

M E M O R A N D U M

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Subject: DRBC Staff Recommendation and Response to Comments
Docket No. D-2015-018-1 Sunoco Pipeline, L.P. – Pennsylvania Pipeline Project
Various Municipalities in Berks, Chester and Delaware Counties, Pennsylvania

I. Summary and Recommendation

- A. **Summary:** In accordance with the Delaware River Basin Compact and regulations, staff of the Delaware River Basin Commission (“DRBC” or “Commission”) prepared a draft docket in response to an application submitted electronically on August 31, 2015 (hard copy, electronic information and a project review fee was received September 2, 2015) by STV Energy Services, Inc. on behalf of Sunoco Pipeline, L.P. (SPLP or project sponsor) for approval of a natural gas liquid transmission pipeline project referred to as the Pennsylvania Pipeline Project (“the Project”).

The Commission published a Notice of Application Receipt (NAR) concerning the application for the natural gas pipeline project on the DRBC website on October 1, 2015. On the same date via U.S. Mail or email, the DRBC notified all parties on the Interested Parties List (“IPL”) for the project of the receipt of the application. The draft docket was announced for public comment and scheduled for a public hearing on November 10, 2015. A notice of public hearing on the draft docket appeared in the Pennsylvania Bulletin on October 24, 2015. The hearing notice and draft docket were posted on the Commission’s website on October 26, 2015. The Commission staff also sent copies of the hearing notice to the IPL.

At the November 10, 2015 public hearing, Commission staff presented a draft docket (D-2015-018-1) approving the construction of the Delaware River Basin portion of the Pennsylvania Pipeline Project. A significant number of written and oral comments were received on the draft docket during the comment period which ran from October 26, 2015 to November 12, 2015 and at the November 10, 2015 public hearing. A summary of the commenters who provided oral comments to the Commission at the November 10, 2015 public hearing on the Project is provided in Attachment 1 of this document. A summary of the commenters who provided written comments to the Commission the draft docket during the public notice period is provided in Attachment 2 of this document.

- B. Recommendation:** The Commission staff have reviewed the hearing transcript and the oral and written comments submitted during the public comment period and have prepared the accompanying Response to Comments (see Section III below) and the attached revised draft docket D-2015-018-1. Staff recommends that the Commission approve the attached version of the docket, which does not differ materially from the draft published for comment.

II. Project Description and Revised Draft Docket D-2015-018-1

The purpose of this docket is to approve the construction of the Delaware River Basin portion of the project sponsor's Pennsylvania Pipeline Project, including: one (1) 20-inch diameter NGL pipeline and one 16-inch diameter NGL pipeline constructed parallel to one another within a single 49.8-mile long right-of-way (ROW); one (1) 2.3 mile long, up to 20-inch diameter lateral pipeline; and nine (9) above ground facilities. The Project, taken together with existing SPLP pipeline systems, will provide natural gas liquid (NGL) transportation of up to 700,000 barrels per day total, including the existing and proposed pipelines from the Utica and Marcellus Shale formations for both domestic and foreign markets. The two pipelines will be constructed parallel to one another within a 49.8 mile long, 75-foot wide construction (50-foot permanent) ROW, approximately two thirds of which is located within the project sponsor's existing Mariner East pipeline system ROW. The new 2.3 mile long lateral pipeline will be constructed within a new 75-foot wide construction (50-foot wide permanent) ROW. The docket also constitutes a special use permit in accordance with Section 6.3.4 of the Commission's Flood Plain Regulations.

A 20-inch diameter pipeline would be installed primarily within SPLP's existing 50-foot-wide ROW from Houston, Washington County, Pennsylvania to SPLP's existing Twin Oaks Station in Upper Chichester Township, Delaware County, Pennsylvania (306 miles) where the pipeline will tie into existing aboveground infrastructure carrying the product to SPLP's Marcus Hook Facility in Marcus Hook Borough, Delaware County, Pennsylvania and Claymont, Delaware. A second, 16-inch diameter pipeline, will also be concurrently installed from SPLP's Delmont Station, Westmoreland County, Pennsylvania to the SPLPs Twin Oaks Station (approximately 255 miles), paralleling the above 20-inch pipeline within the same ROW. Approximately 49.8 miles of the ROW for these two pipelines is located in the Delaware River Basin.

The pipelines' ROW in the Delaware River Basin is located in South Heidelberg, Spring, Cumru and Brecknock Townships and New Morgan Borough in Berks County, Pennsylvania, Elverson Borough and West Nantmeal, East Nantmeal, Wallace, Upper Uwchlan, Uwchlan, West Whiteland, West Goshen, East Goshen and Westtown Townships in Chester County, Pennsylvania and Thornbury, Edgemont, Middletown, Aston, Brookhaven, Chester and Upper Chichester Townships in Delaware County, Pennsylvania. An access road for the Project is also located in Robeson Township, Berks County, Pennsylvania.

In addition, the Project includes the installation of a 2.3 mile long, up to 20-inch diameter lateral pipeline within a new 50-foot wide ROW that will connect the two proposed mainline pipelines

to SPLP's existing pipeline infrastructure located in East Whiteland, Chester County, Pennsylvania.

The Project also includes new above ground facilities including tie-ins, block valves, and emergency flow restricting devices (EFRD). These above ground facilities are located along the pipeline ROW in Spring and Cumru Townships, Berks County, Wallace, Upper Uwchlan, West Whiteland and West Goshen Townships, Chester County and Edgemont, Middletown and Upper Chichester Townships, Delaware County, Pennsylvania.

III. Comment and Response

- A. During the public hearing on November 10, 2015 the Commissioner heard oral comment on Docket No. D-2015-018-1 from 27 speakers. A listing of the commenters who provided oral comments to the Commission at the November 10, 2015 public hearing on the Project is provided in Attachment 1 of this document. Prior to the close of the public comment period on November 12, 2015, 32 written comments were received from individuals and organizations. A listing of the commenters who provided written comments to the Commission on the Project during the public notice period is provided in Attachment 2 of this document.

Generally there was favorable support from union representatives, the Delaware County Chamber of Commerce and others citing economic benefits, general pipeline safety, and safety of pipelines over other transportation systems and opposition to the Project from commenters representing environmental and watershed organizations and citizens who questioned the technical completeness and accuracy of the application, the economic benefits, general pipeline safety, and the need for and environmental impacts of the project, and requested that the Commission delay its decision and hold additional hearings. Commenters opposed to the Project also requested the Commission postpone its decision on the draft docket until other federal and state agencies, including the Pennsylvania Public Utilities Commission (PA-PUC) made their decisions.

