

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Respondents.

OGC Case No.: 15-0468

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Counties affected by the permitted activity: Hamilton, Suwannee, Gilchrist, Alachua, Levy, Citrus, Marion, Sumter, Lake, Polk, Orange, Osceola. Affected counties represented by WWALS: Hamilton, Suwannee.

Date Petitioner became aware of the Department's action: July 16, 2015 in the legal notices of the Jasper News. According to the denial of request for extension of time to file petition for administrative hearing, Petitioner has 10 days from July 28, 2015 to file the petition.

Statement of Petitioner's substantial interests: WWALS Watershed Coalition is a Georgia nonprofit corporation and an IRS 501(c)(3) educational not for profit organization with members in Florida and Georgia. WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, and upper Suwannee River watersheds in south Georgia and north Florida through awareness, environmental monitoring, and citizen activities. WWALS hosts monthly paddling outings for our members. Our next outing is on August 15, 2015 on the Suwannee River, Gibson Park past the proposed pipeline crossing to Suwannee River State Park. We have held several outings on the Suwannee River including one in September 2014. Our members are out paddling the rivers of our represented watersheds not only during our planned outings but at other times individually and in families and other groups. Our members and other members of the public receive a sense of rejuvenation being out in the natural environment. The point is that our members and other members of the public get out and enjoy the rivers, including the Suwannee. It would be devastating if the rivers were irreparably altered from the installation of this pipeline.

WWALS is the Waterkeeper® Affiliate for the Withlacoochee and upper Suwannee Rivers and their watersheds. Waterkeeper® Affiliates are associated with Waterkeeper® Alliance as partners across the WWALS to FL DEP, 7 August 2015, Case no. 15-0468, file no. 0328333-001, page 2 of 11

globe advocating for everyone's right to swimmable, drinkable, and fishable water, while on track to become fully licensed Waterkeeper® organizations.

As the Waterkeeper® Affiliate for the watersheds of the Withlacoochee and upper Suwannee Rivers, WWALS represents thousands of people who live in these watersheds in Hamilton and Suwannee Counties. At least one of our members, Tom Edwards, who owns the Florida corporation TSE Plantation, LLC, dba Echo River Plantation, is a property owner along the Suwannee River who will be directly affected by the HDD drilling and pipeline installation. Partly at the recommendation of WWALS members, the Hamilton County Board of Commissioners passed a resolution opposing the pipeline crossing of the Withlacoochee River in Florida. Not only does WWALS advocate for the interests of the people in these watersheds, but also for the natural environment itself. It is our obligation as Waterkeeper® Affiliate for this area that we request that Florida Department of Environmental Protection deny the Environmental Resource Permit for the Sabal Trail Transmission natural gas pipeline, especially through Hamilton and Suwannee Counties.

How Petitioner's substantial interests are affected: The Petitioner's substantial interests will be affected by the construction and operation of a 36-inch diameter natural gas pipeline through Hamilton and Suwannee Counties as follows:

1. Forested lands will be cleared, resulting in reduced wildlife habitat.
2. Wetlands will be filled, resulting in reduced fish and wildlife habitat.
3. Karst terrain will be traversed and drilled through, possibly forming new sinkholes under or near the pipeline, potentially resulting in pipeline failure and altered underground water flow.
4. HDD Operations through karst limestone at river crossings have an increased risk of

frac-outs, intersecting with spring conduits, and sinkhole formation resulting in potentially catastrophic effects on spring and river flows and water quality in both rivers and private wells. This will also have adverse effects on aquatic fauna whose habitat will be damaged from this pipeline. More study of these habitats is needed before a pipeline is drilled under the rivers and destroys these underground caverns and spring conduits. Damage to karst formations is permanent.

Material facts disputed by Petitioner: Based on Petitioner's best information and belief as it exists at the time of this filing, Petitioner disputes these material facts:

1. Whether the proposed activity is “not contrary to the public interest” or is “clearly in the public interest” as required by Section 373.414(1). This project clearly is not in the public interest of the citizens of Hamilton and Suwannee Counties who will be affected by the construction and operation of this pipeline without any benefit whatsoever.
 - a. There are only risks to their rivers and water supply, disruption and destruction of their property, and threats to their health, safety, and welfare in the form of explosions, contaminated water, and development of sinkholes from karst collapse, which could cause property damage or injury to individuals.
 - b. Secondly, having a natural gas pipeline on or near a citizen's property will cause lower property values and potentially higher insurance rates.
 - c. Thirdly, the citizens of Hamilton and Suwannee Counties rely on the economic benefits of eco-tourism. The risks to our rivers and springs from the proposed pipeline installation and operation are incompatible with eco-tourism.
2. Whether the proposed activity is “important to and is beneficial to the public health, safety, or welfare” as required by Rule 62-4.242, F.A.C. The citizens of Hamilton and

Suwannee Counties will have no benefit and only risks to their health, safety, and welfare with the construction and operation of this pipeline for the reasons listed above.

