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**Draft Stipulations**

**The Island Park Energy Center –  
A Repowering of the E.F. Barrett Power Station**

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NEW YORK STATE  
BOARD ON ELECTRIC GENERATION  
SITING AND THE ENVIRONMENT

IN THE MATTER

of the

Case 13-F-0464

Application by National Grid Generation LLC for a Certificate of  
Environmental Compatibility and Public Need  
Pursuant to Article 10 of the New York State  
Public Service Law for the Island Park Energy  
Center – A Repowering of the E.F. Barrett  
Power Station  
Town of Hempstead, Nassau County

THE PARTIES HERETO stipulate and agree as follows:

1. The Island Park Energy Center – A Repowering of the E.F. Barrett Power Station (“Project”) is discussed in an Article 10 Preliminary Scoping Statement (“PSS”) submitted to the New York State Public Service Commission (“NYSPSC”) in March 2014 by Island Park Energy Center (“Applicant”). The term “Project” as used herein includes the energy facility and all improvements, including buildings, structures, fixtures and other improvements associated with the energy facility, as well as the interconnections subject to the Siting Board’s jurisdiction. The term “interconnections” as used herein is understood to have the following specific meaning:
  - (a) Any area to be disturbed for roadway infrastructure, structures or conduits conveying water to and wastewater from the Project, structures or conduits conveying natural gas to the Project, or structures or conduits conveying the electrical output of the Project, if such a facility is proposed to be built for the Project’s exclusive use; and
  - (b) For a facility not proposed to be built for the Project’s exclusive use, any area to be disturbed for roadway infrastructure, structures or conduits conveying water to and wastewater from the Project, structures or conduits conveying natural gas to the Project, or structures or conduits conveying the electrical output of the Project, if and to the extent that such a facility requires the creation of new or expanded rights-of-way.

The Applicant will perform or has performed the studies, evaluations, and analyses set forth in these stipulations to satisfy the application requirements of Article 10 of the Public Service Law. These stipulations are governed by Section 163 of the Public Service Law and by any applicable requirements for federally delegated environmental permits issued by the New York State Department of Environmental Conservation (DEC).

2. Parties hereto may limit their concurrence to one or more of the 41 specific subject area stipulations by so indicating in a notation next to their signature. A signature without any such notation shall indicate concurrence with all the stipulation.
3. Those signing these stipulations agree that, as of the date hereof, the studies outlined herein constitute all the necessary studies concerning the subject matter of these stipulations that the Applicant must provide to satisfy Section 164 of the Public Service Law. Except as provided herein, the signatories agree not to request the Applicant to provide additional studies concerning the subject matter of these stipulations in connection with the Article 10 proceeding.
4. Under any of the following circumstances, the Applicant agrees to perform additional studies, evaluations or analyses:
  - (a) A new statute, regulation or final, non-reviewable judicial, federal, state or administrative regulation, ruling or order is adopted subsequent to the date of these stipulations which necessitates such additional studies, evaluations, or analyses;
  - (b) The Applicant proposes a change in the Project or other inputs to the stipulated studies, evaluations or analyses that will materially affect the results of the studies, evaluations or analyses;
  - (c) New information is discovered during the conduct, or as a result of the stipulated studies, evaluations or analyses that materially affects the results thereof;
  - (d) The Chairman of the Siting Board, the Siting Board, or Presiding Examiner, whose ruling will be appealable to the Siting Board, or Associate Examiner presiding with respect to any proceedings concerning federally delegated environmental permits to be issued by New York State Department of Environmental Conservation (DEC), whose ruling will be appealable to the Commissioner of the DEC or the Siting Board, as the case may be, requires an additional study, evaluation, or analysis pursuant to 16 N.Y.C.R.R. § 1000.9; or
  - (e) The Department of Environmental Conservation determines that the Part 201 and Part 231/Prevention Of Significant Deterioration Permit, or the individual State Pollution Discharge Elimination System (SPDES) permit modification application is incomplete pursuant to Uniform Procedures Regulations (6 NYCRR Part 621).
5. After the Chairman of the Siting Board determines that the Application complies with Section 164 of the Public Service Law, if the signatories, in any of the circumstances listed above, reach agreement as to the implementation of any additional studies, evaluations or analyses, such agreement may be set forth in a new stipulation, which may include the agreement of the Applicant to extend the statutory deadline for completion of the certification proceeding, but only if and only to the extent necessary to provide sufficient time to permit any such studies, evaluations or analyses to be conducted and reviewed. Any of the signatories, in the circumstances listed in paragraph 4, who do not reach such agreement, shall be free to submit the matter to the presiding examiner for resolution and shall not be restricted from pleading that the Applicant must provide

additional studies, evaluations or analyses related thereto during the Article 10 proceeding regarding the subject matter of these stipulations.

### **Stipulation 1 – 1001.1 General Requirements**

Exhibit 1 will include:

- (a) The application for a certificate shall contain the exhibits described by Part 1001 as relevant to the proposed major electric generating facility technology and site and such additional exhibits and information as the Applicant may consider relevant or as may be required by the Board or the Presiding Examiner. Exhibits that are not relevant to the particular application have been omitted.
- (b) Each exhibit shall contain a title page showing:
  - (1) the applicant's name;
  - (2) the title of the exhibit; and
  - (3) the proper designation of the exhibit.
- (c) Each exhibit consisting of 10 or more pages of text shall contain a table of contents citing by page and section number or subdivision the component elements or matters contained in the exhibit.
- (d) In collecting, compiling and reporting data required by this Part, the applicant shall establish a basis for a statistical comparison with data which shall subsequently be obtained under any program of post-certification monitoring.
- (e) If the same information is required for more than one exhibit, it may be supplied in a single exhibit and referenced in the other exhibit(s) where it is also required.
- (f) Exhibit 1 shall also contain:
  - (1) the name, address, telephone number, facsimile number, and E-mail address of the applicant;
  - (2) the address of a website established by the applicant to disseminate information to the public regarding the application;
  - (3) the name, address, telephone number, facsimile number, and E-mail address of a person provided by the applicant that the public may contact for more information regarding the application;
  - (4) the name, business address, telephone number, facsimile number, and E-mail address of the principal officer of the applicant;

- (5) if the applicant desires service of documents or other correspondence upon an agent, the name, business address, telephone number, facsimile number, and E-mail address of the agent;
- (6) a brief explanation of the type of business entity that the applicant is, including its date and location of formation and the name and address of any parent entities;  
and
- (7) if the facility is to be owned by a corporation, a certified copy of the charter of such corporation; if the facility is not to be owned by a corporation, a copy of the certificate or other documents of formation.

**Stipulation 2 – 1001.2 Exhibit 2: Overview and Public Involvement**

Exhibit 2 shall not exceed 15 pages of text, except that for good cause shown, the Secretary may increase the page limit. Exhibit 2 shall contain:

- (a) A brief description of the major components of the proposed facility, interconnections and related facilities.
- (b) A brief summary of the contents of the application.
- (c) A brief description of the public involvement program conducted by the applicant prior to submission of the application and an identification of significant issues raised by the public and affected agencies during such program and the response of the applicant to those issues including a summary of changes made to the proposal as a result of the public involvement program.
- (d) An updated stakeholders list, as well as an indication of how stakeholders have been identified and subsequently added to the list during the scoping and stipulation process.
- (e) A brief description of the public involvement program to be conducted by the applicant after submission of the application.
- (f) A brief, clearly and concisely written overall analysis in plain language that assembles and presents relevant and material facts regarding the proposed project upon which the applicant proposes that the Board make its decision. The analysis shall be analytical and not encyclopedic and shall specifically address each required finding, determination and consideration the Board must make or consider in its decision pursuant to Section 168 of the PSL and explain why the applicant believes that the requested Certificate can be granted.

**Stipulation 3 – 1001.3 Exhibit 3: Location of Facilities**

Exhibit 3 shall contain maps, drawings and explanations showing the location of the proposed Project, all interconnections, and all ancillary features not located on the facility site such as roads, railroads, switchyards, fuel or energy storage or regulation facilities, solid waste disposal areas, waste treatment and disposal facilities, and similar facilities, in relation to municipalities (county, city, town and village) and taxing jurisdictions associated with any part of the overall development proposal. Such maps, drawings and explanations shall include:

- (a) New York State Department of Transportation or the most recent USGS maps (1:24,000 topographic edition), showing:
  - (1) the proposed location of the Project including electric transmission line and fuel gas transmission line interconnections that are not subject to review under Article VII of the PSL, and including ancillary features located on the Project site such as roads, railroads, switchyards, fuel or energy storage or regulation facilities, solid waste disposal areas, waste treatment and disposal facilities, and similar facilities;
  - (2) the proposed location of any interconnections, including all offsite electric transmission lines, fuel gas transmission lines, fuel oil transmission lines, water supply lines, wastewater lines, communications lines, steam lines, stormwater drainage lines, and appurtenances thereto, to be installed in New York State connecting to and servicing the site of the Project that are not subject to the Commission’s jurisdiction under PSL Article VII;
  - (3) the location of all proposed ancillary features not located on the Project site such as roads, railroads, switchyards, fuel or energy storage or regulation facilities, solid waste disposal areas, waste treatment and disposal facilities, and similar facilities, that are not subject to the Board’s jurisdiction under PSL Article 10;
  - (4) the proposed location of any electric transmission line and fuel gas transmission line interconnections that are subject to review under Article VII of the PSL and that are not subject to the Board’s jurisdiction under PSL Article 10; and
  - (5) A study area for the Project generally related to the nature of the technology and the setting of the proposed site. As the Project is located within a highly urbanized area, the study area will be limited to a one-mile radius from the property boundaries of the Project site and interconnections (the “Study Area”).
- (b) Maps clearly showing the location of the Project site, the interconnections, and all ancillary features not located on the Project site in relation to municipal boundaries, taxing jurisdictions, designated neighborhoods or community districts, at a scale sufficient to determine and demonstrate relation of facilities to those geographic and political features.

