

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Cosgrove	X		
Cutrone	X		
Reinitz	X		
Rottenstrich	X		
Peluso	X		

December 18, 2018

**RESOLUTION NO. 408-2018**

By Deputy Mayor Rottenstrich

Seconded by Deputy Mayor Cosgrove

**WHEREAS**, Los Angeles-based Diamond Generating Corporation, a subsidiary of Mitsubishi, has proposed and has requested permits to build a \$1.5B, 1,200-MW gas-fired power plant in North Bergen, NJ on a 21-acre parcel near Railroad Avenue on the banks of Bellman's Creek. A 6.5-mile, 345-KV underground and submarine cable would transmit the electric energy produced by this Plant across the Hudson River via the Susquehanna Tunnel to connect with ConEd's substation on West 49<sup>th</sup> Street in Manhattan. All of this electricity would be use by ConEd in New York. The project is anticipating permit approvals by the environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (NJDEP) by the end of 2019, and to be operational by 2022; and

**WHEREAS**, this natural gas plant would become one of the largest sources of air pollution and greenhouse gas emissions in New Jersey; and

**WHEREAS**, the municipality and Borough Council of the Borough of Fair Lawn has a principal responsibility to protect the health, wellbeing, and safety of its residents, businesses and institutions; and

**WHEREAS**, the people and environment of New Jersey have been increasingly subjected to a build out of fracked natural gas infrastructure, including but not limited to pipelines and distribution networks, compressor stations, power plants, combustion heating systems, metering and regulation stations, and pigging stations; and

**WHEREAS**, peer-reviewed scientific studies link exposure to air pollutants emitted from natural gas infrastructure facilities with neurological, cardiovascular, cardiovascular and respiratory disease, cancer, birth defects, and other adverse health impacts; and

**WHEREAS**, the American Medical Association acknowledges the hazards of natural gas infrastructure and its associated adverse health impacts; and

**WHEREAS**, the National Ambient Air Quality Standards (NAAQS) are based on average population risks across a large area, over a long period of time, but do not adequately address human toxicity for residents living in close proximity to natural gas infrastructure or where they are subject to episodic high exposures during events such as blowdowns; and

**WHEREAS**, on February 7, 2010, a gas blow operation was being performed at the Kleen Energy Systems LLC power plant construction site in Middletown, CT in which flammable natural gas was pumped under high pressure through new fuel gas lines to remove debris. During this operation, an explosion occurred when the gas contacted an ignition source taking the lives of six workers and injuring 50 others; and

**WHEREAS**, the top 11 electric power plant operators in the U.S. have been fined over \$13.3 B since 2000 for 161 environmental violations; and

**WHEREAS**, current protocols used for assessing compliance with ambient air quality standards do not adequately determine intensity, frequency, or durations of actual human exposures to pollutants and mixtures of pollutants emitted from natural gas infrastructure, noting that periodic 24-hour average measures can underestimate actual exposures by an order of magnitude; and

**WHEREAS**, gas infrastructure facilities can emit into the air hundreds of tons of pollutants annually, including: particulate matter; toxic chemicals such as sulfur dioxide and mercury; criteria pollutants such as nitrogen oxides, which cause smog, acid rain, and contribute to ozone production; known carcinogens such as benzene and formaldehyde; and also sources of radioactive contamination known to increase the severity of asthma and other respiratory diseases; and

**WHEREAS**, particulate matter, once inhaled, can affect the heart, lungs, and cause serious health issues in humans, including lung cancer. Long-term exposure to ozone is linked to aggravation of asthma, emphysema, and chronic bronchitis; and

**WHEREAS**, both ozone and particulate pollution have been linked to: premature death, cardiovascular harm, and increased susceptibility to infections. Recent studies have linked air pollution to increases in obesity, diabetes, Parkinson's disease, Alzheimer's and other forms of dementia, and stroke. Children, the elderly, asthmatics, and those active outdoors, especially outdoor workers, are at the greatest risk from breathing air containing ozone and other air pollutants; and

