



**Phillips Lytle** LLP

Via E-Mail and Hand Delivery

September 30, 2016  
**REVISED October 7, 2016**

Town of Pendleton Planning Board  
c/o Joseph McCaffrey  
Planning Board Chairman  
Pendleton Town Hall  
6470 Campbell Blvd.  
Pendleton, NY 14094

Re: **Supplemental Information - - Response to Comments from Public Hearing on September 20, 2016**

Dear Chairman McCaffrey and Members of the Town of Pendleton Planning Board:

As you know, we represent Empire Pipeline, Inc. ("**Empire**"), with respect to the proposed construction and operation of a 22,214 horsepower compressor station and related equipment ("**Facility**" or "**Project**") on a portion of a twenty (20) acre parcel located at 4281 Killian Road ("**Site**") in the light industrial district of the Town of Pendleton ("**Town**"). On September 20, 2016, I, along with representatives from Empire, appeared before the Town of Pendleton Planning Board ("**Planning Board**") at a scheduled public hearing on Empire's final site plan application ("**Application**"), which has been pending before the Planning Board since January 4, 2016.

At the public hearing, Chairman McCaffery instructed that those persons interested in asking questions or commenting on the proposed site plan for the Facility do so on the record, so that Empire could provide written responses to each question or comment and submit the same to the Planning Board for review. A copy of the transcript from the public hearing is enclosed.

As requested by the Planning Board, Empire has prepared responses to the comments/questions received at the public hearing. Many of the comments and questions have already been raised and resolved in either the Federal Energy Regulatory Commission ("**FERC**") process for Northern Access 2016 or the Planning Board's in-depth site plan review process. Accordingly, attached please find a chart entitled *Empire Pipeline, Inc. Response to Comments from the Town of Pendleton Public*

ATTORNEYS AT LAW

ADAM S. WALTERS, PARTNER DIRECT 716 847 7023 AWALTERS@PHILLIPSLYTLLE.COM

ONE CANALSIDE 125 MAIN STREET BUFFALO, NY 14203-2887 PHONE 716 847 8400 FAX 716 852 6100

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTLLE.COM



Town of Pendleton Planning Board  
Page 2

REVISED October 7, 2016

*Hearing, September 20, 2016 as Attachment A.*<sup>1</sup> These responses, originally submitted to the Planning Board on September 30, 2016, have been revised to incorporate additional information based on feedback received from the Planning Board at its October 6, 2016 work session. We trust the information included in *Attachment A* adequately addresses the comments/questions from the public hearing.

While the Planning Board formally closed the public comment period for the public hearing, the Board left the hearing open to give Empire this opportunity to respond. With this submittal, Empire respectfully requests that the Planning Board formally close the public hearing at its next regularly scheduled meeting on October 18, 2016, and issue final site plan approval for the Project.

In the meantime, if you have any questions with the information contained herein, please do not hesitate to contact the undersigned.

Respectfully submitted,

Phillips Lytle LLP

By 

Adam S. Walters

Enclosure

Doc #01-2984939.1

cc: Dave Britton, Town Engineer

---

<sup>1</sup> As discussed on numerous occasions with the Planning Board, the FERC has exclusive jurisdiction over the siting, construction and/or operation of facilities associated with interstate natural pipelines including the Facility. In submitting these responses, Empire in no way concedes any authority over the siting of the Facility to the Town, and this submission is made without any admission of fact or concession of law on Empire's part, and with full reservation of all of Empire's rights.

# **EXHIBIT A**

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
<p><b>A.</b> 19</p>	<p><b>Barb Ciepiela</b> Emissions levels at sub-zero temperatures</p>	<p>“compressor stations emit a lot more benzene, methane, other chemicals when the temperature falls below zero...”</p>	<p>As stated in Empire’s January 11, 2016 response to stakeholder comments, filed in the FERC eLibrary under Docket Nos. CP15-115-000 and CP15-115-001, the proposed Pendleton Compressor Station Solar Taurus 70 turbines are subject to the emissions standards of 40 CFR 60, Subpart KKKK, and therefore must meet the 150 ppm NOx emissions limit for turbines “operating at temperatures less than 0°F”. The Solar Turbines base NOx emissions warrantee of 120 ppm for turbines operating at temperatures less than 0°F adequately achieves this standard. In addition, Empire has committed to utilizing Solar Turbine’s Cold Ambient Fuel Logic Control technology to further reduce NOx emissions during these conditions to 42 ppm, well below the required Subpart KKKK limit.</p> <p>Empire, as part of the Federal Energy Regulatory Commission (FERC) approval process, and New York State Department of Environmental Conservation (NYSDEC) air facility registration statement process, has also demonstrated compliance with the 1-hr NO2 National Ambient Air Quality Standard (NAAQS) at and beyond the facility fence-line. Compliance with the NAAQS was demonstrated through air dispersion modeling using an Environmental Protection Agency (EPA) developed program and implemented in accordance with EPA and NYSDEC guidelines.</p>
<p>19</p>	<p>Heavy rainfall</p>	<p>“one day we had over seven inches of rain. That whole area on Killian Road was flooded for several days. How is the compressor station designed to protect itself against that amount of water?”</p>	<p>As stated in Empire’s November 20, 2015 response to stakeholder comments, filed in the FERC eLibrary under Docket Nos. CP15-115-000 and CP15-115-001, the developed portion of the Killian Road site will not contain any wetlands and is not in the floodplain. However, Empire has developed a stormwater and pollution prevention plan which has already been reviewed and accepted by the Town Engineer and, which incorporates stormwater control features, such as settling basin(s) and filter fencing, to control site runoff during and after construction. In addition, it is noted that the culvert along Killian Road at the front of the property is in a floodplain. In conjunction with a floodplain permit for the new access road from Killian Road, Empire completed a Hydrologic and Hydraulic Report, dated December 2015, which was reviewed by the Town Engineer and were found acceptable.</p>
<p>19</p>	<p>Stray bullet striking facility</p>	<p>“What happens if . . . hunters accidentally cause . . . damage to the compressor station?”</p>	<p>As stated in Empire’s November 20, 2015 response to stakeholder comments, filed in the FERC eLibrary under Docket Nos. CP15-115-000 and CP15-115-001, and FERC’s Environmental Assessment (EA) for the Project (see page 138), the chance of a stray bullet damaging any component of the compressor station is minimal, if any. The</p>

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

Page	Subject	Comment	Empire Response
			<p>shooting range's closest distance to the proposed compressor station is approximately 2,400 feet, of which approximately 1,700 feet is a densely wooded area.</p>
	<p>Stray bullet striking facility  (Continued)</p>		<p>Furthermore, with respect to the more general concerning of hunting near the compressor station, the construction design of the proposed compressor station places the piping and cables underground, with the major components enclosed in buildings. A stray bullet would be highly unlikely to penetrate the ground or a building to the point where it could cause any significant damage to components of the Facility.</p>
19	<p>Gas venting frequency, Vibration, Emergency response</p>	<p>"The compressor station goes into their blow down uncontrollably . . . after hours it's unmanned. Our response team in Pendleton . . . cannot respond. The ground starts vibrating. It's less than a half mile away from the Frontier Chemical Superfund site. All those hazardous wastes start moving possibly causing explosions. Is this a safe place to put the compressor station?"</p>	<p>As stated in Empire's September 18, 2015 response to stakeholder comments, filed in the FERC eLibrary under Docket Nos. CP15-115-000 and CP15-115-001, compressor station designs have evolved in recent years due to significant technological advances. As such, compressor station videos posted on YouTube and other internet sites are not an accurate depiction of Empire's facilities. The proposed station will in no way resemble any of the compressor stations depicted in these videos or in recent op-ed pieces.</p> <p>In fact, the proposed compressor station will incorporate state of the art design and sound absorbing / noise suppression technology, which will treat and significantly reduce noise impacts. National Fuel's latest compressor station design includes fully enclosing each compressor unit within a highly sound insulated building. These buildings isolate mechanical noise and offer the highest degree of operational safety. National Fuel also works with noise reduction experts that identify and "dampen" each possible source of noise from the compressor station operation.</p> <p>All venting of natural gas at this facility will be silenced, to the same standards as station operation, whether the occurrence is part of normal compressor unit operation, or is necessary for immediate shut-down of the station. Neither of these venting operations would last for more than 10 minutes.</p> <p>With respect to vibration, as stated in FERC's EA for the Project (see page 118), FERC regulations, with which Empire must comply, require that there be no perceptible increase in vibration after compressor unit additions. As also stated in the EA (see page 127), based on the acoustical analyses prepared for the proposed facilities, Empire does not anticipate that any of the facilities would result in a</p>

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
			<p>perceptible increase in vibration at nearby noise sensitive areas ("NSAs"). If the new facility equipment results in perceptible vibration, however, FERC would require Empire to investigate the cause and would require mitigation to reduce the vibration.</p>
	<p>Gas venting frequency, Vibration, Emergency response  (Continued)</p>		<p>Further, with respect to emergency response, as stated in Empire's July 14, 2015 response to stakeholder comments, filed in the FERC eLibrary under Docket No. CP15-115-000, and as discussed with the Planning Board, after the compressor station construction is completed, National Fuel's Operations Department will conduct Emergency Management Agency (EMA) meeting(s) with local emergency responders to review the emergency expectations of both parties and will conduct similar meetings at least once a year thereafter. National Fuel's Operations Department has a standard EMA Agenda that it discusses at all of these meetings including: National Fuel's off-hour response coverage, National Fuel's contact info for emergency responders; emergency response training for first responders, a safe perimeter table top emergency simulation, facility tours and a review of National Fuel's spill prevention control and countermeasure plan. Additionally National Fuel's Operations Department management is required to complete FEMA Incident Command Center training. Compressor station management is also required to and will conduct at least one field and one tabletop emergency simulation annually.</p>
20	<p>Impacts to livestock and other farm animals</p>	<p>"How is it going to affect the cows and their milk production? How is it going to affect the chickens that we eat? How is it going to protect the eggs I buy on the street which are considered organic?"</p>	<p>In connection with the Project, FERC prepared an EA in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA (Title 40 of the Code of Federal Regulations, Parts 1500-1508 [40 CFR 1500-1508]), and the FERC's implementing regulations under Chapter 1 of 18 CFR 380. One of FERC's principal purposes in preparing the EA (see EA, page 1) was to identify and assess potential impacts on the natural and human environment that would result from implementation of the proposed action (i.e. the Project). As part of its EA for the Project, FERC took into consideration impacts to wildlife, as well to agricultural lands. As stated by FERC (see EA, page 68), "construction and operation of the Project would not have a measureable impact on local wildlife populations or habitat."</p> <p>The above conclusion is consistent with FERC staff's overall recommendation concerning that the Commission's order for the Project contain a finding of "no significant impact."</p>



**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

Page	Subject	Comment	Empire Response
<b>B.</b> 22	<b>Gary Gilman</b> Stray bullet striking facility	"We hunt everywhere, there's hunting, and they're going to have it dark? And even dark, he showed that one picture that is all black and things like that."	See Response to Comment of Barb Ciepuela (page 1-2) above.
23	Gas venting and "related" emissions	"...this is gonna be unoccupied. That's great because when the blow down comes and all the emissions come out, there's not a National Fuel Empire person there."	<p>As stated in Empire's November 20, 2015 response to stakeholder comments, filed in the FERC e-Library under Docket Nos. CP15-115-000 and CP15-115-001, Empire intends to install a vent gas recovery system at the proposed Pendleton Compressor Station. The system is designed to reduce the amount of natural gas vented to the atmosphere during routine non-emergency operational gas venting by feeding and or compressing normally vented gas into the station fuel gas system for general plant use. In the limited scenarios where gas is vented due to a unit or facility emergency shutdown, such gas will be vented directly to the atmosphere through a vent gas silencer.</p> <p>In addition, as stated in Empire's October 20, 2015 response to stakeholder comments, filed in the FERC e-Library under Docket Nos. CP15-115-000 and CP15-115-001, the proposed facility has been designed to reduce potential emissions to levels significantly below the applicable federal new source performance standards, including the use of SoLoNOx turbines, which will utilize dry lean-premixed combustion technology to provide clean combustion, and oxidation catalysts. Additionally, Empire will implement a leak detection and repair program to minimize "fugitive emissions."</p> <p>As a result of the state of the art technology that will be employed by Empire at the Pendleton Compressor Station, the facility qualifies for a New York State air facility registration statement, the lowest level of air "permit" specified within the NYSDEC regulations.</p> <p>Additionally, as stated in the FERC EA (see page 116), as part of the air permitting process for the Pendleton Compressor Station, Empire performed an air dispersion</p>

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
			<p>modeling analysis using the latest version of the EPA's AERMOD or AERSCREEN atmospheric dispersion model to evaluate compliance with the NAAQS. As shown in the EA, the modeled concentrations meet the NAAQS for all pollutants when combined with existing ambient background concentrations. These results demonstrate that the operation of the Pendleton Compressor Station, when added to existing ambient air quality concentrations, would not result in a violation of any of the NAAQS.</p>
	<p>Gas venting and "related" emissions  (Continued)</p>		<p>Furthermore, the NYSDEC requested formaldehyde modeling for the proposed Pendleton Compressor Station to evaluate compliance with short-term and annual formaldehyde guidance concentrations, which are part of the NYSDEC's air toxics control program. Again, as shown in the EA, the modeled concentrations are below short-term and annual formaldehyde guidance concentrations. Thus, FERC staff concluded (see EA, page 116) that the operation of the Pendleton Compressor Station would not result in adverse effects from toxic air contaminants.</p> <p>Overall, FERC staff found (see EA, pages 117-118), that "through a review of the estimated emissions from construction and operation and an analysis of the modeled air quality impacts from operation of the . . . Pendleton Compressor Station [ ], the Project would not result in regionally significant impacts on air quality. The Project would result in continued compliance with the NAAQS, which are protective of human health, including children, the elderly, and other sensitive populations. The project operational emissions would also be below New York State air toxic concentrations."</p>
23	Vent gas recycling	<p>"But they're not gonna do any recycling. They don't have to do a blow down and put it out into the air, they have a choice....stead of blowing it out of the pipe, just recycle it so there is no blow down anymore..."</p>	<p>See Response to Comment of Gary Gilman (page 4-5) above.</p>
24	Potential health impacts	<p>"We got the health department involved and they wanted a moratorium on compressor stations along with the AMA. They asked for that. And FERC has denied that</p>	<p>In connection with the Project, FERC prepared an EA in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA (Title 40 of the Code of Federal Regulations, Parts 1500-1508 [40 CFR 1500-1508]), and the FERC's implementing regulations under Chapter 1 of 18 CFR 380. One of FERC's principal</p>



**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
		because FERC says they don't do health impact studies."	purposes in preparing the EA (see EA, page 1) was to identify and assess potential impacts on the natural and human environment that would result from implementation of the proposed action (i.e. the Project).
	Potential health impacts (Continued)		After its detailed and thorough review of the project, which spanned over two years, FERC staff concluded "that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment." See EA, at page 177.
			See also Response to Comment of Gary Gilman (page 5) above.
<b>C.</b>	<b>Kimberly Lemieux</b>		
24	Site landscaping	"...you say that you're going to plant a couple hundred trees. Well, certainly I hope that those are Evergreens and they're taller than I am because in the Town of Wales you don't have those."	See Appendix 1, which is a copy of Empire's Landscaping plan for the Pendleton Compressor Station site, which was submitted to the Planning Board as Exhibit B to Empire's January 4, 2016, Final Site Plan Application for the facility.
25	Site landscaping	"I see that you have some very nice grasses in your pictures, are those grasses absolutely going to be in that site plan?...To what number?"	See Appendix 1, which is a copy of Empire's Landscaping plan for the Pendleton Compressor Station site, which was submitted to the Planning Board as Exhibit B to Empire's January 4, 2016, Final Site Plan Application for the facility.
26	Site landscaping	"I would like to know if the trees will be replaced in perpetuity ..."	Empire will monitor the success of the Pendleton Compressor Station landscaping plan for a period of 3 years and replace trees, as necessary, in order to provide substantially the same landscaping as depicted in Empire's Landscaping plan for the Pendleton Compressor Station site (see Appendix I)
26	Health impacts	"One thing that I don't think is really being brought up is the vibroacoustic disorder that is associated with compressor stations. For those of you who don't know, it's a low acoustic vibration I suppose that really affects the body. It actually causes psychosis, you can find lots of studies associated with it, and I'll leave it at that. Something that some people	See Response to Comment of Gary Gilman (page 5-6) above.

