

**Urge Governor Murphy and NJDEP  
TO DENY WATER PERMIT APPLICATIONS  
for the Northeast Supply Enhancement Project (NESE)**

**Tell NJ State Legislators to support a denial of the permits**

Call & send messages during the months of March & April 2019.

NJDEP has to make their decision on the water permit applications by May 6, 2019.

- ➔ Call Governor Murphy at (609) 292-6000.
- ➔ Call Commissioner McCabe at (609) 292-2885.
- ➔ Look for online petitions to sign. You can personalize the online letters. One can be found at:  
<https://secure.foodandwaterwatch.org/act/deny-nese-permits>
- ➔ Sign a letter to Governor Murphy and the NJDEP Commissioner. One can be found on the website, [www.scrap-NESE.org](http://www.scrap-NESE.org). Share it with your family, friends and neighbors to ask them to do the same.
- ➔ Call State Legislators (see attached listing).

- ✓ Let them know that you are counting on the NJDEP to scrutinize the applications and hold Williams-Transco to the high environmental requirements of NJ with the expectation that the water permits will be denied.
- ✓ Tell them why you care. Express your concerns that are relevant to the water permit applications.
- ✓ You can also express your disappointment that the air pollution permit was already given for the NESE Project & let them know of your concerns about the health impacts of the air pollutants from Compressor Station 206.
- ✓ The goal is to have them be partners in protecting our air, water, environment and wildlife.

**THE BALL IS IN GOVERNOR MURPHY'S COURT!**

- ◆ NJDEP can only stop the NESE Project by denying the water permit applications.
- ◆ Thus, comments should make points about the risks and dangers to water quality and endangered or threatened species

**We've been at this for a long time, and now is a critical time to have your voices heard where they can make a difference.**

Since FERC will likely issue the Certificate of Public Convenience and Necessity in the next month or two, even though they ignored many comments about our concerns -

**IT'S NOW UP TO GOVERNOR MURPHY AND NJDEP TO DENY OR APPROVE WATER PERMIT APPLICATIONS.**

The proposed Compressor Station 206 and pipeline under Raritan Bay will not be built if Williams/Transco does not get all permits needed from the New Jersey Department of Environmental Protection (NJDEP) & New York Department of Environmental Conservation (NYSDEC).

**NJDEP can stop the assault on our health, safety and the environment posed by the NESE Project.**

**STEP ONE: Call Governor Murphy & Commissioner McCabe.**

The goal is to have them (1) get NJDEP to deny the water permit applications, (2) hear your concerns about NESE, and (3) be your partner in protecting our air, water, environment and wildlife.

**Governor Phil Murphy**  
Office of the Governor  
PO Box 001  
Trenton, NJ 08625

(609) 292-6000

[Constituent.relations@nj.gov](mailto:Constituent.relations@nj.gov)

**Catherine R. McCabe, Commissioner**  
NJ Department of Environmental Protection  
401 East State Street - 7<sup>th</sup> Floor, East Wing - PO Box 402  
Trenton, NJ 08625-0402

(609) 292-2885

[Commissioner@dep.nj.gov](mailto:Commissioner@dep.nj.gov)

**Water Permit Applications for the NESE Project are for:**

- Freshwater Wetlands
- Coastal Wetlands
- Flood Hazard Area
- Waterfront Development

**SUGGESTED SHORT SCRIPT:** My name is ... and I live in .... I am calling to express my opposition to the Northeast Supply Enhancement project (NESE). The NJ Department of Environmental Protection (NJDEP) has the authority and responsibility to protect the waters and wetlands of New Jersey from damaging projects under the federal Clean Water Act. The NESE Project poses a serious threat to our shore, wetlands and marine life. Therefore, I urge the NJDEP to deny the water permit applications from Transcontinental Gas Pipeline Corporation for the NESE Project.

**Options to add to calls are provided on the next three pages. Add your own personalized message. More detail about these points and references can be found in the Talking Points on the next pages and on [www.scrap-NESE](http://www.scrap-NESE) ( click on "Action Alert: Urge Gov. Murphy and NJDEP to Deny Water Permit Applications for Compressor Station 206" located on the right hand side of the home page under "Updates & News") & [www.stopthewilliamspipeline.org](http://www.stopthewilliamspipeline.org)**

# TALKING POINTS FOR PHONE CALLS

- I expect the NJDEP to protect us from the risks from erosion, digging through acid-producing soil and near Superfund and toxic sites, and adding greenhouse gas that increases climate-related risks of flooding and sea level rise with resultant health and economic harms. The NESE application does not avoid these risks.
- I expect the NJDEP to protect us and marine life from plans to dig up decades of toxins that have been buried beneath the sea floor, and this cannot be avoided by constructing a pipeline in Raritan Bay.
- I expect NJDEP to consider that the methane which will be released and leaked for decades from the compressor station and pipelines would add to climate change impacts on the severe weather events that have been increasing and threaten both our shore and inland areas.

