

PennEast Pipeline Committee meeting via telecall

April 1, 2020 5PM-6PM

Attendees:

- ✓ [Kappler, Kelly \[JJCUS\]](#)
- ✓ [Filomena Hengst](#)
- ✓ [Councilman Sanders](#)
- ✓ [Judy Carroll](#)
- ✓ [Sue Begent](#)
- ✓ [Kimberly Nagy](#)

Agenda/minutes:

- Approve March 16, 2020 minutes – approved
- Current status
 - Docket comment instructions sent to CAP distribution list, 800+ comments! – thanks to Kim for drafting
 - City filed comment – thanks to Ward for drafting and Filomena for submitting
 - City Resolution status update – Ward circulated via email – will be voted on in future meeting
- Plan virtual town update sessions
 - Where: City Facebook page, city website, Lambertville Facebook page, email to CAP DL
 - Series of interviews with target speakers/contributors:
 - Town committee – Filomena & Kelly
 - town resolution announcement (Councilman Sanders)
 - Sierra Club – Jeff Tittel
 - Delaware Riverkeeper
 - Rethink Energy NJ
 - HALT – Mike Heffler – greening the pipeline, HALT update
 - Lorraine Crown – application status, phase 1/phase 2, FERC, deficiencies
 - Mike Spille
 - Susan Meecham – PA input, Bethlehem township, kidder compressor station
 - Linda Christman – PA input
 - Maureen Dowd
 - What do we want their message to be? Top 3 messages to communicate, limit to 5 minutes max
 - What actions do we want listeners to take?
 - How frequently should we release? Target every other week
 - How can we support them?
 - ACTION: Sue to check on technology aspects to conduct interviews (Facebook to vimeo)
 - ACTION: Filomena to reach out to Lorraine to make contact and copy Judy
 - ACTION: Sue to send zoom meeting invite for next meeting Wednesday April 15th 5-6PM

Below:

- Resources
- Draft resolution
- Text from city filing on docket CP20-47

References: various filings on Docket CP20-47

NJDEP

<https://elibrary.ferc.gov/idmws/common/downloadOpen.asp?downloadfile=20200330%2D5323%2834036847%29%2Epdf&folder=4253604&fileid=15497329&trial=1>

DRBC

<https://elibrary.ferc.gov/idmws/common/downloadOpen.asp?downloadfile=20200331%2D5041%2834037362%29%2Epdf&folder=4253627&fileid=15497872&trial=1>

EPA

<https://elibrary.ferc.gov/idmws/common/downloadOpen.asp?downloadfile=20200330%2D5198%2834036261%29%2Epdf&folder=4288952&fileid=15496743&trial=1>

FERC response to PennEast application requesting additional info (April 1, 2020)

<https://elibrary.ferc.gov/idmws/common/downloadOpen.asp?downloadfile=20200401%2D3024%2834040453%29%2Epdf&folder=4288794&fileid=15500395&trial=1>

FERC Environmental Assessment schedule to begin July 10, 2020

https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20200318-3032

Revised proposed resolution shared by Councilman Sanders March 19, 2020

City of Lambertville

RESOLUTION XX-2020

A Resolution to Reassert Opposition to the PennEast Pipeline and to urge the New Jersey Department of Environmental Protection to Deny Any and All Permits for the PennEast Pipeline Project

WHEREAS, AGL Resources, NJR Pipeline Company, South Jersey Industries, UGI Energy Services and Public Service Electric and Gas are proposing to construct the PennEast Pipeline, a new 36-inch-diameter natural gas pipeline that would originate in Luzerne County, Pennsylvania, cross the Delaware River north of Milford, then parallel the Delaware River through western Hunterdon County, including through Hopewell, West Amwell and Delaware Township in New Jersey at points only a few yards away from the Lambertville City border;

WHEREAS, the development of this and other unneeded pipelines is inconsistent with the climate goals of the Paris Agreement;

WHEREAS, New Jersey cannot achieve the State's goals of achieving 100 percent clean energy by 2050 as required by state law, without transitioning away from gas and other fossil fuels;

WHEREAS, the New Jersey Rate Counsel [found](#) no public need for the PennEast pipeline noting that the project was "unfair to ratepayers" and concluded that the project is driven by its investors opportunity to earn a 14 percent rate of return;

WHEERAS, on October 21, 2014, the Governing Body of the City of Lambertville by [Resolution 126-2014](#), was an early leader among New Jersey municipalities and announced its opposition to the PennEast pipeline and announced its support of the September 9, 2014 petition of the Delaware Riverkeeper Network to the Delaware River Basin Commission (DRBC) asking that the DRBC exercise its jurisdiction of the proposed PennEast Pipeline project to prevent a disastrous impact to and degradation of the water quality in the Delaware Basin;

WHEREAS, by [Resolution 51-2018](#) (where the City formally requested that the Federal Energy Regulatory Commission hold a rehearing for the approval of the PennEast pipeline project because the necessary approvals from the New Jersey Department of Environmental Protection (DEP), DRBC or the United State Army Core of Engineers have not been received) and by [Resolution 52-2018](#) (where the City formally requested that DEP

revert the Freshwater Wetlands Rules back to the former high standards they used to follow in order to maintain and preserve waterways in our state) the Governing Body of the City of Lambertville continued to demonstrate its concern about the PennEast Pipeline;

WHEREAS, by Resolution 97-2017, the City of Lambertville resolved to adopt the elements of the Paris Accord, to reduce greenhouse gases, join together with municipalities, counties and States, to reaffirm the City's commitment to studying and preparing for the impacts of climate change;

WHEREAS, the Governing Body of the City of Lambertville created a PennEast Pipeline Committee, comprised of environmental activists, members of the Environmental Commission, and a representative from the Governing body to ensure that all of the City's efforts to fight the PennEast Pipeline are well-coordinated, effective and focused;

WHEREAS, since the Governing Body of the City of Lambertville first acted in 2014 to formally voice its opposition to the PennEast Pipeline over five years have passed and a majority of the members of the Governing Body has changed in composition with two new Councilpersons and a new Mayor; and

WHEREAS, despite the passage of time and the change in membership of the Governing Body of the City of Lambertville, there has been no diminution in the resolve of the Governing Body in its opposition to the PennEast Pipeline.

