

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

PennEast Pipeline Company, LLC : Docket No. CP-15-558-000

**MOTION TO INTERVENE OF TOWNSHIP OF LOWER SAUCON**

The TOWNSHIP OF LOWER SAUCON (PA) (“Township” or “Movant”), a political subdivision of the Commonwealth of Pennsylvania, by and through its undersigned counsel, in accordance with the requirements of Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or the “Commission”), 18 C.F.R. § 385.214, and regulations under the Natural Gas Act (“NGA”), 18 C.F.R. § 157.10, hereby moves to intervene in the above-captioned proceeding on the terms set forth below.

This motion to intervene is timely filed. Pursuant to Rules 212 and 213(a)(2) of the Commission’s rules, 18 C.F.R. §§ 385.212, 385.213(a)(2), Movant respectfully moves for permission to respond to any answer that may be filed in opposition to its Motion to Intervene.

**I. CONTACT INFORMATION**

Please enter the information below for movant LOWER SACUON TOWNSHIP on the official service list for Docket CP-15-558-000. All pleadings, filings, orders, and correspondence in this proceeding should be served on the following:

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ELLIOTT & ELLIOTT  
26 N. 3<sup>rd</sup> Street  
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## II. INTERESTS OF MOVANT

According to the Notice of Application filed by the Commission on October 8, 2015 (Accession no. 20151008-3002), PennEast Pipeline Company, LLC seeks authorization to construct, own and operate a new pipeline system comprising 114 miles of 36-inch diameter mainline transmission pipeline from Luzerne County, Pennsylvania to Mercer County, New Jersey; a 2.1 mile, 24-inch lateral in Northampton County, Pennsylvania, and other various aboveground facilities, including interconnects, launchers, receivers and mainline block valves.

Significant portions of the proposed route of the PennEast Pipeline “Hellertown Lateral” (more than two miles in length) and the pipeline mainline (more than one mile in length) cut through Lower Saucon Township. For purposes of the scope of environmental reviews of this project, Lower Saucon Township has participated as a “local agency” and an “interested person”<sup>1</sup> with respect to environmental impacts and the potential impacts on natural, historic, and cultural resources within the Township. It has sought to conserve and protect those resources and has a long history of doing so.<sup>2</sup> Lower Saucon Township also requested participation as a “consulting party” in the National Historic Preservation Act Section 106 process with respect to all historic properties located within the Area of Potential Effects within its geographical boundaries.

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<sup>1</sup> See, e.g., 40 C.F.R. §1501.7.

<sup>2</sup> Lower Saucon Township’s multi-municipal comprehensive plan states: “Saucon Valley’s natural resources, along with its other cultural and historic assets, are significant components of the region’s future economic development.... From historic structures and architecture to unique geologic forms, this portion of Saucon Valley, can offer residents and visitors alike with experiences unparalleled to any in this area of the Commonwealth.” *Our Resources, Our Valley: Multi-Municipal Comprehensive Planning in Pennsylvania’s Saucon Valley (October 2009)* <http://www.lowersaucontownship.org/pdf/jointcompplan.pdf>

On January 21, 2015, the Township Council adopted a Resolution stating that it “opposes and objects to the design, route, and construction of the... PennEast pipeline and Hellertown Lateral. The construction and operation of the proposed pipeline/lateral threatens to significantly damage streams, wildlife habitat, existing farm operations, and the quality of life in Lower Saucon Township.”<sup>3</sup> It will cut through more than one and a half miles of forest and woodland within the Township, deforesting the final permanent right of way. In addition, it will cut through more than a mile of farmland within the Township.

The PennEast Project presents a threat to scenic, natural, cultural, and historic resources within the Township. More detailed identification and description of those potentially-affected resources and other project impacts are set forth in the Township’s *Comments Of Lower Saucon Township, Northampton County, Pennsylvania On Environmental Issues And The Scope Of The Draft Environmental Impact Statement* filed to the PennEast FERC pre-filing Docket No. PF15-1-000 (Accession No. 20150225-5312), and *Supplemental Comments Of Lower Saucon Township, Northampton County, Pennsylvania Re: Deficiencies And Errors In PennEast’s Response To Environmental Scoping Comments*, also filed to the PennEast FERC pre-filing Docket No. PF15-1-000 (Accession No. 20150624-5025). These documents are hereby incorporated by reference. In addition, the proposed route would require the crossing of a number of Township roads that are maintained by the Township.

While the Commission has no direct regulatory jurisdiction with respect to pipeline safety, we note that should the Commission issue a certificate of public

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<sup>3</sup> That resolution is filed of record with FERC at the PennEast Pre-filing docket, accession number 20150122-5163.

convenience and necessity and the pipeline is constructed, Township emergency response personnel and facilities would be required to respond in the event of a significant natural gas pipeline release, fire, or explosion within the Township. The Township has an obligation to protect the public health, safety, and welfare of its residents.

Moreover, under Pennsylvania law, the Township has trusteeship duties conferred by the natural resources provision of the Pennsylvania Constitution, Article I, section 27: “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.” *See, Community College of Delaware County v. Fox*, 20 Pa. Cmwlth. 335, 358, 342 A.2d 468, 482 (Pa. Cmwlth. 1975) (holding that governing bodies of boroughs, townships, counties and cities are trustees of the public natural resources). Under Pennsylvania law, a political subdivision has a substantial, direct, and immediate interest in protecting the environment and the quality of life within its borders, which interest confers upon the political subdivision standing (for state law purposes) in a legal action to enforce environmental standards. *Susquehanna County v. Commonwealth*, 500 Pa. 512, 458 A.2d 929, 931 (1983); *see also, Robinson Twp., Washington County v. Com.*, 623 Pa. 564, 595, 83 A.3d 901, 920-21 (2013) (plurality opinion) (“The protection of environmental and esthetic interests is an essential aspect of Pennsylvanians' quality of life and a key part of local government's role. Local government, therefore, has a substantial and direct interest in the outcome of litigation premised upon changes, or serious and imminent risk of changes, which would alter the physical nature of the

political subdivision and of various components of the environment.”).

For all these reasons, it is also in the public interest that the Township participate in this proceeding.

The Township seeks to intervene for the purpose of: (1) opposing the issuance of a certificate of public convenience and necessity; (2) providing information to the Commission including impacts to Township scenic, natural, cultural, and historic resources, reasonable alternatives to the proposed action and mitigation of impacts, and the lack of need for the Project; and (3) protecting the health, safety, and welfare of its residents.

### **III. REQUEST FOR FORMAL HEARING**

Pursuant to NGA regulations, 18 C.F.R. § 157.10(a)(1), Movant respectfully requests a formal hearing on the application of PennEast Pipeline Company, LLC for a certificate of public convenience and necessity authorizing the construction and operation of the PennEast Pipeline Project, including the environmental impacts of and public need for the Project.

#### IV. CONCLUSION

WHEREFORE, for the foregoing reasons, LOWER SAUCON TOWNSHIP requests that the Commission GRANT this motion to intervene.

Respectfully submitted,

/s/ Charles W. Elliott  
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Dated: October 16, 2015

Attorney for Lower Saucon Township

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of FERC's Rules of Practice and Procedure, 18 C.F.R. § 385.2010, the undersigned hereby certifies that I am this day serving the foregoing document upon each person designated on this official list compiled by the Secretary in this proceeding by e-filing the document with FERC Online.

Dated: October 16, 2015

/s/ Charles W. Elliott  
Charles W. Elliott, Esquire