



*Submitted
5/24/16*

Transcontinental Gas Pipe Line Company, LLC
2800 Post Oak Boulevard
Houston, Texas 77056
713/215-2000

May 24, 2016

New Jersey Department of Environmental Protection
Division of Land Use Regulation
Attn: Diane Dow, Chief
501 East State Street
Station Plaza Five, 2nd Floor
Trenton, New Jersey 08625

Subject: Transcontinental Gas Pipe Line Company, LLC
Garden State Expansion Project
Individual FWW Application
PI No. 0300-15-0002.2; FWW 150001
Chesterfield and Bordentown Townships, Burlington County, New Jersey

Dear Ms. Dow,

Transcontinental Gas Pipe Line Company, LLC (Transco) is providing this letter in response to the Chesterfield Township letter dated May 2, 2016 submitted to the New Jersey Department of Environmental Protection (NJDEP) regarding Transco's Individual Freshwater Wetlands (FWW) Permit application. This application (#0300-15-0002.2 FWW 150001) was submitted to the Division of Land Use Regulation on July 27, 2015 and in support of Transco's Garden State Expansion Project (Project).

Transco appreciates the opportunity to provide responses to those items laid forth within the Chesterfield Township letter and to provide information regarding the level of review that NJDEP has undertaken regarding this application, the detailed assessment Transco has completed, and Transco's coordination with NJDEP since July 2015 to address agency comments.

With this letter, Transco officially requests NJDEP for an expedited processing of the FWW IP permit, which has been under review since July 2015, in order to complete construction of the Project and provide service to New Jersey Natural Gas Company (NJN) by the contracted in service date of November 1, 2016 (Phase I) and August 1, 2017 (Phase II).

Any questions regarding this submittal should be directed to Staci Rogge at (713) 215-2830 or Staci.Rogge@Williams.com.

Respectfully submitted,

TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC

By

Timothy Powell
Manager – Land, GIS, and Permits

cc: J. Arnett – NJDEP DLUR
A. Andrews-Spilman - DLUR Mitigation Unit
D. Martinkewiz, Transco
S. Rogge, Transco

**INFORMATION IN RESPONSE TO CHESTERFIELD TOWNSHIP'S LETTER
DATED MAY 2, 2016**

Item 1: *Speaks to the submitted public notice as being administratively deficient.*

Response:

Transco properly provided public notice in accordance with N.J.A.C. 7:7A-10.8(g). The public notice provided to Chesterfield Township within their copy of the FWW IP application, acknowledged that they are afforded the right to provide comments to NJDEP at any time; including up to approval of the permit, and that NJDEP can exercise discretion in taking such comments into consideration. Therefore, the right of the Township and public to provide comments, since receipt of the public notice in July 2015, has not been limited in any manner and was duly stated in the provided public notice. In addition to the public notices provided to the Chesterfield Township Clerk, Construction Official, Planning Board, and Environmental Commission, a display advertisement was placed within the Burlington Times and the newspaper affidavit is provided herein.

Item 2: *Speaks to Chesterfield Township requests for a Public Hearing.*

Response:

The Township's request for a public hearing should be denied. As an initial matter, the regulations implementing the Freshwater Wetlands Protection Act make clear that the Department may issue an individual freshwater wetlands permit without holding a public hearing on the application. N.J.A.C. 7:7A-12.4(b). The Township is now requesting a hearing ten months after Transco first submitted its permit application to the Department, an application which they were aware was submitted in July 2015. The Township's untimely request belies its assertion that a hearing on the permit application serves the public interest; however Transco is of the opinion that it is being used simply as an attempt to delay the issuance of the permit.

The Township has been aware of Transco's Project since 2014 when Transco purchased from the Township Block 204, Lot 1, the property upon which Transco proposes to construct its electrical substation. As the Township acknowledges in its May 2, 2016 letter, it has been aware of Transco's application for an individual freshwater wetlands permit since July 23, 2015, when it received a hard copy of Transco's entire permit application, pursuant to N.J.A.C. 7:7A-10.8(d). In addition to providing the Township with a complete application, Transco also provided notice of the application to the Township's construction official, environmental commission, and planning board, all in accordance with the Freshwater Wetlands Protection Act regulations. See N.J.A.C. 7:7A-10.8(d); See also Transco's proof of mailing attached. Transco further complied with the regulations by providing notice to all landowners within 200 feet of the Project and publishing the notice in the Burlington Times, all in accordance with N.J.A.C. 7:7A-10.8(e)5 & (i). The Township also held a public meeting on December 2, 2015, at which Transco provided an overview of the Project and responded to comments submitted on the record by Township Committee members and the public. See Transcript of December 2, 2015 Hearing attached. The meeting was attended by over 200 members of the public and lasted over three hours.

