

TO: DEP Regional Permit Coordination Office, RA-EPREGIONALPERMIT@pa.gov

FROM: Diana G. Dakey. 201 Braewood Rd., Dalton, PA 18414. 717.512.6114. ddakey@comcast.net

RE: Public Comment request pertaining to Transco-REAEP permits under 102, 105, 401

DATE: Nov. 30, 2021

As advertised in the Pennsylvania Bulletin, DEP has invited public comments, suggestions, or objections by Dec. 6, 2021 to the Transcontinental Gas Pipe Line Company, LLC (Transco) Regional Energy Access Expansion Project (REAEP) for permits under 102 Erosion & Sedimentation, 105 Water Obstruction and Encroachment, and State Water Quality Certification (SWQC) under Section 401 of the Federal Water Pollution Control Act (FWPCA).

Transco-REAEP is proposing to install two buried natural gas pipelines in Monroe and Luzerne Counties: the proposed 42-inch Effort Loop pipeline in Monroe County (Ross, Chestnuthill, and Tunkhannock Townships) and the proposed 30-inch Regional Energy Lateral pipeline in Luzerne County (Buck, Bear Creek, Plains, Jenkins, and Kingston Townships; Dallas, Wyoming, West Wyoming, and Laflin Boroughs). In addition, there will be expansions and modifications to Compressor Stations 200 and 515 in East Whiteland Township, Chester County, and Buck Township, Luzerne County, respectively. Other earthmoving will be for purposes of expansion or modification of regulators and tie-ins in Mt. Bethel Township, Northampton County; Makefield Township, Bucks County; West Wyoming Borough, Luzerne County; and Dallas Township, Luzerne County. Additional pipeline and compressor station construction has been proposed in New Jersey. Non-earthmoving compressor station expansion is proposed for York County, Pennsylvania.

My comments to DEP urge DEP to deny permits under Chapter 102 and 105 and the State Water Quality Certification under Section 401. I also ask DEP to hold public hearings at suitable locations.

1. DEP permit review is premature. Several other permits are needed. DEP must not open the door to harmful activities for a project that might not receive a FERC certificate, New Jersey permits, or DEP air quality permits. If Transco-REAEP construction commences, forest, earth and stream disturbance will be permanent.

- Transco-REAEP has an open docket at FERC, CP21-94-000. Per documents received by DEP, Transco-REAEP itself acknowledges that FERC is the “designated lead agency” for the project. On October 19, 2021, FERC issued a Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Regional Energy Access Expansion Project. Document Accession #: 20211019-3045.
- Transco-REAEP is subject to approval in New Jersey.
- Transco-REAEP involves compressor stations with DEP air quality permits.

2. Transco-REAEP serves no defined need for domestic gas

As a close observer of energy trends, I believe that Transco-REAEP is another speculative and self-dealing project, in the manner of the recent PennEast and Constitution pipelines. Transco-REAEP’s ability to *provide an incremental 829,400 dekatherms per day (Dth/d) of year-round firm transportation capacity* is not the same as domestic demand by power plants, industrial users, or LDCs for 829,400 dekatherms per day in the near future or over the life of the pipeline. Documents from the open season have not been made public in the FERC docket. There is no evidence that power plants, industry, or LDCs ordered this capacity. Please see Attachment 1, at the end of this document, which has information I submitted to FERC, CP21-94-000, detailing Transco-REAEP’s speculative Purpose and Need.

3. FERC not likely to approve a self-dealing project, as we recently saw in the case of Spire. Transco-REAEP is 18% self-dealing. (Please see Attachment 1, below.)

<https://news.bloomberglaw.com/environment-and-energy/court-decision-chills-development-of-new-natural-gas-pipelines>

4. DEP approval of Transco-REAEP is unsupported by and in opposition to the Pennsylvania Constitution. Williams transports approximately 30% of methane gas in the United States (williams.com). Marcellus gas transported via Transco makes its way to LNG export locations in Maryland, Georgia, and the Gulf. The Pennsylvania Constitution protects Pennsylvania; it does not give protection to anonymous shareholders of gas-to-export enterprises. If DEP gives approvals to Transco-REAEP, it will be perpetuating Pennsylvania having been turned into an export colony for the benefit of gas interests, contrary to the interests of Pennsylvanians.

PA. Const. Art. I, Sect. 27, The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

5. Transco-REAEP's analyses of streambed harms are inadequate; Transco-REAEP's, ability to restore original conditions are impossible.

