

# PLEASE SUBMIT COMMENTS!

## **Transco/NJ Natural Gas wetlands applications to NJ DEP for Chesterfield Compressor Station and wetlands along the entire Southern Reliability Pipeline Route**

Deadline for submission of written comments for the Compressor Station, File No. 0300-15-0002.2 FWW15000, **September 6, 2016** to:

Jan Arnett

Division of Land Use Regulation

Mail Code 501-02A - P.O. Box 420

Trenton, New Jersey 08625-0420



**See back for points to include in your letter!**

**For more information**

**<http://www.peopleoverpipelines.com>**

**or visit [www.pinelandsalliance.org/njnaturalgas](http://www.pinelandsalliance.org/njnaturalgas)**



## **Attend Second Public Hearing!**

**Wetland impacts along pipeline route**

**September 7, 2016**

**6 pm, Ramada Inn**

**Grand Ball Room, 1083 Route 206, Bordentown**

Deadline for submission of written comments for pipeline route, File Nos. 0000-15-0007.1, CAF150001 & FHA150001,

**September 21, 2016** to:

Janice Arnett

Division of Land Use Regulation

Mail Code 501-02A - P.O. Box 420

Trenton, New Jersey 08625-0420

# Talking Points for Why the Transco Garden State Expansion Freshwater Wetlands Permit Should Be Rejected

## 1. Transco Failed to Meet NJDEP Standards for Obtaining a Freshwater Wetlands IP

- This project, as proposed, would cause an excessive amount of destructive wetlands impacts to 4.704 acres. Transco did not meet its burden of showing that other alternatives would cause less harm to wetland ecosystems.
- Both the Freshwater Wetlands Protection Act FWPA and the Clean Water Act (CWA) rely on the 404(b)(1) guidelines to provide guidance regarding the preparation of an alternative analysis. Less harmful alternatives exist, which involve fewer wetlands impacts.

## 2. There are less harmful alternatives

- The FWPA at N.J.A.C. 7:7A 1.4 defines practicable alternative as “*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 (emphasis added) which could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.*”
- Transco indicated in their own analysis that none of the alternative sites superficially considered and dismissed contained wetlands.

## 3. Incomplete Impact Analysis

- Transco’s application fails to provide a comprehensive analysis of wetland impacts.
- No meaningful analysis of wetland impacts was provided in the wetland permit application to the NJDEP.
- Transco’s selection of this particular wetlands site causes impacts to regulated resources, including wetlands and waters, which are avoidable. The NJDEP should reject this freshwater wetlands permit due to its failure to even attempt to comply with the FWPA.

## 4. Water Quality Standards Ignored

- Transco’s dewatering application indicates that the project will result in impacts to surface waters and wetlands. Dewatering impacts such as those proposed by Transco conflict with NJ’s water quality standards as they can result in impacts to the existing uses of Sucker Run.
- Transco did not even mention compliance with New Jersey’s water quality standards in their compliance statement.
- The failure to Transco to include any discussion related to dewatering impacts and the associated impacts to the existing use of Sucker Run in their Individual Permit application should be viewed as a significant deficiency relative to satisfying the requirements of the Freshwater Wetlands Protection Act.

## 5. Independent Public Interest Determination

- NJDEP cannot substitute FERC’s Certificate of Public Convenience and Necessity for its own determination of public interest under the FWPA.
- FERC certificate describes the purpose and *commercial* need for the project, the transportation rate to be charged to customers, proposed project facilities, and how the company will comply with all applicable regulatory requirements.
- By contrast, the Freshwater Wetlands Protection Act’s regulations at N.J.A.C. 7:7A-7.2 define “the public interest” very differently and include the public’s interest in the preservation of natural resources.
- NJDEP must employ their mandate to safeguard these natural resources in their evaluation of the impacts associated with Transco’s project and require Transco to revise its application to satisfy the requirements of the FWPA or deny this permit application for its failure to comply with FWPA’s minimum standards.

## 6. Project is Segmented

- New Jersey Natural Gas’s (NJNG) Southern Reliability Link and Transco’s Garden State Expansion are inextricably linked and that the impact of both should be reviewed under the requirements of Section 404 of the Clean Water Act as that of a single and complete project..
- Both the proposed GSE and SRL applications should be revised to more accurately discuss the impacts of both projects. This should be easily accomplished since the wetland applications for both GSE and SRL are coincidentally being done by the same firm, AECOM.