

Berks Gas Truth ~ Brandywine Conservancy ~ Breathe Easy Susquehanna County (BESC) ~ Caney Fork Headwaters Association ~ Catskill Citizens for Safe Energy ~ Chesapeake Climate Action Network ~ Christians for the Mountains ~ Citizens Energy and Economics Council of Delaware County ~ Citizen Radon Watch ~ Citizens' Environmental Coalition ~ Citizens' Greener Evanston ~ Civil Society Institute ~ Clean Air Council ~ Center for Biological Diversity ~ Coal River Mountain Watch ~ Coalition for a Frack-Free Tennessee ~ Community Environmental Defense Council, Inc. ~ Concerned Citizens of Otego ~ Cornucopia Network NJ/TN Chapters ~ Cumberland Countians for Peace & Justice ~ Delaware Highlands Conservancy ~ Delaware River Shad Fishermen's Association ~ Delaware Riverkeeper Network ~ Environmental Working Group ~ Friends of Sustainable Sidney ~ Genesis Farm ~ Grassroots Environmental Education ~ Kickapoo Peace Circle ~ Nature Abounds ~ Network for Environmental & Economic Responsibility of United Church of Christ ~ New Jersey Conservation Foundation ~ New Jersey Sierra Club ~ New York Public Interest Research Group Fund, Inc. ~ New York Whale and Dolphin Action League ~ Northjersey Pipeline Walkers ~ Nuclear Information and Resource Service ~ Ohio Valley Environmental Coalition ~ Otego 2000 ~ Pepacton Institute LLC ~ People's Oil & Gas Collaborative - Ohio ~ Pipeline Safety Coalition ~ Potomac Riverkeeper, Inc. ~ Powder River Basin Resource Council ~ Sane Energy Project ~ Savage River Watershed Association ~ School Sisters of Notre Dame - The EDGE ~ the Shenandoah Riverkeeper ~ Statewide Organizing for Community eMpowerment (SOCM) ~ STP (Stop the Pipeline) ~ Westchester for Change ~ Youghiogheny Riverkeeper Mountain Association

August 21, 2013

U.S. House of Representatives
United States Capitol
Washington, D.C.

Re: H.R. 1900, the Natural Gas Pipeline Permitting Reform Act

Pipelines are cutting a swift and indelible path across our communities and waterways.

- they are cutting through private properties, often using the power of eminent domain;



- they are cutting through forests and park lands preserved with public dollars for past, present and future generations;
- they are cutting through our streams and rivers forever altering flows and critical habitat;
- they are compacting soils and creating runoff that is exacerbating flooding, preventing infiltration needed to restore our water supplies, and causing the increased erosion of public and private lands;
- they are transforming wetlands so they are no longer able to perform for the benefit of our communities;
- they are harming ecotourism, associated jobs, and the quality of life in our communities.



The rapid expansion of this natural gas infrastructure requires ever-increasing time and attention from agencies and the public; yet, H.R. 1900, the Natural Gas Pipeline Permitting Reform Act, proposes just the opposite.



At a very fundamental level, H.R. 1900 undermines the power preserved and granted to the states to ensure protection of the health, safety, and economies of their people. Laws designed to protect the environment – particularly those for protecting clean water, clean air, and healthy habitats – were crafted with a specific respect and regard for the balance of power between state and federal governments. In the arena of energy production and use, that balance of power has already been undermined by seemingly unwarranted exemptions. H.R. 1900 further erodes that balance.



H.R. 1900 takes from states and other federal agencies their ability to earnestly and effectively protect the natural resources that are fundamental to healthy families, lives, and jobs.

H.R. 1900 undermines the states' ONLY remaining authority for protecting state waters.

Waivers and preemptions already in place mean that Clean Water Act 401 Certification may be the *only* way that a state can ensure that its water quality standards are met with regard to pipeline projects. By giving states only 90 days to render a review and decision on proposed pipeline projects, H.R. 1900 undermines the only authority left to states to regulate the impact of interstate pipelines passing through their borders on state water resources. H.R. 1900 will undermine the ability of states to undertake full reviews and to create certification conditions necessary to protect water quality. It may even encourage states to waive their 401 authority rather than deal with the administrative stress and litigation it will most certainly cause. H.R. 1900's interference with the exercise of the state 401 authority is an interference with the rights of states to protect their communities and the only legal opportunity they have for doing so.

H.R. 1900 will encourage deficient environmental reviews and deficient permits for unworthy projects.

There is no obligation that an applicant issues a full, complete or accurate application before the clock starts ticking for agencies other than FERC, and there is no time or process provided for addressing such application deficiencies before the clock starts. By imposing an inflexible reduction in the time allowed for Clean Water Act and other permitting reviews, H.R. 1900 could compel the states, the Army Corps, and others to overlook project deficiencies and issue legally dubious approvals for damaging projects without the conditions necessary for protecting water quality. Some applicants may be encouraged to submit intentionally deficient applications to state and federal agencies in the hopes that the limited time for review will allow them to evade proper agency scrutiny and receive unwarranted approvals.

H.R. 1900 provides automatic approvals to nonexistent documents – to what end?

There is no clarity on what is automatically approved. If an agency has not actually completed a review or crafted a permit or certification document with all of its required elements, then what goes into effect? Perhaps it is just the application from the pipeline company as they have provided it, regardless of its accuracy or quality. H.R. 1900 provides no good answer.

H.R. 1900 Incentivizes the illegal practice of segmentation.

By truncating the time allowed for environmental reviews, H.R. 1900 incentivizes the illegal practice of project segmentation: smaller project segments will be easier to review in the shorter timeframe provided, thus encouraging segmentation by applicants, encouraging agencies to turn a blind eye to the practice, and/or diminishing the ability of agencies to identify and stop the practice.

Pipeline companies have a remedy; H.R. 1900 is not needed.

The Energy Policy Act of 2005 ALREADY provides project sponsors a remedy if agencies take too long to issue their permits – for an alleged failure of an agency to issue, condition, or deny permits required under federal law, pipeline companies may file a petition with the United States Court of Appeals for the District of Columbia Circuit.

A mechanism that allows pipeline companies to go to the courts to remedy an inequity is a far more appropriate outcome than H.R. 1900, which will most certainly result in an increasing number of illegal permits and/or approvals (some issued, some automatic under the law) forcing citizens to bring legal actions in order to protect the water they drink, the air they breathe, the soils that provide their food, and health of their environment. It is wrong for Congress to place this burden on the public. It is, in fact, more appropriate to have a law where, in a limited number of cases, the pipeline companies have the option to pursue legal actions in order to secure a right to use public resources for their private gain, than to pass a law that requires the public to bring legal action to protect their right to the healthy environment necessary to sustain their lives.

We urge you to take direct, overt and immediate action to defeat the Natural Gas Pipeline Permitting Reform Act in both houses of Congress.

Respectfully,

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