## **1. NJ Clean Energy Goals would be thwarted by NESE.**

- NESE is one of a dozen currently proposed fossil fuel-burning projects in NJ.
- Building it would be in opposition to Governor Murphy's goals for increased clean energy and reduced greenhouse gas emissions.
- Operating NESE would create increased greenhouse gas and other toxic chemical emissions, and NJ is already an ozone-compromised region.
- Most projects of Williams/Transco in NJ have been expanded within a few years.
- Though the Marcellus Shale region has a lot of gas, NJ should not bear the safety & health risks of company profits to become the Pipeline State.

## **2. Air Quality & Health Impact**

In addition to threats to health from the toxic emissions from gas-fired compressor stations, the NESE Project's impact on climate change can be seen in flooding, temperature increases, other health risks, and displacement. As the climate warms and atmospheric carbon dioxide increases, the amount and potency of the allergens like ragweed and airborne fungi increases, with significant consequences for exacerbating asthma and other forms of respiratory distress. Other consequences could include higher cooling costs and a heightened risk of heat stroke. Warmer temperatures will also exacerbate the risk of vector-borne diseases like Lyme and West Nile Disease.

Extreme weather events not only result in damage to property, businesses, infrastructure and the environment, but also trigger stress and depression in people and are associated with costly health risks like water borne infections as well as increases in dampness and mold that trigger more allergies and respiratory disorders. Milder, shorter winters have increased the population of disease-carrying insects in our area. Longer and wetter seasons lead to more asthma, allergies and respiratory disorders. Flooding events are a pathway for pollution and bacteria to enter our waterways.

### **3. Safety Risk – Fires or Explosions**

Williams/Transco's Northeast Supply Enhancement Project (NESE), with its proposed compression station, would increase the volume of gas and velocities through the existing system. Simply put, we'd be pushing more gas, faster and hotter through aging lines. This could lead to increased corrosion rates as well as weld failures.

New Jersey has already begun to step up and take a proactive approach to prevent a devastating accident by passing pipeline safety resolution ACR164 out of committee and its sister resolution SCR118 through the full senate - telling the federal government that we can no longer tolerate the much weaker requirements interstate pipelines are held to.

### **4. Risks to Water Supply and Groundwater**

Construction of the NESE Project could reduce the capacity of wetlands to buffer flood flow and control erosion. There was no factual determination by Williams/Transco that their Erosion and Sediment Control Plan would ensure that ground or surface water would not be degraded.

Both the Compressor Station 206 and Madison Loop are considered to be "major developments" under the Stormwater Management rules, and the entire NESE Project needs to be in compliance with the Stormwater Management rules.

### **5. Risks from Construction in Raritan Bay**

The construction of a pipeline under the sea floor is a highly intrusive process that threatens the progress made in cleaning the waters and air of the Raritan and New York Lower Harbor Bays. The excavation of a trench that is a minimum of six feet deep over a 23.5 mile-long path under Raritan Bay and New York Lower Harbor will dig up toxic substances now buried in the sea floor. Trenching will kick-up more than 1 million cubic yards of sediment containing heavy metals and PCBs. The trenching will churn these toxins up into the water, threatening both marine and human health.

The number and nature of marine vessels that will be intensively engaged 24/7 for much of a nine-month period will be powered by engines producing noxious gasses that pollute the air.

### **6. NESE is not in the Public Interest.**

If NESE's Compressor Station 206 and pipeline in & by the Raritan Bay are constructed, we and future generations will be subjected to risks from air and water pollution, potential explosions, and extreme weather events. We believe that exposure to pollutants, carcinogens and poisons, and safety risks for the profits of the fossil fuel industry should not be acceptable.

According to a statement on the governor's website, the Renewable Energy bill (P.L. 2018, Chapter 17), passed and signed by Governor Phil Murphy in May of 2018, "establishes one of the most ambitious renewable energy standards in the country by requiring 21 percent of the energy sold in the state be from Class I renewable energy sources by 2020; 35 percent by 2025 and 50 percent by 2030. ... In addition, Governor Murphy signed Executive Order No. 28

directing state agencies to develop an updated Energy Master Plan (EMP) that provides a path to 100 percent clean energy by 2050. The new EMP is to be completed and delivered by June 1, 2019 and will provide a blueprint for the total conversion of the State's energy production profile to 100 percent clean energy sources by January 1, 2050."

Source: [https://nj.gov/governor/news/news/562018/approved/20180523a\\_cleanEnergy.shtml](https://nj.gov/governor/news/news/562018/approved/20180523a_cleanEnergy.shtml)

## **7. There is a Questionable Need for this Added Gas in New York.**

Despite the claims of Williams/Transco and National Grid, the outlook for natural gas demand in the region simply does not warrant increasing the supply. The Northeast Supply Enhancement Project is an expensive project that nobody needs.

Williams/Transco and National Grid claim that the NESE project is necessary because NYC needs more natural gas, but there is no publicly available data that backs this up. In its application to FERC, Williams/Transco says that "National Grid has forecasted a need for additional natural gas supply to meet residential and commercial demands due to population and market growth within its service territory." However, Williams/Transco requested that the supporting market data be kept out of the public record because it contains "confidential commercial information" from National Grid. Yet, National Grid is a monopoly; it is the only supplier of natural gas for its service area with no competitors who could benefit from such information. Similarly, National Grid has said that it needs the NESE to support increasing demand, but simply asserts this with no supporting data.