B. Response to Comments on the Draft Docket received during the Public Comment Period ending November 12, 2015.

- 1) **Several commenters, including the Delaware River Keeper Network (DRN) and the Clean Air Council (CAC) believed that the Commission's review of the Project was fast tracked. These organizations as well as other commenter's requested an extension of the public review period to provide additional opportunity for public review and comment. Several commenters also requested that the Commission hold additional hearings at multiple locations along the pipeline route, contending that the meeting location was too far from the Project location.**

Response: The Commission’s draft docket addresses those aspects of the Project over which the Commission has jurisdiction. Given the content of the comments received during the public comment period which closed on November 12, 2015 and at the public hearing held by the Commission on November 10, 2015 the Commission staff does not recommend additional hearings. The Project is subject to Compact Section 3.8 review by the Commission because it is a liquid petroleum products pipeline designed to operate at pressures greater than 150 psi (Rules of Practice and Procedure (RPP) Section 2.3.5 A.11) and crosses streams in the Basin and a recreation area listed in the Commission’s Comprehensive Plan (CP). See RPP Section 2.3.5 A.13. The application and supporting materials were adequate for Commission staff to conduct their review and develop a draft docket for public comment. The draft docket includes a description of the Project, the Commission Findings and a Decision section that includes the requirements and conditions related to the Commission’s approval. In addition the draft docket includes a discussion of water resource related aspects of the Project that did not trigger Project review by the Commission because they do not meet the Commission’s thresholds for review as defined in the RPP, and a description of the status of the state or federal reviews that are related to their requirements. The Commission requirements in the draft docket are related to:

- Crossing of the Marsh Creek Recreation Area that is included in the Commission’s Comprehensive Plan
- pipeline is designed to operate at pressures greater than 150 psi and crosses streams in the basin
- Water withdrawal and discharge (the RPP thresholds for water withdrawal and discharge are not exceeded, but the draft docket contains notification requirements regarding the source of the hydrostatic testing water (HTW) and the existing permitted wastewater treatment facility where the HTW will be transport to for discharge)
- Compliance with the Commission’s Comprehensive Plan (CP) including the Flood Plain Regulations (FPR)

In general the Commission staff advises project sponsors that the normal project review period is between 6 to 9 months. Commission staff will often prioritize projects that involve construction over the normal renewal applications, especially if there are deadlines that involve compliance dates, seasonal construction windows or construction windows imposed on a project by federal or state fish and wildlife agencies.

During the August 6, 2015 pre-application meeting the project sponsor informed the Commission of the existence of seasonal restrictions on constructing in certain Project areas and requested that the Commission staff prioritize the review based upon these seasonal restrictions and provide a recommendation to the Commissioners during the December 2015 Commission Business Meeting. The project sponsor provided some initial information prior to the filing of its application and filed its application on August 31, 2015 followed up by a hard copy of the application and supporting materials on September 2, 2015. The project sponsor promptly

responded to Commission’s staff inquiries during the staff’s review of the application. The Commission adhered to all public noticing requirements.

The majority of the comments raised by the commenters are matters that are specifically regulated by State (i.e. PADEP, PA-PUC) and/or Federal (i.e. USACE, Fish and Wildlife) agencies, not the Commission. For example several of the commenters raised issues regarding the Project sponsor’s proposal before the PA-PUC requesting that it be granted “public utility” status. Although the PA-PUC determination may impact the potential construction schedule of the project, the Commission plays no role in deciding whether to grant public utility status. (Additional discussion related to the PA-PUC is included in separate responses below.) The Commission draft docket has several conditions in the Decision section that require the project sponsor to obtain and comply with local, state and federal approvals (C.1.a.,b.and k.) and to commence construction within three years of the docket issuance (C.1.h).

Several other commenters raised issues regarding disturbance of ground cover, wetlands and stream crossings. Consistent with other pipeline reviews the Commission staff is guided by the thresholds in the RPP Sections 2.3.5 A.6 (ground cover), Section 2.3.5 A.9. (stream crossings), and Section 2.3.5.A.15 wetlands. The Project’s ground cover disturbance is less than 3 square miles and the wetlands area impacted through draining, filling or otherwise altering marshes or wetlands is less than 25 acres. Because the Project did not meet the thresholds for Commission review for these activities and Pennsylvania’s and USACOE’s wetlands-related approvals will insure that the Project will not substantially impair or conflict with the Commission’s Comprehensive Plan, in most respects the Commission deferred to and relied upon the state and federal agencies issuing permits for these activities. See Section 2.350.4 of the Water Code describing when the Commission will exercise its jurisdiction over wetlands. In addition stream encroachments within the Basin caused by temporary construction such as cofferdams and falseworks are exempt under RPP Section 2.3.5 A.9. (Additional discussion related to Commission requirements under the FPR is included in separate responses below.) With respect to stream crossings, the Commission included in Section C.1.f of the Decision section of the draft docket a requirement that any proposed change from Horizontal Directional Drilling (HDD) to an alternative crossing method requires the written approval of the Executive Director prior to initiating construction of the alternative. Pages 7-13 in the draft permit provides the details regarding Commission thresholds and Commission involvement. Other comments are discussed below.

- 2) **The (CAC) requested that the Commission withhold approval of the application. They argued that -based on their review of the application, the draft docket, their independent research and knowledge of the Project, and the input of affected citizens with whom they have spoken, the Project violates the Commission’s consistency criteria used to determine compliance with the Commission’s Comprehensive Plan. They contended: (a) “The project must provide beneficial development of the water resources in a given locality or region;” (b) “It must be economically and physically**

feasible ;”(c) “It must conform with accepted public policy;” and (d) “It must not adversely influence the development of the water resources of the basin.”

Response: The Delaware River Basin Compact (Compact) provides that “The Commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the comprehensive plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such plan.” The Compact further provides that “the Commission shall provide by regulation for the procedure of submission, review and consideration of projects and for its determinations pursuant to this section” The Comprehensive Plan (CP) includes, among other things, the Commission’s rules and regulations under which the projects submitted to the Commission are reviewed. The Commission’s Rules of Practice and Procedure provides the basic requirements for the project applications. The “criteria” cited by the commenter were included in the Comprehensive Plan adopted by the Commission on March 28, 1962 and are applicable to the projects included in “Phase I” of the CP . This same language was carried over into the CP that was adopted in July 2001. The projects included in Phase I were essentially watershed projects involving proposed USACE reservoirs (i.e. Beltzville, Blue Marsh, Tocks Island) and State, county and/or local proposed flood control projects (i.e. Silver Lake –Locust Island, Paulin Kill Project, Maurice River Cove project) to which it would be appropriate to use the “criteria” to assist in making determinations.

Not only is the Project not a Phase I CP project, it is not a CP project at all because no decision is being made regarding whether to add the Project to the CP. Consequently, for both reasons the criteria in the CP as to Phase I projects are inapplicable to the SPLP Project. As indicated above the CP includes all the Commission rules and regulations. The Commission staff reviewed this Project in accordance with the applicable rules and regulations.

3) Numerous commenters suggested that the Commission should not take action on the Project until the Project has received the necessary approvals and decisions from other regulatory agencies.

