



State of New Jersey

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DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Land Use Regulation
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CATHERINE R. McCABE
Commissioner

CERTIFIED
July 12, 2019

Transcontinental Gas Pipe Line Co.
c/o Mr. Tim Powell
2800 Post Oak Blvd., Suite 900
Houston, TX 77056

RE: Coastal Wetlands Individual Permit, Waterfront Development Upland Individual Permit, Waterfront Development In-Water Individual Permit, Flood Hazard Area Individual Permit and Freshwater Wetlands Individual Permit – Technical Deficiency/Complete for Review Letter

LUR File No.: 0000-01-1001.3; LUP 190001 and LUP 190002

Applicant: Transcontinental Gas Pipe Line Co. (Transco)

Project: Transco Northeast Supply Enhancement Project

Locations: Township of Old Bridge and Borough of Sayreville, Middlesex County; and Township of Franklin, Somerset County

Dear Mr. Powell,

On June 12, 2019, Transco submitted the above referenced applications to the Division of Land Use Regulation (Division). By letter dated June 25, 2019, the Division advised Transco that its applications are technically deficient. In response, Transco submitted additional information on June 28, 2019, and a supplemental letter on July 8, 2019.

Pursuant to N.J.A.C. 7:7-26.2(b)1, please be advised that the Coastal Wetlands Individual Permit, Waterfront Development Upland Individual Permit and Waterfront Development In-Water Individual Permit applications (LUP 190002) are considered complete for review. DEP's 90-day deadline for issuance of a permitting decision on these applications is **September 25, 2019**.

After review, the Division has determined that the Flood Hazard Area Individual Permit and Freshwater Wetlands Individual Permit applications (LUP 190001) remain technically incomplete (N.J.A.C. 7:13-21.2(b)2 and N.J.A.C. 7:7A-19.2(c)2). In order for the Division to declare the applications technically complete, additional information is required as explained below. The requested information shall be submitted to the Division for review within 30 days of receipt of this letter.

1. Transco's application included a soil survey and geotechnical investigation for the area of proposed Compressor Station 206 (CS 206). On April 3, 2019, the Division advised there is a discrepancy between the mapped soil unit (Keyport silt) identified in the soil survey and the soil (Neshaminy

silt loam) identified in the geotechnical investigation within the area of proposed CS 206. As previously advised, the soil surveys are used to establish the existing soils condition and the associated hydrologic soil group for the soil series. This information impacts the computations to establish the existing groundwater recharge and existing runoff conditions. When the Division informed Transco of the conflicting information provided, Transco proposed to perform two distinct sets of stormwater management calculations. One set of calculations would assume a Keyport silt soil for the area-in-question and another set of calculations would assume a Neshaminy silt loam for the area-in-question. The Division agreed with Transco's proposed approach. However, to date, Transco still has not provided the revised stormwater management calculations, which are necessary for the Division to address the concerns raised by the discrepancy between the Soil Survey and the geotechnical investigation submitted by Transco. Therefore, Transco must revise the stormwater calculations accordingly.

2. In the Division's notice of deficiency letter, the Division advised Transco that Transco failed to demonstrate that there is no practicable alternative to the proposed access road to the proposed compressor station, which would disturb 2.862 acres of exceptional resource value wetlands. The Division pointed to Transco's alternative analysis, which identified, but dismissed, an existing access road for the adjacent Higgins Farm Superfund Site (Higgins Farm access road) as an alternative access point. In its supplemental submissions, Transco provided some additional information, including a March 8, 2017 letter from the U.S. Environmental Protection Agency (EPA), to support its position that the Higgins Farm access road is not a practicable alternative. Upon review, the Division has determined that EPA's letter does not support Transco's stated position and, Transco still has not demonstrated that the Higgins Farm access road is not a practicable alternative.
 - In your July 8, 2019 letter, Transco states that "Transco cannot condemn the United States Environmental Protection Agency." In its March 8, 2017 letter, EPA advised that EPA constructed the access road "solely to provide access to the treatment system plant building in order to operate the treatment system. EPA does not own the road, nor does it have any lesser type of ownership interest in the road. Therefore, it cannot convey an interest it does not have to Transco." Transco cannot rely on a non-existent EPA property interest to support its position that utilizing the Higgins Farm access road is not practicable.
 - Transco states that it cannot presently condemn an easement in the Higgins Farm access road because the road was not certificated by FERC. Transco also claims that FERC rejected the Higgins Farm access road. However, FERC appears to have reached its conclusion based on Transco's representations about the practicability of the Higgins Farm access road alternative, which position is questionable considering EPA's letter. Transco has not claimed that it could not request that FERC issue an amended certificate with a revised application to utilize the Higgins Farm access road.
 - Transco states that "construction of the Higgins access road would have significant adverse environmental impacts." Specifically, Transco claims that "the potential exacerbation of contamination and potential exposure of workers to said contamination outweigh the additional impacts to wetlands that would result from Transco's use" of its preferred access road. Transco also claims its construction and permanent use of the road would interfere with EPA's remedy. That statement is not an accurate representation of EPA's March 8, 2017 letter. EPA provided recommended measures to be taken by Transco if Transco were to access through Higgins Farm. Transco has not addressed why it cannot implement these recommended measures or adequately demonstrated why its proposed activities would be

likely to result in adverse environmental consequences if done in accordance with the recommended measures.

- Transco also claims that the recorded agricultural deed of easement precludes its proposed construction activities and that the easement holders are unwilling to cooperate. However, Transco has not demonstrated it could not condemn the area subject to the agricultural deed of easement to remove these limitations.

If you have any questions regarding this letter, please do not hesitate to contact Joslin Tamagno via email at Joslin.Tamagno@dep.nj.gov or via telephone at (609) 984-6216. Please be sure to include the Division's file number in all correspondence.

Sincerely,



For Christopher Jones, Manager
Bureau of Urban Growth and Redevelopment
Division of Land Use Regulation

cc. Mr. Joe Dean, Transco, Agent
Township of Franklin Construction Official
Township of Old Bridge Construction Official
Borough of Sayreville Construction Official

