



**RESOLUTION - MISCELLANEOUS - OPPOSING ISSUANCE OF A FRESHWATER WETLANDS PROTECTION ACT INDIVIDUAL PERMIT WITH A WATER QUALITY CERTIFICATION AND A FLOOD HAZARD AREA INDIVIDUAL PERMIT BY NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PROPOSED TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC NORTHEAST SUPPLY ENHANCEMENT PROJECT**

**WHEREAS**, the Transcontinental Gas Pipe Line Company, LLC (“Transco”) of Houston, Texas, wholly owned by Williams, is proposing to construct a greenfield natural gas-fired 32,000 horsepower compressor station, called Compressor Station 206, a gravel access road and parking area, small buildings and equipment pads, and the installation of two gas pipelines (a suction line and a gas discharge line), as part of the Northeast Supply Enhancement Project within the Township of Franklin in Somerset County; and

**WHEREAS**, pursuant to the Natural Gas Act, 15 U.S.C. 717, et seq., the construction of the Northeast Supply Enhancement Project must be approved by the Federal Energy Regulatory Commission (“FERC”); and

**WHEREAS**, on May 3, 2019, FERC released an Order Issuing Certificate of Public Convenience and Necessity for the Northeast Supply Enhancement Project; and

**WHEREAS**, the Natural Gas Act does not affect the rights of States under the Federal Water Pollution Control Act (“Clean Water Act”), 33 U.S.C. 1251, et seq.; and

**WHEREAS**, the Clean Water Act applies to the construction of the Northeast Supply Enhancement Project, including Section 404 of the Clean Water Act for the discharge of dredge or fill material into waters of the United States, including wetlands, 33 U.S.C. 1344; and

**WHEREAS**, the Clean Water Act also requires that a Section 401 Water Quality Certification be issued for the Northeast Supply Enhancement Compressor Station 206 Project, 33 U.S.C. §1341; and

**WHEREAS**, in 1993 the New Jersey Department of Environmental Protection (“Department”) entered into a Memorandum of Agreement with the United States Environmental Protection Agency authorizing the Department to operate the New Jersey Freshwater Wetlands Protection Act program as set forth in N.J.S.A. 13:B-1, et seq., and its implementing regulations, N.J.A.C. 7:7A-1.1, et seq., in place of the Clean Water Act Section 404 program; and

**WHEREAS**, the Department’s issuance of a permit under the Freshwater Wetlands Protection Act program constitutes a Section 401 Water Quality Certification, N.J.A.C. 7:7A-

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2.1(d); and

**WHEREAS**, on June 20, 2018, Transco submitted an application to the Department for an Individual Freshwater Wetlands Protection Act Permit (NJDEP File No. 0000-01-1001.3 FWW180001) and an Individual Flood Hazard Area Permit (NJDEP File No. 0000-01-1001.3 FHA180001) for the Northeast Supply Enhancement Project; and

**WHEREAS**, Transco may not proceed with construction of the Northeast Supply Enhancement Project until the Department has approved the above referenced Freshwater Wetlands Protection Act Individual Permit and Section 401 Water Quality Certification as well as the Individual Flood Hazard Area Individual Permit; and

**WHEREAS**, a Freshwater Wetlands Protection Act Individual Permit may not be issued for any activity that will violate the Stormwater Management Rules; and

**WHEREAS**, the Township Council of the Township of Franklin previously adopted resolutions opposing the Northeast Supply Enhancement Project due to risks about safety and health, and the impacts from clearing forested areas and wetlands remains as a concern related to the permit applied for; and

**WHEREAS**, based on specific facts, the Northeast Supply Enhancement Project does not demonstrate a “compelling public need”, as defined in the Freshwater Wetlands Protection Act Rules, since it would not “serve an essential health or safety need of the municipality in which the proposed regulated activity is located”, there is no “public health and safety benefit”, and it does not “serve existing needs of the residents of the State”; and

**WHEREAS**, the Township Council has determined that Transco has failed to satisfy the requirements to obtain a Freshwater Wetlands Protection Act Individual Permit or a Section 401 Water Quality Certification for the Northeast Supply Enhancement Project; and

**NOW, THEREFORE, BE IT RESOLVED** on this 14<sup>th</sup> day of May 2019, by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey, that:

1. The Township of Franklin opposes issuance of permits and strongly urges the Department to deny Transco’s applications for a Freshwater Wetlands Protection Act permit with Section 401 Water Quality Certification and a Flood Hazard Area Individual Permit for the Northeast Supply Enhancement Project.
2. The Township Council urges the Department to deny permits for the NESE Project until all risks regarding the aging natural gas pipeline infrastructure of Mainlines A and C are fully documented and provided to the Department for review and, if deemed to be

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necessary, issues pertaining to safety are resolved in a timely manner.

3. A copy of this resolution will be forwarded to Governor Murphy, NJDEP Commissioner McCabe, Assistant NJDEP Commissioner Kopkash, NJDEP Director Foster, US Senators Cory Booker and Robert Menendez, Congresswoman Bonnie Watson Coleman, NJ Senators Christopher Bateman and Bob Smith, and NJ Assemblymen Joseph Daniels, Joseph Egan, Andrew Zwicker and Roy Freiman.

**BE IT FURTHER RESOLVED** that the Township will continue to take such actions as may prove beneficial to the residents of the Township of Franklin in opposing Transco's applications to the Department regarding the Northeast Supply Enhancement Project.

### **CERTIFICATION**

I, Ann Marie McCarthy, Township Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a Work Session/Regular Meeting held on the 5/14/2019.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 5/14/2019.

Ann Marie McCarthy  
Township Clerk

### **Verified and Encumbered as to Availability of Funds:**

Date: 5/14/2019

Account No.:

PO No.:

By: \_\_\_\_\_  
KATHLEEN MOODY, Director of Revenue & Finance

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## Clerk's Office

Ann Marie Marie McCarthy  
Township Clerk  
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## MEMORANDUM

**To:** Ann Marie McCarthy, Township Clerk

**From:** Ann Marie Marie McCarthy, Township Clerk

**Date:** 5/14/2019

**RE:** 19-212

**Opposing Issuance of a Freshwater Wetlands Protection Act Individual Permit with a Water Quality Certification and a Flood Hazard Area Individual Permit by New Jersey Department of Environmental Protection for the Proposed Transcontinental Gas Pipe Line Company, LLC Northeast Supply Enhancement Project**

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