



TEXAS EASTERN TRANSMISSION, LP
5400 Westheimer Court
Houston, Texas 77056

March 24, 2020

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: *Texas Eastern Transmission, LP*
Middlesex Extension Project, Docket No. CP20-30-000
Responses to Comments Received During Scoping Period

Dear Ms. Bose:

Texas Eastern Transmission, LP (“Texas Eastern”) hereby submits its responses to comments received from the New Jersey Department of Environmental Protection, United States Environmental Protection Agency, and the general public related to the above referenced proceeding. Texas Eastern is providing its response to the scoping comments of Consolidated Rail Corporation in a separate filing.

If you have any question regarding this filing, please contact Ryan Payne, Specialist, Rates and Certificates at (713) 627-5450 or the undersigned at (713) 627-4488.

Respectfully submitted,

/s/ Berk Donaldson

Berk Donaldson
Director, Rates and Certificates

cc: Anthony Rana (FERC)
All parties (CP20-30-000)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 24th day of March, 2020.

/s/ Ryan Payne
Ryan Payne

**Middlesex Extension Project
Response to New Jersey Department of Environmental Protection (NJDEP)
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Land Use Regulation Program

Based on the information provided, the Division of Land Use Regulation (DLUR) has determined that several NJDEP permits will be required to complete the project. The proposed activity may be accomplished under a Freshwater Wetlands Statewide general permit #2. In addition, the project will require a Flood Hazard Individual Permit. The determination of the applicability of freshwater wetlands and flood hazard area jurisdiction is subject to change if the project changes.

It is advised that the applicant and/or their agent request a pre-application meeting with the DLUR prior to the submission of any applications. For guidance please refer to the following: If you have any questions, please contact Joslin Tamagno or Christian Zogrofos at (609) 777-0454.

Response to Land Use Regulation Program:

Texas Eastern, along with their agent, AECOM, participated in a pre-application meeting with the DLUR and other applicable divisions within NJDEP on January 30, 2020. Texas Eastern is preparing applications for a Freshwater Wetlands Protection Act Statewide General Permit 2 – Underground Utility Lines as well as a Flood Hazard Area Control Act Individual Permit. The application for these permits will occur in one combined submittal, which Texas Eastern anticipates submitting in April 2020.

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Division of Fish and Wildlife

After review of Resource Report #3, the Division of Fish and Wildlife (DFW) would generally agree with the Species listed and seasonal timing restrictions or proposed mitigation provided in Table 3.5-1 and the information provided in Section 3.3.4. In addition, the DFW recommends a timing restriction of April 1 to August 31 as the nesting period for migratory birds.

If there are any questions please contact Kelly Davis of the DFW Office of Environmental Review at (908) 236-2118 or kelly.davis@dep.nj.gov.

Response to Division of Fish and Wildlife:

The nesting period for migratory bird timing restriction presented by the NJDEP is identical to the USFWS restriction in its January 15, 2020 consultation response. Minimal tree clearing is proposed at the northern Project extent within an upland wooded area. All other woodland areas are avoided by the HDD construction method. At this time, construction is proposed to start outside of this timing restriction (as early as January 2021), during which trees will be cleared. Therefore, Texas Eastern will adhere to the timing restriction of April 1 to August 31 as the nesting period for migratory birds. In the event it is determined that these timing restrictions cannot be met based on unforeseen Project delays, Texas Eastern will further consult with the USFWS and the NJFWS to determine actions and data collection necessary to clear trees during the restriction period and will provide the consultation outcome to the NJDEP.

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NJ State Historic Preservation Office (SHPO)

In addition to the Resource Reports, the SHPO also reviewed a cultural resources consultation document from AECOM on December 15, 2019. The proposed pipeline extension is located within the right-of-way for the Public Service Electric and Gas (PSE&G) Company Northern Inner Ring Transmission Line (SHPO Opinion 12/31/2013) and the eligible Metuchen Transmission Towers which are contributing to the Pennsylvania Railroad New York to Philadelphia Historic District. While most of the line will be built through horizontal directional drilling, three locations will require conventional pipe trenching. The conventional trenching for the proposed Transco M&R station has already been subject to Phase IB archaeological survey (HPO report MID R 110) and the HPO concurred no additional archaeological survey is necessary. The other two trenching locations are located within areas surveyed through a Phase IA archaeological survey (HPO report MULT C 915) and neither area was identified as locations of archaeological sensitivity. Based on the lack of archaeological sensitivity within areas of trenching and below ground elements of the pipeline, the project will have no adverse effect on historic properties and no additional studies would be requested if subject to formal regulatory review.