Response: DRBC is a federal interstate compact agency charged with managing the water resources of the Delaware River Basin without regard to political boundaries. It was created by the Delaware River Basin Compact (“Compact”), a 1961 statute enacted concurrently by the United States and the four Basin states – Delaware, New Jersey, New York and Pennsylvania. DRBC’s members are the governors of the four states and a federal representative, the North Atlantic Division Commander of the U.S. Army Corps of Engineers. The Commission’s authority and responsibilities are defined by the Compact and implementing regulations. The Commission’s approval does not supersede the need for the project sponsor to obtain any required local, state or federal permits or approvals. Docket holders are required to obtain and comply with all conditions of such approvals unless they are less stringent than those imposed by the Commission. These requirements are included in the wording of conditions in the Decision section of the docket:

Condition C.I.a.

“Docket approval is subject to all conditions, requirements, and limitations imposed by PADEP, PADCNR, County Conservation Districts and the USACE, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.”

and Condition C.I.k.:

“Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.”

Thus, the docket holder must still obtain all necessary state, federal and local approvals prior to constructing the pipeline project. Historically, in most instances the Commission has not regarded the sequence of approvals as critical; the Commission has at times issued its approval before the project sponsor received one or more other regulatory approvals, and at times after such approvals were received. For the public’s information, pages 12 and 13 of the draft docket indicates the pending status of several of the federal, state and local permit actions that are required by the Project.

- 4) **Several commenters indicated that SPLP: (1) has made obviously inaccurate material statements in its application that alone render its application unsuitable for approval, at least without amendment and resubmission; (2) has miss-stated the purpose of the Project, leaving the Commission without crucial information upon which approval is contingent and, (3) the Project is illegal and contrary to public policy for reasons not apparent from the application.**

Response: The attachments to the project sponsor’s application contain documents that were submitted to federal and state agencies in support of the Project. The application to the Commission includes information that provides that the purpose of the Project. Commission staff accepts copies of materials that have been submitted to other agencies, where they are applicable, rather than requiring a project sponsor to create specialized and duplicate submissions. Projects may undergo amendments to the purpose, alignment or proposed construction during the various reviews, which may render some of the information in these attachments obsolete. However the Commission staff note that the Project purpose included in the Commission’s public notice and in Section A. DESCRIPTION of the draft docket is clear as to the description and purpose of the Project:

“The purpose of this docket is to approve the construction of the Delaware River Basin portion of the docket holder’s Pennsylvania Pipeline Project, including: one (1) 20-inch diameter NGL pipeline and one 16-inch diameter NGL pipeline constructed parallel to one another within a single 49.8-mile long right-of-way (ROW); one (1) 2.3 mile long, up to 20-inch diameter lateral

pipeline; and nine (9) above ground facilities. The project, taken together with existing SPLP pipeline systems, will provide natural gas liquid (NGL) transportation of up to 700,000 barrels per day total, including the existing and proposed pipelines from the Utica and Marcellus Shale formations for both domestic and foreign markets.”

Therefore, the DRBC staff was aware that the Project purpose underwent several changes since the application was made to the various agencies. Moreover, the Project reviewed by the DRBC staff and presented to the public by the DRBC staff in the notices and the draft docket, is consistent with the amended application made to DRBC and is the Project to be approved by the final docket.

- 5) **CAC commented that the Section 2.1.4 of the Commission’s Rules of Practice and Procedure (RPP) explain, “Applications for projects shall include at least the following information: ... a discussion of the alternatives considered,” (emphasis added). SPLP needed to set forth an analysis of the consequences of not building a natural gas liquids pipeline, but it did not do so. SPLP’s No-Action Alternative analysis is therefore non-responsive, rendering its application incomplete.**

Response: RPP Section 2.1.4 applies to public projects that are being considered for inclusion in the Comprehensive Plan (CP). This Project is being reviewed to determine that it will not substantially impair or conflict with the CP, not for inclusion in the CP. Consequently, Section 2.1.4 is inapplicable to this Project. In addition, although projects that are being considered for inclusion in the CP require a discussion of the alternatives considered, a No-Action Alternative is not specifically required. In support of its application the project sponsor has submitted a discussion of alternative route variations and construction methods to avoid and minimize potential impacts.

- 6) **The CAC commented that in Attachment 19 to its application, SPLP indicated that it “does not have any reasonably foreseeable future actions associated with this Project, in the Project area or areas adjacent thereto. On September 10, 2015, while the Commission was reviewing its application, SPLP finally announced to the public that it was seeking shippers in an open season for a new “Mariner East 2 Expansion Project.” This new expansion, contrary to SPLP’s mitigation plan representation, would constitute a second major expansion of the Mariner East project. SPLP knew this when it represented to the Commission that there would be no “reasonably foreseeable future actions associated with this Project.” Additional pipelines would obviously cause additional land disturbance, air pollution, water discharges, and other environmental and social harms. SPLP should have disclosed this to the Commission, but did not. This Commission should demand an explanation from SPLP, and require a supplemental filing detailing what additional land impact the expansion project would entail.**

Response: As noted in an earlier response, various attachments were included with the application to the Commission that were provided to other state and federal agencies prior to

the submission of the application to the Commission. In its original application to the Commission, the project sponsor sought approval of a dual pipeline project providing for the phased construction of the two individual pipelines within the primarily same right of way (ROW). During the Commission's review process, the project sponsor advised the DRBC staff that the Project would not be phased and that both pipelines would be constructed at the same time. The Project reviewed included the impacts of the Project described in the draft docket. The Project reviewed by the Commission staff and presented to the public in the notices and the draft docket, is consistent with the simultaneous construction of the two pipelines.

- 7) **Several commenters recommended that the Commission should not approve the project until PA-PUC ruled on the project sponsor's request for "public utility" status and the Eminent Domain authority.**

Response: The Commission's docket addresses those aspects of the Project over which the Commission has jurisdiction. Whether or not the project sponsor is classified as a "public utility" and therefore may exercise eminent domain authority is determined by the PA-PUC and Pennsylvania law, not by the Commission or the Compact. As noted in earlier responses, the draft docket expressly provides that SPLP must obtain all required approvals from federal, state, local governments. As indicated in a response to an earlier comment, comments and concerns that are related to a challenge to SPLP's application to the PA-PUC for "public utility" status are appropriately addressed to the PA-PUC.

- 8) **CAC commented that SPLP has tried to convince the PA-PUC that this NGL pipeline transmission service was a public utility service in a series of petitions for exemption from zoning laws for the Mariner East pipeline Project after it originally argued that it was an interstate pipeline and not a public utility. The CAC opined that perhaps realizing the law was not on its side, SPLP withdrew those petitions and re-characterized the Project as intrastate instead. SPLP newly claimed, without providing any evidence, that there would now be various points in Pennsylvania where the NGLs would be offloaded in addition to the international port. SPLP has never provided any evidence to the public that this is the case. The CAC believes that SPLP lacks such evidence because there are no material shipping contracts for local deliveries of NGLs carried on the pipelines, while there are indeed shipping contracts for international deliveries of such NGLs.**

Response: The CAC comments and concerns are related to their challenge to SPLP's application to the PA -PUC and should be addressed to the PA-PUC.

