**ISSUE: CONTAMINATED GROUNDWATER AND SOIL IN PROXIMITY TO THE PROPOSED COMPRESSOR STATION 206**

Copy to NJDEP: Ruth.Foster@dep.nj.gov and Megan.Brunatti@dep.nj.gov

Copy to EPA: Baxter.Pamela@epa.gov

Dear FERC Leadership:

I am an intervenor in the Northeast Supply Enhancement Project (CP17-101). I understand that the EPA was a cooperating participant in completion of the DEIS, but I remain concerned about gaps in information pertaining to the status of the Higgins Farm NPL Superfund Site and impacts to or from construction of the proposed Compressor Station 206 along with ongoing dynamite blasting at nearby Trap Rock Quarry.

In the DEIS, FERC staff wrote that they, as well as the EPA, find that “construction and operation of Compressor Station 206 as proposed by Transco is unlikely to encounter contamination associated with the Higgins Farm site or affect EPA’s ongoing cleanup operations at the site.” (DEIS, page 5-3)

There is still contamination of groundwater at this site, and the EPA plans to complete another 5-year review in 2018. Claiming that there is an “unlikely” possibility of encountering contamination without completing, reviewing, publishing and analyzing this 5-year review, makes the older findings, based on groundwater monitoring results that “the PCE plume (one of the primary VOCs of concern) is about 400 feet from construction workspaces at Compressor Station 206 and about 850 feet from the proposed compressor building.” (DEIS, page 4-27) an area of uncertainty that warrants current data.

There has been unanticipated discovery of contamination plumes at the Higgins Farm Superfund site, so this fact needs to be considered when determining the potential impact of groundwater contamination on or from construction and operation of the proposed compressor station.

Additionally, referring to groundwater levels from the four (4) EPA monitoring wells that are on the property purchased by Williams/Transco for the proposed compressor does not account for the actual groundwater levels on the part of this parcel where they plan to construct the compressor station since the wells are not on that part of the parcel. Consideration of construction methods and the potential impacts on/from contaminated groundwater, for other ancillary facilities, like the communication tower, were also not addressed.

Finally, I did not read that there was any analysis of impacts that combined potential effects of the compressor station facility construction with the blasting at Trap Rock Quarry with potential combined impacts from and/or to the contamination in the groundwater.

REQUESTS:

1. FERC to obtain the EPA’s 2018 five-year review of the Higgins Farm NPL Site remediation efforts;
2. FERC to require completion of an analysis of the combined impacts from construction at the compressor station site along with blasting at Trap Rock Quarry to make a determination about the impact of both to and/or from the Higgins Farm NPL Superfund site;
3. Once the studies and analyses for (1) and (2) are completed with the participation of the EPA, they should be made available to the public for review and comment; and
4. FERC should provide their independent assessment of potential risks with any required mitigation measures included as a submission available on the CP17-101 docket, and then FERC should provide at least another 45 days of the “comment period” to ensure true public participation in this process.

**ISSUE: CONTAMINATED GROUNDWATER AND SOIL IN PROXIMITY TO THE PROPOSED MADISON LOOP & RARITAN BAY LOOP**

Copy to NJDEP: Ruth.Foster@dep.nj.gov and Megan.Brunatti@dep.nj.gov

Copy to EPA: Knutson.Lingard@epa.gov and Mitchell.Tanya@epa.gov

Dear FERC Leadership:

I am an intervenor in the Northeast Supply Enhancement Project (CP17-101), and I am concerned about the possibility for added soil and water contamination in Old Bridge, Sayreville and the Raritan Bay from construction of the Madison Loop and Raritan Bay Loop in extremely close proximity to identified landfills, contaminated sites, and one NPL Superfund Site. As reported in the DEIS and earlier submissions to FERC from Williams/Transco, these are:

