

TOWNSHIP OF KINGWOOD
COUNTY OF HUNTERDON
STATE OF NEW JERSEY

RESOLUTION NO. 2014 – 98

RESOLUTION CONCERNING PENNEAST PIPELINE

WHEREAS, PennEast Pipeline Company, LLC, a joint project of AGL Resources, NJR Pipeline Company, a subsidiary of New Jersey Resources, South Jersey Industries, PSEG Power and UGI Energy Services, a subsidiary of UGI Corporation, proposed the construction of a new pipeline for the transfer and delivery of natural gas generated by deep well "fracking" in areas of Marcellus Shale in Pennsylvania; and

WHEREAS, the proposed pipeline is approximately one hundred (108) miles long of buried pipe crossing parts of Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania and Hunterdon and Mercer Counties in New Jersey, with approximately 8 miles of pipeline being located in Kingwood Township; and

WHEREAS, there are at least seven pending proposals to build pipelines in the Delaware River Basin, and eleven such proposals have been approved since 2011, threatening the Delaware River and other critical water resources; and

WHEREAS, the proposed route crosses properties that were purchased with New Jersey Department of Environmental Protection Green Acres Funds, New Jersey Department of Agriculture Funds, Hunterdon County Open Space Funds, Kingwood Township Open Space Funds, Federal Farm and Ranch Protection Program Funds, New Jersey Water Supply Authority Funds, as well as other properties that are subject to conservation easements and/or deed restricted against development; and

WHEREAS, the proposed route crosses or affects properties that were purchased by non-profit land conservation and protection organizations including the New Jersey Conservation Foundation and the Hunterdon Land Trust; and

WHEREAS, the proposed PennEast pipeline poses a potential safety threat to our neighboring communities, in that the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation reports that incidents related to gas transmission lines have caused 41 deaths, 195 injuries, and \$1.6 billion in property damage over the past 20 years; and

WHEREAS, the proposed pipeline passes through the Crossroads of the American Revolution National Heritage Area, including the sites of two documented Revolutionary War encampments; and

WHEREAS, the Township is predominantly a rural municipality, relying almost solely on individual water supply wells and on-site septic systems; and

WHEREAS, most soils in Kingwood have limitations from at least one of the following factors: poor drainage, high water table, shallow bedrock or steep slopes, "Ground water is limited and barely adequate for residential wells"; and

WHEREAS, depth to bedrock is an important factor when determining the suitability of land for building roads, foundations and septic systems. Kingwood Township has very shallow depths to bedrock, ranging from zero (bedrock is exposed at the surface, with no soil above it) to 60 inches; and

WHEREAS, the majority of Kingwood Township has shallow depths to seasonal high water table which impact the effectiveness of septic systems, and the freeze/thaw cycles cause frost heaving, which damages structures and roads; and

WHEREAS, the majority of Kingwood Township is rated "potentially highly erodible", while some areas are "highly erodible", and erosion is often accelerated as a result of human activities; and

WHEREAS, Kingwood Township relies exclusively on ground water and Kingwood, like most of the Piedmont Physiographic Province, is underlain by dense, almost impermeable bedrock that yields water mostly from secondary porosity and permeability provided by fractures, and The Lockatong Formation is one of the poorest sources of ground water in New Jersey; and

WHEREAS, ground water is stored and transmitted in fractures. A contaminant could travel quickly through fractures, with little soil contact to allow for filtration or degradation of pollutants. Thus, a well located on a large fracture might have a very good yield, but may be highly susceptible to contamination; and

WHEREAS, Kingwood Township is designated as part of the stream-flow source zone for the Coastal Plain SSA. As defined by the U.S. Environmental Protection Agency (EPA), sole-source aquifers (SSA) are those aquifers that contribute more than 50% of the drinking water to a specific area, and the water would be impossible to replace if the aquifer were contaminated; and

WHEREAS, the proposed pipeline will intersect the C1 Lockatong Stream that flows directly into the Delaware and Raritan Canal, a drinking water source for more than 1 million central New Jersey residents; and

