

## Environmentalists appeal BPU's power line decision

Wednesday, June 16, 2010

### Parsippany Life

STAFF WRITER

By Cindy Forrest

While municipalities along the proposed 46-mile route of the Susquehanna Roseland Transmission Line route have abandoned the coalition formed to fight the project, environmental groups and a grassroots residential group have kicked their opposition up a notch.

The joint Pennsylvania Power and Light (PP&L) and New Jersey's Public Service Electric and Gas (PSE&G) power companies' plan to carry coal east from the beginning had met with resistance from residents, municipalities and environmentalists on both sides of the Delaware River. However, both companies received their respective state's approval to move forward. In New Jersey, the approval came with a unanimous vote by the members of the Board of Public Utilities (BPU).

At that point, many of the towns that had been united in the fight decided to accept monetary compensation to counter the negative impact of construction and installation of the new line on residential and municipal properties.

Locally the towns of Montville and Parsippany, which were both members of the coalition fighting the project, reached a settlement deal with PSE&G that will offset the impact of the project on the municipality and residents along the right of way. Parsippany accepted an offer of about \$350,000.

According to Montville Business Administrator Frank Bastone, the Township Committee unanimously agreed to a settlement fee of \$380,957 at the May 25 meeting. Of the 16 New Jersey municipalities that the new line will cross, Montville has the longest stretch of right-of-way running through it.

Boonton Township, Jefferson, and Kinnelon and have reportedly turned down the initial PSE&G offer.

The settlement money to the towns, which ranged between \$276,000 and \$400,000, will be used by the municipalities for a variety of purposes including to plant replacement trees and bushes in the work areas and to purchase equipment and to train fire and emergency services personnel.

**Not giving up the fight**

Two groups have remained steadfast in their opposition to the project. Last week both the Eastern Environmental Law Clinic and Stop The Lines filed separate appeals of the BPU's approval of PSE&G's 500-kilovolt transmission line expansion. The EELC appeal was filed on behalf of the Sierra Club, Environment New Jersey, **the Highlands Coalition** and New Jersey Environmental Federation.

"The Sierra Club is going to court to get the courts to do the job that the BPU should've done," said Jeff Tittel, New Jersey Sierra Club director.

The EELC lawsuit claims that the BPU did not perform due diligence nor did it follow procedure when reviewing the expansion. They are challenging the approval decision on the grounds that the BPU did not do a proper "alternatives analysis" nor did they do a complete or proper review of the project.

Days later, Stop The Lines, a grassroots opposition group, filed a similar an appeal in the Appellate Division of NJ Superior Court that also challenged the BPU decision to allow the building of a massive power line along an existing right-of-way, they say was not designed to accommodate a line of this magnitude.

"Building 195-foot high towers within a 150-foot wide right-of-way is simply unreasonable," said David Slaperud, a Stop The Lines trustee. Slaperud said that the proposed line would negatively impact property values, and that a project of this size running through residential areas is detrimental to public health and safety.

"The BPU has not adequately addressed these concerns," he said.

Slaperud contends that during evidentiary hearings, the BPU was asked to look at the most recent energy demand data and that they failed to do so, instead relying on the testimony of Steven Herling, vice president of planning, PJM Interconnection. PJM is a regional transmission organization that coordinates the movement of wholesale electricity in all or parts of 13 states including New Jersey and Pennsylvania.

Tom Hill, another trustee of Stop The Lines added, "How could the BPU take Mr. Herling at his word, rather than simply looking at the data that is currently available? Something just doesn't seem right – while energy demand continues to drop, BPU is willing to take PJM at their word rather than requiring data to back that assumption up."

Stop The Lines' attorney, Carol A. Overland, strongly agrees.

"This BPU decision comes at a time when any utility infrastructure is suspect. PJM's demand has been steadily decreasing since 2006, and recently PSE&G proposed to build only a part of it. That alone shows we're not going to be freezing in the dark; the lights won't go out."

The Stop the Lines appeal will focus on the lack of need for this massively expanded transmission line, and the BPU's refusal to consider new PJM information showing decreased demand now and in the foreseeable future; the uncertainty of rate-recovery; health and safety

impacts on landowners, residents and the environment; and economic impacts ranging from loss of property value and tax revenue to inability of homeowners to obtain mortgages.

For the environmental groups, the need for the additional power is also a major factor. They say that PSE&G created its own need by selling power from the PSE&G Bergen County generating station to out-of-state entities. And further note that the BPU did not do a proper analysis of need for the energy transmission.

In response to the allegations, BPU spokesperson Doyal Siddell said, "We believe the Board considered all alternatives and we are now reviewing the appeal. At the appropriate time, we will file a response."

PSE&G has contended that the power line expansion is needed to shore up electricity reliability in the state and plans to charge its New Jersey ratepayers \$650 million to pay for the line expansion.

Because the expanded transmission line will run along an existing right-of-way, the watchdog groups claim the BPU did not take into consideration the environmental impacts of construction. The lawsuit states that to complete the project, hundreds of acres of trees will be cut down to widen the right-of-way and miles of access roads will be created to bring in equipment, raising numerous concerns.

According to the appeal group, "While the wire from the lines alone is a threat to birds, the access roads will destroy habitats for threatened and endangered species, impact wetlands, and lead to more fragmentation of forests. If this power line expansion is carried out, it will impose serious, irreversible damage on the Highlands, an environmentally sensitive area that is critical to the health of the state's water supply."

Since June 2008 when PSE&G announced its plan to expand the existing lines, the energy company has warned that the existing power line, which has been in use since the 1920s, can't handle the modern load. They say that the experts who manage the regional grid warn that New Jersey is at risk for blackouts and brownouts starting in 2012 if action isn't taken.

However environmental agencies have gone on the record stating that the new line's potential electrical capacity can easily be met with the green measures that are outlined in the state's Energy Master Plan (EMP). The state's EMP finalized by Governor Corzine in October 2008, they claim, would reduce electricity demand 20 percent by 2020.

Instead of what Tittel calls "dirty" coal power moving through New Jersey along the new power line, the EMP would deliver as much if not more in-state electric generation from clean, renewable sources including off-shore wind, on-shore wind, solar, and biomass.

"This [PSE&G] power line undermines New Jersey's clean energy programs, destroys environmentally sensitive area, is a blight on the landscape, and is completely unnecessary," Tittel said.

Then there are the secondary impacts of importing coal energy from Pennsylvania that the environmentalists claim the BPU didn't stop to consider. They say that coal-powered energy is a key source of carbon dioxide, and the co-pollutants include mercury, arsenic, and other heavy metals.

"The BPU's decision will allow PSE&G to push onto ratepayers the cost of importing cheap coal energy and undermining renewable energy. This decision is one of many that show the BPU is just the Board of Promoting Utilities," Tittel said.

The \$750 million PSE&G project would run from the Delaware Water Gap through Warren, Sussex Morris and Essex counties. Morris County towns along the path are Boonton Township, Montville, Parsippany, Rockaway Township, Kinnelon, Jefferson, and East Hanover.

E-mail: [forrestc@northjersey.com](mailto:forrestc@northjersey.com)