

New York State Department of Environmental Conservation

Office of General Counsel, 14th Floor
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November 9, 2015

Re: Application of Greenidge Pipeline, Inc.; Cases 15-E-0516, 15-G-0571, 15-T-0586.

Dear Secretary Burgess:

Pursuant to the Public Service Commission's *Notice of Informational Forum and Public Statement Hearing*, issued October 14, 2015, Department of Environmental Conservation Staff ("NYSDEC Staff") hereby provide the attached comments regarding the proceedings contained in the above-captioned case numbers. Staff's comments are provided under their authority for administering respective portions of the Environmental Conservation Law. We sincerely appreciate the opportunity to comment and look forward to further discussions in this case.

Respectfully submitted,

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cc. Parties via electronic filing

**NYSDEC Staff's Comments to the *First Amended Application*
for a *Certificate of Environmental Compatibility*
and *Public Need to Construct a Natural Gas Pipeline*.
November 9, 2015**

A. Solid Waste and Related Considerations.

- Although the pipeline route was reconfigured around monitoring wells 8001 and 8002 in the vicinity of the Greenidge Gravel Disposal Area (illustrated on CG22, Exhibit B) the wells remain very close to the pipeline construction corridor. These wells should be flagged and protected against potential damages. Also, provisions should be included to repair or replace any damaged monitoring wells. A survey of the current well conditions is also recommended.
- The application indicates that the pipeline will be installed to approximately 36 inches below the existing grade in the area of the Lockwood landfill. Concerns about the effect on the local watertable is therefore alleviated.
- The O&M manual should include inspection of the pipeline stream crossings for erosion of the backfilled material around the pipeline and repair. There is concern at Steam Crossing - Eight of potential headward erosion towards the stormwater pond at the Lockwood Landfill.

B. Wildlife Considerations.

- Northern long-eared bat: NYSDEC Staff notes that an affirmation by the U. S. Fish and Wildlife Service is needed, and is anticipated, with respect to the Threatened & Endangered Species report's no-impact conclusion.

C. Invasive Species.

- Regarding invasive plant species and post-construction monitoring, NYSDEC Staff has identified the need for a 3-year post-construction monitoring period, including specific thresholds for management/eradication action. Invasive species, their monitoring and management warrant a separate section or appendix in the EM&CS&P. The pipeline corridor is free of some of the most noxious invasive plants (swallowwort, Japanese knotweed, phragmites). The EM&CS&P should therefore ensure this condition remains after the pipeline's constructed, and 3 years is a reasonable timeframe for gaining that.

D. Construction Stormwater Pollution Prevention.

- Staff from NYSDEC's Division of Water has received the SWPPP and plan set on October 29, 2015 prepared by Integrity Engineering for the Greenridge Pipeline, LLC Natural Gas Transmission Line project in the Towns of Torrey and Milo, Yates County. Based upon a review of the information contained in these documents, the following

comments need to be addressed prior to the submission of a Notice of Intent (NOI) to obtain coverage under the Construction Stormwater General Permit:

