



Constitution Pipeline Company, LLC
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August 11, 2025

Evan H. Hogan, Environmental Analyst III
Division of Environmental Permits
Bureau of Energy Project Management
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1750

**Subject: Section 401 Water Quality Certification Request
NYSDEC and USACE Joint Application
Response to July 2, 2025, Notice of Incomplete Application
DEC #0-999-00181/00029
Constitution Pipeline Company, LLC
Constitution Pipeline
Albany, Broome, Chenango, Delaware, and Schoharie Counties, New York**

Dear Mr. Hogan:

On May 30, 2025, Constitution Pipeline Company, LLC (Constitution), a wholly owned indirect subsidiary of The Williams Companies, Inc. (Williams), submitted a Joint Permit Application package to the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Army Corps of Engineers (USACE) for the Constitution Pipeline Project (Project). On July 2, 2025, NYSDEC issued a Notice of Incomplete Application (NOIA). The following provides Constitution's response to the NOIA. Constitution believes that the information previously submitted to the NYSDEC, coupled with the responses herein and where necessary attached documentation, warrants issuance of a Notice of Complete Application.

General Requirements (Uniform Procedures - 6 NYCRR Part 621)

- 1. Pursuant to 6 NYCRR 621.3(a)(1)(iii)(a),(b), and (g), the Application must include plans or drawings with sufficient detail to show the following:**
 - (a) existing and proposed conditions, the locations of all existing and proposed structures, any new or modified utilities.**
 - (b) the limits of all site disturbance and grading.**
 - (c) all information that may be required on plans or drawings in specific program implementing regulations.**

Response

Plans and drawings submitted to NYSDEC were previously sufficient for issuance of a Notice of Complete Application (NOCA) (published April 29, 2015), and there is no change in the design or scope of the Project that would support a contrary determination here. Constitution will provide updated mapping when it is available for minor route changes.



As part of its May 30, 2025 Joint Application, Constitution provided Alignment Sheets in Attachment C and Site-Specific Drawings in Attachment E that were previously provided to the NYSDEC in 2015. The Alignment Sheets detail the route of the proposed pipeline with an aerial overlay displaying existing conditions, measures to mitigate direct and indirect impacts to waterbodies using erosion and sediment control best management practices, and post construction stormwater management features. The site-specific drawings detail the information applicable to items 1(a), 1(b), and 1(c) required for a Section 404 permit with the USACE and the related Section 401 Water Quality Certification (401 WQC). Plans and drawings applicable to other state permitting programs are not required for issuance of a NOCA for the 401 WQC application, which is the only authorization Constitution must obtain (see Response 3).

2. Pursuant to 6 NYCRR 621.3(a)(1)(vi) landowner permission for NYSDEC staff to access the Project must be provided. Provide a list of all the landowners that are crossed by the Project, including their name, addresses, and what permissions have been secured.

Response

Constitution has provided a landowner list,¹ as well as alignment sheets identifying the location, waters of the United States applicable to NYSDEC's consideration of the 401 WQC, and limits of disturbance, see Attachments I and C of the Joint Permit Application. Although some landowner names may have changed, with the exception of minor route adjustments, the addresses previously provided remain the same, and Constitution will provide an updated list when the mapping is updated. An address list is not required for issuance of the NOCA, and NYSDEC has the discretion under its regulations (6 NYCRR Part 621.6) to issue a NOCA without having access. Further, Constitution is not refusing to grant access—it simply does not have the authority to provide NYSDEC with property access at this time, because a FERC Certificate Order and judicial action likely will be required. Indeed, requiring access for completeness, rather than 401 WQC issuance, is an impossible requirement that would effectively bar development of any linear infrastructure of this scope.

3. Pursuant to 6 NYCRR 621.3(a)(4) when a project requires multiple NYSDEC permits, all applications must be submitted simultaneously, or the applicant must demonstrate to NYSDEC's satisfaction that there is good cause not to do so. Other NYSDEC permits may be required for project as described herein.

Response

It is not clear what permit applications NYSDEC is requesting be submitted. The only NYSDEC permit that Constitution must obtain is a 401 WQC.² Notwithstanding, Constitution's application was also submitted for purposes of review and coordination with the NYSDEC under Article 15, Title 5 (Protection of Waters) and Article 24, Title 23 (Freshwater Wetlands). To the extent that the NYSDEC

¹ The landowner list consists of names and addresses that are afforded protection under federal law (Freedom of Information Act, 5 U.S.C. §§552 (b)(6), (b)(7)(C)) and should be given the same protection under Public Officers Law §§ 87(2)(b) and 89(2)(b), as disclosure would result in an unwarranted invasion of personal privacy.

² This assumes that NYSDEC has not previously waived its right to issue a 401 WQC for the Project.



seeks to have Constitution apply for a SPDES permit, one is not required for the Project. *See* Response 12.

Regardless, even if Constitution was required to apply for a SPDES permit, good cause exists for the NYSDEC to process the pending 401 WQC application now, separate from any future SPDES application. The SPDES permit involves distinct statutory criteria, timelines, and public participation requirements that are not prerequisites for the 401 WQC NOCA. It also would unnecessarily delay a 401 WQC decision, contrary to the timeline for which the NYSDEC must act on Constitution's 401 WQC application. Moreover, this is an important energy project as reinforced by the President's Executive Order, *Unleashing Energy and Declaring a National Energy Emergency*, issued on January 20, 2025, with strict timelines for the NYSDEC to process and issue a decision relative to Constitution's 401 WQC application. Tying the 401 WQC to the SPDES permit is both unnecessary and would unduly delay this much needed Project.