NOW THEREFORE BE IT RESOLVED BY THE Governing Body of the City of Lambertville in the County of Hunterdon, in the State of New Jersey that:

- 1- Lambertville reasserts its opposition to the proposed PennEast Pipeline.
- 2- Lambertville urges the New Jersey Department of Environmental Protection to continue to deny any and all permits for the PennEast Pipeline project.
- 3- This resolution shall be distributed to:
 - a. The Hunterdon County Board of Chosen Freeholders
 - b. Senators Menendez and Booker
 - c. Congressman Tom Malinowski
 - d. State Senator Shirley Turner
 - e. Assemblyman Anthony Verrelli and Assemblywoman Verlina Reynolds-Jackson

- f. DEP Commissioner Catherine R. McCabe
- g. Delaware River Basin Commissioners

City filing to FERC on Docket CO20-47

March 30, 2020

RE: Docket Number CP20-47 – Revised PennEast Pipeline

Dear Board Members of FERC:

This letter is submitted on behalf of the City of Lambertville in Hunterdon County, New Jersey and its Citizens Against the PennEast Pipeline Committee, which is comprised of environmental activists, members of the Environmental Commission, and two members of the governing body, regarding the above-referenced docket number – a filing for the proposed PennEast Pipeline. Lambertville was one of the first municipalities in New Jersey to [pass a resolution](#) against the proposed pipeline and we continue to take proactive steps to stop its construction. We are joined by every municipality in Hunterdon County, which is on record as opposing this project. As originally filed, this ill-advised project threatens our water supply, will trigger more flash flooding, and puts all the progress made in cleaning up the Delaware River at risk. Set forth below are our comments to the new filing before FERC, which segments the project into two phases.

Not an Amendment, A New Project

Respectfully, we request that you treat PennEast's new submission as a new project, not an amendment to an existing certificate. We believe PennEast's attempt to amend its certificate in this manner is in clear violation of the Natural Gas Act (NGA). PennEast is claiming that both Phase 1 and Phase 2 have independent utility but that issue needs to be explored and proven in a new application since independent utility was not considered in the original application. Phase 1 clearly does not have required independent utility as required under the NGA. It does not show economic justification nor protect the consumer to meet the NGA criteria of being in the "public interest."

Need

The New Jersey Division of Rate Counsel questioned the need for PennEast's project, noting that PennEast had failed to demonstrate that the project is in fact 'needed,' and the draft environmental impact statement gives overly short shrift to the 'no action' alternative and that the terms under which the project has been proposed are unduly generous to PennEast and unfair to consumers. Now, we are concerned with PennEast's claim that Phase 1 is independently viable when 85% of its contracted capacity is with New Jersey local distribution companies but the proposed capacity does not reach New Jersey. PennEast has not proven there is a need for the Phase I portion of the project. They only have shippers for 52% of the capacity of the pipeline and all of them are affiliates of PennEast.

PennEast's original Certificate filing had roughly 990,000 dekatherms/day of subscribed capacity, with the endpoints described for each subscription. This included substantial deliveries into New Jersey. The new filing now includes 213,000 Dekatherms/day flowing into New Jersey, presumably via the Adelpia pipeline interconnects. PennEast does not indicate how this 213,000 dekatherms/day is related to the original subscriptions in the Certificate filing, nor does it specify endpoints. This means that PennEast needs to file an entirely new Purpose and Need Statement for Phase 1 and Phase 2, it needs to identify what the endpoints are, and it needs to define what subscriptions apply to Phase 1, and what apply to Phase 2. Without this information, the abbreviated filing cannot be accepted by FERC, as the purpose and need calculations have fundamentally changed.

PennEast was always unneeded but is even more so now that an additional four billion, fifty-five million cubic feet per day of capacity (4.055 Bcfd38) has been added to pipelines in, running to, or running through,

Eastern Pennsylvania and New Jersey since the original application filing. There was sufficient capacity at the time of the original application's filing, and now that has dramatically increased to a massive glut of capacity. Old, out-of-date, self-dealing precedent agreements do not justify demand or qualify as proof of public need.

ENVIRONMENT

The phases in the application all pose significant environmental harms that must be considered by the Commission when determining public interest. All of the phases' harms must be independently weighed against its purported (nonexistent) need to determine public interest for each phase. This includes a cumulative EIS of Phase 1, including the new Church Road Interconnect, and a reevaluation of all potential HDD drilling impacts that current scientific and industry data demonstrate has been significantly underestimated. The industry acknowledged 50% failure rate of HDD must be accounted for in assessing the impact to wetlands, streams, and animal habitat.

Thank you for consideration of our comments.

Sincerely,

Citizens Against the Pipeline Committee of the City of Lambertville