favors the public. It doesn't favor the landowners, just like the interstate.

And as far as it exploding and leaking, the - the pipelines are much better made than what

they used to be. The old pipelines weren't anywhere close to the safety of what you have today. We get excellent welders who weld on these pipelines. They x-ray them. They de-excavate. They x-ray them again to make sure that they're flawless. And if the pipe - a welder is a good welder, he's supposed to stay on the job.

The - the economic - well, or the environmental impact on these lines - there's all kinds of training from the gas companies and the companies that do the projects on erosion control and whatnot. And you know, there's - there's much more damage done to the wetlands and water lands than you'll ever see on an open cut just by raining. You - when the thousands and thousands of gallons of water that goes through the farmer's fields and picks up those pesticides and fertilizers that damage the water much more than you ever had on the open cut.

And that's - I just want you to support the 102 and 105 permits. I've got a crew that would like to get this project started. (211)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

140. COMMENT

My name is Mike Butler from Consumer Energy Alliance. On behalf of consumers, manufacturers, laborers and small business engaged in the ever-growing discussion on energy in Pennsylvania, the Consumer Energy Alliance urges you to approve Chapter 102 and - and 105 permits needed for the Atlantic Sunrise - Sunrise pipeline. This will enhance reliability and improve access to the natural gas reserves in the Marcellus Shale.

The Consumer Energy Alliance brings together its consumers, producers and manufacturers to engage in a meaningful dialogue about America's energy future. With more than 400,000 members nationwide and over 25,000 members in Pennsylvania, our mission is to help ensure stable prices for consumers and energy security for our nation.

We believe this project does a good job of balancing our energy needs with our nation's environmental and conservation goals.

By permitting the Atlantic Sunrise Project, Pennsylvania will see an influx of private investments, an increase in tax dollars and a boost in much-needed job creation. This project represents a \$3 billion private investment opportunity to Pennsylvania's economy, creating thousands of permanent jobs and over 2,300 construction jobs during the one year construction phase. This will increase economic activity by 1.6 billion in the ten county project area during that time.

More importantly, homeowners, retirees, businesses and those living on fixed incomes will enjoy lower utility prices. Access to more affordable, reliable natural gas helps to make lower energy costs for general consumers, more opportunities for manufacturers and businesses and a valuable raw feed - feed stock for the construction of the plastics, tars and other products made locally.

CA - CAA has always supported the robust natural gas pipeline network throughout Pennsylvania. We advocate for pipeline safety and believe that minimizing the pipeline's impact on communities is the key to any development plan. And the Atlantic Sunrise Project fits the bill. This project - this proposed project is advocating the protections that safeguard against potential environmental issues while simultaneously providing access to key natural resources.

With environmental safety at - as its highest standards, the pipeline deserves our support as seeking approval of the remaining environmental permits. It's clear from the detailed planning and thorough analysis Williams made public that the company intends to do this job right. It goes above and beyond its mitigating - mitigation planning.

This pipeline project has received through review and vetting by the public. It deserved to be approved and permits released. Look forward to these new pipelines being in operation in Pennsylvania. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (253)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

141. COMMENT

Robert McQuay. Thank you for this opportunity to share my support for the Williams-Transco Atlantic Sunrise Project.

Often, those who support a project will respond to the environmental concerns with information about economic impact and jobs. I understand this really doesn't address the concern, and I will focus on why I support this project from an environmental and safety viewpoint, along with other benefits.

The dramatic resurgence of the United States as an energy superpower has provided tremendous economic and environmental benefits. Even as America's leading the world in oil and natural gas production, methane emissions have fallen thanks to industry leadership investment in new technologies.

U.S. carbon emissions from power generation are now nearly 30 year lows due to increased use of natural gas. Methane emissions from 1990 to 2015 associated with the natural gas industry declined by 18.6 percent, while U.S. natural gas production increased by more than 50 percent. According to EPA and EIA data, this shows U.S. emissions of methane from the natural gas sector decreased noticeably during one of the largest increases in natural gas production in the nation's history.

Furthermore, America's oil and natural gas industry continues to lead all other industries in zero and low carbon investments. Between 2000 and 2014, the oil and natural gas industry invested \$89.9 billion in such investments, more than double that of the next largest private sectors.

And then, in an innovation-driven industry like energy, we should be careful not to adopt regulations that prevent technological improvements or shrink opportunities for investments that could deliver environmental benefits and consumer savings for years to come.

Some of the technologies that have been improved and adopted over the past several years directly benefit the pipeline industry and the environment. Engineers in environmental science have worked to find routes and methods with the least amount of impact and then follow best practices for installation and restoration.

Safety for people working on the projects, people who will be living nearby in the general population is almost foremost in the minds of those who operate the pipelines. I've had direct experience working with Williams, and they take extra precautions to protect and preserve the environment, assure safety for all and support and respect the communities where they are operating.

Although zero impact is always the goal, with any project, there will be some impact. As our world works to become less dependent on fossil fuels, renewable energy options also have environmental impacts. Electric cars are powered by very - electric cars - I'm sorry.

As our world works to become less dependent on fossil fuels, renewable energy options also have environmental impacts. Electric cars are powered by the very electric that is created, in large percentage, by natural gas. Wind turbines and solar panels are made with products created by natural gas. The harness and ropes that safely hold and support the rock climber who is enjoying the beauty of our great outdoors are made with products that include natural gas and others.

In closing, I'm happy to offer my support for this project. I appreciate the many opportunities and benefits it brings to my community, including economic benefits and jobs, increased business and lower energy costs with knowing that Williams will do it right. And I'm convinced they care. (48)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

142. COMMENT

Good evening. Quite frankly, I'm not quite sure what to say here, whether to direct my comments to you folks, the people here or the workers who are here.

The reason I'm not sure is because I don't feel like PA DEP does what their mission statement says. We've got the third worst drinking water in the United States. We have the 17th worst air in this county in the United States. We depleted our soil to a great extent, and do we have a great agricultural economy here. But half of the topsoil is gone from when this country was founded.

So I don't know how to address you folks. You're - you're not doing very well. I don't mean you as individuals, but the PA DEP in general. I have nothing against you folks in particular.

As far as the workers goes, I understand you folks, you have families. Technically, you're very good at what you do. I'm sure that you can find jobs doing things other than laying pipe. I'm sure that for the vast majority of you, you don't have anything against us in particular. You understand that we have families. We have property. We have concerns.

And I don't know how to weigh those competing concerns between your family and my family. You know, I watched you guys walk in here today. You had your - you know, faces on. You were looking pretty hard. Yeah, you were.

You guys seem to have softened up a little bit. I don't know if it's listening to comments from people who genuinely care about their communities, their families, their resources – and we care about those things for your families, as well.

You know, the - there are things that are released into the atmosphere. They get spread out around the globe. And it doesn't matter if you live in Lancaster County, whether you live in Utah, whether you live in India, China, Russia, Germany - it doesn't matter. That particulate matter gets spread around the globe, and it affects all human beings equally.

You know, drinking water - you guys all drink water, if you actually are from Lancaster, not Lancaster (changes pronunciation).

And to the people in the audience, if you recognize that this process is a farce and that the PA DEP not only won't do anything to protect your community but actually can't do anything to protect your community - they're going to ask for technical studies from Williams. Williams is going to provide the studies. They're going to check all the boxes, and they're going to issue the permit.

And the permit is a permit to permit harm, and there will be harm done in this project. And they're going to permit it. So if you want to do something about it, reach out to somebody from Lancaster Against Pipelines. You can find us online at wearelancastercounty.org. We'd be happy to have you.

And that goes for any of you guys who have a change of heart or for anybody at the PA DEP, as well. Thank you. (254)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

143. COMMENT

Hello. My name is Wade Pilgreen. And I have been a proud member of Pipeline Local

Union 798 for 37 years. I would like to thank you for the opportunity to speak to you on this very important issue.

As you're aware, Williams has been working with the Pennsylvania Department of Environmental Protection for more than two years, providing the data and information needed for the permit application to be processed in a timely and efficient matter. The outstanding Chapter 102 and 105 permits will be among the final approvals needed to move this project forward. Williams has demonstrated with the PA DEP, as well as the federal and state permitting agency, to avoid/minimize impact to wetlands, water bodies and other sensitive environmental areas.

In addition, Williams is committed to implementing the best management practices during construction and restoration, committed to mitigate potential impacts associated with the installation of this project. Williams will employ a full-time environmental inspector during the construction to oversee and ensure that Williams' best practice management practices are implemented and brought to compliance with regulatory permits and approval conditions.

By working with stakeholders and permitting agencies, Williams has demonstrated a collaborative approach without - which has resulted in adoption of more than 400 route modifications, affecting more than 60 percent of the original route. Williams has provided environmental and cultural resource surveys on 100 percent of the preferred route.

And the company has reduced the potentials for increasing impact associated with the - the Atlantic Sunrise Project by joining the pipeline with existing right-of-ways for one-quarter of the project.

History has proven that pipelines are the safest and most efficient method to move natural gas to consumers. I urge the PA DEP to approve the Chapter 102 and 105 permits for the Atlantic Sunrise without delay. Thank you for your time. And our pipeline's already laid, so it's coming. Note: the attached documents referenced in this comment are included in part three of the comment response document. (255)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

144. COMMENT

Good evening. My name is Reverend Douglas Hunt, and I'm here as Vice President of the Pennsylvania Interfaith Power and Light and as a member of the Unitarian Universalist Pennsylvania Legislative Action Network.

And I'm here not to give opinions, to make assessments, point fingers or challenge the judgment and motivations of those pursuing this pipeline project. I am here to ask questions.

I don't live in an area that will soon be dramatically or immediately affected by the

completion of the project. I do have friends and colleagues that are, and I do care deeply about the lives and futures of those who live here in the long path of this pipeline. And I've heard their stories of loss, pain and anger. And I also care for those who are dependent on this project for their livelihoods.

But more than either of those, I care about the kind of future that faces most immediately and directly those who are going to be in the path of this project. I and my generation are leaving an unholy mess on this planet. It threatens our children's future. It threatens my great grandson's future.

None of us intended to do this. But even now, in the face of overwhelming evidence disrupted lives, radically changing climates, dramatically rising sea level, are we acting with the dedication and commitment required to meet the existential threat posed to our future generations on climate disruption?

I know the methane that will be carried through these pipelines has over 80 times the heat trapping power of CO₂, the most common greenhouse gas. During its first 20 years in the atmosphere, over the course of that time, those emissions that emerge from this pipeline - and there will be leaks, large and small, and some disastrous, perhaps. Over the course of that time, those emissions will have the same impact of approximately 200 coal fired electricity generating plants.

And it is important to notice that Pennsylvania is the second largest producer of natural gas in the U.S. Scientists estimate that 25 percent of the human caused climate change we're experiencing is a result of methane leaks.

So I don't have answers, and I don't have recommendations. I do have questions.

Does this pipeline move us towards a sustainable future for our world or free us from fossil fuels? Will this pipeline harm the health of people or the planet, locally or globally and move us toward a world where present generations live in a way that won't allow future generations to thrive - thrive? And will this project further efforts to fill the world with justice where environmental costs and benefits are equitably shared, a world sustained by peace and in ever-growing harmony?

I only ask that you consider carefully the paragraph Section 27 of the Pennsylvania Constitution. The people have a right to clean air, pure water and to the preservation of natural scenic, historic and aesthetic values, everyone. Thanks. Note: the attached documents referenced in this comment are included in part three of the comment response document. (256)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the

Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment. DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

Comments related to the air quality impacts of the Transco proposed pipeline project are not addressed in this Comment/Response document. Air quality comments related to the Transco proposed pipeline project will be addressed in the Comment/Response related to Air Quality Plan Approval 36-001GC to allow transfer and use of 106.0 tons of nitrogen oxide (NOx) Emission Reduction Credits (ERCs) to the project construction activities in Lancaster County to offset emissions from construction activities and satisfy requirements specified by the Federal Energy Regulatory Commission's General Conformity Determination for the project. The notice of intent to approve that air quality plan approval was published in the *Pennsylvania Bulletin* on July 22, 2017. 47 Pa.B. 3995.

145. COMMENT

Thank you. Good evening. My name's Ryan Helms. I'm the business manager for the Electricians' Union here in Lancaster, and I'm here to speak on behalf of my membership that lives and works here in Lancaster County.

I'm here today to stand in support of approval of the permitting for the Atlantic Sunrise Project. I understand and respect that some people have some safety concerns when projects such as this arise, which I believe to be a good thing.

However, now, more than ever, this project, along with others like it, are undergoing an unprecedented amount of regulatory public review. Permitting regulations play a key role in ensuring the safe practices regarding installation on energy development projects such as this.

As a 27-year building and construction trades member, I can attest to the seriousness that companies, such as Williams in this case, take to ensure that the best work practices are in place for the installation of these projects.

We believe the Atlantic Sunrise Project will create thousands of good paid jobs for union building trades craftsmen and women in the surrounding areas, creating economic growth and encouraging private sector businesses to expand. I can assure you, the public, that when union building tradespeople are on the job, we employ the highest standards for safety, education, productivity and professionalism in the industry.

My members and their families live, work and play right here next to the pipelines such as this. And we care very deeply for the environment in our own neighborhoods.

As Pennsylvanians, we need to take better control of our futures and responsibility to bring

the abundant and affordable natural gas resources to our homes, businesses, manufacturing and utilities. Pennsylvanians have seen some serious downturns in our economy over the years, with middle class families suffering the most here. I feel it's time to support this project and other projects like it that will help create jobs and education to start rebuilding what was once a great industrialized state with strong blue collar families that make - that make a dignified living.

Williams Atlantic Sunrise is a nearly \$3 billion privately funded project that will employ thousands of workers over a ten county area to provide an affordable, safe, readily available natural gas resource all coming from our state of Pennsylvania. It sounds like a good deal to me, so let's get the project underway. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (257)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

146. COMMENT

Well, my name is David Butterworth. I'm a business agent for Pipeliners Local 798. I would like to speak this evening about the quality, safety and training that Local 798 brings to the table during the construction of pipeline projects such as the Atlantic Sunrise.

I represent 6,000 welders, helpers and journeymen who have been all over the United States. My jurisdiction runs from Maine to Virginia, and there are around 1,000 of our members who live and work in this northeast jurisdiction. Local 798 has built most of the major pipelines that run across this nation, including the Alaska pipeline.

I would now like to talk about the quality of work and craftsman - and craftsmanship that Local 798 devotes to these projects. Our welder members must take a qualification test before they are allowed to weld on a pipeline. These qualification welds are destructively tested, and if any imperfections are found, then that member is not allowed to weld on the pipeline.

If a member does pass the qualification test, he then has every weld he makes on the job x-rayed and reviewed by a level three x-ray technician, who decides if the weld is acceptable. And he stands up to a 1104 code. In most places, if a welder has three or more unacceptable welds, he will be removed from that project.

With these standards in place, Local 798 welders are held under some of the strictest guidelines in the construction industry. And these are standards that we are proud to uphold.

Now onto environmental and safety training. Safety and environmental training is something that Local 798 holds of the utmost importance. Our contractors and the clients we work for have extensive safety and environmental awareness programs that protect our workers and the land we are working on.

When these pipelines are built, they are built by a collective group that understands when - that when we build a pipeline, we must build it safely, with the least amount of the environmental impact possible. And everything else is secondary to that.

Training. Local 798 is - is home to one of the most state of the art training facilities in the country. We understand that we must keep up with the most current welding procedures in an ever-changing industry. Our facility is equipped with 52 welding booths and state of the art equipment to be used by our membership so they can brush up or learn new skills. The Local 798 training center is a testament to our dedication to providing our members with the best of the best when it comes to training so they can apply the latest technology when pipelines are built, now and in the future.

In closing, I would like to state the purpose of my speech is to show the Pennsylvania DEP who will be building this pipeline and to assure you that it will be built with highly trained, skilled, safe American workers. I support the Atlantic Sunrise Project and hope for a swift approval of the permits so the Union members I represent can go to work on this project. Thanks. Note: the attached documents referenced in this comment are included in part three of the comment response document. (212)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

147. COMMENT

Thank you. My name is David N. Taylor. I'm from Elizabethtown, and I'm the President of the Pennsylvania Manufacturer's Association.

We are the statewide non-profit trade organization that represents the people who make things here in our Commonwealth, generating over \$82 billion annually in gross state product and employing 560,000 Pennsylvanians on the plant floor. And that core manufacturing activity sustains millions of additional Pennsylvania jobs with supply chains, distribution networks and vendors of industrial services.

I'm honored to be here today, respectfully asking the Pennsylvania DEP to approve Chapter 102 and 105 permits for the Atlantic Sunrise Project without delay.

Manufacturers depend on affordable natural gas and gas byproducts to remain globally competitive. Global natural gas demand is poised to increase by 40 percent over the next decade, and researchers at the National Association of Manufacturers found the key drivers of this demand will be manufacturing and power generation. Therefore, projects such as the Atlantic Sunrise Project are vitally important to the productive sector of our Commonwealth's economy.

Affordable gas is simply not getting to market because Pennsylvania lacks a sufficient pipeline network. It has been estimated that approximately 25 to 30 percent of the Marcellus wells drilled to date still do not have a pipeline to take away capacity. Projects

such as the Atlantic Sunrise Project will open and expand markets, sustaining and stabilizing the energy industry that is so important to manufacturers.

Scholars at Penn State forecast that the \$3 billion Atlantic Sunrise Project will directly employ approximately 2,300 workers and stimulate the local and regional economies in the project area by supporting an additional 6,000 jobs and increase economic activity by \$1.6 billion in the area of the project.

But most importantly, the economic impact of this project will have lasting results far beyond the construction of the pipeline in the manufacturing sector. According to a recent study by the National Association of Manufacturers and HIS Economics, increased supplies of natural gas, especially at lower delivered prices, enhances the competitiveness of products by making them more attractive.

And to the manufacturing entities that are large and intensive use - users of natural gas, such as chemicals, food, paper and others, the close - close proximity of existing clusters of manufacturing establishments to increase the natural gas supplies can generate new pipeline-related economic development, often because of the availability of direct connections to a new or expanded gas pipeline. In a nutshell, the combination of increased access to shale gas and the transmission lines that move that affordable energy to manufacturers across America meant 1.9 million jobs in 2015 alone.

The U.S. federal government recognizes that pipelines are the safest methods - method for transporting energy. Modern pipelines using cutting edge technology, such as the Atlantic Sunrise Project, are the safest of all.

Because public safety and welfare are paramount, it seems that this project has been vetted time and time again. It's time to move forward. As the Pennsylvania Department of Community and Economic Development Commission study recommended as follows, that Pennsylvania take aggressive action to address potential developmental and infrastructure constraints proactively. This includes investing in suitable sites to restore manufacturing development and supporting NGO pipeline infrastructure and storage capacity. These actions are critical to ensuring that Pennsylvania is in a position to develop long-term job creating manufacturing opportunities.

Please approve the project. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (258)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

148. COMMENT

Good evening. My name is Kevin Shivers. I am the Executive State Director of the National Federation of Independent Business, all - also known as NFIB. The Pennsylvania chapter of NFIB represents 14,000 small and independent businesses here in Pennsylvania. We have about 325,000 members nationally.

And on behalf of our members here in Pennsylvania, we are here today in support of the Atlantic Sunrise Pipeline Project. And we urge the Department to approve without delay the Chapter 102 and 105 permits for this project.

There are approximately two and a half million workers employed by small businesses across Pennsylvania, and no matter the individual business size, energy costs affect operating budgets across the board. Over the years, businesses have seen significant savings from switching to affordable natural gas. These savings can be injected into operations, stimulate growth and investment and ultimately strengthen our economy.

That's why pipeline projects like the Atlantic Sunrise are so important. New infrastructure increases natural gas supplies into the marketplace, providing cost stability and reliability as well as low cost, clean burning fuel for electric power generation. The Atlantic Sunrise Pipeline Project and pipeline will enable abundant domestic natural gas to be transported from robust producing areas in our Commonwealth's Marcellus shale to consumers through the mid-Atlantic region to affordably fulfill our nation's energy needs.

We also recognize renewal forms of energy are an important part of our diverse energy portfolio. However, Americans need to be assured that the dominant energy fuel source that makes up today's energy mix, like natural gas, are readily available and affordable.

The Atlantic Sunrise pipeline and other natural gas infrastructure projects throughout our nation ensure that this is possible. And for these reasons and so many more, I ask you to help ensure a vibrant regional economy and approve the Chapter 102 and 105 permits for the Atlantic Sunrise Pipeline Project. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (259)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

149. COMMENT

Good evening. My name is Ed Braukus. I will gladly comply with the young woman's request to state where you're from. I'm from Schuylkill County, which the pipeline actually does go through. It's not a Lancaster County pipeline.

I'm an electrician and business representative of the International Brotherhood of Electrical Workers, Local 743. I've participated in this hearings in the past. I feel we give an impression that we're willing to sacrifice the environment and the quality of life of residents for jobs.

This is simply not true. We're also outdoorsmen. We enjoy - enjoy fishing, hunting, hiking, boating and nature in general. Our members have children and grandchildren that want to enjoy the outdoors and experience Pennsylvania's streams and forests like we did.

That being said, I am here to support the Atlantic Sunrise Project. Williams has operated

safely in PA for decades. I've worked with the DEP for years.

I think it's important to repeat something that was already said. Full-time environmental inspectors will be employed to make sure that these practices and regulatory - regulatory requirements are followed, and a quarter of this project will be constructed on existing right-of-ways. To me, that sounds like Williams is important - is concerned about the importance of its impact during its construction.

It's also important to note that there will be no loss of wetland acreage due to the construction of this project. Downstream impacts to resources such as the Chesapeake Bay caused by proposed water crossings will be eliminated or reduced to negligible levels due to the implementation of the company's environmental construction plan. It is true that farming had done more harm to downstream waterways than this pipeline construction will.

Finally, the U.S. Fish and Wildlife service agree that this project will have no adverse effect on bald eagles and that the Bog Turtle Conservation and Construction Monitoring Plan is sufficient to avoid or minimize impacts to bog turtles.

Along with all these, the company also proposes using an agriculture - an agricultural inspector and subject matter expert to assure that all farmlands are returned to their original uses and crop yields.

For these reasons, I feel I can and must support this project to safely and efficiently transport product throughout Pennsylvania and create many family sustaining jobs. I respectfully ask DEP to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Project. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (260)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

150. COMMENT

Good evening. My name is Jim Joy, actually, standing in for Darren Foulk of the Cleveland Brothers Equipment Company. I'm here in - to speak in support of the Atlantic Sunrise Pipeline Project.

The Atlantic Sunrise Project is designed to supply enough natural gas to meet the daily needs of more than 7 million American homes by connecting producing regions in northeastern Pennsylvania to markets in the mid-Atlantic and southeastern states. I am the industry manager for the construction equipment of the Cleveland Brothers Equipment Company in our nearly 27 locations here in Pennsylvania and in West Virginia.

We are a family-owned company founded in 1948. We employ over 1,200 employees, both union and non-union, and have invested over half a billion dollars in capital equipment since 2010. Supporting the oil and gas industry in Pennsylvania, including the pipeline contractors as well as their traditional customers who work in this industry.

Our company has close and long-standing supply relationships with pipeline contractors operating throughout Pennsylvania, including many of those that would be involved in this project. We've provided them with the best equipment available with respect to productivity and reliability and emissions control.

The pipeline companies that will be doing work on this project are known for employing best practices in construction, including earth moving, material handling and land restoration.

We provide 24/7 equipment support to ensure that projects are not delayed due to equipment downtime.

This project will support hundreds of jobs at projects at a time when the 2016 downturn in Pennsylvania's energy production, including delays in projects like - caused us to decrease our employment.

Also at stake in this project's approval are the jobs of many thousands of workers that support the production of natural gas and natural gas liquids in the shale formations across Pennsylvania. They cannot produce what they - cannot be transported to the market because of the lack of pipeline capacity. Atlantic Sunrise will go a long way to help alleviate their constraint.

Because of the construction and energy production activities that the pipeline will enable, communities throughout Pennsylvania will benefit from worker incomes earned, much of it spent locally. The resulting state and local taxes paid by them and their employers can support public education, environmental programs, infrastructure, public safety and other state and local governmental operations. Pennsylvania's economy as a whole will benefit greatly.

And from an energy independence standpoint, projects like the Atlantic Sunrise will enable abundant clean and domestic fuel being provided across the state in a safe manner and reduce our dependence on OPEC and other foreign governments for energy.

Much of the opposition to this project tonight will point to alternative energy sources or dangerous carbon or gas releases associated with OPEC that were dangerous to our waterways. Please keep in mind, this project will be built by some of the best private contractors in the country who, like all Americans, care about our environment. They have proved over decades that their pipeline impacts are constructed safely. (261)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

151. COMMENT

Good evening. My name is Jacob Hyder, and I'm a proud member of the Laborers International Union of North America. I am here to testify in favor of the Atlantic Sunrise

Project and urge the approval of the Chapter 102 and 105 permits.

Williams has secured all the necessary permits and has begun construction on the Atlantic Sunrise facilities in other states. We understand the role that federal and state regulators play in protecting the health and safety of its citizens, as well as the environment, including our wildlife.

Pipelines have already proven to be the safest and most efficient method to move natural gas to consumers. Currently, Williams touches more than 30 percent of the nation's natural gas, transporting it to markets across the country.

We also know that Williams favors the enforcement of tough regulations and realize that the current challenges which exist in the regulatory environment stem from judiciary overlap. These overlaps have, unfortunately, stunted growth and has cost the state not just jobs, but economic investments.

Williams has been working with the Pennsylvania Department of Environmental Protection for more than two years, providing the data and information needed for the permit applications to be processed in a timely and efficient manner. The Chapter 102 and 105 permit applications reflect the cooperation and collaboration Williams has demonstrated with DEP, as well as federal and state permitting agencies, to avoid or minimize impact to wetlands, water bodies and other sensitive environmental areas.

Williams has committed to implementing the best management practices during the construction and restoration to mitigate potential impacts associated with installation of the project. It has dedicated full-time environmental inspectors that will be employed during construction to oversee and ensure that Williams' best management practices are implemented and that the project complies with applicable - sorry, applicable regulatory permit and approval conditions.

Williams has also demonstrated its commitment to environmental stewardship by voluntarily funding more than \$2.5 million in local conservation projects. This funding was not designated and does not replace traditional compensatory mitigation requirements of state and federal permitting agencies.

Per DEP's request, environmental and cultural resource surveys on 100 percent of the preferred route have been completed. Atlantic Sunrise will not negatively impact water quality or supply during or after construction, as full-time environmental inspectors will oversee construction activities to ensure compliance with required environmental mitigation measures.

The company has also avoided and minimized impacts to wetlands through in-field routing adjustments and by reducing the project limits of the disturbance where possible.

Abundant and afford – affordable natural gas serves as a resource to heat our homes, power our businesses and manufacture the products that we depend on in our everyday lives.

Williams' Atlantic Sunrise is nearly a \$3 billion privately funded energy infrastructure project that is ready to put Pennsylvania energy and more than 8,000 people out to work. Once operational, the new pipeline. Note: the attached documents referenced in this comment are included in part three of the comment response document. (262)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

152. COMMENT

Good evening. My name is Toby Mack, President of the Energy Equipment and Infrastructure Alliance.

EEIA is a non-profit organization representing the energy supply chain comprised of many thousands of local and regional businesses and hundreds of thousands of skilled workers in 60 industries in Pennsylvania and throughout America, who build pipelines and other energy infrastructure. They provide the equipment and materials, supplies and services required for energy production, transportation and consumption.

We call on the Pennsylvania Department of Environmental Protection to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Project without delay.

My remarks are aimed at the importance of the Atlantic Sunrise pipeline's construction and completion to the individuals whose livelihoods, families and communities depend on it.

Opponents of pipelines often try to downplay the significance of jobs created by their construction, calling them temporary jobs and thus of somehow less importance or value - and value. Such claims are made by folks who don't understand that every construction job is temporary, and that construction workers build their livelihoods on an ongoing succession of projects. Those jobs pay well.

And in fact, this project will put one quarter billion dollars into the family budgets of the people building it. And that money will, in turn, be spent in the communities where those workers and their families live, supporting other incomes.

Let's look at those jobs and think not only about the 2,300 workers that this project will employ, but 6,000 other work - jobs that will be supported, sometimes referred to as indirect or induced jobs. Those terms don't do justice to the jobs they refer to.

Take, for example, that big yellow machine that moves dirt or lowers the pipe into the trench. While we see one skilled engineer operating that machine, there are as many as 10 to 20 more hardworking professionals who prepare it, maintain it, deliver it, lubricate it, fuel it, clean it and do all the paper and computer work necessary to buy or rent it, finance it and record its operations and so on.

Now, consider the factory workers who build and assembly the - assemble the components

that make up that machine. Its engine, hydraulics, drive train electronics and the steel frame, not to mention the steel mills that produce the raw material. This is what we call the supply chain. Those good jobs, created by this project, support families throughout the state and country and are part of the bedrock of our communities and our economy.

But there are still many more workers whose jobs depend on this pipeline being built. The added natural gas delivery capacity it provides will allow increased production and use of this low cost clean burning fuel for electricity generation, home heating and industrial use. Our analysis shows that this new natural gas production will spur creation of at least 10,000 more jobs in the production supply chain as its companies and workers provide the equipment, construction, supplies and services needed to support it.

And finally, research shows that for every new job created within the energy production supply chain, two more are supported when those workers and their families spend their income. So now, if you count the jobs dependent on or created by this pipeline, it rises to nearly 40,000, both here in Pennsylvania and throughout America, where the supply chain's manufacturing, construction and distribution operations are based.

On behalf of those workers and the companies employing them, we urge your expeditious approval of these permits so construction can begin as soon as possible. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (263)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

153. COMMENT

Good evening. So my name is Mark Clatterbuck. I live in Martic Township, Lancaster County.

And here we are again, gathered before you at another government hearing where the public is invited to comment on a very good fossil fuel project we don't want and we don't need. It's no secret that local communities along the proposed Atlantic Sunrise pipeline are feeling desperately threatened by this project. Nowhere is this more obvious than right here in Lancaster County, where the Lancaster Stand has emerged as a base of pipeline resistance, located at Williams' proposed horizontal directional drilling pad along the Conestoga River.

To date, more than 900 residents have publicly signed a pledge to resist vowing to take part in non-violent civil disobedience to stop this pipeline. Of those 900 people, more than 400 have now completed intensive non-violent mass action training.

After three years of local communities fighting this battle, the veil of mystery surrounding the pipeline permitting process has been pulled back. And you, the regulatory agencies charged with issuing or denying permits, are sitting exposed in front of us this evening. We know the game. We know you have no legal obligation to do anything with these

comments after they fall from our lips. We know that your agency serves industry elites, not us and not the environment.

And yet, we still showed up tonight. We showed up because what does matter to us is that you understand how serious we are about stopping this project that puts our water, our land, our homes, our farms, our families and our futures at risk. All the sold-out regulatory agencies and politicians the gas industry can buy won't stop the wave of community uprising that's growing larger every time that industry draws another greedy line on the map that FERC and the DEP are only too eager to approve.

Please understand what we're telling you, and let it inform your conscience. If the Department of Environmental Protection refuses, once more, to stop this environmentally disastrous, billionaire-pleasing, backward looking, community threatening, water poisoning, tree clearing, wildlife destroying, greenhouse gas spewing, clean energy killing project, then we, the people, are committed to stopping this project ourselves.

We're not here to grandstand or bluster. We're here appealing to your shared humanity to stop this dangerous, dead-end game in which you are deeply complicit if you choose to greenlight this project.

And so Lancaster County joins Lebanon, Schuylkill, Luzerne and Columbia Counties in calling on you, the PA DEP, to deny the permits being sought for the Atlantic Sunrise pipeline. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (264)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

154. COMMENT

Good evening. It's Mark Podlesny. I've been involved with a handful of gas permitting projects throughout the state, and I understand the importance of a good open dialogue with PA DEP and local conservation districts, as well as the benefit those conversations can have in the overall process and the final alignment. I also understand the regulations that you're following within Chapter 102 and 105 and how your reviews are in comparison with those regulations.

This project is no exception, and the involvement, which has been ongoing for more than two years, has allowed the pipeline project area to greatly evolve in a collaborative effort to reduce environmental and cultural impacts within and along the corridor. These efforts, which will reduce the impact during construction and once construction has been completed.

Reclamation efforts are proposed that will repair woodlands along streams – otherwise known as repairing buffers - in temporary construction areas, create wetlands offsite similar to what PennDOT would do and perform streambank restoration where necessary.

The review comments showed - that I looked at showed that these applications are considered carefully and with the benefit of all stakeholders involved. The collaborative efforts should aid in the timely review and approval of the applications, but also still highlight the level of care taken to produce an environmentally sensitive design. Thanks. Note: the attached documents referenced in this comment are included in part three of the comment response document. (265)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

155. COMMENT

Good evening. My name is Rudy Schmehl. I live and work in Berks County. I have no vested interest in this pipeline, per se, in Lancaster County.

I just want to remind people of things that they already know and things they've heard 20 to 30 times. So when you go and get up out of bed in the middle of the night to go to the bathroom and you hit that switch on the wall there, what do you want to happen? You want the lights to go on.

People - and no one is more of an environmentalist than me. But people don't want hydroelectric power. They don't want nuclear power. They don't want coal generated power. Natural gas is, indeed, the best bet. If someone has a better idea please tell me.

I highly recommend that DEP proceed and issue the permits on the 5 and 2. Thank you very much. Note: the attached documents referenced in this comment are included in part three of the comment response document. (218)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

156. COMMENT

Good evening. My name's Roy WhiteHorse.

Good evening, folks. Thank you for the opportunity to offer my opinion regarding the Atlantic Sunrise pipelines, specifically the Lancaster County section Chapters 105 and 102 permits.

It's important to note the vast misinformation circulating in opposition to this proposed and necessary infrastructure that seeks to alleviate currently insufficient and eroding pipeline. It's imperative this project proceed without impediments due to the thousands of miles of eroding pre-World War II infrastructure, that prior political administrations cut the funding for their maintenance in the name of populist tax breaks.

Those negative factors are now a major 97 national contention that must be addressed, and Williams Partners has stepped up to the plate to help accomplish this tremendous task, ensuring and prolonging our continued health and safety for many generations to follow.

I also feel it necessary to shed light and truth in testimony to the integrity and professionalism that Williams Partners has displayed previously regarding the original proposed route. Well, specifically, Chiefs Hill in Conestoga, PA. They were acutely sensitive to a historical indigenous burial site - burial sites, and voluntarily, at the cost of, I'm sure, astronomical figures, rerouted its proposal to appease our communities.

This speaks volumes regarding the executives' motivation, intentions and character, in addition to the hundreds of thousands it invested within local communities in the form of donations to first responders, schools, conservation projects and various institutions. Their track record is highly commendable.

And it's time we all support our nation's infrastructure, its workers, our economy and health. Pipeline contributions have totaled 98 more than a billion in royalties and \$500 million in bonuses alone since 2000 - 2006 in our Commonwealth.

This proposed route will stimulate labor and growth to the tune of millions that local people, working directly, will receive, set apart from contributing landowners within this project. With safety as their top priority and from boots on the ground, I can unequivocally declare this laborer's task force of men and women are highly trained professionals with extensive certifications, continual training, knowledge and intestinal fortitude required to see tasks completed with our best interests at heart and mind, despite emotionally charged resistance that only jeopardizes us all.

Pipe layers and the company are responsible for the health of our nation, and they take their jobs very seriously with that in mind. Soil impact will be minimal. Possible archeological discoveries will be preserved. Water will be protected, and that utilized during construction rendered harmless and returned to the earth.

Don't fall victim to false and trendy propaganda. Land will be beautified upon completion of proposed projects, and absolute minimal to zero footprint will remain. Just the stimulus and growth for Pennsylvania.

It's imperative, as Americans, we stand with and support our Commander in Chief, who has endeavored to rebuild the infrastructure, and the men on the ground completing these enormous tasks, the common worker. Impeding their efforts will only lead to imminent catastrophe and disaster that will negatively affect us all beyond redemption and repair.

Let these men do their jobs. Bring us heat, wealth, gas for cooking, products for export, further stimulating growth and energy independence. Let us simply be good Americans, so help me God, I testify. Note: the attached documents referenced in this comment are included in part three of the comment response document. (266)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

157. COMMENT

Good evening. I'm Douglas Henry. I'm the President of a sustainable packaging company headquartered in Lebanon, with facilities in South Carolina and the UK.

Earned our credentials 53 years ago long before the concepts of biodegradability and recyclability, sustainability were even coined, because our principle raw materials have been – and always are - 100 percent recycled waste paper. Environmental stewardship is our core value at our heart.

For most of the past, the natural gas required in our manufacturing process has been sourced from the Louisiana Gulf and from Texas. The delivery distance has been long and very expensive.

For the last several years, the balance has been switched and reversed, and the gas is now sourced from our own backyard in the south Marcellus and Utica formation at a fraction of the journey. This has been a pivotal contribution to the creative - creation of jobs, not by us manufacturers alone, but by our customers, asking for competitive goods that we produce throughout the mid-Atlantic and, particularly, here in Pennsylvania. We're competitive domestically and internationally as a result.

It cannot continue without improved pipeline access to get the gas into our homes and our factories. You folks, Pennsylvania DEP, must approve the Chapter 102 and 105 permits to enable the Atlantic Sunrise Project to begin construction in July, if our prosperity is going to continue to grow, as it has in the short history since the Marcellus Shale has gone into production.

Williams knows how to do this safely by using best environmental practices. After all, they've been in the pipeline business for decades, and they handle approximately 30 percent of the nation's gas already. Pennsylvania is blessed with the biggest, lowest cost natural gas resource in the world. Atlantic Sunrise will make a key contribution to America's energy independence in the very near future.

Williams' Atlantic Sunrise pipeline will be delivering benefits that are untold and have already been reviewed by testimony before me. In addition to the \$3 billion investment in Pennsylvania in the pipeline itself, it has over 8,000 direct and indirect jobs. It will enable the USA to utilize and benefit from the lowest cost, largest resource supply in the world. We can contribute to America's improved geopolitical position through energy independence.

I really heartily recommend that you approve these two permits expeditiously. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (268)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

158. COMMENT

Good evening. My name is John Smelko. I am a lifelong citizen of the State of Pennsylvania, as is my family. I am a supporter of the Atlantic Sunrise Project, and I support the approval of the Chapter 105 and 102 permits currently under your review.

I work for Cabot Oil and Gas Corporation. I am their environmental and regulatory compliance manager for our corporation. In that role, I am very familiar with regulatory framework associated with the Atlantic Sunrise Project. It is, indeed, very comprehensive.

A project such as Sunrise requires multi-agency approvals, as you know, with the Department and FERC, U.S. Fish and Wildlife Service, County Conservation Districts, FENSA, Corps of Engineers, PHMC and so on. With all those agencies, there are - there is a lot of undue overlap, which actually is the cause of some delays in the project.

The regulatory framework is rigorous. It's stringent, prescriptive and very detailed. The regs are designed, as you know, to promote environmental stewardship. Indeed, the regulations are very protective of water, air and soil.

As a long haul project, the Atlantic Sunrise Project has gone to great lengths to complete all necessary permits and work with all stakeholders. The project has gone – undergone environmental and cultural resource surveys, extensive engineering, extensive design work. It's dotted all the Is and crossed all the Ts. It has undergone collaborative efforts with the agencies to identify the most favorable pipeline alignments and has made adjustments in the field as needed.

In fact, in so doing, they were able to build a - a quarter of the project within existing right-of-ways, thereby minimizing impact.

The project places emphasis on mitigation and avoidance. In so doing, it minimizes the impact to aquatic resources by disturbing only what is necessary to install and construct. The project has also gone above and beyond the requirements of the regulations, and is funding two and a half million dollars in fiscal, local conservation projects.

The project emphasizes erosion and - erosion and sediment control measures to include a proper construction sequence and best-handled practices to avoid sedimentation into - into the waterways. The project also proposes rigorous inspection and monitoring to ensure compliance throughout the construction and operation of the project.

With the completed 102 and 105 applications currently under the Department's review and the - and the mitigation control measures proposed, I ask that the Department approve the

Atlantic Sunrise Project without further delay following this public comment period. Thank you. (269)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

159. COMMENT

My name is Anne Semschig. I live in Lancaster and I am in addition to being very supportive of folks who live in Conestoga who are very concerned with their residents, residences and farms. I am also part of the group called Citizens' Climate Lobby.

I was just attending a virtual conference today. One of the things that they talk about is how in the United States, right now just - more jobs are being created in the green MG sector than in dirty energy and I know you guys are concerned about your jobs right now but really the future going forth green energy, renewable energies, U.S. needs to take leadership in this area because other parts of the world are going forward and we're being left behind especially since we just pulled out of the Paris Agreement.

So I just want to say that this is not the way to go. There are so many things that have been said tonight about dangers to the residents and the things that are being said that there's no danger, there's nothing - I mean, there's facts that you guys have at your hands. You know the dangers, you know the damage to the environment, and there' all these people coming up with these - so many that are being created but a lot of people are coming from out of state and if we were to switch - transition to green energy, there would be a lot more jobs coming to this county and to this state, to this county than there are and dirty energy is on its way out.

I know everybody's trying to get their last dollars out of their investment. This is not good for the future of all of us, your families, my family, your families.

So I urge you to reconsider even though I know it's a bad deal, but just to stand up here and say I'm with the folks who are protesting this and I'm going to be there with my body even though I know, you know, you guys are probably going say permits permitted. We're going to be there protesting this with our - with the community, with our people.

One of the things they said in today's conference was really there's two things. There's organized money and there's organized people and I'm from the organized people. (272)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

160. COMMENT

Hello. My name is Alena Ashton Clatterbuck. I will be a junior at Lancaster Mennonite in the fall. I live in Lancaster County in Martic Township.

I'd like to bring some concerns of mine to your attention. You may be aware that there is an encampment just outside the right-of-way in Conestoga Township and a structure built in the tax site of the horizontal directional drilling that's supposed to take place in the Conestoga River. This site is on a farm owned by Justin and Susan Cappiello. Both are

passionately and publically opposed to this project on their property. Joe and Silvia King, along with five of their eight children, are an Amish family who have lived there and worked on that farm for ten years. I've become good friends with their family.

The gentleman almost certainly added to the historical farm and home, they're located up against drill pad and an access road and the noise from the operations would like to be - would very likely exceed the maximum allowed levels. In their DIS statements, Williams has offered to relocate families affected by dangerous and high noise levels during the construction. Presumably families like the Kings.

Our family has spoken at length with Joe and Silvia and the children as they have voiced their concerns about this process including the absurdity of relocating them. They'd probably be here today if the distance to this hearing weren't impossibly long for a horse and buggy, or if their religious convictions did not discourage them from putting themselves in the public eye, or if their voices carried any weight whatsoever in this sham regulatory process.

I am - I hope that the DEP is aware that no matter what you decide we the people of Lancaster County will resist the pipeline at every turn. Over 900 people have signed a pledge committing to non-violent direct action and over half of these people have done training explaining how to peacefully protest into the structure like this export pipeline.

Thank you for your time and though I know this probably will not affect your decision whatsoever, I hope you take it in consideration (273)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project

161. COMMENT

My name is Mindy Roye. Maiden name Buch. Lancaster County resident since December 2nd, 1964, born 2:45 a.m. Wednesday.

I've been wracking my brain in fear of my future which are my grandbabies. We all have them. We all have family. I'd like to say one thing. We have one Creator. No matter what you believe, it is under God. What he says in the Bible, let's learn from our ancestors. Once something is destroyed, it may take another's lifetime to rejuvenate it and this is my future.

So I would like to give you something that I purchased a couple months ago and I would like to hand it to each member of the DEP. I ask for one person to just reach down inside of them and do we really need this because you know what God says? You cannot take money with you.

Here it is. And I'm a representative of Lancaster County. Where's my statement. And I hope you feel the power in this and pass it down. Thank you. Note: the attached documents

referenced in this comment are included in part three of the comment response document.
(274)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

162. COMMENT

Ed Hill, Jr. I'm an international representative for the International Brotherhood of Electric Workers, electricians. I know you've heard from a couple of our members today but I do represent all our members in the State of Pennsylvania, approximately 20,000.

And I'm here today to speak in favor of the Atlantic Sunrise Project and the approval of the Chapter 102 and 105 permits. Federal and state regulators play a very important role in the protection of health and safety of the citizens and the environment and the law in the State of Pennsylvania and throughout the United States. I do appreciate that and I appreciate giving this opportunity to speak tonight.

Williams is committed to implementing and managing best practices during the construction and operation of the Atlantic Sunrise Project. In fact, Transco has demonstrated, at least to us and the building trades unions, that commitment by selecting the highest trained workers to install this project that are available in the United States. Just with the IPW, that I know, our members go through approximately 800 hours of classroom training and lab work training and approximately 8,000 hours on the job training before they put on such projects. Williams made that commitment to us. They made that commitment to this project and I think that speaks to their seriousness of it.

Now the Department and staff has to be satisfied with the permit applications before they can approve it, that we do request that they do so in a timely manner. The price construction schedule they have in place right now will enable all environmental factors, massive amount of construction, conditions, weather conditions and, in fact, minimize impacts that the construction period may affect.

Lots has been said about the economic impact of this project. I won't restate the numbers but for the IBW and all the way down to supply chains which was mentioned earlier tonight, it's pretty significant. There are challenges in developing safe place. There was mentioning near state highway system. We need these things. We all rely. We rely on electricity that's generated by natural gas and for other needs. It's all very important. And there are some sacrifices that need to be made sometimes.

But I did want to remind everyone in the room tonight that there were more - there's - I counted six transmission - oil and gas transmission lines running through Lancaster County now. That does not include distribution lines that run through this county and through the whole State of Pennsylvania. I use natural gas to heat my home and I have gas lines in my yard.

According to U.S. Department of Transportation, pipelines are the safest mode of energy

transportation and that is a fact. Williams has and will comply with law regulation in regards to this project and committed to ensuring safety and environmental protection during construction in operation of the project. And that would – encourages timely approval of 102 and 105. Thank you. (62)

Response: The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

163. COMMENT

Good evening. My name is Heath Strock. I'm a personal journalist and I write the No Harm to the Farm blog. I know blogging's just such a joke. It doesn't get anything done these days but a hashtag can be done - can - it really can bring people together.

I also write Frack for your Farm and it's my intention to present and to educate the population of my observation of the property devaluation from Sunoco's Mariner 2 and the pathetic use of eminent domain by corporations to abuse real citizens and this affects everyone. Not just Pennsylvanians.

Atlantic Sunrise pipeline has been defeated already years ago in Martic Township. Indigenous lands, wetlands, air, Transco is the most fined pipeline constructor in the world. Fact, not fiction. Safety, we'll see about that after it happens, after it blows. Just that one little leak next to that one little, you know, watershed thing.

Convenience for profit, that's all I heard anybody in support of this to talk about is the profit that they'll get out of this. And life isn't about profit. It's about love.

How about using these gentlemen here to my left for the renewal of our infrastructure that is aging in this area. This area needs a new infrastructure, not a new pipeline.

I stand for Standing Rock and I stand for the citizens who are supporting the need for sustainable or durable future. I do not sit in a 42 inch pipeline and hope this compressed fossil fuel will be the answer.

It is with the sun that is with the wind and it is with the tidal energy that our future lies. Not in technology that is dated by the time that it is produced. They are already plugging wells from fracking. This is fracked gas. Old news, wasteful water use, water is life. Keep it in the ground. Deny these permits, please. Utilize the greatest agriculture in the world. Thank you. (275)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

164. COMMENT

Greetings. My name is Bonnie Stoeckl. I've been a resident of Martic Township all my life.

There seems to have been a lot of talk by the young cowboys about the timely event that's the pipeline. All that was the Department of Environmental Protection, I understand that your job is to protect the environment and not permit the expansion of fossil fuel industries. If the economy is your main concern then I approach the economic benefit of fracking and moving belong to our grandchildren and shipping it overseas to India and South Korea.

Another thing I would like to mention, just for the record, is a pile of 42 inch pipes order at the Alcoa plant in Lebanon were manufactured in Turkey, not the United States.

Since the environment's concerned, I beseech your agency to deny the request for permit until Williams completes the environmental assessment. I read a portion of the DIS pertaining to wildlife. One statement in particular gave me pause. DIS admitted the pipeline will negatively impact habitat of the long-eared bat but it'd be fine because the white-nose disease is going to wipeout the population anyway. If this is the type of attitude displayed for the environment by Williams, then the whole DIS is a joke and should be disregarded. (276)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

165. COMMENT

Good evening. I'm Paul McCormick with the International Union of Operating Engineers Pipeline Department and the northeast pipeline representative.

The International Union of Operating Engineers has had the most highly skilled trained equipment operators bar none in the pipeline industry. Our members know the importance of not only running the equipment safely but know to do it responsibly in a way to protect the environment to the rules and regulations set forth by FERC, Army Corp, DEP and the rules and regs that the 102 and 105 permits will require.

