IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DELAWARE RIVERKEEPER NETWORK;
and the DELAWARE RIVERKEEPER, MAYA VAN ROSSUM,

Petitioners,

v.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; BASIL SEGGOS, ACTING COMMISSIONER, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; JOHN FERGUSON, CHIEF PERMIT ADMINISTRATOR, NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,

Respondents.

PETITION FOR REVIEW

Pursuant to Section 19(d) of the Natural Gas Act, 15 U.S.C. § 717r(d)(1), and Federal Rule of Appellate Procedure 15(a), the Delaware Riverkeeper Network, and the Delaware Riverkeeper (“DRN”) hereby petition the United States Court of Appeals for the Second Circuit for review of the New York State Department of Environmental Conservation’s (“NYSDEC”) decision granting Millennium Pipeline Company LLC’s (“Millennium”) application for a State Pollutant Discharge Elimination System General Permit (eNOI 2HX-44E7-BRE2)
in connection with Millennium’s Eastern System Upgrade Project ("Project"). A

copy of Millennium’s Notice of Intent is attached as Exhibit A.¹

Date: December 1, 2017

/s/ Aaron Stemplewicz
Aaron Stemplewicz, Esq.
Senior Attorney
PA ID No. 312371
(Admission to Second Circuit Pending)
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19007
Tel: (215) 369-1188
Fax: (215) 369-1181
aaron@delawareriverkeeper.org

¹ Upon information and belief, NYSDEC does not provide public notice, or otherwise make publically available, State Pollutant Discharge Elimination System General Permits issued pursuant to GP-0-15-002. As such, DRN has also attached as Exhibit B a copy of Millennium’s assertion that all necessary permits have been acquired from the NYSDEC. See Exhibit B.
CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2017, I served a copy of the foregoing via hand delivery and Fed Ex overnight mail on the following:

New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233

Basil Seggos
Acting Commissioner New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233

John Ferguson
Chief Permit Administrator New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233

Office of the Attorney General
Justice Building, 2nd Floor
Empire State Plaza
Albany, New York 12224

Date: December 1, 2017

/s/ Aaron Stemplewicz
Aaron Stemplewicz, Esq.
Senior Attorney
PA ID No. 312371
(Admission to Second Circuit Pending)
Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19007
Tel: (215) 369-1188
Fax: (215) 369-1181
aaron@delawareriverkeeper.org
EXHIBIT A
NOTICE OF INTENT FORM

Stormwater Discharges Associated with Construction Activity under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-15-002
NOTICE OF INTENT

New York State Department of Environmental Conservation
Division of Water
625 Broadway, 4th Floor
Albany, New York 12233-3505

Stormwater Discharges Associated with Construction Activity Under State Pollutant Discharge Elimination System (SPDES) General Permit # GP-0-15-002

All sections must be completed unless otherwise noted. Failure to complete all items may result in this form being returned to you, thereby delaying your coverage under this General Permit. Applicants must read and understand the conditions of the permit and prepare a Stormwater Pollution Prevention Plan prior to submitting this NOI. Applicants are responsible for identifying and obtaining other DEC permits that may be required.

-IMPORTANT-
RETURN THIS FORM TO THE ADDRESS ABOVE

OWNER/OPERATOR MUST SIGN FORM

<table>
<thead>
<tr>
<th>Owner/Operator Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner/Operator (Company Name/Private Owner Name/Municipality Name)</td>
</tr>
<tr>
<td>Owner/Operator Contact Person Last Name (NOT CONSULTANT)</td>
</tr>
<tr>
<td>Owner/Operator Contact Person First Name</td>
</tr>
<tr>
<td>Owner/Operator Mailing Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Zip</td>
</tr>
<tr>
<td>Phone (Owner/Operator)</td>
</tr>
<tr>
<td>Fax (Owner/Operator)</td>
</tr>
<tr>
<td>Email (Owner/Operator)</td>
</tr>
<tr>
<td>FED TAX ID</td>
</tr>
</tbody>
</table>
1. Provide the Geographic Coordinates for the project site in NYTM Units. To do this you must go to the NYSDEC Stormwater Interactive Map on the DEC website at:


   Zoom into your Project Location such that you can accurately click on the centroid of your site. Once you have located your project site, go to the tool boxes on the top and choose "i" (identify). Then click on the center of your site and a new window containing the X, Y coordinates in UTM will pop up. Transcribe these coordinates into the boxes below. For problems with the interactive map use the help function.

