



BOND, SCHOENECK & KING, PLLC

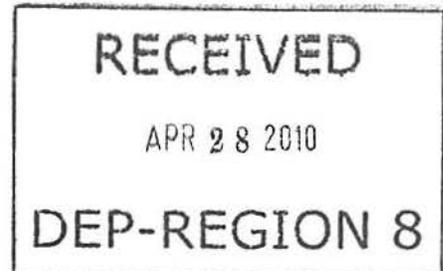
ATTORNEYS AT LAW ■ NEW YORK FLORIDA KANSAS

KEVIN M. BERNSTEIN
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kbernstein@bsk.com

April 27, 2010

VIA FEDERAL EXPRESS

Mr. Roger McDonough
Environmental Analyst
New York State Department of
Environmental Conservation
Division of Environmental Permits
Region 8
6274 East Avon-Lima Road
Avon, NY 14414-9519



Re: *SEQRA Review*
Inergy Midstream, LLC/Finger Lakes LPG Storage LLC
Liquefied Petroleum Gas Storage Facility
Town of Reading, Schuyler County

Dear Mr. McDonough:

As you are aware, our client, Finger Lakes LPG Storage, LLC ("Finger Lakes") is proposing the construction of a multi-cycle LPG storage system with a pipeline connection and rail and truck load/unload racks in the Town of Reading, Schuyler County ("the Project"). In response to your letter dated March 19, 2010 requesting additional information to assist in your review under the State Environmental Quality Review Act ("SEQRA"), we are submitting the following information for your review.

DEC Comment:

The Department does not agree with the applicant's contention that 24 inches of freeboard is adequate to permanently contain the volume increase due to precipitation on the brine pond. Please be advised that wastewater treatment design standards require this minimum freeboard to remain *at all times*, and it can not be included in calculations for temporary storage. The maintenance of an adequate freeboard is critical for many reasons, including wind and unusual precipitation events.

Finger Lakes Response:

Wastewater treatment design standards do not apply to the construction of the brine pond for the LPG Facility and we are unclear as to what standards the Department is referring to. If it is to the "Recommended Standards for Wastewater Facilities, 2004 edition" ("Recommended Standards"), the Department's reliance is misplaced. As the Department is no doubt aware, the Recommended Standards contain recommended design standards for wastewater facilities and are intended for the more conventional municipal wastewater treatment collection and treatment systems. The forward of the Recommended Standards also refers to the Glossary jointly prepared by APHA, ASCE, AWWA, and WPCF in connection with water and wastewater control engineering.

Some of the terms defined in this Glossary illustrate why these standards do not apply to the design of the brine pond. For example, consider the following definitions and applicability provision(s):

"Waste Treatment" – (1) A series of chemical, physical, or biological processes to remove dissolved and suspended solids from wastewater before discharge. (2) Any process to which wastewater or industrial waste is subjected to make it suitable for subsequent use or acceptable for discharge to the environment. (3) In a broader sense, encompasses the treatment and disposal of solid waste as well as wastewater.

"Waste water" – In a legal sense, water that is not needed or which has been used and is permitted to escape, or which unavoidably escapes from ditches, canals, or other conduits, or reservoirs of the lawful owners of such structures. See also wastewater.

"Wastewater" -- The spent or used water of a community or industry which contains dissolved and suspended matter.

"Wastewater facilities" – The structures, equipment, and processes required to collect, convey, and treat domestic and industrial wastes, and dispose of the effluent and sludge.

As noted in Section 93.1 of the Recommended Standards, "[t]his Section deals with generally used variations of treatment ponds capable of achieving secondary treatment including controlled-discharge pond systems, flow-through pond systems and aerated pond systems. Ponds utilized for equalization, percolation, evaporation, and sludge storage are not discussed in this Section." Clearly the

proposed brine pond does not fit at all within these definitions or the applicability provision in the Recommended Standards.

Other than a reference to these inapplicable standards, the Department does not provide any engineering justification for its conclusion that 24 inches of freeboard is insufficient, nor does it respond to the information (based in part on USGS and NOAA published statistics) contained in our letter of February 26, 2010. The brine pond is being designed (including at least 24 inches of freeboard) to account for the greatest possible rainfall event and does not account for evaporation.

*Nevertheless, Finger Lakes' design engineers have, in the memo attached hereto as **Exhibit A**, sought to provide a further (in addition to that provided in CT Male's memo of October 20, 2009) engineering description of the design of the brine pond. As noted in the memo, the brine pond will be designed consistent with the Department guidance on the construction for dams (even though this pond is not considered a "dam" for permitting purposes).*

DEC Comment:

It is acknowledged that the Department has not yet received a response to Peter Briggs' January 11, 2010 Notice of Incomplete Application regarding the ECL Article 23 Underground Storage Permit.

Finger Lakes Response:

*Finger Lakes is working on preparing a response to the January 11, 2010 Notice of Incomplete Application (NOIA) and expects to submit the Response shortly. One aspect of the NOIA were comments on the Environmental Assessment Form (EAF). A revised EAF is attached as **Exhibit B**. This will also be included with our upcoming response to the NOIA.*

Finger Lakes requests that the Department issue a Negative Declaration sooner than the Underground Storage Permit application is deemed complete. In the past, with other applications, the Department has issued bifurcated complete notices, one for the environmental permit (here the only one is to obtain coverage under the General SPDES stormwater permit)¹ and another in connection with the Underground Storage Permit. Therefore, there is precedent for such an action on the part of the Department.

*The sole reason for this request is to allow Finger Lakes to commence site work on its rail siding and loading/unloading racks (and on the brine pond once final design work is complete) on property it owns off of Routes 14 and 14A. **If Finger Lakes is not allowed to commence site***

¹ As you know, a Stormwater Notice of Intent ("NOI") was submitted to the Department in September 2009 and an acknowledgement of receipt of the NOI issued on September 10, 2009. In addition, the Department issued a 5-acre waiver under the General Permit on September 15, 2009.

work this summer, the State of New York stands to lose millions of dollars in economic investment and could lead to the failure of this project to succeed.

DEC Comment:

Additionally, since your similarly situated Inergy Savona facility discharges routinely from their brine storage ponds, sizing and operational calculations must be presented to document how this facility will be operated differently, while maintaining adequate minimum freeboard, to eliminate the necessity of a discharge in some manner.

Finger Lakes Response:

There is adequate capacity in the brine pond for Finger Lakes to ensure there will be no need to discharge, as is the case at Savona. The storage capacity for the brine pond being designed for Finger Lakes will be more than adequate in light of the volume of product to be stored. The revised Reservoir Suitability Report will state that the total storage capacity sought to be authorized will be 2.1 million barrels. The brine pond being designed will have the capacity for 2.1 million barrels of brine, not including freeboard.

The situation at Inergy Savona is different than it will be at Finger Lakes. With the recent construction of Brine Pond 4, Inergy's Savona LPG facility has 1,735,597 barrels of brine storage capacity. However, the total LPG stored at Savona is 1.8 million barrels. Therefore, there is clearly a need to discharge at times.²

In terms of operation, the cavern(s) in each gallery will initially be full of brine (as they are now). A multi-stage split case centrifugal pump will be used to transfer product to the cavern from the TE Products Pipeline Company, LLC ("TEPPCO") pipeline or via rail or truck. During the injection cycle, brine will be displaced out the bottom of the cavern as the LPG is pumped in the top. The process will be reversed during the withdrawal cycle when brine is pumped into the bottom of the cavern and LPG is withdrawn from the top. A surface pressure of approximately 1000 psi will be maintained when the well is closed and a minimum of 500 psi when in operation when LPG is in the cavern, depending on the surface elevation of the well and depth of the cavern.

Brine circulated from the caverns will be stored in the above-ground 2.1 million barrel pond. All brine will be circulated through a separator with an active flare before being transferred to storage in the pond.

² In addition, the local municipalities used approximately 5 million gallons of brine last year.

DEC Comment:

1) The October 20, 2009 Planning Board Presentation Summary, which accompanied the October 23, 2009 letter, did not adequately detail design information. For example, it is stated that 6 soil test borings were taken, but it is not clear from the submission where they were taken, how deep, what soils were encountered, etc. The Section Plan only indicates embankment fill, and soil layers 1 & 2 without any detail or characterization. It does not show the western end of the impoundment, and its relation to bedrock. It is also not clear how the depth to groundwater was addressed. Please provide additional calculations regarding stability and compaction. Finally, while an Article 15, Section 0503 Dam Safety permit is not required for this structure, it is suggested that those technical standards be met.

Finger Lakes Response:

*A copy of the test borings and a preliminary grading plan (showing the soil boring locations) are provided herein as **Exhibit C**. Even though the brine pond is not subject to DEC dam permitting requirements, its design will meet the Department's guidelines for the Design of Dams, dated January 1985, as revised January 1989. Finger Lakes is willing to provide DEC with a final construction report, stamped by a professional engineer licensed in New York, attesting that the pond has been constructed as designed.*

DEC Comment:

2) The response that there will be no connection to US Salt contradicts previously submitted information, which provided a pipe from the brine pond to the US Salt facility as the method to address the excess brine volume due to precipitation. See third paragraph, page 3 of the October 23, 2009 letter.

Finger Lakes Response:

Our February 26, 2010 letter supersedes the statements made in the earlier October 23, 2009 letter regarding a connection from the brine pond to the US Salt facility. We apologize for not clearly stating that our February 26 letter represented the most recent plan. To reiterate, Finger Lakes will not connect the proposed brine pond to the US Salt facility. In the unlikely event that it becomes necessary or desirable to do so in the future, Finger Lakes and US Salt will determine whether any DEC or other approvals are necessary. Moreover, although not anticipated, any excess brine volume due to precipitation will be used up by normal cavern volume growth due to injecting brine that is not fully saturated.

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DEC Comment:

3 through 5) These concerns regarding US Salt air emissions and discharges to waters, and LPG facility cavern enlargement rates, remain if a connection from the brine pond to US Salt is made.

Finger Lakes Response:

See response above.

DEC Comment:

6) The volume of rail traffic to be generated by the LPG storage facility has not been provided. Only the existing rail traffic volume was indicated.

Finger Lakes Response:

The unloading system for Finger Lakes is being designed to handle a total of 24 railcars per day during the weekdays. The siding will be able to accommodate up to 24 cars on 3 tracks and 3 additional siding tracks will be used for active loading or unloading. Such rail traffic will likely be the busiest during the injection (spring) and withdrawal (winter) seasons and much less during summer and early fall.

If you have any questions, or need clarification regarding anything submitted with this letter, please call. Thank you.

Sincerely,

BOND, SCHOENECK & KING, PLLC



Kevin M. Bernstein

Enclosures

Mr. Roger McDonough
April 27, 2010
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cc: *w/enclosures via Federal Express*

P. Briggs, NYSDEC
J. Dahl, NYSDEC
B. Field, NYSDEC
J. Maglienti, NYSDEC
P. Lent, NYSDEC
L. Collart, NYSDEC
R. Nemecek, NYSDEC
N. Rice, NYSDEC
C. Hardison, NYSDEC
P. D'Amato, NYSDEC
G. Wright, Town of Reading
K. Jones, SCOPED

w/enclosures via first class mail

B. Moler, Inergy
B. Cigich, Inergy
M. Armstrong, Inergy
M. LeRose, Inergy



C.T. MALE ASSOCIATES, P.C.

MEMORANDUM

DATE: April 21, 2010

TO: Kevin Bernstein

FROM: Rick Wakeman

RE: *Design Objectives to Satisfy DEC Dam Safety Requirements
Brine Pond*

RECEIVED

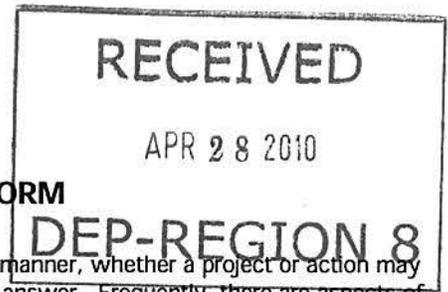
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DEP-REGION 8

In response to the March 19, 2010 letter from Mr. Roger McDonough of DEC, I have prepared this memorandum to confirm that our design of the brine pond's earthen embankment will conform to the applicable sections of the Department's Guidelines for Design of Dams. Specifically, the design will incorporate:

- 1.) The minimum allowable top width of the earthen embankment will be greater than the minimum allowable width (W) of $0.2H + 10$, where H equals the greatest embankment height in feet. With this height being 50 feet, the embankment's width must be no less than 17 feet to meet the minimum requirements set forth by this formula (see Page 18, Paragraph 9.1.4 of the referenced guidance document). The design will incorporate a crest width of 19 feet.
- 2.) The upstream (inside) and downstream (outside) slopes of the embankment will be no steeper than 1 vertical to 3 horizontal in accordance with Paragraph 9.1.1 and 9.1.2 of the referenced document. As the embankments will be constructed of "homogeneous" materials, flatter side slopes will be incorporated to enhance their stability where required per Paragraph 9.1.3. Exterior side slopes of 1 vertical to 4 horizontal with an intermediate bench 25 feet in width will be used for the high embankment on the east (lake) side of the brine pond. Interior side slopes on the west side of the pond will be similarly inclined to enhance the stability of this cut slope.
- 3.) The stability of the inside and outside slopes will be evaluated in accordance with the method of analyses and appropriate factors of safety for the applicable loading conditions as set forth by U.S. Army Corps of Engineers publications (see Paragraph 9.2 of the guidance document). The applicable loading conditions will include evaluation of the side slope stability under a seismic event.
- 4) Per Paragraph 9.2 of the guidance document, seepage control measures will be incorporated into design of the embankment slopes to ensure their long term stability. These measures will include installation of a cutoff trench on the uphill/west side of the pond and crushed stone drainage courses beneath the pond's liner.
- 5.) Strict compaction control will be included in the earthwork specifications to address the requirements of Paragraph 9.3 of the guidance document. Construction will be observed by a representative of C.T. Male and frequent in-place density (compaction) test performed to verify compaction specifications are being achieved.

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM



Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3
Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Finger Lakes LPG Storage Facility

Name of Action

New York State Department of Environmental Conservation

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Finger Lakes Storage Facility

Location of Action (include Street Address, Municipality and County)

State Routes 14 - Route 14A

Name of Applicant/Sponsor Finger Lakes LPG Storage, LLC

Address Two Brush Creek Boulevard Suite 200

City / PO Kansas City State MO Zip Code 64112

Business Telephone 816-329-5344

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

See Attached

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Other _____

2. Total acreage of project area: 67 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>26</u> acres	_____ acres
Forested	<u>20</u> acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>21</u> acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ acres	_____ acres
Water Surface Area	_____ acres	<u>20</u> acres
Unvegetated (Rock, earth or fill)	_____ acres	_____ acres
Roads, buildings and other paved surfaces	_____ acres	<u>11</u> acres
Other (Indicate type) <u>Mowed Stormwater Control</u>	_____ acres	<u>36</u> acres

3. What is predominant soil type(s) on project site? Lansing
- a. Soil drainage: Well drained _____% of site Moderately well drained _____% of site.
 Poorly drained 100 % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 5 acres (see 1 NYCRR 370).
4. Are there bedrock outcroppings on project site? Yes No
- a. What is depth to bedrock 2 (in feet)
5. Approximate percentage of proposed project site with slopes:
 0-10% _____% 10- 15% 90 % 15% or greater 10 %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? Yes No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? varies (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? Yes No

According to:

NYS DEC Resource Mapper

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes No

Describe:

Waterfalls and cliffs in unaffected areas

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? Yes No

Views of Seneca Lake

15. Streams within or contiguous to project area:

Two Class C tributaries to Seneca Lake - Unnamed

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

Seneca Lake

b. Size (in acres):

43,343

17. Is the site served by existing public utilities? Yes No
- a. If YES, does sufficient capacity exist to allow connection? Yes No
- b. If YES, will improvements be necessary to allow connection? Yes No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: 576 acres.
- b. Project acreage to be developed: 11 acres initially; 11 acres ultimately.
- c. Project acreage to remain undeveloped: 565 acres.
- d. Length of project, in miles: 1.3 (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. %
- f. Number of off-street parking spaces existing 0 ; proposed 12
- g. Maximum vehicular trips generated per hour: 4 (est) (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Ultimately	<u> </u>	<u> </u>	<u> </u>	<u> </u>

- i. Dimensions (in feet) of largest proposed structure: 15 height; 40 width; 60 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 430 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? See Table A tons/cubic yards.
3. Will disturbed areas be reclaimed Yes No N/A

a. If yes, for what intended purpose is the site being reclaimed?

Stormwater control

- b. Will topsoil be stockpiled for reclamation? Yes No
- c. Will upper subsoil be stockpiled for reclamation? Yes No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 20 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes No

6. If single phase project: Anticipated period of construction: 8 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated _____ (number)

b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

c. Approximate completion date of final phase: _____ month _____ year.

d. Is phase 1 functionally dependent on subsequent phases? Yes No

8. Will blasting occur during construction? Yes No

9. Number of jobs generated: during construction 50 ; after project is complete 8-10

10. Number of jobs eliminated by this project 0 .

11. Will project require relocation of any projects or facilities? Yes No

If yes, explain:

12. Is surface liquid waste disposal involved? Yes No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? Yes No Type Septic - two restrooms in control room

14. Will surface area of an existing water body increase or decrease by proposal? Yes No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? Yes No

16. Will the project generate solid waste? Yes No

a. If yes, what is the amount per month? unk tons

b. If yes, will an existing solid waste facility be used? Yes No

c. If yes, give name permitted landfill ; location (by hauler)

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? Yes No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? Yes No

a. If yes, what is the anticipated rate of disposal? _____ tons/month.

b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? Yes No

19. Will project routinely produce odors (more than one hour per day)? Yes No

20. Will project produce operating noise exceeding the local ambient noise levels? Yes No

21. Will project result in an increase in energy use? Yes No

If yes, indicate type(s)

Electrical usage - New Line from NYSEG's existing line is part of the proposed project.

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day unk gallons/day.

24. Does project involve Local, State or Federal funding? Yes No

If yes, explain:

25. Approvals Required:

			Type	Submittal Date
City, Town, Village Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
City, Town, Village Planning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
City, Town Zoning Board	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
City, County Health Department	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Septic Water Supply	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Schuyler County	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	DEC - Stormwater DEC - Underground Storage PSC - Pipelines	issued 9/10/09 10/13/09 notify only
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	NYS DOT - Road borings & Entrances DEC - well drilling permits	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? Yes No

If Yes, indicate decision required:

- | | | | |
|---|---|--|--------------------------------------|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance | <input type="checkbox"/> New/revision of master plan | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan | <input type="checkbox"/> Other |

2. What is the zoning classification(s) of the site?

n/a

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

n/a

4. What is the proposed zoning of the site?

none

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

n/a

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Agricultural / Commercial

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? Yes No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

Yes No

a. If yes, is existing capacity sufficient to handle projected demand? Yes No

12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No

a. If yes, is the existing road network adequate to handle the additional traffic. Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Kevin M. Bernstein Date 4/27/10

Signature 

Title Counsel to Finger Lakes LPG Storage, LLC*

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

*Authorized to sign on behalf of Finger Lakes per October 20, 2009 letter from Finger Lakes to DEC

**Table A to Finger Lakes LPG Storage
Full Environmental Assessment Form**

Finger Lakes Cavern Volumes and Salt Tonnage Extracted or to be Extracted

Well Number	Sonar Volume	Cubic Feet (times)	Pounds Salt (times)	Existing Salt Tonnage (divided by) 2000	30% additional Mining	Ultimate Tonnage
	Barrels	5,615	135			
33	392,087	2,201,569	297,211,748	148,606	44,582	193,188
34	4,274,576	24,001,744	3,240,235,472	1,620,118	486,035	2,106,153
43 xx	959,109	5,385,397	727,028,600	363,514		363,514
44*****						
58**	512,212	2,876,070	388,269,501	194,135		194,135
128,212 Bbl lost in rubble						
Additional Mining for Storage to reach 700,000 Bbls	316,000	1,774,340	239,535,900		119,768	119,768
Add 30% of 700,000 created by operations	210,000	1,179,150	159,185,250		79,593	79,593
Grand Total	6,663,984	37,418,270	5,051,466,472	2,326,373	729,978	3,056,351
43 xx	No additional salt production planned/monitoring only					
44*****	Volume included in well 34 due to sonar overlap. To be used as monitoring well					
58**	usable 384,000 out of 512,212	due to injection tubing depth limitation			384,000 included in 512,212 totals	

Exhibit C



RECEIVED

APR 28 2010

C.T. MALE ASSOCIATES, P.C.

SUBSURFACE EXPLORATION LOG

DEP-REGION 8



BORING NO.: B-1
 ELEV.: ±843.5'
 START DATE 10/7/09 FINISH DATE: 10/7/09
 SHEET 1 OF 1

PROJECT: Finger Lakes Storage CTM PROJECT NO.: 08.8696
 LOCATION: Town of Reading, NY CTM OBSERVER: D. Achtyl

DEPTH (FT.)	SAMPLE TYPE	BLOWS ON SAMPLER						RECOVERY	SAMPLE CLASSIFICATION	NOTES
		NO.	0/6	6/12	12/18	18/24	N			
		1	3	6	7	35	13	0.9'	TOPSOIL (±) Brown CLAY, Some Silt (Moist - Stiff to Hard) ±3'	Note 1: Groundwater level monitoring well installed
5		2	14	16	15	24	31	1.9'	Brown SILT, little clay, trace embedded coarse sand & fine gravel (Damp - Very Stiff) ±8'	
10		3	20	16	40	30	56	1.6'	TILL: Gray SILT, little fine sand with embedded coarse sand & fine gravel	
15		4	18	38	50/0.3'		1.2'	- rock fragments at tip of spoon (Damp - Very Compact)		
20									Black SHALE, medium hard, weathered to sound. Weathered seams at 16.1' and 17.0' to 17.5'	Run #1: 15.3' to 20' Rec. = 4.3' RQD = 2.1'/4.3'
25									Weathered seams at 21.4' and 24.4'	Run #2: 20.0' to 25.0' Rec. = 5.0' RQD = 2.8'/5.0'
30									End of Boring @ 25.0'	

N = NO. OF BLOWS TO DRIVE 2" SAMPLER 12" WITH A 140 LB. WT. FALLING 30" PER BLOW
 DRILLING CONTRACTO SJB Services DRILL RIG TYPE: CME
 METHOD OF INVESTIGATION: 3 1/4" I.D. Hollow Stem Augers, Automatic Safety Hammer.

THE SUBSURFACE INFORMATION SHOWN HEREON WAS OBTAINED FOR C.T. MALE DESIGN PURPOSES. IT IS MADE AVAILABLE TO AUTHORIZED USERS ONLY THAT THEY MAY HAVE ACCESS TO THE SAME INFORMATION AVAILABLE TO C.T.MALE. IT IS PRESENTED IN GOOD FAITH, BUT IS NOT INTENDED AS A SUBSTITUTE FOR INVESTIGATIONS, INTERPRETATION OR JUDGMENT OF SUCH AUTHORIZED USERS.

GROUNDWATER LEVEL
 DATE | LEVEL | CASING | STABILIZATION TIME

SAMPLE CLASSIFICATION BY:
 R. Wakeman

C.T. MALE ASSOCIATES, P.C.



SUBSURFACE EXPLORATION LOG

BORING NO.: B-2
 ELEV.: ±820.0' DATUM:
 START DATE: 10/8/09 FINISH DATE: 10/8/09
 SHEET 1 OF 2

PROJECT: Finger Lakes Storage CTM PROJECT NO.: 08.8696
 LOCATION: Town of Reading, NY CTM OBSERVER: D. Achtyl

DEPTH (FT.)	SAMPLE TYPE	BLOWS ON SAMPLER					RECOVERY	SAMPLE CLASSIFICATION	NOTES	
		NO.	0/6	6/12	12/18	18/24				N
		1	2	5	7	11	12	1.0'	TOPSOIL(±)	
5		2	29	29	24	28	53	1.3'	TILL: Brown SILT, little fine sand & clay with embedded coarse sand & fine gravel (Damp)	
10		3	58	50/0.3'		--	0.7'		- becomes Gray-Brown SILT, Some fine Sand with embedded coarse sand & fine gravel (Moist)	
15		4	49	50/0.2'		--	1.0'		-becomes Gray	
20		5	45	50/0.2'		--	0.7'		- becomes Gray SILT & fine Sand, Some embedded coarser Sand, gravel & rock fragments	
25		6	35	50/0.3'		--	0.7'			
30		7	27	31	38	60	69	2.0'		

N = NO. OF BLOWS TO DRIVE 2" SAMPLER 12" WITH A 140 LB. WT. FALLING 30" PER BLOW
 DRILLING CONTRACTO SJB Services DRILL RIG TYPE: CME
 METHOD OF INVESTIGATION: 3 1/4" I.D. Hollow Stem Augers, Automatic Safety Hammer.

GROUNDWATER LEVEL			
DATE	LEVEL	CASING	STABILIZATION TIME

THE SUBSURFACE INFORMATION SHOWN HEREON WAS OBTAINED FOR C.T. MALE DESIGN PURPOSES. IT IS MADE AVAILABLE TO AUTHORIZED USERS ONLY THAT THEY MAY HAVE ACCESS TO THE SAME INFORMATION AVAILABLE TO C.T.MALE. IT IS PRESENTED IN GOOD FAITH, BUT IS NOT INTENDED AS A SUBSTITUTE FOR INVESTIGATIONS, INTERPRETATION OR JUDGMENT OF SUCH AUTHORIZED USERS.

SAMPLE CLASSIFICATION BY:
R. Wakeman

C.T. MALE ASSOCIATES, P.C.



SUBSURFACE EXPLORATION LOG

BORING NO.: B-2
 ELEV.: ±820.0' DATUM:
 START DATE: 10/8/09 FINISH DATE: 10/8/09
 SHEET 2 OF 2

PROJECT: Finger Lakes Storage CTM PROJECT NO.: 08.8696
 LOCATION: Town of Reading, NY CTM OBSERVER: D. Achtyl

DEPTH (FT.)	SAMPLE		BLOWS ON SAMPLER					RECOVERY	SAMPLE CLASSIFICATION	NOTES
	TYPE	NO.	0/6	6/12	12/18	18/24	N			
		8	34	50/0.2'	--	--	0.7'	TILL: Gray ROCK FRAGMENTS (Damp to Moist - Very Compact)		
35		9	50/0.1'	--	--	--	0.0'	End of Boring @ 33.1' (Sampling & Auger Refusal)		
40										
45										
50										
55										
60										

N = NO. OF BLOWS TO DRIVE 2" SAMPLER 12" WITH A 140 LB. WT. FALLING 30" PER BLOW
 DRILLING CONTRACTO SJB Services DRILL RIG TYPE: CME
 METHOD OF INVESTIGATION: 3 1/4" I.D. Hollow Stem Augers, Automatic Safety Hammer.

THE SUBSURFACE INFORMATION SHOWN HEREON WAS OBTAINED FOR C.T. MALE DESIGN PURPOSES. IT IS MADE AVAILABLE TO AUTHORIZED USERS ONLY THAT THEY MAY HAVE ACCESS TO THE SAME INFORMATION AVAILABLE TO C.T.MALE. IT IS PRESENTED IN GOOD FAITH, BUT IS NOT INTENDED

GROUNDWATER LEVEL

DATE	LEVEL	CASING	STABILIZATION TIME

SAMPLE CLASSIFICATION BY:
R. Wakeman

C.T. MALE ASSOCIATES, P.C.

SUBSURFACE EXPLORATION LOG



BORING NO.: B-3
 ELEV.: ±837.5' DATUM:
 START DATE: 10/5/09 FINISH DATE: 10/5/09
 SHEET 1 OF 1

PROJECT: Finger Lakes Storage CTM PROJECT NO.: 08.8696
 LOCATION: Town of Reading, NY CTM OBSERVER: D. Achtyl

DEPTH (FT.)	SAMPLE		BLOWS ON SAMPLER					RECOVERY	SAMPLE CLASSIFICATION	NOTES
	TYPE	NO.	0/6	6/12	12/18	18/24	N			
5		1	1	3	3	7	6	1.5'	TOPSOIL (±) Brown SILT, Some fine Sand, little coarse sand & fine gravel (Moist - Loose) ±3'	Note 1: Groundwater level monitoring well installed
		2	12	32	21	24	53	2.0'	TILL: Brown SILT, Some fine Sand with embedded coarser sand & fine gravel	
10		3	24	25	50	50/0.3'	75	1.6'	- become Gray (Damp)	
15		4	30	37	50/0.1'	--	0.8'	- Wet seam		
20		5	50/0.2'						(Damp to Wet - Very Compact) ±19' Gray weathered ROCK (Wet)	
25									Black SHALE, medium hard, sound. Fracture infilled with soil at 20.2' and 24.5'. Weathered rock seam at 20.9'	Run #1: 19.8' to 24.8' Rec. = 4.8' RQD = 3.7'/4.8'
30									Weathered rock seam at 25.2' and 26.2'. Highly weathered rock seam at 26.8' to 26.9'	Run #2: 24.8' to 29.8' Rec. = 4.5' RQD = 3.5'/4.5'
									End of Boring @ 29.8'	

N = NO. OF BLOWS TO DRIVE 2" SAMPLER 12" WITH A 140 LB. WT. FALLING 30" PER BLOW
 DRILLING CONTRACTO SJB Services DRILL RIG TYPE: CME
 METHOD OF INVESTIGATION: 3 1/4" I.D. Hollow Stem Augers, Automatic Safety Hammer.

THE SUBSURFACE INFORMATION SHOWN HEREON WAS OBTAINED FOR C.T. MALE DESIGN PURPOSES. IT IS MADE AVAILABLE TO AUTHORIZED USERS ONLY THAT THEY MAY HAVE ACCESS TO THE SAME INFORMATION AVAILABLE TO C.T.MALE. IT IS PRESENTED IN GOOD FAITH, BUT IS NOT INTENDED AS A SUBSTITUTE FOR INVESTIGATIONS, INTERPRETATION OR JUDGMENT OF SUCH AUTHORIZED USERS.

SAMPLE CLASSIFICATION BY:
R. Wakeman

C.T. MALE ASSOCIATES, P.C.

SUBSURFACE EXPLORATION LOG



BORING NO.: B-4
 ELEV.: ±820.0' DATUM:
 START DATE: 10/8/09 FINISH DATE: 10/8/09
 SHEET 1 OF 1

PROJECT: Finger Lakes Storage CTM PROJECT NO.: 08.8696
 LOCATION: Town of Reading, NY CTM OBSERVER: D. Achtyl

DEPTH (FT.)	SAMPLE TYPE	BLOWS ON SAMPLER						RECOVERY	SAMPLE CLASSIFICATION	NOTES
		NO.	0/6	6/12	12/18	18/24	N			
5	1	1	3	5	6	8	1.4'	TOPSOIL (±) Brown CLAY, little silt, trace embedded coarse sand (Moist - Stiff) ±4'		
10	2	7	52	23	35	75	2.0'	TILL: Brown SILT, Some fine Sand with embedded coarser sand & fine gravel (Moist)		
15	3	26	31	50/0.4'	--	--	1.6'	- becomes Brown SILT, trace fine sand & gravel		
20	4	14	42	60	50/0.2'	102	1.2'	- become Gray, little clay (Wet)		
25	5	15	23	28	29	51	1.7'	- becomes (Moist)		
30	6	41	50/0.1'	--	--	--	0.5'	(Damp to Wet - Very Compact) ±25' Gray ROCK FRAGMENTS (Wet) End of Boring @ 26.0'		

N = NO. OF BLOWS TO DRIVE 2" SAMPLER 12" WITH A 140 LB. WT. FALLING 30" PER BLOW
 DRILLING CONTRACTO SJB Services DRILL RIG TYPE: CME
 METHOD OF INVESTIGATION: 3 1/4" I.D. Hollow Stem Augers, Automatic Safety Hammer.

GROUNDWATER LEVEL			
DATE	LEVEL	CASING	STABILIZATION TIME

THE SUBSURFACE INFORMATION SHOWN HEREON WAS OBTAINED FOR C.T. MALE DESIGN PURPOSES. IT IS MADE AVAILABLE TO AUTHORIZED USERS ONLY THAT THEY MAY HAVE ACCESS TO THE SAME INFORMATION AVAILABLE TO C.T.MALE. IT IS PRESENTED IN GOOD FAITH, BUT IS NOT INTENDED AS A SUBSTITUTE FOR INVESTIGATIONS, INTERPRETATION OR JUDGMENT OF SUCH AUTHORIZED USERS.

SAMPLE CLASSIFICATION BY:
R. Wakeman

C.T. MALE ASSOCIATES, P.C.

SUBSURFACE EXPLORATION LOG



BORING NO.: B-5
 ELEV.: ±840.0' DATUM:
 START DATE: 10/2/09 FINISH DATE: 10/2/09
 SHEET 1 OF 2

PROJECT: Finger Lakes Storage CTM PROJECT NO.: 08.8696
 LOCATION: Town of Reading, NY CTM OBSERVER: D. Achtyl

DEPTH (FT.)	SAMPLE TYPE	BLOWS ON SAMPLER					RECOVERY	SAMPLE CLASSIFICATION	NOTES
		NO.	0/6	6/12	12/18	18/24			
0	1	2	5	8	10	13	1.5'	TOPSOIL (±)	Note 1: Groundwater level monitoring well installed
5	2	9	12	11	17	23	2.0'	- trace clay (Moist - Very Stiff to Hard) ±8'	
10	3	20	46	50/0.3'	--	1.3'	TILL: Brown SILT, little clay with embedded coarse sand & fine gravel (Damp)		
15	4	17	50	50/0.2'	--	0.9'	- becomes Gray		
20	5	15	15	23	35	38	0.5'		
25	6	28	50/0.3'	--	--	0.5'	(Damp - Very Compact) ±27'		
30								Black SHALE, medium hard, weathered to sound. Fractures infilled with soil at 28.1' and 29.1'	Run #1: 27.0' to 31.0' Rec. = 3.8' RQD = 2.1'/3.8'

N = NO. OF BLOWS TO DRIVE 2" SAMPLER 12" WITH A 140 LB. WT. FALLING 30" PER BLOW
 DRILLING CONTRACTO SJB Services DRILL RIG TYPE: CME
 METHOD OF INVESTIGATION: 3 1/4" I.D. Hollow Stem Augers, Automatic Safety Hammer.

THE SUBSURFACE INFORMATION SHOWN HEREON WAS OBTAINED FOR C.T. MALE DESIGN PURPOSES. IT IS MADE AVAILABLE TO AUTHORIZED USERS ONLY THAT THEY MAY HAVE ACCESS TO THE SAME INFORMATION AVAILABLE TO C.T.MALE. IT IS PRESENTED IN GOOD FAITH, BUT IS NOT INTENDED

GROUNDWATER LEVEL
 DATE LEVEL CASING STABILIZATION TIME

SAMPLE CLASSIFICATION BY:
R. Wakeman

C.T. MALE ASSOCIATES, P.C.

SUBSURFACE EXPLORATION LOG



BORING NO.: B-5
 ELEV.: ±840.0' DATUM:
 START DATE: 10/2/09 FINISH DATE: 10/2/09
 SHEET 2 OF 2

PROJECT: Finger Lakes Storage CTM PROJECT NO.: 08.8696
 LOCATION: Town of Reading, NY CTM OBSERVER: D. Achtyl

DEPTH (FT.)	SAMPLE		BLOWS ON SAMPLER					RECOVERY	SAMPLE CLASSIFICATION	NOTES
	TYPE	NO.	0/6	6/12	12/18	18/24	N			
									End of Boring @ ±31.0'	
35										
40										
45										
50										
55										
60										

N = NO. OF BLOWS TO DRIVE 2" SAMPLER 12" WITH A 140 LB. WT. FALLING 30" PER BLOW
 DRILLING CONTRACTO SJB Services DRILL RIG TYPE: CME
 METHOD OF INVESTIGATION: 3 1/4" I.D. Hollow Stem Augers, Automatic Safety Hammer.

THE SUBSURFACE INFORMATION SHOWN HEREON WAS OBTAINED FOR C.T. MALE DESIGN PURPOSES. IT IS MADE AVAILABLE TO AUTHORIZED USERS ONLY THAT THEY MAY HAVE ACCESS TO THE SAME INFORMATION AVAILABLE TO C.T.MALE. IT IS PRESENTED IN GOOD FAITH, BUT IS NOT INTENDED

GROUNDWATER LEVEL

DATE	LEVEL	CASING	STABILIZATION TIME

SAMPLE CLASSIFICATION BY:
R. Wakeman

C.T. MALE ASSOCIATES, P.C.

SUBSURFACE EXPLORATION LOG



BORING NO.: B-6
 ELEV.: ±823.0' DATUM:
 START DATE: 10/1/09 FINISH DATE: 10/1/09
 SHEET 1 OF 1

PROJECT: Finger Lakes Storage CTM PROJECT NO.: 08.8696
 LOCATION: Town of Reading, NY CTM OBSERVER: D. Achtyl

DEPTH (FT.)	SAMPLE TYPE	BLOWS ON SAMPLER					RECOVERY	SAMPLE CLASSIFICATION	NOTES
		NO.	0/6	6/12	12/18	18/24			
5	1	1	4	6	11	10	1.5'	TOPSOIL(±) Brown SILT, trace fine sand (Damp - Firm) ±3'	
10	2	8	10	16	22	26	1.7'	Brown CLAY, little silt, occasional embeded coarse sand (Damp - Hard) ±9'	
15	3	50/0.5"	--	--	--	--	0.5'	TILL: Brown SILT, trace clay with embedded coarse sand & fine gravel	
20	4	20	27	35	40	62	1.8'	- becomes Gray (Wet)	
25	5	50/0.2'	--	--	--	--	0.2'	(Damp to Wet - Very Compact) ±20' Gray ROCK FRAGMENTS (Wet) Black SHALE, medium hard, very weathered to soun Rock fragments from 20.2' to 21.2,' with seam of glacial till from 21.2' to 21.9'. Fractures noted at 22.8 End of Boring @ 25.2'	Run #1: 20.2' to 25.2' Rec. = 3.6' RQD = 1.6'/3.6'
30									

