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**COUNTIES AND LOCAL GOVERNMENTS**

**C1 BROOME COUNTY HEALTH DEPARTMENT– R. Denz (5/14/99)**

Comment Summary C1-1: The Clinton Street - Ballpark Sole Source Aquifer is listed as being present in only Tioga County; however, it encompasses most of Broome County as well.

C1 Comment noted. Section 4.3.1 and table 4.3.1-1 of the FEIS have been revised to include Broome County in the Clinton Street-Ball Park Sole Source Aquifer.

Comment Summary C1-2: In addition to crossing the Chenago Aquifer Protection District in Broome County, the project right-of-way would also cross Zone III of the Town of Union Aquifer District and Zone II of the Town of Fenton Aquifer District.

C1-2 Comment noted. Section 4.3.1 and table 4.3.1-1 of the FEIS have been revised to include the Union/Johnson/Endicott and Fenton aquifer protection areas.

Comment Summary C1-3: If a pipeline related fuel or hazardous material spill occurs upgradient of or within the capture zone of a public or private water supply well a testing program should be implemented.

Comment noted. We have recommended in section 5.3.1.2 of the EIS that the SPCC Plan include a listing of the requirements of local or state officials concerning construction in aquifer protection areas and public water supply watersheds. Millennium has updated its SPCC Plan (see section V of Millennium's ECS in appendix E of the FEIS) to include a requirement that refueling areas be designated hydraulically down gradient and outside of aquifer protection areas wherever possible; and if located within an aquifer protection area, that the refueling area be lined. Millennium's SPCC Plan also includes the provision that all fuel storage areas be located at least 200 feet from active private water wells. The SPCC Plan includes a requirement that all equipment carry spill kits containing absorbent materials approved for petroleum products in aquifer protection areas or public supply watersheds. We have added a requirement that Millennium develop a plan for testing public and private water supply wells that may be affected by a pipeline-related fuel or hazardous material spill upgradient of the capture zone of the well (see section 5.3.1.2 of the FEIS).

Comment Summary C1-4: The Broome County Health Department, NYSDEC, and municipal water supplier should be notified in the event of a fuel or hazardous material spill in an aquifer protection district.

Comment noted. We have recommended in section 5.3.1.2 of the FEIS that the SPCC Plan include a listing of specific water supply, municipal and state officials to be contacted in the event of a reportable spill.

Comment Summary C1-5: The pipeline right-of-way may pass through a groundwater contamination plume emanating from a Class II New York state Inactive Hazardous Waste Site (CAE-Link site, Hillcrest, NY) and be near a New York State Hazardous Substance site (Illsley Dump). What measures will be taken during pipeline construction to protect workers and the public from exposure to contaminated groundwater?

Millennium states that its previous research of potential hazardous waste sites did not locate the CAE-Link site or the Illsley dump. Millennium also states that it has requested, but not received, information on these sites from the Broome County Health Department. If the exact location of these sites cannot be identified and in the unlikely event that hazardous substances are suspected or encountered, Millennium would implement the procedures identified in section 5.8.3 of the FEIS.

Comment Summary C1-6: What measures will be taken to ensure that a protective, silt confining layer at CAE-Link is not breached during excavation and directional drilling in Fenton and Chenango?

Millennium states that it has not located the CAE-Link site along the proposed route and therefore would not affect it during the directional drill of the Chenango River. Also, see response to comment C1-5.

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Comment Summary C1-7: Local municipalities should be consulted throughout the project area to ensure that all potentially hazardous sites are identified.

Comment noted. The text of the EIS has been updated to include additional information on hazardous waste sites. Millennium has consulted the following sources in developing this information: New York State Division of Environmental Remediation, EPA National GIS Program, and EPA Envirofacts database.

Comment Summary C1-8: Broome County Health Department records reveal that the pipeline right-of-way passes near or through the southern edge of a historic orchard site near MP 246 which may have been subject to applications of and heavy metals-based pesticides. What precautions will be taken to minimize public exposure to wind-borne dust and storm water runoff if soils are determined to have elevated contaminated levels?

C1-8 Millennium states that, before construction in this area, the landowner would be consulted and, if appropriate, a preliminary environmental assessment would be conducted to determine whether the potential exists for the presence of residual pesticides. The NYSDEC standards for pesticides and metals in soil would be used as the benchmark to determine if soils have elevated contaminant levels. If so, a minor route adjustment would be evaluated to avoid these soils. If the pipeline cannot be relocated, a site-specific health and safety plan would be prepared to address measures to minimize public exposure to wind-borne dust. These measures may include periodic wetting of construction areas using water or a commercial dust suppressant to control fugitive dust emissions. Storm water runoff would be controlled by standard erosion and sedimentation controls to divert and collect storm water runoff for analysis and appropriate disposal.

Comment Summary C1-9: The pipeline right-of-way passes near or through a large illegal dumpsite near MP 263. Precautions should be taken to protect workers and residents from exposure to potentially contaminated solid wastes.

C1-9 Based on information from the Broome County Health Department obtained in July 1999, Millennium confirmed the location and contents of the dumpsite at the intersection of Route 79 and Baker Road, on the east side of Route 79 near MP 263.0. Millennium then walked the reported location of the dumpsite, which would be south of the construction work area, and found tires and miscellaneous surface debris along the edge and south of the construction work area. The construction work area does not cross the illegal dumpsite. Given the nature of the debris near the construction work area, Millennium does not believe that precautions are necessary to protect workers and residents. See discussion in section 5.8.3 of the FEIS for mitigation measures that would be used if contaminated soils are encountered.

**C2 TOWN OF MAINE T. Woodward (5/20/99)**

Comment Summary C2-1: The Town of Maine requests that the pipeline and related facilities and equipment be state of the art.

he proposed facilities would be state of the art facilities.

Comment Summary C2-2: The Town of Maine requests that Millennium be required to make provisions so that natural gas is made available to the town.

If the Town of Maine wishes to receive gas service from Millennium, it should first apply to Millennium for such service. If it does not receive satisfaction, then the person or municipality who is legally authorized to engage in the local distribution of natural or artificial gas to the public (as defined by section 2 of the NGA), may apply to the Commission under section 7(a) of the NGA (18 CFR part 156) for an Order to extend or improve natural gas facilities and to sell natural gas to such person or municipality.

Comment Summary C2- The Town of Maine requests that Millennium be required to provide host community benefits to the town.

C2-3 The Commission will make the decision on which conditions are to be contained in any certificate. As part of the easement negotiations, the Town of Maine may seek Millennium's agreement to perform any local mitigation or service that is legally necessary or that Millennium agrees to perform, so long as the federally determined

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public convenience and necessity is met. If Millennium fails to perform any mitigation which is part of the FERC certificate, it would be subject to appropriate enforcement actions.

Comment Summary C2-4: Any route approved within the town of Maine shall be selected so that it causes inconvenience to the least number of people within the town.

C2-4 Route selection requires balancing of many resource needs, only one of which is public inconvenience. The route in all locations has been selected to minimize adverse impacts to the human and natural environment along the route.

**C3 TOWN OF NEW CASTLE – C. Smith (6/7/99)**

Comment Summary C3-1: The New Croton Aqueduct is not abandoned, it is in use and supplies water to New Castle and several other communities including the City of New York. The DEIS should explain how proposed mitigation measures would adequately protect the water supply.

Comment noted. The FEIS has been revised to state that the New Croton Aqueduct is active and provides drinking water to a number of communities and New York City. Based on information provided by Millennium, the New Croton Aqueduct would be crossed with a vertical separation of about 400 feet between the pipeline and the aqueduct. Further, we are confident that ongoing discussions between Millennium and the NYCDEP regarding the crossing of the aqueducts would result in appropriate construction methods and mitigation measures to protect these important water supplies.

Comment Summary C3-2: Figure 1 through 28 in appendix E do not provide information to assess whether local water supplies, sewer mains, storm drains and systems, and other infrastructure will be affected during construction. In addition, traffic control devices and movement are not shown.

During final design and prior to construction, Millennium would identify any subsurface infrastructure features to avoid impact during trenching activities. Our experience with similar pipeline projects leads us to conclude that although some disruption of traffic may occur on local roads, these disruptions would be limited to several days to a week at any one location although there would be an overall increase in use as a result of construction related traffic. The EIS is meant to be a summary of the project, its effects, and mitigation. It is not meant to provide site-specific details about every utility and road crossing. Detailed traffic control plans would be finalized with the appropriate authorities in New Castle, and representatives from Millennium and the construction contractor.

Comment Summary C3-3: Figure B-1 Sheet 168 does not show a service line the IBM facility or a facility at the pipeline's crossing of State Route 134 to step down the pressure.

Comment noted. Section 2.6 of the FEIS has been expanded to address the IBM lateral. The currently proposed route has also been shown on the maps in appendix B1 (figure B1, sheet 168). However, as concluded in section 2.1.2, the Commission's control and responsibility over this nonjurisdictional facility is not sufficient for it to become a Federal action.

Comment Summary C3-4: The DEIS does not discuss a possible route alternative to the current route next to the Catskill Aqueduct in the Town of New Castle. Using a right-of-way along State Route 100 would avoid the pipeline being constructed along side the New York State wildlife preserve at the Campfire Club and would avoid heavy construction adjacent to the aqueduct.

Comment noted. See discussion of the ConEd Offset/State Route 100 Alternative in part I, section 6.1 of the SDEIS and section 6.2.5 of the FEIS.

Comment Summary C3-5: The Town of New Castle is reviewing the terms and conditions that were imposed upon it by the NYCDEP and Con Edison when the town constructed the Millwood Water Treatment Facility and related transmission mains near the aqueduct and underground transmission line. Construction of the pipeline should be held to the same standards.

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Millennium would negotiate easement agreements with ConEd for the use of a portion of the powerline right-of-way in the Town of New Castle. Any restrictions or conditions would be developed between these parties. Millennium is consulting with the NYCDEP regarding activities near the Catskill Aqueduct.

Comment Summary C3-6: The FEIS should include the applicant's publically stated intent to conform as much as possible to municipal permit and construction requirements, even though municipal permits may not be required.

The Commission states in its orders that applicants should cooperate with state and local agencies. However, any state or local permits issued with respect to the jurisdictional facilities must be consistent with the conditions of any Certificate the Commission may issue. Millennium states that it would address local concerns regarding construction requirements by meeting with local officials to discuss such concerns and by providing information regarding construction plans and mitigation measures. Millennium also would appear before reviewing agencies to obtain permits, if necessary, and would otherwise cooperate with local authorities to resolve concerns.

**C4 CITY OF MOUNT VERNON – E. Davis (6/4/99)**

Comment Summary C4-1: The document does not adequately address impacts to or mitigative measures for Mount Vernon Streets, especially MacQuesten Parkway and Oak Street.

C4. Millennium has developed generic plans, which include traffic control measures, for in-street construction in Westchester County. The detailed, site-specific plans would be finalized with Millennium, appropriate authorities in Mount Vernon, and the construction contractor. These plans would be filed with the Commission for review and written approval of the Director of OEP before construction.

Comment Summary C4-2: Where is the noise and air quality impact analysis and what mitigation measures for noise, dust and air pollution are proposed to deal with impacts on businesses and residences?

C4-2 Impacts to residents from noise, dust, and air pollution near construction areas would be minimized, by properly maintaining construction equipment, using appropriate dust control measures, and conducting construction activities during daylight hours. Construction activities in any one area would be temporary, typically lasting several days to a few weeks, limiting the exposure of residents. Well maintained engines emit lower air pollutant amounts than well maintained mufflers and engines are the quieter. Also, see discussion in section 5.8.2 of the FEIS.

Comment Summary C4-3: Although the Commission encourages cooperation between interstate pipeline and local authorities it does not mean that state and local agencies may prohibit or unreasonably delay the construction or operation of approved facilities. The burden is on the Commission to ensure that these facilities meet the minimum standards to mitigate environmental impacts. The applicant should agree to appear before local reviewing agencies and address local concerns.

Millennium states that it would comply with all valid county and municipal construction requirements, including applying for appropriate blasting, road crossing and/or closing permits, and meeting reasonable timing restrictions. Millennium would address local concerns regarding construction requirements by meeting with local officials to discuss such concerns, by providing information regarding construction plans and mitigation measures, by appearing before reviewing agencies to obtain permits, if necessary, and by otherwise cooperating with local authorities to resolve concerns. The Commission expects that Millennium would comply with appropriate state and local permits and would cooperate with state and local authorities provided that local authorities do not prohibit or unreasonably delay construction if approved.

**C5 VILLAGE OF WESTFIELD, DEPARTMENT OF PUBLIC WORKS – U. Weindel (5/24/99)**

Comment Summary C5-1: A main concern at MP 43 is the proposed crossing of Chautauqua Creek and the potential of disturbing soils, especially Schuyler and Chadakoin silt loams, within the Creek area and a small tributary. These soils have a severe tendency for erosion and rapid runoff.

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C5-1 Millennium's ECS requires that erosion controls be installed immediately after initial disturbance of the soil (see section II.F.3 of the ECS in appendix E of the EIS). In addition, Millennium would install silt fence along the edge of the Chautauqua Gorge and Chautauqua Creek before clearing and grading. See response to comment F4-31.

Comment Summary C5-2: As indicated in DEIS Table 5.3.2.3-2, Chautauqua Creek would be crossed using the open-cut method. It is strongly recommended that preventative mitigation for erosion control be undertaken before construction and until vegetation is reestablished.

C5-2 See response to comments F4-14 and C5-1 regarding sediment and erosion control devices. Millennium is now proposing a dry crossing (e.g., dam and pump) of Chautauqua Creek.

Comment Summary C5-3: Due to the rock outcrops and lack of substantial soil depth in the Chautauqua Creek area would serious drilling and blasting be required for pipeline construction and installation?

Millennium is now proposing a dry crossing (e.g., dam and pump) of Chautauqua Creek. Although blasting may be required at this location, it would be performed before setting up the dam and pump and does not typically create excessive sedimentation. The dam and pump would be set up just before the start of the actual crossing, and trench excavation, pipe laying, and backfilling would occur between the upstream and downstream dams. The water in the creek would be pumped around the construction area, resulting in minimal downstream sedimentation. See response to comment C5-2.

Comment Summary C5-4: There is a concern about the proposed pig launch/receiving area located at MP 44 and the stability of soils and potential impacts to nearby tributaries.

A block valve and pig launcher/receiver is proposed at MP 44.3 on the east side of Bentley Road. This is a relatively level area, about 1.3 miles east of Chautauqua Creek at MP 43.0, and at least 0.1 mile from the Tributaries of Mud Creek at approximate MPs 44.2 and 44.5.. The construction and operation of this facility should not affect the water quality of the nearby tributaries with use of required erosion controls.

Comment Summary C5-5: The DEIS does not disclose impacts associated with a pig launch/receiver on the surrounding area.

Generally, there would be no significant impact associated with construction or operation of the block valves and pig launcher/receiver facilities, except for the permanent conversion of between 0.02 acre (mainline valve) and 0.15 acre (launcher/receiver) of the operational right-of-way to utility use (see figure B3, sheets 4 and 5 in appendix B of the FEIS).

**C6 TOWN OF RIPLEY – R. Johnston (5/14/99)**

Comment Summary C6-1: The town finds that the DEIS contains commentary and treatment of all previously identified environmental issues.

C6-1 Thank you for your comment.

Comment Summary C6-2: The Board finds that the treatment of an alternative entry site and discussion satisfactorily deals with the Town of Ripley's interest in preserving and protection agricultural lands.

