

Stephen M. Tomasik
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 Mr. Tomasik:

This letter is in reference to Section 401 of the Clean Water Act and the potential for stream and water body contamination in karst topography, including sediment and herbicide migration during and after construction of the Constitution Pipeline.

In reference to NYS DEC Website:703.2 Water Quality Standards. Taste, color, and odor-producing, toxic and other deleterious substances: None in amounts that will adversely affect the taste, color or odor thereof, or impair the water for their best usages.

Though tree cutting, blasting and herbicide spraying in any geographical region can result in contamination of water bodies and death of flora through root-to-root travel of chemicals, the situation is even more critical in areas which are characterized by fragile karst topography, underlain by subsurface water systems, as in Schoharie County.

- Karst landscapes are areas of caves and cracked limestone under the earth; a three dimensional landscape with dissolvable rock. This pipeline runs contiguous to a cave system; the index case of white nose fungal disease was identified in this system.
- Since subsurface migration of chemicals occurs with the increasing flow rate of run-off and rainstorms (during and as a continuing result of construction) as residue moves into sinks and seeps, the question is not *if* sediments and herbicides will seep through into aquifers, but how long it will take.
- An extensive section of the EIS relates to identification of karst features, caves and sink holes on land to which Constitution has existing survey rights. They highlight a host of potential problems and possible solutions. Amidst this, a single line in Constitution's Karst Mitigation Plan states that it will be *applying fertilizers, herbicides, pesticides, or other chemicals at least 200 feet from waterbodies or karst features.*
- Review of the literature, including the recommendations of the Forest Service, BLM and independent scientists strongly suggest that a buffer of 300 feet minimally be maintained, yet FERC has approved the 200 foot buffer proposed by Constitution.

The Constitution Pipeline Project threatens water courses and vegetation. You must deny this 401 water quality certificate or convene Adjudicatory Hearings for this project.

Sincerely,

Signature

Name

Address