If you have any questions, please contact Vincent Maresca of the Historic Preservation Office at 609-633-2395 or at vincent.maresca@dep.nj.gov.

Response to NJ State Historic Preservation Office:

Texas Eastern acknowledges the findings by the New Jersey Historic Preservation Office (NJHPO or SHPO) that the Project will have no adverse effect on historic properties and no additional studies would be requested if subject to formal regulatory review. This finding that “the Project will not adversely affect historic properties” was also provided to Texas Eastern on January 27, 2020, by the NJHPO in response to the cultural resources consultation document from AECOM dated December 15, 2019.

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Green Acres

The applicant is moving forward with a Green Acres diversion application.

If you have any questions, please contact Melissa Abatemarco at (609) 984-0622 or Melissa.Abatemarco@dep.nj.gov.

Response to Green Acres:

Texas Eastern is coordinating and working through the procedural regulations with each involved party in order to obtain a Green Acres diversion approval from the NJDEP.

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NJ Geological and Water Survey (NJGWS)

The pipeline route is underlain by The Passaic Formation which consists of shales and sandstones. The material above the bedrock is Pleistocene till which can have large boulders and cobbles. This type of material can cave in during the horizontal directional drilling (HDD) and reaming. The thicknesses of the till can be from 50 to more than 100 feet along the route shown on the maps. For more information, there are published bedrock and surficial maps of the Perth Amboy quadrangle on the NJGWS website, <https://www.nj.gov/dep/njgs/>.

If you have any additional questions, please contact Jeffrey Hoffman at (609) 292-2576.

Response to NJ Geological and Water Survey (NJGWS):

Texas Eastern has conducted a detailed analysis including geotechnical borings along the full path of the Northern HDD and the Southern HDD, design considerations, and engineering calculations associated with the two proposed HDDs. The final HDD Design Report, Middlesex Extension Project, Revision 4, dated February 28, 2020, prepared by J.D. Hair & Associates, Inc., was submitted to FERC on March 6, 2020 and includes the final bore logs and analysis for all geotechnical borings that were completed.¹ As detailed within the final HDD Design Report, three primary parameters govern the technical feasibility of an HDD installation: 1) drilled length, 2) pipe diameter, and 3) subsurface material.

The HDD Design Report was informed by a geotechnical report prepared by Mueser Rutledge Consulting Engineers titled "Geotechnical Data Report, Enbridge Middlesex Project, Edison, New Jersey" dated February 7, 2020, and Addendum 1 to the geotechnical report dated February 21, 2020. Key findings relevant to the NJGWS comment are provided below as direct excerpts from the J.D. Hair & Associates final HDD Design Report. Refer to the final HDD Design Report, which includes the Geotechnical Data Report, for additional details.

Regarding the Southern HDD crossing:

"The exploratory borings encountered subsurface conditions consistent with geologic mapping. The borings encountered outwash deposits overlying siltstone of the Passaic Formation. Conditions consistent with terminal moraine deposits were not encountered in any of the borings conducted for the south crossing. Based on site-specific geotechnical borings, the HDD crossing will be installed through good quality sedimentary rock over most of its length. Laboratory testing of siltstone samples indicate an average Unconfined Comprehensive Strength (UCS) of 9,465 pounds per square inch (psi), and Mohs hardness values ranging from 2 to 3. In our view, the siltstone can easily be navigated with available downhole tooling. Although the overburden contains glacial till which may contain gravel and cobbles, which can be problematic in some cases, the till is generally limited to a depth of approximately 20 feet. Should it be necessary, large diameter surface casing can be installed through these adverse materials."

¹ Supplemental Response to the January 28, 2020 Data Request of Texas Eastern Transmission, LP, Docket No. CP20-30-000 (filed Mar. 6, 2020).