Thank you for your comment.

**C7 WESTCHESTER COUNTY – J. Lannert (6/2/99)**

Comment Summary C7-1: Based on our review of the DEIS it is our opinion that a Supplemental EIS is warranted order for Westchester County and it municipalities to complete their review.

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**C7-1** A SDEIS was issued in March 2001 for an amended route (the 9/9A Proposal). It also updated various aspects of the Project across the state of New York.

**Comment Summary C7-2:** Impacts should be assessed on a county by county basis and, if possible, on a municipal by municipal basis.

The existing environment (section 4.0 of the EIS) is described and categorized by county. Impacts (section 5.0 of the EIS) are addressed by resource category and, as appropriate, assessed on an individual, site-specific basis. While we have not grouped resource areas according to their town or municipal boundaries, these areas are listed by milepost and can be located on the route maps.

**Comment Summary C7-3:** The DEIS does not discuss the promises Millennium has made to the municipalities for additional means of mitigation. There should be assurances in the EIS that these mitigation measures will be done.

We consider promises made between Millennium and the municipality similar to those made between the landowner and the company for acquisition of the easement. Millennium states that it has made no promises to any municipality regarding any post-construction mitigation although it has held informal discussions with the Westchester County Planning Department about mitigation measures on the North County Trail/Old Putnam Railroad grade between Stations 21415+85 and 21592+35 and the Bronx River Parkway Reservation between Stations 22232+25 and 22262+00. While the Commission encourages cooperation between the municipalities and the company, it is beyond the scope of the Commission's jurisdiction to mandate the terms of easement compensation.

**Comment Summary C7-4:** The rationale for locating the pipeline on public and quasi-public land is to better protect it from accidental intrusion. Where the pipeline is located on private land there should be a mechanism to ensure that subsequent owners are aware of the location of the pipeline on their property.

There is no explicit intention to place the pipeline on public or quasi-public land to protect it. All utility easements are required to be recorded with the property title.

**Comment Summary C7-5:** Site specific details such as the precise location information and construction techniques and duration should be provided.

We believe that the EIS adequately addresses the specific location of the pipeline and proposed construction techniques. The purpose of the EIS is to provide the Commission with an environmental analysis of the project. This may include future finalization of site-specific construction procedures between affected parties and the company. However, we recognize the unique issues associated with pipeline construction in Westchester County, particularly in the urban areas, and have expanded our discussion of construction impacts within the streets of Yonkers and Mount Vernon. Although we have recommended that construction procedures, at a minimum, address certain concerns, we note that Millennium is continuing to work with the affected municipalities to develop appropriate mitigation, including traffic control. Schedules for each construction spread would be developed prior to construction, but like any construction schedule it may be modified because of delays due to weather, permitting, and other factors. Also, see response to comment C3-2.

**Comment Summary C7-6:** All municipal, county, and other regulations and guidelines that would normally apply to the type of construction and operation proposed should be described.

It would be impractical to list all the municipal, county, or other regulations that may apply to construction and operation of the pipeline in an EIS that is intended specifically not to be voluminous. It is also not the purpose of an EIS to describe regulations and guidelines of state and local governments. Utility construction and operation is a fact of life in modern times and the proposed pipeline would be constructed and operated in compliance with appropriate Federal and state regulations. The Commission states in its orders that applicants should cooperate with state and local agencies. However, any state or local permits issued with respect to the jurisdictional facilities must be consistent with the conditions of any Certificate the Commission may issue.

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Comment Summary C7-7: Should adverse conditions that result in construction delays across the Hudson River be encountered, how will it be handled given Millennium's ambitious schedule to construct the entire project?

C7-7 Millennium is committed to completing construction across the Hudson River within the currently proposed time window between September 1 and November 15. Millennium's original production estimate indicated that it would take about 91 days (3.05 months) to complete the crossing, working 6 days per week with 10 productive work hours per day (see Millennium's data response filed on September 17, 1999). Using two shifts (e.g. working 24 hours a day) would halve the crossing time to about 1.5 months; working the 7th day would nearly bring completion of construction to within the specified 76 days. We have recommended that Millennium prepare a work plan and schedule for completing construction within the construction time window (see section 5.3.4 of the FEIS).

Comment Summary C7-8: The conclusion that limited adverse environmental impact would occur with the use of Millennium's proposed mitigation and adoption of the staff's recommended mitigation measures is premature since information is incomplete in many areas.

C7-8 The general nature of the project and its environmental impacts were adequately addressed in the DEIS. These impacts have been further expanded in the SDEIS, BA, EFH Assessment, and FEIS as a result of ongoing state and local agency review and project-specific DEIS comments. The public may also comment on the project at the state and local levels.

Comment Summary C7-9: We strongly request an independent overseer be used to supervise the construction of the pipeline and on-going post-construction maintenance.

C7-9 The FERC staff or its contractors would monitor the project during construction and until revegetation is complete. See discussion in section 2.3 of the FEIS.

Comment Summary C7-10: The DEIS does not address the issue of severe changes in topography along the proposed route. The Supplemental EIS should discuss in detail how the pipeline will be constructed and maintained in the north-south valley and ridge system in Westchester County.

The pipeline would follow the general topography of the area and can be installed successfully in steep and varying terrain. Although construction may require grading (or benching) on some side slopes to provide a level surface to install the pipe, these areas would be returned to the original grade following construction, unless it is determined between Millennium and the landowner that an alteration from the original grade would result in better stabilization or other benefit (see section II.J of Millennium's ECS).

Comment Summary C7-11: The Supplemental EIS should address site-specific aspects of blasting and include proposed mitigation measures for each blast area and whether the notification of nearby landowners is sufficient.

Specific mitigative measures that would be employed by Millennium include compliance with all Federal, state and local regulations, pre- and post-water quality testing of wells, and pre- and post-blasting inspections of structures within 150 feet of blasting activities. Millennium has modified its ECS to include 1 week prior notice for blasting with confirming notice provided at least 24 hours prior to blasting. In addition, the ECS has been modified to include pre- and post-blasting inspections for utility owners and structures within 150 feet of areas where blasting may be required. Millennium would also contact all utility owners and request an inspector from the company to be present during construction. See section II.H.2 of Millennium's ECS in appendix E and part I, section 2.3.3 of the SDEIS; and sections 5.1.1 and 5.3.1.2 of the FEIS.

Comment Summary C7-12: Site-specific descriptions of impacted water bodies and mitigation measures should be detailed in the Supplemental EIS.

Site-specific measures are identified when appropriate to protect unusually sensitive waterbodies. Section 5.3.2, appendix E1 (section IV.A of Millennium's ECS), and appendix H1 (which includes proposed construction crossing methods) of the FEIS identifies and describes general construction mitigation measures to protect waterbodies from significant adverse impacts.

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Comment Summary C7-13: Site-specific impacts should be provided in the Supplemental EIS to include the New Croton Reservoir and Grassy Sprain Watersheds as well as other water resources in Westchester County.

C7-13 The watersheds would be protected by implementation of Millennium's SPCC Plan (see section V of Millennium's ECS in appendix E1) and by installation and maintenance of erosion controls identified in Millennium's ECS, and our Plan and Procedures. Section 5.3.1.2 of the EIS also identifies specific measures that Millennium would use when crossing the New Croton and Grassy Sprain Reservoir watersheds. We believe these measures are adequate to protect the watersheds.

Comment Summary C7-14: Site-specific assessment of existing conditions and impacts should be provided in the Supplemental EIS.

C7-14 We believe the EIS adequately addresses existing conditions and impacts on vegetation and wildlife, and those areas with unique, rare, or endangered and threatened species.

Comment Summary C7-15: DEIS Table 5.8.3.2-1 notes that the City of Yonkers would be notified of proposed work at Bronx River Parkway Reservation. Any reference to this park should note that it is owned and maintained by Westchester County. It is important to minimize the potential impact on landscaping of the reservation and the county should be notified of proposed work in this area.

C7-15 Comment noted. Table 5.8.3.2-1 of the FEIS has been revised. We agree that landscaping in the Bronx River Parkway Reservation is important and can be included as a restoration requirement in the easement negotiations between Millennium and Westchester County.

Comment Summary C7-16: DEIS Table 5-17 notes that work is proposed in other areas such as the Old Croton Trail and North County Trailway. Opportunities to enhance these areas in conjunction with pipeline construction should be explored as alternatives in the Supplemental EIS.

C7-16 Specific mitigation and restoration measures, and enhancement of recreation facilities, may be discussed during easement negotiations between the landowner/managing agency and Millennium.

Comment Summary C7-17: We are concerned that the conclusions on pipeline impacts are being drawn without the benefit of mitigation measures set in place and we are not convinced that the [OEP] is the appropriate approval agency since it might not have the proper expertise to make the necessary evaluation.

C7-17 It is not uncommon for the Commission to approve projects subject to construction conditions before all comments and final details of any necessary plans have been completed. Plans not reviewed and approved prior to issuance of a certificate may be reviewed and approved prior to the start of construction. We believe that mitigation measures that are finalized between the project proponent and the affected landowner best balance pipeline and landowner interests. Final construction, restoration, and mitigation plans that are developed with the agencies shown on table 5.7.3-1 for the SDEIS, but which are not finalized by the time the FEIS is issued, would require review and written approval by the Director of OEP.

Comment Summary C7-18: Specific details should be provided for the Bronx River Parkway Reservation, Old Croton Aqueduct, and the FDR VA Hospital properties eligible for listing on the National and State Register of Historic Places.

C7-18 Millennium is completing consultation with appropriate agencies on plans for the crossings of the Bronx River Parkway Reservation, the Old Croton Aqueduct, and the Franklin D. Roosevelt Veteran's Hospital. Millennium anticipates filing mitigation plans for these properties with the Commission after finalization of the route prior to construction.

Comment Summary C7-19: The DEIS does not assess specific impact on local roadways or mitigation measures. We are concerned about traffic congestion and inconvenience. This concern should be evaluated in the Supplemental EIS.

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C7-19 Millennium has developed plans, which include traffic control measures, for in-street construction in Westchester County. A traffic study for the 9/9A Proposal was included in the SDEIS. Millennium and its contractor, in consultation with appropriate authorities, would develop detailed, site-specific plans. These plans would be filed with the Commission for review and written approval of the Director of OEP before construction.

Comment Summary C7-20: The Supplemental EIS should discuss whether construction and maintenance of the pipeline will require alienation of the Bronx River and Sprain Brook Parkways that it would occupy and it should identify which property would be substituted for that parkland.

C7-20 Construction and operation of the pipeline would not alter continued use of the parkways or any parklands associated with these parkways, with the exception of the construction of permanent structures or the planting of large trees within the permanent right-of-way (see section 5.8.1 of the EIS). No aboveground facilities (e.g. block valves) are planned within parkland property.

Comment Summary C7-21: The Supplemental EIS should assess the indirect impacts on local growth.

C7-21 The indirect impacts on local growth would tend to be purely speculative because of the short-term of construction (5 to 6 months), the lack of any significant increase in employment as a direct result of operation, the distance over which the project extends (417.3 miles), the varying economic environment, and other variables such as the local regulatory climate for growth. Furthermore, while we acknowledge that there could be growth, the presence of the pipeline by itself has not proven to be a large factor influencing such growth.

Comment Summary C7-22: The Supplemental EIS should provide estimated tax revenues during construction for Westchester County.

C7-22 Table 5.10-1 provides an estimate of tax revenues during construction for Westchester County as approximately \$1.5 million. We do not require a detailed property tax analysis for pipeline projects because the increased tax revenues per se would not result in any foreseeable negative environmental impact and tax rates and market value of the pipeline vary by year. The full market value of the pipeline would be about \$1 million per mile.

Comment Summary C7-23: The Supplemental EIS should discuss the concerns that were raised about the pipeline' proximity to electric lines.

See part I, section 6.1 of the SDEIS and section 5.8.1.2 of the EIS.

Comment Summary C7-24: We are extremely concerned about the potential risks of the placing the pipeline so close to the Catskill Aqueduct and we recommend consideration of alternatives that would result in zero risk. We support the NYCDEP May 18 comments.

C7-24 Millennium has had continuing dialogue with the NYCDEP regarding the proposed crossing of the Catskill Aqueduct and currently plans to develop a detailed plan for the crossing following field surveys. Once the plan is developed, Millennium would fund a third-party engineer, acceptable to the NYCDEP, to review the plans. See additional discussion in section 5.3.2.3 of the FEIS.

Comment Summary C7-25: The Supplemental EIS should include a discussion of how the proposed pipeline relates to the existing elaborate network of infrastructure in Westchester County and potential impacts to this network should be analyzed.

The natural gas pipeline (essentially a high volume mainline system) would not affect existing sewer, water, electric, and communications systems, unless any of these lines were ruptured by accident during or subsequent to construction. Section 5.12.2 of the EIS includes a discussion of the "One Call" system that was implemented in 1982 to minimize the potential for ruptures by contractors working near utility lines. We have not identified other relationships between the proposed pipeline and the existing infrastructure.

Comment Summary C7-26: More detail should be provided on the two alternative routes in Yonkers.

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Comment noted. See revised discussion of the Yonkers Route Variations in part II, section 4.12 of the SDEIS and in section 6.3 of the FEIS.

Comment Summary C7-27: On page A-27 of the DEIS the Westchester County Department of Planning is listed as an intervener. Note that this status was requested by and granted to the County of Westchester.

C7-27 Comment noted. Appendix A of the FEIS has been amended to show the County of Westchester as an intervener.

**C8 COUNTY OF ORANGE, DEPARTMENT OF PLANNING – P. Garrison (5/25/99)**

Comment Summary C8-1: Some comments received during the Public Scoping Process were addressed; however, other were not. For example, in DEIS section 4.8.4 there is a 4.8.3 and a 4.9 but there is no 4.8.4.

C8-1 Comments noted. The reference to section 4.8.4 in table 1.3-2 in the DEIS has been corrected.

Comment Summary C8-2: One does not get a sense of the enormity of the impacts associated with a 422 mile long, 75-foot-wide right-of-way will have.

We appreciate that it is difficult to imagine the impacts.

Comment Summary C8-3: More specific information needs to be developed before the DEIS can be considered complete and ready for public viewing and hearing. For example, the handling of the muck soil region of our county.

The SDEIS contains the final plan for construction through the muck soil or black dirt areas.

Comment Summary C8-4: Special trenching methods and handling techniques need to be developed for much of the soil region. The changes suggested by landowners are not referenced in the text nor are the results of the soil surveys completed in March 1999, or the site-specific plans including agricultural plans.

C8-4 Millennium has developed a final site-specific plan for construction within the black dirt area (see appendix IIA of the SDEIS and appendix E2 of the FEIS). A discussion of the final plan is in part II, section 2.1 of the SDEIS and section 5.2.2 of the FEIS.

Comment Summary C8-5: The purpose of the DEIS is to provide the means for agencies, project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives, and mitigation. The DEIS appears to be that of introducing pertinent factors late in the planning and decision-making process.

C8-5 We believe that the agencies, project sponsors, and the public have had adequate time to consider and comment on potential adverse impacts and mitigation since the publication of the NOI in February 1998. In addition, Millennium has met with counties, towns, and landowners across the length of the pipeline, and we have held a total of 13 public comment meetings on the project between February 1998 and August 2001. Furthermore, the EIS and the pipeline route has been well researched by Millennium, and Federal, state, and local agency staff and this review is still ongoing. We have no strategy for presenting pertinent factors late in the planning and decision-making process simply because there is no need for us to do so.

