



# THE COUNTY OF CHESTER



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June 7, 2017

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  
2017 Expansion Project  
Docket CP17-28-000

Dear Ms. Bose,

The Chester County Planning Commission (Planning Commission) has reviewed the Draft Environmental Assessment for the Eastern Shore Natural Gas Company's (ESNG) 2017 Expansion Project, issued by the US Federal Energy Regulatory Commission. In Chester County, Pennsylvania, this project would include an additional 4.5 miles of 16-inch diameter pipe looping in West Sadsbury and Highland townships (known as the Parkesburg Loop), an additional 7.3 miles of 24-inch diameter looping pipeline in Londonderry, Penn, New London, and Franklin townships (known as the Jennersville Loop), and approximately an additional 1.5 miles of 24-inch diameter looping pipeline in Franklin Township. This project also proposes modifications to the Honey Brook Meter and Regulator Station at the existing interconnect with Texas Eastern, the addition of a 3,750 hp engine at the Daleville Compressor Station, and one above ground mainline valve assembly on the Jennersville Loop.

The proposed project will affect the following Chester County municipalities: the townships of Franklin, Highland and Londonderry, New London, Penn, and West Sadsbury. The following comments are offered based on review of the Draft Environmental Assessment for the 2017 Expansion Project 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 Features Overlay. The Eastern Shore Natural Gas Company's 2017 Expansion Project is located within areas defined as Rural, Rural Center, Agricultural, Suburban and Suburban Center Landscapes. These locations are areas identified for both preservation and growth, respectively, in the county.

Those portions of the project that are proposed within the Rural, Rural Center, and Agricultural Landscapes 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 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.

Portions of the project are also located in areas with the Natural Feature Overlay designation. These areas support limited types of development, while promoting open space preservation in areas with significant natural resources, including stream corridors, habitat areas, woodlands, wetlands, ground water recharge areas, steep slopes, and ridge tops.

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. Unless proper mitigation steps are taken to lessen the impact of pipeline construction and activity, the proposed Eastern Shore Natural Gas Company's 2017 Expansion Project could be generally inconsistent with the Livable Landscapes Map and its related policies.

#### B. General Comments:

1. The Planning Commission supports the comments provided by the Chester County Water Resources Authority.
2. There are multiple properties throughout the Chester County portion of the 2017 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 proposed construction in Franklin, Highland, Londonderry, New London, Penn, and West Sadsbury 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.
3. 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 other EAs and EIS's this information has been provided, in addition to the issue of having staging areas for piping, drill rigs, etc. mapped out and established in easement/right-of-way documentation.

4. The EA indicates that this project generally follows the existing right-of-way held by ESNG, however, it implies that there were additional properties impacted through this project. Please indicate how many and in which municipalities these properties are located.
5. The Chester County Planning Commission maintains an online map that includes proposed developments from 2012-present. While the impacted municipalities are primarily rural in nature, please visit our plan review interactive map at <http://www.chescoplanning.org/planreview/Maps.cfm>. Once there, you can view subdivision and land development proposals from 2012-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. We recommend contacting the municipalities for specific development information.
6. The Planning Commission supports the use of site-specific HDD crossing plans where this is determined to be feasible and appropriate. The Planning Commission would also request that these plans be filed with the municipalities as well as the Chester County Department of Emergency Services.
7. Page 9. Construction Procedures. The Planning Commission requests that we 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.
8. Page 11. Construction Procedures. The discussion indicates that the construction of the pipeline would require a construction right-of-way width of 100 feet, 35 of which will be permanent. The text on page 11 indicates that within 20 days of completion of the backfilling of trenches, everything is removed from the site, and it is graded and restored. Please be specific as to whether this is the point where the construction right-of-way reverts back to the landowner's control and if there are restrictions on the land in that workspace for a period of time beyond that initial 20-day construction window.
9. Page 12. Agricultural Land. It is our understanding that the US Department of Transportation requires a minimum of 3 feet of soil cover over the pipeline. Please indicate if ESNG intends to bury the line at the minimum

recommendation. As the text, and our records, indicates, there are multiple properties that are in active agricultural use. The Planning Commission would recommend burying the line lower in the ground, to decrease the potential for inadvertent contact with the pipeline.