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Regarding the Northern HDD crossing:

“The exploratory borings encountered subsurface conditions consistent with geologic mapping. The borings encountered variable soil stratigraphy associated with terminal moraine deposits overlying siltstone and shale. The borings indicate the presence of a bedrock valley with the top of rock sloping downward. The HDD crossing will be installed through glacial till, siltstone, and shale. The unconfined compressive strength of the siltstone and shale averages 7,937 psi, which can easily be navigated with available downhole tooling. Although Rock Quality Designation (RQD) values indicate poor quality rock on the north end of the crossing which can sometimes be problematic for installation by HDD, we do not believe the fractured rock will prevent a successful installation. In our opinion, it is likely that the sedimentary bedrock is soft enough that broken fragments will be able to be crushed with downhole tooling to such an extent that the broken fragments will not obstruct reaming passes or the pull section during pullback. Likewise, although the overburden may contain adverse materials such as gravel and cobbles, we believe mitigation measures, such as setting steel surface casing, can be used to overcome these challenges.”

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Bureau of Evaluation and Air Planning

Comment No. 1 – Section 1.3, Construction Schedule

Resource Report 1 states, "In general, construction activities are scheduled between 7AM and 7PM Monday through Saturday; however, work hours may be extended due to safety precautions or circumstances that require continuous work activities."

On 8/23/19, the USEPA issued a Final Order (Federal Register Vol. 84, No 164) which reclassified the New York-Northern New Jersey-Long Island (NY-NJ-CT) nonattainment area to "serious" nonattainment for the 2008 ozone National Ambient Air Quality Standard. The corresponding de minimis level for a "serious" nonattainment area in the Federal General Conformity regulation (40 CFR Part 93, Subpart B (Determining Conformity of General Federal Actions to State or Federal Implementation Plans)) is 50 tons per year (tpy) for NO_x or VOC, and 100 tpy for PM_{2.5} (and precursors). In Resource Report 9 (Air and Noise Quality (December 2019)), Table 9A-1 (Construction Emissions) indicates that the NO_x emissions estimated for this project are 46.87 tons per construction period. The Permit Readiness Checklist indicates that construction will begin as early as January 2021 and it is estimated to take 7 months. Section 93.157(d) (Reevaluation of Conformity) of the USEPA's Federal General Conformity regulation states, "If the Federal agency originally determined through the applicability analysis that a conformity determination was not necessary because the emissions for the action were below the limits in §93.153(b) and changes to the action would result in the total emissions from the action being above the limits in §93.153(b), then the Federal agency must make a conformity determination." If there are changes in the air emissions for this project due to the extension of work hours or because of additional requirements or changes, please revise the General Conformity Applicability Analysis to include the air emissions and if necessary prepare a Conformity Determination in accordance with Section 93.157(d) of the Federal General Conformity regulation.

Response to Bureau of Evaluation and Air Planning Comment 1:

As presented in the December 18, 2019 application, Texas Eastern prepared a Conformity Determination Applicability Analysis in accordance with Section 93.157 (d) of the Federal General Conformity regulations using an approach that included all equipment operating for the full 7-month construction duration and the full 12-hour work day for 6 days a week so that an expected maximum emissions estimate could be generated. Given the variable use of equipment over the proposed 7-month construction timeframe and equipment operation only periodically over 12-hour workday vs. continuously for 12 hours, the estimate generated is conservative and would be an overestimation of the actual emissions for the Project. In addition, Texas Eastern assumed that all non-road diesel construction equipment was Tier 2 equipment in the conformity calculations; however, Texas Eastern will require the use of Tier 3 or Tier 4 equipment, as appropriate, further reducing the likely emissions presented in the Conformity Determination Applicability Analysis (see response to Mobile Source question response).

Texas Eastern does not anticipate a need to update its Conformity Determination Applicability Analysis as there are no proposed changes to the Project's work hours, construction duration or because of additional requirements or changes to the construction methods described in Resource Report 1. Texas Eastern acknowledges that Comment Numbers 2 through 4, below, also apply to this comment.

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Bureau of Evaluation and Air Planning

Comment No. 2 – Section 1.7.1, General Construction Procedures-Clearing and Grading

Resource Report 1 states, "Trees will be taken offsite by a clearing contractor... Cleared vegetation and debris will be disposed of in accordance with federal and state regulations either by chipping and shredding or transportation to a commercial disposal facility..."

