

Stephen M. Tomasik
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750

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6 NYCRR 608.8

Application ID: 0-9999-00181/00009 - Water Quality Certification
Application ID: 0-9999-00181/00010 - Freshwater Wetlands
Application ID: 0-9999-00181/00011 - Water Withdrawal
Application ID: 0-9999-00181/00012 - Excavation and Fill in Navigable Waters
Application ID: 0-9999-00181/00013 - Stream Disturbance

Dear Mr. Tomasik,

This letter is in regard to the New York State Department of Environmental Conservation, 6 NYCRR Part 608.8 of the New York Code, Rules and Regulations (NYCRR) Standards that describe the issuance of a permit and the requirement that it is determined to be in the public interest. Specifically, the absolutely most important task facing our state at this time is determining whether or not the Constitution Pipeline project is reasonable and necessary, whether or not it will endanger the health, safety or welfare of the people of the State of New York, and whether or not it will cause unreasonable, uncontrolled or unnecessary damage to the natural resources of the state, including soil, forests, water, fish, shellfish, crustaceans, and aquatic and land related environment.

The Federal Energy Regulatory Commission's (FERC), Final Environmental Impact Statement (FEIS), Dated October, 2014, for the Constitution Pipeline and Wright Interconnect Projects, states that these projects could result in numerous impacts on the environment.¹ How can any commission, let alone five supporting government agencies, not realize that these projects would definitely, and within the blink of an eye, result in immediate and long-term impacts to the environment?

The FEIS speaks volumes of the risks, with more than 144 mentioned plans to change, minimize, mitigate, prepare, or avoid various risks associated with the building of this methane gas pipeline, along with all of its appurtenances. Building this pipeline and related infrastructure would only perpetuate the huge mistake that has now become evident in our neighboring state of Pennsylvania. In Pennsylvania, we continue to hear about the regulatory fines, contamination of water, and the huge destruction that continues to take place of the natural resources, burdens with which the people, animals, and the environment have been laden. Even the United States Environmental Protection Agency (EPA) wrote in a December 2, 2014 letter to Kimberly D. Bose, FERC Secretary, that: "Constitution will deposit funds in an account to use for the conservation of migratory bird habitat, the total value of which will be determined in coordination with the U.S. Fish and Wildlife Service and relevant state resource agencies."²

Why anyone or any agency would think that depositing funds into an account is a viable means of "mitigating" unreasonable, uncontrolled, or unnecessary damages to the natural resources of this state in the first place, is beyond me. Construction on this pipeline has not even begun, yet the EPA is saying let's brace for the damage we know is coming and set a dollar price on that damage in coordination with other federal and state agencies. Can you believe that? Instead of endangering the health, safety, and welfare of the people, birds, other animals, and the environment of the State of New York, these agencies and commissions should be finding ways to improve, maintain, and prolong the natural resources for future generations.

There are also many items of concern inherent with this project that have been reviewed, but there is no assessment of any potential environmental impacts. An example is “mud pits”, which are described in the FEIS as a place for removal of drill cuttings from the Direct Pipe installations, but no assessment was given of any potential risks.²

I grew up fishing the Susquehanna River. I remember walking down the streets where I lived to get to the river and fishing all day to then bring home the day’s catch for dinner. Our rivers, streams, lakes, and wetlands are a tremendous resource for all New Yorkers and for future generations. We are already dealing with multiple pollutants that have caused our rivers, lakes, and streams to become contaminated -- contaminated to the point that you cannot eat the fish because of “chemicals of concern” (e.g. mercury, PCBs, Mirex, Dioxin, chlordane, and DDT). The New York State Department of Environmental Conservation should continue its efforts to stop any projects that will, in fact, cause even unintentional violations of our water, air, soil, and our ecosystem.

I understand that the EPA recently announced the availability of their final report, "Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence" in a January 15, 2015 Federal Register Notice.⁴ The purpose of this report is to summarize the current understanding about the connectivity and mechanisms by which streams and wetlands affect the physical, chemical, and biological integrity of downstream waters. This report informs development of a rule proposed by EPA and the U.S. Army Corps of Engineers to clarify the definition of waters of the United States under the Clean Water Act.³

Please help us stop this pipeline and any future pipelines for that matter. Help us defend our climate, our air, our water, and our way of life because these kinds of projects will harm our environment, pollute our air and our waters, and destroy families who have worked their entire lives to be good stewards of the properties/lands they live on. These projects will only benefit the corporations that steal from us in so many ways.

I therefore recommended that the New York State Department of Environmental Conservation deny a 401 water quality certificate to the Constitution Pipeline for this project.

Thank you for listening, and I hope you will help.

Sincerely,

Signature _____

Name _____

Address _____

¹ - FERC FEIS 0249F, Vol. 1, Oct 2014, Docket Nos.: CP13-499-000; CP13-502-000; PF12-9-000

² - EPA Comments, Constitution Pipeline and Wright Interconnect Projects, FEIS, Dec. 2, 2014; http://www.epa.gov/region2/spmm/pdf/constitution_pipeline_wright_feis.pdf

³ - Proposal to Protect Clean Water, Clarifying protection under the Clean Water Act for streams and wetlands that form the foundation of the nation's water resources: <http://www2.epa.gov/uswaters>

⁴ - Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence (Final Report): <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=296414>