

Adopted September 27, 2013

**CMP POLICY & IMPLEMENTATION COMMITTEE MEETING**

Richard J. Sullivan Center  
Terrence D. Moore Room  
15 C Springfield Road  
New Lisbon, New Jersey  
August 28, 2013 -- 9:30 a.m.

**MINUTES**

**MEMBERS IN ATTENDANCE:** Chairman Mark Lohbauer, Leslie Ficcaglia, Paul E. Galletta, Robert Jackson, Richard Prickett, and D'Arcy Rohan Green (2<sup>nd</sup> Alternate)

**OTHER COMMISSIONERS PRESENT:** Joe DiBello, Bill Brown, Ed Lloyd, and Ed McGlinchey

**STAFF PRESENT:** Executive Director Nancy Wittenberg, Larry Liggett, Susan R. Grogan, Stacey Roth, Branwen Ellis, Paul Leakan and Betsy Piner. Also present was Ms. Amy Herbold, with the Governor's Authorities Unit.

Chairman Lohbauer called the meeting to order at 9:40 a.m.

Ms. Wittenberg called the roll.

Noting the presence of a quorum of Commission members, Ms. Roth read the Open Public Meetings Act Statement (*This meeting had been scheduled originally for Friday, August 30, 2013 but was readvertised for August 28, 2013 through the official notification process on August 9, 2013.*) Ms. Roth reminded all present that this Committee is an advisory board to the full Commission and no formal action would be taken today.

**1. Adoption of minutes from the July 26, 2013 CMP Policy & Implementation Committee meeting**

Commissioner Prickett moved the adoption of the July 26, 2013 meeting minutes. Commissioner Galletta seconded the motion. All Committee members voted in favor, with the exception of Commissioner Jackson, who abstained.

**2. Discussion of Mullica Township's request for Pinelands Conservation Fund (PCF) funding to determine the feasibility of providing sewer service to Elwood Village**

Ms. Wittenberg welcomed Mullica Township officials, Mayor James Brown, Municipal Planner Lance Landgraf, Planning Board member Mike Kerrigan and Ms. Kim Johnson, Municipal Clerk.

Mr. Wengrowski said that Mullica Township had approached the Commission with a concern regarding water quality in Elwood Village. The area known as Wharton Park consists of modest

homes on small lots served by individual wells and aging septic systems, including many utilizing cesspools. New DEP standards require the upgrading of cesspools to conforming septic systems upon sale of the home. This is a costly obligation to the homeowner. The Township is interested in conducting a feasibility study to find a regional solution to the problem and wants to develop a community based wastewater treatment system. The Atlantic County Utilities Authority (ACUA) is a potential willing participant. Mr. Wengrowski said the Township would introduce the proposal to the Committee today and hopes that the staff will be asked to pursue the project, perhaps leading to a Memorandum of Understanding and funding for the project.

Mayor James Brown thanked the Commission and staff for their help and consideration. He said that without a treatment plant in place, the 160 homeowners in the project area will have serious problems. He said that the project has the support of the Township Committee, the Planning Board and the Environmental Commission.

Mr. Landgraf delivered a presentation (*Attachment A to File Copy of these Minutes*) and said that resolving the problem of failing septic systems in Wharton Park might also benefit the school system through the development of a decentralized treatment plant. He said that Mullica had considered running sewer lines to the treatment plants in either Hammonton or Egg Harbor City but neither is feasible. He said that he had met with Mr. Wengrowski and Ms. Wittenberg to discuss the opportunity to use PCF grant money for a feasibility study and the Township, through Mr. Jim Rutala, has reached out to ACUA for partnership.

Mr. Landgraf referenced the 1999 study that was undertaken by the Commission and identified the impact of aging and abandoned arterials and how small towns and villages are fading due to, not only the impact of the Atlantic City Expressway, but the lack of centralized sewer treatment facilities. He said staff believes that such a system would benefit the commercial center of Elwood Village. This is the beginning of the process and a study will allow the Township to look at a site for the treatment plant.