   X Coordinates (Easting)  |  Y Coordinates (Northing)
   | 5 3 8 3 9 7            | 4 5 7 7 9 5 2

2. What is the nature of this construction project?

   - New Construction
   - Redevelopment with increase in impervious area
   - Redevelopment with no increase in impervious area
3. Select the predominant land use for both pre and post development conditions.

**SELECT ONLY ONE CHOICE FOR EACH**

**Pre-Development Existing Land Use**
- ○ FOREST
- ○ PASTURE/OPEN LAND
- ○ CULTIVATED LAND
- ○ SINGLE FAMILY HOME
- ○ SINGLE FAMILY SUBDIVISION
- ○ TOWN HOME RESIDENTIAL
- ○ MULTIFAMILY RESIDENTIAL
- ○ INSTITUTIONAL/SCHOOL
- ○ INDUSTRIAL
- ○ COMMERCIAL
- ○ ROAD/HIGHWAY
- ○ RECREATIONAL/SPORTS FIELD
- ○ BIKE PATH/TRAIl
- ○ LINEAR UTILITY
- ○ PARKING LOT
- ○ OTHER

**Post-Development Future Land Use**
- ○ SINGLE FAMILY HOME
- ○ SINGLE FAMILY SUBDIVISION
- ○ TOWN HOME RESIDENTIAL
- ○ MULTIFAMILY RESIDENTIAL
- ○ INSTITUTIONAL/SCHOOL
- ○ INDUSTRIAL
- ○ COMMERCIAL
- ○ MUNICIPAL
- ○ ROAD/HIGHWAY
- ○ RECREATIONAL/SPORTS FIELD
- ○ BIKE PATH/TRAIl
- ○ LINEAR UTILITY (water, sewer, gas, etc.)
- ○ PARKING LOT
- ○ CLEARING/GRADING ONLY
- ○ DEMOLITION, NO REDEVELOPMENT
- ○ WELL DRILLING ACTIVITY *(Oil, Gas, etc.)*
- ○ OTHER

*Note: for gas well drilling, non-high volume hydraulic fractured wells only

4. In accordance with the larger common plan of development or sale, enter the total project site area; the total area to be disturbed; existing impervious area to be disturbed (for redevelopment activities); and the future impervious area constructed within the disturbed area. (Round to the nearest tenth of an acre.)

<table>
<thead>
<tr>
<th>Total Site Area</th>
<th>Total Area To Be Disturbed</th>
<th>Existing Impervious Area To Be Disturbed</th>
<th>Future Impervious Area Within Disturbed Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 1 5 7 . 8</td>
<td>0 1 5 7 . 8</td>
<td>0 . 7</td>
<td>0 0 0 1 . 0</td>
</tr>
</tbody>
</table>

5. Do you plan to disturb more than 5 acres of soil at any one time?  ● Yes  ○ No

6. Indicate the percentage of each Hydrologic Soil Group (HSG) at the site.

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 %</td>
<td>1 %</td>
<td>13 %</td>
<td>73 %</td>
</tr>
</tbody>
</table>

7. Is this a phased project?  ● Yes  ○ No

8. Enter the planned start and end dates of the disturbance activities.

<table>
<thead>
<tr>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>09 / 01 / 2017</td>
<td>09 / 30 / 2018</td>
</tr>
</tbody>
</table>
9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.

Name

<table>
<thead>
<tr>
<th>Never</th>
<th>sink River / Shin Hollow Brook /</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shawangunk Kill / Rutgers Creek</td>
<td></td>
</tr>
</tbody>
</table>

9a. Type of waterbody identified in Question 9?

