

DOCKET NO. D-2014-008-1

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

**Columbia Gas Transmission LLC, Columbia Pipeline Group
Line 1278 – Line K Replacement Project
Natural Gas Pipeline and Temporary Hydrostatic Test Water Discharge
Dingman, Milford and Westfall Townships in Pike County, Pennsylvania and Town of
Deerpark, Orange County, New York**

PROCEEDINGS

This docket is issued in response to an Application submitted by the Columbia Gas Transmission LLC, Columbia Pipeline Group (Columbia or docket holder) to the Delaware River Basin Commission (DRBC or Commission) on April 3, 2014 for the after-the-fact approval of a natural gas pipeline project and the temporary land discharge (collectively, “the Application”) for its Line 1278 – Line K Replacement Project, Federal Energy Regulatory Commission Docket No. CP10-492-000. FERC authorized TGP to commence service on October 25, 2011 and the pipeline was placed into service on October 26, 2011.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Pike County Planning Commission and the Orange County Department of Planning have been notified of pending action on this docket. A public hearing on this project was held by the DRBC on March 10, 2015.

A. DESCRIPTION

1. Purpose. The purpose of this docket is the after-the-fact approval of the construction of a natural gas pipeline project, as described below, including the discharge of hydrostatic test water to the land surface at three locations after completion of hydrostatic testing of the pipeline. The docket also constitutes a special use permit in accordance with Section 6.3.4 of the Commission’s Flood Plain Regulations.

2. Location. The Line 1278 Replacement Project begins at Weber Road (MP 0.0) in Dingman Township, extends in a northeasterly direction through Milford Township and ends near River Road approximately 0.1 miles west of the Delaware River (MP 11.42) in Westfall Township all in Pike County, Pennsylvania. Approximately 1.45 miles of Line 1278 (from MP 7.88 to MP 8.66 and MP 9.66 to MP 10.33) is located in the Delaware State Forest, a recreational

area included in the Commission’s Comprehensive Plan. The Line K Replacement Project begins just east of the Delaware River (MP 0.11) extends east-northeast for 4.67 miles and ends at the Wagoner Launcher/Receiver Site (MP 4.77) where it ties into the Millennium Pipeline in Town of Deerpark, Orange County, New York. The Line 1278 – Line K Replacement Project is located in the drainage area of the portions of the non-tidal main stem Delaware River known as the Middle Delaware and Upper Delaware, which the Commission has designated as Special Protection Waters (SPW).

The project also involved the abandonment and replacement of 0.8 miles of the existing 4-inch diameter Line U pipeline at the Sparrowbush Operating Center in the Town of Deerpark, Orange County, New York and the abandonment in place of approximately 0.08 miles of Line 1842 in Westfall Township, Pike County, Pennsylvania between the existing Milford Compressor Station header and the Milford Mainline Valve. The project also included the removal and construction of appurtenant above ground facilities along the pipeline. The existing 10-inch diameter lines located beneath the Delaware River were not replaced and no activities were conducted within the Delaware River.

Specific locations of the start and end points of the pipelines are as follows:

Line 1278 (Pike County, Pennsylvania)			
POINT	MILEPOST	LATITUDE (N)	LONGITUDE (W)
Start of Line	0.0	41° 17' 5"	74° 52' 42"
End of Line	11.42	41° 24' 28"	74° 44' 35"

Line K (Orange County, New York)			
POINT	MILEPOST	LATITUDE (N)	LONGITUDE (W)
Start of Line	0.11	41° 24' 29"	74° 44' 23"
End of Line	4.77	41° 26' 30"	74° 40' 1"

Hydrostatic Testing Water Source Location

Following the installation of the natural gas pipelines, Columbia conducted hydrostatic tests to verify the integrity of the pipe. Water for the tests completed on the pipe in Pennsylvania (Line 1278) was purchased from Milford Water Authority. Water purchased from Port Jervis City was used to test the portions of the project located in New York (Line K). Water from the two municipal supplies was transported via truck and stored in tanks near the pipeline fill locations. The Port Jervis surface water supply was added to the Comprehensive Plan via Resolution 62-14 adopted by the Commission on July 25, 1962. Port Jervis City has submitted a surface water withdrawal application to the DRBC and approval is pending. The Milford Water Authority spring sources have not been approved by the Commission. Commission staff will submit an application request in the near future.

