New York State Department of Environmental Conservation
Division of Environmental Permits
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Joe Martens
Commissioner

September 12, 2013

Mr. Gregory Hufnagel
Project Manager
AECOM
4 Neshaminy Interplex, Suite 300
Trevose, PA 19053

Dear Mr. Hufnagel:

RE: Application ID: 0-9999-00181/00001 – Water Quality Certification
Application ID: 0-9999-00181/00002 – Excavation and Fill in Navigable Waters
Application ID: 0-9999-00181/00003 – Stream Disturbance
Application ID: 0-9999-00181/00004 – Freshwater Wetlands

This letter is a companion to the Notice of Incomplete Application, dated September 12, 2013, for the proposed action, and describes additional steps and/or information required before the applications can be deemed complete for purposes of public review and comment under the New York State Uniform Procedures Act (UPA). Please note that due to the volume of material included in the application, DEC staff have not been able to perform an exhaustive review in time to meet the initial UPA deadline for determination of complete application. Therefore, as agency review of the application materials continues, additional items necessary to determine the application complete may be identified.

1.0 Draft Environmental Impact Statement (DEIS)

1.1 DEC will not consider the application complete until the Federal Energy Regulatory Commission (FERC) issues a Draft Environmental Impact Statement (DEIS) prepared in accordance with that agency's obligations under the National Environmental Policy Act, for this project and the associated Wright Compressor Station Upgrade Project proposed by Iroquois Gas Transmission Company.

2.0 Stream Crossing Details

2.1 On May 30, 2013, DEC provided the applicant with a sample format to organize and describe the location, condition, classification and proposed methodology for each stream crossing, either by the proposed pipeline, access road or other project component. This format includes a master table to show a range of information for each crossing, together with attached pages for each crossing comprised of photographs, scale drawings and specifications for proposed crossing methodologies. Field meetings to inspect selected stream crossings were held throughout the summer of 2013. These included staff from DEC, the U.S. Army Corps of Engineers (USACE), and the project sponsor. On September 5, 2013, the applicant provided a version of the master table that included notes from the field visits indicating potential adjustments to crossing locations and methods. In order to consider this element of the application complete, all details for proposed stream crossings must be provided in accordance with the sample format provided, including revisions to the master table based upon field notes and additional consultation with DEC staff, and photographs, scale drawings and specifications for each proposed crossing.

2.2 The entire project schedule is undefined at this point. Calendar timing for proposed crossings must be provided.

2.3 There is no cross reference of waterbody ID numbers (crossings) with alignment sheets and mile markers. A simple reference sheet including this information should be developed or included on the master table.

2.4 GIS data for the final route must be provided, including mile markers/alignment sheet #/waterbody id# for cross reference.

3.0 Freshwater Wetlands

3.1 The applicant must provide wetlands boundaries confirmed or validated by Department staff for all state regulated wetlands and 100 foot adjacent areas potentially disturbed by the project, including but not limited to disturbances associated with the pipeline, access roads, and staging or laydown areas. Provide details for proposed wetland crossings in accordance with the sample format provided (see 2.1.1, above), including the master table, photographs, scale drawings and specifications for each proposed crossing.

3.2 Regarding properties where the applicant does not currently have access to conduct the required wetland delineations, continued discussion is required with DEC staff to determine the validity of using remote sensing to prepare approximate wetland delineations, as proposed by the applicant.

4.0 Water Quality Certifications

4.1 The applicant must provide a jurisdictional determination from USACE for all waters of the United States potentially disturbed by the project, including but not limited to disturbances associated with the pipeline, access roads, and staging or laydown areas.

5.0 Related Permits

5.1 UPA Section 621.3(a)(4) states that if a project requires more than one department permit, the applicant must simultaneously submit all the necessary applications, or demonstrate to the department's satisfaction that there is good cause not to do so, in order for a determination of complete application to be made.

5.2 SPDES Stormwater Permit. At this time, the Department has not made a determination regarding the applicability of the SPDES Stormwater General Permit for Construction Activities (GP-0-10-001) to the project. If the project will include activities which are ineligible for coverage under the General Permit, an Individual SPDES permit will be required. Ineligible activities that may occur with this project include:

- Discharges that are mixed with sources of non-stormwater other than those expressly authorized under subsection C.3. of the General Permit.
- Discharge of hydrostatic test water may require an individual permit at the discretion of the Department.
- Discharges from construction activities that adversely affect a listed, or proposed to be listed, endangered or threatened species, or its critical habitat.
- Discharges which either cause or contribute to a violation of water quality standards adopted pursuant to the ECL and its accompanying regulations.
- Construction activities for linear transportation projects and linear utility projects that:
    a. are tributary to waters of the state classified as AA or AA-s; and
    b. disturb two or more acres of land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey for the County in which the disturbance will occur.
- Construction activities that adversely affect a property that is listed or is eligible for listing on the State or National Register of Historic Places (Note: includes Archeological sites), unless there are written agreements in place with the NYS

Office of Parks, Recreation and Historic Preservation (OPRHP) or other governmental agencies to mitigate the effects, or there are local land use approvals evidencing the same.

Additionally, note that Part VII (K) (1)3 of the General Permit states that, at its sole discretion, the Department may require any owner or operator authorized by the General Permit to apply for and/or obtain either an individual SPDES permit or another SPDES general permit.

5.3 Water Withdrawal Permit. This permit is required except for temporary water withdrawals for the purposes of construction, dewatering, hydrostatic testing, or aquifer testing, where the volume withdrawn is less than an average of 100,000 gallons per day in any consecutive thirty-day consecutive period (3 million gallons during a 30 day period). The applicant must provide an analysis to determine if any proposed construction practices would exceed this threshold.

If you have any questions, please contact me by phone at (518) 486-9955, or by email at smtomasi@gw.dec.state.ny.us.

Sincerely,

Stephen Tomasik
Project Manager
Major Projects Management Section

cc: K. Bowman, FERC
K. Bruce, USACE
DEC Review Team