

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

In the Matter Of)	Docket No. CP16-22
NEXUS Gas Transmission, LLC)	December 28, 2015
)	

**MOTION TO INTERVENE AND COMMENT OF NEIGHBORS
AGAINST NEXUS, FRESHWATER ACCOUNTABILITY
PROJECT AND SUSTAINABLE MEDINA COUNTY**

Now come Neighbors Against NEXUS (hereinafter “NAN”), Freshwater Accountability Project (hereinafter “FWAP”), and Sustainable Medina County (hereinafter “SMC”), moving by and through the undersigned counsel, and pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission’s (“FERC”) Rules of Practice and Procedure, 18 C.F.R. §§ 385.212 and 385.214, and 18 C.F.R. § 157.10, they respectfully request leave to intervene and to file comments in the above-captioned proceeding. Certain members of the aforesaid groups who are identified below file this motion jointly, as members of NAN, FWAP and SMC respectively, and also, individually.¹

This motion to intervene is timely filed. Intervenors’ participation in this proceeding is in the public interest.

In support of this motion, Intervenors state as follows:

I. CONTACT INFORMATION FOR COMMUNICATIONS AND SERVICE

All communications, pleadings, and orders with respect to this proceeding should be sent

¹The individual Intervenors are: Richard Bowser; Kimberly Bowser; Randy Walker; Renee Walker; Leatra Harper; Georgia F. Kimble; and Gary E. Freed.

to:

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II. GROUNDS FOR INTERVENTION

A. Common Interests of All Intervenors

The rapid increase in shale gas drilling in Ohio has altered the region's landscape with new roads, well sites, wastewater disposal pits, pipelines, and other infrastructure. FERC is facilitating these detrimental environmental effects in Ohio by approving the natural gas industry's planning and development of a massive build-out of infrastructure, including the NEXUS pipeline project, the REX Zone 3 East-to-West pipeline and E.T. Rover dual pipelines, all of which would connect gas supplies in the Marcellus and Utica shale formations to market areas, with much of the gas bound primarily for export overseas. FERC's approval of the NEXUS project will promote further shale gas drilling in Ohio with further detrimental environmental effects on Ohio's forests and wildlife habitat, water, air, and recreation resources. FERC's approvals of these laissez faire pipeline projects will cause direct, indirect and cumulative environmental impacts to these public resources, which are unjustifiable from even a cost-benefit standpoint.

Further, no other party involved in the above-captioned proceeding adequately represents the interests of the organizational and individual Intervenors.

In light of these shared interests of Intervenors, their participation in this proceeding is in the public interest.

B. Interests of Individual Intervenors

1. Neighbors Against NEXUS

Neighbors Against NEXUS (“NAN”) is an unincorporated grassroots organization located at 1045 County Road B, Swanton, Fulton County, Ohio 43558. NAN is comprised of property owners in Fulton and Wood Counties of Ohio who oppose the siting and construction of the proposed NEXUS natural gas pipeline on or near their lands for environmental, economic and legal reasons. NAN and its members do not support the NEXUS project and do not believe it is in the public interest.

NAN members Richard and Kimberly Bowser live at 3740 County Road EF, Swanton, Fulton County, OH 43558. Their home reposes within 200 feet of the proposed NEXUS pipeline, and is therefore vulnerable to structural damage during construction, as well as ongoing safety hazards after the project is completed in the form of exposure to significant risk of property loss, personal injury and/or death in the event of a major explosion or leakage. There are also conventional gas wells on their property, and household water wells which may be damaged by construction. The Bowsers’ property may be subject to condemnation if a certificate of convenience and necessity is granted. The Bowsers live within the danger zone in the event of a major pipeline explosion. They further oppose the siting of the pipeline anywhere within Fulton County because of the environmental damage and diminution of property values which will be caused if constructed.

NAN members Renee and Randy Walker reside at 2933 County Road 3, Swanton, Fulton County, OH 43558. They operate a commercial farm of more than 100 acres on those premises. The proposed NEXUS pipeline would cross thousands of feet of their land and their farm may be

subject to condemnation if a certificate of convenience and necessity is granted. The planned proximity of the pipeline to their house makes it vulnerable to structural damage during construction, as well as ongoing safety hazards after the project is completed. The Walkers oppose the location of the pipeline route and object to the environmental damage and diminution of property values in the vicinity of their home which will occur if it is constructed.

