



**For Immediate Release**

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**Delaware Riverkeeper Network's Statement on D.C. Circuit Court  
Decision Regarding the Adelpia Gateway Project**

*Washington, D.C.* - Today, the United States Court of Appeals for the District of Columbia Circuit denied the Delaware Riverkeeper Network's February 2021 petition for review of the Federal Energy Regulatory Commission's (FERC's) order granting a certificate of public convenience and necessity for the Adelpia Gateway Pipeline, thereby upholding approval of the project. The Adelpia Gateway Project, which runs through Delaware, Chester, Montgomery, Bucks, and Northampton counties, consists of acquiring 89 miles of pre-existing pipelines, installing 4.75 miles of new 16-inch diameter lateral pipelines, and constructing 8 new meter stations. The project would transport 850,000 dekatherms of fracked gas per day. FERC issued a certificate approving the project in December 2019. In January 2020, the Delaware Riverkeeper Network filed a request for rehearing of the certificate. FERC denied the request in April of that same year, however the Delaware Riverkeeper Network filed an appeal shortly thereafter, which is the subject of the court's decision.

**Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network**, responded to the ruling, offering:

“Ultimately, the outcome of this case did not follow the path laid out by the D.C. Circuit's precedents on the issues presented. We are concerned about this trend appearing in circumstances--such as the Supreme Court's recent decision in *West Virginia v. EPA*--where justice is most needed to address the climate crisis and to protect future generations.”

“It looks to me like the court is floundering on climate when it comes to FERC pipeline, LNG, and compressor station cases. In one case, precedent agreements that make up the bulk of a needs demonstration is unacceptable, yet in this case precedent

agreements were just fine. In another case, the court speaks to the need for specific evidence on where increased drilling might result in order to ensure assessment of the upstream climate impacts of a pipeline, but in this case where that evidence was provided the court determined it still did not support the legal mandate for such an assessment. In yet another case the need for downstream climate impacts was deemed as important, yet in this case there were many acceptable excuses why it was not deemed so by the court. "

“While the court allowed FERC to get away with its failure to meaningfully address the impacts of this pipeline with regards to the climate crisis, in the final analysis, today’s ruling does not change the fact that FERC is required to assess the reasonably foreseeable climate change impacts of a project, and that FERC’s responsibilities under the National Environmental Policy Act (NEPA) include gathering additional information from applicants necessary to assess those impacts. When information is unavailable or incomplete, to use theoretical approaches is generally accepted in the scientific community to assess the effects. In addition, we at the Delaware Riverkeeper Network believe this decision does not relieve FERC of its duty to evaluate the significance of a project’s climate change effects, nor does it allow the use the procedural mechanism of an EA/FONSI to evade this duty.”

To read the D.C. Circuit Court’s full decision, please visit:

[https://www.cadc.uscourts.gov/internet/opinions.nsf/0/329751634B19D0298525889200515BAB/\\$file/20-1206-1957439.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/0/329751634B19D0298525889200515BAB/$file/20-1206-1957439.pdf)

To read the Delaware Riverkeeper Network’s February 2021 petition, please visit:

<https://delawariverkeeper.org/sites/default/files/2021.02.16%20DRN%20Protest%20and%20Intervention.pdf>

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