Just to touch base on a couple of things. In the 102 permit for earth disturbance. Silt sock, rock filters are just some of the things that obviously you guys aren't looking at and will have in the permit. The 105 permit, the waterway and wetland protection, the use of HGD is industry standard investment management practice and one of the safest place to drill under some roads and rivers and streams.

Another practice that I'm sure will be in the permit is an approved overcut cost where the water is pumped from one side of the stream to the other during construction. In most cases, the contractor performing this work has 24 to 48 hours. Once they disturb the stream banks and the streambed, they have it put back in place seeded, mulched and away from it. The use of wooden mats, bridge and creaks and wetlands not disturbed.

Thousands of local operating engineers through Local 542 here in this part of the state and

their families will benefit from this project through a decent living wage, healthcare, pensions as well as local area business such as stores, lodging, parts suppliers and many others as well as local tax revenue for communities, fire departments, schools and local townships.

I ask on behalf of the International Union of Operating Engineers for you to use your due diligence as you usually do and always do, I believe, to approve these permits and thank you for having this meeting. (63)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

166. COMMENT

My name is Joe Barone. I'm here to see how your system works. I've been provided a job in Pennsylvania since 2009 from Montrose, Pennsylvania to Williamsport to Bradford to Waynesburg and Greene County. I think DEP has done a good job in working with the industry. The gas industry saved the family dairy farm across the whole northern tier of Pennsylvania. I grew up in Williamsport.

I think that DEP working with Williams and the other companies I think have done an admirable job. People don't realize there probably are 10,000 wells built in Pennsylvania in the last ten years. I could Google Williamsport Marcellus. I see every incident that happens everywhere. Sure, there's been some bumps in the road but I think DEP has worked with the industry, the industry is committed to saving the environment and providing the best, cheapest, fuel for the State of Pennsylvania and for the country.

As a result of that, I encourage you to approve both of these permits. Thank you. (277)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

167. COMMENT

Steve Murray. Good evening and thank you for the opportunity to address this group. I'm going to turn up a couple of points that have already been made but not necessarily to a point that has only been made a couple times in these meetings.

It's generally known that it's worth repeating that Lancaster County produces more food than any other county in the United States using un-irrigated land. There are two counties in California who out produce this county but it's with their highly specialized irrigation system and their highly manufactured way of producing food.

In addition to producing the most food, Lancaster County has more preserved farmland than any other county in the whole United States. Millions of dollars have come from local, state and federal taxpayers that have paid for this program and it will essentially realize that a farm owner's being given X amount of money to keep that farm preserved in perpetuity to not allow development on it. And it enters into a covenant with the Lancaster farmland

trusts as to the providence of what can be done and cannot be done with that farm. This is all done voluntarily. This is all done because people in this county love their farmland. They love this county.

Now the millions of dollars of - sorry, state, local and federal taxpayer money into this program that preserve these farms has been going on for years. Now federal government, who is part of the project and has helped spearhead this project, must believe that this is a good program or else they wouldn't be investing federal taxpayers' money into preserving these farms, right? Right?

If the pipeline is run through these preserved farms, the covenant with the federal, state and local taxpayers has been compromised. That's a big one. That's a real big one.

Now the thing that's perplexing to me and this is one of the points that I've made in some of the other meetings like this is when you have a branch of the federal government that preserves the farms and has spent all this money and equity to it, now you've got another part of the federal government, a commission firm that wants to totally violate everything that everyone's done and destroy all the good work that everybody's done.

Now, granted, we need energy to turn the light on to go into the bathroom at night. I don't deny that.

But - just one last point. But the one thing that we need also is food. This person needs food - relies on Lancaster County for food and we're talking about jobs. We have - thousands and thousands of jobs in this county that rely on this farmland and if this farmland is compromised, we're not talking about these gentlemen. I'm talking about jobs that have been here forever. Thank you so much. Note: the attached documents referenced in this comment are included in part three of the comment response document. (278)

Response: After the construction of the pipeline, the right-of-way will be restored back to pre-construction conditions, including any right-of-way which goes through a preserved farm.

168. COMMENT

Our land and water is too valuable to destroy with a pipeline. Don't use my tax money to help Transco. Deny the permits!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (279)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

169. COMMENT

Potable water prevents mass migrations. Fracking was the beginning of human disrespect for this resource in America. Gas is not a bridge fuel. It will be tapped until it is gone, which is the reason for more pipelines. This is an experiment in terror, a movement of industry research into citizens' back yards. The growing consequences of this disregard will be irremediable even when the private profiteers are held accountable, which possibility is remote if not impossible. If gas is a bridge fuel to accelerate global warming through methane release (80x more potent toward global warming as is CO2), it will have already done its damage against the next generation without more pipelines. There are now refugees of war. There will be refugees of greed... mass migrations away from shorelines and mass migrations away from barren lands without useable aquifers nor surface water. Unlike the political culprits of Flint, MI lead poisoning, neither the pirates of Wall Street casino banking nor the profiteers off public natural resources will ever see remedial justice. Our only option is PREVENTIVE JUSTICE NOW. Justice is not a commodity to

be sold to the highest bidder. Each generation makes our great American experiment viable. Do not empower this generation's 1% extinguish the viability of our Representative Democratic Republic. (281)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

170. COMMENT

It is Paramount to the health and well being of our county to deny these permits. You have watched? Gasland, I'm sure? A corporation is not a person. It does not care. It's sole purpose us to make money.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (283)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment

review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

171. COMMENT

At a time when the world is trying to reduce its carbon emissions, it makes no sense to build new pipelines for fossil fuels, which will only encourage further petroleum development. Renewables are the wave of the future, and that's where we should be investing.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (285)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other

existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

172. COMMENT

As a husband and a father, my family and I are deeply concerned about the environmental damage being done to our state and country.

Pipelines like this will be detrimental to the health of our environment which will impact the health of our son and any future children we have. Thank you.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (294)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

173. COMMENT

Please deny this project...the jobs that will be "created" are temporary, and the damage inflicted by this pipeline will be permanent. We should invest in alternative energy sources instead. (296)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

174. COMMENT

I am writing about technical deficiencies in Transco's permit application to mitigate erosion and other environmental degradation caused by building the Atlantic Sunrise pipeline.

Please deny these permits.

PA's air and streams are already polluted.

A new pipeline would pollute them more.

Allowing the pipeline means Sec'y O'Donnell and his agency utterly fail DEP's mission to protect PA from pollution and improve public health through a cleaner environment.

And hundreds of my friends who are waiting to see what PA DEP will do. Note: the attached documents referenced in this comment are included in part three of the comment response document. (297)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

175. COMMENT

I am urging you to deny approval for the Atlantic Sunrise Pipeline. It would cause harm to the State's waterways for an indefinite time. A report by Key Log Economics estimates the pipeline's total cost to the environment to be between 21.3 and 91.6 billion dollars.

opposition here is very strong. This pipeline would also go through preserved farmland. Thank you for your consideration. (313)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

176. COMMENT

My opinion is that the shale gas represents a natural heritage belonging not just to us but to our future generations. We should not permit any corporation or financial interest to move it on a large scale (pipe line) to the shore for export - which is what will happen if we permit this pipeline - it will be a short term profit for a few with a long term hidden cost for many.

It is wrong - It is not in the best interest of the Commonwealth.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (314)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety

and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

177. COMMENT

Please remember that DEP stands for Department of Environmental PROTECTION! How can an agency created to protect our environment even consider allowing this pipeline? Parents, we are entrusted with the care of their children would be punished if they allowed something or someone to harm their children just because it was in the best interest of a corporation. How can the DEP possibly be protecting the environment by allowing a corporation to destroy it, as well as disregarding the toll this will take on human health? Please, do the the job I, as a taxpayer, am paying--and have a reasonable expectation of--you to do.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (316)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

178. COMMENT

Additionally, the increasing quantity of fresh water drawn from the Waters of the Commonwealth needed to frack would produce a deleterious impact by decreasing the quality and quantity of Headwaters of the Commonwealth from reaching the Chesapeake Bay. This would also impact every community downstream of the headwaters by increasing concentrations of minerals and sediment in the vital water needed by these communities.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a

complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (317)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

179. COMMENT

I am a resident of Columbia County, Pennsylvania and I write to request that the PA DEP deny, or at least delay the approval of, the 102/105 Permits for the Atlantic Sunrise Pipeline.

I live about a mile from the proposed route of the pipeline but my concerns are not for my house or my yard and garden. My concerns are for the many high-value streams and wetlands that are here in Columbia County and which will be crossed by this pipeline.

I understand that the Draft EIS filed by Transco with FERC lacked detailed information about what Transco plans to do regarding water use--- mitigation measures for source water protection areas, managing and disposing of contaminated groundwater, mitigation measures regarding aquatic life.

This is of concern to me, and I think that approval of these permits should be delayed until this information is available.

In addition, the Federal government is updating safety regulations on pipelines, and DEP approval should be delayed until these guidelines are made available at least in draft form,

so that Transco can outline their plans for compliance with these new guidelines.

Pipelines have crossed Columbia County for a long time, but no pipelines which compare to this one.

It is doubtless possible to do this safely. However, I do not feel that, to date, Transco has fully detailed its plans to protect our high-quality streams. We have learned that local governments have no authority in this matter. The Pennsylvania DEP is the agency which has the authority to make sure that our streams and wetlands are protected.

I respectfully request that the DEP do just that-- by delaying these permits until Transco details ALL required plans for protection and mitigation measures. (318)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

180. COMMENT

We only have one chance to protect these resources! once the natural environment is damaged, it's gone forever!

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (328)

Response: The Department reviewed these water obstruction and encroachments

applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

181. COMMENT

Our lives are on the line.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (336)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our

constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

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182. COMMENT

I recently testified at the Tunkhannock Middle School concerning the Atlantic Sunrise permitting process. I have expanded my comments on the attached memo and would like to include them in the public comments for this project.

Thanks for your help and for ensuring that projects like this meet the highest standards.

PRB –

Tunkhannock, PA resident 40+ years

Engineering Manager with P&G 37 years, now retired

Plant has used massive amounts of natural gas safely for over 50 years

Savings with natural gas has enabled this plant to invest in

modern equipment, remain competitive, and employ well over 2000 folks in our community.

National picture-

Before joining P&G, I spend 4 years overseas as an Army Combat Engineer. Tens of thousands of others have done the same, largely to protect energy resources needed for our country. I am persuaded that we need to do everything within our power to develop and utilize our own energy resources. Let's stop putting our military in harm's way to protect affordable energy that we now have available right here in PA.

Williams-

Local headquarters here in Tunkhannock, PA.

Numerous interactions with William's folks over the last several years, all positive I have a pipeline and compressor station a few hundred yards from my family home and I sleep just fine.

Why?

I have seen how they (Williams) operate

Safety is key (methods, inspections, on-going monitoring, and a good safety record)
Environmental Practices are sound (use Best Available Technology)

Lastly, I have spent my working career safely working with natural gas. I respect it, but I know the risks can be managed, and I know that Williams is up for the task.

Technical Environmental Messaging -

The outstanding Chapter 102 and 105 permits, for which applications were first submitted in 2015, will be among the final approvals needed to move the Atlantic Sunrise project forward.

Williams has been working with the DEP for more than two years, providing the information needed for the permit applications to be processed in a timely and efficient manner.

The company seeks to avoid or minimize impacts to wetlands, waterbodies and other sensitive environmental areas. In doing so, Williams has committed to implementing best- management practices during construction and restoration to mitigate potential impacts associated with installation of the project.

Per PA DEP's request, Williams has completed environmental and cultural resource surveys on 100 percent of the preferred route.

Full-time environmental inspectors will be deployed during construction to oversee and ensure that Williams' best-management practices are implemented and that the project complies with applicable regulatory permit and approval conditions.

In its Environmental Impact Statement, FERC stated: "No long-term effects on surface waters are anticipated as a result of construction and operation of the Project". Furthermore, the company has avoided and minimized impacts to wetlands through in-field routing adjustments and by reducing the Project limits of disturbance where possible. There will be no loss of wetland acreage as a result of construction.

Impacts to downstream resources including the Chesapeake Bay will be avoided and/or reduced to negligible levels by the company's implementation of its Environmental Construction Plan.

The Project area will be restored to original contours and revegetated following pipeline

installation, keeping existing drainage patterns intact. The permanent easement and temporary workspace areas will also be permanently stabilized, and the vegetative cover will be maintained.

In summary-

- This project is good for America, it's good for our region and it's good for our communities.
- I urge you to support moving this project forward to completion!
- THANK YOU for the opportunity to share my thoughts!!

Note: the attached documents referenced in this comment are included in part three of the comment response document. (337)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

183. COMMENT

We must get away from fossil Fuels! Invest in renewable energy instead.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (326)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

184. COMMENT

I am a retired Sergeant Major with 26 years of service defending our nation. Now I need you to defend our environment, especially water, and deny Transco's Atlantic Sunrise Pipeline application.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (327)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

185. COMMENT

I submit the attached "Letter to DEP" and other background information and facts for your consideration when making the decision as to whether or not to issue the chapter 105 water obstruction and encroachment permit and chapter 102 erosion and sediment control general permit for the Atlantic Sunrise pipeline project.

Please be thorough in evaluating the information I spent a great amount of time compiling for your consideration.

I'm writing today in response to the Department's (PADEP) request for public comment concerning the Atlantic Sunrise project.

I'm submitting proof that the FEIS and related environmental information submitted by Transcontinental Gas Pipeline to the FERC and used by the FERC to gauge environmental impact on streams and wetlands within Pennsylvania is inaccurate and therefore unreliable as a measure of environmental impact.

Additionally, the best possible method of river crossing has not been required to be used by the applicant even though the technology has been suggested on the record and the FERC is aware of the benefits of this technology and the danger of "frack out" as recently occurred in Ohio on the Rover pipeline using the now antiquated HDD method of river crossings. I've linked to a power point presentation provided by IPC, a company skilled in the use of DirectPipe who's willing to give a personal presentation to the PADEP as to the environmental benefits of using DirectPipe.

This is the future of river crossings but it's available today. The PADEP must require it is the method used before another spill happens.

In the certificate statement the FERC indicated that, as the agency used inaccurate remote sensed data for the comparison of both routes, (current vs. CAR) one was as inaccurate as the other. FERC certificate at 159-161:

a. Conestoga Petitioners

159. On January 4, 2017, the Conestoga Petitioners (Petitioners) filed a comment on the final EIS regarding the alternatives evaluation completed for the Conestoga Alternative Route. The Petitioners argue that information used in the alternatives analysis was inaccurate because it was not based on field data depicted on alignment sheets filed by Transco. As explained in section 3.0 of the final EIS, in analyzing the proposal and alternatives, Commission staff relied on information provided by Transco, aerial photographs, U.S. Geological Survey topographic maps and other publicly available information, input from cooperating and other agencies, public input from scoping, and site visits. To ensure that the comparisons are based on consistent data, Commission staff used these same desktop sources of information to compare the impacts of the proposed route and alternative routes.

161. The Petitioners also argue that because the Conestoga Alternative Route is one mile shorter than the proposed route, adopting the Conestoga Alternative Route would reduce construction emissions. While a shorter pipeline length may result in lower emissions during certain construction phases, the Conestoga Alternative Route would require an increased amount of forest clearing compared to the proposed route. Clearing forested vegetation requires more time and construction equipment compared to clearing vegetation on agricultural land, which is the dominant land use along the proposed route. Forest clearing will result in higher construction emissions during the clearing and grubbing phase of construction. Therefore, the Conestoga Alternative Route will unlikely result in lower construction emissions and could result in higher construction emissions compared to the proposed route.

Could? The PA DEP cannot rely on such questionable data. Clearly the FERC did not do a thorough assessment of the two routes for eleven (11) months after the CAR was submitted for review, allowing the applicant to instead continue their pursuit of the current route, now leaving that task to the PA DEP.

As the protector of PA's environmental resources, the PA DEP must require the use of DirectPipe for all river and possibly even wetland crossings. To not do so puts all of those resources as well as the "human environment" of nearby landowners and homeowners in far greater jeopardy of having to endure a spill.

"[T]he function of the district court is to determine whether or not as a matter of law the evidence in the administrative record permitted the agency to make the decision it did." *Sierra Club*, 459 F. Supp. 2d. at 90 (quotation marks and citation omitted). "Summary judgment is the proper mechanism for deciding, as a matter of law, whether an agency action is supported by the administrative record and consistent with the [Administrative Procedure Act] standard of review." *Loma Linda Univ. Med. Ctr. v. Sebelius*, 684 F. Supp. 2d 42, 52 (D.D.C. 2010) (citation omitted), *aff'd*, 408 Fed. App'x 383 (D.C. Cir. 2010)."

Pg.19 "The Administrative Procedure Act "sets forth the full extent of judicial authority to

review executive agency action for procedural correctness.” *FCC v. Fox Television Stations*, Case 1:16-cv-01534-JEB Document 239 Filed 06/14/17 Page 19 of 91 20 Inc., 556 U.S. 502, 513 (2009).

It requires courts to “hold unlawful and set aside agency action, findings, and conclusions” that are “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). Agency action is arbitrary and capricious if, for example, the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983).

This is a “narrow” standard of review, under which “a court is not to substitute its judgment for that of the agency.” *Id.* Rather, the Court “will defer to the [agency’s] interpretation of what [a statute] requires so long as it is ‘rational and supported by the record.’” *Oceana, Inc. v. Locke*, 670 F.3d 1238, 1240 (D.C. Cir. 2011) (quoting *C & W Fishing Co. v. Fox*, 931 F.2d 1556, 1562 (D.C. Cir. 1991)). In other words, an agency is required to “examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.” *State Farm*, 463 U.S. at 43 (quoting *Burlington Truck Lines v. United States*, 371 U.S. 156, 168 (1962)). Courts, accordingly, “do not defer to the agency’s conclusory or unsupported suppositions,” *United Techs. Corp. v. Dep’t of Def.*, 601 F.3d 557, 562 (D.C. Cir. 2010) (quoting *McDonnell Douglas Corp. v. Dep’t of the Air Force*, 375 F.3d 1182, 1187 (D.C. Cir. 2004)), and “agency ‘litigating positions’ are not entitled to deference when they are merely [agency] counsel’s ‘post hoc rationalizations’ for agency action, advanced for the first time in the reviewing court.” *Martin v. Occupational Safety & Health Review Comm’n*, 499 U.S. 144, 156 (1991). Although a reviewing court “may not supply a reasoned basis for the agency’s action that the agency itself has not given,” a decision Case 1:16-cv-01534-JEB Document 239 Filed 06/14/17 Page 20 of 91 21 that is not fully explained may, nevertheless, be upheld “if the agency’s path may reasonably be discerned.” *Bowman Transp., Inc. v. Arkansas-Best Freight System, Inc.*, 419 U.S. 281, 285-86 (1974) (citation omitted).

Even under this “narrow standard” of review, the FEIS fails in respect to the evaluation of and benefits of the CAR.

"Agency action is arbitrary and capricious if, for example, the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 43 (1983)."

The administrative record contains the comment of State Representative Brett Miller (attached) on behalf of his constituents which pointed out the inaccuracies of the FERC's evaluation of the CAR and the 26 additional streams and 12 wetlands that would be crossed

using the current route as opposed to the CAR In a mere 12 miles of the entire 180 mile project and the court need not inject its own opinion as the record is sufficient to demonstrate the facts. (FERC comment 20170201-5044 attached)

If the same margin of error is present along the entire 180 mile project route, then there are 390 streams and 180 wetlands missing from the evaluation.

The FERC seemed to use the knowingly inaccurate "remote sensed" data in its evaluation of the current route vs. the CAR even though the agency had in its possession the accurate alignment sheets which were used by the Conestoga residents to point out the obvious inaccuracies in the FERC's comparison of the two routes. (attached)

The FEIS statement claimed there are 0 wetlands on the current route while an examination of the attached alignment sheets proves there are 12 wetlands on the current route, at least one of which was found to be active home to bog turtles. (m-0147 MP.050)

The river crossing method recommended by the Conestoga petitioners (DirectPipe) would eliminate the possibility of a "frack out" during the installation such as recently happened during the Rover Pipeline Horizontal Directional Drill (HDD) in Ohio which spilled two million (2,000,000) gallons of "frack fluid" into an adjoining wetland. (current estimates indicate double that amount may have been released)

Using HDD to cross the Conestoga River will also result in 275,000 gallons of water trucked in tankers to the HDD entry and exit point whereas the DirectPipe method the petitioners recommended could be supplied with water pumped directly from the river to the drill rig, rather than trucked, eliminating hundreds of tanker truck trips from our roads. The DirectPipe method of river crossing recycles the slurry onsite even further reducing the environmental impact, constantly supports the borehole, and sends the frack fluid inside of the pipe being installed, eliminating the risk of a "frackout." See attached comment of Gary Erb.

From the May 5, 2016 DEIS:

Water for Horizontal Directional Drill Operations

Transco would use the HDD method at the CPL North Susquehanna River crossing, the CPL South Susquehanna River crossing, and at the Conestoga River. Throughout the process of drilling and enlarging the hole, a slurry made of non-toxic/non-hazardous bentonite clay and water, referred to as drilling mud, would be circulated through the drilling tools to lubricate the drill bit, remove drill cuttings, and hold the hole open. Transco would use water from the waterbody being crossed to create the drilling mud; and estimates that 81,586 gallons would be required at the CPL North Susquehanna River crossing, 286,065 gallons at the CPL South Susquehanna River crossing, and 275,565 gallons at the Conestoga River crossing.

During the HDD operations, the drilling mud returns would be circulated through mud pits to remove the drill cuttings, and the bentonite would be recycled for use as the drilling

operation continues. After completion of the HDD, the recovered drilling mud would be recycled or disposed of at an approved upland location or disposal facility.”

The Conestoga petitioners submitted much more evidence than is listed here as to the environmental benefits and benefits to the “human environment” than are listed here but will be provided for the convenience of the court upon the granting of review.

“It is a widely accepted principle of administrative law that the courts base their review of an agency’s actions on the materials that were before the agency at the time its decision was made.” *IMS, P.C. v. Alvarez*, 129 F.3d 618, 623 (D.C. Cir. 1997) (listing cases).”

As explained above, CEQ regulations provide that one factor that “should be considered” in evaluating the significance of a proposed action’s impact is “[t]he degree to which the effects on the quality of the human environment are likely to be highly controversial.” 40 C.F.R. § 1508.27(b)(4).

The ASP has been "highly controversial" from the outset.

"D. Remedy

So where does that leave us? The Court turns now to the question of remedy. The cure for the Corps’ NEPA violation is governed by the APA, which provides that the reviewing court shall “hold unlawful and set aside agency action, findings, and conclusions found to be . . .arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). In this Circuit, vacatur is the “standard remedy” for a NEPA violation. *Pub. Employees for Env’tl. Responsibility v. U.S. Fish & Wildlife Serv.*, 189 F. Supp. 3d 1, 2 (D.D.C. 2016) (quoting *Humane Soc’y of U.S. v. Johanns*, 520 F. Supp. 2d 8, 37 (D.D.C. 2007)); see also *Realty Income Tr. v. Eckerd*, 564 F.2d 447, 456 (D.C. Cir. 1977) (“[W]hen an action is being undertaken in violation of NEPA, there is a presumption that injunctive relief should be granted against continuation of the action until the agency brings itself into compliance.”). In other words, the Court would vacate permits and easement, thus forcing until the Corps and PADEP (edited) fully complied with the aforementioned NEPA requirements.”

Despite the fact the CAR was submitted to the record 12/22/2015, giving the FERC, PADEP and the Corps plenty of time to take the "hard look" required during an EIS at any and all alternatives, the FERC gave short shrift to the CAR in the DEIS May 5, 2016, never giving thorough examination to the facts available to FERC staff via the alignment sheets, and the Corps was thus restricted to continue their evaluation of the current route as opposed to the more acceptable CAR.

Indeed, it wasn’t until our congressional representative congressman Joe Pitts asked for a more thorough evaluation (accession # 20161104-0033) that the FERC seemed the least bit interested in an accurate comparison and had instead deferred to the applicant’s preferred route, as by that time, another 10 months had elapsed since the submission and dismissal of the CAR. All the while the applicant was pursuing the current route contrary to the “best

management practices” (BMP) of following an existing Right of Way as recommended by the FERC.

Even after the intervention of Congressman Joe Pitts, in the final environmental Impact statement (FEIS) the FERC’s evaluation of the CAR vs. the current route was rife with flaws. Though the FERC claims they use aerial photographs, as well as USGS maps, the alignment sheets used by the Conestoga petitioners are the aerial photographs of the properties in the proposed ROW and clearly the FERC did not use that available information when doing the comparison of number of streams and wetlands as if they had, they would have come to the same conclusion as the Conestoga petitioners and their count of streams and wetlands would not have been so inaccurate. (see comment of State Representative Brett Miller and corrections submitted by Conestoga petitioners in accession # 20170104-5174)

This is the erroneous analysis of the CAR verses the current route contained in the FEIS:

Conestoga Alternative Route

The Conestoga Alternative Route was identified by Conestoga Township residents to maximize collocation with existing PPL transmission line rights-of-way adjacent to the Susquehanna River. The Conestoga Alternative Route deviates from the proposed route at MP 2.1 and proceeds 3.0 miles northwest across forestland and agricultural land. From this point, the alternative joins an existing transmission line right-of-way and proceeds north across primarily agricultural land and forestland.

Along this segment, the Conestoga Alternative Route crosses the Tucquan Glen Nature Preserve, Pequea Creek Recreational Center and Pequea Creek Woods Natural Heritage Area, Shenk’s Ferry Wildflower Preserve Natural Heritage Area, PPL Environmental Preserve, Safe Harbor Recreation Area, and Safe Harbor Woods Natural Heritage Area. After crossing Safe Harbor Woods Natural Heritage Area, the Conestoga Alternative proceeds northwest where it rejoins the proposed route at MP 14.1 (see figure 3.3.2-20). An environmental comparison of the Conestoga Alternative Route to the corresponding segment of the proposed route is provided in table 3.3.2-13.

The Conestoga Alternative Route and the proposed route would cross a comparable number of waterbodies (10 versus 9).???????

However, the Conestoga Alternative Route would cross two Pennsylvania scenic rivers (Tucquan Creek and Clark Run). While the proposed route would also cross Tucquan Creek, the crossing location is in an area surrounded by agricultural land and would not require significant tree clearing adjacent to the waterbody. Another disadvantage of the Conestoga Alternative Route is the limited amount of workspace available adjacent to the Conestoga River to complete an HDD crossing. River Road, Safe Harbor Park, and residential development are located immediately east of the Conestoga River, which would limit the amount of space available to stage HDD equipment. In addition, the pullback section would need to be assembled on the west side of the crossing within Conestoga River Park. There is about 200 feet of elevation change between these two locations, which

would increase the potential for HDD complications including the risks of hole collapse and a significant return of drilling fluid to the low side of the crossing. In contrast, sufficient workspace is available along the proposed route and the entry and exit sides of the HDD are comparable in elevation.

We received comments from John Gross indicating that the direct pipe installation method or the dam and pump method could be used at the Conestoga River crossing along the Conestoga Alternative Route. The direct pipe method is a trenchless installation method that combines microtunneling and HDD technology and has the benefit of requiring a smaller footprint to complete pipeline installation compared to the HDD

method. The direct pipe or dam-and-pump methods may be feasible at this crossing location; however, that does not change our conclusion that the Conestoga Alternative Route is not preferable to the proposed route; as such, we do not recommend it.

HDD technology is less safe than DirectPipe and led to the spill in Ohio.

<https://www.ecowatch.com/rover-pipeline-spills-2399807580.html>

<https://www.theguardian.com/environment/2017/may/25/energy-transfer-partners-dakota-access-oil-leaks-ohio>

The petitioners never accepted the HDD method and as such understood the lack of feasibility due to the “pull back” distance required and elevation differences at the crossing we recommended as they are irrelevant when considering the better crossing method DirectPipe. DirectPipe is the safest and most environmentally friendly method of river and wetland crossing.

It seems in their haste to approve the project before the FERC lost a quorum with the resignation of Chairman Norman Bay, the FERC ignored readily available information and made an “uninformed decision” to approve the current route.

“It is a widely accepted principle of administrative law that the courts base their review of an agency’s actions on the materials that were before the agency at the time its decision was made.” *IMS, P.C. v. Alvarez*, 129 F.3d 618, 623 (D.C. Cir. 1997) (listing cases).”

Between the submission of the CAR (12/22/2015) and the release of the DEIS many more comments were filed with the FERC pointing out other environmental benefits associated with the CAR. Obviously, the applicant continued to move forward with the planning of the existing route and the FERC seemingly ignored the on the record facts it should have considered while taking a "hard look" at the CAR.

Indeed, this is the extent of the evaluation as mentioned in two paragraphs contained in the DEIS 20160505-4005:

"3.3.2 Minor Route Alternatives:

We recently received comments from 89 Conestoga Township residents suggesting that the initially planned pipeline route across Shenk's Ferry Wildflower Preserve and Tucquan Glen Nature Preserve would be preferable to the proposed route. The residents identified the Conestoga Alternative Route, which would follow an alignment similar to the initially planned CPL South pipeline route by Transco in Conestoga Township. The Conestoga Alternative Route is similar in length to the proposed route, but would cross Tucquan Glen Nature Preserve, Pequea Creek Campground, Shenk's Ferry Wildflower Preserve, and the Conestoga River Park. In addition, the Conestoga Alternative Route would cross two Pennsylvania scenic rivers (Tucquan Creek and Clark Run). While the proposed route would also cross Tucquan Creek, the crossing location is in an area surrounded by agricultural land and would not require significant tree clearing adjacent to the waterbody.

Another disadvantage of the Conestoga Alternative Route is the limited amount of workspace available adjacent to the Conestoga River to complete an HDD crossing. River Road, Safe Harbor Park, and residential development are located immediately east of Conestoga River, which would limit the amount of space available to stage HDD equipment. In addition, the pullback section would need to be assembled on the west side of the crossing within the Conestoga River Park. There is about 200 feet of elevation change between these two locations, which would increase the potential for HDD complications including the risks of hole collapse and a significant return of drilling fluid to the low side of the crossing. In contrast, sufficient workspace is available along the proposed route and the entry and exit sides of the HDD are comparable in elevation. Because the Conestoga Alternative Route does not have any overwhelming advantages and would increase the complexity of construction and increase impacts on public lands and scenic rivers, we do not find that the Conestoga Alternative Route is environmentally preferable to the proposed route."

Nowhere in the DEIS is the fact that the CAR is 1 mile shorter, impacts 12 fewer acres of land, 26 fewer streams, or 12 less wetlands mentioned. The Conestoga petitioners did clearly recommend the use of DirectPipe as the river crossing method and not HDD as DirectPipe is a far more environmentally friendly method of trenchless technology and is also far friendlier to the "human environment." This can hardly pass the smell test for a "hard look."

Nor does the statement address the issue which was only addressed in January of 2017 that is the fact that the DirectPipe river crossing method recommended by the Conestoga petitioners was deemed feasible at the river crossing they mentioned. The Conestoga petitioners also pointed to City of Euclid v. Ambler Realty in asking the project ("right thing, wrong place, pig in the parlor instead of the barnyard") be moved outside of our town and follow an existing ROW which was the proposed original route.

For these reasons, the FEIS should be vacated, The PADEP should deny the water quality and sediment and erosion permits and the certificate revoked until the "agency is in compliance" with NEPA.

1. Hard Look / Convincing Case

Pursuant to NEPA's "hard look" requirement, the agency must ensure that "the adverse environmental effects of the proposed action are adequately identified and evaluated." Robertson, 490 U.S. at 350.

In evaluating the significance of a proposed action's impact, an agency is to consider, inter alia, the effect on "public health or safety"; "[u]nique characteristics of the geographic area such as proximity to historic or cultural resources"; the extent to which the environmental effects "are likely to be highly controversial" or "are highly uncertain or involve unique or unknown risks"; "[w]hether the action is related to other actions with individually insignificant but cumulatively significant impacts"; and the degree to which the action "may cause loss or destruction of significant . . . cultural[] or historical resources." 40 C.F.R. § 1508.27."

If the FERC refuses to insist on the most environmentally friendly methods and route then it's up to the PA DEP to do so. Note: the attached documents referenced in this comment are included in part three of the comment response document. (341)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and the sediment control permit application consistent with our constitutional obligations and in accordance with established Pennsylvania laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105. The Department has concluded that the applicable regulatory requirements have been satisfied by the applicant for this project.

Consistent with the 25 Pa Code Chapter 105 regulations, a project applicant must provide a site plan, which includes a complete demarcation of the floodplains and regulated waters of this Commonwealth on the project site. An applicant must identify and delineate wetlands in accordance with the *1987 U.S. Army Corps of Engineers Delineation Manual*. See, 25 Pa. Code §§ 105.13(e)(1)(i)(A); 105.451. An applicant must also, among other things, include an impacts analysis and alternatives analysis as part of their application. See, 25 Pa. Code §§ 105.13(e)(1)(viii) and (x).

When the activity that an applicant proposes may impact wetland functions and values, the applicant must analyze alternatives locations, routings or designs to avoid or minimize such impacts. Where an applicant demonstrates that avoidance and minimization are not practicable, any impacts must otherwise be mitigated. When reviewing the application, the Department considers the impacts on wetland functions and values in making a determination of adverse impact. Moreover, specific regulations set forth the criteria for ascertaining which wetlands resources are Exceptional Value wetlands, and set forth specific review criteria for determining whether a permit should be granted where an activity is proposed that would impact Exceptional wetlands resources or other wetlands. See, 25 Pa. Code §§ 105.17, 105.18a(a) and 105.18a(b).

Attachment P-1 of Transco's Chapter 105 Application provides a detailed analysis of

alternatives to the proposed action. The Department reviewed the Alternatives Analysis that was provided by Transco, and the proposed route was selected based on an environmental and engineering feasibility analysis.

As outlined in the Trenchless Crossing Analysis provided in Attachment P, Appendix P-2 of Transco's Chapter 105 Application, there was only one location, Roaring Creek, on the Central Penn Line where an HDD was deemed infeasible due to underlying geology. Transco evaluated the feasibility of Direct Pipe for this crossing but determined this installation method was infeasible as well.

186. COMMENT

The country has benefited greatly from the natural gas industry, as it has contributed billions to the national economy and positioned Pennsylvania, specifically, as a leading energy-producing state. The Commonwealth has emerged as a critical state in our country's energy future, yet it is well documented that the region does not have the necessary infrastructure to connect Pennsylvania gas production with other consuming markets.

In fact, it has been estimated that many of the wells drilled in the Marcellus Shale still lack the means to deliver natural gas to customers. It's been widely reported that without new pipelines to transport natural gas, we will continue to see a slowdown in the natural gas industry. This would lead to less investment, job layoffs and a reduction in taxes generated. That is why it is critical that elected officials and decision makers prioritize energy infrastructure in Pennsylvania and support the expansion of the state's existing natural gas pipeline capacity through a proposal known as Atlantic Sunrise.

There is a growing demand for energy, and as we look to resources to meet that demand, natural gas is the most logical solution. It's reliable, cost-effective, and best of all -- it's right here in our state. We are not at a point where renewable sources of energy are a viable option. Families simply cannot afford the costs, and our power grid should not bank on an unreliable power source that cannot meet our current power needs, let alone our future energy needs.

I believe that we should all be committed to creating jobs in the Commonwealth. Atlantic Sunrise is a multi-billion-dollar private investment in our state's energy infrastructure, providing an opportunity to put thousands of Pennsylvanians to work and helping millions of Americans gain access to affordable, reliable, environmentally responsible and domestically-produced energy. The benefits associated with Atlantic Sunrise are exactly why elected officials work so hard to develop strategies for safe and responsible pipeline development that will bring resources to markets throughout the region.

I also believe it is important to the economic and energy future of Pennsylvania that our elected officials and decision makers fully recognize the significance of this critical energy infrastructure project. Please support Atlantic Sunrise and encourage the completion of this project without delay. Note: the attached documents referenced in this comment are included in part three of the comment response document. (255, 342 - 954)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

187. COMMENT

It is a disastrous mistake to allow the gas industry to rule a government agency at this time of severe shifts in climate from tornados where they never used to be to 120 degree weather.

The Williams Transfer Company is doing what they all do. The wealthy who are invested in polluting businesses pick sites where they figure the population does not have the resources to win a battle with them. This is where YOU are supposed to step up to the plate!

Methane leaks from drilling, processing, pipelines, compressor stations exponentially adds to climate change and global warming. As you know, the gas process leaks about 5-6% and methane heats the atmosphere about 100 times the amount that CO2 does. Why am I telling you this? You must know.

The fracking and pipeline issues in PA have to do with only one goal: selling gas to other countries, and making a profit for a select group of business people worth \$billions. This is not about energy needs in this country, and even if it was, we are obligated to shift to wind, solar and other renewable NOW.

Please manifest the mission of the DEP as the public believes it to be. Your "practical" mission to grant permits to any polluting entity with cash MUST CEASE NOW. Otherwise, the DEP should be dismantled. (955)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

Comments related to the air quality impacts of the Transco proposed pipeline project are not addressed in this Comment/Response document. Air quality comments related to the Transco proposed pipeline project will be addressed in the Comment/Response related to Air Quality Plan Approval 36-001GC to allow transfer and use of 106.0 tons of nitrogen oxide (NOx) Emission Reduction Credits (ERCs) to the project construction activities in Lancaster County to offset emissions from construction activities and satisfy requirements specified by the Federal Energy Regulatory Commission's General Conformity Determination for the project. The notice of intent to approve that air quality plan approval was published in the *Pennsylvania Bulletin* on July 22, 2017. 47 Pa.B. 3995

188. COMMENT

My name is Kelli Nachbar. I live at 20 North Penn St in Manheim, Pennsylvania. I would like to request that the Pa. Dept of Environmental Protection DENY chapter 105 and 102 permits to Transco Corp. This is because of the enormous negative impact the proposed pipeline would have on the beautiful streams, meadows, forests, and glades that are in the path of this horrible idea. Please Protect the Environment in Pennsylvania. I do not wish

for our environmental wealth to be sold to a corporation for their convenience (the shortcut) in making more billions of dollars selling non-renewable polluting forms of energy. When I walk through the woods near a beautiful stream in Conestoga, Lancaster County, Pa, I will thank you with every step, every bird song, every spring peeper for denying Transco access to these irreplaceable treasures!! Thank you. (956)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

189. COMMENT

As a resident of Pennsylvania since 1993 and a member of the Susquehanna Trailers hiking club I have been a witness to the devastation of two rounds of exploitation of the environment by greedy developers of our natural resources. First was the deforestation in the 19th century for timber and then the savage raping of our land and water for coal. The exploiters never bothered to clean up their mess and are long gone. Even today the scars remain.

Now we are faced with the third wave of resource exploitation. The Marcellus Shale gas industry is ravishing our air water and soil as it drills wells for methane and connects them with a vast network of pipelines and associated facilities to process and move the gas to market. History has shown that we cannot trust the industry to protect the environment. It is up Pennsylvania's Department of Environmental Protection to full fill that mission.

I am a registered professional engineer with over 25 years' experience in water resources and water quality. Much of my work has focused on identifying environmental impacts to surface waters and developing measures to mitigate these impacts.

I am neither in favor or opposed to the Atlantic Sunrise Pipeline project. My interests are in insuring that if the pipeline is constructed the resulting environmental impacts be reduced to maximum extent possible.

Over the last 5 fives as a professional and as a local resident I have been witness to the construction of four pipeline projects in Luzerne County. I have visited more than a dozen active construction sites and talked with many local residents and landowners. Published research as well as personal observations have shown that the greatest impact to surface waters occurs to during construction at stream crossings.

I never visited a construction site without noticing a violation of a regulation or a permit condition. Examples include tracking of mud and sediment from the designated work area, failed erosion control structures, flows of sediment laden water from work areas, sweeping of sediment into surface waters, and failed slopes. I am filed numerous reports with DEP

and have yet to see evidence of a single sanction of a contractor, the shutdown of a project or, resolution of violations in timely manner. The most I ever got was a report from DEP saying that they talked to the contractor and he promised to stop doing what he wasn't supposed to do. I have reached the conclusion that DEP is either unwilling or unable to enforce its own regulations.

I have served on Governor Wolfe's Pipeline Infrastructure Task Force. As a member of the Conservation & Natural Resources work group I authored 2 recommendations;

7. During construction activity at gas pipeline sites an environmental inspector should be on site for every 5 miles of active construction. The inspectors should be familiar with the construction plans and all applicable permits. Inspectors should have complete access to the entire site and have the authority to call for a work stoppage until a violation is rectified.

8. During construction and until vegetation establishment has occurred, water quality monitoring should be conducted on flowing streams in the project vicinity that may be impacted by construction. The parameters to be measured are: turbidity, pH, temperature, specific conductivity and flow. Whenever a surface water contamination incident is suspected to have occurred, samples will be collected and prepared for laboratory analysis.

Note that the DEP Water Quality Certification states that inspections may occur at "reasonable hours and intervals". Clearly this is not acceptable. To date DEP inspections have been inadequate to prevent water quality contamination originating from pipeline construction sites.

I believe that implementation of these 2 recommendations is necessary to insure minimization of adverse impact on the surface waters of Pennsylvania. If DEP is unwilling to follow the advice of the Task Force the department should provide assurances that it can protect the environment.

Organizations such as Trout Unlimited, other non-governmental agencies and, private citizens have taken the responsibility of monitoring the construction project. In order to assist them in their mission I am requesting that DEP

- Publish an up-to-date project schedule that reflects all ongoing field activities and plans for the leading 2 week period, and
- That any planned deviations from the submitted and approved plans be published on an easily accessible format. The changes should include:
 - Water body crossing method
 - Sediment and erosion control measures
 - Pipeline alignment
 - Construction and temporary work zone layouts

I look forward to your response to my comments. Thank-you for the opportunity to participate in the permit review process. Note: the attached documents referenced in this comment are included in part three of the comment response document. (18)

Response: Transco has proposed to employ a team of two or more Environmental Inspectors (EIs) per construction spread. The EIs will be responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other permits, certificates, or authorizing documents for the Project. EIs will be empowered to order correction of acts that violate the environmental conditions of the Order, and other environmental permits. The EI will have stop work authority during construction. In addition, FERC will provide on-site third party monitors for the duration of construction.

The Chapter 102 and 105 applications incorporate the use of BMPs that are designed to minimize the potential for accelerated erosion and sedimentation and to protect and maintain water quality and the existing and designated uses of waters of the Commonwealth. The DEP will require Transco to ensure that visual site inspections are conducted weekly and within 24 hours after each measurable stormwater event throughout the duration of the earth disturbance activity. Transco's applications include a maintenance program which provides for the operation and maintenance of BMPs and the inspection of BMPs on a weekly basis and after each stormwater event, including the repair and replacement of BMPs, to ensure effective and efficient operation in accordance with narrative performance-based effluent limitations identified in Transco's E&S plans and other application materials.

190. COMMENT

On behalf of the Pennsylvania Chamber of Business and Industry (PA Chamber), the largest, broad-based business advocacy group in the Commonwealth, I am writing in support the Transcontinental Gas Pipe Line Company LLC's Chapter 105 Water Obstruction and Encroachment permit applications and Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (ESCGP-2) Notice of Intent, as published in the Pennsylvania Bulletin on May 27, 2017 (47 Pa.B. 2982), for the Atlantic Sunrise Project. These comments supplement my oral remarks at the Department's June 12 hearing in Lancaster on the same matter.

The PA Chamber thanks the Department for their thorough, thoughtful and extensive review of this project and urges a final determination, granting these permits and authorizing construction for this important project, be made as quickly as possible.

Pennsylvania's Chapter 105 regulations (relating to waterways and wetlands encroachments) note in particular that an application will be approved provided the Department finds "that the public benefits of the proposed project outweigh the harm to the environment and public natural resources." These benefits may include protection of public health and safety, development of energy resources, creation or preservation of significant employment, provision of public utility services, and other essential social and economic

development which benefits a substantial portion of the public (§ 105.16(b)).

With respect to any impacts to the environment, as they relate to waterways and wetlands, the PA Chamber supports and agrees with the findings of the Federal Energy Regulatory Commission in its final Environmental Impact Statement. FERC's FEIS notes that:

- “No long-term impacts on groundwater are anticipated from construction and operation of the Project because disturbance would be temporary, erosion controls would be implemented, natural ground contours would be restored, and the right-of-way would be revegetated. Implementation of Transco's ECP and Spill Plan, as well as [FERC's recommendations] would limit impacts from construction on groundwater resources.” (4-52)
- “No long-term effects on surface waters are anticipated as a result of construction and operation of the Project. No designated water uses would be permanently affected because the pipeline would be buried beneath the bed of the water bodies, erosion controls would be implemented during construction, and streambanks and streambed contours would be restored as close as possible to preconstruction condition. Operation of the Project would not result in any surface water effects[.]” (4-72)
- “While minor adverse and long-term effects on wetlands would occur, with adherence to Transco's ECP and Procedures, we conclude that construction and operation of the Project would result in minor effects on wetlands that would be appropriately mitigated and reduced to less than significant levels. In addition, impacts on wetlands, including exceptional value wetlands, would be further mitigated through Transco's implementation of an agency-approved PRM Plan.” (4-78)

Transco's application materials to DEP further delineate and describe the extent to which the project's construction will satisfy relevant regulatory criteria, such as properly avoiding, minimizing and mitigating wetlands impacts, minimizing earth disturbance, preventing stormwater runoff, complying with the state's anti-degradation requirements and avoiding, minimizing and mitigating impacts to wildlife, including migratory birds. The applications also note the company will employ full-time environmental inspectors during construction to oversee and ensure these BMPs comply with Pennsylvania's regulations and permit conditions. The applications also note that, in addition to adjustments to in-field routing, Transco has taken great strides to appropriately avoid and minimize wetlands impacts, with no net loss of wetland acreage occurring. Wetlands in the rights-of-way will be preserved, and new wetlands outside of the rights-of-way will be created, restored and enhanced, appropriately mitigating against any deleterious cumulative impact. With respect to threatened and endangered species, it is our understanding the U.S. Fish and Wildlife Service concurred with Transco that the project will not adversely affect bald eagles and will sufficiently avoid and minimize impacts to the bog turtle.

In regard to the social and economic benefits as they relate to Chapter 105.16(b), beyond

the FERC Certificate of Public Convenience that found this project to be in the public interest, the PA Chamber submits for the record the economic analysis conducted by researchers at Penn State University in 2015, attached as an electronic submission to this comment letter. The economic analysis notes that additional utility cost savings for consumers, economic growth and environmental progress will be secured with the Atlantic Sunrise Project. The Atlantic Sunrise Project is expected to support 2,300 jobs, with an additional 3,700 induced jobs and \$1.6 billion in economic activity, in the ten Pennsylvania county area for the project. Had Atlantic Sunrise been in place during the winters of 2012, 2013 and 2014, the economic analysis notes that Mid-Atlantic consumers would have saved \$2.6 billion in utility costs. These benefits are substantial, and fall within the relevant categories of public benefits that § 105.16(b) authorizes the Department to consider in balance to any environmental impact. The PA Chamber urges that the Department find these benefits to outweigh any impacts – impacts which FERC has noted to be in large part minor, temporary and appropriately mitigated.

Given the significant economic and public health benefits that will be realized with the construction and operation of this project, which will be managed using appropriate environmental measures and in compliance with relevant state and federal requirements, I urge you to grant final approval of these Chapter 102 and 105 permits for this project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (242)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

191. COMMENT

Please accept the responsibility to protect our environment. Any errors we make today will haunt us forever. There is no replacement for the water we drink, the air we breath, or the earth on which we live. Cherish our land and deny the ASP. The might of Big Money Oil does not make right their self-promoting designs.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a

complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (960)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science. The Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

192. COMMENT

My name is Andrea Ferich, I am a dendrologist and watershed scientist researching, designing, and planting riparian buffers in Pennsylvania. As a Graduate Research student I work with the Pennsylvania Water Resources Center, the Pennsylvania Center for Private Forests, the Center for Nutrient Solutions, and I am a member of the Pennsylvania DCNR Riparian Buffer Advisory Committee, as well as the inter-state Center for Nutrient Solutions in a graduate research capacity.

I have serious concerns regarding the technical capacity of Williams, Inc., Transco to safely implement the Atlantic Sunrise Pipeline without serious degradation of the chemical,

thermal, and biological water quality in the Susquehanna River Basin and the Chesapeake Bay Watershed as set forth by the Clean Water Act of 1972, Executive Order 13508, and interstate work plans, management strategies, and TMDL goals.

I have focused the following technical comments on details that I have not seen articulated by lawyers and technical scientists. These comments are not exhaustive, rather additional to the comments you have received from the lawyers of the Lancaster Against Pipelines Organization, other regional geologists, as well as your own concerns in the technical deficiencies of Transco.

Cumulative impact -

The Conowingo Dam no longer has the capacity to retain sediment.

