

Williams/Transco did not demonstrate that there are no practicable alternatives to avoid impacting exceptional resource value wetlands and their transition areas.

According to the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A, "Practicable alternative" means other choices available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and may require an area not owned by the applicant which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.

According to NJDEP, construction of and access to the proposed Compressor Station 206 would adversely affect freshwater wetlands and transition areas, and Williams/Transco has not demonstrated that no practicable alternative exists.

- They have not provided studies or plans for reconfiguration, reduction in scope and/or relocation of the proposed Compressor Station 206 building, the stormwater detention basin, access road, and suction and discharge tie-in pipelines to avoid impacts on exceptional resource value wetlands and their associated transition areas.
- Construction of the compressor station and all associated components involves plans to permanently clear exceptional resource value forested wetland transition areas. NJDEP wrote: "The transition area serves, among other functions, as a sediment and stormwater control zone to reduce impacts of construction on freshwater wetlands and freshwater wetland species, habitat area for breeding, spawning, breeding nesting and wintering of endangered, commercially and recreationally important wildlife, and a corridor area which facilitates the movement of wildlife to and from freshwater wetlands, streams and uplands."
- According to NJDEP, Williams/Transco has not adequately shown why they could not reduce transition area disturbance.
- Additionally, Williams/Transco has not adequately shown that there are no practicable alternatives to avoid wetland and transition area impacts here that, given circumstances pertaining to the property, would cause undue hardship for Williams/Transco if they are not granted a Freshwater Wetlands Individual Permit.
- NJDEP asserts that Williams/Transco has not adequately shown why it is not practicable to add onto the EPA Superfund Site's access road where wetland impacts would be markedly reduced when compared with the proposed access road route.
- It is disingenuous for Williams/Transco to say that there would be no impacts to wetland and transition areas from the compressor station building since, as they also noted, the building needs the road and the suction/discharge pipe tie-ins to be effective. It's all together, and the impacts on wetlands and transition areas from the access road and the pipeline matter.
- Williams/Transco has still not demonstrated that Compressor Station 206 could not be located at another site where there would be no impacts to freshwater wetlands.

Thus, the applications do not comply with the rules for a Freshwater Wetlands Act Individual Permit according to N.J.A.C. 7:7A-10.2(c) 1 through 4. Additionally, due to the proposed clearing of riparian zone vegetation of three tributaries to Carters Brook to build the proposed access road, the application does not comply with the requirements for a Flood Hazard Area Permit according to N.J.A.C. 7:13-11.2(b)2ii.