



December 28, 2011

Honorable Jaclyn A. Brillig
Secretary
State of New York
Public Service Commission
Three Empire State Plaza
Albany, NY 12233-1350

RE: Case 11-T-0654 - Application of New York State Electric and Gas Corporation for a Certificate of Environmental Compatibility and Public Need

Dear Secretary Brillig:

The New York State Department of Environmental Conservation (DEC or Department) respectfully submits the following comments on the application of New York State Electric & Gas Corporation (NYSEG) for a Certificate of Environmental Compatibility and Public Need Pursuant to Article VII Section 121-a of the Public Service Law for Approval to Construct a 4.9 Mile Natural Gas Transmission Pipeline and Associated Facilities in the Towns of Big Flats and Horseheads and the Village of Horseheads, Chemung County.

DEC has identified two protected stream segments along the proposed pipeline route. These are two tributaries to the Sing-Sing Creek, located along the pipeline route between Chambers Road and Sing-Sing Creek, as shown on the attached map. The western segment is a C(t) stream, indicating that it may support a trout population, and the eastern segment is a C(ts) stream, indicating that it may support trout spawning.

DEC recommends that impacts to these stream segments be avoided by using Horizontal Directional Drilling (HDD) to provide access for the new pipeline sections under these streams. However, HDD does carry certain risks for environmental contamination. To minimize potential impacts associated with the use of drilling fluids the following Best Management Practices (BMPs) are recommended:

Erosion and Sediment Control

1. Erosion and sediment control will be used at the point of drilling, so that sediment laden runoff shall not escape the drill site and enter the stream.
2. The disturbed area will be reseeded upon project completion.

Drilling Fluids Management

1. Drilling fluid circulation shall be maintained to the extent practical.
2. If inadvertent surface returns occur in upland areas, the fluids shall be immediately contained and collected. If the amount is not enough to allow practical collection, the affected area will be diluted with freshwater and allowed to dry and dissipate naturally. If the amount of surface return exceeds that which can be collected using small pumps, drilling operations shall be suspended until surface volumes can be brought under control.
3. If inadvertent drilling fluids surface returns occur in an environmentally sensitive area (i.e. wetlands and water bodies) the returns shall be monitored and documented. Drilling operations must be suspended if the surface returns pose a threat to the resource or to public health and safety. Removal of released fluids from environmentally sensitive areas will take place only if the removal does not cause additional adverse impacts to the resource. If inadvertent drilling fluids surface returns occur in an environmentally sensitive area the Department shall be notified immediately and a monitoring report summarizing the location of surface returns, estimated quantity of fluid and summary of cleanup efforts shall be submitted within 48 hours of the occurrence.

If it is determined that due to site constraints or subsurface conditions, utilizing HDD is not feasible at one or both locations, appropriate BMPs should be incorporated into the EM&CP to minimize adverse impacts at these stream crossings, including any limitations on construction activity during trout spawning seasons. Prior to the commencement of construction the EM&CP should be made available to DEC for review in order for staff to provide comment on any proposed BMPs.

In addition, prior to the start of construction, NYSEG will need to seek coverage under the Stormwater SPDES General Permit for Construction Activities (GP-01-10-001). In accordance with the General Permit, NYSEG must prepare a Stormwater Pollution Prevention Plan (SWPPP) and submit a Notice of Intent to the Department prior to the commencement of work. The SWPPP should either be a separate document or included as an appendix to the EM&CP. In either case, the SWPPP should be submitted at the same time as the EM&CP is provided to the staff of Public Service Commission for review.

The Department also requests that NYSEG be required to include an appropriate Invasive Species Control Plan as part of the EM&CP. While the length of the transmission line is relatively short in relation to many other transmission lines, the spread of invasive species along transmission lines corridors to areas not yet infested with an invasive species is a significant issue for Department staff.

The Department appreciates the opportunity to comment on the application. DEC Staff is available to discuss any matter raised in this letter. Please contact me if you need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher M. Hogan". The signature is fluid and cursive, with a large initial "C" and "H".

Christopher M. Hogan
Chief, Major Projects Management Section
Division of Environmental Permits

att: Sing-Sing Creek tributaries map

cc: William Little
Scott Sheeley

