



Ringwood Environmental Commission 2023 Annual Report

Prepared for the Ringwood Mayor and Borough Council

Thomas Conway | Chair | 01/08/2024

Summary and Overview

The Ringwood Environmental Commission had another productive year in 2023. Our first priority was getting the Environmental Resource Inventory updated in conformance with the Highlands Regional Master Plan. At the beginning of the year, a grant was secured for this purpose and the Commission worked with Caldwell Associates to complete the project. The Council approved it at the end of the year.

The Ringwood Library Trail was another focus for 2023. This year, the existing trail had all of its markers replaced. A new trail, parallel to the old one, was scoped out and marked in the spring. In the fall, the Commission worked to clear the entire trail and began heavier work in the wet area near the playground. The Commission hopes to complete the new trail in the fall of 2024.

The Tennessee Gas Pipeline compressor expansion was resisted by the Commission again in 2023. Despite a late August ruling from the Appellate Division of the New Jersey Supreme Court denying the Highlands Exemption, the project was completed in September and October. It is now in service and, as of this report, neither a Highlands permit nor exemption have been issued. The Commission appreciates the Council's support when the Council passed a resolution demanding that the work done in the Highlands stop until a proper permit or exemption was issued.

A cleanup campaign got off to a good start in 2023 with 91 bags and large items collected, but it fizzled out when the spring growth made collection difficult. A large pile of tires was identified, but was too much for volunteers. The North Jersey District Water Supply Commission was contacted with the location and cleaned up the site. The Commission goal of 365 was not reached. On a positive note, volunteer contacts were made in some areas during the cleanups and some of those sites stayed clean during a later review. Only two more bags and equivalents were cleaned up after the spring.

While Superfund site work was suspended for the year, the Commission did tour the site on April 28, 2023. The Commission was satisfied with the work done to date. The biggest oversight seemed to be that the contractors did not pick up existing trash within the fenced off area.

The Commission worked with Borough employees to highlight some of Ringwood's filming locations.

Appendices

- Appendix A – Environmental Resource Inventory Working Documents (ERI on Borough Site)
- Appendix B – TGP Compressor Station Upgrade and Court’s Decision
- Appendix C – Library Trail
- Appendix D – Environmental Cleanup Documents
- Appendix E - Correspondence

Commission Actions

Most Commission actions are presented in the meeting minutes. This section will highlight some of the accomplishments of the Commission.

Vision, Mission, Values, and Objectives

The Commission continues with a set of Vision, Mission, Values and Objectives. These are intended to guide the current and future Commissioners to make sure our actions are aligned to the goals of the Environmental Commission. They can be found on the Borough website. These remain unchanged.

Plan Reviews

Commissioners enjoyed getting applications sent electronically in 2023 and then reviewed in person at our meetings. Some Commissioners questioned what was sent and what was not. This came to light during a public session where Ms. Hupa discussed some construction challenges near her house. A Commissioner visited her property, but it is outside the scope of the Commission to take any action on the matter.

Letters

The Commission sent one letter in 2023 and that was to support the Green Team's watershed project. The Commission does not receive responses from letters to the NJDEP, so we have stopped writing them and are sending information to the Borough Council to decide on the next steps.

Tennessee Gas Pipeline Expansion

A resolution was drafted by the Commission and unanimously voted to send to the Ringwood Borough Council. They approved the resolution. It demanded that the state DEP intervene and uphold the New Jersey Appellate Supreme Court's ruling that TGP stop work until they get a valid exemption or permit from the Highlands Commission. A Commissioner documented the heavy construction that continued for weeks after the decision and the NJDEP refused to intervene, despite the clear evidence of violation of the court's order. The DEP commented that this was allowed as maintenance work. The compressor station went into service in November.

Chair's Report

As I have done in the past, I will switch to the first person for this section. It is my personal belief that transparency is paramount for a local government to function at its peak level. In appointing me as Chair, the Mayor has given me wide latitude to learn and connect with others to promote Ringwood's interests. In this section I will detail the activities I undertook using the office to which I have been assigned. All legal functions, such as plan reviews and spending money, are voted on by the Commission; there are many functions that are handled by the Chair alone. The following is a brief summary of the actions I have taken in 2023.

Tennessee Gas Pipeline

I have been following this for over a decade. The initial expansion involved work in the woods and that legacy is disappointing. The pipeline is still a large scar across our Borough and the only successful plantings are by the main roads, i.e. window dressing. Every single access gate has been broken for years, so ATV's continue to roam in our woods.

The compressor station construction went on for most of 2023. During this time, I monitored the construction from the trails adjacent to the site and later used a drone to document the violations of the court order mentioned above. This footage was shared with various environmental groups and the NJDEP, but no action was taken. The project is now in service and the permit or exemption has still not been granted. It is a disappointing end after believing we had finally stopped them with the court's decision. This is a complete failure from the DEP to uphold the Highlands Act. As a resident of the Highlands, it is especially disappointing to see this type of favor granted to an out-of-state company to meet the needs of an out-of-state utility. Our Highlands are becoming an energy superhighway while residents have trouble with any minor construction.

While this was a disappointing time for me and the Commission, we greatly appreciate the Council's support when they passed the resolution. This was a bold move from the Council and should not be minimized.

Library Trail

The promise of the Library Trail is now a reality. I had told the North Jersey District Water Supply Commission that increased traffic would actually help keep the area cleaner. This has been the case in the two years since the trail opened. A trail cam set up for another purpose saw people walking the trail

daily and multiple groups on weekends. The spot itself is being maintained by the good people that frequent it. The only time I pick up trash is when I venture down the steep face and collect in the hard-to-reach areas.

The trail markers were beginning to grow into the trees. I went up the trail in September and re-bedded every trail marker to make them further from the trunk. This will need to be done every couple of years. I plan to maintain this for another cycle or two and then turn it over to the New York New Jersey Trail Conference to put into their maintainer duties. I also am a trail maintainer for them and will arrange for this when appropriate.

Work on the new trail began in the spring. A new path was scouted over the course of 8-10 trips. The new trail will parallel the old one (yellow) about 30-100 yards to the north, meeting up with the yellow trail just beyond the cell tower. The ribbons were left up through the summer and followed monthly to observe any environmental concerns. None popped up due to the predictable nature of the area.

In September, clearing began and by late November the trail was clear from bottom to top. Some ATV activity interfered with the work, but it is not a big concern. Gary Wogish helped with downed tree clearing in late November.

In December, work began in the muddy area behind the playground. The building season was coming to a close, but enough work was done to prove the concepts used were successful and a few rain storms did not deteriorate the work. The goal is to move stones into place to make stepping stones to help hikers stay out of the mud.

For 2024, work will continue in the swamp until the summer. Another pass at clearing the trail will follow. By October, I hope to mark the trail and open it to the public.

Special thanks to the Borough DPW for helping when called upon.

Environmental Resource Inventory

This was a big focus for the whole Commission in 2023. We first sent out three requests for proposals after consulting with the Borough Engineer. Caldwell Associates came in with the right price and we applied to the Highlands Council for funding. They approved.

I sent the resources to the consultants and work began. The Commission was disappointed with the first draft, but good comments from some of the

Commissioners and a subsequent meeting created a much better second draft. I was unhappy with the dry nature of the report, so I wrote up a Trail and Viewpoints section to make sure those natural assets are considered in any big projects or planning.

By November, we had a draft that the Commission approved and the Council voted it through at their next meeting.

2024 and Beyond

I expect to resume my role in 2024; subject to a Commission vote. With the pipeline battle over (lost), I will have time to monitor the Superfund construction, should it recommence. There will be a considerable amount of time spent on the Library Trail as well.

I will personally continue to collect garbage and hope to beat last year's total.

It has been a pleasure to serve the community in this capacity.



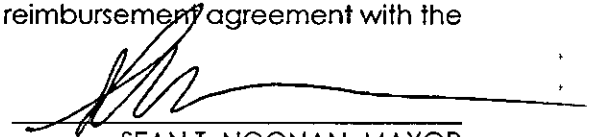
Ringwood Environmental Commission Annual Report

Appendix – A

WHEREAS, the Ringwood Environmental Commission recommends an update of the current Environmental Resource Inventory.

