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DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750

January ____, 2015

Application ID: 0-9999-00181/00009 - Water Quality Certification
Application ID: 0-9999-00181/00010 - Freshwater Wetlands
Application ID: 0-9999-00181/00011 - Water Withdrawal
Application ID: 0-9999-00181/00012 - Excavation and Fill in Navigable Waters
Application ID: 0-9999-00181/00013 - Stream Disturbance

Dear Sir:

This letter is in reference to Section 401 of the Clean Water Act and in particular, **Tree Cutting Along Hillsides, Flooding and Sediment Deposition** in relation to the **Disturbance of the Bed or Banks of a Protected Stream or Other Watercourse**

The Constitution Pipeline EIS raises numerous questions about water quality and safety along the length of the proposed FERC conditionally approved pipeline and any other pipeline that might be co-located along the route.

- As trees are cut, removing the roots that protect the integrity of hillsides, we can expect long-term turbidity and sediment deposition in streams and creeks both near and far from the pipeline route, especially during inclement weather.
- Flooding, runoff and washouts are so extensive in Delaware County that a proposal has been made to move part of the town of Sidney.
(stormrecovery.ny.gov/sites/default/files/crp/community/documents/sidney_conceptual_nyr-cr-plan.pdf)
- In light of the environmental history of this region, DEC should act to protect streams and water bodies from continued erosional danger along the proposed route, including hillsides, creek beds and wetlands.
- The scope of the current environmental analysis does not address how flooding and related land shifts will impact **all** streams, wetlands and land parcels in the proposed routes, as only 76% had allowed Williams to survey at the time of the study. Consider the following:

*A February 1, 2012 article in the Oneonta Star documented the aftereffects of a relatively small tree cutting project at the Oneonta Airport, just a few miles from the pipeline route, on the opposite hillsides. The mayor of Oneonta “apologized...to several homeowners who live near the Oneonta Municipal Airport who said their warnings about runoff from a clear-cutting project of surrounding trees went unheeded...the city is holding its outside engineering consulting firm...accountable...The state **Department of Environmental Conservation** called a halt to the project in December and asked for the city to come up with a short-term fix to the runoff problem, as well as a long-term stormwater plan.”*

This project, like the Constitution, was federally approved, yet in January 2012, “the DEC fined the city \$56,000 after finding Clough Harbor's short-term runoff mitigation plan to be inadequate... The DEC faulted the project for creating sediment-laden runoff that impacted a tributary of Wilber Lake, which is the city's major source of water.”

(<http://www.thedailystar.com/localnews/x950977610/mayor-firm-will-pay-for-every-nickel-of-runoff-repairs/print/>)

- In Pennsylvania recently, the Department of Environmental Protection (DEP) announced a settlement with Tennessee Gas Pipeline Company, LLC (TGP) for multiple violations of the Clean Streams Law during the construction of a natural gas pipeline in 2011 and 2012 through four counties in northeast and north-central Pennsylvania.

(<http://www.pocononews.net/news/2014/December/24/24Dec14-1.html>)

- It must be clarified who is responsible for the cost of stream clean-up as this inevitable contamination occurs: Williams or the landowners who are forced to provide rights-of-way to Williams for the Constitution.

- We cannot expect Constitution Pipeline and those with whom it contracts to act in the best interests of our environment while this project is in construction and once it is completed. It is easier for them to pay the fine.

The DEC must protect our water quality now, by refusing to issue a 401 certificate. The State of Connecticut did so in 2006 (<http://www.ct.gov/deep/cwp/view.asp?A=2712&Q=329860>). Their decision was upheld by the 2nd Circuit Court of Appeals.

To protect our water quality, you must deny the 401 water quality certificate or hold Adjudicatory Hearings on this project.

Sincerely,

Signature

Name

Address