



Algonquin Gas Transmission, LLC
5400 Westheimer Court
Houston, TX 77056-5310
(713) 627-5400

May 4, 2017

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: *Algonquin Gas Transmission, LLC*, Docket No. CP16-9-000
Atlantic Bridge Project – Supplemental Information

Dear Ms. Bose:

On January 25, 2017, the Federal Energy Regulatory Commission (“Commission”) issued its Order Issuing Certificate and Approving Abandonment in the above-referenced docket authorizing Algonquin Gas Transmission, LLC (“Algonquin”) to construct, own, operate, and maintain the Atlantic Bridge Project (“Project”).¹ Algonquin hereby submits as supplemental information Permit Authorizations issued by the New York State Department of Environmental Conservation.

If you have any questions regarding this filing, please contact me at (713) 627-5113.

Respectfully submitted,

/s/ Chris Harvey

Chris Harvey
Manager, Rates and Certificates, NE

Attachment

cc: Maggie Suter (FERC)

¹ *Algonquin Gas Transmission, LLC*, 158 FERC ¶ 61,061 (2017) (“January 25 Order”).



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:

ALGONQUIN GAS TRANSMISSION LLC
PO BOX 1642

HOUSTON, TX 77251-1642
(617) 560-1419

Facility:

Atlantic Bridge Project
Replacement Pipeline Route: Stoney St., Town of
Yorktown to Mahopac Ave., Town of Somers
Yorktown and Somers, NY

Facility Location: In MULTIPLE TOWNS in WESTCHESTER COUNTY

Facility Principal Reference Point: NYTM-E: 598.241 NYTM-N: 4573.648

Latitude: 41°18'29.9" Longitude: 73°49'35.0"

Authorized Activity: Replacement of 4 miles of an existing 26-inch diameter natural gas pipeline with a 42-inch diameter pipeline in an existing natural gas pipeline right-of-way in the Towns of Yorktown and Somers, Westchester County. This replacement project will result in improvements to the existing pipeline infrastructure, which was constructed in the early 1950's, through an existing maintained right-of-way for the entire length of the project. The replacement pipeline will continue to serve as an operating pipeline which will be constructed and operated in accordance with more stringent industry standards and materials.

Authorization to cross eight (8) perennial streams, eight (8) intermittent streams and five (5) ephemeral streams. Three (3) of these streams are "protected streams" with classifications of C(TS). All streams will be crossed using dry crossing construction methods and range in width from 1' to 10', except for an unnamed tributary to Hunter Brook, adjacent to the Taconic State Parkway which will be crossed using a horizontal directional drill (HDD) method.

Authorization also includes the disturbance to fifteen (15) wetlands; including nine (9) federally regulated wetlands and six (6) State Regulated Freshwater Wetlands (A-34, A-4, A-39, A-2 and ML-10). Three (3) of these wetlands will be temporarily disturbed but not crossed by the replacement pipeline. There will be no permanent impacts to state regulated freshwater wetlands as a result of this project.

Permit Authorizations

Freshwater Wetlands - Under Article 24

Permit ID 3-5599-00078/00001

New Permit

Effective Date: 5/1/2017

Expiration Date: 4/30/2024

Stream Disturbance - Under Article 15, Title 5

Permit ID 3-5599-00078/00002

New Permit

Effective Date: 5/1/2017

Expiration Date: 4/30/2024



Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 3-5599-00078/00003

New Permit

Effective Date: 5/1/2017

Expiration Date: 4/30/2024

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: MICHAEL T HIGGINS, Deputy Chief Permit Administrator

Address: NYSDEC Headquarters
625 Broadway
Albany, NY 12233

Authorized Signature: 

Date 5/1/2017

Distribution List

- MIKE TYRRELL
- RICK PAQUETTE
- TERRY DOYLE
- MICHAEL R FRAATZ
- BRIAN DRUMM

Permit Components

- NATURAL RESOURCE PERMIT CONDITIONS
- WATER QUALITY CERTIFICATION SPECIFIC CONDITION
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS; STREAM DISTURBANCE; WATER QUALITY CERTIFICATION

1. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Spectra Energy Partners and are further identified in Condition 2.



2. Approved Plans and Documents The activities authorized by this permit must be in strict conformance with the following approved plans and/or documents submitted as part of the permit application:

- a) Atlantic Bridge Project - Application for; Section 401 Water Quality Certification; Freshwater Wetlands and Protection of Waters Permits, prepared by Spectra Energy Partners, dated November 2015;
- b) Supplemental Filing, Section 401 Water Quality Certification, Freshwater Wetlands and Protection of Waters Permits, prepared by Spectra Energy Partners, dated April 18, 2016;
- c) Erosion and Sedimentation Control Plan (E&SCP), prepared by Environmental Construction Permitting for the Atlantic Bridge Project, revised version issued on June 6, 2014;
- d) Atlantic Bridge Project, Wetland Mitigation Plan, dated November 2015.

