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October 21, 2019

VIA EMAIL AND U.S. MAIL

Joslin C. Tamagno
Division of Land Use Regulation
Department of Environmental Protection
Mail Code 501-02A
P.O. Box 420
Trenton, NJ 08625-0420

Re: Reply to Transco's Responses to Comments on the Proposed Northeast Supply Enhancement Project's Potential Offshore Water Impacts (Program Interest #: 0000-01-1001.3)

- Waterfront Development Individual Permits (In-Water & Upland) and Coastal Wetlands Individual Permit (Activity #: LUP 190002)

We are aware that Transco has submitted to the New Jersey Department of Environmental Protection ("DEP") its Responses to Public Comments (dated September 4, 2019 and September 9, 2019) regarding its permit applications under the Program Interest number listed above. On behalf of our clients (NY/NJ Baykeeper, Food & Water Watch – New Jersey, Central Jersey Safe Energy Coalition, and the Princeton Manor Homeowners Association), we attach here a report by our clients' water expert at Princeton Hydro that specifically analyzes Transco's September 9, 2019 Responses to Public Comments on the Northeast Supply Enhancement ("NESE") Project's potential offshore water impacts. We are also aware that Transco submitted to DEP revised permit plans (dated October 11, 2019) related to the offshore portion of the Project.¹ We ask that DEP consider this expert report as it reviews Transco's Responses to Public Comments as well as Transco's October 11, 2019 submission.

As detailed in this expert report, "[t]he regulated offshore activities proposed by Transco will still have an overall negative impact to designated uses and aquatic life and are still in violation of not only N.J.A.C. 7:9B, but also N.J.A.C. 7:7-9.36 and 7:7-9.37" (pg. 1). In light of this expert report – as well as our prior comments and expert reports to DEP on Transco's new and prior Land Use permit applications for the NESE Project – DEP must deny Transco's Waterfront Development and Coastal Wetlands permit applications (listed above).

¹ Transco also submitted to DEP revised permit plans (dated October 11, 2019) related to the Compressor Station 206 site.

We reserve the right to submit additional comments and expert reports at a later date regarding other aspects of Transco's Responses to Public Comments on its permit applications for the NESE Project.

Respectfully submitted,



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William D. Bittinger, Esq.
Eastern Environmental Law Center

Enclosures:

- Princeton Hydro's Analysis of Transco's Responses to Public Comments on Its Waterfront Development Individual Permits and Coastal Wetlands Individual Permit applications for the Proposed NESE Project (October 20, 2019)

cc: Ruth Foster (DEP)
Virginia Kop'kash (DEP)
Christopher Jones (DEP)