**C9 CORNELL COOPERATIVE EXTENSION, CHEMUNG COUNTY – W. Nelson (6/2/99)**

Comment Summary C9: Please give serious consideration and require that Millennium be responsible for decompaction activity.

C9-1 Comment noted. Millennium has revised its ECS to remove the sentence stating that "decompaction and rock removal activities may be performed by the landowner ..." (see section III.E of the ECS in appendix E1 of the FEIS).

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**C10 FARM BUREAU OF NEW YORK (Allegany, Cattaraugus, Chautauqua, Erie, and Steuben Counties) – T. Bigham (6/2/99)**

Comment Summary C10-1: The draft EIS would allow farmers to do their own soil decompaction after the pipeline is set in place. We request that the Commission require Millennium to do the reclamation work as part of the project.

C10- See comment response C9-1

**C11 ERIE WATER WORKS – J. Presogna (6/2/99)**

Comment Summary C11-1: The proposed Lake Erie crossing appears to be within a range which could impact the quality of water received by two intakes located about 1 mile off of Presque Isle shore.

C11-1 It is unlikely that there would be any potential for effects on the Erie City Water Authority, since the construction work area would be over 10 miles from Erie at its nearest point. Further sediment quality along the pipeline route on the U.S. side of Lake Erie has been shown to be generally good. Pennsylvania issued its coastal zone consistency determination for this project on March 29, 2000 (see appendix L of the FEIS).

Comment Summary C11-2: Soluble contaminants such as chlorinated organic compounds and mercury may not be removed by our current treatment techniques. Minimal sampling of Lake Erie makes the statement in the draft EIS that the entire proposed route of the pipeline is in a non-depository area of the lake, questionable. In addition, any level of detection for SOCs and VOCs will require that the water system notify the DEP and re-sample quarterly until the contamination is non-detectable for 1 year. Any change in water quality is of great concern.

C11-2 See response to comment C11-1. Also, see responses to comments F9-9 and S12-40.

Comment Summary C11-3: A more complete study of the sediment along the proposed route should be performed before the work begins.

C11-3 Comment noted. See section 5.3.3.3 of the FEIS for a discussion of Lake Erie sediments. Also, see response to comment F9-9.

Comment Summary C11-4: The zone of influence for the disturbed sediment should be determined in advance.

C11-4 See comment response F9-9.

Comment Summary C11-5: Assurances should be obtained that areas of high levels of synthetic organic contaminants (SOC) or mercury are identified and provisions be made to test the surrounding areas during pipeline construction to determine the concentration of potential contaminants.

C11-5 See comment response F9-9.

**C12 CITY OF YONKERS, PLANNING BUREAU – L. Ellman (6/4/99)**

Comment Summary C12-1: The DEIS should not have been accepted as complete. The authors of the DEIS did not contact the City of Yonkers Planning Bureau for information or our opinions on land use impacts.

C12-1 The primary purpose of the EIS is to provide the Commission with information on the entire project on which to make its decision. It not meant to meet the specific EIS or other regulatory requirements of each municipality through which the pipeline passes. Rather, this EIS provides a comprehensive analysis of the entire project and the types of impacts that would be expected. While we did not contact members of the Yonkers Planning Bureau, we did provide notice that we were preparing an EIS for the Millennium Pipeline Project and we did formally request comments. Under the Commission's ex parte regulations, we must ensure that all communications on the project are part of the public record, particularly when the City of Yonkers is an intervener. The need for independent studies in the lower Westchester area is between Millennium and the affected municipalities. The basis for our conclusions in the EIS is from information provided by Millennium,

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including alignment sheets, our experience in preparing EISs and environmental assessments (EAs) for hundreds of large and small pipeline projects in varying rural and urban environments, our pipeline construction inspection experience, and information provided in public comments.

Comment Summary C12-2: The DEIS does not contain rigorous analytical research a project such as this demands. It is not acceptable to make technically unsupported assertions about the project impacts.

We are not certain what you mean by "... technically unsupported assertions ..." or "Impacts must be studied and proven prior to the decision ..." The FERC staff and the preparers of the EIS have observed pipeline construction for years. While construction techniques may differ slightly from project-to-project or site-to-site based on topographic and other constraints or considerations, a pipeline is installed about the same way every single time with predictable potential impacts. Our Plan and Procedures and recommended mitigation measures are designed to minimize or avoid these predictable potential impacts. Although we understand your concern that mitigation has not been fully identified in the EIS, the basic goals of the mitigation plan have been defined and construction cannot proceed until these goals are met. To finalize the mitigation plan at this point and make it a part of the Certificate could prohibit further consultation with the affected municipality and the development or improvement of the mitigation plan.

Comment Summary C12-3: Noise studies should be conducted to quantify the impacts and match them to the mitigation in the DEIS. Once the impacts and mitigation were both known, both could be discussed in a public process.

C12-3 We are unsure if you are stating your opinion or there are requirements for these types of detailed analyses for construction in Westchester County or the City of Yonkers. However, we have expanded our discussion in section 5.8.2.1 and 5.8.2.2 of the FEIS to more fully describe the specific impacts that could be expected from construction in the streets of Yonkers and Mount Vernon.

Comment Summary C12-4: The process engaged in to arrive at the DEIS was substandard as was the product delivered to the communities. The DEIS should be rescinded.

C12-4 We disagree.

Comment Summary C12-5: Explain how and why the preferred route was selected and why other highway corridors were not used.

The proposed route was selected by Millennium, and is a balance of conflicting interests, and environmental resource impacts. The route was also selected to ensure that it can be constructed between through Yonkers to the pipeline terminus at ConEd in Mount Vernon. The proposed route was relocated from the Bronx River Parkway in response to comments from the NYSDOT, which stated that its regulations prohibited parallel use of the road for the pipeline. However, Millennium revisited the issue of placing the pipeline in the Bronx River Parkway in response to comments from the City of Yonkers. However, Millennium has proposed and we have recommended a route within the Sprain Brook and Bronx River Parkways through the City of Yonkers (see section 6.3.16, Parkway Variation).

Use of the I-287 (Cross Westchester Expressway) for the placement of the pipeline is regulated by the New York State Thruway Authority and, to a certain extent, the Federal Highway Administration (FHWA) which has been responsible for governing the placement of pipelines in Federal-aid highway rights-of-way since 1956. Originally, utilities were permitted to cross highway rights-of-way, but were prohibited from the side of the roadway except for limited distances and in extremely unusual situations. This policy was changed in 1988 to allow each state to determine the merits of shared highway rights-of-way. The regulatory changes were motivated, in part, by the desire to reduce the environmental impact of constructing new utilities across agricultural, forest, and residential land where existing transportation corridors could be used. Even if the placement of the pipeline were approved by NYSDOT, use of I-287 and the Hutchinson River Parkway, while it would avoid Yonkers and halve the length of pipeline in the streets of Mount Vernon, would require installation of significantly more pipeline, most of which would be in urbanized areas.

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Comment Summary C12-6: The DEIS does not contain explicit detailed analysis required to make the conclusions that are made about the impacts in the City of Yonkers. Since there is no base line analysis of impacts so how can impacts be measured?

C12-6 We agree. The EIS analysis does not address the specific degree of each potential impact over baseline conditions in Yonkers and we have expanded our discussion in sections 4.8.2 and 5.8.2 to better characterize the urban environment. However, this expanded discussion is not meant to be an "explicit detailed analysis" of the impacts, but rather a better identification of the general existing conditions and potential impacts.

Comment Summary C12-7: It is not logical to put off the analysis of local impacts until after the completion of the DEIS and the granting of permits to the project. Explain how the process is considered complete and legal when all the local impacts are not analyzed.

C12-7 Our purpose in preparing this EIS is to identify the environmental impact of this project. Local impacts have been identified where they are unique, could result in significant environmental impact, or would require special mitigation to minimize environmental impact. Urban impacts associated with construction in Yonkers and Mount Vernon are addressed in section 5.8.2.2 and in section 6.3.14 (Parkway Variation) of the FEIS. Part of the mitigation in Yonkers includes use of the Parkway Variation which would avoid in-street construction within Palmer Road and Desmond Avenue/Bronx River Road and associated impacts on traffic, parking, trees, and utilities. Construction in the City of Yonkers would be unique, but without significant long-term environmental impact. We have recommended that, before construction is approved in Yonkers, Millennium must finalize its construction plans to address concerns associated with construction traffic, noise, and disruption. The Commission will decide if the project should go forward based on an examination of the entire record, not just the environmental impacts.

Comment Summary C12-8: What is the build year of the project and why are their no lists of other projects that might impact the proposal during the build year?

C12-8 As stated in section 2.3 of the FEIS, Millennium proposes to construct the pipeline between April and November 2002. We believe that a listing of all other proposed projects scheduled for the same construction period (even such a listing could be obtained) would be speculative, potentially inaccurate, and overly burdensome for a project of this magnitude. It is therefore outside the scope of our analysis.

Comment Summary C12-9: Identify the blasting areas by street address.

C12-9 Blasting could be necessary within the city limits of Yonkers, but only as a last resort. As currently proposed, the pipeline would be placed within a road in the Sprain Ridge Park (9/9A Proposal), and along the Sprain Brook and Bronx River Parkways (Parkway Variation) in Yonkers. Some blasting may be required in Sprain Ridge Park which is remote from residences, buildings, or other structures. Although field surveys and soil surveys may indicate where there is a potential for bedrock at or near the surface, it is difficult to identify the exact location where bedrock would require blasting for excavation of the trench.

Comment Summary C12-10: The land use in table 4.8.1-1 of the DEIS does not correctly characterize the area or land uses. Residential land uses are crossed within Westchester County.

C12-10 We conducted a field visit on July 22, 1999, and June 11, 2001 to reinspect the proposed route in Yonkers and Mount Vernon, and have revised our discussion in sections 4.8.2 and 5.8.2.2 of the FEIS. However, we note that table 4.8.1-1 identifies the specific land use crossed, not that of the adjacent areas. In Westchester County, and Yonkers and Mount Vernon in particular, the pipeline would cross through no residential yards, but would be in the streets in residential neighborhoods. This distinction is not shown on table 4.8.1-1.

Comment Summary C12-11: The DEIS estimates that 217 residences are within 50 feet of the construction work area. By measuring directly to the home Millennium gets to unfairly take advantage of varying setback. The proper way to measure in a suburban/urban area is to apply the distance from the construction work area to the edge of the affected lot.

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C12- We disagree. The 50-foot distance from the edge of the construction work area to a residential structure is a valid measurement that is useful for identifying areas of direct potential construction impact on residences.

Comment Summary C12-12: The correct count for dwelling units impacted in Yonkers would be about 2,000 not 217.

C12-12 See response to comment C12-11

Comment Summary C12-13: The DEIS does not address impacts on McLean/Bronx River Road

C12-13 We correctly characterized this portion of the route as commercial/industrial but did not identify the McLean/Bronx River Road commercial district. See revised discussion in section 5.8.2.2 of the FEIS. This commercial district would be temporarily affected by construction, which is estimated to require about 14 construction days using 2 crews for the 9,000-foot-long (1.7 miles) segment. The street would be closed in the immediate vicinity of each crew location, but construction can be completed during off-peak traffic hours. Entire street closings can be limited to only those times when the movement of equipment and materials requires more than the nominal construction right-of-way (e.g., 35 feet).

Comment Summary C12-14: The DEIS lists areas where septic systems are located on properties crossed by the pipeline construction work area. Why are areas like this not listed for Bronx River Road where water and sewer service could be interrupted?

C12-14 Detailed information regarding the location of in-street utilities would be collected during pre-construction permitting at the local level. Millennium would be required to prepare site-specific construction plans, in consultation with local authorities, for the proposed activities that would occur within city streets. We have also recommended that Millennium identify the locations of underground utilities on the CAS (see section 5.8.2.2 of the FEIS). However, this level of detail is not needed in an EIS.

Comment Summary C12-15: Scotti Field should be listed in addition to the Bronx River Park in section 4.8.3 and 5.8.3.

C12-15 Comment noted. Sections 4.8.3 and 5.8.3 of the FEIS have been revised to include Scotti Field. Named trails in Westchester County have been included in tables 4.8.3-1 and 5.8.3.2-1.

Comment Summary C12-16: The population density of Westchester County is 2,000, not 37,324, persons per square mile.

C12-16 Comment noted. The population density in Westchester County was an error and has been corrected in the FEIS. We have also included population densities for Yonkers and Mount Vernon.

Comment Summary C12-17: The information provided in section 4.10 is largely incorrect for the areas of Westchester County. Information should be provided for specific areas crossed due to the diversity of areas in the County.

C12-17 The pipeline would cross 81 townships/municipalities in 12 counties in New York: 14 in Cattaraugus, 6 in Allegany, 10 in Steuben, 6 in Chemung, 4 in Tioga, 9 in Broome, 4 in Delaware, 8 in Sullivan, 5 in Orange, 4 in Rockland, and 11 in Westchester. There are differences between townships in the western counties as well as those in Westchester County. However, we have expanded our discussion in section 4.10 to describe the difference between the northern and southern portions of Westchester County.

Comment Summary C12-18: How was 150 feet between homes and blasting areas selected for pre- and post-blasting inspections and why are there 3 different distance standards use throughout the DEIS?

C12-18 Research done by the U.S. Bureau of Mines (Siskind and Fumanti, 1974) has shown that blasting typically causes cracking of adjacent rock within a radius of only 5 to 55 times the shothole radius, depending on the rock type (i.e., low values for hard rock). Assuming a shot hole diameter of 4 inches, rock fracturing would be expected to be contained within 10 feet of the trench where rock is blasted. The industry standard of 150 feet is one that very conservatively estimates the distance required for mitigative measures due to blasting. See response to comment C12-47 on other distance standards.

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Comment Summary C12-19: Will the pre- and post-blasting inspections be provided for utilities in the street? How will water and sewer lines be inspected? How long a period of liability will Millennium assume if a utility connection fails after the blasting?

C12-19 Millennium has revised its ECS to include pre- and post-blast inspections of other utilities (see section II.H.2 of the ECS in appendix E1 of the FEIS). The requirements for inspections of water and sewer lines would be developed between Millennium and the utility. The period of liability that Millennium assumes would be determined between Millennium and the affected utility company, or by a court if these companies cannot reach an agreement.

Comment Summary C12-19: What is the impact of blasting on utilities and residences that are potentially over 60 years old?

C12-20 The age of nearby residential structures should be taken into account during pre-blast inspections if the structure is within 150 feet of the pipeline and if the inspection is allowed by the owner. The age, type of utility, and its proximity to blasting locations, would be taken into account by Millennium and the affected utility company before blasting.

Comment Summary C12-21: Why are production lines to be avoided but supply lines in the street can be worked around?

C12-21 Page 5-3 of the DEIS states that Millennium would avoid existing oil and gas lines to the extent necessary. Supply lines in the street would be handled in the same manner. In some cases, it may be more efficient and/or safer to cap and reroute supply lines. This determination would be made by Millennium after consultation with the affected utility company. See section II.H.2 of the ECS in appendix E1 of the EIS.

Comment Summary C12-22: What compensation is offered to the City of Yonkers, the owners of the bed of the street?

C12-22 Easement negotiations and the specifics of right-of-way agreements, including any compensation, are between the landowner and Millennium. These issues are outside the scope of the EIS.

