LAW OFFICE OF RACHEL TREICHLER
7988 VAN AMBURG ROAD
HAMMONDSPORT, NY 14840
607-569-2114
TREICHLERLAW@FRONTIERNET.NET

October 17, 2016

Via Electronic Mail

Hon. Kathleen H. Burgess
Secretary to the Commission
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350
secretary@dps.ny.gov

Case 15-E-0516 – Petition of Greenidge Generation LLC for an Original Certificate of Public Convenience and Necessity and Lightened Regulation.

Case 15-G-0571 – Petition of Greenidge Pipeline LLC and Greenidge Pipeline Properties Corporation for an Expedited Original Certificate of Public Convenience and Necessity and for Incidental or Lightened Regulation.

Dear Secretary Burgess:

The petition by the Committee to Preserve the Finger Lakes and the Coalition to Protect New York for rehearing of the Commission's Order Granting Certificates of Public Convenience and Necessity and Providing for Lightened and Incidental Regulation in the above-captioned cases dated September 16, 2016 is attached.

Respectfully submitted,

Rachel Treichler

Rachel Treichler
Attorney for the Committee to Preserve the Finger Lakes and the Coalition to Protect New York

Attachment

cc: George Pond, Esq.

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Case 15-E-0516 – Petition of Greenidge Generation LLC for an Original Certificate of Public Convenience and Necessity and Lightened Regulation.

Case 15-G-0571 – Petition of Greenidge Pipeline LLC and Greenidge Pipeline Properties Corporation for an Expedited Original Certificate of Public Convenience and Necessity and for Incidental or Lightened Regulation.

PETITION FOR REHEARING BY THE COMMITTEE TO PRESERVE THE FINGER LAKES AND THE COALITION TO PROTECT NEW YORK

RACHEL TREICHLER
7988 Van Amburg Road
Hammondsport, MY 14840

Attorney for the Committee to Preserve the Finger Lakes and the Coalition to Protect New York

October 17, 2016

INTRODUCTION

The Committee to Preserve the Finger Lakes and the Coalition to Protect New York submit this petition for rehearing pursuant to Public Service Law § 22 and 16 N.Y.C.R.R. §§ 3.6 and 3.7(a) requesting an order (1) granting a rehearing of the Commission's Order Granting Certificates of Public Convenience and Necessity and Providing for Lightened and Incidental Regulation in the above-captioned cases dated September 16, 2016 (the "Approval Order") on the ground that the order is affected by errors of fact and law; (2) rescinding the certificates of public convenience and necessity issued to Greenidge Generation LLC (GGLLC), Greenidge Pipeline LLC (GPLLC") and Greenidge Pipeline Properties Corporation (GPPC) pursuant to the Approval Order; and (3) ordering GGLLC, GPLLC and GPPC to cease and desist from further efforts to restart the generating station or construct the pipeline until the rehearing is completed.

It is respectfully submitted that the Approval Order is affected by errors of fact and law because it relied upon negative declarations prepared by the Department of Environmental Conservation ("DEC") that was based on factual and legal errors and thus was not in compliance with the requirements of the State Environmental Quality Review Act, Environmental Conservation Law, Article 8 ("SEQRA"). The negative declarations were factually in error because they were based on flawed and incomplete environmental assessments provided by GGLLC and because they improperly compared the impacts of restarting the Greenidge Generation Station to the impacts of the station's previous operations, when in fact the plant was permanently shut-down in 2011. The negative declarations were legally in error because they failed to comply with SEQRA and 6 N.Y.C.R.R. Part 617 in that they failed to identify all areas of relevant environmental concern, thoroughly analyze the environmental issues identified, and present a reasoned elaboration for why the identified environmental impacts would not adversely

affect the environment in violation of 6 N.Y.C.R.R. §617.7(b), improperly considered only a segment of the total project in violation of 6 N.Y.C.R.R. §617.3(g)(2), and failed to consider reasonably related long-term, short-term, direct, indirect and cumulative impacts in violation of 6 N.Y.C.R.R. §617.7(c)(2).

STATEMENT OF INTEREST

The Committee to Preserve the Finger Lakes ("CPFL") is a voluntary association formed in 2010 to preserve the natural beauty and the purity of the water in the Finger Lakes region of New York State. Membership of CPFL is centered in Yates County, New York and includes people living in the Village of Dresden and the Town of Torrey where the Greenidge Generating Station and the Lockwood Coal Ash Landfill are located and where a significant section of the Greenidge pipeline will be built. Most of CPFL's members live in the Seneca Lake watershed. CPFL and its members have participated actively in the review given to the project to restart the Greenidge Generating Station and build a 4.6 mile gas transmission line to the station by various governmental bodies including the PSC, the Department of Environmental Conservation ("DEC"), and the Yates County Legislature. CPFL filed two comment letters with DEC on the proposed DEC permits and revised negative declaration on September 11, 2015 and August 5, 2016. Eleven members of CPFL attended a tour of the Generating Station on October 8, 2015. CPFL members participated in the public hearing held by the PSC on November 4, 2015. CPFL participated in the PSC procedural conference on November 10, 2015 and filed an application for party status and two comment letters in the captioned cases on November 9, 2015 and November 23, 2015. Finally, on August 8, 2016, CPFL submitted comments to the Yates County Legislature and CPFL's president spoke to the legislature about the CPFL's concerns with the proposed project. CPFL's application for party status in the captioned cases was denied by the

Administrative Law Judge in her Ruling Concerning Party Status Requests and Process on December 28, 2015.

The Coalition to Protect New York ("CPNY") is a coalition of local environmental organizations in the Finger Lakes – Southern Tier area, and as such, is an unincorporated association. CPFL is a member organization of CPNY. The member organizations of CPNY work together to promote the health and vibrancy of our land and resources, and to oppose the harms that are caused by gas drilling, gas drilling wastes and fossil fuel infrastructure. The protection of water resources and water rights is a key focus of the work of the Coalition.