10. Page 13. Residential and Commercial Properties. The Planning Commission commends Eastern Shore Natural Gas for attempting to leave mature trees and landscaping within the construction work area when it does not interfere with installation techniques or present safety issues.
11. Page 13. Residential and Commercial Properties. The text indicates that landowners would be notified at least three business days prior to the start of construction, unless otherwise set forth in the easement negotiation. The Planning Commission would also request that emergency personnel and school districts be provided information that may involve transportation routes being altered or delayed.
12. Page 14. Waterbodies. The 2017 Expansion Project proposes multiple crossings in Chester County. The text indicates that all crossings will occur using a “dry-ditch” crossing method, then later indicates that crossing could occur by other methods. ESNG should coordinate with Pennsylvania Department of Environmental Protection, Chester County Conservation District and the Chester County Water Resources Authority, for the crossings of 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.”
13. Page 17. Additional Temporary Workspaces. The EA/EIS states that there are additional or alternative areas that could be identified in the future, due to changes in site-specific construction requirements. The Planning Commission requests to be included in updated information in the Chester County portion of the project.

Page 19. Pipe Storage/Contractor Yards. The EA/EIS indicates that ESNG has not identified any proposed pipe storage/contractor yards for use during the construction of the 2017 Expansion Project. However, the text indicates the ESNG would locate these yards within the construction right-of-way. If HDD is utilized for segments, these staging areas may be larger than the existing ROW and temporary workspaces. Other Operators working in Chester County have identified these areas on projects in the past. Providing a general idea of where these might be located would be helpful for the impacted residents along the ROW to know that they may have a stock pile of piping and rigging near their properties for several weeks.



14. Page 27. Table 5. Notifications, Permits, Consultations, and Approvals for the 2017 Expansion Project. The text indicates that ESNG anticipates submitting permit application information to the Chester County Conservation District in April 2017. According to the Conservation District, an “Adequate” letter was issued on May 23, 2017 regarding the ESCGP-2 Permit for the Parkesburg Loop, the permit application package for the ESCGP-2 was resubmitted on May 23, 2017 for review, and the Jennersville Loop permit package was received for review on May 17, 2017. Please update the table, and indicate how these changes potentially impact the construction timeline.
15. Page 33. Soils. The text indicates that the slopes on the Parkesburg and Jennersville Loops range from 0-25% and on the Fair Hill Loop from 0-45%. 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.”
16. Page 37. Public and Private Water Supply Wells and Surface Water Intakes. While the text indicates that there are no public wells present within ½ mile of the proposed project, there are private wells listed on page 40 that are located within 150 feet of the area of the proposed construction, including several actually within the construction work area. 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.
17. Page 45. Table 10 - Waterbodies Crossed by the 2017 Expansion Project. The table indicates the method of crossing, including HDD in several places. These areas are likely to require larger staging areas for workspace than the dry-ditch method proposed for other crossings. The Planning Commission requests that ESNG establish where these staging areas will be located and provide this information to residents that may be impacted.
18. Page 49. Impaired Waterbody Crossings. The text lists the watersheds involved in the 2017 Expansion 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 (referenced in Comment #18) and *Landscapes2* Policy NR 3.15, “Support initiatives to improve water quality for the Delaware Estuary/Bay, Chesapeake Bay, and Christina River Basin.”

19. Page 42. 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 to reduce the potential for erosion and the release of sediment into sensitive resources. Further, the text indicates that testing water is being utilized from the Octorara Creek (via Chester Water Authority) as well as municipal sources. If water from the Octorara is discharged in areas outside of the watershed, the discharge would be inconsistent with *Watersheds (An Integrated Water Resources Plan for Chester County, PA and Its 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, 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, Franklin, Highland, Londonderry, New London, Penn, and West Sadsbury townships have updated minimum standards in their ordinances, in December 2013, December 2013, June 2014, January 2014, December 2013, and March 2014 respectively. The Act 167 Plan can be found here: <http://www.chesco.org/water> and select “Stormwater Management” from the side banner.

