

LAW OFFICES
ARTHUR B. CUNNINGHAM
79 Checkerberry Lane, Hopkinton, NH 03229

February 26, 2016

Pam Monroe, Administrator
Site Evaluation Committee
21 South Fruit Street
Concord, NH 03301-2429

Via email

Dear Administrator Monroe:

On behalf of the Town of Fitzwilliam, New Hampshire, I propose the following rules pursuant to the RSA 162-H: 10-b Site Evaluation Committee, January 25, 2016, Rules Notice.

Additions to Site 301.03 Contents of Application

Site 301.03(e)

Add subparagraph: (8) For transmission pipelines subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC), a sworn certificate that applicant has complied with the National Environmental Policy Act (NEPA). The certificate shall include the following information and documentation:

- a. A copy of the environmental impact statement (EIS), environmental assessment (EA) or other document demonstrating that applicant has satisfied the obligations required by NEPA;
- b. A detailed description, if not fully detailed in the EIS, EA or other document, of how applicant plans to comply with the federal permitting requirements under the Clean Water Act (CWA) during the construction and operation of the project, including, but not limited to, the water quality certification required by CWA Section 401 and wetland permitting and mitigation required by CWA Section 404, together with the date applicant filed, or expects to file, such permit application and the timeline for public participation in each permit process and, information how the public can access and view the permit application and process.
- c. A detailed description of how the applicant plans to comply with the state permitting process as required by New Hampshire RSA Chapters of Title L: Water Management and Protection and the rules set forth in Env-Wq and Env Wt for the construction and operation of the project, together with the date applicant filed, or expects to file, such permit application, the timeline for public participation in each permit process; and, information how the public can access and view the permit application and process. The description of applicant's plan to comply with the CWA and RSA Chapters of Title L shall include an assessment of the pre-construction condition of all contiguous wetlands, i.e. their extent, cover types and functions; mapped spatial locations of proposed wetlands impacts; detailed impact classifications, e.g. temporary versus permanent; an assessment of the impacts to wetlands functions; and, an assessment of the suitability of the proposed avoidance and minimization of wetlands impacts as required by the CWA and RSA Title L;

- d. A detailed description of how the applicant plans to comply with town and municipal ordinances, regulations and permit requirements enacted to protect town and municipal water resources from contamination and degradation, including surface waters, lakes, ponds, rivers, streams, wetlands and drinking water aquifers during the construction and operation of the project;
- e. A detailed description of how applicant plans to prevent the introduction of invasive species, plant and animal, into the water resources of towns and municipalities during the construction and operation of the project.

Relative to the detailed description of the required alternatives analysis under 301.03(h), replace (h) (2) and (h) (7) with the following:

h. (2) Identification of the applicant's preferred choice for siting the energy facility, and for configuring each major part of the proposed facility, along with a detailed alternatives analysis that describes the rationale for the preferred choice, the reasons why suitable alternatives were not chosen, and the environmental, social, and economic reasons why the preferred choice was the least impacting alternative;

h. (7) Information regarding the cumulative impacts of proposed pipeline projects on natural, wildlife, habitat, scenic, recreational, historic, and cultural resources.

Old (7) will be re-numbered (8).

Old (9) will be re-numbered (10).

To insert as a new 301.10(f):

(f) If the application has been determined as administratively complete and acceptable for review, notice of said completed application shall be sent to all interested parties and posted on the Committee's web site;

The above draft rules were prepared with the expert advice of Rick Van de Poll, Ph.D., CWS #110, Ecosystem Management Consultants, 30 North Sandwich Road, Center Sandwich, NH 03227.