WHEREAS, there is available a New Jersey Highland Council reimbursement plan conformance grant program to fund such inventories;

NOW, THEREFORE IT IS RESOLVED, that the Municipal Council authorizes the execution of a contract with J. Caldwell & Associates, LLC, for the preparation of a certain Environmental Resource Inventory as set forth in a certain proposal from J. Caldwell & Associates, LLC, dated March 14, 2023, and consisting of 4 pages, for a sum of \$5,000.00, subject to a reimbursement agreement with the New Jersey Highlands Council.



SEAN T. NOONAN, MAYOR

I hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at its Business Meeting of May 16, 2023.



NICOLE LANGENMAYR, RMC
MUNICIPAL CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Noonan			X			
Matteo-Landis			X			
Baumgartner		X	X			
Forest						X
Kerr			X			
Schaefer			X			
Speer	X		X			



Environmental Resource Inventory

Borough of Ringwood

Passaic County, New Jersey

March 14, 2023



**J Caldwell
& Associates, LLC**

Community Planning Consultants

Overview

J. Caldwell & Associates, LLC (JCA) is proposing to work with the Borough of Ringwood, Passaic County, to develop an Environmental Resource Inventory (ERI). The Borough is 18,231 acres and located entirely within the Preservation Area of the Highlands Region, where conformance to the Highlands Regional Master Plan is mandatory. The proposal is to develop an updated Environmental Resource Inventory using the most recent available mapping and datasets. The ERI will identify environmental resources and historic and cultural resources within the Borough.

Proposed Approach

JCA will complete an Environmental Resource Inventory (ERI) to provide a foundation for identifying and preserving the existing natural and cultural resources with Ringwood Borough. This ERI will provide mapping and relate datasets depicting and describing the natural and cultural resources present in the community. Natural and cultural resource maps and accompanying narrative provide the basis for inventorying a community's natural and cultural resource components and provide the base source for resource conservation. As an integral component of a master plan, an ERI functions as the basis for development of natural resources protection ordinances.

RMP Policy Areas

The deliverables generally relate to the following policy areas of the RMP:

- Highlands Resource Protection/Enhancement (Part 1)
- Water Resource Protection/Enhancement (Part 2)
- Historic, Cultural, Archaeological, and Scenic Resource Protection/Enhancement (Part 4)
- Transportation System Enhancement (Part 5)
- Future Land Use and Development Framework (Part 6)
- Sustainable Economic Development (Part 8)
- Air Quality Protection/Enhancement (Part 9)
- Local Participation (Part 10)

ENVIRONMENTAL RESOURCE INVENTORY SCOPE OF WORK

Task 1: Natural Resources:

The deliverable for the Natural Resources section of the Environmental Resource Inventory is as follows:

1. Identification of public and private lands preserved or held in conservation easements and properties preserved through the farmland preservation program;
2. Identification and Mapping of the existing land use within the borough;
3. Mapping of vegetative features and conditions, including habitats for threatened, endangered and priority species and forest cover;
4. Indexing of wildlife, both plant and animal species;
5. Mapping of soils and geologic conditions;
6. Mapping of hydrology, including all surface waters, HUC 14 watershed boundaries, areas of critical water supply concern, including Category 1 drainage areas, wellhead protection areas, Wild and Scenic River data, aquifer recharge areas, source water protection areas, vernal pools, , and buffer areas, and flood-prone areas and floodplains;
7. Mapping of wetlands as defined under the Freshwater Wetlands Protection Act and coastal wetlands laws;
8. Mapping of natural features such as steep slopes.

Task 2: Cultural Resources:

The deliverable for the Cultural Resource section of the Environmental Resource Inventory is as follows:

1. Identification and mapping of historic, cultural and archaeological resources including sites which are from the first Native American Settlements to the colonial period and revolutionary war, up to the early industrial ages into the modern day.
2. Identification and mapping of the natural scenic resources to maintain the visual integrity and scenic beauty of noteworthy viewsheds and natural and cultural features of regional significance.
3. Identification and mapping of all quarries and contaminated sites including Known Contaminated Sites List (KCL), The Comprehensive Environmental Response, Compensation and Liability Information System Database (CERCLIS) and the Resource Conservation and Recovery Act (RCRA) Database.
4. Locations of existing trail systems.

Task 3. Meetings with Borough Council/Subcommittee

JCA will attend up to two (2) meetings with the Environmental Commission and/or a subcommittee of the Commission to review the ERI as it is developed.

Cost Estimate and Timeline

Tasks 1-3 will be conducted over a 90-day period. A completed submission will be provided to the Borough Environmental Commission and Highlands staff for review. The cost estimate is \$5,000.

April 2023

- **Initial meeting with Environmental Commission/Subcommittee**
- **Draft Tasks 1**

May 2023

- **Complete Task 2 - submit draft Initial Assessment to Highlands Staff & Municipality**
- **Receive comments and feedback**

June 2023

- **Complete Initial Assessment Report / submit to Environmental Commission and Highlands Council**

RINGWOOD TRAILS AND VIEWPOINTS

Ringwood is host to many State, County and local parks. Ringwood hosts trailheads in parks that span multiple towns and even connect to the Appalachian Trail. Over one hundred miles of marked trails connect our Borough in every direction. Ringwood has many viewpoints on hills and near other scenic areas. This section of the Environmental Resource Inventory will focus on those recreational assets both in Ringwood and a short hike from Ringwood trailheads.

Any development in Ringwood should take into consideration the many trail corridors that connect Ringwood with each town it borders. The Commission should also reference viewpoints and consider if the development will degrade the view with a human structure that contrasts with the existing natural state.

The main parks in Ringwood starting from the northwest corner and going clockwise are:

- Tranquility Ridge County Park
- Ringwood State Park
 - Ringwood Manor
 - Shepherd Lake
 - New Jersey State Botanical Gardens
- Ramapo Mountain State Forest
- Norvin Green State Forest
- Stonetown Circular Trail on the North Jersey District Water Supply Commission land
- Long Pond Ironworks State Park

In addition to these parks, the Monksville Reservoir and the Wanaque Reservoir add to the many lakes to give almost every viewpoint a waterbody to look out over.

Tranquility Ridge County Park

Tranquility Ridge County Park is a vast track of undeveloped land that was once part of the Sterling Forest Corporation. The park is best accessed from the end of Beech Road adjacent to the Monksville Reservoir northwest end. The yellow-marked Hasenclever Iron Trail is the only marked trail in the Ringwood section of the park, but just over the West Milford border is the Sterling Ridge Trail that will take you up Beech Mountain, part of the namesake Tranquility Ridge.

Besides the marked trails, there are many woods roads in various conditions from frequently used to barely perceptible. Right on the New York border is a viewpoint with expansive south views. The viewpoint is in Ringwood, but the easiest path is to approach it from New York.



Mountain view by New York border, looking south. (December, 2020)

Further south in Tranquility Ridge County Park, a hiker can easily get lost as some roads dead end and others just fade away into the brush. This area is a prime spot for future trail development. Traces of Native American activity can be found here as well as abandoned mines and, more recently, utility right of ways.

Another unmarked viewpoint is approximately a ½ mile east of the north reach of Monksville Reservoir. This would make a nice addition to the future trail and is already serviced by an active woods road.



Mountain view in south part of Tranquility Ridge County Park looking west. (June 2023)



Abandoned Mine in Tranquility Ridge County Park. (June 2023)

Ringwood State Park

Ringwood State Park stretches across the northern part of Ringwood, providing trails, boating, active estates, the state's botanical gardens, hunting, fishing, camping, as well as many other outdoor activities and features. The Hasenclever Iron Trail connects from Tranquility Ridge County Park into the Ringwood Manor section of Ringwood State Park.

Ringwood Manor

Ringwood Manor is a National Historic Landmark District, having historical importance spanning from Native American occupation through the early 20th century. The manor itself was owned by Peter Cooper and Abram S. Hewitt whose family eventually donated the Estate and surrounding property to the state of New Jersey. The manor and grounds host iron artifacts, tours, special events, old-time baseball games as well as art shows in the adjacent carriage house.



Ringwood Creek in the Autumn. (October, 2021)

The park is also adjacent to the town fields behind the Ringwood Borough Hall. The blue manor trail will allow the hiker to see the less travelled parts of the estate before coming to the manor house and Sally's Pond. Venturing behind the manor and its sculpted gardens the visitor will find fields, a large playground and plenty of riverside picnicking spots along Ringwood Creek.



