Responsiveness Summary
Northeast Supply Enhancement (NESE) Pipeline Project
NYSDEC Permit ID: 2-9902-00109
SPDES NY 0296457
November 7, 2025

The New York State Department of Environmental Conservation (NYSDEC) has prepared this Responsiveness Summary for the Northeast Supply Enhancement Pipeline Project (Project). NYSDEC received roughly 17,000 new[1] comments during the public comment period from July 2, 2025, to August 16, 2025. Approximately 97% of these comments were form letters. The public comments have been categorized by topic, and responses to comments within each topic are provided in this Responsiveness Summary.

Project Description

The Project would transport natural gas from Pennsylvania through New Jersey, traveling underwater in the Raritan Bay and Lower New York Bay to Rockaway, in Richmond and Queens Counties. This includes approximately 23.5 miles of underwater 26-inch diameter pipeline, of which approximately 17.4 miles would be in New York State waters. The Project would connect to the existing Rockaway Delivery Lateral in Queens and would provide natural gas to National Grid to serve customers in Brooklyn, Queens, and Long Island.

The Project would be installed a minimum of four (4) feet below the sea floor through a combination of jet trenching, clamshell dredging, backfilling, horizontal directional drilling, and pile driving.

Permit Application History

On May 30, 2025, Transcontinental Gas Pipe Line Company, LLC (Transco) applied to NYSDEC for a Clean Water Act Section 401 Water Quality Certification (WQC), an Article 15 Protection of Waters Permit (Excavation and Fill in Navigable Waters), and an Endangered/Threatened Species (Incidental Take) Permit. On June 24, 2025, Transco formally withdrew its Incidental Take Permit application.

On June 11, 2025, Transco applied for an Industrial State Pollutant Discharge Elimination System (SPDES) Permit for surface water discharges associated with the hydrostatic testing of the new pipeline. NYSDEC issued a Notice of Complete Application on July 2, 2025, for the WQC and Article 15 Permit Application, and the Industrial SPDES Permit. A Notice to extend the public comment period was issued on July 23, 2025, extending the public comment period 15 days to August 16, 2025. During the public comment period, on July 15, 2025, NYSDEC issued a Request for Information to which Transco responded.

This document includes responses to public comments that were provided to NYSDEC in writing and by email during the public comment period. Comments that were similar in content were

[1] NYSDEC previously considered the Project in 2020 and public comments submitted during that review are not counted in this total.

consolidated, summarized, and categorized, based on the subject matter, into the following groupings:

- Purpose and Need
- Noise
- Socioeconomic
- Environmental Justice
- Safety
- Public Health
- Climate Change
- Air Quality
- Renewable/Clean Energy
- Biological Resources
- Water Quality
- Coastal Resiliency
- Hydraulic Fracturing
- Public Review Process
- Other Project Components
- General Opposition
- General Support
- Previous Denial

Response to Comments by Topic

Purpose and Need

NYSDEC received many comments discussing the purpose and need for the Project. These ranged from comments expressing a general sentiment that the Project is needed or not, to more detailed discussions on the data Transco utilized to demonstrate need, the assessment of need including the role of renewable energy, and capability of existing infrastructure to handle the increased gas capacity. More specifically, commenters express concern over the dated nature of the data Transco utilized to demonstrate there is a need for more gas energy (e.g., redacted market data, projections of customer demand, references to the 2019 heating season, etc.). Other comments note concern for the ability of the Rockaway Delivery Lateral and Lower New York Bay Lateral to handle the increased gas capacity this Project would generate. Others note the FEIS does not support the need for the Project because it does not include existing and forecasted energy shortages or forecasted demand in the short, medium, and long term compared with the anticipated lifetime of the Project. The sentiment that there is no need for the Project is reflected in comments that provide other source's data. These include stating the New York Independent System Operator (NYISO), U.S. Energy Information Administration, and Long Island Power Authority forecasting energy demands remaining flat over the next decade, and other studies that support energy demands can be met with renewable technologies. Other commenters express this Project's misalignment with the Climate Leadership and Community Protection Act (CLCPA or Climate Act) and New York City (NYC) laws (e.g., Local Law 97). Finally, some comments express that the Project is generally needed to ensure sufficient energy supply.

NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet New York State water quality standards as set forth in 6 NYCRR Parts 701 to 705. The specific waters at issue are classified as Class SA and Class SB (6 NYCRR §§ 701.10 and 701.11). See also, Water Quality. The need for the Project is outside that scope of review and NYSDEC's issuance of a WQC for the Project does not represent a determination that the Project is necessary.

The Federal Energy Regulatory Commission (FERC) is the agency charged with evaluating the need for the Project pursuant to the Natural Gas Act, 15 U.S.C. §§ 717 *et seq.* (Natural Gas Act or NGA). FERC evaluated the purpose and need for the Project and on May 23, 2019, FERC issued a Certificate of Public Convenience and Necessity (2019 Certificate) authorizing the Project. The 2019 Certificate found that "Transco has sufficiently demonstrated that there is market demand for the [P]roject." 2019 Certificate, ¶ 16.

After requesting and receiving multiple extensions for the Project to be in-service, Transco notified FERC that it intended to allow the 2019 Certificate to lapse. Accordingly, on June 10, 2024, FERC issued an Order vacating the 2019 Certificate. On May 29, 2025, Transco filed a petition before FERC seeking reissuance of the 2019 Certificate. On August 28, 2025, FERC granted Transco's petition for reissuance of the 2019 Certificate, subject to additional conditions (2025 Certificate). The 2025 Certificate determined, in part, that the FEIS did not require updating.

On September 18, 2025, the Public Service Commission (PSC) issued an "Order Regarding Long-Term Gas Plan and Requiring Further Actions,"[2] wherein the PSC set requirements on National Grid's Long-Term Plan (LTP) as well as discussed National Grid's Downstate service territory's need for a reliable gas supply (Grid Order). In the Order, the PSC stated, "we observe that the proposed Northeast Supply Enhancement Project is needed to ensure the continued provision of safe, adequate, and reliable gas service to customers in New York City and on Long Island," and "the Commission addresses National Grid's Final LTP and acknowledges that there is a need for the more reliable source of supply that the proposed NESE project would provide if it receives all required approvals and is constructed."

Noise

NYSDEC received comments regarding noise, which included concerns about the negative impacts of noise on local communities, as well as increased noise and vibration impacts on fish species and other wildlife, and marine ecosystems in general. Some comments note that vessels for construction were not accounted for in the application noise modeling, that the FEIS did not provide an adequate level of detail for an analysis of noise impacts, and the application did not account for increased vessel traffic for an extended duration (e.g., multiple months for Project construction).

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Issues regarding noise, in general, are outside that scope of review.

[2] New York State Department of Public Service Case No. 24-G-0248.

