



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CATHERINE R. McCABE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

Division of Land Resource Protection
Mail Code 501-02A
P.O. Box 420
Trenton, New Jersey 08625-0420
www.nj.gov/dep/landuse

CERTIFIED & ELECTRONIC MAIL

Keith Sturn
New Jersey Natural Gas
P O Box 1468
1415 Wyckoff Rd.
Wall, NJ 07719

July 8, 2020

RE: Suspension Letter – Freshwater Wetlands General Permit #2
File and Activity No.: 0000-15-0007.1 FWW150001
Applicant: New Jersey Natural Gas (NJNG)
Project: NJNG Southern Reliability Link (SRL)
Block(s) and Lot(s): [204, 4] [403, 10.02] [500, 1.01] [502, 15.01] [502, 16.02] [502, 9]
[201, 22] [500, 9.05] [53, 10] [53, 11] [23601, 1] [200, 1] [200, 2] [70, 18] [72.01, 14.03]
[76, 83.01] [80, 4]
Municipality: Chesterfield Twp. North Hanover Twp., Burlington County
Plumsted Twp., Jackson Twp., Manchester Twp., Ocean County
Upper Freehold Twp., Monmouth County

Dear Mr. Sturn:

Pursuant to N.J.A.C. 7:7A-20.8 of the Freshwater Wetlands Protection Act Rules (Suspension of a waiver, an authorization under a general permit, an individual permit, or an emergency authorization), the New Jersey Department of Environmental Protection (“Department”) is suspending the above referenced permit for the following reasons:

On April 9 through 15, June 16, and June 19, 2020, New Jersey Natural Gas (NJNG) reported to the Department three separate inadvertent return (IR) events that occurred during horizontal directional drilling (HDD) of a natural gas pipeline and resulted in impacts to freshwater wetlands, transition areas and headwater streams. In addition to the environmental impacts to DEP-regulated areas, the June 19 IR event also caused damage to a private residence. As a result of these IR events, the Department issued two Notices of Violation (NOVs) to NJNG. On June 19, 2020, the Burlington County Engineering Department also issued a stop work order on any HDD pipeline installation until additional analysis can be conducted on the remaining HDD locations to ensure that further IR events will not occur.

Based on these unanticipated, unauthorized environmental impacts to the DEP-regulated wetlands, transition areas, and streams, damage to the private residence and the need to protect public health, safety, welfare and the environment, the Department is suspending NJNG’s permit upon its receipt of this letter in accordance with N.J.A.C. 7:7A-20.8(a)(3), (6) and (8) to provide the Department with the opportunity to evaluate NJNG’s

remaining HDD work locations and the potential for additional impacts to public health, safety, welfare and/or the environment. Pursuant to N.J.A.C. 7:7A-20.8(d), NJNG must submit to the Department of a written strategy to remedy the cause of suspension within 30 days of this notice.

In addition, the Department issued a Flood Hazard Area Applicability Determination (File #0000-15-0007.1 APD160001) on September 16, 2015 confirming that the proposed project was consistent with several Flood Hazard Area Permits-by-Rule (PBR) including PBR 36 for placement of an underground utility line using directional drilling or jacking. Based on these recent IR events, the project is no longer in compliance with the conditions of PBR 36, specifically, N.J.A.C. 7:13-7.36(a)1 which states that *the regulated water is not disturbed in any way except for temporary disturbance associated with soil borings necessary to ensure that the project is viable*. The Department has requested additional information from NJNG, which it will evaluate to determine if the project will be able to achieve into compliance with the conditions of PBR 36. If the Department determines that the project remains inconsistent with PBR 36, then NJNG will be required to obtain a Flood Hazard Area Individual Permit.

Please be advised that regulated activities within freshwater wetlands, transition areas, regulated waters or riparian zone shall cease immediately upon receipt of this notice. NJNG previously submitted a proposed corrective strategy on July 2, 2020, which is currently under Department review. Under N.J.A.C. 7:7A-20.8(c), NJNG may request a meeting with the Department and/or file an adjudicatory hearing request within 10 days of receipt of this notice.

If you have any questions regarding this letter, please contact Ryan Anderson by email at Ryan.Anderson@dep.nj.gov or by phone at (609)633-2289. Please reference the file number in all communication.

Sincerely,



Diane Dow, Director
Division of Land Resource Protection

Cc: Peter Keledy, NJDEP, Bureau of Coastal and Land Use Enforcement (via email)
Andrew Edelhauser, NJDEP, Bureau of Coastal and Land Use Enforcement (via email)
Bryan Barrett, NJDEP, Bureau of Water Compliance and Enforcement (via email)
George Nicholas, NJNG (via email)
Amy Jones, DuBois Environmental (via email)