



October 29, 2015

**UNITED STATES OF AMERICA BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION
PennEast Pipeline Company, LLC, Docket No. CP15-558-000**

MOTION TO INTERVENE FOR ENVIRONMENT NEW JERSEY

I, DOUG O'MALLEY, fully of age, do hereby certify as follows:

1. I am currently the director for Environment New Jersey. I have been involved in the organization's work since 2001.
2. Founded in 2006, Environment New Jersey is one of the State's largest nonprofit, citizen-based advocacy organizations. It succeeds its sister organizations whose work spans the past four decades. It is based in Trenton and New Brunswick.
3. Environment New Jersey is committed to preserving New Jersey's environment for future generations by protecting our land, air, and water and promoting a clean energy future.
4. The organization has over 20,000 dues-paying citizen members, including more than 1,500 members in the affected communities of the PennEast pipeline stretching across Mercer and Hunterdon Counties.
5. In the 1980s and early 1990s, through the work of its legal counsel, the organization filed more than 60 successful citizen lawsuits under the Clean Water Act against a variety of

industrial polluters around the state, including oil and gas companies, for violations of permits issued pursuant to the Act.

6. The successful lawsuits helped create the Environmental Endowment of New Jersey in 1991, which administers settlement monies and has granted more than \$5 million to an array of local, regional and state environmental organizations through a competitive and open grantmaking process, where I serve as a board member.

7. Environment New Jersey and its members worked to build public support for the application of state and federal law to maintain our nation's waterways.

8. Most recently, Environment New Jersey has advocated expanding protection to all waters of the United States, including more than 4,000 miles of headwater streams and wetlands across New Jersey under EPA's Clean Water Rule.

Environment New Jersey's Interest in this Proceeding

9. Environment New Jersey advocates for protection and restoration of waterways by researching water pollution in New Jersey and educating the public about such pollution and ways to combat and ultimately reduce water pollution as stated under the Clean Water Act.

10. Over the past decade, Environment New Jersey's longstanding effort to restore full protections under the Clean Water Act for all waters of the United States has received intense opposition from oil and gas companies, which actively advocated for a weaker application under the Clean Water Act that directly affects the application of the Act to the lands at issue in this proceeding.

11. Environment New Jersey's citizen members are active users of waterways and wetlands all over the state, including in Mercer and Hunterdon Counties, and pursue a variety of recreational uses, including kayaking, canoeing, and fishing.

12. Environment New Jersey citizen members and the additional 30,000 grassroots activists that are part of our larger electronic network are regularly involved in the work of the organization by communicating with state, regional, and national decision-makers, including administrative and elected officials. Our members are actively involved with campaign events including town hall meetings, rallies, organized State House visits, and public demonstrations of support.

13. Because of the citizen members' active use of their natural environment and involvement in the work of the organization, they place a high premium on personally reporting environmental degradation, asking for action from the state and federal government as well as regional agencies like the Delaware River Basin Commission and place a high value on public access to environmental areas held in the public trust.

14. Environment New Jersey's advocacy work focuses on the impacts of climate change and the hidden cost of fossil fuels, and the importance of transitioning to a clean energy economy.

15. Our organization seeks to educate the public about the true social cost of carbon by bringing attention to the negative environmental impacts attributable to fossil fuel trading companies, including the consortium that represents PennEast, which includes 6 fossil fuel companies such as PSEG, and the substantial costs of restoring damaged wetlands and waterways and the need for antidegradation standards of the Clean Water Act and their subsequent state document, the Surface Water Quality Standards, and the importance of

protecting high quality Category One waterways and their subsequent 300 foot buffers (which PennEast proposes to denigrate 31 times in Mercer and Hunterdon Counties).

16. The application of PennEast to FERC directly flies in the face of directives from the White House Council on Environmental Quality, which in December 18, 2014, CEQ released revised draft guidance for public comment that describes how federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their NEPA reviews.

17. This CEQ guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated greenhouse gas emissions, and the implications of climate change for the environmental effects of a proposed action.

18. The PennEast project fails to include a meaningful cumulative environmental analysis that includes “the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions” regardless of who undertakes them. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”

19. This application also directly contradicts the precedent setting case law issued in June 2014 by federal courts in FERC vs. Delaware Riverkeeper outlining that the wink-wink-nod-nod game of FERC approving massive pipelines in easy to digest segments was illegal and a true cumulative impact analysis must address the totality of pipeline proposals.

20. FERC vs. Delaware Riverkeeper: We have explained that “a meaningful cumulative impact analysis must identify (1) the area in which the effects of the proposed project will be felt; (2) the impacts that are expected in that area from the proposed project; (3) other actions – past, present, and proposed, and reasonably foreseeable – that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate.” *Grand Canyon Trust v. FAA*, 290 F.3d 339, 345 (D.C. Cir. 2002).” *Delaware Riverkeeper Network, NJ Sierra Club, NJ Highlands Coalition v. FERC*
21. FERC must acknowledge the impacts of importing more fracked gas into New Jersey’s energy infrastructure, the increasing carbon pollution from new gas power plants coming online, the resulting methane pollution from the life cycle of the transported gas, and the clear turn-away from clean energy solutions like energy efficiency, solar and off-shore wind that could power New Jersey’s economy.
22. The EIS process demands consideration of energy requirements and conservation potential of alternatives and mitigation measures. An obvious alternative would be to institute a goal of mandated energy efficiency reductions that are similar to neighboring states. Targets would include reducing electricity use by 1.5 percent each year and another 1 percent of natural gas use annually. In contrast, between 2001 and 2011, energy savings in New Jersey averaged less than 0.5 percent of energy generation, an achievement far bettered by neighboring states, such as New York, Connecticut, and Massachusetts, according to ACEEE. New Jersey traditionally in

the Top 10 of the ACEEE rankings has now fallen to 26th in their latest 2015 state scorecard.

23. The proposed PennEast pipeline violates the Clean Water Act and cannot meet the criteria for 404 permits because the amount of high quality streams, wetlands, and rivers it is crossing through. Many of these streams carry anti-degradation criteria, including the aforementioned 31 Category One streams. The route will cut areas with steep slopes having a bigger impact on streams because of siltation and runoff. The new pipeline route will be crossing where the streams are wider than they were before, having a greater impact on streams and flood plains. Many of these streams are C1, meaning it will be impacting some of the highest water quality waterways in the state.
24. This pipeline is unneeded and unnecessary – we do not need another gas pipeline as a vehicle to use New Jersey as a conduit to transport fracked gas across state lines and potentially for export to foreign countries. The pipeline cuts through scenic areas and farmlands impacting tourism and the arts. The tourism industry in the Delaware Valley is worth billions of dollars. The pipeline runs through preserved farmland impacting soil and crops hurting farms financially. The agriculture and fishing industry will be impacted, both are worth hundreds of millions of dollars.
25. Environment New Jersey's citizen members are directly impacted by PennEast's pipeline application. Our members take advantage of natural resources in their community and would be harmed by the potential failure to protect these resources. FERC needs to fully consider the full array of state and federal environmental protections afforded the Delaware Valley, especially for our high quality waterways,

the climate impacts of the proposed pipeline and the ultimate failure to fully document market need for another finite fossil fuel pipeline.

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated the 29 day of October, 2015

A handwritten signature in black ink, appearing to read "Doug", is written above a horizontal line.

Doug O'Malley