



**Verbal Testimony and Summary of Written Submission  
Regarding H.R. 1900, Natural Gas Pipeline Permitting Reform Act  
Presented by Maya K. van Rossum, the Delaware Riverkeeper  
to the House of Representatives Committee on Energy and Commerce,  
Subcommittee on Energy and Power  
July 9, 2013**

Good morning, my name is Maya van Rossum. I am the Delaware Riverkeeper; my organization is the Delaware Riverkeeper Network.

I thank you for the opportunity to speak with you this morning.

I am here to ask you to rethink proposed H.R. 1900 and not send it to the floor.

HR 1900 will diminish critical protections for our communities and environment and it will have unintended consequences.

**Adverse Impacts to Clean Water Act 401 Water Quality Certifications, 404 Permitting, NEPA Reviews and the Unintended Consequences for Pipeline Projects.**

Ensuring full and fair environmental reviews and permitting of pipelines is critical because of the enormity of potential environmental impacts. For example, just one portion of one recent pipeline as it passes through the Delaware River watershed will impact an estimated 450 acres of land, cross 90 waterbodies and 136 wetlands, and cut through two state-preserved forests.

By imposing an inflexible reduction in the time allowed for Clean Water Act 401 and 404 decisionmaking, HR 1900 could compel the states and the Army Corps to deny more applications

rather than work with applicants to remedy deficiencies and improve their projects, or alternatively, they could overlook deficiencies and issue legally dubious approvals.

Our experience is that currently states will work with pipeline applicants to cure application deficiencies so as to ensure a fully informed 401 review. The time limitations in HR 1900 would inhibit such cooperation.

The HR 1900 timeline will also diminish the time available for states to develop conditions necessary to support 401 Certification resulting in either further denials, or the issuance of Certifications unsuited to protecting water quality.

To avoid the administrative stress of HR 1900, some states may opt to waive their 401 authority altogether, depriving them of a critical opportunity to prevent degradation of their waters.

Given that 401 Certification may be the *only* way that a state can assure its water quality standards are met with regards to pipeline projects, HR 1900s interference with the exercise of this authority is an interference with the rights of states to protect their communities.

And some applicants may be encouraged to submit intentionally deficient applications in the hopes that the limited time for review will allow them to evade proper agency scrutiny and receive unwarranted approvals.

And if FERC is unable to obtain the detailed surveys, expert reports, and data analysis necessary to comply with NEPA in HR 1900's one year time frame, FERC could be forced to choose between deficient NEPA reviews or denying the Certificate of Public Convenience and Necessity.

### **HR 1900 Incentivizes the Illegal Practice of Segmentation.**

By truncating the time allowed for environmental reviews, HR 1900 incentivizes the illegal practice of project segmentation. Segmentation prevents understanding of the full impacts of a

pipeline project and the need for specific protections. Segmentation is already common practice for pipeline projects; HR 1900 diminishes the ability of agencies to identify and stop the practice.

A look at the pipeline map provided demonstrates the problem. The red and yellow line towards the top is two approved projects; one authorized in May of 2010, the other authorized in May of 2012. It is clear by even casual observation and the timing of these reviews that these two proposals should have been reviewed and permitted as one.

### **Diminished Reviews From HR1900 Should be Offset With Better Quality Construction and Planning Requirements.**

HR 1900 reduces environmental protection by reducing environmental reviews and the time allowed for creating appropriate conditions. As such, if this piece of legislation is to move forward it must be balanced by legislation that ensures the use of best construction practices and planning in order to ensure avoidance of environmental harm.

Examples of enhanced practices include:

- ✓ Reduced Right of Way widths to more historic proportions.
- ✓ A mandate that public lands protected with community resources are avoided.
- ✓ Use of construction strategies that avoid and reverse soil compaction. Compaction at pipeline construction sites can be as high as 98%; earthen dams are generally only compacted to 95%. The increased runoff, pollution, potential flooding and failed restoration that results could be avoided by better construction practices – such as using the excavated soils and woodchips from felled trees to create the construction bed for operating heavy equipment.

And FERC should have a duty to ensure coordinated location of pipeline projects as part of its review – similar to the obligation it has with respect to hydro-electric dams under the Federal Power Act. Coordinated planning for pipeline projects would better serve the public interest and

help avoid redundant and unnecessary projects.

