

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

January 21, 2015

6 NYCRR 608.8

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

Application ID: 4-4350-00008/00012 - Air Title V,

Dear Mr. Tomasik:

A federal water study by the U.S. Geological Survey was commissioned by the Cuomo administration in 2011. This report was edited and delayed by state officials before it was published, according to information obtained through a Freedom of Information Act request. In the early study draft, author Paul Heisig noted that gas “drilling, extraction, transport via pipelines, and underground storage” could inadvertently introduce methane into drinking water supplies. However, the version published after the copy was reviewed and edited by staff members from the New York State Department of Environmental Conservation and New York State Energy Research and Development Authority omits the reference to pipelines and underground storage.

When the Constitution Pipeline dry trenches its way through most of its almost 300 water crossings, it will be introducing the potential for methane to escape. The FEIS, states that the pipes are supposed to have 60" of cover - if there's soil, but only 24" if there's shallow bedrock. Because there is a prevalence of shallow bedrock on the steep mountain slopes in this region, the pipe may not be buried deep enough to withstand heavy floods. Lately, because of climate change, New York has had an increased risk of flooding from severe rain storms. Even Governor Cuomo, in his January 2013 State of the State message said, “There is a 100 year flood every 2 years now.” However, the FEIS does not take 100 year floods into account – only 5-20 year floods. In 2013, during a time of extreme flooding, the Iroquois Pipeline that went under Otsquago creek was exposed. When a pipe is exposed, scouring from the water and sand and debris rushing over it can cause damage to it. This could result in methane leakage, not only into the pristine waters of a trout stream, but into our drinking water aquifers, as well.

New York’s water quality laws demand that you deny a 401 water quality certificate to the Constitution Pipeline or hold Adjudicatory Hearings for this project.

Sincerely,

Signature _____

Name & Address _____