

In the Matter of Columbia Gas)
Transmission, LLC) Docket No. CP18-137-000

801 system); and abandoning the old pipeline (Columbia's old R-501, R-530, and R-500 systems).¹ The Project would cross 12.6 miles of the Wayne National Forest, Ohio's only national forest—directly impacting at least 51 waterbodies within the National Forest.²

III. Intervention

The Ohio Valley Organizations have concrete interests in the Project's environmental impacts, including its impacts to the Wayne National Forest. These interests are not fully represented by the existing parties in this Matter. The Ohio Valley Organizations are dedicated specifically to the communities in the Ohio Valley, particularly those impacted by extractive industry, and have distinct interests as a result of their geographic and community-oriented focus, in addition to their environmental concerns. Upon reviewing the Environmental Assessment, the Ohio Valley Organizations were alerted to the necessity of their intervention in the Matter.

FreshWater Accountability Project ("FreshWater") is an Ohio-based, grassroots, nonprofit organization with a mission to preserve freshwater supplies through education and community action, and it is dedicated to promoting the health of current and future generations by protecting the environment. Through advocacy, legal action, and education, FreshWater strives to protect the very resource that gives us life — our fresh water. FreshWater has members located throughout the state of Ohio, including members who live, work, worship, own property, and/or recreate in the region to be impacted by the Project, including members who recreate in the Wayne National Forest.

The Ohio Valley Environmental Coalition ("OVEC") is a nationally recognized grassroots organization dedicated to preserving and protecting our natural heritage. OVEC, formed in 1987, is a 501(c)(3) nonprofit organization. OVEC's mission is to organize and maintain a diverse grassroots organization dedicated to the improvement and preservation of the environment and communities through education, grassroots organizing and coalition building, leadership development, strategic litigation, and media outreach. Their work encompasses much of West Virginia and the Ohio Valley. OVEC has members who live, work, worship, own property, and/or recreate in the region to be impacted by the Project, including members who recreate in the Wayne National Forest.

The Project will adversely impact the Wayne National Forest, and in turn will directly negatively impact the Ohio Valley Organizations' members' aesthetic, recreational, and environmental interests. The Ohio Valley Organizations' members' also will be adversely impacted by the cumulative impacts of the Project, including increased natural gas production in the region spurred by the Project, which comes with significant environmental impacts, such as increased

¹ Environmental Assessment at 2 [hereinafter "EA"].

² EA at B-55.

air pollution, noise and light pollution, water quality and quantity impacts, and serious public health risks.³

A. The Ohio Valley Organizations’ participation in this proceeding is in the public interest

The Ohio Valley Organizations intervention is in the public interest because their mission, purpose, and shared interests are of immense value to the public at large. OVEC and FreshWater are committed to ensuring the National Environmental Policy Act, the Natural Gas Act, and all relevant laws are complied with and that environmental and public health concerns are thoroughly considered. These are concerns that are also held by the public at large and are certainly in the public interest.

B. The Ohio Valley Organizations Oppose the Buckeye Xpress Project as described in the Environmental Assessment and project Application

In accordance with Rule 214 of FERC’s Rules of Practice and Procedure requires movants to state, to the extent known, their position and the basis in fact and law for that position.⁴ The Ohio Valley Organizations oppose the Project as it is described in the Application and EA because of its adverse environmental impacts, particularly its adverse impacts to the Wayne National Forest and impacts that arise from supporting further natural gas development in the region.

These impacts are not limited to the environment, but include public health and safety concerns such as, *inter alia*, pipeline explosions and leaks, surface and groundwater contamination, and erosion and landslides. According to PHMSA’s records of reported incidents, there have been 1012 natural gas transmission line incidents from January 2010 to June 7, 2019, when the data was accessed.⁵ Incidents include corrosion failure; equipment failure; excavation damage; incorrect operation; material failure, including pipes and welding; natural forces; other outside forces; and other incident causes.⁶ 212 of the incidents are from pipelines built since 2000.⁷ The planned path is through terrain that is ripe for landslides, within close proximity to mines, and crossing waterways. Because of these characteristics, there is a heightened risk that the pipeline will not be safe to the people and environment around it.

³ See Physicians for Social Responsibility, Concerned Health Professionals of NY, Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking (Unconventional Gas & Oil Extraction) Sixth Edition (June 2019), available at https://concernedhealthny.org/wp-content/uploads/2019/06/Fracking-Science-Compendium_6.pdf.

⁴ 18 C.F.R. §385.214(b)(2).

⁵ Pipeline and Hazardous Material Safety Administration, *Distribution, Transmission & Gathering, LNG, Liquid Accident and Incident Data*, Gas Transmission & Gathering Incident Data – January 2010 to present, retrieved June 7, 2019 (<https://www.phmsa.dot.gov/data-and-statistics/pipeline/distribution-transmission-gathering-lng-and-liquid-accident-and-incident-data>) (hereinafter “PHMSA Data”).

⁶ *Id.*

⁷ *Id.*

The Ohio Valley Organizations also object to the Project because of its GHG emissions and their contribution to global climate change. In addition to the “one-time release of about 96,112 metric tons of CO₂, plus an additional loss of about 461 metric tons per year of CO₂ sequestration capacity,”⁸ the EA estimates the Project’s annual operational greenhouse-gas emissions will be 204 tons per year—primarily due to fugitive leaks from pipeline components.⁹ However, this estimate ignores *indirect* GHG impacts (including upstream and downstream GHG emissions), which must be considered under NEPA.¹⁰ These increased GHG emissions resulting from the Project contribute to and exacerbate the cumulative problem of climate change, which threatens profound adverse environmental, social, and economic consequences.¹¹ The United States remains a party to the United Nations Framework Convention on Climate Change and its associated Paris Agreement,¹² and has an internationally established commitment to limiting the average increase in global temperatures to 1.5 degrees Celsius. Accordingly, the Project’s GHG emissions must be carefully considered and appropriate action taken to avoid further GHG emissions that are not in alignment with that commitment.

