



# State of New Jersey

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF THE COMMISSIONER  
Office of Permitting & Project Navigation  
401 East State Street

P.O. Box 402, Mail Code 401-07  
Trenton, New Jersey 08625-0402  
Tel. (609) 292-2885 • Fax (609) 292-7695  
[www.nj.gov/dep](http://www.nj.gov/dep)

**PHILIP D. MURPHY**  
*Governor*

**SHAWN M. LATOURETTE**  
*Commissioner*

**SHEILA Y. OLIVER**  
*Lt. Governor*

Ms. Kimberly D. Bose, Secretary  
Federal Energy Regulation Commission  
888 First Street, NE  
Washington, DC 20426

April 25, 2022

Mr. Scott Horner  
Williams Transco  
2800 Post Oak Boulevard  
PO Box 1396  
Houston, Texas 77056

**RE: Transcontinental (Transco) Gas Pipeline Company  
Regional Access Expansion Project  
Burlington, Camden, Gloucester, Hunterdon, Mercer, Somerset and Warren Counties  
FERC Docket #CP21-94-000  
Comments on Draft Environmental Impact Statement**

Dear Ms. Bose and Mr. Horner:

The New Jersey Department of Environmental Protection's (NJDEP) Office of Permitting and Project Navigation (OPPN) distributed, for review and comment, the Draft Environmental Impact Statement (DEIS) on the proposed Transco Regional Access Expansion Project.

NJDEP offers the following comments on the Draft Environmental Impact Statement:

### **Land Resource Protection Program**

The DEIS includes information regarding impact acreages to Freshwater Wetlands or Flood Hazard Areas and approximate locations of the proposal are shown on the aeriels. Currently, the project is in conceptual phase and in the process of finalizing the preferred alternative approved by FERC and the DEIS discusses several sites as route locations. NJDEP permits and approvals may be required for completion of the project including, but not limited to, freshwater wetlands, flood hazard area, and waterfront development approvals from DLRP. Any submitted permit application should include a detailed alternatives analysis discussing potential avoidance of impact of these resources.

If you have any questions, please contact Collen Keller, Land Resource Protection at (609) 984-0846 or [Collen.Keller@dep.nj.gov](mailto:Collen.Keller@dep.nj.gov).

### **Historic Preservation Office (HPO)**

As indicated in the documentation submitted, the proposed project will require consultation with our office, pursuant to Section 106 of the National Historic Preservation Act, for the identification, evaluation and treatment of historic properties within the project's area of potential effects. As a result, the HPO looks forward to further

consultation with the Federal Energy Regulatory Commission, pursuant to their obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR §800. The HPO will notify the Office of Permitting and Project Navigation of any developments as consultation moves forward.

In addition, if future project activities require any Freshwater Wetlands permits, Waterfront Development permits, and/or Upland Development permits issued by the State of New Jersey's Division of Land Use Regulation, Highland Preservation Area Approval Permits, as well as environmental assessments under Executive Order 215, further consultation with the HPO will be necessary and archaeological and architectural survey may be appropriate.

If you have any questions, please contact Jesse-West Rosenthal of Historic Preservation Office at (609) 984-6019 or [jesse.west-rosenthal@dep.nj.gov](mailto:jesse.west-rosenthal@dep.nj.gov).

#### Green Acres

Transco states that no Green Acres encumbered properties are directly impacted by the Regional Energy Access Expansion Project. However, several Green Acres encumbered properties are adjacent to or near the project. If any temporary work areas encroach on parkland, we request to be notified, as loss of natural resources and recreational facilities – even on a temporary basis -- will need to be addressed and may require compensation. In addition, due to the proximity of several encumbered properties to the project area, please notify Green Acres of any changes in alignment/location. Transco holds an easement that predates the Green Acres restriction on the Coventry Farm property in Princeton, New Jersey. Please request, on Green Acres behalf, a copy of that easement. We will confirm that the rights granted to Transco include those required for modifications to the Station 210 Pooling Point facility at Coventry Farm.

If you have any questions, please contact Maude Snyder of The Green Acres Program at 609-913-6660 or [maude.snyder@dep.nj.gov](mailto:maude.snyder@dep.nj.gov).

#### Bureau of Surface Water Permitting

Based on the review, a NJPDES Discharge to Surface Water permit will be needed for any surface water discharge during construction (i.e., dewatering; pipe integrity testing, etc.).

