



State of New Jersey

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October 16, 2020

VIA EMAIL ONLY:

Diane Dow
NJDEP-Division of Land Resource Protection
Mail Code 501-02A
PO Box 420
Trenton, NJ 08625-0420

**RE: Application for Highlands Applicability Determination (HAD)-Exemption #11
Proposed East 300 Upgrade Project-TGP Compressor Station
Block 4601 Lot 17
Burnt Meadow Road, West Milford Township (Passaic County)
Determination: Consistent with Goals of Highlands Act**

Dear Ms. Dow:

This letter is regarding the referenced application that is currently before the New Jersey Department of Environmental Protection (NJDEP) for a Highlands Applicability Determination (HAD) for an exemption for a project proposed within the Highlands Preservation Area (the Project). The Highlands Act section regarding exemptions, N.J.S.A. 13:20-28, specifies that a project deemed to be exempt is exempt from the Highlands Act as well as from the “the regional master plan, any rules or regulations adopted by the Department of Environmental Protection pursuant to this act, or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit to specifically conform them with the regional master plan.”

As you know, NJDEP determinations regarding Exemptions 9 and 11 in the Preservation Area are made in consultation with the New Jersey Highlands Council (Highlands Council), in accordance with the Highlands Act and NJDEP’s Highlands Rules (N.J.A.C. 7:38-1.1, et seq.). Therefore, the Highlands Council has reviewed the subject project to determine the applicability of the Highlands Act and specifically whether this application meets the standard of eligibility for Exemption #11 of the Highlands Act (“the routine maintenance and operations, rehabilitation, preservation, . . .”), which mandates that a Highlands Act exemption is only to be granted “provided that the activity is consistent with the goals and purposes of the Highlands Act.”

According to the materials reviewed, the Project will consist of the construction of one new compressor station, identified as CS 327, along TGP’s existing 300 Line in the Township of West Milford in Passaic County, New Jersey. The proposed site for the new compressor station is a previously disturbed industrial parcel, formerly used as a quarry and for other industrial and commercial purposes. A new electric motor driven (“EMD”) compressor unit, with a rating of 19,000 hp, will be installed at the new compressor station. In addition, TGP also proposes to install the following auxiliary equipment at CS 327: (1) an electric motor ventilation system; (2) vent silencers; (3) gas coolers; (4) a lube oil cooler and piping; (5) filter separators; (6) an auxiliary building fitted with automation control panels; (7) an air compressor; (8) a 375- kilowatt

emergency generator; (9) domestic fuel gas skid; (10) pipeline liquids storage tank; (11) building heaters; (12) mainline valve piping, and (13) suction, discharge, and vent piping.

In addition, the station will include a new office building, an electrical building housing the variable frequency drive (“VFD”), and a new 69 kilovolt (“kV”) TGP-owned and operated substation, as well as the installation of a potable water well and septic system. The operating area of the new compressor station will be enclosed by a new security fence. The new compressor station will be located on property that will be owned in fee by TGP.

Approximately 300 feet of 36-inch-diameter unit piping and 1,400 feet of 42-inch-diameter suction and discharge piping will be constructed within the fenced facility to tie the new compressor station into TGP’s existing 300 Line pipeline. This piping will be located entirely on the CS 327 Site. TGP will be constructing an electrical conduit from the proposed electric substation to connect to an electric transmission line to be constructed by Orange and Rockland Utilities (“ORU”), a local electric utility, within Burnt Meadow Road to the CS 327 Site.

During Project construction, CS 327 will be accessed from Burnt Meadow Road, using an existing gravel access road located on site. The existing gravel access road, from its intersection with Burnt Meadow Road, will remain in its present state for its entire extent within regulated areas. Access road improvements will be limited to those sections of the access road that are outside of regulated areas. Upon completion of construction, CS 327 will be operated by full-time, onsite personnel during routine business hours. Automation controls will allow for continuous monitoring and remote operation from Tennessee’s gas control center located in Houston, Texas.