- As per Part III.A.6. of the Construction Stormwater General Permit, contractors and subcontractors who are responsible for implementation of the Stormwater Pollution Prevention Plan (SWPPP) are required to sign a certification statement with the language included in Part III.A.6. prior to the commencement of construction activity. These certification forms need to be included in the SWPPP.
- The locations of staging areas, equipment storage areas and waste areas need to be identified on the project's plan set and include appropriate erosion and sediment controls if there is any soil disturbance proposed for these areas. These areas are also to be restored to pre-construction conditions upon completion of the project. The SWPPP shall describe what measures need to be taken to ensure these areas are restored.
- The SWPPP includes a construction sequencing plan and language on the implementation of stabilization measures as the project progresses. At any point during this project, if there to be five (5) or more acres of soil disturbed at any one time, a 5-Acre Waiver will need to be requested from NYSDEC's Division of Water. If not, please refer to the following 5-Acre Stabilization Memorandum, set forth below.
- The SWPPP needs to include documentation that this project meets the eligibility requirements of Part I.F.8. of the Construction Stormwater General Permit that addresses historic properties and archaeologically sensitive areas. See: <http://www.dec.ny.gov/chemical/8468.html>.
- The plan set shows that there are temporary and permanent access roads proposed as part of this project. For temporary access roads, appropriate erosion and sediment controls need to be provided and restoration measures need to be proposed if they are to be installed as part of this project. For permanent access roads, post-construction stormwater management practices need to be provided if they are to be installed as part of this project, as this would be an increase in impervious area.
- Standard details and specifications for the proposed erosion and sediment controls including, but not limited to, silt fence, temporary and permanent seeding, mulching, trench plugs, water bars, slope breakers, check dams, storm drain inlet protections, sediment traps, stabilized construction entrances, stream crossing techniques, diversions, *etc.* need to meet the requirements of the New York State Standards and Specifications for Erosion and Sediment Control ("Blue Book") and be included in the SWPPP and/or plan set.
- The SWPPP states that a Qualified Professional is required to conduct site inspections once every seven (7) days. The definition of Qualified Inspector is included in the Construction Stormwater Permit, is slightly different from a Qualified Professional, and includes the minimum requirements for the individual performing self-inspections. Also, if there are times when greater than five (5) acres of soil are to be disturbed at one time, self-inspections shall be performed at a frequency of two (2) every seven (7) calendar days, separated by a minimum of two (2) full calendar days.

- There are several locations indicated on the plan set where silt fence is proposed to be installed going up and down a slope. In general, silt fence is only effective when installed along the contours of a sloping site. Installing silt fence perpendicular to the slope will increase the likelihood of channelizing runoff and creating erosion issues. There are also locations where silt fence is proposed to be installed across a stream or drainage ditch, perpendicular to the flow path. More information is needed on the stream crossing techniques selected for each location to ensure that methods chosen will minimize the potential for erosion and sediment discharges.
- Several locations on the plan set show the installation of trench plugs, but appear to be offset from the centerline of the pipe alignment. Please provide additional information on the installation of trench plugs and trench breakers and their proposed locations.
- In areas where the pipeline right of way is on sloping terrain, water bars and/or slope breakers will be needed. These measures will break up the flow paths of runoff coming down the pipeline rights-of-way, shed water off the rights-of-way, aid in the establishment of vegetation and minimize the potential for erosion on steep slopes. These measures may need to be permanent in nature or temporary for areas used for agriculture. Any temporary measures should be kept in place until vegetation is established. Water bars and slope breakers shall divert water to stabilized areas and may require sediment traps and/or other stabilization measures at the location where runoff will exit the right-of-way. Rolled erosion control protection may also be needed to prevent these measures from eroding prior to the establishment of vegetation.
- In areas where a large drainage area directs water onto the pipeline right-of-way from offsite, stormwater diversion measures need to be considered to divert runoff away from active construction areas.
- Rolled erosion control protections blankets, jute-mesh, etc. need to be considered for disturbed soil areas on steep slopes to minimize erosion and aid in the establishment of vegetation.
- Methods of trench dewatering and details of E&SC measures to be implemented at the discharge locations need to be included in the SWPPP and plan set. Many of these techniques are included in the EM&SC&P and can be included by reference. The specific locations, methods and measures need to be specified in the SWPPP.
- Hydrostatic test water discharges need to be addressed in the SWPPP. Please see NYSDEC's hydrostatic guidance for the requirements prior to the discharge of this water, set forth below.
- If the drainage areas to any storm drain inlets are to be disturbed as part of this project, storm drain inlet protection measures are to be included in the SWPPP and plan set and implemented on site.
- For areas where soil disturbance in the pipeline right-of-way is upslope from a stream channel, erosion and sediment control measures need to be detailed in the plan set and implemented on site. These measures shall direct runoff from disturbed areas to an E&SC practice and/or stabilized areas prior to discharge into the stream channel. If these measures are within the path of construction traffic, they shall be re-installed at the end of every work day.

