

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

DELAWARE RIVERKEEPER NETWORK;)	
and the DELAWARE RIVERKEEPER, MAYA)	
VAN ROSSUM,)	
)	
Petitioners,)	
)	No. 17-_____
v.)	
)	Petition for Review
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
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Delaware Riverkeeper Network
925 Canal Street, Suite 3701
Bristol, PA 19007
Tel: (215) 369-1188
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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

0644089821

NOTICE OF INTENT



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

NYR
 (For DEC use only)

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

Owner/Operator Information

Owner/Operator (Company Name/Private Owner Name/Municipality Name)

M i l l e n n i u m P i p e l i n e C o m p a n y L L C

Owner/Operator Contact Person Last Name (NOT CONSULTANT)

P a g e

Owner/Operator Contact Person First Name

B r u c e

Owner/Operator Mailing Address

1 0 9 N o r t h P o s t O a k L a n e S u i t e 2 1 0

City

H o u s t o n

State

T X

Zip

7 7 0 2 4 -

Phone (Owner/Operator)

3 4 6 - 5 7 1 - 3 0 1 2

Fax (Owner/Operator)

- - - - -

Email (Owner/Operator)

p a g e @ m i l l e n n i u m p i p e l i n e . c o m

FED TAX ID

5 4 - 1 9 0 4 2 5 3 (not required for individuals)

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Project Site Information

Project/Site Name

E a s t e r n S y s t e m U p g r a d e

Street Address (NOT P.O. BOX)

N o t A p p l i c a b l e - L i n e a r P r o j e c t

Side of Street

North South East West

City/Town/Village (THAT ISSUES BUILDING PERMIT)

D e e r p a r k G r e e n v i l l e a n d M i n i s i n k

State

N Y

Zip

-

County

O r a n g e

DEC Region

3

Name of Nearest Cross Street

M u l t i p l e c r o s s i n g s

Distance to Nearest Cross Street (Feet)

0

Project In Relation to Cross Street

North South East West

Tax Map Numbers

Section-Block-Parcel

Tax Map Numbers

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:

www.dec.ny.gov/imsmaps/stormwater/viewer.htm

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)

5 3 8 3 9 7

Y Coordinates (Northing)

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

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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

Number of Lots

--	--	--

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***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.)

Total Site Area	Total Area To Be Disturbed	Existing Impervious Area To Be Disturbed	Future Impervious Area Within Disturbed Area																								
<table border="1" style="width: 100%; height: 25px;"> <tr> <td>0</td><td>1</td><td>5</td><td>7</td><td>.</td><td>8</td> </tr> </table>	0	1	5	7	.	8	<table border="1" style="width: 100%; height: 25px;"> <tr> <td>0</td><td>1</td><td>5</td><td>7</td><td>.</td><td>8</td> </tr> </table>	0	1	5	7	.	8	<table border="1" style="width: 100%; height: 25px;"> <tr> <td></td><td></td><td></td><td>0</td><td>.</td><td>7</td> </tr> </table>				0	.	7	<table border="1" style="width: 100%; height: 25px;"> <tr> <td>0</td><td>0</td><td>0</td><td>1</td><td>.</td><td>0</td> </tr> </table>	0	0	0	1	.	0
0	1	5	7	.	8																						
0	1	5	7	.	8																						
			0	.	7																						
0	0	0	1	.	0																						

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.

<p>A</p> <table border="1" style="width: 60px; height: 25px;"> <tr> <td>1</td><td>3</td><td>%</td> </tr> </table>	1	3	%	<p>B</p> <table border="1" style="width: 60px; height: 25px;"> <tr> <td></td><td></td><td>1</td><td>%</td> </tr> </table>			1	%	<p>C</p> <table border="1" style="width: 60px; height: 25px;"> <tr> <td>1</td><td>3</td><td>%</td> </tr> </table>	1	3	%	<p>D</p> <table border="1" style="width: 60px; height: 25px;"> <tr> <td>7</td><td>3</td><td>%</td> </tr> </table>	7	3	%
1	3	%														
		1	%													
1	3	%														
7	3	%														

7. Is this a phased project? Yes No

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

<p>Start Date</p> <table border="1" style="width: 100%; height: 25px;"> <tr> <td>0</td><td>9</td><td>/</td><td>0</td><td>1</td><td>/</td><td>2</td><td>0</td><td>1</td><td>7</td> </tr> </table>	0	9	/	0	1	/	2	0	1	7	-	<p>End Date</p> <table border="1" style="width: 100%; height: 25px;"> <tr> <td>0</td><td>9</td><td>/</td><td>3</td><td>0</td><td>/</td><td>2</td><td>0</td><td>1</td><td>8</td> </tr> </table>	0	9	/	3	0	/	2	0	1	8
0	9	/	0	1	/	2	0	1	7													
0	9	/	3	0	/	2	0	1	8													

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9. Identify the nearest surface waterbody(ies) to which construction site runoff will discharge.

Name

N	e	v	e	r	s	i	n	k	R	i	v	e	r	/	S	h	i	n	H	o	l	l	o	w	B	r	o	o	k	/				
S	h	a	w	a	n	g	u	n	k	K	i	l	l	/	R	u	t	g	e	r	s	C	r	e	e	k								

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? Yes No
If no, skip question 13.