- 9) **The CAC commented that the SPLP's application also relies on unsubstantiated assertions that the pipeline is in the public interest based on claimed local use of the propane the lines would carry. CAC argues that these assertions are false, and that it is currently engaged in litigation with SPLP in which we are seeking discovery proving that these assertions are false. The Mariner East pipeline Project as a whole was initially designed as a fully interstate Project, delivering liquids produced west of the Delaware**

River Basin in Ohio, West Virginia, and Western Pennsylvania, to the international port at Marcus Hook straddling Delaware and Pennsylvania. The economic motivations for the Project are to be able to sell natural gas liquids at the price points available overseas--particularly with sales to petrochemical manufacturers in Europe.

Response: As noted in a response to an earlier comment the project purpose as described in the draft docket is: “The project, taken together with existing SPLP pipeline systems, will provide natural gas liquid (NGL) transportation of up to 700,000 barrels per day total, including the existing and proposed pipelines from the Utica and Marcellus Shale formations for both domestic and foreign markets.” The CAC comments and concerns are related to their challenge to SPLP’s application to the PA-PUC and it is DRBC believes that it will be addressed in a determination by the PA-PUC.

10) **The CAC comments that SPLP does not have the right to use eminent domain for the Mariner East 2 pipeline Project. CAC indicates that it has filed a lawsuit in the Court of Common Pleas of Philadelphia County to establish that this is so and prevent SPLP from abusing that claimed power. The Complaint was filed in the August Term, 2015, was docketed as No. 03454, and was attached as Exhibit B to its comments.**

Response: The CAC comments and concerns are related to their challenge to SPLP’s application to the PA-PUC and should be addressed to the PA-PUC or a tribunal with jurisdiction to adjudicate CAC’s challenge. Whether or not SPLP is classified as a public utility for purposes of Pennsylvania law is not determinative of whether or not the Project substantially impairs or conflicts with the Commission’s Comprehensive Plan. The draft docket does not address the question of whether or not SPLP may exercise the power of eminent domain.

11) **DRN commented that the Commission action should wait until the DRN-PADEP Wetland Case has been determined. DRN indicates that:**

- **In May of 2015, the DRN initiated a lawsuit against the Pennsylvania Department of Environmental Protection alleging, among other things, that the Department violated Pennsylvania’s water quality standards by approving a Clean Water Act Section 401 Water Quality Certification for Transcontinental Pipeline Company’s Leidy Southeast Expansion Project.**
- **The issues were fully briefed and oral argument took place before the Third Circuit Court of Appeals on October 29, 2015. A decision from the Third Circuit is expected in February 2016.**
- **The same issues that are being considered by the Third Circuit with regard to wetland conversions are an issue for the proposed Project.**
- **If the Commission grants the docket, and the Third Circuit later finds that the felling of trees in exceptional value wetlands violates Pennsylvania water quality standards, the Commission will be in the position not only of having to justify how it approved a project that expressly violates Pennsylvania’s water**

quality standards, but will also have set bad precedent for future docket requests.

Response: As noted in a separate response to comments, the Project involves the draining, filling or otherwise altering marshes or wetlands of less than 25 acres, therefore the Project does not meet the thresholds for Commission wetlands review, and in such cases the Commission defers to the state and federal agencies issuing wetlands-related permits. See RPP 2.3.5A.15 and Water Code § 2.350.4. In addition, the Commission does not administer the Clean Water Act Section 401 Water Quality Certification Program. The draft docket provides that it does not exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over the Project. If the Pennsylvania Department of Environmental Protection improperly issued its Water Quality Certification for the Project, then appropriate relief may be granted by the reviewing tribunal and/or PADEP. The Commission currently has sufficient information to evaluate whether the Project as proposed would substantially impair or conflict with the DRBC’s Comprehensive Plan, and, therefore, staff does not recommend postponing issuance of the final docket.

- 12) **DRN commented that the Commission failed to identify that the Project resulted in a significant disturbance of groundcover affecting water resources. In the DRBC’s proposed docket, it states that the Project is subject to DRBC legal authority because of the fact that the “pipeline is designed to operate at pressures greater than 150 psi and crosses streams in the basin and crosses a recreation area listed in the Commission’s Comprehensive Plan and therefore meets regulatory thresholds that subject the project to Commission review.” Presumably, the Commission here is referencing its triggering mechanism for review pursuant to Article 3, Section 2.3.5.A(13) of the Commission’s Rules of Practice and Procedure. Notably, the DRBC did not assert jurisdiction because the project involves a significant “disturbance of ground cover affecting water resources” (see RPP Article 3, Section 2.3.5.A(13)).**

Response: As recognized by the commenter, the Commission has determined that the “pipeline is designed to operate at pressures greater than 150 psi and crosses streams in the Basin and also crosses a recreation area listed in the Commission’s Comprehensive Plan and therefore meets regulatory thresholds that subject the project to Commission review.” However, in reviewing whether a ‘significant disturbance,’ as that term is used in RPP § 2.3.5A.13, would occur, the Commission staff is guided by two other land disturbance thresholds established by section 2.3.5 A: those that, respectively, ‘[a] change in land cover on major ground water infiltration areas when the amount of land that would be altered is less than three square miles’ (RPP § 2.3.5 A.6); and projects that involve “[d]raining, filling or otherwise altering marshes or wetlands when the area affected is less than 25 acres’ (RPP § 2.3.5 A.15). Since these thresholds were not exceeded the Commission staff concluded that the Project would not result in a significant disturbance of ground cover affecting water resources within the meaning of RPP § 2.3.5A.13.

13) Commenters argue that the DRBC should examine the cumulative impact of all pipelines including the Mariner East and PennEast Pipelines collectively.

Response: An analysis of cumulative impacts is generally required by NEPA for major federal actions subject to that statute. The Commission is not a federal agency for purposes of NEPA. The Commission's rules at one time provided for the performance of NEPA-like analyses for certain projects; however, by Resolution No. 80-11 on July 23, 1980 the Commission suspended its regulations relating to such analyses. By Resolution No. 1997-18 on November 19, 1997, the Commission amended the RPP "for clarification and conformance with existing Commission interpretations and practices," in part by removing in its entirety the section of the RPP relating to environmental assessments. In doing so, the Commission stated that its "review of projects will continue to require all projects to comply with all environmental and other policies in the Commission's Comprehensive Plan...." Staff's review of the Project and its current recommendations are consistent with that policy. Although under appropriate circumstances the Commission may exercise its discretion to consider cumulative impacts, such a review is not warranted here because, among other reasons, the Mariner East and PennEast Pipelines have not been shown to be an integrated project and no evidence of a functional or physical connection has been provided, common ownership is lacking, temporal and spatial differences exist between the projects, neither project is underway, and PennEast has yet to formally apply to the Commission for a docket.