WHEREAS, the proposed pipeline will also cross the Nishisakawick, Little Nishisakawick, Copper, Lockatong and Wickecheoke Creeks, all of which empty into the Delaware River, the water source for five percent of the nation's population – over 15 million people; and

WHEREAS, State threatened long-tailed salamander have been reported in the Little Nishisakawick Creek. This creek, along with Nishisakawick Creek and Wickecheoke Creek, contain the second largest concentration of this amphibian in the State, next to the limestone regions of Warren and Sussex counties. The Nishisakawick Creek has reported State threatened wood turtle sightings, primarily in the upper portions of the drainage and the Wickecheoke Creek has also reported State threatened wood turtles; and

WHEREAS, areas along the Nishisakawick, Little Nishisakawick, Copper, Lockatong, and Wickecheoke Creeks experience frequent flooding; and

WHEREAS, the proposed pipeline will also cause damage to Kingwood Township residents by lowering property values, raising health concerns, raising safety concerns, impacting farms and residences, and generally degrading their quality of life and the historic, environmental and cultural resources they have dedicated themselves to protecting.

WHEREAS, the Township Committee's responsibility is to provide a safe environment for its residents, and this pipeline raises serious safety concerns as described above;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Kingwood, in the County of Hunterdon, in the State of New Jersey that:

1. Kingwood Township opposes the proposed PennEast pipeline; and
2. If the PennEast proposal is submitted to the Federal Energy Regulatory Commission ("FERC") as contemplated, FERC must consider it, Williams/TRANSCO'S Leidy Southeast Expansion and other pipelines proposed or being constructed in the Delaware Basin as part of one network requiring a full environmental impact statement, and not in segmented fashion.
3. The Delaware River Basin Commission is urged to exercise its authority and obligations under Section 3.8 of the Delaware River Basin Compact and the current Rules of Practice and Procedure.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Committee of the Township of Kingwood, Hunterdon County, New Jersey as follows:

1. The Kingwood Township Committee does hereby object to the design and construction of a pipeline passing through and under Kingwood Township, Hunterdon County. The construction and operation of the pipeline will significantly damage C-1 protected streams, wildlife habitat, existing farm operations and the quality of life in Kingwood Township.

2. The Kingwood Township Committee calls for a moratorium on any and all planning for the PennEast Pipeline and requests that any such project, if approved, be removed from the pristine reaches of Hunterdon and Mercer Counties in New Jersey and Luzerne, Carbon, Northampton and Bucks Counties in Pennsylvania.

3. The Kingwood Township Committee calls upon the Delaware River Basin Commission to utilize its jurisdiction over the proposed PennEast Pipeline Project.

4. The Kingwood Township Committee seeks the cooperation of other similarly located and affected municipalities, asking that all nearby affected municipalities adopt a similar resolution.

5. The Kingwood Township Committee adopts, and calls upon similarly situated municipalities to adopt, a resolution authorizing each municipality to join together to enter their appearance in any proceeding before the Federal Energy Regulatory Commission, the Delaware River Basin Commission, the New Jersey Public Utility Commission, and any other regulatory authority, so that by the strength of numbers they may successfully oppose the PennEast Pipeline project and have the ability to cause the relocation or termination of the project so as to prevent environmental degradation and to protect the environment envisioned by the State of New Jersey.

6. The Kingwood Township Committee will act as an Intervener and/or Objector to the proposed PennEast Pipeline.

7. This resolution shall also be distributed to:

Senator Cory Booker
Senator Robert Menendez

Congressman Leonard Lance;
Senator Michael Doherty;
Assemblyman John DeMaio;
Assemblyman Eric J. Peterson;
The Hunterdon County Board of Chosen Freeholders
Delaware River Basin Commission
Hunterdon County Municipalities

TOWNSHIP COMMITTEE OF
TOWNSHIP OF KINGWOOD

Phillip Lubitz, Mayor

Attest: October 29, 2014

Mary E. MacConnell, RMC
Township Clerk