ARGUMENT

The Commission's Reliance on the Negative Declaration Issued by DEC Was Affected By Errors of Fact and Law

Public Service Law § 22 provides that any person may seek a rehearing of a Commission order on the grounds that an error of fact or law was committed. For the reasons set forth below, the Commission's Approval Order is affected by errors of fact and law and CPFL's petition for rehearing of the order should be granted.

As the Commission noted in the Approval Order, PSC was required under SEQRA to conduct an environmental review of the restart of the Greenidge plant and to determine whether the Greenidge restart project could have a significant impact on the environment. The Approval Order notes that DEC assumed role of lead agency for purposes of reviewing the Greenidge restart project, conducting a coordinated environmental review of with other involved agencies, including the Commission, and issuing two negative declarations for the restart project. Notice of the initial negative declaration was published in DEC's Environmental Notice Bulletin ("ENB") on August 15, 2015 and notice of an amended negative declaration was published in the ENB on June

29, 2016. Both negative declarations determined that the Greenidge restart project would not have a significant effect on the environment.

The Approval Order concluded that "DEC as lead agency conducted a coordinated review, made the required determination of significance on behalf of all involved agencies, and issuing negative declarations regarding the action of resuming operation of Unit #4. Therefore, absent any change in circumstances or new information of significance, of which the Commission finds none in the record, the [Commission's] SEQRA review is complete."

CPFL and CPNY contend, however, that the Commission's reliance on DEC's negative declarations in determining that its SEQRA review was complete was unfounded and an error of fact and law because the DEC negative declarations were based on factual errors and were not in compliance with the requirements of SEQRA and the SEQRA regulations, 6 N.Y.C.R.R. Part 617. The errors CPFL and CPNY have identified in the negative declarations and the environmental assessment forms on which the declarations were based are discussed below. For purposes of this petition, CPFL and CPNY focus on the revised environmental assessment form ("EAF") and DEC's amended negative declaration, which subsume and replace the earlier EAF and negative declaration. A copy of DEC's amended negative declaration is attached as Exhibit A.

A. The Negative Declaration was Based on a Flawed and Incomplete Environmental Assessment Provided by GGLLC

DEC's amended negative declaration was factually in error because it was based on a flawed and incomplete environmental assessment provided by GGLLC. Parts 2 and 3 of the revised EAF for the Greenidge restart project are attached to the amended negative declaration. Part 1 of the form, revised by GGLLC on March 15, 2016, is not attached to the amended negative declaration, even though most of the responses by DEC to the questions contained in

Parts 2 and 3 of the EAF refer to the questions and answers in Part 1. GGLLC's revised Part 1 is Section 6 of GGLLC's revised air permit application dated March 16, 2016. A copy of GGLLC's revised Part 1 is attached as Exhibit B.

Among the flawed and incomplete of responses by GGLLC to the questions in Part 1 of the EAF are the following:

1. GGLLC answered "No" to question D2b, "Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?" when in fact restarting the Greenidge Generating Station, installing new mechanisms to restrict fish impingement and entrainment, and withdrawing up to 159,897,000 gallons of water per day from Seneca Lake, would result in a very substantial encroachment into Seneca Lake and no installation or usage would take place if the generating station is not permitted to restart.
2. GGLLC answered "No" to question D2c, "Will the proposed action use, or create a new demand for water?" This response does not take into account the fact that GGLLC has applied for a water withdrawal permit to take up to 159,897,000 gallons of water per day from Seneca Lake, and no usage would take place if the generating station is not permitted to restart.
3. Because it answered "No" to question D2c, GGLLC did not provide a response to question D2ci, "Total anticipated water usage/demand per day: gallons/day." This response does not take into account the fact that GGLLC has applied for a water withdrawal permit to take up to 159,897,000 gallons of water per day from Seneca Lake.

4. GGLLC answered "Yes" to question D2d, "Will the proposed action generate liquid wastes?" but the response Greenidge provided to question D2di, "Total anticipated liquid waste generation per day: gallons/day" of "20,000 (120,000 max)" specifies a maximum that is 0.0006% of the maximum discharge of 190,000,000 gallons per day requested in GGLLC's application for a SPDES permit for the facility.
5. GGLLC answered "No" to question D2h, "Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?" This response fails to consider the methane that will leak at the plant from the natural gas that will be used to power to the plant, the methane that will leak from the pipelines and their accompanying compressor stations transmitting gas to the plant or the methane that will leak from the gas fields during production of the gas that will be used at the plant.
6. GGLLC answered "153 acres" to question D1ba, "Total acreage of the site of the proposed action?" This response does not take into account the acreage of the 4.6 mile gas pipeline that is part of the proposed project.
7. GGLLC answered "0 acres" to question D1bb, "Total acreage to be physically disturbed?" This response does not take into account the acreage that will be disturbed in building the 4.6 mile gas pipeline that is part of the proposed project.
8. GGLLC answered "No" to question D2a. "Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?" and failed to respond to the 9 sub-questions regarding details of the

proposed excavation activities. These answers do not take into account the excavation activities that will take place in building the 4.6 mile gas pipeline that is part of the proposed project.

9. GGLLC answered "No" to question D2q, "Will the proposed action (commercial, industrial and recreational projects only) use pesticides (Le., herbicides, insecticides) during construction or operation?" This response does not take into account the herbicides that will be used to maintain the pipeline once it is put into operation.
10. GGLLC answered "No" to question D2j, "Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?" This response does not take into account that the application and the EAF state that the biomass burned at the plant will be trucked to the plant.
11. Because it answered "No" to question D2j, GGLLC did not provide responses to questions D2ji, "When is the peak traffic expected (Check all that apply): Morning, Evening, Weekend," and D2jii "For commercial activities only, projected number of semi-trailer truck trips/day." These responses do not take into account that the application and the EAF state that the biomass burned at the plant will be trucked to the plant and this will result in a certain number of truck trips per day.
12. GGLLC answered "No" to question D2k, "Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?" This response does not take into account that restarting the plant

will necessarily require huge quantities of natural gas, substantial amounts of biomass, and substantial amounts of electricity. In fact, building a new gas pipeline to supply natural gas to the generating station is a key component of the project.