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? Yes No
If Yes, what is the acreage to be disturbed?

						.	
--	--	--	--	--	--	---	--

14. Will the project disturb soils within a State regulated wetland or the protected 100 foot adjacent area? Yes No

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15. Does the site runoff enter a separate storm sewer system (including roadside drains, swales, ditches, culverts, etc)? Yes No Unknown

16. What is the name of the municipality/entity that owns the separate storm sewer system?

Two rows of empty grid boxes for text entry.

17. Does any runoff from the site enter a sewer classified as a Combined Sewer? Yes No Unknown

18. Will future use of this site be an agricultural property as defined by the NYS Agriculture and Markets Law? Yes No

19. Is this property owned by a state authority, state agency, federal government or local government? Yes No

20. Is this a remediation project being done under a Department approved work plan? (i.e. CERCLA, RCRA, Voluntary Cleanup Agreement, etc.) Yes No

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)? Yes No

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)? Yes No
If No, skip questions 23 and 27-39.

23. Has the post-construction stormwater management practice component of the SWPPP been developed in conformance with the current NYS Stormwater Management Design Manual? Yes No

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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

Empty grid for other information

SWPPP Preparer

L o s s , S t e p h e n

Contact Name (Last, Space, First)

Empty grid for contact name

Mailing Address

3 0 0 N . S e c o n d S t r e e t 6 t h F l o o r

City

H a r r i s b u r g

State Zip

P A 1 7 1 0 1 -

Phone

7 1 7 - 6 7 1 - 6 4 3 0

Fax

7 1 7 - 6 7 1 - 6 4 3 1

Email

s l o s s @ t r c s o l u t i o n s . c o m

Empty grid for email

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

S t e p h e n

MI

Last Name

L o s s

Signature

Empty signature box

Date

/ /



Department of
Environmental
Conservation

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.

Stephen

M

Loss

First name

MI

Last Name

Signature

8/17/16

Date

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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.

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Table 1 - Runoff Reduction (RR) Techniques and Standard Stormwater Management Practices (SMPs)

<u>RR Techniques (Area Reduction)</u>	<u>Total Contributing Area (acres)</u>		<u>Total Contributing Impervious Area(acres)</u>	
<input type="radio"/> Conservation of Natural Areas (RR-1) ...	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="radio"/> Sheetflow to Riparian Buffers/Filters Strips (RR-2)	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="radio"/> Tree Planting/Tree Pit (RR-3)	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<input type="radio"/> Disconnection of Rooftop Runoff (RR-4)..	<input type="text"/>	<input type="text"/>	and/or	<input type="text"/>
<u>RR Techniques (Volume Reduction)</u>				
<input type="radio"/> Vegetated Swale (RR-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Rain Garden (RR-6)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Stormwater Planter (RR-7)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Rain Barrel/Cistern (RR-8)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Porous Pavement (RR-9)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Green Roof (RR-10)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<u>Standard SMPs with RRv Capacity</u>				
<input type="radio"/> Infiltration Trench (I-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Infiltration Basin (I-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Dry Well (I-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Underground Infiltration System (I-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Bioretention (F-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Dry Swale (O-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<u>Standard SMPs</u>				
<input type="radio"/> Micropool Extended Detention (P-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Wet Pond (P-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Wet Extended Detention (P-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Multiple Pond System (P-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Pocket Pond (P-5)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Surface Sand Filter (F-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Underground Sand Filter (F-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Perimeter Sand Filter (F-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Organic Filter (F-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Shallow Wetland (W-1)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Extended Detention Wetland (W-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Pond/Wetland System (W-3)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Pocket Wetland (W-4)	<input type="text"/>	<input type="text"/>		<input type="text"/>
<input type="radio"/> Wet Swale (O-2)	<input type="text"/>	<input type="text"/>		<input type="text"/>

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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.

WQv Provided
 . **acre-feet**

Note: For the standard SMPs with RRv capacity, the WQv provided by each practice = 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.

CPv Required
 . **acre-feet**

CPv Provided
 . **acre-feet**

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)

Pre-Development
 . **CFS**

Post-development
 . **CFS**

Total Extreme Flood Control Criteria (Qf)

Pre-Development
 . **CFS**

Post-development
 . **CFS**



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

6/19/2017

Date

EXHIBIT B



One Blue Hill Plaza, 7th Floor
 Post Office Box 1565
 Pearl River, NY 10965
 845.620.1300 Voice | 845.620.1320 Fax

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 Project¹ and on July 29, 2016, Millennium filed a formal application requesting certificate authorization for the Project.² 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.³ 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).

³ See Gordon van Welie, ISO- New England, State of the Grid: 2017 at 7, 10 (Jan. 30, 2017) (describing the challenge limited infrastructure and pipeline constraints pose to regional fuel security in New England, particularly during periods of peak demand), https://www.iso-ne.com/static-assets/documents/2017/01/20170130_stateofgrid2017_presentation_pr.pdf; FERC State of the Markets Report 2016 at 3 (Apr. 2017) (showing that natural gas prices in New England are the highest in the country) <https://www.ferc.gov/market-oversight/reports-analyses/st-mkt-ovr/2016-som.pdf>.



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
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⁴ Eastern System Upgrade Project, Environmental Assessment at 179 (Mar. 31, 2017).



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

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