**WHEREAS**, those with the greatest risk of harm are people who live or work in close proximity to natural gas infrastructure facilities such as power plants and compressor stations, particularly developing fetuses, children, the elderly, and those with cardiovascular, lung or respiratory problems and other vulnerable subpopulations. These pollutants can have a wider impact on human health under certain weather and terrain conditions; and

**WHEREAS**, developing fetuses and children are uniquely vulnerable to exposures as they receive proportionally greater doses of pollutants than adults and have immature, developing organs and detoxification systems; and

**WHEREAS**, methane is the primary ingredient of natural gas and leaks at every system stage, including extraction, processing, transmission, distribution, and end-use consumption; and

**WHEREAS**, methane is extremely potent greenhouse gas with a global warming potential that is 34 times that of carbon dioxide over a 100-year timeframe, and 86 times that of carbon dioxide over a 20-year timeframe; and

**WHEREAS**, the methane emissions from gas-fired power plants may be considerably higher than previously thought according to a 2017 study, which found that gas-fired power plants released more than 20 times more methane than the facilities had initially estimated; and

**WHEREAS**, Bergen and Hudson Counties (proposed site of the proposed plant) already receive grades of "F" from the American Lung Association for ozone air pollution, the new plant will increase the concentration of ground ozone, increase the health hazards and risks from this pollutant and make it even more difficult to reduce the level of this pollutant; and

**WHEREAS**, New Jersey's environmental justice communities already have some of the worst air quality in the nation, building another massive gas-fired power plant will only exacerbate their predicament; and

**WHEREAS**, the proposed gas-fired electric power plant will be approximately one mile from an existing gas-fired electric power plant operated by PSE&G. PSE&G's Bergen Generating Station is already one of the largest sources of air pollution in New Jersey and already produces over 2 million metric tons of CO<sub>2</sub> annually; and

**WHEREAS**, the proposed gas-fired power plant will produce limited economic benefits to the town of North Bergen and, to an even lesser degree, its neighboring towns. Expected economic benefit will primarily occur during the construction phase due, in part, to the fact that NJ electrical generating equipment is exempt from property tax. After construction, the residents of these municipalities will continue to incur the health care costs associated with increased pollution for another 30 to 40 years; and

**WHEREAS**, an alternative approach to producing electricity from solar panels would avoid all of the environmental and health issues noted in this resolution, while still providing new jobs and other financial benefits to local towns; and which would also be in line with Governor Murphy's goal to increase the use of renewable energy; and

**WHEREAS**, the proposed gas-fired power plant will provide electric energy to New York only. Residents of Hudson and Bergen Counties, and the rest of New Jersey, will incur only the health care costs and environmental degradation caused by the plant during its construction and operation; and

**WHEREAS**, the gas-fired power plant represents a direct threat to the Hackensack Meadowlands, one of the state's most crucial ecological resources. Wetlands such as the Meadowlands serve many beneficial functions, including acting as a natural filtration system, purifying our water. They preserve biodiversity by hosting a number of plant and animal species. Wetlands play an essential role in flood mitigation by absorbing storm water surges, protecting urban or residential communities in nearby flood zones. The construction of, and pollution from, the proposed plant could affect quantity and quality of water flows, thereby harming the delicate animal and plant habitats within the wetlands and undermining their critical hydrological functions. The rehabilitation of the Meadowlands, which has been a triumph

for the local groups that have worked hard to recover this area, would be squandered in order to provide unnecessary power to New York City residents; and

**WHEREAS**, the plant will be within the half mile U.S. Department of Transportation (DOT) Evacuation Zone for oil train derailments which have been known to explode, the occurrence of which can only be dealt with by letting the flames burn out; and

**WHEREAS**, the location of the plant conflicts with the Regional Plan Association's 2017 finding of the Meadowlands being at risk from sea level rise. The RPA's Fourth Regional Plan found that "of all the places in the tri-state region challenged by increased flooding from climate change, the New Jersey Meadowlands is at greatest risk." It also concluded that "the Meadowlands are also likely to be one of the first places to be permanently inundated from sea-level rise."; and