Sally's Pond Waterfall. (April, 2022)

Shepherd Lake

The Shepherd Lake section of Ringwood State Forest begins on the east side of Sloatsburg Road. Hikers can use the Ringwood-Ramapo Trail or Crossover Trail to journey from Ringwood Manor into the Shepherd Lake Section. This begins a continuously wooded area stretching from New York into Ringwood and down to Oakland. There are dozens of trails and woods roads for the outdoorsperson to follow. This section of the park is known around the state as one of the best mountain biking areas.

The western section is anchored by Copsaw Mountain. It offers one of the rare east facing viewpoints within Ringwood. This can be found up the Cooper Union Trail (yellow) about 10 minutes from its intersection with Morris Road.



Eastern View from Cooper Union Trail. (January, 2018)

Three miles down the Cooper Union Trail is a lollipop loop that takes one to the summit of Governor Mountain. This is a very popular viewpoint offering expansive views of the Wanaque Reservoir and the three peaks of Stonetown. Much of this property is protected by the North Jersey District Water Supply Commission, so the views are relatively free of human structures. This section of the trail can be accessed from Carltondale road and is popular with local residents.



A hiker relaxing at the Governor's Mountain viewpoint. (October 2022)

Back up to the north, at Shepherd Lake itself, plenty of activities are available to connect one to nature. There are boating concessions with a public launch, large fields, a playground and a shooting range. Many trails connect through this area and viewpoints abound along the southern edge of Shepherd Lake. Groups from mountain bikers to boy scouts to the Ringwood Borough host events in this area.

Hikers can take wide trails over to Potake Pond. During winter, these trails are excellent for cross country skiing offering miles of beautiful scenery far from the crowds typically found at commercial ski resorts. Walking along Pearson Ridge, one feels like they could be in a primitive forest. There are no human structures in the western view. Further up from the ridge just across the Mahwah border is Igelstein Rock, offering views of New York City.

[New Jersey State Botanical Gardens \(Skylands Manor\)](#)

Just south of Shepherd Lake is the New Jersey State Botanical Gardens and the Skylands Manor. The sprawling estate and gardens is one of the gems of the Highlands Preservation Region. Large gardens have something to offer in every season. The manor is frequently rented for special events due to its excellent, remote location. Miles of trails can accommodate the beginner hiker up to the expert hiker looking for a challenge. Warm Puppy Rock is an easy-to-reach viewpoint from the gardens.



Warm Puppy Rock Looking South. (May, 2021)

While there is plenty of parking for out-of-town visitors, many Ringwood residents take advantage of the open space behind their houses to walk and bike into the beauty of the gardens. These paths are available through some private and public land. Any development planned in the border areas should be carefully weighed against the benefit of access enjoyed by the adjacent properties.

Ramapo Mountain State Forest

In Ringwood, the Ramapo State Forest provides a trail corridor to Ramapo Lake in Oakland and on to Wanaque to the south. There are miles of quiet trails with little sign of human development until one has to cross Skyline Drive. Along the route are scenic views to the east and west as one follows this north-south route. Many of these west facing views overlook the Erskine Lakes area of Ringwood.



Viewpoint over Erskine Lakes. (November, 2022)

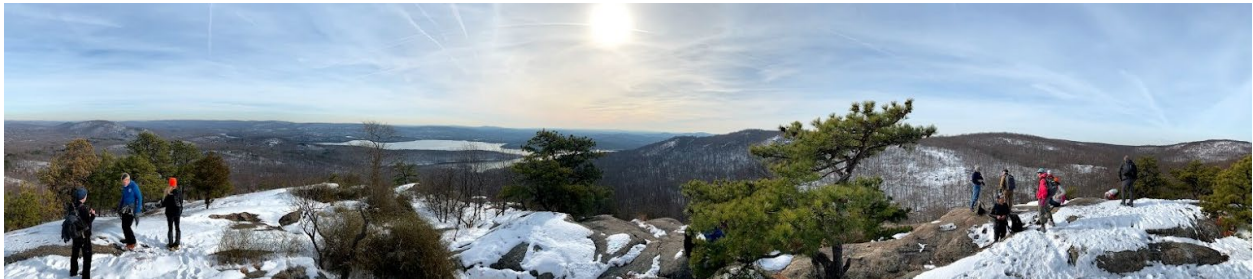
As with other areas, many footpaths connect the residents to this corridor and there is even a pathway into the main commercial district on Skyline Drive. A little further down the road is a park and ride offering access to people that may not be able to drive to one of the parks. There is also a wonderful viewpoint over the Wanaque Reservoir that is a short 0.7-mile hike from the Park and Ride via the Library Trail.



Library Trail Viewpoint (October, 2020)

Norvin Green State Forest

In the southwest corner of Ringwood is the New Weis Center that offers nature programs for people of all ages. Just past the Weis Center, hikers can walk up Snake Den Road to a series of trails that connect into Norvin Green State Forest. High Point, just south of the center, is a popular hiking destination with panoramic views of neighboring towns, the reservoir and New York City. Trails connect further north to a loop around the Monksville Reservoir and into the Long Pond Ironworks State Park. These trails connect to many homes in Stonetown as well as Long Pond Ironworks to the north.



Panoramic Photo of High Point in Norvin Green State Forest. (December, 2019)

Stonetown Circular

The Stonetown Circular trail (red blaze) is known throughout the region for its challenging terrain as well as the views that reward the intrepid hiker. Just on the eastern half of the loop, there are three mountains with a view at the top of each. Windbeam Mountain, at the south end of the three, has views in all directions and multiple places to take them in. This route circles the entirety of the Stonetown section of Ringwood and each home is a short walk from a trailhead or a foot path connecting to the main trail.



The Stonetown Mountains. From left to right: Windbeam, Bear and Board Mountains. (January 2021)

Long Pond Ironworks State Park

The last park on our clockwise journey around Ringwood is the Long Pond Ironworks State Park. This park starts near the south end of Monksville Reservoir and loops up into West Milford ending at the New York State border where the protected land continues into the Sterling Forest Park. There are many views along the west side of the Monksville Reservoir, including a panoramic view of the reservoir from Horse Pond Mountain.



Horse Pond Mountain view overlooking the Monksville Reservoir. (March, 2018)

The historic area of the park is just over the Ringwood border in West Milford. This park has large swaths of undeveloped land and there are few trails that pass through it. Unmarked woods roads are available for those looking to explore this area and its mines.



Conclusion

With over one hundred miles of trails, dozens of lakes and ponds, and four State Parks; Ringwood is the perfect town for those who enjoy time in nature. Due to the multiple parks, reservoirs and being in the Highlands Protection Region; Ringwood has a natural charm that no other town 45 minutes from New York City enjoys.

When considering development in Ringwood, it is important to make sure it does not impact the overall connection to nature that the Borough offers. This includes protecting access and right-of-ways into the forest and preventing structures from marring the natural views.

Formalization and expansion of the footpaths connecting various parts of the Borough will improve the access to this natural bounty. While mostly enjoyed by residents; careful planning can help those from out of town enjoy the resources while supporting the businesses in the Borough.

Conserving these resources today will ensure that generations to come can continue to be connected to nature without having to leave the tristate area.



Ringwood Environmental Commission Annual Report

Appendix – B



NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3616-20

IN THE MATTER OF
PROPOSED CONSTRUCTION
OF COMPRESSOR STATION
(CS327), OFFICE BUILDING
AND APPURTENANT
STRUCTURES, HIGHLANDS
APPLICABILITY
DETERMINATION, PROGRAM
INTEREST NO.: 1615-17-0004.2
(APD200001).

APPROVED FOR PUBLICATION

August 31, 2023

APPELLATE DIVISION

Argued February 8, 2023 – Decided August 31, 2023

Before Judges Accurso, Firko and Natali.

On appeal from the New Jersey Department of
Environmental Protection.

Daniel Greenhouse argued the cause for appellants
Food & Water Watch, New Jersey Highlands
Coalition, and Sierra Club (Eastern Environmental
Law Center, attorneys; Daniel Greenhouse and
William D. Bittinger, on the briefs).

Jason Brandon Kane, Deputy Attorney General,
argued the cause for respondent New Jersey
Department of Environmental Protection (Matthew J.
Platkin, Attorney General, attorney; Melissa H. Raksa,
Assistant Attorney General, of counsel; Jason Brandon
Kane, on the brief).

Richard G. Scott argued the cause for respondent Tennessee Gas Pipeline Company, LLC (Rutter & Roy, LLP, attorneys; Richard G. Scott, Christine A. Roy, and Monica N. Stahl, on the brief).

