

Honorable Jason Leifer  
Town of Dryden Supervisor  
93 East Main Street  
Dryden, NY 13053

Dear Supervisor Leifer:

I write very respectfully to request that you take urgent action to suspend or withdraw all Town of Dryden approvals required for expanding the Dominion Borger Compressor Station, located at 219 Ellis Hollow Creek Road, as part of the proposed New Market Pipeline Project. For reasons that I will document herein, I believe this matter warrants your immediate attention.

On 1/24/17, Dominion requested that the Federal Energy Regulatory Commission (FERC) grant wetland and waterbody protection variances for the Borger facility in your town. Those variances could be approved at any time despite intense public opposition to Dominion's request.

Thank you for suggesting that I meet with your Director of Planning, Ray Burger, about this matter. He and I spoke last Thursday afternoon along with the Deputy Chair of the Town of Dryden Planning Committee, Dr. Martin Hatch.

### **FERC Protest and Request for Issuance of Further Order on Complaint**

I am pleased to provide for your review a formal complaint that was discussed in detail at the meeting. This was submitted to FERC on 2/15/17 by three Dominion New Market intervenors.

See: [Dominion New Market Pipeline: FERC Protest and Request for Issuance of Further Order on Complaint](#)

The complaint requests that FERC withhold granting any wetland and waterbody protection variances requested by Dominion for the Borger facility as well as other compressor station sites associated with the proposed New Market Project. The complaint also requests that a factually incorrect Dominion New Market Stormwater Pollution Prevention Plan be revoked by FERC or DEC and done over to resolve all its shortcomings.

The SPPP clearly failed to identify well-documented wetlands, waterways and buffer zones within the original as well as the revised Limits of Disturbance for the Borger Station expansion.

The complaint also documents that the Borger Compressor Facility has historic toxic contamination problems that were never cleaned up to applicable state standards. This has been confirmed in writing by the Department of Environmental Conservation (DEC) spill investigator in charge of the matter.

See: [Inadequate Investigation and Clean up Documentation Borger Compressor Station CNG Spill # 9806491](#)

Toxic pollution was removed from an area adjoining a protected wetland that drains into Cascadilla Creek, a major tributary to Cayuga Lake. But the protected wetland itself was neither remediated nor restored despite a documented contamination threat.

The complaint reveals that this decision violates the "compensatory mitigation" policy required to assure that FERC-approved transmission pipelines do not cause lasting water quality harm.

The complaint also presents the argument that the proposed Dominion New Market Project should never have received a "blanket authorization" Section 401 Water Quality Certification required for its construction. DEC cannot possibly certify that the proposed project will not cause water quality violations since the existing Dominion Pipeline has already caused extensive water quality hazards that were never cleaned up to state standards.

### **Pollution Threat to Cayuga Lake**

It is imperative for the Town of Dryden to require the comprehensive remediation of the Borger Compressor Station site so that it cannot pollute Cayuga Lake. Our local historic lake is already listed on the national 303(d) registry of impaired waterbodies and is the subject of a long-delayed watershed clean up plan that is now being developed. That Total Maximum Daily Load (TMDL) will help protect the drinking water supplied to more than 30,000 local residents.

### **Borger Compressor Station Zoning Variance and Comprehensive Land-Use Plan**

Finally, Dr. Hatch mentioned that the Borger facility was granted a special use zoning variance given that it is located in a rural area and does not comply with the Town of Dryden's comprehensive land-use plan. If true, I urge you to reconsider granting any zoning variance for expanding the Borger Compressor Station.

It is bad enough that this large industrial facility is located in an extraordinarily fragile natural area with wetlands and waterways on three sides. It makes no sense whatsoever to grant local approval for expanding the facility despite the pollution hazards that it has already caused as well as on-going contamination releases associated with its operation.

### **Conclusion**

FERC's conditional approval for the proposed Dominion New Market Pipeline Project relies on state and local enforcement efforts. Given the shortcomings I have documented herein, I believe The Town of Dryden has a responsibility to resolve these concerns without delay.

The Town of Dryden gained worldwide renown for playing a key role in prohibiting high-volume hydraulic fracturing of Marcellus Shale in New York. This was achieved through environmental policy leadership as well as a landmark litigation success regarding home rule.

The requests I have submitted for your consideration are entirely consistent with your town's critical efforts to safeguard New York from fracked gas hazards. In the spirit of exercising home rule, I urge Dryden to take action to suspend or withdraw all approvals for the Dominion New Market Pipeline Project until the concerns I have documented are resolved on a comprehensive basis.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions that I might be able to answer. I would be pleased to make a presentation if you think that might be helpful.

Very best regards,

Walter Hang

cc: Honorable Kimberly D. Bose  
Honorable Barbara S. Lifton  
Honorable Andrew M. Cuomo  
Honorable Basil Seggos  
Honorable Howard Zucker  
Honorable Walter Mugdan