Scientists and policy experts across the mid-Atlantic Region have indicated that the Conowingo's capacity to sequester nitrogen PA DEP must wait until the Phase III WIP is released Cumulative impact 10 pipelines within the Atlantic Sunrise Pipeline in Lancaster County alone with the loss of 65 acres of riparian buffers Bay's dead zone: ecological and economic impact The riparian buffer crossings need to be treated as point sources and not non-point sources Unassessed waterways- EVHQCW Eastern Brook Trout known throughout Lancaster County, and entire ASP line yet still remain as unassessed waters on PA Fish & Boat Commission records Incomplete PNDI.

The Chesapeake Bay is the largest estuary in the United States, third largest in the world, with over 50% of this surface water flowing from the Susquehanna River Basin through Pennsylvania (Dutcher, 2000; Armstrong & Stedman, 2012). The Chesapeake Bay has shown drastic decreases in ecosystem function in the last decade impacting economies, with an estimated \$22.5 billion annual economy dependent on ecosystem function in the Bay watershed (Phillips & McGee, 2016) as set forth in the TMDL. Riparian buffers are described as the single most important best management practice for improving water quality, and providing aquatic and terrestrial habitat improvements, reduction in sediment and nutrient loading. The 2006 Chesapeake Bay Program's multi-state goal aims to restore 26,000 miles of riparian vegetation to meet Total Maximum Daily Load (TMDL) to restore ecosystem function in sub-basins across the Bay watershed. Pennsylvania has met less than 50% of the riparian buffer goals to be achieved to date (Chesapeake Clean Water Blueprint, 2016). Pennsylvania is clearly failing, currently not upholding sediment and nitrogen reduction goals, as stated in the recent Chesapeake Bay scorecard.

The following technical comments address the overall ASP as well as the Lancaster portions of the pipeline

Some of the greatest deficiencies in the Transco Permit are the negligence in which cumulative impact is discussed. Transco's consultants claim the largest impact of the work will come from sediment, and then attempt to dismiss the cumulative impacts of sediment by sending it downstream, which is in fact the root of the problem, and a dangerous legal liability for the Commonwealth and PA DEP.

Water Use and Quality (answered by Transco) "Potentially affected water resources

include groundwater, surface waters, and wetlands. Construction and operation of the Project will likely result in only short-term impacts on water resources and include impacts such as increased turbidity, which will return to baseline levels over a period of days or weeks following construction.

The primary impacts on surface waters would be temporary and mostly associated with active construction activities, ceasing upon settling of turbidity and proper restoration and stream bank revegetation. The greatest of these potential impacts would be an increase in sediment loading to surface waters and an increase in internal sediment loading due to channel/floodplain instability as a result of a change in erosion/deposition patterns.”

The PA DEP needs to wait until the 2017 EPA Phase III WIP is released to fully understand the saturated state of the Conowingo Dam and the adjusted TMDL goals determines TDML and impacts on the sediment saturated Conowingo Dam. “U.S. Environmental Protection Agency’s Interim Expectations for the Phase III Watershed Implementation Plans Additional Implementation Actions Needed as a Result of Loss of Trapping Capacity of Conowingo Dam need to be released.

The U.S. Army Corps of Engineers Lower Susquehanna River Watershed Assessment study, is assessing the loss of trapping capacity of three dams and reservoirs on the lower Susquehanna River, especially Conowingo Dam and reservoir. USGS studies have shown the Conowingo Dam and reservoir are now in a state of “dynamic equilibrium”, indicating the Conowingo reservoir is at near-full.

The Lower Susquehanna Army Corps of Engineers study concluded more nutrients, not just sediment, are coming over the dam than was assumed in developing the 2010 Bay TMDL; this loss of trapping capacity will need to be addressed in order to attain applicable state water quality standards in the Chesapeake Bay.

Based on these findings and the follow-through additional research, monitoring and modeling work, EPA expects the impacted jurisdictions’ Phase III WIPs will document the additional practices and other management actions needed in place by 2025 as a result of the loss of trapping capacity of Conowingo Dam and its reservoir.” Taken from Bay Foundation report.

Lower Susquehanna River Watershed Assessment

"The report confirms again that our efforts to clean up the Chesapeake Bay must include working upstream where pollution originates. The report also echoes earlier findings that while the Conowingo Dam has reduced pollution entering the Bay for decades, that trapping capacity has been reduced so that more sediment and nutrients now make it past the dam, especially during major storms.

The Susquehanna River has been named the third most-endangered river in the United States in an annual list by the environmental group American Rivers.

The group selected the Susquehanna primarily because of what it called the detrimental

effects from the Conowingo Dam, just below the Lancaster County line in Harford County, Maryland. “The Conowingo Dam alters river flow, blocks fish and impacts water quality, harming the Susquehanna and the Chesapeake Bay downstream,” the group said.

The group also cited the well-documented concern that the dam is now no longer trapping sediment containing nitrogen and other pollutants.

Essentially, nearly all of the suspended sediment from the additional 388 water body crossings of the Atlantic Sunrise Pipeline will be dumped into the Bay, onto Maryland. The Spring of 2017 had much higher nutrient and sediment run-off than expected. In a report recently released by the University of Maryland Center for Environmental Science a larger dead zone is expected in the Bay this summer due to heavier rain events this Spring in Pennsylvania and New York with 81.4-million-pound nitrogen load greatly contributing to the 3.2 million Olympic-size swimming pool dead zone in the Bay (<http://www.umces.edu/news/larger-summer-%E2%80%98dead-zone%E2%80%99-predicted-chesapeake-bay?platform=hootsuite>)

The additional cumulative impact of 10 new and existing pipelines within 10 miles of the Lancaster portions of the Atlantic Sunrise Pipeline were not accounted for in the cumulative impact.

In 2016 the Supreme Court chose to uphold a federal court ruling for the EPA and state regulators to move ahead with efforts to reduce pollution in the Chesapeake Bay, restrictions on water quality in the Chesapeake Bay Blueprint (http://www.pennlive.com/news/2016/02/supreme_court_ruling_on_chesap.html) According to the Chesapeake Bay Executive Order.

The PA DEP was written up by the EPA last year for failure to control agricultural runoff into the bay.

As of 2016, in Lancaster County alone, there are 400,000 acres of farmland where nitrogen needs to be reduced by 35 percent, phosphorus by 27 percent and sediment by 39 percent.

The PA DEP needs to wait until the Phase III WIP is released with the updated TMDL reflecting the heavy pipeline infrastructure, continued development has led to a loss of riparian forest and grass buffers in the Susquehanna River Baseline and increased sediment loading.

The Bay’s hypoxic (low-oxygen) and anoxic (oxygen-free) zones are caused by excess nutrient pollution, primarily from human activities such as agriculture and wastewater. The excess nutrients stimulate an overgrowth of algae, which then sinks and decomposes in the water. The resulting low oxygen levels are insufficient to support most marine life and habitats in near- bottom waters, threatening the Bay’s crabs, oysters and other fisheries.

The need to wait for the Phase III WIP is only compounded by the “Commonwealth is considering yet another budget that falls well short of providing the investments necessary

for success. Pennsylvania will only be successful with sustained investments in the right places and on the right practices (<http://paenvironmentdaily.blogspot.com/2017/06/cbf-pa-no-surprise-pennsylvania.html>)

Economic

Published in Coastal Management in 2016 Phillips and McGee describes Ecosystem Service Benefits of a Cleaner Chesapeake Bay.

Information on the economic benefits of natural resource improvement is an important, yet often overlooked, consideration in environmental decision-making. In 2010, the Environmental Protection Agency established the Chesapeake Bay Total Maximum Daily Load (TMDL) that set regulatory limits for nitrogen, phosphorus, and sediment needed to restore the Chesapeake Bay. Meanwhile, the Bay jurisdictions developed implementation plans to achieve these limits. Environmental benefits of achieving the TMDL would accrue due to on-the-ground changes in land use and land management that improve the health, and therefore productivity, of land and water in the watershed. These changes occur both due to the outcomes of achieving the TMDL (i.e., cleaner water) and as a result of the measures taken to achieve those outcomes. This study quantified these changes, then translated them into dollar values for various ecosystem services, including water supply, food production, recreation, and aesthetics. We estimate the total economic benefit of implementing the TMDL at \$22.5 billion per year (in 2013 dollars), as measured as the improvement over current conditions, or at \$28.2 billion per year (in 2013 dollars), as measured as the difference between the TMDL and a business-as-usual scenario. These considerable benefits should be considered alongside the costs of restoring the Chesapeake Bay.

Also according to PA § 105.302. Permit applications for existing stream crossings by pipelines for conveyance of petroleum products and gas.

The shore lines of the affected body of water, including both high and low water marks.

The Transco consultant did not address the high and low water marks

The alignment and depth of the pipe or cable, and the clear depth below the data plane afforded by the pipe in navigable channels.

A cross section of the stream from bank to bank with the location of the pipeline affixed thereon.

The amount and type of cover material and buried impervious materials were not accounted for in the 105/102 Chapter Permit

Provisions for shut-off in the event of break or rupture. Not included.

Other information as the Department may require.

The Transco 105/102 Chapter Permit is overly simplified as all the stream crossings and impacts on forested riparian buffers are essentially treated the same. Transco is required to apply for a point source pollution permit during construction, and non-point source pollution cumulative impact during the 25 years necessary to re-establish shade cover, bank stability, sediment erosion, and nutrient run-off. Substantially, the point source general permits are not included in Transco's resubmission, nor are the proper conservation and best management practices for timber harvesting followed in the permit
<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-88925/363-2134-008.pdf>
<http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-92149/3800-PM-BPNPSM0345.pdf> <http://extension.psu.edu/natural-resources/forests/private/tools-resources/publications/forest-stewardship/forest-stewardship-best-management-practices-for-pennsylvania-forests>

Unassessed Waterways-

Exceptional value high quality coldwater trout stream appear all across the landscape of Pennsylvania. Recently while assessing a channelized agricultural tributary to Pine Creek in Centre County, both the temperature data and macro-invertebrate communities indicated that potential habitat for Eastern Brook Trout. These photos indicate the current conditions of this site as a hayfield. The channelized agricultural tributary was designated impaired.

After our survey was done, the PA Fish 7 Boat confirmed a new designation, likely a Class A Trout Stream. Rather than assuming the unassessed waterways are lifeless, the PA DEP need to assume the water bodies with suitable temperature and/or macro-invertebrate communities are trout streams. Over 100+ unassessed waterways are crossed in this permit, without proper inventory taking place.

Enclosed you will find temperature data for 8 tributaries in Southern Lancaster County to be crossed by the Atlantic Sunrise Pipeline with thermal regimes below the critical Eastern Brook Trout threshold in Lancaster County as monitored by the Lancaster Water Quality Monitoring Network.

Climber's Run Fishing Creek Pequea Creek Tucquan Creek Steinman Run Kellys Run
UNT Fishing Creek Conowingo Creek Climbers Run 2

The unassessed waterways are not properly addressed in the permit :

http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/AtlanticSunrise/Chapter_r_105LancasterCounty/Attachment%20B/Attachment%20B-1.pdf

Every unassessed waterway that the Atlantic Sunrise Pipeline crosses needs to be inventoried for Brook Trout, bivalves, and all relevant aquatic and terrestrial flora and fauna relevant to the PNDI.

These questions then need to be readdressed:

Is the water resource designated as a wild trout stream by the Pennsylvania Fish and Boat

Commission?

Is the water resource listed as High Quality or Exceptional Value in Title 25 Pa. Code Chapter 93?

Indicate the stream classification found in Chapter 93.

Classification EV; HQ-CWF; HQ-CWF, MF; CWF-MF; WWF-MF; TSF, MF; WWF.
Is the water resource designated as a National Wild or Scenic River or as part of the Commonwealth's Scenic Rivers System or classified as priority 1-A for inclusion in the system?

Appendix L-2

As stated in Chapter 102.14 of the Pennsylvania Code, unless authorized by exceptions, earth disturbance activities are not permitted within 150 feet of a perennial or intermittent river, stream, or creek; or lake, pond, or reservoir when the project site is located in an EV or HQ watershed (PADEP 2010b). Linear pipeline projects, such as the proposed Project, may request a waiver from PA DEP. A waiver needs to be received for all unassessed waterways, they also need to be approached at a right angle. The PADEP, in a conference call held on January 28, 2016, provided guidance that a riparian buffer waiver request is not required if the pipeline crosses an EV/HQ stream and riparian buffer at an approximate right angle.

The Project crosses 65 riparian areas within Lancaster County, covering 34.49 acres. Over 32 of these acres are forested or herbaceous. Temporary workspace width at within riparian areas varies from 75 to 90 feet wide. Other actions that would or could contribute to the cumulative impacts of the Project in Lancaster County include 11 planned or potential residential developments that are within 0.5 mile of the CPL South route have you discussed this the developers. Due to the highly explosive nature of this 42" pipeline residents within the evaporation zone should be notified under the risk assessment. Impacts to the PNDI within the evaporation zone need to be analyzed as well.

As described in your cumulative impact There are 10 planned, proposed, or existing natural gas transmission projects within 10 miles of the Project. What is this cumulative impact on sediment and nutrient loading?

In the DEP's technical deficiencies feedback stated, Transco will need clearances from Fish and Boat, USFWS, PA Game Commission, DCNR, in lieu of PNDI. I have been in conversation with PA DEP's Assistant Counsel Anne Shapiro regarding my concerns that the public versions of these documents were not made available. These documents must be received prior to the approval of the 105/102 Chapter permits. Also, appendix G is referred to, but not attached:

There is no appendix G attached

Bog turtle habitat is known within fifteen (15) Pennsylvania counties including: Adams,

Berks, Bucks, Carbon (Aquashicola Creek Watershed only), Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed only) and York.

The proposed project is located in Lancaster County, which is a known bog turtle county. For further information on Phase 1 bog turtle habitat surveys of all wetlands proximate to the project, please see Appendix G.

Bog turtle habitat is relevant according to the PNDI. In Transco's resubmission it is listed N/A.

Why is Risk assessment listed in this section as N/A? A risk assessment is clearly applicable.

PASPGP-4 Cumulative Impact Project Screening Form does not actually analyze or address cumulative impact.

There is no appendix G attached

Bog turtle habitat is known within fifteen (15) Pennsylvania counties including: Adams, Berks, Bucks, Carbon (Aquashicola Creek Watershed only), Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill (Swatara Creek Watershed only) and York.

The proposed project is located in Lancaster County, which is a known bog turtle county. For further information on Phase 1 bog turtle habitat surveys of all wetlands proximate to the project, please see Appendix G.

Bog Turtle habitat is relevant according to the PNDI. In your permit it is listed as N/A Why is Risk assessment listed as N/A

Sediment

1300-PM-BIT0001 5/2012

The following answers provided in the 105/102 Chapter Permit are also of concern:

Question 12 12.0 Will the project interfere with the flow from, or otherwise impact, a dam?

12.0.1 Transco answered no. This is incorrect

Cumulative impacts on the Holtwood Dam, Safe Harbor Dam and Conowingo Dam are not addressed in the 105/102. According to the LOWER SUSQUEHANNA RIVER WATERSHED ASSESSMENT, MARYLAND AND PENNSYLVANIA these three dams are all impacted with an increase in sediment loading LOWER SUSQUEHANNA RIVER WATERSHED ASSESSMENT, MARYLAND AND PENNSYLVANIA, as conducted by The U.S. Army Corps of Engineers, Baltimore District (USACE), and the Maryland Department of the Environment (MDE)

<http://bloximages.chicago2.vip.townnews.com/cecildaily.com/content/tncms/assets/v3/editorial/7/e7/7e7618e0-3b54-5a6b-9c79-386137b99442/54654700c8626.pdf.pdf>

Sediment and associated nutrients from the land, floodplain, and streams in the lower Susquehanna River have been transported and stored in the areas (reservoirs) behind the dams over the past century. The dams have historically acted as sediment traps, reducing the amount of sediment and associated nutrients reaching the Chesapeake Bay. At the time that this assessment began, there was concern about the implications of reduced trapping and storage capacity of the reservoirs, and consequent impacts of increasing nutrient and sediment loads to the Chesapeake Bay. The Chesapeake Bay ecosystem is impacted both physically and biologically by the delivered sediment load from the Susquehanna River basin. These impacts are exacerbated by large storm and flood events which scour additional sediment and associated nutrients from behind the dams on the lower Susquehanna River and adversely affect the Chesapeake Bay ecosystem. This assessment concludes that each of the three reservoirs' sediment trapping capacity is greatly reduced from historical trapping, and that each reservoir has reached an end state of sediment storage capacity. The evaluations carried out through this assessment demonstrate that Conowingo Dam and Reservoir, as well as upstream Safe Harbor and Holtwood Dams and their reservoirs, are no longer trapping sediment and the associated nutrients over the long term. Instead, the reservoirs are in a state of dynamic equilibrium.

Therefore subsequent answers are incorrect. This project does impact Maryland. The project also impacts Army Corps of Engineers structures, these three dams.

Attachment E1 Eligibility Determination Section A, question 1 is incorrect. The Atlantic Sunrise Pipeline will impact greater than 1 acre of waters and wetland with elevated stream temperatures, sediment deposition, and nutrient run-off in Lancaster County alone, as well as the cumulative impact of the entire project. Section B Question 7a. There is an urgent need bivalve inventories to be conducted at all proposed locations by an independent consultant. Which of these waterways have even been inventoried?

Question 12a. Answered "No" and in fact the project will impact study rivers.

Question 13 the proposed project does require the preparation of an Environmental Impact Statement.

Question 14- the proposed regulated does have an indirect impact on Maryland

YES NO 1a. Is your project located in the Corps of Engineers Philadelphia District (Delaware River Watershed), or in Chester, Lancaster, or York County?

The permit is specifically for Lancaster County, the answer above is incorrect.

YES NO 1b. Does your project proposed impervious surfaces within waters and wetlands? If YES, provide are of impervious surface within the footprint of waters and wetlands : _____ square feet

YES NOT 1c. Does any part of your project propose the removal of any impervious surfaces? If YES, provide area of impervious surface being removed: _____ square feet

Clearly these answers above are incorrect. As seen in the permit application cement and metal casings are used, which are impervious surfaces. Roadways will also be removed in certain sections.

YES NO 19. Does the proposed work temporarily impact waters and/or wetlands that will remain in place for more than 1 year?

Thermal impacts for the 65 acres of buffers and 32 acres of riparian buffers removed in Lancaster County alone will be measurable for over 20 years as the canopy is re-established.

YES NO 17. Will the proposed work alter, use, build upon, attempt to possess, or that may harm or impair any existing or proposed Corps Civil Works project, and any Corps-owned or managed property?

Holtwood, Safe Harbor, and Conowingo Dams will be impacted.

YES NO 22b. Will you comply with all of the identified conservation measures?

It is greatly concerning that Transco did not answer this question.

YES NO 14. Does the proposed regulated activity or area of indirect impact (secondary impact) Extend across state boundaries (i.e., the work is not wholly located within the Commonwealth of Pennsylvania)?

The project does have a direct and indirect impact on Maryland at the Conowingo Dam and in the Chesapeake Bay

Attachment I 1 Location map is distorted and not to scale. This projection shortens the appearance of the project, and falsifies information in permit

A4a. Sanctuaries

The Project will not affect areas dedicated for use as sanctuaries by state or federal agencies or non-profit organizations.

This answer is incorrect. There is a dedicated sanctuary located at 3939 Laurel Run, Columbia, PA 17512. This sanctuary is located on the property of the Sisters of the Adorers of the Blood of Christ, an order of Catholic women religious whose "Land Ethic" to "respect our interconnectedness and oneness with creation" and to revere "Earth as a sanctuary where all life is protected" is a cornerstone of their faith.

A4b. Refuges

The Project will not affect areas dedicated for use as refuges.

Transco does not answer the question correctly above.

Transco will replant the 50-foot-wide permanent ROW by applying a riparian seed mix. Failed over and over again.

Forest riparian buffer planting scheme is missing. This should be conducted by a forester. Ash and Elm trees should not be planted due to invasive pests.

The use of NHD data in remote sensing aspects of the permit are outdated and incorrect. Rather, The USGS Chesapeake Bay 1 meter Land Use data should be used to quantify and project impact. <https://chesapeake.usgs.gov/phase6/map/#map=7/-8582732.74/4851421.17/0.0/0,4>

Also according to the Transco permit “Fertilizer tablets may be placed in the backfilled soil to help the growth of the planted trees and shrubs. After planting of the site has been completed, tree and shrub shelters will be installed for those plants suitable for shelters. If deemed necessary, other methods of wildlife damage control include the application of rodenticide to each tree/shrub or installing bait boxes for meadow vole control.” These chemicals are inappropriate in the flood plain. Also, there is no maintenance plan included in the permit application, continued invasive control on the flood plain, survival requirements, herbicide and fertilizer application are of specific concern.

Wait until the 2017 EPA Phase WIP III is released that determines TDML and impacts on the sediment saturated Conowingo Dam.

Please do not hesitate to contact me if you would like to discuss further, or have any questions.

Enclosed: All unassessed waters need to be better assessed to determine EVHQCW Class A Trout Streams. Note: the attached documents referenced in this comment are included in part three of the comment response document. (271)

Response: The Chapter 102 application includes an Attachment H-2, County-Specific Impact Mapping, that has maps clearly indicating the top of bank location on the plan and profile views, as well as the depth of cover (5 feet minimum or two feet within consolidated rock) over the top of pipe within the stream channel. Attachment E-2 within the Chapter 105 Application identifies the permanent impacts associated with all streams by the crossing length from top of bank to top of bank.

The proposed erosion and sedimentation control design, including BMP location and sizing, was developed in accordance with Chapter 102 regulations to account for stream channels' tops of banks and required design storm stream flows at proposed stream encroachments. The streams' top of bank information is shown on the Erosion & Sediment Control Plan / Site Restoration Plan. (Section 2 of the ESCGP-2 Notice of Intent).

The Chapter 105 Application for the Project includes a Riparian Area Impact Assessment and Restoration Plan as Attachment L, Appendix 2, which describes the condition of existing riparian areas located within the workspace, evaluates riparian area functions, quantifies riparian area impacts associated with construction and operation, presents proposed best management practices to avoid and minimize Project-related impacts on riparian areas, and presents plans for planting within riparian forest buffers within each respective county.

Transco submitted and received subsequent authorization for 42 hydrostatic test discharges locations under the PADEP's Chapter 102 PAG-10 National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines program.

Question 1 within the Lancaster County PASPGP-5 Reporting Criteria Checklist has been revised to correctly answer the question.

Attachment E-1 of the Chapter 105 Application for the Lancaster County has been revised to correctly indicate "yes" within the subsequent technical deficiency response; however, no permanent loss of stream channel is proposed as a result of the Project. Also, Attachment E-1 PASPGP-5 Reporting Criteria Checklist was provided for informational purposes only, since an Individual Section 404 Application to the United States Army Corps of Engineers – Baltimore District.

The Department reviewed the Erosion and Sediment Control Plan (see Attachment M of Transco's Chapter 105 Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment. The Erosion and Sediment Control Plan was designed to be in compliance with the Chapter 102 regulations to ensure it will not cause or contribute to violations of water quality standards.

The Project route avoided impacts on riparian buffers to the extent practicable through early routing efforts, which focused on siting the proposed pipeline to avoid paralleling streams, and crossing streams at 90-degree angles. The Project also reduced the construction ROW width by up to 25 feet depending on site-specific conditions at stream crossings. Site-specific measures implemented to avoid and minimize impacts to individual watercourses and their riparian buffers crossed by the Project are detailed in Appendix P-1 of Attachment P-1. As an additional reestablishment measure, Transco is proposing replanting riparian forest buffers crossed by the Project. Replanting will occur within the regulated floodplain (Federal Emergency Management Agency [FEMA] mapped 100-year floodplain, or 50-foot-wide floodway, whichever is greater) (see the Riparian Area Impact Assessment and Restoration Plan in Attachment L-5, Appendix L-2 of the Chapter 105 Application).

The list of species has been included in Transco's proposed riparian seed mix, as discussed in Section 5.1 of Transco's Riparian Area Impact Assessment and Restoration Plan (see Attachment L, Appendix L-2 of Transco's Chapter 105 Application) is consistent with

species identified in the DEP's Riparian Buffer Guidance, dated November 27, 2010. It is noted that invasive pests are an issue for these particular tree species.

Transco received the necessary concurrences and/or clearances from various resource agencies such as the United States Fish and Wildlife Service, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission, and the Pennsylvania Department of Conservation and Natural Resources related to possible species impacts. All of the G Attachments have been redacted to protect locational information of threatened and endangered species and have been posted on the DEP's public website on August 11, 2017.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Transco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations. The pipeline will be constructed, owned, operated, inspected, and maintained in order to adhere to both state and federal safety requirements.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006). The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

193. COMMENT

Good evening, my name is Ed Smith. I reside at 344 Hinkley Road, Meshoppen, PA 18630. I live in the township of Springville, Susquehanna County. I own 3 properties in Susquehanna County. My family has had property in the county since 1957. I have been a full time resident for the past 25 years here in Springville.

I would like to say just a few words about the Atlantic Sunrise Pipeline Project. I am here in support of Permit 102 & Permit 105. I think that by now, we are all aware of natural gas

and its advantages.

I believe that the time has come to agree to share this abundant natural resource with other states and other countries.

The Atlantic Sunrise Pipeline can make this possible. Providing both a usable resource and prosperity, not only for the state of Pennsylvania but other states and other countries, by all the jobs that it will create. (961)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

194. COMMENT

I am writing to urge the Pennsylvania Department of Environmental Protection to approve the Chapter 102 and 105 permits for the Atlantic Sunrise Pipeline project without delay.

I am part of a community of workers stretching across the entire United States of America that builds natural gas infrastructure, including skilled workers in professional, administrative and construction trades.

This pipeline's construction, and the production of natural gas it will make possible, will support workers' jobs, their families and communities throughout the region. Those jobs pay well, and in fact this project will put one-quarter billion dollars into the family budgets of the people building it. And that money will in turn be spent in the communities where the workers and their families live, supporting many others' incomes.

As the new supplies of natural gas made possible by this pipeline are used to generate power from this clean-burning fuel, Pennsylvania's and America's greenhouse gas emissions from power generation will continue to decline, providing health and climate benefits to citizens of the state and region.

The Atlantic Sunrise Pipeline's owner, and the construction, equipment and material supply companies building it, are committed to best management practices ensuring the land and environment the pipeline passes through will carefully protected and restored to its pre-construction condition.

For these very important reasons, we urge your expeditious approval of these permits so construction can begin as soon as possible. (962 – 1022)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

195. COMMENT

Creating an economic environment that encourages private investment and creates jobs — while balancing the health and safety of the public and the environment — should be a top priority of any government official. Undoubtedly, permitting and regulation play a key role

in every infrastructure and economic development project; however, there must be a balance.

Pennsylvania has a tremendous opportunity to capitalize on the game-changing natural gas deposits within the Marcellus and Utica shale basins. Abundant and affordable natural gas serves as a resource to heat our homes, power our businesses and manufacture the products that we depend on in our everyday lives.

While the components are there for sustainable growth, the lack of energy infrastructure to move this low-cost commodity to markets threatens the long-term viability and growth of an industry that can drive economic prosperity and job growth for generations to come.

Pipelines are proven to be the safest and most efficient method to move natural gas to consumers, and they are tremendous economic drivers. For instance, Williams' Atlantic Sunrise is a nearly \$3 billion energy infrastructure project that is ready to put Pennsylvania energy and more than 8,000 people to work.

Federal and state regulations play an important role in protecting the health and safety of our communities, as well as the environment and wildlife. After receiving Federal Energy Regulatory Commission approval in February, the company is on the verge of securing the final remaining state permits necessary to advance this multibillion-dollar investment in the state's energy infrastructure.

The outstanding Chapter 102 and 105 permits, for which applications were first submitted in 2015, will be among the final approvals needed to move this project forward. Williams has been working with the Pennsylvania Department of Environmental Protection (PA DEP) for more than two years, providing the data and information needed for the Chapter 102 and 105 permit applications to be processed in a timely and efficient manner.

Per the agency's request, environmental and cultural resource surveys on 100 percent of the preferred route were completed prior to the application permit submittal, and the complete package containing both PA DEP technical responses and the revised permit application was submitted to the agency in May.

The Chapter 102 and 105 permit applications reflect the cooperation and collaboration Williams has demonstrated with PA DEP, as well as federal and state permitting agencies, to avoid or minimize impacts to wetlands, waterbodies and other sensitive environmental areas. Williams will implement its best-management practices during construction and restoration to mitigate potential impacts associated with installation of the project.

Dedicated, full-time environmental inspectors will be employed during construction to oversee and ensure that Williams' best-management practices are implemented and that the project complies with applicable regulatory permit and approval conditions.

Williams has operated safely in the state for decades and currently touches more than 30 percent of the nation's natural gas, transporting it to markets across the country.

Specifically, Atlantic Sunrise has undergone an unprecedented amount of regulatory and public review. The time to build is now; the time to approve Atlantic Sunrise is now.

We urge the PA DEP to approve the Chapter 102 and 105 permits for the Atlantic Sunrise project without delay. (1023 – 2502)

Response: The Department acknowledges the commentator’s comment regarding this proposed pipeline project.

196. COMMENT

We are also submitting this to the public comment dockets on the Chapter 102 and 105 applications due today and to the press.

On behalf of 40 organizations that represent over 436,000 members in Pennsylvania and surrounding area businesses, community organizations, religious institutions, and environmental organizations, we urge you to use your power and obligations under the Clean Water Act (CWA) and as Governor of Pennsylvania to protect the people and resources of Pennsylvania by denying the Chapter 102 and 105 water permits for the proposed 200-mile Atlantic Sunrise (AS) pipeline. If permits are approved, this pipeline would cut through eight counties of the Commonwealth and harm generations of Pennsylvanians.

We believe this denial is the only logical conclusion for a pipeline application that still is inadequate and incomplete. Transco, despite nine prior deficiency letters, is proposing blatant disregard for our very cleanest Exceptional Value and High Quality trout streams and wetlands. Its 136-mile greenfield route, extensive blasting and clear-cutting through sensitive farmland and forests, limestone karst, and communities is unacceptable.

Reasons these permits should be denied are solidly grounded by requirements of the CWA and Pennsylvania’s Constitution that warrants the right of every Pennsylvanian to have a clean and healthy environment to thrive, and which is DEP’s duty to uphold. In addition, larger cumulative and expansive economic and long-term sustained harms will come to Pennsylvania families if you allow this pipeline to be built. The power is in your hands – we urge you to deny the permits based on the continued deficiencies and not allow the Atlantic Sunrise pipeline to be built. Below is just a sampling of some key reasons this denial is well justified and supported by science:

- The Atlantic Sunrise pipeline would clear cut its way through eight Pennsylvania counties, impacting 2,200 acres of land during construction and permanently affecting 1,100 acres in permanent right-of- ways. There would be hundreds of crossings of wetlands and water bodies.
- The pipeline would affect 45,000 residents and 19,000 homes in the evacuation hazard zone. The new pipeline would supply gas to international exports out of Maryland and gas plants in North Carolina and Florida.

- A report by Key-Log Economics¹ on the proposed Atlantic Sunrise pipeline details true costs of the Atlantic-Sunrise pipeline – costs that include the effects of the pipeline on property value, the diminished value of ecosystem services, economic damages associated with increases in greenhouse gas emissions, and public health costs due to the release of toxins and smog-forming pollutants. The report estimates the pipeline’s total costs to the environment at between \$21.3 and \$91.6 billion.
- The lost value and benefits Pennsylvania would lose from this pipeline in food production, water supply, air quality, erosion control, biological diversity, soil fertility and waste treatment is estimated to be \$6.2 to \$22.7 million, while annual costs for this diminished ecosystem would be approximately \$2.9 to \$11.4 million per year.
- Your own 48-person PA Pipeline Taskforce concluded better planning and cumulative build out analysis of fracking infrastructure is needed: “Pennsylvania will see as many as 30,000 miles of new pipeline built over the next 20 years to take ... gas resources of the Marcellus and Utica Shales to market,” the former DEP Secretary Quigley stated. “... the industry will add 20,000-25,000 miles of gathering lines, and an additional 4,000 to 5,000 miles of interstate pipelines will be built over the next 20 years.” There are over 10,323 unconventional gas wells permitted (as of March 2017). From January 1, 2000 to February, 7 2017 DEP logged 6,522 O&G violations within the Susquehanna River Basin².
- The Federal Energy Regulatory Commission (FERC), which certified the AS pipeline prematurely and without complete environment and economic information with its rubber stamp to allow eminent domain proceedings for private gain, is a rogue federal agency beholden only to the pipeline companies that fund it. DEP must uphold our state rights to clean air and clean water to hold this federal agency in check³.
- With limited PADEP staff and proposed budget cuts, the PADEP cannot effectively, nor adequately, regulate this pipeline for the life of the project. General Fund support for DEP programs dropped from \$245.6 million in 2003 to \$148.8 million in 2016 – a 40 percent drop – and is significantly below 1994 levels – \$165.6 million. In FY 2017-18, General Fund support would increase slightly to \$152 million. These drops, despite the increase in Marcellus shale exploitation, are not protective of our Pennsylvania rights to clean water and a healthy environment. DEP’s Safe Drinking Water, Air Quality, Surface Coal Mine Regulation, Chesapeake Bay, Drinking Water and Clean Water State Revolving Fund and other programs have all been warned they lack sufficient staff resources to enforce minimum federal standards required by primacy and DEP.
- There are more than 685 peer-reviewed studies indicating harm from gas drilling. According to Physicians for Safe Energy (PSE), 72% of these research studies on water quality indicate potential, positive association, or actual incidence of water contamination; and 95% of all original research studies on air quality indicate

elevated concentrations of air pollutants⁴. Air pollution already is ailing on many levels, with about 10.8% of Pennsylvania children and 9.8% of adults having asthma, causing harm and increased public health costs.⁵ Many of these studies are focused on Pennsylvania and have been the basis of Maryland passing a ban on fracking, New York passing a ban on fracking, and the Delaware River Basin Commission holding to a 6-year moratorium on gas drilling, with thousands speaking out for a permanent ban to be implemented.

- As the globe continues to realize climate change impacts, phasing out fossil fuel investments is the only logical sustainable path forward. Renewable jobs are already far outpacing fossil fuel jobs, and that is with a system that still largely favors fossil fuel interests through putting taxpayer money into the hands of the very profitable industry that is harming us and their workers. Natural gas is a harmful greenhouse gas, containing about 25 times as much global warming potential per pound CO₂ over a 100-year timeframe, and 86 times as much over a 20-year timeline. An October 2016 report by Synapse Energy Economics and EQ Research, “Envisioning Pennsylvania’s Energy Future, Powering the Commonwealth’s Energy Needs with 100 Percent Renewables by 2050,” outlines a clear path to zero emissions for Pennsylvania to switch to renewables. We have other clear and healthy paths forward for Pennsylvania that are possible and negate the need for shale gas drilling and pipelines.

- Financial stability of mid-stream pipeline companies continues to be tenuous.⁶

- An expert report⁷ shines the light on habits, such as overbuilding of the pipeline industry, that need to be considered. The report finds: “Existing natural gas pipeline capacity is going underutilized, even as companies propose new pipelines. A 2015 report by the Dept. of Energy found that from 1998 to 2013, existing pipelines in the U.S. had an average capacity utilization of 54%”.

- “Southwestern Energy, based in the Fayetteville shale of Arkansas and in Appalachia, predicts overbuilt pipeline capacity by 2018. And vice president for Marketing and Midstream Operations for Range Resources, one of the largest Appalachian shale drillers, has stated that Range expects that “the Appalachian Basin’s takeaway capacity will be largely overbuilt by the 2016-2017 timeframe.”

- “Kelcy Warren, CEO of Energy Transfer Partners (ETP), says: “The pipeline business will overbuild until the end of time. I mean that’s what competitive people do.” In a subsequent earnings call, he provided Barnett shale in Texas as an example: “There is no question there are certain areas that are overbuilt. For example, we overbuilt in the Barnett shale. The production peaked and it’s now down.”

In addition, the overwhelming peer reviewed science indicating harm, expert reports,

testimony from neighbors and Pennsylvanians already affected by pipelines, agency correspondences, investigative reports, and extensive public concern and comments need to be taken into account. For these reasons and the outlined impacts, the 40 organizations signed to this letter represented by over 436,000 members urge you to deny Transco's Chapter 105 and Chapter 102 state permits now.

By putting the brakes on these pipeline projects and cumulatively reviewing these projects, you have the authority and power to choose to protect Pennsylvania residents and the environment for decades to come. We urge you to use your power and mission to do just that – for the benefit of all of us here in Pennsylvania who call it home. Note: the attached documents referenced in this comment are included in part three of the comment response document. (46, 118, 210, 213, 223, 225, 229, 247, 289, 2503 - 2536)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws, as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

197. COMMENT

Your organizations requested Schmid & Company to identify potential impacts relating to the construction and operation of the proposed Atlantic Sunrise pipeline on especially sensitive wetlands and other waters in Schuylkill County, Pennsylvania. This letter provides our comments, based on our review of the most recently revised (April 2017) version of the applications from the Transcontinental Gas Pipe Line Company, LLC to the Pennsylvania Department of Environmental Protection (PADEP, or "the Department") for Chapter 105 and Chapter 102 permit approvals.

Per your request, we have confined this analysis to Schuylkill County. The issues we have

encountered here, however, apply to other counties crossed by this pipeline.

INTRODUCTION

The Atlantic Sunrise Project involves a major proposed expansion of the existing Transcontinental Gas Pipe Line Company, LLC (Transco) natural gas transmission system extending from Pennsylvania to Alabama. In Pennsylvania, the proposed Atlantic Sunrise expansion includes the following elements:

Central Penn Line North (CPLN): 60.4 miles of new 30-inch diameter pipeline
Central Penn Line South (CPLS): 127.3 miles of new 42-inch diameter pipeline
Chapman Loop: 2.5 miles of new 36-inch diameter pipeline
Unity Loop: 8.5 miles of new 42-inch diameter pipeline
Associated facilities including compressor stations, meter stations, regulator stations, etc.

The Schuylkill County portion of the Atlantic Sunrise Pipeline project is part of the CPLS segment. Transco describes it as consisting of approximately 18.5 miles of new (greenfield) 42-inch-diameter pipeline located in Pine Grove, Tremont, Frailey, Porter, Hegins, and Eldred Townships (see below). According to the applicant, the standard construction ROW width for installation of the pipeline is proposed to be 100 feet. A permanent 10-foot wide corridor centered on the pipeline is proposed to be maintained in an herbaceous state through all emergent (PEM) and shrub (PSS) wetlands, and a permanent 30-foot wide corridor centered on the pipeline will be maintained in an herbaceous state through all forested (PFO) wetlands. All other temporary workspace areas reportedly will be allowed to revert to pre-construction land uses and vegetation cover following completion of the project. Only access roads which currently are permanent will be maintained; all other access roads and contractor/staging areas will be returned to pre-construction conditions.

SCHUYLKILL COUNTY TOTAL 18.5

For construction in Schuylkill County, earth disturbance is proposed to total approximately 391.97 acres. The pipeline reportedly will cross 30 streams and 27 identified wetlands in Schuylkill County. According to Transco, temporary and permanent impacts to waters and wetlands will be as listed below.

SUMMARY OF FINDINGS

The following issues, discussed in greater detail below, have been identified in conjunction with the proposed Atlantic Sunrise Pipeline project which crosses western Schuylkill County within the Susquehanna River Basin:

No current "existing use" determination for affected streams has been made, possibly undercounting the extent of Special Protection waters to be impacted and also undercounting the number and extent of Exceptional Value Wetlands.

The actual extent of Exceptional Value Wetlands to be impacted may be undercounted because not all of the Department's criteria for classifying Exceptional Value Wetlands were considered or applied to wetlands acknowledged by the applicant.

Private water supply wells and springs have not been accurately identified, which not only is problematic for individual well owners but also possibly creates an undercount of the number and extent of Exceptional Value Wetlands.

Additional wetlands along Wild Trout Streams should have been classified as Exceptional Value Wetlands, but were incorrectly identified by the applicant as "other" wetlands.

Direct impacts to Exceptional Value Wetlands have not been avoided or minimized as required by Chapter 105 regulations.

The forested nature of some Exceptional Value Wetlands along the proposed pipeline may have been mischaracterized as PEM or PSS.

No "antidegradation" analysis of affected Exceptional Value Wetlands has been provided to or reviewed by the Department.

The proposed mitigation for wetland impacts fails to account for most applicant-acknowledged temporary and permanent impacts to Exceptional Value Wetlands.

There are other inconsistencies in the application regarding the nature of sensitive resources to be crossed by the proposed pipeline.

DISCUSSION OF FINDINGS AND IMPACTS

No recent "existing use" determination for affected streams has been made, possibly undercounting the extent of Special Protection waters to be impacted and also undercounting the number and extent of Exceptional Value Wetlands.

The Pennsylvania Department of Environmental Protection is required by 25 Pa. Code §93.4c(a)(1)(i) to protect the existing uses of surface waters and is required by 25 Pa. Code §93.4c(a)(1)(iv) to make a final determination of existing use protection for surface waters as part of every final permit or approval action. According to the applicant, all of the streams within the Schuylkill County section of the pipeline corridor currently are designated CWF (Cold Water Fisheries), and none is designated HQ (High Quality) or EV (Exceptional Value). Some of those designated as CWF, particularly those which are first or second order streams and are in undisturbed forested settings, may actually be attaining EV or HQ existing use. Any stream attaining a use higher than its designated use must be protected at that higher use.

Nothing in the permit application addresses the existing uses of any of the streams to be crossed by the proposed pipeline. There is no indication that the typical method for determining a stream's existing use --- detailed macroinvertebrate studies --- or any other method has been applied in any of the pipeline corridor streams. Lists of streams and their designated and "existing" uses (such as a table in the Wetland Delineation Report entitled "Waterbodies Crossed by the Atlantic Sunrise Project Pipeline corridor in Schuylkill County: CPL South") simply report "None" for each stream in the "Existing Use" column, a bizarre conclusion because every stream has one or more existing uses.

It is the Department's responsibility to make the existing use determinations of streams, based at least in part on information provided by the applicant. For streams crossed by the Atlantic Sunrise pipeline ROW, this applicant has failed to provide the information necessary for timely decision making by the Department. This failure is significant by itself, but it also may have resulted in an improper identification of the number of Exceptional Value Wetlands (see next issue below). The existing use of each affected stream must be determined from instream macroinvertebrate assessments prior to any Department decision on this permit application.

The actual extent of Exceptional Value Wetlands to be impacted may be undercounted because not all PADEP criteria for classifying Exceptional Value Wetlands were considered or applied.

Exceptional Value Wetlands are important in Pennsylvania for several reasons. In accordance with 25 Pa. Code Chapter 105, any wetland is considered to be "a valuable public natural resource", and any wetland that qualifies as an "Exceptional Value Wetland" is classed among the most sensitive and "deserves special protection". Exceptional Value Wetlands in Pennsylvania are defined at §105.17(1) as wetlands that exhibit one or more of the following characteristics:

Wetlands which serve as habitat for fauna or flora listed as "threatened" or "endangered" under the Endangered Species Act of 1973, the Wild Resource Conservation Act, 30 Pa. Code. (relating to the Fish and Boat Code), or 34 Pa. Code (relating to the Game and Wildlife Code).

Wetlands that are hydrologically connected to or located within 1/2-mile of wetlands identified under subparagraph (i) and that maintain the habitat of the threatened or endangered species within the wetland identified under subparagraph (i).

Wetlands that are located in or along the floodplain of the reach of a wild trout stream or waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto, or wetlands within the corridor of a watercourse or body of water that has been designated as a National wild or scenic river in accordance with the Wild and Scenic Rivers Act of 1968 or designated as wild or scenic under the Pennsylvania Scenic Rivers Act.

Wetlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply.

Wetlands located in areas designated by the Department as "natural" or "wild" areas within State forest or park lands, wetlands located in areas designated as Federal wilderness areas under the Wilderness Act or the Federal Eastern Wilderness Act of 1975 or wetlands located in areas designated as National natural landmarks by the Secretary of the Interior under the Historic Sites Act of 1935.

The applicant has identified 271 wetlands to be crossed by the Atlantic Sunrise pipeline in Schuylkill County, and has classified 8 of them as being Exceptional Value Wetlands (see table below). Each of the Exceptional Value Wetlands reportedly will involve both a temporary and a permanent impact component.

EXCEPTIONAL VALUE WETLANDS TO BE IMPACTED

Many tables in the application identify specific wetlands and whether they are considered by Transco to be Exceptional Value Wetlands or "other" wetlands. Nowhere in the permit application, including in the applicant's Wetland Delineation Report as might be expected, is there mention or discussion of how the eight wetlands listed above were determined to be Exceptional Value Wetlands while other wetlands were not.

It is possible that §105.17(1) criteria "i" and/or "ii" (relating to habitat for threatened or endangered species) are applicable to some of the eight wetlands. According to the Pennsylvania Amphibian and Reptile Survey (<https://www.paherpsurvey.org>), sightings of bog turtles were made in the Swatara Creek watershed in Schuylkill County in 2001 and 2007. About half of the proposed pipeline in Schuylkill County passes through the Swatara Creek watershed. The applicant's Attachment F (Bog Turtle Statement) notes that an April 2014 letter from US Fish & Wildlife Service states that no further coordination regarding bog turtle habitat is required. Since that letter is more than 2 years old, however, the Department must request that Transco provide an updated response regarding bog turtle habitat along its route in Schuylkill County. There may be other threatened and endangered species correspondence that likewise need to be updated, but that cannot be readily determined because the applicant's Attachment G, regarding threatened and endangered species coordination, is not included on the Department's Pipeline Portal website for Atlantic Sunrise. Because that information was not made available to the public, and is not discussed even in general terms in the materials provided, it is not possible to determine whether all (or any) wetlands associated with habitat for threatened or endangered species have been accurately classified as Exceptional Value Wetlands.

§105.17(1) criterion "iii" possibly was used by the applicant as one (and maybe the only) basis to classify Exceptional Value Wetlands in the pipeline corridor. Criterion "iii" involves a wetland's association with EV Waters or wild trout streams. Although there are no EV-designated streams in the pipeline corridor, there are designated wild trout streams. According to the applicant's Environmental Assessment Form (Enclosure C, Attachment L-4) five streams² and their tributaries are classified by the Pennsylvania Fish and Boat Commission as Wild Trout Streams. Each of the eight applicant-acknowledged Exceptional Value Wetlands is located within the watershed of one of those wild trout streams. However, in the few places where trout waters are discussed (such as in the applicant's Wetland Delineation Report [Attachment L2], in its Environmental Assessment Form Enclosure C [Attachment L4]), there is no mention or acknowledgement of the significance of those trout waters to classifying Exceptional Value Wetlands, so it is unclear whether this criterion was considered.

As mentioned, there are no streams in the Schuylkill County portion of the pipeline corridor that currently have an EV designated use. However, the applicant has made no

determination of the "existing use" of any of the streams, so it is possible that some of them actually qualify as EV. If that is the case, any wetlands within their floodplains are Exceptional Value Wetlands, and thus there may be more Exceptional Value Wetlands affected than the eight currently acknowledged by the applicant.

We believe that none of the wetlands in the pipeline corridor is likely to qualify as Exceptional Value in accordance with §105.17(1) criterion "v". There currently appears to be no State Forest or State Park lands crossed by the proposed route, nor are there any Federally-designated Wilderness Areas or National Natural Landmarks along the route.

There are likely to be wetlands within the pipeline corridor, and proposed to be impacted, that qualify as Exceptional Value in accordance with §105.17(1) criterion "iv" [Wetlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply.] The proposed pipeline route passes through rural areas where most residents obtain their drinking water from onsite wells. Indeed, more than 3 million Commonwealth residents currently rely on private wells for their drinking water supply. The next section discusses this issue further.

Private water supply wells and springs have not been accurately identified, which not only is problematic for the individual well owners but also possibly creates an undercount of the number and extent of Exceptional Value Wetlands.

One of the most widely recognized and basic functions of wetlands³ is their ability to absorb or filter pollutants such as nitrogen, phosphorus, and sediments and thereby to provide an important water quality benefit. The §105.1 definition of "wetland functions" specifically includes their "natural water filtration processes". Transco acknowledges this function of project-area wetlands:

"...the wetlands and riparian vegetation abutting or adjacent to streams serve to some extent to maintain natural water filtration. Most emergent portions of wetlands within the Project area contain areas of dense vegetation that could aid in the natural water filtration process." (Attachment L-4, April 2017, page 17)

Where wetlands are located above or along public or private drinking water supplies, that water filtration function is particularly significant. Any such wetlands along the pipeline route potentially qualify as Exceptional Value Wetlands under §105.17(1) criterion "iv".

It is quite likely that at least some of the 27 Transco-identified wetlands to be crossed by this pipeline in Schuylkill County are helping to maintain the quality or quantity of a nearby drinking water supply. In discussing measures it took to avoid or minimize wetland impacts, Transco several times mentions the nearby location of residences.

