

## **Minutes for the Environmental Commission November 12, 2015**

The meeting was called to order at 7:00 pm.

Members present: Clap, Haug, Neufeld, Piel, Urbanski, Zuzov, Dale (TC liaison).

Members excused – Hall, Van der Veen

Members absent – Longhi.

Minutes from October 8, 2015 were approved.

Opportunity for Public Comment – No members of the public were present.

### 319h grant for the Alexauken Creek:

NCTE (no cost time extension) letter to the DEP was rejected, as for now. DEP waiting to hear from Steve Souza to provide changes in all of the quarterly reports (to reflect their new format) and supplemental changes to the scope of work. We are concentrating on the municipal property. Cathy reported that Steve had sent her all of the revised reports. There are concerns as to the projects and continuation of the grant.

### NJDEP Water Quality Rule Changes:

Rob attended the public hearing on November 10 and reported the following:

New proposed rules would make it easier to encourage development.

Environmentally sensitive areas would be shrunk.

The 2008 rules were much more stringent than the rules now proposed.

Sewer development would shift from the planning process to permits.

Rules would use GIS DEP data, rather than actual field surveys.

Rules for establishing sewer service areas would be diluted.

Questions were posed to Rob as to if the EC had to make any changes to our current WWMP. Rob felt that we had at least a year and that our approved WWMP was sufficient, that is, unless Hunterdon County were to change theirs.

Rob noted that we could comment on the proposed rule changes for approximately 60 days.

The discussion continued on the proposed changes to the Flood Hazard rules. Rob and Dave provided input. All members agreed that the proposed changes would streamline minor activities, would simplify stormwater regulations, and make it easier for permits by rule for farmland.

Members thanked Piel and Clapp for their input on these matters.

Jersey Yard Website:

Members agreed to post this information on our web page. There is an interactive plan for naturalizing your yard and a very extensive database for plants.

Sixth Annual Energy Symposium, Rutgers, 11/4/15:

Art attended and reported:

That a school in L.I. was able to tap into a water main and use a heat pump to heat/cool the water and return it to the water supply with little change to the temperature, thus saving energy.

Art Spoke with Serpil from Rutgers Ecoplex, (working on a feasibility study for Fulper Farms with waste products for energy) and she was enthusiastic for methane production from organic matter, yard waste, grass, etc. Art had questions about the possibility of tying this process into the grid. Members were much concerned as to the possible odors emanating from such.

The WAT Clerk had sent an email: "Just received a call from Cindy O'Grady @ the USDA concerning the Rutgers feasibility study for Fulper Farms that was presented a while back. An announcement is forthcoming but the event will be held on 11/20 @ 1:30 pm at the home farm. Fulper has received a grant to begin construction". Members were not sure what this meant as the feasibility study was not to have been completed this soon.

Soil Removal ordinance:

Discussion on amending the ordinance.

Opportunity for Public Comment - no comments.

The meeting adjourned at 7:51 pm

Minutes prepared by Cathy Urbanski

Mr. Nick Zripko  
Project Manager  
NJDEP – Office of Policy Implementation and Watershed Restoration  
P.O. Box 420  
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08625-0420

Re: Grant RP#12-030 – No-Cost Time Extension Request

Dear Mr. Zripko:

As you are aware, as per the recent discussions between West Amwell Township and the NJDEP concerning our 319(h) Implementation grant, the Township of West Amwell is formally requesting of the NJDEP a No-Cost-Time Extension of one (1) year. Although we have been progressing well with much of the work plan, as you are aware the Township has faced some significant delays in the execution of certain project elements. This has all been detailed in earlier correspondence to the NJDEP and the discussion that we have had with your office over the past few months. We are close to finalizing the plans for the stormwater quality management improvements proposed for the Municipal Building and Township Recycling Facility. Those revised plans will be sent to you shortly for your review and approval. We are also in the process of researching and contacting some of the property owners of other sites noted in the WPP to assess their interest and support of a project conducted on their lands. Our consultant, Princeton Hydro, has reviewed the budget and has determined that with the completion of that project, there will still be adequate funding remaining in the grant to cover future projects. As such there is no need to revise the existing budget or request any additional funding.

To ensure that we have enough time to secure land owner consent, have our draft plans approved by the NJDEP and obtain any NJDEP permits that may be needed to conduct the future projects, we felt that it is best to obtain the 1-year extension. As per the existing contract this project is slated to close in May 2017. However, the added year provides us with one additional growing season, which is critical to the success of our restoration projects. As such, in keeping with your guidance (as detailed in your August 27<sup>th</sup> email) the Township of West Amwell, within our capacity of the grant recipient, officially requests a 1-year No-Cost Time Extension for this project. This will change the project completion date to May 1<sup>st</sup> 2018. This request has been authorized by the Township Committee of West Amwell Township. Should you have any questions or require any additional information, please feel free to contact me. Thank you for your time and consideration.