- Wetland / State Jurisdiction On Site (Answer 9b)
- Wetland / State Jurisdiction Off Site
- Wetland / Federal Jurisdiction On Site (Answer 9b)
- Wetland / Federal Jurisdiction Off Site
- Stream / Creek On Site
- Stream / Creek Off Site
- River On Site
- River Off Site
- Lake On Site
- Lake Off Site
- Other Type On Site
- Other Type Off Site

9b. How was the wetland identified?

- Regulatory Map
- Delineated by Consultant
- Delineated by Army Corps of Engineers
- Other (identify)

10. Has the surface waterbody(ies) in question 9 been identified as a 303(d) segment in Appendix E of GP-0-15-002?

- Yes  
- No

11. Is this project located in one of the Watersheds identified in Appendix C of GP-0-15-002?

- Yes  
- No

12. Is the project located in one of the watershed areas associated with AA and AA-S classified waters?

If no, skip question 13.

- Yes  
- No

13. Does this construction activity disturb land with no existing impervious cover and where the Soil Slope Phase is identified as an E or F on the USDA Soil Survey?

If Yes, what is the acreage to be disturbed?

- Yes  
- No

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area?

- Yes  
- No
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16. What is the name of the municipality/entity that owns the separate storm sewer system?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Does any runoff from the site enter a sewer classified as a Combined Sewer?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Is this property owned by a state authority, state agency, federal government or local government?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Has the required Erosion and Sediment Control component of the SWPPP been developed in conformance with the current NYS Standards and Specifications for Erosion and Sediment Control (aka Blue Book)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>22. Does this construction activity require the development of a SWPPP that includes the post-construction stormwater management practice component (i.e. Runoff Reduction, Water Quality and Quantity Control practices/techniques)?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
24. The Stormwater Pollution Prevention Plan (SWPPP) was prepared by:

- Professional Engineer (P.E.)
- Soil and Water Conservation District (SWCD)
- Registered Landscape Architect (R.L.A)
- Certified Professional in Erosion and Sediment Control (CPESC)
- Owner/Operator
- Other

SWPPP Preparer
Loss, Stephen

Contact Name (Last, Space, First)

Mailing Address
300 N. Second Street 6th Floor

City
Harrisburg

State Zip
PA 17101

Phone
717-671-6430

Fax
717-671-6431

Email
sloss@trcsolutions.com

SWPPP Preparer Certification

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-15-002. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

First Name
Stephen

Last Name
Loss

Signature

Date


SWPPP Preparer Certification Form

SPDES General Permit for Stormwater Discharges
From Construction Activity (GP-0-15-002)

Project Site Information
Project/Site Name
Eastern System Upgrade - Orange County Facilities

Owner/Operator Information
Owner/Operator (Company Name/Private Owner/Municipality Name)
Millennium Pipeline Company, L.L.C.

Certification Statement – SWPPP Preparer

I hereby certify that the Stormwater Pollution Prevention Plan (SWPPP) for this project has been prepared in accordance with the terms and conditions of the GP-0-15-002. Furthermore, I understand that certifying false, incorrect or inaccurate information is a violation of this permit and the laws of the State of New York and could subject me to criminal, civil and/or administrative proceedings.

Steph M.
First name MI Last Name

Signature

8/17/16
Date

Revised: April 2015
25. Has a construction sequence schedule for the planned management practices been prepared?  

