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New Jersey Defends Its Rights to Reject the PennEast Pipeline

Despite Being Only a Procedural Rejection, Environmental and Community Organizations Applaud the Decision.

Trenton, NJ: The New Jersey Department of Environmental Protection determined the PennEast Pipeline Company's application for state approval of its project to be "administratively closed" due to the company's failure to provide full information in a timely fashion for state Clean Water Act decisionmaking.

In the June 28, 2017 letter sent to the company, the NJDEP wrote:

"...given the complexity of the remaining deficient items, and the lack of demonstrated progress on the part of the applicant, it appears that it would be unlikely that an additional 60 days would allow substantial progress on the application. This application will be deemed 'administratively closed' as of the date of this letter."

"While not a wholesale rejection of the project, it is important that New Jersey is defending its rights to full and timely information on the PennEast pipeline and making clear it will not be forced to provide an artificial and premature approval," said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network. "It is also a good sign that the state is not going to allow itself to be bullied

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out of its Clean Water Act authority and that it may be inclined to take the kind of strong stance that neighboring New York has taken and embrace its right as a state to say ‘no’ to the PennEast pipeline. We are hopeful that New Jersey will also use its authority as a Delaware River Basin Commission Commissioner to ensure a similar stance by that agency. DRBC has received the same flawed, deficient, and misleading information that every other agency has received.”

“It is refreshing to see a regulator hold a pipeline company to the requirements of a permitting process. Too often, we have seen Pennsylvania’s environmental regulators approve permits even though applications submitted by companies are riddled with deficiencies, sometimes years after they were initially submitted. The fact that NJDEP determined that even a 60-day extension would not allow the company adequate time to gather all of the information missing from its application says a lot about the state of the application the company submitted and that speaks volumes about the low standards to which pipeline companies are generally held by regulators. We thank NJDEP for raising the bar in the name of protecting our water and our communities,” said Karen Feridun, Founder, Berks Gas Truth.

Also notable, the lack of a quorum at the Federal Energy Regulatory Commission could provide additional breathing room for all states and agencies threatened by the PennEast pipeline. Without a quorum, FERC is in no position to approve the project and to give the PennEast Pipeline Company the power of eminent domain it would certainly seek to use to force access to private property for purposes of collecting the missing data NJDEP’s letter refers to.

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