

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Transcontinental Gas Pipe Line Company,
LLC

Northeast Supply Link Project

Docket No. CP12-30
PF11-4

**MOTION TO INTERVENE OF SIERRA CLUB, FOOD & WATER WATCH, NEW
JERSEY HIGHLANDS COALITION AND FIGHT THE PIPE**

On December 14, 2011, the Federal Energy Regulatory Commission (“FERC”) issued a notice of application under § 7 of the Natural Gas Act, 15 U.S.C. § 717f, and § 157 of FERC’s regulations, 18 C.F.R. § 157.1 *et seq.*, for the proposed Northeast Supply Link Project (“Project”), FERC Docket No. CP12-30-000. As stated in FERC’s notice of application, Transcontinental Gas Pipe Line Company, LLC (“Transco”) seek, among other things, authorization to construct a 42-inch diameter pipeline and all appurtenant facilities as well as stations in Pennsylvania, New Jersey, and New York. In accordance with Rule 214 of FERC’s Rules of Practice and Procedure, 18 C.F.R. § 385.214, the Sierra Club, Food & Water Watch, The New Jersey Highlands Coalition, and Fight the Pipe (“Intervenors”) respectfully move for the Commission to grant intervention in the above-captioned matter. While Intervenors have included several substantive comments in this motion, Intervenors also intend to submit more extensive substantive comments at a later date.

I. COMMUNICATION AND CORRESPONDENCE

Service in this proceeding should be made upon, and communications should be directed to the following persons:

William J. Schulte, Esq.
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II. INTERVENORS

The Sierra Club is a non-profit organization formed in 1892 with 65 chapters and over 750,000 members nationwide. Sierra Club—New Jersey is the state chapter of New Jersey, and it has over 20,000 members who hold monthly meetings throughout the state. The New Jersey Chapter’s mission is to explore, enjoy and protect the wild places of the Earth; to practice and promote the responsible use of the Earth’s resources and ecosystems; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. Sierra Club-New Jersey has over 550 members in Hunterdon County, and the South Highlands Group is based in the Clinton area and is very active in the region.

Food & Water Watch is an international non-profit organization that works to ensure that the food, water, and fish that human’s consume is safe, accessible, and sustainable. To that end, Food & Water Watch promotes policies that will maintain the environmental integrity of our drinking water supplies, rather than put them at risk of degradation. Food & Water Watch has hundreds of supporters that reside within the vicinity of the proposed Project who are very concerned with its potential impacts.

The New Jersey Highlands Coalition serves as a representative of a diverse network of organizations. The NJ Highlands Coalition’s mission is to protect, restore, and enhance the water and other natural and cultural resources of New Jersey’s Highlands, now and for the future. The group works to educate Highlands’ residents and Highlands’ water users throughout

New Jersey on the economic and health benefits of preserving the quality and quantity of clean water in the Highlands and encourages those affected by projects to voice their concerns about inappropriate developments within the region that put Highlands resources at risk. The NJ Highlands Coalition has been engaged in the Transco proposal and, during the summer of 2011, submitted comments to FERC detailing its concerns.

Fight the Pipe is a grassroots community group of concerned citizens from Clinton Township, Union, and other parts of Hunterdon County that will be directly impacted by this pipeline. Fight the Pipe was formed out of significant concerns on the part of the community that will be directly impacted by the Project. Fight the Pipe has done extensive work in the community to raise public awareness of the Project and to engage the community in a public debate on the impacts of the Project. Members of Fight the Pipe have attended Township Council and Environmental Commission Meetings, contacted elected officials and are launching a campaign to spread awareness of the Project to their neighbors.

III. GROUNDS FOR INTERVENTION

The Intervenors are extremely concerned about this application. Members of these organizations and the constituents that they serve live in the areas that will be directly impacted by the Project. The pipeline and its associated facilities will cut through three counties in New Jersey and across a vital watershed serving over 1 million people. Intervenors raise environmental, public health, and safety concerns on behalf of their members along the project right of way, in the impacted communities, and across the state of New Jersey.

As a threshold matter, Intervenors question the necessity of the Project. While gas supply is steadily increasing due to expanded drilling in the Marcellus Shale, demand by industrial, commercial, and residential customers is remaining flat. The 2010 U.S. Energy Information

Administration *International Energy Outlook* found that total U.S. natural gas consumption will decline from 2007 to 2015 due to slow growth in demand for electric power, completion of coal-fired plants currently under construction, and additions of new renewable capacity.¹ The report goes on to find that natural gas consumption will not return to 2007 levels until 2025.² More specifically, gas demand in the Northeast is significantly dropping. Between 1999 and 2009, the total natural gas consumption for all sectors decreased by 13.3% in New Jersey and 10.4% in New York.³

Transco acknowledges that this project is being pushed by suppliers, rather than by demand for gas.⁴ All of the gas to travel in this pipeline will be from hydraulic fracturing (“fracking”) of Marcellus Shale. The Project is designed to provide gas produced from the Marcellus Shale access to eastern markets. Thus, the proposed Project is both a product of the development of the Marcellus Shale and a likely catalyst for further gas development by providing an avenue to export that gas to market. At a time when the risks of fracking are unclear and the capacity of Marcellus Shale to produce natural gas is unknown, it seems unwise to approve a proposal that will encourage such a practice in fragile ecosystems and populated areas.