The opinion of the court was delivered by
ACCURSO, P.J.A.D.

The sole question addressed on this appeal, one we've not had to decide before, is one of statutory interpretation.¹ The Department of Environmental Protection issued a Highlands Applicability Determination (HAD) to Tennessee Gas Pipeline Company, LLC exempting construction of a new compressor station in the Highlands Preservation Area from permitting review under N.J.S.A. 13:20-28(a)(11) (Exemption 11). Exemption 11 relieves a public utility from having to obtain a Highlands Preservation Area Approval for "routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or

¹ Although the appellant in In re New Jersey Department of Environmental Protection Conditional Highlands Applicability Determination, Program Interest No. 435434, 433 N.J. Super. 223, 237 (App. Div. 2013), argued the Highlands Applicability Determination challenged in that case did not encompass a routine upgrade, and the DEP argued "the Legislature intended the word 'routine' to modify 'maintenance and operations' and not the other exempted activities," we found no need to resolve the question. We determined in that case "that, even if the exemption is interpreted as requiring that an upgrade be 'routine,'" the utility line upgrade at issue there could fairly be characterized as a routine one. Ibid. We do not find the case instructive here.

systems," so long as "the activity is consistent with the goals and purposes of" the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 to -35.

The Department issued the HAD without a determination as to whether the new compressor station qualifies as a "routine upgrade" to Tennessee's existing gas pipeline system because the DEP maintains "routine" in Exemption 11 modifies only "maintenance and operations" and does not modify "upgrade."²

Appellants Food & Water Watch, New Jersey Highlands Coalition, and Sierra Club have appealed the HAD,³ contending we should apply the doctrine of *noscitur a sociis*, "an ancient maxim of statutory construction that the meaning of words may be indicated and controlled by those with which they are associated," Germann v. Matriss, 55 N.J. 193, 220 (1970), and find "the

² The HAD also refers to Exemption 11 in the Highlands Act Rules, which, as to the issue that concerns us, simply parrots the language of the statute. See N.J.A.C. 7:38-2.3(a)(11).

³ Appellants initially failed to name Tennessee as a party. Tennessee filed a motion to intervene as of right, which we denied, and a motion for reconsideration and for permissive intervention, which we also denied. The Supreme Court granted Tennessee's motion for leave to appeal those orders and held "[b]ased on the role Tennessee played in obtaining this administrative relief from the NJDEP, Tennessee is an 'interested party' under Rule 2:5-1(d) and should have been included as a party in the Notice of Appeal and served accordingly." In re Proposed Constr. of Compressor Station (CS327), 250 N.J. 365, 368 (2022). The Court remanded the case to us "to permit appellants to file an amended Notice of Appeal and Case Information Statement that names Tennessee as an interested party pursuant to Rule 2:5-1(d)." Ibid. Tennessee has since participated as a party "defendant" in this appeal.

word 'routine' not only modifies 'maintenance and operations' but also 'upgrade.'" We agree with appellants the language of Exemption 11 and its statutory context, as well as the history of the Highlands Act, all point to the Legislature having intended to exempt only routine upgrades to a public utility's lines, rights of way or systems in the Preservation Area from the strictures of the statute.

Tennessee, however, only ever contended before the agency that its proposed new compressor station in the Preservation Area is an "upgrade" to its pipeline system. And although counsel for the DEP asserted at oral argument the project could qualify as a "routine upgrade" entitling Tennessee to a HAD under Exemption 11, there is nothing in the agency record to indicate the Department ever considered the question, much less decided it. See In re Petition of Elizabethtown Water Co., 107 N.J. 440, 460 (App. Div. 1987) (noting "[t]he grounds upon which an administrative order must be judged are those upon which the record discloses that the action was based" (quoting Sec. & Exch. Comm'n v. Chenery Corp., 318 U.S. 80, 87 (1943))). We thus vacate the HAD and remand for the DEP to consider whether Tennessee's proposed compressor station qualifies as a "routine upgrade" to its

pipeline system, entitling it to a HAD under our construction of the language of Exemption 11.⁴

We sketch only so much of the facts and procedural history as necessary to put our decision in context. Tennessee is a federally regulated natural-gas company that owns and operates a natural gas transmission system stretching northeastward from the Gulf states to New England. As part of its "East 300 Upgrade Project," Tennessee intends to install new compressor units in two existing compressor stations⁵ along its "300 Line," one in Pennsylvania and one in Sussex County, and to construct a new station and appurtenant facilities in West Milford, in Tennessee's existing right-of-way on the site of a former quarry.

The new station would house a 19,000 hp-rated electric motor-driven compressor unit and connect to Tennessee's 300 Line pipeline just south of the

⁴ We do not consider whether Tennessee qualifies as a public utility for purposes of qualifying for Exemption 11 as appellants only challenged Tennessee's status in their reply brief. See Borough of Berlin v. Remington & Vernick Eng'rs, 337 N.J. Super. 590, 596 (App. Div. 2001).

⁵ Tennessee asserts that "[c]ompressor stations, also known as pumping stations, compress natural gas by raising the pressure to 'push' gas through the pipeline." It explains the gas in the pipeline "enters a series of scrubbers and strainers, is compressed by the compressor, cooled and then continues through the pipeline until it is delivered to a customer or reaches the next compressor station."

station on the same site.⁶ Tennessee contends the East 300 Upgrade Project is necessary to "increase the capacity" of its existing pipeline system and "to respond to the request of" Consolidated Edison for 115,000 dekatherms per day of firm transportation capacity for its customers in Westchester County.

Because the proposed West Milford compressor station is located within the Highlands Preservation Area, the nearly 398,000-acre tract of the Highlands Region "subjected to stringent water and natural resource protection

⁶ In addition to the compressor building, Tennessee plans to construct a new 3,500-square-foot office building with potable water and a septic system, including a 1,000-gallon holding tank for waste, as well as a new 925-square-foot electrical building to house the variable frequency drive and motor control center for its compressor unit. Tennessee also plans to install the following auxiliary equipment:

- (1) an electric motor ventilation system;
- (2) vent silencers;
- (3) gas coolers;
- (4) a lube oil cooler and piping;
- (5) filter separators;
- (6) an auxiliary building fitted with automation control panels;
- (7) an air compressor;
- (8) a 375-kilowatt emergency generator;
- (9) domestic fuel gas skid;
- (10) pipeline liquids storage tank;
- (11) building heaters;
- (12) mainline valve piping; and
- (13) suction, discharge, and vent piping.

Tennessee will also be building its own 69-kilovolt electrical substation on the site and constructing an electrical conduit from that electric substation to connect to an electric transmission line to be constructed by Orange and Rockland Utilities along Burnt Meadow Road, which borders the site. Tennessee estimates the cost of its East 300 Upgrade Project will be \$246 million. The West Milford compressor station is estimated to make up nearly \$108 million of those costs.

standards, policies, planning, and regulation," N.J.S.A. 13:20-2; DEP Highlands Water Protection & Planning Act Guidance, State of N.J., https://www.nj.gov/dep/highlands/faq_info.htm (last visited Aug. 25, 2023), Tennessee submitted a HAD application to the DEP, seeking a determination that construction of its proposed West Milford station is exempt from the Highlands Act, and thus it was not required to obtain a Highlands Preservation Area Approval from the DEP for the project.

Appellants submitted public comments opposing Tennessee's application, asserting construction of the West Milford compressor station was "not routine maintenance or an upgrade of utility lines or systems, but a massive expansion of operations in the protected Highlands Region." They contended Tennessee was "building a new facility to push more gas through pipelines that go to New York" having "no public benefit for the people of" New Jersey.

The Highlands Council, which the DEP routinely consults when considering a HAD application, submitted a letter to the Department stating the Council had reviewed Tennessee's application and found construction of the compressor station "consistent with the goals of the Highlands Act." The Council noted Tennessee had sufficiently "avoided and minimized impacts to Highlands resources" by repurposing a "historically disturbed" former quarry

from which "[c]ritical wildlife habitat areas are disconnected and non-functional," and that it did not object to the DEP issuing Tennessee an exemption for the project.