**ATTACHMENT "A"**

**EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016**

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
26-27	Stray bullet striking facility	“So certainly when it is in that dark lumination, I would like to know how they are going to protect that kind of club and the exposed aboveground pipes. Those are not going to be bulletproof from my expectation and from my reading.”	See Response to Comment of Barb Ciepiela (page 1-2) above.
27	Use of Bull Creek for hydrotesting	“What they’re doing is they’re taking water out of Bull Creek and then they’re going to put it into pipes, and then they’re going to discharge that water and all the sediment that is in that Bull Creek back on site.”	As stated in Empire’s September 20, 2016 Responses to Community Stakeholder and Nongovernmental Organization Comments Concerning the EA, filed in the FERC eLibrary under Docket Nos. CP15-115-000 and CP15-115-001, Empire will not withdraw any water from Bull Creek in connection with the Project. Hydrostatic test water will instead be obtained from a municipal source.
28	Vent gas recycling	“I have read the entire EA...I have not seen where they have -- you have not mentioned that there’s a recapture system. So I would like to know where that is stated because I have not seen it. I’ve heard that you’re going to put that on, but certainly that has not been addressed in the EA.”	See Response to Comment of Gary Gilman (page 4-5) above.
<b>D.</b>	<b>Deke Lemieux</b>		
28	View from Townline Road	“...the trees that you show the pictures through, they are deciduous trees, you will see right through those trees, you will see the compressor.”	Attached as Appendix 2 are copies of the photo simulations Empire submitted to the Planning Board as Exhibit G to its January 4, 2016 Final Site Plan Application for the Pendleton Compressor Station. This included a photo simulation from Townline Road, which is a true and an accurate representation of the view from the stated location. As depicted, the compressor station will not be visible from Townline Road.

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

Page	Subject	Comment	Empire Response
29	Fencing	<p>“There’s gonna be an eight foot barbed wire fence up around it. To me that is not light industrial when you have to have an eight foot barbed wire fence around it. I don’t know what our fencing code is, I’m sure you can look into it, and tell if that is even approved for a light industrial area...”</p>	<p>See Appendix 3, which is a copy of supplemental information that Empire submitted to the Planning Board on February 16, 2016 concerning the fencing details for the Pendleton Compressor Station. (See Exhibit E included in Appendix 3).</p>
29	<p>“Fracking” in vicinity of proposed facility</p>	<p>“...once you guys okay this permit, I mean, they’re going to have free rein to do whatever they want. Once you get it there, they’re going to do whatever they want. The fracking ban’s lifted...they’re gonna start fracking. Yeah, they got a deed restriction on that land, what’s...gonna stop them from buying the 20 acres next to that and start fracking on that land?”</p>	<p>On June 29, 2015, NYSDEC issued its SEQR findings statement for high-volume hydraulic fracturing, which officially prohibits high-volume hydraulic fracturing in New York State. See <a href="http://www.dec.ny.gov/energy/75370.html">http://www.dec.ny.gov/energy/75370.html</a> for further information.</p>
29-30	Site Plan Review Process	<p>“I don’t even know if you guys can rule on this without a building permit, I don’t know which comes first.”</p>	<p>Empire will apply for building permits upon receipt of site plan approval from the Planning Board, in accordance with the Town of Pendleton Code which requires an approved site plan in order to file for a building permit. See Town Code § 247-54(B).</p>



**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
30	Noise levels at proposed D'Angelo subdivision	"Also, now, they say that FERC authorizes 55 decibel to the nearest home. Okay. So if they build this thing, right now the nearest home is, I don't know if it's 1500 feet or whatever, but once D'Angelo builds all their homes in there, are they going to go ahead and readjust their decibels?"	Pursuant to FERC regulations (CFR §380.12(k)(v)(A)), a project applicant must "demonstrate that the . . . [t]he noise attributable to any new compressor station . . . [will] not exceed a day-night sound level (Ldn) of 55 dBA at any <b>pre-existing</b> noise-sensitive area (such as schools, hospitals, residences)". As detailed in National Fuel's Pendleton Compressor Station Ambient Sound Survey and Noise Impact Analysis ("Pendleton Noise Study") (see Accession No. 20151113-5155 for FERC Docket Nos. CP15-115-000 and CP15-115-001), the estimated Ldn of the Pendleton Compressor Station at the nearest existing NSA (approximately 1,400 from the proposed Station) is 38.0 dBA, well below FERC's 55 dBA requirement. Attached as Appendix 4 is an excerpt from the Pendleton Noise Study, which demonstrates that the estimated L <sub>dn</sub> of the Pendleton Compressor Station at the nearest NSA is only 1.4 dB above ambient. All other NSAs demonstrate even smaller estimated increases in ambient noise, ranging from 0.0 dBA to 0.3 dBA ( <i>i.e.</i> no to minimal increase). A map depicting the locations of the nearest NSAs to the Pendleton Compressor Station is included on page A-1 of the Pendleton Noise Study and is attached hereto as part of Appendix 4. It is noted that Empire has proposed various features to limit noise from the Facility, including buried and/or acoustically lagged gas piping (where practicable), state of the art noise reducing designs for building insulation and air ventilation silencing, low noise gas and lube oil elector driven coolers, turbine air inlet silencers, turbine exhaust silencers and vent gas silencers (unit vent gas and station). Although the FERC regulations only required National Fuel to provide analysis of noise impacts at existing NSAs, National Fuel also included analysis in the Pendleton Noise Study with respect to a potential new housing development to be located to the northwest of the proposed Pendleton Compressor Station. The estimated Ldn of the Pendleton Compressor Station at the nearest lot of this potential housing development (approximately 1,300 feet) is 37.3 dBA, again well below FERC's 55 dBA requirement and representative of only a 0.6 increase dB increase in ambient noise (see Appendix 4).
<b>E.</b>	<b>Cindi Broughton</b>		
31	Height of silos	"When I look at this compressor and the silos, which are the emission, are they really gonna be that small?...how tall will these silos be?"	The height of the silos enclosing the exhaust stacks for the Pendleton Compressor Station are approximately 57 feet from grade.
33	Distance from fence line to compressor buildings	"I just need to know where the fence is and how far actually is the fence from this building?"	The distance between Killian Road and the closest compressor building is approximately 583 feet. The distance between Killian Road and the southern fence line for the facility is approximately 343 feet. As such, the distance between the

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

Page	Subject	Comment	Empire Response
33	Fence signage	<p>"Also, with the fencing, what kinds of signage is going to be out there in front? I need to know that. Like, how big will the signs be that are on the fence."</p>	<p>See Appendix 5, which is a copy of supplemental information that Empire submitted to the Planning Board on February 16, 2016 concerning emergency signage for the Pendleton Compressor Station.</p>
34	Emergency response time	<p>"...responders cannot go on that property unless someone from National Fuel is there... what is their response time going to be?"</p>	<p>As stated in Empire's September 20, 2016 Responses to Community Stakeholder and Nongovernmental Organization Comments Concerning the EA, filed in the FERC eLibrary under Docket Nos. CP15-115-000 and CP15-115-001, for over 100 years, National Fuel Gas Company has been operating distribution and transmission pipeline systems in Western New York and North Western Pennsylvania. The top priority and responsibility of all Operations personnel is emergency response. National Fuel crews are trained and outfitted to respond and function in severely inclement weather, including the winters of 2014 and 2015 which were the coldest in 70 years. National Fuel's documented emergency response time in New York is 17 minutes.</p>
	Emergency response time (Continued)		<p>Crews responding to Pendleton will be dispatched according to the skill set necessary to correct the problem at that particular time and could originate from several different National Fuel Gas Distribution Corporation and National Fuel Gas Supply Corporation locations. The compressor station automation system, including all safety systems and emergency shutdown systems, continuously monitors station operating parameters, including the presence of gas or fire in the compressor buildings.</p> <p>In the event that an abnormal operating or emergency condition occurs, the unit and station controllers immediately react to isolate the particular problem and make the situation safe, including the possible shutdown of specific compressor units or the complete shutdown and isolation of the entire compressor station from the pipeline. This action is immediate and requires no intervention from National Fuel's operations personnel or National Fuel's Gas Control and Operations Center ("GCOC") personnel.</p> <p>The GCOC is located at the National Fuel Gas Mineral Springs facility in West Seneca, New York and is staffed 24 hours per day, 365 days per year. All GCOC personnel are trained and regularly re-qualified according to Federal Control Room</p>

**ATTACHMENT "A"**

**EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016**

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
			<p>Management standards and operator qualifications. GCOC's function is to dispatch gas flow on National Fuel's pipeline systems, including maintaining service to Local Distribution Companies ("LDCs"), and monitoring National Fuel's pipeline systems for emergencies and potential abnormal operating conditions. National Fuel's Supervisory Control and Data Acquisition ("SCADA") system provides complete system operating data and alarms, providing GCOC staff the necessary information to immediately identify developing gas system issues and the controls to mitigate the specific situation prior to it becoming an upset or abnormal operating condition. This approach applies to all system gas facilities including compressor stations. GCOC personnel also have the ability to remove compressor units from service and to initiate a compressor station emergency shutdown to alleviate a more serious operating problem. Once identified, National Fuel's response time from GCOC would be almost immediate. Total isolation and/or make safe time, once initiated either remotely or on site, would be less than five minutes.</p> <p>See also Response to Comment of Barb Ciepiela (page 4-5) above.</p>
34	Longevity of facility; future maintenance	"I also just wanted to know how long this will be up and running, and who's maintaining it, and once they're done with this compressor is it gonna be like a brownfield or are they gonna demolish it, and what's the maintenance projection going to be?"	The proposed facilities are long lived assets typically depreciated over more than 40 years. Any abandonment would require further authorization from FERC and would be subject to conditions imposed by FERC. Until such time, the Pendleton Compressor Station would need to be maintained as an active compressor station, in accordance with all applicable regulations.
35	Lighting	"When I'm sitting in my I backyard, am I seeing these lights?... So there won't be any illumination other than the sky?"	Attached as Appendix 5 is a copy of the lighting plan Empire submitted to the Planning Board as Exhibit G to its January 4, 2016 Final Site Plan Application for the Pendleton Compressor Station. This lighting plan demonstrates that lighting for the facility will be dark sky compliant.
<b>F.</b>	<b>Kelli Putney</b>		
37	Proximity of homes to proposed Compressor Station	"I'm probably within, I don't know why this says 400 feet notification, that was one clarification I wanted to	There are no residences within 400 feet of the proposed facility. The closest residence to the Pendleton Compressor Station is located approximately 1,400 feet from the Facility. The notice was likely triggered by property lines being within 400 feet of



**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
38	Zoning	<p>ask. Does anybody know why it says... Does this mean that I'm within 400 feet of it then?"</p> <p>"So my biggest question is, and I would love this answered whether tonight or on the record, why is it light industrial?"</p>	<p>each other.</p> <p>On January 12, 2016, Empire submitted a response to the FERC docket in order to address comments from Gary A. Abraham, special counsel for the Town of Pendleton, on this very "issue". See eLibrary Accession No. 20160112-5216 for Docket Nos. CP15-115-000 and CP15-115-001. Additionally, on November 16, 2015, in response to a request from the Town of Pendleton Attorney and the Town of Pendleton Building Inspector, Empire provided detailed analysis explaining precisely how the Pendleton Compressor Station constitutes a permitted use under the Code of the Town of Pendleton.</p> <p>In both of the aforementioned submittals, Empire described in detail how "the Proposed Compressor . . . squarely fits within the definition of Essential Services and, therefore, is a permitted use in the Light Industrial District." See Accession No. 20160112-5216 for FERC Docket Nos. CP15-115-000 and CP15-115-001. More specifically, Empire stated the following:</p>
	Zoning (Continued)		<p>"The proposed Killian Road site for the Proposed Compressor Station is zoned light industrial. Permitted uses by right in the light industrial district include "Essential Services."<sup>1</sup> The Town of Pendleton Zoning Code ("Code") defines "Essential Services" as:</p> <p>The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas, electrical, steam, water, sewage and communication systems and facilities. Railroad trackage and facilities and bus shelters shall also be considered as providing an "essential service."<sup>2</sup></p> <p>Pursuant to the plain language of the definition, the Proposed Compressor Station and its related facilities (the "Facility") constitutes Essential Services if it involves the construction of gas systems and facilities by a</p>

<sup>1</sup> Code § 247-14(C)(22).

<sup>2</sup> Code § 247-4.

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

Page	Subject	Comment	Empire Response
			<p>public utility. There is no question that the Facility squarely fits within this definition.</p> <p>First, the Facility involves the construction of gas systems and facilities. Second, Empire fits within the definition of a "public utility" for purposes of zoning in New York. While the Code does not provide a definition for "public utility," the New York Court of Appeals (the highest court in the state) has defined the term for purposes of zoning in New York.<sup>3</sup> Specifically, a public utility is "a private business . . . which provides services so essential to the public interest as to enjoy certain privileges such as eminent domain and [are] subject to such governmental regulation as fixing of rates, and standards of service."<sup>4</sup> Characteristics include: (1) the essential nature of the services offered which must be taken into account when regulations seek to limit expansion of facilities which provide the services; (2) operation under a franchise, subject to some measure of public regulation; and (3) logistic problems, such as the fact that the product of the utility must be piped, wired, or otherwise served to each user, the supply must be maintained at a constant level to meet minute-by-minute need, and the user has no alternative source and the supplier commonly has no alternative means of delivery.<sup>5</sup></p>
	<p>Zoning  (Continued)</p>		<p>Applying this test to the facts associated with the proposed Facility, the services being offered are essential in nature and, in fact, the supply of natural gas is the type of essential service for which federal legislation has been enacted, i.e., the NGA, to place limits on local regulations that "prohibit or unreasonably delay the construction or operation of facilities approved by [FERC]."<sup>6</sup></p> <p>Moreover, Empire operates its pipeline facilities, including the proposed Facility, subject to the exclusive regulation of FERC. Finally, the interstate delivery and supply of natural gas tracks closely with the "logistical</p>

<sup>3</sup> See, *Consol. Edison Co. of New York v. Hoffman*, 43 N.Y.2d 598, 610-11 (1978) ("Hoffman"); *Cellular Tel. Co. v. Rosenberg*, 82 N.Y.2d 364, 372 (1993).

<sup>4</sup> *Rosenberg*, 82 N.Y.2d at 371.

<sup>5</sup> *Rosenberg*, 82 N.Y.2d at 371.

<sup>6</sup> See, e.g., *Dominion Transmission, Inc. v. Town of Myersville Town Council*, 982 F. Supp. 2d 570, 573-74, 578-79 (D. Md. 2013).