**On the next pages are talking points for  
the NJDEP Hearing on March 18  
as well as for written or emailed comments to be  
submitted/sent up until April 2, 2019.**

**These are separated into topic areas:**

- 1. NESE Threatens State Goals & Effect of Climate Change and Emissions**
- 2. NESE Construction Threatens Water Quality in Raritan Bay & the Shoreline Economy**
- 3. NESE Threatens Wetlands and Stormwater Runoff**
- 4. NESE Threatens Marine Mammals and Sea Turtles**
- 5. NESE Threatens Shellfish, Horseshoe Crabs and the endangered Atlantic sturgeon**

## **Talking Point: NESE Threatens State Goals & Effect of Climate Change and Emissions**

### **We Need Clean Energy Now**

New Jersey has ambitious clean energy goals, as does New York State. The NESE Project is a large overbuild fossil fuel project that would hinder attainment of those goals by increasing our dependence on fossil fuels for years to come.

New Jersey has suffered the effects of severe weather events like Superstorm Sandy and many rain bombs, and the NESE Project would make these worse since the transportation and use of natural gas includes planned and unplanned leaks of methane. Though we did not have a hurricane in 2018, that was the wettest year on record in New Jersey, and fossil fuel use contributes to this.

In addition to threats to health from the toxic emissions from gas-fired compressor stations, the NESE Project's impact on climate change would be seen in flooding, temperature increases, other health risks, and displacement.

Construction and operation of the compressor station and pipelines that are part of the NESE Project will increase greenhouse gases in New Jersey that lead to significant weather events. Compressor stations and gas pipelines leak methane – the most potent short-term greenhouse gas.

Many of us remember that Superstorm Sandy destroyed or damaged over 30,000 properties, cost over \$36 billion, and resulted in 37 deaths in NJ alone. Six years after Superstorm Sandy, over 1,000 NJ families were still not back in their homes. Inland flooding from Hurricanes Floyd and Irene showed that it's not just shore towns that are threatened by hurricanes.

Leaking and burning of natural gas adds to more frequent and more intense weather events like floods, hurricanes, heavy rains and heatwaves and these, in turn, impact our health and security while increasing the likelihood of infectious diseases and stress.

Climate change-fueled natural disasters have led to exceedingly high costs, and these costs don't even begin to consider the costs to human health, both physical and psychological.

As the climate warms and atmospheric carbon dioxide increases, the amount and potency of the allergens like ragweed and airborne fungi increases, with significant consequences for exacerbating asthma and other forms of respiratory distress. Other consequences could include higher cooling costs and a heightened risk of heat stroke. Warmer temperatures will also exacerbate the risk of vector-borne diseases like Lyme and West Nile Disease.

Extreme weather events not only result in damage to property, businesses, infrastructure and the environment, but also trigger stress and depression in people and are associated with costly health risks like water borne infections as well as increases in dampness and mold that trigger more allergies and respiratory disorders. Milder, shorter winters have increased the population of disease-carrying insects in our area. Longer and wetter seasons lead to more asthma, allergies and respiratory disorders. Flooding events are a pathway for pollution and bacteria to enter our waterways.

New Jersey has high clean energy goals, and the NESE Project would hinder attainment of those goals. The NESE Project would not help New Jersey reach its goals of reducing greenhouse gases and transitioning to clean renewable energy.

According to a statement on the governor's website, the Renewable Energy bill (P.L. 2018, Chapter 17), passed and signed by Governor Phil Murphy in May of 2018, "establishes one of the most ambitious renewable energy standards in the country by requiring 21 percent of the energy sold in the state be from Class I renewable energy sources by 2020; 35 percent by 2025 and 50 percent by 2030. ... In addition, Governor Murphy signed Executive Order No. 28 directing state agencies to develop an updated Energy Master Plan (EMP) that provides a path to 100 percent clean energy by 2050. The new EMP is to be completed and delivered by June 1, 2019 and will provide a blueprint for the total conversion of the State's energy production profile to 100 percent clean energy sources by January 1, 2050."

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If NESE's Compressor Station 206 and pipeline in & by the Raritan Bay are constructed, we and future generations will be subjected to risks from air and water pollution, potential explosions, and extreme weather events. We believe that exposure to pollutants, carcinogens and poisons, and safety risks for the profits of the fossil fuel industry should not be acceptable.

New Jersey is already in an ozone-compromised region. Though the Marcellus Shale region has a lot of gas, NJ should not bear the safety and health risks of company profits to become the Pipeline State.

It should be noted that most projects of Williams/Transco in NJ have been expanded within a few years.

New Jersey is moving quickly to establish itself as a leader in clean renewable energy for use and jobs, and the NESE Project, along with at least a dozen other proposed fossil fuel projects in New Jersey, threatens that progress. Building and operating the NESE Project would guarantee reliance on fossil fuels.

