**TO:** Matthew Resnick **COPIES VIA EMAIL TO:**

Division of Land Use Regulation Ginger Kopkash, Assistant Director Ginger.Kopkash@dep.nj.gov

Mail Code 501-02A Governor Murphy constituent.relations@nj.gov

P.O. Box 420

Trenton, New Jersey 08625 – 0420

Matthew.resnick@dep.nj.gov

**REGARDING:**

APPLICANT: Transcontinental Gas Pipe Line Company LLC

PROJECT: Northeast Supply Enhancement (NESE) Project

FILE NUMBERS: NJDEP File No. 0000-01-1001.3 FWW 180001 Individual Permit

NJDEP HEARING DATE: 11/5/18

**FROM:**

Full Name:

Full Address:

The overall NESE Project is expected to 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.

Under the Freshwater Wetlands Protection Act Rules, the Freshwater Wetlands Individual Permit Application must also comply with the Stormwater Management rules before the NJDEP could approve Williams/Transco’s Freshwater Wetlands Individual Permit application.

**THE FRESHWATER WETLANDS INDIVIDUAL PERMIT APPLICATION IS NOT COMPLETE, AND IT DOES NOT MEET ALL REQUIREMENTS OF NEW JERSEY’S FRESHWATER WETLANDS PROTECTION ACT RULES OR THE STORMWATER MANAGEMENT RULES.**

1. The NJDEP issued deficiency letters detailing missing information that needs to be provided in sufficient detail before the application is considered to be technically complete. Plans need to be redesigned to be in compliance with stormwater management rules according to the NJDEP’s September 27, 2018 letter.
2. Both the Compressor Station 206 and Madison Loop are considered to be “major developments” under the Stormwater Management rules. Thus, no Freshwater Wetlands Permit can be issued until the entire NESE Project complies with the Stormwater Management rules.
3. Measures to address stormwater management for Compressor Station 206 have not yet been found to be acceptable to the NJDEP, and therefore, the full application cannot be considered to be in compliance with the Stormwater Management rules.
4. The proposed bioretention basin(s) for the Compressor Station 206 are likely never to pass requirements since this site has a high water table & bedrock is hit at a shallow level.
5. Williams/Transco has not obtained an agreement to use Block 5.02, Lot 23 for the suction & discharge and tie-in piping for Compressor Station 206, and this does not meet requirements for a copy of the deed and/or other legal documents pertaining to the site.

**ADDITIONALLY, WILLIAMS/TRANSCO’S PROPOSED STORMWATER BASIN IS SUBJECT TO NEW JERSEY’S DAM SAFETY REGULATIONS (N.J.A.C. 7:20)**

1. Based on the depth of the proposed basin, the proposed facility will require that it be classified as a Class IV Dam, in accordance with New Jersey Dam Safety Regulations. The dam height for the proposed basin is 7 feet. Class IV dams have a spillway design storm of the 24 hour 100-year frequency Type III storm plus 50 percent.
2. Williams/Transco has not properly designed the stormwater basin to satisfy the requirements of these safety regulations.
3. This will lead to a failure that threatens all downstream properties including wetlands and Carter Brook.

NJDEP has issued deficiency letters to Williams/Transco for their June 19, 2018 permit applications on July 18, 2018 and September 12, 26, and 27, 2018. These letters identify information needed by the NJDEP to consider the application to be technically complete and, therefore, complete for review.

The NESE Project does not give anything to New Jersey, and it does not forward State goals to move toward renewable energy. Looking at science, research, prior experiences with pipeline projects, and a need for Williams/Transco to follow the letter of New Jersey’s regulations, the application for a Freshwater Wetlands Individual Permit should be denied by the NJDEP.