RIVERKEEPER.
NY's clean water advocate

April 8, 2014

VIA ELECTRONIC FILING

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Re: Comments on Abbreviated Application of Algonquin Gas Transmission, LLC, for Certificate of Public Convenience and Necessity, Docket No. CP 14-96-000

Dear Secretary Bose:

Riverkeeper, Inc. (Riverkeeper) submits the following comments on the Abbreviated Application of Algonquin Gas Transmission, LLC (Algonquin or Applicant) for a Certificate of Public Convenience and Necessity and for related authorizations pursuant to sections 7(b) and 7(c) of the Natural Gas Act, 15 U.S.C. §§ 717 et seq., for the proposed Algonquin Incremental Market Project (AIM Project or Proposed Project), Docket No. CP 14-96-000. Given the sensitive resources that will be affected by the AIM Project, we urge the Federal Energy Regulatory Commission (FERC or Commission) to take a hard look at all of the potentially significant environmental impacts likely to result and to ensure that the information highlighted below is included and carefully evaluated in the Commission's Draft Environmental Impact Statement (DEIS).

Riverkeeper is a member-supported watchdog organization dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley residents. Riverkeeper is actively involved in litigation, advocacy, and public education surrounding the issue of shale gas extraction and related infrastructure, particularly because of the potential impacts on New York State's drinking water supplies.

The AIM Project spans four states and involves the replacement and expansion of approximately 37 miles of the existing Algonquin pipeline system, the upgrade of multiple compressor stations, and the upgrade of existing and construction of new metering and regulating stations along the pipeline route. In New York State, the project involves the take up and relay of more than 15 miles of pipeline, a new Hudson River crossing, and the upgrade of 2 compressor stations and 2 metering and regulating stations, all within the Hudson River and New York City (NYC) watersheds. As a result, the AIM Project has the potential to significantly impact not only the Hudson River, but also a portion of the NYC drinking water supply

watershed, which provides drinking water to nine million New Yorkers. Specifically, portions of the Proposed Project are located within the sensitive Croton watershed, part of the East of Hudson NYC watershed. Drinking water supply reservoirs in the Croton watershed are already impaired for phosphorus and must be carefully protected in order to avoid further degradation.[1]

Riverkeeper reviewed the Application and associated Environmental Report, and offers comments on the following issues. In order to ensure comprehensive environmental review of the Proposed Project, these issues must be addressed by the Applicant prior to preparation of the DEIS and before FERC makes any decision regarding the Application.

Third-Party Monitoring

The Applicant should be required to use a third-party environmental monitoring program for construction within the NYC watershed. As noted above, the portions of the NYC watershed crossed by the Proposed Project are impaired and require strict compliance with environmental control measures to prevent further degradation. This is precisely the sort of sensitive environmental area which would benefit from third-party monitoring.

Erosion and Sediment Control Plan

The Erosion and Sediment Control (E&SC) Plan should be developed on a site-by-site basis for stream and wetland crossings to accommodate the variability in physical site features. Differences in topography, drainage patterns, soil types, saturation and vegetation from site to site will require flexibility in the E&SC Plan to ensure that erosion and sediment do not contaminate surface water resources via stormwater runoff during and after site disturbance. A generic E&SC Plan is inappropriate for universal application to wetlands and riparian sites having inconsistent and often diverse physical characteristics.

Stormwater

The Applicant should be required to provide a comprehensive evaluation of potential stormwater impacts from the Proposed Project and those impacts should be addressed in a discrete section of the DEIS that also evaluates impacts of erosion, runoff, and sedimentation of wetlands and surface waters in the NYC watershed. Suspended sediment in aquatic systems degrades aquatic wildlife habitat, reduces species diversity and damages commercial and recreational fisheries. In addition, nutrients and toxic materials, including pesticides, industrial wastes, and metals, can bind to silt and clay particles that runoff transports to waterbodies. Sediment particles also shield pathogenic microorganisms such as *Giardia* and *Cryptosporidium* from detection, which can result in waterborne disease outbreaks. The DEIS should address these risks to the NYC watershed in the context of stormwater impacts in watershed wetlands and riparian corridors during and after construction activities.