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

Page	Subject	Comment	Empire Response
			<p>problems" articulated by <i>Rosenberg</i> and Empire has the power of eminent domain, if necessary, for the construction of its facilities. Thus, it is clear that Empire fits within the definition of a public utility for the purposes of zoning in New York and the proposed Facility therefore constitutes Essential Services.</p> <p>In addition, there is no language in the Town's definition of Essential Services that requires the provision of services directly to Town residents in order to qualify as a public utility for zoning purposes. For example, the inclusion of railroad trackage and facilities in the definition, which typically only pass through the Town and do not provide services to Town residents, contradicts an interpretation which includes some notion of local service. Additionally, if the intent of this definition was to permit such services for the Town's residents, then Essential Services would be listed as a permitted use in the Town's residential districts where Town residents live, and it is not so listed. Nonetheless, the Town has questioned whether Empire would be required to show that it was serving residents of the Town in order to qualify as a public utility. However, as explained by the Court of Appeals in <i>Hoffman</i>, "in resolving the question of hardship, the effect on the utility's customers is a significant factor to be considered by local zoning boards."<sup>7</sup> Thus, it is service to the utility's customers that is the issue - not service to the local residents. Indeed, in <i>Hoffman</i>, Con Ed proposed construction of a 565 foot cooling tower at the Indian Point Nuclear Power Plant. The cooling tower was of limited value to the residents of the Village of Buchanan but was of critical importance to Con Ed's approximately three million customers. <i>Id.</i> Thus, the Court of Appeals affirmed the annulment of the ZBA's denial of a use variance, and directed that the ZBA issue the variance under New York's public utility doctrine.</p> <p>Finally, notwithstanding the above, and without conceding the relevance of providing such local services, the Facility is necessary to move natural gas from the lower pressure Supply pipeline system into the higher pressure Empire pipeline system. Without the Facility, the natural gas supply that the Project will provide will be unable to reach markets connected to the</p>
	<p>Zoning (Continued)</p>		

<sup>7</sup> *Hoffman*, 43 NY2d at 608.

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

Page	Subject	Comment	Empire Response
			<p>Empire pipeline system, which include local natural gas utility companies. In particular, as of November, 2015, the natural gas supply for the Towns of Pendleton and Lockport, provided by New York State Electric and Gas ("NYSEG"), are served largely by Empire. In addition, Empire provides a portion of the natural gas supply for other major local natural gas utility companies serving Upstate and Western New York, including Rochester Gas &amp; Electric."</p> <p>Based on the information submitted to the FERC docket for the Project, including the above, FERC staff, in its EA, properly concluded that the Killian Road "site is zoned Light Industrial and permits essential services, such as the proposed natural gas infrastructure." See EA, at page 167.</p>
40	Landscaping	"Could you plant full grown trees and make that investment, if it has to go in there? Could you put in full grown trees, [e]vergreen tall trees..."	<p>Empire has proposed a robust landscaping and screening plan for the Pendleton Compressor Station, featuring extensive berming along the front and back ends of the site, over fifty (50) new deciduous trees and over two hundred fifty (250) new evergreen trees on top of the berms and across the site. See Appendix 1, which is a copy of Empire's Landscaping plan for the Pendleton Compressor Station site, which was submitted to the Planning Board as Exhibit B to Empire's January 4, 2016, Final Site Plan Application for the facility.</p>
40	Level of Environmental Review	"...why are you not doing an environmental impact study?"	<p>The decision as to whether to complete an EA or a Environmental Impact Study (EIS) is made by FERC, not Empire or National Fuel. Additionally, FERC, in conjunction with an independent third-party environmental consultant, prepared the EA for the Project, not Empire or National Fuel.</p> <p>However, as stated in Empire's September 20, 2016 Responses to Community Stakeholder and Nongovernmental Organization Comments Concerning the EA, filed under FERC Docket Nos. CP15-115-000 and CP15-115-001, the purpose of an EA is to determine whether or not a proposed project will have significant environmental impacts, meriting the preparation of an EIS, or a finding of no significant impacts. 40 C.F.R. § 1508.9(a). This is markedly different from an EIS, which is a written report describing, among other things, the adverse environmental impacts of a proposed project, and how they can be mitigated or avoided. 42 U.S.C. § 4332(C). The determination of whether or not a federal action will result in significant impacts determines whether an EIS is prepared. Nothing in the record, and no information in the comments submitted on the FERC docket, provide any justification for FERC to</p>

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
40	Compressor Station Safety	"...what is your plan to protect the neighbors from potential explosion?"	<p>reconsider its conclusion that the Northern Access 2016 Project will not cause significant environmental impacts. Thus, FERC's preparation of an EA for the Project was appropriate.</p> <p>As stated in Empire's July 14, 2015 response to stakeholder comments, filed in the FERC eLibrary under Docket No. CP15-115-000, Empire is keenly focused on the safe delivery of natural gas. As such, Empire will comply with all applicable federal safety regulations. Empire will also employ numerous inspectors, and both environmental and skilled trade inspectors, to oversee construction and insure compliance with project specifications, permit conditions and federal design requirements. In addition, construction will be subject to inspection by regulatory bodies, which could include OSHA, FERC, US DOT, NYPSC (as agent for USDOT/PHMSA) and the NYDEC.</p> <p>Additionally, as stated in Empire's August 13, 2015 response to stakeholder comments, filed in the FERC eLibrary under FERC Docket No. CP15-115-000, safety is THE top priority of the natural gas industry has been so for decades. While the industry has an outstanding safety record, and pipelines are recognized as the safest mode of transportation of energy products, the industry also has many programs to continue to improve upon its safety record.</p>
	Compressor Station Safety (Continued)		<p>Federal pipeline safety rules are administered by the Pipeline and Hazardous Materials Safety Administration (PHMSA), an agency of the United States Department of Transportation. PHMSA's regulations are mandatory and subject pipelines, such as Empire, to vigorous inspections and audits. PHMSA has significant enforcement authority to insure its regulations are carried out, including the ability to issue civil penalties of up to \$100,000 per violation per day, and potential criminal penalties. Industry operators, including Empire, must maintain appropriate records documenting PHMSA required inspections, maintenance and programs for their facilities.</p>
40-41	Home Values	"What about home values, what do you have, data about that?"	<p>As stated in Empire's September 18, 2015 response to stakeholder comments, filed in the FERC e-Library under Docket No. CP15-115-000, Empire is not aware of scientific evidence concluding that the proximity of a compressor station or other natural gas facilities has a negative effect on surrounding property values. Further, there is no quantifiable evidence in the marketplace indicating a discernible impact on either property values or appreciation rates for properties in close proximity to natural gas compressor stations. This is due, at least in part, to construction of compressor</p>

**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

Page	Subject	Comment	Empire Response
			<p>stations on large parcels of land, which are set-back well off the road, and the use of buffers (trees/ shrubs/berms) as barriers for noise and views, both of which are the case for the proposed Pendleton Compressor Station.</p> <p>In addition, in Empire's experience, proximity to a compressor station or other natural gas facilities has not proven to be a detriment to new residential construction in the vicinity of existing facilities. For example, since the construction of National Fuel's Porterville Compressor Station in the 1950's, new, upscale housing has been constructed in close proximity (as close as 500 feet), with no known impact of valuation.</p>
41	Longevity of Facility	"What is your plan for decommissioning it, if the market no longer needs it... if you suddenly decide that it doesn't make market sense for Pendleton?"	See response to Comment of Cindi Broughton (page 11) above.
41	Emissions	"What about my in-ground swimming pool, what's the site plan to protect the water from my pool that we spent a lot of money and time to have?"	See response to Comment of Barb Ciepiela (page 1) above.
41	Potential olfactory impacts	"What are you going to do about the smell?"	As stated in Empire's February 4, 2016 response to stakeholder comments, filed in the FERC eLibrary under Docket Nos. CP15-115-000 and Co15-115-001, the odorization facilities at the Pendleton Compressor Station will be of a different design than the current facility along Aiken Road, which has a separate 5,000 gallon bulk storage odorant tank. The new state-of-the-art design has an integral 500 gallon "day tank" housed within the odorizer enclosure, which will be located within the meter and regulator building.
42	Size of proposed compressor Station	"Another question for the record is, from what I understand, this has never been done, there's never been one	As stated in Empire's August 13, 2015 response to stakeholder comments, filed in the FERC eLibrary under Docket No. CP15-115-000, the proposed Pendleton Compressor Station (22,214 horsepower) will be neither the largest station in New York State nor



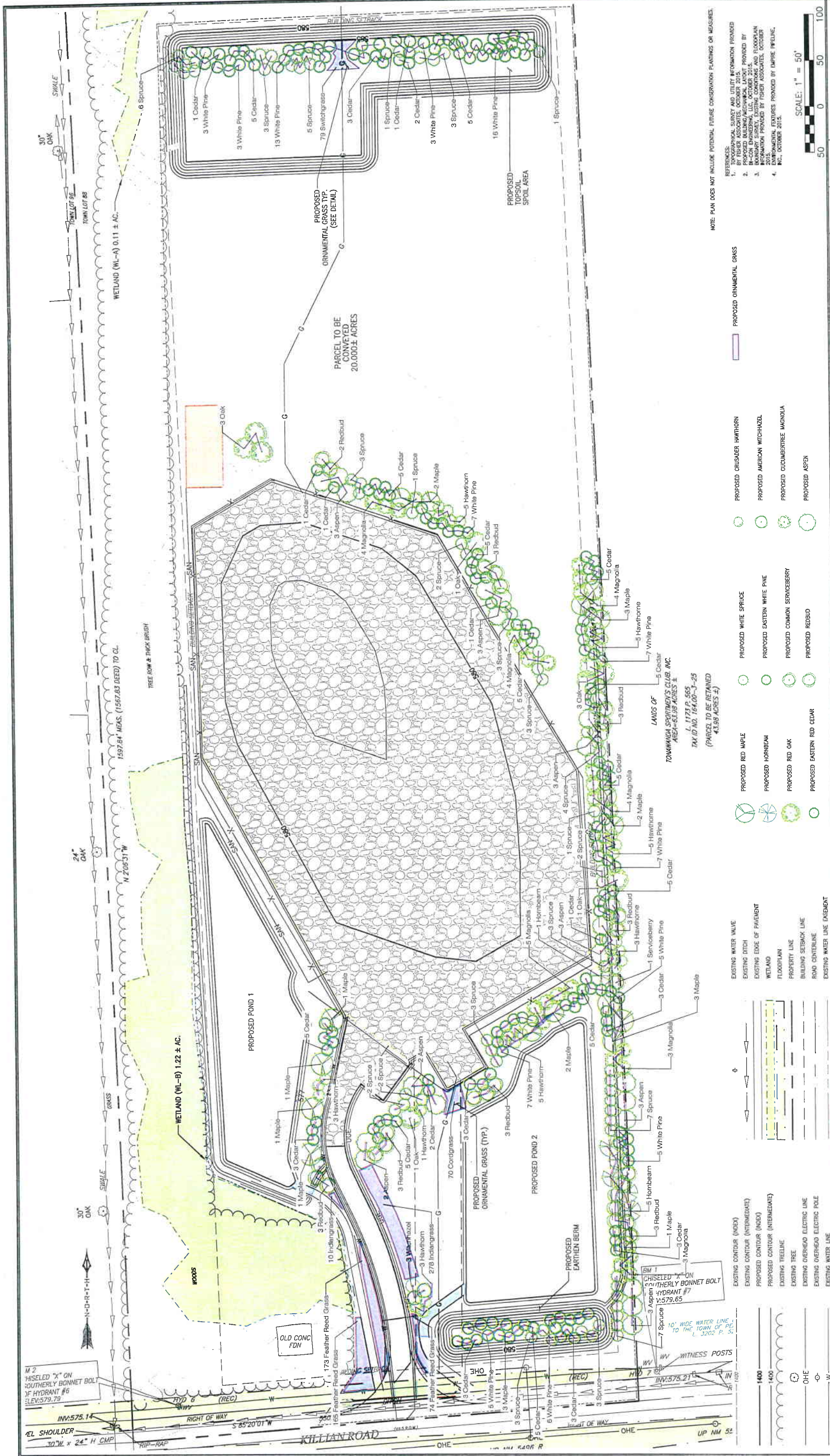
**ATTACHMENT "A"**

EMPIRE PIPELINE, INC. RESPONSE TO COMMENTS FROM THE TOWN OF PENDLETON PUBLIC HEARING, SEPTEMBER 20, 2016

<b>Page</b>	<b>Subject</b>	<b>Comment</b>	<b>Empire Response</b>
		<p>built to this size and this capacity.”</p>	<p>an unusually large station. The two largest FERC regulated stations within New York are 40,010 and 38,800 horsepower, respectively, and a third station will total 36,102 horsepower following its certificated expansion. All three of these facilities are owned by third-parties. Moreover, there are also currently eleven (11) compressor stations within New York State with more than 17,000 horsepower. Additionally, National Fuel currently operates three stations of greater than 20,000 horsepower, two of which contain the same Solar Taurus 70 units that will be installed at the proposed Pendleton Compressor station, and a fourth 28,950 horsepower station. Two of these compressor stations are located in New York and the other two are in Pennsylvania.</p>
42	<p>Stray bullet striking facility</p>	<p>“Finally, we talked about the fencing is. Is a hunter gonna be able to see that? . . . most of the members . . . of the Tonawanda Sportsman’s Club are not from our area, many of them come from out of area, so when they come in they’re not gonna see the fence . . . how are we gonna keep them from shooting at it?”</p>	<p>See response to Comment of Barb Ciecpiela (page 1-2) above.</p>

Tab 1





NOTE: PLAN DOES NOT INCLUDE POTENTIAL FUTURE CONSERVATION PLANTINGS OR MEASURES.

REFERENCES:  
 1. FISHER ASSOCIATES, OCTOBER 2015.  
 2. PROPOSED BUILDING MECHANICAL LAYOUT PROVIDED BY FISHER ASSOCIATES, OCTOBER 2015.  
 3. BOUNDARY SURVEY, EXISTING CONDITIONS AND FLOODPLAIN INFORMATION PROVIDED BY FISHER ASSOCIATES, OCTOBER 2015.  
 4. ENVIRONMENTAL FEATURES PROVIDED BY EMPIRE PIPELINE, INC., OCTOBER 2015.