- (c) Written descriptions explaining the relation of the location of the proposed Project site, the interconnections, and all ancillary features not located on the facility site to the affected municipalities, taxing jurisdictions, designated neighborhoods or community districts.

**Stipulation 4 – 1001.4 Exhibit 4: Land Use**

Exhibit 4 shall contain:

- (a) A map showing existing land uses within the Study Area, which is the area within a one-mile radius from the property boundaries of the Project.
  - (1) Land use classifications to inventory existing land uses within the Study Area will be based upon the activity that occurs on properties within the Study Area as well as the physical development character of the land itself; land use types will be identified as:
    - Agricultural
    - Governmental including Local Government Offices, Schools, Fire, Police
    - Industrial
    - Retail/Commercial/Office
    - Open Space/Recreation
    - Medical Facilities
    - Institutional
    - Residential
    - Vacant Land
    - Transportation Right-of-Ways
  - (2) Land uses will be determined and documented during field studies and land use mapping will be provided utilizing satellite imagery as a base map with transparent colored overlays indicating use.
- (b) A map of any existing overhead and underground major facilities for electric, gas or telecommunications transmission within the Study Area.
- (c) A map of all properties upon which any component of the Project or the related facilities would be located, and all properties adjoining such properties, that shows the current land use, tax parcel number and owner of record of each property, and any publicly known proposed land use plans for any of these parcels.
- (d) A map of existing zoning districts, and proposed zoning districts within the Study Area, including a description of the permitted and the prohibited uses within each zone.
- (e) A statement as to whether the municipality has an adopted comprehensive plan and whether the proposed land use is consistent with such comprehensive plan. If the municipality's comprehensive plan is posted on a website, the exhibit shall contain the address of the internet site where the plan is posted.
- (f) A map of all publicly known proposed land uses within the Study Area, gleaned from interviews with state and local planning officials, from the public involvement process, or from other sources.

- (g) Maps showing designated coastal areas, inland waterways and local waterfront revitalization program areas; groundwater management zones; designated agricultural districts; flood-prone areas; and critical environmental areas designated pursuant to the State Environmental Quality Review Act.
  
- (h) Maps showing recreational and other land uses within a two-mile study area, including the City of Long Beach and Jones Beach State Park (which are greater than two miles from the Project, but have been included as requested by NYSDPS), that might be affected by the sight, sound or odor of the construction or operation of the facility, interconnections and related facilities, including Wild, Scenic and Recreational River Corridors, open space, and any known archaeological, geologic, historical or scenic area, park, designated wilderness, forest preserve lands, conservation easement lands, scenic byways designated by the federal or state governments, nature preserves, designated trails, and public-access fishing areas; major communication and utility uses and infrastructure; and institutional, community and municipal uses and facilities; including a summary describing the nature of the probable environmental impact of facility and interconnection construction and operation on such uses, including an identification of how such impact is avoided or, if unavoidable, minimized or mitigated. Given the provisions of §304 of the National Historic Preservation Act, 9 NYCRR §427.8, and §15 of the Public Service Law, information about the location, character, or ownership of a cultural resource shall not be disclosed to the public, and shall only be disclosed to the parties to a proceeding pursuant to an appropriate protective order if a determination is made that disclosure may:
  - (1) cause a significant invasion of privacy;
  - (2) risk harm to the affected cultural resource; or
  - (3) impede the use of a traditional religious site by practitioners.
  
- (i) A qualitative assessment of the compatibility of the Project and any interconnection, including any off-site staging, parking and storage areas for construction or potential future maintenance needs, with existing, proposed and allowed land uses, and local and regional land use plans, within a 1-mile radius of the Project site and any interconnection route. The qualitative assessment shall include an evaluation of the short- and long-term effects of facility-generated noise, odor, traffic and visual impacts on the use and enjoyment of those areas for the current and planned uses. The assessment shall identify the nearby land uses of particular concern to the community, and shall address the land use impacts of the facility on residential areas, schools, civic facilities, recreational facilities, and commercial areas.
  
- (j) A qualitative assessment of the compatibility of proposed above-ground interconnections and related facilities with existing, potential, and proposed land uses within the study area.

- (k) A qualitative assessment of the compatibility of underground interconnections and related facilities with existing, potential, and proposed land uses within 300 feet from the centerline of such interconnections or related facilities.
- (l) An analysis of conformance with relevant provisions of the New York State Coastal Zone Management Act, and proposed or adopted plans for inland waterways and local waterfront revitalization areas.
- (m) Aerial photographs of all properties within the study area of such scale and detail to enable discrimination and identification of all natural and cultural features.
- (n) Overlays on aerial photographs which clearly identify the Project site and any interconnection route, the limits of proposed clearing or other changes to the topography, vegetation or man-made structures, fencing/ security gates, and the location of access and maintenance routes.
- (o) All aerial photographs shall reflect the current situation. All aerial photographs shall indicate the photographer and the date photographs were taken.
- (p) A description of community character within the Study Area, an analysis of impacts of facility construction and operation on community character, and identification of avoidance or mitigation measures that will minimize adverse impacts on community character. For the purposes of this paragraph, community character includes defining features and interactions of the natural, built and social environment, and how those features are used and appreciated in the community including seasonal events.

**Stipulation 5 – 1001.5 Exhibit 5: Electric System Effects**

*To be provided at a later date.*

**Stipulation 6 – 1001.6 Exhibit 6: Wind Power Facilities**

Exhibit 6: Wind Power Facilities is not applicable to the Project.

**Stipulation 7 – 1001.7 Exhibit 7: Natural Gas Power Facilities**

Exhibit 7 shall contain:

- (a) An estimate of the monthly and hourly gas usage by the Project.
- (b) A statement of the gas pressure required for the gas turbines and how the pressure will be regulated or increased.

### **Stipulation 8 – 1001.8 Exhibit 8: Electric System Production Modeling**

Prior to preparing this exhibit, the Applicant shall consult with DPS and DEC to develop an acceptable input data set, including modeling for the Applicant's proposed Project and inputs for the emissions analysis, to be used in the simulation analyses. Exhibit 8 shall contain:

- (a) The following analyses that shall be developed using GEMAPS, PROMOD or a similar computer-based modeling tool:
  - (1) estimated statewide and regional levels of SO<sub>2</sub>, NO<sub>x</sub> and CO<sub>2</sub> emissions, both with, and without the proposed facility;
  - (2) estimated minimum, maximum, and average annual spot prices representative of all NYISO Zones within the New York Control Area, both with and without the proposed facility;
  - (3) an estimated capacity factor for the facility;
  - (4) estimated annual and monthly, on peak, shoulder and off-peak MW output capability factors for the facility;
  - (5) estimated average annual and monthly production output for the facility in MWhs;
  - (6) an estimated production curve for the facility over an average year;
  - (7) an estimated production duration curve for the facility over an average year; and
  - (8) estimated effects of the proposed facility on the energy dispatch of existing must-run resources, defined for this purpose as existing wind, hydroelectric and nuclear facilities, as well as co-generation facilities to the extent they are obligated to output their available energy because of their steam hosts.
- (b) Digital copies of all inputs used in the simulations required in subdivision (a) of this section.

### **Stipulation 9 – 1001.9 Exhibit 9: Alternatives**

In accordance with Article 10 requirements, a private facility applicant may limit its description and evaluation of alternative locations to parcels owned by, or under option to, such private facility applicant or its affiliates that are reasonable and available. 16 NYCRR Part 1001.9(a). For the current Project, the evaluation of alternative sites is not applicable as the proposed Project is associated with the “Amended and Restated Power Supply Agreement” (Amended Agreement) by and between the Long Island Power Authority (LIPA) and National Grid Generation LLC (“National Grid”), effective May 2013. The Amended Agreement requires National Grid to prepare a proposal for repowering of the Barrett Station as a new energy center. Accordingly, consistent with the Amended Agreement, the Barrett Station is the only location that will be studied as there are no other reasonable and available locations to repower the Barrett Station.

Exhibit 9 shall contain the following materials:

- (a) a description and evaluation of reasonable alternatives to the proposed Project at the proposed location as follows:
  - (1) general arrangement and design;
  - (2) technology, including alternative power block technologies, air emissions control systems, stack configurations (single flue vs. combined flues), cooling technologies, and alternatives to any proposed use of aqueous ammonia;
  - (3) scale or magnitude;
  - (4) timing of the proposed in-service date for the facility in relation to other planned additions, withdrawals, or other capacity, transmission or demand reduction changes to the electric system;
- (b) a statement of the advantages and disadvantages of the alternatives discussed in this exhibit and the reasons why the primary proposed design technology, scale or magnitude, and timing are best suited, among the alternatives, to promote public health and welfare, including the recreational, cultural and other concurrent uses that the site may serve.
- (c) a description and evaluation of the no action/no build alternative at the proposed location including a statement of the reasons why the proposed facility is better suited to promote public health and welfare including the recreational, cultural and other concurrent uses that the site may serve.
- (d) Part 1001.9 (g) requires "...an identification and description of reasonable energy supply source alternatives including but not limited to alternatives to the proposed facility consisting of renewable generation, distributed generation, transmission, and demand-reducing alternatives, except, as noted above, that an applicant may limit its

- identification and description to alternatives that are feasible considering the objectives and capabilities of the sponsor or its affiliates;" The objective of the Applicant is to repower the Barrett Power Station in accordance with its aforementioned contractual obligations with LIPA. The Applicant has no objective to build any other facility or technology or implement demand-reducing alternatives. Accordingly, the Applicant will submit a study showing LIPA's plans to implement renewable energy, distributed generation, transmission and demand-reducing alternatives as provided in LIPA's latest issued Resource Plan and updated by any other publicly available LIPA plans, which plans were publicly available at least 45 days before the filing of the Application.
- (e) a statement of the reasons why the proposed Project is best suited, among the feasible alternative sources and measures identified in (d) above, to promote public health and welfare, including the recreational, cultural, and other concurrent uses that the site and affected areas may serve.

