

Holland Township Environmental Commission Minutes

February 5, 2020 7 PM Meeting

Acting Chairman Bowers called the meeting to order. I call to order the February 5, 2020 Regular Meeting of the Holland Township Environmental Commission. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Environmental Commission Secretary by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Publishing the notice in the December 12, 2019 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

All stood for the pledge of allegiance. All were reminded to turn off their cell phones or put them in silent mode.

Members Present: Jerry Bowers, Henry Gore, David Harrison, Ted Harwick, Susan Meacham, Ray Note, Dwight Pederson, Township Committee Liaison: Robert Thurgarland and Secretary Maria Elena Jennette Kozak.

Absent: Mike Keady

Let the record show we have a quorum.

Minutes: A motion was made by Susan Meacham and seconded by Jerry Bowers to table the approval of the minutes from January 8, 2020. All present were in favor of the motion. Motion carried.

PennEast Pipeline update: Susan Meacham and Mike Keady – Susan Meacham talked about the existing oil pipeline and a second phase of that pipeline going down the rest of Pennsylvania to Trenton. At this time we do not know where it would cross to New Jersey with the exception that Phase 2 is to be done in 2023.

There is a New Docket as an intervenor. PennEast wants to adjust rates as the whole project is costing more money. The Sierra Club reported that FERC granted an extension till the end of 2023. Most believe that a new project will be proposed. If Pennsylvania does not approve the compressor station in Kitter Township then the whole project will be killed. More discussion took place about what PennEast is saying about the gas coming out of the USA and potentially being shipped to other countries. An article did appear in Pennsylvania stating that you cannot take State land in New Jersey

PennEast, Way Behind Schedule, Asks for Two More Years to Build Pipeline

[Jon Hurdle](#) | January 6, 2020 | [Energy & Environment](#)

Critics of controversial pipeline say, given legal and regulatory challenges, company is unlikely to meet its desired new deadline of January 2022

Credit: Twenty20

The PennEast Pipeline Co. says it has been the victim of “unforeseeable circumstances” that have delayed construction.

The PennEast Pipeline Company is asking federal regulators for two more years to build its controversial natural gas pipeline through New Jersey and Pennsylvania, saying it has been the victim of “unforeseeable circumstances” that have delayed construction some two years beyond its original start date.

The company wrote to the Federal Energy Regulatory Commission on Dec. 30, saying it has used its “best efforts” to meet a FERC certificate that required putting the proposed pipeline into service by this month but now needs the extra time.

The commission, which approves nearly all interstate pipeline projects that come before it, is expected to agree to the extension.

The company did not specify the circumstances that have set back its plans but said it can show “good cause” for making the request.

[Arguably the biggest setback was an appeals court ruling in September](#), holding that the company was not entitled to build the pipeline on 49 parcels of protected land in which the State of New Jersey has an interest.

The company says it will appeal the ruling to the U.S. Supreme Court but a decision on whether to hear the case isn’t expected until mid-2020, and even if the court takes the case, a ruling is unlikely before early 2021.

PennEast will be unable to resubmit its [failed applications for water-quality and other permits](#) to the New Jersey Department of Environmental Protection until any Supreme Court ruling on whether the pipeline can be built on state land.

Other permitting challenges

The troubled project must also obtain permits from the Delaware River Basin Commission, which is reviewing its application but has not scheduled required public hearings.

The continuing legal and regulatory requirements hanging over the project make it highly unlikely that it will be able to meet its desired new deadline of Jan. 19, 2022 even if FERC grants the extension, critics said.

“I think it’s very unrealistic to go two years,” said Tim Duggan, an attorney for several local government entities and about 45 individual landowners who oppose the project. He estimated that any Supreme Court review would take six to nine months and even if PennEast wins its appeal, it will then have to face both the DEP — where permit applications can take a year to be decided — and the DRBC.

Faced with that timetable, Duggan said the company may be planning on asking for a further two years after the currently sought period expires. “They’re going to get the two years but I don’t think it’s enough time,” he said.

He argued that the chances of the pipeline being built are further limited by the environmental policies of the Murphy administration, which aims to create a 100% clean-energy economy by 2050, and would be undermining that goal if it approved a major piece of fossil fuel infrastructure like PennEast.

The \$1 billion pipeline would carry natural gas about 120 miles from the Marcellus Shale of northeastern Pennsylvania, crossing beneath the Delaware River, and ending in Mercer County. The company says the project would bring low-cost natural gas to consumers in New Jersey but critics including the New Jersey Division of Rate Counsel, a watchdog for utility ratepayers, say it’s an unnecessary and environmentally damaging plan.