3. Whether the proposed activity will maintain essentially natural conditions. The HDD drilling under rivers has the potential to cause irreparable damage to underground karst geology and is likely to do so by the nature of the large diameter of this pipeline. Collapse of spring conduits or other karst features could open large sinkholes, alter river flows and degrade springs. That is not maintaining “essentially natural conditions.” Also, cutting down trees that may take 50 years to regrow, or may never regrow, as well as filling in parts of wetlands, does not maintain essentially natural conditions.
4. Whether the proposed activity will not cause adverse impacts to fish and wildlife resources or public recreation or navigation. If the above mentioned collapse of underground karst geology leads to alteration in river flows and degradation of springs, which would alter water quality, all of these things will cause adverse impacts to fish, other wildlife that depend on the rivers, and recreation. If an explosion occurs due to instability of the pipe in fragile karst limestone, that would impact fish, wildlife, navigation and recreation, not to mention public safety.
5. Whether the proposed activity will not interfere with the riparian rights of adjacent property owners. If the construction and operation of this pipeline causes alteration in river flows and water quality as mentioned above, the riparian rights of adjacent property owners will be affected.
6. Whether the Department was given reasonable assurance that the applicant will be able to safely install a 36-inch diameter pipeline in the sensitive karst terrain of Hamilton and Suwannee Counties, especially when drilling under the designated Outstanding Florida Waters, the Suwannee and Santa Fe Rivers. Outstanding Florida Waters are rivers, lakes, and other

water features designated by the Florida Department of Environmental Protection as worthy of special protection because of their natural attributes. Outstanding Florida Waters have special restrictions on any new activities that would lower ambient water quality or otherwise degrade the body of water. On Sabal Trail Transmission's application, Attachment J, the Karst Mitigation Plan states that other pipelines have been successfully installed in the sensitive karst terrain of south Georgia and north Florida. However, none of them have been as large in diameter as the proposed Sabal Trail Transmission Natural Gas Pipeline. The risk to our Outstanding Florida Waters is just too great. The risk is not just to these waters or to these counties: it is to the entire State of Florida. As the Florida, Georgia, and Alabama chapters of the Sierra Club pointed out to FERC in March 2014, Florida already gets 60% of its electricity generation from natural gas. Adding yet another pipeline would make the state even more vulnerable to economic failure of shale gas, or to enemy attacks on pipelines. Especially now that solar power is less expensive than natural gas, far faster to install than pipelines, requires no drilling, uses no water, and emits no pollutants, solar power makes far more sense for the Sunshine State.

7. Whether the pipeline will only be used to carry natural gas. It is possible that the pipeline could be re-purposed at a later date to transport other materials such as liquid petroleum products. There would then be potential risks of water and ground contamination from leaking pipes. An example of this occurred in April 2015 in Texas when a natural gas pipeline owned and operated by DCP Midstream, a subsidiary of Sabal Trail Transmission's parent company Spectra Energy, leaked oil.
8. Whether applicant has given reasonable assurance that they will properly maintain and repair the pipeline. Sabal Trail's parent company, Spectra Energy is facing many fines and orders by the National Energy Board of Canada, the U.S. Pipeline & Hazardous Materials

Safety Administration, and others for failing to properly maintain and repair their pipelines and for failing to clean up contamination from leaks. This is a risk we must not take.

9. Whether the proposed activity will adversely affect significant historical or archaeological resources. An investigation of archaeological artifacts found on property that is in the path of the pipeline is ongoing. But despite this, the Florida DEP has already issued its intent to issue the Environmental Resource Permit.
10. Whether there is a conflict of interest among the Board of Trustees of Florida's Internal Improvement Trust Fund, who own the submerged lands being affected by the proposed pipeline. Specifically, Governor Rick Scott, a member of this Board, has financial interests in Spectra Energy, the parent company of Sabal Trail Transmissions, as well as in Williams Company, the owner of the Transco pipeline from which Sabal Trail plans to get its gas. The governor and other public officials are prohibited by state ethics laws from owning stock in businesses subject to their regulation or that do business with state agencies.