20. Page 56. Wetlands. The text indicates that the 2017 Expansion Project will cross more than twenty wetlands in Chester County, with a total of approximately one acre being impacted during construction and no impacts during operation. 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.”
21. Page 59. Vegetation, Fisheries & Wildlife. As previously indicated, there are multiple properties throughout the Chester County portion of the 2017 Expansion Project area which contain preservation easements. Eastern Shore Natural Gas Company should be aware that there are multiple parcels within ½ mile or less of the proposed loops 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.

22. Page 88. State Listed Species. The 2017 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/CNAI\\_PDFs/Chester\\_CNHI\\_Update2015.pdf](http://www.naturalheritage.state.pa.us/CNAI_PDFs/Chester_CNHI_Update2015.pdf).
23. Page 97. Table 21. Public Roadway Crossings. If Eastern Shore Natural Gas Company has coordinated with municipalities regarding emergency services, bus routes, and other municipal services (such as mail and trash), please include this information for clarity.
24. Page 101. Residential Land. The text discusses those residences that will be impacted by construction located within 50-feet or less of a structure. The recommendation listed includes that ESNG *should* file with the Secretary evidence of landowner concurrence. The Planning Commission recommends that this be changed to “shall.” With construction, in some cases, being within 10-feet of a residential structure, it is imperative that there be concurrence regarding what is proposed to happen on these properties.
25. Page 115. Cultural Resources. The recommendation regarding Section 106 compliance indicates that ESNG *should not begin* construction until all cultural resource survey reports, avoidance/treatment plans, and comments from SHPO’s are filed. The Planning Commission recommends that this wording be changed to “will not begin.” Due to the importance of this region’s cultural heritage, any information regarding impacts to resources needs to be completed prior to construction.
26. Page 137. Noise. The text indicates that Chester County has no noise ordinance. While the County does not have a noise ordinance, Franklin, Highland, Londonderry, New London, and West Sadsbury townships do have noise ordinances, which are listed here:  
Franklin Township, Ordinance Number 2008-04 §27-1608 Performance Standards (2008).  
Highland Township, Zoning Ordinance §710 Performance Standards (2005).  
Londonderry Township §  
New London Township, Ordinance Number 2003-9-1 §1-1309 Performance Standards (2003)

## West Sadsbury Township, Ordinance Number 2003-9-10 (2003)

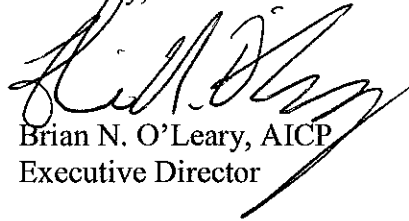
Please include their noise restrictions in this section, especially since it may have an effect on potential HDD sites.

27. Page 155. Table 41. Projects Occurring in the Vicinity of the 2017 Expansion Project. The table includes projects that are currently active in the vicinity of the 2017 Expansion Project. The Planning Commission recommends checking this list against our plan review interactive map at <http://www.chescoplanning.org/planreview/Maps.cfm>, in the event that there are land development proposals that may have begun more recently than ESNG's latest surveying. ESNG should confirm with each municipality to determine the status of subdivision and land development proposals.
28. Page 168. Conclusions & Recommendations. The text briefly discusses the use of eminent domain authority. If ESNG utilized this authority for this project, please include the number of properties, and the current status of these properties, as it may impact the construction timeline.
29. Page 169. Conclusions & Recommendations. The text indicates that ESNG will file detailed alignment maps/sheets. The Planning Commission requests copies of these maps to keep on file, should inquiries arise from other departments, residents, etc.
30. Page 172. Conclusions and Recommendations. The Planning Commission 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 White Clay Creek.
31. Page 172. Conclusions and Recommendations. The Planning Commission supports the recommendation that Eastern Shore shall file with the Secretary its Migratory Bird Conservation Plan and documentation of consultation with USFWS.
32. Page 172. Conclusions and Recommendations. The Planning Commission 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 Carrie Conwell or Carol Stauffer of the 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  
Chester County Health Department  
Franklin Township  
Highland Township  
Londonderry Township  
New London Township  
Penn Township  
West Sadsbury Township  
OEP/DG2E/Gas Branch 4