

September 17, 2018

Via email to: pmcdonnell@pa.gov

Patrick McDonnell
Secretary Department of Environmental Protection
400 Market Street
Harrisburg, Pennsylvania 17101

Dear Secretary McDonnell:

Re: Requesting Denial of Shell Pipeline Company L.P. Joint Permit Application (Nos. E02-1773, E04-369, and E63-710), and ESG00007170003 for Ch. 102 Sedimentation and Erosion Control and Chapter Ch. 105 Water Encroachments

The Breathe Project, Allegheny County Clean Air Now (ACCAN), Beaver County Marcellus Awareness Community (BCMAC), Center for Coalfield Justice, Citizens to Protect the Ambridge Reservoir (CPAR), Clean Air Council, Clean Water Action PA, FracTracker Alliance, Climate Reality -- Pittsburgh and SWPA, Communities First--Sewickley Valley, Environmental Integrity Project, Penn Environment, Physicians for Social Responsibility – Pennsylvania, Sierra Club, Southwest Pennsylvania Environmental Health Project, and Women for a Healthy Environment, are contacting you to request that you personally intervene to protect the residents of Allegheny, Beaver and Washington counties from unreasonable risks associated with the Falcon pipeline.

DEP is obligated to protect Pennsylvania residents' right to clean air, water and preservation of the environment. We urge DEP to make this obligation its top priority when reviewing the cumulative environmental impacts of the proposed pipeline and making its decision about issuing permits.

We are requesting that you deny Shell Pipeline Company L.P.'s Joint Permit Application (Nos. E02-1773, E04-369, and E63-710), and ESG00007170003 because the current project will result in unreasonable risks to residents in these three counties and the environment.

We are opposed to the Falcon Pipeline because it will increase harmful air pollution and associated public health impacts in the region, increase risks to public safety, exacerbate climate change, and allow for an expansion of petrochemical infrastructure in the region.

We are making this request based upon our witnessing the safety and environmental impacts of insufficient reviews of risky pipeline construction projects across the Commonwealth that have led to safety concerns and contamination of public waters and watershed resources. We are also making this request based on Shell's failure to adequately respond to all technical concerns raised in DEP's June 1, 2018 deficiency letters.

Earlier this week, on September 10, 2018, we observed the explosion of a portion of Energy Transfer Partner's natural gas liquids Revolution pipeline in Center Township, Beaver County. According to the

Pittsburgh Post-Gazette, the pipeline exploded after a landslide occurred due to heavy rains. The explosion destroyed a house, garages and several vehicles and leveled six high-tension electric towers. Fortunately -- this time -- only the residents' animals were killed. Because a landslide is what ruptured this pipeline, it is clear that ETP did not build the pipeline using adequate sedimentation and erosion control practices, and after adequate geotechnical analysis. Construction of the Mariner East 2 natural gas liquids pipelines resulted in over 200 spills of drilling fluid across the Commonwealth, over 70 notices of violation from the DEP, at least two dozen wells damaged or permanently destroyed, and at least one public aquifer punctured.

DEP issued the deficiency notices to Shell Pipeline after environmental groups submitted written comments and verbal testimony during three public hearings held in Allegheny, Beaver and Washington counties. While Shell Pipeline responded to many issues DEP raised, there are a number of remaining issues with the application materials that still render the application deficient. The DEP deficiency letters confirmed that Shell Pipeline failed to execute sound technical judgment in the proposed routing of the Falcon pipeline, especially as it pertains to erosion and sediment control, geotechnics, and ultimately to public safety and health. We are concerned that the existing inadequate proposed construction plans for the Falcon pipeline could result in similar, if not more dramatic, consequences to communities in proximity to the proposed route than the recent explosion incident.