**Stipulation 10 – 1001.10 Exhibit 10: Consistency with Energy Planning Objectives**

Exhibit 10 shall contain:

- (a) a statement demonstrating the degree of consistency of the construction and operation of the facility with the energy policies and long range energy planning objectives and strategies contained in the most recent state energy plan including consideration of the information required by subdivisions (b) through (i) in this section;
- (b) a description of the impact the proposed facility would have on reliability in the state; provided, however, this description may be submitted when the SRIS required by Stipulation 5 is submitted;
- (c) a description of the impact the proposed facility would have on fuel diversity in the state;
- (d) a description of the impact the proposed facility would have on regional requirements for capacity;
- (e) a description of the impact the proposed facility would have on electric transmission constraints;
- (f) a description of the impact the proposed facility would have on fuel delivery constraints;
- (g) a description of the impact the proposed facility would have in relation to any other energy policy or long range energy planning objective or strategy contained in the most recent state energy plan; and,
- (h) a statement of the reasons why the proposed location and source is best suited, among the alternatives identified, to promote public health and welfare, including minimizing the public health and environmental impacts related to climate change.
- (i) a statement demonstrating the degree of consistency of the construction and operation of the facility with the energy policies and energy planning objectives contained within LIPA's Electric Resource Plan 2010 – 2020 (or the most recent LIPA energy plan, or other LIPA-issued planning documents publically available at least 45 days before the filing of the Application).
- (j) A statement of the Project's consistency with the "Amended and Restated Power Supply Agreement" (Amended Agreement) by and between LIPA and National Grid, effective May 2013. The Amended Agreement allows LIPA to continue to purchase power from National Grid's existing Long Island generating stations in order to meet the electricity needs of its customers and locational capacity requirements established by the New York State Independent System Operation (NYISO) and the New York State Reliability Council (NYSRC). The Amended Agreement also requires National Grid to prepare a proposal for repowering of the Barrett Station as a new energy center.

**Stipulation 11 – 1001.11 Exhibit 11: Preliminary Design Drawings**

The preliminary design drawings to be submitted pursuant to this section shall be prepared by a Professional Engineer, Architect or Landscape Architect, as appropriate, licensed and registered in New York State, whose name shall be clearly printed on the drawings. All such drawings may be labeled "preliminary" or "not for construction purposes" to indicate their preliminary status. All such drawings are to be drawn to scale, or to an exaggerated scale, as appropriate. All such drawings are to be drawn using computer graphics or computer-aided design software; hand-drawn sketches and drawings may not be used. Exhibit 11 shall contain:

- (a) A site plan showing all buildings, structures, driveways, parking areas, emergency access lanes, sidewalks, access ways and other improvements at the facility site including security features and fencing, depicting the proposed site in relation to adjoining properties, and depicting the layout of onsite facilities and ancillary features. Additional drawings shall be included depicting the layout of all offsite facilities and ancillary features. A table demonstrating the Project's compliance with the Town of Hempstead substantive bulk zoning requirements will be provided on the preliminary design drawings.
- (b) A construction operations plan indicating all materials lay-down areas, construction preparation areas, major excavation and soil storage areas, and construction equipment and worker parking areas.
- (c) Grading and erosion control plans indicating soil types, depth to bedrock, general areas of cut and fill, retaining walls, initial and proposed contours, and permanent stormwater retention areas.
- (d) A landscaping plan indicating areas of trees to be retained, removed, or restored; berms, walls, fences and other landscaping improvements, and areas for snow removal storage.
- (e) A lighting plan showing type and location of exterior lighting fixtures and indicating measures to be taken to prevent unnecessary light trespass beyond the facility property line.
- (f) Architectural drawings including building and structure arrangements and exterior elevations for all buildings and structures, indicating the length, width, height, material of construction, color and finish of all buildings, structures, and fixed equipment.
- (g) Typical design detail drawings of all underground facilities indicating proposed depth and level of cover, and all overhead facilities indicating height above grade, including descriptions and specifications of all major components including piping, conductors, cooling towers, exhaust stacks, wind turbine towers and blades, and other structures.
- (h) For interconnection facilities, the plans and drawings required by subsections (a) through (g) of this Section for the proposed interconnection facilities and a profile of the centerline of the interconnection facilities at exaggerated vertical scale.

- (i) A list of engineering codes, standards, guidelines and practices that the Applicant intends to conform with when planning, designing, constructing, operating and maintaining the Project.
- (j) Preliminary design drawings will be provided at two scales: one scale to depict the overall facility on one drawing (in the range of 1" = 150' or 1" = 200', or as appropriate) and another scale to depict portions of the facility at greater detail (such as 1" = 50') in accordance with Town of Hempstead site plan substantive requirements.
- (k) AutoCAD files of the site plan will be provided to the NYSDPS and NYSDEC. These files will be provided to other parties upon request.

**Stipulation 12 – 1001.12 Exhibit 12: Construction**

Exhibit 12 shall contain:

- (a) A preliminary Quality Assurance and Control plan, including staffing positions and qualifications necessary, demonstrating how applicant will monitor and assure conformance of facility installation with all applicable design, engineering and installation standards and criteria.
- (b) A statement from a responsible company official that:
  - (1) that applicant and its contractors will conform to the requirements for protection of underground facilities contained in Public Service Law §119-b, as implemented by 16 NYCRR Part 753; and
  - (2) the applicant will comply with pole numbering and marking requirements, as implemented by 16 NYCRR Part 217.
- (c) Preliminary plans and descriptions indicating design, location and construction controls to avoid interference with existing utility transmission and distribution systems, indicating locations and typical separations of proposed facilities from existing electric, gas, and communications infrastructure and measures to minimize interferences where avoidances cannot be reasonably achieved.
- (d) Specification of commitments for addressing public complaints, and procedures for dispute resolution during facility construction and operation.

**Stipulation 13 – 1001.13 Exhibit 13: Real Property**

Exhibit 13 shall contain:

- (a) A survey of the facility site showing property boundaries with tax map sheet, block and lot numbers; the owner of record of all parcels included in the site and for all adjacent properties; easements, grants and related encumbrances on the site parcels; public and private roads on or adjoining or planned for use as access to the site; zoning and related designations applicable to the site and adjoining properties;
- (b) A property/right-of-way map of all proposed interconnection facilities and off-property/right-of-way access drives and construction lay-down or preparation areas for such interconnections.
- (c) A demonstration that the applicant has obtained title to or a leasehold interest in the facility site, including ingress and egress access to a public street, or is under binding contract or option to obtain such title or leasehold interest, or can obtain such title or leasehold interest.
- (d) The status of the negotiation to obtain an agreement and/or easement required for a grade crossing of the Long Island Rail Road (LIRR) or the available documentation indicating the agreement/easement has been executed.
- (e) A statement that the applicant has obtained, or can obtain, such deeds, easements, leases, licenses, or other real property rights or privileges as are necessary for all interconnections for the facility.
- (f) An identification of any improvement district extensions necessary for the facility and a demonstration that the applicant has obtained, or can obtain, such improvement district extensions.

**Stipulation 14 – 1001.14 Exhibit 14: Cost of Facilities**

Exhibit 14 shall contain:

- (a) A detailed estimate of the total capital costs of the proposed facility, including a separately stated estimate for each interconnection, broken down in a rational manner by the Applicant into major cost components appropriate to the facility.
- (b) A brief statement of the source of the information used as the basis for the estimates required by subdivision (a) of this section.

**Stipulation 15 – 1001.15 Exhibit 15: Public Health and Safety**

Exhibit 15 shall contain a statement and evaluation that identifies, describes, and discusses all potential significant adverse impacts of the construction and operation of the facility, the interconnections, and related facilities on the environment, public health, and safety, at a level of detail that reflects the severity of the impacts and the reasonable likelihood of their occurrence, identifies the current applicable statutory and regulatory framework, and also addresses:

- (a) the anticipated gaseous, liquid and solid wastes to be produced at the facility during construction and under representative operating conditions of the facility, including their source, anticipated volumes, composition and temperature, and such meteorological, hydrological and other information needed to support such estimates and any studies, identifying the author and date thereof, used in the analysis;
- (b) the anticipated volumes of such wastes to be released to the environment during construction and under any operating condition of the facility;
- (c) the treatment processes to eliminate or minimize wastes to be released to the environment;
- (d) the manner of collection, handling, storage, transport and disposal for wastes retained and not released at the site, or to be disposed of;
- (e) maps of the Study Area and analysis showing relation of the proposed facility site to public water supply resources; community emergency response resources and facilities including police, fire and emergency medical response facilities and plans; emergency communications facilities; hospitals and emergency medical facilities; designated evacuation routes; existing known hazard risks including flood hazard zones, storm surge zones, areas of coastal erosion hazard, landslide hazard areas, areas of geologic, geomorphic or hydrologic hazard; dams, bridges and related infrastructure; explosive or flammable materials transportation or storage facilities; contaminated sites; and other local risk factors;
- (f) all significant impacts on the environment, public health, and safety associated with the information required to be identified pursuant to subdivisions a through e of this section, including all reasonably related short-term and long-term effects;
- (g) any adverse impact on the environment, public health, and safety that cannot be avoided should the proposed facility be constructed and operated, and measures for monitoring and measuring such impacts;
- (h) any irreversible and irretrievable commitment of resources that would be involved in the construction and operation of the facility;
- (i) any measures proposed by the applicant to minimize such impacts;

- (j) any measures proposed by the applicant to mitigate or offset such impacts;
- (k) any monitoring of such impacts proposed by the applicant; and,
- (l) any potential safety impacts of adding a grade crossing access road across the LIRR mass transit railroad tracks traversing the facility along with mitigation measures and alternatives to installation of the grade crossing and contingencies related to traffic and construction activities in close proximity to active railroad lines.

