



# TOWNSHIP OF HOPEWELL

## MERCER COUNTY

201 Washington Crossing Pennington Road  
Titusville, New Jersey 08560-1410  
609.737.0605 Ext. 664  
609.737.6839 Fax  
December 5, 2016

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

**RE: Comments on Draft Environmental Impact Statement  
Docket CP15-558-000  
Proposed Gas Pipeline  
PennEast Pipeline Company LLC  
Hopewell Township, Mercer County**

Dear Ms. Bose,

FERC and its consultants have not addressed the concerns raised by Hopewell Township's September 8, 2016 comments regarding impacts where known contamination exists. Hopewell Township reiterates that the DEIS must address these issues proactively. Hopewell Township is a registered intervenor on the PennEast docket, CP15-558-000, and we request that PennEast formally respond to the concerns raised in our September 8<sup>th</sup> letter.

PennEast's proposal to engage a Licensed Site Remediation Professional (LSRP) to manage any site contamination which "may" be encountered during construction (as its plan for dealing with contaminated soils) is unacceptable where there are known areas of contamination that the pipeline will bisect. There is known contamination located at approximately mile marker 112.8R (a.k.a. Station 5955+84). This contamination is related to leakage from the fuel tanks for the former Mobil Gas Station what was formerly located at the now Lukoil site. Please reference NJDEP case number #87-10-27-1632 (aka #90-03-07-0900, PI #003785, LNA Service Station #57703).

The soils in this contaminated area currently have limited permeability, shallow depth to seasonal high water table and confined aquifers. Management of the existing remedial efforts for this contamination are based on these site constraints. Introduction of permeable backfill along the PennEast pipeline trench will serve to create a conduit which will allow contaminants to migrate and negatively impact surrounding properties and stream corridors.

All areas north, east, south and west have residential dwellings and commercial establishments which are served solely by individual on-site wells and septic systems. There is also a tributary for a C1 stream that comes through this area, and would be impacted by the migration of contaminants. We do not believe this issue can be mitigated. An alternate pipeline route that avoids this contaminated site is possible, as outlined in our separate letter regarding Transco connection points.

PennEast failed to engage an LSRP and develop a site-specific mitigation plan BEFORE the DEIS was issued. As a result, they have failed to provide adequate opportunity for potentially impacted landowners that were not the responsible parties, to be made aware of the proposed management for this known area of contamination, and to offer public comment on the proposed LSRP. Hopewell Township requires that Site Remediation Plans be developed and submitted for approval, before any major development is initiated, so as to protect the public interest.

These comments again demonstrate that NEPA has not been complied with as all environmental information has not been made available to public officials and citizens before decisions are made. . . [and] [t]he information must be of high quality." 40 C.F.R. 1500.1(b). Further the Council on Environmental Quality (CEQ) regulations on unavailable information are clear and if the information is obtainable and relevant to the project the agency must wait and obtain the information. 40 C.F.R. 1502.22.

A Site Remediation Plan must be submitted as part of the DEIS for any known contaminated sites, so that public officials and citizens can offer public comment on these plans BEFORE additional action is taken on this docket. Until these plans have been developed and submitted, the current DEIS is incomplete and out of compliance with NEPA, and therefore should be withdrawn.

Sincerely,



Kevin D. Kuchinski, Mayor  
Hopewell Township

C: Hopewell Township Committee  
Michael Herbert, Esquire  
Governor Chris Christie  
Senator Robert Menendez  
Senator Cory Booker  
Senator Shirley Turner  
Congresswoman Bonnie Watson Coleman  
Assemblywoman Elizabeth Maher Muoio  
Assemblyman Reed Gusciora  
Mercer County Board of Chosen Freeholders  
Robert Martin, NJDEP Commissioner  
John Gray, NJDEP Deputy Chief of Staff  
Judith A. Enck, USEPA Region 2 Administrator  
John Eddins, ACHP



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## MERCER COUNTY

201 Washington Crossing Pennington Road  
Titusville, New Jersey 08560-1410  
609.737.0605 Ext. 664  
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September 8, 2016

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

**RE: Comments on Draft Environmental Impact Statement  
Docket CP15-558-000  
Proposed Gas Pipeline  
PennEast Pipeline Company LLC  
Hopewell Township, Mercer County**

Dear Ms. Bose,

Hopewell Township makes the following comments on the Draft Environmental Impact Statement (DEIS):

The DEIS accepts PennEast's proposal to engage a Licensed Site Remediation Professional (LSRP) to manage any site contamination which may be encountered during the construction as its plan for contaminated soils. There is known contamination located at approximately mile marker 112.8R (a.k.a. Station 5955+84). This contamination is related to leakage from the fuel tanks for the former Mobil Gas Station what was formerly located at the now Lukoil site. Please reference NJDEP case number #87-10-27-1632 (aka #90-03-07-0900, PI #003785, LNA Service Station #57703. PennEast's pipeline will bisect the area of this contamination. Backfill of the pipeline will be of select permeable material.

The soils in this contaminated area currently have limited permeability, shallow depth to seasonal high water table and confined aquifers. Management of the existing remedial efforts for this contamination are based on these site constraints. Introduction of permeable backfill along the pipeline trench will serve to create a conduit which will allow contaminants to migrate and negatively impact surrounding properties and stream corridors.

All areas north, east, south and west have residential dwellings and commercial establishments which are served by individual on-site wells and septic systems. There is also a tributary for a C1 stream that comes through this area. We do not believe this issue can be mitigated and therefore demand that PennEast develop an alternate pipeline route that avoids this contaminated site. Irrespective of this question, PennEast has failed to engage an LSRP and develop a site specific mitigation plan BEFORE the DEIS was issued. As a result, they have failed to provide adequate opportunity for potentially impacted landowners, that were not the responsible parties, to be made aware of the proposed management for

Ms. Kimberly D. Bose, Secretary  
September 8, 2016  
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this known area of contamination, and to offer public comment on the proposed LSRP. Hopewell Township requires that Site Remediation Plans be developed and submitted for approval, before any major development is initiated, so as to protect the public interest.

These comments again demonstrate that NEPA has not been complied with as all environmental information has not been made available to public officials and citizens before decisions are made. . . [and] [t]he information must be of high quality." 40 C.F.R. 1500.1(b). Further the Council on Environmental Quality (CEQ) regulations on unavailable information are clear and if the information is obtainable and relevant to the project the agency must wait and obtain the information. 40 C.F.R. 1502.22.

Hopewell Township therefore demands that FERC withdraw the DEIS, until such time that PennEast develops an alternate pipeline route that avoids this contaminated site. We also note that an Licensed Site Remediation Plan must be submitted as part of the DEIS for any known contaminated sites, so that public officials and citizens can offer public comment on these plans BEFORE additional action is taken on this docket. Until these plans have been developed and submitted, the current DEIS is incomplete and out of compliance with NEPA, and therefore should be withdrawn.

Sincerely,



Kevin D. Kuchinski, Mayor  
Hopewell Township

C: Hopewell Township Committee  
Steven P. Goodell, Esquire  
Governor Chris Christie  
Senator Robert Menendez  
Senator Cory Booker  
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