Comment Summary C12-23: Does the company anticipate any operation concerns for the pipe in the street bed? Will being near the end of the pipeline mean it must be cleaned more often? Is there any collection of materials where the pipeline makes a sharp turn? What is the schedule of pipeline cleaning and how will it impact the City of Yonkers and residences along the route?

C12-23 In-street pipeline construction is not atypical in the pipeline industry and presents no unique operational issues. Cleaning (pigging) of the pipeline is conducted following construction to remove any construction-related dirt and debris remaining in the pipe. Any future pigging would be conducted in accordance with 49 CFR 192. No street opening would be required to pig the pipeline.

Comment Summary C12-24: The correct number of acres affected by construction and operation should be calculated by summing the developed acreage of all properties adjacent to the construction right-of-way. The entire acreage of housing parcels is affected when the access is cut off due to construction.

C12-24 See revised discussion in sections 4.8.2 and 5.8.2.2 of the FEIS. Our land use classifications in tables 4.8.1-1 and 5.8.1.2-1 are based on actual use of the land crossed. The 1.2 acres of residential land listed as crossed by the construction right-of-way in Westchester County includes only existing residential lawns and driveways. While in-street construction may temporarily affect access to adjacent residences when the pipe is being installed, we do not consider the street surface as residential.

Comment Summary C12-25: The statement that only 217 residences will be within 50 feet of the construction work area must be amended to reflect the full number of homes and apartments.

C12-25 We disagree. See response to comment C12-11

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Comment Summary C12-26: How do you intend to maintain traffic flow in the Bronx River Road area and what will be done with school buses picking up children?

C12-26 Pipeline construction would proceed sequentially through this area, requiring the closing of only short sections of roadway at any one time. At no time, would all of the roads affected by construction in Yonkers be closed. Appropriate detours and traffic mitigation measures would be developed in consultation with the local transportation officials before construction.

Comment Summary C12-27: Section 5.8.2.2 does not contain information on the number of persons, dwelling units, commercial concerns and daily traffic that would be impacted. This should be included in the FEIS.

C12-27 Comment noted. However, while we have expanded our description of the area affected in Yonkers, we cannot accurately estimate the number of persons, etc., that might be affected by pipeline construction in an urban setting such as this one. We also believe that it is not the number of persons, buildings, vehicles, etc., that is as important as the mitigation plan to minimize overall construction impact.

Comment Summary C12-28: Section 5.8.2.2 does not contain information about the impossibility for detours around closed streets. Functionally, detours around any closed segment of the Bronx River Road are impossible.

C12-28 It does not appear that detours around closed streets (e.g. Palmer Road and Bronx River Road) are "impossible," only that these detours may be inconvenient and may affect streets in Mount Vernon.

Comment Summary C12-29: There is no discussion about the impacts to the existing infrastructure in the right-of-way and the number, age, and type of utility connections to the dwellings must be quantified.

C12-29 See the response to item C12-14.

Comment Summary C12-30: Explain why unbuilt subdivisions are given preferential treatment over a high-density urban area? The pipeline should be rerouted around the Desmond/Bronx River Road area.

C12-30 There is no preferential treatment intended in our analysis. We are simply stating that Millennium would coordinate with the developers of new or proposed residential developments. In some cases, where the subdivision is isolated, a minor reroute could avoid the subdivision or significantly reduce the number of lots crossed and minimize the land affected on each lot. This is because, in those cases, there are no structures in place yet. It is different when the construction affects the built environment. We recognize the implications of construction in the residential streets of Palmer Road, and the Desmond/Bronx River Road area as well as the difficulty in routing a pipeline through this area. See revised discussion in section 5.8.2 of the FEIS.

Comment Summary C12-31: What is the impact of pipeline installation on the two small shopping centers off Bronx River Road? Will stores be closed due to street closings? Will private owners be compensated for lost revenues as a result of installation of a private, for profit pipeline? What are the lost revenue estimates given the proposed 4-month closing of the road to through traffic?

C12-3 Construction effects would be similar to those anticipated at the McLean/Bronx River Road commercial district (see response to comment C12-13). Stores would not be required to close because of construction or as a result of construction. Compensation for potential lost business during construction would be between Millennium and the store owners. However, Millennium states that it intends to maintain access to businesses. The road would not be closed for 4 months, only an estimated 14 days (see response to comment C12-13). Since potential impacts on businesses would be short-term and relatively minor, we have not estimated lost revenues. We note that Millennium has proposed and we have recommended the Parkway Variation which would avoid the McLean/Bronx River Road district (see section 6.3 of the FEIS).

Comment Summary C12-32 One week notification to the Park Department prior to construction is not adequate.

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C12-32 Comment noted. Table 5.8.3.2-1 of the FEIS has been revised. The Yonkers Parks Department would be contacted before construction and during finalization of the construction plan for Yonkers. Millennium states that construction notification would be provided 1 week before construction activities commence.

Comment Summary C12-33: Will there be any impact to tree canopy due to the construction? Will damaged trees be replaced? How will the community be compensated if construction causes a 50 year old or more tree to die? Is the operation of the pipeline conducive to the continuation of trees?

C12-33 Millennium states that it would trench in Bronx River Road, not along the side of the road. Therefore, it would not impact trees on either side of the road as all construction and associated activity would be confined to the street. However, there would be the potential for root disturbance where the pipeline moves off Bronx River Road through J.P. Scotti, Jr. Park. If trees or tree roots are significantly disturbed in any location, the tree replacement policy described in section 5.8.1 of the FEIS would be implemented. Because the pipeline would be located completely below the street surface, visual impact would disappear following restoration of the road surface. Operation of the pipeline in this location would have no permanent visual impact.

Comment Summary C12-34: The DEIS section on transportation is insufficient to allow any regulatory agency to make a decision about the reasonableness of choosing one road over another. There must be a plan to show traffic detours and an analysis of air quality impacts due to increased traffic at potential hot spots.

C12-34 We have expanded our discussion in section 2.3.3 of the FEIS to better describe this type of construction. Our recommendation is that Millennium develop a mitigation plan with Yonkers to address site-specific concerns, including traffic detours and any required air quality analyses on which to base this plan. While we understand your concern that the mitigation plan be developed in the EIS, we believe that the basics of the plan have been agreed to by Millennium and that details of the plan are best worked out nearer to the time of construction to allow Yonkers to participate in the plan development (see section 5.8.2.2).

Comment Summary C12-35: For the 125-day construction period will there be a moving plug on Bronx River Road? Some disruption (limited to several days to a week at any one location) to traffic on local roads may be expected during construction - does this mean that the construction area may move but so long as it is between 2 intersections?

C12-35 This particular quote was at the end of a paragraph that discussed the movement of construction workers and materials to and from the construction work areas. It is accurate in that context. In previous paragraphs, the EIS discusses actual installation of the pipeline across or within roads. During construction across roads, the road would be temporarily closed down during actual installation of the pipe if the road is open cut. In this case, the shutdown may only last a few hours. During construction within roads (as in Yonkers), a segment of the road likely would be shut down for the duration of construction on that particular day. All open trench would be covered with steel plates during times when there is no active construction (e.g., nights, weekends). Your characterization of construction as a moving "plug" is as accurate description as any other and would mean that, as construction moves down the road, segments of the road may be closed temporarily and traffic would be detoured. Also, see response to C12-38. However, we note that with adoption of the Parkway Variation, there would be no construction on Bronx River Road.

Comment Summary C12-36: What is the impact of the pipeline on already low coop values? What level of disclosure is required to the adjacent landowner? Will the coops be compensated for loss in value if fear of the pipeline reduces their value?

C12-36 The pipeline should have no impact on coop values. It is a utility that would be installed and maintained in the street in accordance with USDOT regulations that specify minimum requirements for the safety and protection of the public. Adjacent landowners would be notified before construction about imminent construction. To our knowledge, there is no requirement for disclosure to adjacent landowners about use of a municipal right-of-way for the pipeline beyond those notifications proposed by Millennium. Since the pipeline would be in the street, no easement would be required from the coops and the coops would not be compensated for loss in value resulting from fear. We note that with adoption of the Parkway Variation, there would be no construction on Palmer or Bronx River Roads.

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Comment Summary C12-37: Why is the property tax impact of the pipeline not estimated?

C12-37 We do not require a property tax analysis for pipeline projects because the increased tax revenues per se would not result in any foreseeable negative environmental impact. Yonkers had an operating budget of \$550 million in 1998 and a city tax rate of \$304.51 per \$1,000 of assessed value. The full market value of the pipeline would be about \$1 million per mile and about 3.7 miles of the pipeline would be in Yonkers.

Comment Summary C12-38: What is the amount of tax lost because of the impact of construction of the pipeline?

C12-38 We believe that the net tax revenue analysis is adequate for the purposes of this EIS. Millennium proposes to maintain access to businesses and residences during construction. While construction through Yonkers and Mount Vernon, a distance of about 5.1 miles, would take about 120 days, construction through Yonkers (about a 3.7-mile-long crossing) would take less time. Because Millennium proposes to use the sewer-line construction methods, where the pipe is installed one joint at a time, construction would affect no more than 200 to 500 feet on any one day. Typically, a segment of the street wide enough to install the pipeline (about one lane or 25 feet) would be blocked off for construction. The remainder of the street would remain open to traffic, unless temporarily required for movement of equipment and materials.

Comment Summary C12-39: Section 5.11 is worthless and should qualify the DEIS to be rejected and rewritten. There is no analysis of air quality impacts of detoured traffic or pipeline construction.

C12-39 Air quality impacts are normally analyzed only for facilities that would permanently affect air quality, given that air quality standards are enforced over a one-year period and that it is difficult to provide meaningful estimates of short-term traffic air quality impacts. Air quality impacts would result when traffic idles for extended periods of time. These impacts would be minimized by keeping traffic flowing at the fastest speeds possible with the least time spent idling. Millennium would work with the City of Yonkers to develop the most efficient traffic detour routes, given the neighborhood and construction constraints.

Comment Summary C12-40: A traffic study must be conducted to determine if there will be air quality impacts.

C12-40 As stated in response to comment C12-39, air quality impacts would be minimized by keeping traffic moving at the fastest safe speed and minimizing engine idling. There could be some short-term air quality impact as a result of operation of the construction equipment and slower traffic movement in and around the construction work areas. Given the urbanized environment and the speed of construction (14 days), none of these impacts would be of such long duration or of such significance as to warrant detailed traffic studies.

Comment Summary C12-41: Does the presence of a six-story building in close proximity to the work area have any greater impact than in other areas of the pipeline?

C12-41 The presence of six-story buildings in the vicinity of the construction area increases the number of residents potentially affected by construction noise and air pollution. The taller buildings can channelize air flow and create eddies in which air pollution could accumulate, but six stories is not tall enough for this effect to be significant and the concentrations involved are also too low to be significant.

Comment Summary C12-42: What is the noise generation of the construction equipment? Why is there no identification of sensitive receptors for noise in the area? How long will it stay at any one location?

C12-42 See response to comments C12-40 and C12-41. Listed below are the noise levels for typical equipment, at a distance of 50 feet from the equipment:

- Vacuum Cleaner - 55 dBA
- Passenger Car at 60 mph - 65 dBA
- Lawn Mower - 75 dBA
- Typical earth moving equipment - 75 to 85 dBA
- Concrete Mixer - 80 dBA
- Heavy Truck - 85 dBA
- Jack Hammer - 95 dBA

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Comment Summary C12-43: The DEIS states that work would take advantage of daylight hours. Does this mean application for permission to work outside of normal Yonkers building permit hours?

C12-43 Construction activities must meet applicable ordinances, whether Federal, state, or local. Construction activities in Yonkers would occur during the normal Yonkers building permit hours and may take advantage of off-peak traffic times, such as nights or weekends.

Comment Summary C12-44: Will there be any assurance offered to persons with respiratory problem? Will they be notified in advance of the work period?

C12-44 Minimizing construction equipment emissions (through regular equipment maintenance) and use of adequate dust control measures should minimize respiratory distress for even the most sensitive individuals. With the incorporation of the Parkway Variation, the pipeline would avoid residential areas in Yonkers since it would not be placed within Palmer or Bronx River Roads.

Comment Summary C12-45: Do pipelines like this leak at all? Can a micro level leak be conveyed to a buildings basement via abandoned in place house connection utility pipes?

C12-45 The pipeline is designed not to leak and is checked regularly to ensure that it does not. The chance of micro level leaks would be remote.

Comment Summary C12-46: Explain in greater detail the part 192 standards.

C12-46 The USDOT is responsible for the minimum Federal safety standards in part 192. While we have provided a summary of the more important aspects of these regulations in section 5.12 of the EIS, additional information on these regulations should be obtained from the USDOT.

Comment Summary C12-47: If the Federal regulation reviews a 220-yard (660 feet) area on either side of a pipeline for its analysis why was the 50-foot standard used elsewhere in the EIS. It does not seem reasonable in the dense urban setting in Yonkers.

C12-47 We identify residences within 50 feet of the construction work area to address potential construction-related and land use impacts in the vicinity of these residences. These impacts include noise, dust, and safety issues related to the operation of construction equipment adjacent to residences and land use impacts related to the limitation imposed by the permanent right-of-way on residential additions and other structures. Our 50-foot criterion is unrelated to the 220-yard (660 feet) criterion used for the determination of class locations as specified in section 192.5 of the USDOT regulations. The 50-foot criterion is used only with respect to short-term construction and land use impacts and is not related to design, testing, operation or other safety issues of the pipeline.

Comment Summary C12-48: What is the regulatory standard for DEIS reviews? Do they vary in width of affected areas?

C12-48 There is no such standard for EIS reviews. As stated in response to C12-47, we look at potential construction impacts on adjacent residences and the USDOT looks at safety considerations at nearby residences.

Comment Summary C12-49: How are the Yonkers segments classified pursuant to part 192. Include a map for the areas in Yonkers.

C12-49 The USDOT regulations address safety issues associated with construction and operation of the pipeline in any situation. The regulations include design and operating standards for pipelines in urban environments. For instance, in Yonkers, the pipeline would be Class 4 or pipeline with the thickest wall density specified in the regulations.

Comment Summary C12-50: Will classification of the Yonkers span of the pipeline cause any additional construction? Will "sectionalize block valves" in class 4 areas result in additional facilities in Yonkers compared to other areas?

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C12-50 No additional pipeline construction would be required in Yonkers as a result of the classification. The pipeline length would be the same; only the wall thickness of the pipeline would be greater than that used in less populated areas. Additional block valves would be installed along the pipeline in the urban areas. Millennium currently proposes to install seven mainline valves along the approximate 31.7 miles in Westchester County, for an average of about one valve for each 4.5 miles of pipeline in the county. One of these valves would be in Yonkers. In more rural areas, such as Chautauqua County, there would be three block valves along the approximate 35 miles in the county, or an average of one block valve for each 11.6 miles in the county.

Comment Summary C12-51: Did the pipeline project change from the Bronx River Parkway site to the side streets change the requirements under part 192?

C12-51 No.

Comment Summary C12-52: Does part 192 require notification of the community when a project change is proposed?

C12-52 No.

Comment Summary C12-53: How does the operator establish a continuing education program to enable those involved in excavation to recognize a gas pipeline emergency? How is the program funded and what entity will be responsible for education and notification on a regular basis?