13. GGLLC answered "No" to question D2o "Does the proposed action have the potential to produce odors for more than one hour per day?" This response does not take into account that many of the emissions from the plant will produce odors, even with emission control protections in place.
14. GGLLC answered "No" to question E1f, "Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?" This response does not take into account that the fact that the generating station adjoins the Lockwood Hills coal ash landfill.

Because GGLLC's incorrect factual assertions in Part 1 of the EAF formed the basis for DEC's identification of relevant areas of environmental concern in Parts 2 and 3 of the EAF, DEC's amended negative declaration was based on a flawed and incomplete environmental assessment provided by GGLLC, and the Commission's Approval Order, which relied upon DEC's improperly prepared negative declarations, is affected by errors of fact and law.

B. The Negative Declaration Failed to Identify All Areas of Relevant Environmental Concern

The amended negative declaration failed to comply with SEQRA and 6 N.Y.C.R.R. Part 617 because it failed to identify all areas of relevant environmental concern. DEC's responses in

Part 2 of the EAF show that a number of areas of relevant environmental concern were not identified by DEC:

1. DEC answered "No" to question 1, "Proposed action may involve construction on, or physical alteration of the land surface of the proposed site." This response does not take into account the land surface that will be disturbed in building the 4.6 mile gas pipeline that is part of the proposed project.
2. DEC answered "No" to question 2, "The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves)." This response does not take into account the location of the generating station and sections of the proposed pipeline next to the Keuka Outlet. The Keuka Outlet is a unique natural feature. Keuka Lake empties into Seneca Lake through the outlet. The elevation along the seven mile length of the outlet drops 270 feet from Keuka Lake to Seneca Lake and contains a number of waterfalls. In the past, a number of water-powered mills were located along the outlet. An article about the Keuka Outlet Trail states that the trail "is one of the important landmarks of Yates County history and a tourism asset that provides very scenic views along a stream that turns into a cascading waterfall." According to the article, over 7,000 people visit the Keuka Outlet Trail each year. The Greenidge generating station is located at the confluence of Keuka Outlet and Seneca Lake and GGLLC has requested that it be allowed to discharge of up to 190,000,000 gallons per day from the restarted generating

station into the Keuka Outlet. Activity at the restarted generating station will block access to adjoining portions of the Keuka Outlet and the Keuka Outlet Trail from the south and the construction of the proposed pipeline near the generating station will also block access to adjoining portions of the Keuka Outlet and the Keuka Outlet Trail from the south.

3. DEC answered "No" to question 3f, "The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water." This response does not take into account that Greenidge has applied for a water withdrawal permit to take up to 159,897,000 gallons of water per day from Seneca Lake, that such withdrawals will necessarily involve one or more intakes and that the draft SPDES permit proposes major modifications to the intake structure of the currently shuttered facility which may require the construction of new intakes.
4. DEC answered "No" to question 3g, "The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s)." This response does not take into account that restarting the Greenidge facility will result in discharges of up to 190,000,000 gallons of heated and contaminated water each day into Keuka Outlet.
5. DEC answered "No" to question 3i. "The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action." This response does not take into account that the proposed discharges of up to 190,000,000 gallons of heated and contaminated water

from facility's operation each day are likely to have a significant effect on water quality in Keuka Outlet and the sections of Seneca Lake near the outlet.

6. DEC answered "No" to question 7h, "The proposed action requires the conversion of more than 10 acres of forest, grass land or any other regionally or locally important habitat." This response does not take into account that more than 10 acres of habitat that be converted by construction of the 4.6 mile of gas pipeline that is part of the project.
7. DEC answered "No" to question 7i, "Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides." This response does not take into account the herbicides that will be used to maintain the pipeline once it is put into operation.
8. DEC answered "No" to question 8c, "The proposed action may result in the excavation or compaction of the soil profile of active agricultural land." This response does not take into account that construction of the proposed pipeline will result in the excavation or compaction of the soil profile of active agricultural land.
9. DEC answered "No" to question 8d, "The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District." This response does not take into account that construction of the proposed pipeline will irreversibly convert agricultural land to non-agricultural uses in more than 10 acres along the route of the proposed pipeline.

10. DEC answered "No" to question 9, "The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource." This response does not take into account that the groomed route of the proposed pipeline is likely to be visible to sections of the Keuka Outlet Trail and that the groomed pipeline route will be in sharp contrast to the natural vegetation along the trail.
11. DEC answered "No" to question 11a, "The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat." This response does not take into account that water withdrawals of up to 159,897,000 gallons per day from Seneca Lake will have significant impacts on the aquatic habitats in the lake at the mouth of the Keuka Outlet. The response also fails to take into account that discharges of up to 190,000,000 gallons of heated and contaminated water from facility's operation each day into the Keuka Outlet will have significant impacts on aquatic habitats in the mouth of the Keuka Outlet and in the section of Seneca Lake near the outlet. Because the section of Seneca Lake at the mouth of the Keuka Outlet is one of the largest shallower areas in the lake, it is a particularly important habitat and spawning ground.
12. DEC answered "No" to question 11b, "The proposed action may result in the loss of a current or future recreational resource." This response does not take into account that the fish impingement and entrainment from the huge water

withdrawals needed to operate the facility and the thermal degradation and contamination resulting from the huge discharges from the facility may result in the loss of recreational opportunities for fishing and swimming in Seneca Lake in the area at the mouth of the Keuka Outlet. A number of cottages are located on the lake shore in this area and the proposed project may negatively impact the recreational use of the lake by the residents of these cottages.

