



# THE COUNTY OF CHESTER



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May 19, 2016

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St. NE Room A1  
Washington, DC 20426

Re: OEP/DG2E/Gas Branch 4  
Eastern Shore Natural Gas Company  
White Oak Expansion Project  
Docket CP15-18-000

Dear Ms. Bose,

The Chester County Planning Commission (CCPC) has reviewed the Draft Environmental Assessment for the Eastern Shore Natural Gas Company's (ESNG) White Oak Expansion Project, issued by the US Federal Energy Regulatory Commission. In Chester County, Pennsylvania, this project would include an additional 3.3 miles of 16-inch diameter pipe looping in Highland and Londonderry townships (known as the Daleville Loop) and an additional 2.1 miles of 16-inch diameter looping pipeline in Franklin Township (known as the Kemblesville Loop). The project also proposes a second project under this same Environmental Assessment, additional compression in Delaware City, and System Reliability Project that is to take place entirely in the state of Delaware, which the CCPC is not providing comment on.

The proposed project will affect the following Chester County municipalities: the townships of Franklin, Highland and Londonderry. The following comments are offered based on review of the Draft Environmental Assessment for the White Oak Main Line Expansion and how the proposal directly impacts and affects Chester County, Pennsylvania:

A. Consistency with the County Policy Plan – ***Landscapes2***:

***Landscapes2***, 2009, is the adopted Comprehensive Policy Plan for Chester County. ***Landscapes2*** identifies general land patterns, or "Landscapes," of future development in the County – Urban, Suburban, Rural, Agricultural, and Natural. The Eastern Shore Natural Gas Company's White Oak Expansion Project is located

within an area defined as Rural, Rural Center, and Agricultural Landscapes. These are locations in which Objective LU4 of *Landscapes2* promotes the preservation of the open, rural character of Chester County, the enhancement of villages within their historic settings, and the accommodation of appropriate development in rural centers; and Objective LU5 which promotes the preservation of the agricultural industry and cultural heritage of Chester County by supporting a productive agricultural network and preservation of prime soil resources.

The Rural Landscape and Natural Feature Overlay, supports limited types of development and promotes agricultural land and open space preservation. The objective of the Rural Landscape is to preserve the open, rural character of Chester County, supporting agriculture as the primary land use while enhancing villages to accommodate future development. The objective of the Natural Feature Overlay is to promote open space, in areas with significant natural resources, including stream corridors, woodlands, wetlands, ground water recharge areas, steep slopes, and ridge tops.

The large majority of the proposed project area occurs within the Rural, Rural Center and Agricultural Landscapes and the Natural Features Overlay. Therefore, unless proper mitigation steps are taken to lessen the impact of pipeline construction and activity, the proposed Eastern Shore Natural Gas Company's White Oak Mainline Expansion pipeline could be generally inconsistent with the Livable Landscapes Map and its related policies. While we recognize that the proposed project generally parallels the existing right-of-way, impacts during construction to sensitive natural and cultural resources are of significant concern. Specific areas of potential conflict with *Landscapes2* policies are noted in the Section C "General Comments" along with recommended actions to address these issues.

#### B. General Comments:

1. There are multiple properties throughout the Chester County portion of the White Oak Mainline Expansion Project area which contain preservation easements on them. Eastern Shore Natural Gas Company should be aware that there are multiple parcels within ½ mile or less of both proposed loops in Highland, Londonderry and Franklin Townships that are protected open space preserved by municipal, land trust, or agricultural preservation easements. Additional open space is located within Homeowner Association properties. Coordination with the appropriate agencies, municipalities, and land trusts/conservancies should occur.
2. The EA makes multiple references to the ways in which the pipe will be installed, either via open cut/trench or through directional drilling or boring, but does not make it clear as to which method will be used in which instances or properties. In all other EAs and EIS's this information has been provided, in addition to the issue of having staging areas for piping, drill

rigs, etc.