- Both Exceptional Value (EV) and High Quality (HQ) streams are known as special protection waters in PA. EV streams are entitled to the highest level of protection. The streams are a regional asset that should be protected forever. They should not be sacrificed to new speculative gas transportation infrastructure. The second highest stream classification, High Quality or HQ, allows for some degradation of the water quality if there is "social or economic justification" – justification that is hard to find. <https://www.pennfuture.org/Files/Admin/EV-one-pager-FINAL-7.26.18.pdf>
- DEP maintains a Surface Waters Classification. It was last updated in July 2021, subsequent to the April 2021 Transco-REAEP application. DEP must require that the Transco-REAEP application be revised accordingly. This is important because DEP must ensure protections of the higher of potential designations. <https://www.dep.pa.gov/Business/Water/CleanWater/WaterQuality/StreamRedesignations/Pages/Statewide-Existing-Use-Classifications.aspx>
- It is common sense that you cannot build a pipeline without fundamentally and permanently changing the landscape.
 - Areas of tree removal, including the path through state game lands will never be restored to original condition. Documents mention a 300-ft impact on either side of the right-of-way. Flora is fundamentally changed when shade becomes sun and new invasive species invade.
 - Any pipeline application that claims to "return site to previous condition" strains credulity. There is no ability to return a natural site, once disturbed, to its previous condition. You can rebuild a man-made structure and possibly restore farmland to its previous condition; but you cannot go backwards in time on a natural site. Just look at other pipeline paths through forests: Do any of them look like the previous condition?
 - The maintenance of a pipeline site introduces machinery (mowers, vehicles, drones) with associated noise and emissions.
 - The project impacts a number of EV and HQ waters. Having had the opportunity through a local nonprofit to tour EV streams in Monroe County, I picture nothing but irreversible damage to such streams from a project such as Transco-REAEP.
 - Transco-REAEP, itself, states:
*EROSION AND SEDIMENT CONTROL, GENERAL PERMIT (ESCGP-3) PERMIT APPLICATION
Regional Energy Access Expansion Project
Luzerne, Monroe, Northampton, Chester and Bucks*

Unavoidable impacts to wetlands, streams and floodways are necessary to construct the proposed Regional Energy Lateral. Dry open-cut construction methodology will be utilized at all resource crossings but four. The Susquehanna River will be crossed using direct pipe. Three streams and adjacent resources will be conventionally bored. Disturbed wetland, streams and floodways will be returned to pre-construction grade and contour upon completion of construction, except for those areas identified within the permit application that have site specific restoration measures. Due to the linear nature of this 22.3-mile Federal Energy Regulatory Commission (FERC) regulated interstate pipeline project, the route unavoidably crosses wetlands, streams and floodways; therefore, PADEP would be justified in determining pursuant to its regulations that the Project is water dependent. In total, these Project components will cross/impact seventy-seven streams and associated floodways (fourteen floodway only) and one hundred and eight wetlands

6. The Transco compliance record is reason enough for DEP to deny permits.

With the history from 2017-2021 of “Failure to comply with permit conditions,” why is DEP entertaining more permits? “Failure to use Special Protection Best Management Practices for discharges to High Quality or EV waters” shows that Transco-REAEP cannot be trusted with additional permits that endanger HQ or EV waters. These violations also beg the question of whose responsibility is it if there is a “Failure to implement Best Management Practices.” And, why did the permit allow use of a site where “conditions present a potential for pollution to waters of the Commonwealth.” DEP does not have the staff or budgeted resources to monitor methane, soil quality, stream health, or invasive species.

Violations:

https://www.ahs.dep.pa.gov/eFACTSWeb/searchResults_singleClient.aspx?ClientID=163321

- Failure to use Special Protection Best Management Practices for discharges to High Quality or Exceptional Value Waters. 3/27/18
- Failure to implement effective Best Management Practices. 8/19/21, 10/25/17
- Failure to maintain effective Best Management Practices. 3/27/18
- Site conditions present a potential for pollution to waters of the Commonwealth. 12/1/17
- Failure to comply with permit conditions. 8/19/21, 12/1/17
- Failure to permanently stabilize the earth disturbance site. 11/15/17

7. This proposed project for the purpose of moving gas to market and perpetuating gas extraction is inconsistent with the Pennsylvania Climate Action Plan. We are at a critical juncture in the fight against climate change. No person who reasons with facts denies that we must reduce production of fossil methane. The gas industry wants to extend its life by locking in its business model of moving as much gas to market as possible. The gas industry is responsible for Scope 1,2 and 3 emissions.

Among its several recommendations related to climate change (FERC Document Accession #: 20211119-5147 Filed Date: 11/19/2021), the U.S. EPA asserts, *[W]e recommend FERC consider postponing any major decisions on pipeline projects until any pending policy decisions related to climate change and greenhouse gases are finalized.*

8. The Alternatives Analysis and No-Action Alternative follows industry boilerplate. I am aware that FERC is currently looking at its processes for awarding certificates (PL18-1). However, as used currently, “alternatives analysis” is useless.