13. DEC answered "No" to question 14, "The proposed action may cause an increase in the use of any form of energy." This response does not take into account that operation of the plant will necessarily require huge quantities of natural gas, substantial amounts of biomass, and substantial amounts of electricity. In fact, building a new gas pipeline to supply natural gas to the generating station is a key component of the project.
14. DEC answered "No" to question 14c, "The proposed action may utilize more than 2,500 MWhrs per year of electricity." Greenidge's application materials do not specify how much electricity will be used by the generating station, but operating the station is likely utilize more than 2,500 MWhrs per year of electricity
15. DEC answered "No" to question 15c, "The proposed action may result in routine odors for more than one hour per day." This response does not take into account that many of the emissions from the plant are likely to produce odors, even with emission control protections in place.
16. DEC answered "No" to question 16, "The proposed action may have an impact on human health from exposure to new or existing sources of

contaminants." This response does not take into account that the emissions from the plant are likely to result in health consequences, even with emission control protections in place, or that the water quality impacts of the large volumes of contaminated discharges into Keuka Outlet and thence into Seneca Lake are likely to produce health impacts.

17. DEC answered "No" to question 16i, "The proposed action may result in an increase in the rate of disposal, or processing, of solid waste." This response does not take into account that the operation of the generating station will result in solid waste being created by the plant's operations. According to Greenidge's response to question D2ri in Part 1 of the EAF, operation of the facility will produce 6,500 tons of fly ash each year.
18. DEC answered "No" to question 11j, "The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste." This response does not take into account that the pipeline route maps filed with the PSC show that the proposed pipeline will be constructed within 2,000 feet of the Lockwood Hills coal ash landfill.

DEC's failure to identify a number of areas of relevant environmental concerns in the amended negative declaration violated the requirements of 6 N.Y.C.R.R. §617.7(b) which provides that, "For all Type I . . . actions the lead agency making a determination of significance must: . . . . (2) review the EAF, the criteria contained in subdivision (c) of this section and any other supporting information to identify the relevant areas of environmental concern; . . ."

Because DEC failed to identify a number of areas of relevant environmental concern in the revised EAF, DEC's amended negative declaration incorrectly determined that there would

be no significant environmental impacts to allowing the Greenidge restart project. Consequently, the Commission's Approval Order, which relied upon DEC's improperly prepared negative declarations, is affected by errors of fact and law.

C. The Negative Declaration Failed to Thoroughly Analyze the Issues Identified or Present a Reasoned Elaboration Why the Identified Impacts Would Not Adversely Affect the Environment

Another respect in which DEC's amended negative declaration violated the requirements of 6 N.Y.C.R.R. §617.7(b) is that the amended negative declaration failed to thoroughly analyze the issues it did identify or present a reasoned elaboration why the identified impacts would not adversely affect the environment. DEC's failure to thoroughly analyze the air and water impact issues that are identified in the amended negative declaration, which is just three and 1/8 pages in length, appears to derive from its assumption that the impacts of restarting the Greenidge Generation Station will be no greater than the impacts of the station's previous operations before the plant was permanently shut-down in 2011 and that, for this reason, no analysis is needed.

DEC's assumption is incorrect, however. Because the Greenidge station was permanently shut-down in 2011, the correct environmental baseline for evaluating the impacts of the Greenidge restart project is no operation.

Because DEC failed to correctly analyze the areas of environmental concern identified in the amended negative declaration, DEC's amended negative declaration incorrectly determined that there would be no significant environmental impacts to allowing the Greenidge restart project. Consequently, the Commission's Approval Order, which relied upon DEC's improperly prepared negative declarations, is affected by errors of fact and law.

D. The Negative Declaration Improperly Considered Only a Segment of the Total Project

DEC's failure to identify areas of relevant environmental concerns in the amended negative declaration derives in part from its decision to exclude consideration of the impacts of the pipeline component of the restart project in deference to a separate review of the pipeline conducted by PSC. The decision of DEC and PSC to segment review of the impacts of the pipeline from the review of other impacts of the restart project violated 6 N.Y.C.R.R. §617.3(g) which provides that "[t]he entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it."

DEC also segmented its review by excluding consideration of the impacts of restarted operations at the generating station at the adjoining Lockwood Hills coal ash landfill, which is currently operating on a consent order with DEC and is a source of unpermitted discharges to the local aquifer, as noted in CPFL's letter to the Commission dated November 23, 2015.

Because DEC improperly segmented its review of the entire Greenidge restart project, the Commission's Approval Order, which relied upon DEC's improperly segmented review, is affected by errors of fact and law.

E. The Negative Declaration Failed to Consider Reasonably Related Long-term, Short-term, Direct, Indirect and Cumulative Impacts

DEC's failure to consider reasonably related long-term, short-term, direct, indirect and cumulative impacts of the project violated the requirements 6 N.Y.C.R.R. §617.7(c)(1) (xii). Among the long-term, short-term, direct, indirect and cumulative impacts of the project DEC failed to consider are the increased operations at the adjoining Lockwood Coal Ash landfill, the cumulative impacts of the proposed project in conjunction with the impacts from other industrial facilities operating in the area of the Greenidge plant, including the impacts of the operations of

the Ferro Corporation, the Abtex Corporation and other industrial facilities in the Dresden area, and finally, the greenhouse gas and climate change impacts that will result from operating the Greenidge station as a gas-fired facility.