With respect to noise-related impacts within the context of water quality standards, NYSDEC has evaluated the FEIS and WQC application and has concluded there is an adequate level of information to assess impacts from noise. NYSDEC acknowledges that the New York-New Jersey Bay is a highly developed port with considerable vessel traffic, human activity, and noise. According to the FEIS, the existing background noise in the underwater environment is dominated by large vessels and container ships and is similar to the noise that would be generated by the largest vessels that would be used during construction of the pipeline (FEIS 4.12.3.4). More specifically, the Port of New York and New Jersey recorded 2,678 vessel calls in 2025; it is the busiest port on the East Coast and third busiest port in the United States (Port Authority NY NJ, 2025) Based on the proximity of the Project area to this major shipping center, the ambient noise is dominated by large vessels (i.e., container ships). As a result, background noise in the underwater environment is similar to noise generated by the largest vessels that would be used for construction (FEIS 4.5.2.8).

Further, underwater noise associated with vessels is generally attributed to the low-frequency noise created by propeller cavitation. Propeller use by the larger Project-related vessels and associated underwater noise would be limited to the construction period. The same is true regarding the temporal extent of potential cumulative impacts on aquatic resources due to marine vessel traffic and construction noise, in that any such impacts would be limited to the period of construction (FEIS 4.12.3.4). Most marine mammals, fish, and other mobile organisms affected by minor noise disturbances likely would relocate to adjacent suitable habitat and return to the affected area once the activities are completed (FEIS 4.12.3.4). Likewise, other noise from jet trenching and pile driving is expected to be temporary and is not expected to have population-level impacts on fish species, which will be able to temporarily avoid the area of construction (FEIS 4.5.2.8). Transco also performed a noise analysis ranging from 31.5 to 8,000 Hz, which covers the range of sensitivity for avian species. (FEIS 4.10.2.3).

Regarding noise impacts on local communities, NYSDEC acknowledges that construction noise associated with offshore activities will include horizontal directional drill (HDD) operations, marine vessel engines, such as tugs and barges, dredging activities, and pile driving. However, according to the WQC application, most of these construction activities will occur more than a mile from the shoreline and in areas that currently sustain a substantial amount of marine vessel traffic. Further, the noise generated during construction will be short-term, variable, and temporary. Since noise from offshore construction activities will largely occur away from the public; will be similar in nature to existing noise levels experienced in the area; and will be temporary, impacts on noise-sensitive areas will not likely be significant.

Socioeconomic

NYSDEC has received comments surrounding socioeconomics, which cover the economic impacts when compared to renewable energy, as well as more direct impacts to specific industries. These include impacts to recreation, tourism, and local economies vis-a-vis impacts to local fisheries. Some commenters express concern about the cost of the pipeline, the cost to mitigate potential spills, the restoration costs after decommissioning, as well as the responsibility of cost for Project operation and decommissioning. Some comments discuss the involuntary reliance on renewables in the event the pipeline is not built, as well as the reliance on fossil fuels if the Project is built. Additional comments also address the Project's potential for job generation.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Socioeconomic issues are not within that scope of review. NYSDEC's issuance of a WQC for the Project does not represent a determination that the Project will necessarily result in any socioeconomic impacts. While outside the scope of NYSDEC's review, FERC evaluated socioeconomic impacts, including local economic impacts and benefits, as part of the FEIS. (FEIS, 4.8.1).

Considerations regarding the financial cost of the construction and operation of the Project are also not within the scope of NYSDEC's review. While the cost of decommissioning is not within the scope of NYSDEC's review, the WQC does require Transco to submit a Decommissioning Plan for NYSDEC review and approval.

Environmental Justice

NYSDEC received comments regarding environmental justice that express concern over the Project's impacts on marginalized and disadvantaged communities. Specifically, these comments address disproportionate burdens from noise and air quality impacts, and water pollution. It is further noted that these comments describe how these communities are disproportionally underprepared to handle climate change impacts, which is described as being exacerbated by this Project. Finally, comments reflect that hydraulic fracturing disproportionally impacts disadvantaged communities.

NYSDEC determined the WQC application is not subject to NYSDEC's environmental justice policy, Commissioner Policy 29, because the portion of the pipeline in New York will be entirely offshore and underwater, and potential adverse environmental impacts from the proposed action will not directly affect environmental justice areas.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Issues related to the use of hydraulic fracturing to extract the natural gas that may be transported through the Project, including potential disproportionate impacts to disadvantaged communities, are outside that scope of review. See also, Hydraulic Fracturing.

Safety

NYSDEC received comments regarding human safety of the Project. Comments stated that Transco/Williams' safety record indicates numerous incidents involving leaks, explosions and fires at pipeline and compressor sites. Some comments note previous civil penalties against Transco and question the reliability and safety of the Project. This includes the concern of increased gas capacity in aging infrastructure. Other comments note the lack of a contingency plan. Finally, there is concern that there is a risk to the Project's cyber (computer system) security and the security of the physical pipeline.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Issues related to gas safety when the Project is operational are outside that scope of review.

Transco is subject to federal oversight and regulation by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) and will be required to comply with any conditions imposed by FERC in its Certificate Order. (FEIS 4.11.1). Transco must also certify to FERC that the Project will be designed, constructed, and operated in accordance with PHMSA's specifications (FEIS Section 2.3 Construction Procedures). PHMSA would be notified of and investigate all pipeline incidents and take any necessary action. (FEIS 4.11.2).

Public Health

NYSDEC received comments regarding public health impacts from the Project. These comments include concerns about suspension of contaminated sediments in the water generally, as well as over short- and long-term impacts from swimming, and consuming contaminated fish. Other comments discussed concerns related to potential pipeline failure, including impacts from leaks and explosions. There is also concern that the impacts of fossil fuels on public health will be exacerbated by the Project. Concerns further include the large discharges of hydrostatic testing water, including the chemical rust inhibitor CORRTREAT 15216.1, and that the flow (e.g., currents) of waters containing contaminated suspended sediment could direct contaminants onshore. Finally, some comments noted that impacts to the marine ecological community could indirectly impact human health via adverse impacts to ecological services provided by these ecosystems, e.g., water quality improvements and storm protection.

NYSDEC relies on applicable federal and State regulations and guidance to develop water quality limits and mixing zones in its review of offshore dredging, cable and pipeline installation projects. More specifically, NYSDEC relies upon guidance from the Environmental Protection Agency (EPA) and NYSDEC's Technical & Operational Guidance Series (TOGS) 5.1.9, which were developed to provide guidance on how to ensure compliance with statutory and regulatory requirements. Mixing zones are defined areas from the point of disturbance where NYSDEC allows for temporary exceedances of water quality standards to the waterbody caused by dredging or the management of dredged material. Mixing zones are developed from EPA guidance (USEPA, 2014[3]; USEPA, 2006[4]), which states that the Clean Water Act does not require all criteria be met at the exact point where pollutants are introduced into a water body prior to mixing. It is possible to allow pollutant concentrations above water quality criteria for a short duration within a limited, clearly defined area of a waterbody while still maintaining the designated use of the waterbody as a whole. TOGS 5.1.9 provides guidance on when to apply specific mixing zones.