The project has aroused strong community opposition in New Jersey, especially from landowners who fear their private water wells will be contaminated by construction. Many have denied PennEast access to their land for surveying.

In Pennsylvania, PennEast is seeking permits from regulators, and has modified its route in four places.

What gas shortage?

Popular resistance is the main reason for the delays, argued Jeff Tittel, director of the New Jersey Sierra Club. “PennEast said they needed the pipeline in 2015 because of the shortage of gas in the region. Here we are five years later and there is still no shortage and PennEast is looking to delay the project even longer.”

In its two-page request to FERC, PennEast said it is “considering available remedies” to address the DEP’s “unfounded claim” that it could not move forward with the permit application because the Third Circuit Court of Appeals said the company could not build on the state lands.

The company, whose investors include a unit of New Jersey Resources, said postponement of the in-service date would have no impact on FERC’s findings that the project is in the public interest, and therefore that the company has the right to take private land under eminent domain.

“PennEast remains committed to constructing this important energy infrastructure project and placing the project into service as soon as possible,” it said.

Company spokeswoman Pat Kornick declined to say what legal remedies the company might pursue against the DEP, but said PennEast will appeal to the Supreme Court over the September appeals court decision by early February. FERC declined to comment.

In October, the DEP denied PennEast’s application for a water-quality permit for the second time, saying the Third Circuit’s ruling means the company “no longer has the legal authority to perform activities” on the 49 parcels.

The court ruling stands in the way of any further movement, said Tom Gilbert, campaign manager for the New Jersey Conservation Foundation, an outspoken opponent of the project.

“At this point, given that Third Circuit decision, they are unable to move this project forward,” Gilbert said. “They don’t have legal authority over properties that they are depending on to build their pipeline in New Jersey, and unless and until they can find some way to resolve that issue, this project is going nowhere.”

Rather than planning for another extension, PennEast is likely looking at the end of the road for its project, Gilbert said. “If the Supreme Court refuses to take the case up, they are pretty much out of options.”

PennEast is overhauling its controversial project to construct a more than 100-mile natural gas pipeline between Pennsylvania and New Jersey.

PennEast's original proposal called for a continuous pipeline between Luzerne County, Pennsylvania into Mercer County, New Jersey. But the company has encountered big battles over eminent domain, especially on the Jersey side.

Now, PennEast has filed an amended plan with the Federal Energy Regulatory Commission to first construct a 68-mile stretch from Luzerne County to Bethlehem Township, Northampton County by November 2021.

The rest of the pipeline would be finished in a second phase by 2023.

PennEast says the project would bring jobs and affordable, clean energy to the region. Opponents say the project would harm the environment. They argue there is no shortage of natural gas, so a pipeline is not needed to boost supplies.

In a statement, PennEast's chairman says, "Building the project in phases allows PennEast to meet the clear public need in the short term in Pennsylvania, and in the long term in New Jersey by affording sufficient time for permit and legal issues to be resolved."

More discussion took place about the pipeline project.

DEP initiative to help towns pass ordinance on Soil Dumping. Tabled until next month. All encouraged to read what was sent to them and available on the DEP website entitles Guard your Backyard. <https://www.nj.gov/dep/guardyourbackyard/>

Phoenix Energy – Western Land Services has been approaching homeowners regarding easement availability to join power lines. This is the same company that PennEast used. People are talking on Facebook about this.

NJ Tree Recovery Campaign May 2020 – Holland Township submitted their application requesting free trees. The event will be distribution on Saturday May 2, 2020 with a pick up date just before at the Warren County Soil Conservation District in Hackettstown. Mr. Harwick and Mr. Pederson have been picking up trees the last few years we were involved with the program. April 24, 2020 is Arbor Day. Secretary Kozak will work with Clerk Miller on the yearly proclamation. Secretary Kozak will work with liaison Thurgarland with the Township Committee supporting our yearly tree planting and plaque dedications. Secretary Kozak will distribute the giveaway flyers once received from the state as they have specific forms to be

used. Chairman Keady will do the annual newspaper announcement. We need to work with the local Brownies or Boy Scouts with this event and we will need to establish contact in January.

Sub-Committees:

Trails – Ted Harwick, Jerry Bowers and Ray Note. Secretary Kozak reported that DPW Supervisor Colaluce is working on getting cork for the second trail head kiosk. We need to continue spreading the word about the trail.