C12-53 Section 5.12.1 of the EIS describes the key elements of section 192.615. It would be Millennium's responsibility to develop and fund the program. Whether in an urban or rural setting, the "One-Call" Program was established in 1982 to minimize unauthorized excavation activities in the vicinity of a pipeline. This service allows contractors or other maintenance workers to call for information on the location of underground public utilities. It is illegal for contractors (or landowners) to perform any earth disturbing activity in the vicinity of utility lines before contacting the "One Call" system. We assume that Yonkers requires a permit for any work that would require cutting of the pavement and that Yonkers would advise contractors of the location of the natural gas pipeline before issuance of any permit within a street that contains the pipeline.

Comment Summary C12-54: What is the excavation history of the area in which the pipeline is proposed? How many street opening permits have been granted in the past 10 years in this area? How can the DEIS be considered complete if the impact of street opening in this area has not been analyzed?

C12-54 We do not believe that a record of excavation permits in city streets over the last 10 years is of particular value to our analysis. The information is historical and may or may not be useful in predicting future excavations. Of greater importance is the implementation of the "One-Call" Program to minimize the potential unauthorized street openings that may jeopardize the pipeline.

Comment Summary C12-55: If 53.5 percent of the service incidents are from outside forces why even consider the placement of a pipeline in a local street?

C12-55 The data showing that outside forces contributed to 53.5 percent of the accidents was from data collected between 1970 and 1984. Later data (1991 through 1997) show the incidence of these accidents decreased to 41.2 percent. In actuality, the likelihood of the pipeline being ruptured by outside forces probably would be significantly less in an urban environment where permits would be required to excavate in the streets. We have no data indicating that "outside force" problems increase when the pipeline is in city or rural streets, or where buildings are older than 50 years.

Comment Summary C12-56: What effect does the presence of other utility pipes have on the external corrosion of the pipeline? How often do the cathodes need to be replaced? What does this replacement entail in terms of street opening and construction impacts?

C12-56 The presence of other pipelines would have no effect on the external corrosion of the Millennium pipeline which would be properly coated to resist corrosion. The location of nearby pipelines and their cathodic protection systems would be incorporated into the design of the Millennium cathodic protection system. The low voltage

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current of a cathodic protection system has no effect on other metallic facilities near the pipeline. The path of the circuit is primarily from the anode bed through the earth to the pipeline, and back along the pipeline to the anode bed. There are no magnetic fields set up in the area. There are no cathodes installed as part of a cathodic protection system. Anode beds would be constructed at approximately the same time as the pipeline and are designed for the life of the facility. For a coated pipeline, the anode beds are spaced many miles apart depending on the results of the cathodic protection survey. The cathodic protection system would be monitored and, at times, the anode beds must be replaced if they become depleted due to changed field conditions. The proposed locations for these anodes would avoid locations where street openings would be required and operation (replacement) impacts would be minimal.

Comment Summary C12-57: Table 5.12.3-2 should be changed to indicate that the fatality rate from not placing a gas pipeline in urban areas is zero.

C12-57 If the pipeline were not constructed, none of the impacts described in the EIS would occur. This was stated in section 3.1 of the DEIS.

Comment Summary C12-58: Section 5.13 of the DEIS is not an analysis but a request for data and the DEIS should be pulled back until all data is available.

C12-58 We requested this information from the towns and municipalities in our NOI. We requested the information again in the DEIS to verify that other projects had not been identified in the interim. We note that Yonkers, and others, have identified no proposed projects that would be affected by construction or operation of the pipeline.

Comment Summary C12-59: The DEIS should address issues of fair share of regional servicing facilities and answers the questions of what compensation is to be offered to Yonkers. What special mitigation accrues to Yonkers for accepting more than its fair share of these kinds of facilities.

C12-59 The issue of "fair share" of regional servicing facilities and compensation to Yonkers for accepting more than its fair share is beyond the scope of the EIS. However, we note that Yonkers would receive tax property revenues from the pipeline. New York City and the surrounding area would also receive an enhanced natural gas supply.

Comment Summary C12-60: What is the impact of the pipeline on the potential redevelopment of the Bronx River Road area?

C12-60 This commercial district (Stations 22210+00 to 22232+00) would be temporarily affected by construction in Bronx River Road. Millennium proposes to construct through this area using two crews for about 14 construction days. The street would be closed in the immediate vicinity of each crew location, although work can be completed during off-peak traffic hours. Millennium states that it would not limit or disrupt access to commercial or business areas and that any construction that would limit access to these areas would be scheduled for non-business hours. Thus, Millennium would not compensate for lost revenues. However, with incorporation of the Parkway Variation as recommended, this commercial district would be avoided.

Comment Summary C12-61: In section 6.3.5 of the DEIS, Yonkers Route Variation, the segment 2 discussion should include the total number of commercial enterprises, their type and number of apartment residences and their tenure.

C12-61 Comment noted. See discussion of the recommended Parkway Variation in section 6.3.16 of the FEIS.

Comment Summary C12-62: What is the "reasonable elaboration" for making the statement that the removal of trees is a long term impact but the placement of the pipeline in the street is a short term impact? Why is there no thought given to replanting a buffer of evergreens to stop traffic noise in the Bronx River Parkway area? The emphasis placed on the loss of the tree buffer seems misplaced. Without noise studies to quantify the statement it seems unlikely that the trees reduce noise for the parkway in any significant way.

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C12-62 We believe that the primary impacts of pipeline installation in the streets would be those associated with disruption during construction and these impacts are limited to a maximum of about 4 months in the Cities of Yonkers and Mount Vernon. This is a short-term impact.

While we agree that evergreens or other trees could be replanted, it would take years for these trees to reach the same dimensions as those that would be removed if construction proceeded along the buffer between the parkway and adjacent residential and commercial development. This is a long-term impact. We also agree that the existing vegetation provides only minimal noise reduction. However, it does provide a visual buffer for the adjacent properties. We received several comments from landowners in Yonkers who were concerned about the removal of tree buffers. Also, see discussion of the recommended Parkway Variation in section 6.3.16 of the FEIS.

Comment Summary C12-63: Why is there no discussion of the cumulative impact of another region serving facility in the City of Yonkers? Yonkers has hosted more than its fair share of regional facilities. What is the impact of adding another facility, namely this pipeline.

C12-63 Construction impacts would likely be similar if "another region" were to accommodate the pipeline because of its terminus in the New York City area. As stated above in response to comment S12-59, it is beyond the scope of this EIS to evaluate issues such as "fair share." While the pipeline would represent another utility in Yonkers, it would be installed within the existing transportation system and would not represent a new corridor.

Comment Summary C12-64: The City of Yonkers streets provide the only means of access to many high-rise apartment houses, residential houses, commercial/retail properties, park and recreation al facilities. These streets also function as a north-south Bronx River area travel corridor from Central Park Avenues to the New York City. The traffic impact on this corridor will be significant.

C12-64 Comment noted. We have reexamined the Yonkers Route Variations in section 6.3.16 of the FEIS and have recommended the Parkway Variation.

Comment Summary C12-65: The DEIS does not address the specific traffic accessing impacts associated with the surface street alternatives.

C12-65 Construction in the streets in Yonkers would require the temporary use of about 25 to 30 feet of the road for a distance of between 200 and 500 feet on any given day. Millennium proposes to use sewer line construction techniques which means that the pipeline would be installed one segment at a time. As described in section 2.3.3, open trench would be limited to that needed to install one pipe segment and weld it to the previous segment (a distance of about 100 feet) and the trench would be backfilled as soon as the pipe is installed. Traffic movement would be constricted, but given the width of the affected roads, would be allowed to proceed around construction. There would be no effect on traffic signal or other traffic control devices. Parking would not be allowed in the immediate area of construction and parking spaces would be lost temporarily until construction passes through. Some residents may have to seek alternate parking on other nearby streets. Access to commercial/retail businesses would be maintained, except when the pipeline is actually being installed in the trench in front of the business. Weekly garbage pickup would continue, although some arrangement may need to be made for the location of garbage for pickup in the immediate vicinity of construction. Snowplowing and school bus routes would not be affected since construction is planned for the summer. Access would be maintained to buildings along the streets for fire, police, ambulances, and local deliveries. In the case of an emergency in an area where the trench is open, plates can be installed temporarily across the trench. There would be no need to relocate bus routes since at least one lane of the streets would remain open to traffic. While some traffic may seek alternate routes along narrow, low-volume streets, this would not be expected to be significant since part of the affected street would remain open and/or construction can be timed to avoid peak rush hours.

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Comment Summary C12-66: The DEIS does not consider the east side of Westchester County as an alternative route. The Cross Westchester I-287 corridor and the Hutchinson River Parkway should have been studied as a routing alternative.

C12-66 See response to comment C12-5.

Comment Summary C12-67: In the opinion of the City of Yonkers traffic engineers, the impact on the residences, businesses, and visitors to the City of Yonkers as a result of placing the pipeline within Palmer and Bronx River Roads is too disruptive and will cause undue hardship to the city.

C12-67 We believe that, while construction would result in disruption in Yonkers, these impacts would be temporary and can be mitigated with use of Millennium's proposed mitigation and the development of additional mitigation in consultation with Yonkers.

Comment Summary C12-68: The construction impact of this project will be significant. All of the affected streets have a maze of underground utilities and well established street subsurface structures.:

C12-68 While sub-surface utilities may have to be cut and capped for the installation of the pipeline, these connections would be reestablished after the pipe is installed and should not require relocation. In some cases, water and sewer lines may be below the depth needed to install the pipeline (about 6 to 7 feet) and would not be affected. Aboveground utilities should not be affected since smaller construction equipment could be used or equipment would work around utility lines.

Comment Summary C12-69: Water mains, sanitary sewers, storm water sewers, privately owned utilities will be drastically affected by this projects.

C12-69 See response to comment C12-68.

Comment Summary C12-70: Every street is currently surfaced with asphalt concrete and any excavation will dramatically weaken the structural integrity of the roadway. Curbing and sidewalks could be damaged.

C12-70 Following construction, Millennium would be required to restore the road surface and any other structures damage by its construction activities.

Comment Summary C12-71: City trees and city owned retaining walls would be affected. Any rock encountered during construction would have to be removed.

C12-71 Millennium, in consultation with the City of Yonkers and Westchester County, is developing construction mitigation plans for activities in this area. These plans could address concerns including provisions for protecting and replacing street trees, locating existing utilities, and restoration of areas disturbed by construction.

Comment Summary C12-72: Dust, mud, and noise (including back up alarms ) would be generated.

C12-72 Dust generated during construction activities would be controlled with appropriate dust control measures including watering and watering with dust suppression enhancers. Standard construction practices (such as use of mats) would be used when excessive mud is involved. Noise from construction equipment would be minimized by regular maintenance of the equipment, including all mufflers. Safety is a primary concern in construction activities and, when accidents are eliminated, results in the most efficient and quickest completion of the job. Backup alarms have been found to substantially reduce accidents involving motor-driven equipment, and must be used on construction sites in compliance with federal regulations. While noise associated with backup alarms would contribute to overall construction noise, this would be a necessary part of the job and would be limited to the construction hours.

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Comment Summary C12-73: A separate street opening permit would be required for Palmer Road and since excavation would be over 100 feet in length approval for the Yonkers City Council would be required for issuance of this permit.

C12-73 Thank you for your comment. It is Millennium's responsibility to acquire the appropriate permits.

Comment Summary C12-74: Any future excavation in the affected streets will have to avoid the pipeline area and will be more costly. Maintenance is on-going for the existing underground utilities.

C12-74 Any excavation in the streets would require knowledge and avoidance of other utilities. We do not believe the pipeline imposes any new requirements, only that it adds a new utility in the street.

Comment Summary C12-75: New York City owns and operates a water supply building at 750 Palmer Road. The Catskill Aqueduct is crossed just south of Tuckahoe Road. The foot of the dam at the Grassy Sprain Reservoir would also be crossed.

C12-75 Based on our information, the water supply building at 750 Palmer Avenue is west of I-87 and about 2,000 feet west of the pipeline as originally proposed. See revised discussion on the Catskill Aqueduct in section 5.3.2.3 of the FEIS and discussion of route variations in section 6.3. We do not believe construction or operation of the pipeline would affect the dam at Grassy Sprain Reservoir since the pipeline would be downslope from the dam.

**WESTCHESTER COUNTY – J. Lannert (5/18/99)**

Comment Summary C13-1: It is our opinion that a Supplemental EIS is needed for the County and its municipalities to complete their review.

Millennium amended the proposed route in Westchester County in June 2000 and a SDEIS was issued March 16, 2001. We have responded to all comments made on the DEIS and addressed in detail site-specific issues raised in these comments. Also, see response to comment S12-1.

**C14 CHAUTAUQUA COUNTY SOIL AND WATER CONSERVATION DISTRICT – D. Wilson (6/4/99)**

Comment Summary C14-1: Millennium will remain responsible to ensure that decompaction and rock removal activities are complete.

See response to comment C9-1

**TOWN OF HORSEHEADS – M. Edwards (5/26/99)**

Comment Summary C15-1: If the original Line A-5 is being abandoned then it should revert back to the landowners.

Millennium states that a preliminary review of the easements for the Line A-5, which would be abandoned in place, indicates that the right-of-way would not revert to the landowner. At present, Columbia plans to retain its rights because of the commercial value of the pipeline.

Comment Summary C15-2: Will the use of water from Newtown Creek effect the water table in the Town of Horseheads?

The use of hydrostatic test water is a short-term event, typically no more than several days. According to Millennium's ECS and our Procedures, water withdrawal cannot exceed that needed to maintain downstream uses. Since Millennium proposes to discharge hydrostatic test water back into the source water (e.g., Newtown Creek), no impact on groundwater levels or wells would occur.

Comment Summary C15-3: I believe that proposed pipe storage yard 7 is in a gravel pit on East Franklin Street and am concerned about any accidents that may occur and affect the aquifer in the region.

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C15-3 Typically, a storage yard would be used only to store pipe materials and valves. These materials would not affect water quality based on their location near the gravel pit in Storage Yard 7. If other materials, such as liquids are stored in the yard, the SPCC Plan would be applicable and we have recommended containment dikes with at least 100 percent capacity of the maximum storage volume.

**TOWN OF WARWICK – L. DeBuck (6/22/99)**

Comment Summary C16-1: The Town of Warwick requests an extension of the public comment period until Millennium has addressed its concerns and the town has been given an opportunity to reply.

The Commission granted an extension of time to comment on the DEIS from June 7 to June 22, 1999. Part II of the SDEIS issued March 16, 2001, addressed construction in the black dirt area and provided another opportunity to comment on the project in this area through April 30, 2001. While we recognize the EIS does not contain explicit site-specific information on each town crossed, it is not intended to provide this level of detail. However, we believe the most important issues in Warwick have been addressed in the FEIS and that ongoing negotiations with the affected landowners and Millennium would resolve the remaining concerns.

Comment Summary C16-2: The Town of Warwick will be impacted by pipeline construction in many ways and the Town requests an adequate opportunity to review the responses to its questions.

See response to comment C16-1

Comment Summary C16-3: The pipeline will cross one of the richest mineral fields in the world and a professional scientist should be invited to study the rocks and minerals that are excavated during pipeline construction. What provisions will Millennium make for this request?

Millennium states that it would be glad to permit Dr. Moore to study the unique mineral assemblage that he believes exist between Amity and Edenville, so long as it does not interfere with construction progress and all liability issues are addressed. However, landowner permission would be required before any commitment to allow such a study. Millennium would discuss this with the landowners during right-of-way negotiations.

