

**Notice of Complete Application
Notice of Public Comment Hearing
Notice of Public Comment Period
December 28, 2022**

Applicant:

Iroquois Gas Transmission System LP
One Corporation Dr Suite 600
Shelton, CT 06484

Project:

Iroquois Enhancement by Compression (ExC) Project

DEC Application IDs:

3-1326-00211/00001 (Dover Compressor Station)
4-1922-00049/00004 (Athens Compressor Station)

Permit(s) Applied for:

Article 19, Air State Facility

Project Locations:

Dover Compressor Station, 186 Dover Furnace Road (Co. Route 46), Dover Plains, NY 12522
Athens Compressor Station, 915 Schoharie Turnpike (Co. Route 28), Athens, NY 12015

Project Description:

The Iroquois Enhancement by Compression Project (“ExC Project”) includes the addition of 12,000 horsepower (“hp”) of new compression and associated facilities at the existing Iroquois Dover Compressor Station located at 186 Dover Furnace Road in Dover Plains and the addition of 12,000 hp of new compression and associated facilities at the existing Iroquois Athens Compressor Station located at 915 Schoharie Turnpike in Athens. The ExC Project also includes upgrades at the Milford and Brookfield Stations in Connecticut. The ExC Project is designed to provide a total of 125,000 Dekatherms per day (“Dth/d”) of incremental firm natural gas transportation service to two existing customers of Iroquois, Consolidated Edison Company of New York, Inc. (“Con Ed”) and KeySpan Gas East Corporation d/b/a National Grid (“National Grid”).

Air State Facility (ASF) Applications:

NYSDEC has prepared draft permits and has made a tentative determination, subject to public comment or other information, to approve Air State Facility (ASF) permit modifications for both New York facilities included in the ExC Project. With respect to air pollution regulation, the activities of concern at the Dover and Athens Compressor Stations are emissions of criteria contaminants which are produced from the operation of the stationary combustion turbines used to compress the natural gas in the pipeline operated by Iroquois. Control measures include low NOx combustion technology and oxidation catalysts.

Pursuant to the requirements of Section 7(2) of the Climate Leadership and Community Protection Act (Climate Act), Chapter 106 of the Laws of 2019, NYSDEC has requested

and received information regarding the ExC Project's consistency with the Climate Act. The ExC Project includes the installation of GHG mitigation measures, including Vent Recovery Systems (VRS) at each of the four Project compressor stations in NYS and CT, and fuel use restrictions limiting the maximum operation of each new turbine. Iroquois also proposed the installation of VRS, if feasible, at each of three other (i.e., non-Project) compressor stations located in NYS (Boonville, Croghan, and Wright) as additional GHG mitigation. These have been incorporated into the draft ASF permits and would be included, along with any other GHG mitigation measures as appropriate, as part of any ASF permits ultimately issued by NYSDEC, provided that the other elements of Section 7(2) can be met.

Pursuant to Section 7(3) of the Climate Act, NYSDEC and other agencies must ensure that its permitting and other administrative decisions do not disproportionately burden Disadvantaged Communities. NYSDEC has requested and received information from Iroquois regarding the ExC Project's potential impact on Disadvantaged Communities, as identified pursuant to the Climate Act. The Athens Compressor Station is in and has the potential to impact a draft Disadvantaged Community. Additionally, the Dover Compressor Station is immediately adjacent to and has the potential to impact a draft Disadvantaged Community. Therefore, at NYSDEC's request, Iroquois provided a Disadvantaged Communities (DAC) Evaluation for the ExC Project. While Iroquois asserts that the ExC Project would not disproportionately burden any Disadvantaged Communities, NYSDEC has not yet made a final determination. Prior to issuing any permits for the Facility, NYSDEC would need to ensure compliance with the requirements of Climate Act Section 7(3).

While NYSDEC is making draft Air State Facility permits available for public review and comment, NYSDEC has not made any final determination to issue any final permits for the Facility. Prior to issuing any final permits for the Facility, NYSDEC would need to ensure that it can meet the requirements of both Section 7(2) and Section 7(3) of the Climate Act. NYSDEC has yet to make either determination. NYSDEC may seek additional information from the Applicant to facilitate making these legally required determinations.

Availability of Application Documents:

Filed application documents and NYSDEC draft ASF permits are available at: <https://www.iroquois.com/operations/projects/exc-project/>. Applications are also available for inspection at the following locations during normal business hours:

Dover Plains Library
1797 Route 22
Wingdale, NY 12594
845-832-6605

D.R. Evarts Library
80 Second Street
Athens, NY 12015
518-945-1417

National Environmental Policy Act (NEPA) Determination:

The Federal Energy Regulatory Commission (FERC) is the lead agency for the environmental review of interstate natural gas facilities under the federal Natural Gas Act. FERC staff prepared a Final Environmental Impact Statement (FEIS), dated November 12, 2021, for the ExC Project, Docket No. CP20-48-000, pursuant to NEPA. The FERC FEIS can be viewed and downloaded at: https://elibrary.ferc.gov/idmws/docket_search.asp by entering the Docket No. and the date of the FEIS in the search boxes.

