

Concern: Williams/Transco failed to demonstrate a “compelling public need” for the NESE project as defined under NJ’s Freshwater Wetlands Protection Act (FWPA) Rules. Further, they have not demonstrated an “Extraordinary Hardship on the Applicant” from the denial of a permit.

For accountability, public participation, and use of science based decision-making, the following comments are provided for consideration during the current comment period for the January 2020 applications by Williams/Transco for the following permits for the proposed Northeast Supply Enhancement Project: Freshwater Wetlands Individual Permit with Section 401 Water Quality Certification, Flood Hazard Area Individual Permit and Verification, Waterfront Development Individual Permit with Section 401 Water Quality Certification, and Coastal Zone Management Act Consistency Determination. I also ask that you consider all previous comments submitted during the previous commenting periods for earlier applications for permit to NJDEP.

According to the FWPA Rules, N.J.A.C. 7:7A-1.3, “compelling public need” means that the proposed regulated activity will serve an essential health or safety need of the municipality in which it is located, that the public health and safety benefits from the proposed use, that the proposed use is required to serve existing needs of the residents of the State, and that there is no other means available to meet the established public need.

Williams/Transco cannot claim “compelling public need” based on demonstrated “need” for the purposes of a FERC Certificate. “Need” and “compelling public need” are separate and distinct determinations.

The existing needs of the State are to address climate change and build resiliency from its impacts, reduce ozone levels, and reach a goal of 100% clean energy by 2050. Increased greenhouse gas emissions from NESE would significantly contribute to climate change and would indirectly impact water and coastal resources. Perpetuating reliance on fossil fuels does not address the needs of the State or the health and safety of its residents. Conversely, the health and safety of residents and visitors in the municipalities where construction and operation of NESE is proposed would be jeopardized by the air pollutions emissions and construction activities that would spread toxins into the air, soil and water. Williams/Transco's new submissions fail to demonstrate that the proposed Compressor Station 206 (CS 206) will serve “an essential health or safety need of [Franklin Township]” or “serve existing needs of the residents of [New Jersey]” as required by the FWPA Rules.

Williams/Transco cannot use its own failure to conduct the proper due diligence at the outset of the NESE project as a basis for satisfying the “extraordinary hardship” requirement under FWPA Rules. They claim that the reclassification of certain wetlands on the proposed CS 206 site to “exceptional resource value” was sudden and unforeseeable. In fact, the “Rare Wildlife Sighting Report Form” which led to this reclassification indicated that the Barred Owl calls from the forest contiguous to the proposed CS 206 site had been heard over the past 40 years.

New Jersey, which would not receive any of the transported natural gas from NESE, is moving away from fossil fuel reliance and toward significant reductions in greenhouse gases. In addition to increased air pollution from construction and operation of NESE, the project threatens the economy of New Jersey by proposed construction through toxic sites on land and in the waters which would indirectly impact the fishing, tourist, and recreation industries along the coast.

Further, the proposed CS 206 has been sited next to an active mining operation, Trap Rock Quarry, where active blasting continues to occur. The proposed CS 206 building would be 2,100 feet from the nearest face of the quarry pit, and there has been no accounting for the concentrated and synergistic impacts of emissions from these two industrial operations on local populations in any of the analyses done by FERC or submitted to NJDEP from Williams/Transco.

For the reasons above, I request that the DEP deny the January 21, 2020 permit applications referenced above, and maintain its authority to protect the environment of New Jersey.

Respectfully submitted,