Despite the overwhelming notice and information received by the Township on Transco's Project and its permit application, the Township waited ten months to submit its comments. The Township claims that the Department should hold a hearing on the application because it would serve the public interest, yet the Township fails to demonstrate how such a public meeting would serve the public interest or what additional evidence might be yielded to assist with the Department's consideration of the application. For one, the Township contends that a grant of the permit will have significant impacts on freshwater wetlands. However, it is clear from the comments received at the public hearing held on December 2, 2015 that the Township and public are concerned with the Project's impacts on drinking wells and not on freshwater wetlands. In fact, the Township Committee and public raised very minor comments regarding the Project's impacts on freshwater wetlands. For the Township to now raise these issues after the Department has completed its technical review of the permit application is disingenuous.

For these reasons, the Department should deny the Township's untimely request for a hearing.

***Item 3:** Speaks to the need and evidence of "public interest" of the project in the realm of the Freshwater Wetlands Protection Act and outside the purview of the Federal Energy Regulatory Commission (FERC or Commission).*

Response:

FERC, as the federal agency with the exclusive authority over the siting, construction, and modification of interstate natural gas facilities, has determined that there is a public need for the Garden State Expansion Project. It is absolutely appropriate for NJDEP to take into consideration FERC's determination of public need when performing its own public interest analysis. See Hoosier Environmental Council v. U.S. Army Corps of Engineers, 722 F.3d 1053, 1062 (2013) (holding that the Army Corps of Engineers appropriately relied on the analysis of federal and state highway agencies in its own public interest analysis under Section 404 of the Clean Water Act). In fact, it would be arbitrary and capricious for NJDEP to not consider FERC's determination of public need.

That being said, as part of its FWW IP application, Transco submitted sufficient information to NJDEP detailing the purpose and need for the Garden State Expansion Project, including evidence of the reliability issues that would occur without the benefit of the proposed Project, as well as the greater environmental impacts that would occur to construct the scope under different system alternatives. All these items detailed the public interest of the Project and the engineering requirements and constraints that mandated the location of the Project and subsequent impacts. Again, it is entirely appropriate for NJDEP to take these items into consideration when reviewing the Project against N.J.A.C. 7:7A-7.2(b)(12).

***Item 4:** Speaks to the Wetland Application's lack of consideration regarding drainage and disturbance of freshwater wetlands from construction dewatering activities.*

Response:

Construction dewatering will occur as a temporary activity within discrete excavations, and water removed during this activity will be discharged back within the immediate Project area. Therefore, wetlands will not be drained since water will be recharged back into the project area. Hydrological review of the site, as part of the Temporary Dewatering Permit, determined that the underlying Woodbury Formation consists a stiff to very stiff dark gray clay that does not allow for a large area of influence associated with dewatering. Temporarily impacted wetlands will be recharged from the onsite discharge of trench water as well as natural hydrological input, which for this area is driven by surface sources from rain and run-on that perch on the dense clay layer. Wetlands that are temporarily impacted by construction activities will be restored to pre-construction condition at the conclusion of construction activities and allowed to revegetate naturally.

***Item 5:** Speaks to segmentation as it relates to the Garden State Expansion Project and New Jersey Natural Gas' Southern Reliability Link.*

Response:

Transco has not segmented its Project and is in compliance with N.J.A.C. 7:7A-7.1(c). That section provides:

Each individual permit applies to the entire site upon which permitted activities occur. An applicant shall not segment a project or its impacts by applying for general permit authorization for one portion of the project and applying for an individual permit for another portion of the project. Similarly, an applicant shall not segment a project or its impacts by separately applying for individual permits for different portions of the same project.

As an initial matter, the Garden State Expansion Project and the Southern Reliability Link are entirely different projects proposed by two entirely different entities. Transco, as an interstate pipeline company, is subject to regulation by FERC and is seeking an individual freshwater wetlands permit for its Project. New Jersey Natural Gas, as an intrastate public utility, is subject to regulation by the New Jersey Board of Public Utilities and is applying for its own permits in connection with the Southern Reliability Link. The above regulation applies to an applicant seeking multiple permits for the same project in an effort to downplay or minimize the overall impacts of the project. Here, Transco is seeking its own permits for the entirety of its project. New Jersey natural Gas will be required to obtain the necessary permits from NJDEP in connection with its own project. Transco has not segmented its Project.

Furthermore, FERC analyzed similar arguments regarding segmentation within the Order Issuing Certificate (Docket No. CP15-89-000) dated April 7, 2016, and found them to be unpersuasive. FERC concluded that it would not consider the Southern Reliability Link and proposed Garden State Expansion Project as one project in a single environmental analysis. Moreover, FERC explained within the Order Issuing Certificate, that they are satisfied that the Environmental Assessment's cumulative impacts analysis fully conforms to the Commission's obligations under the National Environmental Policy Act (NEPA). Therefore, under Federal purview the Garden State Expansion Project is a separate project and one FWW IP has been submitted to NJDEP for all activities that fall within the realm of this project.