DEC's evaluation of the impacts of the Greenidge restart project assumed that operating the plant with natural gas rather than coal would reduce the negative impacts on the plant's operations, but this assumption failed to take into account that when the greenhouse gas and climate change impacts of the methane and other greenhouse gases that would be emitted during the extraction of the methane Greenidge proposes to burn from gas shale fields and other methane sources and the methane that would leak from the pipeline and compressor systems transporting gas to Greenidge are properly evaluated, scientific studies show that the cumulative impacts of burning natural gas are more harmful than burning coal, as noted in the comments filed on the Greenidge restart project by Professor Robert Howarth from Cornell University.

Because DEC failed to consider the long-term, short-term, direct, indirect and cumulative impacts of the Greenidge restart project in its amended negative declaration, the Commission's Approval Order, which relied upon DEC's amended negative declaration, is affected by errors of fact and law.

CONCLUSION

For the foregoing reasons, CPFL and CPNY have demonstrated that it was an error of fact and law for the Commission to rely on the environmental review of the proposed Greenidge restart project conducted by DEC, and they respectfully request that the Commission grant their petition for rehearing, rescind the certificates of public convenience and necessity that have been issued to GGLLC, GPLLC, and GPPC; and order GGLLC, GPLLC and GPPC to cease and desist

from further efforts to restart the generating station or construct the pipeline until the rehearing is completed.

DATED: Hammondsport, New York
October 17, 2016

Respectfully submitted,

Rachel Treichler

Rachel Treichler
7988 Van Amburg Road
Hammondsport, New York 14840
Telephone: (607) 569-2114
treichlerlaw@frontiernet.net

Attorney for the Committee to Preserve the Finger Lakes and the Coalition to Protect New York

Exhibit A

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8
6274 East Avon-Lima Road, Avon, NY 14414-9516
P: (585) 226-5400 I F: (585) 226-2830
www.dec.ny.gov

STATE ENVIRONMENTAL QUALITY REVIEW ACT
TRANSMITTAL OF AMENDED SEQR NEGATIVE DECLARATION

June 28, 2016

Re: Greenidge Station, Town of Torrey, Yates County
DEC Application Nos. 8-5736-00004/00001, /00016, and /00017

Dear Involved or Interested Agency:

The Region 8 Office of the New York State Department of Environmental Conservation (DEC) has received permit applications related to the operation of the Greenidge Station power plant located in the Town of Torrey, Yates County. The applicant has applied for the required Title IV and Title V Air Pollution Control permits, and the Department proposes a renewal and modification of the existing State Pollutant Discharge Elimination System (SPDES) Permit. Previously, copies of the permit application and Full Environmental Assessment Forms (EAF) were provided to your agency, along with a summary "SEQR Data Sheet".

All agencies responded to our lead agency coordination package by consenting to the DEC serving as the lead agency for review of the project.

This is to inform you that the DEC, as the SEQR lead agency, has issued an amended negative declaration for the project and will not require the preparation of an environmental impact statement. Enclosed for your information are Parts 2 and 3 of the Full EAF documenting the Department's determination.

Please feel free to contact me at (585) 226-5382 if you have any questions, or need additional information.

Sincerely,

Scott E. Sheeley
Regional Permit Administrator

Distribution List Attached

Enclosure – Amended Negative Declaration

SEQR Lead Agency Coordination Distribution List (all with enclosures):

Involved Agencies:

New York State Department of Public Service
Attn: James Austin, Chief
Environmental Certification & Compliance
3 Empire State Plaza, 3rd Floor
Albany, New York 12223

Yates County Industrial Development Agency
Finger Lakes Economic Development Center
Attn: Jim Long, Chairman, Board of Directors
One Keuka Business Park
Penn Yan, New York 14527

Town of Torrey Town Board
Attention: Supervisor and Town Board
56 Geneva Street
Dresden, New York 14441

Town of Torrey Building and Code Enforcement
Attention: Dwight James, Building & Zoning Officer
56 Geneva Street
Dresden, New York 14441

Interested Agencies:

Village of Dresden
Attn: William Hall, Mayor
Box 156
3 Firehouse Avenue
Dresden, New York 14441

Applicant/Sponsor:

Greenidge Generation, LLC
Attn: Dale Irwin
590 Plant Road
Dresden, New York 14441

Enclosures:

SEQR Full EAF Parts 2 and 3, Comprising the Negative Declaration

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
Project : Greenidge Station
Date : June 28, 2016

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes**" to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No**" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
If "Yes", answer questions a - j. If "No", move on to Section 2.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☑ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☑ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body. NO	D2b, D1h	☑	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water. NO	D2b	☑	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body. NO	D2a	☑	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. SMALL IMPACT SEE PART 3	E2h	☑	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments. NO	D2a, D2h	☑	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water. NO	D2c	☑	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s). NO	D2d	☑	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. NO	D2e	☑	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action. NO	E2h	☑	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body. NO	D2q, E2h	☑	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities. NO	D1a, D2d	☑	☐

l. Other impacts: Plant resuming operation requiring resumption of cooling water withdrawals and installation of intake structure screens to reduce fish mortality SEE PART 3		☐	☑

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑NO ☐YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑NO ☐YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D,2,h, D.2.g) ☐NO ☑YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

SEE PART 3	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☑
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☑
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☑	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☑	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☑	☐
vi. 43 tons/year or more of methane	D2h	☑	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☑
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☑
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☑
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☑	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐NO ☑YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. NO	E2o	☑	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government. NO	E2o	☑	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site. NO	E2p	☑	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government. NO	E2p	☑	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. NO	E3c	☑	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: NO	E2n	☑	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☑	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: NO	E1b	☑	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. NO	D2q	☑	☐
j. Other impacts: Fish entrainment & impingement mortality will result from operation of cooling water intakes - see PART 3		☐	☑

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑NO ☐YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts:		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.)

☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)

☐ NO ☑ YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places. SEE PART 3	E3e	☑	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. SEE PART 3	E3f	☑	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: NO	E3g	☑	☐

d. Other impacts: _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property. NO	E3e, E3g, E3f	☑	☐
ii. The proposed action may result in the alteration of the property's setting or integrity. NO	E3e, E3f, E3g, E1a, E1b	☑	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting. NO	E3e, E3f, E3g, E3h, C2, C3	☑	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☑ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☑ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☐ NO ☑ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☑	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use. NO - GAS LINE TO BE EXTENDED TO SITE UNDER PSC ARTICLE VII JURISDICTION	D1f, D1q, D2k	☑	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☑	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☑	☐
e. Other Impacts: Resuming operation of Greenidge Station Power Plant Unit 4, with 107 MW capacity. The plant will be operated on natural gas, with up to 19% biomass		☐	☑

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☑ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____ _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☑ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____ _____			

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) ☑ NO ☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____ _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) ☑ NO ☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____ _____		☐	☐

PRINT FULL FORM

Agency Use Only [IfApplicable]

Project : Greenidge Station

Date : June 28, 2016

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts and Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

THIS IS AN AMENDED NEGATIVE DECLARATION THAT REPLACES THE ORIGINAL DETERMINATION OF SIGNIFICANCE DATED JULY 30, 2015

SEE ATTACHED

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION as lead agency that:

☑ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Greenidge Station Conversion and SPDES Permit Renewal/Modification	
Name of Lead Agency: New York State Department of Environmental Conservation	
Name of Responsible Officer in Lead Agency: Scott E. Sheeley	
Title of Responsible Officer: Regional Permit Administrator	
Signature of Responsible Officer in Lead Agency: Scott E. Sheeley	Date: June 28, 2016
Signature of Preparer (if different from Responsible Officer)	Date:

For Further Information:

Contact Person: Scott E. Sheeley, Regional Permit Administrator

Address: NYSDEC Region 8, 6274 East Avon-Lima Road

Telephone Number: 585-226-5382

E-mail: SCOTT.SHEELEY@DEC.NY.GOV

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

State Environmental Quality Review

SEQR Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts (Continuation)
For Amended Negative Declaration

Project Numbers: 8-5736-00004/00001, /00016, and /00017 **Date:** June 28, 2016

Name of Action: Greenidge Station Reactivation and SPDES Renewal/Modification

SEQR Status: Type 1

Preparer's Name: Scott E. Sheeley, Regional Permit Administrator
NYSDEC Division of Environmental Permits
6274 East Avon-Lima Road, Avon NY 14414
(585) 226-5382

Description of Action:
The sponsor, Greenidge Generation, LLC, proposes to resume operations at the Greenidge Generating Station ("Greenidge Station"). Greenidge Station, a previously coal-fired plant, was in operation as early as the 1930's, with Unit 4 installed in 1953. In 2006 significant improvements to emission control equipment were installed on Unit 4 and in 2011 the plant was placed in protective lay-up status and has not operated since March, 2011. The proposal would operate Unit 4 with a maximum generating capacity of 107 MW. The unit would not burn coal, but instead be converted to fire primarily natural gas, with the ability to co-fire up to 19% biomass, both of which were fuels previously authorized in the facility Title V permit. (A new natural gas pipeline would be constructed to service the site, which would be reviewed under the Article VII process governed by the New York State Department of Public Service separate from this SEQR action.) The Department also proposes to renew and modify the facility's existing SPDES permit to incorporate requirements to install cylindrical wedge wire intake screens on the plant's cooling water intakes and install variable speed cooling water pumps on Unit 4 as "Best Technology Available" to address requirements under the federal Clean Water Act to reduce fish mortality (i.e., impingement and entrainment).

Reasons Supporting the Amended SEQR Determination:

1. Impacts on Surface Water: The project will ultimately involve a modification of the cooling water intake structure (CWIS) at the facility. The modification will include the installation of "Best Technology Available" (BTA) measures in accordance with Commissioner's Policy CP-52 to reduce fish entrainment and impingement. This will involve construction/attachment of intake screens at the end of the intake below the mean high water line of Seneca Lake. As such, no significant amount of modification or alteration of the bed of Seneca Lake is expected even though there may be short-term, temporary impacts to water quality directly around the work site during construction. As a result, no impacts to surface waters are anticipated as a result of intake modification.

   The Department is proposing to renew and modify the SPDES permit to ensure the facility complies with all applicable water quality standards and addresses the "Best Technology Available" (BTA) requirements of the Clean Water Act and DEC Commissioner's Policy on BTA for Cooling Water Intake Structures (CP-52). A review was completed and the Department is proposing modifications to the SPDES permit based on that evaluation. The primary changes are the inclusion of a dilution study to determine appropriate dilution factors in Seneca Lake, and revised conditions requiring implementation of the Department's Best Technology Available

(BTA) determination. The dilution factors obtained by the dilution study will be used to refine the current water quality based effluent limits in the permit. With regard to the modifications related to BTA, the Department has determined that BTA for this facility will include the installation of wedge-wire intake screens on the CWIS with a slot size of 0.5 ≤ 1.0 mm, and the installation of variable speed cooling water circulation pumps. The Department has determined that this BTA determination is consistent with applicable regulations and CP-52. The facility will be required to implement the BTA technologies and achieve an 85% reduction in the entrainment of all fish life stages and a 95% reduction in impingement mortality of all fish life stages. The proposed modified permit for Greenidge Station contains effluent limits and conditions which ensure that the existing beneficial uses of Seneca Lake will be maintained. As a result there are no significant adverse impacts associated with the Department's renewal and modification of the facility SPDES permit.

The Department is also considering an application for an initial permit for the withdrawal of water pursuant to 6 NYCRR Part 601 (Water Withdrawal Permitting). Part 601 requires the Department to issue Initial Permits to authorize the continued operation and withdrawal of already-existing water withdrawal facilities for the maximum capacity reported to NYSDEC as of February 15, 2012. The Department intends on issuing an initial permit to Greenidge Generation LLC for Greenidge Station, an already-existing water withdrawal facility, for the withdrawal of approximately 160 million gallons per day (MGD), the amount reported to the Department. The initial water withdrawal permit will also include a suite of conservation measures as required by Part 601 to minimize impacts from the water withdrawal. However, given that reactivation will be limited to Unit 4, the anticipated amount of actual withdrawal will be less than the permitted amount.