## **Talking Point: NESE Construction Threatens Water Quality in Raritan Bay & the Shoreline Economy**

Coastal water has improved significantly since their low point in the 1970s. Stricter environmental laws, investments in waste treatment, and the decline of industries on the rivers that flow into the region have led to a dramatic improvement in water quality. The old toxins have become buried beneath the seabed of the Raritan Bay.

Under the Federal Water Quality Act, states have the right and the duty to protect the quality of their local waters. Under New Jersey State law, it is the Department of Environmental Protection that carries out this responsibility. The NJDEP must evaluate any project that might degrade the color, clarity, temperature, or odor of NJ waters, or that might introduce oils, chemicals, or other refuse. Thus far, Williams/Transco has not demonstrated that they would not degrade water quality in Raritan Bay or wetlands from construction of the NESE Project.

### **Contaminated Underwater Sediments**

Laying a 26-inch diameter pipeline in a 26-mile long trench below the seafloor is a very disruptive construction project that will result in a significant decline in the quality of the water in the Raritan Bay and threaten the large variety of marine wildlife that call it home. The NESE Project will increase the toxic substances in the waters in which we swim and fish.

A shortened timeline increases the intensity of work so the overall impacts will be magnified. Further, deeper drilling has been approved in some New York areas, having further reaching effects on the timeline and backing into the work in New Jersey. If the sediment modeling was conservative and was based on a 15-month timeline, there should be greater impacts since faster excavation rates are being requested, and increased depths are now proposed in certain areas. Faster excavation rates would also lead to greater loss of sediment into the water column. This could not have been fully accounted for and still maintain a minimal impact, as is currently reported.

The potential resuspension and redistribution of toxic substances now buried under the seafloor is one of the most serious impacts of this pipeline construction on the water quality in Raritan Bay. These toxins pose a serious danger to both human health and marine wildlife.

Trenching will kick-up more than 1 million cubic yards of sediment containing heavy metals and PCBs.

Dredging up buried industrial toxins (like arsenic, lead, zinc and mercury) and organic compounds (PCBs, DDT, dioxins) from the seabed will poison fish, shellfish and marine life in the Raritan and Lower NY Bays. Dredged-up toxins could affect aquatic migration, clog fish gills, interfere with breeding, and contribute to harmful algae blooms.

There are many points along the proposed route that exceed contamination levels; minimal to no testing was done to test sediment along other alternate routes to determine if there were routes with less contamination. FERC's FEIS maintains that "Concentrations of organic contaminants were greater than upper level effects thresholds at approximately 33 percent of the sample sites. Approximately 83 percent of the sample sites had at least one exceedance of an inorganic (metal) threshold." The sediment modelling does not address the effects of the different toxins in the contaminated sediments

to any of the marine species (benthic or pelagic, migratory or otherwise) that may be exposed to those chemicals (including sediment used in backfill) with minimal evaluation of the effects otherwise. Such an oversight underscores Williams/Transco's intentional focus on sediment transport and misdirection away from what is actually in the sediment.

Exceedances of upper-level effects thresholds for heavy metals (e.g., copper, lead, zinc, mercury) were detected at multiple locations. These included exceedances for mercury at one site; lead and mercury at one site; lead, zinc, and mercury at two sites; and copper, lead, and mercury at one site.

The impact on human health of these substances is well known. Arsenic, for example, causes a variety of cancers in humans. Lead causes neurologic impairment, especially in children. PCBs enter the food chain. More than 90% of human exposure to PCBs is through food, including fish and shellfish.

Additionally, Williams/Transco plans to release water used in testing the pipeline into the bay. Their plan involves releasing 3.2 million gallons of seawater that was treated with the toxic chemical CORRTREAT 15316. According to the Environmental Protection Agency, CORRTREAT 15316 is a highly toxic substance harmful to humans.

Part of the Raritan Bay Loop would go through the Raritan Bay Slag Superfund Site. Lead, arsenic, antimony, copper, iron and chromium, are the primary contaminants contained in slag. Other metal contaminants include manganese, vanadium and zinc. Areas 7 & 11 of the Raritan Bay Slag Superfund Site are part of the NESE construction workspace, and toxic levels of lead, arsenic and other heavy metals have been found by the EPA and NJDEP in soils, sediments and surface waters here. The complex currents, eroded slag particles and dissolved metals from the jetty have not been adequately accounted for in avoidance plans by Williams/Transco. EPA recommended continued consultation about construction here.

### **Threat of Harmful Algal Blooms (HABs)**

Incidence of **Harmful Algal Blooms (HABs)** is likely to increase due to resuspended sediments increase. This issue is not addressed by the NJ DEP permit and it clearly affects Water Quality Certification. Though admitting to the fact that the study was not done in a saltwater environment similar to the project area, the FERC FEIS maintains that this would have a negligible effect on potential for HAB formation. However, the study was just of placement of dredge sediment with little mention of its level of contamination. Part of what we have seen influencing HAB occurrence, even in freshwater, is the conversion of nutrients that are bound in the upper layer of sediment and unavailable to plankton for growth into a more biologically available form. This happens due to shifts in environmental conditions, not unlike the removal of sediment from dredging. The study presented in the FEIS does not address the resuspension of nutrients into the water column by exposure from direct removal and disturbance, not just addition of sediment. This study does not provide a reliable comparison and cannot be relied on in this context. There is still concern for the increase of HAB occurrence.