**Stipulation 16 – 1001.16 Exhibit 16: Pollution Control Facilities**

An Exhibit for Pollution Control Facilities.

(a) Exhibit 16 will contain:

- (1) Copies of completed applications for permits to be issued by the DEC pursuant to Federal recognition of State authority, or pursuant to federally delegated or approved authority, in accordance with the Clean Water Act and the Clean Air Act and the Resource Conservation and Recovery Act, and any applicable permits pursuant to Title 9 of Article 27, and Articles 17 and 19 of the ECL.
- (2) Such evidence as will enable the Commissioner of DEC to evaluate the facility's pollution control technologies and to reach a determination to issue, subject to appropriate conditions and limitations, permits for such technologies.
- (3) Such evidence as will enable the Board to evaluate the facility's pollution control technologies and to make the findings and determinations required by PSL Section 168.
- (4) A representation and description of all fuel waste byproducts to be produced as a result of construction and operation of the facility and its interconnections and related facilities, including a description and plan as appropriate for the handling, storage and disposal of all fuel waste byproducts. Ash produced from the combustion or gasification of coal, wood, biomass, municipal solid waste or similar fuels shall be included in the definition of fuel waste byproduct for the purposes of this subdivision.

**Stipulation 17 – 1001.17 Exhibit 17: Air Emissions**

Exhibit 17 shall contain:

- (a) A demonstration of the facility's compliance with applicable federal, state, and local regulatory requirements regarding air emissions.
- (b) An assessment of existing ambient air quality levels and air quality trends for pollutants in the region surrounding the facility, including air quality levels and trends taken from regional air quality summaries and air quality trend reports.
- (c) For emissions of criteria and non-criteria pollutants by combustion sources at the facility, a table indicating the rate and amount of emissions with the name of the substance in the first column, the hourly emission rate in the second column, and the annual potential to emit in the third column:
  - (1) sulfur dioxide (SO<sub>2</sub>);
  - (2) oxides of nitrogen (NO<sub>x</sub>);
  - (3) carbon dioxide (CO<sub>2</sub>);
  - (4) carbon monoxide (CO);
  - (5) particulate matter (PM 2.5, PM 10, total PM));
  - (6) volatile organic compounds (VOCs);
  - (7) elemental lead;
  - (8) mercury; and
  - (9) a set of additional non-criteria (i.e. toxic) air pollutants to be emitted from the proposed facility as determined in consultation with DOH and DEC.
- (d) An assessment of the potential impacts to ambient air quality that may result from pollutant emissions from the facility, including:
  - (1) an estimation of the maximum potential air concentrations (short-term and long-term) of appropriate pollutants determined in consultation with DOH and DEC;
  - (2) a comparison of the maximum predicted air concentrations to ambient air quality standards and guidelines and ambient background concentrations for non-criteria pollutants for both short-term and long-term exposures for any appropriate pollutant determined in consultation with DOH and DEC;

- (3) where warranted as determined in consultation with DOH and DEC, cumulative source impact analyses for any appropriate pollutant in accordance with air permitting requirements and 6 NYCRR Part 487; and
- (e) An offsite consequence analysis for any ammonia that will be stored onsite will be prepared. The offsite consequences planning model - ALOHA (Areal Locations of Hazardous Atmospheres), will be used to ascertain the potential offsite impact that may result from an accidental release of aqueous ammonia. The threshold criteria of adverse impact will be the ERPG-2 (Emergency Response Planning Guideline Level 2). The ERPG-2 level for ammonia is 150 ppm, and is the maximum airborne concentration below which nearly all individuals could be exposed for up to 1 hour without experiencing or developing irreversible or other serious adverse health effects or symptoms that could impair an individual's ability to take protective action.

**Stipulation 18 – 1001.18 Exhibit 18: Safety and Security**

Exhibit 18 shall contain:

- (a) A preliminary plan for site security of the proposed facility during construction of such facility, including site plans and descriptions of the following site security features:
  - (1) access controls including fences, gates, bollards and other structural limitations;
  - (2) electronic security and surveillance facilities;
  - (3) proposed use and frequency of roving patrols for the Simple Cycle and Combined Cycle sites;
  - (4) security lighting, including specifications for lighting and controls to address work-site safety requirements and to avoid off-site light trespass; and
  - (5) setback considerations for facility components which may present hazards to public safety.
  
- (b) A preliminary plan for site security of the proposed facility during operation of such facility, including site plans and descriptions of the following site security features:
  - (1) access controls including fences, gates, bollards and other structural limitations;
  - (2) electronic security and surveillance facilities;
  - (3) security lighting, including specifications for lighting and controls to address work-site safety requirements and to avoid off-site light trespass;
  - (4) lighting of facility components to ensure aircraft safety;
  - (5) setback considerations for facility components which may present hazards to public safety;
  - (6) a description of a cyber security program for the protection of digital computer and communication systems and networks that support the facility demonstrating compliance with current standards issued by a standards setting body generally recognized in the information technology industry, including, but not limited to, the federal Department of Commerce's National Institute of Standards and Technology, the North American Electric Reliability Corporation, or the International Organization for Standardization, and providing for periodic validation of compliance with the applicable standard by an independent auditor; and,

- (7) as a service road connecting the combined cycle facilities to the simple cycle facilities within the Project site is proposed, a description of the physical security measures to be incorporated on both sides of the LIRR tracks will be provided.
  
- (c) A preliminary safety response plan to ensure the safety and security of the local community, including:
  - (1) an identification of contingencies that would constitute a safety or security emergency;
  - (2) emergency response measures by contingency;
  - (3) evacuation control measures by contingency; and
  - (4) community notification procedures by contingency.
  
- (d) A statement that the applicant will provide a copy of the plans required in subdivisions (a), (b), and (c) of this section to, and request review of such plans and comment by, the New York State Division of Homeland Security and Emergency Services.
  
- (e) A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies and hazardous substance incidents.
  
- (f) A description of all contingency plans to be implemented in response to the occurrence of a fire emergency or a hazardous substance incident.
  
- (g) A statement that the applicant will provide a copy of the plans required in subdivision (c) of this section to, and requested review of such plans and comment by, local emergency first responders serving the area of the facility site and a review by the applicant of any responses received.

**Stipulation 19 – 1001.19 Exhibit 19: Noise and Vibration**

*To be provided at a later date.*

**Stipulation 20 – 1001.20 Exhibit 20: Cultural Resources**

The IPEC project initiated consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) under letter dated January 24, 2014. This consultation package included the required OPRHP Project Review Cover Form and a description of the IPEC Project, including relevant site mapping, preliminary general arrangement plan, and site aerial photographs. Under letter dated April 23, 2014, the OPRHP issued a “Determination of No Effect” for the Project. As such, it is the OPRHP’s opinion that the Project will not result in significant impacts to cultural and historic resources.

Regarding potential effects to Cultural Resources Exhibit 20 shall contain:

- (a) A study of the impacts of the construction and operation of the facility, interconnections and related facilities on archeological resources, including:
  - (1) a summary of the nature of the probable impact on any archeological/cultural resources identified addressing how those impacts shall be avoided or minimized;
  - (2) a summary of archeological/cultural resources located within the Area of Potential Effect (APE) for the facility site and any areas to be used for interconnections or related facilities; and,
  - (3) an Unanticipated Discovery Plan that shall identify the actions to be taken in the unexpected event that resources of cultural, historical, or archaeological importance are encountered during the excavation process. This plan shall include a provision for work stoppage upon the discovery of possible archaeological or human remains. In addition, the plan shall specify the degree to which the methodology used to assess any discoveries follows the most recent Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State. Such an assessment, if warranted, shall be conducted by a professional archaeologist, qualified according to the standards of the New York State Archaeological Council.
  
- (b) A study of the impacts of the construction and operation of the facility and the interconnections and related facilities on historic resources, including the results of field inspections and consultation with local historic preservation groups to identify sites or structures listed on the State or National Register of Historic Places within the viewshed of the facility and within the Study Area. This study shall include Jones Beach State Park and the following resources immediately beyond the Study Area as identified in the PSS: Samuel Vaisberg House; Pauline Felix House; and, 226 West Penn Street House.

