



State of New Jersey

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE
Commissioner

Division of Land Use Regulation
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www.nj.gov/dep/landuse

September 12, 2018

Mr. Joseph Dean
Manager, Environmental Health and Safety
Transcontinental Gas Pipe Line Company, LLC
2800 Post Oak Boulevard
P.O. Box 1396
Houston, Texas 77251-1396

Re: Transcontinental Gas Pipe Line Company, LLC
Proposed Northeast Supply Enhancement Project
Request for Flood Hazard Area Individual Permit, Flood Hazard Area Verification,
Freshwater Wetlands Individual Permit, Waterfront Development Permit (Upland & In-
Water), Coastal Wetland Permit
LUR File No. 0000-01-1001.3FHA170001, FHA170002, FWW170001, WFD170001,
WFD170002, CSW170001

Dear Mr. Dean:

On June 20, 2018 Transco submitted an application to the Division of Land Use Regulation for the referenced permits. On July 18, 2018 the Division issued a deficiency letter requesting additional information for this application. On September 4, 2018, the Division received a response to the July 18, 2018 deficiency letter.

The Division has reviewed the September 4 submittal and has determined that items 1, 2, 3, and 4 of the July 18, 2018 deficiency have not been satisfied and therefore the Division has determined that the referenced application remains deficient.

1. The submitted project plans and tax maps for the Madison Loop shows construction, temporary access roads, staging areas, easement expansion, and new pipe line alignment outside of Transco's existing right-of-way on at least 3 properties not owned by Transco. Please provide written property owner consent for the affected properties.

Response: There is now only one property owner with two parcels (out of 23 properties), not owned by Transco, within regulated features for which Transco is seeking consent....

Because Transco has not obtained all necessary property owners consents, this deficiency item

remains outstanding.

- 2. Transco has provided sediment testing and analysis of the proposed dredge material for raw bulk sediment chemistry and a geotechnical analysis. However, additional testing is required if the material is to be processed and placed at an upland placement site. This additional testing is referred to as the structural fill protocol and/or processed dredged material product testing as per the Department's Dredging Technical Manual. The Department notes that while a letter of acceptance from Clean Earth demonstrates that the facility has the capacity to process the proposed amount of material, it did not identify a beneficial use site for the material because the additional analyses mentioned above are necessary to evaluate the placement of the material at a given site. Therefore, it is necessary for Transco to resample the dredged material to be removed from locations within the exit pit area and clamshell bucket dredging areas using the structural fill protocol. Transco should submit a new sediment and analysis plan to the NJDEP for review and approval prior to proceeding with the additional sampling event.*

Response: Transco had developed a draft Sediment Sampling and Analysis Plan (SSAP) for upland disposal of dredged materials. On August 28, 2018, Transco met with the NJDEP Division of Land Use Regulation (DLUR) to review the draft sampling protocol and proposed campaign schedule. Transco will finalize the draft SSAP based upon comments received during that meeting and submit the final SSAP to the NJDEP LUR on September 14, 2018.

Transco submitted a draft SSAP (Version 3) to the Division and it is currently under review. Therefore, Transco has not submitted a final SSAP to the Division which would allow the applicant to then perform the necessary sediment and analysis of the sediments for processing and upland placement. This data is necessary for the applicant to obtain a letter of acceptance from a proposed upland beneficial use site. Therefore, this item remains deficient.

- 3. Transco proposes to take dredged material to the Historic Area Remediation Site (HARS) and all dredged materials not accepted by the HARS to an alternate upland placement site. However, Transco has not received an approval from the Army Corps of Engineers to place the dredged material at the HARS site and has not provided an appropriate letter of acceptance from any other acceptable dredge placement site for the dredged material that indicates the material meets their analytical requirements.*

Response: Transco has conducted a survey campaign to characterize the chemical composition of offshore sediments for which disposal at the HARS is a proposed option. Laboratory analysis of these sediment, required as part of Transco's Marine Protection, Research, and Sanctuaries Act (MPRSA) Section 103 permit application to dispose of materials at the HARS, is anticipated to be complete in September 2018. Transco intends to submit a complete analysis report to the United States Army Corps of Engineers (USACE) for review in October 2018.

Based on communications with the USACE (Knowles 2018), Transco anticipates that the USACE will issue a decision regarding Transco's Section 103 application by January 2019. Transco will provide a copy of the approval once received.

As indicated in the response, Transco has not yet received approval from the USACE to place the dredged material at the HARS site and has not provided an appropriate letter of acceptance from any other acceptable dredge placement site for the dredged material that indicates the material meets their analytical requirements. Therefore, this item remains deficient.

4. *Please provide any letters or communication with the USACE that the agency is aware and in agreement on removal of sediment from the Ambrose Channel and the Jamaica Bay Entrance Channel to be use as backfill material in the dredge areas and exist pits. Please note that due to fine-grained texture of the material identified in the U.S. Navy Earle Entrance Channel or the Sandy Hook Channel, it does not appear that material from these channels would be appropriate for the use of this material as backfill in the dredge areas.*

Response: Transco is coordinating with the USACE NY District on proposed channels as sources of backfill material. Transco met with the USACE NYD staff on January 26, 2017 to discuss potential in-water sources of backfill material. In this meeting, USACE stated that it could be possible for Transco to obtain a permit to dredge Ambrose Channel, or other channels with historically suitable material, such as Sandy Hook Channel or the Naval Station Earle Pier access channel in Sandy Hook Bay. Transco met with the USACE NYD staff again on July 25, 2017 to discuss in -water backfill sources. During this meeting, the USACE stated that the Jamaica Bay Entrance Channel may also be a viable site. (In addition to Jamaica Bay, Transco provided the USACE with supplemental information to update their application to identify Ambrose Channel and Naval Station Earle Entrance Channel/Sandy Hook Channel). Based on communications with the USACE, Transco anticipates that the use of the proposed channel backfill sources will be approved by the USACE.

Transco has not provided documentation from the USACE that the agency is in agreement on the removal of sediment from the Ambrose Channel and/or the Jamaica Bay Entrance Channel for use as backfill in the dredge and exit pit areas. Therefore, this item remains deficient.

Items 5 through 8 of the July 18, 2018 referred to deficiencies in the Stormwater management design.

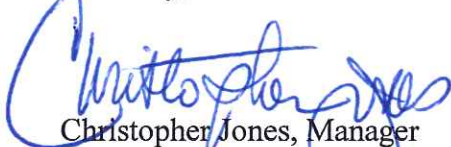
Additional information has been provided to address deficiencies 5 through 8 and this information is under review by our engineering staff. You will be contacted if additional information is necessary to demonstrate compliance with the Stormwater Rule, N.J.A.C. 7:8.

Although the application remains deficient, the Division will continue to work with Transco to assist in addressing the outstanding deficiency items. As you know, the Division has been communicating with Transco and its representatives regularly to facilitate the submittal of the requested information. In addition, Division staff had met with Transco and its representatives on August 1 and 28 to discuss the outstanding deficiencies.

As per the Coastal Zone Management Act Federal Consistency Regulations, specifically part 930.60 it should be noted that DLUR's review has not yet begun and a response to the outstanding deficiencies must be submitted before the State's review of the requested Consistency Determination can commence.

Please don't hesitate to contact Matthew Resnick of my staff at Matthew.Resnick@dep.nj.gov or at (609) 984-6216 if you have any questions.

Sincerely,



Christopher Jones, Manager
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Bureau of Urban Growth & Redevelopment

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