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RE: Comments on FERC Guidance for Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plans (October 2018 Draft)
By Paul A. Rubin

The comments below on the October 2018 FERC *Guidance for Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plans* (the “Guidance”) are provided on behalf of the New Jersey Conservation Foundation. The very need for a document of this nature demonstrates that pipeline routes should not be selected or approved prior to amassing the kinds of geotechnical information that could support agency findings that a project’s impacts are mitigable.

FERC Guidance Document Title

The title should be changed to: *Mitigation Plan Guidance for Horizontal Directional Drill Monitoring, Inadvertent Return Response, and Contingency Plans*. For the most part, the FERC guidance document provides a template that HDD contractors should consider following in order to obtain FERC approval for an HDD pipeline project. Like assorted Karst Mitigation Plans, this document is largely predicated on the concept that it is geologically, hydrologically, and biologically sound to advance a specific project along a proposed route, even if there is a high risk of inadvertent returns and potential adverse environmental impact. In keeping with the suggested document title change, the third paragraph of the Introduction explicitly encourages HDD projects under FERC’s regulations “... to adopt mitigation measures outlined within this document ...”.

1.0 INTRODUCTION

1st Paragraph: The very first footnote in this Guidance indicates from the outset that it is oriented towards an “... applicant/company proposing a natural gas project ...”. FERC should clarify the specific focus of the document in the Introduction and perhaps in the document title as well. This is important because HDD methods are also used for non-gas applications. The Guidance should be expanded to include applications that include other potential contaminants, including crude oil, hydrocarbon liquids, and tar sands. For example, Paradigm Energy Partners LLC used HDD methods in McKenzie and Mountrail Counties, North Dakota to connect crude oil and natural gas markets (Trenchless Technology, July 2017).