If the discharge is shown to not contain pollutants at levels exceeding applicable standards, Transco may be eligible for a t B7 - Short Term De Minimis NJPDES discharge to surface water permit (see <http://www.nj.gov/dep/dwq/gp-b7.htm>). This is determined by running a pollutant scan as described in the application checklist where the data can be collected up to a year in advance of the discharge. However, if the discharge does contain pollutants at levels exceeding applicable standards, (see <http://www.state.nj.us/dep/dwq/pdf/b7-deminimis-final-permit-5-20-15.pdf>), Transco must obtain a BGR – General Remediation Cleanup permit (see [http://www.nj.gov/dep/dwq/gp\\_bgr.htm](http://www.nj.gov/dep/dwq/gp_bgr.htm)).

In addition, based on the review, a NJPDES Discharge to Surface Water permit will be needed for any surface water discharge from hydrostatic testing. The appropriate NJPDES discharge to surface water permit will be the BG - Hydrostatic Test Water Discharges (see [http://www.nj.gov/dep/dwq/gp\\_hydrostatic.htm](http://www.nj.gov/dep/dwq/gp_hydrostatic.htm)). To be authorized under the BG permit, an application must be submitted to the Department at least 14 days prior to discharge.

If you have any questions, please contact Dwayne Kobesky, of the Division of Water Quality, Bureau of Surface Water Permitting at (609) 292-4860 or [Dwayne.Kobesky@dep.nj.gov](mailto:Dwayne.Kobesky@dep.nj.gov)



### **Bureau of Non-Point Pollution Control**

If more than one acre will be disturbed, a general permit for Construction Activities, (5G3) may be required. The permit application process is available online <http://www.state.nj.us/dep/DWQ/5G3.htm>.

If you have any questions, please contact Eleanor Krukowski at (609) 633-9286 or [eleanor.krukowski@dep.nj.gov](mailto:eleanor.krukowski@dep.nj.gov).

### **Air Permitting**

The permitting requirements are in N.J.A.C. 7:27-8 for non-major facilities and N.J.A.C. 7:27-22 for major facilities. N.J.A.C. 7:27-5 prohibits impact offsite for such things as odor and dust.

For both the new Compressor Station 201 (Gloucester County) and the existing Compressor Station 505 (Somerset County), the Department recommends that Transco consider electric motor-driven compressors because both sites are near residential areas. If Transco were to propose natural gas turbines, a health risk assessment would be required, which would likely show increased potential effect due to the nearby residences.

If you have any questions, please contact Danny Wong of the Bureau of Air Permitting at [danny.wong@dep.nj.gov](mailto:danny.wong@dep.nj.gov).

### **Air Evaluation and Planning**

#### **2.3.3 Aboveground Facility Construction**

Section 2.3.3 of the draft EIS states, "Construction and modification activities at the compressor station sites would include access road construction, erosion control installation, site clearing and grading, installing concrete foundations, erecting metal buildings, and installing compressors, metering facilities, and appurtenances. Initial work at the compressor stations would focus on preparing foundations for the buildings and equipment. Building foundations and pipe trenches would be excavated with standard construction earthmoving equipment. Transco does not anticipate that blasting would be required at compressor sites. Following foundation work, station equipment would be brought to the site and installed using any necessary trailers and cranes for delivery and installation."

### **Comment**

40 CFR 93.157 (d) (Reevaluation of Conformity) of the Federal General Conformity regulation (40 CFR, part 93, Subpart B) states, "If the Federal Agency originally determined through the applicability analysis that a conformity determination was not necessary because the emissions for the action were below the limits in 93.153 (b) and changes to the action would result in the total emissions from the action being above the limits in 93.153 (b), then the Federal agency must make a conformity determination."

If there are any changes to the size of construction, type of equipment used and/or activity for this project, revise the General Conformity Applicability Analysis, and emission estimates in Table 4.8.3-1 of the draft EIS to reflect the changes; and if necessary, prepare a Conformity Determination in accordance with 93.157 (d) of the Federal General Conformity regulation (40 CFR, part 93, Subpart B).

