

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

Adelphia Gateway, LLC

Docket Nos. CP18-46-000 &
CP21-14-000

**PROTEST TO PROPOSED BLANKET CERTIFICATE ACTIVITY
AND MOTION TO INTERVENE
OF DELAWARE RIVERKEEPER NETWORK AND
MAYA K. VAN ROSSUM, THE DELAWARE RIVERKEEPER**

Pursuant to section 157.205 of the Federal Energy Regulatory Commission's ("Commission's") regulations under the Natural Gas Act,¹ as well as Rules 212 and 214 of the Commission's Rules of Practice and Procedure,² Delaware Riverkeeper Network and Maya K. van Rossum, the Delaware Riverkeeper (collectively, "DRN") file this protest and motion to intervene in the above-captioned proceeding.

I. COMMUNICATIONS AND SERVICE

All communications, pleadings, and orders with respect to this proceeding should be sent to the following individual:

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¹ 18 C.F.R. § 157.205.

² 18 C.F.R. §§ 385.212 & 385.214.

II. PROTEST TO PROPOSED BLANKET CERTIFICATE ACTIVITY

DRN hereby protests the request filed by Adelpia Gateway, LLC seeking authorization under § 157.210 and 157.216 to install and operate one new electric motor-driven 3,000 hp reciprocating compressor unit at its Marcus Hook Compressor Station in Delaware County, Pennsylvania including related equipment such as one horizontal process gas cooler, two variable frequency drives, one motor control center assembly and instrumentation and communication equipment, a project that will increase the overall horsepower at the facility from 5,625 hp to 8,625 hp and increase the certificated capacity of the system by 16,500 Dth/d from 250,000 to 266,500 Dth/d. Protestor seeks to have this request processed as a separate application.

III. INTEREST OF PROTESTOR/INTERVENOR

In support of its protest and motion to intervene, Delaware Riverkeeper Network states that it is a nonprofit organization with over 25,000 members established in 1988 to protect and restore the Delaware River, its watershed, tributaries, habitats, and the communities that depend upon a clean and healthy river system. This area includes 13,539 square miles, draining parts of New Jersey, New York, Pennsylvania, and Delaware, and it is within this region that the activity proposed by Adelpia Gateway, LLC will take place.

DRN has on the order of 25,000 members, the vast majority of whom live, work, and/or recreate within the Delaware River Basin. We represent the recreational, educational, environmental, and aesthetic interests of our members who enjoy many outdoor activities in the Delaware River Basin, including camping, boating, swimming, fishing, birdwatching, hunting and hiking. Additionally, we represent the economic interests of many of our members who own businesses that rely on a clean river ecosystem, such as ecotourism activities, fishing, or boating, and/or who derive economic value in other ways such as enhanced property values. Furthermore, DRN also represents the health and quality of life interests of those who use the Delaware River watershed's resources for drinking, cooking, farming, swimming, recreation, or gardening. And we support the protection and restoration of the Delaware River, its tributaries and watershed, and the creation and honoring of constitutional environmental rights for the benefit of present and future generations. DRN has members, including Maya K. van Rossum, who use and enjoy the areas to be impacted by the proposed construction and operation of the Adelpia Gateway Pipeline and associated infrastructure, including the activities proposed in this proceeding.

DRN requests that the request filed by Adelpia Gateway, LLC, be treated as an application for section 7 authorization for the particular activities requested so that DRN and the public can have the opportunity to substantively comment on the

Commission's Environmental Assessment Report, and to ensure that the proposed expansion of facilities and the increased capacity are required by the present or future public convenience and necessity. DRN is uniquely qualified to comment on and provide relevant information concerning associated impacts to human health and the environment as a result of the Adelpia Gateway Pipeline project. DRN was an intervenor in the underlying certificate proceeding in which Adelpia Gateway, LLC sought and obtained a certificate of public convenience and necessity under § 7 of the NGA, and DRN sought both rehearing and judicial review of the Commission's order pursuant to § 19 of the NGA. Judicial review is now pending in the United States Court of Appeals for the District of Columbia Circuit.³

Among many other concerns, DRN is particularly troubled by the project's impacts on the recreational, aesthetic, and commercial interests of DRN's members. DRN is also concerned that Adelpia Gateway Pipeline, LLC, and FERC have already, and will in the future, avoid their responsibilities under the National Environmental Policy Act⁴ with regard to reviewing the project's impacts, particularly regarding the project's greenhouse gas emissions and climate change effects. The increased capacity proposed by Adelpia Gateway, LLC in this

³ See *Delaware Riverkeeper Network, et al. v. F.E.R.C.*, Docket No. 20-1206.

⁴ 42 U.S.C. §§ 4321–4370h.

proceeding means an increased use of natural gas resources, and the effects of the increased capacity must be evaluated by the Commission.

DRN specifically requests an opportunity for public notice and comment on the Commission's February 9, 2021 Environmental Assessment Report for this proceeding, which was docketed only one week prior to the deadline for filing a protest and intervention.

IV. CONCLUSION

Wherefore, DRN respectfully requests that the Commission process Adelpia Gateway, LLC's request as a separate application, provide notice and a public commenting period for the Commission's Environmental Assessment, and grant its Motion to Intervene as a party with full rights to participate in all further proceedings.

Respectfully submitted,

Date: February 16, 2021

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Document Content(s)

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