PROPOSED ORNAMENTAL GRASS

- PROPOSED CRUSAUER HAWTHORN
- PROPOSED RED MAPLE
- PROPOSED WHITE SPRUCE
- PROPOSED AMERICAN WITCHHAZEL
- PROPOSED HORSEMAN
- PROPOSED EASTERN WHITE PINE
- PROPOSED RED OAK
- PROPOSED COMMON SERVICEBERRY
- PROPOSED EASTERN RED CEDAR
- PROPOSED CUCUMBER TREE MANOULA
- PROPOSED REDBUD
- PROPOSED ASPEN

EXISTING WATER VALVE  
 EXISTING DITCH  
 EXISTING EDGE OF PAVEMENT  
 WETLAND  
 FLOODPLAIN  
 PROPERTY LINE  
 BUILDING SETBACK LINE  
 ROAD CENTERLINE  
 EXISTING WATER LINE EASEMENT

EXISTING CONTOUR (INDEX)  
 EXISTING CONTOUR (INTERMEDIATE)  
 PROPOSED CONTOUR (INDEX)  
 PROPOSED CONTOUR (INTERMEDIATE)  
 EXISTING TIE LINE  
 EXISTING TREE  
 EXISTING OVERHEAD ELECTRIC LINE  
 EXISTING OVERHEAD ELECTRIC POLE  
 EXISTING WATER LINE

SCALE: 1" = 50'

DRAWING TITLE: **PLANTING PLAN**

PROJECT: **NORTHERN ACCESS 2016 PROJECT  
 PENDLETON COMPRESSOR STATION  
 TOWN OF PENDLETON, NIAGARA COUNTY  
 NEW YORK 14120**

CLIENT: **EMPIRE PIPELINE, INC.  
 6363 MAIN STREET  
 WILLIAMSVILLE, NEW YORK 14221**

ISSUING OFFICE: Pittsburgh | 385 E. Waterfront Drive, Homestead, PA 15120

NO.	DATE	DWN	CHK	APPV	DESCRIPTION

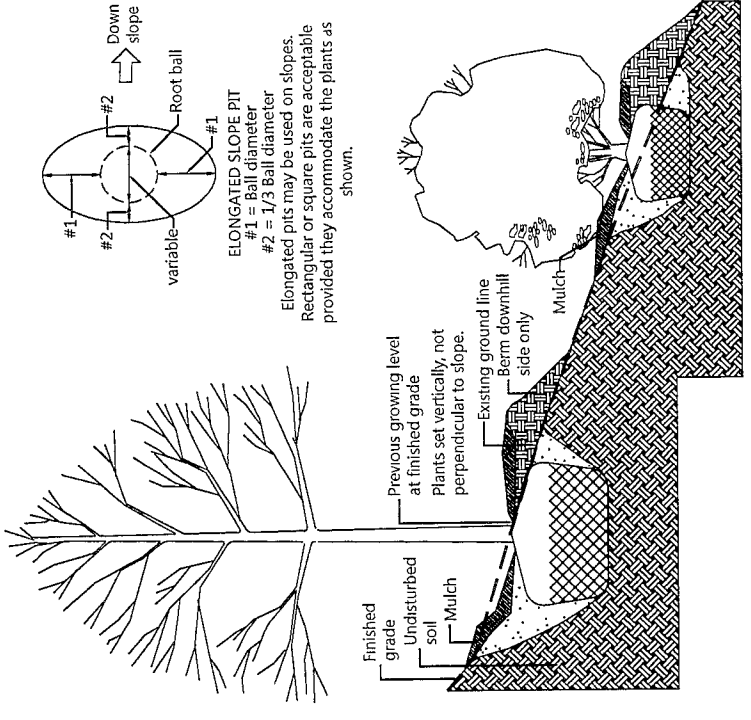
REVISION RECORD

DRAWN BY:	CHECKED BY:	APPROVED BY:	GAI FILE NUMBER:
PATTEJR	THOMAM	HURTRP	C151047-00-000-D-005-010
DWG TYPE:	SCALE:	ISSUE DATE:	ALT./CLIENT DRAWING NUMBER:
REVISION	AS SHOWN	12/23/2015	
	SHEET NO.:	GAI DRAWING NUMBER:	
		009 OF 013	C151047-00-000-D-009

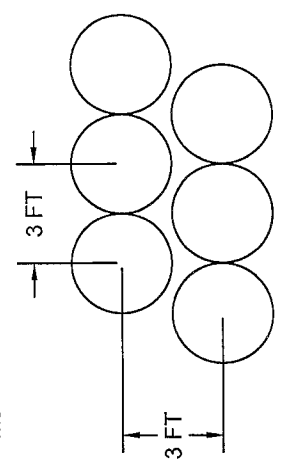
© 2015 GAI Consultants, Inc.



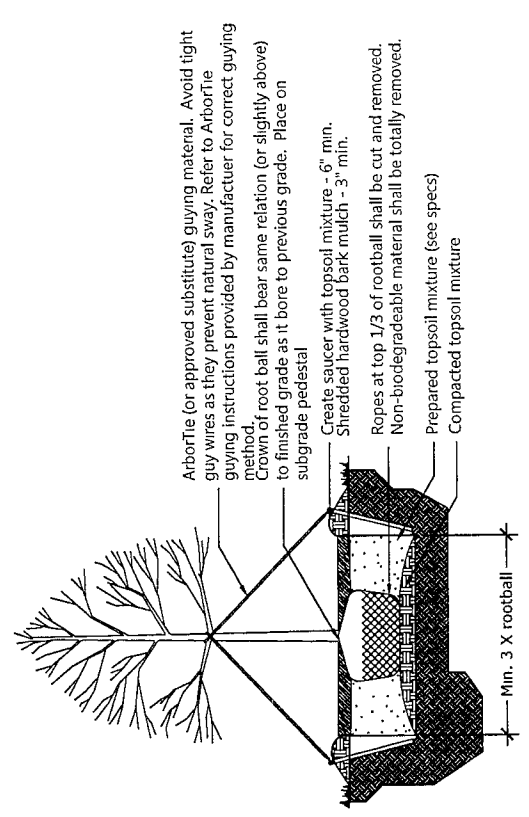
Qty.	Plant Name	Min Size	Condition
<b>SHADE TREES</b>			
17	ACER RUBRUM 'FRANKSRED' Red Sunset Red Maple	2'-2 1/2" cal	B&B
6	CARPINUS CAROLIANA Hornbeam	2'-2 1/2" cal	B&B
22	POPULUS TREMULOIDES Gray Poplar 'Tower' (Aspen)	2'-2 1/2" cal	B&B
9	QUERCUS RUBRA Red Oak	2'-2 1/2" cal	B&B
<b>EVERGREEN TREES</b>			
96	JUNIPERUS VIRGINIANA Eastern Redcedar	6'-8" HT	B&B
68	PICEA GLAUCA White Spruce	6'-8" HT	B&B
87	PINUS STROBUS Eastern White Pine	6'-8" HT	B&B
<b>ORNAMENTAL TREES</b>			
1	AMELANCHER ARBOREA Common Serviceberry	6'-8" HT Clump	B&B
27	CERCIS CANADENSIS Redbud	6'-8" HT	B&B
30	CRATAEGUS COCCINEA Cuscuter Hawthorn	6'-8" HT	B&B
3	HAMAMELIS VIRGINIANA American Witchhazel	6'-8" HT	B&B
27	MAGNOLIA ACUMINATA Cucumber tree Magnolia	6'-8" HT	B&B
<b>ORNAMENTAL GRASSES</b>			
79	PANICUM VIGATUM Switchgrass	2'-4" HT	Potted
70	SPARTINA PECTINATA Cordgrass	2'-4" HT	Potted
288	SORGHASTRUM Bottlegrass	2'-4" HT	Potted
412	CAIAMAGROSTIS X ACUTIFLORA Feather Reed Grass	2'-4" HT	Potted



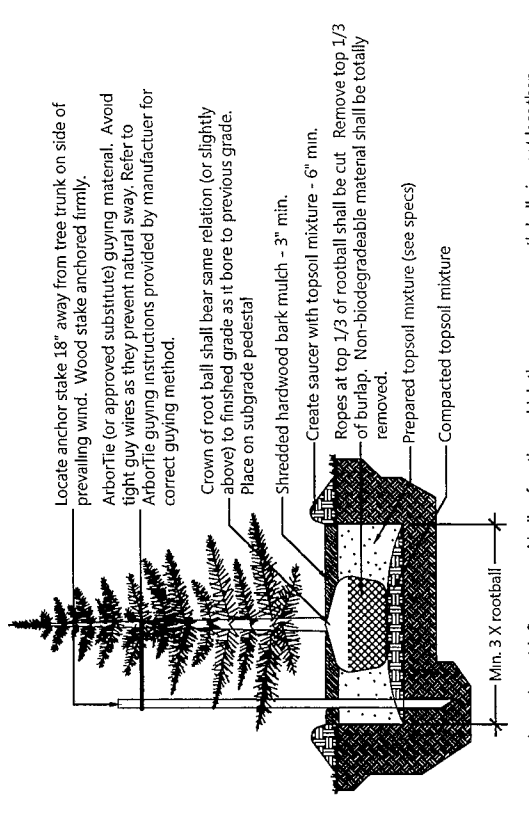
**Plant Placement on Slope**  
NTS



**Ornamental Grass Planting Pattern**  
NTS



**Deciduous Tree Planting**  
NTS



**Evergreen Tree Planting**  
NTS

**GENERAL NOTES**  
Prior to Construction  
1 Contractor shall obtain all relevant drawings, details and specifications prior to beginning construction  
2 Contractor shall verify existing field conditions, review drawings and proposed work prior to construction. Any discrepancies shall be brought to the attention of the EPI or EPIs approved representative immediately.  
3 Contractor shall protect all existing utilities and site improvements that are noted to remain and shall coordinate with New York 811 to verify location of all utilities

**General Planting**  
4 Ornamental grasses to be spaced 3' on center in alternating pattern as shown  
All plants shall be furnished and installed in strict accordance with the "American Standard for Nursery Stock", ANSI Z60.1, as published and approved by the American Association of Nurserymen  
5 All plants to be staked in the field by contractor for approval of EPI or EPIs approved representative prior to planting installation  
6 Contractor shall install all plant materials in locations and to depths as shown on plan or on details (See specifications for planting mix, if required)  
7 All shrub beds shall be mulched with shredded process hardwood bark and pine bark, all groundcover beds shall be mulched with mushroom manure  
8 All plant material shall be guaranteed for a period of one calendar year after written notice of acceptance of all planting work

**Topsoil**  
9 Topsoil shall be supplied by the contractor. Topsoil must be tested according to specifications prior to its use. Topsoil test results and amendment recommendations shall be provided by the contractor to EPI prior to installation.  
10 Existing beds shall be cultivated to a minimum depth of 12", prior to adding an additional 6" of soil mixture

DRAWING TITLE <b>PLANTING PLAN DETAIL</b>		GAI FILE NUMBER <b>C151047-00-000-D-009-010</b>	
PROJECT <b>NORTHERN ACCESS 2016 PROJECT PENDLETON COMPRESSOR STATION TOWN OF PENDLETON, NIAGARA COUNTY NEW YORK 14120</b>	CLIENT <b>EMPIRE PIPELINE, INC. 6363 MAIN STREET WILLIAMSVILLE, NEW YORK 14221</b>	DRAWN BY <b>PATTEJR</b>	CHECKED BY <b>THOMAMT</b>
ISSUING OFFICE   Pittsburgh   985 E. Waterfront Drive, Homestead, PA 15120		DWG TYPE <b>AS SHOWN</b>	APPROVED BY <b>HURTRP</b>
REVISION RECORD		SCALE <b>AS SHOWN</b>	ISSUE DATE <b>12/23/2015</b>
NO.	DATE	DWN	CHK
			APV
DESCRIPTION		SHEET NO : <b>010 OF 013</b>	
		GAI DRAWING NUMBER <b>C151047-00-000-D-0010</b>	
		© 2015 GAI Consultants, Inc.	

Tab 2



# National Fuel: Pendleton, NY

Aerial View - with rendering vantage points

North View  
(airfield)

Entry View

Killian Rd. View

Townline Rd. View

2006 ft

Google earth

© 2015 Google







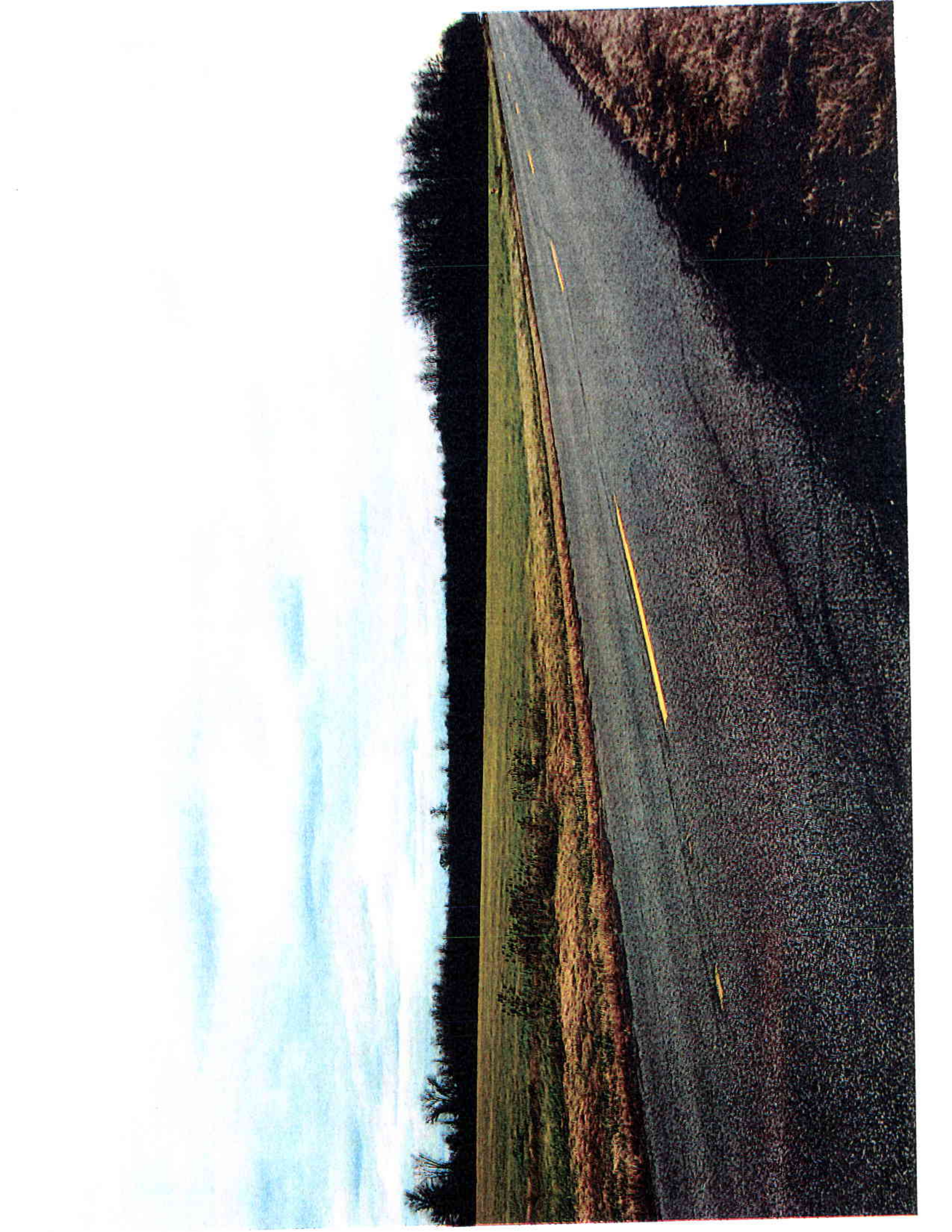












Tab 3



**Phillips Lytle** LLP

Via E-Mail and Hand Delivery

February 16, 2016

Town of Pendleton Planning Board  
c/o Joseph McCaffery  
Planning Board Chairman  
Pendleton Town Hall  
6570 Campbell Blvd.  
Pendleton, NY 14094

Re: **Final Site Plan Review Application** by Empire Pipeline, Inc. Regarding a Proposed Compressor Station and Related Equipment Located at 4281 Killian Road in a Light Industrial District in the Town of Pendleton

Dear Chairman McCaffery and Members of the Town of Pendleton Planning Board:

As you know, we represent Empire Pipeline, Inc. ("**Empire**"), with respect to the proposed construction and operation of a 22,214 horsepower compressor station and related equipment ("**Facility**") on a portion of a 20 acre parcel located at 4281 Killian Road ("**Site**") in the light industrial district of the Town of Pendleton ("**Town**"). The Facility is part of Empire's and National Fuel Gas Supply Corporation's (collectively, "**National Fuel**") Northern Access 2016 Project ("**Project**"), which involves improvements to existing interstate pipeline systems in Northern Pennsylvania and Western New York.