3. Conditions Prevail Over Plans If any condition of this permit conflicts with the approved plans, the permit condition shall prevail over the plans.

4. Third Party Compliance Monitoring No less than 90 days prior to the commencement of construction, the permittee shall submit to the Department a Third Party Compliance Monitoring Plan. The plan shall include provisions for a minimum of one independent on-site monitor for all work that will occur in New York State. The plan shall address and the monitor shall ensure compliance with a requirements authorized under this permit, all associated erosion control requirements pursuant to the SPDES General Permit for Stormwater Discharges (GP-0-15-002) and the project's associated Storm Water Pollution Prevention Plan (SWPPP).

No less than 30 days prior to the commencement of construction in New York State, the monitor shall meet with Department staff and the permittee's representatives to review and discuss the requirements of the monitoring plan and the means that the monitor will communicate with Department staff.

NOTIFICATIONS AND POSTINGS

5. Notify DEC 48 Hrs Prior to Work The permittee or a representative must contact by telephone Mike Fraatz, Region 3, Bureau of Habitat at (845) 256-3057 or via email at michael.fraatz@dec.ny.gov at least 48 hours prior to the commencement of the project authorized herein.

EROSION CONTROLS

6. Install, Maintain Erosion Controls Necessary erosion control measures, i.e., straw bales, silt fencing, etc., are to be placed on the downslope edge of all disturbed areas. These sediment barriers shall be installed immediately following clearing activities, but prior to grading activities and shall be maintained in good and functional condition until sufficient vegetative cover is established.

All erosion control measures shall be in compliance with the SPDES General Permit for Stormwater Discharges (GP-0-15-002) and the project's associated SWPPP, as previously submitted to, and reviewed by, the Department's Division of Water.



7. Control Erosion During Construction Provisions shall be made to minimize erosion during the construction of the project and to prevent increased sedimentation in any water body on or adjacent to the project.

8. Minimize Stream Bed/Bank Disturbance Disturbance to the bed and banks of the stream shall be kept to the minimum necessary to complete the project.

9. Depth of Cover Assessment No less than 60 days prior to the commencement of construction in New York State, the permittee shall provide the Department with a written report justifying that the proposed depth of cover of the replacement pipeline, at all stream crossings in New York State, will be sufficient to ensure that scouring and adverse impacts on water quality will not occur.

CONSTRUCTION REQUIREMENTS

10. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

11. Maintain Sufficient Flow During periods of work activity, sufficient flow of water shall be maintained at all times to sustain aquatic life downstream.

12. Water Clarity Stream reaches downstream of construction areas shall always remain as clear (non-turbid) as the reaches upstream of the construction areas.

13. Stream Trenching All stream trenching activities shall comply with the following:

- a) all trenching of streams shall be undertaken using a dry construction method;
- b) excavated trench material shall be used to backfill the trench and to restore the stream bed to the original channel composition;
- c) stump removal shall be limited to those areas directly in the trench location; and
- d) all trench backfilling must restore the area to the original grade.

14. Trench Dewatering Where trench dewatering is necessary in or adjacent to waterbodies, the removed trench water shall be discharged into an energy dissipation/sediment filtration device located a minimum of 50' from the waters edge to prevent silt-laden water from flowing into the waterbody.

15. In-Stream Work Windows In-stream work is prohibited as follows: in cold water trout fisheries (all waters classified under New York State ECL Article 15 with a designation of "T" or "TS"), work is prohibited between October 1st and May 31st, including the following unnamed tributaries to Hunter Brook: B15-SPL-36, B15-SPL-36-SC and B15-SPL-36-SE.

16. Stream Bank Restoration Original stream bed and bank contours must be re-established upon completion of the project. Stream bank restoration activities shall be completed as soon as possible after construction activities have been completed. Stream bank restoration shall be accomplished using mulch, jute thatching and/or biodegradable material. Use of rip-rap shall be minimized to the greatest extent possible.



17. Seed, Mulch Stream Banks All disturbed stream banks and upland areas from which soil could erode into the stream shall be seeded and mulched immediately upon project completion.

18. Freshwater Wetland Trenching Operations Trenching operations conducted within NYS Regulated Freshwater Wetlands must comply with the following requirements:

- a) the top one foot of topsoil removed from trenching operations must be segregated and stockpiled and subsequently replaced in the same profile/location during backfilling operations;
- b) when backfilling, the trench shall not be crowned. All areas shall be graded to match the elevations which existed prior to trenching/construction;
- c) wetland vegetation that is cleared for staging or construction must be cut at ground level;
- d) if wetland soils are inundated or saturated at the surface, pipeline trenches shall be excavated by equipment supported on timber mats to minimize disturbance to wetland soils; and
- e) if temporary sheet piling is proposed to reduce impacts during trench construction, a written request must be submitted to the Deputy Chief Permit Administrator and Department approval must be received prior to installation.