NYSDEC has set a 500-foot mixing zone in the areas where there are elevated contaminants in the sediment. Mixing zones are set as per TOGS 5.1.9. NYSDEC routinely sets mixing zones for dredging projects and cable and pipeline installation projects. Transco will be required to keep dredging rates at a pace that will ensure no violations of the water quality standards at the edge of the 500-foot mixing zone in areas of elevated contamination, as per the WQC. The WQC requires the use of Best Management Practices (BMPs) during dredging in areas where contaminant levels

[3] U.S. Environmental Protection Agency (EPA). "Chapter 5: General Policies" in *Water Quality Standards Handbook*. EPA 820-B-14-004. EPA Office of Water, Office of Science and Technology, Washington, DC. September 2014.
[4] U.S. Environmental Protection Agency (EPA). Compilation of EPA Mixing Zone Documents. EPA 823-R-06-003. EPA Office of Water, Office of Science and Technology, Washington, DC. July 2006.

are elevated, including use of a closed environmental (clamshell) bucket with sealing gaskets or an overlapping sealed design at the jaws, no barge overflow, and controlled dredging rates where specified. Additional BMPs include no side-casting of dredged material; slowing the rate of dredging if needed, and employing only experienced dredge operators on the project. During construction Transco will be required to adhere to water quality standards, and the WQC requires water column monitoring for total suspended solids (TSS) and chemical constituents to ensure compliance with those standards.

As described above, the WQC also requires that Transco hire independent third-party environmental monitors with "stop work" authority to oversee all aspects of construction, including but not limited to cases of non-compliance with the WQC or imminent environmental or safety hazards. This will help to ensure compliance with WQC permit conditions and applicable provisions of the Environmental Conservation Law and implementing regulations.

While construction standards and pipeline monitoring program evaluated are outside the scope of NYSDEC's review, FERC concluded that the Project would adequately protect human health. (FEIS Section 4.11.1 Safety Standards; FEIS Section 4.11.3 Impact on Public Safety). According to FERC, the Project facilities will be designed, constructed, tested, and maintained to meet, or in some instances exceed, applicable federal, state, and local requirements. (FEIS, p. 4-11; Resource Report 11). Transco will be required to conduct routine monitoring to avoid or identify leaks so that they can be immediately addressed. (Resource Report 11). See also, Response to Safety.

Provided that Transco complies with the terms of the SPDES permit, hydrostatic testing will not have a significant adverse impact on human health. The biodegradable additive CORRTREAT 15316 will be added to the hydrostatic test water to prevent pipeline corrosion. Transco conducted laboratory bioassays on the effects of CORRTREAT on marine organisms. These tests concluded that CORRTREAT exhibits rapid breakdown in seawater (FEIS Section 4.5.2.8 General Impacts and Mitigation, Hydrostatic Test Water Withdrawal and Discharge; NYSDEC, SPDES application, submitted June 21, 2018. Includes toxicity reports). Given the rapid breakdown of the additive, the low concentration used, the dilution rate, and the short duration of the discharge, FERC concluded that the use of CORRTREAT in the test water would not be expected to bioaccumulate in aquatic food webs or result in adverse impacts on aquatic organisms. (FEIS p 4-133). See also, Biological Resources.

The SPDES permit requires the Permittee to ensure that the Project is protective of human health. Authorization to use CORRTREAT 15316 involved reviewing toxicity to aquatic life. There were no applicable human health standards that required review.

Data regarding tides, current velocity and strength, and circulation pattern were taken into consideration in the evaluation and modeling of construction impacts on suspension and deposition of sediments, which FERC concluded was temporary and minor (FEIS Section 4.5.2.8). The Project-specific hydrodynamic and sediment transport modeling results in the WQC application indicate that resultant turbidity plumes and sediment deposition from construction activities are not anticipated to occur within 0.5 miles of the Staten Island shoreline.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. General public health issues caused by fossil fuels are not within that scope of review.

Climate Change

NYSDEC received comments regarding climate change with respect to the Project's construction and operation. Concerns raised include the Project resulting in continued reliance on fossil fuels and the acceleration of climate change, including from release(s) of methane gas. Commenters expressed that the Project misaligns with New York State and New York City (NYC) energy goals and laws, including the Climate Leadership and Community Protection Act (CLCPA) and NYC's Climate Mobilization Act. Some comments note an inconsistency with New Jersey Harbor and Estuary Program goals. Comments expressed concerns over the pipeline's integrity against rising climate change events, such as severe storms. Other comments reflect disagreement in the accuracy of reports used for emissions analysis, note FERC's environmental review did not analyze upstream and downstream emissions and methane impacts, and also express disagreement with Transco's conclusions that greenhouse gases (GHGs) will be reduced as a result of the Project.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Issues related to climate change are not within that scope of review.

Notwithstanding that climate change issues are outside the scope of review of the WQC, NYSDEC is required, pursuant to Section 7(2) of the Climate Act, to evaluate whether issuance of the WQC for the Project is inconsistent or interferes with the attainment of the statewide GHG emission limits established in Article 75 of the ECL. Here, NYSDEC has determined that the Project is inconsistent with the attainment of the statewide GHG emission limits established in Article 75 of the ECL because it will result in emissions that would increase atmospheric concentration of GHGs and contribute to future climate change impacts. However, the PSC and FERC have each determined a reliability need for the Project. Based on these PSC and FERC findings NYSDEC has determined that this Project, although inconsistent with the statewide GHG emission limits, is justified for purposes of Section 7(2) of the Climate Act.

In regard to mitigation, FERC has exclusive jurisdiction over the Project under the Natural Gas Act, except as otherwise provided by applicable federal laws and regulations. While FERC's FEIS for the Project "encourages cooperation between Transco and state and local authorities" it also notes that "state and local agencies . . . may not prohibit or unreasonably delay the construction or operation of facilities approved by FERC."[5] The FEIS further goes on to state that "[a]ny state or local permits issued with respect to jurisdictional facilities must be consistent with the conditions of any authorization issued by FERC."[6]

Even though FERC's FEIS encourages cooperation between Transco and state authorities on compliance with state laws, and that Transco stated in its Application that it "will work with

[5] FEIS at 1-16.
[6] Id.

NYSDEC to evaluate feasible and appropriate [GHG] mitigation,"[7] Transco has not submitted any plans for identification, evaluation, and selection of projects and/or programs for GHG mitigation to date. In accordance with Section 11 of the Climate Act and applicable federal authorities at 40 C.F.R. § 121.3 and 88 F.R. 66601, NYSDEC cannot legally impose GHG mitigation requirements as a condition to the WQC, which can only include conditions related to water quality.

With respect to comments noting the Project is inconsistent with New York City's policies, this issue is outside the scope of NYSDEC's review.

Air Quality

NYSDEC received comments regarding air quality. These included comments that expressed there was a lack of discussion on how emissions will be mitigated in the application. There was a request for more study on how the project will increase building transition to natural gas from fuel oil. There was concern over the transport of Marcellus Shale gas because it contains radium which can decay into radon that could enter people's homes. Other comments raised concern from an increase in upstream emissions and methane leaks impact to air quality. Finally, some comments generally raised the question of the Project's ability to not interfere with New York's ability to attain applicable federal National Ambient Air Quality Standards (NAAQS).

