

DOCKET NO. D-2012-004-1

DELAWARE RIVER BASIN COMMISSION

**Buckeye Partners, L.P.
Delaware River Petroleum Pipeline Crossing Project
Greenwich Township, Gloucester County, New Jersey
to Tinicum Township, Delaware County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by CH2M HILL on behalf of Buckeye Partners, L.P. (Buckeye) on February 22, 2012 (Application), for review of a new petroleum product pipeline crossing of the Delaware River. The project has submitted applications for, and is awaiting approval of: 1) a Waterfront Development Permit from the New Jersey Department of Environmental Protection (NJDEP); 2) a Clean Water Act (CWA) Section 404 General Permit (for utility line crossings) and CWA Section 401 Water Quality Certification from the Pennsylvania Department of Environmental Protection (PADEP); and 3) a Rivers and Harbors Act Section 10 Permit from the U.S. Army Corps of Engineers (USACE).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Delaware County Planning Commission and the Gloucester County Planning Board have been notified of pending action. A public hearing on this project was held by the DRBC on May 10, 2012.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve the project to construct and install a new, 8-inch diameter petroleum pipeline, approximately 5,550 linear feet in length, beneath the Delaware River. The new pipeline will convey fuel from the Paulsboro Refinery to the Philadelphia International Airport. The pipeline will be located in a new borehole up to 24 inches in diameter that will be directionally drilled beneath the Delaware River via a Horizontal Directional Drill (HDD), approximately 50 feet to 90 feet below the Delaware River bottom. The new pipeline is being constructed in order to meet the requirements of the Pipeline and Hazardous Materials Safety Administration (PHMSA), and will replace and be located adjacent

to an existing 8-inch diameter pipeline located beneath the Delaware River. The project does not involve construction in the Delaware River.

2. Location. The new pipeline will run from an existing Buckeye pump station located at the Paulsboro Refinery in Greenwich Township, Gloucester County, New Jersey, under the Delaware River, to Tinicum Township, Delaware County, Pennsylvania where it will connect to the existing Buckeye Filter Building located on Philadelphia International Airport property, adjacent to the Philadelphia International Airport. The pipeline will cross beneath Water Quality Zone 4 of the Delaware River at approximately River Mile 88.4, originating and ending approximately at the following coordinates:

PROJECT SITE	LATITUDE (N)	LONGITUDE (W)
New Jersey side of river	39° 50' 48"	75° 15' 23"
Pennsylvania side of river	39° 51' 34"	75° 15' 43"

3. Area Served. The project will convey refined, liquid petroleum products from the Paulsboro Refinery under the Delaware River for use at the Philadelphia International Airport. For the purpose of defining the Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. Physical Features.

a. Design Criteria. The new 8-inch diameter heavy-wall steel petroleum pipeline will have an operating pressure of 275 psi, and be installed beneath the Delaware River, in order to order to convey fuel from the Paulsboro Refinery to the Philadelphia International Airport. The total length of the HDD pipeline is approximately 5,550 linear feet; the river crossing portion of the project is approximately 4,500-foot long. The new pipeline will be installed in a new borehole up to 24 inches in diameter that will be directionally drilled beneath the Delaware River via an HDD. The new pipeline will be located adjacent to and will replace an existing 8-inch diameter pipeline that is inside a 12-inch casing and is located beneath the Delaware River, in order to meet the requirements of the PHMSA. The existing 8-inch pipeline will be cleaned, plugged by grouting both ends with cement, and abandoned after the new pipeline is fully operational.

b. Facilities. The new HDD borehole will originate on the New Jersey side of the River and end on the Pennsylvania side, after which the new 8-inch diameter pipeline will be pulled from the Pennsylvania side through the borehole to the New Jersey side. On the New Jersey side, the new 8-inch pipeline will connect to an existing Buckeye pump station through a new 8-inch diameter surface pipeline, approximately 1,100 feet in length, to be installed via conventional trench. On the Pennsylvania side, approximately 800 feet of new 8-inch pipeline will be installed via conventional trench and connect to an existing 8-inch diameter pipeline that provides fuel to the existing Buckeye Filter Building. Existing pumping stations will be used to convey the petroleum.

The new borehole and pipeline will be located approximately 50 feet to 90 feet below the Delaware River bottom and no construction is proposed within 50 feet of the mean

high water line on each bank of the Delaware River. The project does not involve construction in the Delaware River.

