

(The Town's official comments to the DEC)

February 24, 2015

Michael T. Higgins
NYSDEC
625 Broadway
Albany, NY 12233

RE: Application ID: 3-9903-00099/00002
3-9903-00099/00003
3-9903-00099/00004
3-3928-00001/00027

Dear Mr. Higgins:

The Town of Yorktown offers the following comments on the application of the Algonquin Gas Transmission LCC for the following permits:

1. Freshwater Wetlands
2. Part 401 Water Quality Certification
3. Stream Disturbance
4. Air Title V – Southeast Compressor Station

Please be advised that the Town of Yorktown has reviewed the Algonquin Gas Transmission AIM FEIS, and where applicable the draft Title V permits, and finds the documents incomplete with respect to the following impacts:

Comments on the Freshwater Wetlands, Part 401 Water Quality Certification, and Stream Disturbance Permits

General Comments

The following comments are based on the Town's review of the Algonquin FEIS and public comments that were been submitted in response to the FEIS.

The comments are also based on the fact that the DEC is asking for comments on the issuance of these permits without having made public draft permits, making it impossible for the Town to comment on permits that will affect the Town of Yorktown.

Given the above, the Town of Yorktown respectfully requests that the DEC delay issuing the three permits until:

- a. the applicant has submitted a complete Stormwater Pollution Prevention Plan (SWPPP) that addresses the inadequacies in its initial submission to FERC, and
- b. until after the DEC has prepared draft permits and the Town of Yorktown has an opportunity to review and comment on the permits

Comments relating to the Algonquin draft Stormwater Pollution Prevention Plan (SWPPP)

As submitted, the SWPPP is incomplete and inadequate for the following reasons:

1. **Compliance:** Has the SWPPP (filed 12/2014) been developed in compliance with new Stormwater Construction Permit (GP-0-15-002) effective 01/29/15?
2. **Phosphorus loading deficiency:** The applicant has indicated that it is presently working with NYCDEP to address NYSDEC requirements for work within the East of Hudson watershed. However, it is unclear if even the SWPPP has been referred to the East of Hudson Corporation for review. Without a complete and thorough SWPPP, it cannot be determined if the proposed action will result in additional phosphorous pollutant loading to the New Croton Reservoir. The Town of Yorktown, as an MS4, is responsible for reducing phosphorous loading to the impaired New Croton Reservoir and, as a result, review and comment of the SWPPP documents, including erosion and sediment control and post-construction structures, is required.
3. **Archeological deficiency:** The required Phase II archeological evaluation for the kiln site at Sylvan Glen has not been completed and a completed archeological analysis must be submitted to comply with SWPPP requirements. Algonquin is required to file documentation that study has completed NHPA section 106 consultation with New York SHPO before construction can begin. A current New York State Natural Heritage report has not been included.
4. **Biodiversity deficiency:** The biodiversity in the Sylvan Glen Park and Granite Knolls parkland has not been identified as per Croton to Highlands Biodiversity Study. (Blue Mountain included). The NYSDEC Threatened and Endangered Species Program must be completed in the SWPPP.
5. **Topographic deficiency:** A topographic map and indication of the steep slopes (15%-25%, 25%+) that will be disturbed in Yorktown has not been provided.
6. **Soils deficiency:** A soils map has not been provided. Site specific soils mapping was not conducted.
7. **Erosion and sedimentation deficiency:** The applicant has indicated that 56.3 acres of shallow bedrock and 93.3 acres of soils with re-vegetation concern out of the total 166.2 acres in the Stony Point to Yorktown segment during construction. These areas will be prone to erosion with potential sediment discharge which may impact a NYSDEC trout spawning stream as well as introduce additional pollutants such as phosphorous to the New Croton Reservoir. More details on mitigation measures that will prevent this from happening are needed.
8. **Tree clearing deficiency:** Section 4.7.2 of the FEIS indicates 72.6 acres of tree clearing in Stony Point to Yorktown segment. How many acres will be cleared in Yorktown? Will there be specific tree replanting/mitigation to stabilize these areas?
9. **Blasting deficiency:** Blasting may result in unstable soils resulting in erosion with damage to watercourses and the reservoir system. Section 4.0 of the FEIS identifies areas in the Town of Yorktown in which blasting or other rock removal will be required. How much rock will be blasted/removed (cubic yards)? No maps have been provided showing blasting/rock removal areas in the Town of Yorktown. There has been no indication that the applicant will apply for a Town of Yorktown blasting permit as per Section 6.1 of the FEIS (rather than site specific blasting plans that will be developed to meet Algonquin's specifications.)