For example, for Wetland T21-7001 (classified as an "other" wetland) at Milepost 67.91, the applicant notes:

"The pipeline was routed in this location to cross the margin of the wetland. Shifting the route further west to completely avoid the wetland was constrained by steep slopes and a residence west of the route." (Attachment M, Table 7, BMP- SC-TB Sheet 5 of 5, April 2017)

Despite the proximity of Wetland T21-7001 to a residence in rural Pine Grove Township, presumably one with a private water well, Transco classified it as an "other" wetland rather than making any attempt to determine whether it actually qualifies as an Exceptional Value Wetland.

The Atlantic Sunrise permit application includes no discussion about §105.17(1) criterion "iv". There is some discussion regarding the locations of public water supplies.

Transco reportedly (Attachment L-4) contacted the Department to identify Wellhead Protection Areas (WHPAs) and Public Water Supplies (PWSs) near proposed pipeline facilities, and reviewed WHPA and PWS information using the Department's eMapPA online map-based query. Transco determined that there are no public water supplies within the vicinity of its pipeline project within Schuylkill County, and so it anticipates no impacts.

There is no consideration or discussion at all by Transco, however, about private drinking water supplies along the route. Construction activities, such as open trenching and grading through streams, springs, and wetlands, have the potential to threaten water resources and water supplies. Private water supplies also may be impacted by unanticipated encounters with contaminated soil along the ROW or by inadvertent spills of fuel and other hazardous materials during project construction. Long-term ROW maintenance, including the use of herbicides, could pose threats to nearby water supplies.

In its Environmental Assessment Enclosure D ("Project Impacts", Attachment L-5) Transco does not even mention private water supplies. Its drawings do not identify the locations of any private wells or springs in the vicinity of the proposed pipeline ROW. One source of such information is the Pennsylvania Groundwater Information System (PaGWIS) database, which is available online at eMapPA. We examined that database, hosted by the Pennsylvania Department of Conservation and Natural Resources (PADCNR) and found that it identifies 35 private water wells plus 4 other wells used for agricultural purposes within 0.5 mile⁴ of the proposed pipeline corridor in Schuylkill County. The PADCNR does not claim that its PaGWIS database is accurate or complete; indeed, in one recent analysis we did for a section of Westtown Township in Chester County, we found that the PaGWIS database only identified about 2% of the actual number of water wells (Schmid & Company, 2017). Transco has not identified private water wells and springs within 0.5 mile of the proposed Atlantic Sunrise pipeline ROW, nor evaluated the potential for impacts to those vulnerable resources.

Figures A1 and A2 illustrate one example of wetlands near Milepost 80.25 in Eldred Township that might have been misclassified by the applicant as "other" wetlands. The reported association of these wetlands with groundwater, and their proximity to a water

supply well according to PaGWIS, likely qualifies them as Exceptional Value Wetlands.

Additional wetlands along Wild Trout Streams should have been classified as Exceptional Value Wetlands, but were incorrectly identified by the applicant as "other".

As discussed above in #2, it appears that wetlands along Wild Trout Streams (part of §105.17(1) Criterion "iii" above) could have been one (perhaps the only) factor used by the applicant to identify Exceptional Value Wetlands. If that is the case, however, that criterion apparently was not applied consistently, and as a result, many additional Exceptional Value Wetlands have not been acknowledged. One example is in Porter Township, near Milepost 74.75, where the wetlands to the south of Good Spring Creek (W-T96-9004) are mapped as Exceptional Value Wetlands, but the wetlands to the north of the Creek (W-T95-9001B-1) inexplicably are mapped as "other" wetlands (Figure B). There are many other wetlands along Wild Trout Streams or their tributaries in Schuylkill County that have not been classified by the applicant as Exceptional Value Wetlands.

Until all Exceptional Value Wetlands along the proposed pipeline ROW have been identified accurately, the Department cannot credibly make a final decision on this application.

Direct impacts to Exceptional Value Wetlands have not been avoided or minimized.

The standard at §105.18a(a) for permitting activities in Exceptional Value Wetlands is quite strict and straightforward: the activity must "not have an adverse impact on the wetland". According to the Department's Water Quality Antidegradation Implementation Guidance (page 60) limited activities that result in temporary and short-term changes in the water quality of Exceptional Value Waters (which include Exceptional Value Wetlands) can be allowed, but only if all practical means of minimizing such degradation will be implemented. Transco clearly has not implemented all practical measures to minimize impacts to Exceptional Value Wetlands.

There are at least two common practices currently used by proponents of pipeline projects in Pennsylvania to avoid or minimize impacts to Exceptional Value Wetlands, neither of which has been proposed in the Atlantic Sunrise application for Schuylkill County. The first is to simply route the pipeline around Exceptional Value Wetlands in order to avoid them. While avoidance of wetland impacts is mentioned as a general consideration in the pipeline siting and alternatives analyses, avoidance of Exceptional Value Wetlands is not among the 18 factors specifically listed as "Avoidance and Minimization Measures" (Appendix L-1, "Comprehensive Environmental Evaluation for Central Penn Line", Revised April 2017, pages 1-6 to 1-7).

The only measure proposed by Transco to reduce impacts to Exceptional Value Wetlands in Schuylkill County is to reduce the width of its standard 100-foot wide construction corridor. In almost every instance where a wetland is to be crossed, Transco has reduced the construction corridor width from 100 to 75 feet, which is a standard industry best management practice that typically is implemented when working near wetlands of any

type. Indeed, the width of the proposed construction corridor has been reduced to 75 feet along almost every "other" wetland, and it has been reduced no further along Exceptional Value Wetlands. Thus, the Exceptional Value Wetlands in Schuylkill County actually are not receiving any "special protection" that they are required to be afforded as EV Waters.

In several places in the application, Transco makes reference to FERC procedures or requirements. It is our opinion that in many regards the Department's environmental protection requirements are more stringent than those of FERC. Inasmuch as the Chapter 102 and 105 permits must comply with State requirements, the Department must insist that Transco follow its requirements. For example, in a table in the Alternatives Analysis (Attachment P-1, Appendix P-1), Transco several times notes that it has not specifically minimized its workspace through a PFO wetland, explaining:

"Since the wetland width within the LOD is less than 75', the FERC procedures do not require LOD reduction."

In this instance the PFO wetland in question is not characterized as an Exceptional Value Wetland, but the applicant should follow the Department's requirement to "minimize" wetland impacts and not rely on any lesser standard associated with FERC.

By reducing the width of the proposed Limit of Disturbance (LOD), direct impacts to three Exceptional Value Wetlands (all PEM) reportedly were avoided altogether (reducing the total number currently proposed to be impacted from 11 to 8), as detailed on Table 7 in Attachment M (Drawing BMP-SC-TB, Sheet 5 of 5). While this is a positive effort, the three "avoided" Exceptional Value Wetlands now about a more tightly- confined workspace, and remain susceptible to indirect construction-related impacts. Similarly, indirect impacts to the "undisturbed" sections of each of the 8 impacted Exceptional Value Wetlands just outside the LOD also are possible, but potential impacts to wetlands just outside the LOD have not been evaluated or reported in any way. No buffer has been proposed to protect any of the Exceptional Value Wetlands.

A second common method, the use of trenchless methods of pipeline installation (conventional bores or Horizontal Directional Drilling - HDD), can be used to avoid or greatly minimize disturbances to sensitive resources on the ground surface by going beneath them. Throughout the entire route of the proposed Atlantic Sunrise pipeline, however, only 4 conventional bores and 4 HDDs are proposed to avoid or minimize impacts to waters or wetlands. In Schuylkill County, no bores and no HDDs are proposed.

In its Trenchless Crossing Analysis (November 2016), Transco establishes an extremely limited framework to constrain the possible use of bores or HDDs for its 42- inch diameter pipeline. For use of conventional bores, only streams (not wetlands) were considered by Transco, and then only where the stream is perennial and the bore crossing would extend 300 feet or less in length and the bore crossing would be 20 feet or less in depth. Applying these strict criteria, Transco proposes to use a conventional bore for only 4 stream crossings (out of 310 total crossings of perennial [221] or intermittent [89] streams) throughout the entire 188 miles of pipeline proposed in its CPLN and CPLS segments, none of those in

Schuylkill County. The Transco framework for where a bore is feasible or not is inconsistent with the Department's responsibility at §105.2(4) to "Protect the natural resources, environmental rights, and values secured by Pa. Const. art.1, § 27 and conserve and protect the water quality, natural regime, and carrying capacity of watercourses."

The Transco flowchart and discussion appear to exclude a priori conventional bores of any length or depth under wetlands. Transco provides no valid reason why at minimum the very strict parameters it has established apply only to streams and cannot also be applied to wetlands. Transco has identified only eight Exceptional Value Wetlands to be crossed in Schuylkill County. It appears that some, if not most, of them could be avoided by conventional bores less than 300 feet in length. One example is Wetland T16-9001, which is a narrow Exceptional Value Wetland adjacent to a tributary to Pine Creek (WW-T16-9001) in Hegins Township, Schuylkill County (Figure C). The proposed crossing here of a stream and the wetland together is about 25 feet in length, and there are agricultural fields on both sides, so a conventional bore clearly appears to be feasible there.

For its use of HDD, the Transco framework is equally strict and does not comport with the Department's requirements. Transco states it will only consider use of HDD beneath wetlands that are "designated as HQ or EV" [note: there is no such thing as an HQ-designated wetland in Pennsylvania], and only if use of an open cut trench would impact more than 1.0 acre of a forested EV wetland. Since no Exceptional Value Wetland identified by Transco in Schuylkill County was characterized as PFO, and since no single impact to any wetland of any kind is more than 1.0 acre, none of the Exceptional Value Wetland crossings (in Pennsylvania, much less Schuylkill County) meet the threshold for use of HDD. This is convenient for Transco, but contrary to Chapter 105 regulations.

Even if some of the Exceptional Value Wetlands in Schuylkill County were too large, or in such a setting, that a conventional bore would not be feasible, no valid reason has been stated not to use HDD in some or all of those cases. §105.18a(a) stipulates "no adverse impact" on any Exceptional Value Wetland, particularly if there is any "practicable alternative... that would have less effect on the wetland". Limiting use of HDD to impacts to PFO Exceptional Value Wetlands that are more than 1.0 acre not only is arbitrary but it is contrary both to the Department's Chapter 105 requirements and to past experience (from the perspective of both the pipeline industry and the Department) with other large pipeline projects in Pennsylvania.

Transco states that the lower limit for an HDD crossing for a 42-inch diameter pipe is 1,700 linear feet and the upper limit is 6,000 linear feet. The upper limit should be more than adequate to cross beneath (and thus protect) each of the Exceptional Value Wetlands in Schuylkill County. The lower HDD limit, however, when combined with its 300-foot upper limit for a conventional bore, enables Transco to dismiss protection for even the most sensitive resources if they are located in this 300-foot to 1,700-foot wide range. If these distances are valid technical constraints, there is no reason except cost to prevent Transco from using an HDD to avoid the most sensitive wetland resources in this area.

Most of the applicant-identified Exceptional Value Wetlands are small, and generally are

found along a stream, so an HDD crossing beneath both the wetland and the (typically associated wild trout) stream together would represent a significant environmental benefit. Except to simply dismiss it for not meeting its strict and arbitrary criteria, Transco has nowhere justified why a bore or HDD cannot be used to avoid or minimize impacts to each of the eight Exceptional Value Wetlands in Schuylkill County, as it is required to do.

The forested nature of some Exceptional Value Wetlands along the proposed pipeline may have been mischaracterized as PEM.

In Schuylkill County, the majority of wetlands identified by the applicant within the construction corridors of the proposed Atlantic Sunrise pipeline have been classified as herbaceous or emergent (PEM) wetlands (15 of 24, 63%). Only 6 (25%) of the identified wetlands are listed as forested PFO wetlands, and 3 are listed as scrub (PSS) wetlands (12%). This is somewhat surprising since much of the route passes through rural parts of "Penn's Woods", a State where the USFWS National Wetland Inventory three decades ago found that most vegetated palustrine wetlands (54%) were forested and only 16% were emergent (Tiner 1990). In Schuylkill County, the NWI similarly found that PFO wetlands were the predominant type, accounting for 54% of vegetated palustrine wetlands, whereas emergent wetlands accounted for only 24%.

All of the Exceptional Value Wetlands to be impacted by the proposed pipeline in Schuylkill County are characterized by Transco as PEM, except one which is listed as PSS; none is reported to be PFO. In part, this could be the result of the applicant intentionally aligning the pipeline route to avoid forested wetlands. It also is possible that the nature of the wetlands has not always been characterized correctly.

The applicant asserts less impact where a wetland to be crossed is PEM rather than PFO. In the former case there is no necessary change in wetland type, but in the latter, wetland forest will be permanently converted to and maintained as emergent or scrub wetland in the section of the ROW that will be maintained for inspection, access, and maintenance purposes. Thus, it is to the applicant's advantage for there to be less forested wetlands in the proposed ROW and more emergent wetlands, because it then would be responsible for fewer permanent impacts and would be required to provide less compensatory mitigation.

There are some instances where the Transco classification of a wetland as PEM appears to be questionable. For example, Wetland T35-7001 is listed as PEM (Figure D). However, the Field Data Log describes it as being "PEM in forested area", and both the E&S Plan (Attachment M, Sheet 2 of 18) and the Chapter 105 Plan (Attachment H- 2, Sheet 65.35-01) which identify the edges of wooded areas, show this wetland as being located within the woods. Furthermore, aerial photographs, including in Attachment H-1 (Sheet 132 of 332), confirm the engineering drawing that shows this wetland area as being forested.

It is not known how many of the wetlands identified as PEM within proposed workspaces actually are PFO. The applicant's Wetland Delineation Report (April 2017, page 3-8) notes that "On June 1, 2015, the USACE and PADEP conducted field reviews of wetlands and waterbodies delineated in the Study Area." Presumably only a very small proportion of the

nearly 200 miles of pipeline ROW was inspected, and no jurisdictional determination (JD) confirming all of the wetlands and streams delineated along the route has been issued. It is not clear whether any delineated wetlands in Schuylkill County were inspected.

No "antidegradation" analysis of affected Exceptional Value Wetlands has been done.

Both Exceptional Value (EV) and High Quality (HQ) waters in Pennsylvania are entitled to Special Protection to prevent degradation when construction activities are being considered. Those waters identified as Exceptional Value Waters in Pennsylvania are Tier 3 Outstanding National Resource Waters in the terms of the federal Clean Water Act. Such waters are to receive the highest level of protection; viz., no degradation of their quantity and quality is lawful. Protection of EV Waters is even more stringent than that applied to High Quality Waters, for which socioeconomic justification can be used as a rationale for allowing partial degradation by discharges.

Exceptional Value Wetlands, because they too are EV Waters, are to be afforded the same antidegradation "special protection" as streams that have been designated EV Waters, that is, no reduction of their existing uses is to be allowed by federal and State laws. Transco appears to believe, however, that because there are no designated Special Protection (EV or HQ) streams to be crossed by its pipeline in Schuylkill County, there is no need to perform any antidegradation analysis.

None of the proposed impacts to Exceptional Value Wetlands has been evaluated by the applicant in terms of compliance with the Pennsylvania antidegradation requirements prescribed at 25 Pa. Code Chapter 93.4a. According to the Department's Water Quality Antidegradation Implementation Guidance (Technical Guidance Document 391-0300-002; 29 November 2003; page 39) existing uses must be maintained and protected whenever an activity (including construction) is proposed which may affect a surface water. Before it issues any permit, the Department must ensure that none of the impacts to EV Waters (including Exceptional Value Wetlands) will result in any degradation of water quality.

According to the Department's Water Quality Antidegradation Implementation Guidance (page 60) limited activities that result in temporary and short-term changes in the water quality of Exceptional Value Waters can be allowed, but only if all practical means of minimizing such degradation will be implemented. One practical way to minimize impacts to sensitive surface features such as wetlands, and especially Exceptional Value Wetlands, is to use trenchless (bore or HDD) drilling methods that go beneath the aquatic features and cause no surface disturbance to those features during pipeline construction and operation. As pointed out in #5 above, no trenchless methods are proposed to avoid or minimize impacts to any of the Exceptional Value Wetlands currently acknowledged by Transco in Schuylkill County.

The proposed mitigation for wetland impacts fails to account for most applicant-acknowledged temporary and permanent impacts to Exceptional Value Wetlands.

Approximately 2.8 acres of impacts to wetlands in Schuylkill County are acknowledged by

Transco; of that total, 1.2 acres are to Exceptional Value Wetlands. According to Pa. Code Chapter 105.13(e)(3), an application for a project that will affect any Exceptional Value wetland or 1 or more acres of wetlands must include, among other things, "an assessment of the wetland function and values".

The definition of "wetland functions" at §105.1 is as follows:

Wetland functions --- Include, but are not limited to, the following:

- Serving natural biological functions, including food chain production; general habitat; and nesting, spawning, rearing and resting sites for aquatic or land species.
- Providing areas for study of the environment or as sanctuaries or refuges.
- Maintaining natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, natural water filtration processes, current patterns or other environmental characteristics.
- Shielding other areas from wave action, erosion or storm damage.
- Serving as a storage area for storm and flood waters.
- Providing a groundwater discharge area that maintains minimum baseflows.
- Serving as a prime natural recharge area where surface water and groundwater are directly interconnected.
- Preventing pollution.
- Providing recreation.

The USACE Highway Methodology was used by this applicant to determine the existing functions and values of the wetlands within the pipeline corridor. While that may be a current methodology, and there is some overlap between the two, the USACE Highway Methodology does not track the functions and values listed in the Chapter 105 regulations. Transco claims that the Department agreed to their use of the Highway Methodology at a meeting during March 2015. Nevertheless, no attempt has been made by the applicant to rectify or correlate the two sets of existing functions and values.

The applicant's Mitigation Master Plan (Rev 2, April 2017) notes that impacts to certain PFO and PSS wetlands in Schuylkill County will be compensated at the Swatara Creek Restoration Site. In particular, the following are proposed to be compensated: permanent and temporary impacts to "other" PFO wetlands permanent impacts to EV PSS wetlands (but not temporary impacts to EV PSS wetlands) permanent impacts to "other" PSS wetlands (but not temporary impacts to "other" PSS wetlands) There is no compensation proposed for impacts (permanent or temporary) to EV PFO wetlands because there are no acknowledged EV PFO wetlands in Schuylkill County (which may not be accurate as discussed above).

Mitigation is proposed for a total of 0.38 acre of permanent and temporary impacts to 9 separate PSS or PFO wetlands as follows:

0.34 ac "other" PFO impacts (6 wetlands) mitigation ratio 2:1 = 0.680 ac

0.01 ac EV PSS impacts (1 wetland) mitigation ratio 1.75:1 = 0.018 ac
"other" PSS impacts (2 wetlands) mitigation ratio 1.5:1 = 0.045 ac
0.38 ac 0.74 ac (rounded)

Most of the proposed mitigation listed above (0.37 acre, or 97%) is to compensate for Schuylkill County impacts to "other" wetlands. Only 0.01 acre of proposed permanent impact to one PSS wetland involves an Exceptional Value Wetland. No mitigation is proposed for all of the remaining impacts to Exceptional Value Wetlands, including 1.1 acres (temporary and permanent) of impact proposed to the 7 Exceptional Value PEM Wetlands, and an additional 0.05 acre of temporary impact to 1 Exceptional Value PSS Wetland. It is contrary both to §105.18a(a) [permitting activities in exceptional value wetlands] and to §93.4 [antidegradation requirements] that these impacts to Exceptional Value Wetlands which have not been avoided or minimized also are not proposed to be mitigated.

(9) There are other inconsistencies or discrepancies in the application regarding the nature of sensitive resources to be crossed by the proposed pipeline.

The Environmental Assessment Form notes, in Part 1 #2, that the pipeline project is within or adjacent to "no" State Game Lands (SGLs). However, in Attachment L-4 for Environmental Assessment Form Enclosure C, the applicant states (page 20) that the proposed pipeline crosses SGL 132 and SGL 084 in Schuylkill County. Attachment L-5 for Environmental Assessment Form Enclosure D notes (page 4) that 23 acres of SGL 132 will be affected and 25.5 acres of SGL 084 will be affected. Additionally, the proposed pipeline corridor is adjacent to SGL 229 for approximately 3,000 feet in Schuylkill County. The Department cannot lawfully approve applications that are erroneous and contradictory.

According to the applicant's Environmental Assessment Form (Enclosure C, Attachment L-4, page 10) Lorberry Creek, Lower Rausch Creek, and Good Spring Creek are among the five streams classified by the Pennsylvania Fish and Boat Commission as Wild Trout Streams. Yet in the applicant's Wetland Delineation Report table of waterbodies crossed by the pipeline, these three waterbodies are incorrectly listed as "none" in the column for "State Fishery Classification" (the two others, Mill Creek and Pine Creek, are correctly listed as "wild trout waters"). Once again, the Department cannot lawfully approve erroneous applications.

RECOMMENDATIONS

In light of the major outstanding issues identified above, we recommend that before the Department makes a final decision on the Chapter 105 and 102 permit applications, the applicant should be required to provide the Department with revised and complete water resource inventory and impact assessment information. In particular, instream macroinvertebrate data must be developed so the Department can make an "existing use" determination for each affected stream. The applicant then must be required to correct and revise as appropriate its identification of Special Protection Waters in the project area. It also must be required to complete its identification and assessment of existing Exceptional Value Wetlands by addressing each of the criteria in §105.17(1) and §105.18a(a). Then the

applicant must be required to revise its evaluation and analysis of practicable alternatives necessary to avoid and minimize impacts to each identified Exceptional Value Wetland in accordance with the regulations. The applicant must then revise its mitigation plan to acknowledge and fully account for all unavoidable Exceptional Value Wetland impacts. Finally, after all information has been provided and is deemed accurate and complete, the Department needs to open a new public comment period.

We point out once again that this review focuses on just one of the nine Pennsylvania counties that will be affected by this proposed pipeline. Most of the problems and discrepancies we have identified for Schuylkill County are applicable to each of the other eight counties as well, and should be addressed by the applicant as appropriate.

We appreciate the opportunity to provide this review and comments. Please let us know if you have any questions about any of the above. Note: the attached documents referenced in this comment are included in part three of the comment response document. (213, 2537, 2538)

Response: In the Chapter 105 applications, Transco provided an anti-degradation analysis for all special protection watersheds (i.e. High Quality and Exceptional Value) in Section 1.16 of the Erosion and Sediment Control Plan Narrative in its Chapter 102 Application, and in Section 2.0 of the CEE in Attachment L-5, Appendix L-1 of its Chapter 105 Application.

The Environmental Assessment Forms (EAFs) initially incorrectly noted that no State Game Lands were crossed by the Project in Luzerne, Northumberland, and Schuylkill Counties. These crossings were accurately listed in Attachments L-4 and L-5 of Enclosures C and D, respectively. The EAFs within the Chapter 105 application were updated to include these State Game Land crossings.

The state fishery classifications of the referenced streams were incorrectly identified in the Wetland Delineation Report. Enclosure C, Attachment L-4 of the Chapter 105 Application correctly identifies these streams as Wild Trout Streams. Any wetlands occurring with the floodplain of these streams were correctly identified as EV.

All Exceptional Value wetlands have been identified within the Chapter 105 application as per Pennsylvania Code Chapter 105 Section 105.17.

The Chapter 105 application has accurately identified the location of private water supply wells and springs within the Project area. This was accomplished through direct coordination with landowners. Specifically, Transco submitted questionnaires to landowners asking for information on the location, yield, and condition of private water wells and springs on their properties. Through this effort, Transco identified only one private water well surrounded by a wetland which could potentially qualify the wetland as EV. This wetland, W-T21-7001, is located along CPL South near MP 67.9 in Schuylkill County. An analysis was conducted to further investigate this wetland and concluded that due to its small size and particular hydrologic characteristics it does not maintain the

quality or quantity of the private drinking water supply of the well. More specifically, the following hydrologic characteristics observed during field investigations indicate that groundwater recharge is not a primary function of this wetland: 1) evidence of water held for a long-duration within the wetland; and 2) defined surface outflow from the wetland.

A Well and Spring Monitoring Plan was developed by the applicant and Transco will offer landowners pre-and post-construction monitoring of well yield and water quality of wells within 150 feet of the construction workspace and, in areas of known karst terrain, of wells within 500 feet of construction workspaces. If an impact occurs on the groundwater supply or the water quality as a result of construction, Transco will work with the landowner to ensure a temporary supply of water, and if necessary, Transco will replace the permanent water supply.

The Department reviewed the wetland classifications for W-T96-9004 and W-T95-9001B, and both are classified correctly. Wetland W-T96-9004 is within the floodplain of Good Spring Creek, a Wild Trout Stream, and is therefore considered exceptional value. Wetland W-T95-9001B is outside of the floodplain, and not considered exceptional value.

Transco avoided and minimized impacts to all wetlands during siting and design of the Project. Site-specific details regarding each wetland crossing are provided in Attachment P, Appendix P-1. In addition, Transco will implement ABACT BMPs in EV wetlands as required by Chapter 102. The Chapter 105 application also evaluated trenchless crossing methods for EV wetlands, as documented in the Trenchless Crossing Analysis in Attachment P, Appendix P-2 of the Chapter 105 Application. As a result of this analysis, Transco incorporated several trenchless wetland crossings into the proposed Project.

All wetlands were field delineated and classified as either emergent, scrub-shrub or forested based on the dominant vegetation types present in the wetland. In some areas, emergent wetlands are present where the adjacent upland tree canopy extends over the wetland.

The proposed wetland mitigation approach takes into account all temporary and permanent impacts to palustrine shrub-scrub and palustrine forested wetland impacts in Exceptional Value (EV) and non-EV wetlands. In addition, impacts to EV wetlands were mitigated for at a higher ratio than impacts to non-EV wetlands.

Transco consulted with the USFWS PA Field Office regarding survey requirements for bog turtles in the Project area. Based on historical bog turtle occurrence data in relation to the Project, the USFWS requested Transco complete bog turtle surveys in all wetlands crossed by the Project in Lancaster and Lebanon Counties. USFWS did not request bog turtle surveys in Schuylkill County. The USFWS concurrence letter dated December 21, 2016 is provided in Attachment G-5 of Transco's Chapter 105 Application.

Within Section 3.0 of the Trenchless Crossing Analysis for each County (Attachment P, Appendix P-2), Transco provides a detailed evaluation of the constraints associated with conventional bores. These constraints include topographic considerations, mixed-face soil

and rock conditions, high groundwater elevations resulting in safety concerns, as well as linear length limitations. In addition to these factors, conventional bore crossings require significantly greater workspace within close proximity to wetlands and can take up to four to six weeks to complete. Based on these factors, the analysis determined that the use of conventional bore would not significantly reduce the extent of wetland impacts associated with the Project.

In addition, the analysis did not consider the conventional bore crossing technique for wetland crossings because there are minimal impacts using a dry open cut construction technique. Clearing within the permanent ROW would be required during operation of the pipeline to ensure that root systems of trees do not compromise the pipe coating, and to allow for aerial inspection of the alignment. Because a swath would be cleared during construction and maintained during operation (even if a conventional bore were completed), there would be minimal impact reductions to the resource by utilizing the conventional bore installation method versus an open cut. However, there would be significant increases in impacts to resources outside of the wetlands to accommodate the workspace required for a bore; therefore, conventional bores are not practical for avoiding wetland resources.

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

198. COMMENT

The Allegheny Defense Project, Citizens for Water, Clean Air Council, Concerned Citizens of Lebanon County, Damascus Citizens for Sustainability, Lancaster Against Pipelines, Lebanon Pipeline Awareness, Nature Abounds, NYH2o, Sierra Club, and Waterkeepers Chesapeake (collectively, "Commenters") respectfully urge you to deny Transcontinental Gas Pipe Line Company's ("Transco") above-referenced applications for coverage under the Chapter 102 erosion and sediment control general permit 2 ("ESCGP-2") and for Chapter 105 water obstruction and encroachment permits for certain parts of the Atlantic Sunrise Project in Pennsylvania. As explained below, at a minimum, the Department should stay any further consideration of the merits of Transco's applications until it meets the information requirements under federal and state law, including Article I, Section 27 of the Pennsylvania Constitution. These are commonsense look-before-you-leap requirements. They need to be vigorously enforced, especially now given the oil and gas industry's frenetic push to expand pipeline capacity and production.

Now, despite clear direction from the Wolf Administration to "[p]lan, site and route pipelines to avoid/reduce environmental and community impacts," Transco presents the Department and the public with yet another blinkered view of the potential impacts to the

Commonwealth's water resources of its planned Atlantic Sunrise Project. See Governor's Pipeline Infrastructure Task Force Final Report, p. 6 (Feb. 2016), available at <http://files.dep.state.pa.us/ProgramIntegration/PITF/PITF%20Report%20Final.pdf>.

FACTUAL BACKGROUND

On March 31, 2015, Transco filed an application with FERC under Section 7(c) of the Natural Gas Act, 15 U.S.C. § 717f, for a certificate of public convenience and necessity ("Certificate") for its proposed Atlantic Sunrise Project. See FERC Docket No. CP15-138-000. The Atlantic Sunrise Project consists of the following proposed facilities in Pennsylvania: (1) 183.7 miles of new 30- and 42-inch diameter greenfield natural gas pipeline known as the Central Penn Line ("CPL") North and CPL South; (2) 11.5 miles of new 36- and 42-inch diameter pipeline looping known as the Chapman and Unity Loops; (3) two new compressor stations; and (4) additional compression and related modifications at existing compressor stations. See FERC Draft Environmental Impact Statement, ES-1 ("FERC DEIS").

On June 20, 2015, DEP published a notice in the Pennsylvania Bulletin proposing to grant Transco's request for water quality certification ("WQC") under Section 401 of the Federal Clean Water Act. See 45 Pa.B. 3193, 3274 (June 20, 2015). On September 19, 2015, DEP published in the Pennsylvania Bulletin a notice of Transco's application for a Chapter 105 water obstruction and encroachment permit for the proposed Unity Loop. See 45 Pa.B. 5667, 5708 (Sept. 19, 2105). On October 31, 2015, DEP published in the Pennsylvania Bulletin a notice of Transco's application for a Chapter 105 water obstruction and encroachment permit for the proposed Chapman Loop. See 45 Pa.B. 6391, 6429 (Oct. 31, 2015).

On April 5, 2016, DEP granted Transco's request for water quality certification ("WQC") under Section 401 of the federal Clean Water Act for the Atlantic Sunrise Project. See 46 Pa.B. 2019, 2132 (Apr. 23, 2016). On April 30, 2016, DEP published in the Pennsylvania Bulletin notice of Transco's applications for water obstruction and encroachment permits for various portions of the Atlantic Sunrise Project's Central Penn Line. See 46 Pa.B. 2155, 2211-2215 (Apr. 30, 2016). On May 14, 2016, DEP issued the Chapter 105 permit for the Chapman Loop. See *id.* at 2469-70. On May 5, 2016, FERC published the draft environmental impact statement ("DEIS") for the Atlantic Sunrise Project. See FERC Docket No. CP15-138-000, Accession No. 20160505-4005, available at http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14456690. On December 30, 2016, FERC published the final environmental impact statement for the Atlantic Sunrise Project. See FERC Docket No. CP15-138-000, Accession No. 20161230-4002, available at https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14526447.

On February 3, 2017, FERC issued an order granting a Certificate to Transco for the Atlantic Sunrise Project. See *Transcontinental Gas Pipe Line Co., LLC*, 158 FERC 61,125 (2017). FERC's Certificate, however, is conditioned upon Transco receiving "all applicable authorizations required under federal law (or evidence of waiver thereof)." *Id.* at App. C, Environmental Condition 10. As explained in the next section, one of those federal authorizations that Transco must obtain is a water quality certification under Section 401 of

the Clean Water Act. While DEP granted water quality certification for the Atlantic Sunrise Project, that certification was expressly conditioned upon Transco receiving and complying with various state permits, including Chapter 102 and Chapter 105 permits.

LEGAL BACKGROUND

Article I, Section 27 of the Constitution states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

The location of Section 27 in the Commonwealth's Declaration of Rights signifies a particular constraint on Commonwealth actions because this portion of our charter "delineates the terms of the social contract between government and the people that are of such 'general, great and essential' quality as to be enconced as 'inviolable.'" *Robinson Township, Delaware Riverkeeper Network, et al. v. Commonwealth*, 83 A.3d 901, 950, 947 (Pa. 2013) (plurality) (citing PA. CONST. art. I, Preamble & § 25). Each of the "three mandatory clauses" in Section 27 establishes distinct "substantive" constraints, and they all reinforce the Department's duty to complete robust environmental reviews before taking action. *Robinson Twp.*, 83 A.3d at 950, 957; see also *Sierra Club et al, Comments of Dec. 29, 2015* (discussing application of § 27 to Commonwealth agency decisions concerning pipeline infrastructure) available at <http://goo.gl/WPQMLE>. The third clause of Section 27 prohibits the Department from infringing upon the people's environmental rights, and from permitting or encouraging the degradation, diminution, or depletion of public natural resources. *Robinson Twp.*, 83 A.3d at 953.

On June 20, 2017, the Supreme Court of Pennsylvania further expounded upon the trust principles underlying Article I, Section 27 of the Pennsylvania Constitution, with a majority of the Court expressly relying "upon the statement of basic principles thoughtfully developed" in the *Robinson Twp.* plurality opinion. See *Pa. Env'tl. Defense Found. v. Commonwealth of Pa.*, Slip Opinion J-35-2016, 28 (Pa., June 20, 2017) ("PEDF"), available at <http://www.pacourts.us/assets/opinions/Supreme/out/J-35-2016mo%20-%2010314240919600966.pdf?cb=1>. The Court stated that Article 1, Section 27 "expressly

creates a trust" and that "[t]he Commonwealth's fiduciary duty to 'conserve and maintain' our public natural resources is a duty owed to the beneficiaries of the public trust, namely 'the people, including generations yet to come[.]'" *Id.* at 33, 35. The Court in PEDF overruled the decades-old test established in *Payne v. Kassab*, 312 A.2d 86 (Pa. Commw. 1973), under which mere compliance with statutes and regulations had generally been deemed satisfactory to comply with Article 1, Section 27. Slip op. at 27-28.

In reviewing Transco's applications, DEP must keep in mind that it has a "duty to prohibit the degradation, diminution, and depletion of our public natural resources, whether these harms might result from direct state action or from the actions of private parties." *Id.* at 32. With the Supreme Court's ruling in PEDF, it is now crystal clear that this duty extends beyond rote compliance with the text of Chapters 93, 102, and 105. Thus, if DEP finds that construction of Atlantic Sunrise will degrade, diminish, or deplete Pennsylvania's public natural resources, including waterbodies, it must deny Transco's applications.

Pennsylvania's erosion and sediment control regulations require best management practices ("BMPs") "be undertaken to protect, maintain, reclaim and restore water quality and the existing and designated uses of waters of this Commonwealth." 25 Pa. Code § 102.2(b). The Chapter 102 program is integrated into the Chapter 105 water obstruction and encroachment regulations. See 25 Pa. Code § 105.46. Chapter 105 expressly incorporate DEP's trustee obligations pursuant to the Pennsylvania Constitution. See 25 Pa. Code § 105.2(4) ("The purposes of this chapter are to . . . [p]rotect the natural resources, environmental rights and values secured by PA. CONST. art. I, § 27 and conserve and protect the water quality, natural regime and carrying capacity of watercourse.") see also 25 Pa. Code § 105.21(a)(4) (" . . . a permit application will not be approved unless the applicant demonstrates that . . . [t]he proposed project or action is consistent with the environmental rights and values secured by Pa. Const. Art. I, § 27 and with the duties of the Commonwealth as trustee to conserve and maintain public natural resources of this Commonwealth."). "A person may not construct, operate, maintain, modify, enlarge or abandon a . . . water obstruction or encroachment without first obtaining a written permit from the Department." 25 Pa. Code § 105.11(a). DEP will only review an application if it is "complete," meaning that "the necessary information is provided and requirements under the act and this chapter have been satisfied by the applicant." 25 Pa. Code § 105.13a.

In reviewing an application, DEP must "determine the proposed project's effect on health, safety and the environment, in accordance with prevailing practices in the engineering profession and in accordance with current environmental principles." 25 Pa. Code § 105.14(a). DEP also considers several factors to make a determination of the project's impact, including: (i) effects on regimen and ecology of the watercourse or other body of water, water quality, stream flow, fish and wildlife, aquatic habitat, instream and downstream uses and other significant environmental factors; (ii) effects on nearby natural areas, wildlife sanctuaries, public water supplies, other geographical or physical features including cultural, archaeological and historical landmarks, national wildlife refuges, national natural landmarks, national, state or local parks or recreation areas or national, state or local historical sites; (iii) effects of reasonably foreseeable future development within the affected watershed upstream and downstream of the project; (iv) secondary impacts associated with but not the direct result of the project in the area of the project and in areas adjacent thereto; (v) cumulative impact of the project and other potential or existing projects; (vi) consistency with the federal Wild and Scenic Rivers Act and Pennsylvania Scenic Rivers Act; (vii) consistency with state antidegradation requirements and the Clean Water Act; and (viii) impacts on wetlands values and functions. See 25 Pa. Code § 105.14(b).

These and other factors form the basis of an “Environmental Assessment.” See 25 Pa.Code § 105.15. No construction, operation, maintenance, modification, enlargement or abandonment may occur until DEP approves this assessment. Id. § 105.15(a). For projects where a WQC is required under the Clean Water Act, an applicant “shall prepare and submit” for DEP’s review, “an environmental assessment containing the information required by [§ 105.15(a)] for every . . . water obstruction or encroachment located in, along, across or projecting into the regulated water of this Commonwealth.” Id. § 105.15(b).

The Clean Water Act Section 401 WQC process is the same for all projects that require a federal license or permit, including interstate gas pipeline projects: First, the state develops state water quality standards. See 33 U.S.C. § 1313. Once EPA has approved the standards, Section 401 requires the projects that require a federal license or permit to obtain a certification of compliance with the state water quality standards and other Clean Water Act requirements. Id. § 1341(a)(1). The decision to grant or deny Section 401 certification belongs to the state(s) where the discharge originates. Id.; see also Natural Gas Act, 15 U.S.C. § 717b(d)(3) (preserving states’ rights under the Clean Water Act). States have up to one year from receipt of the complete certification request to make their decision. See 33 U.S.C. § 1341(1). To avoid waiving certification requirements when more time is needed, states can (1) specify detailed criteria for a certification request to be considered complete, and (2) toll or restart the one-year clock as they work with applicants to develop the record and complete their reviews by the deadline for certification set by federal agencies, if any. See EPA, Clean Water Act Section 401 Water Quality Certification: A Water Quality Protection Tool for States and Tribes, pp. 11, 13 (2010), available at http://dec.alaska.gov/water/wwdp/wetlands/docs/CWA_401_Handbook_2010_Interim.pdf.

When a state decides to grant Section 401 certification, both the timing and content of the certification must meet the requirements of the Clean Water Act and state law. Timing is key because federal agencies must withhold their authorizations until the required Section 401 certification for the project “has been obtained or has been waived.” Id. § 1341(a)(1). State-determined requirements of certification then “become a condition on any Federal license or permit” for the project. Id. § 1341(d). States therefore must identify and convey to the relevant federal agencies any and all project-specific requirements, such as effluent limitations or monitoring requirements, in time and with enough specificity to allow the federal agencies to assess whether to authorize the project with the state-determined requirements. This also aids EPA’s review of whether the project’s discharge may affect other downstream states, so that EPA may give any such states the opportunity to protect their water quality by imposing additional conditions on the project. Id. § 1341(a)(2). The Clean Water Act only allows states to change conditions after a project receives its federal license or permit in very narrow circumstances, and thus it is especially important that the state complete a thorough review and establish enforceable and project-specific requirements at the time of initial certification.

Pennsylvania’s water quality standards for Section 401 certification set out broad information requirements such as an “environmental assessment” that anyone requesting a certification must submit to the Department, as well as detailed plans addressing the

project's precise location, the present conditions within the project's footprint, and project's foreseeable impacts to aquatic resources. To be sure, much of this information must be conveyed to the Department before it decides whether to grant or deny certification. Pennsylvania's policy and practice also integrates the applicable state reviews and permits into Section 401 certification, including, as explained above, DEP's trustee obligations pursuant to the Pennsylvania Constitution.

Yet for interstate natural gas pipelines, Pennsylvania has strayed from state law requirements, policy, and practice concerning Section 401 certification. Rather than collecting the required pre-certification information and completing the reviews and permitting decisions in advance, Pennsylvania now defers those reviews and decisions through the use of broad, generic conditions. See e.g., Water Quality Certification for the Atlantic Sunrise Pipeline Project, PADEP File No. WQ02-001, 46 Pa.B. 2019, 2132 (Apr. 23, 2016). We appreciate that the Department has time and resource constraints, and that it has expressed an intention to complete the required record development, project specific reviews, and permitting decisions at a later time. This bifurcated approach poses serious threats to Pennsylvania's water quality. We urge the Department to adhere to its policy and past practice by completing the required reviews and permitting decisions in advance of any certification in order to fully protect our state's waters.

DEP'S FAILURE TO COORDINATE PERMIT PROCESSES HAS RESULTED IN SEGMENTED ENVIRONMENTAL REVIEW AND REQUIRES DEP TO WITHDRAW AUTHORIZATIONS PREMATURELY ISSUED AND TO COMPREHENSIVELY EVALUATE THE DIRECT, SECONDARY AND CUMULATIVE EFFECTS OF THE ENTIRE ATLANTIC SUNRISE PROJECT.

DEP is required "to coordinate the application for and issuance of permits under [25 Pa. Code § 105] with permit processes conducted under other statutes and regulations administered by [DEP] and with permit processes administered by other Federal and State agencies." 25 Pa. Code § 105.24(a). The permitting process that has unfolded for the Atlantic Sunrise Project, however, has not been "coordinated." In fact, as Table 1 below shows, it has been needlessly uncoordinated, with various DEP offices issuing public notices for segmented parts of the Atlantic Sunrise Project over the past two years.

Instead of requiring Transco to submit a single application for the above-referenced permits and requests, DEP accepted Transco's submission of isolated parcels of the Atlantic Sunrise Project. Even if one considers a single permit program, Transco submitted isolated parcels of the Atlantic Sunrise Project. For example, instead of submitting a single application for a Chapter 105 permit, Transco submitted three separate applications for the Unity Loop, Chapman Loop, and Central Penn Line between September 2015 and April 2016. To make matters worse, DEP's public notices for these applications do not reference the other parts of the overall project.

In its Chapter 105 permit application notice for Unity Loop, for instance, DEP stated that the Unity Loop is a "new 8.6 mile long pipe" proposed "as part of the Atlantic Sunrise Project." 45 Pa.B. 5667, 5708 (Sept. 19, 2105). There was no reference to the FERC docket

and no reference to the fact that there are approximately another 190 miles of pipeline proposed “as part of the Atlantic Sunrise Project.” Reference to the FERC docket is important because of the wealth of information about the project available on that docket. The public notice for the Chapter 105 permit application for the Chapman Loop suffered from the same lack of information about the true nature and scope of the Atlantic Sunrise Project. See 45 Pa.B. 6391, 6429 (Oct. 31, 2015).

It would not be until April 30, 2016, that DEP published the notice of applications for the Central Penn Line part of the Atlantic Sunrise Project. See Notice at 2211-2215. Nowhere did that notice reference the two other parts of Atlantic Sunrise (Unity Loop and Chapman Loop) for which DEP had already solicited comments. Nor did the notice make clear that all three components (Central Penn Line, Unity Loop, and Chapman Loop) are, in fact, part of the same overall project. And, again, there was no reference to the FERC docket.

The lack of information is exacerbated by the deficient notice for the May 14, 2016 Chapman Loop 102 permit application. In that notice, DEP simply stated that Transco is the applicant, the area to which the requested permit applies is in Chapman Township, Clinton County, and three exceptional value streams that would be impacted. See 46 Pa. B. 2397, 2453 (May 14, 2016). Nowhere did the notice identify that the permit application is for the “Chapman Loop” or that it is part of the broader Atlantic Sunrise Project. And, once again, there was no reference to the FERC docket.

Only now, two years after Transco began submitting applications to DEP for various portions of Atlantic Sunrise, is the agency beginning to provide the kind of information that should have been provided from the outset. DEP recently established a “pipeline portal” on its website with information about various proposed pipeline projects in Pennsylvania, including Atlantic Sunrise. See <http://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/default.aspx>. While we greatly appreciate that DEP has set up this pipeline portal now, the portal could have been a useful tool for the public at the beginning of this process, and is less so now that the public process is nearing completion. As Table 1 above shows, DEP has already issued permits to Transco for various activities that impact water resources. These earlier permit processes did not involve the same level of disclosure of information that is only now being provided.

This convoluted and fragmented permitting process is not well coordinated. And these are just permit programs administered by DEP. The lack of coordination extends to other permit programs administered by other agencies as well.

As stated above, none of the public notices for the Chapter 105 or Chapter 102 permit applications referenced the FERC docket. Even now, the FERC docket number is nowhere to be found on DEP’s pipeline portal webpage for Atlantic Sunrise or on the “Information Sheet” linked to on that page. See <http://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Atlantic-Sunrise.aspx>; see also

<http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/AtlanticSunrise/Information%20Sheet%20ASR%20May%202017.pdf>. Nor do these sources provide any information about how to access the FERC docket. Failing to identify the FERC docket and provide information about how to access materials associated with the FERC proceeding deprives citizens of critical information about the true nature and scope of the overall project. Therefore, DEP should have a policy in place that requires it to include the FERC docket number and information about how to access the FERC docket for all applications and requests that it receives for projects that are part of a FERC proceeding.

Furthermore, DEP should utilize the FERC docket to provide quick and easy access to permit applications and requests. Currently, DEP does not provide a company's application or request when it publishes a notice in the Pennsylvania Bulletin. Rather, DEP tells citizens that if they want to see a particular application or request that they must either pay a fee to have the documents copied and sent in the mail or they can schedule a file review. This is unnecessarily burdensome since file reviews often cannot be scheduled within a reasonable time to afford citizens the opportunity to fully review relevant documents and provide meaningful comments before the end of a comment period. Moreover, since DEP only allows file reviews during normal business hours, it is often difficult for citizens to take off work in order to conduct the file review.

Therefore, when DEP receives a permit application or a WQC request for a project that is part of a FERC proceeding, it should upload those filings to the relevant FERC docket and provide information about how to access those filings when it publishes notice in the Pennsylvania Bulletin. This would better "coordinate" DEP's permit processes with FERC's.

25 Pa. Code § 105.24(a). It would also fulfill its trustee obligations pursuant to Art. I., Sec. 27 of the Pennsylvania Constitution. Moreover, it should not be at all burdensome on DEP since it should take no more than a few minutes to upload the applicant's filings to the FERC docket. If anything, it should lessen the burden on DEP by reducing the amount of individual records and file review requests.

DEP MUST PROTECT RIPARIAN BUFFERS AND WETLANDS.

Transco proposes to "disturb about 3,741.0 acres of land, including the pipeline facilities, aboveground facilities, pipe and contractor ware yards and staging areas, and access roads." FERC FEIS at 2-8. Of this, "[p]ermanent operations would require about 1,235.4 acres, consisting of 1,000.9 acres for the pipeline right-of-way, 109.4 acres for new and modified aboveground facilities, and 25.1 acres for permanent access roads." *Id.* In addition, Transco is requesting additional temporary work space ("ATWS") within 50 feet of a waterbody in nearly 150 locations. *Id.*, App. K, Table K-5. This raises significant concerns about accelerated erosion and sedimentation into these waterbodies.

Under Chapter 102, Transco "may not conduct earth disturbance activities within 150 feet of a perennial or intermittent river, stream, or creek, or lake, pond or reservoir when the project site is located in an exceptional value or high quality watershed[.]" 25 Pa. Code §

102.14(a)(1). DEP “may” waive this requirement for pipelines only “upon a demonstration by the applicant that there are reasonable alternatives for compliance with this section, so long as any existing riparian buffer is undisturbed to the extent practicable and that the activity will otherwise meet the requirements of this chapter[.]” 25 Pa. Code § 102.14(d)(2) (emphasis added). It is unclear from FERC’s FEIS whether the nearly 150 locations where Transco proposes ATWS within 50 feet of a waterbody are in high quality or exceptional value watersheds. If this is the case, DEP must disclose that to the public and require Transco to demonstrate that it will comply with 25 Pa. Code § 102.14 and that existing riparian buffers are left undisturbed. In addition, Transco must protect all wetlands located in the riparian buffer consistent with Chapter 105. See 25 Pa. Code § 102.14(c)(2).