Water will be mixed with bentonite to create the drilling mud used in the HDD drilling activities. No other additives will be used in the drilling process. Tanks will be located on both the New Jersey and Pennsylvania sides of the River in order to store water for use in hydrostatic testing and to store drilling fluids for reuse in borehole operations. Tanks will also be used to capture and store excavated solids from the HDD borehole and drilling fluids that are not reused during borehole operations. All drilling fluids, water used in the hydrostatic tests, and excavated solids will ultimately be hauled off-site by a licensed hauler for disposal at a State-approved facility.

Several of the project appurtenances, including the existing Buckeye pump station, are located in vicinity of the 100-year floodplain. The Commission's *Flood Plain Regulations* (FPR) has requirements for treatment facilities in the flood plain; however, the FPR only apply in the non-tidal portion of the Delaware River Basin. Since the project WWTP is located in the tidal portion of the basin, the FPR do not apply to the project WWTP.

c. Water withdrawals. Up to 700,000 gallons per day (gpd) over a 7-day period for HDD activities and 40,000 gpd for hydrostatic testing of the pipeline will be purchased from private or public water sources. Water used for hydrostatic testing will be stored in tanks on both the New Jersey and Pennsylvania sides of the River for re-use in subsequent tests. The potable water supply in the project area is provided by Greenwich Township wells on the New Jersey side and by the City of Philadelphia Water Department on the Pennsylvania side. No water withdrawal from groundwater wells or surface water intakes is proposed.

d. Cost. The overall cost of this project is estimated to be \$4,559,983.

B. FINDINGS

The purpose of this docket is to approve a project to construct and install a new 8-inch diameter petroleum pipeline beneath the Delaware River, originating from the Paulsboro Refinery in the Borough of Paulsboro, Gloucester County, New Jersey and ending at the Philadelphia International Airport in Tinicum Township, Delaware County, Pennsylvania. The new pipeline will convey fuel from the refinery to the airport, and will replace and be located adjacent to an existing 8-inch diameter pipeline that is located beneath the Delaware River, in order to meet the requirements of the PHMSA. PHMSA has established a schedule of 18 months to bring the pipeline into compliance upon receipt of the final PHMSA Order, which has yet to be received by Buckeye. The existing pipeline provides most of the jet fuel used in the Philadelphia International Airport.

The existing 8-inch pipeline will be cleaned, plugged and abandoned after the new pipeline is fully operational. The project involves installing the new pipeline in a new borehole up to 24 inches in diameter that will be directionally drilled beneath the Delaware River via a

HDD, starting from a location on the Paulsboro Refinery property on the New Jersey side of the River and extending approximately 5,500 linear feet across the River. The new borehole and pipeline will be located approximately 50 feet to 90 feet below the Delaware River bottom; and therefore the project does not involve construction in the Delaware River. The new pipeline will cross beneath Water Quality Zone 4 of the Delaware River at approximately River Mile 88.4.

The docket holder has submitted applications for, and is awaiting approval of: 1) a Waterfront Development Permit from the NJDEP, a Clean Water Act (CWA) Section 404 General Permit (for utility line crossings) and CWA Section 401 Water Quality Certification from the PADEP, and a Rivers and USACE. Condition I.a. in the Decision section of this docket states that this docket approval is contingent upon the docket holder obtaining these approvals and this docket approval is subject to the conditions of these approvals.

At the project site, the Delaware River is tidal.

The project will not affect wetland areas in New Jersey and less than ½ acre of a waterbody/wetlands (a small drainage channel) in Pennsylvania will be disturbed on a temporary basis, including the temporarily placement of the new pipeline (to be drawn into the new borehole) over the drainage channel. An equipment bridge is proposed to be placed over this channel or equipment will be used to pass the pipeline over the channel in order to avoid impact to the waterbody/wetlands.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. The project and appurtenant facilities as described in the Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, NJDEP, and USACE and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. Commission approval of this docket is contingent on the approval of these permits.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the *Water Quality Regulations* of the DRBC.

d. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

e. The proposed oil handling facility shall comply with the requirements of the U. S. Coast Guard as set forth in the Code of Federal Regulations, Title 33, Chapter 1, Subchapter 0 - Parts 153, 154, 155, and 156.

f. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams.

g. Within 10 days of the date that construction of the project has started, the docket holder shall notify the DRBC of the starting date and scheduled completion date.

h. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (1) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (2) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time the application was made; and (3) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the docket holder to calculate the DRBC project review fee, the statement must also include (4) the amount of any outstanding balance owed for DRBC review. The outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

i. This docket approval shall expire three years from date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

j. The area served by this project is limited to the service area as described above. Any expansion beyond this area is subject to review in accordance with Section 3.8 of the *Compact*.

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the right to amend, alter or rescind any actions taken hereunder in order to insure proper control, use and management of the water resources of the Basin.

m. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

n. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

DATE APPROVED: May 10, 2012