Please clarify if the air emissions associated with transporting trees by a contractor or transporting cleared vegetation and debris to a commercial facility for disposal within the nonattainment area have been included in the General Conformity Applicability Analysis. (Attachment 9-A Detailed Construction Emissions Estimates and Table 9-A-I Construction Emissions). Comment #1 above also applies to this portion of the project.

Response to Bureau of Evaluation and Air Planning Comment 2:

The air emissions associated with transporting trees by a contractor or transporting cleared vegetation and debris to a commercial facility for disposal within the nonattainment area have not been specifically included in the Conformity Applicability Determinization Analysis. Although, the Conformity Applicability Determinization Analysis emissions from on-road vehicles were estimated for transportation of various equipment and materials that would include the movement of cleared vegetation material and similar types of material transport. Emissions from on-road vehicles were estimated using the following assumptions: 10 gasoline passenger cars travelling 50 miles per day, 15 gasoline pickup trucks travelling 50 miles per day, 25 diesel pickup trucks travelling 100 miles per day, 3 diesel delivery trucks travelling 100 miles per day, and 5 diesel lowboy trucks travelling 100 miles per day. The number of vehicles was split in half between Union and Middlesex Counties using the full duration of 7 months. This estimate is anticipated to exceed actual on-road vehicle use for the transport of equipment and materials, including cleared vegetation and debris.

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Bureau of Evaluation and Air Planning

Comment No. 3 – Conventional Trench Installation Procedures -Trenching/ditching

Resource Report 1 states, "Depth of trench is determined by minimum cover requirements to top of the pipe in accordance with USDOT regulations and applicable state requirements. Deeper excavations may be needed to meet state specific requirements for wetland and waterbody crossings as well as accommodate the crossings of subsurface utilities including pipelines."

Comment #1 also applies to this portion of the project.

Response to Bureau of Evaluation and Air Planning Comment 3:

As stated in Comment 1 Response above, the full 7-month construction duration and the full 12-hour work day for 6 days was included in the Conformity Applicability Determinization Analysis to account for situations such as deeper excavation conditions that may increase the actual excavation duration. The 7-month construction duration and the full 12-hour work day for 6 days is not anticipated to be extended due to deeper excavations as the trench lengths for the Project are relatively short.

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Bureau of Evaluation and Air Planning

Comment No. 4 – General Above Ground Facility Construction

Resource Report 1 states, "Additional clean soil may be imported from approved sources to achieve the desired site/foundation grade. Foundation and supports will be constructed of poured reinforced concrete. Much of the equipment and buildings will be prefabricated off-site and shipped to the site on skids for installation and tie-in."

Please clarify if the air emissions associated with transporting soil within the nonattainment area for the above ground facility construction are included in Resource Report 9 (Air and Noise) and Table 9A-1 (Construction Emissions). Please clarify if the air emissions associated with the movement of concrete to the job site within the nonattainment area are included in Resource Report 9 (Air and Noise) and in Table 9A-1 Construction Emissions. Please clarify if the air emissions associated with shipping the prefabricated equipment and buildings within the nonattainment area to the job site are included in Resource Report 9 (Air and Noise) and in Table 9A-1 Construction Emissions. Comment #1 also applies to this portion of the project.

If you have any questions, please contact Angela Skowronek can be reached at (609) 984-0337 or Angela.Sworonek@dep.nj.gov.

Response to Bureau of Evaluation and Air Planning Comment 4:

Similar to the Comment 2 Response above, the Conformity Applicability Determinization Analysis air emissions associated with each specific equipment and material transport within the nonattainment area have not been specifically included; however, the general transportation of equipment and material has been included and captures the transporting of soil and other types of material.

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Division of Air Quality, Bureau of Mobile Sources

The Bureau's comments apply to the operation of heavy-duty construction equipment. All road and nonroad vehicles in operation at the project site must comply to New Jersey's "No Idling" law and the equipment operating near residential homes need to be particularly compliant to this law. Additionally, newer equipment should be EPA tier-certified and operate using the cleanest engine to date (Tier 3 or Tier 4, when possible). Please read the below regulations for specifics:

1. All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three-minute idling limit, pursuant to NJ.AC. 7:27-14 and N.J.AC. 7:27-15. Consider purchasing "No Idling" signs to post at the site to remind contractors to comply with the idling limits. Signs are available for purchase from the Bureau of Mobile Sources at 609/292-7953 or <http://www.stophesoot.org/sts-no-idle-sign.htm>.
2. All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days should have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter and/or NOx emissions.
3. All on-road diesel vehicles used to haul materials or traveling to and from the construction site should use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

If you have any questions, please contact Kris Dahl at (609) 292-1122 or Kris.Dahl@dep.nj.gov.