In response to questions from the Committee, staff said that Mr. Rutala had looked at funding from the NJ Infrastructure Trust Fund, that staff was assisting Mullica in seeking NJ Department of Agriculture funding, that the plant will consider buildout for wastewater generated at a rate of 300 gpd for 160 homes as well as new commercial development, and that the Perona site (identified during Mr. Landgraf's presentation) was a potential uplands site for the plant.

Commissioner Ficcaglia said she thought this project was a good idea, and Commissioner McGlinchey said he felt that this was probably the only opportunity that the Township had for some economic development.

After an informal poll of the Commissioners, Chairman Lohbauer said that it was the Committee's consensus to ask staff to proceed with this project.

The delegation from Mullica Township thanked the Committee and left the meeting.

### **3. Executive Director's report**

**Galloway Township Ordinance 1871-2013, amending the Township's Zoning Map by extending the Town Residential District boundary to encompass 17 residentially developed lots currently split between the Town Residential and Agricultural Production Districts**

Ms. Grogan said that Galloway Township Ordinance 1871-2013 amends the Township Zoning Map by extending the Town Residential District boundary to encompass, in their entirety, 17 residentially developed lots currently split between the Town Residential and Agricultural Production Districts. Ms. Grogan identified the lots on a map projected on the Smart Board (and included in the meeting packet) and noted that all were very small (ranging from 0.18 to 0.87 acres in size) with houses located in the front of the lots within the Town Area and Agricultural Production Area to the rear. She said that the zoning change would amount to roughly a 4 acre change in management areas which she characterized as a correction to a zoning line not requiring any offsetting management area change. This area was identified during the Township's Master Plan review as well as some additional lots that encompass three management areas, including the Highway Commercial Zone. Ms. Grogan said that Galloway is considering how it may wish to handle rezoning those other lots. She said that staff is recommending certification of Ordinance 1871-2013.

Commissioner Galletta moved the recommendation to the Commission of certification of Galloway Township Ordinance 1871-2013. Commissioner Jackson seconded the motion and all voted in favor.

**4. Alternate Design Treatment Systems Pilot Program**

Mr. Wengrowski said he will deliver his annual presentation on the Alternate Design Wastewater Treatment Systems Pilot Program during the September 13, 2013 Commission meeting. Today he would focus on the staff recommendation that the Cromaglass system be removed from the pilot program. Mr. Wengrowski made a presentation (*Attachment B to File Copy of these Minutes*).

Mr. Wengrowski provided a history of the pilot program and noted that the cooperation of the vendors is a crucial component of the program in order for staff to evaluate the efficacy of these systems in removing nitrogen from wastewater. He said that Cromaglass had been very anxious to participate when the program was initiated and its first system was installed in 2005. In 2006, based on the monitoring results, staff found that the performance was not meeting the 14 ppm Pinelands standard for nitrogen. The vendor tried to remediate the problem and the post-retrofit numbers initially fell, indicating that the retrofit was starting to work. Twenty-eight systems were required to be retrofitted with inspection every two months in order to determine the effectiveness of nitrogen removal. However, after the initial sampling deadline, samples were collected late and then ultimately ceased completely. Cromaglass also failed to pump the systems as scheduled or train local service providers as they had agreed to do.

Mr. Wengrowski said there is no relationship between the cost of the treatment systems and the level of treatment and, on average, Cromaglass is the second most expensive system. He said

that, based upon the Commission's experience with this company, Cromaglass should be removed from the pilot program. For those homeowners who have installed a Cromaglass system, he believed they should not be penalized and should be allowed to convert to another system, including a DEP-approved conventional system.

Ms. Grogan reviewed the rule proposal in the meeting packet and said that it anticipated the Committee's interest in removing Cromaglass from the pilot program and extending the installation period for the other eligible systems until 2018. She said the proposal had been provided to the Governor's office for approval and staff hoped that the Commission could take action (authorize a proposal) at its September meeting. No formal action was required today, rather a consensus from the Committee regarding Cromaglass.