Transco proposes at least 388 waterbody crossings in Pennsylvania as part of its Atlantic Sunrise Project. See FEIS at 4-52. 208 crossings would impact perennial waterbodies, 84 would impact intermittent waterbodies, and 41 would impact ephemeral waterbodies. *Id.* Of the 388 waterbody crossings, 66 would impact high-quality, cold water fisheries (“HQ-CWF”) waters. See *id.*, Table 4.3.2-5. The Chapman Loop would be constructed in watersheds with receiving streams that are designated exceptional value (“EV”) (Young Woman’s Creek, Post Hollow, and Mudlick Run). See 46 Pa. B. 2397, 2453 (May 14, 2016).

Whether a waterbody qualifies for HQ protection depends on it meeting certain chemical or biological conditions. See 25 Pa. Code § 93.4b(a). “Under the chemical test, a surface water is HQ if long-term water quality (at least 1 year of data) for 12 chemical parameters is better than levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.” DEP, Water Quality Antidegradation Implementation Guidance, 2 (2003), available at <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-47704/391-0300-002.pdf>. “Under the biological test, a water is HQ if “(a) in comparison to a reference stream, the water shows a macroinvertebrate community score of 83% or greater using a protocol based on EPA’s Rapid Bioassessment Protocol (RPB); or (b) the water is a Class A wild trout stream designated by the [PAFBC] following public notice and comment.” *Id.*

An EV classification affords the “highest level of protection” and “requires that ‘water quality ... be maintained and protected.’” *Id.* (emphasis in original). A water qualifies for EV if it is an HQ water and meets at least one of the following:

- It flows in a national wildlife refuge or a state game propagation and protection area;
- It flows in a designated state park natural area, state forest natural area, national natural landmark, federal or state wild river, federal wilderness area, or national recreation area;
- It is an outstanding national, state, or local resource water as defined in Section 93.1 of the regulation;
- It is a surface water of exceptional recreational significance as defined in Section 93.1 of the regulation;

- The water achieves a biological test score of 92 percent or greater using the modified RBP; or
- The water is designated a wilderness trout stream by [PAFBC] following public notice and comment.

Id. at 3. “An additional pathway [to an EV classification] is available for waters that possess ‘exceptional ecological significance.’” Id. Importantly, “a designated use of a surface water may not be lowered to a use that is less stringent than the existing use for the water.” Id. at 6.

DEP’s decision whether to permit Transco to cross dozens of HQ streams and build pipelines within EV watersheds is a significant matter as DEP has a duty to “conserve and maintain” these protected waterbodies. PA.CONST. art. I, § 27. Moreover, of the 388 total waterbody crossings, Transco has proposed trenchless crossings at just 11 of these waterbodies. See FEIS at 4-69. DEP must require Transco to reconsider use of these trenchless methods for the other proposed waterbody crossings, including all HQ and EV waterbodies. This should be included as a condition of DEP’s WQC for the Atlantic Sunrise Project.

It is critically important that DEP mandate the use of trenchless crossing techniques. In its recent water quality certification denial for the proposed Constitution Pipeline, the New York Department of Environmental Conservation (“NYDEC”) explained that “[o]pen trenching is a highly impactful construction technique involving significant disturbance of the existing stream bed and potential long-term stream flow disruption, destruction of riparian vegetation and establishment of a permanently cleared corridor.” NYDEC, Notice of WQC Denial for Constitution Pipeline, p. 8 (Apr. 22, 2016) (“Constitution WQC Denial”), available at http://www.dec.ny.gov/docs/administration_pdf/constitutionwc42016.pdf. In addition, NYDEC explained the importance of looking at the cumulative impacts of pipeline construction:

Cumulatively, impacts to both small and large streams from the construction and operation of the [Constitution Pipeline] Project can be profound and include loss of available habitat, changes in thermal conditions, increased erosion, creation of stream instability and turbidity, impairment of best usages, as well as watershed-wide impacts resulting from placement of the pipeline across water bodies in remote and rural areas.

Id. at 12.

NYDEC’s WQC denial for the Constitution Pipeline is a cautionary tale for DEP as it considers whether to issue permits for the proposed Atlantic Sunrise Project since both projects are part of Williams’ expansion efforts in the Appalachian basin. See Williams, Expansion Projects, available at <http://co.williams.com/expansionprojects/>. According to NYDEC, Constitution Pipeline’s “Trenchless Feasibility Study” did not include information requested by multiple agencies and “did not provide a reasoned analysis to

enable [NYDEC] to determine if the [Constitution Pipeline] Project demonstrates compliance with water quality standards.” Constitution WQC Denial at 10-11. NYDEC further explained that:

Of the 251 streams to be impacted by the [Constitution Pipeline] Project, [the Trenchless Feasibility] Study evaluated only 87 streams, in addition to the Schoharie Creek, as part of the Phase I desktop analysis which Constitution used to determine if surface installation methods warranted consideration for a trenchless design. Of the 87 streams reviewed, Constitution automatically eliminated 41 streams from consideration for trenchless crossing because those streams were 30 feet wide or less . . . Using its review criteria, Constitution’s [Trenchless Feasibility] Study finally concluded that only 11 stream crossings of the 251 displayed preliminary evidence in support of a potentially successful trenchless design and were chosen for the Phase III geotechnical field analysis. [NYDEC] staff consistently told Constitution that its November 2013 Trenchless Feasibility Study was incomplete and inadequate.

Id. at 11 (emphasis added) (citation omitted).

Transco did not prepare trenchless analyses for the various portions of the Central Penn Line until after the publication of the DEIS. See e.g., Transco’s Trenchless Crossing Analysis for Luzerne County (Nov. 2016). These analyses were then revised in April 2017, several months after publication of the FEIS and issuance of the Certificate. See id. DEP should consult with NYDEC to determine if Transco’s trenchless analyses for Atlantic Sunrise suffer from the same inadequacies that plagued the one prepared for the Constitution Pipeline. For example, did Transco “automatically eliminate” streams from consideration for trenchless crossing because they were 30 feet wide or less? These are important questions that must be answered in light of the fact that there are more stream crossings involved in the Atlantic Sunrise Project than in the Constitution Pipeline Project and even fewer proposed uses of trenchless crossings.

According to FERC, the only “site-specific crossing plans” that Transco has provided are “for the five major waterbody crossings” of the Susquehanna River (two crossings), Tunkhannock Creek, Conestoga River, and Swatara Creek. FEIS at 4-54 (citation omitted). This was woefully insufficient during FERC’s NEPA review prior to issuance of the Certificate. DEP must require Transco to submit site-specific crossing plans for all waterbody crossings and provide a detailed trenchless feasibility study such as the one that NYDEC sought (but never received) in the Constitution Pipeline proceeding. This should be included as a condition of DEP’s WQC for the Atlantic Sunrise Project. DEP cannot issue any permits until Transco submits this information and makes it available for additional public review and comment.

TRANSCO’S RESPONSES TO DEP’S CHAPTER 102 AND CHAPTER 105 TECHNICAL DEFICIENCY LETTERS

Chapter 102 Responses

DEP requested that Transco “choose a single [wetland crossing] method that is both practical and has the least impact on the wetland.” See Transco’s Chapter 102 Response, General E&S Technical Deficiencies Related to All Documents, TD8 (citing 25 Pa. Code § 102.4(b)(5)(ix)). In response, Transco, simply identified two crossing methods, wetland equipment crossing (WEC) and timber mat crossing (MAT.1), and says that it selected WEC as “the only proposed wetland equipment crossing method.” Id. This is not responsive as Transco failed to state whether WEC will have the “least impact” on each wetland where this crossing method is utilized. Are there wetlands where the MAT.1 crossing method would be “practical” and have the “least impact on the wetland”? Importantly, Transco stated in response to TD9 that it selected stream crossing methods “on a site-specific basis to be the least impactful[.]” The absence of similar language in response to TD8 regarding wetlands leaves the impression that the least impactful method may not have been selected.

In Columbia County, DEP raised concerns about whether the road design for access road AR-CO-096.2, which has a steep grade change at the edge of Creek Road, “is functional for its intended purpose.” See TD15 (emphasis added) (citing 25 Pa. Code § 102.4(b)(5)(ix)). In response, Transco said that the “existing grade is approximately 15% and is traversable by the anticipated construction vehicles at a low speed.” Id. (emphasis added). Whether this road is “traversable” does not answer whether its design is “functional” for Transco’s proposed use. If the road is not functional for Transco’s proposed use, then DEP cannot permit Transco to use it.

In Schuylkill County, DEP requested that Transco revise calculations for proposed Water Quality Swale at TAR # AR-SC-063 in Worksheet #21. See TD3. In its response, Transco said that it made the revision in Worksheet #11 instead of Worksheet #21. Id. Is this a typo or did Transco make the revision in the wrong worksheet?

Regarding Proposed Alternative E&S BMPs, DEP requested that Transco consider dividing “Table 2: Temporary Clean Water Diversion Summary” into three separate tables. See TD4. In response, Transco claims that it “simplified” Table 2 to identify one of the two discharge types and provided a separate table for temporary perforated pipe level spreader calculations. Id. Does this presentation of data satisfy DEP’s request? If not, then DEP should require Transco to provide the information in the form that it originally requested.

Regarding the Columbia County Post-Construction Stormwater Management Plan, DEP requested that Transco “show how sediment and floating debris will be prevented from sealing the underground discharge pipe.” TD11. In response, Transco claimed that an “inlet grate will act as the trash rack for this outflow device and prevent floatable debris from sealing the discharge pipe.” Id. This is non-responsive as it does not address DEP’s concerns about the potential for sediment to seal the underground discharge pipe. DEP must confirm that Transco’s measures will prevent sediment from blocking such pipes.

Regarding the Lancaster County Post-Construction Stormwater Management Plan, DEP stated that the proposed “Protect Sensitive and Special Value Features” BMP is not applicable for the River Road Regulator Station because this area is “a small triangle area

that will not be effective in providing the required water quality benefits.” TD9. In response, Transco said that further discussion with DEP will allow Transco to utilize this BMP “because the wooded areas are proposed for protection to treat runoff from a developed portion of the Site, including portions of gravel pad and gravel access roads.” Id. The fact that this is a wooded area does not address DEP’s technical deficiency, which was specifically about the size and shape of the area. DEP must explain why, according to Transco, it will be allowed to claim a water quality credit for this BMP when the agency originally explained it was inapplicable for this site.

Regarding the Schuylkill County Post-Construction Stormwater Management Plan, Transco’s response to TD1 appears to be a copy/paste from TD2 for Luzerne County. This discrepancy should be clarified.

Regarding the Wyoming County Post-Construction Stormwater Management Plan, DEP requested that Transco demonstrate that the grades down slope of the proposed level spreader at the Springville Meter Station do not exceed 8% and that the flow length from the level spreader to the receiving water conveyance is a minimum of 75 feet but does not exceed 150 feet. See TD14. Transco’s response, however, only addressed the first request. DEP must confirm whether Transco addressed the second request regarding flow length from the level spreader to the receiving water conveyance.

Chapter 105 Responses

A major problem in the DEP’s Chapter 105 permitting process for Atlantic Sunrise has been the marking of certain information as “privileged and confidential,” particularly in regards to threatened and endangered species as well as archaeological and historic information. For example, in response to TD2 in Columbia County, Transco stated that:

Attachment G-1 of the revised application provides an updated summary of the Project correspondence status for the Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Fish & Boat Commission, Pennsylvania Game Commission, and United States Fish and Wildlife Service. Complete copies of correspondence with the above-referenced agencies are provided in Attachments G-2 through G-5, respectively.

Columbia County TD2 (emphasis in original). Transco provided similar responses for the other counties as well. See Lancaster TD2; Lebanon TD2; Luzerne TD1; Northumberland TD2; Schuylkill TD1; Susquehanna TD1; and Wyoming TD1.

When one checks the Atlantic Sunrise Pipeline Portal, however, there is no “Attachment G” for the Chapter 105 permit application for Columbia County. See http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/AtlanticSunrise/Chapter_105ColumbiaCounty/. It is only when one downloads the “Table of Contents” of Transco’s response, which is a separate file, that you find that Attachment G was provided to DEP under separate cover and labeled “privileged and confidential” information. See Transco, Columbia County Joint Permit Application – Table of Contents, p. i (revised April 2017). Attachment G is labeled “privileged and confidential” for all of the other responses

to DEP's technical deficiency letters. This information includes correspondence with the above-referenced state and federal agencies and a separate "coordination summary." Id.

The blanket labeling of all of this information as "privileged and confidential" was wholly inappropriate. While Pennsylvania's Right-to-Know Law protects from disclosure records that identify specific locations of threatened or endangered species, it does not protect from disclosure all agency correspondence with a permit applicant regarding such issues. See 65 P.S. § 67.708(b)(25). If there is certain information that should not be disclosed (e.g., specific locations of threatened or endangered species), that information can be redacted as appropriate. But to just allow Transco to withhold all of its correspondence with these agencies as "privileged and confidential" deprives the public of vital information that shows how public agencies are (or are not) complying with their fiduciary obligations under the Pennsylvania Constitution and state law protections for threatened and endangered species.

Transco's treatment of this information as privileged and confidential is especially problematic since it was deficient according to DEP. The public has no way of knowing whether Transco has adequately responded to DEP's technical deficiency if all of the information is withheld from public view. Moreover, such information was not considered to be privileged or confidential by Sunoco in its applications for the Mariner East 2 Pipeline. DEP and Transco must explain why in one permit application process, agency correspondence about threatened and endangered species is considered privileged and confidential while in another permit application process, the same type of information is not privileged and confidential.

These same concerns extend to Transco's treatment of correspondence with the Pennsylvania Historical and Museum Commission ("PHMC"). Attachment D to Transco's Chapter 105 technical deficiency responses contains this correspondence and information but, just as it did with information about threatened and endangered species, Transco labeled its correspondence with PHMC as "privileged and confidential" and withheld from public disclosure. See e.g., Transco, Columbia County Joint Permit Application – Table of Contents, p. i (revised April 2017). DEP should work with Transco to determine which information in Attachments D and G are appropriate for disclosure and which information is appropriate for redaction. Once this review is complete, DEP should disclose the information that is not privileged or confidential and provide an additional comment period.

In addition to general concerns about the disclosure of information, DEP requested that Transco "provide a revised Attachment H-2 that includes primary, secondary and even tertiary pipeline installation methods" and "a revision of each Attachment H-2 impact table to report the worst case scenario regulated waters impact should the secondary or tertiary method need to be implemented." See e.g., Columbia TD10; see also Lancaster TD25; Lebanon TD10; Luzerne TD11; Northumberland TD7; Schuylkill TD10; Susquehanna TD8; and Wyoming TD11. According to Transco, "[t]here are no tertiary crossing methods proposed for the Project." Id. If that is the case, DEP should determine whether tertiary installation methods should be considered.

Transco further stated that Attachment H-2 of the revised application “identifies the impacts for both the primary and secondary crossing methods for all streams.” *Id.* This is not responsive to DEP’s request to report the “worst case scenario regulated waters impact should the secondary or tertiary method need to be implemented.” In two of the counties, Transco allegedly did address the “worse case” scenario, although it is in Attachment E-2 rather than Attachment H-2. See Luzerne TD11 and Wyoming TD11. The fact that Transco specifically stated in these two counties that it considered “worst case” scenarios while similar language does not appear in the responses for the other counties raises a presumption that Transco did not address worst case scenarios in the remaining counties. DEP cannot issue any permits until Transco fully responds to this technical deficiency.

In a few instances, DEP requested that Transco “provide the Department with revisions that include return correspondence from those affected municipalities commenting on their evaluation of a provided floodplain management analysis and whether that analysis is consistent with their respective floodplain management codes or ordinances. 25 Pa. Code § 105.13(e)(1)(vii).” See e.g., Columbia County TD12; see also Lancaster County TD28 and Lebanon County TD13. Transco responded by citing a March 27, 2017 DEP email that allegedly says “no further municipal correspondence is required, as long as the original notifications have been made.” Commenters are very concerned that DEP is systematically abandoning the clear requirement that the application include letters from municipalities evaluating consistency with floodplain and stormwater management plans. DEP did that with the Mariner East 2 Pipeline and now is doing that with the Atlantic Sunrise Pipeline. Ensuring consistency with floodplain and stormwater management plans is part of DEP’s “constitutionally imposed fiduciary duty” in “conserving and maintaining the corpus by, inter alia, preventing and remedying the degradation, diminution and depletion of our public natural resources.” PEDF, Slip Opinion J-35-2016, 42 (Pa., June 20, 2017) (citing *Robinson Twp.*, 83 A.3d at 957) (footnote omitted). DEP must not abandon this requirement and must ensure that the Atlantic Sunrise Pipeline will be consistent with floodplain and stormwater management plans.

Commenters are concerned about one county in particular, Lebanon County, where Transco claims that it “was unable to provide Act 14 notification to Cold Spring Township, since the township does not appear to have any government officials / board or administrative office.” Lebanon County TD12. Instead, Transco claims that it satisfied Act 14 notification requirements for Cold Spring Township through its letter to Lebanon County officials. *Id.* DEP must ensure that residents of Cold Spring Township did, in fact, receive adequate notice about the proposed Atlantic Sunrise Project. If not, then Transco’s application is incomplete and further notice must be provided in a manner that informs the residents of this remote township.

In three instances, DEP requested that Transco provide supporting documentation that led to its conclusion “that there will not be any impacts” to water supplies as a result of pipeline construction. See Columbia TD5; Lancaster TD4; and Lebanon TD5. Transco has not done so. Instead, Transco responded by claiming that “[a]ll of the public water supply

sources identified from the PADEP file review are located outside of the proposed Project footprint and beyond the limits of the detailed. [sic] Chapter 105 Impact Drawings.” Id.

This does not respond to DEP’s technical deficiency, which was about the veracity of Transco’s statements “that there will not be any impacts” to water supplies due to pipeline construction. Transco goes on to state that it “prepared Notification Plans through consultation with the public water supply operators which contain measures to be implemented in the event of a spill during construction” and that a summary of Transco’s consultation with public water supply operators is located in Attachment L-5. Id. This appears to acknowledge at least the potential for impacts to water supplies. Unfortunately, it was difficult to determine where Transco’s consultations with public water supply operators were and whether there were sufficient measures in place to protect public water supplies. That is because “Attachment L-5” is actually ten separate files containing a cover letter, main document, and multiple appendices. It is unreasonable to expect the public to search for documents in this manner in order to determine whether the DEP and Transco have adequately considered impacts to public water supplies.

Commenters are concerned that DEP may be relaxing mitigation measures. For example, in two counties, DEP appears to be allowing Transco to remove woody plant destruction mitigation measures. See Lancaster County TDs 5, 6, 24, 30 and Lebanon County TD23. In two other counties, Transco claims that a March 27, 2017 email from DEP stated that “monitoring of on-site replanting of riparian forest buffers beyond what was stated within the previous version of the application ... will not be required.” Columbia County TD28; see also Northumberland County TD18. Transco should not be removing such mitigation measures from its project. See 25 Pa. Code § 105.16(d) (“in reviewing permit applications, it will be the policy of the Department to encourage activities that protect the natural condition of the watercourse or other body of water.”). DEP must clarify whether it is requiring implementation of these mitigation measures and, if not, such measures should be restored.

Regarding wetlands in Columbia County, DEP requested that Transco provide detailed descriptions of how streams and wetlands would be protected during certain HDD crossings. See Columbia County TD19. Transco claims that impacts to wetlands W-T70-12010A-1 and W- T70-12010A-2 are unavoidable because they are located where the proposed HDD entry workspace is located. Id. DEP and Transco should further investigate to determine if impacts to these wetlands could be avoided. If these are exceptional value wetlands, then Transco must avoid impacting these wetlands unless DEP makes a specific finding that the project “will not have an adverse impact on the wetland[s][.]” See 25 Pa. Code § 105.18a(a)(1).

Transco further claims that impacts to wetland W-T70-12008, stream WW-T70-12010A, and waterbody WB-T70-12008 “will be completely avoided as a result of the HDD installation.” Columbia County TD19. Such broad statements are inappropriate as construction of the Rover Pipeline in Ohio demonstrates. There, Rover Pipeline, LLC spilled millions of gallons of drilling fluid into wetlands during HDD operations. See Ohio Environmental Protection Agency, Notices of Violation (available in FERC Docket No.

CP15-93-000, Accession No. 20170418- 5244). Further investigation by the Ohio Environmental Protection Agency revealed diesel fuel mixed with the drilling fluid, raising concerns about drinking water wells. See Tim Rudell, Ohio EPA Wants to Hike the Rover Pipeline Penalty to more than \$900,000 After Diesel Fuel Is Found, WKSU, June 3, 2017, available at <http://wksu.org/post/ohio-epa-wants-hike-rover-pipeline-penalty-more-900000-after-diesel-fuel-found#stream/0>. Therefore, it is inappropriate to say that impacts “will be avoided” because of HDD. Furthermore, DEP must rigorously review Transco’s trenchless analyses and response plan in the event that there is a spill during HDD activities. What happened in Ohio during construction of the Rover Pipeline must not be allowed to occur in Pennsylvania.

DEP further stated that part of CS-CSA-CO-4-003 is located in a wetland, which Transco confirmed upon further investigation. See Columbia County TD24. The fact that at this late date, many months after the Certificate was issued, previously unidentified wetlands are being found demonstrates the flawed environmental review process for the Atlantic Sunrise Project. How many other wetlands have not been identified but will be impacted by construction? DEP must not issue any permits until it is confident that all wetland resources have been identified and fully evaluated for potential impacts, which may require further public commenting opportunities.

In two counties, DEP requested that Transco choose a crossing method that “is both practical and has the least impact on the stream and floodway.” See Susquehanna County TD5 and Wyoming County TDs 7-8. In response, Transco simply stated that it provided “updated Soil Erosion & Sediment Control Plans within Attachment M, which includes the crossing method for each resource.” Id. This is non-responsive because Transco failed to identify whether the selected crossing method for each crossing “is both practical and has the least impact on the stream and floodway.” Transco’s response to not state whether it chose the least impactful crossing method.

Finally, in several responses, Transco claims that 100% of the Atlantic Sunrise Project footprint has been field delineated. See Columbia TD1; Lancaster TD1; Lebanon TD1; Luzerne TD2; Northumberland TD1; and Wyoming TD2. It is unclear whether these responses were county-specific or referred to the entire pipeline route through all of the counties. Has Transco surveyed the entire pipeline route? If not, then DEP must not issue any permits until all such surveys are completed and the public has an opportunity to review any additional information produced based on those surveys. Moreover, for stream crossings and wetlands, does Transco’s claim of 100% survey coverage include delineation of all EV wetlands and HQ streams and was DEP and/or the Army Corps involved in such delineation?

DEP MUST CONSIDER THE SECONDARY AND CUMULATIVE IMPACTS OF THE ATLANTIC SUNRISE PROJECT, INCLUDING SHALE GAS DEVELOPMENT, ON PUBLIC NATURAL RESOURCES.

Implementation of erosion and sedimentation control plans is integrated into the Chapter 105 permitting process. See 25 Pa. Code § 105.46. As part of its review of Transco’s

applications for Chapter 105 water obstruction and encroachment permits, DEP must consider secondary and cumulative impacts, including impacts associated with shale gas development on the Commonwealth's public natural resources. See 25 Pa. Code § 105.14(b). Secondary impacts are:

associated with but not the direct result of the construction or substantial modification of the . . . water obstruction or encroachment in the area of the project and in areas adjacent thereto and future impacts associated with . . . water obstructions or encroachments, the construction of which would result in the need for additional . . . water obstructions or encroachments to fulfill the project purpose.

Id. § 105.14(b)(12). DEP must also consider the cumulative impacts of the Atlantic Sunrise Project and "other potential or existing projects." Id. § 105.14(b)(14). "In evaluating the cumulative impact, the Department will consider whether numerous piecemeal changes may result in a major impairment of the wetland resource." Id.

By reversing the flow of its long haul mainline, constructing the Central Penn Line and two loops, and adding new and expanded compressor stations, Transco will provide natural gas companies with greatly increased capacity for transporting current and reasonably foreseeable shale gas production from northern Pennsylvania to other states and international markets. This will cause secondary and cumulative impacts on the Commonwealth's waterbodies and wetlands as additional forestland is converted to roads, well sites, gathering lines and other infrastructure associated with shale gas development. It will also contribute to secondary and cumulative impacts on other Commonwealth resources, including public lands, threatened and endangered species, and air quality. As the Pennsylvania Supreme Court made clear in Robinson Township:

By any responsible account, the exploitation of the Marcellus Shale Formation will produce a detrimental effect on the environment, on the people, their children, and future generations, and potentially on the public purse, perhaps rivaling the environmental effects of coal extraction.

83 A.3d 901, 976 (Pa. 2013). It is therefore imperative that DEP carefully considers the secondary and cumulative impacts of shale gas development "before it acts" on Transco's permit applications. Id. at 952 n. 41 (2013) (quoting language from questions and answers document distributed to public prior to referendum) (emphasis added).

Unfortunately, the "Project Wide Cumulative Impact Analysis" that Transco supplied as part of its applications is inadequate and should not form the basis of DEP's secondary and cumulative impacts analysis. See e.g., Transco, Chapter 105 Application for Susquehanna County, Appendix L-1: Comprehensive Environmental Evaluation for Central Penn Line at Section 4. For example, Transco claims that it identified "transportation and energy development Projects located within a 10-mile radius of the Project" and that "the closer another project is to the [Atlantic Sunrise] Project, the greater potential for cumulative impacts and the more resources that could be cumulatively affected." Id. at 4-1. There are a couple problems with this.

First, the selection of a 10-mile radius is arbitrary and has no rational ecological basis for measuring cumulative impacts on water resources or wildlife. The assessment of cumulative effects on water resources should be based on watershed boundaries, not an arbitrary 10-mile radius. Transco does go on to claim that it used watershed boundaries to assess cumulative impacts on water quality and use. *Id.* This, however, conflicts with Transco's statement about using a 10-mile radius. How did Transco analyze cumulative impacts on water resources?

Second, the notion that the closer another project is to the Atlantic Sunrise Project, the greater the potential is for cumulative impacts, which may be true in the abstract, is incomplete. For instance, using Transco's 10-mile radius, if there are a series of projects impacting a watershed but several of those projects are just beyond the 10-mile boundary, then the cumulative impacts on the watershed are discounted even though those projects impact the same resource (the watershed) as the projects within the 10-mile radius.

Finally, Transco's cumulative impact analyses are devoid of valuable information about existing and reasonably foreseeable cumulative impacts. See *id.* at 4-2 – 4-7. Regarding other known projects within the vicinity of the CPL North Pipeline, for instance, Transco simply states that “[t]he area to the west of the [Atlantic Sunrise] Project has been affected by past and ongoing development of natural gas wells and gathering pipelines and the construction and operation of associated meter stations and compressor stations.” *Id.* at 4-2. Nowhere does Transco identify the number of wells in “the area to the west” of the Project. How far “to the west” are these wells? Are the roads accessing these wells depositing to the same waterbodies that will be receiving waters for construction of the Atlantic Sunrise Project? The lack of this information renders Transco's cumulative impacts analysis meaningless. As will be explained in the following sections, DEP must consider the long-term detrimental impacts that pipeline construction and gas development are having on the Commonwealth.

DEP MUST CONSIDER THE SECONDARY AND CUMULATIVE IMPACTS OF SHALE GAS DEVELOPMENT ON THE SUSQUEHANNA RIVER WATERSHED AND CHESAPEAKE BAY.

DEP must consider the secondary and cumulative impacts of shale gas development on the Susquehanna River watershed and Chesapeake Bay. The Susquehanna River is the “longest, commercially nonnavigable river in North America.” Susquehanna River Basin Commission, Information Sheet – Susquehanna River Basin, available at <http://www.srb.com/DocumentCenter/View/1320/Susquehanna-River-Basin-Information-Sheet>. The Susquehanna River basin is “comprised of six major subbasins,” has “more than 49,000 miles of waterways,” and is “made up of 63 percent forest lands.” *Id.*

In addition, the Susquehanna River is “the largest tributary of the Chesapeake Bay[.]” *Id.* The Susquehanna River comprises “43 percent of the Chesapeake Bay's drainage area” and provides “50 percent of its fresh water flows.” *Id.* Thus, [t]he river and the Bay are two integral parts of one ecosystem” and “pollution that flows into Pennsylvania's rivers and

streams [within the Susquehanna River watershed] finds its way to the Chesapeake Bay.” Chesapeake Bay Foundation, The Susquehanna River, available at <http://www.cbf.org/about-the-bay/more-than-just-the-bay/susquehanna-river>.

Over the past decade, “vast areas of some of the most pristine and sensitive habitats within the [Chesapeake] Bay watershed face an ever growing wave of industrialization” – shale gas development. Chesapeake Bay Foundation, Natural Gas, available at <http://www.cbf.org/about-the-bay/issues/natural-gas-drilling>. “Because of the magnitude and intensification of natural gas drilling and the associated infrastructure it brings, unconventional gas development threatens to have a profound impact on the landscape of the Bay watershed for generations to come.” Id. “The cumulative impacts from the construction and operation of well pads, access roads, pipelines, and compressor stations, as well as the water quality impacts and air pollution from trucks, well drilling, and ships may pose a risk to the Chesapeake Bay and the rivers and streams that feed into it.” Id.

These are important considerations as DEP reviews Transco’s applications for the Atlantic Sunrise Project. The entire Pennsylvania component of the Atlantic Sunrise Project is located within the Susquehanna River watershed. See FERC FEIS at 4-53, Table 4.3.2-1. In addition, at least 55% of the over 9,300 shale gas wells that have been drilled in Pennsylvania, have been drilled in the Susquehanna River watershed.

Between 2004 and April 30, 2016, at least 1,384 “unconventional” shale gas wells were drilled in Bradford County, 947 were drilled in Tioga County, 934 were drilled in Lycoming County, 137 were drilled in Sullivan County, 269 were drilled in Wyoming County, and 1,384 were drilled in Susquehanna County. See DEP, Office of Oil and Gas Management, Wells Drilled by County (Northcentral District Office) (Attachment 1). That is over 5,055 shale gas wells drilled over the in this region of Pennsylvania since 2004, all of which are in the Susquehanna River watershed. DEP must consider the impacts of this level of shale gas development on the Susquehanna River

watershed and Chesapeake Bay before it issues any more permits for the Atlantic Sunrise Project.

In addition, it is critical that DEP consider the impacts on the Susquehanna River watershed and Chesapeake Bay from future shale gas development, especially as this development encroaches upon the most forested part of the Susquehanna River watershed. As Figure 1 above shows, most of the shale gas development that has occurred in the Susquehanna River watershed has been concentrated in six counties in northeastern Pennsylvania. While some of this development has certainly impacted forests, much of the existing shale gas development has occurred in areas dominated by agriculture. Compare Figure 1 with Susquehanna River Basin Commission, Susquehanna River Basin – Land Use Land Cover, 2006, available at http://srbc.net/atlas/downloads/BasinwideAtlas/PDF/1507_LandUse.PDF.

As the shale gas industry expands to the south and west of this region, however, it impacts forested lands. This is very concerning since forested lands “contribute[] the lowest loading rate per acre of all the land uses[.]” Environmental Protection Agency, Chesapeake Bay TMDL, Section 4, p. 4-36, available at <https://www.epa.gov/chesapeake-bay-tmdl/chesapeake-bay-tmdl-document> (“Chesapeake Bay TMDL”). According to the U.S. Geological Survey:

Natural gas exploration and development result in spatially explicit patterns of landscape disturbance involving the construction of well pads and impoundments, roads, pipelines, and disposal activities that have structural impacts on the landscape . . . Forest loss as a result of disturbance, fragmentation, and edge effects has been shown to negatively affect water quality and runoff (Wickham and others, 2008).

Slonecker, E.T., et al., Landscape Consequences of Natural Gas Extraction in Bradford and Washington Counties, Pennsylvania, 2004-2010: USGS Open-File Report 2012-1154, p. 8 (2012), available at <https://pubs.usgs.gov/of/2012/1154/of2012-1154.pdf> (“USGS Report”); see also STAC (Chesapeake Bay Program Scientific and Technical Committee). 2013. Exploring the environmental effects of shale gas development in the Chesapeake Bay Watershed, STAC Publ. #13-01, Edgewater, MD. p. 16, available at http://www.chesapeake.org/pubs/297_Gottschalk2013.pdf (“STAC Report”) (“well pad[s] and associated infrastructure (including roads and pipelines) . . . change the hydrology and sediment, nutrient, and organic export to receiving streams . . . lead[ing] to altered flow regimes and habitats and increased sedimentation and nutrient input into streams”). It is no surprise that researchers have concluded that one of the “key priorities” for protecting Chesapeake Bay is to require that there is “no net loss of forest lands.” Claggett, Peter, and Thompson, Renee, eds., 2012, Proceedings of the Workshop on Alternative Futures – Accounting for growth in the Chesapeake Bay watershed: USGS Open-File Report 2012-1216, p. 8, available at <http://pubs.usgs.gov/of/2012/1216/OFR2012-1216.pdf>.

DEP must consider how the loss of forested areas from past, present and future shale gas development will impact the Susquehanna River watershed and compliance with the Chesapeake Bay TMDL, which EPA approved in 2010. See Chesapeake Bay TMDL. “[A] TMDL specifies the maximum amount of a pollutant that a waterbody can receive and still meet applicable [water quality standards].” Id. at Section 1, p. 1-15. The Chesapeake Bay TMDL identified three pollutants of concern – nitrogen, phosphorus, and sediment. Id. at Section 2, p. 2-7. Clearing forested areas for roads, pipelines, well pads and other shale gas infrastructure will increase sediment loads into the Susquehanna River watershed, which could cause Pennsylvania to fall short of its obligations pursuant to the Chesapeake Bay TMDL.

Regardless of whether shale gas development in the Susquehanna River watershed causes significant impacts on Chesapeake Bay, researchers “agree[] that there is a high probability of a possible-long term landscape effect in Pennsylvania (and maybe all states in the active [shale gas] development area), and each jurisdiction will perhaps need to offset their load allocations.” STAC Report, p. 17. These researchers also stressed the importance of permitting processes that are “project-based rather than individual site-

based” and requiring that “permits provide potential build-out scenarios to provide better potential cumulative effects information.” Id. at 5. This is not being done in Pennsylvania.

According to the Susquehanna River Basin Commission (“SRBC”), as of 2012, there were at least 2,000 shale gas well pads in the Susquehanna River Basin, “creat[ing] 13,000 acres of disturbed lands” from the well pads themselves and associated road construction. Id. at 11. However, “[t]his level of disturbance should be viewed as a minimum, since additional lands must also be cleared for gathering and transmission pipelines.” Id. Thus, the acres disturbed from shale gas development is much higher than 13,000 acres.

According to the Nature Conservancy, shale gas companies could drill 27,600 wells in the Susquehanna River basin by 2030. Id. Extrapolating from the SRBC’s calculations, that would result in approximately 6,900 well pads, assuming four wells per pad. Subtracting the existing 2,000 well pads results in an additional 4,900 well pads, which would create an additional 31,850 acres of disturbed lands. Again, these figures are conservative since they are only based on SRBC’s estimates for the well pad and associated road network. The Nature Conservancy believes that up to 110,000 acres of forested land, an area about the size of the Loyalsock State Forest, could be cleared by 2030. Id. DEP must consider how this level of disturbance to forested lands in the Susquehanna River watershed will impact water quality within the basin and sub-basins as well as Pennsylvania’s compliance with the Chesapeake Bay TMDL.

SECONDARY AND CUMULATIVE IMPACTS OF SHALE GAS DEVELOPMENT ON TERRESTRIAL AND AQUATIC HABITATS AND WILDLIFE.

RESEARCH INDICATES THAT SHALE GAS DEVELOPMENT HAS SUBSTANTIAL AND LONG-TERM IMPACTS ON TERRESTRIAL AND AQUATIC HABITATS AND WILDLIFE.

Recent research on the impacts of shale gas drilling on wildlife habitat (terrestrial and aquatic) underscores the importance of considering these impacts before acting on Transco’s permit applications. For example, according to Souther et al. (2014), studies indicate that “shale- gas development will affect ecosystems on a broad scale” but that “site-specific or single variable risk assessments likely underestimate threats to ecological health.” Souther et al. (2014), Biotic impacts of energy development from shale: research priorities and knowledge gaps. *Frontiers in Ecology and the Environment* 12(6): 334, available at http://www.morgantingley.com/wp-content/uploads/2014/08/SoutherEtAl_FREE2014.pdf. In order to bridge this divide, these researchers emphasized the urgent need to better understand a host of variables, including the “cumulative ecological impacts of shale development.” Id. at 337.

The USGS report documents how shale gas development in Pennsylvania is has already caused “extensive and long-term habitat conversion”:

A recent analysis of Marcellus well permit locations in Pennsylvania found that well pads and associated infrastructure (roads, water impoundments, and pipelines) required nearly

3.6 hectares (9 acres) per well pad with an additional 8.5 hectares (21 acres) of indirect edge effects (Johnson, 2010). This type of extensive and long-term habitat conversion has a greater impact on natural ecosystems than activities such as logging or agriculture, given the great dissimilarity between gas-well pad infrastructure and adjacent natural areas and the low probability that the disturbed land will revert back to a natural state in the near future (high persistence) (Marzluff and Ewing, 2001).

USGS Report at 10. This “extensive and long-term habitat conversion” does not only impact the terrestrial ecosystem but also the aquatic ecosystem since “[f]orest loss as a result of disturbance, fragmentation, and edge effects has been shown to negatively affect water quality and runoff (Wickham and others, 2008)[.]” Id. at 8.

Indeed, according to recent research that was published in *Environmental Science & Technology*:

Potential effects [of shale gas drilling] on terrestrial and aquatic ecosystems can result from many activities associated with the extraction process and the rate of development, such as road and pipeline construction, well pad development, well drilling and fracturing, water removal from surface and ground waters, establishment of compressor stations, and by unintended accidents such as spills or well casing failures . . . The cumulative effect of these potential stressors will depend in large part on the rate of development in a region. Depending on extent of development, oil and gas extraction has the potential to have a large effect on associated wildlife, habitat and aquatic life.

Brittingham, M.C., et al., *Ecological Risks of Shale Oil and Gas Development to Wildlife, Aquatic Resources and their Habitats*, *Environmental Science & Technology*, pp. 11035-11037 (Sept. 4, 2014) (citations omitted), available at https://www.researchgate.net/publication/265343414_Ecological_Risks_of_Shale_Oil_and_Gas_Development_to_Wildlife_Aquatic_Resources_and_their_Habitats. The impacts of shale gas development are significant because it “changes the landscape” as “[l]and is cleared for pad development and associated infrastructure, including pipelines, new and expanded roads, impoundments, and compressor stations[.]” Id. at 11037 (citations omitted). “Seismic testing, roads, and pipelines bisect habitats and create linear corridors that fragment the landscape.” Id.

“Habitat fragmentation is one of the most pervasive threats to native ecosystems and occurs when large contiguous blocks of habitat are broken up into smaller patches by other land uses or bisected by roads, transmission lines, pipelines or other types of corridors.” Id. “Habitat fragmentation is a direct result of shale development with roads and pipelines having a larger impact than the pads.” Id. (citations omitted). In Bradford County, Pennsylvania, “forests became more fragmented primarily as a result of the new roads and pipelines associated with shale development, and development resulted in more and smaller forest patches with loss of core forest (forest > 100 m from an edge) at twice the rate of overall forest loss.” Id. (citation omitted). “Pipelines and roads not only resulted in loss of habitat but also created new edges.” Id. “Fragmentation from linear corridors such as

pipelines, seismic lines, and roads can alter movement patterns, species interactions and ultimately abundance depending on whether the corridor is perceived as a barrier or territory boundary or used as an avenue for travel and invasion into habitats previously inaccessible.” Id. (citations omitted).

According to the New York Department of Environmental Conservation, “development of one horizontal [shale] well requires over 3300 one-way truck trips.” Id. at 11038 (citation omitted). “This is a concern because roads of all types have a negative effect on wildlife through direct mortality, changes in animal behavior, and increased human access to areas, and these negative effects are usually correlated with the level of vehicular activity.” Id. (citations omitted). “Even after a well is drilled and completed, new roads and pipelines provide access for more people, which results in increased disturbance.” Id. “In Wyoming, Sawyer et al. found that mule deer migratory behavior was influenced by disturbance associated with coal bed gas development and observed an increase in movement rates, increased detouring from established routes, and overall decreased use of habitat along migration routes with increasing density of well pads and roads. Id. (citation omitted).

Shale gas development “is associated with both short-term and long-term increases in noise.” Id. “In the short term, site clearing and well drilling, [high volume hydraulic fracturing], and construction of roads, pipelines and other infrastructure are a limited time disturbance similar to disturbance and sound associated with clearing land and home construction.” Id. (citation omitted). “Depending on number of wells drilled, construction and drilling can take anywhere from a few months to multiple years.” Id.

“Compressor stations, which are located along pipelines and are used to compress gas to facilitate movement through the pipelines, are a long-term source of noise and continuous disturbance.” Id. (citation omitted). “Because chronic noise has been shown to have numerous costs to wildlife, compressors have potential to have long-term effects on habitat quality. Id. (citation omitted). “For many species of wildlife, sound is important for communication, and noise from compressors can affect this process through acoustical masking and reduced transmission distances.” Id.; see also U.S. Fish and Wildlife Service Letter January 27, 2015 Letter to FERC (FERC Docket CP14-112-000, Accession No. 20150202-0104) (“[n]oise levels over background levels can adversely affect wildlife, particularly songbirds, that rely on call identification for successful breeding.”). “Studies on effects of noise from compressors on songbirds have found a range of effects including individual avoidance and reduced abundance, reduced pairing success, changes in reproductive behavior and success, altered predator-prey interactions, and altered avian communities . . . Greater sage-grouse (*Centrocercus urophasianus*) gather at leks where males display in order to attract females.” Id. “Lek attendance declined in areas with chronic natural gas-associated noise and, experimentally, sage- grouse were shown to experience higher levels of stress when exposed to noise.” Id. (citations omitted).

“Because of the large overlap between the Appalachian shale play and core forest habitat in the East, many forest species are vulnerable to development.” Id. at 11040. “Area-sensitive forest songbirds are primarily insect-eating Neotropical migrants, are an important component of forest ecosystems, and, as a group, many have declined in numbers in

response to forest fragmentation.” Id. (citations omitted). “These birds are area-sensitive because breeding success and abundance are highest in large blocks of contiguous forest, and numerous research studies have documented negative effects of fragmentation on abundance and productivity[.]” Id. “The impact that shale development has on this group of species will depend on the scale and extent of development.” Id. “By some estimates, less than 10% of potential shale gas development has occurred in the Appalachian basin [and] [i]f this is the case, there is the potential for a 10-fold increase in the amount of shale gas development which would likely have negative impacts on area-sensitive forest songbirds and other forest specialists. Id. (emphasis added) (citation omitted).

“Development of shale resources, which clears land for well pads and roads, is occurring across a large portion of the native range of brook trout, especially in Pennsylvania.” Id. (emphasis added) (citation omitted). “If remaining high-quality stream reaches become unsuitable to brook trout, there may be further fragmentation of the larger meta-population.” Id.

“Rare species with limited ranges are always a concern when development occurs” and any type of disturbance can be very detrimental to them.” Id. “Freshwater mussels are an additional taxonomic group of interest because of already high numbers of listed species and relative sensitivity to toxicants.” Id. (citation omitted). “Gillen and Kiviat 2012 reviewed 15 species that were rare and whose ranges overlapped with the Marcellus and Utica shale by at least 35%.” Id. “The list included the West Virginia spring salamander (*Gyrinophilus subterraneus*), a species that is on the IUCN Red List as endangered and whose range overlaps 100% with the shale layers.” Id. This salamander “requires high quality water and is sensitive to fragmentation suggesting that this species is at great risk to oil and gas development.” Id. “The list also included eight Plethodontid salamanders, a group that tends to be vulnerable because of the overlap between their range and shale layers, their dependence on moist environments and sensitivity to disturbance.” Id. at 11040-11041.

“Habitat fragmentation, effects on water quality and quantity, and cumulative effects on habitats and species of concern have already been identified as problems and are expected to increase in magnitude as shale resource development continues to expand.” Id. at 11043. Brittingham et al. (2014) “suggests that species and habitats most at risk are ones where there is an extensive overlap between a species range or habitat type and one of the shale plays (leading to high vulnerability) coupled with intrinsic characteristics such as limited range, small population size, specialized habitat requirements, and high sensitivity to disturbance.” Id. “Examples include core forest habitat and forest specialists, sagebrush habitat and specialists, vernal pond inhabitants, and stream biota.” Id. Brittingham et al. (2014) demonstrates the substantial impact that shale gas drilling is having and will continue to have on terrestrial and aquatic habitats and wildlife throughout the Marcellus and Utica shale region. Such impacts will only worsen if DEP and FERC continue facilitating such drilling by authorizing infrastructure projects such as the one proposed here without analyzing their cumulative impacts.

EXISTING SHALE GAS DEVELOPMENT HAS ALREADY PROFOUNDLY ALTERED THE COMMONWEALTH'S LANDSCAPE AND IMPACTED HABITAT AND FURTHER SHALE GAS DEVELOPMENT WILL ONLY EXACERBATE THESE IMPACTS.

As Figure 1 above shows, thousands of shale gas wells have already been drilled in northeastern and northcentral Pennsylvania. This is precisely the region from which the Atlantic Sunrise Pipeline would transport shale gas. Compare Figure 1 with FERC FEIS at 2-6 (Atlantic Sunrise Project Location Map). The development of thousands of shale gas wells in this region of Pennsylvania is having a profound impact on Pennsylvania's terrestrial and aquatic resources and wildlife.

For instance, it is likely that the dramatic increase in shale gas drilling in this region of Pennsylvania has already disrupted bobcat populations in a manner similar to that documented in

the Brittingham et al. (2014) research regarding mule deer. In 2012, NYDEC revised its "Bobcat Management Plan" because:

Observations by hunters and trappers, and reports from the general public suggest that bobcat populations are increasing and expanding throughout New York State outside of their historic core range in the Taconic, Catskill, and Adirondack mountains and into central and western New York. In addition, emigration of bobcats from Pennsylvania has likely fostered growth of the bobcat population in the southern tier of the state (Matt Lovallo, Pennsylvania Game Commission, personal communication).

NYDEC. Management Plan for Bobcat in New York State 2012-2017. p. 8. 2012 (emphasis added). available at: http://www.dec.ny.gov/docs/wildlife_pdf/finalbmp2012.pdf. The plan further stated:

The presence of bobcat in New York's Southern Tier has increased dramatically over the past decade. What began as occasional sightings along the New York/Pennsylvania border has progressed to large numbers of observations, trail camera photos, and incidental captures and releases by trappers. Over the past five years there have been 332 bobcat observations documented in the harvest expansion area[.]

Id. at 17 (emphasis added). The following figure, showing the number confirmed bobcat observations in New York from 2006-2011, reveals a concentration of observations along the Pennsylvania border:

While NYDEC was documenting an increase in bobcat observations in the southern tier of New York between 2006-2011, hundreds and then thousands of shale gas wells were being drilled in the northern tier of Pennsylvania. See Figure 1 above. As Figure 1 indicates, between 2006- 2011, gas companies drilled at least 4,858 shale gas wells in Pennsylvania. Many of these wells were drilled in Pennsylvania's northern tier. Thus, at the same time the

gas industry began and then rapidly escalated gas drilling across the northern tier of Pennsylvania, the bobcat population in the southern tier of New York “increased dramatically.” Since there has been no shale gas development in New York throughout this time period due to a moratorium (and now ban)¹ on shale gas development, this suggests that the rapid increase in shale gas development in Pennsylvania may be causing emigration of bobcats from Pennsylvania into southern New York.

Concurrent with the sharp rise of gas drilling in Pennsylvania’s northern tier, several companies began expanding their pipeline systems in Pennsylvania. For example, between 2009 and 2011, FERC approved four Tennessee Gas expansion projects along the company’s “300 Line” in northern Pennsylvania. See Tennessee Gas Pipeline, L.L.C., 153 FERC 61,215, P 3 (Nov. 19, 2015). Thus, construction of these projects overlapped with the substantial increase in shale gas development and the “emigration of bobcats from Pennsylvania” into southern New York. Construction of projects like Atlantic Sunrise, which will induce further gas drilling in this region, will only exacerbate these impacts.

It is important to reiterate that, as of 2014 when the Brittingham research was published, “less than 10% of potential shale gas development has occurred in the Appalachian basin [and] [i]f this is the case, there is the potential for a 10-fold increase in the amount of shale gas development which would likely have negative impacts on area-sensitive forest songbirds and other forest specialists.” Brittingham et al. at 11040. In other words, if wildlife populations are already being displaced when “less than 10% of potential shale gas development has occurred in the Appalachian basin,” then it is very likely that wildlife will be far more impacted if agencies like DEP continue issuing permits for shale gas development and pipelines.