Community Forestry Plan – Ray Note, David Harrison, Ted Harwick, Henry Gore (emeritus) and Secretary Kozak

Community Forestry Plan Grant - The Holland Township Community Forestry Plan 2020-2024 was submitted and we are awaiting a response from the DEP after December 12, 2019. Please submit your volunteer hour sheets. Secretary Kozak will let everyone know of the status update.

Secretary Kozak to post the interim report to the web.

Tree Inventory Update i-Tree training session by Dwight Pederson. Anyone interested in entering the data from the Tree Inventory Sheets please see Secretary Kozak. Data entry deadline is March 31, 2020. Keep track of hours – everyone should track 30 minutes for the training tonight. When entering data, please contact Dwight Pederson if the question is i-tree related and David Harrison if the question is tree inventory related.

Highlands Conformance – Jerry Bowers, Mike Keady and Dwight Pederson.

Highlands Council Environmental and Economic Sustainability Grant Awards Program update:

No news to update other than Secretary Kozak is still working with Maser and the Highlands Council.

The Retention/Detention basin inventory is still an important project but the priority projects are the Wastewater Management Plan, The Water Use and Conservation Plan, The Master Plan Reexamination and the Affordable Housing/Fair Share Housing Plan. Subcommittees of the Planning Board for the Reexamination Plan and Affordable Housing/Fair Share Housing have been created to work with Planner Green. Plans will be available for review once created. The process for public comment will be through the Planning Board.

Stormwater Education – Mike Keady, Jerry Bowers, Susan Meacham and Maria Elena Jennette Kozak as Secretary – Nothing new to report Secretary Kozak to work on the report. Maser will be asking for it in April or May.

Community Education and Outreach – Jerry Bowers, Dwight Pederson, and Susan Meacham – Nothing new to report. Jerry Bowers will reach out to Bob Thurgarland about seeing if a counter can be added to the website.

The EC webpage is: <http://www.hollandtownshipnj.gov/14-ec/46-environmental-commission.html>. Please send any additions or corrections to Secretary Kozak for posting

Inventory on Fauna and Flora subcommittee - David Harrison, Dwight Pederson, Ray Note and Henry Gore (emeritus) – David Harrison is working on a memo of what we learned with the tree inventory. He will do a write up. More information to follow.

Arbor Day subcommittee – Dwight Pederson and Henry Gore – more information to follow

Public Comment: No one is present in the public.

New Business: Dwight Pederson brought up discussion about the Hampton NJ project which consists of a 330 home development project with no public sewer. A sewerage treatment plant would be on site. The treatment goes back into the ground and makes its way to the Musconetcong which is why the MWA is against this project. The project goes back to 1981.

Secretary Kozak found an article that had some information for consideration:

By [Caroline Fassett | NJ Advance Media for NJ.com](#)

The state Department of Environmental Protection hosted a public hearing on Tuesday in Flemington for a proposed sewer service area of what would be a 333-unit housing development in Hampton bordering the Musconetcong River, drawing in dozens who voiced their opposition to the project.

The 47-acre sewer service area, included in an amendment submitted by Tony D Environmental Permitting, LLC on behalf of Hampton Farms, LLC, features a discharge-to-groundwater treatment plant that would serve the proposed [Haberman Hampton project](#).

This residential housing unit development consists of 142 single family homes, 146 multi-family attached units, and 45 multi-family attached affordable units in addition to 6,000-square-feet of commercial space. Hampton is a small borough in Hunterdon County. It had a population of 1,401 at the time of the 2010 Census.

The proposed project would generate a projected wastewater flow of 86,175 gallons per day to be received by the subsurface sewage disposal system. Hampton Borough Mayor Todd Shaner could not be reached for comment about the proposed development.

Tony Dilodovico, president of Tony D Environmental Permitting, LLC, on Tuesday said at the hearing that the sewer service area would be outside of a 300 foot riparian zone, and would not be located in any wetlands, [National Heritage Priority sites](#), or habitats of threatened or endangered species.

"We have ensured that we have not included any of the environmentally sensitive areas that cannot be in the sewer service area in the sewer service area," Dilodovico said. "And, as was said, this is just a first step in moving forward."

Secretary Kozak was asked to contact the Hunterdon County Planning Board to see what is going on and what their opinion is. The MWA is looking to see what towns support their effort.

At 8:10 pm David Harrison made a motion to adjourn.

Respectfully Submitted

Maria Elena Jennette Kozak

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Environmental Commission Secretary