**Stipulation 21 – 1001.21 Exhibit 21: Geology, Seismology and Soils**

Exhibit 21 shall contain a study of the geology, seismology, and soils impacts of the facility consisting of the identification and mapping of existing conditions, an impact analysis, and proposed impact avoidance and mitigation measures, including:

- (a) a map delineating existing slopes (0-3%, 3-8%, 8-15%, 15-25%, 25-35%, 35% and over) on and within the drainage area potentially influenced by the facility site and interconnections;
- (b) a proposed site plan showing existing and proposed contours at two-foot intervals, for the facility site and interconnections, at a scale sufficient to show all proposed buildings, structures, paved and vegetative areas, and construction areas;
- (c) a description and preliminary calculation of the quantity of cut and fill necessary to construct the facility, including separate calculations for topsoil and sub-soil, and including a plan to identify the presence of invasive species in spoil material and to prevent the introduction and/or spread of invasive species by the transport of fill material to or from the site of the facility or interconnections;
- (d) a description and preliminary calculation of the amount of fill, gravel, asphalt, and surface treatment material to be brought in to the facility site and interconnections;
- (e) a description and preliminary calculation of the proposed type and amount of cut material or spoil to be removed from the facility site and interconnections;
- (f) a description of excavation techniques to be employed;
- (g) a delineation of temporary cut or fill storage areas to be employed;
- (h) a description of the characteristics and suitability for construction purposes of the material excavated for the facility and of the deposits found at foundation level, including factors such as soil corrosivity and subsurface hydrologic characteristics;
- (i) No blasting operations will be required for the Project. As a consequence, the evaluation of blasting operations, impacts and mitigation measures is not required;
- (j) a description of the regional geology, tectonic setting and seismology of the facility vicinity.
- (k) an analysis of the expected impacts of construction and operation of the facility with respect to regional geology, if such can be determined;
- (l) an analysis of the impacts of typical seismic activity experienced in the facility area based on current seismic hazards maps, on the location and operation of the facility identifying potential receptors in the event of failure, and if the facility is proposed to be located near

a young fault or a fault that has had displacement in Holocene time, demonstration of a suitable setback from such fault;

- (m) a map delineating soil types on the facility and interconnections sites;
- (n) a description of the characteristics and suitability for construction purposes of each soil type identified above, including a description of the soil structure, texture, percentage of organic matter, and recharge/infiltration capacity of each soil type and a discussion of any de-watering that may be necessary during construction and whether the facility shall contain any facilities below grade that would require continuous de-watering;
- (o) a description of the nature and extent of groundwater contamination on the Project site, if any, if such information is available. If groundwater testing is anticipated for the Project site prior to construction, a scope of such studies will be included in the Article 10 Application; a description of methods for handling, transport, testing, and disposal of potentially contaminated groundwater during dewatering activities will also be included, if applicable.
- (p) maps, figures, and analyses delineating depth to bedrock and underlying bedrock types, including vertical profiles showing soils, bedrock, water table, seasonal high groundwater, and typical foundation depths on the facility site, and any area to be disturbed for roadways to be constructed and all off-site interconnections required to serve the facility, including an evaluation for potential impacts due to facility construction and operation, including any on-site wastewater disposal system, based on information to be obtained from available published maps and scientific literature, review of technical studies conducted on and in the vicinity of the facility, and on-site field observations, test pits and/or borings as available;
- (q) an evaluation to determine suitable building and equipment foundations, including:
  - (1) a preliminary engineering assessment to determine the types and locations of foundations to be employed. The assessment shall investigate the suitability of such foundation types as spread footings, caissons, or piles, including a statement that all such techniques conform to applicable building codes or industry standards;
  - (2) if piles are to be used, a description and preliminary calculation of the number and length of piles to be driven, the daily and overall total number of hours of pile driving work to be undertaken to construct the facility, and an assessment of pile driving impacts on surrounding properties and structures due to vibration; and
  - (3) identification of mitigation measures regarding pile driving impacts, if applicable, including a plan for securing compensation for damages that may occur due to pile driving; and
- (r) an evaluation of the vulnerability of the facility site and the operation of the facility to an earthquake event and a tsunami event.

**Stipulation 22 – 1001.22 Exhibit 22: Terrestrial Ecology and Wetlands**

Exhibit 22 shall contain:

- (a) An identification and description of the type of plant communities present on the facility site and adjacent properties based upon field observations and data collection consistent with the nature of the site and access availability to adjacent properties. Each community will be categorized with reference to the *Ecological Communities of New York State* (Edinger et al., 2002). A delineation of the ecological communities present on the basis of recent aerial photography and field observations, including an identification and delineation of any unusual habitats or natural communities of relative importance to New York State Department of Environmental Conservation will be provided.
- (b) Important characteristics associated with each identified community will be described including dominant plant species present within the canopy, understory and ground cover. A list of all plant species noted within each terrestrial plant community and the relative abundance of each will be provided.
- (c) The species, number and size (diameter) of trees 12 inches or greater in diameter at 4.5 feet will be noted in each terrestrial plant community.
- (d) An analysis of the temporary and permanent impact of the construction and operation of the facility on the identified ecological communities and trees greater than 12 inches in diameter, including a mapped depiction showing the communities/trees to be removed or disturbed,
- (e) An identification and evaluation of reasonable avoidance measures or, where impacts are unavoidable, mitigation measures regarding vegetation impacts identified.
- (f) A map showing delineated boundaries based on on-site identification of all federal, state, and locally regulated wetlands present on the facility site and within 500 feet of areas to be disturbed by construction. The extent of all wetland resource areas (including Adjacent Area) present on the facility site and vicinity will be depicted on the map.
- (g) A description of the characteristics of all federal, state and locally regulated wetlands delineated, including the Cowardin classification, and a description of the vegetation, soils and hydrology data collected for each wetland based on on-site observations.
- (h) An identification of all temporary and permanent impacts on the wetlands and their associated adjacent areas.
- (i) For all wetlands where impacts are proposed, a qualitative and descriptive wetland functional assessment for groundwater recharge/discharge, floodflow alteration, fish and

shellfish habitat, sediment/toxicant retention, nutrient removal, sediment/shoreline stabilization, wildlife habitat, recreation, uniqueness/heritage, visual quality/aesthetics, and protected species habitat.

- (j) An identification and evaluation of reasonable avoidance measures or, where impacts are unavoidable, mitigation measures to be employed regarding the wetlands and adjacent areas impacts. Where appropriate, mitigation shall include plans for compensatory mitigation.
- (k) A characterization of the facility site as to the wildlife (including mammals, birds, amphibians, and reptiles) that occur in, on, or in the vicinity, based on reconnaissance surveys and data collection appropriate to the nature of the site, supplemented by publicly available sources including an identification and depiction of any Significant Coastal Fish and Wildlife Habitat Areas designated by DOS/DEC and any unusual habitats or significant natural communities that support state or federally listed endangered or threatened species or species of special concern.
- (l) An identification of state and federal endangered or threatened species on and near the facility site that could be subject to impacts from facility construction, operation, or maintenance.
- (m) A list of the species of mammals, birds, amphibians, and reptiles reasonably likely to occur on, or in the vicinity of the Project site based on site observations and supplemented by publicly available sources.
- (n) An analysis of the impact of the construction and operation of the facility on wildlife, wildlife habitats, and wildlife travel corridors, including a detailed assessment of direct and indirect impacts and identification and evaluation of the expected environmental impacts of the facility on declining species, Species of Greatest Conservation Need (SGCN), and species protected by State and Federal law and the habitats of such species.  
Given the provisions of §3-0301(2)(r) of the Environmental Conservation Law and §15 of the Public Service Law, information that identifies the locations of habitats of such species or any other species or unique combination of species of flora or fauna where the destruction of such habitat or the removal of such species there from would impair their ability to survive, shall not be disclosed to the public, and shall only be disclosed to the parties to a proceeding pursuant to an appropriate protective order.
- (o) An identification and evaluation of reasonable avoidance measures or, where impacts are unavoidable, mitigation measures, including the use of alternative technologies, regarding impacts to wildlife and wildlife habitat.
- (p) An analysis of the impact of air emissions of the facility on vegetation, wetlands, and wildlife.

**Stipulation 23 – 1001.23 Exhibit 23: Water Resources and Aquatic Ecology**

Exhibit 23 shall contain the following with regard to:

(a) Groundwater:

- (1) Hydrologic information reporting depths to high groundwater and bedrock, including a site map showing depth to high groundwater in increments appropriate for the facility site.
- (2) A map based on publicly available information showing all areas within the study area delineating all groundwater aquifers and groundwater recharge areas, and identifying groundwater flow direction, groundwater quality, and the location, depth, yield and use of all public and private groundwater wells or other points of extraction of groundwater located within a one-mile radius of the facility, and including delineation of well head and aquifer protection zones, where publicly available.
- (3) An analysis and evaluation of potential impacts (during normal and drought conditions) from the construction and/or operation of the facility on drinking water supplies, groundwater quality and quantity in the facility area, including potential impacts on public and private water supplies, including private wells within a one mile radius of the facility site, and wellhead and aquifer protection zones, where publicly available.

(b) Surface Water:

- (1) A map and identification of all surface waters, including intermittent streams, within the study area.
- (2) A description of the New York State listed Water Classification and Standards, physical water quality parameters, flow, biological aquatic resource characteristics (including species, habitat, and presence of aquatic invasive species) and other characteristics of such surface waters, including intermittent streams, within the study area.
- (3) An identification of any downstream surface water drinking-water supply intakes within one mile, or if none within one mile, an identification of the nearest one (giving location of the intakes by longitude and latitude) that could potentially be affected by the facility or interconnections, including characterization of the type, nature, and extent of service provided from the identified source.
- (4) An analysis of the impact of the construction and operation of the facility and interconnections on such surface waters, including impacts to drinking water supplies, and an identification and evaluation of reasonable avoidance measures and, where impacts are unavoidable, mitigation measures regarding impacts on

such surface waters, including the precautions that will be taken to avoid or minimize dredging.

- (5) An identification and evaluation of reasonable avoidance measures, and where impacts are unavoidable, mitigation measures, including the use of water storage, stormwater reuse, and offsetting water conservation, regarding groundwater impacts.
- (6) The Project is evaluating alternatives to barging that would not require dredging. However, if dredging is determined to be necessary to support the delivery of new equipment or materials to the Project site, a discussion of the proposed dredging methodologies and best management practices to be used to minimize adverse environmental impacts will be included; the NYSDEC “Technical & Operational Guidance Series (TOGS) 5.1.9 In-Water and Riparian Management of Sediment and Dredged Material” will be used as a primary reference document.