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Issues related to air quality are not within that scope of review.

While outside the scope of NYSDEC's review, air quality was considered as a part of the FERC process. Transco provided updated construction emissions for the Project to FERC as a supplement to its petition on June 12, 2025, which estimated four potential construction scenarios, including a worst-case scenario, and reflects the latest EPA-approved methodology for estimated emissions. Because project construction emissions are expected to exceed Clean Air Act General Conformity thresholds in the NY-NJ-CT Tri-State Ozone Nonattainment Area, FERC reevaluated General Conformity for the project and issued a draft General Conformity Determination (GCD) on June 24, 2025, for a 30-day public comment period. FERC Order, para. 89-94. The Draft GCD was based on the updated construction emission estimates, the most current designations and classifications of nonattainment or maintenance, and Transco's proposed method to demonstrate conformity. As required by 40 CFR 93, FERC also provided the draft GCD to EPA Region 2, New Jersey Department of Environmental Protection, NYSDEC, and federally recognized Tribes within the affected nonattainment and/or maintenance areas.

In the 2025 Certificate, as well as the Final General Conformity Determination Reevaluation, dated August 12, 2025, FERC determined that Transco's use of emission reduction credits (ERC) will offset all nitrogen oxide (NOx) emissions as required by the Clean Air Act.

The 2025 Certificate requires Transco to track the construction activities and to ensure all offshore construction emissions of NOx are offset and provide tracking data on a monthly basis to EPA and

[7] Correspondence from Transco to NYSDEC, dated June 12, 2025, in which Transco sets forth its consistency analysis under Section 7(2) of the Climate Act.

applicable state agencies, including NYSDEC. Environmental Condition 1 of the FERC Order requires FERC's written approval of the final Construction Emission Tracking Plan (CETP), and Transco to file with FERC documentation confirming that it has purchased ERCs, Creditable Emission Reductions, or Continuous Emission Reduction Credits to offset all estimated construction emissions of NOx, before Transco can proceed with construction of the Project.

The issue of how additional natural gas infrastructure will increase the transition of buildings from fuel oil to natural gas was not directly before NYSDEC as part of this review. Section 4.12.4 of the FEIS references the programs, plans, and documents issued by New York City and the State of New York that provide additional details on the transition of buildings from fuel oil to natural gas. See also, FEIS at 4-389 and FERC Order at paragraph 108.

As previously noted, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet New York State water quality standards. Issues concerning Marcellus Shale gas containing radium, radon or methane emissions are outside that scope of review.

While outside the scope of NYSDEC's review, these issues were considered by FERC. The FEIS cites to studies that demonstrate that indoor radon concentrations from Marcellus Shale sourced gas would remain below the EPA action level and the Indoor Radon Abatement Act long-term goal. The FEIS concluded that the risk of exposure to radon in natural gas from this Project is not significant. (FEIS Section 4.10.1.7, on page 4-314).

Pertaining to methane, FERC determined in Section 3.2.2.2 of the FEIS that the compressor stations, which will be located in New Jersey, do not pose a public safety hazard or health concern when built and operated in accordance with FERC staff recommendations. As such, the possible fugitive methane emissions attributed to the pipeline are not expected to have significant impacts on air or health.

Finally, relating to the Project's ability to not interfere with New York meeting the federal NAAQS, as lead agency for the Project, FERC prepared a draft and a Final General Conformity Determination (GCD) as required by Section 176 of the Clean Air Act and 40 CFR 93. See Northeast Supply Enhancement Project Final General Conformity Determination Reevaluation, Section 4.1.1, and FERC Order para. 89-94. In the Final GCD, FERC determined that the Project would meet all New York and New Jersey Clean Air Act State Implementation Plan (SIP) requirements that apply to the Project and not cause a violation of either the New York or New Jersey SIPs. Section 4.1.1, which states that "the NESE Project meets the requirements of 40 CFR 93.158(c) for complying with all relevant requirements and milestones contained in the applicable SIPs."

Renewable / Clean Energy

NYSDEC received comments regarding Renewable and Clean Energy, which discuss alternative energy sources in relation to the Project. These comments include the concern over increasing dependence on gas and inhibiting the transition to renewable energy, the incompatibility with New York reports and bills (e.g., IPCC Report, Green New Deal, ban on hydraulic fracking). Additionally, there is a sentiment in some comments that economic investment should go into renewable and cleaner energy. As more specifically concerns the environmental review of the

Project, commenters noted that renewable energy alternatives should be considered for the Project and that FERC's alternatives analysis lacked renewable energy alternatives. There was additionally a request for National Grid to conduct a transparent cost-benefit analysis of accelerated electrification. Some comments expressed general support for gas energy.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Issues regarding the transition to renewable energy are outside that scope of review.

Biological Resources

NYSDEC received comments pertaining to biological resources. These comments raised concerns that include potential adverse impacts to marine species, ecology, impacts to current conservation efforts, as well as concerns over the adequacy of review in the FEIS and application before NYSDEC. More specifically, commenters raised that the Project will adversely impact a wide range of species, including threatened and endangered species e.g., sturgeon, other fish, and benthic species, whales, sea turtles, and avian and bat species. This includes impacts from suspended sediment, heat generation, additives used in hydrostatic testing, and the construction methodology. Further comments raised the subject of the FEIS and application not containing enough of an analysis regarding impacts on benthic species, including hard clams, and cumulative impacts more generally. Additionally, it was raised that the construction schedule for the Project would impair the project's ability to construct in portions of the year and result in faster construction outside of time of year restrictions, which could increase impacts from increased vessel use and more suspension of sediments. Some comments note that the proposed shellfish mitigation is insufficient and does not benefit Raritan Bay or the New York Harbor. Finally, some comments express that there is a lack of pre- and post-monitoring surveys and express the sentiment that NYSDEC is responsible for protecting water quality as well as threatened and endangered species.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. As it relates here, both applicable water classifications require that the "waters shall be suitable for fish, shellfish and wildlife propagation and survival." 6 NYCRR 701.10 and 701.22. As applicable, issues related to these comments were reviewed pursuant to this standard, as well as other applicable State water quality standards.

As it specifically relates to vessel-related impacts, although construction vessel traffic will increase the potential for collision or injury to larger offshore species, the effect will be small and localized relative to existing traffic into and out of the busy Port of New Jersey and New York (see response to Noise). Additionally, most strikes are caused by small, fast-moving vessels, whereas most vessels used to construct the Project would be larger, slower moving craft.

Transco will be required to implement its Marine Mammal Observer Training and Response Protocol Plan, which includes applicable speed restrictions, marine mammal approach/distance restrictions, and observer/lookout protocols, and utilize observers approved by NOAA Fisheries to monitor for protected species and marine mammals during construction activities (Attachment 9 to Volume 1 of Transco's Supplemental Filing to FERC (September 7, 2017); FEIS 5.1.6). The

FEIS also states that all in-water construction and removal activities would be conducted during daylight hours. Pile driving activities would not start if the clearance zone is not fully visible long enough to evaluate marine mammal presence (FEIS 4.5.2.8). As such, NYSDEC concurs with FERC that the impact of vessel traffic and vessel strikes on offshore resources will be temporary and negligible.

