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June 26, 2020

Via Overnight Federal Express and Email

Nancy Wittenberg, Executive Director
The Pinelands Commission
P.O. Box 359
15 Springfield Road
New Lisbon, New Jersey 08064

Via Overnight Federal Express

Joseph L. Fiordaliso, President
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Trenton New Jersey 08625

Re: Request For A Stay Pursuant To R. 2:9-7, By The Pinelands Preservation Alliance (“PPA”) And The Sierra Club, To The Board of Public Utilities (“BPU”) and the Pinelands Commission (“Commission”) Regarding New Jersey Natural Gas (“NJNG”) Installing Portions Of The Proposed Southern Reliability Link (“SRL”) Natural Gas Line Pending Appellate Review

Dear President Fiordaliso and Executive Director Wittenberg:

On December 14, 2018, The Pinelands Preservation Alliance (“PPA”) and the Sierra Club formally requested an administrative Stay, pursuant to R. 2:9-7, to both the Board of Public Utilities (“BPU”) and the Pinelands Commission (“Commission”) regarding New Jersey Natural Gas (“NJNG”) and its proposed Southern Reliability Link (“SRL”), pending appellate review. To date, BPU and the Commission have not responded to our request for an administrative stay of the respective administrative approvals for the SRL project. PPA and Sierra Club’s appeals of the administrative approvals are still pending in the New Jersey Superior Court Appellate Division. This letter is to notify the BPU and the Commission that this week an accident occurred during construction of the SRL project which resulted in a life-threatening emergency, loss of a person’s home, and significant and ongoing pollution of a stream and wetlands. As a matter of public policy and good governance, this recent accident requires BPU and the Commission to urgently and immediately act on our request for an administrative stay.

As BPU and the Commission can plainly take notice of, the “inadvertent return” of drilling fluid from NJNG’s horizontal directional drilling (“HDD”) has created an imminent and irreparable harm, and has created an unknown amount of pollution that is still being investigated by the Department of Environmental Protection (“DEP”).¹ This was exactly the kind of damage that PPA, Sierra Club and the affected residents all raised with your agencies. In fact, Barbara Fox-Cooper (the resident featured in the recent newspaper article) made public comments to BPU regarding the obviously foreseeable dangers of the proposed SRL project, on July 28, and August 26, 2015, which foretold the unreasonable dangers posed by the construction of the SRL project. She said in no uncertain terms, “...the pipeline will run within fifty to seventy-five to one hundred feet of more than one hundred occupied homes....” She asked you point blank, “What about all those sink holes on the roadways and properties in North Hanover and Upper Freehold Township where the pipeline is proposed to be placed? For years road crews haven’t been able to keep up with them due to the geological nature of the grounds in these areas.” Her plea to you was reasonable and, in hindsight, unfathomably accurate: “NJNG has yet to prove public need for this additional natural gas pipeline, yet it asks for the public to finance this project and to sacrifice safety, wellbeing, and personal wealth for what appears to be future corporation profits.”

Now that those fears have become reality, BPU and the Commission should stay the respective approvals for the SRL project until this tragic accident is fully explained, and the pending appeals are decided, so that NJNG cannot cause more damage under the auspices of the respective administrative approvals. For the aforementioned reasons, PPA and Sierra Club request that the BPU and the Commission immediately stay all construction upon the SRL, until the appellate process relative to the SRL is fully and

¹ <https://www.nj.com/burlington/2020/06/work-halted-on-natural-gas-pipeline-after-drilling-sludge-damages-nj-couples-house.html>

completely exhausted and the current emergency is better understood by both agencies. If BPU and/or the Commission do not respond to this letter by July 2, 2020, then we will interpret the silence to mean that BPU and/or the Commission have refused to grant our request for an administrative stay, pursuant to R. 2:9-7.

Respectfully submitted,
Law Offices Of Paul Leodori, P.C.
Attorneys For Pinelands
Preservation Alliance

By: 
Paul Leodori

Dated: June 26, 2020

Eastern Environmental Law
Center
Attorneys For The Sierra Club

By: /s/ Daniel Greenhouse

Daniel Greenhouse

Dated: June 26, 2020

cc: Kristina Miles, DAG (w/enclosures)(Via Federal Express and Email)
Dennis J. Krumholz, Esq. (w/enclosures)(Via Federal Express and Email)
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