- 4. Pursuant to 6 NYCRR 621.3(a)(7), an application must satisfy the requirements of 6 NYCRR 617 and a complete application must contain a negative declaration or a draft environmental impacts statement (DEIS). Since the Federal Energy Regulatory Commission (FERC) is the lead agency for the environmental review of interstate natural gas pipelines under the federal Natural Gas Act, the federal environmental review process conducted by FERC pursuant to NEPA takes the place of an environmental review conducted under the State Environmental Quality Review Act. A draft EIS prepared pursuant to NEPA is required to satisfy the requirements of 6 NYCRR 621.3(a)(7).**

Response

Under the Natural Gas Act (NGA), Part 617 is preempted.³ Notwithstanding, on October 24, 2014, FERC completed a comprehensive FEIS under NEPA. The scope of the Project and its facilities have not changed. FERC is therefore entitled to rely on the Project EIS. *See, e.g., Sierra Club v. FERC*, 68 F.4th 630, 649 (D.C. Cir. 2023) (quoting *Stand Up for California! v. DOI*, 994 F.3d 616, 629 (D.C. Cir. 2021)); *Appalachian Voices v. FERC*, No. 24-1094, at *22-23 (D.C. Cir. June 6, 2025). Previously, NYSDEC relied on the FEIS for the Project in its completeness determination. The Project FEIS provides the same function for this application. The Project FEIS concluded that while the construction and operation of the Project would result in some adverse environmental impacts, the impacts would be reduced to less-than significant levels with the implementation of mitigation measures. Because Constitution's current application before NYSDEC does not reflect any significant changes to the Project or any new information that calls into question FERC's prior findings supporting its approval of the Project, NYSDEC can properly and reasonably rely on FERC's previously prepared and comprehensive FEIS for the Project.

³ *Sane Energy Project v. Hudson River Park Trust*, 2013 N.Y. Misc. LEXIS 328 (N.Y. Sup. Ct. New York Co. Jan. 16, 2013) (concluding that the NGA preempted state and local environmental review); *East End Prop. Co. #1, LLC v. Kessel*, 46 A.D.3d 817 (2d Dep't 2007) (finding that LIPA was prohibited from conducting its own environmental review where because FERC was required to undertake its own environmental analysis under NEPA, and considering FERC had its own authority to consider environmental issues).



5. Pursuant to 6 NYCRR 621.3(a)(11), an applicant must provide an analysis to explain whether the project will be inconsistent with, or will interfere with, the attainment of statewide GHG emission limits as established in Article 75 of the Environmental Conservation Law (ECL) and reflected in 6 NYCRR Part 496. An application is incomplete until such analysis is provided to NYSDEC. Please refer to the procedures described in DAR-21, entitled "The Climate Leadership and Community Protection Act and Air Permit Applications (DAR-21)" (https://extapps.dec.ny.gov/docs/air_pdf/dar21.pdf) when providing this analysis.

Response

See also Response 3. Part 621.3(a)(11) refers to state law requirements under the CLCPA that are preempted by the Natural Gas Act, and thus not necessary for issuance of a NOCA for the 401 WQC, which is the only authorization that Constitution must obtain. Notwithstanding, Constitution is providing a CLCPA analysis for purposes of review and coordination with the NYSDEC, see Attachment 1.

6. Pursuant to 6 NYCRR 621.3(a)(12), applicants are required to demonstrate that climate hazards, such as, but not limited to, sea-level rise, storm surge, and flooding, have been considered in project design. Please refer to NYSDEC's website for further information: when demonstrating how the Project complies with the Community Risk and Resiliency Act (CRRA), and Section 9 of the Climate Leadership and Community Protection Act (CLCPA)

Response

See also Response 3. Part 621.3(a)(12) refers to state law requirements under the CLCPA and CRRA that are preempted by the Natural Gas Act, and thus not necessary for issuance of a NOCA for the 401 WQC, which is the only authorization that Constitution must obtain. Notwithstanding, Constitution is providing a letter regarding CRRA and CLCPA for purposes of review and coordination with the NYSDEC, see Attachment 1.

7. 6 NYCRR 621.3(a)(13) requires NYSDEC to consider environmental justice concerns in permitting decisions and provide enhanced public participation opportunities. As such, an applicant is required to provide the following information:
 - (a) an enhanced public participation plan and written certification of its completion; and
 - (b) additional information deemed necessary by the NYSDEC to evaluate GHG and co-pollutant impacts on the identified disadvantaged communities pursuant to Section 7(3) of CLCPA.

Response

See also Response 3. Part 621.3(a)(13) refers to state law requirements under the Environmental Justice Act of 2019 and CLCPA that are preempted by the Natural Gas Act, and thus not necessary for issuance of a NOCA for the 401 WQC, which is the only authorization that Constitution must obtain. Notwithstanding, the Project would not impact any environmental justice community nor would it disproportionately burden any disadvantaged community as the Project concerns an underground pipeline. Any potential impacts would be temporary and insignificant. As such, no enhanced public participation plan is required.



Constitution already executed a very robust stakeholder and community engagement effort, communicating Project information to thousands of stakeholders across the Project area and will continue to develop and execute outreach as needed regarding the Project scope and new schedule. The Community Outreach and Stakeholder Engagement summary that was completed for the Project is provided in Attachment 2.

Article 15 Protection of Waters (6 NYCRR 608)

- 8. Pursuant to 6 NYCRR 621.4(a)(1)(i), a complete application for a Use and Protection of Waters Permit, ECL Article 15, Title 5 (6 NYCRR Part 608) must include a plan, profile, and cross section drawings of the Project. Considering the proposed number and variety of crossing of state protected waterbodies, typical drawings do not provide sufficient detail for review. The application must provide site-specific plan(s), profile(s), and cross-section drawings for each proposed crossing of state protected waterbodies and streams.**

Response

See also Response 3. Part 621.4(a)(1)(i) refers to state law requirements that are preempted by the Natural Gas Act, and thus not necessary for issuance of a NOCA for the 401 WQC, which is the only authorization that Constitution must obtain. Notwithstanding, the plans and drawings submitted to NYSDEC were previously deemed sufficient for issuance of a NOCA (see Response 1), and there is no change in the design or scope of the Project that would support a contrary determination here.