The DEP determined construction of the West Milford compressor station "meets the definition of 'Major Highlands Development'" under N.J.A.C. 7:38-1.4, but the project was not "regulated by the Highlands Act" because it qualified for Exemption 11 and was consistent with the Water Quality Management Plan rules.⁷ N.J.A.C. 7:38-2.4(a) and (e). In issuing the HAD, the Department did not state which one of the activities listed in Exemption 11 applied.⁸

⁷ Appellants have also contended on appeal that the "DEP's determination that the proposed project is consistent with the [Water Quality Management Plan] is arbitrary and capricious" because the Department failed to "view the totality of the proposed project." Because we agree with appellants' first point that the Department has misinterpreted Exemption 11, necessitating a remand to the agency, we do not reach their second point.

⁸ The Federal Energy Regulatory Commission (FERC), the agency that regulates Tennessee's facilities, rates, and types of service, subsequently granted Tennessee's application for a certificate of public convenience and necessity, finding Tennessee's plan "to install 300 feet of 36-inch-diameter unit piping and 1,400 feet of 42-inch-diameter suction and discharge piping connecting the compressor station to Tennessee's 300 Line" would "enable Tennessee to provide up to 115,000 [dekatherms] per day of firm transportation service, which constitutes 100% of the project's capacity, to ConEd," which had demonstrated "that natural gas demand in its service territories is exceeding its available firm natural gas interstate pipeline capacity and that additional transportation capacity is needed to serve its

As with any case in which we are called to interpret a statute, our "goal is to divine and effectuate the Legislature's intent." Perez v. Zagami, LLC, 218 N.J. 202, 209 (2014) (quoting State v. Buckley, 216 N.J. 249, 263 (2013)). As "[t]here is no more persuasive evidence of legislative intent than the words by which the Legislature undertook to express its purpose," id. at 209-10, we look first to the plain language of the statute, giving the "words their ordinary meaning absent any direction from the Legislature to the contrary," TAC Assocs. v. N.J. Dep't of Env't Prot., 202 N.J. 533, 541 (2010), "and read them in context with related provisions so as to give sense to the legislation as a whole," DiProspero v. Penn, 183 N.J. 477, 492 (2005).

existing and new customers." Tenn. Gas Pipeline Co., 179 F.E.R.C. ¶ 61,041, at ¶ 17 (2022). See 15 U.S.C. § 717f(c).

FERC denied Food & Water Watch's applications to stay construction pending appeal, Tenn. Gas Pipeline Co., 181 F.E.R.C. ¶ 61,051 (2022), and Food & Water Watch's challenge to FERC's approval of the project remains pending in the United States Court of Appeals for the D.C. Circuit, 179 F.E.R.C. ¶ 61,041, appeal filed, Nos. 22-1214 & 22-1315 (D.C. Cir. Dec. 13, 2022).

Appellants did not apply for a stay in this case, and we understand construction of the West Milford station is proceeding — at Tennessee's own risk, of course. See In re Request for Proposals #17DPP00144, 454 N.J. Super. 527, 575 (App. Div. 2018) (declaring nonconforming bidder "proceeded at its own risk" in assuming performance under the contract "in light of the significant, challenged deviation in its bid").

"If the plain language leads to a clear and unambiguous result, then [the] interpretive process is over," and the court's job is done. TAC Assocs., 202 N.J. at 541 (alteration in original) (quoting Richardson v. Bd. of Trs., Police & Firemen's Ret. Sys., 192 N.J. 189, 195 (2007)). But if the language is ambiguous and susceptible "to more than one plausible interpretation," DiProspero, 183 N.J. at 492, we turn to extrinsic aids to "effectuate the legislative intent in light of the language used and the objects sought to be achieved," Merin v. Maglaki, 126 N.J. 430, 435 (1992) (quoting State v. Maguire, 84 N.J. 508, 514 (1980)).

Our Supreme Court has long "adhere[d] to the canon of statutory construction that 'the general intention of a statute will control the interpretation of its parts.'" Waterfront Comm'n of N.Y. Harbor v. Mercedes-Benz of N. Am., Inc., 99 N.J. 402, 414 (1985) (quoting State v. Bander, 56 N.J. 196, 201 (1970)). Although we ordinarily accord substantial deference to an agency's interpretation of a statute the agency is charged with enforcing, no deference is required when "an agency's statutory interpretation is contrary to the statutory language, or if the agency's interpretation undermines the Legislature's intent."⁹ In re N.J. Tpk. Auth. v. AFSCME, Council 73, 150 N.J.

⁹ The DEP asserts that since Exemption 11 "was codified in DEP's rules, DEP has consistently interpreted the word 'routine' in Exemption #11 as only

331, 351 (1997). "Clear legislative intent cannot be trumped by countervailing administrative practices." Ibid.

In enacting the Highlands Act in 2004, the Legislature initiated an ambitious undertaking to protect the water and natural resources of the New Jersey Highlands, a nearly 800,000-acre area in the northwest part of the State "covering portions of 88 municipalities in seven counties," which provides clean drinking water to more than half the State's residents, against the environmental degradations of sprawl development. N.J.S.A. 13:20-2. Finding the then-existing land use and environmental regulation system inadequate to protect the region's resources, the Legislature mandated a comprehensive approach to land use planning, "complemented by increased standards more protective of the environment," to include identification of "a preservation area of exceptional natural resource value" for which the DEP would adopt "stringent standards governing major development." Ibid. It is thus beyond cavil that the Highlands Act represents "a comprehensive policy

modifying 'maintenance and operations'" (citing 38 N.J.R. 5011(a) (Dec. 4, 2006) (response to comments 3 and 4)). That response, however, does not reflect the interpretation claimed, noting only "the exemption for the routine maintenance and operations of public utility lines at N.J.A.C. 7:38-2.3(a)11." 38 N.J.R. 5011(a) (response to comments 3 and 4). There is no mention of "upgrade." Ibid. As far as we are aware, the only time the Department has asserted "routine" does not modify "upgrade" was in Conditional Highlands Applicability Determination, Program Interest No. 435434, 433 N.J. Super. at 233.

designed to protect environmental interests," exemptions from which are to be strictly construed. See M. Alfieri Co. v. State, Dep't of Env't Prot. & Energy, 269 N.J. Super. 545, 554 (App. Div. 1994).

The nub of the parties' dispute is whether an "upgrade of public utility lines, rights of way, or systems" must be "routine" in order to exempt the utility from the permitting requirements of the Highlands Act under Exemption 11 — which exempts entirely from all provisions of the Act and "any rules or regulations" adopted by the DEP pursuant to it:

the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of this act.

[N.J.S.A. 13:20-28(a)(11).]

Neither "routine" nor "upgrade" is defined in the statute.

Appellants argue the attributive adjective "routine" modifies each noun in the list, including "upgrade." They contend their interpretation is supported by the absence of a semicolon after "maintenance and operations," which would indicate the Legislature's intent to separate "routine maintenance and operations" from the other activities in the Exemption, and by the interpretive maxim "noscitur a sociis" — literally: "it is known from its associates." Isetts v. Borough of Roseland, 364 N.J. Super. 247, 257 n.4 (App. Div. 2003). They

also contend limiting the entire list of activities in the exemption to those of a routine nature best aligns with DEP's charge to implement "stringent standards governing major development," N.J.S.A. 13:20-2, in the Preservation Area and the goal of the regional master plan to "prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation of this unique area," N.J.S.A. 13:20-10(b)(9).

The DEP and Tennessee counter that "routine" modifies only "maintenance and operations" as "'routine maintenance and operations' is set off from the rest of the list by a comma," and the disjunctive "or" before "upgrade" "signifies that each phrase is 'distinct and separate from each other,'" (quoting State v. N.T., 461 N.J. Super. 566, 571 (App. Div. 2019)). They argue "[t]he plain language of the exemption makes clear that upgrades to existing utility systems, provided that those upgrades are consistent with the goals and purposes of the Highlands Act, are exempt from the Highlands Act, NJDEP's implementing rules, and the Highlands Regional Master Plan." The DEP and Tennessee contend theirs "is the only interpretation that makes sense," because if "routine" modified "upgrade," then it would also modify "rehabilitation, preservation, reconstruction, [and] repair," which "would make no sense and thus would be an absurd interpretation."

Unfortunately, we do not find the "plain language" of Exemption 11 plain enough to resolve the parties' dispute. To the contrary, we find the language plainly susceptible to more than one interpretation. See DiProspero, 183 N.J. at 494. And although both sides present plausible constructions, we do not find them equally plausible. In our view, appellants have by far the better argument that the Legislature intended to limit the statutory exemption afforded public utilities to "routine" upgrades of their "lines, rights of way, or systems" in the Preservation Area in the same manner it does every other activity listed, that is "maintenance and operations, rehabilitation, preservation, reconstruction, [and] repair." N.J.S.A. 13:20-28(a)(11).