Sincerely,

Cathy Urbanski  
West Amwell Township Environmental Commission

September 14, 2015

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Diane Dow, Director  
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Re: PennEast Pipeline July 2015 Progress Reports

Dear Ms. Kopkash and Ms. Dow:

We are writing on behalf of residents of West Amwell concerning the proposed PennEast pipeline. There were several matters mentioned in the July 2<sup>nd</sup> and July 30<sup>th</sup> 2015 Meeting Reports between PennEast and the NJDEP that are of significant concern to our Commission.

PennEast has been able to obtain survey access permission for only 30.8% of their proposed route in New Jersey. Without this access they are unable to provide the NJDEP and FERC with accurate and complete Resource Reports upon which to evaluate their applications; that the EIS conducted by Tetra Tech will be similarly deficient; and that in light of this they have requested the NJDEP to accept a “technically incomplete” (July 2<sup>nd</sup> meeting minutes) or “administratively incomplete” (July 30<sup>th</sup> minutes) NJDEP application.

To help mitigate the impact of an incomplete report, PennEast has requested the ability to use remote-sensing and desktop surveys as an alternative to on-site field surveys.

The Pennsylvania DEP and the U.S. Army Corp of Engineers have stated in their meetings with PennEast that remote-sensed data and desktop surveys cannot be used in place of field surveys, and they will not be accepted in lieu of them. West Amwell Township supports this decision as the only accurate way to identify environmentally sensitive areas such as wetlands, stream corridors, riparian zones, endangered species, and a host of other important land issues.

We ask the NJDEP follow suit and deny PennEast’s request on this matter. A significant number of landowners have not provided permission to access their properties, just shy of 70% of all the parcels within the proposed survey corridor within the state. In fact, the NJDEP Wetlands and Flood Hazard rules require permission of property owners in order to accept a permit application under these rules. We respectfully request that NJDEP require PennEast to adhere to these rules, just as any of us landowners are required to do.

PennEast would need access to all land parcels so that the permit application could be fully vetted and we suggest that NJDEP continues to make this point clear to PennEast representatives, and that they further clarify that remote-sensed data and desktop surveys are only estimation tools and not replacements for field surveys.

As you know PennEast is being evaluated as part of the NEPA process, and a portion of this process states that a full environmental assessment or impact statement must be made *before* a Certificate of Public Convenience and Necessity

can be granted. In the case of PennEast the project is sufficiently large enough to require an EIS to be created. We request that the DEP support this request so that a detailed record and assessment can be presented prior to FERC's decision on this project.

PennEast is asking FERC to accept a seriously deficient EIS in order to grant the certificate and gain eminent domain powers, and then retroactively pursue the studies required under NEPA. They are further asking that NJDEP be a party to this by asking that their NJDEP applications be accepted in incomplete form as well, with surveying to likewise be obtained at a later date after eminent domain is granted. NJDEP should be aware that PennEast must include an "accepted" NJDEP application as part of their resource reports filed to the FERC and that if NJDEP accepts an incomplete application, this incomplete NJDEP application will be used in part as justification for issuing a certificate. It is not possible to evaluate impacts to environmentally sensitive resources such as wetlands, riparian zones and endangered and threatened species without knowing precisely where they are located.

This is not how NEPA is structured, and would be a violation of the both the letter and intent of the statutes. NJDEP should not allow acceptance of an incomplete NJDEP application to be used to bolster an inadequate federal EIS.

PennEast has made it clear that they do not anticipate environmental review to actually be complete (or even close to it) when FERC is ready to make their determination on the project.

The citizens of West Amwell Township have worked hard to preserve our land, our environment, and our quality of life. We have spent untold millions of dollars adhering to strict regulations in preserving farmland and open spaces. We continue to collect an open space tax from our residents who have approved increasing the tax three times in an effort to preserve and protect our farmlands an open spaces. We continue to look to NJDEP as our partner in that effort. We both encourage and thank the Department for insisting on the strictest implementation of the regulations at your disposal as it relates to PennEast. This project deserves the utmost scrutiny given its immense potential to harm our environment and resources. Once a pipeline is in the ground it leaves a permanent scar on our township and our state and it cannot be undone, and as the NJDEP is aware, pipelines attract other pipelines. Do not let PennEast slip by with incomplete applications and open a new pipeline corridor through one of the most environmentally sensitive areas in the state which includes the Sourland Mountain Region and the C1 Alexauken Creek.

Sincerely,

West Amwell Township Environmental Commission  
Cathy Urbanski, Chair

CC  
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