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OFFICE OF THE
REGIONAL ADMINISTRATOR

December 7, 2015

Brian Mills
Office of Electricity Delivery and Energy Reliability, OE-20
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

RE: EPA comments on the Final Environmental Impact Statement for the New England Clean Power Link Transmission Line Project (project), DOE Docket Number DOE 8004-VT; CEQ #20150161

Dear Mr. Mills:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Final Environmental Impact Statement (FEIS) for the New England Clean Power Link Transmission Line Project ("project") proposed by TDI-New England (TDI-NE) in Vermont.

As described in the FEIS, the objective of this project is to deliver renewable power from Quebec, Canada into Vermont (and ISO-NE) through a new 154-mile 1000 MW high-voltage electric power transmission system. The proposed transmission system will have two cables that will run from Quebec to a high voltage direct current converter station in Ludlow, Vermont. A transmission line will then run to Cavendish, Vermont, where it will connect to the ISO New England grid. Approximately 98-miles (or 60 percent) of the alignment will be installed in Lake Champlain (beneath, or, in deeper segments, on top of the lake bed) with the balance of the alignment over land generally following existing roadway right-of-way alignments. The applicant proposes to have the project in service by 2019.

EPA has actively participated as a cooperating agency throughout the DOE NEPA process for the project by providing scoping comments as well as comments on the Draft Environmental Impact Statement. (DEIS). In addition to the comments on the FEIS provided here, EPA remains willing to work with DOE on this project in the future with a focus on mitigation to address project impacts.

As we have noted before, the construction and operation of the project could result in a range of direct, indirect and cumulative impacts to resources that are within EPA's jurisdiction and expertise. Our earlier comments on the DEIS focused on impacts during construction, operation and maintenance of the project to wetlands, water quality, drinking water, environmental justice and air quality. We believe the FEIS has addressed many of our environmental concerns. The attachment to this letter provides several areas where more could be done to characterize and address project impacts. Thank you for the opportunity to provide these comments on the project. We believe the issues we have identified can be fully addressed and we are willing to work with your agency to develop a strategy to achieve that goal. Should you have any questions or wish to discuss our concerns, please contact William Walsh-Rogalski, Director, Office of Environmental Review at 617-918-1035.

Sincerely,

H. Curtis Spalding
Regional Administrator

Attachment

cc: Don Jessome
TDI-New England
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Detailed Comments for the New England Clean Power Link Project FEIS

Purpose and Need Statement

As a general matter, EPA thinks that an analysis of a broader set of alternatives would have improved the environmental review process for this project. In response to EPA's comments on this issue, DOE responds that "DOE's role is limited to deciding whether the issuance of a Presidential permit is in the public interest, and the purpose and need is to respond to applicant's request for a Presidential permit." Defining the purpose and need to be consistent with the DOE policy referenced in our comments on the draft EIS would have been helpful.

Alternatives

With respect to the single alternative offered, EPA supports the overland routing approach for the project adjacent to and within existing transportation corridor right-of-way (ROW) alignments. This approach is logical and should result in reduced project impacts in areas already maintained in existing ROW areas. Even with reduced impacts, proper mitigation to address impacts from project construction and operation will be an important part of the project design.

The 100 mile segment of the project proposed within Lake Champlain appears to be designed to avoid impacts to shallow water areas. We support the use of horizontal directional drilling (HDD) to achieve that objective. HDD should minimize aquatic impacts discussed below.

Water Supply/Water Resources

The FEIS includes a map of source water protection areas for ground and surface water supplies in the vicinity of the proposed project; however, the locations of the private and public water supplies and wells are not located on the map and their inclusion would paint a clearer picture of the relationship of the project to drinking water supplies. More specifically, the FEIS indicates that ten of the ninety-nine public water systems drawing water from Lake Champlain are in the vicinity of the proposed project and the deep intake of one supplier (Grand Isle Consolidated Water District) is within one hundred feet of the project. The FEIS also indicates that the Region of Influence (ROI) includes nine public water supply systems using groundwater sources (wells) that have either designated source protection areas (SPAs) or sources within the immediate vicinity. Four small private wells are also in the vicinity of the ROI. EPA recommends that any future maps of the project mark the location of the ten surface water systems, nine ground water systems, and four private wells.

While the FEIS catalogues various state and federal laws relating to the protection of drinking water supplies, it does not describe how the proposed project would meet state regulations and any state guidance for protection of surface and ground water drinking supplies, information that would convey the adequacy of TDI-NE safeguards. The information should be provided by the DOE prior to the close of the NEPA process. In a similar vein, we encourage DOE to underscore

that it is extremely important that TDI-NE consider all state and local land use restrictions that are designed to protect water supplies.