Response to Division of Air Quality, Bureau of Mobile Sources:

1. Texas Eastern will comply with the three-minute idling limit, pursuant to NJ.AC. 7:27-14 and N.J.AC. 7:27-15. Texas Eastern will use "No Idling" signs to remind contractors to comply with the idling limits.
2. Texas Eastern will require contractors to meet applicable air quality regulations and emission standards that apply to their equipment.
3. Texas Eastern will require contractors to use designated truck routes for all on-road diesel vehicles used to haul materials traveling to and from the construction site, to the extent practicable.

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Water Resources Management.

Bureau of Water Allocation & Well Permitting

The applicant indicated that they will require a Temporary Dewatering Permit for the project. Dewatering guidance is outlined below:

An approved Well Permit is required for dewatering wells or dewatering well points which are 25 feet or more in total depth or are 6 inches or more in borehole diameter. All drilling activity shall be performed and completed by a New Jersey licensed well driller of the proper class. N.J.A.C. 7:9D-1.11(g) 5.

Response to Bureau of Water Allocation & Well Permitting, Well Permit:

Texas Eastern acknowledges this requirement for a Well Permit and will apply for the necessary permits as needed to accomplish groundwater sampling as applicable.

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Water Resources Management.

Bureau of Water Allocation & Well Permitting

Water Allocation

If construction related water use (including horizontal directional drilling, well and/or trench dewatering) is required at rates exceeding 70 gallons per minute pumping capacity from a single source or combination of sources in the same municipality, then that activity would be regulated. Pursuant to NJ.AC. 7:19-1.4(c) and N.J.A.C. 7:19-1.6(f), potential regulatory mechanisms include **only one** of the following:

Diversion of more than 100,000 gallons of water per day for less than 31 days in a consecutive 365-day period- Short Term Water Use Permit-by-Rule (BWA-003) /Short Term Water Use Report (BWA-004), N.J.AC. 7:19-2.17(a). **Be advised that this form cannot be utilized to initiate a dewatering project that is awaiting or requires approval of a Temporary Dewatering Permit (Permit). If dewatering exceeds 30 days, the diversion must cease until a Permit is obtained.**

Diversion of more than 100,000 gallons of water per day from a confined area/space (all sidewalls closed) or coffer dam - Dewatering Permit-by-Rule (BWA-005), N.J.A.C. 7:19- 2.17(b).

Diversion of more than 100,000 gallons of water per day for more than 30 days in a consecutive 365-day period -Temporary Dewatering Permit (BWA-002), N.J.A.C. 7:19-2.3.

Diversion of less than or equal to 100,000 gallons of water per day at pumping rates exceeding 70 gpm- Water Use Registration (DWR-188), N.J.A.C. 7:19-2.18. or pipeline pressure testing, water used for pressure testing pipeline segments has historically been done under a Short-Term Water Use Permit-by-Rule (BWA-003)/Short Term Water Use Report (BWA-004), N.J.A.C. 7:19-2.17(a).

If the project is in close proximity to a saltwater body (ocean, bay, coastal river, saltwater marsh) the native ground water and water in the adjacent water body should be checked for: chlorides and salinity. Water Allocation Permitting does not apply to diversions of saltwater except where the Department determines that the diversion and the resultant usage may affect utilization of fresh water in accordance with N.J.A.C. 7:19-1.4(a). Saltwater is defined as water containing a chloride concentration in excess of 10,000 mg/L. N.J.A.C. 7:19-1.3

If you have any questions, please contact Ken Komar at (609) 984-6831 or Ken.Komar@dep.nj.gov.

Response to Bureau of Water Allocation & Well Permitting, Water Allocation:

Texas Eastern acknowledges the requirements for dewatering permits and that only one dewatering permit can be utilized. Texas Eastern anticipates submission of a Short Term Water Use Permit-by-Rule (BWA-003) notification for dewatering of trenches and excavations. The dewatering permit application/notification is anticipated to be submitted by September 1, 2020, prior to construction.