Although we think appellants have the better grammatical analysis, that is that the attributive adjective, otherwise known as the "prepositive modifier," "routine" modifies each noun in the list of exempt activities,¹⁰ we do not "pin

¹⁰ Antonin Scalia and Bryan A. Garner in their book Reading Law: The Interpretation of Legal Texts, 147 (2012), refer to this in their discussion of "Syntactic Canons" as the "Series-Qualifier Canon," that is "[w]hen there is a straightforward, parallel construction that involves all nouns or verbs in a series, a prepositive or postpositive modifier normally applies to the entire series." Among the examples they provide is this one: "[f]orcibly assaults, resists, opposes, impedes, intimidates, or interferes with — held, that forcibly modifies each verb in the list," id. at 148 (citing Long v. United States, 199 F.2d 717, 719 (4th Cir. 1952), in which the court determined "[t]he use of the adverb 'forcibly' before the first of the string of verbs, with the disjunctive conjunction used only between the last two of them, shows quite plainly that the adverb is to be interpreted as modifying them all").

heavy interpretive import" on the Legislature's choice of a comma over a semicolon here, Perez, 218 N.J. at 210; see 2A Norman J. Singer & J.D. Shambie Singer, Sutherland Statutes and Statutory Construction § 47.15 at 345 (7th ed. 2007) ("Punctuation is a most fallible standard by which to interpret a writing." (quoting Ewing's Lessee v. Burnet, 36 U.S. (11 Pet.) 41, 54 (1837))).¹¹ Instead, we are guided by two interpretive principles — that "exception[s] to the provisions of a comprehensive statutory scheme. . . . are to be strictly but reasonably construed, consistent with the manifest reason and purpose of the law," Serv. Armament Co. v. Hyland, 70 N.J. 550, 558-59 (1976), and that "whatever the rule of [statutory] construction, it is subordinate to the goal of effectuating the legislative plan as it may be gathered from the enactment read in full light of its history, purpose, and context." Chasin v. Montclair State Univ., 159 N.J. 418, 426-27 (1999) (alteration in original) (quoting State v. Haliski, 140 N.J. 1, 9 (1995)). Both point unerringly to the same result here.

¹¹ We have no quarrel with State v. N.T., 461 N.J. Super. 566 (App. Div. 2019), the case relied on by the DEP and Tennessee, but find it inapplicable here. In N.T., we held that portion of the expungement statute barring expungement of the records of a conviction for "[e]ndangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child, or causing the child other harm," N.J.S.A. 2C:52-2, referred to distinct harms based on the "comma and the word 'or.'" 461 N.J. Super. at 571. The case did not address the treatment of an attributive adjective to a series of nouns in a list, the issue we address here.

No party disputes the manifest purpose of the Highlands Act is to reduce "the environmental impacts of sprawl development" in the Highlands Region by subjecting "major development" in the Preservation Area, which all agree the West Milford compressor station indisputably is, "to stringent water and natural resource protection standards, policies, planning, and regulation." N.J.S.A. 13:20-2. One of the primary goals of the regional master plan for the Preservation Area is to "prohibit or limit to the maximum extent possible construction or development which is incompatible with preservation." N.J.S.A. 13:20-10(b)(9). Because the Legislature plainly intended to subject major development in the Preservation Area to stringent regulation, we are compelled to interpret exemptions from the Act narrowly. See M. Alfieri, 269 N.J. Super. at 554.

The main problem with the DEP and Tennessee's analysis from our perspective is that it is myopically focused on sentence structure, which we view as inconclusive, with no substantive analysis of the language of the exemption in light of the "history, purpose, and context" of the Highlands Act. Chasin, 159 N.J. at 427 (quoting Haliski, 140 N.J. at 9). That is, they fail to analyze or consider the meaning of "upgrade" with reference to the Act or to the other words with which it is associated in the exemption — those from which it should naturally gather meaning. See Jarecki v. G. D. Searle & Co.,

367 U.S. 303, 307 (1961). Looking at the statute from that perspective reveals that failing to allow "routine" to modify "upgrade" makes "upgrade" the odd item out in the list of "maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade," leaving "upgrade" alone with no implied limiting principle. N.J.S.A. 13:20-28(a)(11).

As in a verbal reasoning test that asks which item in a list of apple, orange, cheese, and chalk is unlike the others, "upgrade" without the modifier "routine" is unlike every other activity in the list of exemptions. An electric utility might, for example, "upgrade" its transmission lines by moving from aluminum and steel conductor cores to carbon fiber or "upgrade" a coal-fired plant by replacing it with a nuclear reactor. Both would readily qualify as "upgrades," although they are obviously of a vastly different character. To understand the sense in which the Legislature used "upgrade," we need to look to its statutory context, and particularly to the words "with which [it is] associated." Germann, 55 N.J. at 220.

The maxim *noscitur a sociis*, explained by the United States Supreme Court to mean "a word is known by the company it keeps," Jarecki, 367 U.S. at 307, "while not an absolute rule, serves as 'a helpful guide in ascertaining the intended scope of associated words or phrases,'" Isetts, 364 N.J. Super. at 257 (quoting Germann, 55 N.J. at 221). As other courts have noted, the maxim is

"wisely applied where a word is capable of many meanings in order to avoid the giving of unintended breadth" to acts of the Legislature. Ibid. (quoting Jarecki, 367 U.S. at 307). Its application is particularly appropriate here, as we are construing the words of "an exemption from a comprehensive policy designed to protect environmental interests," M. Alfieri, 269 N.J. Super. at 554, which we are bound to interpret narrowly. The canon cautions us to take care against interpreting "upgrade" in a way that would give it a broad scope unintended by the Legislature.

Applying it here by allowing "routine" to modify "upgrade" makes upgrade consistent with the other activities included in the exemption. It removes "upgrade" from the status of an outlier and makes it consonant with "maintenance and operations, rehabilitation, preservation, reconstruction, [and] repair," N.J.S.A. 13:20-28(a)(11), powerful evidence in our view of the Legislature's intended scope of the word. See Scalia & Garner, Reading Law: The Interpretation of Legal Texts 195 ("When several nouns or verbs or adjectives or adverbs — any words — are associated in a context suggesting that the words have something in common, they should be assigned a permissible meaning that makes them similar.").¹² Harkening back to our

¹² Scalia and Garner include *noscitur a sociis* in their discussion of "Contextual Canons," referring to it as the "associated-words canon," that is

electric utility example, allowing "routine" to modify "upgrade" would plainly differentiate the upgrade of the transmission wires from the upgrade of the coal-fired plant, although we do not mean to suggest an opinion on whether either would be appropriate for the Preservation Area.

In that regard, we reject the Department and Tennessee's contention that the limiting principle the Legislature imposed on the activities included in Exemption 11, including "upgrade," is not that they qualify as "routine," but that all must be consistent with the goals and purposes of the Highlands Act.

The Legislature has, to be sure, required the entire list of activities included in Exemption 11 to be "consistent with the goals and purposes" of the Highlands Act, N.J.S.A. 13:20-28(a)(11), but that is the case regardless of whether "routine" modifies every activity listed or only "maintenance and operations." Because any activity undertaken by a public utility in the Preservation Area with regard to its "lines, rights of way, or systems" must be "consistent with the goals and purposes" of the Highlands Act in order to be

"[a]ssociated words bear on one another's meaning." Scalia & Garner, Reading Law: The Interpretation of Legal Texts 195.

exempt from the Act's requirements, ibid., the proviso does not speak to the question of whether the Legislature intended "routine" to modify "upgrade."¹³

We fail to grasp — and neither the Department nor Tennessee explains — why "routine" modifying every listed activity, that is to read the statute to exempt only routine maintenance and operations, routine rehabilitation, routine preservation, routine reconstruction, routine repair, and routine upgrade, "would make no sense and thus would be an absurd interpretation," as they assert.