14) DRN believed that the wetlands were not properly classified and the amount of PFO wetlands were undercounted. For example, DRN staff examined two wetlands as a spot-check to determine the accuracy of the information provided in the proposed docket. DRN reviewed mapping images supplied by the National Wetlands Inventory and matched them with the locations of wetlands C491 and B192 in Chester County. DRN also believed that the Commission was not provided mapping information necessary to review the wetland impacts. The project sponsor also submitted comments indicating that the wetlands classifications and delineations were proper.

Response: Site plans showing the locations of the pipelines, permanent and temporary right-of-way and wetland and stream locations were included in the Data CD's submitted to the Commission with the application and were reviewed by Commission staff. These drawings included aerial photo base maps and were drawn at a scale of 1"=200 feet. Additional wetland mapping details were provided with the Erosion and Sediment Control and Site Restoration Plans, which were downloaded from STV's FTP site on September, 14, 2015. The project sponsor also provided a table detailing the type and area of wetland impacts specific to the DRB portion of the Project.

As reported in the Aquatic Resource Reports for the Pennsylvania Pipeline Project prepared by the project sponsor's consultant, Tetra Tech, Inc., wetland areas were delineated on site using methodology enumerated in the United States Army Corps of Engineers (USACE) Wetland Delineation Manual (Environmental Laboratory, 1987) (1987 Manual), as amended by the

Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region, April 2012 (Corps Regional Supplement). The delineation consisted of establishment of the wetland/upland margin with flagging hung at intervals that accurately depicted the outline of the boundary. The individual flags were then located using a Global Positioning System (GPS) receiver and later added to the Project area mapping. The three Aquatic Resource Reports (one each for Berks, Chester and Delaware Counties) were part of the PADEP joint permit application included in the data CD ROMS submitted with the DRBC Application.

The Commission received a comment from Andrew Levine, Esquire, on behalf of project sponsor, indicating that the wetlands in question are located within existing ROW are emergent in nature and that the wetland delineations were based upon actual observed field conditions.

DRBC's RPP Section 2.3.5 A.15. provides that project's involving alterations of wetlands affecting fewer than 25 acres will be subject to the Commission's review only in instances "(1) where neither a state nor a federal level review and permit system is in effect, *and* the Executive Director determines that a project is of major regional or interstate significance requiring action by the Commission, *or* (2) when a Commissioner or the Executive Director determines that the final action of a state or federal permitting agency may not adequately reflect the Commission's policy as to wetlands of the Basin." Section 2.350.4 of the Commission's Water Code similarly limits the Commission's exercise of jurisdiction over wetlands. As described in the draft docket approximately 7 acres of wetlands are located within the Project's permanent and temporary construction ROW. Based on its review, the Commission staff concluded that even if there are changes to the wetland characterizations or delineations, the total wetland disturbed will be less than 25 non-contiguous acres. Consistent with the RPP, Water Code and past practice, the Commission defers to the federal and state agencies imposing wetlands-related requirements and approvals.

- 15) **DRN commented that the Floodplain Regulations give DRBC both the opportunity and the mandate to reject this Project given the large number of stream crossings and floodplain impacts required. DRN provided information in support of supporting their comments that the floodplain special permit criteria was not met and that a special use permit should not be issued. They argue that Section 6.3.4 of the DRBC Floodplain Regulations allow construction of pipelines in the floodplain if it is the subject of a special permit granted by the DRBC. According to the DRBC Floodplain Regulations, a special permit "may" be granted in certain circumstances but there is by no means an expectation or presumption that special permits for pipelines will be granted. Given that the proposed Project will cross 65 streams, including their floodplains, and will also result in construction activities in the floodways of 36 additional streams, DRN contended that the quick determination that a special permit was appropriate with so little review is not appropriately supported and should be revisited with a greater level of scrutiny. According to the DRBC Floodplain Regulations, special use permits "shall not" issue for projects that, among other things, "endanger human life", "have high flood damage potential" or degrade significantly runoff, erosion, sedimentation, the**

quality of surface water or the quality or quantity of ground water. They argue that the Mariner East pipeline is a significant danger to human life, and, as such, should not be the subject of a special permit.

Response: As stated in an earlier response to comments, stream encroachments within the Basin caused by temporary construction such as cofferdams and falseworks are exempt under RPP Section 2.3.5 A.9. In addition the Project will impact a wetlands area of less than 25 acres and as such the Commission defers to state and federal permitting agencies regarding wetland impacts (RPP Section 2.3.5 A.15, Water Code Section 2.350.4). However, the Commission has determined that the “pipeline is designed to operate at pressures greater than 150 psi and crosses streams in the Basin and crosses a recreation area listed in the Commission’s Comprehensive Plan and therefore meets regulatory thresholds that subject the Project to Commission review under Section 3.8 of the Compact. Since this Project is subject to Commission review under Section 3.8 of the Compact and involves floodplains it is also subject to review under the Commission Flood Plain Regulations (FPR), (Section 6.2).

FPR Section 6.3.4 A. and B. provide that the Commission may issue special permits for certain projects including pipelines. In determining whether or not to recommend the issuance of a special permit, Commission staff are guided by both the exemptions provisions for the stream crossing and wetlands as provided in the RPP Sections 2.3.5 A.9. & 2.3.5 A.15 and the FPR Sections 6.3.4 A. and B. which provide that the special permit may be granted, or granted on stated conditions.

The Commission’s Flood Damage Reduction Policy states that “flood Damage Reduction shall be achieved in part through non –structural measures”. To that end the Commission regulations prohibit certain uses in the flood way and flood fringe. Pipelines are a permitted use in part because in general, they do not develop the land with above ground structures that would likely impact the flood levels or endanger the public due to increased flood levels or stream flow velocities.

Section 6.4.2 A. provides criteria for the Commission staff to make judgements as to whether or not there is a clear balance in favor of the public interest in terms of the environmental criteria (see Section 6.4.2 A 1-9). The environmental criteria include; (1) the importance of the facility to the community, (2) availability of alternate locations for the facility, (3) compatibility of the proposed use with existing and anticipated development, (4) relationship to any applicable comprehensive plan or flood plain management program for the area, (5) safety of access for ordinary and emergency vehicles in times of flood, (6) expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site, (7) the degree to which the proposed activity would alter natural water flow or water temperature, (8) the degree to which archaeological or historic sites and structures, endangered or rare species or animal or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land types would be degraded or destroyed, and (9) the degree to which the natural, scenic and aesthetic values at the proposed activity site could be retained.