- Yes  
- No

26. Select all of the erosion and sediment control practices that will be employed on the project site:

<table>
<thead>
<tr>
<th>Temporary Structural</th>
<th>Vegetative Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>♦ Check Dams</td>
<td>♦ Brush Matting</td>
</tr>
<tr>
<td>♦ Construction Road Stabilization</td>
<td>♦ Dune Stabilization</td>
</tr>
<tr>
<td>♦ Dust Control</td>
<td>♦ Grassed Waterway</td>
</tr>
<tr>
<td>♦ Earth Dike</td>
<td>♦ Mulching</td>
</tr>
<tr>
<td>♦ Level Spreader</td>
<td>♦ Protecting Vegetation</td>
</tr>
<tr>
<td>♦ Perimeter Dike/Swale</td>
<td>♦ Recreation Area Improvement</td>
</tr>
<tr>
<td>♦ Pipe Slope Drain</td>
<td>♦ Seeding</td>
</tr>
<tr>
<td>♦ Portable Sediment Tank</td>
<td>♦ Sodding</td>
</tr>
<tr>
<td>♦ Rock Dam</td>
<td>♦ Straw/Hay Bale Dike</td>
</tr>
<tr>
<td>♦ Sediment Basin</td>
<td>♦ Streambank Protection</td>
</tr>
<tr>
<td>♦ Sediment Traps</td>
<td>♦ Temporary Swale</td>
</tr>
<tr>
<td>♦ Silt Fence</td>
<td>♦ Topsoiling</td>
</tr>
<tr>
<td>♦ Stabilized Construction Entrance</td>
<td>♦ Vegetating Waterways</td>
</tr>
<tr>
<td>♦ Storm Drain Inlet Protection</td>
<td></td>
</tr>
<tr>
<td>♦ Straw/Hay Bale Dike</td>
<td></td>
</tr>
<tr>
<td>♦ Temporary Access Waterway Crossing</td>
<td></td>
</tr>
<tr>
<td>♦ Temporary Stormdrain Diversion</td>
<td></td>
</tr>
<tr>
<td>♦ Temporary Swale</td>
<td></td>
</tr>
<tr>
<td>♦ Turbidity Curtain</td>
<td></td>
</tr>
<tr>
<td>♦ Water bars</td>
<td></td>
</tr>
</tbody>
</table>

| Biotechnical                               |                                          |
| ♦ Brush Matting                            |                                          |
| ♦ Wattling                                 |                                          |

| Permanent Structural                       |                                          |
| ♦ Debris Basin                             |                                          |
| ♦ Diversion                                |                                          |
| ♦ Grade Stabilization Structure            |                                          |
| ♦ Land Grading                             |                                          |
| ♦ Lined Waterway (Rock)                    |                                          |
| ♦ Paved Channel (Concrete)                 |                                          |
| ♦ Paved Flume                              |                                          |
| ♦ Retaining Wall                           |                                          |
| ♦ Riprap Slope Protection                  |                                          |
| ♦ Rock Outlet Protection                   |                                          |
| ♦ Streambank Protection                    |                                          |

| Other                                       |                                          |
Post-construction Stormwater Management Practice (SMP) Requirements

Important: Completion of Questions 27-39 is not required if response to Question 22 is No.

27. Identify all site planning practices that were used to prepare the final site plan/layout for the project.
   - Preservation of Undisturbed Areas
   - Preservation of Buffers
   - Reduction of Clearing and Grading
   - Locating Development in Less Sensitive Areas
   - Roadway Reduction
   - Sidewalk Reduction
   - Driveway Reduction
   - Cul-de-sac Reduction
   - Building Footprint Reduction
   - Parking Reduction

27a. Indicate which of the following soil restoration criteria was used to address the requirements in Section 5.1.6("Soil Restoration") of the Design Manual (2010 version).
   - All disturbed areas will be restored in accordance with the Soil Restoration requirements in Table 5.3 of the Design Manual (see page 5-22).
   - Compacted areas were considered as impervious cover when calculating the WQv Required, and the compacted areas were assigned a post-construction Hydrologic Soil Group (HSG) designation that is one level less permeable than existing conditions for the hydrology analysis.

28. Provide the total Water Quality Volume (WQv) required for this project (based on final site plan/layout).

   Total WQv Required
   
   acre-feet

29. Identify the RR techniques (Area Reduction), RR techniques (Volume Reduction) and Standard SMPs with RRv Capacity in Table 1 (See Page 9) that were used to reduce the Total WQv Required(#28).

   Also, provide in Table 1 the total impervious area that contributes runoff to each technique/practice selected. For the Area Reduction Techniques, provide the total contributing area (includes pervious area) and, if applicable, the total impervious area that contributes runoff to the technique/practice.