Item 6: *Speaks to submission of the FWW IP application to the U.S. Environmental Protection Agency (EPA) for review.*

Response:

Transco understands that during the NJDEP review, the FWW IP application was in fact provided to the EPA for review and comment, as Transco coordinated with NJDEP to provide electronic versions of the application for submission to EPA.

Item 7: *Speaks to the introduction of impervious surface and stormwater runoff and compliance with New Jersey Water Quality Standards.*

Response:

A detailed Stormwater Engineering Report was provided with the FWW IP application that contained a narrative report, engineering modeling and calculations for proposed best management practices, and drawings depicting proposed stormwater basins and design elements for NJDEP review. These components demonstrated the Project stormwater design and its compliance with the Stormwater Regulations and New Jersey Water Quality Standards.

Item 8: *Speaks to practicable alternatives that would have less impact on the aquatic ecosystem and freshwater wetlands.*

Response:

Transco has more than met its burden in establishing that there are no practicable alternatives to the Project as proposed. An alternative analysis was provided with the FWW IP that detailed the alternative sites that were reviewed during development of the Project. This analysis detailed the reasons these sites were not selected, due to either similar environmental impacts or engineering fatal flaws in relation to requisite interconnects to a high-power electric transmission line, as well as Transco's existing natural gas system.

Item 9: *Speaks to the consideration of the following:*

- a.) *dewatering impacts on freshwater wetlands and combining impacts from Southern Reliability Link;*
- b.) *inconsistencies regarding public or private supply wells;*
- bii.) *impacts to Green Acres property;*
- c.) *practicable alternative with less or no impacts to wetlands;*
- d.) *alternative analysis does not meet the requirements of N.J.A.C. 7:7A-10.6;*
- e.) *permanent vs. temporary impacts;*
- f.) *compliance with Stormwater Regulations; and*
- g.) *sufficient information to establish compliance with the Clean Water Act 404 Program requirements.*

Response:

As discussed further above, the proposed dewatering activities will not result in permanent impacts to freshwater wetlands and the Garden State Expansion Project has been permitted as a singular Project with all impacts addressed within one application. The Project has not been segmented and per FERC findings should not be combined and cumulatively linked with Southern Reliability Link.

Transco has corrected the record on both the FERC and NJDEP front regarding public and private supply wells within the Project area, and furthermore wells do not fall under the regulatory purview of the Freshwater Wetlands Act. In

addition, dewatering activities are temporary in nature and would not result in any permanent interference with activities on the Bordentown Green Acres parcel upon commencement of construction.

Further above Transco detailed the alternative analyses completed and provided to NJDEP and the limitations placed on siting energy infrastructure where the requisite interconnects are available, and the effort made to design the site to minimize impacts to wetlands.

All impacts conveyed in the submitted NJDEP FWW IP application correctly depict the type of impacts occurring onsite, whether tied to permanent fill activities, temporary construction in herbaceous wetlands that will remain wetlands upon completion of the Project, or conversion of wetland strata types. The provided permit drawings and impact tables detail these different impacts types and no permanent impacts were conveyed as temporary.

As discussed further above, a detailed Stormwater Engineering Report was submitted to NJDEP for review that detailed the stormwater design for the site. Transco has worked with both NJDEP and the Burlington County Soil Conservation District to address comments and further refine the design, which has subsequently been approved by both entities.

The FWW IP application provided a detailed Statement of Compliance that demonstrated compliance with N.J.A.C. 7:7A-7, in addition EPA was provided and copy of the application for their review and comment under the Federal 404 Program.

***Item 10:** States that Transco's compliance with FERC guidance and Procedures for grading, soil and erosion control and wetlands is not relevant to the Department's determination as it relates to the Freshwater Wetland Protection Act.*

Response:

Transco will comply with both the Federal and state regulations and requirements as it relates to grading, soil and erosion control and wetlands. Transco will adhere to FERC's *Upland Erosion Control, Revegetation and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures* in addition to their Burlington County Soil Conservation District approved Soil Erosion and Sediment Control Plan, NJDEP approved Stormwater design plan, and NJDEP approved Wetland Mitigation and Restoration Plan, all of which address grading, soil and erosion control and wetlands.