Discharge Location Information

After testing, the hydrostatic test water was vented from the pipeline test header directly into steam cleaned tanks. The water was pumped from the tanks, treated and discharged to energy dissipating dewatering structures via 6-inch diameter pipe at the following upland surface locations.

Line 1278 - Test Sections 1 and 2 (Weber Road to Milford Compressor Station)	
Discharge Location	Near Milford Mainline Valve Site
Municipality	Milford Township, Pike County, PA
Line 1278 Milepost	6.1
Nearest Receiving Stream	Vantine Brook
PADEP Water Use Designation	HQ-CWF, MF
HUC12 Watershed Name	020401040701 (Sawkill Creek)
DRBC SPW Area	Middle
Discharge Volume and Date	0.55 mg (7/19/2011 to 7/20/2011)

Line 1278 - Test Section 3 (Milford Compressor Station to Milrift Launcher/Receiver Site)	
Discharge Location	Millrift Launcher/Receiver Site
Municipality	Westfall Township, Pike County, PA
Line 1278 Milepost	11.2
Nearest Receiving Stream	Unnamed Tributary to Delaware River
PADEP Water Use Designation	HQ-CWF, MF
HUC12 Watershed Name	020401040505 (Shingle Kill-Delaware River)
DRBC SPW Area	Middle
Discharge Volume and Date	0.51 mg (8/1/2011)

Line K - Test Sections 5 and 6 (Hook Road to Sparrowbush Compressor Station)	
Discharge Location	Sparrowbush Compressor Station
Municipality	Town of Deerpark, Orange County, NY
Line K Milepost	4.7
Nearest Receiving Stream	Unnamed tributary to Gold Creek
NYSDEC Stream Classification	Class AA
HUC12 Watershed Name	020401040308 (Lower Neversink River)
DRBC SPW Area	Middle
Discharge Volume and Date	0.36 mg (September 2011)

The existing twin 10-inch pipes beneath the Delaware River and Line 1842 in in Pike County, Pennsylvania were also tested, but no direct discharge occurred as the hydrostatic test water was hauled to the Milford Water Authority Water Treatment Facility. Additionally, water from the testing of Line U and several launchers and receivers and the Milford Compressor Station header were discharged near each of the tested facilities at volumes below the commission discharge threshold of 10,000 gpd.

3. **Area Served.** Project discharges were temporary and served the project only for hydrostatic testing purposes as described in the Description section below. For the purpose of defining Area Served, the Application is incorporated herein by reference subject to conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** The Columbia Line 1278 – Line K Replacement Project was designed to update existing aging pipeline facilities and to increase the diameter of the existing pipeline from 14 to 20 inches to be consistent with the remainder of the pipeline without an increase in natural gas transportation capacity. Columbia removed and replaced three pipelines (Line 1278, Line, K and Line U), abandoned two pipelines in-place (Line 1842 and a portion of Line K) and removed one compressor station (Sparrowbush Compressor Station). Line 1278 (in Pennsylvania) and Line K (in New York) are connected with two (2) 10-inch diameter existing parallel pipelines beneath the Delaware River. These two pipelines remained as 10-inch diameter lines and no work was completed within the Delaware River.

b. **Facilities.** The Line 1278 – Line K Replacement Project removed and replaced approximately 17 miles of existing pipelines and related facilities, mainly within the same ditch or right-of-way of the former pipeline. Approximately 0.3 miles of the 11.42 mile Line 1278 was rerouted primarily to avoid a wetland and facilitate a road crossing. Approximately 0.59 miles of the 4.67 miles of Line K was rerouted to avoid commercial and residential development that had encroached upon its existing right-of-way.