The federal environmental review process conducted by FERC pursuant to NEPA takes the place of an environmental review conducted under the State Environmental Quality Review Act. NYSDEC evaluates the FERC NEPA documents and the permit applications submitted by applicants to NYSDEC to ultimately make a determination regarding issuance of NYSDEC authorizations.

State Environmental Quality Review (SEQR) Determination:

This project is not subject to SEQR (federally preempted) and therefore is treated as if it was a Type II action.

SEQR Lead Agency: None Designated

State Historic Preservation Act (SHPA) Determination:

The proposed activity is not subject to review in accordance with SHPA. The activity is being reviewed in accordance with federal historic preservation laws (Section 106 of NHPA) and the project area of potential impact is substantially the same.

Coastal Management:

This project is not located in a Coastal Management area and is not subject to the Waterfront Revitalization and Coastal Resources Act.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29):

It has been determined that the proposed action is not subject to CP-29.

Statutory and Regulatory Provisions:

The above referenced applications were filed and reviewed pursuant to Environmental Conservation Law (ECL) Article 3, Title 3 (General Functions, Powers, Duties and Jurisdiction), and Article 70 (Uniform Procedures Act or UPA); and pursuant to Title 6 of Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 621- Uniform Procedures. The relevant regulations are found at: Part 201 (Air State Facility).

Public Hearing and Written Public Comment Period:

A legislative hearing pursuant to 6 NYCRR Part 621 (Uniform Procedures) to receive unsworn comments from the public on the ASF applications will be held on Tuesday, January 31, 2023, beginning at 6:00 p.m. The hearing will be conducted electronically through Webex.

All persons, organizations, corporations, or government agencies who may be affected by the project are invited to attend the hearing and comment on the ASF applications. Instructions on how to attend the hearing are provided below, or by calling (518) 402-9003.

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests must be received by January 23, 2023 and directed to the NYSDEC Office of Communication Services, either by mail (address: NYSDEC, Office of Communication Services, 625 Broadway, Albany, New York 12233-4500), by telephone (518 402-8044) or by e-mail (language@dec.ny.gov).

Written statements and comments on the application are encouraged, and any statements and comments may be filed prior to the hearing, but no later than the deadline for written comments, which is February 7, 2023. Individuals and parties may file written comments to the Contact Person or may submit comments electronically at DEPEnergy@dec.ny.gov.

Following the hearing, NYSDEC will determine whether substantive or significant issues have been raised as defined in 6 NYCRR Part 621 Uniform Procedures, and if an adjudicatory public hearing should be scheduled before an administrative law judge. In order to raise substantive and significant issues, written comments expressing objections or opposition to the applications must explain the basis of that opposition and identify the specific grounds which could lead NYSDEC to deny or impose significant permit conditions on the project.

A copy of NYSDEC's permit hearing procedures is available upon request or on NYSDEC's website at: <https://www.dec.ny.gov/permits/6234.html>.

All written filed comments and electronically submitted comments must be received no later than 5:00 p.m. on February 7, 2023.

Contact Person:

Karen Gaidasz, Project Manager
Bureau of Energy Project Management
NYSDEC - Division of Environmental Permits
625 Broadway, 4th Floor, Albany, NY 12233-1750
Phone: (518) 402-9167, Fax: (518) 402-9168

To register to attend the public hearing virtually, go to <https://meetny.webex.com/weblink/register/r19e078f13ffc394dc15aee678fa44041>. After registering, you will receive an email with the details on how to join the Webex.

To join by phone only without registering:

Dial: 1-518-549-0500

Access Code: 161 512 9806

Password: 93526632

Persons wishing to comment on the applications will have the opportunity to make a statement at the public comment hearing. **Any person wishing to provide a public statement must register in advance of the hearing no later than 10:00 a.m. January 30, 2023.** Any person may listen to the hearing by phone without pre-registering.

To Register Electronically: Persons who will login to the hearing electronically must register. To register, go to <https://meetny.webex.com/weblink/register/r19e078f13ffc394dc15aee678fa44041> and fill in the requested information. You will be asked whether you wish to make a public statement. After registration is complete, you will receive a confirmation by email with information about how to join the hearing.

To Register by Telephone: Any person who is not able to login electronically may participate by telephone. Call-in participants must register to speak in advance by calling the Office of Hearings and Mediation Services at 518-402-9003 no later than 10:00 a.m. January 23, 2023. Please provide your first and last name, address, email address if any, and telephone number and reference the Iroquois Enhancement by Compression project public comment hearing.

All participants will be muted upon entry into the hearing. The ALJ will call each person who has requested to provide a statement to speak. The ALJ will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. The ALJ may limit the time available for oral comments to 3 minutes per person, as necessary to afford all participants an opportunity to be heard. We also recommend that lengthy comments be summarized for oral presentation and submitted in writing as provided above. The hearing will be recorded and transcribed into a formal transcript for inclusion in the record.