These are enormous impacts that will have long-term consequences that will not only impact Pennsylvania’s terrestrial habitat but also Pennsylvania’s waterbodies since construction of shale gas wells, pipelines, and roads requires extensive surface-disturbing activities that cause erosion and sedimentation into water. State officials have already documented the impacts of recent shale gas drilling on fisheries in the Pine Creek watershed, including wild trout populations. According to the PAFBC:

Looking beyond the mainstem of Pine Creek is where we may have the greatest opportunity to improve management and protection. There are many unassessed streams in the Pine Creek watershed that likely harbor wild trout populations. Many of these streams are located on State Forest Land and were, until recently, considered “safe” from development and mineral extraction. However, with the recent Marcellus Shale boon [sic], much of the Pine Creek watershed has been leased for natural gas drilling . . . Our observations of several township roads in the Pine Creek watershed during winter 2009/2010 that were being used to access Marcellus well sites was that the roads were not built to handle the heavy truck traffic, and were not improved in any manner prior to well development. The roads were heavily rutted and much erosion was occurring. The impacts of sedimentation can be severe, especially for brook trout[.]

Pine Creek Fisheries Management Plan, 24-25 (emphasis added).

According to the SRBC, there are at least 81 natural gas drilling pads² in the Pine Creek watershed. See SRBC, Pine Creek Watershed Profile, available at <http://mdw.srbc.net/remotewaterquality/assets/downloads/pdf/Pine%20CreekBlackwellWatershedProfile.pdf>. A lot of this development is in the lower Pine Creek watershed in Tiadaghton State Forest. What was once a mostly intact part of the Pine Creek watershed on state-owned public lands is now fragmented by roads, well pads, and associated shale gas infrastructure. See e.g., Attachments 2 and 3.3 Each new road and well pad converts forest land to impervious surface, which increases the amount of erosion and sedimentation entering Pine Creek and its tributaries, which impacts habitat for species like brook trout. These secondary and cumulative impacts must be included in DEP's analysis of the Atlantic Sunrise Project.

SECONDARY AND CUMULATIVE IMPACTS OF SHALE GAS DEVELOPMENT ON PUBLIC LANDS.

As noted above, the land use changes caused by shale gas development are having and, if not properly regulated, will continue to have profound and long-term ecological consequences in Pennsylvania. While many of these impacts have occurred on private lands, the gas industry continues encroaching on Pennsylvania's public lands, which provide some of the most remote, forested wildlife habitat not only in Pennsylvania but in the eastern United States. DEP has an obligation to "conserve and maintain" Pennsylvania's public resources, including public lands and, therefore, must consider and disclose how its approval of Transco's applications would further degrade Pennsylvania's state forests and other public lands.

In 2002, researchers modeled the extent of forest fragmentation in the United States. The results underscore the importance of Pennsylvania's public lands. For example, the researchers used "[a] lattice of 56.25 km² cells . . . to summarize forest area and fragmentation statistics." Riitters, et al., *Fragmentation of Continental United States Forests, Ecosystems* (2002) 5: p. 820, available at <http://www.carmelacanzonieri.com/library/6108-LandscapeEcoPlanning/Riitters-FragmentationUSForests.pdf>. Based on this, the researchers created two maps of forest cover. See *id.*, Figures 4A and 4B. In the first map, "[t]he relative amount of forest area within each cell is shaded from low (red) to high (green), for the 106,316 cells that contained more than 0.5% forest." *Id.* The second map identified "[t]he relative amount of 'interior' forest (7-ha landscapes) from low (red) to high (green) for the 38,169 cells that contained at least 60% forest." *Id.*

The second map clearly shows that northern Pennsylvania not only has the highest amount of "interior forest" in the state but some of the highest amounts of interior forest remaining in the eastern United States. As the researchers point out:

Only a few locations (constituting a subset of the green cells in Figure 4B) had relatively large amounts of core forest: the Ouachita, Ozark, southern Appalachian, Adirondack, and Allegheny mountains, the northern parts of New England and the Lake States, and the Pacific Northwest."

Id. at 821 (emphasis added). The majority of these remaining “interior forests” are “concentrated in public ownership and/or landforms that are not suitable for agriculture or urban development.” Id. (emphasis added). The dark green area on the second map clearly shows the general outline of the Allegheny National Forest and Pennsylvania’s State Forests. See Attachment 4. It is imperative that DEP and other agencies “conserve and maintain” Pennsylvania’s irreplaceable public lands, which are largely co-extensive with its remaining interior forest habitat.

Pennsylvania’s public lands not only provide some of the most remote, interior forest left in the Commonwealth, they also are an invaluable source for low-impact outdoor recreation. Pennsylvania’s “[s]tate forests provide unique opportunities for dispersed, low-density outdoor recreation that can be obtained only through large blocks of forest.” DCNR, 2015 Draft State Forest Management Plan, p. 166, available at http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031287.pdf. Pennsylvania’s state forests contain “some of the most remote and wild forest in the Mid-Atlantic Region.” DCNR, Impacts of Leasing Additional State Forest for Natural Gas Development, 14, available at http://www.dcnr.state.pa.us/cs/groups/public/documents/document/d_000603.pdf. “The largest and most remote areas are found . . . in the Northcentral portion of the state.” Id.

These remote, critically important public forests are threatened by shale gas development.

According to the DCNR:

The majority of [shale gas] development [on state forests] has occurred in the Devonian-aged Marcellus Shale. Approximately 1.5 million acres of state forest lands lie within the prospective limits of the Marcellus Shale. Assuming a drainage area of 120 acres per well, the [DCNR’s Bureau of Forestry (Bureau)] expects that approximately 3,000 wells may be drilled to fully develop the lands it currently has leased . . . In recent years, there has been a marked increase in the development of the Ordovician-aged Utica Shale in western Pennsylvania and eastern Ohio . . . As development moves eastward from the Pennsylvania-Ohio border, the [Bureau] has seen an increased interest in the Utica Shale on state forest lands. Development of the Utica has become increasingly prevalent adjacent to state forest lands, primarily in Tioga County and the northwestern section of the state forest system.

DCNR, 2015 Draft State Forest Management Plan, 134-35 (emphasis added). DCNR further explains how shale gas development would cause long-term impacts on state forest lands:

Unconventional shale-gas development can cause short-term or long-term conversion of existing natural habitats to gas infrastructure. The footprint of shale-gas infrastructure is a byproduct of shale-gas development. The use of existing transportation infrastructure on state forest lands, such as roads and bridges, increase considerably due to gas development . . . Shale-gas development requires extensive truck traffic by large vehicles, which may

require upgrades to existing roads to support this use. These upgrades may affect the wild character of roads, a value that is enjoyed by state forest visitors . . . Noise from compressors can dramatically affect a state forest user's recreational experience and generate conflict. Unlike compressors, most sources of potential noise on state forest land are temporary in nature . . . The development of oil and gas resources requires pipelines for delivering the product to market. When compared to other aspects of gas development, pipeline construction has the greatest potential to cause forest conversion and fragmentation due to the length and quantity of pipelines required.

Id. at 136-38. DEP has an obligation to consider how its decision on Transco's applications will facilitate further Marcellus and Utica shale gas development on state forest lands.

DCNR has modeled how shale gas development in Tioga State Forest, just a few miles south of the Project area, could quickly erode the forest's "wild character" with new roads and well pads. See DCNR, *Impacts of Leasing Additional State Forest for Natural Gas Development*, 20-28. First, the model shows this portion of Tioga State Forest as it exists with no gas wells. Id. at 20. Next, DCNR states that an "estimated 54 new well pads could be developed within the next 5-10 years in this ~ 65,000 acre landscape view." Id. at 21. Next, DCNR ranks the existing landscape in terms of its "wild character" before drilling, ranging from "primitive" and "semi-primitive" to "semi-developed." Id. at 22. When DCNR overlays new roads and well pads, it results in "significant decreases in Primitive and Semi-Primitive" forests and "a dramatic increase in semi-developed [] areas." Id. at 23-25. DCNR says that 54 new well pads in this part of Tioga State Forest would result in a net loss of 8,171 acres of primitive forest, a net loss of 5,274 acres of semi-primitive forest, and a net gain of 13,545 acres of semi-developed area. Id. at 27. DCNR concludes that any "additional natural gas development involving surface disturbance would significantly damage the wild character of the state forest." Id. at 28 (emphasis added). In addition to significantly damaging the wild character of the state forests, additional shale gas development would damage waterbodies and wetlands as a consequence of more roads, well pads and associated infrastructure.

DEP's approval of Transco's applications would allow Transco to significantly expand the capacity of its pipeline system in Pennsylvania. A likely consequence of that decision would be increased shale gas drilling on nearby state forest lands. For example, in its April 2016 investor presentation, National Fuel explicitly stated that its production subsidiary, Seneca Resources, would only engage in "limited development drilling" in its Eastern Development Area ("EDA") "until firm transportation on Atlantic Sunrise [Pipeline] (190 MDth/d) is available in late 2017." National Fuel, *Investor Presentation*, p. 10 (Apr. 2016) (emphasis added), available at http://s2.q4cdn.com/766046337/files/doc_presentations/2016/April/20160428_NFG-IR-Presentation.pdf. Seneca Resources' EDA is located primarily in Potter, Tioga, and Lycoming Counties, Pennsylvania. See id. As Figure 3 below shows, this same area is where Seneca Resources has at least three leases on state forest lands.

According to Seneca Resources, it has identified "potential future locations" for shale gas development on DCNR Tract 001 in Potter County and DCNR Tract 595 in Tioga County.

Tract 001 is located in Susquehannock State Forest. See DCNR, Index to Existing Oil and Gas Leases on Pennsylvania State Forest Lands, p. 1 (Last Updated Aug. 26, 2014), available at http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20029754.pdf (“DCNR Index”). Seneca Resources’ lease allows it to clear up to 145 acres and construct 29 well pads on Tract 001. Id. To date, Seneca Resources has constructed at least one shale gas well pad. Id.

Tract 595 is located in Tioga State Forest. Id. at 2. Seneca Resources’ lease allows it to construct up to 26 well pads on Tract 595. Id. However, Seneca Resources’ lease for Tract 595 does not specify an “allowable disturbed acres per lease” term. Id. Thus, even though Seneca Resources is limited to 26 well pads on Tract 595, it could disturb much more acreage than is needed because there is no lease term to limit the amount of acreage disturbed. To date, Seneca Resources has constructed at least seven shale gas well pads on Tract 595. Id.

Seneca Resources has also identified approximately 70 “potential locations” locations for shale gas development on DCNR Tract 007. Tract 007 is also located in Tioga State Forest. Id. at 1. To date, Seneca has constructed two well pads on Tract 007. See DCNR, Tract 007 Map (Attachment 5).⁴ According to DCNR, Seneca Resources’ lease allows it to clear up to 200 acres for 40 well pads on Tract 007. See DCNR Index at 1. In other words, Seneca Resources could construct another 38 well pads on Tract 007. It is obvious from looking at Attachment 5 that if Seneca Resources is permitted to construct an additional 38 well pads that this part of Tioga State Forest will become highly fragmented with additional roads, well pads, and associated shale gas development. This will further degrade to the “wild character” of Tioga State Forest and increase erosion and sedimentation into waterbodies.

Looking at Tracts 001, 007, and 595 cumulatively, Seneca Resources’ leases allow it to construct up to 95 shale gas well pads. To date, Seneca Resources has constructed at least 10 shale gas well pads. In other words, Seneca Resources has constructed approximately 11% of the well pads that is permitted by its leases. And the company has made clear that it is awaiting construction of the Atlantic Sunrise Project before it moves beyond “limited development drilling.” National Fuel, Investor Presentation, p. 10. Therefore, DEP’s approval of Transco’s permit applications for the Atlantic Sunrise Project will make it much more likely that Tracts 001, 007, and 595 in Susquehannock and Tioga State Forests will become much more fragmented in the future by Seneca Resources’ proposed shale gas development. DEP must address these secondary and cumulative impacts of this potential fragmentation before it issues any permits for the Atlantic Sunrise Project.

The areas in which Seneca Resources and other shale gas companies want to frack for shale gas are among the most remote and beautiful public lands in all of Pennsylvania. For example, Tract 007 is in the Pine Creek watershed, which, according to PAFBC, “truly is a Commonwealth treasure.” Pine Creek Fisheries Management Plan, 1. The headwaters of Pine Creek:

. . . ha[ve] a unique geographical distinction and can be considered the starting point, (triple point) of three major U.S. watersheds. The north side of this triple point is where the Genesee River originates and flows north eventually emptying into Lake Ontario, the Saint Lawrence River and Atlantic Ocean. The western slope of this triple point forms the Allegheny River, flowing into the Ohio River in Pittsburgh; which flows to the Mississippi and the Gulf of Mexico. Pine Creek, which flows south of the triple point, drains into the West Branch of the Susquehanna at Jersey Shore at an elevation of 520 feet. The West Branch flows into the Susquehanna River at Sunbury and eventually empties into the Chesapeake Bay, the largest estuary in the United States.

DCNR-Community Partnership Program, Pine Creek Watershed Rivers Conservation Plan, 48 (Oct. 2005), available at http://www.dcnr.state.pa.us/cs/groups/public/documents/document/D_001481.pdf. As explained by the Pennsylvania Fish and Boat Commission (“PAFBC”):

Carving its way through the mountains of Potter, Tioga, and Lycoming counties, Pine Creek is the second largest tributary (based on watershed size) to the West Branch Susquehanna River (Figure 1). The Pine Creek watershed is resplendent with a bounty of natural resources. It is primarily forested and publicly owned and drains 2,536 sq km (979 sq miles). The free-flowing mainstem of Pine Creek which anchors this predominantly wild and relatively undeveloped region of northcentral Pennsylvania is a special destination for anglers and outdoor recreationists alike and truly is a Commonwealth treasure as evidenced by its 1992 classification as a Scenic River under the Pennsylvania Scenic River Act.

PAFBC, Pine Creek Fisheries Management Plan, 1 (Mar. 2012) (emphasis added), available at <http://fishandboat.com/water/creeks/pine/pine-creek-plan.pdf>. In the 1970s, Pine Creek was recommended for inclusion in the National Wild and Scenic River System. *Id.* at 4. Unfortunately, the Pennsylvania Department of Environmental Resources (now, the Department of Conservation and Natural Resources (“DCNR”)) opposed that designation. *Id.* at 5. DCNR did, however, recommend that “Pine Creek be included in the State Scenic River Program which was made official in 1992.” *Id.*

Pine Creek is one of only thirteen rivers designated under Pennsylvania’s Scenic Rivers Program. See DCNR, Scenic Rivers, available at <http://www.dcnr.state.pa.us/brc/conservation/rivers/scenicrivers/index.htm>. Portions of Pine Creek are designated “scenic” while others are designated “wild.” See <http://www.dcnr.state.pa.us/brc/conservation/rivers/scenicrivers/pinecreek/index.htm> (click on “Map 1” and “Map 2” to see designations). “Scenic” rivers include “those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and undeveloped, but accessible in places by roads.” 32 P.S. § 820.24(b)(2). “Wild” rivers include “those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.” *Id.* at § 820.24(b)(1).

In addition to being a designated State Scenic River, Pine Creek Gorge, which is just a few miles south of Tract 007, is a National Natural Landmark. See National Park Service, Pine Creek Gorge, available at <http://www.nature.nps.gov/nml/site.cfm?Site=PICR-PA>. These are the landscapes that are threatened by shale gas development and related pipeline construction. In addition to Seneca Resources' leases discussed above, much of the land to the west of Pine Creek Gorge has been leased for gas drilling or is underlain by private mineral rights. See DCNR, Tract 1040 Map (Attachment 6).⁵ Ultra Resources has leased Tract 1040 for gas drilling. See DCNR Index, p. 3. Ultra Resources' lease permits it to disturb up to 500 acres on Tract 1040, a substantial amount of land just to the west of Pine Creek Gorge, a National Natural Landmark. See *id.* According to DCNR, Ultra Resources has constructed two well pads on Tract 1040. *Id.* Thus, approval of Transco's permit applications could not only lead to the construction of more well pads on Tract 007 just to the north of Pine Creek Gorge, but also on Tract 1040, just to the west of Pine Creek Gorge.

The expansion of shale gas development surrounding Pine Creek Gorge is a testament to the fact that the Commonwealth's agencies, including DEP, are failing to "conserve and maintain" these vital public resources for "all the people, including generations yet to come." PA. CONST. art. I, § 27. Approving Transco's permit applications for the Atlantic Sunrise Project will likely lead to more shale gas development in this region, which means more fragmentation and impacts to public recreation from new roads, well pads, and other associated infrastructure. DEP must address these secondary and cumulative impacts before making a decision on Transco's applications.

SECONDARY AND CUMULATIVE IMPACTS ON SPECIAL-STATUS SPECIES.

In addition to wildlife in general, DEP must consider the secondary and cumulative impacts of the Atlantic Sunrise Project, including (but not limited to) gas drilling, on special-status species, including state-listed threatened, endangered, and candidate species. Transco and FERC acknowledge that the Atlantic Sunrise Project would directly impact habitat and, in some instances, known locations, for several special-status species, including bog turtle, timber rattlesnake, northeastern bulrush, eastern small-footed bat, and Allegheny woodrat. DEP has a constitutional duty under to conserve and maintain these species. PA. CONST. Art. I, Sec. 27. Before DEP can issue any permits, it must comprehensively examine the secondary and cumulative impacts of the Atlantic Sunrise Project on these species.

BOG TURTLE

The bog turtle is a state-listed endangered species in Pennsylvania. See FERC FEIS at 4-115. It is also listed as "threatened" in Maryland and North Carolina and on the federal endangered species list. *Id.* "One of the smallest turtles in the world . . . , [t]he greatest threats to the bog turtle are the loss and fragmentation of its habitat." *Id.*

Initial surveys for the Atlantic Sunrise Project "identified suitable bog turtle habitat in 20 delineated wetlands, 10 in Lebanon County and 10 in Lancaster County." *Id.* at 4-116. Further surveying identified at least one bog turtle population within one wetland complex

in Lancaster County. Id. “The survey documented 11 individuals, including 5 adult females, 5 adult males, and 1 hatchling.” Id. “Seven individuals were and remain fitted with transmitters.” Id. DEP cannot issue any additional permits until this and other such reports are completed, submitted to the respective agencies, and a conclusion that there will be no impacts to listed species is reached.

Statements in FERC’s DEIS raise serious questions about the potential impacts to bog turtles in this wetland. For example, FERC claimed that the “bog turtles in the wetland complex are confined to the northern end of the wetland (about 570 feet from the proposed pipeline crossing) and are not using the portion of the wetland within or adjacent to the proposed project workspace.” Id. (emphasis added). FERC did not define what it means by “confined” but we doubt that there are impenetrable barriers that prevent bog turtles from “using the portion of the wetland within or adjacent to the proposed project workspace.” Just because bog turtles are not currently using one portion of a wetland at a particular time does not mean that they will not use it at another point in time.

FERC further downplayed potential impacts to bog turtles in this wetland when it stated that “[t]wo of the [five] core patches [with suitable bog turtle habitat] are close to the right-of-way but are outside the construction workplace.” Id. Just because these patches are “outside the construction workspace” does not mean that they will not be impacted by construction. For example, construction of what is now Tennessee Gas Pipeline Company’s 300 Line in northern Pennsylvania substantially impacted a wetland and its associated stream. See Tennessee Gas Pipeline Company, Susquehanna West Project – Resource Report 2, App. 2-A, Fig. 4 at 11 (“Tennessee Aquatic Report”).⁶ According to the wetland determination data form for this wetland, it is a “large [palustrine emergent] complex with [palustrine forested] fringe in [a] topographic depression.” Tennessee Aquatic Report at PDF p. 111. The data form further stated that the “former stream from [the wetland] complex” associated with the wetland is “highly impacted by [the] ROW” and now consists of “barely discernable, sheet flow on [the] ROW.” Id. (emphasis added). This information shows the profound and long-term impacts that pipeline construction has on aquatic resources.

Similarly, construction of a pipeline through the Tamarack Swamp Natural Area in Clinton County, Pennsylvania, caused significant impacts to this natural area, “one of the few examples of a black spruce-tamarack palustrine woodland community in Pennsylvania.” Western Pennsylvania Conservancy, Clinton County Heritage Review at 79 (2002), available at http://www.clintoncountypa.com/departments/county_departments/planning/pdfs/Natural%20Heritage%20Inventory.pdf. According to the Western Pennsylvania Conservancy:

Selective logging, fire and most recently, laying of gas pipelines have altered and compromised the natural community at Tamarack Swamp. Construction of the gas pipeline appears to have been particularly disruptive, physically separating contiguous sections of wetland, altering hydrological patterns and introducing strips of highly altered substrate that will not easily recover. The present natural area falls short in providing substantial protection to even the area contained within its boundaries. Part of the uniqueness and

viability of this wetland is related to its size and low fertility. Runoff from lawns and roads, and channelized flow along pipeline ROW's introduces water and nutrients into interior sections of the swamp. Long-term protection must address these inputs.

Id. (emphasis added). Thus, FERC's assertion that impacts of pipeline construction on bog turtle habitat will be minimal because the habitat is located "outside the construction workplace" is in error. DEP must independently evaluate impacts of pipeline construction on bog turtles and their habitat in this wetland and other locations throughout the proposed route. DEP must require that Transco investigate the potential using a trenchless crossing method of this wetland.

TIMBER RATTLESNAKE

DEP must consider the secondary and cumulative impacts of the Atlantic Sunrise Project on the timber rattlesnake. It is important to note that the timber rattlesnake is already "extirpated from Maine, Rhode Island, and Ontario," listed as "state endangered in New Hampshire, Vermont, Massachusetts, Connecticut, Ohio, and New Jersey," listed as "threatened in New York, and considered a species of concern in West Virginia and Maryland." PAFBC, Species Action Plan – Timber Rattlesnake, p. 4 (June 2011), available at <http://fishandboat.com/water/amprep/species-plan-timber-rattlesnake.pdf>. In comparison, the timber rattlesnake "continues to persist in relatively large population densities across some regions of Pennsylvania, though these populations are highly disjunct." Id. "Consequently, Pennsylvania may function as a stronghold for the continued survival of this species."⁷ Id. (emphasis added) (citation omitted).

According to DCNR, "[t]he largest populations of timber rattlesnakes occur in remote, heavily forested regions of Pennsylvania, which means they often call state forests home." DCNR, Rattlesnakes in Pennsylvania State Forests (emphasis added), available at <http://dcnr.state.pa.us/forestry/wildlife/rattlesnakes/index.htm>. Pennsylvania's "2.2 million acres. Considering that shale gas drilling has increased substantially across Pennsylvania since PAFBC's Action Plan for timber rattlesnakes was published in 2011, the population density figures could be outdated. of State Forest lands provide the largest blocks of timber rattlesnake range remaining in the Northeastern states." Id. (emphasis added).

Pipeline construction and shale gas drilling could permanently change that, however. According to PAFBC, some of the leading threats to timber rattlesnakes include "natural resource extraction and associated infrastructure development," "habitat destruction or disturbance in hibernacula areas," "increase of human activity within habitat range," "new road construction," and "high vehicular traffic on previously low volume roadways." Id. at 5. These are precisely the kinds of impacts that result from pipeline construction and shale gas drilling.

DEP has an obligation to conserve and maintain timber rattlesnake and other threatened, endangered, candidate and sensitive species. According to the PAFBC, "in the past decade, encroachment by oil and gas development into Timber Rattlesnake strongholds has

increased significantly with the relatively new shale gas industry in this Commonwealth.” 45 Pa.B. 47, 6661, 6694 (Nov. 21, 2015). “The northcentral portions of the range, once considered the core undisturbed populations, have been subject to high volume of exploration, well pad construction, pipeline construction, associated roads and infrastructure.” Id.

In light of PAFBC’s statements, it is astonishing that the agency has removed timber rattlesnake from the candidate species list. See 46 Pa.B. 36, 5733 – 5734 (Sept. 3, 2016). Unfortunately, the rule change was not grounded in science but rather custom-made to make it easier for the oil and gas industry to destroy timber rattlesnake habitat. For example, PAFBC claimed that even though “there are increasing threats to Timber Rattlesnakes through exposure to human disturbance,” shale gas well pads “thus far are on the top of slopes and plateaus and do not directly interfere directly with den habitat” and pipelines “can provide important additional basking habitat in areas where canopy closure has posed problems for available basking and gestating habitat.” 45 Pa.B. 47, 6661, 6694 (Nov. 21, 2015). There are at least five major problems with PAFBC’s assumptions that DEP must consider as part of its analysis of secondary and cumulative impacts.

First, PAFBC’s claims were based on “anecdotal evidence” and “Commission observations,” not peer-reviewed research. Id. Second, as the Brittingham study noted, shale gas drillers have drilled approximately 10% of the shale wells that could be drilled in Pennsylvania. The fact that existing well pads “thus far” have allegedly not directly interfered with den habitat is no indication that substantial interference will not occur if the remaining 90% of shale gas wells are drilled. It is decidedly premature to delist a species when the “relatively new shale gas industry” is “encroach[ing] . . . into Timber Rattlesnake strongholds[.]” Id. (emphasis added). Third, PAFBC did not weigh the corresponding risks to timber rattlesnake from road construction, increased heavy-truck traffic, and increased human access into previously remote areas. Even if a new pipeline corridor may provide artificial basking habitat, what does that matter if there is increased road mortality? Fourth, PAFBC admitted that “[l]arge portions (estimated 50%) of the Timber Rattlesnake range remain unassessed due to lack of landowner permissions or access difficulty.” Id. Thus, PAFBC’s rule change was based on incomplete data and anecdotal evidence.

Regardless of PAFBC’s ill-advised rule change, DEP has an obligation to “conserve and maintain” this species. PA. CONST. art. I, § 27. Before DEP makes a decision on Transco’s applications, it must consider how the Atlantic Sunrise Project and the secondary and cumulative impacts of shale gas development as well as other pipeline projects will impact timber rattlesnake and ensure that this species is conserved and maintained.

NORTHEASTERN BULRUSH

Northeastern bulrush is a state-listed endangered species in Pennsylvania. See FERC FEIS at 4-117. It is also listed as endangered in Maryland and on the federal endangered species list. Id. Northeastern bulrush is a “wetland plant . . . [o]ccurring in isolated areas scattered across seven states [that] is difficult to find and difficult to recognize.” FWS, Northeastern

Bulrush, available at <https://www.fws.gov/northeast/pdf/bulrush.pdf>. “[H]abitat alternations that make a site consistently drier or wetter could make life impossible for northeastern bulrush.” Id. “Activities such as filling or ditching in a wetland can destroy or degrade this species’ habitat and pose a threat.” Id. The key to recovery for northeastern bulrush is “preventing habitat destruction and deterioration at sites where the plant now grows and any additional locations as they are found.” Id.

According to FERC, “northeastern bulrush could occur in Clinton, Columbia, and Luzerne Counties, and its range overlaps with the proposed pipeline route in Columbia and Luzerne Counties, and its range overlaps with the proposed pipeline route in Columbia and Luzerne Counties[.]” FERC FEIS at 4-117 (citations omitted). Surveys identified northeastern bulrush in at least one wetland in Luzerne County and a second wetland in northern Columbia County. Id. at 4-118. According to FERC, Transco revised its route to avoid direct impacts on northeastern bulrush in the Luzerne County wetland, but the project “does not avoid the wetland entirely.” Id. The project will also come within 50 feet of the other wetland in Columbia County. Id. DEP must require that Transco investigate the potential using a trenchless crossing method for these wetlands.

SECONDARY AND CUMULATIVE IMPACTS OF THE CONSTITUTION PIPELINE.

DEP must consider the secondary and cumulative impacts of the Constitution Pipeline. This includes the impacts of the Constitution Pipeline itself as well as the combined impact that the Constitution Pipeline and Atlantic Sunrise Pipeline will have on increased gas development in northern Pennsylvania. To date, it does not appear that DEP has considered the interrelatedness of these two large pipeline projects that both originate from Susquehanna County.

The Constitution and Atlantic Sunrise Pipelines are a coordinated effort between Transco and Cabot Oil & Gas Company (“Cabot”) to transport Marcellus and Utica shale gas out of Pennsylvania. See Cabot, 2013 Annual Report, at 7 and 9, available at <http://www.cabotog.com/wp-content/uploads/2013/03/COG-2013-AnnualReport.pdf>. The two pipelines begin in Susquehanna County, with the Constitution Pipeline designed to transport gas to the Northeast and the Atlantic Sunrise Pipeline designed to transport gas to the South and Southeast. Compare Constitution Pipeline FEIS at 2-2 (FERC Docket CP13-499-000) with Atlantic Sunrise FEIS at 2-6. DEP must consider the combined impact of these two large pipeline projects, including the impact of existing and reasonably foreseeable gas drilling that will result upon construction and operation of these pipelines. Failure to consider these impacts would violate DEP’s constitutional obligations under Article I, Section 27 of the Pennsylvania Constitution.

CONCLUSION

DEP should deny Transco’s applications. If DEP does not deny the applications, it must condition any permits by requiring Transco to demonstrate that it will comply with 25 Pa. Code § 102.14 with respect to riparian buffers in high quality and exceptional value

watersheds. In addition, Transco must protect all wetlands located in the riparian buffer consistent with Chapter 105. 25 Pa. Code § 102.14(c)(2).

Before making a decision on Transco's applications, DEP must consider the indirect and cumulative effects of related shale gas development. Shale gas development causes similar impacts as pipeline construction – removal of forested vegetation from the construction of roads, well pads, gathering lines and other associated infrastructure. This will cause increased erosion, sedimentation and thermal warming, thereby threatening the water quality of streams and rivers. It will also impact Pennsylvania's public lands. DEP has an obligation to "conserve and maintain" these public resources pursuant to Article I, Section 27 of the Pennsylvania Constitution. If the Atlantic Sunrise Project and related shale gas development threatens the conservation and maintenance of these public resources, then DEP must deny Transco's applications.

Finally, we respectfully request the opportunity to file additional comments as more information becomes available. Note: the attached documents referenced in this comment are included in part three of the comment response document. (210, 223, 247, 270, 289, 2510, 2514, 2539 - 2543)

Response: PADEP issued a water quality certification for the Atlantic Sunrise project on April 5, 2016 and published notice of issuance in the *Pennsylvania Bulletin* on April 23, 2016. 46 Pa.B. 2074. The Department issued a Section 401 water quality certification for the project in a manner consistent with its regulations, policies, and historic practices as they relate to this and similar projects. The water quality certification is conditioned on Transco acquiring and complying with certain permits required under Pennsylvania law, including a National Pollutant Discharge Elimination System ("NPDES") permit for the discharge of water from the hydrostatic testing of the proposed pipeline pursuant to the Pennsylvania Clean Streams Law and all applicable implementing regulations; an Erosion and Sediment Control General Permit for earth disturbance associated with oil and gas production pursuant to the Pennsylvania Clean Streams Law, Pennsylvania's Storm Water Management Act and all applicable regulations; and a Water Obstruction and Encroachment Permit for the construction and operation of all water obstructions and encroachments associated with the project in regulated waters, including floodways, pursuant to the Pennsylvania Clean Streams Law, the Pennsylvania Dam Safety and Encroachments Act, the Pennsylvania Flood Plain Management Act and all applicable implementing regulations. PADEP determined that the permits required as a condition of the water quality certification will properly regulate the activities to be undertaken as part of the project to ensure Pennsylvania's water quality standards are achieved. The permits will define restrictions and protective measures necessary under state law to protect water quality as the project encounters various streams, floodways, wetlands, and other water resources.

The Department allowed for public comment consistent with its regulations, including 25 Pa. Code § 105.21a (relating to Public Notice). Typically, the Department provides a 30-day public comment period, however for these applications, the Department offered a 60-day comment period in order to afford the public additional time to review and comment on

the Chapter 105 permit applications. Due to the scope and complexity of the project, DEP also provided enhanced public participation opportunities by holding public hearings in the affected regions. The Department noticed an additional public comment period between May 27, 2017 and June 26, 2017 following the submission of additional information by Transco in response to the Department's February 24, 2017 technical deficiency letters. The Department also made the applications available online and the hard copy of the application is available for review by appointment in the respective regional offices where the project will be sited.

The Department undertook a coordinated review of all the Chapter 102 and 105 applications for this project. As loops of an existing pipeline, the Unity and Chapman Loops are separate utilities and can function independent of the Atlantic Sunrise Pipeline Central Penn Line. The Department evaluated cumulative impacts for this project and existing projects in the area, including the paralleling pipelines, other infrastructure crossed by the project and other known projects in the vicinity of the ROW.

The Department determined that the applicant satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the permit applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the permit applications and supporting materials submitted by Transco and its consultants adequately addressed comments and deficiencies cited by the Department and satisfied all applicable legal requirements for issuance. Specifically, the applicant satisfactorily demonstrated compliance with the regulatory requirements including those pertaining to cumulative impacts, secondary impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. In addition, the applicant completed geological investigations to design the project to minimize risks associated with karst terrain and abandoned mine lands, and developed a Karst Investigation and Mitigation Plan as well as an Abandoned Mine and Investigation Mitigation Plan and a Horizontal Directional Drill Contingency Plan.

The Department evaluates the secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identification of other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department also conducted a separate review of the Applicant's identified cumulative impacts analysis and any potential permanent wetland impacts identified in permit applications. The Department determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

Transco demonstrated that it minimized impacts associated with the Atlantic Sunrise Project by co-location with existing linear infrastructure to the extent practicable. For areas crossing surface waters, Transco demonstrated that it minimized the width of the permanent pipeline ROW to the minimum required for operation and maintenance of the pipeline. Use of appropriate BMPs and/or restoration of the project areas to pre-development conditions or meadow in good condition complies with the regulatory performance standard for post construction stormwater function.

As part of the Chapter 105 applications, Transco submitted an Alternatives Analysis that included site-specific analyses of practicable alternatives to avoid or minimize potential environmental impacts, including those to Exceptional Value wetlands and wildlife habitats. The Alternatives Analysis also demonstrated that the Project is designed to remain in existing utility corridors where possible and to minimize impacts to the environment and surrounding communities.

The applicant's evaluation of HDD for water crossings is described in the Trenchless Crossing Analysis, which can be found in Attachment P, Appendix P-2 of its Water Obstruction and Encroachment permit applications. All proposed crossings were reviewed and found to meet applicable regulatory requirements. The Department concluded that proposed open cut impacts to streams and wetlands will be minor and temporary. Where trenchless crossings were not determined practicable, Transco proposed stream crossings "in the dry" using either the dam and pump or flume method. The use of these standard dry-crossing construction techniques and adherence to Transco's ECP will protect and maintain waters of the Commonwealth.

Transco prepared notification plans which contain measures to be implemented in the event of a spill during construction (see Attachment L-5 of the Chapter 105 Application). Transco proposes to minimize the potential impacts associated with HDD crossings through implementation of its Horizontal Directional Drill Contingency Plan included in its ECP (see Attachment M of Transco's Chapter 105 Application).

The Applicant satisfied the municipal notice requirements, and provided copies of the municipal correspondence it received in response to its notifications to municipalities.

With regard to resource identification, DEP required Transco to complete field surveys for the entire Project footprint described in its Chapter 102 and 105 applications, and to provide the results of these surveys to the DEP.

Transco's PCSM/Site Restoration Plans demonstrated compliance with the stormwater management requirements including those related to changes in the volume, rate and water quality of stormwater runoff after construction when compared to preconstruction conditions. Disturbed areas will be restored and maintained, and/or utilize appropriate BMPs that achieve the "meadow in good condition" stormwater function required to protect waters of the Commonwealth in Pennsylvania.

The Department has included special conditions in the permits to ensure Pennsylvania's water resources, including waters within the Chesapeake Bay Watershed, are adequately protected and maintained. Any authorized temporary or permanent impacts to watercourses and wetlands for this project require implementation of mitigation and restoration plans that have been developed, reviewed and approved by the Department.

Transco addressed potential thermal impacts from the project and included adequate measures to minimize such thermal impacts through preservation of tree/canopy cover to the maximum extent practicable and consistent with the riparian buffer requirements in Chapter 102. Transco also reduced workspaces in environmentally sensitive areas such as streams and wetlands. Temporary workspaces within riparian buffer areas will be allowed to revert to existing vegetative cover, and tree replanting will occur within the regulated floodplain. Transco's application includes the "Riparian Buffer Impact Assessment and Restoration Plan" which describes restoration measures, including reseeding, tree replanting and voluntary plantings within riparian buffer corridors (see Appendix H of the Erosion and Sediment Control Narrative). See also Attachment P, Appendix P-1 of the Chapter 105 Application for a detailed discussion of proposed workspace width reductions at environmental features.

Transco satisfied the riparian buffer requirements of Chapter 102, and avoided impacts on riparian buffers to the extent practicable through routing, which demonstrated avoidance of siting the proposed pipeline parallel to streams, and instead proposed crossing streams at 90-degree angles to the extent practicable. Transco also reduced the construction ROW width by up to 25 feet depending on site-specific conditions at stream crossings. Transco is also replanting riparian forest buffers crossed by the Project. Replanting will occur within the regulated floodplain which will also minimize any erosion and sediment runoff as a result of clearing in riparian areas (see Attachment L-5, Appendix L-2 of Transco's Chapter 105 Application).

Transco indicated that it designed the Project workspaces to be the minimum width necessary required for construction including overlap with existing ROWs where possible, and that the construction corridors are consistent with FERC guidelines.

The Department has required the applicant to engage in substantial compensatory mitigation for the temporary and permanent impacts to wetlands. Several conditions in the Chapter 105 water obstruction and encroachment permits specify how Transco must mitigate any permanent impacts to water resources. Refer to Transco's Compensatory Mitigation Plan for more information on the mitigation proposed by the applicant. The Department has reviewed the Plan and determined that it adequately addresses all applicable legal requirements.

Transco received the necessary concurrences and/or clearances from various resource agencies such as the United States Fish and Wildlife Service, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission, and the Pennsylvania Department of Conservation and Natural Resources related to possible species impacts. All of the G Attachments have been redacted to protect locational information of threatened and endangered species and have been posted on the DEP's public website on August 11, 2017.

DEP's review of the permit applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Applicant's revisions to its permit applications, which include measures that go beyond the regulatory requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable and appropriate protections for public health and safety and the environment.

199. COMMENT

Here is the follow-up information to my three-minute presentation at the June 13, hearing. As I said last week, it is very difficult to reduce to 3 minutes, the three years of research and study.

Thanks for the chance to provide a few of my continuing concerns about the Atlantic Sunrise Pipeline.

Among my concerns are the fact that FERC has approved every pipeline request for the past 30 years, the cozy relationship that FERC enjoys with energy companies, and that FERC acted throughout the petition process to support Williams-Transco by announcing Williams-Transco's needs. Instead the applicant should telling citizens' things that the applicant should have included in their application.

I am also concerned that the environmental plank in our Pennsylvania Constitution has been totally ignored by both energy companies and regulatory agencies for more than forty years, and in so doing have inappropriately short-changed citizens with environmental concerns.

Two recent (December, 2013 and June, 2017) decisions by the Pennsylvania Supreme Court, have finally acted in support of Pennsylvania's environment and the appropriate role for our citizens.

While both decisions were just a beginning, at least our judicial branch of government acknowledged the existence of what our constitution says about citizen's role in future government decisions. That is such a refreshing change from our steamroller legislature and executive branches; both whom have simply ignored the words of our constitution.

My concerns are also about the very significant impact that the Atlantic Sunrise Pipeline will have on Columbia County and its 66,497 citizens as well as the very genuine health and safety issue they will face. Energy companies do not have a good record of responding to the needs of our citizens or the control of issues brought to our doorstep by tracking and pipelines.

Thanks again for this opportunity to comment and I look forward to supporting the Department of Environmental Protection in its new efforts to lead Pennsylvania's efforts to attend to the needs of "-all its citizens". Note: the attached documents referenced in this comment are included in part three of the comment response document. (51)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

200. COMMENT

Please, we are begging you please deny the permits for Ch105 & Ch102 for Atlantic Sunrise pipeline.

Reconstruction of wetlands is a myth. Wetlands take years to maintain a very fragile habitat for flora and fauna. One disturbed it does not revert to original but changes to something which often loses native species and invasive species over run the area. Williams cannot transplant rare orchids – they do not transplant well – 95% die. So we lose that.

Williams has a horrible record of remediation of stream erosion. PA has worked very hard to correct stream erosion. PA has worked very hard to correct stream erosion and pollution in the Susquehanna River basin. Williams does not care about this and due to all the waterways being invaded by this pipeline, there will be added silting & erosion with pipeline installation pollution flowing into the Susquehanna and Chesapeake.

I have a real concern with the pipe installation water fluid test – which will be a hazard. First they are taking a massive amount of water from our drinking water sources. Second

the water they use will be polluted with chemicals and are going to sit in ponds, which will containments soil the water table. If there is a drought we could have real problems.

Also, PA Geologist should have been used to do this field work. Having Williams paid Geologist is a conflict of interest. The fox guarding the hen house.

The pipeline has no economic value to PA. Few jobs will be created, see info for other pipelines. The gas is intended for foreign buyers.

So why are we, PA, supporting a corporation where we get nothing from it? Other than an environmental disaster?

Please do the right thing, stand up with PA citizens and deny this. NY did it, we can too. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (2544)

Response: Transco will mitigate unavoidable construction-related impacts on wetlands associated with the Project by implementing the wetland protection and restoration measures contained in its Wetland and Waterbody Construction and Mitigation Procedures (provide in Transco's ECP in Attachment M) and by complying with the conditions of wetland permits issued by the USACE and DEP, as well as compensatory mitigation requirements. Similar mitigation would be required for any unavoidable wetland impacts associated with the other projects considered in the cumulative impact assessment. Although construction of the Atlantic Sunrise Project along with the other actions in the region would result in the conversion or reduction in the amount of forested and wooded wetlands in the vicinity, the creation of new wetlands and restoration or enhancement of existing wetlands as will be required by the USACE and DEP will appropriately mitigate for these impacts and minimize any cumulative wetland effects (see Transco's Permittee Responsible Mitigation Plan in Attachment Q of Transco's Application).

All proposed crossings were reviewed and found to meet applicable regulatory requirements. All open cut impacts to streams and wetlands are considered to be minor and temporary, or completely avoided utilizing HDD or conventional bore crossing methods (i.e. trenchless construction techniques). The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

Transco is required to obtain an NPDES permit for discharges related to hydrostatic testing of the pipeline.

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

201. COMMENTS

I am writing to ask the PA DEP to deny permits for the Atlantic Sunrise Pipeline project based upon Chapter 102 (Erosion and Sediment) and 105 (Wetland damage).

- Impact on the Chesapeake Bay clean-up: increased sediment from storm water runoff, erosion, flooding and soil compaction.
- Forest fragmentation, destruction of riparian vegetation buffers.
- Aquifer contamination, water supply degradation.
- Air quality degradation.
- Destruction of wildlife habitat; impact on threatened/endangered species and native plants.

The project will cause long-term (possibly permanent) damage to (327) streams and fragile water bodies in Pennsylvania. It will cross multiple public drinking water supply sources, watersheds and wetlands, high quality streams, exceptional value streams, and trout streams. The (195) miles of pipeline right-of-way, and additional miles of access roads, will cut across forests. The permanent conversion of forests to open land will fragment important habitat, will result in increased runoff, and will compromise the area's resilience to flooding.

Pennsylvania is implementing a clean-up plan for the Chesapeake watershed to reduce pollution runoff. However, Pennsylvania is significantly behind target for sediment and phosphorus & nitrogen reductions. Clear-cutting hundreds of thousands of trees, destroying riparian vegetation, trench construction, and stream bed disturbances will contribute to a higher volume of pollutants that flow into the Bay from Pennsylvania.

The project will include compressor stations and thus far, there has been no analysis or disclosure of the hazardous air pollutants from compressor stations. Such pollutants would include benzene, formaldehyde and toluene. The compressor stations will be located in or near areas which currently do not meet national ambient air quality standards for ozone and fine particulates. Lancaster County's air quality ranks among the worst in the nation.

Landowners along the pipeline route will not only be impacted by lower property values, granting Eminent Domain to Transco-Williams will limit the Landowners' rights to protect and preserve their land, including the elimination of conservation easements. Landowners will also assume the horrific risks of a pipeline explosion; Transco-Williams has a documented history of safety violations and accidents.

There are many critical environment-related issues which are not addressed in the DEIS; including the final pipeline route, mitigation plans, methods for crossing streams, DEP permits & special conditions, air quality measurements, and pipeline maintenance plans & schedules. Why were geologists from Pennsylvania not used for the field research and studies? Why would DEP trust the geological reports issued by the pipeline company?

The Atlantic Sunrise pipeline is not a necessary infrastructure project. It would only serve as a convenient and lucrative short-cut to existing pipelines that provide ample capacity for the gas industry's needs. Note: the attached documents referenced in this comment are included in part three of the comment response document. (2545)

Response: The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

Comments related to the air quality impacts of the Transco proposed pipeline project are not addressed in this Comment/Response document. Air quality comments related to the Transco proposed pipeline project will be addressed in the Comment/Response related to Air Quality Plan Approval 36-001GC to allow transfer and use of 106.0 tons of nitrogen oxide (NOx) Emission Reduction Credits (ERCs) to the project construction activities in Lancaster County to offset emissions from construction activities and satisfy requirements specified by the Federal Energy Regulatory Commission's General Conformity Determination for the project. The notice of intent to approve that air quality plan approval was published in the *Pennsylvania Bulletin* on July 22, 2017. 47 Pa.B. 3995.

202. COMMENT

The Atlantic Sunrise Pipeline is an Environmental disaster and disgrace from source to end.

Fracking has a proven track record of being carbon intense, water polluting, toxic byproduct producing process. The flaming tap water in western PA, the increased earthquakes in Oklahoma, the increases public outcry about the dangers both known and yet to be documented are ample proof of the flawed process. So far the tracking companies have cleverly side stepped responsibility for the damage.

The routing of this unnecessary, redundant (there is already a right of way for the existing pipeline, put any required new lines there (why the resistance to this, too risky- leaks from this "safe" technology??). This project destroys our nature preserves, woodlands and property values. Any leak (and there are many documented leaks & explosions -W. Virginia comes to mind- would blast a crater hundreds of yards wide- would you want a ticking bomb adjacent to your home?

The intended use of the pipeline does nothing to lower petrol costs in this state or the nation, the gas flowing through the pipeline is for export. This is also a short sighted policy -the gas is a non-renewable resource and when we run out we will be at the mercy of our former customers and foes (China and Russia have vast unexploited land mass) to buy from them at their price.

This theft of property by for profit companies is an abuse of eminent domain which was intended for the public good, not corporate profit. The outrageous propaganda claim of 8000 jobs is dead wrong -the EPA said 150+/- construction and less than 30 post construction jobs.

All told there are many sound environmental reason and intelligent to this destructive pipeline. It's existence is not in the best interests of the US or PA. The only benefit for placing Lancaster County residents at mortal risk and destroying their property values is the environmentally short sighted greed of the tracking, petroleum and pipeline companies. This should be sufficient reason to stop this project, if the Dept. of Environmental Protection is in the least concerned with their name and charter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (2547)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

203. COMMENT

Please address the absence of pipeline safety regulations in rural zone 6 areas. I understand there are no directives on the building of these pipelines in rural areas, not for material quality, welding quality, depth and installation, no emergency preparation for leaks or explosions, distances for turn off valves etc. We hear of cases where it is only due to chance that a local resident happens to discover a slow leak in an oil pipeline. How will we know when that happens with gas?

We need regular testing for methane leaks, not only in this pipeline but all gas facilities. The technology is readily available and needs to be mandatory.

We now know that methane is close to 100 times more heat trapping in Earth's atmosphere than CO2 over a 20 year period.

We don't have 20 years left to slow down global warming.

We are responsible for this. We have no right not to be the leader to stop it.

You all said "fracking" had to be done "right". That needs to be taken to mean the whole enchilada, the whole process from extraction to use and all the waste along the way.

Until we transition away from fossil fuels we absolutely must, as you say, do it "right" (2548)

Response: The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PMSA

DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

204. COMMENT

Hello, my name is Tim Keener and I'm writing in regard to the Atlantic Sunrise pipeline as it pertains to me, my family and our home.

I realize I'm fighting a giant and have very little hope that those of us without the money and influence, can do much to change the inevitable. That being said, after sitting relatively quiet, I just have to get this off my chest.

Several years ago, after searching and saving for several years prior to that, my wife and I found and purchased a building lot on Zink road in the area of Brenneman road. This is in Rapho township, Lancaster county and as we'd later find out, right in the path of the proposed ASP. The lot was positioned on a hill with a beautiful view. It had a couple neighboring houses to the north and nothing but farms and farm land everywhere else. We thought we had found the perfect place to start a family with room for our kids to run and play like we both had growing up. Little did we know the frustration, stress and disappointment that await us.

After saving some more money and working on a home design, we were ready to break ground. A short time after we started building we received a call from the family that we had bought the land from. They received a packet in the mail informing them of the proposed ASP. Since they no longer owned it, they thought we needed to see this. Talk about taking the wind out of your sails! Our dream location now was looking like it could have a massive pipeline cutting across the back corner and right alongside our home that was already being built. All of Williams maps, of the proposed route had only showed an empty field where our home was actively being built so I thought, "they can't build there, we have a home being built right next to it!" Guess I was wrong. Since only the construction easement would actually be on our property and they had just enough clearance from our home, they weren't too concerned about building right next to our home.