The majority of the pipeline was constructed with new 20-inch diameter coated steel pipe. The exception was a 0.22 mile section of pipe just west of the Delaware River that was replaced with two, parallel 10-inch-diameter coated steel pipes to facilitate the connection to the existing 10-inch diameter pipeline segments below the Delaware River.

Several above ground facilities were removed including the temporary Sparrowbush Compressor Station located within the Millennium Wagoner Compressor Station property in the Town of Deep Park, Orange County, New York. Columbia also modified several above ground facilities including the Milrift Launcher/receiver site, Hook Road Launcher/receiver site and the Milford Compressor Station located in Westfall Township, Pike County, Pennsylvania. The modifications to the compressor station involved piping, valves and regulation equipment and the abandonment of a deteriorated section of Line 1842 between the station and Line 1278.

Once the pipeline installation was complete, hydrostatic testing of new pipe and the existing pipe beneath the Delaware River was performed. Approximately 1.1 mg of water purchased from Milford Water Authority was transported by truck to the pipeline filling locations where it was stored in steam cleaned tanks. Approximately 0.36 mg of water was purchased from the City of Port Jervis for hydrostatic testing of the New York portions of the pipeline. The water was not treated prior to use and no chemical additives were used in the process. Hydrostatic tests were completed on sections of the pipeline and where possible, following the testing of one section, the water was pushed into the adjacent section and reused for the hydrostatic testing of the subsequent section of pipeline.

Following the conclusion of hydrostatic testing, the water used for the testing was vented from the pipe directly into steam cleaned tanks. The water was pumped from the tanks through a treatment system consisting of oxygen injection and sodium bisulfate additive to remove chlorine, filter bags to remove particulate matter, and activated carbon filters to remove contaminants then discharged at an approximate rate of 500 gpm into a straw bale dewatering structures. The straw bale structures were approximately 50 feet by 50 feet in dimension and placed on geotextile fabric. The straw bales were staked in position and lined with geotextile fabric on the inside of the containment basin. The dewatering structures were situated in well-vegetated, upland locations as indicated in the tables above. No direct discharge of hydrostatic testing waters to surface water bodies or wetlands occurred. The rate of water discharged to the dewatering structures was controlled to avoid water flow overtop the structure. Columbia provided a trained Environmental Inspector (EI) on-site at all times during discharge activities to ensure that the capacity of the dewatering structure was not exceeded and that the erosion and sedimentation controls functioned properly.

c. **Hydrostatic Discharge Permits.** NYSDEC approved the hydrostatic test discharge to the land surface on May 6, 2011 (NYSDEC Permit No. 3-3328-00185). In Pennsylvania, the discharge sites were located within HQ water body areas and PADEP does not permit a discharge directly to these waterbodies. Columbia submitted an Environmental Management Plan for Hydrostatic Testing Activities to PADEP on April 20, 2011. The plan indicated that all discharge sites were in upland areas and no direct discharge to water bodies would occur. No additives were used during hydrostatic testing. Water samples were taken at the beginning and end of the discharge period and tested for the PADEP parameters specified in the following table below:

EFFLUENT TABLE A: Parameters Included in PADEP Discharge Approval for Testing of New Pipe

PARAMETER	LIMIT	MONITORING
Flow (gpm)	n/a	Monitor and report
Duration (hours)	n/a	Monitor and report
pH (Standard Units)	6 to 9 at all times	2 grab samples per discharge
Total Suspended Solids	60 mg/l	2 grab samples per discharge
Dissolved Oxygen	5 mg/l (minimum at all times)	2 grab samples per discharge
Oil and Grease	30 mg/l	2 grab samples per discharge
Iron	7 mg/l	2 grab samples per discharge
Total Residual Chlorine	0.05 mg/l	2 grab samples per discharge

Test results submitted by the docket holder showed that the effluent quality for the tested parameters was in compliance with PADEP water quality standards for testing of new pipeline facilities.

e. **Cost.** The cost of the pipeline project crossing of the Delaware State Forest was \$3,300,000.

