

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

Delaware River Partners LLC

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Docket No. CP20-522-000

**MOTION TO INTERVENE**

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission’s Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214, the Delaware Riverkeeper Network (“DRN”) files this motion to intervene in this proceeding.

On September 11, 2020, Delaware River Partners, LLC, (“DRP”) filed a Petition for Declaratory Order Disclaiming Jurisdiction and Motion for Expedited Action requesting that the Commission issue an order “stating that DRP’s proposed liquefied natural gas (‘LNG’) transloading operations, as part of its multi-use deep-water seaport and industrial logistics center, the Gibbstown Logistics Center, in Gibbstown, New Jersey (the ‘Facility’) would not subject the Facility to the Commission’s jurisdiction under Section 3 or Section 7 of the Natural Gas Act (‘NGA’).”<sup>1</sup> DRN opposes DRP’s request for a declaratory order and its request for expedited action.

**I. COMMUNICATIONS AND SERVICE**

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

Maya K. van Rossum, the Delaware Riverkeeper  
Delaware Riverkeeper Network  
325 Canal Street, Suite 3701  
Bristol, PA 19007  
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<sup>1</sup> Delaware River Partners LLC, Pet. for Declaratory Order, Accession No. 20200911-5331, FERC Docket No. CP20-522-000 (Sept. 11, 2020) (hereinafter “DRP Petition”) at 1.

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## **II. INTEREST OF PETITIONER**

DRN has interests that will be directly affected by the outcome of the proceeding and DRN's participation as a party in this docket is in the public interest. DRN's interests and serious concerns about the LNG transloading operations at the Facility support DRN's intervention here.

DRN is a non-profit organization established in 1988 to protect and restore the Delaware River, its associated watershed, tributaries, and habitats. 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 Facility will be built and operated. Construction, operation, and maintenance of the Facility will have serious, significant and irreparably harmful impacts to the environmental resources of the Delaware River watershed.

DRN is a membership organization headquartered in Bristol, Pennsylvania, with more than 25,000 members with interests in the health and welfare of the Delaware River and its watershed. DRN is uniquely qualified to comment on and provide relevant information concerning associated impacts to human health and the environment as a result of this Facility. DRN seeks to intervene on its own behalf and on behalf of its members, board, and staff.

DRN has a demonstrated interest in preventing harms from fracked gas infrastructure throughout the Delaware River Basin, including transportation and export projects such as the

proposed Facility. The Delaware River and the Delaware River Basin are home to a number of federal and state listed endangered or threatened species including, but not limited to, the dwarf wedgemussel, Indiana bat, bog turtle, Atlantic sturgeon, shortnose sturgeon, loggerhead and Kemp's ridley sea turtles, and Northeastern bulrush. Migratory birds breed in or migrate through the high quality riparian corridors of the Basin. The Delaware River and Delaware Bay are also home to dozens of species of commercially and recreationally important fish and shellfish species.

In its efforts to protect and restore the watershed, DRN organizes and implements stream, wetland and habitat restorations, a volunteer monitoring program, educational programs, environmental advocacy initiatives, recreational activities, and environmental law enforcement efforts throughout the entire Delaware River watershed, including portions of the river that would be directly harmed by construction, operation, and maintenance of the Facility.

DRN has also been extensively involved in advocating for the area of the River in which the proposed Gibbstown facility would be located. It was involved in advocating against DRP's GLC/Dock 1 Project. DRN also has participated in matters related to Chemours/DuPont's remediation of contaminated sites. It has actively supported state initiatives to provide funds for remediation of polluted locations in the Delaware River Watershed through natural resource damage processes and other initiatives to clean up industrial contamination at many sites, including in Greenwich Township where the proposed facility would be located, Paulsboro, and other neighboring municipalities in Gloucester County. It fought the Delaware River deepening project for many of the same reasons set forth herein, including the harmful impacts on endangered Atlantic sturgeon and shortnose sturgeon species and water quality in the River, and DRN continues to monitor the progress and impacts of the deepening project including associated dredging and blasting activities.

DRN is active in seeking better protections for water quality and aquatic life impacted by the Salem Nuclear Generating Station and is actively engaged in litigation to secure needed protections. DRN has an active monitoring initiative focused on securing volunteer response to catastrophic oil spills and other harmful events in the Delaware Estuary and the watershed. For example, DRN led the volunteer response to the Athos I oil spill and continues to be active with the U.S. Coast Guard on how to best engage volunteers in waterway response actions.

DRN has petitioned the Delaware River Basin Commission (“DRBC”) for the protection of fish populations of the Delaware Estuary through recognition of the existing fish propagation in Estuary waters and the setting of oxygen standards necessary to support fish populations, including propagation and migration. It also worked cooperatively with the U.S. Coast Guard as a member of the Sector Delaware Bay Area Committee to proactively safeguard the water quality and safety of the Delaware Estuary and Bay. DRN serves as a member of DRBC’s Toxics Advisory Committee. DRN has advocated and participated in years of public processes to clean up per- and poly-fluoroalkyl substances (“PFAS”) contamination of ground and surface waters of the Delaware River Watershed, including in Greenwich Township and neighboring municipalities in Gloucester County and Salem County and has sought protective standards that would remove PFAS from drinking water and other environmental media.

Among many other concerns, DRN is particularly troubled by the fact that the Facility will negatively impact recreational, aesthetic, ecological and commercial interests, as well as the health and safety, of DRN’s members. DRN has an interest in supporting the Commission’s regulatory authority over projects like the Facility on behalf of DRN’s members, many of whom live in Delaware Estuary communities and the estuary portion of the watershed, or use the area for

recreational, professional, or aesthetic use. DRN is concerned that the Facility's impacts will not be properly addressed if the Commission does not exercise its jurisdiction over the Facility.

It is in the public's interest that DRN takes part in this proceeding as a full participant.

### **III. CONCLUSION**

For the foregoing reasons, the Delaware Riverkeeper Network respectfully requests that the Commission grant its Motion to Intervene as a party with full rights to participate in all further proceedings.

Respectfully submitted,

/s Maya K. van Rossum  
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Dated: September 25, 2020