

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

In the Matter of)
Tennessee Gas Pipeline Company, L.L.C.)
Northeast Energy Direct Project)

Docket No. CP16-21-000

**MOTION TO INTERVENE OUT OF TIME
OF THE TOWN OF BETHLEHEM, NEW YORK**

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, the Town of Bethlehem, New York, hereby submits this motion to intervene out of time in the above-captioned proceeding.

1. The Town of Bethlehem, located in Albany County, New York ("Town") has a population exceeding 35,000 citizens. Approximately 7.3 miles of the pipeline proposed by the Tennessee Gas Pipeline Company, L.L.C. ("TGP") will traverse the Town.
2. The Town has a significant interest in this proceeding, both as the representative of its citizens and as the owner of critical municipal infrastructure that will be directly affected by the proposed TGP pipeline.
3. The Town opposes the construction of the proposed TGP pipeline because of the dangers that it presents to Town citizens, Town infrastructure, and Town economic development, and because the TGP pipeline is unnecessary and will provide no economic benefit to the Town or its citizens.
4. The proposed TGP pipeline will run in close proximity to several Town population centers and places of public gathering. There are a total of 875 housing lots in the Town within one-half mile of the proposed pipeline. Among other things, the proposed TGP pipeline will run in close

proximity to the following:

- Tendercare Child Center on Elm Ave. – pipeline is ¼ mile away.
- Van Allen Senior Apartment, Route 9W – pipeline is ½ mile away.
- Becker Elementary School – pipeline is ¾ mile away
- Jericho Drive-In, Jericho Road/Route 9W – pipeline is ½ mile away
- Glenmont Job Corps Site Campus, Route 144 – pipeline is located on the campus which has dormitory rooms for young people ages 16 to 24.

5. The proposed TGP pipeline will also traverse or run in close proximity to numerous important elements of Town infrastructure serving thousands of residents. The proposed TGP pipeline will cross Town water lines in at least the following locations:

- Route 32
- Fairlawn Ave.
- Wildwood Lane
- Route 9W
- River Road

6. The proposed TGP pipeline will traverse important Town sewer lines. The line crosses over the Town's interceptor sewer at the Dowerskill stream corridor. If this were compromised, it would leave approximately 10,000 customers without sewer service. This would also create the potential for 4.5 million gallons of raw sewage per day flowing into the Dowerskill, which flows directly into the Hudson River. This could create a major environmental catastrophe. The line also crosses the Town's sewer force main at Fairlawn Avenue. If this were compromised, it would leave approximately 170 residences without sewer service.

7. The proposed pipeline is approximately 175 feet from the dam holding the Town's New Salem reservoir, which is located in the Town of New Scotland. This currently supplies over 11,500 customers. If the dam were compromised, between seven and 14 homes could be destroyed

by flooding. It would also cost the Town approximately \$2M per year to replace this water.

8. The proposed TGP pipeline also runs in close proximity to private well systems. Approximately 140 housing lots within one mile of the TGP pipeline are not connected to the public water system, meaning they obtain their water from private wells. Located in the area of the TGP pipeline are the most significant groundwater resources in Town: (a) the shallow, unconfined aquifers consisting of sands and gravels and (b) the semi-confined buried sand and gravel aquifers. These aquifers are extensive and provide the best yields of any groundwater resources in Town. They are a major source of water in both the southern portion of the community and east of the Route 9W corridor, both of which are within the vicinity of the TGP pipeline project. These aquifers are susceptible to contamination. The Town is concerned about the potential contaminants that may be included in the natural gas transmitted through the proposed pipeline from the extraction process or as an odorant.

9. The proposed TGP pipeline also runs in close proximity to important park and recreational resources in the Town. The proposed TGP pipeline will cross the Hudson River less than one-half mile upstream of the Town's Henry Hudson Park. This provides an important public fishing and boating access to the Hudson River for the Town's and the region's citizens. The Hudson River crossing will require excavation and possible blasting of the streambed, which may stir dangerous encapsulated sediments in the Hudson River, jeopardizing an important recreational resource.

10. The proposed TGP pipeline will also be located (a) within one-tenth of a mile of the Town's Moh-He-Con-Nuck Nature Preserve, located on the bank of the Hudson River, (b) within one mile of the Town's Elm Avenue Park, which is the Town's primary park and recreational facility, and (c) within one-half mile of the Town's Maple Ridge Park, located along Elm Avenue East between Holly Mill Road and Crescent Creek Way.

11. The proposed TGP pipeline will also run through an important private recreational

resource, running directly through the Van Rensselaer Forest Wildlife Preserve, owned by the First Reformed Church of Bethlehem. This will cut a wide swath of natural vegetation, impairing the scenic beauty of this facility and its function as a recreational amenity. The Church is also listed on the National Register of Historic Places.

12. The proposed TGP pipeline will have other negative impacts on economic development within the Town. The location of the pipeline will discourage additional housing construction along the pipeline corridor and will reduce the value of existing housing. Additionally, the pipeline will cut large swaths of natural vegetation in the area, adversely affecting the aesthetic beauty of the Town and reducing its attractiveness for additional residential and commercial development.

13. The Town and its citizens will realize no economic benefit from the proposed TGP pipeline. There is no proposal to permit a tap in to the line and, more importantly, the Town is already adequately served with existing energy resources.

14. The Town has good cause for failing to move to intervene within the time prescribed. The Town was not made aware of the extent of the pipeline's location near sensitive public and private facilities until after the official filing deadline, and was not aware that it could intervene in this proceeding until after that deadline had passed. Moreover, we understand that the filing deadline had been extended to January 15, 2016, so there will be no prejudice or disruption in the proceeding in granting this application.

15. The contact information for the Town is as follows:

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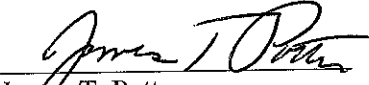
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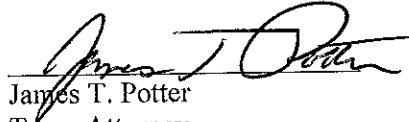
16. For the reasons set forth herein and for other important reasons that will be developed in this proceeding, the Town opposes the construction of the pipeline and respectfully requests that its motion be granted.

Respectfully submitted,


James T. Potter
Town Attorney

CERTIFICATE OF SERVICE

Wherefore on this day, February 8, 2016, I caused to be served the foregoing Motion to Intervene Out of Time electronically on all parties on the Commission's electronic service list in this proceeding, in accordance with the Commission regulations.



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