**New York State Department
Of Environmental Conservation**

**MEMORANDUM
Construction Stormwater Permitting and 5-Acre Waivers**

As per Part II.C.3. of the Construction Stormwater General Permit (GP-0-10-001), “The owner or operator of a construction activity shall not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Department or, in areas under the jurisdiction of a regulated, traditional land use control MS4, the MS4 (provided the MS4 is not the owner or operator of the construction activity).”

If the total proposed soil disturbance area throughout the life of the entire project site is to be greater than 5 acres, but at no one time will greater than five acres of soil be disturbed, a 5-Acre Waiver is not required given the following conditions are met:

- 1) An accurate accounting of the area of disturbed soils throughout the entire site is included in the self-inspection reports using site maps to show that less than 5 acres are currently disturbed.
- 2) Methods used for stabilization are in conformance with the most current version of the New York State Standards and Specifications for Erosion and Sediment Control. Conformance with the standards and specifications for Temporary Critical Area Plantings and Permanent Critical Area Plantings is sufficient to meet stabilization requirements.
- 3) As stabilization measures are meant to provide temporary or permanent cover for erosion and sediment control, all bare ground areas are to remain covered until permanent stabilization is achieved. Any stabilized areas that become re-disturbed shall be immediately re-covered with an acceptable stabilization measure or be accounted for in the total site disturbance calculations.
- 4) Any area that has been adequately stabilized (and is therefore not accounted for in the total site disturbance calculation) cannot be used for any other purpose than to provide erosion and sediment control and the establishment of vegetation.

The above criteria also apply to situations where 5-Acre Waivers have been obtained and disturbed areas have been stabilized (temporary or permanent) to get under the 5-acre threshold. If seeking to reduce inspection requirements, the owner or operator is responsible for demonstrating that total site disturbance has been reduced to and remains below 5 acres. Self-inspection reports and site maps should be prepared that clearly show stabilized areas and disturbed area calculations to document continued compliance with Permit conditions. This document was created for the purposes of clarifying the requirements of construction activities that disturb greater than 5 acres of soil and does not supersede any other requirements of the Construction Stormwater General Permit (GP-0-10-001). Any questions on the Construction Stormwater General Permit shall be directed towards the local MS4 Stormwater Management Officer or Benjamin Groth of the NYSDEC Division of Water at (585)226-5427.

Hydrostatic Test Water Discharges

Before a discharge of hydrostatic test water can occur, the submission of the following information and indicated follow-up with the Department are required:

- 1) The source of water and quantity of water to be used for the testing.
- 2) When waterbodies are used as the source of water, procedures shall be instituted and construction equipment and techniques managed to prevent water quality violations (i.e. turbidity) and to avoid or reduce impingement or entrainment of fish. This shall include, but not be limited to,
 - a. Locating the intake well above the bottom of the waterbody
 - b. Positioning the intake in such a manner to minimize fish presence (e.g. facing downstream in a stream)
 - c. Incorporating appropriately sized screening or filtering element (100 mesh or finer)

Also, if the withdrawal is from a stream, the withdrawal shall not cause the flow of the stream to fall below the following seasonal thresholds:

- a. From April 1 to September 30, either the lowest median monthly flow (for a gauged location) or 0.5 cubic feet per second per square mile of drainage area (for a non-gauged location); and
- b. From October 1 to March 31, either the lowest median monthly flow (for a gauged location) or 1.0 cubic feet per second per square mile of drainage area (for a non-gauged location).

Withdrawal intakes shall be located away from any known rare, threatened or endangered species habitats.

- 3) The locations(s) where the water for testing will enter the pipeline and how the water will be transported to these locations(s).
- 4) The point(s) where the test water will be discharged from the pipeline and the distance to and the identity of the watercourse(s) where the water will drain to.
- 5) Provide a narrative description of the methods to be used for the hydrostatic testing. If a pig will be used to clear obstruction and debris from the new pipeline prior to the test, include the details for collection and disposal of the material collected by the cleaning operation. If a chlorinated source of water (i.e. from a public water supply source) will be used, the hydrostatic testing procedures should include testing of chlorine levels at the discharge.