2. FreshWater Accountability Project

The FreshWater Accountability Project (“FWAP”) is a nonprofit, incorporated association of persons with the mission of educating people about threats to Ohio freshwater supplies and advocating for their protection. FWAP’s mailing address is P.O. Box 473, Grand Rapids, Wood County, OH 43522; www.fwap.org. FWAP and its members do not support the NEXUS project and do not believe it is in the public interest.

FWAP member Leatra Harper resides at 23767 West State Route 65, Grand Rapids, Wood County, OH 43522. Her house is located within approximately one mile of the Oak Opening Avoidance Alternative route considered by NEXUS. If that routing alternative were selected, it is likely that the compressor station presently proposed by NEXUS to be built near Waterville, Ohio, would be moved southwesterly to a point within five or fewer miles from Ms. Harper’s residence in Grand Rapids, Ohio. The proximity of the pipeline, as part of the Oak Openings Avoidance Alternative to her home (upriver approximately a mile) would pose hazards to the stability of Ms. Harper’s household water supply and because underground karst formations might be disturbed, there is a significant possibility of ongoing safety hazards if that route alternative were chosen. The possibility of siting the relocated compressor station within a five-mile radius of Ms. Harper’s home in the event the Avoidance alternative is selected, would

subject her and her family to toxic and radioactive emissions on a continuing basis throughout the operational life of the pipeline.

3. Sustainable Medina County

Sustainable Medina County (hereinafter “SMC”) is an unincorporated association of persons of all walks of life who advocate for local, direct democratic control over energy policy and projects within Medina County, Ohio. SMC’s address is P. O. Box 1033, Wadsworth, OH 44282, www.sustainablemedinacounty.org. Neither SMC nor its members support the NEXUS project and they do not believe it is in the public interest.

SMC member Georgia F. Kimble resides at 2974 Kennedy Road, Medina, Medina County, OH 44256. Ms. Kimble operates a commercial farm on those premises. The proposed NEXUS pipeline would cross hundreds of feet of her land and her farm may be subject to condemnation if a certificate of convenience and necessity is granted. Ms. Kimble opposes the location of the pipeline route and objects to the environmental damage and diminution of property values in the vicinity of her home which will occur if it is constructed.

SMC member Gary E. Freed lives at 3491 Rohrer Road, Wadsworth, Medina County, OH 44281. His residence is located less than 1000 feet from a compressor station proposed as part of the NEXUS pipeline project which would be built in Guilford Township, Medina County, Ohio. If the proposed pipeline and compressor station are granted the requested certificate, Mr. Freed would be residing within a recognized “blast zone” radius from the compressor, and would be more or less constantly exposed to land and air contamination from station operations, which are likely to consist of volatile organic chemicals (VOCs), poly-aromatic hydrocarbons (PAHs), radon gas and radium particulate. Mr. Freed opposes the location of the pipeline route and

objects to the environmental damage and diminution of property values in the vicinity of his home, which will occur if the compressor and pipeline are constructed.

III. COMMENTS

The listed Intervenor seek to participate in this proceeding based upon claimed violations of the National Environmental Policy Act (“NEPA”) and the Natural Gas Act (“NGA”), Intervenor proffer their following comments, not only as NEPA comments, but as the bases for potential claims for litigation in this proceeding.

1) *The NEXUS pipeline should be included within a Programmatic Environmental Impact Statement (“PEIS”).*