3. The EA indicates that this project generally follows the existing right-of-way that ESNG holds, however, it does imply that there were additional properties that were impacted through this project. Please indicate how many, which parcels, and in which municipalities that these properties are located.
4. The Chester County Planning Commission maintains an online map that includes proposed developments from 2011-present. While the impacted municipalities are primarily rural in nature, please visit our plan review interactive map at <http://www.landscapes2.org/PlanReview/prMaps.cfm>. Once there, you can view subdivision and land development proposals from 2011-present, as well as associated review letters, in the event that there are land development proposals that may have begun more recently than ESNG's latest surveying.
5. Page 9. Proposed Action. The CCPC requests that the County be given the contact information for the Environmental Inspector for use by county departments, such as the Conservation District, Facilities, Health Department, and Water Resources Authority, as well as to assist with notification to ESNG if there are issues or concerns on behalf of residents.
6. Page 9. Proposed Action. The discussion indicates that the construction of the Daleville and Kemblesville Loops would require a construction right-of-way width of 100 feet, 35 of which will be permanent. After what period of time does the construction right-of-way revert back to the landowner's control, and are there any restrictions on the land in that area? Also, in regard to the 35-foot easement, is this the current right-of-way? Or is this a widening of the right-of-way?
7. Page 10. Proposed Action. The text indicates that the US Department of Transportation requires a minimum of 3 feet of soil cover over the pipeline. Does ESNG intend to bury the line at the minimum recommendation? As the text indicates, there are multiple properties that are in active agricultural use. The CCPC would recommend burying the line lower in the ground, to decrease the potential for inadvertent contact with the pipeline.
8. Page 14. Proposed Action. The crossing of waterbodies is discussed. The White Oak Project proposes 12 crossings, and indicates that there are no locations that have been identified for HDD crossing. (See also comments #13 and 14 for needed clarification regarding stream crossing methods.) ESNG should coordinate with Pennsylvania Department of Environmental Protection and Chester County Water Resources Authority, for the crossings of these streams to ensure compliance with water quality standards and regulations. This coordination would be consistent with *Landscapes2* Policy

NR 3.6, which states: “Protect and enhance state-designated sensitive aquatic habitats.”

9. Page 17. Proposed Action. Pipe Storage/Contractor Yards. The EA indicates that ESNG has not identified any proposed pipe storage/contractor yards for use during the construction of the White Oak Mainline Expansion. However, the text indicates the ESNG would locate these yards within the construction right-of-way. It would be our understanding that the rights-of-way would be needed for the movement of equipment and contractors. Based on this information, please explain why no storage/contractor yards have been identified.
10. Page 22. Proposed Action. Table 7. For our records, the CCPC requests that ESNG send copies of all State Historic Preservation Office concurrence letters listed in the document for Chester County.
11. Page 28. Environmental Analysis. Soils. The text indicates that the slopes on the Daleville Loop range from 0-15% and on the Kemblesville Loop from 0-25%, but in an area of 2/10 of a mile, they range from 25%-35%. Failure to protect steep slopes would be inconsistent with *Landscapes2* Policies NR 1.2, which states: “Protect, enhance, and restore wooded or vegetated steep slopes to protect soil stability and reduce flooding” and NR 3.11, which states: “Encourage implementation of strategies that reduce or eliminate soil erosion to conserve soil resources and reduce in-stream siltation and pollutants.”
12. Page 32. Environmental Analysis. Public and Private Water Supply Wells and Surface Water Intakes. While it is listed that there are no public wells present within ½ mile of the Daleville Loop and one public well present within ½ mile of the Kemblesville Loop, there are private wells listed on page 33 that are located either within or within 150 feet of the area of the proposed construction. What remedies will be provided to homeowners if there are damages or impacts to these wells? If inspections were held prior to and are planned after construction, to ensure that there has been no damage to these wells, the rate of water flow, the water quality, etc., please include the information in an appendix for reference and/or submit a copy of inspections to the Chester County Health Department to keep on file.
13. Page 36. Environmental Analysis. Table 11 - Waterbodies Crossed by the White Oak Project. Page 14 indicates that of the 12 crossings in Chester County, none were identified for HDD as the method of crossing. However, there are two listed on Table 11 that may be crossed using this method. For clarity, please include the conditions that would determine which method is used.

14. Page 37. Environmental Analysis. Table 11 - Waterbodies Crossed by the White Oak Project. The text indicates that none of the waterbodies proposed to be crossed are listed as impaired. The Chester County Water Resources Authority has compiled a set of online, interactive maps that can be used to view the 2014 impaired streams by pollutant and cause, as assigned by PA DEP. ESNG can access this map by visiting <http://chesco.org/3190/Online-Water-Maps-Gallery---Interactive->.
15. Page 37. Environmental Analysis. Sensitive Waterbody Crossings. The text lists the watersheds involved in the White Oak Project, including the Big Elk Creek. The Big Elk Creek is part of the Chesapeake Bay Watershed, which the EPA has developed a TMDL for. For more information on complying with the TMDL and the Pennsylvania Watershed Implementation Plan, please visit <https://www.epa.gov/chesapeake-bay-tmdl>. ESNG should coordinate with the PA DEP and the Chester County Water Resources Authority to ensure compliance with the TMDL requirements. Failure to meet the requirements of the TMDL would be inconsistent with the Chester County Stormwater Management Plan and the following policy of *Landscapes2*: Policy NR 3.15, “Support initiatives to improve water quality for the Delaware Estuary/Bay, Chesapeake Bay, and Christina River Basin.”
16. Page 42. Environmental Analysis. Hydrostatic Testing. The text indicates that Eastern Shore would utilize public water, sourced by the Chester Water Authority, and upon completion of the test, would discharge water onto vegetated upland areas using energy dissipation and filtration devices to reduce velocity. Further, the text indicates that testing water is being utilized from the Octorara Creek (via Chester Water Authority), and may be crossing sub-watershed boundaries. If this occurs, it would be inconsistent with **Watersheds** Objective 6-8, which states: “Plan water supply and wastewater sources and facilities that seek to maintain the natural watershed water balance of each subbasin.”