Comment Summary C16-4: Will blasting be required on Entin Terrace and if so what precautions will be taken to protect the foundations and wells of these residences? How will residences be compensated for the hazard of uncontrolled rock-fly, noise, dust, venting of gases after blasts, and inconveniences caused by road closures?

Millennium does not believe that blasting would be required at Entin Terrace, although it is difficult to predict where isolated spot blasting could be necessary before actual testing or trench excavation. Blasting would only be done as a last resort if all other mechanical methods are unsuccessful. Millennium would conduct pre- and post-water quality testing of wells, and pre- and post-blasting inspections of structures within 150 feet of the construction work area. Rock-fly would be controlled by blasting mats. Nuisances, such as noise, increased dust, venting of gasses and the inconvenience caused by road closure due to blasting, would be temporary and would cause only minor short term impact that would not warrant additional compensation to neighboring residences. However, Millennium would compensate for any damages to structures or property as a result of blasting or other construction activities or other construction activities.

Comment Summary C16-5: The DEIS does not discuss the impact of pipeline construction on black dirt.

See part II, section 2.1 of the SDEIS and sections 2.3.2 and 5.2.2 of the FEIS for a discussion of the final site-specific plan for crossing the black dirt area which is also included as appendix E2 of the FEIS.

Comment Summary C16-6: The public comment period should be extended since the impact of black dirt is a major concern of the Town of Warwick and a plan is still outstanding.

See response to comment C16-5.

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Comment Summary C16-7: Specific analysis of black dirt soil profiles are needed and must be mandated. Typical black dirt sketches do not apply to Warwick's black dirt land.

Millennium completed the geotechnical soil borings and has created soil profiles as part of the final site-specific crossing plan for the black dirt area.

Comment Summary C16-8: Please explain why crop productivity will be monitored for only 2 years when the reestablishment of the crops may take 1 to 5 years.

Millennium proposes to monitor the black dirt area for a period of 5 years after construction.

Comment Summary C16-9: Given the highly unusual and extremely complex soil profile of the black dirt land in Warwick, farmers believe that the soil profile can never be restored.

Millennium's site-specific construction plan for crossing the black dirt areas states that excavated soils would be separated by soil type (see appendix E2 of the FEIS). The identification of the soil types would be conducted by the agricultural consultant in conjunction with the project geomorphologist/geoarcheologist. The different soil types would be stored in separate, covered spoil piles. Following completion of construction and testing, all soil would be returned to the trench in the correct stratigraphic order. Millennium states that any peat material lost through erosion would be replaced with comparable material selected in consultation with the NYSDA&M and landowners. The construction work area used for pipe installation would be returned to preconstruction grade as much as possible.

Comment Summary C16-10: The 2 year prediction for alleviation of compaction condition is both unreasonable and unfounded.

C16-10 See response to comment G16-8.

Comment Summary C16-11: How will farmers be compensated for the long term, possibly permanent, loss of crops in the pipeline right-of-way?

C16-11 Millennium states that it would monitor crops in the black dirt area for a period of 5 years. While compensation for lost crops would be between the landowner and Millennium, we believe that implementation of the site-specific plan in the black dirt area would minimize the potential for long-term permanent impacts on this important resource (see appendix E2 of the FEIS). Also, see part II, section 2.1 of the SDEIS and section 5.2.2 of the FEIS

Comment Summary C16-12 : Some of the drainage systems that would be crossed have been in place for decades and are extremely intricate. Trench dewatering could also alter the hydrologic pattern of the black dirt fields.

G16-12 The construction procedures and mitigation identified in section 2.3.2 of the DEIS for agricultural land does not address the specifics of the black dirt area. Construction procedures and mitigation for the black dirt area is included in part II, section 2.1 of the SDEIS and sections 2.3.3 and 5.2.2 of the FEIS. Any drainage structures damaged during construction would be repaired by Millennium to the landowner's specifications. However, Millennium proposes to avoid or bore under all drainage systems. Because of the level terrain in the black dirt area, use of trench breakers would be limited. Trench dewatering would be temporary and should have no long term impact on the hydrology of the area.

Comment Summary C16-13: The DEIS should address the anticipated damage to flood control dikes, integrity of interior ditches, and the ability to continue to operate pumping stations during construction.

C16-13 Millennium states that the only dike and pumping system that would be crossed by the pipeline is at Pochuck Creek. All ditch and stream crossings within the black dirt area would be horizontally bored to ensure adequate cover over the pipe (a minimum of 4 feet at each stream or ditch crossing) and to avoid other impacts. The pipe would also be weighted to ensure that future operation would not interfere with levee, dike, and/or ditch integrity. We do not expect that the operation of pumping stations would be disrupted by the project.

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Comment Summary C16-14: The contour of black dirt land must be precisely replicated for these fields to maintain their current drainage patterns. There's concern about wetlands that developed in Columbia's existing right-of-way where there was subsidence over the pipeline.

C16-14 Millennium would complete the restoration process in accordance with the site-specific plan developed for the black dirt area. Because of the level topography in the black dirt area, we do not anticipate the need for side hill construction. As stated in section 5.7.3 of the EIS, the total acreage affected by the 51 small wetlands that formed due to settling over the pipeline is about 0.4 acre, or less than 0.00003 percent of the existing permanent right-of-way. The old pipeline was installed before the use of our Plan and Procedures which provide guidelines or requirements for construction and restoration of pipeline projects. Subsidence is addressed in the site-specific plan for the black dirt area.

Comment Summary C16-15: The Town of Warwick has asked for a response regarding how the natural occurrence of subsidence of the organic soil in the black dirt area will be addressed. What measures will be instituted to ensure the appropriate maintenance of contouring the black dirt land over the life of the pipeline?

C16-15 Subsidence is addressed in the site-specific construction plan for the black dirt area (see appendix E2) and additional discussion in section 5.2.2 of the FEIS. The period for monitoring restoration of the black dirt area is 5 years, rather than the minimum 2 year requirement for other agricultural areas. Section 2.3.3 of the FEIS has been modified to clarify that restoration of most agricultural areas would be monitored for at least 2 years and that additional restoration may be required in those areas which have not recovered successfully.

Comment Summary C16-16: Warwick requests that the Procedures be followed in black dirt areas.

C16-16 The measures specified in Millennium's ECS, and our Plan and Procedures would be implemented project wide. Additional measures would be used where site-specific plans have been developed.

Comment Summary C16-17: How many agricultural inspectors will be used to monitor agricultural management in the black dirt area?

C16-17 Millennium proposes to employ one agricultural inspector per spread, which would equate to a minimum of 7 agricultural inspectors for the project (assuming none are required on Spread 1 in Lake Erie, on Spread 8 in Rockland and Westchester Counties, or on Spread 9B in Westchester County because of the absence of agricultural land). Each agricultural inspector would be responsible for an average of about 60 miles of pipeline. Because Spreads 7 and 9A would be in Orange County, there would be two agricultural inspectors available in the county. Millennium's Black Dirt Plan states that an agricultural consultant with experience in black dirt soils would monitor construction in the black dirt area.

Comment Summary C16-18: Who will train and monitor the "specialized crew" that will construct the pipeline in black dirt areas?

C16-18 The construction crew that would work in the black dirt area would be regular pipeline workers. However, these workers would conduct pipeline installation in the Black Dirt Area in accordance with the specific requirements of the Black Dirt Plan. In addition, an agricultural inspector would oversee work within this area. This inspector would be chosen in consultation with the NYSDA&M and would have experience in black dirt soils. Millennium would train this crew in the same way that it would train all crews about the environmental requirements of the FERC certificate (see recommendation No. 6 in section 7.2 of the FEIS).

Comment Summary C16-19: A model easement for lands conveyed to Millennium, both agricultural and otherwise, should be included as part of the DEIS.

C16-19 Easement negotiations and the specifics of right-of-way agreements, including any compensation, are between the landowner and Millennium. These issues are beyond the scope of the EIS.

Comment Summary C16-20: The language of any right-of-way agreement should preserve the rights of property owners to negotiate for additional compensation for other utilities in the future.

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C16-20 Landowners may negotiate for the removal of certain provisions or the inclusion of additional ones in easement agreements, provided the provisions are not necessary for the construction, operation, or maintenance of the pipeline, or are required by state laws. This may include language related to use of the right-of-way by other utilities. The Commission's Certificate would only allow Millennium to obtain an easement for the proposed project, not for any other utility use.

Comment Summary C16-21: The model easement should also specify compensation for crop losses in the temporary construction right-of-way and extra work areas throughout the life of the pipeline and for land outside of the right-of-way.

C16-21 See response to comments C16-13, C16-15, and C16-19. The easement would be for all areas required for construction and operation of the proposed project and could include provisions for potential future crop loss either within or outside of the construction work areas.

Comment Summary C16-22: Warwick farmers are concerned that Millennium does not currently stay confined to their easement. How will future confinement to land conveyed to Millennium be monitored?

C16-22 Millennium would be required to comply with all of the conditions of any Certificate issued by the Commission, including the location and size of proposed easements. The Commission's staff or its contractors would monitor construction and restoration of the pipeline to ensure Millennium is complying with the conditions of the Certificate.

Comment Summary C16-23: The lift and lay process should be discussed in more detail.

C16-23 Millennium proposes to remove the existing pipeline and lay the new one in the same trench in Warwick. The most notable exception would be the segments where Millennium, in response to your and other landowner comments, identified an alternate route to minimize impact on the black dirt area. In-street construction on County Route 1/Pine Island Turnpike would avoid impact on about two-thirds of the black dirt farms, but likely would require closing down the road for the duration of construction because of the location of the road within the peat soils. We believe Millennium's black dirt plan would avoid any long-term impact on these farms.

Comment Summary C16-24: We urge the FERC to insist that directional drilling be used instead of an open cut crossing to protect the scenic, natural, and recreational environments of the Walkkill River.

C16-24 Millennium proposes to cross the Walkkill River using a conventional bore, which would provide a similar level of environmental protection as a directional drill.

Comment Summary C16-25: The Town of Warwick requests that Millennium identify those areas of the town where trees will be harvested so the impact of deforestation on the towns' visual resources can be assessed.

C16-25 Most of the proposed route through forested areas in Warwick would be in the lift and lay segment of the route, which means that typically only an additional 25 feet of temporary right-of-way would be cleared, thereby minimizing impacts to forests. The temporary construction work area would be allowed to revegetate with trees following construction. In addition, individual landowners can negotiate for narrower work space, tree planting during restoration, and other measures as part of easement negotiations that would minimize impact on forests. Based on our review of Millennium's CAS, locations where the pipeline would cross through forested areas for distances greater than 200 feet in length in Warwick are listed below:

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Beginning Milepost	Ending Milepost	Crossing Length (ft)
351.02	351.06	240
354.58	355.31	3,827
355.36	355.42	320
356.51	356.69	950
356.93	357.10	898
357.16	357.25	500
357.48	357.97	2,588
359.62	360.27	3,438
360.48	360.56	387
363.07	365.55	13,097
TOTAL		32,542 (about 56 acres)

Comment Summary C16-26: The Town of Warwick recommends that the public comment period be extended until site-specific crossing plans for the eight NYSDEC regulated wetlands in the town have been developed.

C16-26 We do not require that all site-specific plans be completed for inclusion in the EIS. Site-specific plans are not needed for all wetland crossings. The NYSDEC has not indicated that they are required for these wetlands.

Comment Summary C16-27: The Town of Warwick requests that the DEIS discuss any indirect economic losses to the Town of Warwick as a result of any diminution of property values near the pipeline and the resulting loss of property taxes from reevaluation of such properties.

C16-27 We have no reason to believe that construction or operation of the pipeline in Warwick would result in any indirect economic losses to the town, either through devaluation of property or loss of tax revenues.

Comment Summary C16-28: The Town of Warwick requests that Millennium mitigate the cumulative effects of its many short-term impacts by establish a funding program for environmental and open space projects similar to LPEP.

C16-28 We do not require applicants to establish a funding program for environmental and open space projects similar to the LPEP developed by Iroquois. Millennium would pay taxes to the town on the new pipeline and these revenues could be applied to any environmental and open space projects that the town decides to fund.

Comment Summary C16-29: What will be the effect of pipeline construction on future subdivisions and commercial developments?

C16-29 Planned development along the right-of-way is addressed in sections 4.8.2 and 5.8.2 of the EIS. Proposed future development as outlined in the zoning plan for Warwick is beyond the scope of the EIS since it would be purely speculative to identify potential impacts of projects that have yet to be identified. We also note that, except for a short segment in the black dirt area, the new pipeline would be placed in the existing pipeline right-of-way which would not represent a new land use. If the project is certificated, the establishment of a permanent right-of-way for the pipeline would be an unavoidable, long-term impact since new homes and other permanent structures would not be permitted within the permanent right-of-way.

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Comment Summary C16-30: What effect will the pipeline have on property values? Will Millennium consider purchasing homes along the pipeline route and reselling them after construction or financing the relocation of a property owner who does not consent to living on property which is crossed by a pipeline?

C16-30 The statement does not imply, nor is it intended to imply that no one would buy property that contains a natural gas pipeline easement. To the contrary, land with pipeline easement is bought and sold throughout the U.S. and there is no evidence that the presence of the pipeline by itself affected the value of the sale. We do not believe that there would be an effect on property values nor that Columbia would consider the purchase of homes along the pipeline route. Further, in the Warwick area, most of the pipeline would replace an existing pipeline and would, therefore, represent no change in existing land use or the existing pipeline right-of-way corridor.

Comment Summary C16-31: The DEIS should provide the crossing length of one of Warwick's Scenic Farms Golf Course on Glenwood Road and the construction techniques to be used to cross this area. In addition, how would Pochuck Creek be crossed?

C16-31 Comment noted. Sections 4.8.3 and 5.8.3 and the associated tables of the FEIS have been modified to include reference to the Scenic Farms Golf Course at about MP 362.6. Millennium proposes to cross Pochuck Creek and an adjacent greens area using a horizontal bore.

Comment Summary C16-32: Millennium said it would remove or lower the existing pipeline in Pochuck Creek at the time the pipeline is installed and this commitment should be confirmed in the DEIS.

C16-32 As part of its abandonment of portions of existing Line A-5, Columbia would remove the pipe that is exposed across Pochuck Creek.

Comment Summary C16-33: The Town of Warwick requests that the public comment period remain open until the site-specific plan for crossing the Appalachian Trail has been finalized.

C16-33 We disagree.

Comment Summary C16-34: The Town of Warwick requests that the DEIS discuss the future of availability of the pipeline right-of-way for recreational uses.

C16-34 See response to comment C22-9.

Comment Summary C16-35: The Town of Warwick requests that the public comment period remain open until the inventory of cultural resources in the town has been completed and required mitigation plans have been filed.

C16-35 It is not uncommon for the Commission to approve projects subject to construction conditions before all necessary studies or plans have been completed. Any needed cultural resource plans not finalized prior to issuance of a certificate would be reviewed and approved prior to the start of construction.

Comment Summary C16-36: The Town of Warwick requests that the DEIS discuss impacts to existing and future recreational uses in the vicinity of the proposed pipeline.

C16-36 While the EIS discusses potential impacts to existing recreational facilities in the Town of Warwick, it would be purely speculative and beyond the scope of the EIS to attempt to analyze recreational facilities that do not currently exist. We have no reason to believe that construction of the project would adversely affect tourism in the Town of Warwick. With few exceptions, the pipeline would be within the existing Line A-5 easement, eliminating the need to acquire new right-of-way. Further, operation of an underground gas pipeline should have no impact on aboveground recreation activities, with the exception that permanent structures would not be permitted on the pipeline easement. However, this would not be any different from the restrictions currently associated with the existing Columbia Line A-5 right-of-way.

