

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

PennEast Pipeline Company, LLC, Docket No. CP15-558-000

Comment From Registered Intervenor - Hopewell Township Citizens Against the
PennEast Pipeline, LLC

Dear Ms. Bose,

On, September 24, 2015, the PennEast Pipeline Company LLC (“PennEast”) filed its application under § 7 of the Natural Gas Act, 15 U.S.C. § 717f, and § 157 of FERC’s regulations, 18 C.F.R. § 157.1 *et seq.*, for the proposed PennEast Project (“Project”), FERC Docket No. CP15-558-000.

Hopewell Township Citizens Against the PennEast Pipeline has grave reservations about the PennEast pipeline and requests that FERC does not grant a certificate for this project. We have many concerns about the impacts of the pipeline on the natural resources, environment, wildlife, health and safety, and economics of our community.

Water Resources

The pipeline would adversely affect crucial natural resources relied upon by Township residents. Hopewell Township has limited water resources. As recognized by the United States Environmental Protection agency and the New Jersey Department of Environmental Protection, Hopewell Township is underlain by “sole source aquifers,” such that groundwater provides the primary source of drinking

water for residents of the Township. Impacts to groundwater harm those water resources. This limitation has served as the basis for the Land Use Element of the Hopewell Township's Master Plan and for its zoning, which was upheld by the New Jersey Superior Court, Appellate Division in the litigation captioned *Greenwood v. Mayor & Twp. Comm. of Hopewell*, 2008 N.J. Super. Unpub. LEXIS 275 (App.Div. Aug. 14, 2008). Those limited groundwater resources are declining and require protection. Near all of the residents of Hopewell Township have private wells and private septic systems that rely on our water resources. HTCAPP is very concerned that PennEast plans to HDD under some waterways, but not all of our C1 streams. Our water table is already precarious and cannot tolerate anything less than HDD under all waterbodies.

No "Blanket Certificate"

Given the complexity and wide scope of water resources that would be impacted by the pipeline, HTCAPP is asking FERC to not issue a blanket certificate to PennEast. A 'one size fits all solution' is not adequate to evaluate the route.

Concerns Raised at Board of Health Hearing in Hopewell Township

HTCAPP petitioned The Hopewell Township Board of Health for a public hearing and the Board of Health was sufficiently concerned about the potential adverse effects of the pipeline on water resources and on the general health of local residents that it held the hearing, on the record, on July 28, 2015. HTCAPP

provided nine experts, and five individuals testified under oath. The full hearing has previously been sent to the docket by Hopewell Township, main points of the experts who testified included:

- Matthew Mulhall, professional geologist, who testified about the Township's limited and strained water resources. He testified that the pipeline would cross the Hopewell Fault, an important regional water resource, and that it would introduce contaminants to the groundwater and serve as a conduit for groundwater to migrate out of the watershed.

- Michael Pisauro, J.D., who testified that the pipeline would cut through multiple Category 1 streams and waterways in Hopewell Township, compromising the regulatory scheme that is designed to protect the Township's groundwater and surface water from contamination, thereby adversely affecting the Township's drinking water.

- Dr. Tullis Onstott, Ph.D., who testified that construction and operation of the pipeline will cause arsenic contamination in the groundwater, adversely impacting the wells of many Hopewell Township residents, some of which are within 50 feet of the proposed route.

- Dr. Michael Trachtenberg, Ph.D., who testified that chemical releases from the pipeline will adversely affect the physical health of residents of Hopewell Township.

- Dr. Michael Brogan, Ph.D., who testified that the pipeline posed a significant risk to the residents of Hopewell Township resulting from any unintentional release of gas. Furthermore, he testified that 1 out of 7 residents in Hopewell Township live within the PIR for the pipeline and that it constituted an unacceptable burden shift on residents.

- Dr. Scott Donofrio, M.D., who testified that Hopewell Township residents would be exposed to an increased risk of mental illness as a result of the pipeline operations in the Township and that that unalleviated stress could cause many physical illnesses well

documented to be attributable to increased stress including migraines, heart disease, and gastrointestinal disorders. He testified that he is already seeing patients present with anxiety symptoms from the proposed project.

- Dr. Lisa Dobruskin, M.D., who testified that chemical releases from the pipeline and the nearby Transco Compressor station #205, which is part of the cumulative impacts that need to be considered by FERC, would adversely affect the physical health of residents of Hopewell Township.