Add to Site 301.03(e) during construction:

Add subparagraph: (9) A detailed emergency response plan for the construction of the project which shall include the following information:

- a. A detailed description of the fire suppression plan. The description shall include a listing of high risk locations including locations close to schools, residences, businesses, electrical transmission and distribution infrastructure, including sub-stations;
- b. A detailed description of and locations for gas leak detectors;
- c. A detailed description of the training that applicant will provide for first responders (fire, ambulance, emergency management and highway);
- d. A detailed description of applicant's emergency responding personnel, including trench and confined space rescue personnel, together with a summary of the training and experience of

such personnel to ensure that such personnel meet or exceed the standards in OSHA 1910.120;

- e. A detailed description of the turnout gear needed by first responders to pipeline incidents, including what, if any, financial commitment applicant will to ensure that first responders are fully equipped during project construction;
- f. A detailed description of security monitoring to be provided by applicant during project construction, including fences, alarms, cameras, and patrols. The description should include monitoring responsibilities, data storage, tapes and images and the identities of those who may access the information;
- g. A detailed description of who may, including first responders, access the construction site and what times, together with a description of how the construction site shall be accessed, e.g., keys to gates;
- h. A detailed description of the vehicles, equipment and materials, including emergency medical equipment, that will be provided to first responders to enable them to timely respond to project emergencies;
- i. A detailed description of evacuation routes during an incident;
- j. A detailed description of the plan to protect the construction site from soft terrorism;
- k. A detailed description of applicants' plan to keep and maintain road access to the project, including the pipeline and compressor stations. The plan should include snow removal and road maintenance in order that emergency vehicles may respond;
- l. A detailed description of applicants' plan to keep and maintain road access to homes and neighborhoods that may have limited access during construction of the project. The plan should include snow removal and road maintenance in order that emergency vehicles may respond;
- m. A detailed list of applicant's emergency contacts with a written commitment that the list be current during construction of the project;
- n. A detailed summary of the financial obligations applicant will undertake to reimburse first responders for emergency responses including alarm activations and full blown incidents;
- o. A detailed summary of applicant's plan to compensate municipalities, towns and persons for personal injury and property damage caused incidents arising from the construction of the project. The description should include a listing of primary insurance carriers with coverages, policy limits and loss payees. The description should also include plans detailing coverage for catastrophic loss.

Site 301.03(e) during operations:

Add subparagraph: (10) A detailed emergency response plan for the operations of the project which shall include the following information:

- a. A detailed description of the fire suppression plan;
- b. A detailed description of and locations for gas leak detectors;
- c. A detailed description of the training that applicant will provide for first responders (fire, ambulance, emergency management and highway);
- d. A detailed description of applicant's emergency responding personnel, including trench and confined space rescue personnel, together with a summary of the training and experience of such personnel to ensure that such personnel meet or exceed the standards in OSHA 1910.120;

- e. A detailed description of the turnout gear needed by first responders to pipeline incidents, including what, if any, financial commitment applicant will to ensure that first responders are fully equipped during project construction;
- f. A detailed description of security monitoring to be provided by applicant during project construction, including fences, alarms, cameras, and patrols. The description should include monitoring responsibilities, data storage, tapes and images and the identities of those who may access the information;
- g. A detailed description of who may, including first responders, access the construction site and what times, together with a description of how the construction site shall be accessed, e.g., keys to gates;
- h. A detailed description of the vehicles, equipment and materials, including emergency medical equipment, that will be provided to first responders to enable them to timely respond to project emergencies;
- i. A detailed description of evacuation routes during an incident;
- j. A detailed description of the plan to protect the construction site from soft terrorism;
- k. A detailed description of applicants' plan to keep and maintain road access to the project, including the pipeline and compressor stations. The plan should include snow removal and road maintenance in order that emergency vehicles may respond;
- l. A detailed description of applicants' plan to keep and maintain road access to homes and neighborhoods that may have limited access during construction of the project. The plan should include snow removal and road maintenance in order that emergency vehicles may respond;
- m. A detailed list of applicant's emergency contacts with a written commitment that the list be current during construction of the project;
- n. A detailed summary of the financial obligations applicant undertakes to reimburse first responders for emergency responses including alarm activations and full blown incidents.
- o. A detailed summary of applicant's plan to compensate municipalities, towns and persons for personal injury and property damage caused incidents arising from the construction of the project. The description should include a listing of primary insurance carriers with coverages, policy limits and loss payees. The description should also include plans detailing coverage for catastrophic loss.

The lists provided above that address the safety of pipeline projects were developed by Nancy Carney, Chief, Fitzwilliam Fire Department, 6 Church Street, Fitzwilliam, New Hampshire 03447-0425. (603-585-6561)

Very truly yours,

Arthur B. Cunningham

Cc: Service list