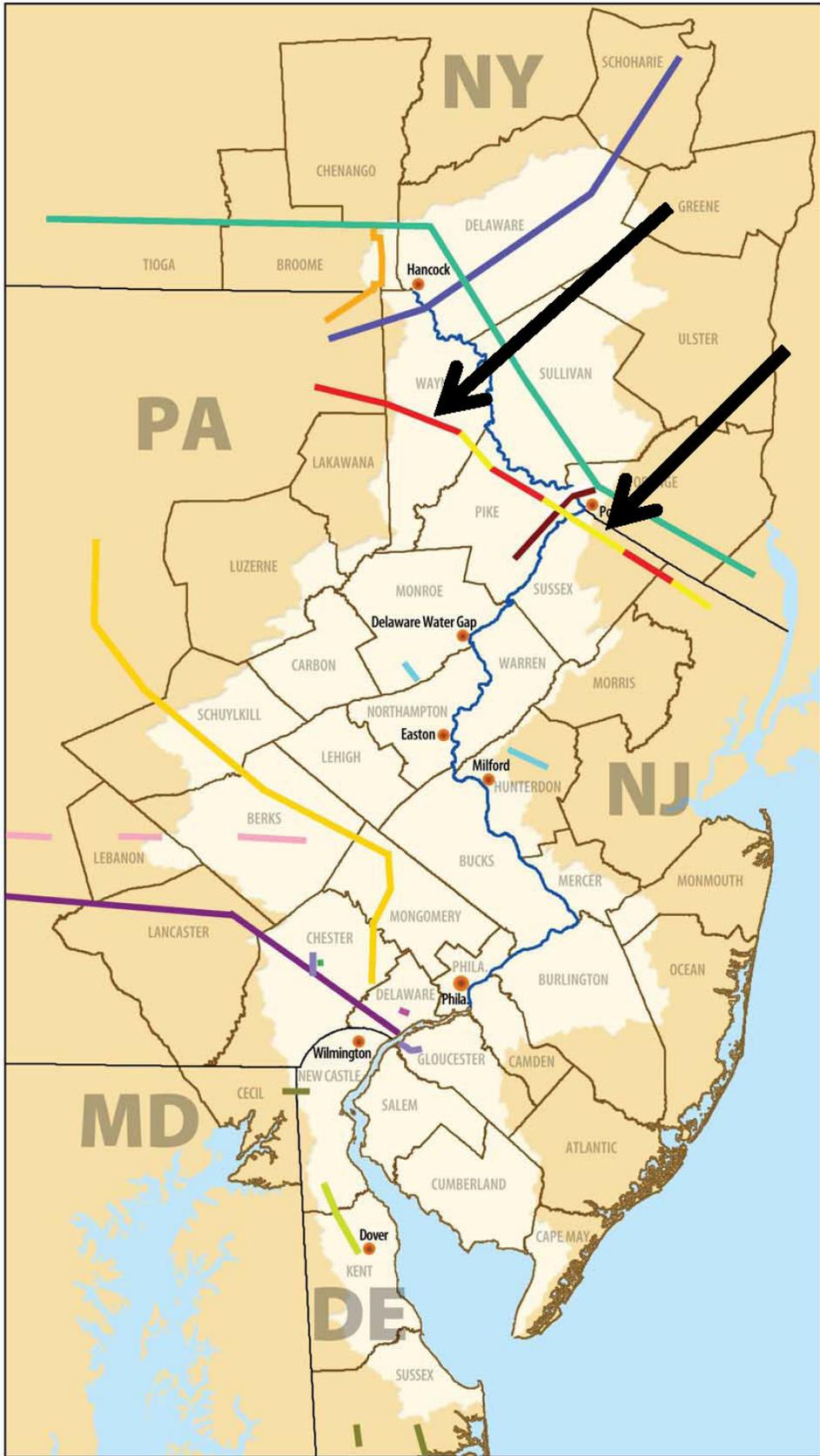
### **Conclusion**

I thank the Committee for inviting the Delaware Riverkeeper Network to offer testimony on HR 1900. I respectfully ask the Committee to not move forward with this proposed piece of legislation. If you do, I ask that you balance its effect with necessary legislative upgrades regarding pipeline planning, review and construction.

Respectfully submitted,

A handwritten signature in blue ink that reads "Maya K. van Rossum" followed by a horizontal line.

Maya K. van Rossum, the Delaware Riverkeeper  
Delaware Riverkeeper Network



**Pipeline Projects Currently Planned To Go Through the Delaware River Basin**

- DTE Bluestone Pipeline
- TGP Northeast Upgrade Project
- ESNG Greenspring Project
- Transco Northeast Supply Link
- Transco Philadelphia Lateral
- Transco Mainline "A" Replacement
- Texas Eastern TEAM 2014 Project
- Columbia East Side Expansion Project
- Sunoco Mariner East Project
- Commonwealth Pipeline

**Pipeline Projects That Will Potentially Cross the Delaware River Basin**

- Constitution Pipeline
- Transco Northeast Connector (Not Pictured)
- Transco Leidy Southeast Expansion (Not Pictured)

**Pipeline Projects Constructed Through the Delaware River Basin Since 2011**

- Millennium Pipeline
- TGP 300 Line Upgrade Project
- Columbia 1278 K Replacement
- ESNG System Expansion