Commissioner Jackson asked if there were some way the Commission could offer grants to the affected homeowners, and Commissioner Ficcaglia added that it seems unfair that they were caught with these failed systems that Cromaglass refuses to maintain.

Ms. Grogan said that the homeowners will not be required to do anything and the Commission could choose to assist.

Mr. Wengrowski said that one of the problems is that Cromaglass is struggling financially. Without the required maintenance, the systems will not be denitrifying and will function as conventional systems.

Chairman Lohbauer concluded the discussion by asking the staff to look into possible ways to help the affected homeowners.

## **5. Annual update on Pinelands Land Protection Initiatives**

Ms. Grogan noted that each Commissioner had been provided with a map of preserved lands in the Pinelands. She said there is an ongoing effort throughout the office to obtain, maintain and present data on preserved lands. She said there are multiple sources for land preservation beyond the Commission's own programs, including the Green Acres Program, the State Agricultural Development Committee (SADC) and the county farmland preservation programs. She said that preserved lands from all of these programs are included on the map which is posted at: [http://www.nj.gov/pinelands/landuse/perm/PLP\\_2013.pdf](http://www.nj.gov/pinelands/landuse/perm/PLP_2013.pdf)

Ms. Grogan presented the annual update on preserved lands in the Pinelands.

She said that of the 3,396 acres protected in the last year (since August 31, 2012) by the Commission's programs, the largest portion was through the Pinelands Conservation Fund, specifically the Lenape Farms (Estell Manor City) and Camp Ockanickon (Medford Township) projects. She said some 20 acres were preserved through the Pinelands Development Credit (PDC) program, 31 acres through the Limited Practical Use land acquisition program, 49 acres through the density transfer program in the Forest and Rural Development Areas and finally 246 acres in a miscellaneous category including lands set aside by Stockton College in association with the approval of its Master Plan, as well as lands preserved by Burlington County in

Tabernacle and Shamong Townships related to the road widening project for County Route 530. Among the statistics she cited, Ms. Grogan said that overall, more than 51,000 acres have been preserved through the PDC program and roughly 446,000 acres (47%) within the Pinelands Area have been preserved through various programs. Pinelands programs have contributed 84,000 acres and 94% of preserved lands are located in the Pinelands conservation areas (PAD, SAPA, APA and FA). Staff will continue to collect and track the numbers and today's presentation will also be posted on the web site. *(The slides are located at:*  
<http://www.nj.gov/pinelands/landuse/perm/Permanent%20Land%20Protection%20August%2028,%202013%20Powerpoint%20Presentation.pdf>*)*

## **6. Continued discussion of South Jersey Gas' proposed project to repower B.L. England**

Ms. Wittenberg introduced Ms. Branwen Ellis, Environmental Specialist, and said she was the project manager for the application submitted by South Jersey Gas (SJG). The applicant is proposing to develop a pipeline in order to repower the B.L. England electrical generation station, which is located in Upper Township, outside the Pinelands Area, but in the Pinelands National Reserve.

Ms. Ellis provided the Committee with an overview of the steps involved in reviewing the application for the installation of a 24" natural gas pipeline, which was deemed complete on July 29, 2013. *(The slides are attached to the File Copy of these minutes and also located at:*  
[http://www.nj.gov/pinelands/images/pdf%20files/SJGAS%20power%20point%20presentation%20\(Final%20Draft%20with%20final%20edits\).pdf](http://www.nj.gov/pinelands/images/pdf%20files/SJGAS%20power%20point%20presentation%20(Final%20Draft%20with%20final%20edits).pdf)*)*

Included in Ms. Ellis' presentation was an overview of three routes that had been considered by SJG, including: Route C (rejected by SJG as it followed an abandoned Conrail track that has since become reforested and is now critical habitat for threatened and endangered [T&E] species); Route B (rejected by SJG as it would require 7,000' of horizontal directional drilling [HDD] under the Great Egg Harbor, increasing the threat of potential seepage of drilling materials that could potentially impact wetlands, and also requiring the temporary relocation of local residents in proximity to a portion of the route); and Route A, the one selected by SJG. Ms. Ellis noted that SJG had considered three different variations of Route A but applied for only one.