The June DEP deficiency letters required many additional responses by Shell. We urge the DEP to deny the Falcon Pipeline Chapter 102 and 105 permits because of the safety and environmental concerns raised by both organizations and residents and based on the following technical concerns to which Shell adequately failed to respond:

- We are concerned that the proposed construction techniques for the Falcon pipeline may be inadequate and could result in dire consequences to communities in proximity to the proposed route. An analysis done by FracTracker Alliance of Shell's own data for the Falcon's proposed route confirms that the Falcon will pass through 12 sites in Beaver County and 2 sites in Allegheny County that are prone to landslides. In and around Potter Township, Beaver County, there are several residences within 1,000 feet of landslide portions of the route, including one as close as 345 feet away. The Beaver County Conservation District, a "place of congregation," is 547 feet from the part of the pipeline that goes through a landslide region. Were landslides to trigger a catastrophic failure of the pipeline, these sites are well within the projected thermal impact zone.
- The Ambridge Water Authority and Ambridge Borough Council have publicly expressed serious concerns about the risk presented by the proposed ethane pipeline that would cross through the high-quality headwaters of the Ambridge Reservoir and under the raw service line. Shell failed to give the Ambridge Water Authority any assurances that there will be no risk to the region's water supply and falsely reported AWA's position on the pipeline.
- The DEP deficiency letters directed Shell to "evaluate and discuss the project's potential to impact any public water systems and their sources that are within 1-mile of your proposed pipeline system." This includes private wells near schools, churches, public institutions and private landowners. Shell suggests water trucks would be supplied in the event of disruption of water services. In its response to DEP, Shell withheld information about private well and public water locations as privileged and confidential.¹ DEP should give extra scrutiny to the

¹ Due to Shell's marking Attachment H privileged and confidential, there is no way to evaluate what wells and public water systems were considered and if that list is complete and accurate. In Allegheny County, only one well is mentioned and a promise to mitigate damage from inadvertent returns is made solely for that well. Attachment G was also marked privileged and

completeness of this section, and make documents public, as there is no clear reason as to why this information is privileged and confidential while the same type of information been made available for other pipelines in the past.

- Shell's proposed remediation of wetlands in Mercer and Washington counties is an unacceptable swap for destroying precious conservancy areas in Beaver County, including the Beaver County Conservation District, a beautiful nature preserve that serves as an educational area for school children. Shell has proposed routing the Falcon pipeline through this conservation area.
- Concerns still remain regarding previously mined areas that are not adequately addressed in Shell's "Mining Summary Report." In this report, AECOM, acting as Shell's consultant, recommends a field review of overburdened areas, but the language is left unclear as to whether this investigation has taken place or will take place in the future. It is unclear if Shell will make the commitment to follow its consultant's recommendations. The language in the Mining Summary Report should be more clearly phrased to ensure that the crucial recommended investigations actually take place.
- Shell's alternatives analysis in its "Comprehensive Environmental Assessment" (CEA) is located in Section 9 of the CEA, and is sparse and lacking in specific detail about alternative routes considered and the environmental impacts of each one. DEP must require Shell to greatly expand upon its limited information in the CEA regarding environmental impacts.
- Shell must finalize its outstanding negotiations with landowners for adjusting routes to avoid wetlands, including locations Resource Crossing 27 (RC-27) and RC-34 in Allegheny County, and W-PA160517-MRK-002 at RC10 in Beaver County.
- Shell has not provided reasoning for not rerouting or avoiding impacts to RC-20 in Beaver County and has not provided a discussion of impacts to pond crossings at RC-27, but rather describes the actions that will be taken there instead of the impacts.

The DEP needs to proceed more carefully when reviewing permits for pipeline construction, especially because of the growing evidence that industry is not doing a thorough job when constructing pipelines. The DEP must hold pipeline companies accountable to the highest standards for these risky projects and not allow them to be rammed through regulatory review.

We thank you in advance for your consideration and opportunity for discussion.

Sincerely,

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confidential for Allegheny County, making review of impacts to EV wetlands impossible. In Beaver County more wells are mentioned though again their locations and list are made privileged and confidential, presenting the same issue.

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