

September 26, 2023

To: Governor Phillip D. Murphy
NJDEP Commissioner Sean M. LaTourette
Assistant Commissioner Katrina Angarone

RE: Significant Violation of the The Highlands Water Protection and Planning Act
PROGRAM INTEREST NO.: 1615-17-0004.2 (APD200001).

We, the undersigned organizations, call on Governor Murphy and DEP Commissioner Latourette to take immediate and appropriate Compliance & Enforcement actions to halt the ongoing, unpermitted and illegal construction of a major new fossil fuel development within the Highlands Preservation Area.

Tennessee Gas Pipeline ("TGP"), a subsidiary of multi-billion dollar oil and gas corporation Kinder Morgan, is currently conducting un-permitted construction activity related to their 'East 300 Upgrade' project. The project is a major expansion of the company's existing interstate gas pipeline system which would ship more fracked methane gas from Northeast Pennsylvania through Sussex, Passaic and Bergen Counties on route to Westchester County, NY. The project includes construction of a large new methane gas compressor station in West Milford within the Highlands Preservation Area, a critical and protected forested watershed that provides clean drinking water to more than half of New Jersey's residents and businesses. Construction of a major new fossil fuel facility can lead to groundwater pollution from chromium, benzene, hydrocarbons and other chemicals.

In their [Aug 31st ruling](#) the Superior Court Justices affirmed that the legislative intent of the Highlands Act was to "protect the water and natural resources of the New Jersey Highlands, a nearly 800,000-acre area in the northwest part of the State covering portions of 88 municipalities in seven counties, which provides clean drinking water to more than half the State's residents." The [State Superior Court](#) concluded that DEP erred in issuing Tennessee Gas Pipeline Company an exemption from the legal requirement to obtain a Highlands Preservation Area Approval ("HPAA") for the project without determining whether the compressor station constituted a "routine upgrade."

Despite the court ruling, which effectively rescinds the exemption and places TGP in violation of numerous provisions of the Highlands Rules, TGP forges ahead with its unlawful construction activities. Ongoing project construction within the Preservation Area has been extensively documented and regularly reported to DEP enforcement over several weeks. This is an ongoing and significant violation of one of our state's most important environmental laws. The DEP must take immediate and appropriate Compliance & Enforcement actions to address this significant ongoing violation of the Highlands Act, including the immediate issuance of a full stop work order.

TGP reapplying for the same exemption and DEP posting the draft permit again for public comment while allowing construction to continue without a permit is a clear and dangerous violation of the Highlands Water Protection and Planning Act. A full stop work order must be issued immediately, followed by a full rejection of the Highlands Act Exemption Permit.

Governor Murphy, you have committed to transition New Jersey to 100% clean energy by 2035. Allowing this unpermitted construction activity for a major new fossil fuel project is not only a violation of our state laws, it is a direct contradiction to your own energy policy. We look forward to your immediate attention to this urgent matter.

Sincerely,

Food & Water Watch
NJ Highlands Coalition
Sierra Club, NJ Chapter
New Jersey League of Conservation Voters
Ramapough Mountain Indians
Empower NJ
Alliance of Nurses for Healthy Environments
Blue Wave NJ
Burnham Park Association
Clinicians for Climate Action
Central Jersey Environmental Defenders
Citizens for Sustainable Planning
Clean Water Action
Coalition to Ban Unsafe Oil Trains
Cronheim Consulting LLC
Delaware Riverkeeper Network
DivestNJ
Don't Gas the Meadowlands
EcoPoetry.org
Environment New Jersey
Foodshed Alliance
Franciscan Response to Fossil Fuels
GreenFaith
Highland Park Ecology and Environmental Group
Leonida Action Alliance
New Jersey Environmental Lobby
New Jersey Forest Watch
Newark Water Coalition
NJ Sierra Club Skylands Group
NJ State Industrial Union Council
North Jersey Sierra Group
Northeast Earth Coalition

Northern NJ Sanctuary Coalition
Northern NJ NOW
North Jersey Pipeline Walkers
Passaic River Coalition
Paulins Kill Watershed Association
Pinelands Preservation Alliance
Rethink Energy NJ
Skylands Guardian
Skylands Preservation Alliance
SOMA Action
Support Roaring Rock Park
Sunrise Movement RamapoCollege of NJ
Teaneck Peace and Justice Vigil
The Land Conservancy of New Jersey
The Watershed Institute
Tricounty Sustainability
Unitarian Universalist Fellowship of Sussex County
UU Faith Action NJ
Waterspirit
West Milford Democratic Club
350 NJ-Rockland