



**Department of
Environmental
Conservation**

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

June 23, 2025

VIA ELECTRONIC MAIL

Amy L. Gitchell
Chief, Upstate Regulatory Field Office
United States Army Corps of Engineers
ATTN: CENAN-OP-RU, Bldg. 10, 3rd Floor North
1 Buffington Street, Watervliet Arsenal
Watervliet, NY 12189-4000

RE: NYSDEC Receipt of an Application for Water Quality Certification
Constitution Pipeline
FERC Docket Nos. CP18-5 and CP13-499

Dear Chief Amy L. Gitchell:

New York State Department of Environmental Conservation (NYSDEC) is hereby notifying the U.S. Army Corps of Engineers (USACE) of the receipt of a request for a Water Quality Certification (WQC) pursuant to Section 401 of the federal Clean Water Act (CWA) related to the construction, installation, and operation of the Constitution Pipeline project (Project), which would be subject to the federal Natural Gas Act.¹ This WQC request was submitted to NYSDEC on May 30, 2025.

NYSDEC understands that, based on Executive Order 14156, issued January 20, 2025, and the associated emergency procedures established by USACE,² a Reasonable Period of Time (RPOT) of 25 days would be requested for NYSDEC to act on this WQC request. However, due to the regulatory timeframes associated with processing all WQC requests,³ NYSDEC cannot meet a 25-day RPOT. As such, and in accordance with the plain language of the CWA and the USACE emergency procedures, NYSDEC is confirming a RPOT of six (6) months to act on this WQC request is in effect pursuant to 40 CFR 121.6(c).

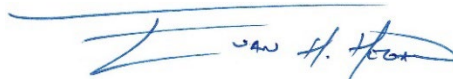
¹ There is no active request before FERC regarding the Project. If and when an active request comes before FERC on this matter, NYSDEC will formally notify FERC of this request for WQC. This letter will, nonetheless, be filed on the applicable FERC docket(s).

² See Public Notice dated April 15, 2025, available on <https://www.nan.usace.army.mil/Portals/37/docs/regulatory/publicnotices/Non%20Project%20Specific/2025/Special%20Emergency%20Processing%20Procedures%20for%20NY%202025.pdf?ver=Xlj8sngyzPKhml4q6WBb5A%3D%3D>.

³ See 6 NYCRR Part 621.

NYSDEC will keep you apprised of our progress processing the WQC request. If you have any questions or concerns, please feel free to contact me at DEPEnergy@dec.ny.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Evan H. Hogan", is written over a horizontal line.

Evan H. Hogan
Environmental Analyst II
Bureau of Energy Project Management

ecc: Applicant
NYSDEC Review Team
FERC Docket Nos. CP13-499 and CP18-5

Document Content(s)

NYSDEC Notification to USACE_Receipt of Constitution Pipeline WQC App.pdf.1