**Nearby Landfills & Contaminated Sites**

1. Road Department Garage Area 3-1 (0.1 mile N of MP9.5) - groundwater contamination / not sure if still active
2. Global Sanitary Landfill & Sommers Landfill (<0.1 mile S of MP10.13-10.38) - not sure if the current status will be protective for the long-term
3. Cheesequake Compost Site (within 2 miles)
4. Morgan Ordnance Depot (0.3 mile N of MP11.0) – contaminated area from ammunition plant explosion
5. Gas Station at 1788 Rt. 35 in Sayreville (MP12.0, 200’ NE of Madison Loop and 165’ N of Raritan Bay Loop) - underground storage tank - active remediation
6. Morgan Fire House in Sayreville (MP12 = 0.1 mile S of Madison Loop & SW of Raritan Bay Loop) - underground medium diesel fuel tank
7. E.I. Dupont Denemours Site (overlaps the proposed Madison Loop at MPs 9.2 & 10.3) - groundwater area overlapping Madison Loop: potential for further investigation was a noted concern; VOCs & metals in groundwater; 2 groundwater monitoring wells near MP 10.2 & one near MP 9.9.

**NPL Superfund Site**

1. Raritan Bay Slag Superfund Site (RBS) Areas 7 & 11 – exit pit for Morgan Shore Approach HDD = in Areas 7 & 11; pre-trenching will cross Area 11

FERC staff noted: “Pre-existing contaminated soil and groundwater could potentially be encountered during construction of the Madison Loop, and construction of the Raritan Bay Loop between the approximate MP 12.5 (the exit pit for the Morgan Shore Approach HDD) and MP 12.7 would encounter contaminated sediments associated with the RBS site.” (DEIS – pp. 4-234,235)

FERC staff clearly identifies the likelihood of encountering contaminated sediments during construction, but they conclude that, for the offshore construction: “Based on the relatively limited distribution of upper-level exceedances for mercury and other heavy metals along the Project route, the short duration of turbidity plumes, and the expected fate of metals released into the marine environment, the risk to aquatic resources from exposure to resuspended metals is expected to be low. However, Transco is continuing to consult with the EPA regarding construction in the RBS site.” (DEIS – page 4-115)

FERC staff also noted: “We have reviewed the Unanticipated Discovery of Contamination Plan and find that implementation of the plan would avoid or adequately minimize potential impacts associated with handling unanticipated, pre-existing, onshore contaminated media. “ (DEIS – page 4-235)

**Issues and Requests brought to the attention of FERC:**

There are many statements in the DEIS and earlier documents on the FERC docket for the NESE Project that acknowledge the existence of contamination in or extremely close to the construction path for these two pipeline loops. However, many of these are dismissed with statements like “low risk” or assumptions that all critical information has been received and analyzed to conclude that there would be adequate minimization of potential impacts. The conclusions of this DEIS are both nebulous and based on incomplete data.

Missing plans from Williams/Transco need to be submitted to FERC and made available to the public with an extension of the comment period for at least another 45 days after they are published. This includes those requested by FERC: (1) Materials and Waste Management Plan that anticipates encountering contaminated water along the Madison Loop, and details the specific measures, including regulatory coordination, that Transco plans to take to properly manage contaminated groundwater; and (2) final information regarding backfill source areas and dredge disposal sites for the offshore segment of the NESE Project.

The DEIS does not address (1) the potential health impacts of unearthing contaminants from soils or waters at these sites or (2) the possibility that contaminants from multiple sites could be unearthed and contribute to combined impacts. Thus, FERC should require an analysis of the potential for cumulative effects from planned construction through or very close to so many contaminated sites.

The Unanticipated Discovery of Contamination Plan does not address the potential for vibrations from construction at the Morgan Shore Approach HDD exit point to cause lead that is on the Raritan Bay Slag jetties to flake off. Thus, FERC should require extended studies of the contaminated area around the RBS Jetty Sector that includes more than the few vibracore samples taken in Areas 7 and 11.