There are half a dozen pipelines directly or indirectly competing with NEXUS, particularly E.T. Rover and the ANR line, which will cross Ohio from east to west from the southeast Ohio frackpatch to the northwestern part of the state. Besides Rover, slated to carry 3.25 bcf of gas per day, and ANR, with about the same planned capacity as NEXUS, NiSource subsidiary Columbia Pipeline Group is proposing Leach XPress, a \$1.75 billion, 160-mile pipeline to send 1.5 billion cubic feet of gas daily from West Virginia and southeast Ohio to central Ohio, where it will connect to lines running to Leach, Kentucky by 2017 to ship gas to the Gulf of Mexico for export. Two other major pipelines have been placed in service the last two years, including Enterprise Products Partners’ 1,230-mile Atex pipeline, running from southwest Pennsylvania through a sliver of West Virginia and across 13 Ohio counties, ending in southern Indiana, which can move up to 190,000 barrels a day of ethane (a natural gas liquid) and ending in Texas and the Gulf Coast region, where the ethane is refined into ethylene; and Sunoco Logistics/MarkWest Liberty Midstream’s 230-mile Mariner West pipeline, which moves ethane from the Youngstown area to Sarnia, Ontario via passage through Toledo and southern Michigan, and is a line which can transport 50,000 barrels of ethane per day. The aggregate air pollution, contamination and radiation emanating from these pipelines and their compressor stations and valves, the socioeconomic effects, and the serious inquiry of need and justification for more *laissez faire* pipelines, developed and located when and where private enterprise dictates, surely must be assessed for its aggregated effects and efficiencies. The environmental and other effects must be analyzed cumulatively, and examined as well for the potential synergistic effects they will have on air and water quality and the human and natural environments.

Thousands of acres of Ohio land, especially its prime forest, wetland and farmland, will be permanently converted from other beneficial uses into industrial easement zones for pipelines. The potential for catastrophe will grow, as will the consequent need for changes to emergency response. Other infrastructure, including highways, drainage systems, water delivery systems and other pipelines must be identified, accounted for, and reckoned with. Hundreds of stream and river crossings must be seamlessly accomplished. Erosion contamination and runoff into the

Great Lakes and Ohio River basins will be increased. Local drainage and/or flooding patterns in rural fields may be substantially changed, and possibly worsened.

Moreover, the induced fracking activity in the Ohio-Pennsylvania-West Virginia region which will occur with the appearance of cheaper transport to markets will cause significant additional degradation of rural air and water quality. The stability and purity of surface and subsurface water sources will come under constant threats of contamination. Mostly-deregulated disposal of millions of tons of radioactive drill cuttings and so-called “naturally occurring radioactive material,” or NORM, in sanitary landfills across Ohio and nearby states will follow from the induced expansion of fracking and also will elevate threats to groundwater quality near those landfills, to aquifers and other water sources. Many additional injection disposal wells will be needed, posing possible groundwater pollution threats and anthropogenic earthquake potential. Induced fracking activity will hasten the general deterioration of highway and bridge infrastructure from the thousands of additional trucks which will be necessary to service gas wells (@ roughly 1800 truckloads per well). Public thoroughfares, many not designed for such abuse, will crumble. There will be illegal trafficking in freshwater for injection into new wells, and unmarked truck transport of the millions of gallons of toxic and radioactive liquified drilling wastes, which will be permanently unuseable, along with the wastewater that is injected into wells to liberate gas and oil but which remains in the wells. There will be both deliberate and inadvertent leaks of fracking wastes and associated industrial chemicals onto the ground and into water resources. Methane, radon and other gases will leak into the atmosphere from various points in the drilling and transport systems. Methane is a far more destructive GHG than carbon dioxide. The pipelines will cause much more carbon pollution at the consumption end, but will also directly and seriously abet global warming at its methane-gathering end.

The Nexus pipeline, which is planned to run slightly north and east of Rover, draws into question whether it would be redundant and whether the certification of both would violate the *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (“Certificate Policy Statement”).

The Policy Statement requires that in construction of new natural gas facilities, the Commission must balance the public benefits against the potential adverse consequences. The Commission’s goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant’s responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

A Programmatic Environmental Impact Statement is the only serious means of accounting for the combined and cumulative environmental effects caused by all of these existing and planned massive pipeline projects slated for central and northern Ohio. Council on Environmental Quality (“CEQ”) regulations recognize the use of “tiered” environmental impact statements at 40 C.F.R. §§ 1502.20 and 1508.38. Section 1502.20 states that federal agencies “are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review.” Section 1508.28, the “Definitions” section of the CEQ regulations, explains tiering as “the coverage of general matters in broader environmental impact statements (such as

national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.” The regulation further observes that tiering “is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.”