Route A is designated as a 14.85 mile course within the Pinelands Area. The Route traverses through Rural Development and Village Areas where it is a permitted use, as well as 10 miles of Forest Area. A gas line through the Forest Area is not a permitted use, because it will not primarily serve only residents of the Pinelands. The pipeline would be located under paved or disturbed right-of-way at a depth of 4', with the exception of areas where HDD is required as the pipe travels under two ponds, a river and a creek at depths of up to 60'.

Commissioner Ficcaglia noted that one of those ponds is at the headwaters of a wild and scenic river which hosts a globally endangered plant and many threatened and endangered species. She expressed concern with how a breakout might affect those plants.

In response to Commissioner Galletta's question concerning the depth of the HDD, Ms. Ellis said that the Commission could ask the applicant's engineer to confirm the adequacy of the depth and how it relates to the depth of the water bodies.

In response to Commissioner Rohan Green's question if a cost/benefit analysis had been done for the various routes, Ms. Ellis responded that SJG has an economic report.

In response to Commissioner Jackson's question as to why there is a concern with seepage of drilling materials, Ms. Ellis said that the longer the span of pipe, the higher the chance of break out of the drilling material. She said escaped drilling material is a concern because it is a bentonite slurry; although a nontoxic naturally occurring clay, it has the potential to smother benthic organisms such as clams and mussels.

Ms. Wittenberg said it was probably better to get this information directly from SJG.

Ms. Ellis reviewed the CMP standards applicable to the project and noted that there were no issues related to stormwater, wetlands or T&E species based on the studies provided. The route was modified in two areas to avoid impacts to cultural resources. Fire hazard mitigation was addressed at the two above ground sites (an interconnect station and remote operating valve station) within the Pinelands Area through the removal of vegetation and placement of crushed stone. Ms. Ellis reminded all present that the CMP regulates only fire hazard risk associated with above ground development proposed for human use.

Ms. Wittenberg said the Board of Public Utilities (BPU) has significant rules regarding fire safety and security and its rules will apply. Ms. Roth added that BPU did a safety analysis of the pipe line and requires that it be buried to a depth of 4', while the Federal requirements are only for 3'.

Ms. Ellis said all Commissioners were being provided with CDs containing the development application and the various reports submitted by the applicant. She said that the next step is to issue a Certificate of Filing. This is NOT an approval. The application is complete, but it is inconsistent, because it does not meet the Forest Area land use standards. She concluded by saying that the presentation is located on the Commission's web site and that comments could be submitted to [appinfo@njpines.state.nj.us](mailto:appinfo@njpines.state.nj.us).

## **7. Public Comment**

*During the course of public comment, Commissioners Brown, Ficcaglia and Galletta left the meeting.*

At 11:20 a.m., Chairman Lohbauer opened the floor to public comment. He said that some 65 individuals had signed up to speak and reminded all that this is not a public hearing on the application. He said that comment would be accepted today, but asked that all commenters limit themselves to three minutes and not repeat what they had said previously.

**Ms. Theresa Lettman**, with the Pinelands Preservation Alliance (PPA), noted that she had attended the Upper Township Council meeting and heard the Council members' support for the gas line in the belief that it will promote economic development in their community. She said that she expected the other 30 Pinelands municipalities with Forest Area would similarly like to promote their own economic development. She said South Jersey Gas knows that there is a permitted route for the pipeline and cited earlier documents as evidence that South Jersey Gas knew years ago that a pipeline through the Forest Area is not permitted. (*Written documentation was submitted following the meeting and is attached to the File Copy of these minutes*)

**Mr. Fred Akers**, with the Great Egg Harbor Watershed Association, distributed a color map (*in File Copy of these minutes*) identifying various federally designated Wild and Scenic Rivers potentially threatened by "frack-out" from fluids leaking from horizontal directional drilling.