B. FINDINGS

On April 10, 2013, the DRBC notified Columbia that after-the-fact review of the Line 1278 – Line K Replacement Project was required in accordance with Section 3.8 of the Delaware River Basin Compact, P.L. 87-328 (1961), and implementing regulations. Specifically, Section 2.3.5 A.12 of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 401.35 (12), provides for the review of natural gas transmission line projects that “pass in, on, under or across an existing or proposed ... recreation project area as designated in the Comprehensive Plan” The Project traverses Delaware State Forest in Pike County, Pennsylvania, a recreation area that has been incorporated into the Commission’s Comprehensive Plan. The project was not reviewed by the Commission prior to its construction due to a project screening oversight by Commission staff.

On March 17, 2011, FERC issued its Order Issuing Certificate and Approving Abandonment authorizing Columbia to construct and operate the facilities. FERC issued its Authorization to Start Construction on May 12, 2011. Construction of the Line 1278 – Line K Replacement Project commenced on May 17, 2011. The first 6 miles of pipeline was placed into service on August 5, 2011 in accordance with FERC’s Partial Commencement of Service Authorization, dated August 1, 2011. The rest of the project was authorized by FERC to be placed into service on October 25, 2011 and the full pipeline was placed into service on October 26, 2011.

Special Protection Waters

In 1992, the DRBC adopted Special Protection Waters requirements, as part of the DRBC *Water Quality Regulations* (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *Water Quality Regulations* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2) of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan that controls the new or increased non-point source loads generated within the portion of the project’s service area which is also located within the drainage area of Special Protection Waters. The project is located within in the drainage area of Special

Protection Waters. Since this project entailed construction, there are potentially new or increased non-point source loads associated with this approval, and accordingly the non-point source pollution control plan requirement is applicable to the project.

The docket holder implemented its Environmental Construction Standards (ECS) that met the conditions outlined in FERC's Wetland and Waterbody Construction and Mitigation Procedures and the Upland Erosion Control, Revegetation and Maintenance Plan. Columbia developed an erosion and sediment control plan and post construction stormwater management plan, which were reviewed and approved by the PADEP upon issuance of its ESCGP-1 permit and NYSDEC upon issuance of its SPDES permit for the project.

Commission staff reviewed the ECS and Environmental Construction Drawings and determined that the plan fulfills the Non-Point Source Pollution Control Plan requirements for projects located in Special Protection Waters.

Land Disturbance

Construction of the project required a total of approximately 196 acres of land. This acreage included the construction right-of-way (which varied from 75 to 100 feet wide depending on site conditions), temporary workspaces near streams and wetlands, above ground facilities, contractor yards and staging areas and access roads. After completion of the project, approximately 104 acres of this land was retained to operate and maintain the facilities. The majority of this 104 acres (98 acres) is located along the permanent 50-foot wide right-of-way along the pipeline. No new areas of land were necessary for the project's aboveground facilities.

Delaware State Forest

Line 1278 crosses approximately 1.45 mile of the Delaware State Forest between MP 7.88 to MP 8.66 and MP 9.66 to MP 10.33 in Westfall Township, Pike County, Pennsylvania. Construction temporarily disturbed approximately 13.3 acres of land, 4.6 acres of which was forested. No new permanent right-of-way or impacts were created within the Delaware State Forest as a result of the project. The Project crossed one stream (unnamed tributary to Bush Kill Creek) and temporarily impacted four (4) wetlands totaling 0.74 acres. No permanent loss of wetland acreage or conversion of wetland type occurred as a result of the Project crossing in the Delaware State Forest.