### **Shore Economy**

Many New Jerseyans at the shore depend on clean water and access to the Raritan Bay for their livelihoods, and construction of the NESE pipeline would hurt them.

Fishermen, recreational boaters, and whale-watching businesses would be negatively impacted since construction of the Raritan Bay Loop will go through seven separate recreational & commercial fishing grounds and hinder travel of boaters, including whale-watching vessels.

The people in the Rockaways in NY and Sayreville in NJ suffered devastating losses after Superstorm Sandy, and now they are being asked to support a Project that would increase Greenhouse Gases and grossly impact their fishing and shore recreational economy.

There was no complete analysis of the economic adverse impact from NESE that will result from disturbances in/by the Raritan & Lower New York Bays on the habitat or the greater community that relies on fishing and recreation.

There was no comprehensive assessment of potential long-term effects of toxic sediment disturbance on shorelines, beachgoers, marine life or the health of shoreline communities in terms of costs to health, safety and economics.

## Talking Point: Land Use Regulations – Concerns

(1) Transco has failed to satisfy the minimum requirements of an alternatives analysis and impact assessment as set forth in New Jersey's Freshwater Protection Act Rules and EPA's Clean Water Act Section 404(b)(1) Guidelines:

- **Alternatives Analysis for Site of Compressor Station 206:**
  - Transco selected a site with significant wetland impacts.
  - Transco did not first avoid and then seek to minimize impacts.
  - Transco has not demonstrated that site could not be located at another location that would completely avoid impacts to freshwater wetlands.
- **Impact Assessment:** Transco has not sufficiently identified permanent, temporary, and secondary/indirect impacts.
  - For example, Transco fails to correctly identify the forested wetland transition area at mile post 10.5 -- with slopes in excess of 35% -- as a permanent impact.
  - **Steep Slopes:** Transco has failed to include any proposed elevation contours on the plans. It is impossible to determine the extent of the grading contemplated by Transco. It is important to point out that there is no such thing as "temporary regrading" and Transco must show the horizontal and vertical extent of the proposed grading, especially in regulated areas such as wetland transition areas and riparian zones, in order to realistically determine primary as well as secondary impacts as well as concerns relative to soil stabilization. Any areas of transition area subject to grading should be considered by the NJ DEP to be a permanent impact.
  - **Acid Producing Soils:** Transco fails to mention to FERC or the NJ DEP the suspected presence of geologic formation of pyritic clay – high acid (Ph3) producing soils at the Madison Loop that would not only create a risk from HDD to wetlands and steep slope stability, but introduce new risks to pipeline integrity. Once these acid-producing clays are exposed they will be difficult to stabilize due to the inability of plants to grow and thrive in these soils. Transco's application is incomplete and they need to further analyze the soils in the area and potential impacts.
  - **Hydrology:** Any modification to wetland areas has the potential to modify groundwater flow paths and thus modify the discharge that currently drives the hydrology of the wetlands. Upland construction-related discharge changes at mileposts 10.6-10.9 could push beyond the limits of the wetlands system and dewatering the coastal wetland at milepost 11.48 will exacerbate compaction and put tidal wetlands at risk.

**(2) HDD is not a perfect technology:**

- The NJ DEP well knows from Transco's other failures in our state that HDD is not infallible and HDD failure and "inadvertent discharges" of drilling mud are a risk. In addition, pipeline disasters in other states underscore the need for NJ DEP to be concerned. For example, the Rover pipeline had a spill of over 5 million gallons of drilling fluid – suffocating and permanently destroying wetlands. In Pennsylvania, the Mariner East pipeline has received a \$12.6 million penalty and a permit suspension as a result of dozens of violations.
- Until such time as New Jersey can update its regulations to address HDD failure, the NJ DEP can, in accordance with N.J.A.C. 7:7A-13.2, establish permit conditions that require a contingency plan to assure compliance with "all applicable requirements of the Federal Act, the Freshwater Wetlands Protection Act, the Water Pollution Control Act, this chapter and other applicable rules or regulations." Simply put, Transco must have an emergency HDD failure plan in place that meets with all NJ DEP standards.

## **Talking Point: NESE Threatens Wetlands and Stormwater Runoff**

In New Jersey, efforts have slowly improved water quality of our rivers, lakes and other bodies of water since the 1972 Clean Water Act, but current reports indicate that 65% of these waters cannot support drinking water supplies, 75% can't be used for recreation, and 85% can't support aquatic life.

Onshore pipeline construction fluid releases could impair nearby wetlands.

Both the Compressor Station 206 and Madison Loop are considered to be "major developments" under the Stormwater Management rules, and the entire NESE Project needs to be in compliance with the Stormwater Management rules.