On January 4, 2016, we filed an application for Final Site Plan Review ("**Site Plan Application**") for the proposed Facility. At the Planning Board work session on February 4, 2016, the Town Engineer highlighted a number of requests for additional information based on his review of the Site Plan Application up to that point. While we realize that the Town Engineer is in the process of completing his review of the Site Plan Application, and that a formal written report to the Planning Board is being prepared, in the interest of trying to expedite the review process and as a supplement to Empire's Site Plan Application, we provide additional information highlighted at the February 4, 2016 work session as follows:

ATTORNEYS AT LAW

---

ADAM S. WALTERS, PARTNER DIRECT 716 847 7023 AWALTERS@PHILLIPSLYTTLE.COM

---

ONE CANALSIDE 125 MAIN STREET BUFFALO, NY 14203-2887 PHONE 716 847 8400 FAX 716 852 6100

NEW YORK: ALBANY, BUFFALO, CHAUTAUQUA, GARDEN CITY, NEW YORK, ROCHESTER | WASHINGTON, DC | CANADA: WATERLOO REGION | PHILLIPSLYTTLE.COM





**1. Information About Post-Construction Noise Monitoring**

With respect to post-construction noise monitoring, the following is a typical noise monitoring condition imposed by the Federal Energy Regulatory Commission (“FERC”) upon National Fuel with regard to a compressor station:

National Fuel shall file noise surveys with the Secretary no later than 60 days after placing the . . . Compressor Station in service. If full load condition noise surveys are not possible, National Fuel shall provide interim surveys at the maximum possible load and provide a full load survey within 6 months. If the noise attributable to the operation of all of the equipment at the . . . Compressor Station under interim or full load conditions exceeds a day-night level (Ldn) of 55 decibels on the A-weighted scale (dBA) at any nearby noise-sensitive areas, National Fuel shall file a report on what changes are needed and shall install the additional noise controls to meet the level within 1 year of the in-service date. National Fuel shall confirm compliance with the above requirement by filing a second noise survey with the Secretary no later than 60 days after it installs the additional noise controls.

**2. Information About Outreach Programs with Local Emergency Service Providers**

Late in the construction phase and prior to commencing service, National Fuel Operations supervisors will meet with local emergency responders and volunteers to tour the facility and review emergency safety systems and procedures. Once the Facility is commissioned to operation, National Fuel conducts outreach meetings with local emergency responders to review emergency expectations for both parties. A sample agenda from an emergency responders meeting is attached hereto as *Exhibit A*.



Emergency responders are invited to meet again at least annually. In addition, compressor station managers also are required to conduct at least one field and one tabletop emergency simulation annually.

**3. Information About Post-Construction Stormwater Infrastructure Maintenance Program**

Section I from the Stormwater Pollution Prevention Plan ("SWPPP") that was submitted to the Planning Board with the Final Plat application for minor subdivision, a copy of which is attached hereto as *Exhibit B*, describes the post-construction maintenance program for the onsite stormwater management ponds. As requested by the Town Engineer, Empire is willing to provide a PE certification to the Town every 5 years (measured from the termination notice of the construction permit) that the stormwater management ponds have been inspected and are functioning properly.

The Town Engineer also inquired what the stormwater weir will be constructed of. Per Empire's stormwater management engineer, the principal spillway (weir) will be lined with SC-250 lining or equivalent.

**4. More Information About Proposed Deed Restriction**

Please see attached *Exhibit C* for the form of the deed restriction.

**5. Information About Protection of Delineated Wetland Areas During Construction**

The wetland boundaries identified in the wetland delineation report prepared by Wilson Environmental Technologies will be flagged with highly visible delineation ribbon, followed by orange safety fence being installed along the delineation ribbons (on the construction side), then followed by the installation of an erosion control device along the base of the orange safety fence. This will have two functions: keeping disturbed soil on the construction site; and, preventing excursions outside the construction area that might impact the wetlands. Empire refers to this boundary as the limit of disturbance.



**6. Information About Emergency Signage**

Please see attached *Exhibit D* for typical compressor station emergency signage.

**7. Information About Security Fencing**

Please see attached *Exhibit E* for typical compressor station security fencing details.

**8. List of Required Permits**

For a complete list of permits required, we refer the Town Engineer to Exhibit J of National Fuel's FERC Amendment (copy attached hereto as *Exhibit F*.)

We look forward to receiving a copy of the Town Engineer's written report on the Site Plan Application shortly. In the meantime, if you have any questions, please do not hesitate to contact me.<sup>1</sup>

Very truly yours,

Phillips Lytle LLP

By  
Adam S. Walters  
ASW

Doc #01-2928173.1

---

<sup>1</sup> As a reminder, National Fuel in no way concedes any authority over the siting of the Facility to the Town and submits this letter without any admission of fact or concession of law on Empire's part, and with full reservation of all of Empire's rights and claims.

# **EXHIBIT A**

## EMA Meetings

### Agenda Revised

01/23/16

- 1) Introductions:
- 2) Emergency/Daytime phone numbers and contacts.
- 3) Supply and Distribution Corporation responsibilities.
- 4) Map review of facilities: High, Medium, Low Pressure:
  - a) Meter sets - typical low, medium pressure meter set
  - b) Regulator stations – also cover what a blowing relief or whistle alarm indicates.
  - c) Pipeline markers – difference between Supply and Distribution pipeline markers
  - d) Compressor Stations
  - e) UFPO / PAOC System
  - f) Energy Association booklet
- 5) NFG off hours coverage:
  - a) Distribution Stand-By coverage at each Service Center
  - b) On Call Foreman - Distribution and Supply
  - c) Distribution Dispatch and Supply GCOC (Gas Control Operating Center)
- 6) EMA involvement with gas emergencies:
  - a) EMA input on "what their involvement is with a gas emergency"
  - b) Emergency Contacts:
    - i) National Fuel encourages all Emergency Responders to call National Fuel at our 24-hour emergency number 800-444-3130 if they know the incident involves National Fuel facilities.
    - ii) If Emergency Responders don't know who the pipe belongs to, then call your State One Call Center at 811. Either the NY or PA One Call Centers will send out a ticket, but will advise them to call the gas companies in the area as well. The call center will tell them which members are in the area and provide phone numbers. Note many gathering lines are not members of One Call. One Call websites: Dig Safely New York <http://www.digsafelynewyork.com/> or Pennsylvania One Call <http://www.pa1call.org/PA811/Public/>.
    - iii) Emergency Responders also have the capability to find pipelines in their areas through the NPMS National Pipeline Mapping System at <http://www.npms.phmsa.dot.gov> - the NPMS Public Map Viewer enable the user to view National Pipeline Mapping System (NPMS) data one county at a time. NPMS data consists of gas transmission pipelines and hazardous liquid trunklines. It does not contain gathering or distribution pipelines, such as lines which deliver gas to a customer's home. Therefore, not all pipelines in the area will be visible in the Public Map Viewer.
    - iv) National Fuel also provides to each County EMA a one page State system map.
  - c) Elevated response – if Emergency Responders believe National Fuel needs to provide an elevated response due to the scope or size of the incident – they should relay this fact when they notify National Fuel.

- d) Training - National Fuel offers free training programs for first responders on properly handling natural gas and carbon monoxide emergencies in Western New York and portions of Northern Pennsylvania. These programs are presented by Professional Utility Services in New York and Fire Investigative Technologies in Pennsylvania. For more information, or to see if your group qualifies for the training program, you can visit the Professional Utility Services webpage at: <http://professionalutility.net/training-programs.htm> or contact Professional Utility Services by phone at (716) 912-3295 and Fire Investigative Technologies, Bob Mitchell at (814) 806-4369 or contact Pam Spencer at National Fuel at 814-871-8248. Free videos on Natural Gas, Avoiding the Hazards, are available at: [https://www.aegislink.com/content/aegislink/services/losscontrol/videos/emergency\\_responders.html](https://www.aegislink.com/content/aegislink/services/losscontrol/videos/emergency_responders.html).
  - e) Do not shut off any valves unless directed by NFG personnel
  - f) Maintain a safe perimeter – do not proceed beyond this point
  - g) Coordination with other utilities to shut off electric power and telephone lines to a home or neighborhoods to eliminate potential ignition sources.
  - h) Outside Agency (i.e. Red Cross) involvement and mobilization in cases of support or evacuation.
  - i) EMA leak detection equipment
  - j) D.O.T. Advisory - planning for coordination of emergency response
  - k) Good reference website Pipeline Association For Public Awareness: <http://www.pipelineawareness.org/>
- 7) Tabletop Simulated Emergencies:
- a) NFG routine – describe how we run our simulations
  - b) Invite EMA to attend
- 8) Local Producers:
- a) Part of NFG system
  - b) NFG responsibilities
- 9) Tour of facilities:
- a) Operating Areas that have (SPCC) Spill Prevention Control and Countermeasure Plans – review plan details.
- 10) Discuss that NFG Compressor Station Foremen are posting signs at our compressor station access roadways in the event of an incident to show Emergency Responders where they are to wait for NFG escort to enter our compressor station.



**EMA Meeting**

National Fuel Gas Emergency Contact Information

	<b>COUNTY</b>
--	---------------

**All emergencies involving NFG should be called to  
NFG using 24 hr emergency number: 1-800-444-3130**

**When calling in emergencies to NFG, please provide the following information:**

- 1) Caller: name, address, phone number/cell phone number caller can be reached at.
- 2) Location of emergency
- 3) Nature of emergency
- 4) Date and time emergency reported

**NFG Foreman and Manager Non-Emergency Contacts:**

	<b>Field / Service Center</b>
--	-------------------------------

Name	Title	Operating Location	Office Phone Number

**NFG Security Department Contact Information:**

<b>New York</b>	<b>Pennsylvania</b>
Assistant General Manager – Thomas J. Davies 6363 Main Street Williamsville, NY 14221 Office: 716-857-7050 Cell: 716-867-2715 <a href="mailto:daviest@natfuel.com">daviest@natfuel.com</a>	Senior Investigator – Paul A. Gustafson 349 East Grandview Blvd. Erie, PA 16504 Office: 814-824-6304 x223 Cell: 716-450-7403 <a href="mailto:gustafsonp@natfuel.com">gustafsonp@natfuel.com</a>
General Number- NY: 716-857-7134	General Number – PA: 814-824-6304 x221



**EMA Meeting  
Meeting Recap**

<b>Operating Field / SC</b>	
<b>Date:</b>	
<b>Attendees:</b>	

**Notes:**

No.	
1	
2	
3	
4	
5	

**Action Items:**

No.	Action Items
1	
2	
3	
4	
5	

**Submit all completed EMA review documents to NFG Manager Land Department at 1100 State. Land Department will keep EMA records for all operating locations.**

# **EXHIBIT B**

## **APPENDIX I**

### **Operation and Maintenance Program**

# Operation and Maintenance Program

## Pendleton Compressor Station

### Preventative/Corrective Maintenance Program

Stormwater Ponds 1 and 2 shall be inspected twice per year by a Qualified Inspector that shall report any issues within one business day after completion of an inspection, the Qualified Inspector shall notify Empire Pipeline, Inc. (EPI) of any corrective actions that need to be taken. Logs shall be kept of inspection dates, observations and maintenance activities.

#### **Items to be reviewed during Inspections:**

- Pond Inlets
  - Vegetative areas between the station gravel pad and basins shall be inspected for signs of erosion or loss of vegetation
- Pond Permanent Pool
  - Permanent Pool area shall be inspected for sediment accumulation
- Pond Embankments
  - Embankment shall be inspected for signs of erosion and vegetation loss
- Pond Outlet Structures
  - Outlet Structures shall be inspected for sediment accumulation and functionality. Any signs of erosion shall also be identified.
- Pond Outlet Channels
  - Outlet Channels shall be inspected for sediment accumulation and signs of flow channelization over crest of berm.
- Additional Items that the Qualified Inspector deems necessary to functionality of the ponds

#### **Corrective Actions:**

- Accumulation of Sediment
  - Sediment and debris should be removed once buildup exceeds 2 inches in depth. Sediment should be removed when dry if possible.
- Erosion
  - Rills and gullies observed may be filled with topsoil, stabilized with erosion control matting, and either seeded or sodded, as desired. For channels less than 12 inches wide, filling with crushed gravel, which allows grass to creep in over time, is acceptable. For wider channels, i.e. greater than 12 inches, regrading and reseeding may be necessary. (Small bare areas may only require overseeding.) Regrading may also be required when pools of standing water are observed along the slope.
- Vegetation Loss
  - Vegetative cover should be sustained at 85% and reestablished if damage greater than 50% is observed. Whenever possible, deficiencies in vegetation are to be mollified without the use of fertilizers or pesticides.
- Standing Water (other than permanent pool)
  - If signs of poor drainage are observed, periodic soil aeration may be required.
- Outlet Weir or Culvert Damage/Blockage
  - If Culverts or Inlet boxes are damaged in a way that prevents functionality, they shall be repaired or replaced. Blockages due to debris or sediment shall be removed.
  - If signs of erosion or vegetation loss are observed on the weirs or embankments refer to items above for corrective actions.

### Operation and Maintenance

- Mow grass annually, or as needed with low ground pressure equipment and maintain 6 inches of vegetation if mowed in the fall prior to winter.
- Sediment and debris should be routinely removed (but never less than biannually), or upon observation, when buildup exceeds 2 inches in depth. Debris should be removed dry if possible
- Rills and gullies observed may be filled with topsoil, stabilized with erosion control matting, and either seeded or sodded, as desired. For channels less than 12 inches wide, filling with crushed gravel, which allows grass to creep in over time, is acceptable. For wider channels, i.e. greater than 12 inches, regrading and reseeding may be necessary. (Small bare areas may only require overseeding.) Regrading may also be required when pools of standing water are observed along the slope.
- Dead or dying trees and grasses should be identified and replaced as necessary.

### New Personnel Training

Site inspectors and operation/ maintenance personnel shall be made familiar with the site, stormwater facilities, previous inspections and maintenance prior to conducting routine maintenance or Qualified Inspections. EPI shall be responsible for training of new operations and inspection personnel for the site.



***empire pipeline***  
A National Fuel Gas Company



# **EXHIBIT C**

**RESTRICTIVE COVENANT**

**Empire Pipeline, Inc.** (“Empire”), a New York Corporation having an office at 6363 Main Street, Williamsville, New York, is the fee owner of certain real property located on Killian Road in the Town of Pendleton, Niagara County, New York, and described in a Deed recorded in the Niagara County Clerk’s Office:

Instrument No: \_\_\_\_\_

Recorded Date: \_\_\_\_\_

and further identified as Tax I.D. # \_\_\_\_\_ (“Site”).

A restrictive covenant shall be placed on the undeveloped portion of the Site, such undeveloped portion consisting of a total area of approximately \_\_\_\_\_ acres, said area shown on a map labeled Exhibit “A”, attached hereto and made a part hereof (“Undeveloped Portion”). Empire hereby makes the following restriction:

The construction of above ground facilities on the Undeveloped Portion of the Site shall be prohibited, less and except those facilities that are required to be installed in accordance with applicable laws, rules and regulations of local, state and federal government entities; and

The restriction herein shall be a burden upon and run with the land, and shall bind Empire, its successors and assigns, so long as the property is utilized for a natural gas compressor station; provided, however,

Empire shall be permitted to utilize the Site, including the Undeveloped Portion in connection with the construction and operation of a natural gas compressor station, and related facilities. Empire shall also be permitted to utilize any portion of the Site for underground facilities such as for laying, maintaining, operating, extending, replacing, altering, changing the size, repairing and removing, at any time and from time to time, pipelines and such valves, fittings, regulators, meters, cathodic protection devices, accessories and any other underground equipment and appurtenances as may be necessary or convenient in connection with a natural gas compressor station and related facilities.

In Witness Whereof, Empire has caused this instrument to be duly executed by its officer thereunto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Empire Pipeline, Inc.