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Comment Summary C16-37: Will local emergency service providers need to acquire specialized fire protection equipment?

C16-37 Millennium states that local emergency service providers would need training to properly respond to and handle pipeline emergencies. In addition, the employees operating the pipeline would need to know how to contact emergency response personnel and how these personnel would react in the event of a pipeline emergency. Millennium would provide training to emergency service providers before placing the pipeline in service. Local emergency service providers do not need additional specialized fire protection equipment to handle pipeline emergencies.

Comment Summary C16-38: The Town of Warwick requests that the DEIS discuss potential damage to town owned roadways by heavy equipment and responsibility for mitigation of such damage.

C16-38 All areas crossed by the pipeline, including roads, would be returned to preconstruction conditions. Millennium or its contractor would be responsible for complying with any conditions contained in road crossing permits, including provisions and specifications for road repairs and damages caused by construction traffic.

Comment Summary C16-39: The DEIS does not list the commercial/industrial lands crossed in Warwick therefore the economic effects cannot be assessed.

C16-39 Land use impacts along the pipeline route are calculated by county, as presented in table 5.8.1.2-1. Approximately 14.3 acres of industrial/commercial land would be affected by construction in Orange County. While individual commercial and industrial areas in Warwick have not been identified, individual landowners would be compensated for any adverse impact on their businesses.

Comment Summary C16-40: The DEIS does not identify which roads in Warwick will be crossed through boring or open cut therefore, the impact on local traffic cannot be assessed.

C16-40 The pipeline crossing of Warwick would be about 14.7 miles long between approximate MPs 350.7 and 365.4, and would cross about 20 roads, three of which are unpaved. The determination of which roads would be bored and which would be open cut would be decided by the appropriate highway or road authority, and typically depends on the volume and type of traffic the road carries. As stated in section 5.10 of the EIS, an open-cut would take about 1 day to complete and traffic would either be detoured around the construction site or the trench would be plated during pipeline installation. We do not believe the disruption would be significant or would result in any but temporary impacts.

Comment Summary C16-41: What are the size, number, locations, and timetable of "satellite" work stations, project related areas, and temporary construction office facilities that will be set up in the town?

C16-41 No staging areas or storage yards are proposed in the Town of Warwick, New York. Proposed storage yards are listed in appendix B4 of the EIS. Contractor offices are usually set up at the storage yards.

Comment Summary C16-42: Discuss the disruption that will take place at Town Hall the DPW garage facilities.

C16-42 Millennium plans to access the construction work area from the construction right-of-way. However, construction personnel may use the Town Hall parking lot if such use is agreed to. The Planning Board of the Town of Warwick (letter dated March 5, 1999) stated that nearly all construction on town-owned property would involve replacing the existing pipeline along the existing easement. Before construction, Millennium would develop mutually acceptable arrangements with the town to accommodate normal business during construction.

Comment Summary C16-43: Utilizing abandoned railroad beds would provide a better route and reduce impacts on black dirt lands.

C16-43 Millennium reviewed the railroad alternative and rejected it for the following reasons: 1) the abandoned railroad right-of-way is a potentially eligible NRHP resource (the segment on the abandoned rail bed is 4,200 feet long); 2) the alternative would cross through the middle of a proposed historic district, which would be avoided by the

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proposed route; 3) the alternative adds considerable length (about 1,183 feet) as it deviates north of the proposed route); 4) the alternative would still require crossing State Route 1, and through new housing developments near Liberty Corners Road, to rejoin the proposed route; 5) the alternative would cross longer sections of black dirt areas; 6) the alternative would cross 11 secondary drainage ditches, an impact that was carefully avoided on the proposed route at landowner requests; 7) the construction work area for the alternative would be within 50 feet of 11 structures, some of which are components of the proposed historic district; 8) the alternative would cross 1 delineated wetland (as does the proposed route) and is immediately adjacent to 1 other wetland; and the alternative route would cost an additional \$485,000. We do not believe the alternative offers any environmental advantage over the proposed route because of the railroad's potential NRHP eligibility, and the alternative's greater impact on residences and the black dirt area (also see section 3.6.2 of the FEIS).

**C17 NEW YORK STATE LABORERS, EMPLOYERS COOPERATION AND EDUCATION TRUST FUND – J. Melius (6/7/99)**

Comment Summary C17-1: The New York State Laborers have initiated a "pipeline construction awareness" course in which each and every laborer will be required to complete before working on the Millennium Pipeline Project. This course will highlight areas including job-safety, environmental issues, as well as landowners rights and trespass issues.

C17. Thank you for your comment and your commitment to the environment. It is important for all involved in pipeline construction to be aware of and comply with the environmental requirements.

Comment Summary C17-2: The New York State Laborers will be mindful of the rights of landowners as well as the integrity of streams, wetlands, water supplies, and animal life.

C17-2 Thank you for your comment.

Comment Summary C17-3: The New York State Laborers fully supports Millennium's zero tolerance regarding drug and alcohol usage by employees working on this project and trespassing and/or leaving the right-of-way.

C17-3 Thank you for your comment.

Comment Summary C17-4: The Millennium Pipeline Project would provide an economic boost to the community both during construction and after its completion.

C17-4 Thank you for your comment.

Comment Summary C17-5: Millennium has assured the New York State Laborers that property owners will be kept abreast of any event that may affect landowners near the project area.

C17-5 Thank you for your comment.

**C18 CATTARAUGUS COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT, PLANNING & TOURISM – T. Martin (6/4/99)**

Comment Summary C18-1: The Cattaragaugus County Department of Economic Development, Planning and Tourism has referred numerous public comments too the Commission. To insure that these comments are received we are enclosing them this letter and ask you to please consider them.

C18. Thank you. We have attempted to address these commenters' concerns.

**C19 CITY OF NEW YORK, LAW DEPARTMENT – M. McIntyre (4/23/99)**

Comment Summary C19-1: Commenter requests a 30-day extension of time from the date of this letter for the City of NYDEP to file its comments on the Millennium Pipeline Project.

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The Commission granted an extension of the comment period from June 7 to June 22, 1999. Comments filed after that date will be addressed where possible up until publication of the FEIS.

Comment Summary C19-2: The city requests additional time to evaluate the EIS and asks the FERC to conduct an independent study of the appropriate separation distance between the pipeline and the city's aqueduct.

C19-2 See response to comments F9-12 and S19-19.

**TOWN OF GREENBURGH, OFFICE OF THE TOWN ATTORNEY – D. Wilkes (6/3/99)**

Comment Summary C20-1: The DEIS provides little detail with respect to the impact and effect of the pipeline project on any particular area located along the pipeline route and the Town of Greenburgh has been provided with little or no information with which to evaluate the project in any meaningful way. Concern was expressed about a known geological hazard.

The original pipeline route crossed the Town of Greenburgh for about 3 miles adjacent to the ConEd right-of-way between approximate MPs 409.8 and 412.8. The proposed route was modified by Millennium in its amendment application filed in June 2000. The SDEIS discussed the amended route through Greenburgh (approximate MPs 408.5 to 414.9) where it would generally follow the South County Trailway. We assume your reference to the "known geological hazard" is the "so-called" Ardsley fault. Section 4.1 and 5.1 of the FEIS have been expanded to include a discussion of the Ardsley fault which is more correctly known as the Dobbs Ferry fault. While we appreciate your concern for a more detailed description of the crossing in Greenburgh, we believe the EIS addresses the potential impacts of pipeline construction in Greenburgh. We have also responded to all comments and addressed in detail site-specific issues raised in those comments.

Comment Summary C20-2: The DEIS fails to specify whether supervision of construction will include a representation of local public interest. We question the ability of Millennium and its subcontractors to impartially address issues that arise during construction that may be of local concern.

The FERC staff and/or its contractors would monitor pipeline construction and restoration for compliance with the FERC certificate. Further, Millennium will pay for a third party inspector who will be supervised by Westchester County to monitor construction.

Comment Summary C20-3 The DEIS provides no site-specific information about blasting control measures.

Blasting procedures are described in section 5.1.1 of the EIS and section II.H.2 of Millennium ECS (included as appendix E1 of the FEIS). In addition, Millennium would comply with any local requirements for blasting.

Comment Summary C20-4: It is unclear whether bonds will be put in place to protect the completion of the project construction.

We have no requirement for Millennium to post bonds. The requirement for a bond, and its amount, would be the responsibility of the local government. If bonds are required for similar construction projects, then, presumably, they would be appropriate here. There would be no reason to treat this project differently from any other construction project. We also note that our recommendation No. 9 requires that Millennium obtain written authorization from the Director of OEP before starting service from the project. This authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way is proceeding satisfactorily.

**C21 CITY OF SALAMANCA, BOARD OF PUBLIC UTILITIES – J. Brundage (6/4/99)**

Comment Summary C21-1: The Salamanca Board of Public Utilities is located a few miles from the Millennium pipeline and the raw water sources that are from 14 wells, all at depths between 52 and 80 feet. The Board of Public Utilities is concerned about potential contamination of two recharge streams that flow into the water source aquifer.

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C21-1 As discussed in section 5.3.1, potential impacts on groundwater resources have been analyzed and mitigation measures developed to avoid or minimize impacts. Millennium has committed to specific mitigation measures for impacts arising from construction activities. Millennium has also contacted all towns and cities that would be crossed by the project by letter or telephone with regard to protected aquifers and water supply watersheds and has requested comments on mitigation measures.

Comment Summary C21-2: Upstream of such crossings lie the Villages of Little Valley and Ellicottville where cutleries were operated. Solvents and cleaners were in wide use at these facilities and no records are available as to how these materials were disposed of. TCE contamination of private wells throughout this area and upstream of the Board of Public Utilities' raw water sources have been found. TCE in the aquifer under the Little Valley Creek has been found between 20 to 40 feet below surface.

The average depth of a pipeline is between 8 to 10 feet below the ground surface. Based on your description of TCE (trichloroethylene) at depths of 20 to 40 feet below the ground surface, we would not expect the pipeline to intersect this TCE contaminated groundwater since the pipeline would be installed about 6 feet below the ground surface.

Comment Summary C21-3: There is speculation that the reason TCE is being found in the Great Valley Creek area at depths five times those of where TCEs are being found in the Little Valley Creek area is due to EMF being emitted by the existing cathodic protection along natural gas pipelines. This hypothesis needs to be addressed and disproved or validated.

C21-3 Cathodic protection systems operate under direct current and do not create an electromagnetic field such as those associated with alternating currents. Thus, there would be no expected EMF emission associated with cathodic protection. TCE would not be expected to "rise" in the aquifer. When TCE is in a solvent phase (known as separate phase or non-aqueous phase), it is denser than water and would tend to "sink" through the aquifer materials until it reached an impermeable layer. When TCE dissolves in water (known as aqueous phase), it has the same density as water and would be expected to be found at similar depths as groundwater. The specific depth where dissolved TCE is found in an aquifer depends on the concentration of the TCE, the source location of the TCE, and the groundwater hydraulic gradients.

Comment Summary C21-4: The Salamanca Board of Public Utilities reserves its right to comment on or object to the Millennium Pipeline Project on the basis of the above.

C21-4 Comment noted. The Board of Public Utilities may comment or object to the project at any time

**C22 TOWN OF WARWICK – L. De Buck (6/3/99)**

Comment Summary C22-1: The DEIS does not address the impact on the Town of Warwick's black dirt farmland because an analysis is still pending from the NYSDA&M. Such an analysis will determine if the Pine Island Turnpike Variation will be chosen.

Millennium has developed a site-specific plan for crossing the black dirt area that was included in the SDEIS (see part II, section 2.1 and appendix IIA). The plan takes into account concerns and suggestions of the NYSDA&M, including proposed mitigation measures, and identifies specific provisions for minimizing impacts on drainage systems and adjacent fields. Millennium states that if fields adjacent to the construction right-of-way are affected by disruption of the drainage systems during construction then the landowner would be compensated for associated crop losses outside of the construction right-of-way.

Comment Summary C22-2: Due to the extremely high water table of the black dirt land, we request that the Procedures be followed in these areas.

See response to comment C16-16.

Comment Summary C22-3: The DEIS does not identify areas in Warwick that will be deforested. Without this information the visual impact of deforestation cannot be assessed.

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**C22-3** Section 5.8.4 of the DEIS discusses the potential visual impacts from vegetation clearing. We believe this section adequately describes the potential visual impact from the proposed project. We note that pipeline construction through Warwick would use the existing Line A-5 corridor and the new pipeline would replace the old pipeline. No new cleared corridors would be created, even in the areas that have been rerouted to minimize impact on the black dirt areas. Also, see response to comment C16-25.

**Comment Summary C22-4:** The DEIS does not address the Town of Warwick Zoning Code to assess the impacts on future land uses. What will be the effect on future subdivisions, commercial developments, and property values?

**C22-4** In general, we do not believe that a pipeline easement, in and of itself, significantly affects the future development of land or decreases its value, since the easement is limited to a 50-foot-wide corridor and most uses are permitted within the easement. Property can be developed to make use of the open space established by the right-of-way and roads, trails, powerlines, and other improvements can be co-located along or within the pipeline right-of-way in consultation with Millennium. If the placement of the right-of-way eliminates the ability of a landowner to develop a property, this issue should be raised during easement negotiations so that the pipeline can be routed to minimize these impacts on the specific property. In Warwick, most of the project would be installed by placing the pipeline in the same ditches as the old pipeline.

**Comment Summary C22-5:** We urge the FERC to insist that a directional drill be used at the Walkill River.

**C22-5** Millennium now proposes to cross the Walkill River using a conventional bore so no construction would occur within the river.

**Comment Summary C22-6:** The DEIS does not specify which roads will be crossed using a bore or open-cut.

**C22-6** Millennium would obtain road crossing permits from appropriate agencies before construction and would install the pipeline in accordance with the permits.

**Comment Summary C22-7:** The DEIS does not list the commercial and industrial lands crossed in Warwick nor does it assess the impacts on tourism.

The total crossing length of commercial and industrial lands affected by the pipeline are listed by county in tables 4.8.1-1 and 5.8.1.2-1 of the EIS. Millennium would negotiate easements with individual landowners along the proposed route that may include compensation for temporary disruption of activities on commercial and industrial properties.

We have no reason to believe that construction of the new facilities would adversely affect tourism in the Town of Warwick. The proposed pipeline would be installed mostly within the existing Line A-5 corridor, eliminating the need to acquire additional right-of-way. Further, operation of an underground natural gas pipeline should have no impact on aboveground recreation activities, with the exception that permanent structures would not be permitted on the pipeline easement. We have identified six recreation areas that would be crossed in the Town of Warwick by the pipeline, including the NRI-listed Walkill River and the AT. Millennium would develop mitigation measures for these areas, in consultation with landowners or the managing agency. See table 5.8.3.2-1 of the EIS for a listing of recreation areas and proposed mitigation.

**Comment Summary C22-8:** The DEIS should include an analysis of the need, location, size, number, and timetable of satellite work stations.

**C22-8** Millennium has not proposed to locate any contractor storage yards or staging areas in the Town of Warwick.

**Comment Summary C22-9:** The DEIS should include an analysis of future availability of the pipeline right-of-way for recreation uses.

Because individual landowners retain title to the land, Millennium would have no right to provide recreational facilities on the right-of-way. In many cases, property owners require that pipeline companies take measures to prevent use of the right-of-way for unauthorized recreational purposes.