10. **Land disturbance deficiency:** The SWPPP has not provided a limits of disturbance map and total area of disturbance that will occur in the Town of Yorktown.
11. **Baseline information deficiency:** There is incomplete discussion regarding the development of baseline information prior to construction as well as independent monitoring and reporting during construction and after construction.
12. **Multi-Sector General Permit deficiency:** Due to the industrial nature of the action, should a NYSDEC Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-12-001) be required?

Comments related to the Water Quality/Freshwater Wetlands/Stream Disturbance Permits

The following additional information should be provided to the public before either permit is issued. The references are to the Algonquin FEIS.

1. Appendix K: Table K-1: identifies 8 wetlands in Yorktown that are roughly to be crossed from Milepost 11.07 to Milepost 12.24. A map has not been provided. The area of buffer has not been indicated. Approximately 0.43 acres will be crossed that is outside the existing ROW.
2. Appendix M: Section 3.1.1, Page M-9: Only delineated wetland is NYSDEC Wetland A-10 (AIM Project ID: B-13-SPLR-W76). Crossing is between MP 11.04 and MP 11.12. A NYSDEC executed wetland validation block or letter confirming the wetland boundaries has not been included. It is unclear if NYCDEP jurisdictional watercourses have been identified.
3. Appendix M: Function of wetland, area of jurisdictional buffer, details of crossing and proposed stabilization and mitigation have not been provided.
4. Appendix M: The total area of wetland and wetland buffer disturbance has not been quantified and wetland functional values not identified. Town of Yorktown jurisdictional wetlands have not been identified (area noted on Yorktown Natural Resource Maps to the immediate west of Stoney Street).
5. Section 3.2 Page M-10: Waterbodies: (Table I identifies waterbodies). Under Appendix M: Stabilization and mitigation procedures not specific (“stabilized as soon as possible”, “Stream functions should be quickly restored following restoration activities”). This watercourse is in the headwaters of the Huntersbrook (NYSDEC trout spawning) and damage could result in loss of wildlife/trout population, loss of habitat and reduction in drinking water quality.
6. Section 3.3.1 Page M-11: Mitigation is generalized only. The type and duration of post-construction maintenance and monitoring not identified. A 30' center-line of the pipeline will be maintained in a herbaceous state. This potential change to the wetland vegetation/habitat and hydrology has not been evaluated.
7. Appendix A, Figure 2: Mitigation Plan for Facilities in New York and Junior Lake Enhancement Project, Yorktown, New York. Map does not indicate specific tree planting areas. A planting plan depicting the location of all plant material to be installed and should be coordinated with

Table Four.

8. Additionally, the FEIS fails to address the wetlands area on the east side of Stony Street, immediately outside the AIM project but included in the Atlantic Bridge project. This wetland area abuts a DEC wetland and the headwaters of the eastern branch of the Huntersbrook, both part of the Croton Watershed. More studies need to be done to determine whether and how stormwater runoff from the land disturbance on the west side of Stony Street may negatively impact these wetlands and the Huntersbrook.

Comments on the Southeast Air Quality Permit

While the Town of Yorktown acknowledges that the Title V permit for the Southeast compressor station is limited to the compressor station, the Town wishes to express its deep and profound concern that the air quality impacts of three Town of Yorktown “area sources” that have the potential of releasing toxic pollutants in the air (a pigging station, a M&R facility and a proposed MLR facility) are being totally ignored in the Title V permit, despite the fact that emissions from these individual area sources, although individually “small,” can, collectively, be of concern — particularly when the three Yorktown sources are located in close proximity to each other and not far from other an M&R station in Cortlandt and the compressor station in Southeast.

Although all three above ground structures are subject to blowdowns and fugitive emissions, it appears that they are either considered “exempt” or “trivial” in terms of Subpart 201 air quality regulations. And, because they are not required to register with DEC, there are no reporting or monitoring requirements. Hence, there is no way of knowing the volume, frequency and content of the emissions. From the perspective of the Town of Yorktown, this represents a glaring omission in DEC air quality regulations that needs to be addressed.