- Katherine Dresdner, J.D., who testified that PennEast had an inadequate safety record to justify construction and operation of the pipeline.

- Paul Pogorzelski, P.E., who offered a report prepared by Frank Chippetta, of Blasting Analysis International, describing blasting safety measures that PennEast would have to comply with to minimize risk to residents from PennEast's blasting operations.

PennEast chose not to send any representative to the hearing. Following presentation of the testimony, the Board of Health adopted a Resolution declaring, among other things, that:

The proposed PennEast natural gas pipeline will pose an unreasonable and significant risk to the health and safety of the citizens of Hopewell Township, as a result of, among other things, potential groundwater and surface water contamination, air quality degradation, blasting risk, increased risk of mental health illness, and increased risk of physical illness. [Hopewell Township Board of Health Resolution 2015-2]

Safety Concerns

HTCAPP has grave concerns regarding the safety of the proposed pipeline. One out of seven Hopewell Township residents live within the PIR of the route. Additionally, the route passes under a rail line that is the corridor for an often

100 car long, highly explosive Baakan oil transport. This is a potentially deadly combination. Another particularly dangerous location is State Highway 31 crossing. PennEast has shown no plans to HDD drill under Route 31. This highway is heavily traveled by trucks as well as cars. Since the completion of interstate highway 295 in 1993, many more tractor-trailers use Route 31. The DOT states the average daily traffic (ADT) for Route 31, just south of the circle, in 2013 was about 17,500. Of additional concern is that at this proposed point of crossing there are 3 gas stations and a doctor's office. Given the amount of heavy traffic, gas tanks, and a medical facility, we are extremely concerned about the risk to our community from the proposed PennEast pipeline.

The terminus of the route, where the large above ground facility for the pipeline is planned, was recently moved much closer to the other side of a field closer to the backyards of a residential community. This recent route shifts further encroaches on many resident's properties and puts them and their families closer to the PIR.

The New Jersey Board of Public utilities has done a thorough analysis of Federal Law in the matter of pipeline safety, and because of the density of the state, has determined that the federal statutes do not provide an adequate level of safety for the public. As a result they have enacted far more stringent rules in the state. The NJ regulations state in part:

"The State system for designing pipelines based on the class location in relation to population density, found at N.J.A.C. 14:7-1.3, requires all pipelines installed after

the effective date of the proposed amendments to be designed to Class 4 pipeline location standards, the highest standard for similar pipelines designed under the Federal classification system at 49 CFR 192.5. Some of the NJ partners of PennEast, PSE&G, AGL, and SJI, enthusiastically testified about the mandatory class 4 location standards for all of NJ. PennEast and its' partners should follow class 4 location requirements in any plans they submit to FERC.

Preserved Lands

PennEast would cross thousands of acres of preserved open space and farmland. New Jersey citizens have paid millions of dollars for these lands, and their misuse by PennEast would be a violation of the intent of their preservation. Furthermore, the use of preserved lands for industrial use would destroy the publics' incentive to preserve land, thereby harming the entire preservation program in the state of New Jersey.

In Hopewell Township, PennEast would irreparably harm and scar the Ted Stiles Preserve at Baldpate Mountain—Hopewell's and Mercer County's crown jewel of parks. Baldpate, with sweeping views of the Delaware River below and Philadelphia in the distance, is Mercer County's highest and only publicly accessible mountain.

Hopewell residents labored for decades to permanently preserve this mountain oasis from an encroaching quarry. Baldpate is a mecca for New Jersey residents from as far as the shore and Pennsylvania residents across the river seeking nearest mountain recreational opportunities: hiking, trail-running,

mountain-biking, horseback-riding, cross-country skiing, dog-walking, birding and fishing. Baldpate's parking lots, including the Pleasant Valley lot and associated Ridge Trail that PennEast plans to obliterate, regularly fill up on weekends. Baldpate's scenic beauty makes it a coveted wedding paradise.