Transco-REAEP’s alternatives analysis looks for “alternative locations, routings or designs to avoid or minimize adverse environmental impacts.” But, we know that adjusting the path of a pipeline simply moves the harms elsewhere.

Transco-REAEP's No-Action Alternative simply states the obvious, that you don't build it you don't have increased takeaway capacity to transport an additional 829,400 Dth/d of natural gas it. The analysis provides no insight into who would be worse off if this capacity were not built.

The U.S. EPA states (Document Accession #: 20211119-5147 Filed Date: 11/19/2021), Purpose and Need: *EPA recommends the project need and alternatives analysis consider whether existing and reasonably foreseeable regional infrastructure, including gas and non-gas resources, can or will serve the public convenience and necessity, factoring in energy market and policy trends, including greenhouse gases (GHG) emission reduction policies. EPA encourages FERC to review the application considering alternative options outside of the increase in fossil fuel related infrastructure that might also meet national needs.*

9. Public input

Transco-REAEP sent the required Act 14 notices to municipalities in April 2021. I don't see any subsequent notices to municipalities from Transco-REAEP or DEP. The municipal notices state: *For more information about this land use review process, please visit www.depweb.state.pa.us, (keyword: Land Use Reviews).*

In the FERC docket CP21-94, there are several submittals by FERC, Transco-REAEP, and concerned persons since April 2021. Do municipal officials know how to or that they should file with FERC docket CP21-94 for intervenor status in order to be notified of updates?

The Pennsylvania Bulleting notice states, *More information regarding the permit applications related to this proposed project may be available online (dep.pa.gov/pipelines) or in the Department's Regional Permit Coordination Office.* Upon visiting this link and associated links, one sees posts of several documents. However, there is no link to the full file at <https://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/REAEP/> People don't know about the Pipeline Portal.

When one uses eFACTS, there is no Public Permit link.
https://www.ahs.dep.pa.gov/eFACTSWeb/searchResults_singleAuth.aspx?AuthID=1350583

I find the above to be major omissions of public information.

The Pennsylvania Bulletin notes, "The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary." I recommend that DEP conduct public hearings which, not only describe the project, but inform the public as to opportunities for public participation. A such hearings, DEP would have the opportunity to hear the public's questions and concerns.

DEP should establish a repository for comments, like it does for regulations, and like FERC does for dockets. Commenters to DEP should have the opportunity to see comments submitted by others. Perhaps DEP could add a folder to the Pipeline Portal.

I have observed, generally, that large projects that span several years lead to project applicants applying for permit "modifications." Whereas these are published in the Pennsylvania Bulleting, they generally go unnoticed by the public. Yet such modifications can be significant and can incrementally expand the harm of a project. Will DEP develop an approach, similar to that of FERC, whereby all persons requesting intervenor status are notified?

TO: Ms. Kimberly D Bose, Federal Energy Regulatory Commission (FERC)
FROM: Diana G. Dakey, Glenburn Township, PA
DATE: May 24, 2021
RE: Williams Transco Regional Energy Access Expansion Project_ CP21-94

Please accept these comments.

I have limited my comments to the subject of need, in the context of FERC’s historical approach to determining need, i.e., precedent agreements.

In my opinion, the facts that I will highlight below show that this project is tentative, speculative, redundant, and has a sizable self-dealing component.

I am aware that FERC is entertaining a different approach to the Certificate Process, under docket PL18-1-000. This is a positive step on the part of FERC.

There are several reasons why more gas infrastructure is unnecessary and dangerous. FERC has heard about those from several other commenters and I will not go into them here.

1. The project likely overstates true regional need for gas, thus creating unnecessary short-term and long-term harmful impacts.

I see in Document Accession #: 20210405-5731, Filed Date: 04/05/2021, page 155, that New Jersey Natural Gas Company (NJNG) is subscribed at 353,000 Dth/d.

Table 1.1-1, Transco’s Customers and Transportation Capacity Subscribed to the Project

<u>Transportation Contract</u>	<u>Quantity</u>
PECO Energy Company	100,000 Dth/d
Elizabethtown Gas Company	30,000 Dth/d
Baltimore Gas and Electric Company	40,000 Dth/d
South Jersey Gas Company	25,000 Dth/d
PSEG Power, LLC	60,000 Dth/d
South Jersey Resources Group, LLC	71,400 Dth/d
New Jersey Natural Gas Company	353,000 Dth/d
Williams Energy Resources	150,000 Dth/d

Will New Jersey Natural Gas (NJNG) actually need 353,000 Dth/d more gas than its present arrangements by December 2023??