"Routine" is plainly intended to serve as a statutory limiting principle of the enumerated activities a utility may undertake in the Preservation Area with regard to its lines, rights of way, and systems without the DEP engaging in a permitting review. And although all the activities included in the list other than "upgrade" have implied limitations, "maintenance and operations" being

¹³ That point is easily illustrated by again considering our electric utility example and the issue before us. It is obvious a nuclear power plant would not be a "routine" upgrade of a coal-fired plant or consistent with the goals and purposes of the Highlands Act. It is considerably less clear, at least on this record, whether the construction of a new compressor station in the Preservation Area, which the Department deemed "consistent with the goals and purposes of the Highlands Act," a determination we do not reach, could also qualify as a "routine" upgrade of Tennessee's gas pipeline system. The questions are simply independent of one another.

the most obvious,¹⁴ we do not find it absurd, or indeed even odd, for the Legislature to have exempted only routine rehabilitation, preservation, reconstruction, repair and upgrades from the permitting requirements of the Act in the same manner it exempted only routine maintenance and operations, given the Legislature's avowed goal to subject "major development" in the Preservation Area "to stringent water and natural resource protection standards, policies, planning, and regulation." N.J.S.A. 13:20-2. In no way could the interpretation be regarded as one leading to an "absurd" result consistent with our case law. See, e.g., Robson v. Rodriguez, 26 N.J. 517, 528-29 (1958) (holding it "absurd" to interpret the Unsatisfied Claim and Judgment Fund Law to deny an uninsured person recovery from the Fund but allow her personal representative to recover if the uninsured person died before filing suit, even from a cause unrelated to the accident).

The Court has instructed "[t]he true meaning and intention of legislation must be derived from the whole and not from any single component part," lest

¹⁴ Indeed, reading "routine" to modify only "maintenance and operations" is much closer to an "absurd" interpretation of the statute. Of all the activities on the list, "maintenance and operations" most clearly implies "routine" activity, resulting in use of the modifier adding nothing to its meaning. See Long, 199 F.2d at 719. In interpreting a statute, we, of course, "endeavor to give meaning to all words and to avoid an interpretation that reduces specific language to mere surplusage." DKM Residential Props. Corp. v. Twp. of Montgomery, 182 N.J. 296, 307 (2005).

"distortion . . . result." Denbo v. Twp. of Moorestown, 23 N.J. 476, 481 (1957). It reminds that "[i]n enacting legislation the lawmakers are deemed to have had a definite purpose in mind, and to have included the component parts of the enactment to accomplish that purpose." Ibid.

The Legislature announced its purpose in enacting the Highlands Act in ringing tones, declaring the Highlands' "exceptional natural resources" in the form of clean drinking water, "clean air, contiguous forest lands, wetlands, pristine watersheds, and habitat for fauna and flora" were "at serious risk of being fragmented and consumed by unplanned development," and "because of [the Highlands'] vital link to the future of the State's drinking water supplies and other key natural resources," it was essential "that the State should take action to delineate within the New Jersey Highlands a preservation area . . . where stringent protection policies should be implemented." N.J.S.A. 13:20-2.

Guided by the Legislature's express declaration "that it is in the public interest of all the citizens of the State" that the Preservation Area be subject "to stringent water and natural resource protection standards, policies, planning, and regulation," ibid., we cannot accept the Department and Tennessee's position that the Legislature intended Exemption 11 for "the routine maintenance and operations, rehabilitation, preservation, reconstruction, repair, or upgrade of public utility lines, rights of way, or

systems" in the Preservation Area to exempt any upgrade a utility might propose and, specifically, to exempt Tennessee's construction of a new compressor station and appurtenant facilities, including its own electric substation, at a cost of over \$100 million with no showing it constituted only a "routine upgrade"¹⁵ of its gas pipeline system. Neither the language and structure of the Exemption nor the history and purpose of the Highlands Act support that result.

We accordingly vacate the HAD issued to Tennessee and remand the matter to the Department for further proceedings not inconsistent with this opinion, including but not limited to consideration of whether Tennessee's proposed compressor station can qualify as a "routine upgrade" to its pipeline system. We do not retain jurisdiction.

Vacated and remanded.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.



CLERK OF THE APPELLATE DIVISION

¹⁵ The parties dispute the meaning of a "routine upgrade" and whether it relates to a utility's "need to expand" existing utility services, as perhaps implied in Conditional Highlands Applicability Determination, Program Interest No. 435434, 433 N.J. Super. at 237, or whether it is instead related to "whether the project is a 'system' upgrade" in accordance with Exemption 11 and the DEP's rules, requiring assessment of "environmental impacts." As we are not bound by the decision of another panel of this court, Brundage v. Est. of Carambio, 195 N.J. 575, 593 (2008), and the issue is not squarely before us, we express no opinion on this point, deeming it a question for the Department in the first instance.

**Tennessee Gas Pipeline
Company's
"East 300 Upgrade"**

**West Milford Compressor
Station "CS 327"**

**Effect of Court Decision
TGP and NJDEP Refusal to
Follow the Law**

Prepared for Ringwood Borough Council

By Thomas Conway

Chair, Ringwood Environmental Commission

Date: October 10, 2023

INTRODUCTION AND BACKGROUND

At the September meeting of the Ringwood Environmental Commission, the Commission unanimously voted to send the attached resolution for your consideration.

Tennessee Gas Pipeline (TGP) has been trying to build a compressor station a few hundred yards from our border in West Milford. This station is intended to meet the needs of new methane (natural gas) hookups in Westchester County, NY. This county is in a state that says they are reducing use of natural gas and sections of New York have already banned new gas hookups. In other words, this project makes no sense on the surface.

When TGP sought permission to build the compressor station, the Highlands Council punted on evaluating the project and said it falls under Exemption #11, which is the "routine maintenance and operations, rehabilitation, preservation, reconstruction, repair or upgrade of public utility lines, rights-of-way, or systems, by a public utility, provided that the activity is consistent with the goals and purposes of the Highlands Act".¹

I, along with various environmental groups, challenged this assertion and some of those groups took the action to court. TGP was told that they can begin construction, but they would be working under the possibility that this court case could result in their permit being denied. On August 30, 2023, the court did just that and vacated the exemption determination and sent the matter back to the NJDEP for the Highlands Council to review.² In other words, they lost and no longer have the proper permits.

I and others have reached out to the NJDEP to let them know work continues at the site. TGP claims they are doing minor work, so it does not need Highlands approval. I have documented that their claims are a lie. I have before and after pictures showing the construction of a large pipeline through a new holding basin.

On the following page, I have two pictures, both are from after the court's decision. You can clearly see the new pipeline installed through the basin.

¹ <https://www.nj.gov/njhighlands/act/exemptions/>

² IN THE MATTER OF PROPOSED CONSTRUCTION OF COMPRESSOR STATION (CS327), OFFICE BUILDING AND APPURTENANT STRUCTURES, HIGHLANDS APPLICABILITY DETERMINATION, PROGRAM INTEREST NO.: 1615-17-0004.2 (APD200001).
<https://drive.google.com/file/d/1XTibjv8waXjh2ao9pwwXqHKyshpebnGZ/view>

Here is a picture from 9/1/2023:



Here is one from 10/3/2023:



TGP has been lying to municipalities in our area since 2012. They have never fulfilled their promises to restore the woods to the state they were in before their 2012 expansion. Now they are lying about the nature of the work just over our border. Since they are now operating beyond the law, how can one know if they are following any rules and regulations?

The Borough of Ringwood needs to demand an immediate stop to unnecessary and illegal work. The Borough of Ringwood should add its voice to the growing chorus of people and groups that are demanding that TGP follow the very same laws that apply to every citizen of the "protected" Highlands Region. It is time we demand that the Highlands rules are not just for residents, but also apply to out-of-state energy companies. Failure to act would be a historic mistake.

This project was wrong from the beginning. The New Jersey courts have agreed. By passing this resolution, you are adding your voice to those demanding fair play and justice.

Thank you for your time and consideration to this matter.

STOP WORK ORDER TALKING POINTS

- Almost three years ago, this council took a bold stand and opposed the TGP compressor station just over the border in West Milford.
- I talked then and at many other places that the NJDEP's interpretation of exemption 11 has opened the barn door for industrial development across the protected Highlands region.
- Three weeks ago, the New Jersey Supreme Court Appellate Division ruled that exemption 11 does not apply here and that TGP must seek a Highlands permit for their construction.
- I have personally witnessed TGP continuing construction, even on Labor Day weekend.
- I have some wording here for a resolution to demand the NJDEP issue a stop work order until TGP gets the required permits to continue with this project.
- We are directly downstream of this disaster and the pipeline runs straight across our borough through our protected forests.
- I have witnessed them recently working behind the Borough ballfields.
- This resolution is not about stopping development; I am simply hoping you will agree with me that out-of-state corporations have to play by the same rules our own residents must follow.