Facts which Petitioner contends require reversal or modification of the Department's proposed action:

1. The construction and operation of this 36-inch diameter natural gas pipeline through the sensitive karst geology of north central Florida is contrary to the public's interest, especially the members of the public who reside in Hamilton and Suwannee Counties.
2. The Department has not received reasonable assurance that the Applicant can safely install a 36-inch diameter pipeline in the sensitive karst terrain of north central Florida, nor under our Outstanding Florida Waters like the Suwannee and Santa Fe Rivers without catastrophic, irreparable damage.
3. The construction and operation of this 36-inch diameter natural gas pipeline is not beneficial to

the health, safety, and welfare of the public, especially not to the members of the public who reside in Hamilton and Suwannee Counties.

4. The proposed project will result in significant adverse individual, secondary or cumulative impacts to underground karst geology, which will lead to sinkhole formation and damage to underground spring conduits that will ultimately cause degradation of the rivers and springs. This in turn will cause adverse individual, secondary, or cumulative effects on the aquatic species who have been shown to inhabit underground caves and springs in the areas in question. This week, another sinkhole opened just across the state line in Lowndes County, Georgia, threatening to absorb a road, as another one did a few years ago. Such sinkholes can form years after a pipeline is installed, as happened in Assumption Parish, Louisiana in 2013, when Florida Gas Transmission (FGT) had to move its pipeline. FGT declared that sinkhole a *force majeure* incident. If Sabal Trail did the same, any insurance it had might not have to pay, leaving local, state, and county taxpayers to pay for the problem.
5. The proposed activity will not maintain essentially natural conditions in the deforested areas, the filled in wetlands, and the permanently damaged underground limestone karst terrain.

Rules or Statutes Petitioner contends require reversal or modification of the Department's proposed action:

Rule 62-4.242, F.A.C.

Section 373.414 (1), F. S.

403.061 (27)

Article 2 Section 7 of the Florida Constitution

112.311 (5), F.S.

In a letter that the Florida Department of Environmental Protection forwarded on March 27, 2014 to the Federal Energy Regulatory Commission, State Geologist John Arthur, PhD supports the arguments of WWALS as put forward in this petition. He warns of the dangers associated with drilling this large diameter pipeline through the sensitive karst limestone of north Florida and south Georgia. He points out that the proposed route of the Sabal Trail pipeline is slated to pass through Florida Springs Protection areas and areas that have been found to be the “most vulnerable” on the Floridan Aquifer Vulnerability Assessment map.

According to Heinz Mueller, U.S. Environmental Protection Agency, in his July 17, 2014 letter to Federal Energy Regulatory Commission, “The EPA is particularly concerned for proposed wetland and stream crossings that may impact special aquatic sites. Locations of heightened concern include southwest Georgia, the ecologically significant Suwannee River and Santa Fe River, and associated freshwater springs within the north Florida region.”

Ann Shortelle, Ph.D., previous Executive Director of the Suwannee River Water Management District, in her April 18, 2014 letter to the Federal Energy Regulatory Commission states, “Damage to the conduit system that feeds these spring systems could directly impact the Minimum Flows and Levels for a priority spring by potentially reducing the flow to the spring causing a violation of the MFL. It is anticipated that evaluation of the final pipeline route will be thoroughly evaluated in light of the sensitive groundwater and spring systems located within the SRWMD. Such situations might not be avoided with pre-excavation geotechnical testing because the locations of these features are not predictable. Therefore the pipeline route should be altered to avoid karst areas, conduit and spring-flow areas of the SRWMD.”

Relief sought by Petitioner:

WWALS Watershed Coalition respectfully requests that Florida Department of Environmental Protection deny the Environmental Resource Permit to Sabal Trail Transmission to construct and operate a 36-inch diameter natural gas pipeline in the state of Florida. At the very least, WWALS requests that the sensitive karst terrain that underlies north central Florida be avoided entirely, especially drilling under the Withlacoochee, Suwannee, and Santa Fe Rivers.

Respectfully submitted this 7th day of August, 2015.

John S. Quarterman, President

Pro Se

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail before close of business on this 7th day of August, 2015, to the above-listed addresses and to those below:

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