

# Governor: We Are Boycotting Your Regulatory Process for the “Potomac Pipeline” for Fracked Gas Through Maryland

Governor Hogan  
100 State Circle  
Annapolis, Maryland

January 19, 2018

Re: “Potomac Pipeline” for fracked gas, aka Eastern Panhandle Expansion Project

Dear Governor Hogan:

Marylanders share a passion for their environment, and our State has a reputation for environmental stewardship. We appreciate your Administration’s past stewardship, especially your support of a fracking ban in 2017. We also appreciate that the mission of the Maryland Department of the Environment (MDE) is to protect the environment “for the health and well-being of all Marylanders.”

However, we are writing today because we are concerned that your Administration **is failing to take adequate protective measures** with regard to the Eastern Panhandle Expansion Project (also known as the “Potomac Pipeline”). This project, proposed by Columbia Gas Transmission, LLC—a TransCanada Company—would carry fracked gas from Fulton County, Pennsylvania through Hancock, Maryland and into Morgan County, West Virginia. It would threaten the health of the millions of people who source their drinking water from the Potomac River in Maryland, Washington, DC, and Virginia. It would run through sensitive topography, known as karst. Karst topography provides a direct connection to groundwater, allowing for the easy migration of pollutants into aquifers and other sources of drinking water.

Environmental organization leaders have raised concerns several times over the past nine months with Secretary Grumbles and his staff. Our concerns and recommended actions that your Administration could take to protect the Potomac River have been ignored, leaving us no choice but to formally boycott your next hearing on this pipeline on January 22, 2018.

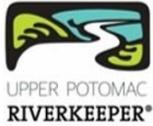
To correct this situation, we recommend the following:

- **MDE must require an individual 401 certification for wetland and stream crossings**, rather than relying on the Army Corps of Engineers’ Nationwide Permit 12 and MDSPGP-5, Category B classifications.
- MDE needs to **consider the cumulative impacts of the Expansion Project** with the directly-related Mountaineer Gas pipeline on all of Maryland’s aquatic resources and public health as this project is properly considered a “connected action.”
  - A catastrophic event from a stream crossing by Mountaineer Gas has just as much potential to contaminate downstream Potomac River drinking water supplies as do streams crossings within Maryland, and Maryland is jurisdictional for the Potomac.
- MDE has failed to fulfill its legal obligation to protect public health and the environment under the Maryland Environmental Policy Act and Maryland’s Gas and Oil Title.
- MDE has ignored requests from Maryland residents to ask the Federal Energy Regulatory Commission (FERC) to conduct a full Environmental Impact Statement, which would broaden the scope and depth of review for the project.

Unfortunately, your Administration has been unresponsive to the concerns of citizens, businesses and elected officials. To date, there has been no reply from MDE to the repeated attempts by many of the undersigned to schedule a follow-up meeting to discuss our concerns. In fact, the undersigned and the general public think that **our concerns have been ignored by your Administration**. Concerned residents and elected officials have sent more than 1,300 letters, emails and calls into your office, with absolutely no response.

MDE has also produced an incomplete and troubling fact sheet titled “What You Need to Know” that inappropriately downplayed the risks of this pipeline project. The “What You Need to Know” fact sheet contained a number of failures.

- MDE failed to identify **TransCanada** as the company that will build the pipeline, a company with **a poor safety record and numerous permit violations that routinely puts public health at risk**.



- MDE failed to acknowledge that chemicals used in the drilling process for installing pipelines can be toxic. FERC is currently investigating whether unapproved ingredients in a drilling fluid mix were used by the Rover pipeline operator, Energy Transfer Partners, contaminating surface waters in Ohio last year.
- MDE failed to mention that there are **hundreds of drinking water wells throughout the project that could be contaminated from a gas pipeline leak** and that all of these wells in Maryland and West Virginia communicate with groundwater aquifers connected to the Potomac River.
- MDE failed to release appropriate facts about **the risks with karst geology and pollution.**
- MDE failed to acknowledge the reason why the State knows so little about karst geology, because Maryland has not invested in groundwater mapping of the Western Maryland region.
- MDE has given incomplete information related to gas transmission line crossings of the Potomac, echoing TransCanada’s misleading talking point about pipelines crossing the Potomac River. The Pipeline and Hazardous Materials Safety Administration’s map of transmission lines shows no Potomac River crossings in Washington or Frederick Counties, and these are counties identified by Maryland Geological Survey as most affected by karst.
- MDE has not appropriately responded to the Karst Mitigation Plan and implications for contamination of the Potomac River.

**MDE is being in not being fully transparent and timely in sharing important documents from other state agencies that have assessed the TransCanada application.** The Maryland Geological Survey and the Department of Natural Resources have offered their review of the wetlands and waterways general permit and that information should be made available to the public. This type of information is necessary for the public to see in order to offer fully informed comments at public hearings. Withholding this important information from the general public undermines the public process and minimizes the true risks of this fracked gas pipeline project.

We have very serious concerns about the impacts of this pipeline, and our concerns are shared by multiple officials from the Washington, DC City Council to the Board of Washington County Commissioners. Our concerns are compounded by the lack of complete information about the pipeline and MDE’s refusal to-date to request necessary information and commit to an individual § 401 process. We have pursued all avenues to raise MDE’s awareness of the public’s concerns and have not received sufficient responses. As a result, we see no other option but to boycott the January 22, 2018 hearing.

Sincerely,

Chesapeake Climate Action Network  
 Potomac Riverkeeper Network  
 Food and Water Watch  
 Maryland Sierra Club  
 Waterkeepers Chesapeake  
 Frack Free Frostburg  
 Eastern Panhandle Protectors  
 Maryland Environmental Health Network  
 Women’s Action Coalition of Greater Allegany County  
 Rachel Carson Council  
 Savage River Watershed Association  
 Lower Susquehanna Riverkeeper Association  
 Montgomery Countryside Alliance  
 Chesapeake Physicians for Social Responsibility  
 West Virginia Highlands Conservancy  
 Blue Heron Environmental Network  
 Cacapon Institute  
 Solidarity Maryland



CC: Secretary Benjamin H. Grumbles  
 Maryland Department of the Environment  
 Montgomery Park Business Center

1800 Washington Blvd.  
 Baltimore, MD 21230