**Mr. Michael Sheridan**, the author of an online petition opposing the development of the pipeline, read the petition aloud and said that there were some 10,000 signers of the petition. He said that 83% of the signers are New Jersey residents. He said although this morning's presenter had indicated that the proposal routes the pipeline away from the Great Egg Harbor Bay, every HDD event has potential leakage risk wherever sections are joined. He provided the petition on a flash drive.

**Steven Fenichel, M.D.**, with Physicians of Healthy Environment, submitted written comment (*in File Copy of these minutes*) and said that he had walked the path of the proposed route. He said that once the forest is fragmented, it is difficult to repair. He said that BPU was placing corporate interests over public interests and that the Commission should invite Kevin Heatley (restoration ecologist) to speak at the September 27, 2013 Committee meeting, because he could educate the Commission on issues related to the proposal.

**Ms. Diane Marie**, Upper Township resident, asked that each Commissioner explain why s/he would consider approving the pipeline.

Chairman Lohbauer said that there would be no response to this request.

**Mr. Dan Young**, Upper Township municipal solicitor, said that he was accompanied today by Paul Dietrich, Municipal Engineer and Deputy Mayor Corson. He said that it was the responsibility of his municipality to take advantage of the opportunity presented by the repowering of the B.L. England plant with clean natural gas, because it would provide job opportunities and power reliability. He said that the approvals have already been granted by the BPU and Army Corps of Engineers. He said that an independent study has assured the protection of threatened and endangered species and wetlands.

**Mr. Steve Martinelli**, Upper Township resident, said that the gas line will run right past his home, a 7.58 acre preserved farm and certified wildlife habitat where he has resided since 1989. He said that he believed in keeping an environmental balance and that a natural gas-fired plant would be less polluting than the existing coal-fired plant. He also said it would lead to less train traffic and reduce the chance of train derailments. He said that most of us rely on fossil fuels.

He said he was a director of his business association and served on the local Board of Education. He said following a recently concluded energy audit, the Board was issuing an RFP to install solar panels, further demonstrating his commitment to balance.

**Mr. Paul Casaccio** said he lived within a ¼ mile of the B.L. England Plant. He supported the comments of Mr. Young and Mr. Martinelli and said he was concerned with the source of power when the Forked River power plant closes. He said the interconnection is important between Atlantic and Cape May Counties for an alternate gas route.

**Mr. Ralph Clayton**, a Beesley's Point resident, said he didn't understand the issue as this was an opportunity to reduce emissions from the B.L. England plant and it appears that the pipeline will not encroach upon any sensitive areas.

**Mr. Jim Schiavo**, with Union Local 322 (plumbers, pipefitters and HVAC technicians), urged the approval of the pipeline and said it would be a "win" for everyone in South Jersey by reducing particulates, increasing energy supply reliability to the eastern portion of the State, and by providing some 75 construction jobs, thereby helping to build the middle class.

**Ms. Margo Pellegrino** said she had attended the Upper Township Council meeting last Monday (*August 26, 2013*) where the focus of the pipeline development was on its relationship to taxes and jobs in Upper Township. She said that taxes and jobs are an issue for Trenton, but for the Commissioners the issue was the protection of the Pinelands. She said that alternate routes were fake routes and was concerned that the pipeline was being fast-tracked. She said the Board of Public Utilities believes the MOA will be signed soon and that she was concerned with overdevelopment. She cited Theodore Roosevelt and his concern with the abuse of natural resources.

**Master Billy Pellegrino**, a young child, said that he had visited Lake George where the water was pure and clear. He said that if the pipeline comes to South Jersey, it must go around the Pinelands.