National Park Service – Upper Delaware Scenic and Recreational River Corridor

The Line 1278 – Line K Replacement Project crosses 0.12 miles of privately owned lands within the designated corridor of the Upper Delaware Scenic and Recreational River in Pennsylvania and New York. Line 1278 crosses this area between MP 11.39 and MP 11.42 in Westfall Township, Pike County, Pennsylvania. Line K crosses this area between MP 0.11 and MP 0.20 in Town of Deerpark, Orange County, New York. The National Park Service (NPS) provided recommendations related to erosion and sedimentation controls, invasive plant species, visual screening of the East River Block Gates located within the river's view shed, and the former Hudson and Delaware Canal (i.e., Bolton's Basin). During construction, Columbia complied with NPS's request that it implement an ECS incorporating FERC's *Upland Erosion Control, Revegetation and Maintenance Plan* and *Wetland and Waterbody Construction and Mitigation Procedures* without modification and that it comply as well with provisions specified

by NYSDEC, PADEP and USACE and additional best management practices. Columbia also utilized a native seed mix recommended by the Delaware State Forest, which was designed specifically for the local area and assisted in controlling invasive species. In addition, Columbia screened the East River Block Gates with stone veneer to reduce visual impacts to river traffic.

Stream Crossings

Line 1278

PADEP issued its Water Obstruction and Encroachment Permit No. E52-224 to Columbia for Line 1278 on April 15, 2011. The USACE issued Permit No. CENAP-OP-R-2010-0040 (30) (PASPGP-3) to Columbia for the portion of the Line 1278 – Line K Replacement Project located in Pike County, Pennsylvania (USACE – Philadelphia District) on April 27, 2011, authorizing temporary and permanent impacts to waters including wetlands associated with the project under Section 404 of the Clean Water Act.

Line 1278 crossed 16 streams in Pike County, Pennsylvania. Additionally, two water bodies were crossed by temporary access roads and three waterbodies were located within the construction area, but not directly crossed. The stream crossings are designated by the PADEP as high quality-cold water fisheries supporting migratory fishes (HQ-CWF, MF) and exceptional value supporting migratory fishes (EV, MF). All water bodies were crossed using the dry crossing method. The dry crossing method utilized temporary dams and flumes or pumps to temporarily divert stream flow around the work area to minimize contact between stream water and the trench excavation and to minimize sediment suspension during construction activities. The pipe was placed a minimum of 5 feet below the streambed. The project did not result in any permanent impacts to streams.

Line K

On May 6, 2011, NYSDEC issued its Water Quality Certification under section 401 – Clean Water Act, Stream Disturbance – Under Article 15, Title 5 and Freshwater Wetlands – Under Article 24 Permits authorizing four stream crossings associated with the replacement project and 2 stream crossings as part of the Line K abandonment. The USACE issued a determination (Permit Application No. NAN-2010-01127-WOR) to Columbia that the activities could be accomplished under USACE General Permit No. 12 on March 3, 2011

The portion of the Line K that was replaced crossed 4 streams and the portion of Line K that was abandoned crossed two waterbodies. Two of the streams are classified as NYSDEC Class AA streams (unnamed tributaries to the City of Port Jervis water supply reservoirs) and two crossings of the Shingle Kill a NYSDEC Class C(t) stream. The portion of the Line K that was abandoned crossed the Shingle Kill (NYSDEC Class C(t)) at two locations. All water bodies were crossed using the dry crossing method as described above. The project did not result in any permanent impacts to streams.

Wetland Disturbance

Columbia implemented wetland construction procedures including reduced workspace corridors, use of matting where necessary to reduce rutting, topsoil segregation and expediting construction and restoration activities to minimize impacts to wetlands. The Line 1278 replacement project in Pike County, Pennsylvania, impacted 26 wetland areas totaling

approximately 3.33 acres. Except for 0.24 acres of forested wetlands that were permanently converted to emergent wetlands, all wetlands were restored to original elevations and contours and the vegetation was allowed to reestablish or was mitigated to preconstruction conditions. Columbia provided mitigation for the 0.24 acres of permanent conversion of forested wetlands to emergent wetlands within the Philadelphia District at the Panther Swamp Site. The Line K replacement project in Town of Deerpark, Orange County, New York temporarily disturbed one (1) wetland area totaling 0.37 acres, 0.1 acres of which was forested wetlands. After construction, the forested wetland was allowed to reestablish itself and will not be maintained as permanent right-of-way.