2. There must be a competent, broad-scoped cumulative effects analysis.

The PEIS, as well as the Draft and Final Environmental Impact Statement for NEXUS, must contain competent cumulative impacts analysis. A project “may require an analysis of actions unrelated to the proposed action if they occur in the project area or region of influence of the project being analyzed.” CEQ Guidance, *Considering Cumulative Effects under the National Environmental Policy Act* (January 2007)). Even if FERC does not know the extent of Marcellus/Utica gas extraction, it is certainly aware of its nature and may not simply ignore the effects of induced drilling and associated worsening of local and regional environmental conditions from fracking’s polluting and public health endangering effects. *Mid States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 520, 549 (8th Cir. 2003). FERC may not treat NEXUS in isolation when there is persuasive evidence concerning other projects with similar environmental consequences. *Natural Resources Defense Council v. Callaway*, 524 F.2d 79, 88 (2d Cir. 1975). FERC must consider the “inter-regional” cumulative effects that the NEXUS pipeline project will have, including increased shale gas extraction in the Marcellus and Utica Shale formations. See *Natural Resources Defense Council v. Hodel*, 865 F.2d 288, 299 (D.C. Cir. 1988).

3) The scope of this project should encompass analysis under NEPA of the various climate change effects which it would induce.

The completion and availability of the NEXUS pipeline will accelerate mineral extraction, mostly via hydraulic fracturing, from shales in the Pennsylvania/West Virginia/Ohio region from whence the pipeline would originate. This will result in increased aerosolization of methane and prolong a dependence on cheap gas, which will combine to thwart energy independence even as the levels of greenhouse gas emissions (“GHGs”) will continue to grow.

Assessment of the project’s effects on GHG emissions is legally required under NEPA. A federal district court in Colorado recently explained as follows, relative to a plan to use hydraulic fracturing to develop oil and gas wells on federal Bureau of Land Management tracts:

One of the foreseeable effects of the Lease Modification approval is the likely release of methane gas from the expanded mining operations. As explained above, an EIS must disclose and evaluate all of the effects of a proposed action — direct, indirect, and cumulative. NEPA further defines impacts or effects to include ‘ecological[,] . . . economic, [and] social’ impacts of a proposed action. 40 C.F.R. § 1508.8(b). The agencies do not argue that they could ignore these effects. In fact, they acknowledged that there might be impacts from GHGs in the form of methane emitted from mine

operations and from carbon dioxide resulting from combustion of the coal produced.

High Country Conservation Advocates v. United States Forest Service, Case No. 13-cv-01723-RBJ (D.C. Colo. June 27, 2014) (slip op. at 17). The *High Country* court also recommended that the lead federal agency use as a measurement tool the protocol document, “Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866,” Interagency Working Group on Social Cost of Carbon (Feb. 2010).²

4) *Full disclosure of expected pipeline capabilities and complete infrastructure.*

The public must be informed completely about the engineered features of NEXUS to understand what other products besides natural gas might be transported.

Fracked natural gas can contain significant, health-threatening quantities of radioactive radon gas, which is the second leading cause of lung cancer in the United States, behind smoking. Even at moderate levels, it takes somewhat more than one month (38 days) for radium-228 which will also be present to decay to harmless levels. Questions as to how much radon, radium-226 and radium-228, in pCi/L of gas, is expected to repose in the transported gas must be answered in the NEPA document, because it is foreseeable that it may have to be held in transit, or stored until the radium levels decay to below 4 pCi/L, the federal action level for radon gas in indoor spaces. Radon will bear constant monitoring. Emissions of radon must be factored into the chronic losses of pipeline gas from transport. Compressors leak considerably and are often deliberately vented for maintenance and repair, for example, and radon and radium will inevitably be dispersed by design.

5) *Air emissions from the overall NEXUS pipeline facility, including pumping facilities. should be aggregated as one interdependent project, and the air pollution effects analyzed cumulatively along with other pipeline projects.*

The cumulative effects of air contamination from the compressor stations must be calculated as a pipeline total, which likely would put total emissions from NEXUS into the “major source” category and require stricter Clean Air Act, Title V, regulation.