FERC evaluated the potential for in-water pollution to affect offshore wildlife and aquatic resources (FEIS 5.1.5.2). Transco will be required to comply with U.S. Coast Guard (USCG) requirements for the prevention and control of oil and fuel spills, and will be required to register for the EPA NPDES Vessel General Permit, which includes measures to protect against impacts associated with discharges incidental to the operations of commercial vessels (EPA NPDES Vessel General Permit and Small Vessel General Permit: https://www.epa.gov/npdes/vessels-vgp). Transco will be required to adhere to the USCG marine trash policy and implement the measures in its Spill Plan to identify, control, and clean up any accidental leaks or spills from offshore construction (FEIS 5.1.5.2). Therefore, NYSDEC does not anticipate significant impacts from spills and debris on offshore wildlife and aquatic resources.

NYSDEC has additionally evaluated the potential impacts on aquatic species from the disturbance of sediments and determined that the Project design, construction methods, BMPs, and required mitigation per the WQC will effectively avoid, minimize, or mitigate adverse impacts to aquatic species. The WQC requires Transco to use BMPs to avoid or minimize Project-related water quality impacts and sedimentation, including using an environmental bucket, no side-casting of material, controlled dredging rates for all clamshell dredging, prohibiting scow overflow, and additional controls over dredging rates in areas with elevated contaminants. NYSDEC reviewed the existing modeling results in-depth to confirm that contaminant and TSS limits can generally be met at the edge of applicable mixing zones. In the unlikely event TSS or contaminant limits are exceeded at the edge of an applicable mixing zone, the WQC requires Transco to implement NYSDEC-approved operational controls and/or adaptive management. See also, Water Quality.

The WQC requires monitoring of the water column for chemical contaminants present in the sediment and TSS throughout the project area to ensure compliance with New York State water quality standards at the edge of NYSDEC-approved mixing zones. The WQC also requires Transco to conduct visual and real-time monitoring of turbidity during construction in New York waters and to adjust construction activities to ensure “no increase that will cause a substantial visible contrast to natural conditions” 6 NYCRR § 703.2. See also, Water Quality.

To avoid impacts to hard clams (*M. mercenaria*) during the most sensitive life stages, the WQC implements a strict time of year restriction (TOYR) that prohibits Transco from conducting any sediment disturbing work in New York State waters from June 1 to July 31 in the applicable areas, being between mile points 14-20. Nonetheless, direct impacts to hard clams will occur from the dredging activities that will occur outside June and July in these mile points. Accordingly, the WQC requires Transco to develop and implement a NYSDEC-approved mitigation plan for the benefit of hard clams. Further, the WQC and FERC (FERC Order - Environmental Condition No. 15) require Transco to submit a post-construction benthic sampling and monitoring plan for NYSDEC’s review and approval, and to conduct the sampling and monitoring outlined in the plan. The plan must identify the duration of the monitoring period, the timing of sampling surveys,

success criteria for assessing recovery of benthic species, and reporting requirements. See also, Previous Denial.

In regard to Atlantic and shortnose sturgeon, the WQC sets forth the applicable TOYRs for Transco to avoid impacts to these species. The WQC does permit activities to occur within the TOYR and in those instances, Transco is required to develop and implement a NYSDEC-approved Sturgeon Acoustic Monitoring Plan. Additionally, the WQC requires Transco to develop and implement a NYSDEC-approved Sturgeon Mitigation Plan to mitigate unavoidable impacts to the sturgeon.

Likewise, with respect to winter flounder, the WQC sets forth the applicable TOYRs for Transco to avoid impacts to this species. The WQC does permit activities to occur within the TOYR and in those instances, Transco is required to develop and implement a NYSDEC-approved mitigation plan to mitigate unavoidable impacts.

NYSDEC expects that acoustical disturbance of marine mammals (including State threatened and endangered species) would be temporary due to the short timeframe of the noise-producing pile-driving activities and the transient presence of the animals within the area (see response to Noise). Transco will be required to implement its Marine Mammal Observer Training and Response Protocol Plan and utilize observers approved by NOAA Fisheries to monitor for protected species and marine mammals during construction activities (FEIS 5.1.6).

NYSDEC also recognizes horseshoe crabs as an important marine resource. Impacts to this species are expected to be minimal and temporary. Transco avoids the intertidal zone and therefore horseshoe crab eggs, by transitioning from the terrestrial to marine environment via HDD and avoiding open trenching. Also, the routing of the Project avoids deeper overwintering areas for horseshoe crabs (FEIS 4.5.2.8). Project construction will be temporary and localized, therefore allowing for onshore migration.

While thermal impacts are within NYSDEC's scope of review as it relates to State water quality impacts, NYSDEC does not anticipate construction and operation of the Project to have a significant thermal impact to the waterbodies at issue as these waterbodies are naturally subject to substantial salinity and temperature gradients driven by tides and large freshwater river discharges.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards, and potential impacts to terrestrial species such as birds and bats are outside that scope of review.

Water Quality

NYSDEC received numerous comments concerning water quality. These comments present a large range of concerns and subtopics. These include general concerns about the Project's negative impact on water quality, but more specifically concerns over Project construction and hydrostatic discharges suspending sediments, including contaminated sediment, and the adverse impacts that could result from suspension. Comments were also received regarding HDD. These comments considered suspension as adversely impacting marine wildlife, including benthic communities, and vegetation. Further commenters expressed that there is potential for turbidity and sediment to exceed ambient levels over large distances. Additional concerns raised include the modeling

utilized to assess the Project's construction to impacts on water quality. In particular there were comments calling for reliance on the previous modeling provided in the 2018 application, which demonstrate there will be water quality violations, while others commented that the modeling is not sufficient as it's a computer-based analysis separate from local, real-world experiments. Mixing zones were discussed in comments, specifically the request to use smaller or no mixing zones. It was also raised that the application did not provide an analysis of complying with applicable New York State water quality standards at a deeper burial depth, which was discussed in the previous 2020 Water Quality Certificate denial. Comments were also received regarding potential impairment of the goals of the NY/NJ Harbor and Estuary Program.

The CWA implementing regulations state that a certifying authority, here NYSDEC, "shall evaluate whether the activity will comply with applicable water quality requirements. The certifying authority's evaluation is limited to the water quality-related impacts from the activity subject to the Federal license or permit, including the activity's construction and operation." 40 C.F.R. §121.3. "Water quality requirements" are defined as "any limitation, standard, or other requirement under sections 301, 302, 303, 306, and 307 of the Clean Water Act, any Federal and state or Tribal laws or regulations implementing those sections, and any other water quality-related requirement of state or Tribal law." 40 CFR §121.1(j).