The PADEP, NYSDEC, and USACE permits cited in the previous section of this docket (Stream Crossings) authorized the wetland disturbance described above.

Floodplain Regulations

Section 6.3.4 of the Commission’s Floodplain Regulations allows certain uses, including pipelines constructed within the floodway when authorized by special permit. As noted above the Line 1278 – Line K replacement project involved 16 stream crossings in Pennsylvania and 6 stream crossings in New York. Three crossings of two of these streams have FEMA mapped floodplains. Floodways were not delineated by FEMA. Although FEMA did not delineate any floodways, it is assumed that each waterbody crossed by the pipeline contains a floodway at least as large as the steam bank width. Columbia installed the pipelines at a depth of 5 feet below each stream channel. No permanent structures were placed on the ground surface within the floodway or floodplain areas. Additionally, the pipeline sections beneath the stream channels were weighted as necessary to negate any buoyancy effects. Following the construction of the pipelines, the stream channel bed and banks were restored to preconstruction contours, vegetation and hydrology. This docket constitutes a special use permit for the pipeline in accordance with Section 6.3.4 of the Commission’s Flood Plain Regulations for a pipeline within floodway and flood fringe areas. Floodways crossed by the pipeline project are presented in the following tables.

FLOODWAYS CROSSED BY LINE 1278 (PIKE COUNTY, PA)			
WATERBODY NAME	MILEPOST	BANK WIDTH (FEET)	FLOW TYPE
UNT to Raymondskill Creek	0.7	4	Perennial
Raymondskill Creek	1.5	30	Perennial
UNT to Raymondskill Creek	1.7	4	Perennial
UNT to Raymondskill Creek	1.7	3	Perennial
UNT to Swale Brook	2.5	4	Perennial
Swale Brook	2.8	8	Perennial
Sloat Brook	3.5	6	Ephemeral
UNT to Sloat Brook	3.8	10	Perennial
UNT to Sawkill Creek	4.4	5	Intermittent
UNT to Sawkill Creek	4.4	3	Intermittent

FLOODWAYS CROSSED BY LINE 1278 (PIKE COUNTY, PA)			
WATERBODY NAME	MILEPOST	BANK WIDTH (FEET)	FLOW TYPE
Sawkill Creek	5.0	58	Perennial
UNT to Vantine Creek	5.9	4	Ephemeral
Vandermark Creek	7.3	8	Perennial
UNT to Cummins Creek	9.3	7	Perennial
UNT to Bush Kill	10.0	2	Intermittent
UNT to Delaware River	11.4	5	Perennial

FLOODWAYS CROSSED BY LINE K (ORANGE COUNTY, NY)			
WATERBODY NAME	MILEPOST	BANK WIDTH (FEET)	FLOW TYPE
Shingle Kill	0.2	67	Perennial
Shingle Kill	0.6	87	Perennial
UNT to Reservoir No. 3	2.8	2	Perennial
UNT to Reservoir No. 2	3.5	6	Perennial
Shingle Kill	NA	50	Perennial
Shingle Kill	NA	29	Perennial

Other Federal, State, and Local Permits/Approvals

The following table lists approvals related to water resources in the Delaware River Basin for the Columbia Line 1278 – Line K Replacement Project.