In considering its recommendation to approve or disapprove a special permit, Commission staff is primarily concerned with the Project's potential to be impacted by flood waters or to increase flooding and/or flood related damages, and flood related human endangerment. The Commission staff recognizes that regional projects such as pipelines, powerlines etc. have economic and service impacts that are generally more regional than local, and often do not directly benefit residents and local communities along their routes. In the case of this Project, comments regarding the economic benefits and impacts have been presented by both those in favor and those opposed to the Project. Likewise, there is disagreement over whether the pipeline will in fact supply natural gas to communities along its route. While the Commission staff is aware that the Project is not necessarily important to the local communities along the pipeline ROW, the Project does have apparent importance to Pennsylvania and the region at a minimum in terms of tax revenues and jobs related to the transport and storage of liquid petroleum products.

The Project extends across several counties in Pennsylvania and has as its main terminus at the project sponsor's Marcus Hook facility located in Pennsylvania and Delaware. To a large extent it follows the existing ROW of the Mariner I pipeline. After reviewing routing alternatives, the project sponsor selected the route that follows the existing ROW of Mariner I to the extent possible. In general, the Commission prefers co-location of pipelines and other linear projects. The terrain between the product source and the pipelines terminus requires the crossing of various streams, wetlands and flood plains. The project sponsor has selected HDD or boring for 68 of the crossings. This method will minimize the impacts on the stream crossings during the construction. It has also examined other alternatives and selected floodplain and stream crossing alternatives to reduce impacts during construction (ROW reduction, rapid construction, etc.). The pipelines will be buried underground, and should not impact the existing flood or future flood elevations. In addition state and federal permit requirements will include stream bank restoration requirements.

The Project is being constructed for the most part within the existing ROW, utilizes HDD in a number of areas and is compatible with the existing use at the terminus. In general this is compatible with the proposed use, existing development and development anticipated in the future.

No comprehensive plan or flood plain management program for the area has been submitted to the Commission for its review and approval in accordance with FPR Section 6.4.1 B. or as in response to the draft docket and general permit. In general under the FPR pipelines are a permitted use in part because they do not develop the land with above ground structures that have the potential to impact the flood levels and increase flood damages.

The pipelines' underground location does not impact the safety of access for ordinary and emergency vehicles. The pipelines contains emergency flow restricting devices, that in the case of an accident or other potential for release, would allow the shutting down of the pipeline to

minimize the impacts of a release. The pipelines are buried underground and is not expected to be impacted by heights, velocity and duration, rate of rise and sediment transport of the flood water expected at the site. The proposed activity is not expected to alter natural water flow or significantly change water temperature.

The Project is currently under review by the federal and state agencies that have the direct and independent responsibility to conduct the reviews related to archaeological or historic sites and structures, endangered or rare species or animal or plants, high quality wildlife habitats, scarce vegetation types, and other irreplaceable land types would be degraded or destroyed. The draft docket was circulated to the state and federal Commissioners and other local and county planning agencies and no comments have been submitted to the Commission by those agencies. It is expected that the state and federal permits will contain the appropriate terms and conditions to ensure compliance with their requirements, thereby protecting these features. The Project follows the existing ROW as much as possible and is minimizing the width of the construction ROW in wetlands and stream crossing (where it is not utilizing HDD or boring as a construction technique).

The project is mainly in the existing ROW and at the Marcus Hook facility so there is limited impact on the natural, scenic and aesthetic values at the proposed activity site. In addition the 0.09 mile crossing of the Marsh Creek State Park is subject to state approval.

FPR 6.4.2 B provides that the project will not endanger human life, have a high flood damage potential, obstruct flood flows nor increase flood heights or velocities unduly whether acting alone or in combination with other uses, degrade significantly the water carrying capacity of any delineated flood way or channel, increase significantly rate of local runoff, erosion, or sedimentation, degrade significantly the quality of surface water quality or quantity of groundwater, be susceptible to floatation, or have facilities installed below the elevation of the regulatory flood without being adequately flood proofed.

The Commission staff have reviewed the Project and have determined that it does not violate any of the Section 6.4.B criteria. Because it will be located underground in the floodplain areas, it is not unlikely to have a high flood damage potential, obstruct flood flows, or increase flood heights or velocities unduly alone or in combination with other uses. The Project will not degrade significantly the water carrying capacity of any delineated flood way or channel or increase significantly rate of local runoff, erosion, or sedimentation, nor will it degrade significantly the quality of surface water quality or quantity of groundwater, or be susceptible to floatation. Since the pipelines will be installed underground they will be installed below the elevation of the regulatory flood but will be protected from stream and flood flows by appropriate backfilling and compaction where applicable.

The Commission staff have reviewed and recommended the approval of a special permit as provided under the FPR.

16) Several commenters expressed their concerned with the stream and wetland impacts, vegetative buffer and impacts to forests indicating that restoration plans are not adequate.

Response: RPP section 2.3.5 A9. Provides that temporary encroachments on streams with the Basin caused by temporary construction such as causeways cofferdams and falseworks to facilitate construction on permanent structures do not trigger Commission review. In the Findings section of the draft docket, pages 9 through 12, describes the stream crossings and the actions taken by state agencies. Commission staff believes that riparian buffers and restoration issues are regulated by the state and federal permitting agencies and that these agencies will appropriately address such issues in their permits and other approvals.

In accordance with the RPP exclusions cited above, the Commission generally defers to the federal and state reviews and approvals for stream crossings. As part of its review of the Project, Commission staff have confirmed that the project sponsor has applied for the state and federal permits, which at the time of this writing were still pending. The draft docket includes a description of the status of the required permits/approvals. Commenters should direct comments to those agencies responsible for issuing those approvals. With respect to the 68 stream/floodway crossings for which SPLP has proposed using an HDD method, Condition C.I.f in the Decision portion of the draft docket requires SPLP to obtain the approval of the Executive Director before changing the stream crossing method from HDD to an alternative method.

17) The Commission received comments concerning leaks, accidents and explosions, vulnerability to earthquakes, terrorist attacks, and the effects on public safety. Commenters were concerned that leaks in the pipeline could contaminate soil and groundwater. It also received comments from organizations that indicated that SPLP has committed to building and operating the pipeline at the highest safety standards in the industry. Other indicated that the use of skilled laborers would help safety and that pipelines are the safest method to transport NG and product, safer than rail or truck transportation.

