

October 24, 2016

Secretary Kimberly D. Bose
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: FERC Docket No. CP16-17
Millennium Pipeline Company, LLC's Valley Lateral Project
Significant Deficiencies Found and Reported by Public regarding Environmental Justice in
proximity to the proposed Valley Later Project

Dear Secretary Bose:

Upon independent analysis conducted partly through Geographic Information Systems (GIS) and health professionals, significant deficiencies have been found in the analysis and findings for Environmental Justice ("EJ") in the Environmental Assessment ("EA") and Resource Reports ("RR") developed by applicant Millennium Pipeline Company, L.L.C. for the environmental review of the Valley Lateral Project ("VLP"), Docket No. CP16-17-000 by the New York State Department of Environmental Conservation ("NYSDEC"). The following document outlines the issues and concerns with the EJ analysis presented in the EA and RR and requires further review and investigation by NYSDEC and the applicant to ensure the protection of the health and safety of the impacted communities and region at large.

Overview of Concerns

- The applicant based VLP 2015 analysis on 'out-of-date', 'stale' census track data used in NYSDEC's Potential Environmental Justice Area ("PEJA") map representing 2000 census data and erroneously represents the current population and data that was available in the 2010 census; and more recently and accurately, in the American Community Survey ("ACS") 2014 5-year estimates.
- The previously permitted Capital Power Venture ("CPV") Valley Energy Center Project also used 2000 census data although the permitting process continued and was finalized significantly after 2010 when much more appropriate 2010 census data would have been available for analysis purposes.
- Updated population data presenting serious PEJA concerns with the VLP and CPV Projects were demonstrated to the U.S. Environmental Protection Agency Region 2 Office and NYSDEC permitting and EJ staff at an August 29, 2016 meeting.
- Large public housing now exists within close proximity to the CPV Project and although required, no public outreach has been conducted to these communities impacted by the project.

The following EJ statement presented in Chapter 5, Section 5.3 of the RR presents misleading information, "The nearest Potential EJ Area to the Project is a census block located more than one mile from MP 7.8 in the City of Middletown (NYSOEJ, 2015)." The applicant based its 2015 analysis on a NYSDEC PEJA map that utilizes data from the 2000 census and inaccurately reflects the existing population living near the proposed locations for the VLP as well as the CPV Project in the town of Wawayanda, New York of which both projects are integrally related.

Secondly, this same analysis is incorrectly reflected in Section 6.6 on EJ in the Final EA, starting with page 75, "According to U.S. Census data from 2000, the nearest potential environmental justice area is in the city of Middletown, about one mile northeast of MP 7.8 (NYSOEJ 2015b)." This statement further illustrates that the applicant is relying on data presented in NYSDEC's PEJA map which was developed and based on census data that is significantly out-of-date and does not represent current demographics in close proximity to the proposed Project. This interpretation assumes that the population is the same and intentionally minimizes the PEJA impacts of the VLP Project.

Independent analysis has deemed the finding to be completely inadequate, materially deficient, incorrect and a misuse of the PEJA program as specified by NYSDEC. Specifically, the applicant is utilizing inaccurate, "stale" census data to minimize the PEJA impacts for the VLP. Based on the independent analysis, the following proximity distances (Miles) have been determined for PEJA geographies relative to both proposed infrastructure and alignment of the VLP:

Proposed Infrastructure (Proximity to PEJA | Miles)

ACS 2014 Census Geography	Prox. to Proposed Infrastructure	Near Rank
Block Group 4, Census Tract 16, Orange County, New York	0.42	1
Block Group 3, Census Tract 16, Orange County, New York	0.97	2
Block Group 3, Census Tract 15, Orange County, New York	0.99	3
Block Group 2, Census Tract 16, Orange County, New York	1.21	4
Block Group 3, Census Tract 112, Orange County, New York	1.51	5
Block Group 1, Census Tract 16, Orange County, New York	1.73	6
Block Group 2, Census Tract 15, Orange County, New York	1.98	7
Block Group 1, Census Tract 15, Orange County, New York	2.06	8
Block Group 5, Census Tract 151, Orange County, New York	2.06	9

Proposed Alignment (Proximity to PEJA | Miles)

ACS 2014 Census Geography	Prox. to Proposed Alignment	Near Rank
Block Group 4, Census Tract 16, Orange County, New York	0.42	1
Block Group 3, Census Tract 16, Orange County, New York	0.98	2
Block Group 3, Census Tract 15, Orange County, New York	1.00	3
Block Group 2, Census Tract 16, Orange County, New York	1.21	4
Block Group 3, Census Tract 112, Orange County, New York	1.51	5
Block Group 1, Census Tract 16, Orange County, New York	1.73	6
Block Group 2, Census Tract 15, Orange County, New York	1.99	7
Block Group 1, Census Tract 15, Orange County, New York	2.07	8

These discrepancies were raised with representatives of the U.S. Environmental Protection Agency (EPA) Region 2 Office and by permitting and EJ staff at NYSDEC by Orange and Sullivan community members at an August 29, 2016 meeting held at the EPA Region 2 Office in New York City. During the meeting, community members presented new information to agency representatives that demonstrate significant PEJA impacts now exist at the CPV site due, in part, to large-scale public housing development in very close proximity to that site. In effect, not only have the number of PEJA tracts increased significantly, but the absolute PEJA populations within those tracts have increased significantly.

The potential impacts of the CPV project were not sufficiently communicated or deliberated with to the public during the permitting process. Further, the public has not been made aware that the PEJA analysis was based on 2000 census data and didn't capture the demographic and population changes that occurred between 2000 and 2010; and importantly now, through 2014, as reflected in ACS data. Further, despite residents' request to carry out an Enhanced Outreach Plan which is required of an applicant when any PEJA issues are discovered in the scoping, environmental review and permitting process, none was offered or implemented. It is the contention of Orange and Sullivan County residents that no outreach plan was ever developed or enacted by the CPV applicant and that this constituted a significant deficiency in the environmental review and permitting process for the CPV project.

The same PEJA issues that exist at the CPV site also exist for the VLP as it proposes significant new infrastructure intimately connected to the CPV infrastructure, on and near the CPV plant parcel. Based on independent analysis of CPV PEJA impacts, four new tracks were found to be within two miles of the CPV site; further, six were found to be intersecting within two miles of the CPV site. The increase in PEJA communities in both number and population density in close proximity to both the CPV and the VLP are extremely significant issues as reflected in the difference between 2000 census data and 2014 ACS data. The utilization of 2000 census data

to permit a project to operate in very different demographic conditions present in 2016 and beyond is a material deficiency of the current application for the VLP and is nothing less than an egregious misuse and misapplication of the NYSDEC PEJA program.

It is imperative, given the predominance of evidence that Orange and Sullivan County residents have brought to the attention of all intervenors as well as the regulatory agencies involved in the permitting process for the VLP Docket No. CP16-17-000, to put the applicant on notice in order to utilize data that reflects the actual PEJA impacted communities in close proximity to the proposed actions; develop an Enhanced Outreach Plan as required by NYSDEC; and withhold all permitting until these actions are implemented in partnership with PEJA communities in close proximity to both the CPV and VLP in and near the city of Middletown, NY.

Sincerely,

Pramilla Malick, VLP Intervenor, on behalf of Orange County and Sullivan County, New York residents and concerned community members