Additionally, the EPA final rule on CWA Section 401, issued September 2023 (2023 Rule), refined these regulatory requirements. The 2023 Rule states that a certifying authority may not consider non-water quality-related impacts when acting on a request for CWA Section 401 certification. 88 F.R. 66601. The EPA also issued a memorandum on May 21, 2025, that reiterated a certifying authority may not deny or condition a WQC "based on potential impacts not connected to water quality (e.g., based solely on potential impacts to air quality, traffic, noise, project preference, or economic impacts that have no direct connection to water quality)."[8]

NYSDEC has a regular and consistent approach to review in-water utility projects. This includes analysis of sediment transport and contaminant modeling. This modeling is in part based on site-specific sediment sampling. Modeling submitted by Transco was sufficient for NYSDEC's review of the application and to assess potential impacts on water quality (discussed further below). Hydrodynamic modeling was performed using RPS Group Plc.'s (RPS) Water Quality Model and Analysis Package/Boundary-Fitted Hydrodynamics (WQMAP/BFHYDRO) modeling system to model the tides, currents, and circulation patterns within the offshore Project area. Sediment transport modeling was performed using RPS' Suspended Sediment Fate (SSFATE) model, which is a three-dimensional model developed jointly by the USACE and the Environmental Research Development Center. SSFATE is a well-known model that has been successfully applied in projects around the globe (including previous studies in the New York/New Jersey region) to simulate the sediment transport from dredging, cable and pipeline burial operations, sediment dumping, dewatering operations, and other sediment-disturbing activities. Contaminant transport modeling was performed using RPS's CHEMMAP modeling system, which uses hydrodynamic outputs of the WQMAP/BFHYDRO system to predict the three-dimensional transport and fate of chemicals and metals in marine environments to determine if contaminant limits could be expected to be met at the edge of the applicable mixing zone (FEIS 4.5.2.8).

Transco's hydrodynamic and sediment transport modeling results indicate that the predicted plumes would be temporary and of short duration for the majority of the Project area. Further, actual TSS concentrations during construction may be less than modeled concentrations based on the use of conservative modeling assumptions, particularly when taking into account slower rates of dredging and slack-tide pauses in some areas. The WQC establishes turbidity, TSS, and contaminant limits at the edge of the applicable mixing zones which reduces the risk that suspended sediment and contaminants will migrate great distances from the Project. Additionally, no submerged aquatic vegetation beds have been identified within the offshore workspace (FEIS 4.5.2.1) and hydrodynamic and sediment transport modeling results indicate that suspended solids and sedimentation will not reach areas where submerged aquatic vegetation may be present (nearshore).

Per the WQC and SPDES permit, respectively, Transco is required to implement several measures to maintain water quality during installation and hydrostatic testing of the Project. This includes the development and implementation of a NYSDEC-approved Dredge Management Plan (DMP). The DMP must be approved prior to commencement of any construction in New York waters. The DMP will detail BMPs, including, but not limited to, no sidecasting, maintaining operational equipment in working condition, the type of equipment to be used to minimize suspension of sediment (e.g., environmental bucket), plan for handling disposal of dredged material and handling decanting, as well as operational controls and adaptive management procedures where monitoring detects a potential exceedance. Hydrostatic test water will be discharged where the average water depth is 38.8 feet and will occur halfway through the water column at 19.5 feet; therefore, given the height of the discharge from the seafloor, this activity is not expected to disturb the sediment in New York waters.

The WQC imposes a number of conditions to ensure compliance with applicable State water quality standards, including limits on TSS, turbidity, and contaminants at the edge of defined mixing zones. Contaminant limits are required where contaminants in the sediment pose a risk to water quality. Limits are derived using applicable State water quality standards in relation to the best usage of the impacted waterbody. These contaminants include limits for mercury, copper, PCBs, and other metals.

In addition to the contaminant limits in the WQC, the WQC requires visual turbidity monitoring and provides limits for TSS throughout the Project to protect water quality from the effects of suspended sediments. This includes a lower 50 mg/L TSS limit within the area of hard clams when sediment will be disturbed for a duration longer than 96 hours. Further, all limits must be achieved at the edge of applicable mixing zones defined for each project segment. Compliance with visual turbidity and the TSS and contaminant limits at the edge of the applicable mixing zones will ensure that turbidity and TSS will not be above ambient levels for long distances.

NYSDEC assesses the level of contamination and the presence of critical resources, e.g., hard clams, to define the appropriate mixing zones for specific segments of the Project to be protective of water quality. As such, NYSDEC has defined a strict 500-foot mixing zone in areas where hard clams are present and areas of contamination outside of the hard clam area.

To comply with the water quality standards defined in the WQC, Transco is required to conduct water quality monitoring, including visual turbidity monitoring and real-time, in-situ TSS estimates. This monitoring will be detailed, for NYSDEC review and approval, in a Sediment Sampling and Water Quality Monitoring Plan (SSWQMP). This plan must be approved prior to the commencement of any construction. The SSWQMP will include details that outlines how sampling and monitoring will take place, including the sample location, depth of samples, frequency of sampling, and sampling during each tidal cycle and at slack tide; the methodologies for the sampling; how Transco will conduct turbidity monitoring to comply with the narrative standard (6 NYCRR 703.2); actions that will be taken if exceedances occur; and other measures. Further, per the WQC, Transco will be required to employ independent third-party monitors to conduct the sampling and analysis and have "stop work" authority to be exercised if water quality monitoring indicates that the water quality standards are being exceeded. Furthermore, as a requirement of the WQC, Transco is required to implement NYSDEC-approved corrective actions in these instances.

Additionally, NYSDEC has determined that the WQC Application provides sufficient information regarding sediment and contaminant suspension for NYSDEC to issue the requested authorizations. The 2020 Denial expressed the need for additional justification for the 5% sediment loss rate used for the jet trenching installation method modeling. Through additional correspondence with the applicant, NYSDEC obtained additional, sufficient justification for this loss rate. Sediment modeling included contaminant modeling, as well.

NYSDEC also reviewed Transco's evaluation of the potential effects of resuspended heavy metals on aquatic resources. According to the FEIS, contaminants that become resuspended during sediment-disturbing activities are expected to generally be adsorbed to organic material and fine-grained sediment, then redeposited as sediment-bound compounds. The redeposited sediment is expected to be similar in contaminant concentration to the ambient conditions of the surface sediments at the depositional locations (FEIS 4.5.2.8 and Ecological Risk Assessment provided as Appendix R in the WQC Application). Per the WQC, Transco will be required to conduct post-installation sediment monitoring and provide a comparison of the pre- and post-installation chemical concentrations in the sediment to NYSDEC.

Additionally, to verify that benthic communities recover as expected, the WQC requires Transco to develop a post-construction benthic community monitoring plan, discussed further in the response to Biological Resources, above.