   Note: Redevelopment projects shall use Tables 1 and 2 to identify the SMPs used to treat and/or reduce the WQv required. If runoff reduction techniques will not be used to reduce the required WQv, skip to question 33a after identifying the SMPs.
### Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

<table>
<thead>
<tr>
<th>RR Techniques (Area Reduction)</th>
<th>Total Contributing Area (acres)</th>
<th>Total Contributing Impervious Area (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ Conservation of Natural Areas (RR-1) ...</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Sheetflow to Riparian Buffers/Filter Strips (RR-2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Tree Planting/Tree Pit (RR-3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Disconnection of Rooftop Runoff (RR-4)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RR Techniques (Volume Reduction)</th>
<th>Total Contributing Area (acres)</th>
<th>Total Contributing Impervious Area (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ Vegetated Swale (RR-5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Rain Garden (RR-6)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Stormwater Planter (RR-7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Stormater Planter (RR-7)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Rain Barrel/Cistern (RR-8)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Porous Pavement (RR-9)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Green Roof (RR-10)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard SMPs with RRv Capacity</th>
<th>Total Contributing Area (acres)</th>
<th>Total Contributing Impervious Area (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ Infiltration Trench (I-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Infiltration Basin (I-2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Dry Well (I-3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Underground Infiltration System (I-4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Bioretention (F-5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Dry Swale (O-1)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Standard SMPs</th>
<th>Total Contributing Area (acres)</th>
<th>Total Contributing Impervious Area (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>○ Micropool Extended Detention (P-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Wet Pond (P-2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Wet Extended Detention (P-3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Multiple Pond System (P-4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Pocket Pond (P-5)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Surface Sand Filter (F-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Underground Sand Filter (F-2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Perimeter Sand Filter (F-3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Organic Filter (F-4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Shallow Wetland (W-1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Extended Detention Wetland (W-2)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Pond/Wetland System (W-3)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Pocket Wetland (W-4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>○ Wet Swale (O-2)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
31. Is the Total RRv provided (#30) greater than or equal to the total WQv required (#28).
   If Yes, go to question 36.  
   If No, go to question 32.

32. Provide the Minimum RRv required based on HSG.
   \[ \text{Minimum RRv Required} = (P)(0.95)(A_i)/12, \ A_i = (S)(A_{ic}) \]
   
   Minimum RRv Required
   \[ \text{acre-feet} \]

32a. Is the Total RRv provided (#30) greater than or equal to the Minimum RRv Required (#32)?
   If Yes, go to question 33.
   \[ \text{Note: Use the space provided in question #39 to summarize the specific site limitations and justification for not reducing 100\% of WQv required (#28). A detailed evaluation of the specific site limitations and justification for not reducing 100\% of the WQv required (#28) must also be included in the SWPPP.} \]
   If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.
33. Identify the Standard SMPs in Table 1 and, if applicable, the Alternative SMPs in Table 2 that were used to treat the remaining total WQv (Total WQv Required in 28 - Total RRv Provided in 30).

Also, provide in Table 1 and 2 the total impervious area that contributes runoff to each practice selected.

**Note:** Use Tables 1 and 2 to identify the SMPs used on Redevelopment projects.

### 33a

Indicate the Total WQv provided (i.e. WQv treated) by the SMPs identified in question #33 and Standard SMPs with RRv Capacity identified in question 29.

<table>
<thead>
<tr>
<th>WQv Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] acre-feet</td>
</tr>
</tbody>
</table>

**Note:** For the standard SMPs with RRv capacity, the WQv provided by each practice is the WQv calculated using the contributing drainage area to the practice - RRv provided by the practice. (See Table 3.5 in Design Manual)

34. Provide the sum of the Total RRv provided (#30) and the WQv provided (#33a). 

35. Is the sum of the RRv provided (#30) and the WQv provided (#33a) greater than or equal to the total WQv required (#28)?

- Yes
- No

If Yes, go to question 36.

If No, sizing criteria has not been met, so NOI can not be processed. SWPPP preparer must modify design to meet sizing criteria.