(c) Stormwater:

- (1) A draft Stormwater Pollution Prevention Plan for the collection and management of stormwater discharges from the project site will be included as an Appendix to the Article 10 Application. Detailed design specifications for erosion and sediment control measures to be implemented will be developed during final design, when an EPC contractor and vendors for post-construction stormwater management equipment are selected. The site is not eligible for coverage under the NYS General Permit for Stormwater Associated with Construction Activities. Information will be provided to assist the DEC Regional Water Manager in determining the need for a SPDES permit modification. A SPDES permit application for stormwater and process wastewater discharges from the proposed facility following construction will be included as an Appendix to the Article 10 Application.
- (2) To the extent not covered in paragraph (1) above, a preliminary plan, prepared in accordance with the most current version of the New York State Standards and Specifications for Erosion and Sediment Control, that identifies the post construction erosion and sediment practices that will be used to manage stormwater runoff from the developed project site. This can include runoff reduction/green infrastructure practices, water quality treatment practices, and practices that control the volume and rate of runoff.

(d) Chemical and Petroleum Bulk Storage:

- (1) A description of the spill prevention and control measures to be in place for ammonia storage, fuel oil storage, wastewater storage, and other chemical, petroleum or hazardous substances stored on site, including an evaluation of alternatives and mitigation measures.

- (2) An identification of whether the storage of ammonia, fuel oil, wastewater, other chemicals, petroleum or hazardous substances, or disposal of solid wastes on site is subject to regulation under the State of New York's chemical and petroleum bulk storage programs, and if so, a demonstration of compliance with such regulations.
- (3) An identification whether the storage of ammonia, fuel oil, wastewater, other chemicals, petroleum or hazardous substances on site is subject to regulation under local law (County, City, Town or Village), and if so, a demonstration of the degree of compliance with the substantive provisions of such local laws.

(e) Aquatic Species and Invasive Species:

- (1) An analysis of the impact of the construction and operation of the facility on biological aquatic resources, including species listed as endangered, threatened, or species of special concern in 6 NYCRR Part 182, and including the potential for introducing and/or spreading invasive species.
- (2) An identification and evaluation of reasonable avoidance measures and, where impacts are unavoidable, mitigation measures regarding impacts on such biological aquatic resources, including species and invasive species impacts (if any) and assure compliance with applicable water quality standards (6 NYCRR Part 703).

(f) Cooling Water:

- (1) a description of the proposed cooling water system, including the selected cooling technology, which is an air cooled condenser for the combined cycle facility. As such, neither the simple cycle nor combined cycle facilities will require installation or operation of a cooling water intake structure.

**Stipulation 24 – 1001.24 Exhibit 24: Visual Impacts**

The Application will include a visual impact assessment (VIA) to determine the extent and assess the significance of Project visibility. The components of the VIA will include identification of visually sensitive resources, viewshed mapping, confirmatory visual assessment fieldwork, visual simulations (photographic overlays), cumulative visual impact analysis, and proposed visual impact mitigation.

- (a) The VIA shall address the following issues:
- (1) The character and visual quality of the existing landscape.
  - (2) Visibility of the Project, including visibility of Project operational characteristics, such as visible plumes from the exhaust stacks.
  - (3) Visibility of relevant and important aboveground interconnections that may potentially provide additional vertical profiles and visual impacts.
  - (4) Appearance of the Project upon completion, including building/structure size, architectural design, facade colors and texture, and site lighting.
  - (5) Lighting and similar features.
  - (6) Representative views (photographic overlays) of the Project from select resource locations representing as practical as possible, views from the north, south, east, and west compass locations.
  - (7) Nature and degree of visual change resulting from construction of the Project and relevant and important aboveground interconnections as noted in (3) above.
  - (8) Nature and degree of visual change resulting from operation of the Project.
  - (9) Proposed mitigation and mitigation alternatives based on an assessment of mitigation strategies including screening (landscaping), architectural design, visual offsets, relocation or rearranging facility components, reduction of facility component profiles, alternative technologies, facility color and design, lighting options for work areas and safety requirements, and lighting options for stack lighting if required by the Federal Aviation Administration; and
  - (10) A description of all visual resources that are within but not limited to the study area that would be impacted by the Project as identified in paragraph (b) (1) below.
- (b) The viewshed analysis component of the VIA will be conducted as follows:
- (1) A digital GIS based viewshed analysis will be provided for this project and will depict areas of potential project visibility within the facility study area. The results

- will be prepared and presented on a 1:24,000 scale NYSDOT base map. The viewshed study area will generally be refined to a two mile radius of the Project boundary but in some areas may extend further out, particularly to the east to include Jones Beach State Park. The viewshed maps shall provide an indication of areas of potential visibility based on topography and vegetation and the highest elevation of facility structures (stacks). The potential screening effects of vegetation shall also be shown. Visually-sensitive sites, cultural and historical resources, representative viewpoints, photograph locations, and public vantage points, and landscape similarity zones within the viewshed study area shall be included on the map(s) or an overlay.
- (2) The VIA will include a detailed description of the methodology used to develop the viewshed maps, including software, baseline information, and sources of data.
  - (3) The viewshed mapping will be used to determine potential visibility of viewer groups in the facility vicinity. Viewer groups will include recreational areas (i.e., golf course, state parks, etc.), residences, businesses, listed State or National Register of Historic Places sites, and travelers (interstate and other highway users). The aesthetic resources survey will include the additional resources listed in the DEC's policy as well as local resources.
  - (4) The applicant shall confer with the appropriate municipal planning representatives, DPS and DEC. Viewpoint selection will be based upon the following criteria:
    - (i) Representative or typical views from a selection of high-use locations and/or community resources with public access. Attempts will be made to obtain simulation photographs with the most unobstructed views as reasonably possible;
    - (ii) Significance of viewpoints designated scenic resources, areas or features which features typically include, but are not limited to: landmark landscapes; wild, scenic or recreational rivers administered respectively by either the DEC or the APA pursuant to ECL Article 15 or Department of Interior pursuant to 16 USC Section 1271; forest preserve lands, conservation easement lands, scenic byways designated by the federal or state governments; Scenic districts and scenic roads, designated by the Commissioner of Environmental Conservation pursuant to ECL Article 49 scenic districts; Scenic Areas of Statewide Significance; state parks or historic sites; sites listed on National or State Registers of Historic Places; areas covered by scenic easements, public parks or recreation areas; locally designated historic or scenic districts and scenic overlooks; and high-use public areas and results from the NYSDEC Program Policy and local resources inventory compiled by the Applicant, combined with the result of the viewshed analysis performed by the Applicant, before and during an on-the ground site visit will be reviewed;

- (iii) Level of viewer exposure, i.e., frequency of viewers or relative numbers, including residential areas, or high volume roadways;
  - (iv) Proposed land uses; and,
  - (v) Input from local public sources.
- (5) Photographic simulations of the facility shall be prepared from the representative viewpoints to demonstrate the post-construction appearance of the facility. The simulations provided will be representative of the time of year the photographs are taken to meet application timelines. The simulation photographs are expected to be obtained, but is not strictly limited to, in the spring during leaf-off conditions to provide the worse-case scenario.
- (6) Each set of existing and simulated views of the facility shall be compared and the results of the visual impact assessment shall be discussed. Where visual impacts from the proposed facility are identified, potential mitigation measures and the extent to which they effectively minimize such impact shall be discussed.
- (7) As applicable to the proposed facility technology, the analysis shall include discussion of overall appearance and operational characteristics of the facility and related facilities, including stack plume visibility, shading, glare, or related visible effects of facility operation.

**Stipulation 25 – 1001.25 Exhibit 25: Effect on Transportation**

The Application to be submitted will include a study of the traffic and transportation impacts of the construction and operation of the Project (Study). To the extent consistent with the following paragraphs contained in this stipulation, the methodology for assessing the potential traffic and transportation impacts from traffic generated by the construction and operation of the Project will follow the instructions provided in Transportation Research Board, National Research Council, 2010 Highway Capacity Manual.

- (a) The Study will include a description of the pre-construction characteristics of the roadways in the vicinity of the Project, to include Long Beach Road, McCarthy Road, Daly Road, and Lawson Boulevard. The description will include:
  - (1) A review of existing data on vehicle traffic, use levels and accidents obtained from the New York State Department of Transportation, Nassau County and/or the Town of Hempstead; a review of transit facilities and routes, including areas of school bus service; an identification of potential approach and departure routes to and from the facility site for police, fire, ambulance and other emergency vehicles; and a review of available load bearing and structural rating information for expected facility traffic routes
  - (2) The results of peak turning movement counts for a typical weekday morning, weekday afternoon, and a Saturday peak to be conducted at the following intersections:
    - (i) Long Beach Road and McCarthy Road;
    - (ii) Long Beach Road and Austin Boulevard/Empire Boulevard;
    - (iii) Long Beach Road and Daly Road;
    - (iv) Daly Road and Site Driveway;
    - (v) Daly Road and Lawson Boulevard;
    - (vi) Lawson Boulevard and Rockaway Avenue /Atlantic Avenue;
  - (3) The results of twenty-four hour traffic volume counts to be conducted along Long Beach Road and Daly Road, including a calculation of average daily traffic (ADT) in the vicinity of the Site;
  - (4) For each intersection listed in paragraph a(2) above, description of intersection geometry and traffic control devices by approaches;
  - (5) A calculation of the Level of Service (LOS) for each intersection listed above, giving detail for each approach/turning movement; and