**Mr. Will Pauls**, President of South Jersey Building Trades Council, said that today's gas lines utilize the safest construction processes that exist. He said that development of solar and wind power is not advancing and there must be a means of keeping power online.

**Mr. William Sullivan** said he works in the nuclear industry and, as these facilities are decommissioned, South Jersey will need to rely on natural gas as it is the most cost-effective energy source. He said there is a high level of quality control and that technology has greatly improved.

**Dr. Lee Rosenson**, with PPA and NJ Audubon Society, said that, in terms of alternate routes, if the Commission were to deny this route through the Forest Area, it would not doom the project, merely force South Jersey Gas to meet its obligation to utilize a legal route even if it means that it will cost more money and take more time to build. The Commission will have done its job, he said. He said he was concerned with the process and feared that the Commission was starting to

give the appearance of being captive to the industry it is supposed to be regulating. He said there was an effort on the part of staff to find an agency with which to create an MOA.

**Mr. Jack Miller**, an Upper Township resident, said he objected to the pipeline because it is not looking into the future. One knows of the detrimental effects of fracking and all the other issues related to natural gas production. But the role of the Pinelands Commission is to “protect and preserve” and in this case it has to make only a single decision, that the pipeline through the Forest Area does not meet the requirements of the CMP.

**Ms. Blanche Krubner**, with PPA, said that the Commissioners are the guardians of the CMP. She asked if anyone had considered the economic benefits of this aging plant and that the long-term goal is the export of liquefied natural gas (LNG) overseas. She asked if anyone had considered having the company purchase a bond to pay off the damage from the plant.

**Mr. Michael Neuhaus**, a Bordentown resident, said that testimony had been heard from Upper Township officials who support the gas line, but they were ill-informed as to the health effects of the fine particulates that will be emitted from this power plant once it is running full-time. He said that health, public safety and environmental concerns are not being addressed. Also, he said that the Commission needs independent engineers and archaeologists to evaluate this application, professionals not on the payroll of the energy purveyors. He said he did not believe the results of the T&E species study and that there should be an explosion study.

**Ms. Rebecca Free**, PPA Membership Director, shared a letter received by PPA indicating that the Pinelands is a unique place and the Commission must respect that fact and deny the pipeline.

**Ms. Kate Millsaps**, with the NJ Sierra Club, urged the Commission to reject consideration of a MOA. She said South Jersey Gas is exceeding its authority by having the BPU serve as the signatory body. She said that she had worked extensively with pipelines at the Federal level. Only 7% of all pipeline infrastructure is inspected annually. There are ongoing pipeline accident and damage issues. She said SJ Gas has said that a closed loop cooling system (to prevent hot water from emptying into the sensitive Great Egg Harbor Bay) would be cost prohibitive. If allowed to continue to discharge heated water, there will be major environmental impacts from this plant.

**Mr. Bill Wolfe**, with Public Employees for Environmental Responsibility (PEER), said although he was pleased to see the presentation, it raised more questions than it answered. He said it did not make it clear that this application is inconsistent with the CMP and he objected to the fact that a pre-application meeting had been conducted in April, 2012, yet no public awareness of this project had been made until very recently. He said the Commission needs its own experts to deal with pipeline safety. He questioned why leaking drilling fluids under the Great Egg Harbor Bay was unacceptable, but not a problem under local streams. He said that there has been no discussion of what additional growth could occur in the Pinelands if this pipeline is developed.

**Mr. Mike DeCicco** asked what will happen to the Pinelands 50 years from now. He asked the Commission what its legacy will be and said that the encroachment of this pipeline will have a lasting effect.

**Mr. David Herbert**, a Browns Mills resident said that he did not understand how a nonconforming project could have gotten to this stage.

**Ms. Bridget Reilly**, a Medford Lakes resident, accompanied by her children, said that her role was to protect her family and she asked that the Commissioners do what they are appointed to do.