[1]The Proposed Project sites in the NYC watershed drain to the New Croton Reservoir and the East Branch Reservoir, both of which are subject to a Total Maximum Daily Load for phosphorous. *See* New York State Department of Environmental Conservation (NYSDEC), Phase II Phosphorous Total Maximum Daily Loads for Reservoirs in the New York City Water Supply Watershed (2000), available at: http://www.dec.ny.gov/docs/water_pdf/nycjune2000.pdf.

We understand that the Applicant is currently preparing a Stormwater Pollution Prevention Plan (SWPPP) for the New York portions of the project. We reserve the right to review and offer comments on the SWPPP when it becomes available. The SWPPP, along with a discussion of how construction will be phased to coordinate with control measures contained within it, should also be included in the DEIS.

Wetlands

The Applicant states that approximately 2.26 wetland acres throughout the project consist of previously forested wetland that will be "permanently converted to non-forested cover types and maintained by means of mechanical cutting and mowing" during pipeline operation.[2] Later in the Environmental Report, the Applicant provides a table summarizing affected wetlands, including forested wetland area affected by periodic maintenance, which totals 2.26 areas, including 0.83 acres in New York.[3] We assume this refers to the 2.26 acres of previously forested wetland that will be permanently converted into the project right of way; however, the Applicant should be required to clarify.

The Applicant should also be required to specify exactly which wetlands will be subject to permanent conversion, and quantify the extent of the permanent conversion per wetland. This information is necessary in order to evaluate the anticipated impacts to each wetland and planned mitigation, which should be wetland specific.

Stream and Wetland Buffer Areas

The Environmental Report does not evaluate impacts of stream and wetland crossings on buffer areas nor propose measures to protect buffer areas. Buffers maintain or improve water quality by trapping and removing various nonpoint source pollutants. Other water quality benefits of buffer areas include reducing thermal impacts, facilitating nutrient uptake, providing infiltration, reducing erosion, and restoring and maintaining the chemical, physical and biological integrity of water resources.[4]

The Applicant should be required to provide information regarding, and the DEIS should evaluate and quantify, impacts to all stream and wetland buffers, including those that are the subject of variance requests. To protect buffer areas, all workspaces should remain outside 100-foot buffers in the NYC watershed.[5] Where the Applicant seeks setback variance requests, the DEIS should evaluate those requests not only in terms of operational necessity, but also in terms of environmental impacts. Variance requests should also propose mitigation and restoration plans for disturbed buffer areas on a site specific basis.

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[2] Algonquin Incremental Market Project, Resource Report 1: General Project Description (Feb. 2014) (Resource Report 1), at1-70.
[3] Algonquin Incremental Market Project, Resource Report 2: Water Use and Quality (Feb. 2014) (Resource Report 2), Table 2.4-1, at 2-42 – 2-43.
[4] U.S. Environmental Protection Agency, Aquatic Buffer Model Ordinance, available at: http://water.epa.gov/polwaste/nps/mol1.cfm.
[5] The New York City Department of Environmental Protection (NYCDEP) has requested a minimum 100-foot wetland setback in the NYC watershed. *See* NYCDEP letter re AIM Project, FERC Docket No. PF 13-16-000 (Sep. 18, 2013), at 2.

Evaluation of Trenchless Crossing Methods

The Applicant should be required to submit detailed evaluations regarding the use of Horizontal Directional Drilling or other trenchless crossing methods for each planned wetland and waterbody crossing as soon as possible, so this information can be included in the DEIS. The Applicant states that it plans to undertake this analysis for New York protected streams;[6] however, the analysis should be expanded to include all stream and wetland crossings, particularly those within the NYC watershed as requested by the New York City Department of Environmental Protection.[7]

Blasting

Riverkeeper strongly opposes any use of blasting within wetlands, associated buffer areas, and waterbodies. Blasting within wetlands, buffers, and waterbodies risks destroying aquatic habitat and wetland functions. Although the Applicant notes that nine streams "may require blasting during construction,"[8] it does not provide an evaluation of the potentially severe environmental impacts that may result. The Applicant should be required to detail the potentially harmful effects of blasting and to state whether or not it plans to use blasting within any wetlands or wetland buffer areas.