Article 24 Freshwater Wetlands (6 NYCRR 663 & 664)

- 9. Pursuant to Article 24 of the ECL (24-0703), for Any person proposing to conduct or cause to be conducted a regulated activity involving the use of a pipeline upon any freshwater wetland, such application shall include the name of the insurance company covering such proposed activity, the amount of coverage, and what is covered under the plan using the NYSDEC Supplement FW-1 form, available on <https://dec.ny.gov/sites/default/files/2023-12/fw1supplement.pdf> A completed form must be submitted.**

Response

See also Response 3 above. Article 24 of the ECL is a state law that is preempted by the Natural Gas Act, and thus the requirements therein are not required for issuance of the NOCA for the 401 WQC, which is the only authorization Constitution must obtain from NYSDEC. Notwithstanding, Constitution is providing the applicable insurance information for purposes of review and coordination with the NYSDEC, see Attachment 3.

- 10. The New York State Legislature passed legislation amending Section 70-0117 of the ECL (Uniform Procedures Act) to require application fees for certain regulated activities requiring a permit from NYSDEC. Effective January 1, 2023, a \$1,000 application fee is required for all Article 24 Freshwater Wetlands permits applications involving new commercial or industrial structures or improvements. Payment must be received before**

NYSDEC can issue a permit decision, and additional guidance is here:
<https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/freshwater-wetlands>

Response

See also Response 9. Constitution has provided the \$1,000 fee for the Article 24 Freshwater Wetlands permit application under separate cover.

11. The application includes a Wetland Delineation Report that was last updated in August 2015 and is no longer valid. Effective January 1, 2025, 6 NYCRR Part 664, Freshwater Wetlands Mapping and Classification to Freshwater Wetlands Jurisdiction and Classification, was amended to define key terms, describe the revised freshwater classification system, present criteria for the identification of wetlands of unusual importance, and describe procedures NYSDEC uses in making jurisdictional determinations to enhance the consistency and conservation. The following information is required for a complete Freshwater Wetlands permit application (below):

- (a) a jurisdictional determination request in accordance with:
<https://dec.ny.gov/nature/waterbodies/wetlands/freshwater-wetlands-program/freshwater-wetland-jurisdictional-determination>
- (b) a new wetland boundary delineation validated by NYSDEC

Response

See also Response 9. Article 24 of the ECL is a state law that is preempted by the Natural Gas Act, and thus the requirements therein are not required for issuance of the NOCA for the 401 WQC, which is the only authorization Constitution must obtain from NYSDEC. Regardless, a delineation of *state* wetlands is not necessary for the 401 WQC, which is issued in connection with the USACE's permit for *federal* wetlands. Further, requiring complete wetland delineations for a NOCA would effectively bar the development of any linear infrastructure because of limitations on property access at this stage.

Constitution previously submitted full wetland delineation reports of the route and performed numerous site visits with the NYSDEC. Requiring new delineations would not alter NYSDEC's prior completeness determination, as there is no change in the design or scope of the Project. Constitution will coordinate with the USACE to verify jurisdictional waters under Section 404 where necessary. That process, along with FERC's environmental procedures, ensures that all protections of water quality subject to the 401 WQC are met.

State Pollutant Discharge Elimination System (6 NYCRR Part 750)

12. Part I.A.8.a of NYSDEC's State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) addresses construction activities that are not eligible for coverage under GP-0-25-001 and for linear utility projects, the criteria include the following:

- i. are within the watershed of surface waters of the State classified as AA or AA_S (identified utilizing the stormwater interactive map on NYSDEC's website) and
- ii. are undertaken on land with no existing impervious cover and

iii. disturb two (2) or more acres of steep slope.

The application must be revised to explain whether the Project will meet or exceed the criteria referenced in Part I.A.8.a. If the Project is determined to be an ineligible construction activity, an application for an individual SPDES Permit for Stormwater Discharges to surface waters of the State must be submitted and all required documentation, including a draft Stormwater Pollution Prevention Plan (SWPPP) must be submitted. All necessary applications forms can be found on our website at <https://dec.ny.gov/regulatory/permits-licenses/environmental-permits/forms-requirements>

Response

See also Response 3. Constitution did not apply for a SPDES permit because it is not necessary for the issuance of a 401 WQC NOCA. Under the federal Clean Water Act, oil and gas construction activities are exempt from stormwater permitting requirements, and this exemption is recognized by the U.S. Environmental Protection Agency (EPA). 33 U.S.C. §§ 1342(l)(2), 1362(24).

Water resource protections for the Project are fully addressed through compliance with the Federal Energy Regulatory Commission (FERC) Procedures and the U.S. Army Corps of Engineers (USACE) Section 404 permit process. These regulatory frameworks ensure that operators utilize best management practices to prevent contamination, making a separate SPDES permit unnecessary.

13. Pursuant to Part VII.G of GP-0-25-001, NYSDEC may require authorization under an individual SPDES permit. Cases where an individual SPDES permit may be required include, but is not listed to, the following:
 - (a) the owner or operator is not in compliance with the conditions of GP-0-25-001 or does not meet the requirements for coverage, and
 - (b) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source, and
 - (c) new effluent limitation guidelines or new source performance standards are promulgated that are applicable to point sources authorized to discharge in accordance with GP-0-25-001 and
 - (d) existing effluent limitation guidelines or new source performance standards that are applicable to point sources authorized to discharge in accordance with GP-0-25-001 are modified, and
 - (e) a water quality management plan containing requirements applicable to such point sources is approved by NYSDEC, and
 - (f) circumstances have changed since the time of the request to be covered so that the owner or operator is no longer appropriately controlled under GP-0-25-001, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary, and
 - (g) the discharge is in violation of Section 17-0501 of the ECL, and

(h) the discharge is a significant contributor of pollutants. In making this determination, NYSDEC may Consider the following factors:

- i. the location of the discharge(s) with respect to surface waters of the State, and
- ii. the size of the discharge(s); and
- iii. the quantity and nature of the pollutants discharged to surface waters of the State; and
- iv. other relevant factors including compliance with other provisions of ECL Article 17, or the CWA.

Response

See Response 12.

14. The following state and federal threatened or endangered species were determined to be near the Project right-of-way (ROW):

- Northern long-eared bat (NYS and federally endangered)
- Bald eagle (state threatened)
- wood turtle (NYS Special concern)
- hellbender (NYS Special concern)
- freshwater mussels, including the green floater, a NYS threatened and proposed federally threatened species, and potentially others
- timber rattlesnake (NYS threatened; occurrence within 1-mile, suitable habitat may be present in ROW)
- Grassland birds (no mapped occurrences in ROW, but fields greater than 25 acres may host listed species)

Since the occupied habitat of threatened or endangered species is subject to change over time and the last consultation request was submitted to NYSDEC in 2015, a new consultation request must be submitted to determine if the project may potentially result in the take of any listed species. Consultation with the New York Natural Heritage Program is recommended to obtain updated mapped occurrences of tracked species and natural communities in the vicinity of the project. Additional surveys of certain threatened or endangered species, or on-site monitoring during construction, may be requested as NYSEDC continues our review. Prior survey reports must be provided with the application instead of just being incorporated by reference.

Response

See also Response 3. Constitution has not applied for a Part 182 permit as this consultation is not necessary for the issuance of a 401 WQC NOCA and is preempted under the Natural Gas Act. Notwithstanding, Constitution did submit consultation with the NYNHP on June 27, 2025, for purposes of review and coordination with the NYSDEC. No response to date has been received. Constitution is also providing prior survey reports including a USFWS Biological Opinion for the Northern long-eared bat, Bald eagle, and mussels, see Attachment 4. The remaining state-listed species were not surveyed for. Constitution will comply with federal threatened and endangered species requirements.



Thank you in advance for your timely review of this information.

Sincerely,
Constitution Pipeline Company, LLC

A handwritten signature in blue ink, appearing to read 'Lynda Schubring'.

Lynda Schubring, PMP
Manager Permitting

cc: Adam Labatore, USACE (NAN-2012-0049-ULA)
Tim Powell, Williams
Himanshu Patel, Williams
Daniel Merz, Esq., Williams
Gregory Hufnagel, AECOM

ENCLOSURES

Attachment 1 - Climate Leadership and Community Protection Act (CLCPA) Analysis & Community Risk and Resiliency Act (CRRA) Letter

Attachment 2 - Constitution Pipeline Community Outreach and Stakeholder Engagement Summary

Attachment 3 - NYSDEC Supplement FW-1 containing Applicable Insurance Information

Attachment 4 - Rare, Threatened and Endangered Species Survey Reports



Attachment 1

Climate Leadership and Community Protection Act (CLCPA) Analysis

Community Risk and Resiliency Act (CRRA) Letter



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August 11, 2025

Evan H. Hogan, Environmental Analyst III
Division of Environmental Permits
Bureau of Energy Project Management
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1750

Re: Constitution Pipeline Project

Response to No. 6 of the July 2, 2025 Notice of Incomplete Application
Climate Risk and Resiliency Act and 6 NYCRR 621.3(a)(12)

Dear Mr. Hogan:

The following responds to No. 6 of the July 2, 2025 Notice of Incomplete Application (NOIA) with respect to the pending application submitted by Constitution Pipeline, LLC (Constitution), a wholly owned indirect subsidiary of The Williams Companies, Inc. (Williams), for the Constitution Pipeline Project (Project). In response to No. 6 of the NOIA, this letter provides additional information to “demonstrate that future physical climate risk has been considered” *See* 6 NYCRR 621.3(a)(12).

Consistent with the Community Risk and Resiliency Act (CRRA), as amended by the CLCPA, reasonably foreseeable future physical risks of climate change, including sea level rise, tropical cyclones, wind, flooding, changes in precipitation, public health, and impacts on natural resources, have been considered. Based on the Project design, the Project will not be adversely affected by risks of climate change.

In New York, the Project primarily includes only pipeline construction/installation that is buried underground, and is necessary to connect with existing infrastructure. Structures that are buried are significantly less vulnerable to future physical climate risks than aboveground structures that are more likely to be effected by physical climate-related impacts, including those associated with sea-level rise, storm surge, flooding, extreme weather events and erosion. Due to the location of the proposed pipeline, the future physical climate risks to the Project are not anticipated. Also because of the route and location of the pipeline (primarily buried underground) future climate

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risks will not result in the Project adversely impacting other public infrastructure and/or services, private property, and/or natural resources in the vicinity of the Project.

The Project's pipeline route was planned, and adjusted, to eliminate and/or minimize future climate risk impacts, including by, where practicable: avoiding, floodplains and other areas that have higher climate-sensitive habitat vulnerability; avoiding new above-ground structures that are more vulnerable to erosion, flooding and storm surges; reducing impacts on wetlands, minimizing pipeline exposure to flood zones and areas that may be influenced by rising sea levels and storm surges; and, reducing the length of the pipeline. Alternatives that required more significant new above-ground infrastructure in New York, and longer routes through densely populated areas, were eliminated, thereby avoiding potential future climate risk impacts.

[REDACTED]

Respectfully submitted,

Sincerely,
Constitution Pipeline Company, LLC



Lynda Schubring, PMP
Manager Permitting

cc (via e-mail):

Sita Crounse, Esq., NYSDEC

Dan Merz, Esq., Transco

Tim Powell, Transco

Yvonne Hennessey, Barclay Damon, LLP

Proposed Constitution Pipeline Project GHG Emissions Analysis

The proposed Constitution pipeline project (“Project”) will have greenhouse gas (“GHG”) emissions associated with construction and operation activities (commercial operation is expected to begin in 2028). These two sources of Project GHGs are discussed separately below.

Construction Emissions

The estimated GHG emissions from the construction of the Project include emissions from on-site construction equipment (off-road), and construction equipment and commuter vehicles traveling on the regional roadways (on-road). Most construction emissions are expected to occur in 2027, with some emissions from transport and delivery of materials occurring in 2026 (less than 1%).

98.9 miles of the Project will be located within New York State (“NYS”). For the construction GHG emissions calculations, construction equipment and vehicle usage were estimated based on anticipated types of on-road and off-road equipment, distances traveled, daily hours of operation, and the length of the Project construction.¹ Emission factors used in the calculations for on- and off-road equipment are from the EPA MOVES5 model (November 2024).² Emissions of GHGs, specifically carbon dioxide (“CO₂”), methane (“CH₄”), and nitrous oxide (“N₂O”) are summarized in metric tons in Table 1 below. The carbon dioxide equivalent (“CO₂e”) was estimated using the 20-year global warming potentials (“GWP20”) set forth in Title 6 of the New York Code, Rules and Regulations (6 NYCRR) Part 496.5 (CH₄ = 84 and N₂O = 264).

Table 1				
Construction Emissions*				
(CO ₂ e using 20-Year Global Warming Potentials)				
metric tons	CO ₂	CH ₄	N ₂ O	GHG (CO ₂ e)
Constitution Pipeline (NY)	65,105	1.22	2.14	65,772

*Construction emissions reflect the 98.9 miles of construction of the Project occurring in NYS.

Operational Emissions

The GHG emissions associated with the operation of the Project, include:

- Direct Project emissions, or operational emissions, primarily from fugitive methane emissions and emergency generators;
- Total Lifecycle Project Emissions, including
 - o Indirect Upstream emissions, which result from the extraction, production, and transmission of fossil fuels imported into NYS;
 - o Indirect Downstream fugitive emissions, resulting from natural gas distribution systems and related downstream infrastructure within NYS; and

¹ Type and operation of construction equipment used for MOVES5 analysis based on equipment and operations included in the Air Quality Technical Report that is part of the Federal Energy Regulatory Commission (“FERC”) application.

² USEPA. (2024). Motor Vehicle Emission Simulator: MOVES5 (Version 5.0.0) [Computer software]. Available online at: <https://www.epa.gov/moves>

- Indirect Downstream combustion emissions, as subset of downstream emissions resulting from the end-use combustion of the fuel by customers.³

Direct Project emissions in NYS from two emergency generators located at the Meter and Regulator stations were estimated to be 0.54 metric tons of methane (CH₄) per year, equivalent to 45 metric tons of CO₂e using GWP20.⁴ In addition, fugitive methane emissions from the 98.9 miles of pipeline within NYS were estimated to be 0.72 metric tons of CH₄ per year, equivalent to 61 metric tons of CO₂e using GWP20.⁵ These direct GHG emissions based on Potential-to-Emit ("PTE") are shown in Table 2 below.

Table 2				
Project Direct Emissions* (CO ₂ e using 20-Year Global Warming Potentials)				
metric tons / year	CO₂	CH₄	N₂O	GHG (CO₂e)
Project Operations	-	1.26	-	106

* Operational emissions include fugitive methane emissions from segments of the pipeline with NYS and emergency generators located at the Meter and Regulator station. These emissions are assumed to be included in the Upstream portion of emissions in the table below.

The lifecycle GHG emissions from the Project (including indirect upstream, downstream, and end-use combustion emissions) were calculated under two scenarios:

- PTE basis; and
- Anticipated actual emissions based on a capacity factor of 80% with 100% fossil natural gas.⁶

The GHG emissions are provided for the anticipated first year of Project operations (2028). New York State Department of Environmental Conservation ("DEC") has published emission factors for upstream and downstream scenarios.⁷ This analysis utilized the downstream emission factors from *DEC 2024 NYS Statewide GHG Emissions Report*. Using these data, the total GHG (CO₂e) downstream emission factor is 6,386 g/mmBtu.

The upstream calculations in this analysis use alternative emission factors that are based on more recent data than those published by the DEC and are more specific to the Project. Because these factors account for emissions associated with the gas entering the Transco pipeline rather than emissions associated with imported gas representative of the New York statewide average, these segment-specific factors are more relevant and appropriate than the Emission Rates for Upstream

³ The downstream statewide GHG emission estimates included in this analysis overestimates the amount of statewide GHG emissions associated with the Project because it assumes that all gas transported by the pipeline will be burned in New York State. Because some of the natural gas transported through the pipeline will be supplied to end-users in other states, the emissions associated with the use of that gas will not occur in New York.

⁴ Reference to page 9-7 of the Constitution Pipeline Environmental Report Resource Report 9 Air and Noise Quality, where the GHG emissions for the emergency generators are predicted to be 14.89 US tons per year of CO₂e. This is equivalent to 0.54 metric tons CH₄ per year.

⁵ The emission factor used for fugitive methane is from Table W-5 to Subpart W of Part 98 – eCFR. Onshore natural gas transmission pipeline, Protected Steel = 0.041 scf methane/hour/mile.

⁶ Williams' system planning and engineers anticipated that 80% capacity factor is a conservative estimate of the Project capacity factor.

⁷ New York Department of Environmental Conservation (DEC), 2024 NYS Statewide GHG Emissions Report Appendix: Emission Factors for Use by State Agencies and Applicants.

Out-of-State Sources included in *DEC 2024 NYS Statewide GHG Emissions Report*. The upstream emission factors are based on the latest analysis and data from the National Energy Technology Laboratory ("NETL") in 2025 and are specific to natural gas from the Appalachian Basin coming into New York State.⁸ Using this approach, the total GHG (CO₂e) upstream emission factor is 9,435 g/mmBtu.

Combustion emission factors were based on EPA emission factors for stationary combustion.⁹ The emission factors used in the GHG emission calculations are presented in the Appendix. Emission calculations are based on the GWP20 factors in 6 NYCRR Part 496.5.

Potential-to-Emit

Tables 3 through 5 illustrate the Project's annual PTE for upstream, downstream, and end-use combustion emissions. Estimates are presented in metric tons per year.

Table 3				
Indirect Upstream Potential-to-Emit (CO ₂ e using 20-Year Global Warming Potentials)				
	CO₂	CH₄	N₂O	GHG (CO₂e)
metric tons / year	716,732	18,102	5	2,238,541

Table 4				
Indirect Downstream Potential-to-Emit (CO ₂ e using 20-Year Global Warming Potentials)				
	CO₂	CH₄	N₂O	GHG (CO₂e)
metric tons / year	527	18,031	-	1,515,131

Table 5				
Indirect End-use Combustion Potential-to-Emit (CO ₂ e using 20-Year Global Warming Potentials)				
	CO₂	CH₄	N₂O	GHG (CO₂e)
metric tons / year	12,588,485	237	24	12,614,650

Anticipated Actual Emissions

Tables 6 through 8 illustrate the Project's Anticipated Actual: indirect upstream, downstream, and end-use combustion emissions in the first year of operation (2028), assuming an anticipated 80% utilization (capacity factor).¹⁰

⁸ National Energy Technology Laboratory, Life Cycle Analysis of Natural Gas Extraction and Power Generation: U.S. 2020 Emissions Profile, Appendix F: Full Inventory Results - Production through Transmission Network Boundary - using Northeast Transmission, January 2025

⁹ EPA emissions factors for GHG inventories, 2024

¹⁰ See footnote 4 above.

Table 6				
Upstream Anticipated Actual Emissions (CO ₂ e using 20-Year Global Warming Potentials)				
	CO₂	CH₄	N₂O	GHG (CO₂e)
metric tons / year	573,386	14,482	3.8	1,790,877

Table 7				
Downstream Anticipated Actual Emissions (CO ₂ e using 20-Year Global Warming Potentials)				
	CO₂	CH₄	N₂O	GHG (CO₂e)
metric tons / year	421	14,425	-	1,212,121

Table 8				
End-use Combustion Anticipated Actual Emissions (CO ₂ e using 20-Year Global Warming Potentials)				
	CO₂	CH₄	N₂O	GHG (CO₂e)
metric tons / year	10,070,788	190	19.0	10,091,764

Total Lifecycle Emissions (2028, 2030, 2050)

Table 9 illustrates the total lifecycle emissions for PTE, and 2028 as Anticipated Actual emissions. It also includes the Project's forecasted emissions for the years 2030 and 2050 based on the scenario forecast described below.

To forecast the 2030 and 2050 Project emissions, this analysis used a scenario for New York State gas sector demand from the New York State Climate Action Council's ("CAC") Scoping Plan's Integration Analysis Technical Supplement,¹¹ which provides total gas throughput and fuel mix (comprised of fossil natural gas, renewable natural gas, and hydrogen) for each of several scenarios. Of the three scenarios identified in the Integration Analysis Technical Supplement as CLCPA-compliant, this report used Scenario 3 (Accelerated Transition Away from Combustion) as the basis for the forecast.¹² All of the CLCPA-compliant scenarios project a decline in total gas throughput and increasing amounts of renewable natural gas ("RNG") and clean hydrogen. Two sets of calculations were applied to the projection of Project emissions for 2030 and 2050. First, the reduction of total gas throughput for those years was applied to the estimated actual throughput. Second, the fuel mix, identified by the share of each of the three gases, was applied

¹¹ New York State Climate Action Council Scoping Plan: Integration Analysis Technical Supplement, Section I, Annex 2: Key Drivers and Inputs Revised (December 2022).

¹² Scenario 3 (Accelerated Transition Away from Combustion) was selected as the CLCPA-compliant scenario with the greatest amount of fossil natural gas across the forecast and shows the highest level of emissions for the gas sector that is CLCPA-compliant. Using Scenario 2 or 4 would result in slightly lower emissions in both 2030 and 2050. The Scoping Plan examines a Reference Case and four numbered scenarios: (1) Advisory Panel Recommendations, (2) Strategic Use of Low-Carbon Fuels, (3) Accelerated Transition Away from Combustion, (4) Beyond 85% Reduction. Scenarios 2-4 are identified as Mitigation Scenarios that are compliant with CLCPA goals.

to the total throughput for the year. Emissions were calculated using emission factors for the specific fuels.¹³

Table 9				
Total Lifecycle Emissions* (CO ₂ e using 20-Year Global Warming Potentials)				
metric tons / year	CO₂	CH₄	N₂O	GHG (CO₂e)
2028 (Potential to Emit)	13,305,744	36,370	28.4	16,368,322
2028 (Anticipated Actual)	10,644,595	29,097	22.8	13,094,763
2030	9,434,892	25,329	20.1	11,567,834
2050	184,232	267.0	0.3	206,739

*Total lifecycle emissions include: Indirect Upstream, Downstream, and End-use Combustion emissions.

Table 10 illustrates the throughput reductions, and the fuel mix used in the Integration Analysis Technical Supplement for the 2030 and 2050 total lifecycle emission forecasts.

Table 10		
Forecast Assumptions for 2030 and 2050		
Based on NYS CAC Scoping Plan, Scenario 3 ¹⁴		
	2030	2050
Total Throughput (reduction from 2028)	-11%	-92%
Estimated Project Throughput* (TBtu/year)	169	15
Fuel Mix (Share of Total Throughput):		
Fossil Natural Gas	96%	0%
Renewable Natural Gas	4%	24%
Clean Hydrogen	0.5%	76%

*Reduction amount applied to Anticipated Actual Throughput based on an 80% utilization in Trillion Btu/year (TBtu/yr).

¹³ New York State Climate Action Council Scoping Plan: [Integration Analysis Technical Supplement, Section I, Annex 1: Inputs and Assumptions](#) (December 2022). Upstream emission factors for RNG are zero and combustion emissions are the same as for fossil natural gas. Hydrogen is identified as having no GHG emissions. The NYS 2024 Statewide GHG Emissions Report, assigns the same downstream emission rate to both fossil natural gas and renewable natural gas. This report follows the example of the DEC and applies the same emission factors for downstream and end-use combustion to both fossil natural gas and renewable natural gas.

¹⁴ [Integration Analysis Technical Supplement, Section I, Annex 2: Key Drivers and Inputs Revised](#) (December 2022).

Appendix: Emissions Calculations

Emission Factors

This section outlines the emission factors applied in the calculation of greenhouse gas ("GHG") emissions associated with the Project. Table A.1 presents the 20-year Global Warming Potentials ("GWP") used in the analysis, based on the Intergovernmental Panel on Climate Change ("IPCC") Fifth Assessment Report ("AR5"), which aligns with 6 NYCRR Part 496.5.¹⁵ Tables A.2 to A.4 detail the natural gas upstream, downstream and combustion emission factors respectively.

Table A.1	
20-year Global Warming Potentials	
CO ₂	1
CH ₄	84
N ₂ O	264

Table A.2	
Upstream Operational Emission Factors¹⁶	
(g/mmBtu)	
CO ₂	3,021
CH ₄	76.3
N ₂ O	0.02
CO ₂ e	9,435

Table A.3	
Downstream Emission Factors¹⁷	
(g/mmBtu)	
CO ₂	2.22
CH ₄	76
N ₂ O	-
CO ₂ e	6,386

¹⁵ [6 NYCRR Part 496 Adopted 2020](#)

¹⁶ National Energy Technology Laboratory, [Life Cycle Analysis of Natural Gas Extraction and Power Generation: U.S. 2020 Emissions Profile](#), Appendix F: Full Inventory Results - Production through Transmission Network Boundary - using Northeast Transmission, January 2025

¹⁷ [2024 NYS Statewide GHG Emissions Report Appendix](#)

Table A.4	
Combustion Emission Factors¹⁸	
	(g / mmBtu)
CO ₂	53,060
CH ₄	1
N ₂ O	0.10
CO ₂ e	53,170

Sample Calculations

Table A.5 presents sample calculations for the Anticipated Actual upstream GHG emissions for 2028, building on the GWP_s and the emission factors presented in Tables A.1 and A.2 respectively.

Table A.5				
Sample Calculation for Emissions as Total GHG (CO₂e equivalent) for 2028 Anticipated Actual Upstream Emissions				
	Description	Value	Units	Calculations
(a)	Daily Capacity of Facility	650,000	mmBtu/day	
(b)	Annual Capacity of Facility	237,250,000	mmBtu/year	= (a) * 365
(c)	Estimated Utilization	80%	capacity factor	
(d)	Anticipated Actual Throughput (2028)	189,800,000	mmBtu/year	= (b) * (c)
(e)	Upstream emissions factor for CO ₂	3,021	g/mmBtu	
(f)	Upstream Emissions of CO ₂	573,386	metric tons/year	= (d) * [(e) / 10 ⁶]
(g)	20-year Global Warming Potential of CO ₂	1		
(h)	Total CO₂ GHG (CO₂e equivalent)	573,386	metric tons/year	= (f) * (g)
(i)	Upstream emissions factor for CH ₄	76.3	g/mmBtu	
(j)	Upstream Emissions of CH ₄	14,482	metric tons/year	= (d) * [(i) / 10 ⁶]
(k)	20-year Global Warming Potential of CH ₄	84		
(l)	Total CH₄ GHG (CO₂e equivalent)	1,216,488	metric tons/year	= (j) * (k)
(m)	Upstream emissions factor for N ₂ O	0.02	g/mmBtu	
(p)	Upstream Emissions of N ₂ O	3.8	metric tons/year	= (d) * [(m) / 10 ⁶]
(q)	20-year Global Warming Potential of N ₂ O	264		
(r)	Total N₂O GHG (CO₂e equivalent)	1,003	metric tons/year	= (p) * (q)
(s)	Total Upstream GHG (CO₂e equivalent)	1,790,877	metric tons/year	= (h) + (l) + (r)

¹⁸ EPA Emission factors for GHG inventories, updated January 15, 2025.



Attachment 2

Constitution Pipeline Community Outreach and Stakeholder Engagement Summary

Constitution Pipeline Community Outreach and Stakeholder Engagement Summary

The following provides an overview of outreach and stakeholder engagement conducted by Constitution Pipeline Company.

- At the initiation of the project, fact sheets, maps and other collateral materials were created for use in public meetings.
- A comprehensive project website was created, which included a project summary, schedule information, fact sheets and maps and points of contact for questions and comments.
- The company commissioned an Economic Impact Study for the project which identified the significant economic benefits, including benefits to local communities, schools and the workforce.
- Formal Land Agent training was provided, with Williams Land Department leadership, and Land Agent teams. Ongoing informal coaching was then held throughout the permitting process.
- The Outreach team also provided a public meeting entitled “What to Know When a Land Agent Knocks on Your Door.”
- In 2012, at the kick-off of the Federal Energy Regulatory Commission (FERC) pre-file process, 11 open Houses were held across the project area. These events were advertised in local newspapers and letter notifications were mailed to landowners and stakeholders, which included federal, state and local elected officials.
- Over 2,000 individual conversations were held during the FERC and state permitting process.
- FERC held 5 project scoping meetings (one per county) to solicit landowner, community member and stakeholder feedback.
- Letters of support were obtained from every major business organization in NY State and several environmental groups – examples include 6 statewide business groups and local chambers, such as the Otsego County Chamber, which filed official comments with FERC.
- An in-depth Environmental Stewardship Program was executed. The program was promoted in every county, with several mitigation plans submitted by environmental groups.
- Community outreach was ongoing throughout the FERC pre-file and application process. Company representatives also engaged stakeholders to provide information regarding the state permit applications.

- A Constitution Pipeline community newsletter was provided periodically to landowners and stakeholders to provide project updates, milestone achievements and other noteworthy information about the project and pipeline construction and operation.
- With the issuance of the draft Environmental Impact Statement, FERC held hearings in counties in the project area. Supporters, energy advocates, concerned residents and non-governmental organizations attended. Thousands of comments, including many supportive comments, were generated and filed with FERC.
- Williams orchestrated media advertising campaigns and digital media ads to further inform residents of the project. Online and print advertising examples included topics such as safety, economic benefits, and thanking people for input. Online banner ads ran on the Joint Landowner Coalition of NY's web site reaching 70,000 landowners.
- During the FERC and state permitting processes, Williams executed a significant community grant program, providing four grant rounds, with \$1.3 million granted in total to organizations, many which included first responders.
- The company also held First Responder training events, which informed responders of the protocols for responding to pipeline incidents. While incidents are very rare, the training events served as a method to ensure appropriate awareness of response protocols.
- Following the issuance of the FERC Certificate of Public Convenience and Necessity in December 2014, company staff began enhanced efforts to ensure landowners, stakeholders and residents were aware of the project's schedule and remaining permit schedule. This outreach included a significant level of engagement, aimed at ensuring stakeholder awareness of the pending NY State DEC permit applications.
- Supporters of the project submitted Letters to the Editor and Op-Eds, which were placed in local newspapers, including the Times Union, Schenectady Gazette, Oneonta Daily Star, and Cobleskill Times Journal.
- Residents initiated a campaign to send supportive comments to then New York Governor Andrew Cuomo. Thousands of postcards were sent to the Governor urging swift and thorough state permitting.
- The company commissioned project polling to gauge public perception of project. The results showed 50% support, 25% opposed, and 25% undecided.
- Near the final stages of the state permitting process, the company increased engagement efforts with local stakeholders, including several in person meetings with local elected officials, landowners and stakeholder organizations. The effort was aimed at ensuring awareness across the project area of the pending permits.

- In early 2016, the company, along with hundreds of project supporters – including elected officials, landowners and union representatives – held two pipeline rally events. The events attracted local and regional media and led to a surge in awareness of and support for the project.
- Company officials also held media interviews, including interviews with regional and national media, to further inform the public of the Constitution project.

In summary – the company executed a very robust stakeholder and community engagement effort, communicating project information to thousands of stakeholders across the project area. The effort included ensuring broad awareness of the state permit requirements and schedule.

In the renewed project, the company will leverage past stakeholder relationships, update stakeholder lists and will continue to develop and execute outreach as needed regarding the project scope and new schedule.



Attachment 3

NYSDEC Supplement FW-1 Containing

Applicable Insurance Information



**Department of
Environmental
Conservation**

**SUPPLEMENTAL APPLICATION FOR PERMIT
FOR ECL ARTICLE 24, FRESHWATER WETLANDS**

Supplement FW-1

DEC ID (if known): _____

Applicant Information:

Name of Applicant (from Joint Application Form): Constitution Pipeline Company, LLC

Email: [REDACTED]

Mailing Address: Street: 99 Farber Road City: State: NJ Zip: 08540

Project Location (from Joint Application Form): Broome County, Chenango County, Delaware County, Schoharie County, Albany County

Town (where property taxes paid): Not Applicable County: _____

Street Address: City: State: NY Zip: _____

Pursuant to Article 24 of the New York State Environmental Conservation Law (§ 24-0703), for any person proposing to conduct or cause to be conducted a regulated activity involving the use of a pipeline upon any freshwater wetland, such application shall also include the name of the insurance company covering such proposed activity, the amount of coverage, and what is covered under the plan. When applicable, this form may be completed and used to provide the required information.

1. Name of Insurance Company:
Associated Electric & Gas Insurance Services

2. Amount of insurance coverage provided for the proposed activity:
\$35,000,000 each occurrence/ \$70,000,000 aggregate

3. Identify what is covered under the insurance plan/policy (attach additional sheets as necessary):
General Liability, Sudden & Accidental Pollution Liability, Time-Element Pollution Liability

Certification:

In addition to the Joint Application Form provided with this supplement, I hereby submit this form and any attachments indicated to request an Article 24, Freshwater Wetland permit from DEC. I hereby certify that all information contained herein is true, accurate, and complete to the best of my knowledge and belief.

Applicant Signature

Date



Attachment 4

Rare, Threatened and Endangered Species Survey Reports

- Northern long-eared bat
- Bald eagle
- Freshwater mussels

