

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

February __, 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,

If the proposed “Constitution” Pipeline (CP) is built, it will require the withdrawal of just under 16.6 million gallons of water from New York waterbodies—including 6.2 million gallons from the Ouleout Creek in Delaware County and 5.6 million from Charlotte Creek in Schoharie County—to use for “hydrostatic testing.”¹ These are not large creeks to begin with and portions of both are classified by the DEC as trout waters C(T) and trout-spawning waters C(TS).

What happens to the trout, both mature and immature, when the water is withdrawn? What will be in the water when it’s put back?

Newly built pipelines often contain drill cuttings, grease, oil and other waste materials. According to NOAA’s Northeast Fisheries Science Center, “Biocides (e.g., copper and aluminum compounds) are often utilized in the hydrostatic testing of pipelines.... The release of contaminants can reduce or eliminate the suitability of water bodies as habitat for fish species and their prey. In addition, contaminants, such as copper and aluminum, can accumulate in sediments and become toxic to organisms contacting or feeding on the bottom.”²

The withdrawal of millions of gallons of clean water from any stream, let alone two protected trout and trout-spawning streams, would be a violation of DEC §703.2 Narrative water quality standards for flow. The replacement of this formerly clean water after hydrostatic testing with water now contaminated with oil, drill cuttings, biocides and other unknown substances would be a violation of DEC §703.2 Narrative water quality standards for Taste-, color-, and odor-producing, toxic and other deleterious substances; for suspended, colloidal and settleable solids; and for oil and floating substances.³ As such, I ask the DEC to deny the 401 water quality permit.

Sincerely,

Signature

Printed Name

Address

¹ FEIS, p. 4-53; Table 4.3.3-5: Proposed Hydrostatic Test Water Sources and Discharge Locations for the Proposed Project

² NOAA Technical Memorandum NMFS-NE-209: *Impacts to Marine Fisheries Habitat from Nonfishing Activities in the Northeastern United States*; <http://www.nefsc.noaa.gov/publications/tm/tm209/pdfs/ch3.pdf>

³ DEC Regulations, Chapter X, Divisions of Water, Part 703.2