Baldpate's 1,480 acres of contiguous forest is the largest unbroken forest tract in the County. An outlier of the Sourland Mountains, Baldpate Mountain contains some of the richest biodiversity in New Jersey. Southern and northern species meet here, enriching the flora and fauna. Due to the high quality habitat, including areas of intact understory, and the mingling of southern and northern species, Baldpate Mountain has the highest concentration of breeding Neotropical migrants in New Jersey. A total of 165 species have been reported at Baldpate; sixty-one of these are American Bird Conservancy species of conservation concern that use Baldpate for breeding, a migratory stop or as part of a resident territory. Bald Eagles recently photographed in the PennEast ROW at Pleasant Valley. Thus Baldpate has been designated a vital 'Important Bird Area' for Central New Jersey. The potential damage from PennEast to these breeding birds of conservation concern cannot be understated nor mitigated, as there is no other high quality habitat for relocation of these species in central New Jersey.

PennEast's blasting of bedrock and clear-cutting of another 2.7 mile long, usually 145' wide (250' at HDD site) construction ROW side-sloping Baldpate's steep flanks adjacent to, but separate from JCP&L's 100+ cleared ROW (285' easement), has potential to create a combined 535' wide zone of disturbance,

leaving little forest on Baldpate's north side. Clearing would push deleterious 'edge effects' further into forest core. PennEast would likewise permanently denude the ridge's north summit at Pleasant Valley. It would not only obliterate the parking lot, but also the kiosk and Ridge Trail. The proposed access roads, one 1300' as well as heavy equipment crossing over and into JCP&L's uncleared easement sides could further fragment whatever forest remained. Damage to Baldpate at Pleasant Valley would be visible not just on the north side, but also visible from historic Washington Crossing State Park on the south side. Night-time construction would disturb the Astronomical Observatory at Washington Crossing Park.

Another major concern is PennEast's route through the Pole Farm Important Bird Area. For many years Bald Eagles have wintered here. A pair was photographed mating and confirmed nesting nearby from September 2014 through Spring 2015. The pair has been photographed extensively near terminus along Blackwell, in the Pole Farm, at Rosedale Lake as home base and possibly Curlis Lake. Recent report suggests might be back in the vicinity.

Historical Resources

Baldpate and Pleasant Valley to the north have a rich and long history. PennEast ROW on Baldpate may disturb stone ruins of the "Hunt House." Further east PennEast crosses old Honey Hollow Road leading into former Honey Hollow village with ruins of houses, barns, and a springhouse dated "DHP Aug 1845." PennEast would also slice and scar the heart of Mercer County's

prettiest Valley, Pleasant Valley. The Pleasant Valley Historic District contains more than a dozen locally historic sites including the Howell Living History Farm frequented by busloads of school children. PennEast skirts that Farm by a mere 200-300'. Within this District are also at least two other farmsteads, two old public school sites, the Phillips gristmill, a blacksmith shop site & house, the old Phillips Burying Ground.

Economics

Residents on and near the route will suffer decreased property values and directly impacted landowner's property rights will be impinged upon through the burden of an unwanted easement. Our members consist of local realtors who are already suffering from depressed sales due to houses near the proposed pipeline route sitting on the market unsold. On November 19th, 2014, the New Jersey Realtors president Cindy Marsh Tishy submitted in their scoping comments to FERC that "this pipeline could have severe impacts not only on property rights but on home values." She further goes on to state that she has "grave concerns" about the "ability of homeowners to sell their homes in the area." We are already seeing in Hopewell Township this decline in sales. A depressed and devalued real estate market would have a negative impact on our tax base as well as individual property owners.

By the direct "taking of land", the PennEast project will negatively impact the livelihood of all farmers along the pipeline route, the destruction of woodlands, the destruction of soil quality and the proven negative impact of an operational

pipeline on crop yields.

Failure to Demonstrate Public Need

HTCAPP disagrees with the need assertion by PennEast. Today the state of NJ averages about 1.8 billion cubic feet of natural gas consumption per day.

That's across all users, residential gas customers, electrical generation plants, industrial users, and transportation (e.g. natural gas powered busses). The PennEast pipeline by itself will add an additional 1 billion cubic feet of natural gas to our already well-serviced state, piling on an extra 55% of oversupply capacity we don't need. And this is on top of the recently approved Transco pipeline that's being expanded just to the East of us in Montgomery/Princeton.

Compromising Municipal Owned lands

The proposed pipeline is also of concern also to HTCAPP because it would cross 3 Hopewell Township owned tracts of importance. The first, Block 85 Lot 3, known as the "Zaitz Tract,". This tract was purchased by Hopewell Township for the express purpose of providing affordable housing, as required by the mandate of the New Jersey State Constitution and decisions of the New Jersey Supreme Court that the municipality must provide its fair share of the regional need for low and moderate income housing. *See, e.g.*, the New Jersey Supreme Court decision, *In re N.J.A.C. 5:96 & 5:97*, 221 N.J. 1 (2015).