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Comment Summary C22-10: The DEIS should include an analysis of whether local emergency service providers will need to acquire specialized fire fighting and protection equipment.

C22-10 See response to comment C16-37.

Comment Summary C22-11: The DEIS should include an analysis of the disruption that will take place at the Town Hall and the Town Department of Public Works garage facility.

C22-11 See response to comment C16-42.

Comment Summary C22-12: The Millennium pipeline will cross sensitive areas such as black dirt farmland, the NRI Designated Wallkill River, and the Appalachian National Scenic Trail. The DEIS does not provide information on the long term impacts in these areas. We request that Millennium mitigate the cumulative effects of the many short- and long-term impacts by establishing a funding program for environmental and open space projects similar to the LEP.

C22-12 See response to comment C16-28.

**CITY OF NEW YORK, DEPARTMENT OF ENVIRONMENTAL PROTECTION – W. Stasiuk (6/10/99)**

Comment Summary C23-1: The DEIS provides little information about the crossing of the Catskill Aqueduct in Yonkers, New York.

At the time of publication of the DEIS, Millennium had not finalized its crossing plan of the Catskill Aqueduct. Millennium has since prepared a site-specific plan for this crossing and a discussion of it is included in section 5.3.2.2 of the FEIS.

Comment Summary C23-2: It is critical that the NYCDEP has the same opportunity to review and approve the crossing of the Catskill Aqueduct.

We agree and have revised our recommendation in the FEIS to include consultation with the NYCDEP regarding the crossing of the Catskill Aqueduct.

Comment Summary C23-3: The DEIS claims that the proposed pipeline will cross the Catskill and New Croton Aqueduct, and then goes on to state that the New Croton Aqueduct is abandoned. The New Croton Aqueduct is not only in use, but essential to the New York City water supply. Since the Old Croton Aqueduct is not currently in use, it is assumed the DEIS is actually referring to the Old Croton not the New Croton Aqueduct.

Where appropriate, we have revised sections 4.3.2 and 5.3.2.2 of the FEIS to correctly refer to the Old Croton Aqueduct as abandoned and to clarify whether the pipeline would cross over or under the aqueducts.

Comment Summary C23-4: The NYCDEP does not consider the study prepared by Millennium on the safe separation distance between the proposed pipeline and the Catskill Aqueduct to be independent. Therefore, it requests an additional study be performed by a firm and a methodology approved by NYCDEP engineers.

See response to comment F9-12.

Comment Summary C23-5: The NYCDEP is concerned about catastrophic explosion and fire hazards.

Catastrophic explosion and fire hazards as a result of construction and operation of the pipeline are considered remote. Reported incidents of pipeline explosion and fire are exceedingly rare when incidents are compared to the number of miles of pipeline in the ground and the number of years of operation.

Comment Summary C23-6: The NYCDEP is concerned about effects of faults, fractures, shear zones, and earthquakes.

Seismic hazards are discussed in sections 4.1.3 and 5.1.1 of the EIS. No active faults with surface displacement within the past 10,000 years would be crossed by the pipeline. Pipeline damage due to ground

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shaking is not likely to occur. The pipeline is designed to withstand any reasonably foreseeable earthquake in the project area.

Comment Summary C23-7: The NYCDEP is concerned about potential high pressure gas leaks traveling underground into the aqueduct air space between the water and the aqueduct crown.

C23-7 The likelihood of natural gas leaks finding their way into the aqueduct is extremely remote as are the scenarios identified.

Comment Summary C23-8: The FERC must make careful consideration of the design, construction, and operational impacts of the pipeline near powerlines.

C23-8 Natural gas pipelines have been successfully installed and operated adjacent to powerlines throughout the U.S. with no significant consequences.

Comment Summary C23-9: Clarify what is meant by the statement "The right-of-way would be patrolled by air and by ground on a routine basis..."

C23-9 The pipeline right-of-way would be inspected on the ground at least once per year, and more frequently in some locations, in accordance with USDOT regulations (see section 2.5 of the EIS). We believe the USDOT regulations adequately address concerns associated with operation of the pipeline, and the identification and avoidance of problems that could lead to pipeline failure.

Comment Summary C23-10: In section 2.4 of the DEIS (Safety Controls), the statement "... Millennium personnel would work with the local emergency response organizations and public officials to coordinate the response and protect the public" excludes New York City public officials and NYCDEP staff, particularly NYCDEP police. These people all have a major stake in an emergency situation that threatens to impact the Catskill Aqueduct and the New York City water supply system.

C23-10 The term "public officials" includes any officials with an interest in the pipeline or an emergency on that pipeline, including the New York City public officials and NYCDEP.

Comment Summary C23-11: The public safety presentation that will be given to local emergency response officials should be supplemented with emergency response field exercise, drills, and tabletop exercise.

C23-11 The emergency response plans are defined in part 192 of the USDOT regulations (see section 5.12.1 of the EIS). As such, the content and implementation of the plan are outside the scope of the EIS. However, the emergency response plans would be developed with local emergency response officials so they would have input into what the training would include.

Comment Summary C23-12: The emergency plan should include procedures for establishing and maintaining communications with local fire, police, and public affairs.

C23-12 We agree that the NYCDEP staff must be involved in emergency preparation and notification in the event of an emergency. We have no reason to believe that NYCDEP staff would be prohibited from participation.

Comment Summary C23-13: The DEIS does not state whether the addition of ethyl methyl mercaptan was considered.

C23-13 We have modified section 5.12 of the FEIS to state that mercaptan would be added to the natural gas to allow quicker detection in the event of a leak.

Comment Summary C23-14: The minimum federal safety standards are inadequate due to the outstanding circumstances of the life essential services of the Catskill Aqueduct provides to New York City.

C23-14 Millennium proposes to install Class 4 pipe with a safety factor of 2.5 at the Catskill Aqueduct crossing (see discussion in section 5.3.2.3 of the FEIS).

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Comment Summary C23-15: To reduce accidental damage to the water supply system and the pipeline, a standard operating procedures should be developed for construction and operation of the pipeline near the aqueduct right-of-way.

C23-15 Comment noted. See revised discussion in section 5.3.2.3, which includes a construction crossing plan and Millennium's proposed maintenance procedures in the area of the Catskill Aqueduct. We have also recommended that Millennium finalize its crossing plan in consultation with the NYCDEP.

Comment Summary C23-16: The review and approval of a Stormwater Pollution Prevention Plan is required for the section of pipeline construction located in the New York City Watershed.

C23-16 It is Millennium's responsibility to acquire necessary permits.

Comment Summary C23-17: Any water course or wetland crossings, or bridges, which require a permit from a regulatory agency other than the NYCDEP would require the review and approval of the NYCDEP.

C23-17 It is Millennium's responsibility to acquire necessary permits.

Comment Summary C23-18 Millennium should schedule a field walk and a pre-application conference with the NYCDEP.

C23-18 It is Millennium's responsibility to meet with appropriate regulatory agencies and acquire necessary permits.

Comment Summary C23-19: The DEIS should specify that the lists identifying wildlife either provides a sampling or includes a full species lists.

C23-19 Comment noted. Section 4.4.2 of the FEIS has been revised to clarify any confusion that the species listed are anything but representative, typical, or common, and that the list only represents a sample of the species present in New York.

Comment Summary C23-20: Where paragraph 6 of section 4.4.2 mentions spring and fall migration, should also include winter.

C23-20 Comment noted. Section 4.4.2 of the FEIS has been revised to include the use the Hudson River/Haverstraw Bay area as a wintertime habitat for waterfowl.

Comment Summary C23-21: Rights-of-way may encourage parasitic species such as the brown-headed cowbird and this should be discussed in the EIS.

C23-21 Comment noted. Section 5.4.2.1 of the FEIS has been revised to include increased nest parasitism as a potential adverse impact of right-of-way construction in forested habitats.

Comment Summary C23-22: The New York City Watershed Regulations require that disturbances to watercourses in the watershed must be reviewed and approved by the NYCDEP.

C23-22 A copy of Millennium's ECS is included in the FEIS in appendix E1. Our Procedures may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov).

Comment Summary C23-23: It is recommended that the time period for routine vegetation clearing be extended to August 31 since some avian species breed up until that time.

C23-23 Such a restriction is excessively burdensome since it would leave insufficient time to complete vegetation management for the year. In addition, although some breeding activity may still occur in August, it seldom involves birds on the nest incubating eggs, but rather feeding of fledglings which are more mobile and can avoid the maintenance activity.

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Comment Summary C23-24: The DEIS should clarify whether manual clearing would be conducted for permanent right-of-way maintenance or if herbicides will be used.

C23-24 Millennium states that vegetation management of the right-of-way would be only by mechanical means and no herbicides would be used (see section VI of Millennium's ECS).

Comment Summary C23-25: The DEIS should clearly state that the pipeline will cross four New York City aqueducts: the Catskill, Delaware, New-Croton, and Old Croton.

C23-25 Sections 4.3.2 and 5.3.2.3 of the FEIS has been revised to identify all four aqueducts. In addition, a new section (section 5.3.5) has been added to address the Catskill Aqueduct.

Comment Summary C23-26: Detailed crossing plans should be required for all four aqueducts.

C23-26 According to Millennium, both the New Croton and Delaware Aqueducts are in deep tunnel sections. These aqueducts would not be affected by the pipeline that would be installed at a depth of about 6 to 7 feet so site-specific plans would not be needed. A final site-specific plan would be prepared for the crossing of the Old Croton Aqueduct in consultation New York SHPO in accordance with our condition that Millennium complete all cultural resource surveys and plans before construction. We have also recommended that Millennium prepare a final site-specific plan for the Catskill Aqueduct crossing in consultation with the NYCDEP and an independent engineer. Both plans would be filed for review and approval of the Director of OEP before construction.

Comment Summary C23-27: The NYCDEP guidelines should be followed for blasting wherever he pipeline is near an aqueduct of the New York City Watershed.

C23-27 Millennium states that it would comply with all Federal, state, and local blasting regulations.

Comment Summary C23-28: The NYCDEP process to obtain an easement takes several years and that the request may be denied.

C23-28 While the Commission encourages cooperation with state agencies, this does not mean that state agencies through the application of state or local laws may prohibit or unreasonably delay the construction or operation of the facilities approved by the Commission. The pipeline would be in Sprain Brook Parkway land at the crossing of the Catskill Aqueduct; as currently proposed, no NYSDEC land would be affected. Based on consultations in early 2001, Millennium is in the process of obtaining appropriate survey permission (see comment letter C9 in appendix P of the FEIS).

Comment Summary C23-29: Any pipeline abandoned on New York City property must be removed from the property.

C23-29 No pipeline would be abandoned in New York City property as part of this project.

Comment Summary C23-30: The extremely high pressure of the natural gas line should be clearly stated in the Executive Summary.

C23-30 Comment noted. We have added the operating pressure to the Executive Summary and section 1.1 of the FEIS. However, we note that the operating pressure of the pipeline is typical for a pipeline of this size and intended use, and that the pipeline is designed to operate safely at that pressure.

Comment Summary C23-31: It is not an acceptable level assurance that the public water supply will be safe from any potential impacts. There must be zero risk that the pipeline would have threaten water quality.

C23-31 We do not believe that zero risk is achievable. However, Millennium has proposed additional mitigation to further protect the aqueduct from damage from a pipeline rupture and eliminate risk (see section 5.3.2.3).

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**C24 CITY OF NEW YORK, DEPARTMENT OF ENVIRONMENTAL PROTECTION – W. Stasiuk (6/18/99)**

Comment Summary C24-1: Please review the alternative location for the Catskill Aqueduct crossing.

C24-1: Comment noted. See discussion of the State Route 100 Route Variation in section 6.3.16 of the FEIS.

**VILLAGE OF BRIARCLIFF MANOR – T. Ferguson (6/21/99)**

Comment Summary C25-1: The village is concerned the impacts on waterbodies requires more analysis and review, as does the Catskill Aqueduct.

We believe the proposed and recommended mitigation measures identified in section 5.3 of the FEIS would provide for protection of water resources and would minimize any potential for impact on water supplies in Briarcliff Manor. In addition, all stream crossings in Briarcliff Manor would be completed using dry crossing techniques, thereby reducing construction-related stream turbidity.

Comment Summary C25-2: The village is concerned about the impacts on local roadways, traffic impacts, and traffic impacts on residential neighborhoods. How would the Department of Public work facility in Buckhout Road be affected?

C25-2 The proposed route in Briarcliff Manor was amended by Millennium in June 2000. The 9/9A Proposal was evaluated in a SDEIS issued March 2001. Millennium met with representatives of the Building and Planning Department of Briarcliff Manor about the Department of Public Works facility on Buckhout Road near MP 403.0. It was determined there would be no construction impact on this facility.

Comment Summary C25-3: The village is concerned about safety as it relates to the proximity of natural gas pipelines near powerlines.

See response to comment C23-8.

Comment Summary C25-4: A Supplemental EIS should be prepared.

C25-4 A SDEIS was issued for the amended route in March 2001

**C26 YORKTOWN, NEW YORK – L. Cooper (6/22/99)**

Comment Summary C26-1: While generate information on wetlands and watercourse crossings are provided, very specific details need to be submitted on wetland and watercourse crossings.

The EIS is a summary of the general and site-specific impacts associated with construction and operation of the proposed project. It is not meant to replace the detailed site-specific information that is presented in Millennium's CAS, which contains the details of construction on each land parcel.

Comment Summary C26-2: Yorktown is concerned that blasting would have a long-term impact on vegetation and ambience as a result of the cleared swath through woodland settings. Adjacent homes are all on wells in an area that is already suffering loss of its water table.

It has been demonstrated in studies and through previous blasting experience that the use of proper blasting controls and precautions (see section 5.1.1 of the EIS) can adequately protect wells and other structures located near the blast area. In many areas, excavation of bedrock that is well fractured and weathered can be accomplished through the use of ripping excavators, pneumatic hammers and other similar equipment. As discussed in section 5.3.1 of the EIS, potential impacts on groundwater resources have been analyzed and mitigation measures developed to avoid or minimize impacts. Millennium has committed to monitoring well yields within 150 feet of the construction work area and has developed specific mitigation measures for impacts arising from construction activities. Long-term impacts on vegetation and visual resources are addressed in sections 5.5 and 5.8.4, respectively.

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Comment Summary C26-3: We are concerned about the coupling of two energy sources, a pipeline within the ConEd electric transmission line right-of-way.

See response to comment C23-8.

Comment Summary C26-4: None of the proposed measures that town representatives discussed with Millennium are in the DEIS.

The EIS is not intended to include all mitigation measures that have been discussed with landowners or communities affected by the pipeline. The finalization of these construction details is between Millennium and the affected landowners or municipalities and may be part of the easement negotiations.

Comment Summary C26-5: We request that a Supplemental DEIS be prepared.

C26-5 Millennium amended its route in June 2000 and a SDEIS was issued for the amended route.

**C27 CITY OF MENTOR – J. Konrad (6/18/99)**

Comment Summary C27-1: Information you might be able to provide about the Lake Erie crossing and the project will enable the City of Mentor to comment appropriately.

We have added the City of Mentor to the FEIS mailing list. We note that although Millennium proposes to construct in Lake Erie, there should be no impact on the City of Mentor since the closest segment of the pipeline in Lake Erie would be the Canadian segment which would be about 70 miles north of the city. The city is about 90 miles along the shore line from the landfall in Ripley, New York.