



May 18, 2020

Commissioners &
Executive Director Steven Tambini
Delaware River Basin Commission
25 Cosey Road, P.O. Box 7360
West Trenton, NJ 08628-0360

Submitted via email

Re: PennEast Pipeline

Dear Commissioners and Mr. Tambini,

We thank you for your April 28, 2020 letter to the Delaware Riverkeeper Network confirming that the Delaware River Basin Commission has “determined that the PennEast Natural Gas Transmission Pipeline Phase 1 Project (‘Phase 1’) is subject to review under Section 3.8 of the Delaware River Basin Compact and implementing regulations to ensure compatibility with the Commission’s Comprehensive Plan.”

And in response to the request that DRBC provide full details on recent communications with PennEast, we thank you for the information that:

“In a letter dated February 5, 2020 and at a virtual meeting on April 8, 2020, the Commission requested additional information about Phase 1 directly from the project sponsor. At that meeting, PennEast’s representatives indicated that they are prepared to provide DRBC with a new Phase 1 application pending internal approvals. “

Up until now, and to its credit, the DRBC has been clear that it will hold its own hearing and review process, separate from FERC; that it has jurisdiction across the entire pipeline footprint and therefore the whole project (within the watershed boundaries) requires a docket; and that no construction, including tree felling, is allowed within the boundaries of the watershed absent a valid DRBC docket.

Recently, PennEast has reformulated a new project that has a significant and expanded footprint in the Pennsylvania portion of the watershed, a project that includes new elements and includes, as an integral part of the project, the Adelphia Gateway pipeline project. While PennEast has submitted this

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New PennEast Pipeline project to FERC for review and approval, and recognizes the need for permitting from other state and federal agencies, it continues (most recently in its May 13, 2020 letter filed with FERC) to deny that DRBC has authority. We want you to know that the public will stand with you -- firmly and with all resources available -- to demand and defend DRBC authority over the project and will not allow PennEast to disregard the DRBC Compact, Rules of Practice and Procedure, Comprehensive Plan, or authorities.

Likewise, we will be holding DRBC accountable for fully exercising its authority which can clearly only support one conclusion, that the PennEast pipeline cannot secure a DRBC docket – which is why PennEast is likely trying to deny DRBC authority.

While in a May 11, 2020 letter to DRBC PennEast has demanded that DRBC grant approval of its project at the DRBC September 2020 Commissioners meeting, it is clearly impossible for DRBC to acquiesce to such an inappropriate and blatant strong-arm tactic. First and foremost, PennEast has failed to provide full information on the full project – it has not provided details on the interconnected and interrelated Adelpia pipeline, nor has it provided full details on the New Jersey portion of the project which PennEast has made clear is still part of the full project it intends to construct. DRBC should go on the record immediately demanding full plans for the entire New PennEast project which includes its so-called Phase 1, the Adelpia pipeline that is now a clearly identified part of the Phase 1 project, and the New Jersey portion of the project (so-called Phase 2) which PennEast has made clear it has every intention to construct.

In addition, the public has been promised a full and fair opportunity to be heard on this subject, including a PennEast-focused hearing before the DRBC. At such a hearing, the public will bring forth all of the facts, science and evidence that will demonstrate there is no support, legally or otherwise, for issuance of a DRBC docket. But to do the full analysis and expert reviews necessary will require an appropriate amount of time. PennEast has had 6 years to put its materials together. The public is entitled to at least 1/10 of that amount of time to do its own full assessment and to prepare materials for DRBC review. Therefore, we respectfully request 7 months to fully review, assess and comment upon the new materials PennEast will be/has submitted to the DRBC before the first DRBC public hearing is held – for all practical purposes this translates into 6 months of expert review and analysis and 1 month to prepare reports for a DRBC hearing. In addition, we will renew our request that multiple hearings be held – a single hearing will not provide a fair opportunity for all impacted communities to participate – hearings on at least 3 separate days are essential.

With regards,



Maya K. van Rossum
the Delaware Riverkeeper