- (6) An estimate of the annual rate of traffic growth in the vicinity of the Project incorporating general growth and growth from planned land use changes, but not including projected traffic for the Project, including the source and manner of calculation of the estimate such as the New York State Department of Transportation (NYSDOT) LITP2000 Study or other appropriate source.
- (b) The Study will include an estimate of the trip generation characteristics of the Project during both construction and operation. The estimate will include:
- (1) A description of the major phases of construction, including duration of construction, daily shift periods and Project totals;
  - (2) For the major phases of construction, an estimate of the number and frequency of vehicle trips, including arrival and departure distribution, by size, weight and type of vehicle (trucks and cars);
  - (3) An identification of approach and departure routes to and from the Project site out to a five mile distance for vehicles carrying water, fuel oil, bulk fuels, chemicals or hazardous materials for construction of the Project;
  - (4) For cut activity (spoil removal from the Project site), an estimate of the number and frequency of vehicle trips, including arrival and departure distribution and size/type of vehicle;
  - (5) For fill activity (deposition at the Project site), an estimate of the number and frequency of vehicle trips, including arrival and departure distribution and size/type of vehicle;
  - (6) An estimate of the number of employees per shift for the major phase of construction;
  - (7) A description of the operation of the Project, including the number of employees per shift;
  - (8) An estimate of the number and frequency of vehicle trips generated during operation of the Project, including arrival and departure distribution, by size, weight and type of vehicle (trucks and cars); and
  - (9) An identification of approach and departure routes to and from the Project site out to a five mile distance for vehicles carrying water, fuel oil, bulk fuels, chemicals or hazardous materials for operation of the Project.
- (c) The Study will include a conceptual site plan, drawn at an appropriate scale, depicting all Project site driveway intersections, showing horizontal and vertical geometry, the number of approach lanes, the lane widths, shoulder widths, and traffic control devices by approaches.

- (d) The Study will include an analysis and evaluation of the traffic and transportation impacts of the Project, including:
  - (1) A comparison of projected future traffic conditions with and without the proposed Project, including a calculation and comparison of the LOS for each intersection listed in paragraph 1(b) above, giving detail for each approach/turning movement, the analysis to be conducted separately for the peak construction impacts of the Project and for the typical operations of the completed Project;
  - (2) An evaluation of the adequacy of the road system to accommodate the projected traffic, the analysis to be conducted separately for the peak construction impacts of the Project and for the typical operations of the completed Project;
  - (3) An assessment of over-size load deliveries and the adequacy of roadway systems to accommodate oversize and over-weight vehicles; improvements necessary to accommodate oversize or overweight deliveries; impacts associated with such improvements; and mitigation measures appropriate to minimize such impacts;
  - (4) An identification and evaluation of reasonable/practicable mitigation measures regarding traffic and transportation impacts if needed, including timing restrictions, the use of alternative technologies, the construction of physical roadway improvements, and the installation of new traffic control devices as well as the repair of local roads due to the damage by heavy equipment or construction activities during construction or operation of the facility;
  - (5) An analysis that includes a consideration of barge transport of fill and construction materials/equipment and potential reductions in highway traffic.
- (e) A description of all road use and restoration agreements, if any, between the applicant and landowners, municipalities, or other entities, regarding documentation and repair of local roads damaged by heavy equipment or construction activities during construction or operation of the facility.
- (f) A discussion of potential impacts, if any exist, on school bus routes.
- (g) Aviation and Mass Transit Analysis
  - (1) An analysis and evaluation of the impacts of the facility on airports and airstrips, railroads, subways, buses and any other mass transit systems in the vicinity of the facility. The analysis and evaluation will include impacts on military training and frequent military operations in the National Airspace System and Special Use Airspace designated by the Federal Aviation Administration;
  - (2) If any construction or alteration is proposed that requires a Notice of Proposed Construction to be submitted to the administrator of the Federal Aviation

Administration (FAA) in accordance with 14 code of Federal Regulations, Part 77 pursuant to 49 U.S.C., Section 44718 (generally required for all construction or alteration of more than 200 feet in height above the ground level, and for certain other construction or alteration near or at civilian public airports and heliports and military airports and heliports or in instrument approach areas as defined by the FAA):

- (i) The application will include a statement that the applicant has:
  - a. Received an informal Department of Defense review of the proposed construction or alteration in accordance with 32 Code of Federal Regulations, Section 211.7, or
  - b. Received a formal Department of Defense review of the proposed construction or alteration in accordance with 32 Code of Federal Regulations, Section 211.6;
- (ii) If the construction/alteration is to be located:
  - a. Within 12 miles of the nearest point of the nearest runway of a commercial service (such as Kennedy Airport), cargo service, reliever of general aviation (public use) airport or a military airport with at least one runway more than 3,200 feet in actual length; or
  - b. Within 6 miles of the nearest point of the nearest runway of a commercial service, cargo service, reliever of general aviation (public use) airport or a military airport with its longest no more than 3,200 feet in actual length; or
  - c. Within 3 miles of the nearest point of the nearest landing and takeoff area of a commercial service, cargo service, reliever of general aviation (public use) airport or a military airport or military heliport:
    - i. The application will include a statement that the applicant has consulted with the operators of such airports and heliports that are non-military facilities, has provided a detailed map and description of such construction or alteration to such operators, and has requested review of and comment on such construction or alteration by such operators.
    - ii. The application will include a statement that the applicant has provided a detailed map and description of such construction or alteration to the operators (Base Commanders) of such airports and heliports that are military facilities.
- (iii) The application will include a detailed description of the responses received in such reviews and consultations described in Paragraphs (1) and

(2) above, including specifically whether and why such operators believe such construction/alteration should be:

- a. Unrestricted;
- b. Subject to site-specific requirements; or
- c. Excluded from certain areas.

(3) A discussion of any potential effects on local rail traffic during construction or decommissioning as related to effects on commuters, train traffic with respect to safety, and train schedules;

(4) An analysis regarding mitigation measures for and alternatives to the installation of a grade crossing at the LIRR.

(h) As the Project will utilize local, county and state roads during construction activities, consultations will be made with all affected agencies/departments to seek input on the required traffic studies.

(i) A method for notifying the community will be developed to provide commuters with potential impacts to traffic conditions during Project construction and the decommissioning of E.F. Barrett Power Station.

(j) Maintenance and Protection of Traffic (MPT) Plans will be developed in accordance with NYSDOT standards. A Maintenance and Protection of Pedestrian Traffic Plan will be prepared if impacts are proposed to pedestrian travel routes.

**Stipulation 26 – 1001.26 Exhibit 26: Effect on Communications**

Exhibit 26 shall contain:

- (a) An identification of all existing broadcast communication sources within a two-mile radius of the facility and the electric interconnection between the facility and the point of interconnection, unless otherwise noted, including:
  - (1) AM radio;
  - (2) FM radio;
  - (3) television;
  - (4) telephone;
  - (5) microwave transmission (all affected sources, not limited to a two-mile radius);
  - (6) emergency services;
  - (7) municipal/school district services;
  - (8) public utility services;
  - (9) Doppler/weather radar (all affected sources, not limited to a two-mile radius);
  - (10) air traffic control (all affected sources, not limited to a two-mile radius);
  - (11) armed forces (all affected sources, not limited to a two-mile radius);
  - (12) GPS;
  - (13) LORAN (all affected sources, not limited to a two-mile radius); and
  - (14) amateur radio licenses registered to users.
- (b) An identification of all existing underground cable and fiber optic major transmission telecommunication lines within a two-mile radius of the facility and the electric interconnection between the facility and the point of interconnection.
- (c) A statement describing the anticipated effects of the proposed facility and the electric interconnection between the facility and the point of interconnection on the communications systems required to be identified pursuant to subdivision (a) and (b) of this section, including the potential for:

- (1) structures to interfere with broadcast patterns by re-radiating the broadcasts in other directions;
  - (2) structures to block necessary lines-of-sight;
  - (3) physical disturbance by construction activities;
  - (4) adverse impacts to co-located lines due to unintended bonding; and
  - (5) any other potential for interference.
- (d) An evaluation of the design configuration of the proposed facility and electric interconnection between the facility and the point of interconnection demonstrating that there shall be no adverse effects on the communications systems required to be identified pursuant to subdivision (a) and (b) of this section.
- (e) A description of post-construction activities that shall be undertaken to identify and mitigate any adverse effects on the communications systems required to be identified pursuant to subdivision (a) and (b) of this section that occur despite the design configuration of the proposed facility and electric interconnection between the facility and the point of interconnection.

**Stipulation 27 – 1001.27 Exhibit 27: Socioeconomic Effects**

Exhibit 27 shall contain:

- (a) An estimate of the average construction work force, by discipline, for each quarter, during the period of construction; and an estimate of the peak construction employment level.
- (b) An estimate of the annual construction payroll, by trade, for each year of construction and an estimate of annual direct non-payroll expenditures likely to be made in the vicinity of the facility (materials, services, rentals, and similar categories) during the period of construction.
- (c) An estimate of the annual secondary employment and economic activity likely to be generated in the vicinity of the facility by the construction of the plant. This analysis shall state the basis of any economic multiplier factor or other assumption used.
- (d) An estimate of the number of jobs and the on-site payroll, by discipline, during a typical year once the plant is in operation, and an estimate of other expenditures likely to be made in the vicinity of the facility during a typical year of operation.
- (e) An estimate of the annual secondary employment and economic activity likely to be generated in the vicinity of the facility by its operation.
- (f) An estimate of incremental school district operating and infrastructure costs due to the construction and operation of the facility, this estimate to be made after consultation with the affected school districts.
- (g) An estimate of incremental municipal, public authority, or utility operating and infrastructure costs that will be incurred for police, fire, emergency, water, sewer, solid waste disposal, highway maintenance and other municipal, public authority, or utility services during the construction and operation phases of the facility (this estimate to be made after consultation with the affected municipalities, public authorities, and utilities).
- (h) An identification of all jurisdictions (including benefit assessment districts and user fee jurisdictions) that levy real property taxes or benefit assessments or user fees upon the facility site, its improvements and appurtenances and any entity from which payments in lieu of taxes will or may be negotiated.
- (i) For each jurisdiction, an estimate of the incremental amount of annual taxes (and payments in lieu of taxes, benefit charges and user charges) it is projected would be levied against the post-construction facility site, its improvements and appurtenances.
- (j) For each jurisdiction, a comparison of the fiscal costs to the jurisdiction that are expected to result from the construction and operation of the facility to the expected tax revenues

(and payments in lieu of taxes, benefit charge revenues and user charge revenues) generated by the facility.

