



## **GROUP AGAINST SMOG & POLLUTION**

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**7/23/2014**

### **Comments Concerning Conditional Use Application for Construction of the Pike Compressor Station Facility by Cardinal PA Midstream, LLC on Teets Road in New Sewickley Township**

#### **I. Complete Information**

It is helpful to have the Announcement on the New Sewickley Township website for the date, time, and place of the continued Public Meeting seeking comments on the Conditional Use Application for the Pike Compressor Station. It is difficult, however, to accurately comment without knowing the particulars of the proposed Pike Compressor Station Conditional Use Application, including information such as: the number and size of compressor engines and buildings, identification of ancillary equipment and tanks, and descriptions of any additional improvements such as landscaping, roads to be used, etc. It would thus be helpful to have the application available on the Township's website, or barring that, at least other basic information as mentioned above. Moreover, because pertinent information is likely to be delivered on the night of the meeting, the Township should allow additional time after the public meeting to receive comments.

#### **II. Aspects of Pennsylvania Constitutionality and Municipalities**

On December 19, 2013 the Pennsylvania Supreme Court handed down its decision in *Robinson Township v. Commonwealth of Pennsylvania*, declaring unconstitutional several sections of Act 13.

1. One provision that the Court found unconstitutional was the limits placed on the regulatory authority of local governments with respect to zoning in their communities (Section 3303 of Act 13). The Court noted this section is unconstitutional because the "General Assembly has no authority to remove a political subdivision's implicitly necessary authority to carry into effect its constitutional duties." Several of those Pennsylvania constitutional rights and Pennsylvania Commonwealth duties arise under Article I, Section 27 of the Pennsylvania Constitution. The first sentence being, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment."
2. The Plurality Court found section 3304 of Act 13 also unconstitutional. Section 3304 of Act 13 stated that all local ordinances regulating oil and gas operations must "allow for the

reasonable development of oil and gas resources,” and would have imposed uniform rules for oil and gas development across Pennsylvania.

The Plurality Court argued that this requirement would not be protective of conserving the “constitutionally-protective aspects of the public environment and a certain quality of life” and recognized that some “properties and communities will carry a much heavier environmental and habitability burdens than others.”

### **III. Pike Compressor Station and the Conditional Use Application and Permit**

Granting of the Conditional Use Permit to a large natural gas compressor station in a zoned agricultural district will put a disproportionate burden on residents who have every expectation of a certain quality of life or habitability commensurate with agricultural zoning.

In particular, a certified organic produce farm located immediately downwind of the proposed Pike Compressor Station has developed for organic certification, procedures that create as much as possible a natural, less toxic environment. The farm could now take on a less than pristine cloak with the compressor station next door. This, in turn, could adversely impact Township residents’ livelihood through lost customers who may not want to pay premium prices for food that may be exposed to contaminants.

Additionally in the Township Comprehensive Development Plan, residents responded resoundingly that a strong priority is to maintain the rural and farming nature of the township. Note the following survey questions in the Plan (page 119-120):

1. Preserving the rural character of the Township is a priority? 82.3% of residents responding agreed.
2. The township’s working farms should be something to be encouraged/preserved where possible? 91.2% of residents responding agreed

Stated in the Plan’s Introduction and Purpose (page 1-1) are the following statements:

1. A comprehensive plan is a document that is designed to state basic policies and to guide future growth and development of the community.
2. It (The Plan) contains no rules or regulations, but it serves as a basis for any land use provisions enacted by New Sewickley Township!!

The proposed Pike Compressor Station and its ancillary tanks, equipment, and truck emissions are not an imaginary detriment to air quality. Natural gas compressor emissions include nitrogen dioxide, formaldehyde and volatile organic compounds including hazardous air emissions. Upsets, leaks and spills can cause unexpected spikes in these air emissions. Possible escaping methane gas takes continual surveillance to prevent fire hazards. Some residents living near compressor stations have recorded significant health problems.<sup>1</sup>

Further, recent news articles note that there are concerns about appropriate health research regarding impacts from nearby natural gas operations and the lack of a well-developed Pennsylvania registry of oil and gas related health complaints.<sup>2</sup> The Township should

further investigate these concerns before granting the Conditional Use for the Pike Compressor Station.

As Western Pennsylvania is prone to air inversions, heavier concentrations of contaminants are experienced frequently overnight. In a recent study done by the Department of Environmental and Occupational Health, University of Pittsburgh Graduate School of Public Health, Pittsburgh, PA, it was noted in the Abstract, Conclusion, "We identified elevated concentrations of multiple pollutants at lower-elevation sites, and a positive association between inversion frequency and NO<sub>2</sub> concentration."<sup>3</sup> "Some types of vegetation are sensitive to nitrogen dioxide including oats, alfalfa, tobacco, peas and carrots."<sup>4</sup> "Nitrogen dioxide can directly affect human health as well and long term exposure can cause chronic lung impairment."<sup>5</sup>

Thank you for the opportunity to express our concerns regarding this Conditional Use Application. We recommend that the Pike Compressor Station not be sited as proposed for reasons above.

1. Pennsylvania Alliance for Clean Water and Air, *List of the Harmed*, updated 6/7/2014

2. Katie Colaneri, *Former state health employees say they were silenced on drilling*, State Impact-Energy, Environment, Economy Pennsylvania, 6/19/2014, <http://stateimpact.npr.org/pennsylvania/2014/06/19/former-state-health-employees-say-they-were-silenced-on-drilling/>, accessed 7/22/2024

3. Jessie LC Shmool, et al, *Saturation sampling for spatial variation in multiple air pollutants across an inversion-prone metropolitan area of complex terrain*, Abstract, Environmental Health 2014, 13:28, [http://download.springer.com/static/pdf/450/art%253A10.1186%252F1476-069X-13-28.pdf?auth66=1406251868\\_19574fa64910be97c6d348073c090663&ext=.pdf](http://download.springer.com/static/pdf/450/art%253A10.1186%252F1476-069X-13-28.pdf?auth66=1406251868_19574fa64910be97c6d348073c090663&ext=.pdf), accessed 7/22/2014

4. Department of Environment, Maryland, *Nitrogen Dioxide*, [http://www.mde.state.md.us/programs/Air/Pages/CP\\_NitrogenDioxide.aspx](http://www.mde.state.md.us/programs/Air/Pages/CP_NitrogenDioxide.aspx), accessed 7/23/2014

5. Ibid.