Sensitive wetlands would be harmed from construction of the NESE Project. The Madison Loop is planned to cross eighteen (18) wetlands. Of these, six (6) are classified as "exceptional" resources, two (2) are "ordinary", and ten (10) are "intermediate". Additionally potential sediment disruption from construction in and around the inland tidal wetland areas of the Madison Loop adjacent to Cheesequake Creek could increase the potential for growth of harmful algal blooms (HABS). Furthermore, construction of the Madison Loop is planned to go through or near toxic sites.

Horizontal Directional Drilling (HDD), which has the highest likelihood of drilling fluid releases, would impact the wetlands on the Madison Loop. One HDD entry point at Milepost 11.48 is in an "exceptional resource value wetland" within 30-feet of a tidal stream. Soil compaction from construction vehicles is made worse by dewatering, and dewatering would likely be needed at this site. Additionally, HDD failures are known to happen, as was found with Williams/Transco's Leidy to Long Island Expansion Project in NJ.

### **Compressor Station 206: Stormwater Management Concerns**

The stormwater basin design is undersized and will fail. Transco's own geologic data shows that their engineers erred in their stormwater calculations by using the wrong soil type - they underestimated the amount of runoff the site will create.

Drainage of Compressor station - Transco does sloppy work. Reports and plans don't match up, and their calculations do not accurately reflect their plans – using dimensions that favor positive drainage outcomes such as larger drain pipe diameters and steeper grades.

Under New Jersey regulations, Transco's berm design qualifies as a dam. But the current design submission does not meet NJ's requirements for emergency spillway design flow.

The bottom of the basin designs does not clear the required one-foot separation from the existing ground water. The bottom of both basins would be 282 feet and the test pits show ground water at 282.4 feet (it should be noted that the locations of all test pits are not even included on the latest revised design plans).

We are already currently impacted by flooding: how is this proposed industrial compressor station not going to further exacerbate our situation with respect to flooding?

Typical stormwater runoff pollution consists of everyday items like trash and sediment. But I don't expect that typical stormwater quality approaches/devices address the unique water quality concerns and pollution presented by an industrial gas compressor station (e.g. these stations hold large tanks containing toxic gas waste condensation products). So how can we expect Transco's poor design to prevent runoff pollution from these sources?

Plans for infiltration basins at the CS206 site have not yet been approved by NJDEP, and there are concerns that the subsoil here is not sufficiently permeable – The groundwater table here is high, and bedrock is found shortly below ground level. Flooding at CS206 could impact the plumes of contaminated groundwater at Higgins Farm Superfund Site – There's no certainty about groundwater mounding & potential modification of contaminated plumes at the Higgins Farm Superfund Site.

Forests help to address stormwater runoff, and destroying forested land to build the NESE Project would hinder this protection. Removal of 16.6 acres forested land at the CS206 site creates lost benefit of absorbing stormwater & pollutants. Recovery of forested areas that are not permanently removed could take 50+ years.

Construction of the NESE Project could reduce the capacity of wetlands to buffer flood flow and control erosion. There was no factual determination by Williams/Transco that their Erosion and Sediment Control Plan would ensure that ground or surface water would not be degraded.

## Talking Point: NESE Threatens Marine Mammals and Sea Turtles

One of the positive effects of the cleaner water off the shore of Raritan Bay has been the recent return of marine wildlife. The disruptions necessitated by a construction project of this magnitude will negatively affect seals and whales who return to the area.

The NESE Project threatens the water quality of Raritan Bay and the marine wildlife that inhabit it – endangered whales, endangered sea turtles and seals. The increased cloudiness of water (turbidity) from excavating the 23-mile trench will make it difficult for these animals to find food and to navigate. The toxins churned up by the excavation threaten to enter their food chain.

**Whales:** The sightings of humpback whales has increased from only one (1) between 2011-2013 to 45 between 2014-2016. Humpbacks are seen in all seasons except winter. Fin and right whales have also been seen in the New York Bight. All three of these whales are endangered. Williams/Transco's construction schedule calls for trench work below the seafloor from August through December, a period when whales are particularly active in the area.

**Sea Turtles:** Five species of sea turtle are found in NESE's project area - Loggerhead, Green, Leatherback, Atlantic hawksbill, and (just recently), Kemp's ridley sea turtle. *All five of these species are listed as endangered or as threatened in New York and New Jersey, the states bordering the waters through which the pipeline would run.* In the summer of 2018, a Kemp's ridley sea turtle (rarest, endangered) emerged from the water onto the beach on the western end of the Rockaway Peninsula, built a nest, and laid her eggs. In October, 96 hatchlings were released into local waters. This critically endangered species generally returns to the same beach when they are ready to lay their own eggs. Potential impact avoidance for them was not considered to be needed by Williams/Transco or FERC in their documents.

**Noise Impacts:** Acoustic impacts and harassment of marine mammals will be intensified with an increase in work activity as Transco attempts to squeeze the amount of work originally proposed to be done over 15 months into only 9 months.

Acoustic impacts are not fully addressed for fish or turtles relative to updated timelines.