36. Provide the total Channel Protection Storage Volume (CPv) required and provided or select waiver (36a), if applicable.

<table>
<thead>
<tr>
<th>CPv Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] acre-feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CPv Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] acre-feet</td>
</tr>
</tbody>
</table>

36a. The need to provide channel protection has been waived because:

- Site discharges directly to tidal waters or a fifth order or larger stream.
- Reduction of the total CPv is achieved on site through runoff reduction techniques or infiltration systems.

37. Provide the Overbank Flood (Qp) and Extreme Flood (Qf) control criteria or select waiver (37a), if applicable.

**Total Overbank Flood Control Criteria (Qp)**

<table>
<thead>
<tr>
<th>Pre-Development</th>
<th>Post-development</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] CFS</td>
<td>[ ] CFS</td>
</tr>
</tbody>
</table>

**Total Extreme Flood Control Criteria (Qf)**

<table>
<thead>
<tr>
<th>Pre-Development</th>
<th>Post-development</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] CFS</td>
<td>[ ] CFS</td>
</tr>
</tbody>
</table>
37a. The need to meet the Qp and Qf criteria has been waived because:

- Site discharges directly to tidal waters or a fifth order or larger stream.
- Downstream analysis reveals that the Qp and Qf controls are not required

38. Has a long term Operation and Maintenance Plan for the post-construction stormwater management practice(s) been developed?  

- Yes  
- No

If Yes, Identify the entity responsible for the long term Operation and Maintenance

39. Use this space to summarize the specific site limitations and justification for not reducing 100% of WQv required(#28). (See question 32a)

This space can also be used for other pertinent project information.

Question #4 - The 1.0 acre of Future Impervious Surface in #4, above consists of 10,944 square feet of new impervious surface at the Huguenot M&R, 26,823 square feet of new impervious surface at the Pig Launcher / Receiver (MP 0.1), and 7,044 square feet of new impervious surface at the Westtown M&R. Each are discrete site locations. The 0.7 acre of Existing Impervious to be Disturbed includes 15,500 square feet at the Wagoner Interconnect, 6,138 square feet at the Huguenot M&R, and 8,410 square feet at the Westtown M&R.

Question #6 - Where both drained/undrained HSG codes were identified for a soil, the undrained HSG code was used to calculate percentage.
40. Identify other DEC permits, existing and new, that are required for this project/facility.
- Air Pollution Control
- Coastal Erosion
- Hazardous Waste
- Long Island Wells
- Mined Land Reclamation
- Solid Waste
- Navigable Waters Protection / Article 15
- Water Quality Certificate
- Dam Safety
- Water Supply
- Freshwater Wetlands/Article 24
- Tidal Wetlands
- Wild, Scenic and Recreational Rivers
- Stream Bed or Bank Protection / Article 15
- Endangered or Threatened Species (Incidental Take Permit)
- Individual SPDES
- SPDES Multi-Sector GP
- Other
- None

41. Does this project require a US Army Corps of Engineers Wetland Permit?
   If Yes, Indicate Size of Impact. [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

42. Is this project subject to the requirements of a regulated, traditional land use control MS4?
   (If No, skip question 43)

43. Has the "MS4 SWPPP Acceptance" form been signed by the principal executive officer or ranking elected official and submitted along with this NOI?

44. If this NOI is being submitted for the purpose of continuing or transferring coverage under a general permit for stormwater runoff from construction activities, please indicate the former SPDES number assigned.
Owner/Operator Certification Form

SPDES General Permit For Stormwater Discharges From Construction Activity (GP-0-15-002)

Project/Site Name: Eastern System Upgrade - Orange County Facilities

eNOI Submission Number: 2HX-44E7-BRE2

eNOI Submitted by: [ ] Owner/Operator [ ] SWPPP Preparer [ ] Other

Certification Statement - Owner/Operator

I have read or been advised of the permit conditions and believe that I understand them. I also understand that, under the terms of the permit, there may be reporting requirements. I hereby certify that this document and the corresponding documents were prepared under my direction or supervision. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I further understand that coverage under the general permit will be identified in the acknowledgment that I will receive as a result of submitting this NOI and can be as long as sixty (60) business days as provided for in the general permit. I also understand that, by submitting this NOI, I am acknowledging that the SWPPP has been developed and will be implemented as the first element of construction, and agreeing to comply with all the terms and conditions of the general permit for which this NOI is being submitted.