\_\_\_\_\_  
By: Ronald C. Kraemer  
President

STATE OF NEW YORK                    )  
COUNTY OF ERIE                    ) SS:

On the \_\_\_\_ day of \_\_\_\_\_, 2016, before me the undersigned, a notary public in and for the State of New York, personally appeared Ronald C. Kraemer, to me known, who, being by me duly sworn, did depose and say that he resides at 6363 Main St., Williamsville, NY, that he is the President of Empire Pipeline, Inc., the corporation described in and which executed the above instrument, that he knows the seal of said corporation, that the seal affixed to said instrument is such corporate seal, that it was so affixed by authority of the board of directors of said corporation, and that he signed his name thereto by like authority.

\_\_\_\_\_  
Notary Public

# **EXHIBIT D**

**STATION  
EMERGENCY  
SHUT DOWN  
PUSH TO  
ACTIVATE**

**ESD PB 14**





**NATIONAL FUEL GAS  
SUPPLY CORPORATION**



**WARNING**

**HIGH PRESSURE NATURAL GAS FACILITY  
IN CASE OF EMERGENCY, CALL TOLL FREE**

**1-800-833-1843**

**(716) 822-2251**

**CONCORD STATION**

**NOTICE**

**UNAUTHORIZED  
PERSONS  
KEEP OUT**



**STOP**

**EMERGENCY  
RESPONDERS  
MUST WAIT FOR  
NATIONAL FUEL GAS  
ESCORT**

# **EXHIBIT E**



# **EXHIBIT F**





**FEDERAL AUTHORIZATIONS REQUIRED FOR NORTHERN ACCESS 2016 PROJECT**

FEDERAL ACT	SECTION/ PROGRAM REQUIRING PERMIT, APPROVAL OR CLEARANCE	ISSUING AGENCY	DATE OF REQUEST	STATUS	DATE FINAL ACTION REQUESTED / EXPECTED / ISSUED
Natural Gas Act	Section 7(c)	Federal Energy Regulatory Commission (FERC)	March 2015	Under review.	Requested: November 1, 2016
Endangered Species Act of 1973, 16 U.S.C. 1531 et seq. (2000)	Section 7, Interagency Cooperation	United States Fish and Wildlife Service (USFWS) – Pennsylvania Field Office	Coordination initiated June-July 2014; Initial Letter Sent August 1, 2014; Coordination Ongoing	Plan to submit species specific habitat evaluation and final bat survey report(s) November 2015.	Expected: February 2016
Endangered Species Act of 1973, 16 U.S.C. 1531 et seq. (2000)	Section 7, Interagency Cooperation	USFWS – New York Field Office	Coordination initiated June-July 2014; Initial Letter Sent August 1, 2014; Coordination Ongoing	Plan to submit species specific habitat evaluation and final bat survey report(s) November 2015.	Expected: February 2016
Clean Water Act, 33 U.S.C. 1251 et seq. (2000)	Section 404 (wetland/waterbody crossing permits)	U S Army Corps of Engineers, Pittsburgh District	Application planned for November 2015	Coordination ongoing	Expected. May 2016
Clean Water Act, 33 U.S.C. 1251 et seq. (2000)	Section 404 (wetland/waterbody crossing permits)	U.S Army Corps of Engineers, Buffalo District	Application planned for November 2015	Coordination ongoing	Expected: May 2016

FEDERAL ACT	SECTION/ PROGRAM REQUIRING PERMIT, APPROVAL OR CLEARANCE	ISSUING AGENCY	DATE OF REQUEST	STATUS	DATE FINAL ACTION REQUESTED / EXPECTED / ISSUED
Clean Water Act, 33 U.S.C. 1251 et seq. (2000) and the National Pollution Discharge Elimination System (NPDES) Program, 40 CFR Part 122 et seq. (2005)	Section 401 Water Quality Certificate	Pennsylvania Department of Environmental Protection, (PADEP)	Application planned for November 2015	Coordination ongoing	Expected: May 2016
Clean Water Act, 33 U.S.C. 1251 et seq. (2000) and the National Pollution Discharge Elimination System (NPDES) Program, 40 CFR Part 122 et seq. (2005)	Section 401 Water Quality Certificate	New York State Department of Environmental Conservation (NYSDEC)	Application planned for November 2015	Coordination ongoing	Expected: June 2016
National Historic Preservation Act of 1966, 16 U.S.C. et seq. (2000)	Section 106	Pennsylvania Historical and Museum Commission (PHMC), Bureau for Historic Preservation, State Historic Preservation Office (SHPO);  Also, correspondence with Tribal Historic Preservation Officers (THPOs) for Various Native American Groups	June 23, 2014 submitted Request to Initiate Consultation	Phase I Cultural Resources Report submitted April 2015; Supplemental Phase I Report will be submitted December 2015	Expected: February 2016
National Historic Preservation Act of 1966, 16 U.S.C. et seq (2000)	Section 106	New York State Office of Parks, Recreation, and Historic Preservation, SHPO  Also, correspondence with Tribal Historic Preservation Officers (THPOs) for Various Native American Groups	Coordination initiated at meeting June 19, 2014	Phase I Cultural Resources Report submitted March 2015; Supplemental Phase I Report and Phase II Reports will be submitted December 2015	Expected: February 2016
Migratory Bird Treaty Act of 1918, 16 U.S.C. 703-712	Chapter 7, Section 1	USFWS – Pennsylvania Field Office	Coordination initiated Summer 2014	MBTA Report submitted July 17, 2015	RECEIVED: August 17, 2015
Migratory Bird Treaty Act of 1918, 16 U.S.C. 703-712	Chapter 7, Section 1	USFWS – New York Field Office	Coordination initiated Summer 2014	MBTA Report submitted July 17, 2015	Expected: November 2015

**Tab 4**

**PENDLETON COMPRESSOR STATION**  
(Killian Road Site)  
**AMBIENT SOUND SURVEY**  
and  
**NOISE IMPACT ANALYSIS**



**PENDLETON COMPRESSOR STATION**  
(Killian Road Site)

**AMBIENT SOUND SURVEY  
and  
NOISE IMPACT ANALYSIS**

**(associated with the Northern Access 2016 Project)**

H&K Report No. 3335

H&K Job No. 4869

Date of Report: November 3, 2015

**Prepared for:** **National Fuel Gas**  
6363 Main Street  
Williamsville, NY 14221-5887

**Submitted by:** Brian R. Hellebuyck, P.E.  
**Hoover & Keith Inc.**  
11391 Meadowglen, Suite I  
Houston, TX 77082

---

**Hoover & Keith Inc.**

**Consultants in Acoustics and Noise Control Engineering**

11391 Meadowglen, Suite I, Houston, TX 77082

Phone: (281) 496-9876

---

**National Fuel Gas**  
 Pendleton Compressor Station (Killian Road Site)  
 Ambient Sound Survey and Noise Impact Analysis

**Hoover & Keith, Inc.**  
 RN 3335 / JN 4869  
 (11/03/15)

**REPORT SUMMARY**

In this report, **Hoover and Keith, Inc.** (H&K) present the results of a September 24-27, 2015, ambient sound survey and subsequent noise impact analysis associated with the proposed **Pendleton Compressor Station** ("Station"), a new compressor station to be owned and operated by **National Fuel Gas Corporation** (NFG). The purpose of the ambient sound survey and acoustical analysis is to:

- Document the existing acoustic environment around the proposed site and locate the noise-sensitive areas (NSAs) surrounding the proposed Station.
- Project the sound level contribution that would result from operating the proposed Station installation.
- Determine noise control measures and noise specifications for the Station equipment to insure that the facility meets applicable sound level criteria.

The following table summarizes the measured ambient sound levels and noise quality analysis for the proposed Pendleton Compressor Station at the closest NSAs:

NSAs	Distance to Center of Proposed Comp. Units	Ambient $L_d^{(1)}$ (dBA)	Ambient $L_n^{(1)}$ (dBA)	Ambient $L_{dn}^{(1)}$ (dBA)	Est'd $L_{eq}$ of Station at Full Load (dBA)	Est'd $L_{dn}$ of Station at Full Load (dBA)	Station $L_{dn}$ + Ambient $L_{dn}$ (dBA)	Potential Increase Above Ambient (dB)
NSA #1 (Houses)	2,300 ft. NW	47.7	34.4	45.8	26.2	32.6	46.0	0.2
NSA #2 (Houses)	2,500 ft. W-NW	45.8	34.1	44.0	26.4	32.8	44.3	0.3
NSA #3 (Houses)	3,400 ft. W-SW	45.0	38.4	43.5	22.9	29.3	43.7	0.2
NSA #4 (Houses)	2,650 ft. E-SE	43.9	34.8	42.2	23.4	29.8	42.4	0.2
NSA #5 (Houses)	5,300 ft. E	45.8	34.1	44.0	18.3	24.7	44.0	0.0
NSA #6 (House)	1,400 ft. SE	43.9	34.8	42.2	31.6	38.0	43.6	1.4
Potential Future Houses	1,300 ft. NW	47.7	34.4	45.8	30.9	37.3	46.4	0.6

<sup>(1)</sup>  $L_{90}$  sound levels.

**Noise Quality Analysis for the Proposed Pendleton Station  
 at the Closest NSAs for the Killian Road Site**

**National Fuel Gas**  
Pendleton Compressor Station (Killian Road Site)  
Ambient Sound Survey and Noise Impact Analysis

**Hoover & Keith, Inc.**  
RN 3335 / JN 4869  
(11/03/15)

---

The results of our measurements, observations and analysis indicate that the estimated full load station sound level contribution at the nearby NSAs should be significantly less than an  $L_{dn}$  of **55 dBA**. Therefore, assuming the recommended noise control measures are followed and successfully implemented, it is our opinion that the sound level attributable to the proposed Station should not exceed the FERC criterion of **55 dBA  $L_{dn}$**  at the nearby NSAs and there should be no perceptible increase in vibration.

The potential increase above ambient noise levels, as measured and reported, ranges from 0 to 1.4 dB. Regarding the human perception for change in sound level (i.e., potential increase above ambient), a 0-3 dB change in sound level is representative of a minimum impact, a 5-6 dB change is a noticeable impact, and a 10 dB change is perceived as a doubling of sound level or a significant impact.

Final Comments

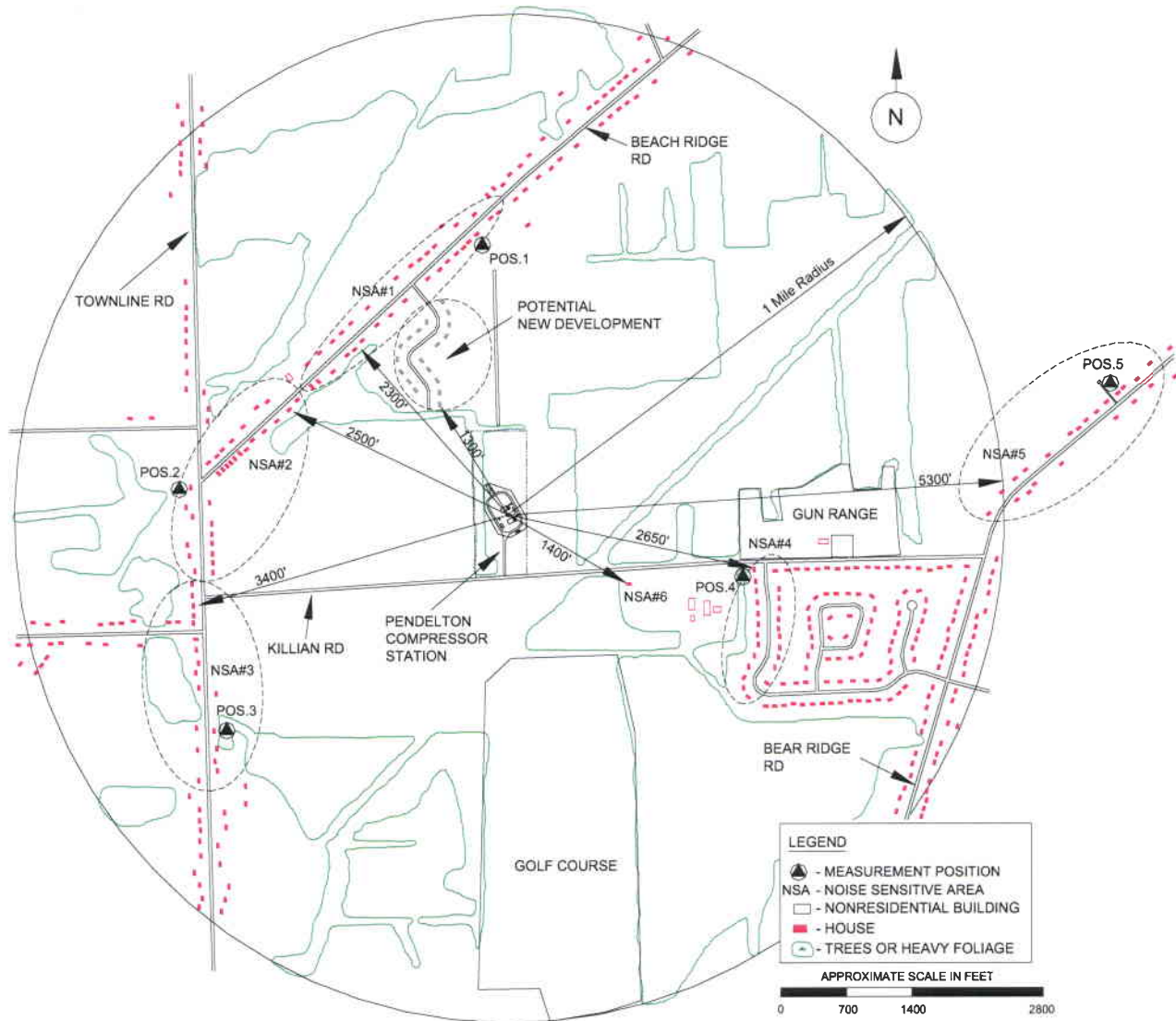
1. NFG has instructed H&K to utilize state of the art noise control mitigation to achieve the lowest possible sound level contributions for the proposed Pendleton Compressor Station, with a goal of being at least 15 dB below the FERC 55 dBA  $L_{dn}$  requirement, which results in the following sound levels:
  - A Station sound level contribution equal to or less than 40 dBA  $L_{dn}$  at the closest NSAs.
  - A Station sound level contribution equal to or less than 33.6 dBA at the closest NSAs.
2. As indicated in the noise quality analysis, the estimated sound level contribution of the station ranges from 18 to 26 dBA at existing NSA #1 thru NSA #5. The estimated sound level contribution of the Station is 32 dBA at existing NSA #6 and 31 dBA at the closest potential future houses.

In conclusion, our measurements, observations and analysis indicate that the following:

- The proposed mitigation measures are representative of the state of the art noise mitigation measures.
- The estimated Station sound level contributions at NSA #6 and the potential future houses are less than 15 dB below the FERC criteria, but with very little engineering tolerance. Nonetheless, the Station sound level contributions at NSA #6 and the closest potential future houses should result in a minimum noise impact.
- The estimated Station sound level contributions at NSA #1 thru NSA #5 are significantly less than the 15 dB FERC criteria, with a significant margin of safety.

