

August 21, 2019

By Email

Secretary Patrick McDonnell
PA Department of Environmental Protection
Office of the Secretary
16th Floor, Rachel Carson State Office Building
400 Market Street
PO Box 2063
Harrisburg 17105-2063

Director Roger Adams
PA Department of Environmental Protection
Bureau of Waterways Engineering and Wetlands
2nd Floor, Rachel Carson State Office Building
400 Market Street
PO Box 8460
Harrisburg, PA 17105-8460



Re: Termination of the BCCD Delegation and Suspension of Pipeline Permits within Beaver County

Dear Secretary McDonnell and Director Adams:

The undersigned organizations write to thank the Pennsylvania Department of Environmental Protection (the Department) for taking needed, decisive action after the stunning revelation of mismanagement and dereliction of duties at the Beaver County Conservation District. The BCCD has been operating in a manner inconsistent with the public's interests for some time now, including through its acceptance of money from Shell Pipeline to build a horizontal directional drilling pad in mitigation wetlands used for education and conservation on its property, and through its refusal to discuss or reveal publicly that *quid pro quo* with Shell. Nonetheless, the thoroughness of its failure to perform its duties is a big deal with potentially significant ramifications. The Department's action to terminate BCCD's delegation was needed and appropriate given the situation. Thank you for protecting the public interest by refusing to accept BCCD's inadequate performance.

We also write to respectfully request that the Department take the logical and needed next step. The Department's audit has revealed that BCCD issued permits that it was not authorized to issue; that it issued permits without checking for technical deficiencies and without documenting its reviews; and that it entered into relationships with the regulated community that presented conflicts of interest and nonetheless issued permits while being conflicted with no disclosure of

those conflicts. The full extent of BCCD's unlawful and underhanded conduct has likely not been fully revealed yet. Meanwhile, pipeline operators are busy at work building pipelines under permits that we now know were issued improperly. The explosion of the Revolution Pipeline on the morning of September 10, 2018 on Ivy Lane in Center Township makes clear the stakes of BCCD's improper issuance of permits. The public cannot afford to continue to rely on permits reviewed by BCCD for protection.

It is for these reasons that the undersigned organizations call on the Department to suspend all active Chapter 102 and 105 permits reviewed by the BCCD for pipelines and other projects that, in the event of accident or failure, pose a risk of catastrophe endangering the public. We ask that this suspension last until such time as the Department is able to thoroughly review and evaluate the adequacy and protectiveness of such permits, and suggest that this suspension be at least 180 days. We also ask that the Department produce a public report detailing the results of that review and evaluation and invite the public to comment on the report in a public hearing. Lastly, we encourage the Department to invite the Attorney General's Office to investigate potential criminal violations. Under these extreme and unusual circumstances, serious measures to protect the public are needed.

Again, we thank you for doing what needed to be done in giving the BCCD notice of the Department's forthcoming termination of its delegation. Please now take the needed next steps as requested in this letter so that Beaver County residents can be assured their lives, health, and wellbeing are being taken seriously.

Sincerely,

Joseph Otis Minott, Esq.
Executive Director & Chief Counsel
Clean Air Council
135 S. 19th St., Suite 300
Philadelphia, PA 19130
joe_minott@cleanair.org

Terrie Baumgardner
Citizens to Protect the Ambridge Reservoir (CPAR)
P.O. Box 31
Ambridge, PA 15003
tbm2@psu.edu

Matthew Mehalik, Ph.D.
Executive Director
Breathe Project
Energy Innovation Center
1435 Bedford Ave. Suite 140
Pittsburgh, PA 15219
412-514-5008

mmehalik@breatheproject.com
breatheproject.org

Gail Murray, Founder
Julie DiCenzo, Community Outreach Coordinator
Communities First-Sewickley Valley
c/o Breathe Collaborative
Energy Innovation Center - Suite 140
1435 Bedford Avenue
Pittsburgh, PA 15219
communities1sewickley@gmail.com

Bob Schmetzer
President
Beaver County Marcellus Awareness Community BCMAC
P.O. Box 31
Ambridge, PA 15003

cc: Nels Taber