

The Town of Westfield

~ R E S O L U T I O N ~

Code Review and Town Property Committee

December 16, 2014

Whereas, Pilgrim Pipeline Holdings is conducting feasibility studies to construct two new parallel underground pipelines ("the pipeline") in pre-existing utility rights-of-way that would transport crude oil from Albany, New York, to refineries in Linden, New Jersey, and return refined petroleum products such as gasoline, diesel fuel, and home heating oil back to Albany, alleging that underground pipelines are safer than transporting such hazardous liquids via roads, rails, or barges and are a more environmentally sound alternative to the region's current reliance on river barges; and

Whereas, within the municipal boundaries of the Town of Westfield, the current proposal shows approximately 2000 feet of the proposed pipeline affecting three contiguous parcels of non-residential property abutting the railroad tracks bordering Clark Township, the largest of which is owned by PSE&G, followed by a parcel owned by the County of Union Open Space and a piece of commercial property privately owned by a corporation whose main portion of its property is on the Clark side; and

Whereas, the siting of a new pipeline is a very complex matter involving a complicated regulatory system that does not fall within the purview of the local government; however, the Town of Westfield has an obligation to keep abreast of developments and advocate on behalf of its residents; and

Whereas, it is the State of New Jersey, more specifically, the Department of Environmental Protection, with the resources, expertise, and regulatory authority to issue or deny the requisite permits for this pipeline project to move forward; and

Whereas, according to its Vision Statement, the New Jersey Department of Environmental Protection's "core mission is and will continue to be the protection of the air, waters, land, and natural and historic resources of the State to ensure continued public benefit. The Department's mission is advanced through effective and balanced implementation and enforcement of environmental laws to protect these resources and the health and safety of our residents."; and

Whereas, the Town has been following this matter very closely, including conducting research and reaching out to our State representatives; and

Whereas, as of this date, to the best of our knowledge, the New Jersey Department of Environmental Protection has yet to receive any applications from Pilgrim Pipeline Holdings regarding this proposed project; and

Whereas, at this point in time, as the pipeline remains a proposal and not a formal application or final plan, the situation remains fluid; hence, the Town will continue to closely monitor the situation; and

Whereas, on December 11, 2014, Primary Sponsors Assemblywoman Stender, Assemblyman McKeon, Assemblywoman Jasey, and Assemblyman Bramnick, and Co-Sponsors Assemblywoman Munoz and Assemblyman Benson, introduced Resolution AR191, appended hereto, calling for, among other things, the NJ DEP to reject the project; and

Whereas, on December 15, 2014, Primary Sponsors State Senator Tom Kean Jr. and State Senator Richard Codey introduced SR106, the companion to AR191;

Now, therefore, be it resolved that, the Town Council of Westfield supports the efforts of our State legislators regarding AR191 and SR106 and will stand opposed to the construction of any new pipeline infrastructure that is found to pose a risk to our residents' safety or is found to compromise the protection of our natural resources. Be it further resolved that should Pilgrim Pipeline Holdings apply to the State of New Jersey for permits to construct new parallel pipelines affecting the Town of Westfield and its people, the Town Council of Westfield will call on the New Jersey Department of Environmental Protection to utilize to the fullest extent possible all of its available resources in performing its due diligence and fulfilling its stated mission to protect "the health and safety of our residents."

ASSEMBLY RESOLUTION No. 191

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED DECEMBER 11, 2014

Sponsored by:

Assemblywoman LINDA STENDER
District 22 (Middlesex, Somerset and Union)
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)
Assemblywoman MILA M. JASEY
District 27 (Essex and Morris)

Co-Sponsored by:

Assemblyman Diegnan and Assemblywoman N.Munoz

SYNOPSIS

Opposes Pilgrim Pipeline project in NJ.

CURRENT VERSION OF TEXT

As introduced.

AN ASSEMBLY RESOLUTION opposing the Pilgrim Pipeline project in New Jersey.

WHEREAS, Pilgrim Pipeline Holdings is proposing to build two new parallel oil pipelines through the States of New Jersey and New York that would transport crude oil and refined petroleum products between Albany, New York and Linden, New Jersey; and

WHEREAS, The pipeline will carry oil extracted from North Dakota's Bakken shale formation, produced through the process of hydraulic fracturing, or fracking; and

WHEREAS, The transport of crude oil has increased more than 4,000 percent in North America over the past six years as a result of the increased production of crude oil from the Bakken shale formation; and

WHEREAS, In February the Wall Street Journal compared oil from 86 locations around the world and found Bakken crude oil to be the most explosive; and

WHEREAS, The Pilgrim Pipeline project would expand capacity to bring more of this very volatile fuel

into the State on a route that passes densely populated and environmentally sensitive areas, and preserved lands; and

WHEREAS, The Pilgrim Pipeline project raises significant safety concerns for the State of New Jersey including potential harm to municipal and county infrastructure, and would likely have a negative impact upon future development in the community; and

WHEREAS, The federal Pipeline and Hazardous Materials Safety Administration (PHMSA) only has 135 inspectors and 375 state partners to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected since 2006; and

WHEREAS, A pipeline spill or rupture could harm communities, the environment, and drinking water supplies and would negatively affect the health, safety, and welfare of the State's residents; and