Moreover, the Marcellus Shale gas, from which a large majority of the gas that will travel through the pipeline if built, potentially contains a very high concentration of Uranium and Radium and is thus a source of harmful Radon. This Radon mixes with the produced natural gas and is potentially released into residences through the burner tip of cooking stoves and other

¹ US Energy Information Administration. *International Energy outlook 2010*. <http://205.254.135.24/oiaf/ieo/>

² *Id.*

³ *Id.*

⁴ Transco Resource Report 1 on Northeast Supply Link Project. 1-2.

appliances. Radon only has a 3.3 day half-life. The Northeast Supply Link Project will receive gas from wells in Pennsylvania and New York, which are close enough to where the majority of the consumers reside that the gas will have a very short window to decay. As noted above, the radon concentration of Marcellus Shale gas is very high. Thus, measurable excess deaths from lung cancer may result from the Project. Intervenors therefore request that Applicants be required to analyze the increased public health and environmental health effects that this project will cause on end-users in the projected market area.

Additionally, sufficient infrastructure already exists to meet the diminishing gas demands of the Northeast. In New Jersey alone, construction on one pipeline expansion project has just been completed by the Tennessee Gas Pipeline Company. Three additional applications, including this proposal, are currently before FERC. If this proposed Project, two pipeline expansion projects by the Tennessee Gas Pipeline Company, and the Spectra Energy New Jersey-New York Expansion project are all approved by FERC, they will increase the capacity of New Jersey's pipeline system by 25%.⁵

The diminishing demand for gas, along with the already heavy investment in infrastructure, makes the proposed Project unnecessary. The impacts that additional routes to bring Marcellus Shale to market are unknown and could be devastating. Given the lack of need and the existence of so many unknowns, granting of the application for this Project would be imprudent.

Furthermore, Intervenors are particularly concerned that a full Environmental Impact Statement ("EIS") under the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4231-4347, has not been undertaken for this project. The proposed project constitutes a major Federal

⁵ Texas Eastern's December 2010 Draft Environmental Resource Report.

action significantly affecting the environment within the meaning of NEPA. As such, FERC must compile a full EIS for this project. The project may impact geologic resources, air quality, viewsheds, soundscapes, as well as water quality, vegetation, and wildlife among others. A brief Environmental Assessment cannot address the indirect and cumulative impacts of the project. The high value of the resources along the Right Of Way, including the South Branch of the Raritan River, requires a more thorough examination than what is called for in an EA.

An area in which significant environmental impact of the Project are clear is in the New Jersey Highlands, where the installation of the pipeline is proposed to drill through the South Branch of the Raritan River. The South Branch provides drinking water to over 1 million people as water supplies from the Round Valley and Spruce Run Reservoirs are discharged into the River by the New Jersey Water Supply Authority and taken directly from the River through downstream water intakes. Sedimentation, erosion, and potential contamination impacts to the river during construction will lower water quality. Additionally, severe impaction of the soil will reduce the ability for water to recharge groundwater supplies. Intervenors note that locating the Project on these lands will create a new conduit for water through the gravel surrounding the pipeline, altering the hydrologic pattern of the watershed lands. Water will run parallel with the new pipeline instead of recharging aquifers and river ecosystems, degrading the quality and quantity of water available to New Jersey residents.

Intervenors have considerable interest and are invested in protecting the environmental and public health of the areas in which the pipeline is proposed to be built. Intervenor's intervention in the Project application process is in the public interest as required by 18 C.F.R. § 385.214(b)(2)(iii). No other party in this proceeding will be able to adequately protect these

interests. Accordingly, Intervenors have a direct and substantial interest in the outcome of this application process.

IV. CONCLUSION

For the reasons set forth above, the Intervenors respectfully request that this Motion to Intervene be granted and that they be permitted to participate, with the full rights of a party, in the above-captioned proceeding before FERC.

Respectfully Submitted,

/s/ William Schulte

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Attorney for Intervenors
Dated: January 19, 2012

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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2011, I filed Sierra Club – New Jersey, Food & Water Watch, New Jersey Highlands Coalition, and Fight the Pipe’s (“Intervenors”) Motion to Intervene to be served via electronic mail using the eFiling link at www.ferc.gov.

Dated: January 19, 2012

/s/ William Schulte
William Schulte, Esq.
Eastern Environmental Law Center