***Item 11:** Speaks to minimization of wetland impacts and wetland mitigation and that off-site mitigation should not be permitted to the extent that on-site mitigation can be conducted.*

Response:

Since submission of the FWW IP application, Transco has worked with NJDEP to further minimize wetlands impacts through shifting project elements and limiting construction activities in specific wetland areas. Further, Transco has received NJDEP approval for their mitigation that consists of onsite restoration, replanting, and monitoring for temporary impacts, and wetland credit purchase from an approved mitigation bank within the same Watershed Management Area. Again, Transco has worked with the NJDEP Mitigation Unit to further refine our proposed mitigation plan to address comments and input received from NJDEP. Dewatering activities will not impact wetlands, regardless Transco will be held to overall restoration standards by both NJDEP and FERC that include the successful restoration of hydrology.

} SS.

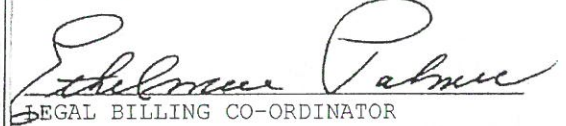
AECOM ENVIRONMENT
125 ROCK ROAD
HORSHAM, PA 19044

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Ethelmae Palmer being duly sworn or affirmed according to law, deposes and says that she is the Legal Billing Coordinator of the BURLINGTON TIMES, INC. Publisher of the "Burlington County Times" and that a copy of a notice published in such paper on

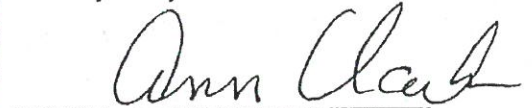
July 22, 2015

appears hereto, exactly as published in said newspaper


LEGAL BILLING CO-ORDINATOR

Sworn and subscribed to before me this 22nd day of July 2015 A.D.

Affirmed and subscribed to me before me this 22nd day of July 2015 A.D.



Ann Clark
My Commission expires on
May 04, 2020

Regarding Property At: Block/Lots 204/1, 204/3.01, 204/3.02, 204/4, 93/11

TAKE NOTICE: the entity referenced herein is applying to the Land Use Regulation Program at the New Jersey Department of Environmental Protection (NJDEP) for a permit or approval under the Freshwater Wetland Protection Act Rules (N.J.A.C. 7:27A), and Flood Hazard Act Rules (N.J.A.C. 7:13). You can view or download these rules on the NJDEP LURP website at www.state.nj.us/deplanduse, or you can find a copy of these rules in the county law library in your county courthouse. The approval being requested is an individual Freshwater Wetlands and Individual Flood Hazard Act Permit.

Transcontinental Gas Pipe Line Company, LLC (Transco), a wholly-owned subsidiary of Williams Partners L.P., is developing its Garden State Expansion Project to provide incremental firm transportation service from the Station 210 meter pool, near Princeton, New Jersey, to a new delivery point on its existing Trenton-Woodbury Lateral. New Jersey Natural Gas Company (NJNG) has requested that Transco provide firm transportation for 180,000 dekatherms per day (dth/day) under the Project to lead a proposed new lateral that will build from the new delivery point on Transco's Trenton-Woodbury Lateral near Bordentown Township, New Jersey eastward to their existing distribution system. This lateral is part of its Southern Reliability Link project, which NJNG proposes to strengthen its service territory in Monmouth and Ocean counties, New Jersey.

At the proposed Compressor Station 203, located in Chesterfield and Bordentown Townships, Burlington County, Transco proposes to construct a new compressor station with 2x motor driven packages with 10,000 HP each near MP 15.43 of Transco's Trenton Woodbury Lateral. In addition, Transco proposes to install a meter and regulator station within the limits of the new station, a suction and discharge pipeline and associated valve site, and an electric substation and interconnection with the adjacent Public Service Electric and Gas (PSE&G) powerline right-of-way.

If you would like to inspect a copy of the application, it will be on file at the Chesterfield and Bordentown Townships Clerk's Office, or call the NJDEP at (609) 777-0454 to make an appointment to see the application at NJDEP offices in Trenton during normal business hours. The NJDEP welcomes comments on this application. Comments should be submitted to the NJDEP in writing within 15 days after publication of this notice. However, written comments will continue to be accepted until the NJDEP makes a decision on this application. Comments cannot be accepted by telephone. Please submit any comments in writing, along with a copy of this notice, to:

N.J. Department of Environmental Protection
Division of Land Use Regulation
Mail Code 501-02A, P.O. Box 420
Trenton, NJ 08625-0420
Attn: Burlington County Supervisor

When the NJDEP has decided whether or not this application qualifies for approval under the appropriate Acts, NJDEP will notify the Town Clerks of the final decision regarding this application. Questions about the application may be addressed to:

Transcontinental Gas Pipe Line Company, LLC
2800 Post Oak Boulevard, Level 10
Houston TX 77056-6100
Attention: Randall Flowers

Adv. Fee: \$132.48
BCT: July 22, 2015
Att. Chg. \$20.00