**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:

According to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A, **compelling public need** means that “based on specific facts, the proposed regulated activity will serve an essential health or safety need of the municipality in which the proposed regulated activity is located, that the public health and safety benefit from the proposed use and that the proposed use is required to serve existing needs of the residents of the State, and that there is no other means available to meet the established public need.”

Under the Freshwater Wetlands Protection Act Rules, NJDEP must address whether the NESE Project is in the “**public interest**.” Under these rules, NJDEP must consider, among other factors, whether the “public interest in preservation of natural resources” is being served by a project. 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.

Additionally, the NJDEP must consider the relative extent of the public and private need for the proposed regulated activity as part of its “public interest” review.

Furthermore, the NJDEP must consider the practicability of using reasonable alternative locations and methods, to accomplish the purpose of the proposed regulated activity, where there are unresolved conflicts as to resource use as part of its “public interest” review.

**THE NESE PROJECT IS NOT IN THE PUBLIC INTEREST AND DOES NOT PRESERVE OUR NATURAL RESOURCES. THERE IS NOT A COMPELLING NEED FOR IT ACCORDING TO THE FRESHWATER WETLANDS PROTECTION ACT RULES.**

1. There is an incomplete and sparse comparison of electric motor-driven to gas-fired compressor units as a reasonable alternative method. Williams/Transco used remote sensing photography to develop a possible route for the transmission lines without documentation of any consultation with PSEG. Additionally, their comparison of emissions was only for NOx, SO2 and CO2. From a natural gas-fired compression station, there are many more caustic chemical airborne emissions. Thus, such a comparison should be viewed with skepticism, and Williams/Transco should be required to provide a more valid plan for comparison. The importance of considering an electric vs. a gas-fired compression station is relevant in terms of noise and airborne pollutants that could impact wetlands and water sources in the area, and it is also an important consideration in terms of safety risks.
2. Williams/Transco failed 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. Williams/Transco ultimately selected a site with significant wetland impacts that include the permanent loss of 2.64 acres of forested wetland. They did not consider using adjoining sites that met their criteria which would have had less wetlands impact.
3. 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 NJDEP to determine that the Project is in the public interest.
4. According to the reports noted below, New York does not need the amount of additional natural gas planned to be delivered by the NESE Project. Adding natural gas infrastructure does not help New York or New Jersey reach their goals of higher renewable energy sources. (a, b) Even if National Grid converted all residential and commercial heating units from oil to gas, the NESE would deliver twice as much gas as would be needed.

\_\_\_\_\_\_\_\_\_\_\_

1. According to ICF International’s 2012 report for the NYC Mayor’s Office of Long-Term Planning and Sustainability, conversion of New York City’s boilers would require a maximum increase of National Grid’s gas supply by 6%. Source: http://www.nyc.gov/html/om/pdf/2012/icf\_natural\_gas\_study.pdf, yet the NESE Project would increase National Grid’s capacity by more than 64%.
2. In comments to FERC on May 14, 2018, National Grid noted that they only need approximately a 10% increase in natural gas to cover both New York City and Long Island: “Over the next ten years, Peak Day gas demand in the National Grid NY and National Grid LI service territories is expected to grow by more than ten percent due to the continued conversion of oil-fired heating systems to run on natural gas as well as increased demand from new construction customers. Furthermore, in assessing the adequacy of its current gas supply portfolio, National Grid has identified a need for additional gas supply beginning in the 2019/2020 heating season in order to support this customer demand growth in downstate New York.” (FERC Accession No. 20180514-5995)
3. There is no public safety & health benefit for people in New Jersey from NESE.
4. The NESE Project would not deliver an energy supply to New Jersey.

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.

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.

Williams/Transco’s failure to provide factual support for the “need” puts in question the entire Freshwater Wetlands Individual 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.