**National Fuel Gas**  
Pendleton Compressor Station (Killian Road Site)  
**APPENDIX A – Vicinity Map and Station Plot Plan**

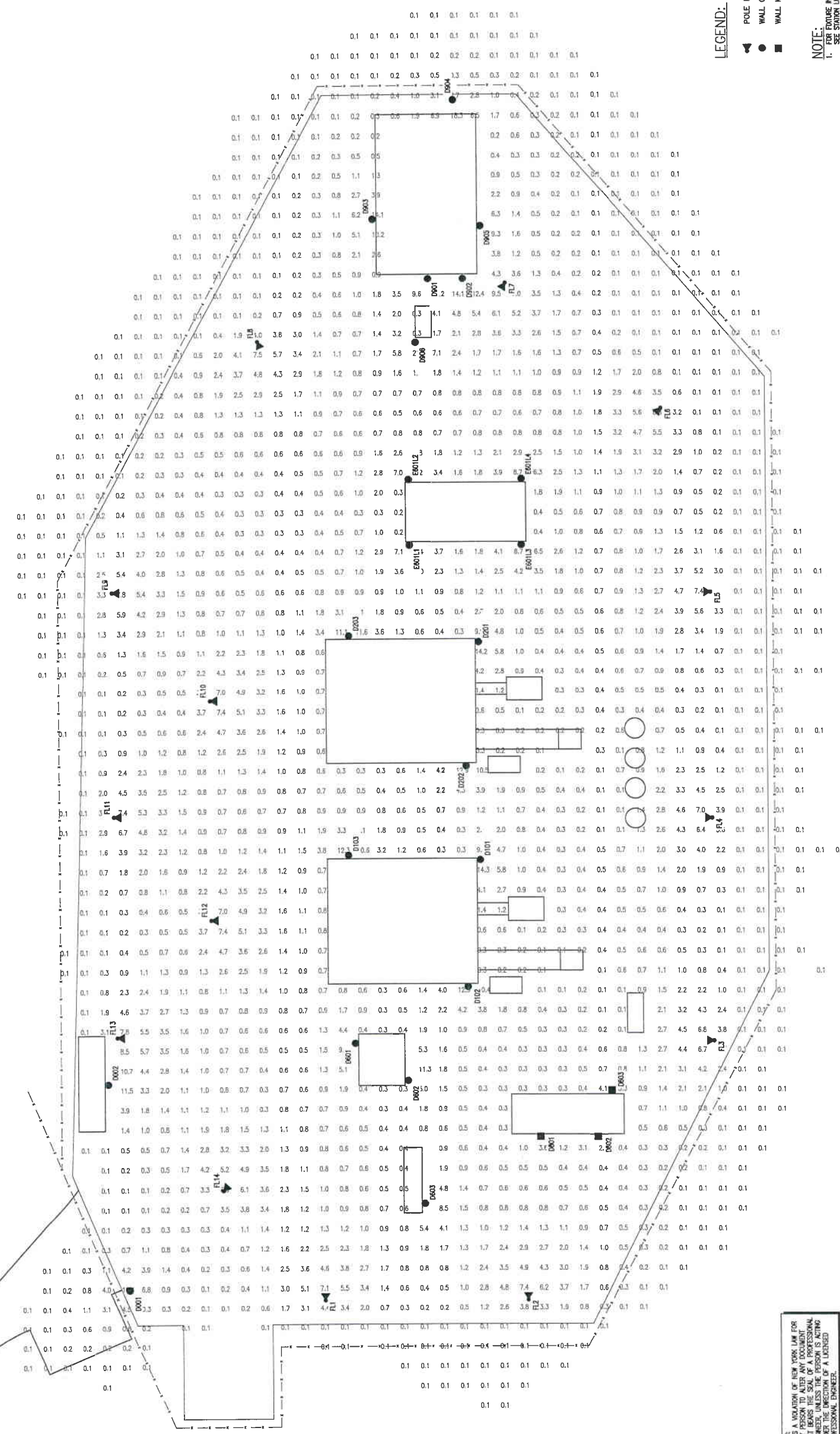
**Hoover & Keith, Inc.**  
RN 3335 / JN 4869  
(11/03/15)



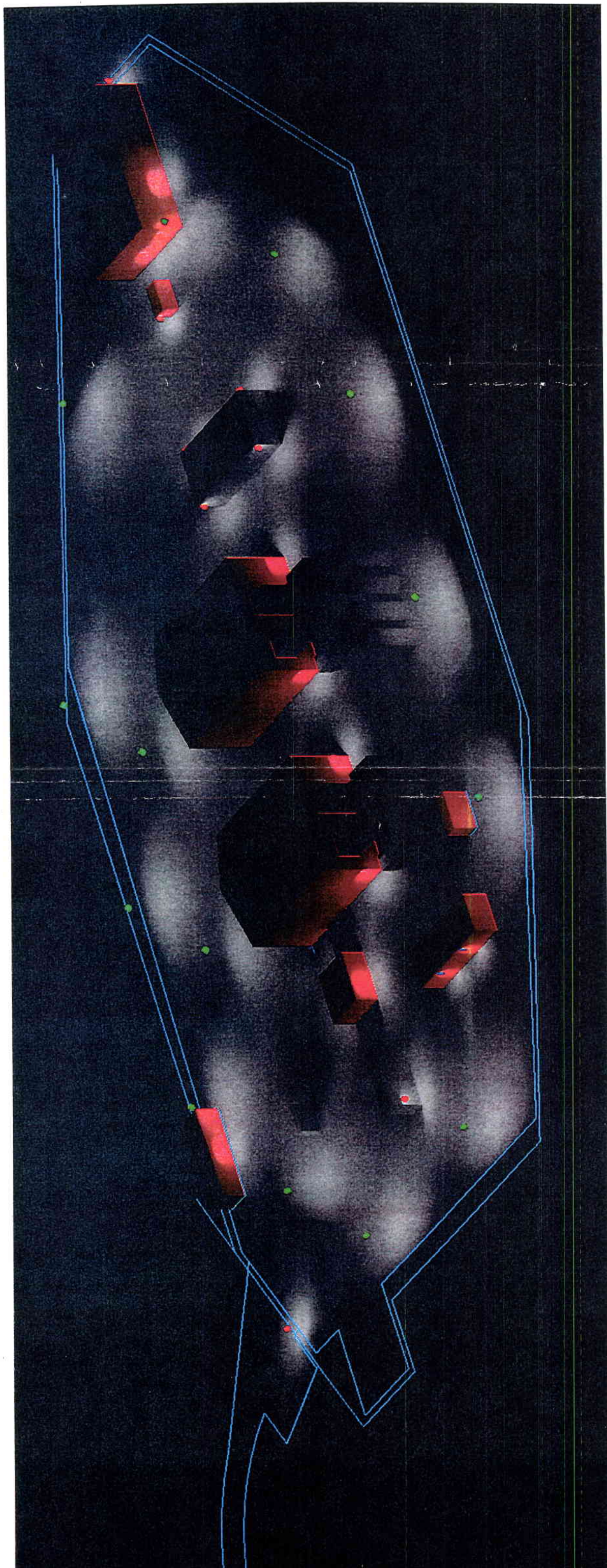
**Figure 1: Proposed Pendleton Compressor Station and Surrounding Area**



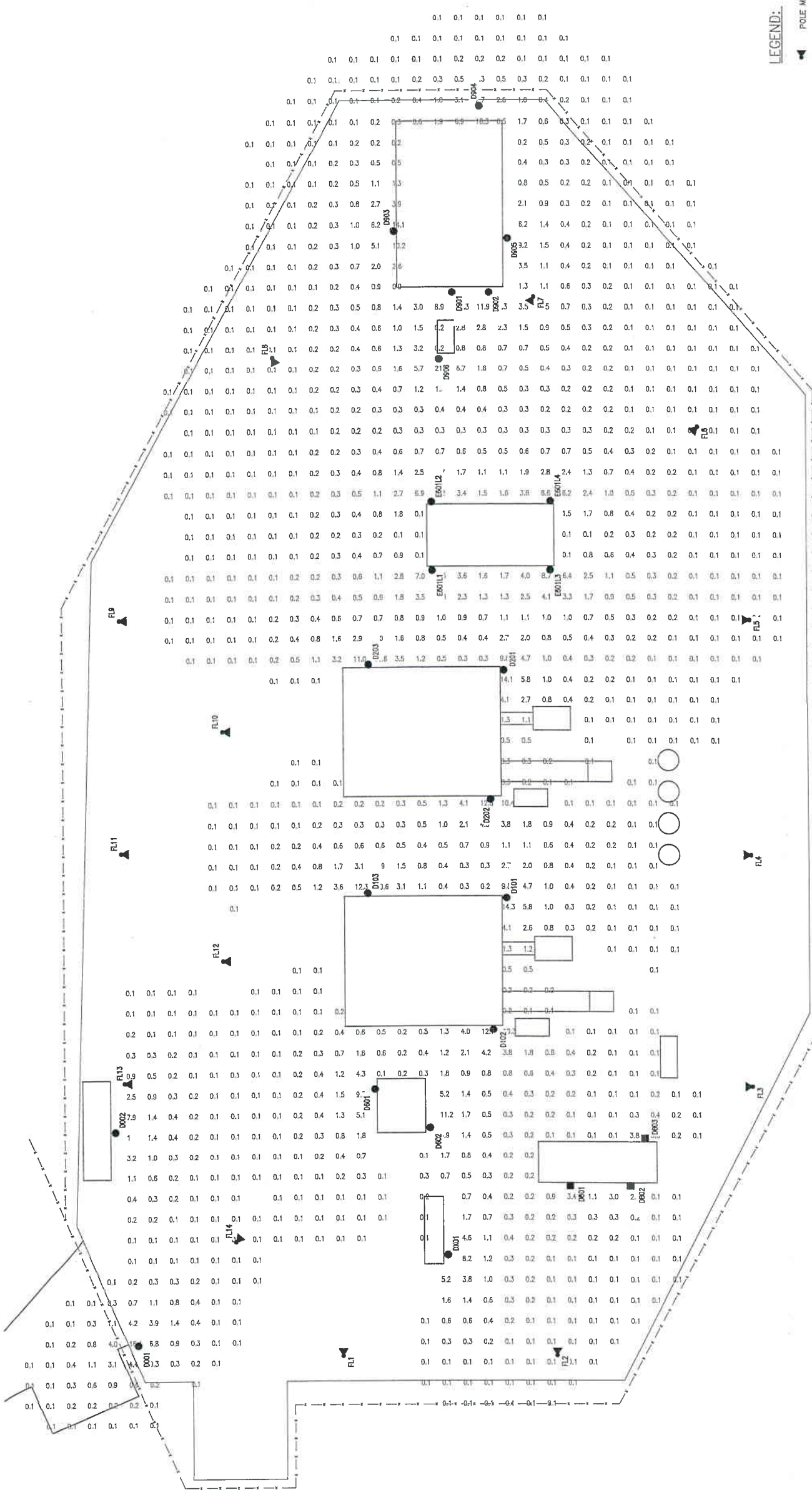
Tab 5











**LEGEND:**

- ▲ POLE MOUNTED 62W LED FLOODLIGHT
- WALL OR POLE MOUNTED 43W LED LIGHT
- WALL MOUNTED 25W LED LIGHT

**NOTE:**  
 1. FOR FUTURE INFORMATION AND LOADINGS SEE STATION LIGHTING SCHEDULE ON DRAWING 0140-ELE-1195E.

**FOR INFORMATION ONLY  
 NOT FOR CONSTRUCTION**

PROJECT NUMBER	0140-ELE-1195E
DATE	11/11/15
SCALE	1" = 50'-0"
SHEET	1 of 1
REV	b

**BCE**  
 BC-CON Engineering NY, LLC  
 1000 Old Country Road  
 Suite 200  
 Great Neck, NY 11021  
 Phone: (516) 466-2273  
 Fax: (516) 466-2274  
 www.bc-con.com

**EMPIRE PIPELINE INC.**  
 1000 Old Country Road  
 Suite 200  
 Great Neck, NY 11021  
 Phone: (516) 466-2273  
 Fax: (516) 466-2274  
 www.emppipe.com



**DISCLAIMER**  
 THIS DRAWING AND THE INFORMATION CONTAINED THEREIN IS THE SOLE PROPERTY OF BC-CON ENGINEERING NY, LLC AND IS NOT TO BE REPRODUCED, COPIED, REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BC-CON ENGINEERING NY, LLC. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DRAWING OR THE INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED AND WILL BE PUNISHED TO THE FULL EXTENT OF THE LAW. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE INFORMATION SHOWN ON THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF BC-CON ENGINEERING NY, LLC.

CHK/APP	DATE	REVISION INFORMATION

REV	DATE	BY	REVISION INFORMATION

REV	DATE	BY	REVISION INFORMATION

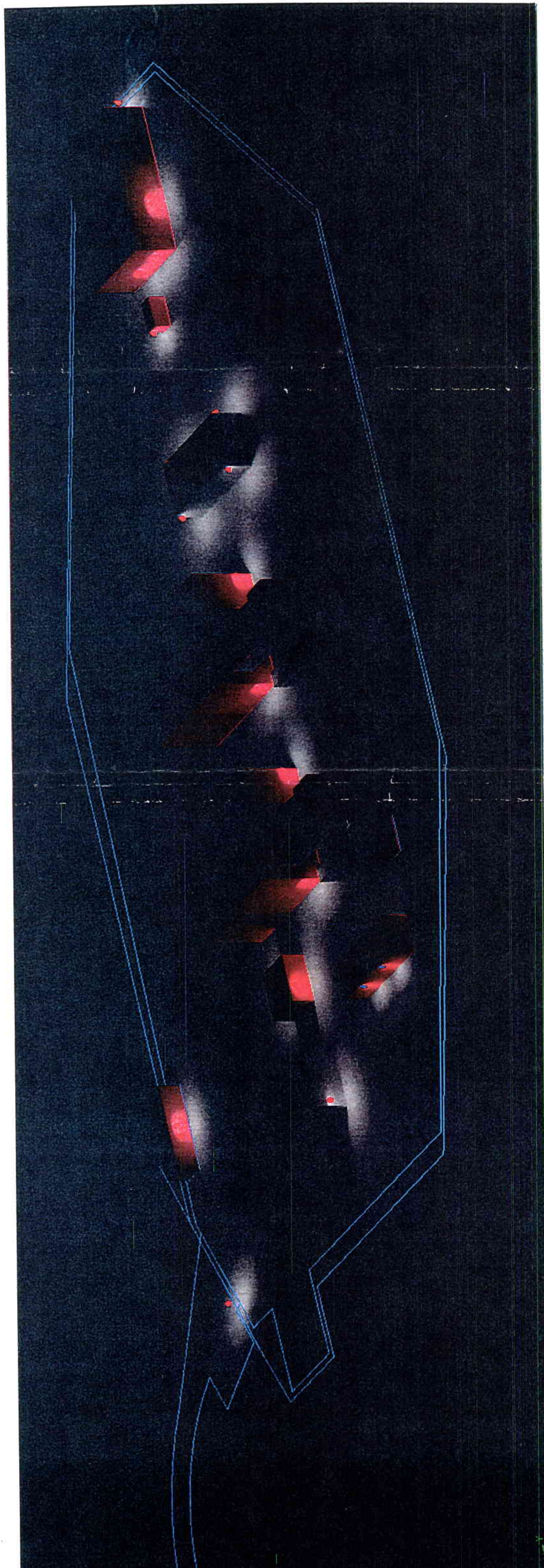
**NEW YORK STATE CODE RULE AND REGULATIONS**  
 1. THE PRELIMINARY DRAWING IS NOT IN FINAL FORM, BUT IS BEING TRANSMITTED FOR REVIEW, COMMENTS AND INTERPRETATIONS.