Response: Comments were provided to the Commission citing both the operational and safety advantages of pipelines and those expressing concerns regarding the safety and risks associated with the construction, maintenance and operational of pipelines. While the Commission recognizes the relative concerns expressed by both sides, the Commission relies on the responsible federal and state agencies to establish material and operational standards for pipelines and the response criteria in the event of accident or releases of materials. Pipeline safety issues fall within the responsibility of the federal agencies that regulate and establish the requirements for pipelines. As indicated on page 4 of the draft docket, the pipeline facilities were designed and will be maintained in accordance with U.S. Department of Transportation (DOT) regulations and industry standards. The proposed Project is designed, and will be constructed, operated, and maintained in accordance with DOT federal safety standards, 49 CFR Part 195. The federal regulations are intended to ensure adequate protection for the public from

hazardous liquids pipeline failures. Part 195 Subparts C and H specify material selection and qualification, design requirements, protection from internal, external, and atmospheric corrosion. In addition, SPLP will implement and/or adhere to the following safety practices: 1) SPLP will perform regular leak detection surveys in accordance with DOT regulations, 2) SPLP's cathodic protection system is and will continue to be inspected at regular intervals to ensure proper operating conditions consistent with DOT requirements for corrosion mitigation, 3) New above ground facilities will be fenced with required signs posted and existing facilities will remain securely fenced to prevent unauthorized access, 4) Any potential hazards will be minimized by emergency shutdown and flow restriction in any necessary section of pipeline, 5) Under DOT regulations provided in 49 CFR. §195.402(e), SPLP will establish an Emergency Plan that provides written procedures to minimize hazards from a pipeline emergency, 6) SPLP has and will maintain a Computational Pipeline Monitoring (CPM) leak detection system in place as required by 49 CFR 195.134, and 7) SPLP has safety brochures and public awareness and community outreach programs to inform and educate the public, emergency responders, affected municipalities, school districts, businesses, residents, appropriate government organizations, and persons about their operations and to enlist their assistance in reducing the potential for emergency situations.

18) Commenters compared the Project with the Keystone Pipeline Project indicating that the logic used by the State Department and the President to reject the Keystone pipeline applies to this SPLP proposal.

Response: The Keystone project involved the energy-intensive and water-intensive extraction of heavy petroleum from tar sands and the transportation of that heavy petroleum through pipelines. The Project differs from the Keystone project in various ways including, among others, the type of products at issue, the sources of the products, the extraction methods used and the environmental risks posed. The Keystone Pipeline decision was made by Federal authorities in accordance with federal responsibilities. The Commission is a federal interstate compact agency that was created to develop and effectuate plans, policies, and projects relating to the water resources of the Basin. The Commission's action is taken pursuant to Section 3.8 of the Compact which provides in part that the "Commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the comprehensive plan..." The Commission staff have reviewed the Project and have determined that the Project meets the Commission requirements and recommend the draft docket for Commissioner approval.

19) Some commenters indicated that there was inadequate state regulation of these projects. Another questioned who was responsible for monitoring these project citing an example of a SPLP that existing pipeline was exposed in UNT West Valley Creek and was recovered last summer. The commenter asked who is responsible for monitoring disturbances along pipeline. Other commenters argued that pipeline projects are highly regulated.

Response: Commenters should direct comments regarding state regulation and requirements to the appropriate state agency during its regulatory review of the Project’s application. The project sponsors are required to obtain permits from PADEP and USACE for wetlands and waterbody encroachments and to maintain the facilities. These permits require specific E&S controls be implemented during construction. Following construction, the state and federal permits require that the stream banks and wetland areas be restored and monitored.

20) The draft docket is not written with teeth to hold SPLP to its promises of stewardship in its application. The Commission insists on page 4, for example, that the temporary workspace “be restored and allowed to revert back to its pre-construction condition.” SPLP has quite often not done so in the past. In the draft docket at page 11, the Commission requires SPLP to properly dispose of its wastes. Again, SPLP does not have a good track record here.

Response: The draft docket is written consistent with Commission regulations. Page 4 of the draft docket is based on the project sponsors commitment that the temporary work space will be restored and allowed to revert to pre-construction conditions and the construction plans that are approved by the Commission. The draft docket (Condition C.I.g., Page 14) requires the project sponsor to provide a statement confirming that the Project has been completed in a manner consistent with any or all DRBC approved plans or explain how the as-built Project deviates from such plans. Condition C.I.i. (page 14) of the draft docket requires the docket holder to report to the Commission any violations of the docket within 48 hours of the occurrence or upon the docket holder becoming aware of the violation. In addition, the docket holder is required to report in writing any violations of any other docket conditions to the Commission Project Review Section Supervisor within three days of the violation. The docket holder shall also provide a written explanation of the causes of the violation within 30 days of the violation and shall set forth the action(s) the docket holder has taken to correct the violation and protect against a future violation.

21) The CAC urges the Commission, first, to require strict proof that SPLP will comply with its conditions and second, to make clear that it will suspend its approval and levy serious fines in instances of violations of the Commission’s environmental conditions.

Response: The draft docket is written consistent with Commission regulations and it requires the compliance with its terms and conditions. Violations of the terms of the docket are pursued and resolved in accordance with the penalty provisions in the Commission’s Compact and the Commission’s Civil Penalty Matrix. Consistent with the Civil Penalty Matrix, when pursuing civil penalties the Commission ordinarily considers factors including, but not limited to, whether previous violations have occurred, whether the violation was willful and deliberate, whether the violation caused adverse environmental consequences and the extent of any harm, and whether the failure to comply was economically beneficial to the violator. The Commission may also in the appropriate case seek injunctive relief and/or suspend the approval on account of violations of docket conditions. Nothing in the draft docket limits the relief that the Commission may seek

for violations of the docket or otherwise limits the Commission’s enforcement tools and discretion.

- 22) **The CAC comments that SPLP has a bad track record with its pipeline and right-of-way construction and maintenance. It indicates that just this last June, for example, the Pennsylvania Department of Environmental Protection (“PADEP”) entered into a consent agreement with SPLP for environmental laws it broke while working on the Mariner East Project. SPLP admitted to six instances in which it illegally released drilling fluids and wastewater into waters of the Commonwealth during horizontal directional drilling operations over a few months in 2014, in violation of the Clean Streams Law. SPLP also admitted to a number of erosion and sediment control violations in connection with Mariner East. SPLP paid a fine of over \$95,000 for these violations. The Commission should demand strict proof of past environmental stewardship before approving SPLP’s application.**

Response: Violations of state permits are enforced by the state agencies in accordance with their statutes, regulations and policies. The Commission requires compliance with its approvals.

- 23) **Many commenters expressed their views on both sides of the need, economic value, and benefit of the Project. Commenters located along the ROW and in the vicinity of the Project indicated that the Project brings no economic or service benefit to them or their local communities while representing immediate or long term concerns to their property values and potential dangers. NGO’s commented that the Project is redundant, create more damage than benefit to local communities and are primarily designed to provide the natural gas liquids it will carry to overseas markets. Supporters the Project cite the investments at the Marcus Hook Complex which is the primary terminus for the Project, 3000-400 direct jobs in the region, and a multi-billion impact the Project will have on Pennsylvania’s economy and tax revenues.**

Response: The Commission is a regional interstate body that was created to develop and effectuate plans, policies, and projects relating to the water resources of the Basin. Section 3.8 of the Compact provides that the “Commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the Comprehensive plan...” Commission staff have not conducted a separate evaluation regarding the economic benefits expressed by those commenters who provided information in favor of the Project or the negative economic impacts expressed by those who provide comments opposed to the Project. In general, the Commission staff recognizes that regional projects such as pipelines, powerlines etc. have economic and service impacts that are generally more regional than local, and often do not directly benefit residents and local communities along their routes. While recognizing the views expressed by the commenters, the Commission’s decision making under Section 3.8 of the Compact is concerned with whether or not such projects will substantially impair or conflict with the Commission’s Comprehensive Plan, ordinarily by having a substantial adverse impact on the water resources of the Basin rather than the benefits of such projects. As discussed in an earlier

response to comment, the Commission's consideration of the benefits and economic viability of projects as criteria for consistency with the Commission's Comprehensive Plan is reserved for Phase I water resource development projects such as reservoirs, and/or State, county and/or local proposed flood control projects.