We met and were in contact with one of their agents, Tom. He seemed friendly and helpful but I was always a bit skeptical because he was still working for Williams even though he said he was trying to help us. One day he contacted me and asked if he could stop by sometime. Upon arriving he said he had some bad news. He informed us that not only was there a proposed pipeline coming but, of all the rural locations and open fields, there would be a large valve station set up either directly beside our house or possibly just across the road from us. He couldn't tell me anymore details about what that meant or looked like. It was only later when I called directly to Williams office, that I found out that this "valve" would be a 90x90 chain link fenced in area with no trees or anything planted to beautify it. Just a big eyesore! I was furious and for weeks I'd get sick to my stomach every time I'd drive up the hill to our house and visualize this large, fenced in eyesore next to our home. I could never get a clear reason from them for why the valve had to be right near our small cluster of houses when there was so much other space around us. I believe at least one of the farmers who is already being affected even offered to have it on his farm where it is less obnoxious! No budging from Williams. They say this pipeline will not affect property value. Yeah, right! Should the time come that we sell our home, who's gonna give asking price for a house that has a large fenced in pipeline protruding from the ground, not to mention it could level the house should it rupture.

Eventually they shifted the bend in the pipeline just enough to get the construction easement moved off of our property all together but it would still run directly behind and along-side of our property. Basically, since it no longer directly affects our property, they don't need to pay us for anything and don't even need to communicate with us anymore. And that's what happened, Tom said he'd be leaving as our agent since the pipeline doesn't

technically affect us anymore and it wouldn't be necessary for them to communicate with us anymore either. Since then, no one from Williams has bothered to contact me at all.

I ask you to seriously consider all aspects of this proposal and those who will be most closely affected. I'm not the most well versed in all the numbers and politics that surrounds this project but I know that if this goes in I'll be staring at an 8000-square foot fenced in valve every time I want to sit on my porch, or play outside with my two young boys or sit around a camp fire in our backyard. Would you like that as your neighbor after you worked and saved to build your family a nice life?

Thank you for your time and consideration. The Keener family.

Attached is a map of the route as it pertains to our home and a picture of the view that is going to be permanently spoiled by this project. Note: the attached documents referenced in this comment are included in part three of the comment response document. (2549)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

205. COMMENT

I provided you the written comments on Chapters 102 and 105 submitted by the "Teamsters National Pipeline Training Fund" on the Atlantic Sunrise Pipeline Project at the hearing held at Bloomsburg High School.

In reviewing my copy it seems Exhibits F and G were not attached to the comments.

I have enclosed them and request you attach them to our written comments. Your assistance in this request is greatly appreciated. Note: the attached documents referenced in this comment are included in part three of the comment response document. (288)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

206. COMMENT

Seneca Resources Corporation ("Seneca") submits these comments on the above-referenced applications in response to comments submitted to the Department on or about June 26, 2017 by the Allegheny Defense Project, Citizens for Water, Clean Air Council, Concerned Citizens of Lebanon County, Damascus Citizens for Sustainability,

Lancaster Against Pipelines, Lebanon Pipeline Awareness, Nature Abounds, NYH20, Sierra Club, and Waterkeepers Chesapeake (collectively referred to herein as the "Commenters") regarding Seneca's operations in its Eastern Development Area on acreage leased to Seneca by the PA Department of Conservation & Natural Resources ("DCNR").

Seneca is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania and is the exploration and production subsidiary of National Fuel Gas Company. Seneca explores for, develops and produces natural gas and oil reserves in California, New York and Pennsylvania, including the Marcellus and Utica Shales and is a customer of Transcontinental Gas Pipe Line Company, LLC ("Transco"). Seneca owns/leases approximately 780,000 net acres of oil and natural gas interests in the Commonwealth of Pennsylvania and will be a Shipper on the Atlantic Sunrise Project. By managing the project as described in its FERC application, Transco will minimize environmental impacts by maximizing use of existing facilities and right of way corridors, avoiding duplication of facilities, limiting impacts on landowners, and limiting the earth disturbance necessary to accomplish this increased pipeline capacity in Appalachia.

In response to the lengthy comments of the Commenters, Seneca refers the Department to its comments previously submitted on or about July 18, 2016, in response to the nearly identical comments submitted on or about May 31, 2016 regarding the above-referenced applications by Allegheny Defense Project, Appalachian Mountain Advocates, Clean Air Council, Lower Susquehanna Riverkeeper, and Sierra Club. The substantial similarity between these 2 sets of comments is a fair indication that no new and relevant information or documentation has been raised by the Commenters in the last year, during which time the Federal Energy Regulatory Commission ("FERC") approved Transco's application for its Atlantic Sunrise Project.

One new argument raised by the Commenters is that somehow Pennsylvania has veto power over decisions made by the US government via the FERC. They mistakenly infer in their opening paragraph that the Wolf Administration, as expressed in its PA Pipeline Infrastructure Task Force Final Report, has the authority to "plan site and route pipelines to avoid/reduce environmental community impacts." While that may be true for certain local intrastate pipelines, that is certainly not the case with an interstate pipeline project such as Atlantic Sunrise. FERC determines the need for, and the location of, interstate pipelines. See 15 U.S.C. § 717f(c); *Schneidewind*, 485 U.S. at 300-02,305, 308; *Oneok, Inc. v. Lemjet, Inc.*, 135 S. Ct. 1591, 1600 (2015); *Nat't Fuel Gas Supply COIp. v. Pub. Serv. Comm'n*, 894 P.2d 571, 579 (2d Cir. 1990). It is also the FERC's role, as established via the National Environmental Policy Act and the Natural Gas Act, to evaluate the environmental impacts of a proposed pipeline project. 15 U.S.C. § 717n(b)(1). Although the Commenters wish it were not so, neither state laws and regulations nor Article I, Section 27 of the Pennsylvania Constitution, override federal law where Congress has established preemptive federal control as with interstate gas pipelines. If this were not the case, the door would be opened for states to exercise unilateral veto-power over matters of interstate commerce that could negatively impact other states and are exclusively governed by the federal government.

The Commenters repeatedly reference and discuss Article I, Section 27 of the Pennsylvania Constitution and the PA Supreme Court's analyses of the same in

Robinson Township, Delaware Riverkeeper Network, et al. v. Commonwealth, 83 A.3d 901 (Pa. 2013) (plurality) and *Pa. Envtl. Defense Found. v. Commonwealth*, Slip Opinion J-35-2016 (Pa., June 20, 2017). The Commenters assert on page 5 of their comments that, based on these decisions, it is now "crystal clear" that the Department must deny Transco's applications if it finds that the project will degrade, diminish or deplete public natural resources. Unfortunately for the Commenters, nothing was made crystal clear by either of these decisions. The Commenters presumably would like to interpret these cases as precluding any future oil and gas development of any kind on or related to public lands. However, as aptly noted by Judge Baer in his *Concurring & Dissenting Opinion* in the *Pa. Environmental Defense Foundation* case, "Section 27's language did not intend to freeze the current status of the natural resources nor to prevent the Commonwealth's ability to utilize the resources." *Id.* at 14 (*Concurring & Dissenting Opinion*). Hence, even if the Department could usurp the authority of the FERC regarding analysis of the environmental impacts of the Atlantic Sunrise project, the Commenters would still be faced with the significant legal hurdle of proving to the Department that the water crossings applied for will degrade, diminish or deplete those waterways. This would require substantially more than the mere conjecture, assumptions and bald predictions stated in the Commenters' comments.

Seneca thanks the Department for its diligent efforts regarding this important matter and respectfully requests that the Department enter these comments into the record for the above-referenced permit applications and that the Department approve, without modification or delay, the permit applications. (1296)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

Public Process – hearings, comment period

1. COMMENT

My name is Tom Barnard. I'm from Hardy, Pennsylvania. I'm a registered professional engineer with over 25 years of experience in water resources and water quality. Most of my work is focused on identifying environmental impacts to surface waters and developing measures to mitigate these impacts.

I'm neither in favor nor opposed to the Atlantic Sunrise Project. My interests are ensuring that the pipeline is constructed and resulting in environmental impacts that are minimized to the maximum extent possible.

Over the last five years, as a professional and local resident, I have been witness to the construction of four pipeline projects in Luzerne County. I have visited more than a dozen active construction sites and talked with many local residents in Williams. Published research as well as personal observation has shown that the greatest impact of surface water occurs during construction of stream crossings.

I have never visited a pipeline construction site without noticing a violation of a regulation or permit condition. Examples include tracking of sediments from designated work areas, failed encroaching control structures, slopes of sediment-laden water from work areas, sweeping of substance from the surface waters and failed slopes.

I have filed numerous complaints with DEP and have yet to see evidence of a single sanction of a contractor, the shutdown of a project or resolution of any situation in a timely manner. The most I ever got from DEP was a note saying that they talked to the contractor and he promised to stop doing what he was not supposed to do.

I've reached the conclusion that DEP is either unwilling or unable to enforce its own regulations. I served on Governor Wolf's pipeline infrastructure task force as a member of the conservation and natural resources work group. And I offered two recommendations. I'm going to skip those for the time, but they were recommendation numbers seven and eight. They had to do with monitoring and inspections, and the authority to shut down sites that are in violation.

Note, I believe that implementation of these two recommendations is necessary to ensure the minimization of adverse impacts of the surface water of Pennsylvania.

If DEP is unwilling to follow the advice of the task force, the Department should provide assurances that it can protect the environment. Organizations such as Trout Unlimited and other nongovernmental agencies and private citizens have taken over the responsibility of monitoring the construction projects.

I'm asking DEP to publish up-to-date schedules to allow citizens to visit, to monitor the sites as they see fit. And also that they keep the public informed of any planned deviations from submitted and approved work plans published in a publicly-available format, including stream cross exemption, sediment control measures, pipeline alignment and construction and temporary work layouts. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document.
(18)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project. Compliance with approved plans associated with Erosion and Sedimentation, Site Restoration and/or Stormwater Management and waterbody crossings are confirmed by Department and Conservation District Inspectors. In accordance with the FERC Order, Transco will employ a team of two or more Environmental Inspectors (EI) per construction spread. The EIs will be responsible for monitoring and ensuring compliance

with all mitigation measures required by the Order and other permits, certificates, or authorizing documents for the Project.

2. COMMENT

Thank you and good evening. My name is Patrick Greuter. I am a senior campaign representative with the Sierra Club.

The Sierra Club has 3.2 million members in the United States and 130,000 members and supporters here in Pennsylvania, many of whom live around the proposed route of the Atlantic Sunrise pipeline.

Now, we're going to submit technical comments later on the 26th. But I'd like to add some concerns about the process of this that Ms. Clatterbuck spoke earlier about, of the voices most deserving amplification through this process being minimized.

Now, while I am thankful that this meeting is happening at night, I would question the judgment of having four pipeline hearings in three days. I would question the judgment of having two and a half weeks given for people to try to prepare highly technical comments. And if the DEP's really invested in having a meaningful conversation about this project, there should've been exponentially more time made - made available. It should be more than three minutes made available for each person to speak.

Now this pipeline crosses much of the state. More than 45,000 residents and 19,000 homes are in the evacuation zone. All supply international exports and gas plants in North Carolina and Florida. DEP has identified many technical deficiencies through the process and at least nine deficiency letters. I would question the wisdom of DEP investments in limited resources in helping a company write a permit to pollute when there's overwhelming public opposition to this project. Why are the limited DEP resources helping a company that can't seem to write an effective permit application do so.

Now DEP staff needs to do a thorough technical review of Transco responses to those deficiency letters to each of their permit applications. This pipeline would cross numerous wetlands. Some of those ones have been not identified or misidentified by Transco as DEP has found. Now when I project will effect exceptional value wetlands as some of the wetlands proposed here would, DEP may not issue a water obstruction and encroachment permit that less the accumulative effect of this project and other projects will not result in the impairment of the Commonwealth's exceptional value wetland resources.

To date, to my knowledge, Transco has not affirmatively demonstrated that DEP resources would not be impaired by the cumulative impact of this project. Now I have a report here prepared by Key-Log Economics on the proposed Atlantic Sunrise pipeline that shows enormous ecological damage.

Key-Log acknowledged details the true cost of this pipeline costs which includes impact on property values. The diminished value of ecosystems services, economic damages associated with increases in greenhouse gasses and home health costs due to the release of

toxins and smog forming pollutants. The report estimates the pipeline is told costs to the environment is somewhere between \$21 and \$90 billion in the course of this project.

The math does not add up. You must reject this pipeline. Thank you. (270)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

3. COMMENT

I attended the public hearing at the Bloomsburg High School Auditorium on Tues., June 13th and was dismayed that the representatives for the DEP were there just to listen. I think it's safe to say that the crowd who attended were interested in asking questions regarding the Atlantic Sunrise Pipeline. I know I was.

A lot of the audience speakers proclaimed that Williams / Transco were extremely safety conscious with how they run their business. Yet Mr. Walker, a member of the audience, has been compiling 3 years' worth of research showing Williams' past transgressions that he submitted to the stenographer. I hope that you will review Mr. Walker's information before allowing Williams I Transco to obtain the State Water Quality Certificate, and Chapter 105 & Chapter 102 Permits necessary to start this project.

I have some concerns of my own regarding this pipeline. This pipeline is proposed to run through various townships in Columbia County, and Northumberland County. Has the board considered that this pipeline would affect the quality of water received by the students and staff of the Southern Columbia School District since it's situated in Franklin Township and the students and staff of Millville School District? Also we have a main tourist attraction called Knoebel's Amusement Park situated in Cleveland Township that

would be affected by the disruption of soil and waterways as their Crystal Pool derives its water from the underground springs. Our area wells will be affected as well and the produce we get from our local farm markets.

The town of Dimmock in Susquehanna County had their wells contaminated as a result of the fracking industry. They have been in the news in the past few years and residents have shown samples of their water in glass bottles that were murky, not clear or translucent. The oil and gas industry settled with these residents to contain the situation.

What is most annoying is that our citizens will not benefit from the energy coming through these pipelines as it has been slated to be exported to foreign markets. I understand that this will boost our local economies and we have a dire job situation in this area. I have family in Oklahoma where the tracking industry has had a great success. It is alarming to hear from them about earthquakes occurring there. Since the industry has been there Oklahoma has had the most man-made earthquakes of any of our fifty states.

I understand what a difficult decision this is to make. I hope you will err on the side of caution and not put our citizen dry in harm's way. Thanking you for your consideration in this matter. Note: the attached documents referenced in this comment are included in part three of the comment response document. (2546)

Response: The Department acknowledges the commentator's comment regarding this proposed pipeline project.

Applications – process, CI, Art 1

1. COMMENT

Last week at the public comment meeting in Lancaster for the 102 and 105 permits one of the speakers mentioned that any geological data provided by Williams for the development of the environmental impact statement for this project should be sealed by a geologist licensed in the state of Pennsylvania. To the Pa. DEP's knowledge has this in fact been done? (118)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

As per Transco's Environmental Construction Plan (ECP) seismic geology was considered during the design of the proposed pipeline. Please see Attachment 7, Karst Investigation and Mitigation Plan, 2.121 Task 2 – Geophysical Survey. The analysis shows that the proposed pipeline has been adequately designed to satisfy the ASME B31.8[8] for allowable stress limits for all cases of temporary lack of supports undergoing seismic activity during operation conditions. The plans were sealed by a Professional Engineer.

2. COMMENT

My name is Douglas Lorenzen. I am a resident of West Cornwall Township, Lebanon County.

The Transcontinental Gas Pipe Line Company's proposed Atlantic Sunrise pipeline project would impact 2,200 acres of land during construction and cross hundreds of wetlands and water bodies. I believe that the project would cause irreparable harm to the state's waterways and environment during construction and beyond. It would threaten drinking water sources, groundwater, wetlands, springs, water quality and septic systems. The earth moving, tree clearing, blasting, water crossings and water withdrawals for hydrostatic testing associated with the project will adversely impact aquatic resources.

Some of the resources affected by the project are high quality and sensitive resources, including Exceptional Value water bodies and trout streams. I am especially concerned about the loss of wetlands and their functions and values. In its review of the permit applications, DEP found that some of the wetlands that the project will affect have not even been identified by Transco, according to deficiency letters sent to the applicant.

When a project will affect Exceptional Value wetlands, as this project will, according to the regulations, DEP may not issue a water obstruction and encroachment permit unless "(t)he cumulative effect of this project and other projects will not result in the impairment of the Commonwealth's exceptional value wetland resources." To date, Transco has not affirmatively demonstrated that Exceptional Value resources would not be impaired by the cumulative impact of the project and all other existing or potential projects.

The applicant has not adequately addressed the cumulative impacts of this and other pipeline projects on the environment in its permit applications for waterways and wetlands crossings.

For these reasons, I urge the Department to DENY the permits requested for the Atlantic Sunrise. Note: the attached documents referenced in this comment are included in part three of the comment response document. (289)

Response: The Department has reviewed the Water Obstruction and Encroachment permit applications, and responses and revisions submitted in response to technical deficiencies in accordance with the Chapter 105 regulations, and based on that review, the Department has determined that the applicant has satisfactorily demonstrated compliance with the regulatory requirements in Chapter 105, including those pertaining to resource identification, cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other

existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

3. COMMENT

My name is Jane Popko, I am a long time resident of South Londonderry Township, Lebanon County, and I originally come from Pittsburgh, Pennsylvania.

As an agency of the State of Pennsylvania, the DEP is obligated to uphold the PA Constitution, Article 1, Section 27. Since the federal government is advocating its role by weakening the regulations created by the EPA, the responsibility to protect the environment of Pennsylvania rests solely on state agencies. FERC's rush to approve this pipeline without completing its investigation makes the decision of DEP even more important.

The overwhelming evidence supporting the detrimental effects of fracking on the health, safety and environment of the citizens of Pennsylvania provide the impetus to declare a moratorium on fracking in Pennsylvania. This moratorium would negate the need to grant approval of the 102 and 105 permits. The development of this pipeline infrastructure assumes a growth-inducing action in shale development.

There is currently an existing pipeline to transport natural gas from the fracking area without adding this unneeded shortcut. There is no need to contribute to any additional degradation of the state's waterways, wetlands and environment, in addition to decreased property values and safety concerns.

The economic benefits to Pennsylvania are negligible. The pipeline is made in Turkey. The jobs will be given to out of staters. I've noticed this with the license plates current – of the vehicles currently working on the Mariner East Pipeline. Atlanta, Utah, Colorado, to name a few. These workers will be long gone when the taxpayers of Pennsylvania need to pay for the restoration of the damaged environment and deal with the infrastructure problems, leading to safety issues and explosions.

It is time for Pennsylvania to invest in renewable energy and be a leader in protecting this fragile ecosystem. New York State has banned fracking and did not issue permits for the FERC- approved Constitution pipeline. Let's follow their lead by not approving the 102 and 105 permits. It's time to put the citizens of PA first. The DEP has a Constitutional, moral and ethical reason to deny these permits. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (220)

Response: DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment. DEP's review of the applications and issuance of the permits for the Atlantic Sunrise pipeline is consistent with applicable statutory and regulatory requirements. These requirements, the Department's thorough review process, as well as the project specific terms and conditions of the permits, satisfy Article I Section 27 of the Pennsylvania Constitution. The permits provide reasonable protections for public health and safety and the environment.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

4. COMMENT

Greetings, attached please find our comment. Please respond that you have received and are able to open the document.

The Mehoopany Creek Watershed is a 134.5 square mile area that includes Bradford, Luzerne, Sullivan and Wyoming Counties. The Mehoopany Creek Watershed Association is actively engaged in activities to improve water quality, wildlife and aquatic life habitats, increase recreational opportunities, maintain areas free of litter, monitor water quality and stream restoration projects. The MCWA was formed in 1999. We publish an annual newsletter and have our annual fundraiser on Trout Day. All of our fundraising efforts benefit our projects to improve water quality. We regularly partner with DEP (Growing Greener Grants), EPCAMR, PGC, White Tails Unlimited and North Branch Trout Derby Association in projects that improve water quality, animal habitat and recreational opportunities within our watershed.

The area of Mehoopany Creek Watershed hosts 100+/- wells on 37 well pads along with impoundment, water withdrawal (Susquehanna River near our confluence), compressor station, unregulated for safety purposes Class 1 Area gathering lines and other above ground gathering line infrastructure locations. In many cases, these facilities are near our homes and school. It is unknown whether or to what extent the Atlantic Sunrise Project will

result in further gathering system or well pad build-out within our watershed. MCWA membership includes both leased and non-leased landowners; nevertheless they are landowners who are concerned about the environment and the impacts of pipeline projects and well development.

This is a very large pipeline project covering ten counties within Pennsylvania. This isn't the first pipeline that Williams has constructed within Pennsylvania within even the last five years. Williams or their contractors it would seem by now, especially since they've been visible within our county for more than five years would be able to submit DEP applications lacking so many deficiencies. That's our first concern. We appreciate DEP staff's careful review, but that no way lessens the fact that Williams needs to do a better job with their application preparation.

This pipeline project, at least the Wyoming County portion is being reviewed and possibly enforcement will also be the venue of the NERO. Thus, we want to bring a few items to your attention.

CO-LOCATION – Williams has operated the Springville Gathering Line in Wyoming County since 2012. Now the majority of the public can't really grasp the vast reserves of natural gas that are being exploited here however, the drillers and pipeline operators, primarily operators from Texas and Oklahoma do know this. They have the facts and are able to plan and design their development and transportation facilities in accordance with this information. So, why are they continuing to build numerous pipelines where they could have one? And one in a much narrower ROW rather than widening and creating more fragmentation? A prime example is the Springville Gathering Line. This pipeline is a 24" diameter that crosses well over 100, possibly even 200 river, stream and wetland crossings since there were violations where crossings were overlooked originally. Even with the higher scrutiny of the DEP/ACE joint permit, the entire route wasn't walked by either regulator during the permitting process; numerous crossings were missed, who knows how many threatened and endangered species? Anyway, it was very likely that the drillers and probably Williams knew then they were going to need to route another pipeline project through Wyoming County. Now, they are co-locating this pipeline in part with the Springville Gathering Line through Wyoming County. But, let's be clear, this is not exactly co- location that many citizens advocated for during the Pipeline Infrastructure Task Force process. This is enlarging, widening the ROW. Better regulations are needed. Williams could have and should have run a larger diameter pipeline through this area years ago in preparation for this large project. Instead now, they are co-locating and widening the ROW and adding another metering station in a location where people have complained about odors at the existing metering location. This is senseless. We need to have mechanisms in place to avoid this intermittent construction program.

Additionally, the Department needs to be cognizant of what occurs in forested areas when trees are removed for wide ROW. Within 100' of the clearing, the forest is weakened and trees continue to fall within and outside of the ROW. Landowners

are dismayed to see the continuation of tree loss after the pipeline construction. Some landowners are unhappy that the operator doesn't keep their ROW free from fallen trees.

HIGHER LEVEL OF ENVIRONMENTAL SCRUTINY – there's a more thorough review happening with this pipeline than what occurred with the Springville Gathering Line. There was no public comment or lengthy review of that gathering pipeline or any of the thousands of miles of gathering pipelines within Pennsylvania. This is unacceptable. Gathering lines previously installed and in the future are contributing to environmental impacts and fragmentation with ROW of similar width and combined miles far exceeding this project as located within Susquehanna and Wyoming counties gas fields. This two tiered standard has been unacceptable for more than ten years now and remains so. While approval for the Springville Gathering Line did take longer than Williams expected, in that case also, Williams was deficient in their application. However, at public meetings, they stated that DEP was delaying their permit!

VIOLATIONS – Williams incurred many violations once the insufficiently staffed DEP actually had time to review their work. Even while the construction was happening, Williams was incurring violations along this line. Violations due to grubbing the entire line (approximately 30 miles) during the rainy season resulted in extensive and unnecessary erosion and sedimentation issues. Additionally, their insufficient E&S measures resulted in events such as water run-off flowing into homes or on adjacent properties. This must not reoccur with the Atlantic Sunrise Project construction. Williams paid \$169,648 for violations that were incurred during the period in which the Springville Gathering Line was constructed. It is well known that penalties are an instrument of negotiations and so the actual extent of their environmental impact is publicly unknown.

<https://stateimpact.npr.org/pennsylvania/2014/02/27/dep-fined-oil-and-gas-companies-2-5-million-last-year/>

ENDANGERED SPECIES – Williams often touts and likes to emphasize at FERC meetings their concern for endangered species. However, the actual practice is that their employees talk with disgust, complaining about endangered species that are a nuisance to them. So much in fact, they have the rural population here thinking that endangered species are nothing more than a nuisance rather than how healthy our area is because endangered species are indeed found here. So, with the operator's boots on the ground having such an attitude about endangered species we are very concerned about the likelihood that for example very small, tiny, threatened and endangered bats are even picked up in their surveys. The public can't possibly expect the underfunded, understaffed DEP to have adequate staffing to verify these surveys are correct or the DCNR, PGC, PFBC for that matter, also having staffing and funding problems.

RE-VEGETATION OF PIPELINE RIGHTS OF WAY – We want to caution the Department to really take a close look at seed mixes Williams is planning on using in the ROW. Previously, as reported <http://www.endlessmtnlifestyles.com/?p=6318>

“Cooperative Extension Provides Update on ‘Mean Weeds’

The commissioners attended a seminar at Keystone College on Nov. 1 at which Paul Brown spoke about “mean weeds,” such as foxtail, that can be toxic and otherwise harmful to farm animals a pets. Some of these perennials were introduced to new areas in the region during the course of natural gas construction.

“They didn’t know that they were harmful,” Henry said of the contractors’ planting of the weeds.

Varieties of rye grass that are often used to produce quick ground cover to mitigate erosion contained seeds from noxious plants including foxtail. Brown’s Labrador retriever ingested some of the barbed seed heads from the plants and almost died after they became lodged in the animal’s system. In other cases, the seed heads are known to get into an animals ears, eyes, nose and mouth, where they become especially irritable.

The purpose of the seminar was to make people aware of “mean weeds” so that such plants can be identified and eradicated. The most positive information gleaned from the seminar, Mead suggested, was that such plants grow weaker and reproduce less over time.”

The Department needs to pay special attention to this matter as we do not need more invasive species that generally will not be effectively eradicated. Also, another issue that the Department must be made aware of is effective communication with organic farmers. There have been past instances where seeds or seeding was unsuitable for their farm operations and resulted in fields needing to be reseeded.

WATER OBSTRUCTION AND EROSION & SEDIMENTATION - There has been numerous issues with the Springville Gathering Line relating to water obstruction and erosion and sedimentation. We urge the NERO to please, please consult with the NCRO Oil and Gas Program as they were handling the permitting and enforcement of this gathering line. The issues extended for years and possibly still modifications are being made to correct issues. We fully expect a repeat of these problems unless the NERO is fully aware of the past problem locations.

“The Wyoming County portion of the Project consists of 26.4 miles of new 30-inch pipeline to be constructed in a 90-foot construction right-of-way. Additionally as part of the project there will be one contractor yard totaling 14.5 acres, 10 staging areas totaling 7.5 acres, one new Compressor Station (Compressor Station in Clinton Township), one new Meter Station (Springville Meter Station in

Northmoreland Township), two new mainline valves, a new communication tower at Compressor Station 605, three permanent access roads, and 19 temporary access roads. Total earth disturbance for the Project in Wyoming County is 440.79 acres.”

Item Q – Risk Assessment:

According to Williams’ application “*Pre-construction and post-construction runoff values (rate and volume) will not differ once construction is complete.*” We find this extremely difficult to believe. According to “*The Hidden Life of Trees*” author Peter Wohlleben a mature tree can consume 130 gallons of water daily. It is a well-known fact that grasses which are the typical revegetation cover do not consume an equivalent amount of water. The Susquehanna County Conservation District staff has testified at past Pennsylvania Assembly hearings regarding the increased amount of water run-off directly due to pipeline and well pad development. This is a critical issue with consideration to storm events. While BMPs are the norm for mitigation efforts, it would be better to require Williams to be planting native shrubs and trees narrowing the ROW throughout Wyoming County and the entire route. Once construction is completed, Williams will not need the 90’ width. Unless, *unless* they are planning to expand this ROW again. If that is the case, then they need to either install a larger diameter pipeline now and not re-open the ROW for future expansion and revegetate the ROW with trees and shrubs narrowing to 35’. This has been done on DCNR property, Williams can do it too. This benefits the environment, wild life and the operator. They can do their work once and get it done.

Additionally, Williams states “*No adverse impacts to human health are anticipated.*” That is an unqualified statement for Williams to be making. They are not a public health organization, but rather an operator whose construction practices or operations may impact public health through the deterioration of air and/or water quality. There are numerous published studies and PA DOH school age asthma rates that fully indicate that there are changes within the gas fields since exploration and exploitation began that are worthy of study. Yet, our Assembly in their efforts to increase exploitation has left health studies as unfunded and un-mandated. We do not trust the gas industry, driller or pipeline operator advisements that there are no adverse impacts to human health. They are totally unqualified to make such statements or provide such assurances.

Attachment C-1

Lynelle Bennett, Wyoming County Planner requested information from Williams:

“ESCGP-2 NOI. Section E.4 provides a summary description of Site Restoration BMP’s identified in the PCSM. However, the volumes of stormwater treated and acres treated columns for the majority of the BMP’s refers to Section 1.2.10. I am assuming that this reference is to a section in the PCSM. Also, Section F.4 is a similar situation for the Post Construction BMP’s and their volume and acres treated.

We appreciate Ms. Bennett’s thorough review. We are quite dismayed that Williams didn’t provide the information to her office timely. Ms. Bennett noted on the reply notification that Williams failed to provide the requested information. How can county government

sufficiently do their part in this process when the applicant fails to follow-through? They can't. It's that simple. We request that Department ensure that Williams provide Ms. Bennett with the requested information and provide her with sufficient opportunity to complete her review and provide advisement to the Department prior to the issuance of this permit. Ms. Bennett's review of storm-water details is important. When Williams constructed the Springville Gathering Line in Wyoming County there were more than a few storm-water impacts due to inadequate storm-water E&S measures.

Falls Township also requested additional information in the comments section. It is unknown whether Williams complied with the township's request.

Attachment E-2

Concerns:

As a watershed organization we really appreciate streams and wetlands that have the ecological values of EV and HQ. With so much pollution and the national and state trend for lesser environmental protections we really want these locations adequately and sufficiently protected from any undo harm.

Example - Impacts #2, 8 is an EV stream with a permanent impact with an open cut. This is near an existing gathering line ROW for the Regency Wyoming Natural Gas Pipeline. Is this two permanent pipeline impacts to an EV stream? If so, this is a concern.

Example - Impact #10 is a permanent impact to a wetland. Wetlands are extremely important to our environment. Wetlands are continually being lost throughout the United States. The state and federal governments are reluctant to protect wetlands due to political influence of energy companies. This site is also near the Regency gathering line. This is a concern.

Example - Impacts #4, 12 are permanent dam and pump locations? We are concerned about permanent alterations to HQ, EV, Class A Wild Trout Waters and Wild Trout Waters streams.

There are a number of impacts noted such as these above that as a watershed association we are questioning the reason for permanent impacts to EV, HQ, Class A Wild Trout Waters and Wild Trout Waters streams in this new route. We ask the Department to very carefully review these.

Also, John Levitsky of the Luzerne County Conservation District is the local expert on Bowmans Creek and Leonards Creek watersheds. He is very familiar with these streams through his work career in the environmental conservation field. Through his employment with the Luzerne County Conservation District he is directly involved with stream sampling in conjunction with Trout Unlimited. It is of great

value to consult with John in these EV, HQ, Class A Wild Trout Waters and Wild Trout Waters.

We are very concerned about the amount of riparian buffer lost along these streams – EV, HQ, Class A Wild Trout Waters and Wild Trout Waters. Riparian buffers cool streams supporting the trout habitat. We question the manner in which crossings are being proposed that will remove riparian buffers. The DEP, DCNR and PA Department of Agriculture are focused on adding to Susquehanna Basin riparian buffers, not the removal of them. So, please consult with John Levitsky of the Luzerne County Conservation District as a local expert and resource.

Impacts #116, 117 are a contingency Susquehanna River crossing plan to utilize a cofferdam. This is an area where the riparian buffer is limited along with the active railroad ROW. So, within the contingency plan, we recommend that Williams plant trees to re-establish the riparian buffer they will destroy – as a contingency. The Susquehanna River is among the most flood prone rivers in the nation. Wyoming County has seen its fair share of flooding including during the 2011 Williams construction of the Springville Gathering Line. A mature tree can consume more than 130 gallons of water daily. This is reason alone to reestablish trees.

Additionally, we request that the Department do all that is environmentally possible that in case there are HDD problems resolution other than cofferdam be the first plan of action. With the historical nature of flooding it is well known that propane tanks and other hazards are transported in the river during floods. A too shallow pipeline that could be potentially become uncovered and impacted by debris or explosive tanks presents a public health & safety and environmental hazard. We truly want a successful HDD experience. Williams crossed the river upstream from this location in 2011 so they have experience and available information. The Department also has information regarding the policing of that HDD site and the inspection staff needs to be familiar with what occurred in the past. We strongly recommend that Department personnel are on the ground at this location rather than delegating such an important assignment to the county conservation district staff as they lack experience with pipeline environmental enforcement.

We express concern that should Williams need to rely on the contingency plan that bearing in mind floods and their frequencies that a cofferdam may not provide the ability to bury the pipeline at an adequate depth for public safety and environmental protection.

Also, the proposal notes that Williams plans to “Within this wetland, a 30-foot-wide corridor centered over the pipeline will be permanently converted from forested to scrub-shrub or emergent wetland; the remainder of the wetland will be allowed to fully revert back to PFO.” Forested wetlands role in our watersheds is different from that of scrub-shrub or emergent wetlands. Wetlands nationwide are on the

decline. More and more we are finding that wetlands are a pollution cleaner. We therefore, recommend that Williams do some off-site work that will offset the actual loss of the forested wetlands. With consideration to declining wetlands, this offset is of tremendous importance.

Attachment J-1

The narrative states that the ROW in the shared areas will be 90', of which they are using 5' from the existing ROWs and widening 85'. While we applaud the idea of co-location, this isn't what we had in mind. This is essentially adding to forest fragmentation and opening a wider area for invasive species. Additionally, again it is less trees to soak up storm-water run-off. It is important to note that the forest is weakened along the ROWs. Tree blowdowns along ROWs are common within 100' of the ROW. Thus, this additional 85' is going to affect essentially 100' more on each side of the ROW. Again, we advocate Williams plant trees and reestablishes the forested areas. We recommend local seeding and straw cover to avoid introduction of invasive species.

Additionally, where the 'shared ROW' is proposed the entire width will be approximately 160+/- feet. There is no reason for this widening. Williams has experience with multiple pipelines in ROWs narrower than this. The machines are available and qualified operators are able to maneuver in a smaller area than 160'.

Attachment L-5

Williams plans to utilize 2.592 MGD maximum daily withdrawal directly from the North Branch Susquehanna River for hydrostatic testing. They have a water withdrawal plan. We recommend that the same requirements that a standing gas industry withdrawal site would need to meet apply here. We also request that drought conditions, low-water conditions that would provide for a pass-by also apply at this location.

Attachment Q

We are disappointed that none of the Wyoming County mitigations are actually being done within Wyoming County. With four watersheds (Bowmans, Mehoopany, Meshoppen, Tunkhannock) there is ample opportunity for mitigations to be accomplished with our county. Our watershed association is actively engaged. MCWA presently has several projects (including stream restoration, improving water quality and animal habitat) and have others on our 'wish list' one of which would benefit the riparian buffer of two streams and a local state highway. This site is one of continual erosion of a riparian buffer (also provides protection of the state highway) we'd like to address but have a lack of funds. We desire to have the opportunity to share our knowledge with Williams. If there is any way we can meet with Williams to discuss this small project, please contact us. (570.637.0972) We'd truly like to see a mitigation project that is mitigating Wyoming County impacts within Wyoming County. The proposed projects are located in Bradford and Lycoming Counties. Lycoming County is not an adjacent county and is in the West Branch Susquehanna River Watershed. All Wyoming County watersheds are part of the North Branch Susquehanna River Watershed.

Pipeline Safety, Increasing Potential for Pipeline Failure

One concern worthy of mention, albeit beyond the scope of these permits is the fact that in Wyoming County there is a section in Northmoreland Township where there is a shared ROW with the existing Williams' Springville Gathering Line. This line is in an unregulated Class 1 Area in regards to pipeline safety regulations. In Monroe Township there is a shared ROW with the Regency's Wyoming Natural Gas Pipeline, also an unregulated Class 1 Area gathering line.

The Commonwealth of Pennsylvania despite recommendations from the Marcellus Shale Advisory Commission (2011), GAO Report on Pipeline Safety 2012, GAO Report on O&G Transportation 2014, and the Pipeline Safety Infrastructure Task Force in 2016; all recommending rural Class 1 Area gathering lines be regulated for safety purposes, the Pennsylvania Assembly has failed to act. In fact, as of this writing, the Assembly has failed to even mandate PA One Call for rural Class 1 Area gathering lines despite a worker's death in 2015. For several legislative sessions there have been bills to both mandate PA One Call and regulate Class 1 Areas for safety purposes, yet the Assembly has failed to act. Regardless, these two expanding ROW areas in Northmoreland and Monroe townships are now essentially dual purposed with regulated and non-regulated pipelines for safety measures.

We are quite concerned about this since Williams' Unityville pipeline failure in 2015. The pipeline was installed in 1963 prior to the modern pipeline safety laws. The two existing gathering line segments mentioned previously were also installed lacking any pipeline safety law governmental oversight, and are also of similar size and pressure. According to the NTSB Report, cracking and external corrosion and protective covering deterioration were to blame for this failure. In other words, Williams didn't either sufficiently maintain or monitor this pipeline to avoid pipeline failure. We're concerned how maintenance on the non-regulated gathering lines where there are no requirements may affect the overall safety of both pipelines, (meaning to include the new proposed Atlantic Sunrise Project Central Penn North Pipeline) within the shared ROW.

https://www.phmsa.dot.gov/staticfiles/PHMSA/PipelineFailureReports/150663_Transcontinental_Unityville_PA_June_9_2015.pdf

Pipeline failures also result in environmental impacts. Impacts to water quality, streams, wetlands and air quality are among the concerns we have in addition to public health and safety.

Tree Planting

In a recent presentation by Kirk Jalbert of Fracktracker.org he offered the following statistics pertaining to the Susquehanna River Basin.

30,000 miles of pipeline to be constructed within the Susquehanna Basin within the next 20 years.

DEP currently has 4,600 miles of new pipeline proposals now.

The total acreage of development will be more than our entire Pennsylvania State Parks system.

Presently, there are 5,500 wells on 2,000 well pads in the Susquehanna Basin, which only the northern reaches of the Middle Susquehanna are in the gas development area.

The Nature Conservancy projects 27,600 more wells on 7,000 more well pads by 2030 (less than 15 years from now).

200,000 acres to be disturbed within the next 15 years; 22 of 30 acres result in deforestation.

While we don't have the figures on the current level of disturbance, we hope that the Department has been tracking the development. Our members live within the development area and have a very good knowledge of the level of changes we are experiencing. From the above bullet points, we think you may understand that we are a concerned watershed organization that does have unconventional drilling within our watershed. (~37 well pads, ~100 wells, plus facilities) One suggestion we strongly advocate is this. Williams and every other pipeline and well operator needs to have a thorough understanding that we want them planting trees. We want them planting trees.

Pipelines through forested areas result in deforestation and forest fragmentation. Everywhere a pipeline ROW is routed through the forest, that forest is weakened. Wind now has a tunnel through the forest where before leaves, limbs and boughs softened its affect throughout the forest. Now, we see the general weakening and falling of trees outside of the ROW as much as 100' within the forest. Williams' application even noted that tree removal sometimes results in leaning trees or trees falling outside of the ROW during construction and they want to remove anything 20' outside of the negotiated ROW. This consideration results in a fact that it is extremely difficult to determine at any given time the exact impact of pipelines to our forests. It is certainly beyond the impact of any given ROW acreage. There are trees most definitely affected by the construction, including access roads. We see these trees; it may take more than one growing season, but they never recover from having roots severed and they die. This is perhaps an unintended but very real forest impact resulting from pipeline construction. Trees play a dramatic role in our environment, in ways that are especially beneficial to Wyoming County and the Mehoopany Creek Watershed.

A mature tree can consume more than 130 gallons of water daily. (43)

Trees transpire, they breathe out water vapor. "In the case of a mature beech, the tree exhales hundreds of gallons of water a day." (57) (contributing to stable weather)

Recent research discovered that "Trees pump themselves so full of water their trunks sometimes increase in diameter." (58)

“In intact forests, the soil under the trees becomes deeper and richer over time so that growing conditions for trees constantly improve.” (87) Thus, removing trees weakens the growing conditions of the forest.

Trees “store up to 22 tons of carbon dioxide in their trunks, branches, and root systems. The forest is really a gigantic carbon dioxide vacuum that constantly filters out and stores this component of the air.” (93) Trees are very important in regards to CO₂ which is one emission that is controllable within gas industry including transportation facilities. Another reason the gas industry needs to be aggressively planting trees. Pipelines, well pads and facilities all have a direct relationship to the removal of trees and decreasing this environmental benefit of trees.

“During a severe storm, a mature tree, (for example, beech) can down an additional couple hundred gallons of water that, thanks to its construction, it funnels to its roots. There, the water is stored in the surrounding soil, where it can help the tree over the next few dry spells.” (102)

Deciduous forests are able to consume more rain than spruce and firs.

“The forest offers more important service to streams. The water in a stream is susceptible to greater temperature variations than spring water, which is continuously replaced with cool groundwater. “ (109) Deciduous trees allow warmth to penetrate streams during the winter, in the spring, they unfurl their leaves and shade the running water. This is particularly important for aquatic life, salamanders and trout. Williams needs to be cognizant of this with the numerous open cut EV, HQ, Class A Wild Trout Waters and Wild Trout Waters streams and wetlands they are proposing. We urge the Department to really take a close look at their proposal and our suggestions and information provided during this comment period.

“Per year and square mile of alder forest, these tiny helpers can extract up to 87 tons of nitrogen from the air and make it available to the roots of their tree friends.” (144) Well and pipeline operators are the largest polluters of NO_x in our rural northern gas fields. They need to befriend trees and plant them.“

And a whole lot of dust is blown through the forests every year. A mature tree can filter out more than 200 pounds, which rain flushes down its trunk.” (167) This is very important considering the increasing amounts of particulate matter in our air and its effects on public health.

All page references are from “The Hidden Life of Trees”, by Peter Whollenben.

Invasive species, woolly adelgid, emerald ash borer and other species are also impacting our forest lands.

Trees are a valuable resource in our forests through benefiting other animals, plants and organisms.

We've noted a very powerful argument throughout our comment for Williams to be required to do extensive tree planting. Trees are effective resources for retaining storm-water run-off and managing normal stream levels. Williams planting of grasses and other plants in the ROWs alters animal habitats and will increase water run-off in nearly every event of rain. There are no calculations that can effectively account for the continual impact of tree loss in Wyoming County from the continually expanding gas industry. The Department has not had the mandate to gather a comprehensive review of how our rural Pennsylvania landscapes are dramatically changing. Trees are effective filters of dust and CO2. These are both concerns that requiring Williams to plant trees would benefit. And, The DCNR, DEP and the Department of Agriculture are all promoting the planting of riparian buffers. Yet, the applicant, Williams is intent on destroying riparian buffers in many areas along their pipeline ROW. Thus, we strongly advocate to the Department, the issuance of the permits must necessarily require an aggressive tree planting program.

The MCWA has neither opposed pipeline projects nor is opposing this one. Our members live, raise families and recreate within our watershed and have a close seat to the gas industry's operations. In full disclosure, some of our members are leased landowners. Landowners whom care about the environment and are those that are affected by the royalty rip-off and with the operation of the Atlantic Sunrise Project Central Penn North Pipeline will, should the Assembly fail to act, for all intents and purposes be ripped off more. So, we really don't have a financial interest in this pipeline. Despite our reservations, we do not oppose the pipeline but rather recommend that the Department take our suggestions seriously and include them in the permit conditions. We also recommend the Department provide the necessary on the ground oversight, especially where EV, HQ, Class A Wild Trout Waters, Wild Trout Waters and HDD locations are involved.

MCWA appreciates the diligent work the Department's staff has put into the Atlantic Sunrise Project's permit application. We appreciate the Department pointing out the applicant's deficiencies. We know the Department is struggling with staffing and adequate funding. We thank the Department for the opportunity to provide for public comments. If you should have any questions or comments, please do not hesitate to contact me. Note: the attached documents referenced in this comment are included in part three of the comment response document. (295)

Response: The Department determined that the applicant satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project. The Department reviewed the applications for earth disturbance activity and water obstructions and encroachments associated with construction of the pipeline project. These applications were thoroughly reviewed to ensure that the activities proposed will not harm water resources. The Department issued these permits only after an extensive iterative process with Transco where the Department ultimately determined that the applications and supporting materials

submitted by Transco and its consultants adequately addressed comments and deficiencies raised by the Department and satisfied all applicable legal requirements for issuance. Specifically, the applicant satisfactorily demonstrated compliance with the regulatory requirements including those pertaining to cumulative impacts, alternatives analysis, antidegradation, and impacts to Exceptional Value (EV) streams and other wetland resources. In addition, the applicant completed geological investigations to design the project to minimize risks associated with karst terrain and abandoned mine lands, and developed a Karst Investigation and Mitigation Plan as well as an Abandoned Mine and Investigation Mitigation Plan.

The Department evaluates the secondary and cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review.

Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Potential cumulative effects were identified by the applicant in Enclosure D of the Environmental Assessment (Attachment L-5) and the Comprehensive Environmental Evaluation (Attachment L-5, Appendix L-1) of this project, including impacts on parks and public lands. This evaluation included identification of other known past and present projects such as pipelines, gas field development, transportation and other infrastructure, and residential, commercial and multi-use developments within the vicinity of the proposed project. The applicant evaluated these projects relative to the proposed project and concluded that "there will be no significant measurable cumulative effects of the Project on land use, recreation, or visual resources". The Department conducted a separate review of the applicant's identified cumulative impacts analysis, and also considered, if any, potential permanent wetland impacts identified in permit applications currently under review by the Department. The Department has determined that the cumulative effect of this project and other projects will not result in an impairment to exceptional value wetland resources or a major impairment to other wetland resources consistent with 25 Pa. Code §105.14(b)(14), §105.18a(a), and §105.18a(b).

Transco demonstrated that they minimized impacts associated with the Atlantic Sunrise Project by collocation with existing linear infrastructure to the extent practical. Transco demonstrated that it minimized the width of the permanent pipeline ROW to the minimum required for operation and maintenance of the pipeline. Use of appropriate BMPs and/or restoration of the project areas to pre-development conditions or meadow in good condition complies with the regulatory performance standard for post construction stormwater function.

As part of the Chapter 105 applications, Transco submitted an Alternatives Analysis that included site-specific analyses of practicable alternatives to avoid or minimize Project environmental impacts including those for Exceptional Value wetlands and wildlife habitats in response to DEP's September 6, 2016 Technical Deficiency review. The Alternatives Analysis also demonstrated that the Project is designed to remain in existing utility corridors where possible and to minimize impacts to the environment and surrounding communities.

Transco's PCSM/Site Restoration Plans demonstrated compliance with the stormwater management requirements including those related to changes in the volume, rate and water quality of stormwater runoff after construction when compared to preconstruction conditions. Disturbed areas will be restored and maintained, and/or utilize appropriate BMPs that achieve the "meadow in good condition" stormwater function required to protect waters of the Commonwealth in Pennsylvania.

Transco addressed potential thermal impacts from the project and included adequate measures to minimize such thermal impacts through preservation of tree/canopy cover to the maximum extent practicable and consistent with the riparian buffer requirements in Chapter 102. Transco also reduced workspaces in environmentally sensitive areas such as streams and wetlands. Temporary workspaces within riparian buffer areas will be allowed to revert to existing vegetative cover, and tree replanting will occur within the regulated floodplain. Transco's application includes the "Riparian Buffer Impact Assessment and Restoration Plan" which describes restoration measures, including reseeding, tree replanting and voluntary plantings within riparian buffer corridors (see Appendix H of the Erosion and Sediment Control Narrative). See also the Attachment P, Appendix P-1 of the Chapter 105 Application for a detailed discussion of proposed workspace width reductions at environmental features.

Transco avoided impacts on riparian buffers to the extent practicable through routing, which demonstrated avoidance of siting the proposed pipeline parallel to streams, and instead proposed crossing streams at 90-degree angles to the extent practicable. Transco also reduced the construction ROW width by up to 25 feet depending on site-specific conditions at stream crossings. Transco is also replanting riparian forest buffers crossed by the Project. Replanting will occur within the regulated floodplain which will also minimize any erosion and sediment runoff as a result of clearing in riparian areas (see Attachment L-5, Appendix L-2 of Transco's Chapter 105 Application).

