



**Lockport-Batavia Line 112  
Rebuild Project**

**Exhibit 8**

**Other Pending Filings**

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## **EXHIBIT 8: OTHER PENDING FILINGS**

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Other than this Application for an Article VII certificate, National Grid<sup>1</sup> has filed no State or Federal permit applications for the Project. The State and Federal permits and approvals that National Grid intends to seek for the Project, other than the Article VII Certificate, are discussed below.

### **8.1 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION – STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (“SPDES”) GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY**

A SPDES General Permit for Stormwater Discharges from Construction Activity from the New York State Department of Environmental Conservation (“NYSDEC”) is required for construction activities that involve disturbance of one or more acres of land. Because Project-related construction will involve disturbance of one or more acre of land, National Grid will seek coverage from the NYSDEC under the State’s General Permit (“GP”) for Stormwater Discharges from Construction Activity (GP-0-20-001) or any applicable GP renewal (“SPDES Permit”) by filing a Notice of Intent prior to commencement of Project construction.

One of the requirements of the SPDES Permit is the development of a Stormwater Pollution Prevention Plan (“SWPPP”) in accordance with the requirements set forth in the SPDES Permit. National Grid’s Project Environmental Management and Construction Plan (the “EM&CP”) will contain a SWPPP addressing the Project’s stormwater management, temporary soil erosion and sediment controls, as well as spill-prevention and control measures.

National Grid will seek to have the SWPPP reviewed and the Municipal Separate Storm Sewer System (“MS4”) SWPPP Acceptance form signed by the Town of Lockport.

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<sup>1</sup> In this exhibit, the term “National Grid” and numerous other capitalized terms are defined in the Glossary included in this Application.

## **8.2 FEDERAL WETLANDS AND WATERWAYS PERMIT**

National Grid will avoid or minimize permanent impacts to wetlands and protected waters to the maximum extent practicable by locating construction access roads and transmission structures outside of wetlands and protected waters. Unavoidable wetland and stream impacts will be reviewed by the United States Army Corps of Engineers (“USACE”) through the filing of a Section 404 permit application or compliance with Nationwide Permit (“NWP”) #57 (Electric Utility Line and Telecommunications Activities), NWP #3 (Maintenance), or NWP #33 (Temporary Construction, Access, & Dewatering) for structures and access roads, which likely will be submitted to the USACE concurrently with the filing of the EM&CP.

Section 401 of the Clean Water Act (33 U.S.C. § 1341) requires that an applicant for a federal permit (such as Section 10 and Section 404 permits from the USACE) involving activities that may result in a discharge into navigable waters obtain a 401 Water Quality Certification from the state in which the discharge originates.

### **8.3 U.S. ARMY CORPS OF ENGINEERS – SECTION 10 PERMIT**

The Project crosses the Erie Canal, which is identified as navigable waters of the United States regulated under the Rivers and Harbors Act of 1899 (USACE, 2009).

A structure or work over waters that have been designated as navigable waters of the United States based on their historic, present, or potential future use for transportation in interstate commerce is considered to have an impact on the navigable capacity of the waterbody and require a Section 10 permit from the USACE. Section 322.5(i) of 33 CFR Part 322 requires crossings of navigable waters of the United States by aerial electric transmission lines of 115kV and below to be a minimum of twenty feet above clearances required for bridges, unless greater clearances are required by public interest. Clearances are based on the low point of the line under conditions that produce the greatest sag as outlined in the National Electric Safety Code.

Pre-application consultations with the USACE, Buffalo District will determine the applicable clearance requirements for each navigable waterway, and any required documentation will be provided in conjunction with the filing of the EM&CP.

#### **8.4 NEW YORK STATE DEPARTMENT OF TRANSPORTATION – UTILITY WORK PERMIT (“UWP”)**

A Utility Work Permit (“UWP”) from the New York State Department of Transportation (“NYSDOT”) is required to install utilities within or adjacent to state highway rights-of-way. As described in Exhibit E-6 - Effect on Transportation, the construction activities associated with the Project will involve the crossing of four (4) state roads; State Highways 93, 78, 77, and 63. Following final design and EM&CP preparation, but prior to construction, National Grid will seek coverage from the NYSDOT under the UWP for all applicable road crossings.

## **8.5 FEDERAL AVIATION ADMINISTRATION – NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION**

As also described in Exhibit E-6, National Grid will submit a *Notice of Proposed Construction or Alteration* to the Federal Aviation Administration prior to commencement of construction, based on the proximity of replacement structures to area airports and replacement structure aboveground heights.

## **8.6 CANAL CORP – WORK PERMIT**

The Project crosses the Erie Canal between structure 2 and structure 3 and will require a Canal Crossing Permit from the New York State Canal Corporation. Construction activities will also be subject to the Special Provisions for Work in or Over Navigable Waterways Operated by the New York State Canal Corporation. In addition, since New York State canals are navigable waterways under the jurisdiction of the U.S. Coast Guard, any work performed during the navigation season which may interfere with navigation will also require prior approval by the U.S. Coast Guard. The Canal Work Permit Application will require a detailed plan and profile drawing showing the adjacent structure locations along with the canal boundary line and other pertinent information such as the minimum conductor height above mean high water. This information will be part of National Grid's EM&CP. Therefore, the application for a Canal Work Permit will be submitted following completion of the EM&CP for that portion of the Project.



## **8.7 FILINGS OF OTHERS**

National Grid is not aware of others who have pending, with the Commission or with any other State or Federal governmental department or agency, an application or filing concerning the subject matter of this Application.