Marine mammals are sensitive to noise, and the 24/7 noise and vibration generated by vessel engines and construction (in particular, pile-driving) will be difficult for these animals to tolerate and could alter their behaviors (travel, communication, breeding and eating). Noise and vibration can also disorient marine species and lead to long-lasting damage and growth abnormalities in newly hatched organisms. The number of marine vessels required by the NESE Project (with diesel engines 24/7) and the drilling required for the tunnelling portions will disrupt all types of species from bottom dwelling shellfish such as crabs to gigantic marine mammals such as whales.

Nine months of 24/7 construction in the bay also poses a hazard to marine life from vessel strikes and noise. To protect these animals, Williams/Transco has proposed training vessel operators and crews to recognize them in the water and then take avoidance measures like slowing a vessel down or maneuvering it away. However, this will not work at night or in bad weather. Also, the kinds of vessels used to construct an in-water pipeline are not agile or easy to maneuver. Vessel operators are unlikely to be able to prevent collisions that may injure or kill seals, whales and turtles.

There was no comprehensive, scientific assessment of the short- and long-term impacts to marine mammal (dolphins, seals and whales) habitat.

## **Talking Point: NESE Threatens the Benthic Community (including Shellfish, Horseshoe Crabs) and the endangered Atlantic sturgeon**

The project will unavoidably impact soft-bottom benthic habitats. Impacts to benthic resources, including shellfish, need to be fully assessed and mitigated for. The application provides only a draft mitigation framework for proposed compensatory mitigation. The application lacks detail on the extent of the proposed impacts to benthic resources, including shellfish; proposed compensatory mitigation measures; and performance measures for ensuring mitigation measures are successful.

Marine life that lives and feeds on the seafloor - clams, oysters and other mollusks, crabs and horseshoe crabs - are particularly vulnerable to the disruptions that the construction of the Williams/Transco NESE pipeline would entail. These species have both ecological and commercial value.

FERC estimates it would take these bottom-dwelling species, like clams and crustaceans, 1 to 3 years to recover after construction of the Raritan Bay Loop, but it could be longer factoring in weather, currents and the overall disruption caused by trenching the pipeline.

As of now, there has not been an agreement between agencies charged with protecting endangered species in the waters and Williams/Transco for “time-of-year restriction” adherence and the proposed construction schedule. The 24/7 construction schedule for 9 months will disrupt fish migration, including that of the endangered Atlantic sturgeon. Williams/Transco has requested “flexibility” for the restricted times to construct during times that are sensitive periods for the species – such as their peak migration periods.

### **Time of Year Restrictions**

Transco has chosen to request flexibility with Time of Year Restrictions (TOYR) for specific species over infringing on the TOYR of other sensitive species. Horseshoe crabs are threatened, and their status directly impacts that of at least one other species on the federally endangered list, the red knot. At this point, Williams/Transco is choosing to forego avoidance measures during a critical time of year for this species and also not proposing any mitigation measures. It seems that there is no adherence at all to the “avoid, minimize, mitigate” practice relative to the horseshoe crab whatsoever. This is unacceptable and cannot be allowed to proceed without directly complying with these measures more completely. The encroachment of the TOYR on the Horseshoe crab mating and nesting period makes it more likely that there will be an adverse impact on an endangered species’ population. Compliance with N.J.A.C. 7:7-9.36(a)3(b) (which states “Development of endangered or threatened wildlife or plant species habitat is prohibited unless it can be demonstrated, through an endangered or threatened wildlife or plant species impact assessment as described at N.J.A.C. 7:7-11, that endangered or threatened wildlife or plant species habitat would not directly or through secondary impacts on the relevant site or in the surrounding area be adversely affected”) has not been satisfied.

Migratory fish pathways lie within the water column above the proposed pipeline path, where sediment will be resuspended and where vessels will be travelling to conduct the proposed work. Many of the species will be impacted during their annual migration through the water column and not just along the bottom.

TOYR flexibility will not only affect benthic communities in New Jersey like the horseshoe crab, but it will also adversely affect sturgeon, winter flounder, and other migratory and economically important species, like blue crab.

### **Unearthing and spreading toxins**

The excavation of an 8- to 15-foot deep trench for 23+miles will disturb hundreds of acres of sand and gravel, creating increased sediment in the water. The resulting increase in the cloudiness of the water (known as “turbidity”) threatens marine life since the clarity of water is critical to the ability of many species to navigate, find food, and avoid predators. Additionally, as the sediment settles back down, it will cover seabed species like clams and crabs.

The endangered Atlantic sturgeon and winter flounder are bottom feeders, and churning up of buried toxins from construction of NESE in Raritan Bay threatens their food source and impacts the food chain.

Toxins from years of industrial dumping have become buried below the seabed of the Raritan Bay. Some are copper, lead, zinc, and mercury. The NESE Project would unearth them and let them land on the surface of the seabed for ground-feeding fish to ingest.

The release of toxic sediments would be particularly harmful to a number of bottom feeding species which play a vital role in the marine food web. For example, the Atlantic sturgeon, an endangered species, and the oyster, a species that filters seawater and creates reefs that assist with storm protection.