**STATION LIGHTING PLAN HAS BEEN PREPARED UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER.**

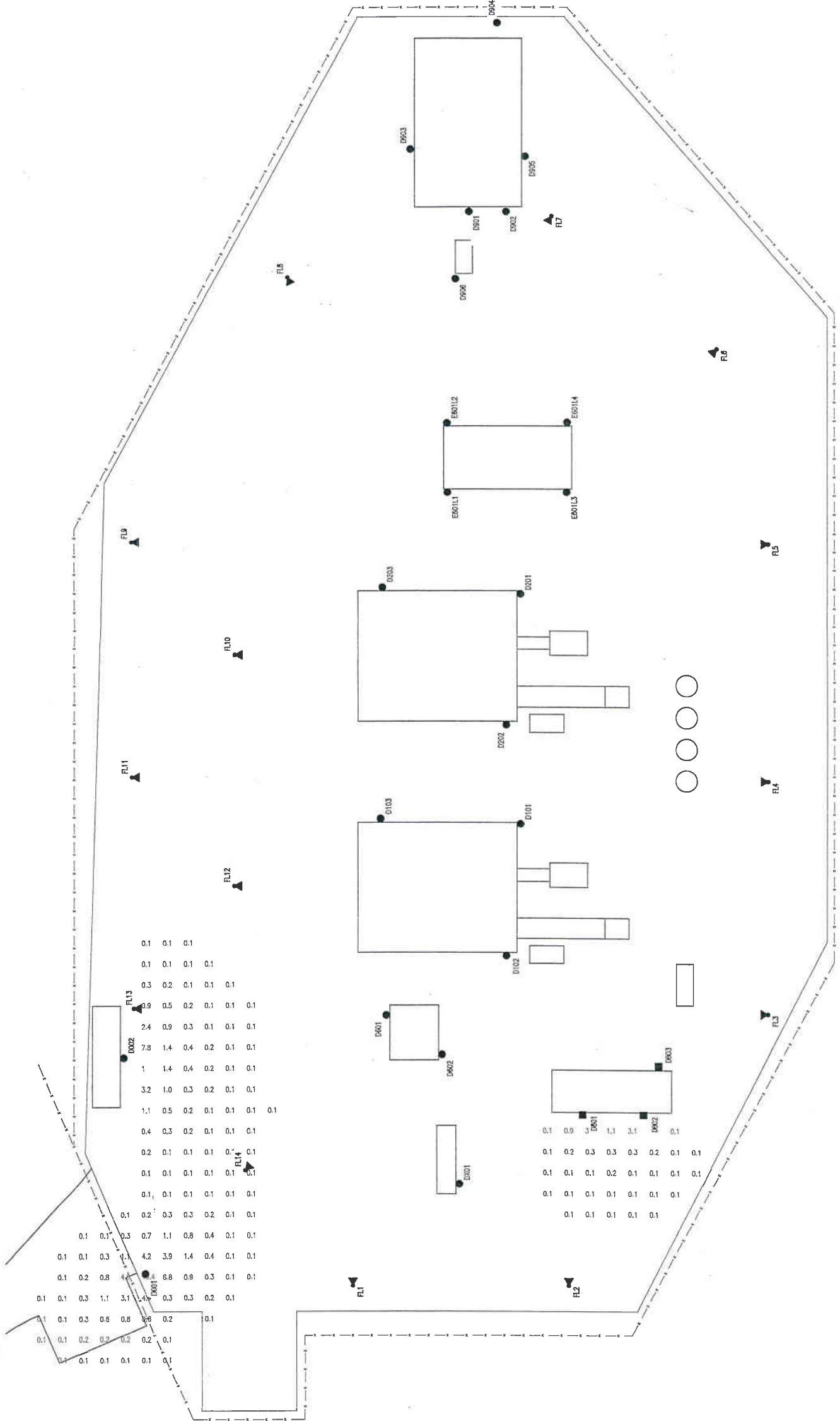
**SEAL**

**811**  
 Know what's below.  
 Call before you dig.









**NOTICE:**  
IT IS A VIOLATION OF NEW YORK LAW FOR ANY PERSON TO ALTER ANY DOCUMENT THAT BEARS THE SEAL OF A PROFESSIONAL ENGINEER OR ARCHITECT WITHOUT BEING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER.

**NOTES:**  
1. THE PRELIMINARY DRAWING IS NOT IN FINAL FORM, BUT IS BEING TRANSMITTED FOR REVIEW, COMMENTS AND INTERPRETATIONS.

**STOP! CALL BEFORE YOU DIG!**  
811 OR 1-800-962-7962

THE EXISTING CONTRACTOR IS TO VERIFY THE LOCATION AND DEPTHS OF ALL UTILITIES PRIOR TO ANY EXCAVATION WORK. CALLING THE CALL CENTER NUMBER, 811, IS YOUR RESPONSIBILITY.

CALL BEFORE YOU DIG!  
811  
Know what's below. Call before you dig.

- LEGEND:**
- ▲ POLE MOUNTED 62W LED FLOODLIGHT
  - WALL OR POLE MOUNTED 43W LED LIGHT
  - WALL MOUNTED 28W LED LIGHT

**NOTE:**  
FOR FUTURE INFORMATION AND LOOKINGS  
SEE DRAWING 0140-ELE-1195F.

THIS STATION LIGHTING PLAN HAS BEEN PREPARED UNDER THE DIRECTION OF JESSON S. DONIKOWSKI, P.E. NEW YORK STATE LICENSED PROFESSIONAL ENGINEER NO. 085515

REV.	DATE	BY	REVISION INFORMATION
1	12/29/19	ETC	REVISION PER RFP COMMENTS AND RE-ISSUED FOR RFP REVIEW
2	12/19/19	ETC	ISSUED FOR RFP REVIEW

**DISCLAIMER**  
THE DRAWING AND THE INFORMATION CONTAINED THEREIN IS ISSUED AS IS. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION AND THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.



**BCE**  
BCE Engineering LLC  
740 685-9217  
www.BCE-Eng.com

**EMPIRE PIPELINE, INC.**  
MADARA CO., N.Y.  
PEMULETON COMPRESSOR STATION

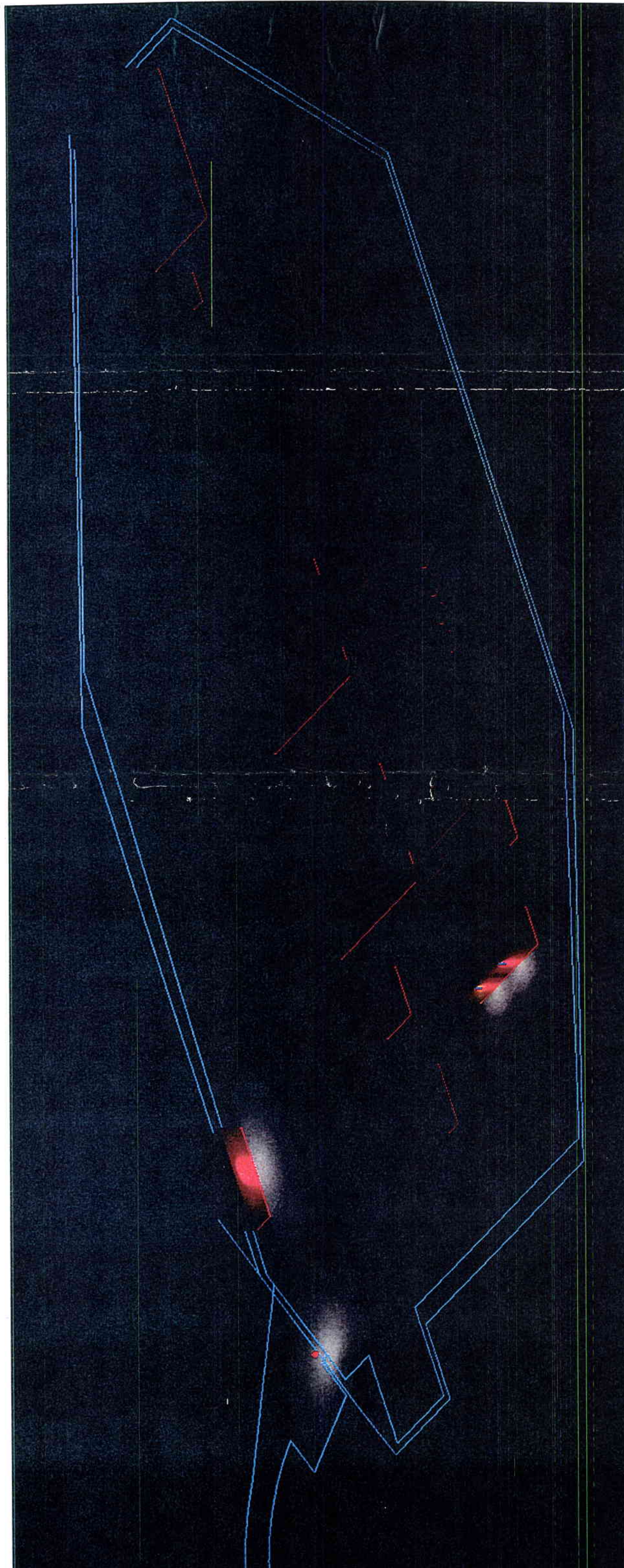
**FOR INFORMATION ONLY  
NOT FOR CONSTRUCTION**

**DRAWING TITLE:**  
ELECTRICAL - STATION UNOCCUPIED LIGHTING PLAN

**DRAWING NUMBER:** 0140-ELE-1195F

**SHEET:** 1 of 1







FIXTURE	WATTAGE	TYPE	MOUNTING HEIGHT	TILT ANGLE	COLOR TEMP.	BOM	AREA	X COORD.	Y COORD.
FL1	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL2	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL3	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL4	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL5	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL6	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL7	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL8	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL9	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL10	62W	LED	20'-0"	45°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL11	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL12	62W	LED	20'-0"	45°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL13	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
FL14	62W	LED	20'-0"	30°	3000K	EL805	AREA FLOOD LIGHT	T.B.D.	T.B.D.
D001	43W	LED	10'-0"	90°	4000K	EL809	GATE	T.B.D.	T.B.D.
D002	43W	LED	10'-0"	90°	4000K	EL809	OFFICE	T.B.D.	T.B.D.
D101	43W	LED	12'-0"	90°	4000K	EL809	UNIT NO. 1 COMPRESSOR ENCLOSURE	T.B.D.	T.B.D.
D102	43W	LED	12'-0"	90°	4000K	EL809	UNIT NO. 1 COMPRESSOR ENCLOSURE	T.B.D.	T.B.D.
D103	43W	LED	12'-0"	90°	4000K	EL809	UNIT NO. 1 COMPRESSOR ENCLOSURE	T.B.D.	T.B.D.
D201	43W	LED	12'-0"	90°	4000K	EL809	UNIT NO. 2 COMPRESSOR ENCLOSURE	T.B.D.	T.B.D.
D202	43W	LED	12'-0"	90°	4000K	EL809	UNIT NO. 2 COMPRESSOR ENCLOSURE	T.B.D.	T.B.D.
D203	43W	LED	12'-0"	90°	4000K	EL809	UNIT NO. 2 COMPRESSOR ENCLOSURE	T.B.D.	T.B.D.
D601	43W	LED	12'-0"	90°	4000K	EL809	VGRFG ENCLOSURE	T.B.D.	T.B.D.
D602	43W	LED	12'-0"	90°	4000K	EL809	VGRFG ENCLOSURE	T.B.D.	T.B.D.
D603	43W	LED	12'-0"	90°	4000K	EL809	GENERATOR ENCLOSURE	T.B.D.	T.B.D.
D801	28W	LED	12'-0"	90°	4000K	EL809	VENDOR SUPPLIED PDC BUILDING	T.B.D.	T.B.D.
D802	28W	LED	12'-0"	90°	4000K	EL809	VENDOR SUPPLIED PDC BUILDING	T.B.D.	T.B.D.
D803	28W	LED	12'-0"	90°	4000K	EL809	VENDOR SUPPLIED PDC BUILDING	T.B.D.	T.B.D.
D901	43W	LED	12'-0"	90°	4000K	EL809	M&R BUILDING	T.B.D.	T.B.D.
D902	43W	LED	12'-0"	90°	4000K	EL809	M&R BUILDING	T.B.D.	T.B.D.
D903	43W	LED	12'-0"	90°	4000K	EL809	M&R BUILDING	T.B.D.	T.B.D.
D904	43W	LED	12'-0"	90°	4000K	EL809	M&R BUILDING	T.B.D.	T.B.D.
D905	43W	LED	12'-0"	90°	4000K	EL809	M&R BUILDING	T.B.D.	T.B.D.
D906	43W	LED	8'-0"	90°	4000K	EL809	RTU BUILDING	T.B.D.	T.B.D.
E601L1	43W	LED	14'-0"	90°	4000K	EL809	STATION GAS COOLER	T.B.D.	T.B.D.
E601L2	43W	LED	14'-0"	90°	4000K	EL809	STATION GAS COOLER	T.B.D.	T.B.D.
E601L3	43W	LED	14'-0"	90°	4000K	EL809	STATION GAS COOLER	T.B.D.	T.B.D.
E601L4	43W	LED	14'-0"	90°	4000K	EL809	STATION GAS COOLER	T.B.D.	T.B.D.

NOTE  
1. TILT ANGLE IS RELATIVE TO HORIZONTAL.

WARNING:  
IT IS A VIOLATION OF NEW YORK LAW FOR ANY PERSON TO ALTER ANY DOCUMENT THAT BEARS THE SEAL OF A PROFESSIONAL ENGINEER OR ARCHITECT WITHOUT BEING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER.

NOTES:  
1. THE PRELIMINARY DRAWING IS NOT IN FINAL FORM. REV. IS BEING TRANSMITTED FOR REVIEW, COMMENTS AND INTERPRETATIONS.

STOP! CALL BEFORE YOU DIG!  
811 OR 1-800-960-7962

THE EXAMINING CONTRACTORS TO VERIFY THE ONE CALL SYSTEM HAS BEEN ADVISED BY THE EXAMINING CONTRACTOR OF ANY CHANGES TO THE ONE CALL SYSTEM. CALL BEFORE YOU DIG.



SEAL

REV	DATE	BY	DESCRIPTION
1	12/28/15	BTC	REVISED PER NFO COMMENTS AND RE-ISSUED FOR NFO REVIEW
2	12/19/15	BTC	ISSUED FOR NFO REVIEW

REVISION INFORMATION	REVISION INFORMATION
REVISION INFORMATION	REVISION INFORMATION

ORIGINAL PROJECT INFORMATION
SHEET PROJECT NUMBER: 0140 DRAWING: BTD DATE: 12/15/15 DRAWING CHECKS: ENGINEERING CHECKS: APPROVED: SCALE: NONE

DISCLAIMER  
THIS DRAWING AND THE INFORMATION CONTAINED HEREIN IS THE SOLE PROPERTY OF B-COM ENGINEERING, LLC AND IS LOANED TO THE USER UNDER THE UNDERSTANDING THAT THE USER AGREES TO HOLD B-COM ENGINEERING, LLC HARMLESS FROM AND AGAINST ALL OTHER PARTIES WHOSE RIGHTS OR INTERESTS ARE AFFECTED BY THE USE OF THIS DRAWING. THE USER SHALL NOT BE ENTITLED TO REPRODUCE, COPIY, REPRODUCE OR TRANSMIT IN ANY MANNER THE INFORMATION CONTAINED HEREIN WITHOUT THE WRITTEN PERMISSION OF B-COM ENGINEERING, LLC. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



**BCE**  
B-COM ENGINEERING, LLC  
1740 685-9217  
www.B-ComEngineering.com

FOR INFORMATION ONLY  
NOT FOR CONSTRUCTION

PROJECT NUMBER: 0140-ELE-1195G  
SHEET: 1 of 1