South Jersey Gas pipeline project back before the Pinelands Commission

South Jersey Gas is trying again to get permission from the New Jersey Pinelands Commission to build a controversial natural gas pipeline through a protected forested area.

The company Thursday filed an amendment to its original 2013 application making new arguments about the need for the 22-mile line, and why it believes the project conforms with Pinelands regulations and standards for energy infrastructure within the million-acre reserve.

If the commission staff concurs, the application can be approved without a vote by the full body, which voted last year to reject a waiver agreement to allow the pipeline to proceed through the environmentally-sensitive lands.

The proposed line is intended to run from Maurice River in Cumberland County to Cape May County’s Upper Township, where it would fuel the coal-fired B.L. England plant, which is proposed to be converted to natural gas. The pipeline requires the commission's approval because a portion of the line runs through protected Pinelands forest.

The proposed route is along paved roads and rights of way and would not impact endangered or threatened plants and wildlife. But commission staff originally decided the project did not comply with Pinelands regulations because residents living outside the protected area would primarily benefit.

The company then partnered with the New Jersey Board of Public Utilities to seek a waiver of the Pinelands rules. But the proposed memorandum of understanding failed to receive enough support during a January 2014 vote, as the commission split 7-7, with one abstention.

In its new amended application, South Jersey Gas makes new arguments that the line primarily would serve the Pinelands. The arguments include:

- The contract between South Jersey Gas and the B.L. England plant owner, RC Cape May Holdings, requires the pipeline to supply the plant, which is in the Pinelands, at least 350 days of the year;
- Repowering the plant is needed to maintain reliability of electricity supplies in the Pinelands and surrounding region;
- The B.L. England plant would supply about 86 percent of its output to the Pinelands once the Oyster Creek nuclear power plant in Lacey Township, Ocean County, is permanently shut down in 2019. Currently, about 30 percent of the power generated at the plant goes to Pinelands customers;
- Converting the B.L. England plant to natural gas would reduce air pollution in the Pinelands and surrounding region.

Company officials also have submitted a letter from the state Department of Environmental Protection which specifies that the proposed route through the Pinelands is the least environmentally damaging of the eight considered.

In a statement, Robert Fatzinger, a senior vice president with South Jersey Gas, said the company’s new submissions “clearly confirm that this project meets the requirements of the Pinelands Comprehensive Management Plan.”

“We remain committed to enhancing the natural gas infrastructure throughout our service area to ensure that our customers in Cape May and Atlantic counties receive safe and reliable natural gas services,” Fatzinger said.

Reached Thursday, Pinelands Commission Executive Director Nancy Wittenberg said the commission has received South Jersey Gas’ amendment and would review it, a process that likely will take several months.

Ultimately, staff will decide if the application complies with Pinelands rules, which permit energy infrastructure in certain areas under specific conditions.

“There’s infrastructure all over the Pinelands,” Wittenberg said.

Procedurally, the review does not involve public input, since opportunities for comment on the project occur before local governments or other state agencies that must approve private development projects.

Environmental groups strongly opposed the pipeline in 2013 and 2014 when South Jersey Gas first sought the commission’s approval, and had expressed concerns that the company likely would seek to revisit the project with the commission, particularly since two of the seven members who voted against the pipeline last year have been replaced.

The Cumberland County Board of Freeholders replaced Leslie Ficcaglia as its county appointment with Jane Jannrone in April 2014. Robert Jackson, who was a gubernatorial appointee, was replaced by Ocean City resident Robert Barr last month.
Carleton Montgomery, director of the Southampton-based Pinelands Preservation Alliance, said he wanted to review the company's submissions, but noted that staff previously ruled the project did not comply with Pinelands rules.

“The staff has already decided that the route violates the Comprehensive Management Plan. I don’t think coming in with a new piece of paper allows them to redo that application,” Montgomery said Thursday. “Everything is exactly the same. They’re not changing the route, and they’re not changing the purpose.”

Jeff Tittel, director of the New Jersey Sierra Club, called the new filing “an outrageous attempt to get around the rules,” and said the arguments that the line is needed to maintain a reliable power supply should be rejected because other New Jersey power plants are expected to go online and would provide sufficient power.

“This is a dirty deal that keeps getting dirtier. I don’t think the public will stand for it,” Tittel said.

Gov. Chris Christie’s administration is in favor of constructing the line, and several powerful lawmakers also have spoken in support, including Senate President Stephen Sweeney, D-3rd of West Deptford, and Sen. Jeff Van Drew, D-1st of Dennis.

Former Govs. Brendan T. Byrne, Thomas H. Kean, James Florio and Christie Whitman wrote a letter to the commission in 2013 opposing the project because it did not comply with Pinelands development rules.