The FEIS indicates that Grand Isle Consolidated Water District will use an upper intake during project construction and that all public water suppliers drawing from the lake will be notified three weeks in advance of any construction. Also, real-time monitoring of turbidity will be conducted during construction, although the FEIS suggests that turbidity fluctuations from the project will be minimal. EPA recommends that DOE convey to TDI-NE the importance of providing turbidity data to the water suppliers drawing from Lake Champlain so they may make informed treatment decisions. A specific requirement in the record of decision for this type of notification would be ideal as a way to reinforce Federal and State regulations intended to protect water supplies through turbidity monitoring. Those regulations require water systems to monitor turbidity closely as significant changes may require public notification and treatment modifications.

The DOE response to EPA's comments on the DEIS indicates that "TDI-NE notes that construction management plans have not been developed at this time and are not anticipated until after the permitting phase of the Project." We recommend that this information be conveyed to water suppliers as soon as it is available, prior to any construction. We expect that all Environmental Management and Construction Practices (EMCP) and Spill Prevention, Contaminant and Countermeasure Plans (SPCCP) will include provisions for notification of the state environmental agencies, public water suppliers and well owners within 1,000 feet of the project in the event of a spill during construction or operation and maintenance of the project.

Sediments and Water Quality

Stream Crossings

Among the mitigation actions contained in Appendix G, the document states that "[i]n addition, certain Town and /or State culverts could be replaced and hydrology could be improved during project construction." This does not identify the criteria for replacing culverts. EPA recommends that Town and State culverts be replaced whenever necessary to avoid or minimize any negative environmental impacts.

With respect to placement of cable in roadside ditches, the FEIS states that the ditches will likely be improved as part of the construction. EPA encourages a commitment that when roadside ditch construction occurs, it be in accordance with the current Vermont road and bridge standards for roadside ditches.

Invasive Species

EPA appreciates that DOE has consulted with the Vermont Agency of Natural Resources regarding the development of an invasive species plan. Appendix G provides some detail on the methods that will be used to address terrestrial invasive species, but does not address other vectors, such as barges. We again recommend that the Lake Champlain Basin Project be consulted on the issue of invasive species prior to project construction

Air Quality

EPA appreciates that the FEIS has addressed some effects of the project on climate change. However, with respect to our DEIS comment that comparisons to global impacts are inappropriate, we call your attention to section 5.2.16.2 which continues to compare project emissions to global levels.

We are encouraged that the FEIS proposes measures to reduce emissions, such as maintaining construction equipment properly, minimizing idling, and using low-emission construction equipment. EPA continues to recommend that DOE require a binding commitment to ensure that specific detailed mitigation measures are implemented during construction to help reduce and minimize air quality impacts from the construction phase of the proposed project.

The FEIS would have provided a clearer picture on the regional energy impacts of the project had it provided information to assess the sources of the electricity to be imported, and compared the emissions profile of that electricity with that of the electricity it would likely displace from the New England power grid. The DEIS stated that the proposed project is intended to reduce criteria pollutants and GHG emissions by alleviating the need to operate older, more polluting power plants and that the proposed project is expected to have long term, beneficial, cumulative impacts on air quality. The FEIS should have provided an analysis that supports that statement, including an assessment of the environmental impacts related to criteria pollutants and GHG. To estimate the GHG emissions associated with the proposal and the no action alternative, DOE could use tools for estimating and quantifying GHG emissions that can be found on CEQ's NEPA.gov website. In most cases quantification of GHG emissions involves a relatively straightforward calculation. The FEIS could also have been improved with a discussion of the environmental effects that would be avoided through potential reductions in the need to operate power plants with significant cooling water needs. Many older plants generating energy that would be supplanted by this project are usually steam units with once through cooling and as a result, have significant water impacts

Environmental Justice

As we noted in our comments on the DEIS, the environmental justice (EJ) analysis would have been improved by identifying minority and low-income populations at a finer grained scale such as at the municipal level. This analysis can be conducted using an EPA tool called EJSCREEN available on the national EPA website.

EPA acknowledges that the FEIS does break down its EJ analysis by identifying EJ populations at the census tract level. However, this analysis does not differentiate between the overland and lake segments. This is significant in that populations likely to be affected by the project will be in the overland section, and the proximity of the project to those populations would be useful to examine.

EPA acknowledges that DOE held public meetings and that these meetings were noticed in local papers. EPA has found that EJ populations, particularly those not proficient in English, may not be aware of the opportunity for public input unless a project proponent or government agency

reaches into the community through neighborhood meetings, church groups and neighborhood clubs. EPA encourages DOE and/or TDI-NE to conduct its public outreach during the construction period through such forums to keep EJ populations informed about the project's progress and potential impacts, even minor ones.