The DEIS notes that Williams/Transco is continuing to consult with the EPA regarding construction in the RBS site (page 4-235). As was mentioned in a prior comment to FERC, the EPA (May 2013) Record of Decision reveals that there are complex currents around the Jetty Sector of the Raritan Bay Slag site that affect depositional areas and paths of resuspended sediments. However, the DEIS did not appear to account for or detail construction methods that accounted for this and would be required to safely avoid recontamination. This EPA document notes that the primary components of the slag are lead, arsenic, antimony, copper, iron and chromium, and these are released by erosion and weathering.

**ISSUE: CONTAMINATED GROUNDWATER AND SOIL IN PROXIMITY TO THE PROPOSED MADISON LOOP & RARITAN BAY LOOP**

Copy to NJDEP: Ruth.Foster@dep.nj.gov and Megan.Brunatti@dep.nj.gov

Copy to EPA: Knutson.Lingard@epa.gov and Mitchell.Tanya@epa.gov

Dear FERC Leadership:

I am an intervenor in the Northeast Supply Enhancement Project (CP17-101), and I am writing about issues with the proposed construction of the Madison Loop and Raritan Bay Loop in Old Bridge, Sayreville and the Raritan Bay going extremely close to or through landfills, contaminated sites, and a Superfund Site. These include the Raritan Bay Slag NPL Superfund Site with lead and other contaminants, groundwater contamination at the Road Department Garage Area 3-1 and the E.I. Dupont Denemours Site, underground fuel tanks at a gas station at 1788 Rt. 35 and the Morgan Fire House in Sayreville, and landfills - the Global Sanitary Landfill & Sommers Landfill and the Cheesequake Compost Site.

In the DEIS (pages 4-234 and 4-235), FERC acknowledged that “Pre-existing contaminated soil and groundwater could potentially be encountered during construction of the Madison Loop, and construction of the Raritan Bay Loop between the approximate MP 12.5 (the exit pit for the Morgan Shore Approach HDD) and MP 12.7 would encounter contaminated sediments associated with the RBS site.”

FERC staff noted that Williams/Transco is continuing to consult with the EPA about construction at the Raritan Bay Slag site, yet they concluded that “Based on the relatively limited distribution of upper-level exceedances for mercury and other heavy metals along the Project route, the short duration of turbidity plumes, and the expected fate of metals released into the marine environment, the risk to aquatic resources from exposure to resuspended metals is expected to be low.” (DEIS, page 4-115). EPA documents about the Raritan Bay Slag Site reveal that the primary components of the slag are lead, arsenic, antimony, copper, iron and chromium, and these are released by erosion and weathering.

ISSUE: It appear that continued consultation could reveal a need for further studies and/or construction plan changes, so the DEIS is not complete. Additionally, EPA records document that there are complex currents around the Jetty Sector of the Raritan Bay Slag site that affect depositional areas and paths of resuspended sediments. It does not appear that the DEIS took this into consideration in their review of documents supplied by Williams/Transco and/or EPA, and there is no mention of specific construction methods that accounted for this and would be required to safely avoid recontamination.

FERC staff also noted: “We have reviewed the Unanticipated Discovery of Contamination Plan and find that implementation of the plan would avoid or adequately minimize potential impacts associated with handling unanticipated, pre-existing, onshore contaminated media. “ (DEIS – page 4-235)

ISSUE: The Unanticipated Discovery of Contamination Plan does not address the potential for vibrations from construction at the Morgan Shore Approach HDD exit point to cause lead that is on the Raritan Bay Slag jetties to flake off and result in increased contamination.

FERC staff identified the fact that Williams/Transco also committed to provide a Materials and Waste Management Plan that will further detail how contaminated media would be managed, and they issued a recommendation for additional information pertaining to measures to take since FERC identified that they will likely encounter contaminated water along the Madison Loop. (DEIS, page 4-235)

ISSUE: Without this additional information, the public is being denied the opportunity to review a thorough reporting and analysis as they propose comments pertaining to environmental impacts.