Additionally, the construction plan is to dig through area where clams are infected with Quahog Parasitic Unknown (QXP) which would be spread by dredging.

### **Habitat**

There was no comprehensive, scientific assessment of the short- and long-term impacts to benthic organism (horseshoe crabs, surf clams) habitat.

### **Noise**

Noise and vibration can also disorient marine species and lead to long-lasting damage and growth abnormalities in newly hatched organisms. The number of marine vessels required by the NESE Project (with diesel engines 24/7), inserting piles with diesel impact and vibratory hammers, and the drilling required for the tunnelling portions will disrupt all types of species from bottom dwelling shellfish such as crabs to gigantic marine mammals such as whales.

### **Thermal Discharges**

Construction activities will also create thermal discharges. A number of marine species are sensitive to fluctuations in water temperature – for example, the eggs of Atlantic cod and winter flounder. The massive construction barges and large machines, such as drilling equipment, will likely raise temperatures in surrounding waters.

Shellfish, which are sensitive to both the warming and the higher acidification of seawater as it stores more carbon dioxide, move relatively slowly to escape the threats. Surf clams along the East Coast die when it becomes too hot.

**Atlantic sturgeon (endangered)**: The endangered Atlantic sturgeon and winter flounder are bottom feeders, and churning up of buried toxins from construction of NESE in Raritan Bay threatens their food source and impacts the food chain.

Raritan Bay is a major habitat for Atlantic sturgeon. Atlantic sturgeon feed on bottom-dwelling invertebrates. Transco acknowledges that those species -- clams, crustaceans, etc. -- would be the most directly and adversely impacted by construction. Williams/Transco estimates that it would take 1-3 years for these species to recuperate. The impacts of the 3-12 hours per day of construction activity on the sturgeon's habitat will not only expose them to plumes of toxic sediments (given that Sturgeon consume large amounts of mud and sand as they feed) but also reduce and poison their prey. Williams/Transco does not adequately address the long-term implications of any of this, especially considering that sturgeon are slow to mature and reproduce: males take at least 12 years to mature and females reach maturity at 18 years.

**Horseshoe crabs**: Horseshoe crabs are recognized as a "keystone" species because its eggs and larvae are an essential food source for other marine wildlife as well as for migrating birds, including the threatened red knot.

Their blood (which is blue!) plays an essential role in human medicine. Pharmaceutical companies use Limulus Amoebocyte Lysate (LAL) made from horseshoe crab's blood to test the sterility of vaccines, drugs, prosthetics, and other medical devices. The LAL test is the most accurate test currently available.

The horseshoe crab population has substantially declined in recent decades.

The construction schedule of Williams/Transco includes May to September, disrupting the horseshoe crab in the crucial months when larvae are hatching. Impact has not been identified, and avoidance / mitigation plans haven't been published.

The FEIS states that "The most recent stock assessment report for horseshoe crab concluded that, since the ASMFC's initial horseshoe crab stock assessment in 1998, declining abundance in the New York region is evident, and the trend has not reversed (ASMFC, 2013a) ... In the 9 years of monitoring conducted by BRWC, there has been no sign of sustained recovery, and the population remains at about 25 percent of its carrying capacity (Reynolds, 2017)." This is likely due to diminished water quality, lack of spawning habitat, and constant disturbance; any action by Transco for development -- especially during spawning season -- will further disrupt important ecological processes relating to the horseshoe crab (*Limulus polyphemus*) and eliminate any possibility of potential recovery, particularly in New Jersey where there are spawning populations. Several studies (including those done by the National Park Service) document small but viable breeding populations in portions of New York and along the southern coast of Raritan Bay in New Jersey; all of these areas would be impacted by the NESE project. Due to the nature of the size of the *Limulus* populations that occupy Raritan Bay and nest on the surrounding shorelines, any impact to the benthic environment would have significant and potentially irreversible impacts on habitat, food resources, and recruitment.

**Surfclam:** Interestingly, Transco reports that the dominant shellfish community in New York waters near Rockaway Delivery Lateral Project Transfer Point was the Atlantic Surfclam (*Spisula solidissima*) but that post-construction surveys show that concentrations and sizes of surfclams are declining in this area. The decline has also contributed to substantial decreases in harvesting due to small surfclam sizes. If Transco's NESE project is allowed to proceed, further harm will be imposed on the already vulnerable surfclam populations of both New Jersey and New York.

The Raritan Bay Loop route and temporary construction workspace avoids the surf clam bed identified by the NJ DEP specifically on Flynn's Knoll. However, the Project will directly disturb benthic habitat containing surf clam in other New Jersey waters. Surf clams in the seabed adjacent to the disturbed area may also be impacted by construction of the Raritan Bay Loop because of elevated levels of suspended sediments and additional sedimentation.

**Oysters:** As a species that filters seawater, the oyster is essential to the health of the waters in the New York Bight (which includes Raritan Bay). Oyster reefs can also reduce the impact of storms like Superstorm Sandy. Efforts to establish 100 acres of oyster reefs are underway through the Billion Oyster Project, begun in 2014.

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