The municipally owned Zaitz Tract at block 85, lot 3, is integral to Hopewell Township's Affordable Housing Plan, which itself is currently subject to the jurisdiction of the Superior Court of New Jersey in the litigation titled, *In*

the Matter of the Application of the Township of Hopewell, Docket Number MER-L- 1557-15. The proposed gas pipeline would bisect the Zaitz tract and cause irreparable harm to Hopewell Township's ability to provide its constitutionally-required fair share of affordable housing. If that requirement cannot be met, Hopewell Township residents could be punished by the state with a 'Builders' Solution' which would further burden our resources.

On Block 91, Lot 3.12 of the Township, is the planned site of our new fire station-rescue squad. Architectural plans have been prepared for this station and if the pipeline is allowed to cross the lot the Township will have to abandon the location and find a new site for the fire station. The need for this fire station is driven by the Merrill Lynch development and the station site must remain on the Merrill Campus.

PennEast would cross Block 92, Lot 9, known as the "Alliger Tract," that is preserved parkland. This park was preserved with open-space trust funds and is now the site of the Township's Veterans' and 9-11 Memorials.

Hopewell Township Local Ordinances

Finally, but without limitation, HTCAPP has an interest in protecting local ordinances that we have citizens have supported. These ordinances are designed to protect our water supply and natural resources. These ordinances include, but are not limited to,

- Steep slope protection ordinance: PennEast pipeline activities will modify the natural slope system in a variety of ways and will promote instability by loading the slope, removing vital support, and increasing pore-water pressures.

- Forestry management and tree removal ordinances: PennEast pipeline construction will result in the removal of significant forestland and mature trees that will require mitigation pursuant to the Township's tree removal ordinance.

Cumulative Impacts

HTCAPP asserts that FERC should look at cumulative impacts of pipelines in the area. An EIS should look at the impacts of the Williams Transco compressor Station #205 in Lawrenceville NJ and the Transco Garden State Expansion project. PennEast has stated that it is not connected to the Garden State Expansion project but that is difficult to comprehend given that PennEast ties into that very same compressor station #205. Other projects that FERC needs to look at cumulatively include the Marc II Project and the Southern Reliability Link. PennEast and the Crestwood Partners Marc II pipeline are connected. The below is from a PennEast pipeline partner, New Jersey Resources, shareholder meeting showing clearly that PennEast and Marc II are related not just geographically, but economically and must be looked at cumulatively in an EIS. Slide 60 of the presentation contains this information:

"Announcement of supporting project by Crestwood: MARC II Project will connect an additional 1 BCF/day of supply from NE PA production to PennEast"

<http://files.shareholder.com/downloads/NJR/0x0x787366/3704053C-E8D1-4976-8C65-C6607FA23783/NJR%2010-21%20final%20slide%20deck.pdf>

New Jersey Natural Gas, another PennEast partner, is proposing the Southern reliability link in New Jersey through the Pinelands. This 'intra-state' is pipeline must also be looked at cumulatively as part of the PennEast EIS as it is able to receive gas from PennEast.

FERC needs to employ a Programmatic Environmental Impact Study in order to adequately consider the environmental impacts on communities from pipelines. FERC must begin to look at the big picture in order to accurately assess need and the cost to communities and the environment. Other existing and proposed pipelines that are among projects that FERC needs to consider in its' PennEast EIS are: Transco's Leidy line system upgrade projects which include the Northeast Supply Link project, the Southeast Leidy Expansion project, the Atlantic Sunrise project, and the Diamond East project. These projects all upgrade portions of Transco's Leidy Line system, which parallels PennEast's proposed project. Texas Eastern's TEAM 2014 Project and Columbia's East Side Expansion Project also impact the same watershed. It is clear from these many projects, that PennEast is not a stand alone pipeline and must be evaluated within the larger context of its' cumulative impacts. That is in keeping with the intent of NEPA. to NEPA requires federal agencies to take environmental considerations into account "to the fullest extent possible." 42 U.S.C. §4332; 40 C.F.R. § 1500.2; Bentsen, 94 F.3d at 684.

Respectfully submitted,

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On Behalf of intervenor - Hopewell Township Citizens Against the PennEast Pipeline

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