6) *The NEPA statement must be written in circumstances where the project is not being forced or biased by threat of usage of eminent domain.*

FERC is unlawfully enabling pipeline companies to acquire property rights, and thus commit the routing of these pipeline projects, long before completion of the application process and the finalization by the agency of an Environmental Impact Statement (“EIS”). For example, in the April 15, 2015 “Notice of Intent to Prepare an Environmental Impact Statement” which FERC published in the Federal Register (Vol. 80, No. 72, at pp. 20219-20222), FERC announced that “The staff of the Federal Energy Regulatory Commission (FERC or Commission) will

² Available at www.epa.gov/oms/climate/regulations/scc-tsd.pdf

prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the NEXUS Gas Transmission (NEXUS) Project and Texas Eastern Appalachian Lease (TEAL) Project involving construction and operation of facilities by NEXUS Gas Transmission, LLC (NEXUS) in Ohio and Michigan and Texas Eastern Transmission, LP (Texas Eastern) in Ohio. The projects are separate, but connected, interstate natural gas transmission pipeline projects. The environmental impacts of both projects will be considered in one EIS, which will be used by the Commission in its decision-making process to determine whether the NEXUS and TEAL Projects are in the public convenience and necessity.” The Notice then improperly advises:

If you are a landowner receiving this notice, *a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned pipeline facilities. The company would seek to negotiate a mutually acceptable agreement.* However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, a condemnation proceeding could be initiated where compensation would be determined in accordance with state law. (Emphasis added).

Id. pp. 20220. By this paragraph, FERC authorizes NEXUS to use of the threat of eminent domain before FERC has even formally decided whether or not to grant a certificate of convenience and necessity - even before the Environmental Impact Statement is compiled.

This wording is also consistent with the advisory booklet which FERC requires NEXUS to distribute, as mentioned in the Notice of Intent, entitled, “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” On page 4, in response to the question, “How will I first hear about proposed facility construction?,” FERC states:

If you are an owner of property that may be affected by the project, you will probably first hear of it from the natural gas company as it collects the environmental information or conducts surveys required for the Commission application. The company may ask you for permission to access your land to conduct civil and environmental surveys. *It is also possible that the company will contact you to discuss obtaining an easement prior to filing the application. In the case of a compressor station or other above-ground facility, the company will often offer to purchase, or obtain an option to purchase, the property for the station or facility. This usually occurs prior to the filing of the application.* (Emphasis added).

FERC thus allows NEXUS to threaten property owners in their study corridors that FERC will be vesting them with eminent domain powers, and warns that FERC’s licensing decision is a given. NEXUS may therefore bully owners into conceding easements for pipelines to be constructed on their land, which concessions then lock in the route before any genuine, unbiased consideration of alternatives has occurred.

FERC’s endorsement of whatever acquisition approach the pipeline company wishes to take expresses an overwhelming bias by FERC toward approval of the project as aligned by the pipeline company. Before the public has even had an opportunity to participate in the decision-

making process - property owners are being warned by the supposedly “impartial” regulator that informal settlement outside of court should be seriously considered *now*. Although the final choice of route supposedly remains open, FERC creates a condemnation “shadow” by its acts, and NEXUS may proceed to lock in its preferred alternative before the application period even commences. The pipeline companies are armed with the eminent domain threat more than a year before construction to force holdout property owners to give survey access and consent to pipeline easements.

FERC’s concession of eminent domain powers to the pipeline companies in this way violates the National Environmental Policy Act (“NEPA”) and the Natural Gas Act. Courts interpreting NEPA require that the law not be implemented as a mere exercise. NEPA mandates that an agency “take a ‘hard look’ at the impacts of a proposed action.” *Citizens’ Comm. to Save Our Canyons*, 513 F.3d at 1179 (10th Cir.2008) (quoting *Friends of the Bow v. Thompson*, 124 F.3d 1210, 1213 (10th Cir.1997)); *Morris v. U.S. Nuclear Regulatory Comm’n*, 598 F.3d 677, 681 (10th Cir.2010) (noting that NEPA “requires . . . that an agency give a ‘hard look’ to the environmental impact of any project or action it authorizes”). This examination “must be taken objectively and in good faith, not as an exercise in form over substance, and not as a subterfuge designed to rationalize a decision already made.” *Forest Guardians v. U.S. Fish & Wildlife Serv.*, 611 F.3d 692, 712 (10th Cir. 2010) (quoting *Metcalf v. Daley*, 214 F.3d 1135, 1142 (9th Cir. 2000)) (internal quotation marks omitted); see also 40 C.F.R. § 1502.2(g) (“Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made”); *id.* § 1502.5 (“The statement shall be prepared early enough so that it can serve practically as an important contribution to the decision-making process and will not be used to rationalize or justify decisions already made”).