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Water Resources Management.

Bureau of Non-Point Pollution Control

Construction Activities General Stormwater Permit (5G3)

A general permit for Construction Activities, (5G3) is required from the Department. This general permit authorizes stormwater discharges from construction activities which disturb areas greater than 1 acre or smaller areas that are part of a large plan of common development greater than 1 acre. The applicant must have a certified Soil Erosion and Sediment Control Plan by the County Soil Conservation District in order to have the necessary information for a complete permit application. The permit application process is available online at <http://www.state.nj.us/dep/dwg/5g3.htm>. Stormwater management issues will be addressed by the local government unless a Department land use issue is involved.

If you have any questions, please contact Ron Bannister at (609) 633-7021 or Ron.Barmister@dep.nj.gov.

Response to Bureau of Non-Point Pollution Control:

Texas Eastern acknowledges that a 5G3 general permit for Construction Activities from the NJDEP is required for the Project. Texas Eastern will be submitting a Soil Erosion and Sediment Control Plan (E&SCP) to the Freehold Soil Conservation District (FHSCD) for their certification which is required prior to submission of the 5G3 permit application. Once certification of the E&SCP is received from the FHSCD, Texas Eastern will submit the 5G3 application, which is anticipated for September 2020.

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Bureau of Surface Water Permitting

Construction Dewatering Discharges

If uncontaminated construction dewatering water is proposed to be discharged to surface water, including wetlands, they will need a Construction Dewatering general permit. Information regarding this permit can be found at http://www.nj.gov/dep/dwg/gp_dewater.htm. This Construction Dewatering general permit is designed for short term discharges only and authorizes the discharge of groundwater, during construction dewatering, that contains negligible levels of pollutants, to the surface waters of the State of New Jersey. This general permit does not cover discharges from sites known or suspected to contain contaminated groundwater, such as remediation or petroleum products clean-up sites, stormwater discharges, and discharges associated with sediment laden waters. The Certification Form and accompanying sample analysis data must be submitted at least 14 working days prior to the proposed discharge for review.

If the construction dewatering water is contaminated, it must be treated and could then potentially be discharged to surface water through the Groundwater Remediation Cleanup (BGR) general permit. Information regarding this general permit can be viewed at http://www.nj.gov/dep/dwg/gp_BGR.htm.

Response to Construction Dewatering Discharges:

Texas Eastern acknowledges this requirement for a Construction Dewatering general permit for any construction dewatering discharge into a surface water, including wetlands. A Short-term De Minimis Discharge (B7) permit is anticipated for the Project in all areas except for the Middlesex Greenway where suspected contaminants may be present. In this case, a BGR general permit will be applied for if determined to be applicable following proposed soil sampling. Applicable forms and accompanying sample analysis data will be submitted to the NJDEP for review. Submittal(s) are anticipated to occur by September 1, 2020.

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Bureau of Surface Water Permitting

Hydrostatic Testing Discharges

For discharges from hydrostatic testing of storage tanks and pipelines that have been cleaned pursuant to recognized federal, state or general industry documented procedures. The recommended authorization is the Hydrostatic Test Water Discharge (BG). This general permit does not include effluent limitations or monitoring conditions but incorporates BMPs to ensure the integrity and designated uses of receiving waters are protected.

If you have any questions, please contact Susan Rosenwinkel at (609) 984-4860 or Susan.Rosenwinkel@dep.nj.gov.

Hydrostatic Testing Discharges Response

Texas Eastern acknowledges the requirement for a Hydrostatic Test Water Discharge (BG) general permit; this submittal is anticipated to occur by September 1, 2020.

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Treatment Works Approval

Based upon the documents reviewed, a Treatment Works Approval (TWA) is not required for this project. However, if dewatered effluent during construction is to be treated before discharge, a TWA may be required.

Treatment Works Approval Response

Texas Eastern acknowledges the possible requirement for a TWA for this Project if dewatered effluent during construction is to be treated before discharge.

**Middlesex Extension Project
Response to United States Environmental Protection Agency (USEPA)
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1. **USEPA Comment 1:** Middlesex County, New Jersey is within the New York-Northern New Jersey-Long Island, NY-NJ-CT non-attainment area for ozone. It is also within the New York-Northern New Jersey-Long Island, NY-NJ-CT non-attainment area for Particulate Matter (PM) 2.5. Therefore, a general conformity applicability analysis is required for all applicable pollutants and precursors of the project's construction emissions.

