

New Jersey Department of Environmental Protection
Large linear infrastructure project guidance document
December 9, 2011

Background

Large linear infrastructure or corridor construction projects such as power transmission lines, natural gas distribution and transmission pipelines, CO₂ pipelines, large drinking water or clean water pipelines (hereafter “linear infrastructure projects”¹) create a unique set of challenges for the Department’s permitting and approval processes.

Commercial and residential construction projects primarily have localized impacts that are easier to quantify early in the review process. Linear infrastructure projects often require Federal authorizations and approvals; require regional environmental exemptions or approvals; traverse multiple local and regional jurisdictions; impact significant amounts of publicly preserved lands and sensitive environmental areas; and/or affect communities already overburdened with a disproportionate share of environmental and social impacts. For all of these reasons, the Department has developed the guidance below to facilitate early DEP involvement in these projects, in conjunction with any required Federal processes, in order to ensure that environmental issues are proactively and timely identified and appropriately managed.

Guidance

To facilitate early review of a project and ensure that environmental concerns are addressed to the Department’s satisfaction, applicants are encouraged to engage the Department through the Office of Permit Coordination and Environmental Review as early as possible in the planning stages of a linear infrastructure project. This should be done concurrent with or prior to any required Federal National Environmental Policy Act (NEPA) process. As resource reports and other information about the project become available during any required NEPA process, the Department will provide ongoing review and comment on the project.

The Department anticipates filing for Intervener status on such projects whenever appropriate to preserve New Jersey’s rights.

The Department has identified the following positive criteria to guide prospective applicants. The project:

- 1) Has allowed or will allow early and substantial Department influence
- 2) Provides the highest level of environmental protection
- 3) Meets or exceeds Federal and State requirements for the protection of public health, safety, and matters of Homeland Security
- 4) Utilizes similar rights of way if they exist

¹ This policy does not include projects reviewed by the Department pursuant to N.J.A.C. 7:22-10

- 5) Does not cause disproportionate impacts to already overburdened communities
- 6) Provides significant and measureable benefits to consumers in New Jersey
- 7) Minimizes use of and impacts to public lands and waters
- 8) Minimizes impacts to sensitive environmental areas and threatened or endangered species or rare plants and does not fragment contiguous habitat types or areas
- 9) Is consistent with the New Jersey State Strategic Plan
- 10) Is consistent with the State's final 2011 Energy Master Plan

The Department will provide permit coordination services and will prioritize the use of its available resources for the review of projects generally consistent with the above criteria.

For all linear infrastructure projects where applicable and where the project involves a plant or industrial process in addition to a lateral infrastructure project as above, the Department will review land use-based permit applications (e.g., Site Remediation, Land Use Regulation) prior to reviewing equipment-based (e.g., Air Quality Permitting) permit applications.