WHEREAS, Tennessee Gas Pipeline Company, L.L.C. ("TGP") has applied to the Federal Energy Regulatory Commission ("FERC") for a "Certificate of Public Convenience and Necessity" and to the NJ Department of Environmental Protection for a Highlands Act exemption, air pollution permits, freshwater wetlands permits, stormwater management permits, and other permits required for its proposed "East 300 Upgrade Project"; and

WHEREAS, this project includes the construction of a 11,107 horsepower electric compression station ("Compressor 327") at 960 Burnt Meadow Road, Township of West Milford, Passaic County, New Jersey; and

WHEREAS, this project had previously received a Highlands Applicability Determination exempting construction of a new compressor station in the Highlands Preservation Area from permitting review under N.J.S.A. 13:20-28(a)(11); and

WHEREAS, the Superior Court of New Jersey Appellate Division vacated the Highlands Applicability Determination and remanded the matter to the Department of Environmental Protection for further proceedings not inconsistent with their opinion; and

WHEREAS, the Municipal Council of the Borough of Ringwood has a principal responsibility to protect the health and safety of its residents, visitors, and businesses; and

NOW, THEREFORE, BE IT RESOLVED that Municipal Council of the Borough of Ringwood, County of Passaic, State of New Jersey, in the interest of protecting its residents and businesses demands that the New Jersey Department of Environmental Protection immediately issues a stop work order to halt construction of Compressor 327 station until they receive a valid permit in line with the true meaning and intention of the Highlands Preservation Act; and

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forward this Resolution to FERC, Governor Phil Murphy, New Jersey Department of Environmental Protection Commissioner Shawn M. LaTourette, Highlands Council Chairman Carl Richko, State Senator Holly T. Schepisi, Assemblyman Robert Auth, Assemblywoman DeAnne C. DeFuccio and County Director Pasquale Lepore.

SEAN T. NOONAN, MAYOR

I hereby certify that the above Resolution was adopted by the Municipal Council of the Borough of Ringwood at its Business Meeting of October 17, 2023.

NICOLE LANGENMAYR, RMC
MUNICIPAL CLERK

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Noonan					X	
Matteo-Landis	X		X			
Baumgartner						X
Kerr			X			
Rubacky		X	X			
Schaefer			X			
Speer				X		



Ringwood Environmental Commission Annual Report

Appendix – C



Ringwood
Public Library

P

B

CAM

m.
er



Y

56

RINGWOOD



BOROUGH OF RINGWOOD

Waiver of Claims, Release, Indemnification and Consent Form

As a term and condition of participating in a Borough of Ringwood sponsored event or activity, I, _____, acknowledge and understand that the Borough of Ringwood, its agents, servants, and/or employees will not be responsible for any losses, damages, death or injury which _____, his or her heirs or survivors may incur or suffer.

Further, the Borough of Ringwood, its agents, servants, and/or employees will not be responsible for any medical expenses or other expenses of any kind resulting from injury, loss or damage suffered during any event or activity.

I, _____, understand that there may be certain risks of injury inherent in the event or activity and is willing to assume all these risks. It is hereby certified that Student is healthy and has no physical or mental disabilities or infirmities that would restrict full participation in the activity or event.

Further, in consideration of participation in the activity or event described above, I, _____ hereby release with respect to any and all injury, disability, death, loss or damage to person or property, the Borough of Ringwood, its agents, servants, and employees, that student, his or her estate, may suffer or incur as a result of student's participation I the event or activities mentioned above. This release shall be binding to the fullest extent permitted by law. If any provision of this release is found to be unenforceable, the remaining terms shall be enforceable.

By executing this document, I, _____, agree to hold the above named Releases harmless and indemnify them from any loss, liability, damages, fees or costs, incurred or suffered resulting from any injury, disability, death or loss or damage to person or property incurred as a result of my participation in the events and activities mentioned above.

ALL APPLICANTS MUST READ THE ABOVE STATEMENT BEFORE SIGNING.

Student/Person Signature

Date

Parent/Guardian Signature

Date

Event or Activity



Ringwood Environmental Commission

WARNING

TRAIL WORK AHEAD

For questions or concerns, reach out to:

Thomas Conway, Chair, Ringwood Environmental Commission @ (973) 358-2864







Ringwood Environmental Commission Annual Report

Appendix – D

RINGWOOD CLEAN 365

In 2023, I will try to collect 365 bags of garbage from the Borough of Ringwood. This will be run outside of my position as the Chair of the Ringwood Environmental Commission. Cleanups will focus on the roadside first and then move into the woods and fields of Ringwood.

Setup

Going to Borough Hall to see if the Borough will pick up the bags. Barring that, I will have to find another place to dispose of the garbage. List to be created.

Safety

Road cleanups can be dangerous. I plan to work mostly with family and conduct the roadside efforts early on weekend mornings. Reflective clothing will be used. In the woods, the safety issue is mostly about general woods safety.

I will consider some type of sign to put at the up-traffic area of the designated Road.

Date	Location	Bags	Tires	Other Large Item:	Notes	Equivalent	Total	Hours	
1/1/2023	Library Trail	3	3	3	Wheel, rusted metal, street sign	9	9	3	1/10/2023
1/7/2023	Library Trail	1	25	1	Hunter stand and chair	27	36	4	2/6/2023
1/15/2023	Library and Ramapo woods	1	0	0	Just random garbage on trails	1	37	2	2/7/2023
1/22/2023	Between Erskine and Skyline	10	2	9	Toy kitchen, luggage, wheel barrow, tools	21	58	4	2/28/2023
2/12/2023	Fieldstone to Erskine area and hill	7	0	4	Vacuum, car trunk, two chairs	11	69	3	3/11/2023
3/12/2023	Ringwood Manor	3	5	0	Part of Watershed cleanup, just my total	8	77	1.5	3/19/2023
3/26/2023	Ringwood Manor	8	1	5	Part of Watershed cleanup, just my total	14	91	2	4/2/2023
6/5/2023	Library Trail	1			Typical cans near viewpoint	1	92	1	4/3/2023
12/18/2023	Library Trail	1			Typical cans near viewpoint	1	93	1	4/4/2023
						0	93		4/4/2023
						0	93		4/4/2023
						0	93		4/4/2023
						0	93		4/4/2023
						0	93		4/4/2023
						0	93		
						0	93		
						0	93		
						0	93		
						0	93		
						0	93		
						0	93		
						0	93		
						0	93		
						0	93		
						0	93		











Ringwood Environmental Commission Annual Report

Appendix – E



Ringwood Environmental Commission

Ringwood Environmental Commission
60 Margaret King Avenue
Ringwood, NJ 07456

Sustainability Institute at the College of New Jersey
Attn: Kaitlyn R. Vollmer, Sustainable Jersey
Forcina Hall, 3rd Floor
P.O. Box 7718
Ewing, NJ 08628

January 19, 2023

Dear Ms. Vollmer:

The Ringwood Environmental Commission voted unanimously at our most recent meeting to give our full support for the Sustainable Ringwood/Green Team's grant proposal which is being submitted to Sustainable Jersey on February 10, 2023. We believe that the initiatives proposed by Sustainable Ringwood/Green Team will be an important component of a town-wide program to reduce harmful algae blooms in our lakes and to develop a sustainable and resilient ecosystem by promoting environmentally friendly landscaping. The Environmental Commission endorses the proposed programs to educate residents regarding the need to reduce the use of pesticides, herbicides and synthetic fertilizers and to plan drought resistant gardens which will provide food to birds, butterflies and pollinators. We believe that the grant proposal events, lectures and pilot demonstrations will be effective educational tools.

Our Commission has enjoyed supporting the Sustainable Ringwood/Green Team's effort to protect the land and water for many years. The proposed programs will fit well into the larger effort that various organizations in our Borough perform.

Ringwood is one of a few towns that is 100% in the Highlands Protected Region. We are also home to the Wanaque Reservoir, providing drinking water to over 3.5 million residents. While the State and many counties recognize the importance of protecting our water; we actively provide these programs to help our residents understand the important role Ringwood plays in the State's water conservation and protection.

Thank you for your consideration of this proposal.

Sincerely,

Thomas Conway
Chair, Ringwood Environmental Commission