



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

STATE OF NEW JERSEY
WATERSHED PROPERTY REVIEW BOARD

CATHERINE R. McCABE
Commissioner
Department of
Environmental Protection

JOSEPH L. FIORDALISO
President, Board of Public
Utilities

SHEILA Y. OLIVER
Commissioner
Department of Community
Affairs

MINUTES OF REGULAR MEETING OF WATERSHED PROPERTY REVIEW BOARD

A regular meeting of the Watershed Property Review Board (WPRB or Board) was held on November 30, 2018, at the New Jersey Board of Public Utilities (BPU), Conference Room 2W, 44 South Clinton Avenue, Trenton, New Jersey 08625.

Public notice was given pursuant to N.J.S.A. 10:4-18 by posting notice of the meeting at the Department of Environmental Protection's (DEP) main office, on the DEP public participation calendar, in the DEP Bulletin and on the WPRB, Green Acres, Department of Community Affairs (DCA) and BPU websites. Notice was also delivered to the Department of State and the following newspapers circulated in the State of New Jersey:

The Bergen Herald
The Star Ledger

The following members of the Board were present:

President Joseph Fiordaliso, BPU
Assistant Commissioner Ray Bukowski, DEP

Deputy Attorney General (DAG) Gersten opened the meeting with a reading of the Open Public Meetings Act (OPMA) statement indicating that adequate public notice of the meeting was given including posting notice at the DEP's main office, on the DEP public participation calendar, in the DEP Bulletin and on the WPRB, Green Acres and BPU websites. Notice was also delivered to the Department of State, the Bergen Herald and the Star Ledger.

DAG Gersten welcomed the members of the Board and indicated that while Donald Palombi, DCA Chief Regulatory Officer, was not able to attend the meeting, two Board members represents a quorum and the meeting could proceed.

DAG Gersten motioned to approve the September 10, 2018 meeting minutes and asked if there were any opening remarks. President Fiordaliso and Assistant Commissioner Bukowski both approved the minutes and stated that they had no opening remarks.

Watershed Property Review Board Request o/b/o Transcontinental Gas Pipe Line Company, LLC for Approval of the River Vale South to Market Project - The application of SUEZ Water New Jersey Inc. seeks an exemption to the Watershed Protection and Moratorium Act in connection with the proposed license agreement for temporary workspace on watershed property located in the Borough of Emerson, Borough of Oradell and the Township of River Vale, Bergen County.

SUEZ Water New Jersey Inc. (SWNJ), on behalf of Transcontinental Gas Pipe Line Company, LLC (Transco), has filed an application for exemption to the Watershed Protection and Moratorium Act (Act) to enter into a License Agreement with Transco allowing for temporary workspace rights on five properties owned by SWNJ in the Borough of Emerson, the Borough of Oradell and the Township of River Vale, Bergen County in connection with Transco's Rivervale South to Market project (Project). The Project will include upgrades to its Emerson Metering and Regulating Station, Orange and Rockland Metering and Regulation (M&R) Station and the removal and replacement of the J199 Valve from the Borough of Oradell to the Emerson M&R Station.

Additional temporary workspace is needed to construct the Project along stretches of the existing North New Jersey Extension (NNJE) pipeline that traverse SWNJ land. Therefore, to exercise its rights under its easements, Transco could not use alternate space at a different location as temporary work space. As such, it has no choice but to use the land encumbered under the Act and the Conservation Easement as temporary workspace. Since Transco's existing NNJE pipeline, in each of these areas, is surrounded by watershed property, Board Staff believes that the denial of the License Agreement would present a significant hardship if Transco couldn't access its easement to perform the proposed upgrades.

Transco proposes to restore the License Agreement to its pre-construction conditions once construction is completed. Permanent impacts to freshwater wetlands at the Orange and Rockland M&R Station will be mitigated through the Division of Land Use Regulation approval, which requires the purchase of mitigation credits at a local freshwater wetlands mitigation bank. To mitigate for the removal of five trees at the Emerson M&R Station, in accordance with the License Agreement, 13 trees will be planted within the Conservation Easement area to enhance the watershed buffers around SWNJ's public water supply reservoirs. In addition, Transco will provide SWNJ a lump sum payment of \$20,000 for the estimated costs of watering and maintenance of these trees over a three-year period.

President Fiordaliso asked about the precautions that will be made to maintain the water quality in the Oradell and Lake Tappan reservoirs. DAG Gersten read through several conditions that were placed in the exemption Order to tackle these concerns including: no water from the hydrostatic testing can be released directly into the reservoirs or onto the properties, all reasonable steps must be taken to assure that there is no runoff from the Project into any public water supply and water quality must be monitored during construction. Assistant Commissioner Bukowski indicated that the Bergen County Soil Conservation District and the Division of Land Use Regulation will monitor the specific controls required through the issued permits.

DAG Gersten indicated that Transco reported that it will be discharging water from the hydrostatic test into the municipal sewer system in the Borough of Paramus. Assistant Commissioner

Bukowski asked if the Borough of Paramus is aware of this discharge. Monica Stahl, representative of Transco, indicated that Transco spoke with the Borough of Paramus and they are aware of the discharge. Transco also indicated that they will use a charcoal filter during testing and will haul away discharge water if it was determined that it was not clean enough to discharge into the municipal sewer system. President Fiordaliso and Assistant Commissioner Bukowski expressed concern about the discharge of water from the Project during construction and requested that an additional condition be placed in the Order which requires SWNJ and Transco to comply with DEP, Division of Water Quality, New Jersey Pollutant Discharge Elimination System permit issued for the Project and must notify the Borough of Paramus prior to any discharge into the municipal sewer system as a result of hydrostatic testing of the NNJE pipeline.

There were no further comments or concerns expressed by the Board; therefore, DAG Gersten called for a vote. President Fiordaliso and Assistant Commissioner Bukowski voted to approve the request for exemption from the Act with an update to the conditions.

Update on the activities of the WPRB staff since previous Board meeting in September 2018

DAG Gersten provided an update on Board Staff activities since the previous Board meeting in September 2018. DAG Gersten indicated that Board Staff received two jurisdictional determination requests from New Jersey American Water regarding property in Bridgewater Township, Somerset County. For each request, Board Staff maps each property and conducts a site visit for all properties included in the request. Board Staff is currently reviewing these requests.

There being no further business before the Board, the meeting was adjourned at 11:25 am.



Jessica Patterson, Board Staff

Dated: April 2, 2019