Transco indicated that it designed the Project workspaces to be the minimum width necessary required for construction including overlap with existing ROWs where possible, and that the construction corridors are consistent with FERC guidelines.

The Department evaluated and is satisfied that the seed mixes proposed by Transco for areas of vegetation, revegetation and restoration are appropriate and consistent with the regulatory requirements as well as DEP guidance. The seed mixes proposed are consistent with the NRCS suggested seed mixes for Pennsylvania found in "Seed Mixture – For Areas

Disturbed by Natural Gas Activities.” Changes were made to the NRCS suggested recommended seed mixes based on review of the mixtures and the final outcome of the reclamation in regards to operations and wildlife factors. Additionally, Transco indicates that they consulted with the National Wild Turkey Federation and considered local pipeline reclamation experience. The seed mixtures proposed are included in the Best Management Practices and Quantities Plan Set, as well as Post Construction Stormwater Management Plans (within Section 2 of the ESCGP-2 Notice of Intent and in the Chapter 105 Application under Attachment M) for permanent facilities.

Transco provided adequate protective measures for the coffer dam contingency, which would be utilized if the preferred method of crossing, HDD, could not be utilized. Transco also indicated that regardless of the crossing method used, the pipeline will be buried at an adequate depth to ensure public safety and environmental protection. The permits include a special condition related to depth of the pipeline in stream beds.

DEP approved Transco’s choice of mitigation sites which demonstrated compliance with the federal requirements of critical components of the Compensatory Mitigation for Losses of Aquatic Resources Final Rule (33 CFR§332.4(c)). This rule requires applicants to assess the likelihood for success and sustainability, the significance of the restored water body within the watershed, and the proximity of the impact and mitigation sites from a watershed perspective. Transco indicated that the likelihood of success was the most important factor that they considered in selecting the final mitigation sites. DEP was satisfied with the Transco mitigation site assessment and the the final selected approach, which consolidates the mitigation required for the small spatially separated impacts into five large PRM sites. DEP agrees with Transco’s conclusions that small wetland mitigation projects, which are isolated within the larger landscape have a higher rate of failure and are generally not sustainable in the long-term. DEP also agreed with Transco that by selecting primarily exceptional value riparian and headwaters mitigation sites, and large scale restoration projects, the restoration approach will provide watershed-scale benefits and functional uplift in a sustainable manner.

Transo received clearances from various resource agencies such as the United States Fish and Wildlife Service, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission, and the Pennsylvania Department of Conservation and Natural Resources related to possible species impacts.

The Department conducted a thorough evaluation of Transco’s compliance history and concluded that there are no outstanding violations.

Comments related to the air quality impacts of the Transco proposed pipeline project are not addressed in this Comment/Response document. Air quality comments related to the Transco proposed pipeline project will be addressed in the Comment/Response related to Air Quality Plan Approval 36-001GC to allow transfer and use of 106.0 tons of nitrogen oxide (NOx) Emission Reduction Credits (ERCs) to the project construction activities in Lancaster County to offset emissions from construction activities and satisfy requirements specified by the Federal Energy Regulatory Commission's General Conformity

Determination for the project. The notice of intent to approve that air quality plan approval was published in the *Pennsylvania Bulletin* on July 22, 2017. 47 Pa.B. 3995.

With regard to pipeline safety, DEP's jurisdiction over this project relates to administration of the environmental laws with which the project must comply. The Chapter 102 and 105 permits which are the subject of this comment period are required to protect water resources. The Department has undertaken a thorough evaluation of Transco's applications for these necessary permits. The Department has concluded that the applications satisfy the regulatory requirements. The Department has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

The Pennsylvania Public Utility Commission ("PUC") enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce.

As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department's Chapter 102 and 105 permitting authority. However, Transco is required to design, construct, and maintain the project in a manner that is consistent with PUC and PHMSA regulations.

5. COMMENT

I have volunteered many hours to help care for environmentally sensitive and irreplaceable lands in Lancaster county. This pipeline is an unnecessary threat to them and to the populations that depend on them. Deny these permits.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute. (315)

Response: The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

6. COMMENT

In all of these pipeline docs you've reviewed, did any of them have professional geologist seals?

I would contend that pipelines are not oil and gas exploration/development and therefore not exempt.

(Development in the geologic world means defining the resource at the site).

Is there a way to find that out? And if they have not been sealed, what happens? (245)

Response: The plans were sealed by a Professional Engineer.

Land and Safety

1. COMMENT

My name is Dean Marshall. My home is along Fishing Creek just down the stream from the triple Williams Transco pipeline Leidy loop crossing. On the evening on June 9th, 2015, one of three parallel Transco pipelines ruptured along a 30-foot longitudinal seam near Unityville, PA and spewed high pressure gas for over an hour after the nearest valves were closed. Thankfully there was no explosion and evacuated residents were allowed to return home after a few hours.

As Williams proceeded to investigate the cause, which they later reported as corrosion and stress cracking, and hydrotest the repairs, other leaks occurred in nearby locations. These

were not promptly reported, if at all, until inquiries were made to the Press Enterprise by myself and other concerned area residents.

The lines in question are 40 to 50 years plus old. And cross several wetlands and high volume streams in the Fishing Creek watershed. One must wonder if, aside from the risk of accidents during construction, this much larger and higher pressure line, will there be ongoing risk of watershed damage for its service life? Will those risks increase as the line ages? Will storms, erosion, settling, and shifting earth increase the risks? Are these factors taken seriously in the permitting process? I also think about to Labor Day weekend in 2012 when my partner and I were alerted about a flow of green drilling or cutting mud flowing down Loyalsock Creek from the Marc one pipeline construction site, upstream from Worlds End State Park. We drove there, took still photos and video of the creek bed chocked with green slime, and called DEP to report it. Several others made calls as well. The releases continued sporadically over the long holiday weekend.

DEP assured us in a callback that it was, quote, merely sediment from the stream that stirred up by an open cut crossing near Ringdale, about ten miles upstream. I would like to know today that if DEP grants Williams Atlantic Sunrise LNG export project, water and wetland crossing permits, and there are, quote, accidents, end quote, in the construction phase or any time during service, will DEP simply downplay or cover up the impacts?

I ask you today to think carefully and take into consideration that you, along with this company, which by the way has an abysmal safety record, will be held accountable. This project has no benefit to Columbia County, yet contains generations of ongoing risks. Our watershed is a true source of property value, economic benefit, and scenic beauty enjoyed by residents and visitors. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (52)

Response: Transco submitted its permit application consistent with the applicable statutory and regulatory requirements. Transco's application has gone through a thorough vetting process by Department and Transco has responded to two rounds of technical deficiency comments. Transco's Chapter 102 and 105 Applications have been posted on the DEP website for public review and comment.

The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA.

2. COMMENT

Good evening. My name is Marion Menapace, And I'm very glad you're here because perhaps our Pennsylvania EPA will save us from what's happening with our Federal EPA, which is the metamorphing into the Environmental Pollution Agency.

I'm not here to talk about all the terrible things that have happened with pipelines. We know this. But I recently actually towards the end of last year, listened in to a telephone conference between the pipeline and hazardous material administration, and people representing pipelines. It seems that the former administration had tightened rules and regulations, especially with regard to inspection and maintenance. And the pipeline people did not like this. Protesting that it was much too expensive.

These pipelines will stay in the ground for decades, as long as the pipe, as long as the gas flows, there will be corrosion. And accidents will happen generations from now if the gas keeps flowing. But it won't.

Conservation hasn't been mentioned. Conservation is tremendously important right now. There is an alliance to save energy that said, and this is the latest quote I have is back in 2014. That in 2014, with conservation, better equipment, better utilities, even the utility companies are working on this because they want to save energy. We have saved quadrillion BTUs with conservation in 2014 alone. And that's much more now. I can't tell you exactly how much because I couldn't find the figures. But quadrillion is 35 million tons of coal. It is a trillion feet of natural gas. And 150 million barrels of crude oil. So conservation is extremely important. We should be looking towards that. There's a wonderful site online --- okay. Final comments.

We have the cheapest way to produce energy is by being energy efficient. And two of our neighboring states have already been fracking and that's what we have to work towards. They have been enlightened. Thank you. (64)

Response: Transco's Comprehensive Environmental Evaluation included in its Chapter 105 Application (see Attachment L-5, Appendix 1, Section 2.2) evaluates the cumulative impacts of the Project with other potential or existing projects, including natural gas wells.

The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA

3. COMMENT

My name is spelled Sally Wilson. I am not a public speaker. I've also had an injury so my comments are very messy.

In response to the one gentleman who was talking about safety, I just want to say two years ago Unityville, hello, explosion. The guy who was talking about American jobs with pipes, excuse me, the pipe that is in our county right now for this project was made in Turkey. Even I know that as a private citizen. So you're talking about jobs, hello, I worked all day today. I get \$12 bucks an hour. I'd love one of these \$93,000 jobs and I see nowhere to apply for a job.

Basically what I wanted to talk about was water where I live, the Conversancy and I wanted to talk about the fact that our neighborhood in particular, there were vacant lots when we moved down there 15 years ago because they would not perk. There is a lot of rock in our neighborhoods leading to Americans talking about fault lines and whatnot. There are fault lines that go through our township. It's well known if you live there. The disruption with the drilling can possibly set something off.

But anyways, we do go through these period of droughts and we have wetlands that appear alongside the PP&L easement that crosses Pennsy Road and this is my crudely drawn map that you may have that shows that if we were to have an explosion there is 150 homes that are not going to be able to get out of this neighborhood, 150 homes. How many people in each home? I don't know. But we can't get out. There is the conversancy on one side with rock cut, gorge and water.

There's rails for trails over here and the pipeline literally crosses any access we would have to 222 or River Road because the pipeline comes through here. There is no way out. We're dead if it blows up. I hope it doesn't blow up but we did have this event just two years ago in Unityville which is north of us.

So basically, I want to talk about, you know, this part about where we can't get out of our neighborhood. I have a medically fragile grandchild who lives with us a lot of the time. It's hard to get in and out on a sunny day. An ambulance in an emergency situation - the State Police can't even find our neighborhood. How are you going to get in and save us? What are you going to do about the wetlands? What are you going to do?

If we do have an explosion, the other part that really concerns me is where's the water going to be to put it out? We don't have fire hydrants where we live. We don't have them. We don't have - a volunteer fire department. That's what we have and I'm sure that they - I felt I believe I even know that they did take a large grant for this but they still can't put in hydrants in our neighborhood. It just doesn't exist.

The ponds come and go. The wetlands come and go, the droughts. We have neighbors that are constantly having to re-drill for water. I personally have two wells and I will let you go but I want you to deny and here's where I live. Note: the attached documents referenced in this comment are included in part three of the comment response document. (246)

Response: The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA

4. COMMENT

Good evening. My name is Daniel Forry. I live in West Hempfield Township, and I'm - and I am the Chief Executive Officer of Forry Farms Partnership. It consists of two employees, my son and I. We own 385 acres in West Hempfield Township, which has been

preserved. And we've been there for 160 years, and we have never sold a piece off for any well or any pipeline previously.

Several - well, no, probably about a year ago, I attended a FERC meeting at Acorn Acres in Mount Joy by invitation. When I got there, three union goons prevented me from going into the meeting. Made me very happy.

On one of our farms, we will have – or there are proposed 1,400 feet of pipeline. On another farm, 1,700 feet of pipeline. And I would like to raise the following issue.

As a farmer, because of the bombing in Oklahoma City, we are allowed no more than 4,000 gallons of propane on any property. If you take the 1,400 feet and the 1,700 feet and install 1,000 gallon propane tanks end to end, it would take 87 tanks on one farm and 119 tanks on the other. Well, how are you protecting the environment when you're letting the pipelines there and you won't let us do anything else?

I also found out that the pressure in a propane tank at 90 degrees is 160 pounds. The pressure at 50 degrees, which is about what the earth is, is 70 pounds. And the Williams proposed pipeline is 1,500 pounds. If it ruptures by Williams own admission, if you went within 1,100 feet of either - on either side, you would be in the annihilation zone.

My family lives there, about 500 feet away. My son, two granddaughters and a new grandson on the way.

Also on this property, we have six springs, all within about 200 feet of the pipeline. The water for the entire farm, two residences and 4,500 pigs depend on that water. We also have two springs. One of those springs measures 30 gallons a minute. Another spring measures 40 gallons a minute. What are we going to do? We can't just turn the water off.

I have several questions, and I will try to obey your time. How many complaints have you had on the Williams pipeline? How many investigations have you done? Are you here to protect the people or to present - protect Transco?

You know, these papers were served to me by the sheriff for eminent domain.

And after they were signed, less than 24 hours, Williams broke their word.

Are you working for the public, or are you working for Transco? (267)

Response: The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA.

Transco developed an Erosion and Sedimentation Control Plan that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment. Transco's erosion and sediment control plan was designed in compliance with DEP's Chapter 102 regulations to ensure it will not cause or contribute to violations of water quality standards.

The Department has undertaken a thorough evaluation of Transco's applications for the necessary permits. The Department has concluded that the applications satisfy the regulatory requirements and has included special conditions in the permits to ensure Pennsylvania's water resources are adequately protected.

Water Quality – Bay, WQC

1. COMMENT

Good evening. I'm a member of the Fishing Creek Watershed Association and the Coalition, the Columbia-Montour Coalition for Source Water Protection. But my comments tonight are my own. My name is Linda Dietrichson.

DEP, protecting our water resources has been your job for nearly five decades. You know what's involved with a project the size of the Atlantic Sunrise. The final EIS report released by FERC defines the challenge for the rest of us. Quote, the project would cross source water protection areas associated with the Susquehanna River, Swatara Creek, and four water bodies with potable water intake within three miles downstream of the proposed water body crossing.

Excuse me. That includes water that people here in Bloomsburg need to drink. By FERC's count, the project is proposed to cross 388 water bodies. Five considered major. There are 105 wetlands to be crossed. Each one presenting distinct challenges. Each one posing risks of irreparable harm to local water supplies. Those risks are far too great to take.

DEP, you know from experience that FERC's assurance that, quote, impacts on wetland resources would be effectively minimized or mitigated, end quote, is not true. Even with best practices and no major accidents, mistakes will be made. Harm to the environment will occur. And Williams Transco has an appalling safety record. Their assurances are worthless.

As effective as you can be as our protector, you do not have the resources to monitor the project as closely as will be required. The dangers and costs from the project should not be born by the citizens or the land. But there's a sure way to prevent disaster. Deny the permits. Fossil fuels extraction is dirty, dangerous, old technology.

The ASP is obsolete and unnecessary. Merely a shortcut for Williams Transco to extract and export. They have so much invested in this project that they won't back out. That is

why we need you to stop them.

I feel like Princess Leia as I appeal to you to be stalwart in your resistance to the pressures to approve the permits for this pipeline project. You must be Obi-Wan Kenobi, using your force for the good of all Pennsylvania. Not allowing our waters to be destroyed for corporate profit.

DEP, you must deny the permits that would allow the Atlantic Sunrise to gouge it's way through our water body and wetlands. Stop the project from destroying millions of gallons of water per day from our rivers and streams. Water that will be polluted or lost by the industry. That's water that rightfully belongs to the people, animals, and habitat of our area.

DEP, be the force for good. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (58)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

NERO

1. COMMENT

Walt Kochan, 11 Lake Catalpa Road, Dallas Township. I'm praying that the DEP denies the permits for 102 and 105 for multiple reasons. And I thank this gentleman for what he just shared.

It's all fun and games until someone gets hurt. We hear from guys like Kevin Lynn and Jerry George, you know, let's make a buck, what the hell. That's what this is really about. This gas - like he said, this gas is going down to Louisiana for the feed stocks of the Chinese, Taiwanese and the Japanese plastics industry.

All their talk about the benefit to Pennsylvanians is just that. It's just talk. It's just not - it's just not true.

My own interest in this is I live on approximately 16 acres in Dallas Township. And I'm

surrounded on three sides with 45-degree side slopes. The only flat area is it front of my property. And in heavy rainfalls, right now, for many years where I've lived on the property 28 years to be exact, two state highways flood out.

When I had Williams come out there and look at this property, and we asked their engineer straight up, what are we going to do with all this water? We already have two state highways flooded. Dallas Township has already written this - along with our hundreds of posting to Federal Regulatory Commission between my wife and myself.

Williams' response amazingly was, it's not our problem, it's yours. I can hardly imagine DEP, which is impossible to get a hold of to get a response from - I mean, it's like a Third World country I'm dealing with.

It's hard for me to imagine you have any faith in the ability of DEP to watch these guys go up on a mountain with three streams, which they told me are insignificant, and they really don't care much about, having any influence of making sure that this property isn't totally destroyed. I have three springs feeding into one feeding a pond underground to a second pond. And under a highway is a feeder stream to Leonard's Creek and then into Bowman's Creek.

I've caught one of these surveyors on our property three times.

Dead animals on our property. So they're so sneaky about it. After being caught twice, these people will go onto my land without their arms gear on so they can slip into the woods unseen.

I only pray - I mean, I could take DEP to a dozen sites in Luzerne and Wyoming County - where property is decimating. Pastures that were once fertile and used for cattle grazing, no longer usable. Places where there was water, the cattle watering dried up. And landowners begging for relief for the last three years.

It took me a year and thousands of dollars to merely get a map before I was finally able to have Williams remove this pipeline twice. (19)

Response: Transco developed an Erosion and Sedimentation Control Plan (see Attachment M of Transco's Chapter 105 Application) that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment.

The Project is linear in nature, and the majority of runoff from the Project will occur as overland flow from temporarily disturbed areas to undisturbed areas outside the construction workspace areas. For the Kochan property, stormwater runoff will flow from temporarily disturbed areas to existing forested and well-vegetated areas outside the ROW. The Project area will be restored to original contours and revegetated as a meadow in good condition following pipeline installation, keeping existing drainage patterns intact. The permanent easement and temporary workspace areas will also be permanently stabilized,

and the vegetative cover will be maintained. For the Kochan property, there will be a permanent change in vegetative cover from forest to meadow in good condition within the permanent easement. However, this conversion is not expected to increase the runoff produced from the drainage area to the Kochan property since the expected runoff coefficient and peak rates for pre-construction (forest) and post-construction (herbaceous) conditions are functionally equivalent.

2. COMMENT

Williams owns two gathering line systems that already extend from Susquehanna County production zones to serve their Transo System, interconnect in Dallas the Transo Systems Interconnects with the upgraded Columbia Pipeline that serves points south and can send the gas to Covepoint LNG Terminal for overseas shipment and beyond. Those gathering pipeline easements were negotiated with each landowner and placed in service under more agreeable terms than ASP. ASP is not necessary and the decision to seize a Greenfield ROW instead of not build, or at least co-locate with existing corridors should be considered arbitrary, capricious, and unacceptable.

Tunkhannock Creek and its tributaries serve as both a cold water trout fishery and bass fishery. ASP is proposed to utilize trenching in the creek bed twice crossing both branches of Tunkhannock Creek. The creek is extremely popular among rafters, canoers, kayakers, bathers, and anglers. Endless Mountains Nature Center hosts their nature day camp at Little Rocky Glen where the clear water allows children to discover Macroinvertebrates. In 2015, I instructed the youth how to make their own fishing poles and catch trout, which they were very successful with. ASP should be required to take core samples of bedrock to guarantee the presence of overburden rock and, if this pipeline is approved, require the use of horizontal directional drilling or HDD, to avoid surface impacts to Tunkhannock Creek and its tributaries.

Finally, the ASP is going to send gas out of Pennsylvania, just like dozens of pipeline projects in the past decade. The Marcellus Shale has become the 21st century's anthracite coal and the extraction relationship, the Tycoons and Barons, and the refusal of our Commonwealth to require limits and boundaries when the industry commands them are all reflections of an era that left us neglected. Industrial properties, waste, and reeling unemployment when the boom went bust. UGI, our regional gas utility, has proposed a rate increase for its customers, many who live in coal era, aging homes insulated with newspaper, 10,000 wells have been drilled in 10 years with over 400 violations cited by your department for cement well casing failures and 285 determination letters sent to landowners that you determined has their water supply contaminated by operations related to oil and gas development since 2007. The ASP will enable tens of thousands more wells to be drilled, leaving rural Pennsylvanians, again living in the crosshairs of wealthy industrialists who wake up every morning in Houston Texas, commute to Williams Tower, and have no respect and never see the creeks they trench through, the landowners they drag to Federal Court for eminent domain condemnation, or the well pads that will sit like coal breakers and strip mines for future generations to clean up.

The ASP is redundant, where the gas is already plumbed out of Pennsylvania and should be found to be too disruptive to our Northeast and Central Pennsylvania communities. Note: the attached documents referenced in this comment are included in part three of the comment response document. (290)

Response: Tunkhannock Creek is proposed to be crossed using the dam and pump method. The pipeline trench will be dug when the area is dry. The streambed material will be separated and stockpiled from the subsurface material. The pipeline trench will then be backfilled and streambed material will be returned to the location that it was removed from. The streambanks will be restored as per the Erosion and Sediment Control Plans/Site Restoration Plans.

3. COMMENT

Diane Ward, I live at 902 Grove School Road, Wysox, PA. And I am a Bradford County resident. And I am also a property owner in Wyoming Township, Tunkhannock Township and Braintrim Township. My properties are at Lake Carey and along the Susquehanna River. As a result of this, a lot of my focus is on the preservation of water resources in Wyoming County and beyond.

Attachment E-2 of the Wyoming County permit documents details the current plan for 295 impacts on Wyoming County water resources via pipeline crossings. The preponderance of these are open cut or dam and pump, with 12 crossing by conventional bore, two by flume and none by the HDD. The plan calls for the Susquehanna River to be crossed at Eaton Township by Coffey Dam.

These appalling facts speak for themselves. No use of HDD? Coffey Dam crossing of the Susquehanna River? Should the DEP permit the crossing techniques as currently planned, this belies our state's commitment to the Chesapeake Bay cleanup.

The use of long-range peak to peak HDD crossing at selected sites, at whatever expense, would save thousands of trees, prevent erosion, maintain water quality, retain viewscape and preserve continuous forest lands. HDD crossings, when properly engineered and installed, do not blow out. An HDD crossing of the Susquehanna River would prevent sedimentation of the river during coffer construction, and put the Atlantic Sunrise Pipeline safely and very deeply below the river bottom, likely much deeper than planned with the coffer dam construction technique.

The alternatives document prepared by Williams did nothing to convince me that open cut, dam and pump, flumes and coffer dams are the way to go. In the absence of HDD, I would propose the do nothing option; scrap the project and avoid all environmental impacts. Since that is not likely to happen, I strongly suggest HDD where there are forests to save, erosion to prevent, or sensitive locations where a deeper pipeline is safer. You pick the sites. But clearly the Susquehanna River is one of the crossings that deserves this treatment.

One of the inconsistencies that appalls me the most is that in the siting of this pipeline in the original packages, one of the basic siting principles stated by Williams for the project

group, was to select a route where the Susquehanna River crossing was consistent with HDD. Look up their original principles. The use of HDD for the river was implied to the public at that time. If HDD is not to be used, then the routing could potentially have been very different.

As far as I am concerned, Williams made a commitment to HDD when they included this factor in their routing principle and rationale and I am holding them to that commitment.

I have three additional concern areas, which I will just summarize. The first is the alternate Route 12A, which places the pipeline in the vicinity of Leonard Creek near State Route 309, with a blast building encompassing the Beaumont Inn, where weddings and other large events are conducted.

I am also opposed to any plans, stated or unstated, which may or may not exist to increase the use of the Chapin dehydrator as a result of this project.

The Atlantic Sunrise Project is an unnecessary money-making project for the gas industry. It will sell gas, which is, in many cases being stolen from royalty owners who are not being afforded the protections of minimum royalty guarantees of 12-and-a-half percent due them. HP557, the current Bill, has not yet passed. Note: the attached documents referenced in this comment are included in part three of the comment response document. (15)

Response: Transco is proposing to cross the Susquehanna River via HDD. A cofferdam crossing will only be completed in the unlikely event the HDD is unsuccessful.

The regulation and enforcement of standard safety practices for the transportation of natural gas is outside the scope of the DEP's Chapter 105/102 permitting authority. The federal Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates pipelines transporting natural gas in interstate commerce. Transco will design, construct, and maintain the pipeline consistent with the PHMSA regulations.

4. COMMENT

At the public meeting held at the Bloomsburg High School on June 13, 2017, I was one of those who spoke of my concerns regarding the Atlantic Sunrise Pipeline.

It amazed me how many people who spoke were not from Columbia County, but who asked DEP to approve the ASP because of the jobs theirs that it would provide. I was not aware that DEP had the responsibility to provide jobs for those working on fracking/pipeline/pipe fitting/welding/and excavation! It is my hope that you were also cognizant of the reasons for their attending that meeting...and it had nothing to do with protecting Pennsylvania's environment.

The fact that FERC has given the green light to this project is problematic, as they did not consider its true economic impact. The Key-Log Economic Report does include the economic impact of the ASP as well as its resulting diminished value of the ecosystem services, damages associated with increased greenhouse gas emissions, and public health

costs due to release of toxins and smog-forming pollutants. If you do not have a copy of this report, please contact me and I will see that you receive one.

There were many of us in attendance who do live in Columbia County and who will be affected by the ASP. The water issue is major. Our township and several neighboring townships depend on a large aquifer that is the main/only source of water for Orange Township, Mt. Pleasant Township, parts of Scott Township, and Fishing Creek Township. If that aquifer is compromised, a significant population is without potable water. Also, if Little Fishing Creek and/or Fishing Creek are compromised, the water supply for the town of Bloomsburg will be affected that would include Bloomsburg University, Geisinger-Bloomsburg Hospital, the businesses and citizens in that area.

To think that the above is not likely, one only has to look at the safety record of Williams-Transco. Over the past 15 years Williams has compiled an extensive record of incidents, fines, penalties, property damage, compressor and pipeline explosions and fires. They have been fined for failure to protect their workers, for failing to conduct required annual inspections, for violating Colorado State law. They paid the largest fine ever levied in 2003 for failure to monitor corrosion which led to a pipeline explosion in Appomattox, Virginia. They have lied about energy prices and gave phony information used in sales contracts. Williams had three years of noncompliance with the Federal Clean Air Act, failed to conduct OSHA inspections for a Louisiana Plant for ten years. They leaked chemicals in an explosion and fire at that location. Their Parachute, Colorado plant leaked Benzene which polluted the soil and ground water. In records from 2000 to 2009 Williams was involved in 88 accidents which resulted in property damage of more than \$98,000,000.

More recently (2011) Williams failed to conduct its own annual inspections of compressor stations in Texas and Louisiana. In that same year, Williams' pipeline exploded and burned in Alabama. PHMSA concluded that continued operation of that pipeline "would result in likely serious harm to life, property, and the environment."

In 2012 a leak and explosion occurred at the Williams owned Lathrop Compressor Station in Susquehanna County, PA. Williams restarted the station within 24 hours, pumping fracked gas, despite PA Department of Environmental Protection requesting that they not do so. A source revealed that there are no agencies enforcing rules on rural gas facilities in this state.

That same year, in New York State, a compressor station was venting during a lightning storm resulting in a \$50,000 fine for Williams not following their own internal policies.

2012 – 2013 Williams discovered a new leak in their Parachute Colorado plant while working to expand that plant. Benzene had leaked into the soil. During the clean-up from that leak there was no mention of groundwater affected via the nearby creek. Williams claimed they did not realize the extent of the leak and thought it was only a 25 gallon leak. However, it was discovered that the ground water in the community of Parachute had been contaminated with Benzene, a cancer causing agent.

2013 was the year a Williams natural gas line ruptured in West Virginia. There was a compressor station fire in Bradford County, PA. Benzene levels rose in the Parachute, CO creek, violating Colorado law. Also in 2013, there was an explosion and fire in Brooklyn Township/Montrose PA all Williams' locations.

That same year, a Williams' company compressor station exploded in Branchburg, NJ. There was a Williams plant explosion in Geismar, LA where two workers were killed and 114 were injured. It was due to this explosion that Williams was fined \$99,000 for willful violation defined as one "committed with intentional, knowing or voluntary disregard for the law's requirements."

And the beat goes on with regard to Parachute, Colorado where 28 million gallons of groundwater was removed to a deep well injection site in Utah.

Again in 2013, federal regulators fined subsidiaries of Williams' Bluegrass Pipeline in Kentucky nearly \$2.3 million for incidents over an 18 month period that included failing to monitor corrosion or to repair a natural gas line.

As if 2013 weren't bad enough for Williams, 2014 and 2015 were little better. Plymouth, WA sustained an explosion that injured five and leaked a billion cubic feet of liquid natural gas. In Portland, OR there were three gas leak incidents over a period of months. The air in that part of Oregon had to have been toxic. Opal, WY also was home to an explosion and fire at the hand of Williams.

In the area of Pennsylvania very near where I live, there was an explosion at Unityville, PA. It occurred shortly after Williams had reversed the direction of the flow of gas in that line. This, after receiving a warning regarding the dangers of reversing the flow of gas in a line. The frightening thing about that explosion is that there appeared to be NO ONE IN CHARGE. There was uncertainty about who should receive that report of an explosion.

Keep in mind that the proposed Atlantic Sunrise Pipeline is a 42" pipe with a flow of gas through it of 1400 pounds of pressure per square inch. That is one huge explosion waiting to happen right over our water supply and through our most important streams and river. The air we would be breathing would be compromised to a point of danger to human health.

Just to be clear, I live a few hundred feet from Fishing Creek which is one of the best Trout Fishing streams in the state, yet the ASP will be crossing that creek at several places, at least one of which is not far from Buckhorn, PA.

The clear cutting of thousands of trees on the pipeline route will have a long range affect upon the aquifer, as trees not only sequester carbon, but they regulate water retention for an aquifer and clean the air. We are crazy to think that taking down so many trees will have no effect upon our water and our air.

Columbia County is on the map as a site for a compressor station. That compressor station

will have regular “blow downs” which emit gases into the air for all of us to breath. The potential for benzene, Formaldehyde, Methyl Ethyl Disulfide, Naphthalene, 1,1,1, 2 – Tetrachloroethane, Trichloroethylene, Trimethyl Benzene 1,2,4 – Trimethyl Benzene, Styrene, Methane, Ethane, Butane, Propane, n-Butyl Alcohol, Carbon Disulfide, Carbonyl Sulfide, Chlorobenzene, Chloromethane, 1, 2-Dichloroethane, Diethyl Benzene, Dimethyl Disulfide, Toulene, Nitrogen Oxide, Ethylbenzene, and 1,3-Butadiene to enter the atmosphere and the air we breathe is frightening. The health effects are life threatening.

It is alarming to know that with the continued expansion of fracking one does not need to be “near” a compressor station/a leaky pipeline/ or fracking well to be subject to poor air quality. The four-corners of our Southwest of the U.S. can attest to that. As large methane cloud hangs over that huge geographic area due to the very thing we are hoping to avoid here in Pennsylvania.

Your job is to protect the environment in the state of Pennsylvania. That means our water and our air, our trees, our wild animals – our flora and fauna. It is my hope that you will understand that Williams-Transco cares little about Pennsylvania except what they can take away from us. Their headquarters are in Oklahoma which is reaping the effects of the gas industry there with polluted water and earthquakes.

I am depending upon you to have the good sense to do what those states to our north and south have done and deny further exploration and development by the gas industry, which, for you, means denying the Atlantic Sunrise-Transco application. We both know that you do not have the people power you need to oversee the protection of the environment with such a project both now or into the future.

If you would like clarification regarding the facts contained here, I will be happy to talk or meet with you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (340)

Response: The regulation and enforcement of standard safety practices for the transportation of natural gas is outside the scope of the DEP’s Chapter 105/102 permitting authority. The federal Pipeline and Hazardous Materials Safety Administration (PHMSA) regulates pipelines transporting natural gas in interstate commerce. Transco will design, construct, and maintain the pipeline consistent with the PHMSA regulations.

Ch 102

1. COMMENT

Hello. My name is Brian Earley. I am a Lancaster resident. I work here as well. I love Lancaster very much

The Atlantic Sunrise pipeline measures between 30 to 42 inches in diameter and travels 143 miles through ten Pennsylvania counties and will release 1.7 million dekatherms of dirty energy per day. To put this into perspective, 1.7 million dekatherms of energy is

equivalent to the energy 85,000 acres of forest can absorb in one year (Philips, Wang, and Alkire; United States Environmental Protection Agency).

The cost of erosions of nearby farms and waterways from this extensive right-of-way for the pipeline and its related construction sites could prove very harmful. The area that is now forest and farmland would convert into 37,752,000 square feet of barren land. This is essentially the loss of over 468 acres of forested land and over 299 acres of farmland (Philips, Want, and Alkire).

Williams submitted an incomplete chapter 102 plan regarding erosion prevention to the DEP and the Department responded in a letter on February 24th, 2017 confirming that the plan wasn't adequate (Kuncelman). More frightening however is that Williams has a history of malfunction and safety violations including numerous explosions and spills. Their plants have suffered, quote, catastrophic failures that have resulted in the deaths of employees and the evacuation of residents. Williams has spilled cancer causing benzene and has contaminated soil and water past federal permissible levels. Since 2006, Williams has been issued over 42 enforcement actions and has been fined more than \$2 million in civil penalties. This company should not be trusted to prevent erosion let alone to protect the environment and the public safety.

The best solution to erosion prevention however is already present; a rich abundance of vegetation and forested lands. A number of studies indicate that the more a system resembles a natural forest in its canopy structure, tree spacing and ground cover, the less chance there is of soil erosion. Sediment barriers are temporary. Compost filters socks become saturated, backfill can wash out. Trees and vegetation however are renewable. They bind the soil effectively and protect our land from intense wind and rain.

Every cubic inch of soil contains billions of microbes, fungi and bacteria, as well as the more visible plant and animal life. A surface void of trees and vegetation, such as that which will be left behind by the Atlantic Sunrise pipeline, is prone to increased erosion, washed away vital organisms that will leave behind depleted soil and then will be swept into nearby waterways, like the adjacent Tucquan Creek, a designated Pennsylvania wild and scenic river (Tucquan Glen), the Conestoga River, the Susquehanna River, all of which empty into the Chesapeake Bay.

The biochemical oxygen demand will increase and these newly deposited organisms will compete for oxygen with the existing plant and water life and could lead to the deaths of fish, plants, and other native bio-organisms in these waterways. Furthermore, long-term erosion from the unprotected pipeline right of way will lead to increased turbidity in these waterways. The suspended sediment in the water resulting from erosion will block sunlight and hinder the ability for plants to photosynthesize, which is, of course, essential for their survival. Additionally, turbidity causes fish to have difficulty "locating food, breathing through their gills, or finding mates based on visual cues" (Schultz). Deposit of this sediment onto the bottoms of stream and riverbeds also leads to the suffocation of fish eggs and the deaths of other macro invertebrates (Schultz).

Furthermore, the Atlantic Sunrise would emit 32.9 million metric tons of carbon per year; carbon emissions are a significant contributor to climate change. Construction of this pipeline, of course, would also foster the use of natural gas, a primary producer of methane, which is anywhere from 30 to 80 times worse than carbon in terms of climate changing gases (Phillips, Wang, and Alkire; Abraham; Hamburg).

Not only is the Atlantic Sunrise Pipeline a danger to public health, it also involves questionable and confusing legality. The Supreme Court has ruled under the endangerment finding by the EPA that carbon pollution is a threat to public health and welfare and that it falls under The Clean Air Act and legally needs to be restricted, not increased. Additionally, laws restricting methane use continue to hold steady in Congress. For example, recently the United States Senate voted to uphold restrictions on methane emissions on public lands. This restriction does not apply to the Atlantic Sunrise Pipeline, but the dangers of methane are agreed upon almost universally in the scientific community, and this recent Senate vote shows that the public health costs of methane are becoming commonly known in the political arena as well (Brune; Eilperin and Harvey). It does not make sense for agreement to exist that climate-changing emissions are dangerous, and then to find that a large corporation has been granted legal permission to pollute our air with these same climate-changing gases.

The Atlantic Sunrise Pipeline is a danger to people, animals and the planet considering the volume of climate changing gases the project will emit and the amount of erosion it will cause. Of course, none of this even touches on the multiple other problems the project finds itself entangled in, including the desecration of Native American lands and an increase in pollution to the Susquehanna River and the Chesapeake Bay (Martin; Phillips, Wang, and Alkire).

I find myself astounded when I question how anyone could support a project like the Atlantic Sunrise Pipeline that is so clearly harmful for the planet and for the children of future generations, especially when the voluminous amount of scientific data exists that demonstrates just how destructive a project like this is.

The only reasons I can find that one would support a project like this are fear, denial, and greed, and these cannot be allowed to determine the fate of Lancaster County, the state of Pennsylvania, or the health of the planet.

Please do all you can to prevent this project. Deny the Chapter 102 and 105 Permits.

I am writing to urge you to deny the Chapter 102/105 permit applications from Transco for the Atlantic Sunrise pipeline project. This pipeline will impact hundreds of streams and wetlands across ten Pennsylvania counties.

Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdrawals for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value and trout streams.

Additionally, this pipeline would likely induce future natural gas development in the already-impacted Susquehanna River Basin, bringing additional erosion and sedimentation. The DEP must take these and other cumulative impacts into consideration when reviewing these permit applications.

Transco has repeatedly shown that they are either unwilling or incapable of providing a complete permit application, as evidenced by the nine deficiency letters sent by the Department through this process. The DEP must stop using taxpayer resources to help this company obtain a permit to pollute.

Please do all you can to prevent this project from reaching completion. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (249)

Response: Transco developed an Erosion and Sedimentation Control Plan that identifies the erosion and sedimentation control practices that it will implement to minimize surface water runoff from disturbed areas and minimize the discharge of construction-related sediment. Transco's erosion and sediment control plan was designed in compliance with DEP's Chapter 102 regulations to ensure it will not cause or contribute to violations of water quality standards.

Transco prepared an Agricultural Construction and Monitoring Plan to minimize impacts to farmland from construction and operation of the Project. This plan is included in Transco's ECP (see Attachment M of the Chapter 105 Application).

The regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the DEP's Chapter 102 and 105 permitting authority. The Pennsylvania Public Utility Commission (PUC) and the federal Pipeline Hazardous Materials Safety Administration (PHMSA) oversee and enforce issues related to pipeline safety. For Atlantic Sunrise, the safety regulations are administered by U.S. Department of Transportation through PHMSA.

The Department evaluates cumulative impacts during its review of an applicant's water obstruction and encroachments permit application in accordance with Pennsylvania regulations including Title 25 Pa. Code Chapters 93, 95, 102, and 105. As part of the Department's review of a water obstruction and encroachment permit application, other existing and potential projects permanently impacting each wetland resource are taken into consideration by the Department as part of a comprehensive environmental assessment review. Please also see *Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit Applications (Technical Guidance No. 310-2137-006)*. The applications addressed cumulative impacts. The Department conducted a comprehensive environmental evaluation of the project, which included consideration of cumulative impacts. The Department's review of cumulative impacts associated with this project were undertaken as outlined in this guidance.

Ch 105

1. COMMENT

Hi. My name is Deirdre Lalley. I live in Berwick, Pennsylvania. I'm a Community Organizer with the Clean Air Council. They're non-profit dedicated to protecting everyone's rights to breathe clean air. Thank you for the chance to speak tonight.

We noticed some items from the permit application that we'd like to comment on tonight and then we will submit written comments.

Number one, the Pennsylvania Historical Museum Commission and other agency clearance correspondence is but should not be marked privileged and confidential. This is especially problematic since it was deficient according to the DEP. See Lancaster technical deficiency two. And two pipeline clearance correspondence is not considered by Sunoco Logistics to be privileged or confidential.

Number two, Lancaster technical deficiency two states the application states that there will not be any impacts on the water supplies as a result of the pipelines and are asked to provide the supporting documents that led to this conclusion and the Atlantic Sunrise has not done so.

Number three, Lancaster technical deficiencies 5, 6, 24 and 30, we're wondering why does the Atlantic Sunrise plan to remove woody plant destruction medication measures from the project.

Number four, Lancaster technical deficiency number 28, commenters are very concerned that the DEP is systematically abandoning the clear requirement that the application include letters from municipalities evaluating consistency with floodplain and storm water management plans. The DEP has done that with the Mariner East 2 and is now doing that with the Atlantic Sunrise.

Therefore, we believe issuing this - these permits would be inappropriate and dangerous at best. Thank you again for the opportunity to speak tonight and we will submit further written comments. Thank you. (227)

Response: Transco completed cultural resource surveys on the entirety of the Project workspaces, and consulted with PHMC regarding impacts to these resources. PHMC issued its final Statement of Effects letter for the Project on May 25, 2017. In PHMC's Statement of Effects letter, it was concluded that the Project has no adverse effect to historic properties.

2. COMMENT

Good evening. My name is Henry Swartz. I am a resident of Cold Spring Township in Lebanon County, population 49. With disclosure, I used to work with you people up in

Wilkes-Barre Two Public Square. I still work for the state for another agency.

Reason I'm here tonight is I was going through the application and what I noticed on the joint permit application, section 105, attachment C X 14 notification letters, states Transco has provided notification letters to all municipalities and counties affected by the project and it goes on from there. This cannot be true. Cold Spring Township does not have a recognized government body, so therefore, no letter could have ever been sent nor received.

The reason I'm here tonight is the reason we found out about the pipeline and we were in the hazard zone was due to a Penn Live article which showed all of our homes, a hundred percent of the population in the hazard zone. No notification. In talking with my neighbors and polling my neighbors, most are elderly, they had no idea of what was impending and what is planned. This is unacceptable.

A little background on me. I lived in Tunkhannock, Lebanon County. I dealt with the gas industry up there. I moved from there, I moved to Venango County. I dealt with the wasteland of the oil and gas lands out there. Now that was historical. I understand that. I moved to Washington County, Finleyville, where I lived, and with my neighbors, through bentonite spill from directional boring and all the cover up and cleanup that went along with it.

I moved to Lebanon County for a reason. I live between a state game land, a state park and a preserved historic farm. There are 49 homes - or 49 occupants, not even 49 homes in Cold Spring Township. We moved there for peace and stability. This gas pipeline is traversing historic farm in front of all of our homes.

I'd like you - I would like you once again to review the permit application from Transco and assure that they are being compliant with what is required of them. Thank you. (230)

Response: Transco provided notification to Lebanon County, but was unable to provide Act 14 notification to Cold Spring Township since this township does not have any government officials or administrative office. Please refer to Attachment C-1 for the Act 14 notification letter to Lebanon County. Notice of Transco's 105 Permit Applications were provided pursuant to regulatory requirements in the Pennsylvania Bulletin.

The Department acknowledges the comment regarding the environmental impacts of this project. The Department has determined that the applicant has satisfied the applicable Commonwealth statutory and regulatory requirements for obtaining Chapter 102 and Chapter 105 permits associated with this project.

3. COMMENT

Andrea Ferich, I'm from Lancaster County and now I'm at Penn State. I'm a dendrologist and watershed specialist. I study forest and riparian buffers. I work for the Pennsylvania Water Resources Center, Pennsylvania Center for Private Forests, the Center for Nutrient Solutions and I'm a member of the Pennsylvania DCNR Statewide Riparian Buffer

Advisory Committee as well as the Interstate Center for Nutrient Solutions.

I have serious concerns regarding Chapter 102 and 105 permits, specifically the dozens of unassessed waterways the Atlantic Sunrise pipeline is costing along the full length. There are over 125 unique stream crossings in Atlantic Sunrise pipeline alone. These exceptional value cold water trout streams are unassessed. The bivalves are un-assessed. The trouts is unassessed. The stream embeddedness is unassessed. The federal regimes are unassessed.

The Susquehanna River is the third mostly endangered river in the U.S. and this is greatly because of the impoundment at the Conewago Dam. Pennsylvania has fallen 50 percent below the 2017 riparian buffer goals and 50 percent of the water from the Chesapeake Bay comes from the Susquehanna River. It's estimated that \$23.5 billion a year are at stake in the thriving watershed economy. It's a lot more than economic benefits of putting the pipeline in.

In the permit, increased turbidity was expressed as the major concern and with 65 riparian crossings in Lancaster County alone covering 34.5 acres and 32 of these acres is forested. The impact on the Conewago Dam which have already reached a state of no longer being able to trap sediment and nutrient at Conewago Dam in Maryland is now impacted. The USGS has shown that the Conewago Dam is now in the state of dynamic equilibrium. It is no longer capable of filtering or housing any new sediment from the hundreds of stream crossings across the state.

The Army Corp of Engineers concluded it's not just the nutrients and the sediments and they will continue to come over the dam. I urge you to not pass the 102 or 105 permit until the phase three width has been assessed or the impacts on the Conewago Dam. There are looking at cumulative impacts. There are currently ten plan proposed or existing natural gas projects within ten miles of Atlantic Sunrise pipeline.

Some of the best-management practices that I have concerns with include use of fertilizer tablets and rodenticides along the riparian corridors. The medians concerns are not addressed in these fragile ecosystems. Also who plants Ash trees and Elm trees? That's a joke. They're dying. There's many species that are listed on the planting list.

They're not thorough and I could go on and on. I think that the DEP grant funding was given to them and since it's not listed there are many, many more. I will submit my written comments. (271)

Response: The Department reviewed these water obstruction and encroachments applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

The Department reviewed these water obstruction and encroachments permit applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 et seq., the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.

4. COMMENT

My name is Michael Schroeder. I am a professional historian. And I strongly suspect that when future historians sit down to write the history of the fracking and pipeline revolutions in Pennsylvania at the dawn of the 21st century, they will find it deeply and profoundly ironic that the state entity charged with protecting the environment, the - the Pennsylvania Department of Environmental Protection was the state entity most - that most effectively facilitated the degradation of the environment it was legally obligated to protect.

At a historical moment, no less, when the fate of the entire planet and the lives of hundreds of millions of people are threatened by runaway global climate disruption, investing \$3 billion in pipeline infrastructure and carrying methane, 80 times more potent greenhouse gas than carbon dioxide, for the first 20 years, with inevitable leaks from wells, from wellheads and gaskets, pipelines with leaks on the magnitude of two, six, seven, eight percent is the definition not only of myopic and imprudent public policy, but of insanity

I harbor no illusions that this public hearing has a predetermined outcome. I will wager my life savings, meager as they are, that you will approve the Chapter 102 and 105 permits that are the subject of tonight's hearing. This hearing, in my view, offers only the illusion of public input. The reality is that regardless of what is said here tonight, the Pennsylvania Department of Environmental Protection will rubber stamp these permits.

In what remains of my time here tonight and for the historical record, for what it's worth, I would like to focus on the pipeline's projected crossing of the Quittapahilla Creek in North Annville Township. And more broadly, on what has been dubbed the Annville Bottleneck, the zone from Quittapahilla Creek down Clear Spring Road, south across Route 422, the site of a major commercial development, the Clear Spring Crossing Mall, and the recently built Rutter's Gas Station on Route 422, which tens of thousands of motorists pass each day.

I'm the same Michael Schroeder referenced on page 4-23 of the final environmental impact statement who expressed concerns about the impact of live artillery shell practice at Fort Indiantown Gap and blasting at the Pennsy Quarry immediately adjacent to the pipelines' projected route. The final environmental statement dismissed these concerns by citing two studies that are at best tangentially related to the concerns expressed.

The first study cited is a two page 2015 DEP Citizens' Guide to Explosive Regulations in

Pennsylvania which states that, quote, permanent movement or permanent displacements of the ground only occurs in the immediate area of the blast about 15 or so feet from where the explosives are placed in a typical blast. But that's not the issue. The fact is that permanent or permanent displacement of the ground is not the issue here. What is at issue is the long-term structural integrity of the welds that are subjected to repeated micro traumas from repeated vibrations.

Second study was a study of ground vibrations done at the University of Nebraska, Albert, et al. And again, this study is completely inadequate to the task at hand.

So I therefore urge the Pennsylvania Department of Environmental Protection to require Williams Transco to commission an independent scientific study of the long-term impact of repeated ground vibrations on the structural integrity of pipeline wells and limestone karst grown geology and I - there's more in my statement and I urge you to deny these permits. Thank you. Note: the attached documents referenced in this comment are included in part three of the comment response document. (225)

Response: The Department has determined that the applicant has satisfied the criteria for issuing the required permits, including conditions in 25 Pa. Code § 105.21 (relating to criteria for permit issuance and denial).

The Department reviewed these water obstruction and encroachments permit applications and the erosion and sediment control permit application consistent with our constitutional obligations and in accordance with established laws, including the Clean Streams Law, 35 P. S. § 691.1 *et seq.*, the Dam Safety and Encroachments Act, 32 P.S. §§ 693.1-693.27 and Pennsylvania regulations, including Title 25 Pa. Code Chapters 93, 95, 96, 102 and 105, and made determinations of the proposed project's effect on health, safety and the environment in accordance with those laws as well as prevailing practices in various environmental professions and in accordance with current environmental science.