Additionally, if not already included in the Erosion and Sedimentation Control Permit, the CCPC recommends coordination with the Chester County Conservation District to ensure that any potential debris or pollutants from the piping, in addition to potential erosion, are avoided to the maximum extent practicable. Also, please be aware that Chester County has developed a county-wide Act 167 Stormwater Management Plan that was adopted by the Chester County Board of Commissioners and approved by Pennsylvania Department of Environmental Protection in July of 2013. Since that time, Highland, Londonderry and Franklin townships have updated minimum standards in their ordinances, in December 2013, June 2014 and December 2013, respectively. The Act 167 Plan can be found here: <http://www.chesco.org/water> and select “Stormwater Management”

from the side banner.

17. Page 44. Environmental Analysis. Wetlands. The text indicates that the White Oak Mainline Expansion will cross nine wetlands, and that only 0.01 acre of wetlands will be permanently impacted. Failure to protect and restore these resources would be in conflict with Landscapes2 Policy NR 2.2, which states: “Protect and manage wetlands for the hydrologic and ecological functions, and identify opportunities to mitigate, restore, and create wetlands.”
18. Page 48. Environmental Analysis. Vegetation, Fisheries & Wildlife. As previously indicated, there are multiple properties throughout the Chester County portion of the White Oak Mainline Expansion Project area which contain preservation easements on them. Eastern Shore Natural Gas Company should be aware that there are multiple parcels within ½ mile or less of both proposed loops in Highland, Londonderry and Franklin townships that are protected open space preserved by municipal, land trust, or agricultural preservation easements, and coordination with the appropriate agencies, municipalities, and land trusts/conservancies should occur. Coordination with Homeowner Associations should also occur where the project is located within HOA property.
19. Page 48. Environmental Analysis. Vegetation, Fisheries & Wildlife. The White Oak Mainline Expansion is located in proximity to several areas designated by the PA DCNR as Core Habitat Areas and Supporting Landscapes. While it appears that there will be no long-term impact to these areas, please refer to the Pennsylvania Natural Heritage Program, managed by the Pennsylvania Department of Conservation and Natural Resources. Please see the following website for additional information:  
<http://www.naturalheritage.state.pa.us/HomePage.aspx>.
20. Page 72. Environmental Analysis. Table 22 Public Roadway Crossings. On page 11 of the EA, Eastern Shore lists road crossings as being either open cut or HDD. If Eastern Shore Natural Gas Company has coordinated with municipalities regarding emergency services, municipal services, as well as potential impacts to bus routes, please include it for clarity. Additionally, if HDD is proposed for an area, mapping including staging areas, storage areas, and drill rig staging areas would be useful for reference.
21. Page 99. Environmental Analysis. Noise. The text indicates that the City of New Castle has noise restrictions, but there is no mention of noise ordinances in Chester County. If Highland, Londonderry, or Franklin townships have noise ordinances, please include their noise restrictions in this section, especially since it may have an effect on potential HDD sites.

22. Page 126. Alternatives. Original Proposed Kemblesville Loop. The text indicates that the White Oak Mainline Expansion project is almost entirely collocated within Eastern Shore's existing right-of-way. For clarity, please include how close the looped lines will be located to each other within the right of way, as well as the total number of lines ESNG has listed in easements for the total number of line rights for this right-of-way.
23. Page 134. Conclusions and Recommendations. The CCPC supports the recommendation that Eastern Shore shall complete consultation with the National Park Service and the Army Corps of Engineers in the development of the final construction and restoration plan for the crossings of the tributaries to the West Branch of the White Clay Creek.
24. Page 134. Conclusions and Recommendations. The CCPC supports the recommendation of site-specific HDD crossing plans where this is determined to be feasible and appropriate. The CCPC would also request that these plans be filed with the municipalities as well as the Chester County Department of Emergency Services.
25. Page 134. Conclusions and Recommendations. The CCPC supports the recommendation requiring evidence of landowner concurrence with site-specific construction plans for residences within 10 feet of the proposed construction workspaces.

Thank you for the opportunity to comment on this project. If you have any questions, please contact the Carrie Conwell or Carol Stauffer of the Chester County Planning Commission at 610-344-6285.

Sincerely,

Brian N. O'Leary, AICP  
Executive Director

Cc: Chester County Commissioners  
Mark Rupsis, Chester County Commissioners Office  
Chester County Water Resources Authority  
Chester County Conservation District  
Chester County Department of Facilities  
Highland Township  
Londonderry Township  
Franklin Township  
OEP/DG2E/Gas Branch 4