NYSDEC acknowledges that deeper burial depth is a common request made for offshore cable installation projects, and that this was requested from the project and referenced in the 2020 WQC denial. However, upon additional review of the Application and applicability of a 6-foot burial depth, NYSDEC finds that 4 feet is sufficient for this Project for several reasons. As more offshore cable projects have been reviewed by NYSDEC, the need for a deeper burial depth is based on factors not applicable to this Project. Offshore cable projects present a unique potential impact on marine species that NYSDEC requests a deeper burial depth to help minimize. In particular, this is for impacts from electromagnetic fields (EMF), which gas pipelines do not generate. NYSDEC also determined that a minimum 4-foot burial would sufficiently minimize the risks to fishing gear as this area is not heavily fished by bottom-tending fishing gear. Additionally, some of these cable

Projects do not traverse similar areas with critical resources and high contamination. A deeper burial depth could increase sediment suspension, which could hinder meeting water quality standards. The WQC requires this minimum 4-foot burial depth with few exceptions, being the inability to achieve the depth with two passes of the burial tool or encountering geological features prohibiting a deeper depth. In these instances, Transco will utilize concrete mattresses as pipeline protection, which may require the implementation of mitigation, as approved by NYSDEC. See also, Biological Resources.

NYSDEC additionally recognizes that TOYRs can result in a contracted timeline for construction in specific areas. Per the WQC, for TOYRs related to sturgeon and winter flounder, Transco is required to implement minimization measures should any work be required to be conducted within the TOYR. Regardless, TOYRs do not alleviate Transco from following the BMPs and plans (DMP and SSWQMP) approved by NYSDEC to meet the New York State water quality standards. See also, Biological Resources.

While the HDD pits are all located in NJ Waters, the WQC requires an Inadvertent Return Plan, which will include information on the drilling fluids, if the HDD will have a potential impact on New York waters. This provision includes other HDD requirements as well such as no increase in turbidity that will cause a substantial visible contrast to natural conditions in New York State waters, a plan that provides for the detection and correction of accidental releases of drilling fluids, safety data sheets and available toxicity data for drilling fluids, and proper management of drilling fluids and cuttings.

With respect to water quality related impacts to marine wildlife, see Biological Resources, above.

Subject to the WQC, the Project would not interfere with the goals of the NY/NJ Harbor and Estuary Program as it relates to State water quality standards.

Coastal Resiliency

NYSDEC received comments regarding coastal resiliency that express issues that revolve around the Project's potential impacts to shorelines ability to withstand future storm events. Specifically, these comments express concern over Project disruption and damage to oyster reefs and nurseries and impacts to ongoing projects designed for storm event protection (e.g., the Living Breakwaters Project) and construction of the Project preventing the construction of a New York Harbor levee to prevent the next storm surge.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Impacts on the construction of a New York Harbor levee are outside that scope of review.

Hydraulic Fracturing

NYSDEC received comments focusing on hydraulic fracturing. These comments raise various concern related to "fracked gas," which NYSDEC understands to be natural gas extracted through hydraulic fracturing, contributing to adverse ecological and human health impacts.

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Any issues or comments related to "fracked gas" that are unrelated to water quality are outside that scope of review.

Public Review Process

NYSDEC received comments concerning the public review process of the Project application. These comments included both the National Environmental Policy Act (NEPA) review conducted by FERC, as well as NYSDEC's review of the WQC application. These comments expressed multiple concerns, which include the sentiment that the public comment period associated with NYSDEC's Notice of Complete Application (NOCA) for the project was too short, timed in such a way to limit responses (e.g., civic groups not meeting in July and August and summer vacations), and that the NOCA should have been supplemented with hearings. Other comments raised the concern that information about the Project was not forthcoming or understandable to the general public, and that FERC did not provide an adequate DEIS or response to public comments on the DEIS. Additional comments note concern over decision-making by NYSDEC being politically driven.

On May 14, 2018, NYSDEC commented on the deficiencies of the FERC DEIS speaking from the context of New York State permitting, its requirements and provisions, and applicable federal and State regulatory requirements.

NYSDEC has provided opportunity for public comment as required by the Uniform Procedures Act (UPA). As per UPA, a Project with an EIS requires a minimum 30-day public comment period. On July 2, 2025, NYSDEC published the NOCA for the WQC application in the Environmental Notice Bulletin (ENB). In this notice, NYSDEC announced a public comment period on the WQC application from July 2, 2025 to August 1, 2025. On July 23, 2025, NYSDEC issued an additional ENB notice announcing that it was extending the comment period from 30 to 45 days, until August 16, 2025. Additionally, these notices were published in the Staten Island Advance and the New York Daily News. In its review process, FERC held a comment period on Transco's petition for reissuance of the 2019 Certificate, and FERC continued to accept comments even after the close of the comment period, which were considered in FERC's Order the 2025 Certificate.

NYSDEC may, at its discretion, hold public comment hearings for major Projects per UPA (6 NYCRR § 621.8). Here, while NYSDEC opted not to hold a public comment hearing, the comment period in which the public could offer written comments, as described above, was extended to 45 days. Comments received in either public comment hearings or in writing during a public comment period carry the same weight.

Factors considered in NYSDEC's review of applications before it are based on completeness (6 NYCRR § 621.3). Once a project is deemed complete and public comments received (if applicable), they are reviewed against permit issuance standards for a given permit type in accordance with the ECL and its implementing regulations. In the case for WQCs, Projects must be able to meet the applicable New York state water quality standards. NYSDEC does not consider politics in its review.

As required by UPA, the application was made publicly available at two library repositories in Staten Island and Brooklyn, as well as online at Transco's website.[9] Additional comments related to whether the application was understandable or forthcoming are noted.

Other Project Components

NYSDEC received comments in relation to human health (e.g., air quality) regarding other Project components, including the compressor station located in New Jersey, and other appurtenant structures in Pennsylvania

As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. Impacts that may occur outside of New York State are outside that scope of review.

Project Alternatives

NYSDEC received comments regarding Project alternatives. These comments expressed concerns, including the proposed mitigation not being an acceptable alternative due to the scope of impacts being so large; the need for evaluation of non-gas or fossil fuel alternatives; and that electrification is nullifying the need for natural gas expansion.

NYSDEC clarifies that, here, mitigation is not an alternative for the Project but rather an offset for unavoidable impacts from Project construction. In considering alternatives, NYSDEC has relied on determinations made by the PSC and FERC. Both the Grid Order, issued on September 18, 2025, and the FEIS issued by FERC, evaluated alternatives. (FEIS Section 3.0). Both PSC and FERC found the relevant alternatives to consist of a no-action alternative and system alternatives, including non-pipeline. Neither the PSC nor FERC identified a reasonable alternative to the Project that would meet the purpose of the proposed action.

General Opposition

NYSDEC received comments expressing general opposition to the project. These comments included concerns over construction occurring 24 hours a day, seven days a week and impacts from contamination. As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water quality standards. NYSDEC's decision does not represent a position of support or opposition to the Project. To the extent these comments generally reference contamination, NYSDEC refers to the responses provided under the topics of "Water Quality," "Public Health," and "Biological Resources."

General Support

NYSDEC has also received comments expressing general support for the project. These comments expressed the need for more natural gas-derived energy. As previously stated, NYSDEC's scope of review on the WQC application is limited to the Project's ability to meet applicable State water

[9] https://www.williams.com/expansion-project/northeast-supply-enhancement/

quality standards. NYSDEC's decision does not represent a position of support or opposition to the Project.

Previous Denial

NYSDEC received comments regarding the previous denial of the application for a WQC in 2020. These comments expressed that the current Project does not present new data, construction methods, or mitigation plans to overcome NYSDEC 's prior denial.

