

**TO:** Matthew Resnick (via email)  
Division of Land Use Regulation  
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**COPIES VIA EMAIL TO:**  
Ginger Kopkash, Assistant Director [Ginger.Kopkash@dep.nj.gov](mailto:Ginger.Kopkash@dep.nj.gov)  
Governor Murphy [constituent.relations@nj.gov](mailto:constituent.relations@nj.gov)

Re: Proposed Northeast Supply Enhancement (NESE) Project  
**Freshwater Wetlands Individual Permit Application**  
File #: 0000-01-1001.3; Application #: FWW 180001

Dear Mr. Resnick:

I am writing to express my strong opposition to the Williams/Transco Northeast Supply Expansion (NESE) Project and urge you to deny Williams/Transco's Freshwater Wetlands Individual Permit Application. Williams/Transco's NESE Project will impact a significant amount of wetland in New Jersey – over 41 acres, including approximately 20 acres of forested wetland. In addition, the NESE Project will remove 35.3 acres of upland forest and the impacts on forested uplands will be long term or permanent because trees would take up to 50 years or longer to become reestablished and would not be allowed to become reestablished directly over the pipeline.

Moreover, Williams/Transco is increasing its system capacity by proposing additional 22,000 hp to its existing Compressor Station 200 in Pennsylvania, recent upgrades to add significant amounts of power to its Compressor Station 205, as well as an additional 32,000 hp at the proposed gas fired turbine driven Compressor Station 206 to be located in Franklin Township. All of this additional power is proposed to push an additional 400,000 dekatherms of gas per day to serve National Grid's customers in New York City and the surrounding area. Transco has refused to share the design parameters, thus the public cannot check the system alternatives and safety. On this basis alone, the New Jersey Department of Environmental Protection (NJDEP) must deny the NESE Project.

NJDEP itself has acknowledged that William/Transco's Freshwater Wetlands ("FWW") Individual Permit Application is "technically incomplete." In addition, as discussed below, this permit application fails to comply with the relevant New Jersey legal standards. In light of these technical and substantive deficiencies, DEP must deny Williams/Transco's FWW permit application.

## **I. Not in the Public Interest**

Under the Freshwater Wetlands Protection Act Rules, the NJDEP must address whether the NESE Project is in the "public interest." Under these rules, NJDEP must consider – amongst other factors – whether the "public interest in preservation of natural resources" is being served by a project. The impacts to over 20 acres of wetland associated with the FWW permit demonstrate that Williams/Transco has failed to provide sufficient factual support for the NJDEP to determine that the Project is in the public interest. This is particularly troubling because the NESE Project is not delivering energy supplies to New Jersey. Additionally, NESE is delivering more than twice as much additional natural gas to New York City than it needs, even if it achieves the unlikely goal of converting all of its residential and commercial buildings' oil use to natural gas. Williams/Transco's failure to provide factual support puts in question the entire FWW permit application, but particularly the issue of whether Compressor Station 206 is needed at all to serve the proposed action: to deliver more natural gas to New York City and the surrounding area.

## **II. Project Impacts Not Avoided**

William/Transco's NESE Project is not consistent with the New Jersey Freshwater Wetlands Protection Act because Williams/Transco has only minimized impacts to its own satisfaction. Williams/Transco has not avoided, minimized, or mitigated impacts in the manner required under the Freshwater Wetlands Protection Act and Rules, which seek to first avoid and then minimize wetland impacts before engaging in mitigation.

### **III. Damage from Acid Producing Clays**

Williams/Transco has failed to identify and analyze the subsurface geology. The underlying geology of the part of New Jersey in which the “Madison Loop” is proposed to be built is known to contain acid producing clays. Earth-moving activities, such as those associated with the NESE Project, can expose these clays to the air. Upon exposure, the sulfide minerals in the clays oxidize and produce sulfuric acid. The clay soil then becomes difficult to stabilize due to the inability of plants to establish in soils with a pH near 3. These conditions complicate restoration efforts and slope stability, which in turn may harm wetlands and surface waters. Williams/Transco makes no mention of acid-producing clays in its FWW permit application. Williams/Transco’s failure to even identify the presence of acid producing clays in the Project area is a significant oversight that undermines its analysis of environmental impacts.

### **IV. “Alternatives Analysis” is Fundamentally Flawed**

Williams/Transco has not properly addressed compliance with the relevant state or federal standards due to its failure to demonstrate that the site of Compressor Station 206 could not be situated at another location that would completely avoid impacts to freshwater wetlands. After reviewing 41 sites for Compressor Station 206, Williams/Transco only selected a short list of five sites that all included significant wetland resources and would result in significant wetland impacts. And then, Williams/Transco ultimately selected a site with significant wetland impacts that include the permanent loss of 2.64 acres of forested wetland.

### **V. Doesn’t Meet Stormwater Management Standards**

In order for the DEP to approve Transco’s FWW permit application, the Project must fully comply with New Jersey’s Stormwater Management Rules. Even though they say they have complied with the rules, Williams/Transco has yet to meet these standards and – based on the actual design and proposed location of the stormwater facility at Compressor Station 206 – will not be able to do so. Simply put, Williams/Transco wants to build their compressor station on hard diabase in a high water table area and it won’t work. The NJDEP issued a Technical Deficiency Letter on September 27, 2018 that requires Williams/Transco to consider relocating and/or redesigning portions of the NESE Project related to stormwater management.

### **VI. Dam Safety Rules Not Met**

Williams/Transco’s stormwater basin is subject to New Jersey’s Dam Safety regulations. Williams/Transco has not properly designed the basin to satisfy the requirements of these safety regulations. This will lead to a failure that threatens all downstream properties including wetlands and Carter Brook.

### **Conclusion**

In light of the above, I am requesting that the NJDEP deny Williams/Transco’s FWW permit application.

Sincerely,

Name:

Address:

Town/City:

State:

Zip:

Email: