



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
**State Pollutant Discharge Elimination System (SPDES)**  
**DISCHARGE PERMIT**

First3.99

Industrial Code:	9999	SPDES Number:	NY 0276634
Discharge Class (CL):	01	DEC Number:	2-9902-00098/00007
Toxic Class (TX):	T	Effective Date (EDP):	04/01/2012
Major Drainage Basin:	13	Expiration Date (ExDP):	03/30/2017
Sub Drainage Basin:	01	Modification Dates:(EDPM)	
Water Index Number:	H, GW, SI (See Table of Outfalls)		
Compact Area:	IEC		

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. §1251 et.seq.)(hereinafter referred to as "the Act").

**PERMITTEE NAME AND ADDRESS**

Name:	Texas Eastern Transmission, LP	Attention:	George McLachlan
Street:	150 Warren Street, Suite 201		
City:	Jersey City	State:	NJ Zip Code: 07302

is authorized to discharge from the facility described below:

**FACILITY NAME AND ADDRESS**

Name:	NJ-NY Expansion Project		
Location (C,T,V):	Staten Island	County:	Staten Island
Facility Address:	Trench		
City:	Staten Island	State:	NY Zip Code:
NYTM -E:		NYTM - N:	
From Outfall No.:	001	at Latitude:	40 ° 37 ' 26 " & Longitude: 74 ° 11 ' 55 "
into receiving waters known as:	Wetland Trib to Arthur Kill	Class:	SD

and; (list other Outfalls, Receiving Waters & Water Classifications)  
 002 – Class GA/Wetlands, 003 – Class GA/Wetlands, 004 Class GA/Wetlands, 005 – Bridge Creek SD, 007 Class GA/Wetlands, 008 – Class GA/Wetlands:  
 Manhattan; 009, Hudson River, Class I, 010, Hudson River, Class I

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1.2(a) and 750-2.

**DISCHARGE MONITORING REPORT (DMR) MAILING ADDRESS**

Mailing Name:	George McLachlan		
Street:	150 Warren Street, Suite 201		
City:	Jersey City	State:	NY Zip Code: 07302
Responsible Official or Agent:	George McLachlan	Phone:	201-427-7527

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed, or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

DISTRIBUTION:

CO BWP - Permit Coordinator  
 RWE  
 RPA  
 EPA Region II - Michelle Josilo

Permit Administrator: Christopher M. Hogan	
Address: 625 Broadway, Albany, NY 12233	
Signature: <i>Christopher M. Hogan</i>	Date: 03/28/12

**Table of Outfalls:**

<b>Outfall No.</b>	<b>Design Flow Rate (GPM)</b>	<b>Latitude</b>	<b>Longitude</b>	<b>Receiving Water</b>	<b>Water Class</b>	<b>Water Index Number</b>
001	500 – 2.4MG	40°37' 25.6" N	74° 11' 54.80" W	Wetland	GA/SD	GW/Trib AR-42 (SI-W1A)
002	500 – 2.4MG	40°37' 32.6" N	74° 11' 45.2" W	Wetland	GA/SD	GW/Trib AR-42 (SI-W1A)
003	500 – 2.4MG	40°37' 24.2" N	74° 11' 34.7" W	Wetland	GA/SD	GW/Trib AR-42 (SI-W1A)
004	500 – 2.4MG	40°37' 50.62" N	74° 11' 7.1" W	Wetland/ Bridge Creek	GA/SD	GW/Trib AR-42 (SI-W11)
005	500 – 2.4MG	40°37' 55.9" N	74° 11' 1.8" W	Bridge Creek	SD	Trib AK (SI-W7-S1)
006	500 – 2.4MG	40°38' 1.2" N	74°10' 55.94" W	Unnamed Creek	SD	Trib A (SI-W8-S1)
007	500 – 5.4MG	40°38' 27.32" N	74°10' 40.28" W	Wetland	GA/SD	GW/Trib (SI-W9)
008	500 – 5.4MG	40°38' 31.40" N	74°10' 21.43" W	Wetland	GA/SD	GW/Trib (SI-W10)
009	500 – 7.2MG	40°44' 21.89" N	74°00'41.67" W	Hudson River	I	H
010	500 – 7.2MG	40°44' 21.05" N	74° 00'38.82" W	Hudson River	I	H

**PERMIT LIMITS, LEVELS AND MONITORING DEFINITIONS**

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OUTFALL	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING	
	This cell describes the type of wastewater authorized for discharge. Examples include process or sanitary wastewater, storm water, non-contact cooling water.	This cell lists classified waters of the state to which the listed outfall discharges.	The date this page starts in effect. (e.g. EDP or EDPM)	The date this page is no longer in effect. (e.g. ExDP)	
PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQ.	SAMPLE TYPE
e.g. pH, TRC, Temperature, D.O.	The minimum level that must be maintained at all instants in time.	The maximum level that may not be exceeded at any instant in time.	SU, °F, mg/l, etc.		

PARAMETER	EFFLUENT LIMIT	PRACTICAL QUANTITATION LIMIT (ML)	ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE
	Limit types are defined below in Note 1. The effluent limit is developed based on the more stringent of technology-based standards, required under the Clean Water Act, or New York State water quality standards. The limit has been derived based on existing assumptions and rules. These assumptions include receiving water hardness, pH and temperature; rates of this and other discharges to the receiving stream; etc. If assumptions or rules change the limit may, after due process and modification of this permit, change.	For the purposes of compliance assessment, the analytical method specified in the permit shall be used to monitor the amount of the pollutant in the outfall to this level, provided that the laboratory analyst has complied with the specified quality assurance/quality control procedures in the relevant method. Monitoring results that are lower than this level must be reported, but shall not be used to determine compliance with the calculated limit. This ML can be neither lowered nor raised without a modification of this permit.	Action Levels are monitoring requirements, as defined below in Note 2, that trigger additional monitoring and permit review when exceeded.	This can include units of flow, pH, mass, Temperature, concentration. Examples include µg/l, lbs/d, etc.	Examples include Daily, 3/week, weekly, 2/month, monthly, quarterly, 2/yr and yearly.	Examples include grab, 24 hour composite and 3 grab samples collected over a 6 hour period.

**Note 1: DAILY DISCHARGE:** The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants expressed in units of mass, the 'daily discharge' is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the 'daily discharge' is calculated as the average measurement of the pollutant over the day. **DAILY MAX:** The highest allowable daily discharge. **DAILY MIN:** The lowest allowable daily discharge. **MONTHLY AVG (daily avg):** The highest allowable average of daily discharges over a calendar month, calculated as the sum of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. **RANGE:** The minimum and maximum instantaneous measurements for the reporting period must remain between the two values shown. **7 DAY ARITHMETIC MEAN (7 day average):** The highest allowable average of daily discharges over a calendar week. **12 MRA (twelve month rolling avg):** The average of the most recent twelve month's monthly averages. **30 DAY GEOMETRIC MEAN (30 d geo mean):** The highest allowable geometric mean of daily discharges over a calendar month, calculated as the antilog of: the sum of the log of each of the daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. **7 DAY GEOMETRIC MEAN (7 d geo mean):** The highest allowable geometric mean of daily discharges over a calendar week.

**Note 2: ACTION LEVELS:** Routine Action Level monitoring results, if not provided for on the Discharge Monitoring Report (DMR) form, shall be appended to the DMR for the period during which the sampling was conducted. If the additional monitoring requirement is triggered as noted below, the permittee shall undertake a short-term, high-intensity monitoring program for the parameter(s). Samples identical to those required for routine monitoring purposes shall be taken on each of at least three consecutive operating and discharging days and analyzed. Results shall be expressed in terms of both concentration and mass, and shall be submitted no later than the end of the third month following the month when the additional monitoring requirement was triggered. Results may be appended to the DMR or transmitted under separate cover to the same address. If levels higher than the Action Levels are confirmed, the permit may be reopened by the Department for consideration of revised Action Levels or effluent limits. The permittee is not authorized to discharge any of the listed parameters at levels which may cause or contribute to a violation of water quality standards. The additional monitoring requirement is triggered upon receipt by the permittee of any monitoring results in excess of the stated Action Level.

**PERMIT LIMITS, LEVELS AND MONITORING**

OUTFALL No.	WASTEWATER TYPE	RECEIVING WATER	EFFECTIVE	EXPIRING
001-010	Trench Dewatering	Wetland/Bridge Creek/Unnamed Creek/Groundwater Hudson River		Upon completion of pipeline construction

PARAMETER	MINIMUM	MAXIMUM	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FOOTNOTES (FN)
pH	6.0	9.0	SU	Once per event	Grab	1

PARAMETER	EFFLUENT LIMIT or CALCULATED LEVEL		ACTION LEVEL	UNITS	SAMPLE FREQUENCY	SAMPLE TYPE	FN
	Monthly Avg	Daily Max.					
Flow	Monitor	Monitor		GPD	Weekly (per event)	Calculated	1
Total Suspended Solids	NA	50		mg/l	Weekly (per event)	Composite	1,2
Oil & Grease	NA	15		mg/l	Weekly (per event)	Grab	1
Benzene	NA	1		ug/l	Weekly (per event)	Grab	1
Toluene	NA	5		ug/l	Weekly (per event)	Grab	1
MTBE	NA	50		ug/l	Weekly (per event)	Grab	1
Xylenes, each	NA	5		ug/l	Weekly (per event)	Grab	1

Footnotes:

1. An event is defined as any effluent discharged, (directed to the Storm Sewer to surface water or directly to the ground) from the GAC System.
2. Composite sample consisting of three grab samples taken at ten minute intervals for the first 30 minutes of the event and at 60 minute intervals for the remainder of the event.

**Additional Requirements:**

1. Regional Office must be notified at least 48 hours prior to commencement of initial discharge:

Regional Water Engineer, Region 2  
One Hunters Point Plaza  
Long Island City, New York 11101-5407

Phone: (718) 482-4933

2. A daily log must be maintained for all active discharges.

**Hydrostatic Testing Conditions:**

All hydrostatic testing shall be completed in accordance with Hydrostatic Testing Best Management Practices Plan, prepared by Texas Eastern Transmission, LP and Algonquin Gas Transmission, LLC, dated July 2011.

Prior to the discharge of any hydrostatic test water the permittee shall submit an updated Best Management Practices Plan if any of the following details of the hydrostatic testing has been modified:

- 1) The source of water and quantity of water to be used for the testing.
- 2) The location(s) where the water for testing will enter the pipeline and how the water be transported to this (these) locations.
- 3) The point(s) where test water will be discharged from the pipeline and the distance to and the identity of the watercourse(s) where the water will drain to.
- 4) Provide a narrative description of the methods to be used for the hydrostatic testing. If a pig will be used to clear obstructions and debris from the new pipeline prior to the test, include the details for collection and disposal of the material collected by the cleaning operation. If a chlorinated source of water (e.g. from a public water supply source) will be used, the hydrostatic test procedures should include testing of chlorine levels at discharge.
- 5) Provide a description of the best management practices which will be employed to reduce erosion and to allow settling of suspended solids in order to ensure that the discharge will be able to meet surface water quality standards. DEC would recommend that following employment of the energy dissipation and sediment control measures that the discharge be allowed to move as overland flow for a distance of 100 feet or more before there is a potential for the discharge to enter a defined drainage or stream channel, or wetland area.
- 6) The Division of Water contact is the NYSDEC Regional Water Engineer. The information indicated above should be sent to the RWE. RWE should be contacted regarding the procedures for hydrostatic testing and monitoring of this existing line. Be prepared to provide RWE with information regarding the results of cleaning this line.
- 7) RWE should receive prior notification of the date of the commencement of the test and the location of the discharge of the hydrostatic water. The prior notification should occur at least 5 days prior to the commencement of the test.

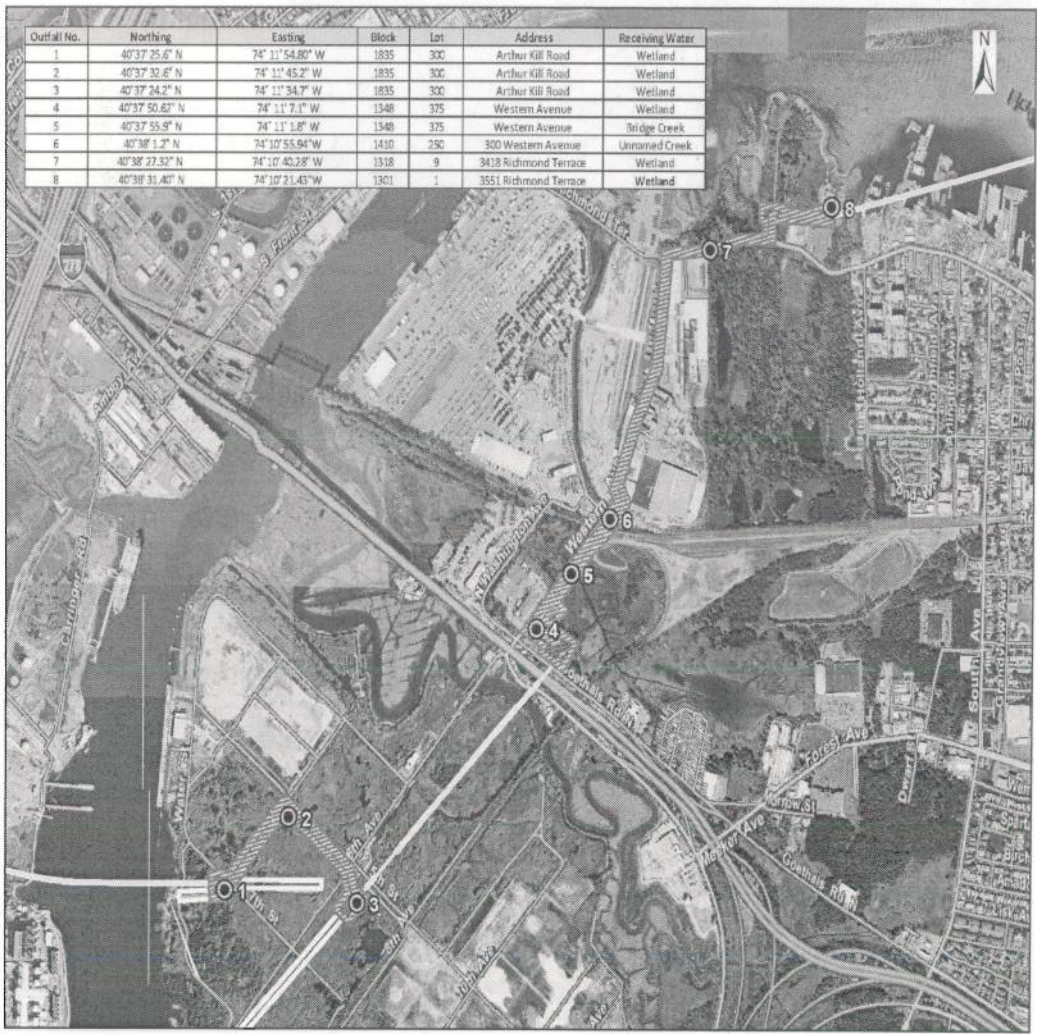
NYSDEC has included the following standard permit condition on the Water Quality Certifications which have been issued for projects which include hydrostatic testing of pipelines and will be adding this to any Water Quality Certification. "The permittee shall perform hydrostatic test water withdrawal and discharge only from waterbodies approved by the FERC, DEC, and USACE. Test water discharge points will be the source waterbody for every test. When a stream is used as a water source, withdrawal shall not cause the flow of the stream to fall below the following seasonal thresholds: (1) from April 1 to September 30. Either the lowest median monthly flow (for a gauged location) or 0.5 cubic feet per second per square mile of drainage area (for an ungauged location); and (2) From October 1 to March 31, either the lowest median monthly flow (for a gauged location) or 1.0 cubic feet per second per square mile of drainage area (for an ungauged location). Procedures shall be instituted and construction equipment and techniques managed to avoid or reduce impingement or entrainment of fish. This shall include, but not be limited to, locating the intake well above the bottom of the stream, positioning the intake in such a manner to minimize fish presence (e.g. facing downstream), and incorporating appropriately sized screening or filtering element (100 mesh or finer). Intakes shall be located away from any known rare, threatened or endangered species habitats."

**SPECIAL CONDITIONS:**

DISCHARGE NOTIFICATION REQUIREMENTS - *Sign Maintenance*: The permittee shall periodically inspect the outfall identification sign(s) in order to ensure they are maintained, are still visible, and contain information that is current and factually correct. Signs that are damaged or incorrect shall be replaced within 3 months of inspection. *Data Retention*: The permittee shall retain records for a minimum period of 5 years in accordance with 6NYCRR Part 750-1.12(b)(2) and Part 750-2.5(c)(1). These records, which include discharge monitoring reports (DMRs) and annual reports, must be retained at a repository accessible to the public. This repository shall be open to the public, at a minimum, during normal daytime business hours. The repository may be the business office, wastewater treatment plant, village, town, city, or county clerk's office, the local library, or other location approved by the Department.

## MONITORING LOCATIONS

The permittee shall take samples and measurements, to comply with the monitoring requirements specified in this permit, at the location(s) specified below:



**Legend**

- Outfall Location and Identification Number
- Pipeline
- Workspace
- Trench Dewatering

0 1,000  
 Feet

**Spectra Energy**  
 OUTFALL LOCATIONS  
 STATEN ISLAND, NY  
 FIGURE 2

Created by: CTRC Date: August 2011

Plan: 10 West01\_Kaw0201702\_Storm\_Engineering.dwg (03/17/2017 10:54:00 AM) 1: scale



**Legend**

- Outfall Location and Identification Number
- Pipeline
- Workspace
- Trench Dewatering

0 100 Feet

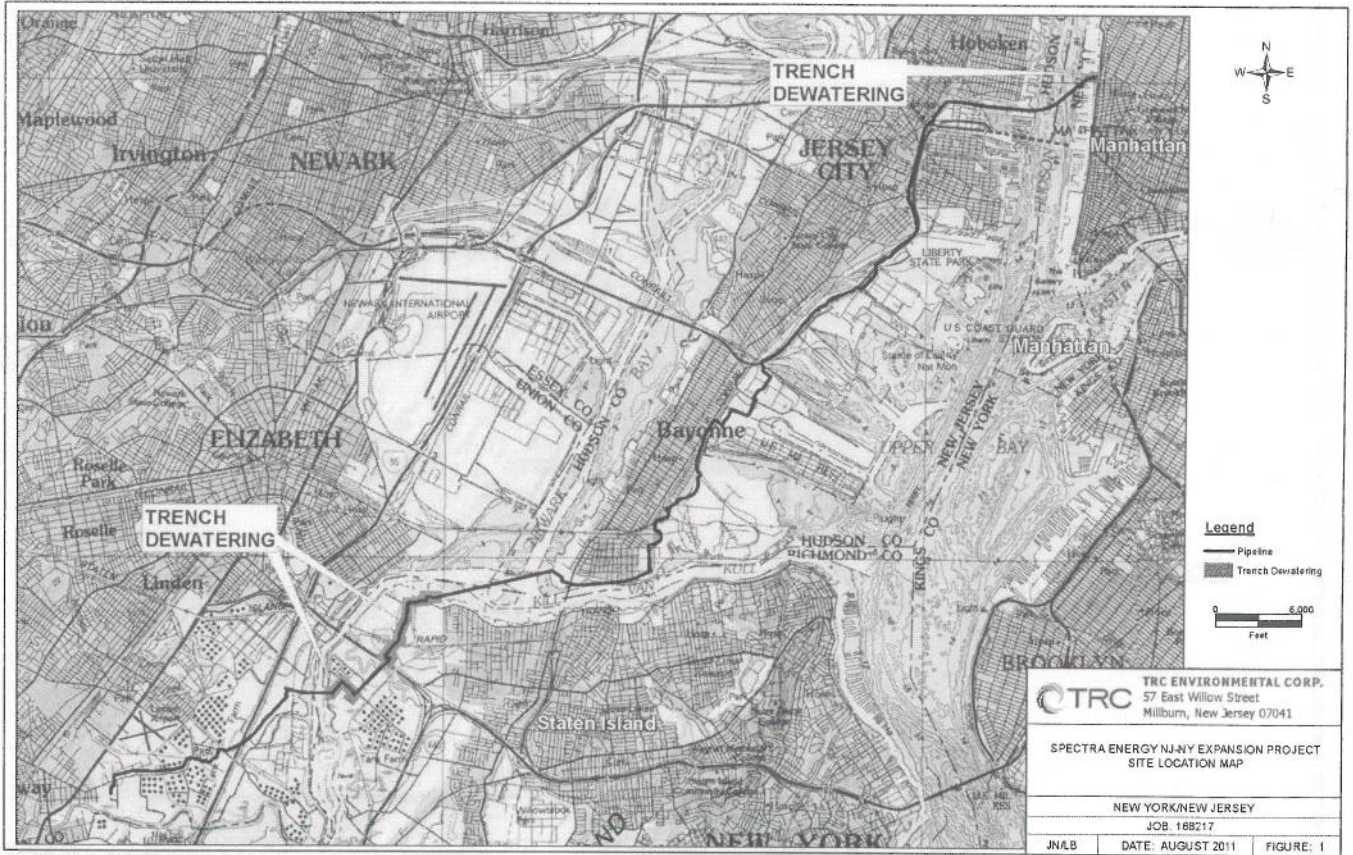


OUTFALL LOCATIONS  
 NEW YORK CITY, NY

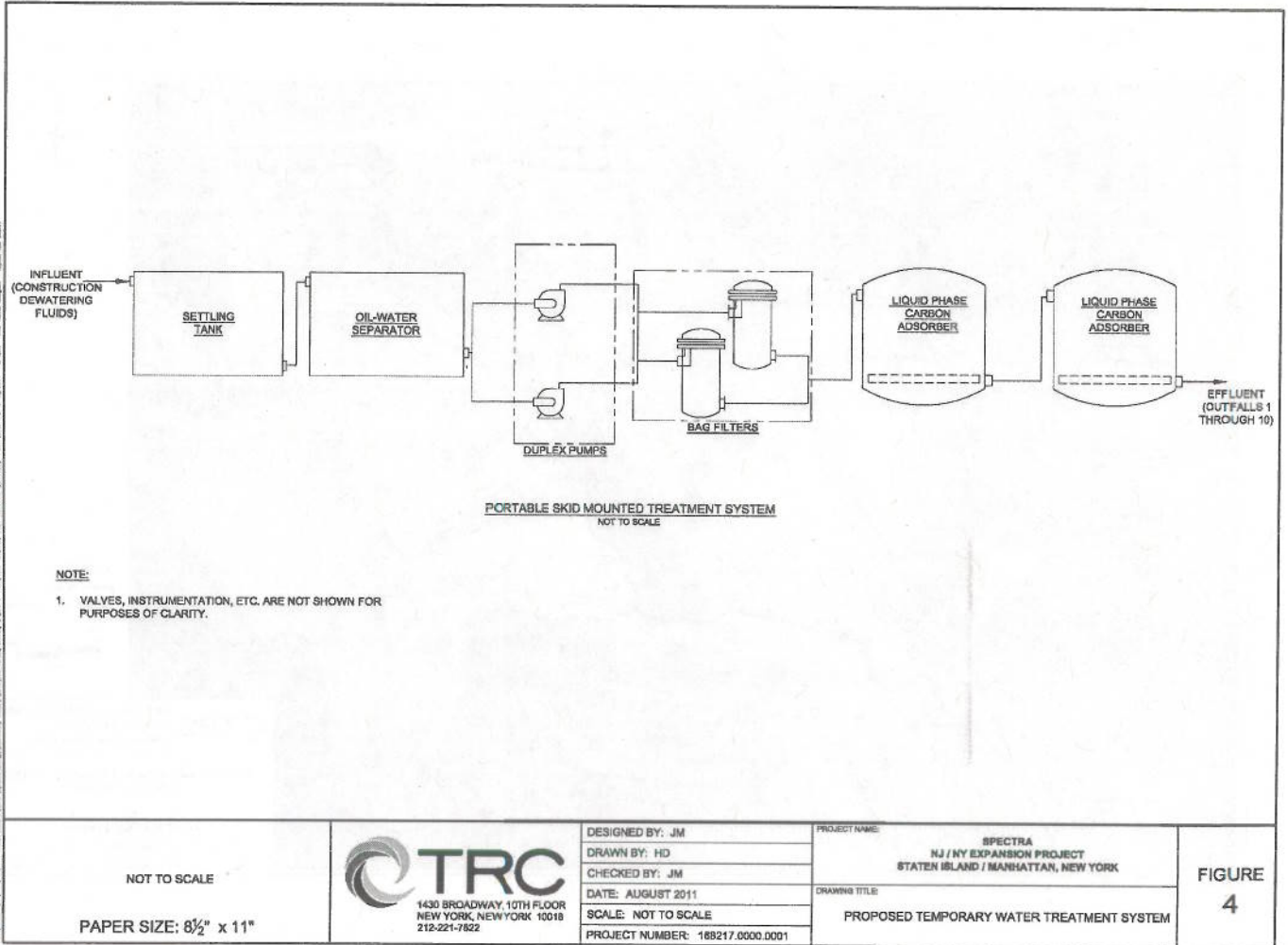
FIGURE 3

Created by: TRC Date: August 2011





Path: M:\ArcGIS Files\188217\Spectra Expansion\Figures\Topo maps\Master Topo map\_3\_11x17.mxd



NOT TO SCALE  
 PAPER SIZE: 8½" x 11"



DESIGNED BY: JM  
 DRAWN BY: HD  
 CHECKED BY: JM  
 DATE: AUGUST 2011  
 SCALE: NOT TO SCALE  
 PROJECT NUMBER: 168217.0000.0001

PROJECT NAME: SPECTRA  
 NJ / NY EXPANSION PROJECT  
 STATEN ISLAND / MANHATTAN, NEW YORK  
 DRAWING TITLE: PROPOSED TEMPORARY WATER TREATMENT SYSTEM

FIGURE  
 4

## RECORDING, REPORTING AND ADDITIONAL MONITORING REQUIREMENTS

- a) The permittee shall also comply with 6 NYCRR Part 750 concerning additional monitoring and reporting requirements and conditions, including noncompliance reporting.
- b) In addition to a) above, all **POTWs** shall provide adequate notice to the Department and USEPA of the following: (1) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and (2) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. (3) For purposes of this paragraph, adequate notice shall include information on (i) the quality and quantity of effluent introduced into the POTW, and (ii) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.
- c) The monitoring information required by this permit shall be summarized, signed and retained for a period of at least five years from the date of the sampling for subsequent inspection by the Department or its designated agent. **Also, monitoring information required by this permit shall be summarized and reported by submitting;**

(if box is checked) completed and signed Discharge Monitoring Report (DMR) forms for each 1 month reporting period to the locations specified below. Blank forms are available at the Department's Albany office listed below. The first reporting period begins on the effective date of this permit and the reports will be due no later than the 28th day of the month following the end of each reporting period.

(if box is checked) an annual report to the Regional Water Engineer at the address specified below. The annual report is due by February 1 each year and must summarize information for January to December of the previous year in a format acceptable to the Department.

(if box is checked) a monthly "Wastewater Facility Operation Report..." (form 92-15-7) to the:  
 Regional Water Engineer and/or  County Health Department or Environmental Control Agency specified below

Send the **original** (top sheet) of each DMR page to:  
Department of Environmental Conservation  
Division of Water, Bureau of Water Compliance  
625 Broadway, Albany, New York 12233-3506  
Phone: (518) 402-8177

Send the **first copy** (second sheet) of each DMR page to:  
Department of Environmental Conservation  
Regional Water Engineer, Region 2  
One Hunters Point Plaza  
Long Island City, New York 11101-5407

Send an **additional copy** of each DMR page to:

Phone: (718) 482-4933

- d) Monitoring and analysis shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- e) More frequent monitoring of the discharge(s), monitoring point(s), or waters of the State than required by the permit, where analysis is performed by a certified laboratory or where such analysis is not required to be performed by a certified laboratory, shall be included in the calculations and recording of the data on the corresponding DMRs.
- f) Calculations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this permit.
- g) Unless otherwise specified, all information recorded on the DMRs shall be based upon measurements and sampling carried out during the most recently completed reporting period.
- h) Any laboratory test or sample analysis required by this permit for which the State Commissioner of Health issues certificates of approval pursuant to section 502 of the Public Health Law shall be conducted by a laboratory which has been issued a certificate of approval. Inquiries regarding laboratory certification should be directed to the New York State Department of Health, Environmental Laboratory Accreditation Program.



# New York State Department of Environmental Conservation

## Division of Environmental Permits, 4<sup>th</sup> Floor

625 Broadway, Albany, NY 12233-1750

Phone: (518) 402-9180 • Fax: (518) 402-9168

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

George A. McLachlan  
Environmental Project Manager  
Spectra Energy Transmission  
150 Warren Street, Suite 201  
Jersey City, NJ 07302

### **RE: Modification; SPDES Permit; NJ-NY Expansion Project**

Dear Mr. McLachlan:

This letter is in response to an email from Michael Tyrell, TRC Environmental, seeking clarification regarding the applicability of the State Pollutant Discharge Elimination System (SPDES) permit for the discharge of treated groundwater during trench dewatering associated with the above referenced project.

As way of background, it is currently Department policy not to require SPDES permits for the discharge of "clean" water from either trench dewatering or hydrostatic testing of new gas pipeline. The Department defines clean water in this particular instance as any surface water, groundwater or municipal water that is free of contaminants and discharged to a storm sewer, surface water or groundwater.

For this particular project, TRC Environmental indicated in pre-application discussions that pre-construction sampling and the industrial nature of the past land use along the route led them to believe that contaminated groundwater could be encountered during the trench dewatering process. As such, the Department recommended that a SPDES application be submitted for the proposed activity. The Department issued the SPDES permit, with the other required permits, on March 28, 2012.

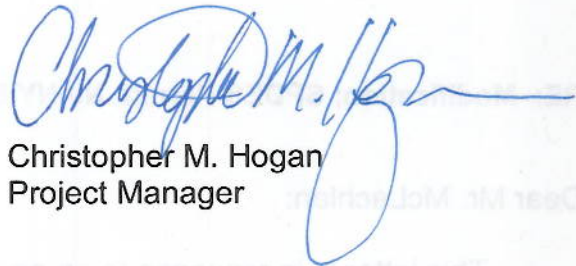
With regard to the applicability of the permit, it was the Department's intent that it applied only when contaminated water was encountered during the dewatering activity. The Department's intent is apparent in footnote 1 on the table titled Permit limits, Levels and Monitoring for Outfalls 001 – 010; an "event" is defined effluent discharged from the GAC system. Therefore, the limits and levels contained in the table only apply when it

is determined that treatment is required as a result of contamination in the water being pumped from a trench and discharged either to a storm sewer, surface water or groundwater. If it is determined in the field the water is free of contamination and treatment is not required then the permit limits and levels do not apply.

As was discussed during a conference call on March 5<sup>th</sup>, Texas Eastern, the permittee, is responsible for determining if treatment is required prior to discharge. As staff indicated, any failure to comply with the State water quality standards as a result of failing to treat contaminated trench water will be treated as a violation. It is important that you ensure that your contractors and environmental monitors have ascertained that the trench water is not contaminated, either by testing or visual inspection.

Please contact me if you have questions regarding the Department's determination on the applicability of the SPDES permit for this project.

Sincerely,



Christopher M. Hogan  
Project Manager

Cc: via email  
S. Southwell, R2 DOW  
M. Tyrell/R. Pauquette, TRC