19. Use of Timber Matting Disturbance to wetlands, streams and other waterbodies by construction equipment shall be minimized through the use of timber mats and low ground weight construction.

20. Removal of Timber Mats Timber mats shall be removed in all work areas as soon as construction has been completed and such areas shall be immediately seeded and mulched as appropriate.

21. Invasive Species The permittee shall comply with all applicable provisions of the NYSDEC and NYS Ag & Markets regulations and associated quarantine orders as such requirements pertain to ash trees or any other invasive species.

22. Storage of Fluids All hazardous materials, chemicals, lubricating oils, solvents, or bulk fuel storage used during construction shall be stored in upland areas at minimum of 100' from NYS Regulated Freshwater Wetlands, regulated adjacent areas and all waterbodies.

23. Authorized Mulch All mulch used to stabilize the soil shall consist of weed-free straw, wood fiber hydro mulch or biodegradable erosion control fabric.

24. Disposal of Brush, Debris and Wood Chips After clearing and cutting activities, all trees, vegetation and brush debris shall be immediately removed from regulated wetlands and adjacent areas. Wood chips generated from the cutting and clearing activities shall not be placed within any regulated wetland or adjacent areas or placed within 50' of any stream or waterway.

25. Horizontal Directional Drilling Construction of the pipeline under the Taconic State Parkway shall be completed by a Horizontal Directional Drilling (HDD) method and adhere to the following requirements:

- a) the best drilling practices cited in the *Best Drilling Practices, Monitoring and Clean-up of Horizontal Directional Drilling Inadvertent returns for the Atlantic Bridge Project dated October 2015*;



b) drill cuttings from drilling processes which utilize any oil-based mud or polymer-based mud containing mineral oil lubricant are considered to be contaminated and can only be disposed of at municipal solid waste (MSW) landfills. Similarly, dewatered drilling muds including any oil-based mud or polymer-based mud containing mineral oil lubricant can only be disposed of at MSW landfills; and

NOTE: Requests for exemptions to the above requirements must be submitted in writing to the Deputy Permit Administrator for review and approval.

c) staging areas will be restored as soon as practicable following HDD completion.

26. Hydrostatic Test Water No chemical additives shall be used or incorporated into the hydrostatic test water.

27. Hydrostatic Test Water Discharges A minimum of 60 days prior hydrostatic testing, the permittee shall provide the Department with a list of the off-site discharge locations where the hydrostatic test water will be disposed of. If the Department does not provide comments within 5 business days of receipt of the submission, the locations shall be deemed acceptable to the Department.

If hydrostatic pipe test water is discharged to ground surfaces including wetlands, streams or other water bodies, such water shall only be discharged to heavily-vegetated and well stabilized areas or adequately sized filter bags that will not result in any soil erosion, sedimentation or turbid waters. A minimum 100' setback shall be maintained when discharging adjacent to a regulated waterbody or wetland.

Discharge rates shall not exceed 1,200 gpm and discharges shall employ energy dissipation devices, and sediment barriers, as necessary, to prevent erosion, sedimentation, turbidity and stream bed scour.

MONITORING

28. Final Wetland Mitigation Monitoring Reports All disturbed/impacted wetlands shall be monitored for five (5) years following the completion of construction for the purposes of measuring the success of the reestablishment of native vegetation. Monitoring reports shall be submitted to the NYSDEC Bureau of Habitat, Region 3, Attention: Mike Fraatz, 21 South Putt Corners Road, New Paltz, NY 12561 by no later than December 31st of each year.

The mitigation monitoring reports shall include:

- a) a summary of results;
- b) representative photographs;
- c) a description of management activities; and
- d) the identification of any proposed corrective actions to attain performance standards.

29. Post Construction Monitoring Post-construction monitoring shall be conducted in those areas of the project that have been disturbed by the installation and construction of the pipeline. Monitoring shall commence during the first growing season following the final restoration of the project. All wetland areas and streambanks shall be monitored on an annual basis for a total of five (5) growing seasons following pipeline construction and ROW restoration.



Post-construction monitoring reports shall include the following:

- a) brief statement of findings based on the previous year's report;
- b) a summary report addressing: restoration, invasive species status, including treatments applied in the previous year (if applicable);
- c) the current year's findings;
- d) representative photographs and
- e) any recommended follow-up action.

All monitoring reports shall be sent to the NYSDEC, Bureau of Habitat, Region 3, Attention: Mike Fraatz, 21 South Putt Corners Road, New Paltz, NY 12561 by no later than December 31st of each year.

Should the application of pesticides or herbicides be necessary, including but not limited to waterbodies, regulated Freshwater Wetlands and regulated adjacent areas, the permittee must obtain the required Aquatic Pesticide Control permits, and if necessary, required Freshwater Wetlands permits from the Department.

GENERAL REQUIREMENTS

30. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

31. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

32. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.



WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Deputy Chief Permit Administrator
NYSDEC Headquarters
625 Broadway
Albany, NY12233



4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Stream Disturbance, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.



Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.