

NOV 14 HEARING ON  
WATER QUALITY MANAGEMENT PERMIT NO. 4507404  
Pocono Mountain Swiftwater Intermediate School – 7 PM  
Comments by Theresa Merli

Good evening. I am Theresa Merli, President of the Brodhead Watershed Association. ***The mission of the Brodhead Watershed Association is to protect the environment and water quality within the watershed. Strategies to achieve the mission include education to enhance public understanding of water issues, data collection, community activism, and legislative review.***

The past three years, BWA's community efforts have been dominated by discussions, testimony, hearings and meetings on the proposed Pocono sewer project. However, this is the first Public Hearing on the project, the first opportunity for you to hear what the public thinks of the project and for BWA to lay out in full our objections to and concerns about the project.

I recognize that the focus of this hearing is one small section of pipeline, about 4.5 miles of a pipeline that will eventually extend down 611 to the Studebakers Restaurant, make a left onto Wigwam Park Road...travel along Wigwam Park to Chipperfield Drive... to eventually discharge 2 million gallons in the Brodhead Creek just below the Stokes Avenue bridge at a location within the Stroud Township Brodhead Greenway Park... a section of the stream that sees some of the heaviest recreational use in the County.

This 4.5 mile section of pipe would be the first "shovel in the ground" of the project, and we cannot address this massive project piece-meal. Everything is connected to something else, and this piece of pipe – or perhaps I should say these pieces of pipe as there are two, unconnected sections in the application - is connected to a huge environmental and social mistake for the Pocono Creek watershed and Monroe County.

As we all know, this whole project began with the intention of elected officials, to help Sanofi find additional wastewater disposal capacity so we could keep those good jobs and avoid the next flu pandemic. BWA has never disagreed with the appropriateness of that intention. We have disagreed, strenuously, with the chosen solution.

I want to emphasize that throughout the last 3 years Sanofi staff has been most open with and cordial to members of the BWA. I want particularly to thank Len Lavenda and Mark Nemitz for their willingness to answer questions, provide information and to set up meetings for us with their consultants and others involved in the project. But perhaps the biggest contribution that sanofi has made to doing what is right for the watershed is the purchase of 200 acres of land and development of a plan to use some of that land for spray irrigation of treated wastewater. This has resulted in a decrease in the amount of wastewater that Sanofi proposes to send down the pipe to 350,000 gallons per day.

As the project stands now, Sanofi's need for additional disposal capacity is 350,000 gallons gpd but the project moving forward is for 2 million gpd. With pipes sized to accommodate 3 million gpd according to the approved Act 537 Plan".

This massive project continues to move forward, and Sanofi's needs are less than 20% of the project.

The Brodhead Watershed Association and the Brodhead Chapter of Trout Unlimited have commented extensively, throughout the planning and permitting process that there are better ways than the chosen solution to meet the wastewater needs of Pocono Township residents, industries, primarily Sanofi-Pasteur, and the commercial development in the village of Tannersville. We have pointed out its major flaws such as impacts to the Brodhead Creek at the point of discharge, in Stroud Township's newly developed Brodhead Greenway Park; the concern about removal of water from the Pocono watershed and potential impacts on groundwater levels and private wells; the energizing of sprawl along the route 611 corridor – just the kind of growth no one wants - with its accompanying traffic and environmental impacts; and, last but not least – the cost to the residents of the service area of the project.

Throughout the process our concerns have been dealt with by referring them to the township engineer to rebut – and rebut he did, though often with inaccurate, incomplete information, that served only to allow for a box to be checked off on a review form. No amount of testimony, public comments or private discussions has been able to sway those elected officials to move off that initial decision. That's not the way massive projects like this are supposed to develop, but so be it, politics is what brought it to where we are today.

Upon review the files in Wilke-Barre, members of BWA learned that since mid- July, when DEP listed the lower Brodhead as a Cold Water Fishery, the applicant, their engineer and their client (i.e. Pocono Township, RKR Hess and Sanofi) have expended much energy to argue that the lower Brodhead did NOT qualify as a Cold Water Fishery. Countless letters, phone calls, consultant's reports and meetings took place thru July and August. Finally, when DEP refused to back down on the Existing Use designation, and planned to require temperature limits, after a late Aug meeting, State level elected officials were contacted. Letters from two Senators were in the file but we know that similar letters were sent to all area elected officials. In late September the discharge permit was issued without temperature limits.

This new knowledge reminded me of the Delaware River Basin Commission hearing, during which 2 slides from a power point presentation listed those who were against the chosen solution and those who were for it. The first slide listing those against, listed a variety of entities, a dozen, including down stream municipalities and groups like the BWA and TU as well as the Stroud Regional Parks and Recreation Board. The second slide listing those for the chosen solution, listed only State level elected officials and Sanofi.

It seems to me, now, that BWA has failed to focus on educating a vital component of our community on Watershed based thinking... the folks to whom we give the authority to make decisions for us and our communities.

BWA sincerely believes that it is appropriate for us to speak for the community asset of our high quality water resources– that is what the BWA was formed to do.

We shall continue to advocate for a better solution - a solution that, does not remove water from the Pocono Creek watershed, one that does not energize sprawl along the Rt 611 corridor , a solution that does not destroy an viable, popular fishing area of the Brodhead Creek and one that does not put Pocono Township and its residents into debt for years to come.

I sincerely thank the DEP for holding this Public Hearing tonight. Thank you to all staff members of the DEP for their professionalism and their patience with BWA members during the past three years.

Theresa Merli

Conclusion - square peg in round hole ....

And now, the project continues, with a momentum of its own, and Sanofi's needs are less than 25% of the project.

What is wrong with the proposed Pocono Sewer project? As someone who lives near the pipeline route recently said, "everything.

As the drunk said to the cop, after the wreck, "Nobody was driving, ossifer, we were all in the back seat.") Never have our suggestions for alternatives to the proposal been seriously addressed. Never have our requests for meetings with the regulatory agencies and the permittee to discuss those alternatives been honored. In fact, at the one meeting we did have with DEP NERO staff - about how we could help see that another disaster like Great Wolf's poorly designed discharge never happens again - we were told we could not discuss the Pocono project. Even tho' we knew at that time that the major client of this project, Sanofi, was meeting with the agency frequently.