**WHEREAS**, geological changes occurring along the East Coast are causing land to sink along the Eastern seaboard. This is exacerbating the flood-inducing effects of sea level rise, which has been occurring faster in the Western Atlantic Ocean than elsewhere in recent years. A 2016 article in Scientific American reported that Sandy Hook is sinking at the rate of over one inch per decade, while regional sea level is rising at over three inches per decade; and

**WHEREAS**, construction would require digging a 40-foot wide trench through the Meadowlands to connect to an existing Williams' Transco Pipeline, further risking long-lasting damage to sensitive wetlands. The connection to the Williams pipeline may require upgrades to the line and expansion of one or more compressor stations in Northern NJ, risking increases in dangerous emission from the compressor station and greater potential for leaks from the pipeline; and

**WHEREAS**, the owners of the proposed gas-fired power plant have stated this project is being built to replace the energy that will be lost when the Indian Point Nuclear Plant is closed. However, a 2017 study by Hudson Riverkeeper and the Natural Resources Defense Council states, "by 2023, assumed new energy efficiency and required new renewable energy (will) provide as much output as IPEC would have produced"; and

**WHEREAS**, the proposed gas-fired power plant will require 8.6M gallons of sewage discharge wastewater per day which will allow evaporation of chemicals in the water to contribute to the existing levels of air pollution; and

**WHEREAS**, the proposed plant will require diesel generator backups for winter gas shortage situations, which in turn will require storage of 1M gallons of diesel fuel onsite, increasing the inherent risk of spills and leakage. LAEKES or spills would produce additional air, ground, and sediment pollution, as well as surface water pollution in sensitive wetlands and nearby water bodies; and

**WHEREAS**, the gas-fired power plant will require on site storage of chemicals such as ammonia, bleach, and acids, as well as trucks to supply these products. This increases the potential for spills into nearby wetlands and streams as well as increased traffic-based air pollution; and

**WHEREAS**, the proposed gas-fired power plant will increase the volume of fracked gas used in New Jersey, which will, in turn, increase drilling and associated environmentally destructive activities associated with its production and transport. It will also increase pressure on New Jersey and the Delaware River Basin Commission to accept fracked waste water for disposal; and

**WHEREAS**, the proposed gas-fired power plant will utilize fracked natural gas thereby increasing the amount of energy produced by fossil fuels in direct opposition to Governor Murphy's commitment to moving New Jersey to 100% clean renewable energy usage by 2050; and

**WHEREAS**, this type of massive fossil fuels infrastructure project will operate for several decades. This will increase long-term dependence on harmful fossil fuels and their associated environmental impacts and health risks and is incompatible with this administration's energy goals. The average New Jersey gas-fired power plants went online 23 years ago and 13 percent of the State's gas plants went online more than 40 years ago; and

**THEREFORE, BE IT RESOLVED**, that the municipality and Borough council of the Borough of Fair Lawn in the interest of protecting its residents, businesses and institutions, as of December 18, 2018, strongly opposes the construction of the North Bergen Liberty Generating power plant.

Be it further resolved, that the Municipal Clerk shall forward this Resolution to:

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection Catherine McCabe
- State Senator Joseph Lagana
- State Assemblypersons Swain and Tully
- Food 7 Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
- The Sierra Club – New Jersey Chapter, 145 W. Hanover Street, Trenton NJ 08618
- Hackensack Riverkeeper
- Hudson County Freeholders and Administration and all Hudson County Municipal Councils, Boards of Health and Environmental Commissions
- Bergen County Freeholders and Administration and all Bergen County Municipal Councils, Boards of Health and Environmental Commissions
- League of New Jersey Municipalities

The within Resolution was duly adopted by the Borough Council at their meeting on December 18, 2018.

Marilyn B. Bojanowski  
Marilyn B. Bojanowski, RMC  
Municipal Clerk

