

Notice of Complete Application Notice of Public Comment Hearing Notice of Public Comment Period

Applicant:

Millennium Pipeline Company, LLC
One Blue Hill Plaza
P.O. Box 1565
Pearl River, NY 10965

Project:

Millennium's **Valley Lateral Project**

DEC Application ID:

3-3399-00071/00001 WQC

Permit(s) Applied for:

Article 24 - Freshwater Wetlands
Article 15 - Title 5 Stream Disturbance
Section 401 - Clean Water Act - Water Quality Certification

Project is Located:

Multiple Towns in Orange County

Project Description:

The **Valley Lateral Project** is proposed by Millennium Pipeline Company, LLC (Millennium) and is located in the Towns of Wawayanda and Minisink, Orange County, New York. Millennium proposes to construct a new 7.8 mile, 16-inch diameter natural gas pipeline that will extend from Millennium's existing main line pipeline north to the new 650 megawatt gas-powered Competitive Power Ventures (CPV) Valley Energy Center being constructed by CPV Valley, LLC in the Town of Wawayanda. The planned pipeline lateral would provide about 130 million cubic feet per day of natural gas to the CPV Valley Energy Center. Approximately 31% of the pipeline lateral will be co-located with existing cleared right-of-ways and approximately 39% of the pipeline will be installed via trenchless methods.

Water Quality Certification (WQC) Application

In accordance with CWA Section 401, applicants seeking a federal license or permit for activities that may result in a discharge to navigable waters must obtain a WQC from NYSDEC indicating that the proposed activity will comply with State water quality standards. The review and issuance of a Water Quality Certification will also include approvals pursuant to Environmental Conservation Law (ECL) Article 15, Protection of Waters and Article 24, Freshwater Wetlands. Impacts to wetlands and waterbodies proposed from the **Valley Lateral Project** include:

- The crossing of 13 streams including two streams having a classification of C(t) or higher (protected streams). Nine of the streams will be crossed by Horizontal

Directional Drilling (HDD), including the two protected streams, and the remaining four streams will be crossed by dry crossing methods.

- The crossing of three state-regulated Freshwater Wetlands (MD-23, MD-26 and MD-29) by either HDD or using a conventional boring technique.
- No permanent impacts to Freshwater Wetlands or federally regulated wetlands are proposed for the project.

Availability of Documents

Filed application documents and NYSDEC draft permits are available at:

<http://www.millenniumpipeline.com/valley-lateral-project/> or for inspection during normal business hours at the address of the contact person listed below. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person. Also, the documents are available at

Waywayanda Town Clerk
80 Ridgebury Road
Slate Hill, NY 10973

Minisink Town Clerk
20 Roy Smith Drive
Westtown, NY 10998

<http://www.dec.ny.gov/permits/110485.html>

National Environmental Policy Act (NEPA) Determination

FERC is the lead agency for the environmental review of interstate gas pipelines. FERC staff prepared an Environmental Assessment (EA), dated May 9, 2016 for the **Valley Lateral Project**, Docket No. CP16-017, in accordance with the requirements of NEPA. The EA can be viewed and downloaded at: https://elibrary.ferc.gov/idmws/docket_search.asp by entering the Docket No. and the date of the EA in the search boxes.

NYSDEC relies upon the federal review process conducted by FERC pursuant to NEPA and the permit applications submitted by applicants to NYSDEC to ultimately make a determination regarding issuing its authorizations.

State Environmental Quality Review (SEQR) Determination:

This project is not subject to SEQR (federally preempted) and therefore is treated as if it was a Type II action.

SEQR Lead Agency: None Designated

State Historic Preservation Act (SHPA) Determination:

The proposed activity is not subject to review in accordance with SHPA. The activity is being reviewed in accordance with federal historic preservation laws (Section 106 of NHPA) and the project area of potential impact is substantially the same.

Coastal Management:

This project is not located in a Coastal Management area and is not subject to the Waterfront Revitalization and Coastal Resources Act.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

It has been determined that the proposed action is not subject to CP-29.

Statutory and Regulatory Provisions

The above referenced applications were filed and reviewed pursuant to Environmental Conservation Law (ECL) Article 3, Title 3 (General Functions, Powers, Duties and Jurisdiction), and Article 70 (Uniform Procedures Act or UPA); and pursuant to Title 6 of Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 621- Uniform Procedures. The relevant regulations are found at: Part 608 (Protection of Waters), Part 663 (Freshwater Wetlands) and Section 401 of the federal Clean Water Act (CWA) (33 USCA 1341).

The project is required to demonstrate the ability to obtain coverage under the State Pollutant Discharge Elimination System Stormwater General Permit for Construction Activities (GP-0-10-001) prior to conducting any construction activities that disturb greater than one acre.

Public Comment Hearing

Pursuant to 6 NYCRR 621.8, a public comment hearing for the receipt of public comments on the permit applications will be held on the date and location listed below. The public hearing will commence at 6:00 p.m. All persons, organizations, corporations, or government agencies which may be affected by the proposed project are invited to attend the hearing and to submit oral or written comments. It is not necessary to notify NYSDEC in advance to speak at the public comment hearing. Equal weight will be afforded to both oral and written statements. Lengthy statements should be in writing and summarized for oral presentation.

The presiding Administrative Law Judge (ALJ) may set reasonable time limits for each speaker to afford everyone an opportunity to be heard. The hearings are fully accessible to persons with a mobility impairment. Interpreter services will be made available to the hearing impaired at no charge upon written request to the NYSDEC contact person named below, no less than one week prior to the hearing.

The Public Comment Hearing is scheduled as follows:

August 2, 2017 at 6:00 p.m. at

Paramount Theatre
17 South St.
Middletown, NY 10940
(845) 346-4195

Public Hearing and Comment

Written comments submitted to NYSDEC during this comment period and oral comments given at the Public Comment Hearing are considered part of the record. At the conclusion

of the public comment period NYSDEC will determine pursuant to 6 NYCRR 621.8 whether substantive or significant issues have been raised in the public comments or public comment hearing to warrant an Adjudicatory Hearing, or whether the permits should be issued without any further review. If no issues are raised to warrant further adjudication, NYSDEC will proceed to develop a response to comments, provide public notice of the approval of the permits and issue the requested permits.

Written Comments

Individuals and parties may also file written comments to the NYSDEC representative listed below. All written comments concerning the project must be received by 5:00 pm on August 4, 2017 and may be submitted to the following Department Contact Person:

Karen Gaidasz, Project Manager
NYSDEC-Division of Environmental Permits
625 Broadway, 4th floor
Albany, New York 12233-1750

Or submitted electronically via the DEC's webpage for the project:

<http://www.dec.ny.gov/permits/110485.html>

All written comments must be received by no later than 5:00pm on August 4, 2017.

Contact:

Karen Gaidasz, Project Manager, Major Projects Management, NYSDEC - Division of Environmental Permits, 625 Broadway, 4th Floor, Albany, NY 12233-1750, Phone: (518) 402-9167, Fax: (518) 402-9168.