Although the Department has classified the issuance of an initial permit under 6 NYCRR Part 601 as a Type II action under SEQR (6 NYCRR 617.5[c][19]) and, therefore not subject to SEQR, substantively, in this instance – because the initial water withdrawal permit is proposed to be issued along with permits that are subject to SEQR - the impact or impact of any change in withdrawal has been considered alongside the impacts of the air and SPDES permits.

2. Impacts on Air: The Department is proposing to issue Title V and Title IV permits for the Greenidge Station Facility. Greenidge Station was previously owned by AES Greenidge LLC, and operated under Title IV and Title V Facility Permits from 2001 until operations ceased in 2011. AES Greenidge LLC then relinquished the Title IV and Title V Facility Permits in November 2012.

Greenidge Station is a Major Stationary Source, and is required to obtain a Title V Permit as specified in 6 NYCRR Part 201-6, due to potential emissions of oxides of nitrogen (NOx) and carbon monoxide (CO) in excess of 100 tons per year (each); and hazardous air pollutants (HAP) in excess of 25 tons per year. With operations of Unit 4 being resumed without coal as a fuel source, the Greenidge Generating Station will emit contaminants from boiler powered electric generation and ash handling operations. The Department has subjected the proposed operation of Greenidge Unit 4 to 6 NYCRR Part 231 Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NNSR) requirements applicable to major source of air emissions.

The Department has determined that NOx emissions from the Greenidge Station will be above the major source threshold and, therefore, applied the nonattainment New Source Review (NNSR) lowest achievable emission rate (LAER) requirement. PSD best available control technology (BACT) requirements were applied to emissions of CO, particulate matter (PM, PM10, PM2.5), and carbon dioxide (CO2). To meet LAER, the boiler's NOx emissions will be controlled by optimizing the

following: low NOx burners/flue gas recirculation/tangential low NOx firing; separated overfire air; closed couple overfire air; selective non-catalytic reduction; and selective catalytic reduction. BACT for particulate emissions will be a fabric filter baghouse with leak detection and the use of low emitting fuel (natural gas). BACT for CO emissions is the use of separated overfire air and closed couple overfire air. BACT for CO2 is the use of low carbon fuels (natural gas and biomass); fuel efficient generation and use of energy to operate the facility; natural gas line leak detection and repair; and the completion of an energy efficiency assessment of the facility. To ensure compliance with BACT, LAER and other emission requirements, continuous emission monitoring systems will be used to measure NOx, CO, sulfur oxides (SOx), ammonia (NH3), and GHGs requirements. In addition, a Continuous Opacity Monitoring System (COMS) will be used to monitor compliance with opacity requirements, and annual stack testing will be required for demonstrating compliance with the emission limits for PM, PM10, and PM2.5. Greenidge Generation LLC has also surrendered 177 tons of NOx emission reduction credits (ERC) to offset the 153.8 tons of potential NOx emissions associated with this action.

During its prior operation on coal with many of these existing controls in place, the operation of Greenidge Station did not result in any significant adverse impacts to air quality. These controls will remain in place and, in addition, as detailed above, the boiler and emission controls will be optimized, which will result in even lower air emissions. Greenidge station will also not use coal as a fuel source. The boiler will be converted to operate primarily on natural gas, with the ability to co-fire up to 19% biomass. No other fuels will be authorized. This will reduce air emissions even further, and the operations will meet all applicable air emission standards.

As a result of the above, the Department has determined that resuming operation of this existing facility, and its conversion to natural gas as its primary fuel will not result in any significant adverse impacts to air quality.

3. Impacts on Plants and Animals: The project will have no significant adverse impacts on plants or animals. See discussion concerning fish impingement and entrainment under "surface waters" above. In addition, the facility is existing and will not involve the removal or destruction of vegetation.

4. Impacts on Historic and Archaeological Resources: The project site is located just east of the Crooked Lake Outlet Historic District (95 NR 00889), which is listed on the National Registers of Historic Places. The project site is also located within an area designated as archaeologically sensitive by the New York State Office of Parks, Recreation, and Historic Preservation. However, the facilities that will be re-activated already exist and no new construction is proposed. To the extent that gas will be provided to the site at some future date by a new gas pipeline, the construction of the gas pipeline will be regulated under Article VII of the Public Service Law by the New York State Public Service Commission and potential impacts to cultural resources, if any, will be addressed at that time. As a result there will be no significant adverse impacts to historic or archaeological resources associated with the plant re-activation.

5. Impact on Energy: The re-activation of Unit 4 at Greenidge Station will use biomass and natural gas to generate electricity. However, the operation of the plant itself will not create a new demand for energy. Rather, it will serve as another facility to help meet the current electricity demands of the region. As a result, the plant will have no significant adverse impacts in increasing the use of energy.

6. Solid Waste Management: No impacts related to solid waste management are expected to result from the re-activation of Greenidge Station. By eliminating the use of coal as a fuel source, the generation of solid waste from the facility will be significantly reduced compared to prior operations. If Unit 4 were reactivated with coal, approximately 78,000 tons of fly ash and 158 tons of other waste would be generated per year. However, this will be greatly reduced since coal will no longer be used as a fuel source. As a result, there are no significant adverse impacts related to solid waste management associated with this project.

