



# **WATKINS GLEN SOLAR ENERGY CENTER**

**Case No.: 17-F-0595**

**1001.32 Exhibit 32**

**State Laws and Regulations**

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## Exhibit 32: State Laws and Regulations

This Exhibit will track the requirements of Stipulation 32, dated February 21, 2020, and therefore, the requirements of 16 New York Codes, Rules and Regulations (NYCRR) § 1001.32. Policies and guidelines are addressed in Exhibit 5.

### 32(a) State Approvals, Consents, Permits, Certificates, or Other Conditions of a Procedural Nature

The Applicant has compiled a list of state approvals, consents, permits, certificates, or other conditions of a procedural nature that are applicable to the construction or operation of the Project (see Table 32-1 below). These state requirements are supplanted by Public Service Law (PSL) Article 10 unless the Board expressly authorizes the exercise of such authority by the state agency.

**Table 32-1. State Reviews, Permits, and Approvals of a Procedural Nature**

Permit/ Clearance	Regulatory Agency	When Required	Potential Studies & Application Requirements	Status and Estimated Approval Times
Stormwater Permit (SPDES GP- 0-20-01)	NYSDEC	Soil disturbance of one (1) or more acre	Preparation of a Stormwater Pollution Prevention Plan (SWPPP)	Applicant will submit a Final SWPPP to the NYDPS staff; submit Notice of Intent (NOI) to NYSDEC at least five days prior to construction.
Water Quality Certification (Section 401 of CWA)	Siting Board	Projects whose effluent discharges could affect state protected waterbodies	Wetland and waterbody delineations have been completed and are included with this Application	Issuance will be coordinated as part of the Article 10 process.

Permit/ Clearance	Regulatory Agency	When Required	Potential Studies & Application Requirements	Status and Estimated Approval Times
Historic Preservation Act (Section 14.09)	SHPO	Project must go through review /consultation to determine whether it will affect historic or culturally significant properties.	Phase I Assessment	Project has been preliminarily reviewed on SHPO CRIS. Phase IA/IB review coordinated with Article 10 process.
Agricultural and Markets Law – Article 25-AA	NYSDAM	Consultation required as Project is located within certified Agricultural Districts	Review of Agricultural District Mapping & Coordination with NYSDAM	Consult with NYSDAM for recommendations on how to minimize impacts to agricultural operations as part of the Project. Consultation will be incorporated into Article 10 process.
Interconnecti on Studies	NYISO	Interconnection Required	Feasibility study and system reliability impact study underway.	Interconnection request submitted 3/24/2017.
Highway Work and Use & Occupancy Permits	NYSDOT	Required for overhead or underground crossings of state highways, access roads from state highways, and temporary	Complete Standard Permit Application	If determined necessary, approved once routes are final; anticipated immediately prior to start of construction

Permit/ Clearance	Regulatory Agency	When Required	Potential Studies & Application Requirements	Status and Estimated Approval Times
		widening of intersections at state highways		
Special Haul Permit	NYSDOT	Required for overweight and/or oversized deliveries	Complete Standard Permit Application	If determined necessary, approved once travel routes are final; anticipated immediately prior to start of construction

In addition, The Applicant will determine what procedure should be followed at the NYPSC, if any, for tapping into the NYSEG Bath-Montour Falls transmission line as DPS has informed the Applicant the line was issued an Article VII certificate. A potential change or amendment to the Certificate of Environmental Compatibility and Public Need or the Environmental Management and Conservation Plan for the NYSEG Bath-Montour Falls 115 kV line (Case 70383) may be required. The article VII certificate will be reviewed, as well as the EM&CP for the line, if readily available and NYSEG will be consulted. The Applicant will keep DPS apprised of its progress in addressing this issue.

### **32(b) List of State Procedural Requirements**

At this time, the Applicant does not request the NYPSC staff to authorize any state agency to expressly authorize the exercise of authority for any procedural requirements.

### **32(c) State Approvals, Consents, Permits, Certificates, or Other Conditions of a Substantive Nature**

The Applicant has compiled a list of state approvals, consents, permits, certificates, or other conditions of a substantive nature that are applicable to the construction or operation of the Project and intends to comply with the substantive requirements as outlined in Table 32-2 below.

### 32(d) Summary Table of All State Substantive Requirements

**Table 32-2. Summary Table of All State Substantive Requirements**

Provision	Degree of Compliance
Water Quality Certification. Section 401 of the CWA  6 NYCRR Part 621.4e (Water Quality Certifications in Accordance with Section 401 of the CWA)	The Applicant anticipates to fully comply.
Consultation Pursuant to §14.09 of the New York State Historic Preservation Act  9 NYCRR Part 428 (State Agency Activities Affecting Historic or Cultural Properties)	The Applicant anticipates to fully comply.
SPDES General Permit for Construction Activity  Article 3, 6 NYCRR Part 750-1.11 (Application of Standards, Limitations, and other Requirements)	The Applicant anticipates to fully comply.
Special Hauling Permit Section 385 of the New York State Vehicle and Traffic Law	If required, the Applicant anticipates to fully comply.

### 32(e) List of State Approvals, Consents, Permits, Certificates, or Other Conditions for Offsite Components

The Applicant has not identified any additional state approvals, consents, permits, certificates, or other conditions for proposed offsite interconnections and ancillary features.

## References

- New York State Department of Environmental Conservation (NYSDEC). January 29, 2020. *SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-20-001)*. [https://www.dec.ny.gov/docs/water\\_pdf/constgp020001.pdf](https://www.dec.ny.gov/docs/water_pdf/constgp020001.pdf). Accessed 2020.
- NYSDEC. May 1997. *Article 24 Freshwater Wetlands, Title 23 of Article 71 of the Environmental Conservation Law*. [https://www.dec.ny.gov/docs/wildlife\\_pdf/wetart24b.pdf](https://www.dec.ny.gov/docs/wildlife_pdf/wetart24b.pdf). Accessed July 18, 2019.
- New York State Parks, Recreation, and Historic Preservation. n.d. *Federal and State Preservation Legislation*. <https://parks.ny.gov/shpo/environmental-review/preservation-legislation.aspx>. Accessed July 18, 2019.
- United States Environmental Protection Agency. May 1, 2019. *Clean Water Act Section 401: State Certification of Water Quality*. <https://www.epa.gov/cwa-401/clean-water-act-section-401-state-certification-water-quality>. Accessed 2019.