NYSDEC denied a previous request from Transco for a WQC for the Project on May 15, 2020, based on Transco's inability to demonstrate that construction and operation of the Project would meet all applicable water quality standards. Since that time, and as discussed in Water Quality, above, the 2023 Rule was issued. NYSDEC subjects all permit applications to a rigorous review process based on current available information and in accordance with all applicable laws, regulations and rules. Here, following a comprehensive evaluation of this WQC application, and in consideration of the 2023 Rule, plus additional information provided by Transco, NYSDEC has determined, subject to the conditions contained in the WQC, that Transco has sufficiently demonstrated that construction and operation of the Project would meet all applicable water quality standards.

NYSDEC has specifically reevaluated the Project taking into consideration the previous basis for denial, including: burial depth (see Water Quality, above), benthic impacts in the hard clam area (see Biological Resources, above), mixing zones in the hard clam area (see Water Quality, above), demonstrating reduced rate of dredging in TOYRs (see Biological Resources, above), mixing zones for contaminants (e.g., mercury and copper), the sediment loss rate (see Water Quality, above) and consistency with CLCPA (see Climate Change, above). In addition to the responses above, NYSDEC provides the following additional information.

Burial Depth: The 2020 WQC denial was based, in part, that "absent an evaluation by Transco, the Department [could not] make a determination regarding water quality impact of . . . [a] six-foot burial depth." As discussed in "Water Quality" section, above, NYSDEC has determined three factors that lead to the allowance of a 4-foot burial depth. First, due to the nature of the sediment here, a 4-foot burial depth will minimize TSS, thereby decreasing potential impacts to water quality. Second, the Project is a gas pipeline. The 6-foot burial depth is generally sought in relation to high-voltage transmission line project in an effort to minimize EMF impacts. That is not applicable here. Third, the Project is not located in seafloor areas that are heavily fished by bottom-tending fishing gear. In such areas, NYSDEC would also generally seek a 6-foot burial depth. Based on these factors, NYSDEC has now determined a 4-foot burial depth is acceptable.

Benthic Impacts and Hard Clams: There are three main critical resources at issue here: sturgeon, winter flounder, and hard clams. These resources are all discussed in Biological Resources, above, but this section will elaborate on NYSDEC's decision as it relates to hard clams. A portion of the project line (mile points 14-20) will cross a portion of Raritan Bay that is a highly productive area for hard clams, and the associated benthic habitat is very sensitive. As a threshold matter, since the time of the 2020 WQC denial, Transco identified and corrected an error in the underlying FEIS. Specifically, on September 25, 2025, Transco filed documentation on the FERC docket correcting the clam density stated in the FEIS from 69.9 individual clams per square foot to 3.0 individual

clams per square foot. See FERC Docket CP17-101, Accession Number 20250924-5165. NYSDEC staff has evaluated the raw data Transco relied upon in making this conclusion and has confirmed its accuracy. Consistent with the 2020 WQC denial, NYSDEC maintains that hard clams and the associated benthic habitat are an important marine resource and, thus, this area is considered a critical resource. Upon review of the current WQC application, and with the correction to the hard clam density, NYSDEC has now determined that impacts to the hard clam area can be minimized to a level that can be adequately mitigated for through the imposition of various conditions in the WQC. First, to avoid impacts to hard clams when most vulnerable, there is a strict prohibition of any sediment disturbing work during the hard clam spawning season, being June 1 to July 31. This time of year is when the resource is most vulnerable. For work occurring within the hard clam area outside of the June and July TOYR, NYSDEC has implemented various limits to ensure clams are minimally impacts outside of the direct impacts associated with dredging. These include a 500-foot mixing zone and lower TSS limits where construction will occur for longer continuous durations, being longer than 96 hours without a work stoppage to allow for TSS to return to ambient conditions. Lastly, the WQC requires Transco to develop a NYSDEC-approved benthic monitoring plan that will include requirements for long-term monitoring of the benthic habitat plus implementation of remediation or mitigation, as applicable.

Mixing Zones: The 2020 WQC denial further discusses the mixing zone associated with the hard clam area. Specifically, that hard clams are vulnerable to mercury and copper and the Project could not meet the mercury or copper concentration standard at the edge of a 500-foot mixing zone within the hard clam area. This was based on prior analysis of Transco's modeling for the Project. As just discussed, the WQC imposes a strict TOYR for all sediment disturbing activities within the hard clam area from June 1 to July 31. This time of year is when the hard clams are at their most sensitive life stages (eggs and larvae), which would be susceptible to sediment and contaminant exposure. This strict prohibition of sediment disturbing activities during this time period will ensure impacts to the vulnerable hard clams are avoided. To further reduce impacts to hard clams outside of June 1 to Jule 31, the WQC implements the conservative 500-foot mixing zone in the hard clam areas. NYSDEC notes that the 2020 WQC denial was based, in part, on the fact that modeling showed TSS limit exceedances may occur. Since that time, and in light of the considerable amount of in-water utility work that has occurred to date, NYSDEC recognizes that even with conservative conditions in place, limit exceedances can occur. With this understanding, NYSDEC re-reviewed the existing modeling results and can confirm that contaminant and TSS limits can generally be met at the edge of applicable mixing zones with the modification of certain construction techniques. In the unlikely event TSS or contaminant limits are exceeded at the edge of an applicable mixing zone, the WQC requires Transco to implement NYSDEC-approved operational controls and/or adaptive management.

Rate of Dredging: The 2020 WQC denial states that Transco provided insufficient documentation to NYSDEC that any identified need to reduce the rate of dredging to comply with water quality standards would be possible within applicable work windows to protect important biological species. As noted above, the WQC requires a NYSDEC-approved dredge management plan, including robust adaptive management. As it relates to this concern, an approvable dredge management plan needs to include reduced dredge rates as necessary to comply with water quality standards.

Sediment Loss Rate: The 2020 WQC denial also references the sediment loss rate. The 2020 WQC denial stated NYSDEC could not accept the modeled sediment loss rate of 5%, which was used to project sediment loss due to jet trencher activities, without further documentation. The 5% loss rate is applied in the hard clam critical resource area where jetting installation is proposed. Modeling results from other comparable jetting installation projects that NYSDEC has reviewed have assumed a 25% to 30% sediment loss rate for jetting installation activities. Insufficient justification for a 5% loss sediment loss rate was included as a part of the 2020 WQC record. For the current application, in response to NYDEC's RFAI, Transco provided justification to support a 5% sediment loss rate. This justification included a discussion of the implementation of the same modeling software as for cable projects that were modeled with the higher loss rates, but the in-situ data from those projects demonstrated that the loss rates modeled were much higher than the sediment loss observed during the actual cable installation. Transco also noted that while the pipeline installation will disturb a larger volume of sediment than cable installation, the overall percent of sediment loss should be similar due to the use of the same technology. Transco is also relying on the expertise of their modeler, who has experience with modeling this installation technology. Based on the information provided, NYSDEC now finds the sediment loss rate of 5% acceptable.