Construction workspaces for CS 327 will be located entirely within the CS 327 Site. These workspaces are temporary (will be used up to six months). Activities included in the temporary disturbance workspace include:

- Vehicle Parking
- Construction office trailers
- Storage of material and equipment
- Pipe fabrication and welding
- Material and equipment offloading from delivery trucks
- Construction dumpsters for general non-hazardous trash
- Storage Tanks with municipal water, non-hazardous
- Construction guard shack for access into station off Burnt Meadow Road
- Construction entrance and exit to site
- Porta-potties and hand wash stations
- Concrete washout area
- Temporary fencing secured by sandbags

Highland Resources

Approximately 285 feet of the existing gravel access road on the CS 327 Site are within areas that are designated as Highlands Open Water Buffer and Highlands Riparian Area. No other areas of Highlands Open Water Buffer or Riparian Area are to be affected. All permanent facilities to be constructed are located outside of the Highlands Open Water Buffer and Riparian Area. The access road has existed in its current condition and has served as ingress and egress for construction vehicles and quarry operations as far back as the 1960’s. No waterbodies exist on site.

TGP conducted a forest assessment and evaluation, in accordance with the methodology described in both NJAC 7:38-3.9 and the RMP and concluded that, of the five areas of tree removal identified by the certified forester, only one area qualifies as forest. Tree removal in this area will be required to install a security fence around the CS 327 facilities and will result in the removal of 23 trees, only four of which have a diameter at

breast height greater than six inches. Approximately 0.09 acres of total forest area are proposed to be removed for the installation of the perimeter security fence. Approximately 10.39 acres of total forest area are mapped on the subject parcel, however current conditions and the forest determination demonstrate that approximately only 2.17 acres of forest area meet the definition of a forest.

The perimeter security fence intersects with mapped critical wildlife habitat in the forested area, as above. The forest to be removed, approximately 0.09 acres, represents 0.64% of the mapped critical wildlife habitat on the project parcel. Approximately 14 acres of critical wildlife habitat are mapped for the parcel and it is disconnected from nearby areas of habitat.

Consistency with the Goals of the Highlands Act

TGP has avoided and minimized impacts to Highlands resources in the siting and design of the facilities. The site location, within a former quarry, is historically disturbed. Regrown vegetation is characterized by invasive species and small, isolated patches of forested areas. Highlands Open Water Buffers and Riparian Areas are non-functional as they are disconnected from waterbodies which lie off site. The disturbance from quarry operations created artificial topographic disconnection. Critical wildlife habitat areas are disconnected and non-functional as compared to nearby habitat due to the historic quarry operation.

The proposed perimeter security fence will have a de minimis effect on Highlands resources. The fence will disturb 0.09 acres of forest (23 trees). As mitigation for this impact, TGP has proposed a planting plan using the tree replacement factor found in NJAC 7:38-3.9. A 0.09-acre area of trees will be planted, within the perimeter fence, to reduce or eliminate deer herbivory. Trees to be planted will be 2-2.5 inches in diameter, balled and burlapped, and planted on 20 foot spacing. Soil amendments and irrigation will be provided as needed. Species of trees proposed to be planted are representative of species found elsewhere on site or in proximity to the subject parcel. The planting plan has been reviewed and approved by Highlands Council staff. Seasonal timing restrictions on construction will be imposed by NJDEP Division of Fish and Wildlife in consultation with US Fish and Wildlife Service to minimize impacts on critical habitat.

TGP will be designing permanent stormwater Best Management Practices to accommodate for proposed impervious surfaces. These BMPs will include the use of structural Low Impact Development BMPs, such as rain gardens or bioretention basins and will be in compliance with NJDEP's stormwater regulations for green infrastructure.

The efforts to avoid, minimize and mitigate for resource impacts are sufficient to find that the project is consistent with the goals of the Highlands Act. The Highlands Council does not object to the NJDEP's issuance of an Exemption (No. 11) for this project. This determination is based upon the proposed project as described in the application (received August 28, 2020) for a HAD under Exemption #11. Should circumstances change, we reserve our right to modify this recommendation. This determination does not eliminate the need for any permits, approvals, or certifications required by the NJDEP or any federal, State, county or municipal review agency with jurisdiction over this project/activity.

If you have any questions or require further assistance, please contact me at (908) 879-6737 or via email lisa.plevin@highlands.nj.gov.

Sincerely,



Lisa J. Plevin
Executive Director

c: Jill Neall, NJDEP- Division of Land Resource Protection