Hydrostatic Test Water

The Applicant states that it "does not anticipate" using chemical additives for hydrostatic testing.[9] This statement leaves open the possibility that the Applicant will choose to use chemical additives once in the field, which is unacceptable within sensitive resources such as the NYC watershed. A prohibition on the use of chemicals during hydrostatic testing – which risks contaminating waterbodies and watersheds when the test water is disposed of – should be included as a condition of project approval.

Cumulative Impacts

FERC must look beyond the Applicant's limited cumulative impacts section and ensure that a comprehensive analysis of the incremental impacts of the Proposed Project in combination with other "past, present, and reasonably foreseeable future actions" in accordance with the requirements of the National Environmental Policy Act, 42 U.S.C. §§ 4231 et seq., is included in the DEIS.[10]

The cumulative impacts analysis should include a complete list of all residential and/or commercial development projects in the NYC watershed that may be constructed within the

[6] Resource Report 2, at 2-33.
[7] NYCDEP letter re AIM Project, FERC Docket No. PF 13-16-000 (Feb. 12, 2014), at 2 ("It is DEP's preference that all wetlands and watercourses be crossed by Horizontal Direction Drilling where feasible").
[8] Resource Report, at 2-35 – 2-36.
[9] *Id*., at 2-39.
[10] *See* 40 C.F.R. § 1508.7. The National Environmental Policy Act requires an analysis of "direct effects" and "indirect effects." 40 C.F.R. § 1502.16(a),(b). The term "effects" includes those that are "direct, indirect, or cumulative." *Id.* § 1508.8.

same window of time as the Proposed Project. It is not enough to simply note that projects exist, as the Applicant does;[11] these projects should be listed individually, along with a detailed analysis of their potential individual impacts, potential cumulative impacts to the watershed, and the Applicant's plans for minimizing those impacts.

Finally, the DEIS should include an evaluation of the impacts associated with increased industrial gas extraction activities that will be facilitated by the AIM Project, which will considerably expand natural gas delivery capacity in the Northeast region and therefore increase demand for gas extraction. This evaluation should include consideration of the Proposed Project's likely impacts on climate change, as methane emissions associated with natural gas extraction, production, processing, transport, and infrastructure will likely be increased by the AIM Project. Because methane is a significantly more potent greenhouse gas than carbon dioxide[12] and recent studies have found that the amount of methane currently emitted into the atmosphere from the natural gas supply chain has been considerably underestimated by regulators,[13] increased methane emissions as a result of this project have the clear potential to be a contributor to global climate change that must be addressed by the DEIS.

Thank you for the opportunity to comment on these important issues.

Sincerely,

Misti Duvall
Watershed Program Staff Attorney

William Wegner
Staff Scientist

[11] Resource Report 1, Table 1.14-1, at 1-65 – 1-68.

[12] According to the Intergovernmental Panel on Climate Change (IPCC), methane is at least 86 times more potent than carbon dioxide over a 20 year period, and at least 34 times more potent over a 100 year period. *See* IPCC, Climate Change 2013, The Physical Science Basis: Working Group I Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change (2013), Chapter 8, Table 8.7, at 714.

[13] *See* Miller, et al, "Anthropogenic emissions of methane in the United States," *Proceedings of the National Academy of Sciences*, Vol. 110(50) (published ahead of print Nov. 25, 2013), available at: http://www.pnas.org/gca?allch=citmgr&submit=Go&gca=pnas%3B110%2F50%2F20018; Brandt, et al, "Methane Leaks from North American Natural Gas Systems," *Science*, Vol 343, No. 6172 (Feb. 14, 2014), available at: http://www.sciencemag.org/content/343/6172/733.summary.