#### **4.8.1.2 Existing Air Quality and Attainment Status**

Section 4.8.1.2 of the draft EIS states, "Areas in compliance, or below the NAAQS, are designated as attainment, while areas not in compliance, or above the NAAQS, are designated as nonattainment. Areas that were previously designated as nonattainment and have since demonstrated compliance with the NAAQS are designated as maintenance. Areas without sufficient data available are designated as unclassifiable and treated as attainment areas. The Project spans five ACQRs and includes six counties located in Pennsylvania, six counties in New Jersey, and one county in Maryland. Table 4.8.1-1 summarizes the attainment status designations for the Project area."

### **Comment**

40 CFR 93.153 (e) (Prohibition) of the Federal General Conformity regulation (40 CFR, part 93, Subpart B) states, "if an action would result in emissions originating in more than one nonattainment or maintenance area, the conformity must be evaluated for each area separately." The actions proposed in the draft EIS occur in two ozone



nonattainment areas within New Jersey; the Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) ozone nonattainment area, and the New York-Northern New Jersey-Long Island (NY-NJ-CT) ozone nonattainment area. General Conformity must be evaluated for each of the nonattainment areas.

Table 4.8.1-1 in the Draft EIS summarizes the attainment status for the NY-NJ-CT nonattainment area as “serious” for the 2008 ozone standard, and “moderate” for the 2015 ozone standard; and summarizes the attainment status for the PA-NJ-MD-DE nonattainment area as “marginal” for both the 2008 and 2015 ozone standard.

The NY-NJ-CT nonattainment area is expected to be reclassified by USEPA for the 2008 ozone standard in the near future, from “serious” to “severe”. The de minimis thresholds for the “severe” classification are 25 tons per year for NOx and VOCs (40 CFR 93.153 (Applicability) (b) (1)). The PA-NJ-MD-DE nonattainment area is also expected to be reclassified by USEPA in the near future from “marginal” to “moderate” for the 2015 ozone standard. The nonattainment classifications that are in effect at the time of the General Conformity applicability analysis and determination for all standards and nonattainment areas must be used for establishing de minimis levels.

#### **4.8.2.5 General Conformity**

Section 4.8.2.5 of the draft EIS states, “The General Conformity Rule is codified in 40 CFR 96 Subpart B and was developed to ensure that federal actions in nonattainment and maintenance areas do not impede states’ attainment of the NAAQS.”

#### **Comment**

The Federal General Conformity regulation can be found at 40 CFR, part 93, Subpart B (Determining of General Federal Actions to State or Federal Implementation Plans). Revise the draft EIS to include the correct code of federal regulations.

If you have any questions, please contact Connor Milligan of the Bureau of Air Planning and Evaluation at [connor.milligan@dep.nj.gov](mailto:connor.milligan@dep.nj.gov).

#### **Air Planning - Bureau of Mobile Sources**

1. Heavy duty equipment used for construction must adhere to the No Idling regulations, including not idling for more than 15 minutes above 25 deg. F.
2. Any and all light duty vehicles on the premises during construction cannot idle for more than 3 minutes.
3. Heavy duty equipment used for construction and demolition must minimize idling whenever possible
4. All medium and heavy-duty equipment used for construction should meet the US EPA Tier 4 non-road emission standards and should use Ultra Low Sulfur Diesel (ULSD) fuel when applicable.
5. Any operation of heavy-duty equipment near residential neighborhoods of Higgins Farm Access Road must minimize noise pollution from construction and idling.

For the No Idling Regulations specifics, please read below:

1. All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three-minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15. Consider purchasing “No Idling” signs to post at the site to remind contractors to comply with the idling limits. Signs are available for purchase from the Bureau of Mobile Sources at 609/292-7953 or <http://www.stophesoot.org/sts-no-idle-sign.htm>.
2. All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days should have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter and/or NOx emissions.



3. All on-road diesel vehicles used to haul materials or traveling to and from the construction site should use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

If you have any questions, please contact Kris Dahl of the Bureau of Mobile Sources Survey at [Kris.Dahl@dep.nj.gov](mailto:Kris.Dahl@dep.nj.gov).

Thank you for giving the New Jersey Department of Environmental Protection the opportunity to comment on the information provided in the Draft Environmental Impact Statement for the Transco Regional Access Expansion Project. If you have any additional questions, please do not hesitate to call me at (609) 292-3600.

Sincerely,



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David T Pepe, Director  
Office of Permitting & Project Navigation