**Miss Julia Pellegrino** and **Miss Quinn Kalinowski**, two young children, said that the Pinelands are beautiful and they cared about them. They asked that the Commissioners “be strong”.

**Mr. Bernard Graebener**, a resident of Elwood Village in Mullica Township, said he opposed the development of a centralized wastewater treatment project in his community. He said that the real purpose is not to protect groundwater and remediate failed septic systems, but was a means to increase property values. He said the Wharton Project contained only 110 homes, not the 160 as presented this morning. He said that if the Perona property becomes the site of a treatment system, the wastewater would be flowing into the Great Egg Harbor River. Also, a wastewater treatment plant right on the Black Horse Pike would defeat the purpose of trying to encourage commercial development along this road. Furthermore, the current septic system at the school is not failing; it is just overbuilt. He said that the source of nitrate contamination might be from the long-closed Amatol plant.

**Ms. Georgina Shanley** asked that the Commissioners follow their consciences and the rules. The gas line project is a violation of the rules and a government agency cannot be a “pimp” for private industry. She said that 95% of the residents who live along the proposed route know nothing about the project. She said the Commission needed to listen to the restoration ecologist who said that the area of disturbance would be some 300’, not the 6’ to 8’ span described this morning. She said that one doesn’t know what the ultrafine particles emitting from a gas-powered generating station would do to native plants and that the benthic creatures could not survive the bentonite layer that would end up at the bottom of local water bodies. She asked how far from sensitive cultural areas would the gas line be routed and reminded those present that (*at the June 28, 2013 Committee meeting*), Commissioner Ashmun had asked for a demonstration of the need to repower the plant and an analysis of the secondary impacts from both the repowering and the pipeline itself.

**Mr. Glenn Klotz**, a Margate resident and member of SJ350.org, said that he was glad to hear the expression of opinion from all sides, but the best advice he’d heard today was from the two little girls that the Commissioners “be courageous” as the Pinelands Commission is one of the great victories of the ecology movement of the 1970’s. He said that political and economic powers want this gas line and that this proposal has brought us to a full circle back to the time when fear of coastal oil drilling would bring pipelines through the Pinelands to the refineries in Delaware and Pennsylvania. He said that such pipelines still don’t belong here.

**Dr. Ron Hutchison**, with Stockton College and SJ350.org, said that, because national energy needs peaked in 2008 and energy use is far more efficient today, the B.L. England plant is not needed. He said that, as small companies put the most people to work, production of wind and solar power should be promoted. Also, 70% of the nation has less energy redundancy than Cape

May. He said that it is not prudent to move forward with this project and that a climate plan should be developed. He said this morning's presentation showed little in the way of benefit to the people of the Pinelands.

**Kelly Miller**, an Upper Township resident, opposed the application as it did not meet CMP standards.

**Ms. Janet Tauro**, Chair of the Board of Directors of the NJ Environmental Federation, said her organization opposes an MOA with BPU. She said it is not a mandate for the Pinelands Commission to promote the private transmittal of gas, because clearly the pipeline does not serve the Pinelands. She said there is a heritage of environmental activism in New Jersey and there is bipartisan public support to preserve the Pinelands.

In response to a question posed by Ms. Tauro regarding the governor's veto power, Chairman Lohbauer said the Governor can veto all Commission decisions.

**Ms. Anne Carroll**, a Collingswood, NJ resident, said that she has hiked, biked, and kayaked in the Pinelands and the thought of a pipeline was chilling. She said there are no safe pipelines and fracking is no cleaner than coal due to the release of methane during the gas extraction process.

**Miss Megan Tamburello**, a 6 year old child, said if you "put stuff in the water", then fish will die and without food, people will die.

**Ms. Kelly Tamburello**, with Food and Water Watch of Gloucester County, said the pipeline violates the CMP. She raised a copy of the Pinelands brochure and pointed to the plants and animals, asking if a pipeline will help them.