Response to USEPA Comment 1:

Texas Eastern conducted an evaluation of construction emissions which can be found in Resource Report 9 (Air and Noise Quality) of its application for a certificate of public convenience and necessity, filed with the Commission on December 19, 2019 ("Application").¹ As summarized within Section 9.2.3 of Resource Report 9, "Emissions from construction activities are aggregated and compared to the General Conformity *de minimis* emission thresholds in Table 9.2-8. The emissions totals for each county are provided in Table 9A-1 of Attachment 9-A. Since the conservatively-estimated emission rates for the proposed Project within these counties are below *de minimis* thresholds, a General Conformity determination is not required."

¹ Abbreviated Application for a Certificate of Public Convenience and Necessity and for Related Authorizations of Texas Eastern Transmission, LP, Docket No. CP20-30-000 (filed Dec. 19, 2019).

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2. **USEPA Comment 2:** An evaluation of the alternatives to the proposed project, including reasonable alternatives not within the jurisdiction of the lead agency.

Response to USEPA Comment 2:

Texas Eastern conducted an evaluation of alternatives to the proposed Project, including reasonable alternatives not within the jurisdiction of the lead agency. This detailed assessment is contained within Resource Report 10 (Alternatives) of the Application. As detailed within Resource Report 10, no energy alternative is preferable to the proposed Project. Additionally, Texas Eastern considered numerous system alternatives, routing alternatives for the pipeline alignment, construction methods, and alternative locations for the aboveground facilities, and found the proposed Project to be the preferred alternative.

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3. **USEPA Comment 3:** A comprehensive evaluation of cumulative, indirect, and secondary impacts. The cumulative impacts analysis should consider the environmental impacts of the project as a whole, and, if any, as one of a number of the other proposed and/or approved actions in the area that would have the potential to impact the same resources. This should include, but not be limited to FERC jurisdictional projects, intrastate pipelines and compression, gathering pipelines, gas processing facilities, gas wells, industrial or commercial facilities, and housing developments. If the natural gas delivery to the Woodbridge Energy Center is expected to increase the capacity and/or emissions from the Energy Center, that should be discussed.

Response to USEPA Comment 3:

Texas Eastern conducted a comprehensive evaluation of cumulative impacts within Section 1.14 of Resource Report 1 (Project Description) of the Application. Within that cumulative impacts analysis, Texas Eastern identified five (5) general categories of actions that could potentially contribute to cumulative impacts when considered with the proposed Project, including: 1) natural gas development; 2) electric generation and transmission; 3) transportation; 4) parkland, residential and commercial development; and 5) other projects. A total of nine (9) projects were identified and evaluated which may have, in combination with the proposed Project, the potential for cumulative and/or overlapping impacts to the same environmental resources identified for the Project. The potential for cumulative adverse impacts on each environmental resource was evaluated and none are anticipated to rise to the level of a significant adverse cumulative impact.

As detailed within Resource Report 9, the Woodbridge Energy Center currently has the ability to operate at its fully-rated power send-out using natural gas from the existing Transco pipeline. Since the proposed Project is designed solely to provide an alternative source of gas for the Woodbridge Energy Center, the Project will not cause any changes in potential emissions of the criteria air pollutants from the Woodbridge Energy Center.

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Comments dated February 20, 2020

4. **USEPA Comment 4:** Environmental Justice concerns should be analyzed and discussed in the EA regarding the placement of the pipeline and metering and regulating station.

Response to USEPA Comment 4:

Texas Eastern assessed the potential for the Project to disproportionately impact minority or low-income populations; this environmental justice evaluation is included at Section 5.3.8 of Resource Report 5 (Socioeconomics) of the Application. Based on U.S. Census Bureau statistics, the Project area is not considered to be an environmental justice community based on income. In the vicinity of the Project, the percent of the population that are identified as a racial minority is slightly higher than the state average overall. As shown on Figure 1-6 of Resource Report 1, the northern-most tract of the 20-inch Extension contains a minority population that is greater than 75 percent. However, as also shown on Figure 1-6, minority populations are located throughout Middlesex County, with higher minority populations concentrated near the cities (e.g., Perth Amboy to the east of the Project and New Brunswick to the west).