Not only is the Project not a Phase I CP project, it is not a CP project at all because no decision is being made regarding whether to add the Project to the CP. Consequently, for both reasons the criteria in the CP as to Phase I projects are inapplicable to the SPLP Project. This Project is not a Phase I project and therefore the consistency criteria cited by the commenter are not applicable to this Project. As indicated above the CP includes all the Commission rules and regulations. The Commission staff reviewed this Project in accordance with the applicable rules and regulations.

24) One Commenter indicated that the Commission should review impacts resulting from HDD.

Response: All construction methods have positive and negative impacts. The Commission staff does not favor one methodology over another. Instead each selected method should be appropriated to the situation to which is being applied and the positive and negative impacts need to be considered before the method is selected or altered.

25) Several commenters objected to the Project and the construction of new infrastructure for fossil fuel extraction, transportation, refining or burning. They also contended that the Project would exacerbate climate change. They indicated that other energy sources should be considered and that whatever energy source this country, the Commonwealth of Pennsylvania or localities decide to utilize is going to create jobs.

Response: The issues raised by commenters, while important public policy concerns, are part of a much larger national and international energy policy debate over, among other things, emission of greenhouse gases and transition to renewable forms of energy. In that form, this debate is not within the jurisdiction conferred upon the Commission by the Compact. To the extent that the larger issues implicate the water resources of the Basin that are subject to the jurisdiction of the Commission under the Compact, the Commission already has some regulations in place, for example, water conservation and water auditing requirements, that are pertinent to the concerns raised. In addition, the Commission may continue to consider the water resource implications of the issues raised in the context of future Commission actions regarding rules, regulations and/or changes to the Comprehensive Plan. For purposes of this draft docket, the Commission's evaluation of the Project is restricted to reviewing whether the Project substantially impairs or conflicts with the Comprehensive Plan as it now exists, and whether a special permit should be issued under the Commission's existing flood plain regulations.

Attachment 1

ORAL COMMENTS AT COMMISSION HEARING		
November 10, 2015		
	Commenter	Organization
1.	Don Vymazal, Aide to PA Senator Andrew Dinnamin	PA State Senate
2.	Aaron J. Stemplewicz	DRN
3.	Diana Griffen	Land owner/ Clean Air Council
4.	Samuel Koplinka-Loehr	Clean Air Council
5.	Ed Braukus	IBEW Local 743
6.	Abe Amoros	Laborers' International Union of North America
7.	Coryn Wolk	Clean Air Council
8.	Joe Casey	CH2M, resident
9.	Mark Fischer	LW Survey
10.	Patricia Libby	Clean Air Council
11.	Sarah Caspar	Clean Air Council/ resident
12.	Trish McFarland	Delaware County Chamber of Commerce
13.	Jim Rapp	Property Owner
14.	Mark Pinkasavage	IBEW Union
15.	Joe Marrone	unknown
16.	Thomas Church	resident
17.	Dave Pringle	Clean Water Action - NJ
18.	Ted Glick	Beyond Extreme Energy
19.	Susan Carty	PA League of Women Voters
20.	Al Kalicie	Steam Fitter Union Local 420
21.	Karen Melton	Clean Air Council/ resident
22.	Kenneth Howes	Resident
23.	Emily Davis	Resident
24.	Robert Wildes	Operating Engineer
25.	Matthew Gordon	SPLP
26.	Andy Haulmier	Steam Fitter Local 420
27.	Kathryn Cassidy	League of Women Voters

Attachment 2

WRITTEN COMMENTS AS OF November 12, 2015			
	Commenter	Organization	Correspondence and Date Received
1.	Aaron J. Stemplewicz, Staff Attorney	Delaware Riverkeeper Network	11/10/2015
2.	Anthony Gallagher	Steamfitters Local Union 420	11/10/2015
3.	Betsy E. Huber	Pennsylvania State Grange	11/6/2015
4.	Bryn Hammarstrom, RN	Resident	11/10/2015
5.	Dave Paskowski	IBEW Local Union 743	11/10/2015
6.	David N. Taylor	Pennsylvania Manufacturers' Association	11/9/2015
7.	Dennis Rochford	Maritime Exchange for the Delaware River and Bay	11/12/2015
8.	DRN Talking Points	Delaware Riverkeeper Network	11/10/2015
9.	Edward Cavey	Resident	11/12/2015
10.	Emily L. Davis	Philadelphia Resident	11/10/2015
11.	Gene Barr	Pennsylvania Chamber of Business and Industry	11/10/2015
12.	James T. Kunz, Jr.	International Union of Operating Engineers, Local Union No. 66	11/10/2015
13.	Jeff Kotula	Washington County Chamber of Commerce	11/10/2015
14.	John J. Dougherty	Local Union No. 98 International Brotherhood of Electrical Workers	11/5/2015
15.	John Velardi	River Mechanical Services, Inc.	11/11/2015
16.	Joseph P. Kirk	The Mon Valley Progress Council, Inc.	11/10/2015
17.	Linda Farrell, Executive Dir. Paul A. Rubin, Hydrologist	Pipeline Safety Coalition and HydroQuest	11/10/2015
18.	Linda Thomson	JARI	11/5/2015
19.	Mark Fischer	LW Survey	11/10/2015
20.	Mike Dougherty	Matrix NAC	11/10/2015

WRITTEN COMMENTS AS OF November 12, 2015			
	Commenter	Organization	Correspondence and Date Received
21.	Nancy Harkins	Resident	11/12/2015
22.	Ryan C. Helms	Resident	11/10/2015
23.	Sarah Caspar	Chester County Resident	11/10/2015
24.	Shari William	Marcellus Shale Coalition	11/10/2015
25.	Skelly Holmbeck	Resident	11/12/2015
26.	Susan Carty, President	League of Women Voters of Pennsylvania	11/10/2015
27.	Susan Patrone	Resident	11/10/2015
28.	Thomas F. Goldhorn	Goldhorn Electrical Construction, Inc.	11/10/2015
29.	Timothy J. Brink, Executive Vice President	Mechanical & Service Contractors Associations of Eastern Pennsylvania Greater Delaware Valley	11/10/2015
30.	Joseph Otis Minott	Clean Air Council	11/10/2015
31.	Andrew S. Levine	Stradley Ronon Stevens & Young, L.L.P. on behalf of SPLP	11/12/2015
32.	Jim Gaffney	Goshen Mechanical Contractors, Inc.	11/10/2015