Exhibit B

SECTION 6

STATE ENVIRONMENTAL QUALITY

REVIEW (SEQR) LONG FORM

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: Greenidge Title V Air Permit and Natural Gas Conversion Project		
Project Location (describe, and attach a general location map): Dresden, NY, on the western shore of Seneca Lake		
Brief Description of Proposed Action (include purpose or need): Application for a Title V Air Operating permit that includes New Source Review and Prevention of Significant Deterioration to re-activate and re-fuel the Greenidge Electric Generating Station located in Dresden, Town of Torrey, Yates County New York. This application also includes the application form for an Acid Rain (Title IV) permit.		
Name of Applicant/Sponsor: Greenidge Generation LLC	Telephone: (315)-536-2359 E-Mail:	
Address: 590 Plant Road		
City/PO: Dresden	State: NY	Zip Code: 14441
Project Contact (if not same as sponsor; give name and title/role): Dale Irwin, President	Telephone: (315)-536-3423 E-Mail: dirwin@greenidgellc.com	
Address: 590 Plant Road		
City/PO: Dresden	State: NY	Zip Code: 14441
Property Owner (if not same as sponsor):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, or Village Board of Trustees ☑Yes☐No	Town of Torrey. Building and/or construction permits may be required.	Projected 2016
b. City, Town or Village Planning Board or Commission ☐Yes☑No		
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☑No		
d. Other local agencies ☐Yes☑No		
e. County agencies ☑Yes☐No	Yates County Industrial Development Agency. Project Benefits.	Projected 2016
f. Regional agencies ☐Yes☑No		
g. State agencies ☐Yes☑No	New York State Public Service Commission	September 2015
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐Yes☑No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
Industrial

b. Is the use permitted or allowed by a special or conditional use permit? ☑ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Penn Yan Central School District

b. What police or other public protection forces serve the project site?
Dresden Police Department, Yates County Sheriff, New York State Police

c. Which fire protection and emergency medical services serve the project site?
Dresden Volunteer Fire Department, Penn Yan Volunteer Ambulance

d. What parks serve the project site?
None

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Industrial/Public Service

b. a. Total acreage of the site of the proposed action? 153 acres
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 153 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
ii. Is a cluster/conservation layout proposed? ☐ Yes ☑ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: 24 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes☑No

If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes☑No

If Yes,

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes☑No

If Yes,

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:

_____

iii. If other than water, identify the type of impounded/contained liquids and their source.

_____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) ☐Yes☑No

If Yes:

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

_____

_____

iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes☐No

If yes, describe. _____

_____

v. What is the total area to be dredged or excavated? _____acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? ☐Yes☐No

ix. Summarize site reclamation goals and plan: _____

_____

_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes☑No

If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____

_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐Yes☐No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____

_____

- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

_____

c. Will the proposed action use, or create a new demand for water? ☐Yes☑No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes☐No
- Is the project site in the existing district? ☐Yes☐No
- Is expansion of the district needed? ☐Yes☐No
- Do existing lines serve the project site? ☐Yes☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

_____

- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

_____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☑Yes☐No

If Yes:

i. Total anticipated liquid waste generation per day: 20,000(120,000max) gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

Maintenance cleaning water and sanitary wastewater. All of these sources of wastewater go to the on-site wastewater treatment facility.

_____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes☑No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes☐No
- Is the project site in the existing district? ☐Yes☐No
- Is expansion of the district needed? ☐Yes☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will line extension within an existing district be necessary to serve the project? ☐Yes ☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Truck delivery of biomass fuel and handling of biomass flyash

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

Boilers and biomass handling equipment

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☑Yes ☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☑Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:

- N/A Tons/year (short tons) of Carbon Dioxide (CO_2)
- N/A Tons/year (short tons) of Nitrous Oxide (N_2O)
- N/A Tons/year (short tons) of Perfluorocarbons (PFCs)
- N/A Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- N/A Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- N/A Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☑Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

fugitive dust from biomass, ash handling and dry urea used in the SCR system (connected to the baghouse)

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: 24 hrs/day; 7 days/week
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe:

n.. Will the proposed action have outdoor lighting? ☑ Yes ☐ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☑ Yes ☐ No

If Yes:

i. Product(s) to be stored #2 fuel oil, gasoline

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities:

Facility has six (6) PBS tanks totaling 82,000 gallons. One (1) 15,000 gallon Urea storage tank (Non-CBS)

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☑ Yes ☐ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : 6,500 (fly ash) tons per year (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation: None

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation: Lockwood Hills landfill

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☑ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☑ Forest ☑ Agriculture ☑ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe:

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	97	97	0
• Forested	45	45	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)	11	11	0
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☑ No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☑ No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐ Yes ☑ No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Has the facility been formally closed? ☐ Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☑ Yes ☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☑ No

☐ Yes – Spills Incidents database — Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database — Provide DEC ID number(s): _____

☑ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

N/A

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☑ Yes ☐ No

If yes, provide DEC ID number(s): 862006

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

862006: Groundwater monitoring is ongoing, wells indicate no contamination.

_____

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☑ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 5 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☑ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Silt Loam	90 %
Silt clay loam	10 %
	%

d. What is the average depth to the water table on the project site? Average: 1 to 3 feet

e. Drainage status of project site soils:
☑ Well Drained: 10 % of site
☑ Moderately Well Drained: 60 % of site
☑ Poorly Drained 30 % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 100 % of site
☐ 10-15%: _____ % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☑ No
If Yes, describe: _____

h. Surface water features.
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑ Yes ☐ No
ii. Do any wetlands or other waterbodies adjoin the project site? ☑ Yes ☐ No
If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑ Yes ☐ No
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name N/A Classification _____
- Lakes or Ponds: Name N/A Classification _____
- Wetlands: Name PFO1A,PEM1A Approximate Size 9.93 acre, 1.46 acre
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☑ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☑ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☑ No

k. Is the project site in the 500 year Floodplain? ☑ Yes ☐ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☑ No
If Yes:
i. Name of aquifer: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☑ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Dale Irwin Date 15 March 2016

Signature _____ Title President, Greenidge Generation LLC

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