**Captain Joel Fogel**, President of WaterWatch International and numerous other organizations said the Commissioners have a precious thing in their possession and need to consider that when they make their decision.

**Ms. Emily Ruman**, with Food and Water Watch, said that it made no more sense to put a pipeline through the Pinelands than it did to build an airport. She said that instead of investing \$400 million to retrofit B.L. England, it should be dedicated to renewable energy.

**Ms. Marianne Clemente** said that South Jersey Gas had done what corporations do: get all their other approvals first and then go for the environmental approvals. She said that one Commissioner had rightly spoken that wetlands would be affected by having pipelines running under them. She said she could not believe that no endangered species had been found and the Commission should not accept the South Jersey Gas's consultant's study. Finally, she asked why the Commission had allowed the Walters Home project to proceed in Barnegat Township's conservation zone.

*At 1:00 p.m., Commissioner Jackson left the meeting.*

**Ms. Peg Strumfels**, with the NJ Environmental Federation, said that, because of the legislation in the 1970's creating the Pinelands, her seven grandchildren can continue to enjoy the area. She referenced Commissioner Jackson having asked about the potential for leaking fluid and said that her organization has found that the contents of the fracking fluid is proprietary so no one can know what is in it or how to deal with it. Furthermore, even though the Commission says that fire caused by underground pipes is not under its purview, she felt it was an important issue, particularly based on the fires currently raging in the West.

**Ms. Iris Marie Bloom**, with Protecting Our Waters, said that natural gas is not a clean fuel and that compressor stations emit benzene, toluene, formaldehyde and other organic compounds. She said that substandard steel is being used in Pennsylvania, so it doesn't matter that the seams are welded properly. She said that there is no long-term benefit to gas because within the first two years, 90% of the gas in a well is depleted. She added that currently, in Pennsylvania, 60% of the public favor a fracking moratorium, because this is extreme and unconventional gas extraction.

**Dr. Bob Allen** said that he too is a union member and he sympathizes with those who have talked about jobs this morning. However, this is not an issue for the Commission. He asked that the Commission look at the issues of the PIR (pipeline impact radius) and get independent research not tied to the industry. He cited a report on CBS where the president of South Jersey Gas said that there would be no deforestation from this pipeline and yet separately a reporter was told that only 12 trees would be involved in the project. He said he wanted to know the location of these trees. He said that the Commission was on a treacherous slope and he hoped that they would deny this pipeline.

**Mr. Vic Maene**, Beesley's Point resident, displayed an aerial map of the B.L. England Plant and showed where the piles of coal leach into the Tuckahoe River. He said that R.C. Holdings bought the complex for \$20 million, but has done nothing to initiate the cleanup. He said that, if the Commission allows the pipeline, then they should be obligated to do environmental clean-up, but they might just walk away. He said that if the pipeline is denied, the site is big enough to accommodate 50 wind turbines and could become an ecotourism site for Cape May County.

Public comment concluded at 1:20 p.m.

## **7. Other Items of Interest**

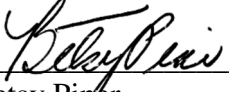
Commissioner McGlinchey said that, based on his years of experience in submitting applications to the Commission, he can assure everyone that, even though the faces may change, the staff is always thorough and their work is of the highest integrity. Staff goes out of its way to work with applicants and offer different approaches. He said that in his experience, staff should be applauded with the way in which they handle applications.

Chairman Lohbauer said to the audience that Commissioners do not respond to their comments, but the public should not accept their silence as evidence of any position on a matter before them.

Commissioner Prickett said that he agreed with Commissioner McGlinchey and he was confident that staff follows the guidelines strictly.

There being no other items of interest, the meeting adjourned at 1:22 p.m. (moved by Commissioner Prickett and seconded by Commissioner McGlinchey).

Certified as true and correct:

  
\_\_\_\_\_  
Betsy Piner,  
Principal Planning Assistant  
/CS15A

Date: September 30, 2013