AGENCY	APPROVAL	PERMIT NO.	DATE OF APPROVAL
FERC	Order Issuing Certificate and Approving Abandonment	Docket No. CP10-492	March 17, 2011
USACE	Section 404 Wetland and Waterbodies	CENAP-OP-R-2010-0040 (PASPGP-3)	April 27, 2011
USACE	Determination – Individual permit not required	NA	March 3, 2011
PADEP	ESCGP-1	ESCGP-1 5211801	May 10, 2011
PADEP	Water Obstruction and Encroachment Permit	E52-224	April 15, 2011
PADEP	Hydrostatic Testing Discharge Approval	Plan submitted April 20, 2011	Plan submitted April 20, 2011
NYSDEC	SPDES – Notice of Intent for Construction Activities	GP-0-10-001	October 28, 2010
NYSDEC	Section 401 Water Quality Certification Permit	3-3328-00185/00001	May 6, 2011

NYSDEC	Article 15, Title 5 Stream Disturbance Permit	3-3328-00185/00002	May 6, 2011
NYSDEC	Article 24 Freshwater Wetlands Permit	3-3328-00185/00003	May 6, 2011
NYSDEC	Hydrostatic Test Water Discharge Approval	3-3328-00185	May 6, 2011

Current Project Status

Columbia continues to conduct follow-up inspections of disturbed upland areas to determine the success of restoration efforts and conducts remedial action as needed. The most recent FERC Field Inspection of the project was conducted on August 5, 2014. The FERC Field Inspection Report indicated that the findings of the inspection were that no instances of noncompliance or problem areas were identified. Several minor revegetation issues were discussed during the inspection, but overall environmental conditions were acceptable. The report noted the continued erosion of a slope along the Shingle Kill. Columbia plans to assess the situation and possible solutions to stop further erosion in this area.

On November 21, 2014, DRBC staff observed portions of the completed pipeline project. Staff were accompanied by a Columbia representative Environmental Inspector. During the field visit, staff observed four water body crossings (Sawkill Creek, Raymondskill Creek and two crossings of the Shingle Kill), a wetland area, a steep slope area, right-of-way in the Delaware State Forest, the Milford Mainline Valve site, the Milford Compressor Station, the Mill Rift Launcher/receiver and the Hook Road Launcher/receiver site. DRBC staff concurs with the FERC inspector’s assessment that overall environmental conditions were acceptable.

Docket Approval Duration

Because this docket approves only the construction, not the operation of the new pipeline, the docket has no expiration date. The temporary discharges described in this docket have occurred. No additional discharges are permitted under the terms of this docket and the docket holder must receive Commission approval for any additional discharges. Commission approval of the pipeline located in the Delaware State Forest and the approval by special permit within floodway areas will remain in effect for the life of the project. Columbia must receive Commission approval if the pipeline described in this docket is modified or additional withdrawals and/or discharges occur.

DRBC estimates that the project withdrawals, used for the purpose of hydrostatic testing, resulted in a consumptive use of less than 30 percent of the total water use for that purpose. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project was constructed conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

The project does not conflict with the Comprehensive Plan and was designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2014-008-1, the project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by FERC, PADEP, NYSDEC, DCNR Bureau of Forestry and the United States Army Corps of Engineers (USACE), and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. Sound practices of excavation, backfill and reseeded were followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

c. The docket holder discharged hydrostatic testing wastewater as defined in this docket. The total project discharge resulting from the hydrostatic testing of Line 1278 and Line K did not exceed approximately 1.42 mg. No other discharges from the project that is the subject of this docket are authorized by this docket and are prohibited unless separately approved by the Commission.

d. The docket holder obtained all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

e. A complete application must be submitted to the Commission prior to undertaking or conducting any operations or activities that are not approved in this docket and are subject to Commission review under Section 3.8 of the *Compact*, the Commission’s Rules of Practice and Procedure and/or the Commission’s Flood Plain Regulations. Prior to any expansion of the pipeline facilities beyond the scope detailed in this approval, the docket holder shall contact the DRBC to determine if DRBC review and approval in accordance with Section 3.8 of the *Compact* or the Commission’s regulations is necessary.

f. This docket constitutes a special use permit under Section 6.3.4 of the Commission’s Flood Plain Regulations for a pipeline within floodway and flood fringe areas.

g. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

h. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: June 10, 2015