NJNG has *not* predicted a future *reliance* on 353,000 Dth/d from *this* project. Rather, NJNG subscribes to all major pipelines and supports expansions of all, in order to ensure redundancy, as described in its annual review for F/Y 2021. Those several arrangements and planned redundancy are described in its F/Y 2021 report. For example, NJNG has also entered into precedent agreements with the PennEast pipeline. I encourage FERC to recognize that redundancy is not the same as required need.

A fundamental part of the Company’s strategy is to maintain sufficient flexibility to be prepared to react to changes in customer requirements and changes in market conditions. The NEW JERSEY NATURAL GAS COMPANY FOR THE ANNUAL REVIEW AND REVISION OF ITS BASIC GAS SUPPLY SERVICE (BGSS) AND CONSERVATION INCENTIVE PROGRAM (CIP) RATES FOR F/Y 2021
<https://www.njng.com/regulatory/filings.aspx>
<https://www.njng.com/regulatory/pdf/NJNG-2021-Annual-BGSS-and-CIP-Filing-transmittal.pdf>

Transco, itself, admits that they are simply offering diversification of supply, i.e., redundancy of pipelines.

p. 154-155 of Document Accession #: 20210405-5731 Filed Date: 04/05/2021

The Project will provide Transco’s customers and the markets they serve with greatly enhanced access to Marcellus Shale supply, therefore, further diversifying fuel supply access.

Furthermore, it appears that the project’s regional need is speculative.

The word “incremental” transportation capacity is tellingly speculative:

p. 154-155 of Document Accession #: 20210405-5731 Filed Date: 04/05/2021

Transco proposes to construct and operate the Project facilities to provide an incremental 829,400 Dth/d of year-round firm transportation capacity...

However, Project volumes, paths and facilities for this Project will remain unchanged as the shipper has agreed to reallocate volumes if other parties bid via the open season.

In Document Accession #: 20210511-5123 Filed Date: 05/11/2021, Transco informed FERC that it had conducted a supplemental open season and there were no new bidders.

The argument Transco presents for need to address limited takeaway capacity is weak.

With 18% of the gas being allocated to Williams itself (Williams Energy Resources) as discussed below in point #2, how can there be a takeaway problem for regional gas customers when there is this extra 150,000 Dth/d?

p. 154-155 of Document Accession #: 20210405-5731 Filed Date: 04/05/2021

Currently, access to the Marcellus Shale production area is constrained on peak days by limited pipeline take-away capacity.

Efforts to move to renewable energy sources are likely to reduce future demand for gas.

One can find several examples of the state of New Jersey promoting wind and solar power. New Jersey BPU is promoting solar and wind.

<https://njcleanenergy.com/renewable-energy/technologies/wind/jersey-atlantic-wind>

One can find examples of opposition to pipeline expansion, including the Transco-associated Southern Reliability Link.

<https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/regulator-pulls-permit-for-new-jersey-natural-gas-southern-reliability-link-59387322>

2. Self-dealing is 18% or more of the proposed capacity.

In Document Accession #: 20210405-5731, Filed Date: 04/05/2021, Williams Energy Resources represents 150,000 Dth/d of the project.

Table 1.1-1, Transco’s Customers and Transportation Capacity Subscribed to the Project

<u>Transportation Contract</u>	<u>Quantity</u>
PECO Energy Company	100,000 Dth/d
Elizabethtown Gas Company	30,000 Dth/d
Baltimore Gas and Electric Company	40,000 Dth/d
South Jersey Gas Company	25,000 Dth/d
PSEG Power, LLC	60,000 Dth/d
South Jersey Resources Group, LLC	71,400 Dth/d
New Jersey Natural Gas Company	353,000 Dth/d
Williams Energy Resources	150,000 Dth/d

My calculation shows that the 150,000 contracted to Williams Energy Resources is 18% of the total 829,400 Dth/d. The percentage going to Williams Energy Resources over the life of this project might be greater than 18%, if one of the other precedent agreements is overstated, such as the 353,000 for NJNG, discussed above in point #1.

Who is the self-dealing entity, Williams Energy Resources?