Owner/Operator First Name BRUCE M.I. Last Name PAGE

Signature

Date 6/19/2017
EXHIBIT B
October 6, 2017

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Via Electronic Filing

Re: Millennium Pipeline Company, L.L.C.
Docket No. CP16-486-000, Eastern System Upgrade Project
Renewed Request for Prompt Issuance of Commission Order

Dear Ms. Bose:

Millennium Pipeline Company, L.L.C. ("Millennium") respectfully renews its request that the Federal Energy Regulatory Commission ("Commission") promptly issue an order granting the certificate of public convenience and necessity requested in the above-captioned docket for Millennium’s Eastern System Upgrade Project ("Project"). Nearly two years ago, on January 19, 2016, Millennium initiated the Commission’s pre-filing review process for the Project and on July 29, 2016, Millennium filed a formal application requesting certificate authorization for the Project. Millennium requested the Commission issue an order by July 31, 2017, so that Millennium could commence construction in the Fall of 2017 and meet its in-service date in September 2018. Further delay in Commission action could place the Project in-service date at risk.

The Eastern System Upgrade Project will provide approximately 223,000 dekatherms per day of firm natural gas transportation service to local distribution companies and municipalities in the region, including to utilities in pipeline-constrained New England. The Project is supported by long term contracts for firm transportation capacity for over 90 percent of the Project capacity. A $275 million project, the Project will have relatively minor environmental impacts. The Project consists of construction and operation of only 7.8 miles of pipeline

---

1 See Approval of Pre-filing Request, Docket No. PF16-3-000 (Feb. 5, 2016).
2 Abbreviated Application for a Certificate of Public Convenience and Necessity and Related Authorizations (July 29, 2016).
facilities—approximately 88 percent of which is collocated with existing pipeline facilities, construction of one new compressor station, and modification of an existing compressor station. Commission Staff appropriately concluded in its Environmental Assessment issued more than six months ago the Project will have no significant impact on the environment.4

Millennium has obtained all permits and authorizations required under federal law from federal and state agencies needed to construct the Project—except for the Commission’s certificate authorization. This includes all permits required from the New York State Department of Environmental Conservation, including a water quality certification required under Section 401 of the Clean Water Act and all permits required under the Clean Air Act.

Without a certificate order, Millennium faces a compressed time frame to complete the Project. The consequences of a compressed construction schedule include the risk of missing federally-recommended tree clearing windows, difficult winter construction, and longer working days adding to potential safety and noise concerns for employees, contractors and landowners. Millennium can mitigate these risks if it promptly receives a certificate order.

Millennium is grateful for the diligence and hard work of the Commission’s Staff over the past 20 months of reviewing the Project through the pre-filing and application process. Millennium also recognizes the lack of quorum for six months has presented unique and unprecedented challenges for the Commission and its staff. Receiving certificate authorization is now critical in order to construct the Project and provide the required transportation service to local distribution companies and municipalities for the 2018 winter heating season.

If there are any issues or information that I can provide to assist the Commission, please contact me at 845-620-1300.

Respectfully submitted,

/s/ Georgia B. Carter
Georgia B. Carter
Vice President and General Counsel

cc: Terry Turpin
    John Wood
    Jacqueline S. Holmes
    Rich McGuire
    Pamela Boudreau
    Richard Foley
    Alisa Lykens
    Eric Howard

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Federal Energy Regulatory Commission in this proceeding.

Dated at Washington, DC this 6th day of October 2017.

/s/ Marco Bracamonte  
Marco Bracamonte, Paralegal  
Van Ness Feldman, LLP  
1050 Thomas Jefferson Street, NW  
Washington, DC 20007
ESU request for prompt action 10-6-17.PDF.................................1-3