In addition to the concern over the cumulative impact from blowdowns and fugitive emissions, the Town is also concerned about the release of potentially toxic particulates into the air from the pigging operation and the failure to identify the content and quantity of the particulates and whether the pigging operation should be regulated either as a hazardous waste or radionuclide.

The emissions and particulate issues are especially critical given the fact that the gas traveling through the Algonquin pipeline originates from fracking and fracked gas is known to have higher levels of radon.

Given these concerns, the Town of Yorktown respectfully requests that the DEC not issue a Title V permit for the Southeast compressor station until the agency has identified and analyzed the installation, operation and maintenance of the pigging station, the existing M&R facility and the proposed MLR facility, and the impact the Atlantic Bridge project will have on air emissions in the Town of Yorktown, and that the agency consider the cumulative impact of these facilities on air quality in the Title V permit.

Specifically, we request DEC to review and analyze the following issues:

1. There is no site specific existing baseline testing information or protocols for air, soil and water pollutants. As there are known pollutants associated with the pipeline, a Phase II Environmental study should be conducted prior to any land disturbance/construction.
2. There is a lack of specific information relative to potential environmental soil, water and air impacts from the pigging station proposed to be located to the west of Stony Street. As such, there is inadequate information to determine whether this is a “major source of release” as defined by NYSDEC/Title V permitting requirements.
3. The cumulative air emissions impacts from the three above ground area sources located within close proximity to each other in the Town of Yorktown, including the release of particulates from the pigging station and blowdowns and fugitive emissions from the pigging station has not been quantified. As there is no apparent current registration requirement for the pigging facility, M&R station or MLR facility, there are no reporting and/or monitoring requirements that would collect data on the frequency and duration of blowdowns, scheduled and unscheduled, and fugitive emissions. Without a reporting/monitoring requirement, there is no way to evaluate the volume and content of the emissions.
4. The applicant indicates that any liquids or solids, including hazardous materials, removed during cleanings would be collected and disposed of at a licensed facility in accordance with federal, state and local regulations. However, the applicant has not identified the liquids/solids and quantities of same that will be collected and it is unclear what the hazardous waste materials, such as radioactive decay products, are. All potential liquids and solids should be identified including hazardous classification, how much material will be removed, the schedule of removal and whether any will be stockpiled, and if so, how and for how long a period of time.
5. The type of pigging operation has not been identified, including how the hazardous waste material will be collected and disposed of.
6. Details on how the pigging station will be accessed and truck traffic route(s) that will be used when removing the waste material has not been provided.
7. The Table 4.11.1-1 list of pollutants list does not include radon and its decayed daughter’s matters. The National Emission Standards for Hazardous Air Pollutants (Title 40 CFR Parts 61 and 63) regulates facilities that emit specific HAP's. Part 61 regulates eight hazardous substances including radionuclides. The applicant indicates “AIM project will not emit these pollutants; therefore, the Part 61 requirements would not apply to the project. The radon discussion in the FEIS is limited to the build-up of decay products with radon having a half-life of 1 hour (decay to non-radioactive lead). The FEIS does not discuss radioactive lead (22 year half-life), polonium (138 day half-life), PCB, or stable lead.

8. Additional quantitative and qualitative data regarding the TENORMs (Technologically Enhanced Naturally Occurring Radioactive Materials) in the pigging residue is needed in order to evaluate whether the pigging operation should be regulated under DEC Part 380 regulations, Disposal of Radioactive Materials.
9. The distance of the pigging station to the Granite Knolls ballfields, park facilities, walking trails and residences has not been identified. A zone of potential impact from operational blowdowns and fugitive emissions and impacts from air or waterborne black dust/particulates has not been provided.
10. Emergency procedures for the pigging operation have not been provided.
11. No information has been provided as to how, during construction, the old pipes and trench materials will be tested, handled, removed and transported to ensure that there is no contamination into the air, soil or water. Will soil/water testing be conducted and remediated as required? If dewatering is required and what testing will be undertaken to ensure discharge water from operation is free of contaminants?
12. It would appear that the installation, operation and maintenance of the pigging station as well as removal and remediation of existing piping and associated structures should be further evaluated under NYSDEC Hazardous Waste Management Regulations (6 NYCRR Part 370 Series).
13. Although the DEIS made no mention of a new MLR station in Yorktown, the FEIS states that a MLR station may be constructed in Yorktown. The FEIS contains no information about the MLR facility. Hence it is impossible to assess what the air emissions might be and whether they should be quantified and monitored.

Sincerely,