The entity has the same CEO as Williams.

https://www.dnb.com/business-directory/company-profiles.williams_energy_resources_llc.dc0a0b1ecda9d7844ee714e43c322a63.html

Let's explore where the Williams Energy Resources' 150,000 component of the 829,000 Dth/d might go.

p. 154-155 of Document Accession #: 20210405-5731 Filed Date: 04/05/2021, emphasis added.
*Transco proposes to construct and operate the Project facilities to provide an incremental 829,400 Dth/d of year-round firm transportation capacity from the **Marcellus Shale production areas in northeastern PA to Transco's mainline at the Station 210 Zone 6 Pooling Point** in Mercer County, NJ, and multiple delivery points along **Transco's mainline** and Marcus Hook and Trenton Woodbury Laterals in NJ, PA, and MD.*

Station 210 Zone 6 pooling point is the first-mentioned delivery point. Information readily available on the internet shows that Zone 6 connects to Zone 5 which connects to Zone 4 which connects to Zone 3 and 2 in the Gulf regions of Louisiana and Texas. Transportation of Marcellus gas to export regions has been a significant part of the Williams business plan for years. Williams currently supplies gas to the Corpus Christie and Sabine Pass liquefaction terminals, from where gas-as-LNG is exported.

Transco maps:

<https://www.williams.com/pipeline/transco/>

[https://www3.dps.ny.gov/W/PSCWeb.nsf/ca7cd46b41e6d01f0525685800545955/e8a66d191e5d466485257cda00436cc8/\\$FILE/Panel%202-5%20Truxell%20-%20Transco%20-%20NYPSC_Technical_Conference051514.pdf](https://www3.dps.ny.gov/W/PSCWeb.nsf/ca7cd46b41e6d01f0525685800545955/e8a66d191e5d466485257cda00436cc8/$FILE/Panel%202-5%20Truxell%20-%20Transco%20-%20NYPSC_Technical_Conference051514.pdf)

Delivery to liquefaction terminals:

<https://www.williams.com/2017/02/02/williams-expands-pipeline-capacity-to-deliver-natural-gas-to-lng-export-facility-at-sabine-pass/>

See Index of Customers, then search "liquefaction"

<https://www.1line.williams.com/Transco/index.html>

<https://seekingalpha.com/article/2554655-natural-gas-marcellus-pipeline-boom-sets-stage-for-a-30-bcf-a-day-tsunami>

Contrary to Williams' assertion, U.S. gas consumption is not expected to increase.

Transco makes the assertion that the Energy Information Administration (EIA) predicts that natural gas consumption will rise.

p. 154-155 of Document Accession #: 20210405-5731 Filed Date: 04/05/2021

A review of the Annual Energy Outlook 2021 (Energy Information Administration 2021) reference case indicates that natural gas consumption will rise from 33.43 trillion cubic feet (Tcf) in 2020 to 39.75 Tcf in 2040 and will continue to grow to 42.79 Tcf in 2050.

But here is current information, as of April 20, 2021:

EIA expects U.S. natural gas consumption to continue decreasing in 2021 and 2022.

EIA Annual Energy Outlook with projections to 2050

https://www.eia.gov/outlooks/aeo/pdf/AEO_Narrative_2021.pdf

With Williams positioning itself as one of the entities contracting for gas transportation, it appears to be building in the ability to move gas anywhere, in league with shippers' desire to get gas to market.

It acknowledges this flexible approach in the application.

p. 154-155 of Document Accession #: 20210405-5731 Filed Date: 04/05/2021

.... However, Project volumes, paths and facilities for this Project will remain unchanged as the shipper has agreed to reallocate volumes if other parties bid via the open season.

Where might Williams move gas for its shippers? LNG terminals for export

Natural gas demand to serve LNG export facilities along the Transco pipeline is expected to grow by approximately 11,000 MDth/d by 2025.

<https://www.williams.com/2017/02/02/williams-expands-pipeline-capacity-to-deliver-natural-gas-to-lng-export-facility-at-sabine-pass/>

Note: 11,000 MDth/d equals 11,000,000 Dth/d.

[http://www.kylesconverter.com/energy,-work,-and-heat/thousand-dekatherms-\(ec\)-to-dekatherms-\(ec\)](http://www.kylesconverter.com/energy,-work,-and-heat/thousand-dekatherms-(ec)-to-dekatherms-(ec))

My conclusion is that the Transco Regional Energy Access Expansion Project proposal does not qualify for a certificate of public convenience and necessity from FERC.

The large component attributable to NJNG is likely redundant.

The growth of U.S. gas demand is not based in fact – the opposite is the current prediction.

The project's self-dealing component (Williams Energy Resources) should not be allowed by FERC as a precedent agreement. I suspect that this circular arrangement serves the purpose of enabling Williams to have an expandable fail-safe plan in order to expand gas transportation to export terminals, in view of declining domestic demand for gas.

At a time when the world must decrease fossil fuel production, a speculative project that encourages more gas use worldwide must be not proceed.