

4 October 2022

Pennsylvania Department of Environmental Protection
Attn: Kareen Milcic, Environmental Group Manager
400 Waterfront Dr
Pittsburgh, PA 15222

Re: Comment on Lyons Run Pipeline project (site ID 857459)

The following comment summarizes the research of Protect PT for opposition to the project titled “Lyons Run Pipeline” proposed by Apex WML Midstream LLC. As an environmental nonprofit organization, Protect PT is dedicated to defending the safety, security, and quality of life of Penn-Trafford residents from the environmental and health hazards of natural gas development. We thank the Pennsylvania Department of Environmental Protection (DEP) for their earnest consideration of our comment in representation of the safety of our residents.

The Lyons Run Pipeline project is reported to be a 9,170-ft replacement project of previously installed, smaller diameter pipelines. The project proposes to increase the diameter of the pipeline in expectation of increased flow of oil and gas resources through the line from the Drakulic wells and the Level Green Gathering Line. It is our understanding that there is no need for the current lines in the Lyons Run section to be replaced without the full approval of all permits and completion of the Level Green Pipeline project. **Therefore, we request transparency from Apex and the DEP regarding the pace for approval of the Lyons Run Pipeline permits before a need for the pipeline project exists.**

There are currently three permits pending for approval for the Lyons Run Pipeline project. These are (1) GP-08 Temporary Road Crossings, (2) GP-05 Utility Line Stream Crossings, and (3) Waiver Verification for Water Obstruction Encroachment (waivers for streams D, J, K, L, M). While a waiver for Water Obstruction Encroachment was applied for regarding structures in streams D, J, K, L, and M, please note that PA Code Title 25 Chapter 105.12(a)(2) does not apply to wetlands within the delineated drainage area. **Therefore, we highlight the need for Apex WML Midstream LLC to apply for a Water Obstruction Encroachment permit with the DEP for Wetland A, which is planned to be encroached upon by the Lyons Run Pipeline project.**

Submitted files for the pipeline show the project’s limit of disturbance includes a total of 13 streams and two wetlands, with 16 total permanent impacts on the noted water resources. We

highlight that Stream J crosses a reported “Test Pit 1” in the wetland delineation conducted by The Gateway Engineers, Inc in July 2022. Test Pit 1, located at 40.404820, -79.705693, was reported to contain *Microstegium vimineum* (Japanese stiltgrass). It is well documented that Japanese stiltgrass is a host habitat and energy source for endangered Mitchell’s satyr butterfly, which is threatened due to habitat modification and loss. The factors in the Endangered Species Act of 1973 (16 U.S.C. 1531) section 4(a)(1) explain the modification to plans to eliminate habitat that supports a currently endangered species. **Therefore, we request a reroute of the proposed pipeline pathway to avoid Stream J and Test Pit 1. A reroute would ensure a continuation of the current water resource supplying the Japanese stiltgrass in Test Pit 1.**

In addition to our concerns with Stream J, we also highlight the importance of preserving Wetland A. The vegetation reported for Wetland A includes: *Symplocarpus foetidus* (skunk cabbage), *Lemna minor* (common duckweed), and *Carex lurida* (sallow sedge). Skunk cabbage is a native north eastern, North American plant excellent for pollinating, and is listed as endangered in the state of Tennessee, indicating its potential to be threatened in Pennsylvania. Common duckweed is a well-known bioremediator for heavy metals and excels in nutrient recovery from wastewater. Finally, sallow sedge leaves hold high importance for insect feeding and its seeds are a diet staple for birds such as waterfowl and songbirds. **Due to the roles the vegetation play in habitat quality and sustenance, we urge the DEP to require a reroute of the proposed pipeline pathway for preservation of Wetland A.** A reported 3-15 inches of water saturated the surface of Wetland A. The encroachment upon Wetland A with construction equipment will lead to soil disruption and introduction of foreign contaminants to the water resource, while there is a high potential for contamination of the wetland if pipeline leaks are experienced. **We again urge the DEP to require a reroute of the proposed pipeline pathway to preserve the water quality of Wetland A and the downstream drainage tributaries of Lyons Run and Turtle Creek.**

We draw attention to the lack of proper response by Apex to questions asked by the DEP in their submitted PNDI search file. In the file, Question 1 states: “The proposed project is in the range of the Indiana bat. Describe how the project will affect bat habitat (forests, woodlots and trees) and indicate what measures will be taken in consideration of this. Round acreages up to the nearest acre (e.g., 0.2 acres = 1 acre)”. While Apex responded with an approximate range of affected forests, woodlots, and trees, no actual acreage was reported. In addition, no description was provided on the ways in which the pipeline project will affect the Indiana bat population and no description was provided on the measures that will be taken into consideration regarding the conservation of habitat for the bat population. **The response to the question is highly inadequate and we request Apex provide a full description of the question response.**

The files submitted for permit approval by Apex display an abundance of downfalls we have brought to the attention of the Pennsylvania DEP. Because the DEP has a duty to protect the State’s natural resources, **we request the DEP deny the three pending permits for the Lyons**

Run Pipeline project - a project that will ultimately lead to contamination of the water resources in Penn and Murrysville Townships.

Regards,



Jenna Rindy, M.S. & M.Sc.
Staff Environmental Scientist
Protect PT



Gillian Graber
Executive Director
Protect PT