“[I]f an agency predetermines the NEPA analysis by committing itself to an outcome, the agency likely has failed to take a hard look at the environmental consequences of its actions due to its bias in favor of that outcome and, therefore, has acted arbitrarily and capriciously.” *Forest Guardians*, 611 F.3d at 713 (citing *Davis v. Mineta*, 302 F.3d 1104, 1119 (10th Cir.2002); see also *id.* (stating that “[w]e [have] held that ... predetermination [under NEPA] resulted in an environmental analysis that was tainted with bias” and was therefore not in compliance with the statute (citing *Davis*, 302 F.3d at 1112-13, 1118-26)). In *Forest Guardians*, the Tenth Circuit held that

. . . [P]redetermination occurs only when an agency irreversibly and irretrievably commits itself to a plan of action that is dependent upon the NEPA environmental analysis producing a certain outcome, before the agency has completed that environmental analysis - which of course is supposed to involve an objective, good faith inquiry into the environmental consequences of the agency's proposed action.

Id., 611 F.3d at 714.

The FERC Staff is violating the letter as well as the spirit of NEPA by overtly encouraging NEXUS to engage with property owners at this supposedly preliminary stage of the permitting proceeding. FERC has prioritized the hardball “hard path” of eminent domain power ahead of undertaking, in an unbiased fashion, NEPA’s “hard look.” As the court stated in *Forest*

Guardians, comments by an employee of a federal “lead” agency “remain immaterial to the predetermination analysis unless they (1) may fairly be attributed to the agency, and (2) tend to reflect the agency's irreversible and irretrievable commitment to a course of action - in contemplation of a particular environmental outcome - even before the requisite environmental analysis has been completed.” 611 F.3d at 718 n. 20.

By fostering a biased system, FERC also reduces the value of public proposals of alternative routes for the project. Opponents of the present Rover and Nexus proposals seek consideration of a dedicated, multi-pipeline corridor. Other opponents argue a serious case for the no-action alternative because of the dramatic global warming effects of the proposed gas transportation activities, and that option is similarly likely to be dismissed by biasing the project toward the built route preferred by the project sponsors.

7) *A serious inquest into alternatives to NEXUS, including no action, is obligatory.*

The no-action alternative is statutorily mandated to be considered, and the economic and environmental effects which would be avoided by not undertaking this massive pipeline project, with its disruptions and dangers, must be identified fully and seriously considered. Further, fracked methane gas must compete with less disruptive, truly-sustainable energy sources. While NEXUS will be subsidized by advantageous tax breaks, eminent domain power, and the advantage of offloading its environmental costs onto the property owners in its way, it is inevitable that photovoltaic solar, wind, conservation and other options will continue to expand even as massive carbon-dependent technologies such as fracking for gas and building pipelines continue to absorb most available financing. Fracking gas is *not* a “bridge fuel” to a sustainable energy future; sustainable energy applications can directly compete right now with gas, and they are making inroads as competitors with gas for fuel in each passing week. They must be realistically considered in the context of not building NEXUS and letting the energy marketplace decide the mix of fuels.

8) *Bowling Green Fault, unstable karst, abandoned oil and gas wells.*

Projects on the scale of NEXUS should not come through Northwest Ohio because of its geologic instability. The Bowling Green Fault transects Wood County; the land is riddled with hundreds of unstable karst formations owing to the water-soluble nature of the limestone bedrock underlying the region. In Wood County, there are literally thousands of abandoned legacy oil and gas wells, the locations of which are unknown, whose separation from the area’s abundant groundwater aquifers could be destabilized or destroyed by construction, operation and maintenance of the NEXUS line.

9) *Compressor stations not incorporating best available technology.*

The four planned compressor stations along the NEXUS route through Ohio are not using the best available technology to control emissions, namely, electrical instead of gas-powered pumps, compressors and other equipment. NEPA requires reasonable mitigation steps to be

taken to ameliorate polluting and contaminating circumstances, hence a violation of NEPA will occur absent the substitution of electrical motors and associated compressor station components.

WHEREFORE, the petitioning Intervenors pray the Federal Energy Regulatory Commission grant them leave to participate as full parties in this certificate proceeding.

Respectfully,

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