Relatedly, the Ohio Valley Organizations object to the Project due to the fact it will increase and further entrench fossil fuel development in the region. The Project is a significant investment in fossil fuel infrastructure that locks in¹³ decades-worth of fossil fuel extraction that cannot be permitted if catastrophic climate change is to be avoided and international obligations are to be met. Increasing and further entrenching fossil fuel development in the region also comes with immediate and direct environmental impacts for local communities, including increased air pollution, water quality and quantity reduction, public health risks, noise and light pollution, among other serious environmental concerns that are borne by local communities. These environmental impacts must be given a hard look and weighed against any potential benefit of the project.

⁸ *Id.* at B-235.

⁹ *Id.* at B-178, Table B.8-2.

¹⁰ 40 C.F.R. §1508.8(b).

¹¹ See White House Council on Environmental Quality, Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, Aug. 1, 2016, at 17 (“All [greenhouse gas] emissions contribute to cumulative climate change impacts.”) *available at* https://ceq.doe.gov/docs/ceq-regulations-and-guidance/nepa_final_ghg_guidance.pdf [hereinafter Guidance on Climate Change]; *see also* U.S. Global Change Research Program, Climate Science Special Report: Fourth National Climate Assessment, 2017, *available at* <https://science2017.globalchange.gov/> (“Fourth Assessment”) [hereinafter Climate Special Report] (“Without major reductions in [greenhouse gas] emissions, the increase in annual average global temperatures relative to preindustrial times could reach 9°F (5°C) or more by the end of this century,” with disastrous consequences.).

¹² The United States still actively engages with climate negotiations related to the Paris Agreement, despite having signaled an intention to pull out in a few years. *See* Sara Stefanini and Karl Mathiesen, *The US, still in the Paris Agreement, is trying to decide its future*, Climate Home News, (October 12, 2018), <https://www.climatechangenews.com/2018/12/10/us-still-paris-agreement-trying-decide-future/>.

¹³ *See Green, Fergus and Richard Denniss, Cutting with both arms of the scissors: the economic and political case for restrictive supply-side climate policies*, 150 *Climatic Change* 73(2018) at 78.

In addition to these serious environmental impacts, the Ohio Valley Organizations object to the Project because Columbia has not demonstrated that the Project is necessary. The EA maintains that the Project would “increase transportation capacity *in anticipation of future need*,” but Columbia has still provided no evidence this anticipated future need exists.¹⁴ Overbuilding of pipelines in the region is a serious concern, with significant negative economic and environmental implications.¹⁵ Existing natural gas pipeline capacity is under-used, with existing pipelines in the U.S. having an average capacity utilization of 54 percent.¹⁶ The evidence for the Project’s necessity must be robustly assessed to determine whether it is indeed even needed.

The Ohio Valley Organizations reserve the right to raise additional concerns about the Project as additional information becomes available in the course of the proceeding.

IV. Formal Hearing

Pursuant to 18 C.F.R. § 157.10(a)(1), the Ohio Valley Organizations formally request an evidentiary hearing to resolve contested issues of fact regarding whether the project is in the public convenience and necessity, including but not limited to whether the Project’s adverse environmental effects outweigh any public benefits.

V. Conclusion

The Ohio Valley Organizations respectfully request that the Commission grant this Motion to Intervene and authorize FreshWater Accountability Project and the Ohio Valley Environmental

¹⁴ EA at C-2 (emphasis added). *See, e.g., Mid States Coal. for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 549 (8th Cir. 2003) (“the proposition that the demand for coal will be unaffected by an increase in availability and a decrease in price... is illogical at best”).

¹⁵ *See* Cathy Kunkel and Tom Sanzillo, Risks Associated with Natural Gas Pipeline Expansion in Appalachia, Institute for Energy Economics and Financial Analysis (April 2016), *available at* http://ieefa.org/wp-content/uploads/2016/04/Risks-Associated-With-Natural-Gas-Pipeline-Expansion-in-Appalachia-_April-2016.pdf,

¹⁶ *Id. at 12, citing* U.S. Department of Energy, “Natural Gas Infrastructure Implications of Increased Demand from the Electric Power Sector” (February 2015). “Existing pipelines in West Virginia, Virginia and North Carolina are even more underutilized. According to EIA data, average capacity utilization in 2014 for pipelines flowing out of West Virginia was 33%. Utilization of pipelines flowing into Virginia was 23% and, into North Carolina, 37%” *Id. citing* U.S. Energy Information Administration, “International & Interstate Movements of Natural Gas By State,” 2016 online at http://www.eia.gov/dnav/ng/ng_move_ist_a2dcu_nus_a.htm; U.S. Energy Information Administration, “U.S. State to State Capacity,” online at <http://www.eia.gov/naturalgas/pipelines/EIA-StatetoStateCapacity.xls>.

Coalition to participate fully in this proceeding. Granting of this Motion will result in no disruption to the proceeding nor will it place additional burdens on existing parties.

Respectfully Submitted,

June 19, 2019

/s/ Megan M. Hunter_____

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Certificate of Service

Pursuant to Rule 2010 of FERC's Rules of Practice and Procedure, 18 C.F.R. § 385.2010, I hereby certify that I have this day served the foregoing document upon each person designated on the official service list for Docket No. CP18-137-000.

Dated: June 19, 2019

/s/ Megan M. Hunter

Megan M. Hunter, Esq.