CONCLUSION & REQUESTS:

The conclusions of this DEIS are both questionable and based on incomplete data since, as has been noted in the DEIS and other documents on FERC’s docket pertaining to contaminated soil or water, the paths of the two pipeline loops would be close to or through contaminated sites. By dismissing issues pertaining to this and claiming that there would be low risk or that there would be adequate minimization of potential impacts without having all the critical information is alarming.

The DEIS does not address the potential health impacts of unearthing contaminants from soils or waters at these sites; or the possibility that contaminants from multiple sites could be unearthed and contribute to combined impacts.

FERC should require an analysis of the potential for cumulative and/or interactive effects from planned construction through or very close to so many contaminated sites.

FERC should gain, independently analyze and publish the missing documents that they requested in the DEIS and, once this is done, publish them on the FERC docket and provide at least an additional 45-day comment period after that occurs. The missing plans include: (1) Materials and Waste Management Plan that anticipates encountering contaminated water along the Madison Loop, and details the specific measures, including regulatory coordination, that Transco plans to take to properly manage contaminated groundwater; and (2) final information regarding backfill source areas and dredge disposal sites for the offshore segment of the NESE Project.

FERC should require extended studies of the contaminated area around the RBS Jetty Sector that includes more than the few vibracore samples taken in Areas 7 and 11.

**ISSUE: OUTREACH EFFORTS & PUBLIC PARTICIPATION DID NOT JUSTIFY DEIS CONCLUSIONS**

Copy to NJDEP: Ruth.Foster@dep.nj.gov and Megan.Brunatti@dep.nj.gov

Dear FERC Leadership:

I am an intervenor in the Northeast Supply Enhancement Project (CP17-101), and I am concerned about FERC’s claim that they met their NEPA-related requirements for engaging the public.

For one of FERC staff’s reasons for their conclusion that “with implementation of Transco’s impact avoidance, minimization, and mitigation measures, as well as their adherence to our recommendations, all Project effects would be reduced to less-than-significant levels”, they claim that: “A high level of public participation was achieved during the pre-filing and post-application review processes and helped inform our analysis.” (DEIS, page ES-13) I beg to differ.

According to the regulations for an Environmental Impact Statement in the National Environmental Policy Act’s (NEPA) regulations (Title 40, Chapter V, Section 1502.1), “the primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.”

In Section 1506.6 (Public Involvement), NEPA regulations list that “Agencies shall: (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.”

FERC noted in their DEIS (page 1-6) that they publicized and held four open houses in June 2016 in areas that would be impacted by this Project, and these were attended by 35 in Lancaster County PA, 25 in Old Bridge Twp. NJ, approximately 250 in Franklin Twp. NJ, and 15 in Brooklyn, NY. Given the significant potential impacts of all components of this NESE project, the low number of attendees at three of the four open houses should have triggered additional outreach to be a true “diligent effort” to involve the public in those areas.

FERC notes that they held four public scoping sessions in September 2016 to “provide an opportunity for agencies, stakeholders, and the public to learn more about the NESE Project and participate in the environmental analysis by commenting on the issues to be addressed in the EIS. The scoping sessions were held in Quarryville, Pennsylvania (approximately 10 attendees); Somerset, New Jersey (approximately 275 attendees); Old Bridge, New Jersey (approximately 50 attendees); and Brooklyn, New York (approximately 15 attendees).” (DEIS, page 1-7)

FERC then points to the verbal statements provided at these scoping sessions, given one-to-one to transcribers by noting that there were 127 statements given by people who attended the scoping session in Franklin Township, and the total number of verbal comments for all four sites was 147. Again, this points to a lack of diligent effort on the part of FERC to engage the public at three of the four sites.

FERC staff list the number of comments received during pre-filing and after the application was published, and they note that “approximately 98 percent of all comments received have pertained to proposed Compressor Station 206.” (DEIS, page 1-8) Again, this points to a lack of outreach efforts on the part of FERC in three of the four potentially impacted areas.