Regardless of the racial and income composition of the Project area, the Project will not result in disproportional negative impacts on the health, social conditions, or economic conditions of minority or low-income communities in the vicinity of the 20-inch Extension or in the vicinity of the contractor yards. The majority of activities are confined within the limits of existing utility rights-of-way (ROWs), and contractor ware yards which have supported similar construction events in the past, and/or occur within industrial settings. Construction and operation of all new Project facilities will have minimal environmental impacts (e.g., as detailed within Resource Reports 2, 3, 4, 6, 7, 8, and 9). Best Management Practices that will be implemented during construction to minimize impacts are summarized in Resource Report 1. Refer to Resource Report 11 (Reliability and Safety) for a detailed discussion of the safety precautions to be implemented during Project construction and operation.

**Middlesex Extension Project
Response to United States Environmental Protection Agency (USEPA)
Comments dated February 20, 2020**

5. **USEPA Comment 5:** EPA recommends that any revegetation plans include plants that are native to the area.

Response to USEPA Comment 5:

Texas Eastern is developing detailed restoration and revegetation plans for the Project as part of the soil erosion and sediment control plans that will be reviewed by the local Freehold Soil Conservation District and submitted to the New Jersey Department of Environmental Protection (NJDEP) for further review. The revegetation plans will include plant species that are native to the area.

Middlesex Extension Project
Response to Public Comments Provided during Federal Energy Regulatory Commission (FERC)
Scoping Meeting held February 27, 2020

FERC Public Comment: David Shalit. I am the General Manager up in Metuchen Manor Garden Apartment Complex owned by my family. I believe Texas Eastern, or Enbridge, is talking about putting a regulating and maintenance facility on our property. By regulating, I assume they mean venting, and I'm concerned about the smell coming from venting the pipes for my tenants.

Response to FERC Public Comment:

Texas Eastern currently operates its 36-inch Line 20 Mainline (Line 20) and the 20-inch Line 20-B Lateral (Line 20-B) facilities in close proximity to the Metuchen Manor Garden Apartment Complex. The mainline valve for the Line 20 and Line 20-B interconnect is partially located on the Metuchen Manor Garden Apartment Complex approximately 100 feet from the nearest residence. Line 20-B and a remote terminal unit (RTU) communications building is located within the electric utility ROW which exists between the proposed Line 20 Tie-in above ground facility and proposed pipeline easement and the apartment buildings. The remainder of the existing appurtenant facilities are located within the freight railroad property to the south of the apartment buildings.

The proposed fenced Line 20 Tie-in facility and above-grade pipe inspection tool launcher facility will be located approximately 170 feet from the nearest Metuchen Manor Garden Apartment Complex residence, on the opposite side (east) of the electric utility ROW, *i.e.*, the Metuchen Manor Garden Apartment Complex property is segregated by the utility ROW. Texas Eastern has coordinated with Mr. Shalit regarding proposed plans and survey access for this property. The aboveground fenced facility would include a tap valve, pipe inspection tool launcher facility, and associated valves, and connecting piping. The proposed Line 20 Tie-in facility for the 20-inch Extension will be managed similarly to Line 20-B valve facility including periodic venting of odorized gas prior to inspection and maintenance. Texas Eastern has had a positive working relationship with Metuchen Manor Garden Apartment Complex associated with operation and maintenance of its existing facilities, and its records do not indicate any previous complaints during venting for inspection and maintenance events at the Line 20-B valve. Texas Eastern strictly adheres to its Standard Operating Procedures for purging activities which specifically address purging facilities with odorized gas. Texas Eastern uses a combination of noise silencers, charcoal deodorizers and blowdown trailers to support purging activities in order to minimize the noise and smell impact to nearby residents. Purging activities will only take place when Texas Eastern operations personnel are on site. Purging activities of odorized gas will be limited when possible to the hours between 6 a.m. and 7 p.m.. Additionally, these activities would be infrequent, expected to occur periodically to align with Texas Eastern's Standard Operating Procedures and maintenance needs and in compliance with DOT requirements, and Texas Eastern Operations Right-of-Way personnel would contact landowners prior to such activities. Other than during these activities, no odor or noise would be expected associated with the proposed facilities.

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