WHEREAS, The New Jersey Legislature recognized the significance of the New Jersey Highlands Region and afforded special protection to the region and its resources in 2004 with the passage of the New Jersey Highlands Water Protection and Planning Act, which created the Highlands Water Protection and Planning Council and the Highlands Regional Master Plan to ensure resource-based planning would be used in the Highlands Region to combat sprawl and the depletion of water quality and quantity, as the region provides drinking water to 5.4 million State residents; and

WHEREAS, The federal government acknowledged the exceptional value of Highlands resources and the urgent need for their preservation in 2004 when Congress passed the Highlands Conservation Act which recognizes the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands Region, and the national significance of the region to the United States; and

WHEREAS, The current proposed route of the Pilgrim Pipeline crosses through 10 municipalities and critical drinking water supply watersheds in the Highlands Region, and many State residents in municipalities along the proposed route depend on ground water and public community water systems for their water supply and septic systems for waste disposal, and this project will impact groundwater quality and quantity and residents' septic fields along and adjacent to the right of way; and

WHEREAS, Many State residents depend on surface water originating from communities through which the oil pipelines will pass, including the Ramapo River Basin Aquifer System, which provides 100 percent of the water for Mahwah, Ramsey, Oakland, Franklin Lakes, Allendale, Pompton Lakes and Wayne, and, during drought can supply 190 million gallons of water a day to the Wanaque Reservoir, which supplies 3.5 million people; and

WHEREAS, The PHMSA reports 280 significant incidents annually with oil pipelines, and if an incident were to occur along this proposed route, it could potentially impact the drinking water of millions of residents in New Jersey and New York; and

WHEREAS, The wise stewardship of the natural resources of the State of New Jersey requires protection of water supplies and other natural resources for generations to come; and

WHEREAS, Protection of the State's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination

and restoring degraded environments after the fact; now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

1. This House opposes the construction and operation of the proposed Pilgrim Pipeline and urges the United States Army Corps of Engineers, the New Jersey Department of Environmental Protection, the New Jersey Highlands Water Protection and Planning Council, and any other federal, state, or local entity engaged in review of the Pilgrim Pipeline project to reject the project, and thereby prohibit its construction through New Jersey.
2. In addition, this House calls for a moratorium on any and all planning, surveying, and construction of the Pilgrim Pipeline through the State of New Jersey, because this project will traverse and negatively impact numerous significant natural resource areas of the Highlands Region.
3. This House also calls for a full environmental review of the project and calls on the United States Army Corps of Engineers to prepare an Environmental Impact Statement for the entire route of the project under the National Environmental Policy Act. Additionally, this House calls on the New Jersey Department of Environmental Protection to conduct a thorough environmental review of the project, including a Highlands Act review.
4. This House further urges the New York State Legislature to adopt a similar resolution so both states can stand united in opposition to this project.
5. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the President of the United States, the Commanding General and Chief of Engineers of the United States Army Corps of Engineers, each member of the New Jersey Congressional Delegation, the Governor of New Jersey, the Commissioner of the New Jersey Department of Environmental Protection, the New Jersey Highlands Water Protection and Planning Council, the Governor of New York, and the Senate President and Assembly Speaker for the State of New York.

STATEMENT

This resolution expresses the Assembly's opposition to the Pilgrim Pipeline project and urges the United States Army Corps of Engineers, the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Highlands Water Protection and Planning Council, and any other federal, state, or local entity engaged in review of the Pilgrim Pipeline project to reject the project. The

resolution also urges the Army Corps of Engineers to prepare an environmental assessment for the project under the National Environmental Policy Act and calls on the NJDEP to thoroughly review the project's impacts.

The Pilgrim Pipeline project would construct two new parallel oil pipelines in the State, linking Albany, New York, and Linden, New Jersey. The pipeline would transport Bakken shale oil produced by fracking in North Dakota. This oil is highly explosive and pipeline transportation would threaten local communities with the risk of spills and other accidents. The pipeline would cut through communities that are already overburdened by pollution, and environmentally sensitive areas that supply drinking water to the State's residents.

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Bills 2014-2015**AR191 Opposes Pilgrim Pipeline project in NJ.
2nd Reading in the Assembly**

Identical Bill Number: [SR106](#)

[Stender, Linda](#) as Primary Sponsor
[McKeon, John F.](#) as Primary Sponsor
[Jasey, Mila M.](#) as Primary Sponsor
[Bramnick, Jon M.](#) as Primary Sponsor
[Diegnan, Patrick J., Jr.](#) as Co-Sponsor
[Munoz, Nancy F.](#) as Co-Sponsor
[Benson, Daniel R.](#) as Co-Sponsor

12/11/2014 Introduced, Referred to Assembly State and Local Government Committee

12/11/2014 Reported out of Assembly Committee, 2nd Reading

Statement - 12/11/14 ASL - 1 pages [PDF Format](#) [HTML Format](#)

Introduced - 4 pages [PDF Format](#) [HTML Format](#)

Committee Voting:

ASL 12/11/2014 - r/favorably - Yes {3} No {2} Not Voting {0} Abstains {0} - [Roll Call](#)

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Bills 2014-2015**SR106 Opposes Pilgrim Pipeline project in NJ.**

Identical Bill Number: AR191

Codey, Richard J. as Primary Sponsor

Kean, Thomas H., Jr. as Primary
Sponsor