As a concerned resident near the proposed Compressor Station 206 site, I can tell you that the public awareness of this project was not due to efforts of FERC. The impacted residents who received the initial letter (some of the 134 landowners living within 0.5-mile of the site) began to contact other local residents and elected officials to find out about this Project. I would have to go back to earlier documents on the FERC docket to see the number of impacted residents in Old Bridge/Sayreville, New York and Pennsylvania who received a similar notice. Regardless of this, the claim by FERC that it met its NEPA obligation is not true since public participation in 3 of the 4 areas was clearly dismal compared with that near the proposed compressor station.

What can FERC do now to make sure that they are truly making an effort to engage the public?

**ISSUE: OUTREACH EFFORTS & PUBLIC PARTICIPATION DID NOT JUSTIFY DEIS CONCLUSIONS**

Copy to NJDEP: Ruth.Foster@dep.nj.gov and Megan.Brunatti@dep.nj.gov

Dear FERC Leadership:

I am an intervenor in the Northeast Supply Enhancement Project (CP17-101), and I am writing to make sure that FERC knows that their “outreach efforts” for public participation were not what they led readers of the DEIS to believe.

When FERC staff wrote that one of their reasons for believing their conclusions in this DEIS that, with implementation of measures proposed by Williams/Transco (and not completed to date) as well as recommendations from FERC (again – not completed to date), was that there was “A high level of public participation was achieved during the pre-filing and post-application review processes and helped inform our analysis” (DEIS, page ES-13), I was left speechless. Here are the facts, as presented by FERC in the DEIS (pages 1-6, 1-7):

FERC’s Open Houses (June 2016)

Brooklyn, NY = 15 attendees

Old Bridge, NJ = 25 attendees

Lancaster County, PA – 35 attendees

Franklin Twp., NJ = 250 attendees

Scoping Sessions (September 2016)

Brooklyn, NY = 15 attendees

Old Bridge, NJ = 50 attendees

Quarryville, PA = 10 attendees

Somerset (Franklin Twp.), NJ = 275 attendees

Verbal Statements given at four Scoping Sessions (not in public; given in a separate space to a person who transcribed the comments)

Total = 147

On these, 127 statements were given in Franklin Twp.

(So, I assume that 20 statements in total were given at the three other locations.)

Comments on the FERC docket during Pre-Filing = nearly 2,300 (FERC’s statements in the DEIS do not clarify if these were only during Pre-Filing or also included comments after the Application)

Note: On page 1-8 of the DEIS, FERC staff note that approximately 98% of the comments received pertained to Compressor Station 206 (Franklin Twp.)

Requests to be Intervenors = over 2,000 individuals and organizations (locations were not delineated by FERC)

Thus, there appears to be a true lack of FERC’s diligent outreach effort to elicit public participation in the areas of Pennsylvania, New York and the Raritan Bay area towns in New Jersey (Old Bridge & Sayreville). FERC should have recognized these disparities, which showed very low participation in three of the four impacted areas, after the Open Houses and then made a true diligent effort to reach out to engage folks in the Scoping Sessions that they wrote were to “provide an opportunity for agencies, stakeholders, and the public to learn more about the NESE Project and participate in the environmental analysis by commenting on the issues to be addressed in the EIS.” (DEIS, page 1-7)

Now that FERC has published their DEIS and established a 45-day “comment period” for people to file to become Intervenors and send comments to FERC, I ask: What is FERC doing to right the wrong in their apparent lack of compliance with NEPA regulations?

As a point of clarification regarding FERC’s need to outreach to elicit public participation, I looked at the National Environmental Policy Act’s (NEPA) regulations: “the primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.” (Title 40, Chapter V, Section 1502.1) and “Agencies shall: (a) Make diligent efforts to involve the public in preparing and implementing their NEPA procedures.”

(Title 40, Chapter V, Section 1506.6)

Claiming that total numbers show that FERC met its NEPA obligation is both misleading and dishonest.