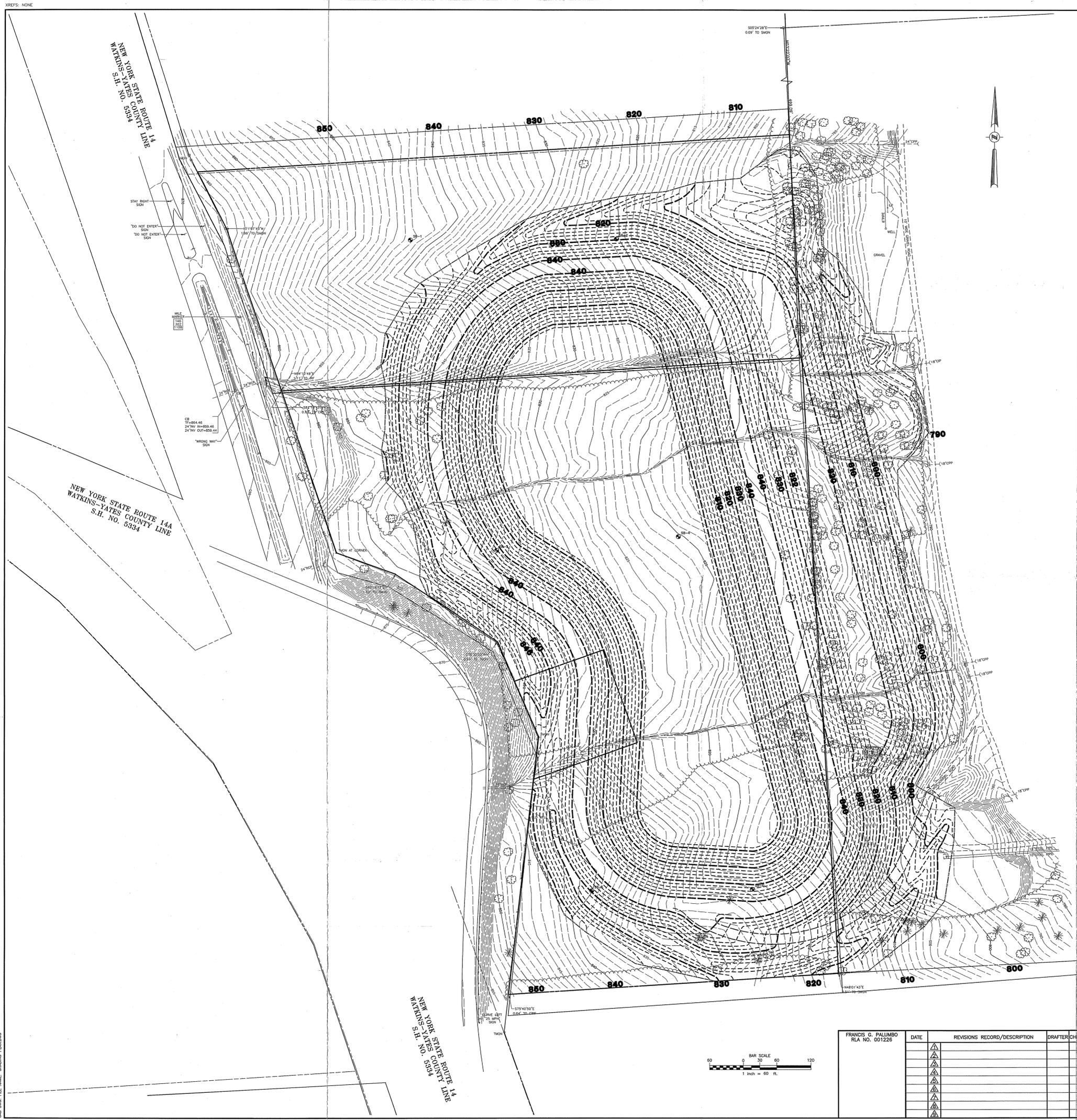
N = NO. OF BLOWS TO DRIVE 2" SAMPLER 12" WITH A 140 LB. WT. FALLING 30" PER BLOW
 DRILLING CONTRACTO SJB Services. DRILL RIG TYPE: CME
 METHOD OF INVESTIGATION: 3 1/4" I.D. Hollow Stem Augers, Automatic Safety Hammer.

THE SUBSURFACE INFORMATION SHOWN HEREON WAS OBTAINED FOR C.T. MALE DESIGN PURPOSES. IT IS MADE AVAILABLE TO AUTHORIZED USERS ONLY THAT THEY MAY HAVE ACCESS TO THE SAME INFORMATION AVAILABLE TO C.T.MALE. IT IS PRESENTED IN GOOD FAITH, BUT IS NOT INTENDED

GROUNDWATER LEVEL

DATE	LEVEL	CASING	STABILIZATION TIME

SAMPLE CLASSIFICATION BY:
R. Wakeman



Map Notes:

- Boundary information shown hereon was compiled from an actual field survey conducted during the month of September 2009.
- North orientation and bearings are Grid North based on the New York State Plane Coordinate System, Central Zone, NAD 83.
- This survey does not constitute a record search by C.T. Male Associates, P.C. to determine ownership or easements of record. For all information regarding easements, rights of way and title of record, the surveyor relied upon Abstract of Title number 5609-00679 dated April 30, 2009 prepared by Titor Title Insurance Company.

Map References:

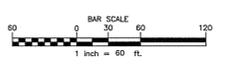
- Boundary Survey showing Lands of US Salt Corporation US Salt Facility Salt Point Road, Town of Reading, County of Schuyler, State of New York, dated August 21, 2008, prepared by Thomas G. Merrill Professional Land Surveyor.

- Legend:**
- CB Catch Basin
 - CIP Capped Iron Rod Found
 - IRF Iron Rod Found
 - + LP Light Pole
 - Sign/Deflector
 - SB-1 Soil Boring
 - SSMON Square Concrete Monument
 - △ TMON Triangular Concrete Monument
 - CP Cast Iron Pipe
 - CPP Corrugated Plastic Pipe
 - PCP Reinforced Concrete Pipe

PRELIMINARY

FINGER LAKES STORAGE BRINE POND GRADING PLAN

RECEIVED
APR 28 2010
DEP-REGION 8



DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.
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C.T. MALE ASSOCIATES, P.C.
DESIGNED: FGP
DRAFTED: DMP
CHECKED: FGP
PROJ. NO: 08.8696
SCALE: 1"=60'
DATE: SEPT. 21, 2009

TOWN OF READING SCHUYLER COUNTY, NEW YORK

C.T. MALE ASSOCIATES, P.C.

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SHEET 1 OF 1
DWG. NO: 09-624