- (k) An analysis of whether all contingency plans to be implemented in response to the occurrence of a fire emergency or a hazardous substance incident can be fulfilled by existing local emergency response capacity, and in that regard identifying any specific equipment or training deficiencies in local emergency response capacity (this analysis to be made after consultation with the affected local emergency response organizations).
- (l) A detailed statement indicating how the proposed facility and interconnections are consistent with each of the state smart growth public infrastructure criteria specified in ECL 6-0107, or why compliance would be impracticable.

**Stipulation 28 – 1001.28 Exhibit 28: Environmental Justice**

Exhibit 28 shall contain:

- (a) An identification and evaluation of significant and adverse disproportionate environmental impacts of the proposed facility, if any, resulting from its construction and operation, including any studies which were used in the evaluation identifying the author and dates thereof, in a manner that is in accordance with any requirements for the contents of an Article 10 application contained in 6 NYCRR Part 487.
- (b) Separately stated for all significant and adverse disproportionate environmental impacts of the proposed facility resulting from its construction and operation required to be identified pursuant to subdivision (a) of this section, a description of:
  - (1) The specific measures the applicant proposes to take to avoid such impacts to the maximum extent practicable for the duration that the Certificate is granted, including a description of the manner in which such impact avoidance measures will be verified and a statement of the cost of such measures.
  - (2) If such impacts cannot be avoided, measures the applicant proposes to take to minimize such impacts to the maximum extent practicable for the duration that the Certificate is granted, including a description of the manner in which such impact mitigation measures will be verified and a statement of the cost of such measures.
  - (3) If such impacts cannot be avoided, the specific measures the applicant proposes to take to offset such impacts to the maximum extent practicable for the duration that the Certificate is in effect, including a description of the manner in which such impact offset measures will be verified and a statement of the cost of such measures.
- (c) A qualitative and where possible quantitative analysis demonstrating that the scope of avoidance, mitigation and offset measures is appropriate given the scope of significant and adverse disproportionate environmental impacts of the proposed facility resulting from its construction and operation.

**Stipulation 29 – 1001.29 Exhibit 29: Site Restoration and Decommissioning**

Exhibit 29 shall contain:

- (a) A statement of the performance criteria proposed for site restoration in the event the Project cannot be completed and for decommissioning of the facility, including a discussion of why the performance criteria are appropriate. Among other things, the statement shall address:
  - (1) safety and the removal of hazardous conditions;
  - (2) environmental impacts;
  - (3) aesthetics;
  - (4) salvage and recycling;
  - (5) potential future uses for the site; and
  - (6) the useful life of the facility
- (b) A plan for the decommissioning and restoration of the facility site including how such decommissioning and restoration shall be funded and a schedule for the conduct of decommissioning and site restoration activities.
- (c) Decommissioning of the existing E.F. Barrett Power Station facilities is not subject to Article 10. Decommissioning of existing Barrett Station facilities that are required to be removed in support of the IPEC will be addressed in Exhibit 29, and will include a discussion of the plans for site restoration of affected areas.

**Stipulation 30 – 1001.30 Exhibit 30: Nuclear Facilities**

Exhibit 30: Nuclear Facilities is not applicable to the project.

**Stipulation 31 – 1001.31 Exhibit 31: Local Laws and Ordinances**

Before preparing the exhibit required by this section, the Applicant shall consult with the municipalities or other local agencies whose requirements are the subject of the exhibit to determine whether the Applicant has correctly identified all such requirements and to determine whether any potential request by the Applicant that the Board elect to not apply any such local requirement could be obviated by design changes to the proposed facility, or otherwise. Exhibit 31 shall contain:

- (a) A list of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction or operation of the proposed major electric generating facility (includes interconnection electric transmission lines and fuel gas transmission lines that are not subject to review under Article VII of the PSL) that are of a procedural nature. These local procedural requirements are supplanted by PSL Article 10 unless the Board expressly authorizes the exercise of the procedural requirement by the local municipality or agency.
- (b) A list of all local procedural requirements required to be identified pursuant to subdivision (a) of this section for which the Applicant requests that the Board expressly authorize the exercise of the procedural requirement by the local municipality or agency, including a statement why such local exercise would be desirable or appropriate.
- (c) Identification of the city, town, village, county, or State agency qualified by the Secretary of State that shall review and approve the building plans, inspect the construction work, and certify compliance with the New York State Uniform Fire Prevention and Building Code, the Energy Conservation Construction Code of New York State, and the substantive provisions of any applicable local electrical, plumbing or building code. If no other arrangement can be made, the Department of State should be identified. The statement of identification shall include a description of the preliminary arrangement made between the Applicant and the entity that shall perform the review, approval, inspection, and compliance certification, including arrangements made to pay for the costs thereof including the costs for any consultant services necessary due to the complex nature of such facilities. If the applicable city, town or village has adopted and incorporated the New York State Uniform Fire Prevention and Building Code for administration into its local electric, plumbing and building codes, the Applicant may make a request pursuant to subdivision (b) of this section that the Board expressly authorize the exercise of the electric, plumbing and building permit application, inspection and certification processes by such city, town or village.
- (d) A list of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction or operation of the proposed major electric generating facility (includes interconnection electric transmission lines and fuel gas transmission lines that are not subject to review under Article VII of the PSL) that are of a substantive nature, together with a statement that the location of the facility as proposed conforms to all such local substantive requirements, except any that the applicant requests that the Board elect to not apply. Copies of zoning, flood plain and similar maps,

tables and/or documents shall be included in the exhibit when such are referenced in such local substantive requirements. Pursuant to PSL §168(3)(e), the Board must find that the facility is designed to operate in compliance with these local substantive requirements, all of which shall be binding upon the applicant, unless the Board elects to not apply them by finding that, as applied to the proposed facility such are unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality.

- (e) A list of all local substantive requirements required to be identified pursuant to subdivision (d) of this section for which the Applicant requests that the Board elect to not apply them by finding that, as applied to the proposed facility such are unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality. For each local substantive requirement identified, a statement justifying the request shall be provided. The statement of justification shall show with facts and analysis the degree of burden caused by the requirement, why the burden should not reasonably be borne by the Applicant, that the request cannot reasonably be obviated by design changes to the proposed facility, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable. The statement shall include a demonstration:
  - (1) for requests grounded in the existing technology, that there are technological limitations (including governmentally imposed technological limitations) related to necessary facility component bulk, height, process or materials that make compliance by the applicant technically impossible, impractical or otherwise unreasonable;
  - (2) for requests grounded in factors of costs or economics (likely involving economic modeling), that the costs to consumers associated with applying the local substantive requirement outweigh the benefits of applying such provision; and
  - (3) for requests grounded in the needs of consumers, that the needs of consumers for the facility outweigh the impacts on the community that would result from refusal to apply the local substantive requirement.
- (f) A list of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the interconnection to or use of water, sewer, telecommunication and steam lines in public rights of way that are of a procedural nature. These local procedural requirements are not supplanted unless the Board elects to not apply them by finding that, as applied to the proposed facility interconnections such are unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality.
- (g) A list of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the interconnection to or use of water, sewer, telecommunication and steam lines in public rights of way that are of a substantive

nature. These local substantive requirements are not supplanted unless the Board elects to not apply them by finding that, as applied to the proposed facility interconnections such are unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality.

- (h) A list of all local procedural or substantive requirements required to be identified pursuant to subdivisions (f) and (g) of this section for which the Applicant requests that the Board elect to not apply them by finding that, as applied to the proposed facility interconnections such are unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality. For each local procedural or substantive requirement identified, a statement justifying the request shall be provided. The statement of justification shall show with facts and analysis the degree of burden caused by the requirement, why the burden should not reasonably be borne by the Applicant, that the request cannot reasonably be obviated by design changes to the proposed facility, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable. The statement shall include a demonstration:
- (1) for requests grounded in the existing technology, that there are technological limitations (including governmentally imposed technological limitations) related to necessary facility component bulk, height, process or materials that make compliance by the applicant technically impossible, impractical or otherwise unreasonable;
  - (2) for requests grounded in factors of costs or economics (likely involving economic modeling), that the costs to consumers associated with applying the local substantive requirement outweigh the benefits of applying such provision; and
  - (3) for requests grounded in the needs of consumers, that the needs of consumers for the facility outweigh the impacts on the community that would result from refusal to apply the local substantive requirement.
- (i) A summary table of all local substantive requirements required to be identified pursuant to subdivisions (d) and (g) of this section in two columns listing the provisions in the first column and a discussion or other showing demonstrating the degree of compliance with the substantive provision in the second column.
- (j) An identification of the zoning designation or classification of all lands constituting the site of the proposed facility and a statement of the language in the zoning ordinance or local law by which it is indicated that the proposed facility is a permitted use at the proposed site. If the language of the zoning ordinance or local law indicates that the proposed facility is a permitted use at the proposed site subject to the grant of a special exception, a statement of the criteria in the zoning ordinance or local law by which qualification for such a special exception is to be determined.

(k) The applicant will consult with the municipalities or other local agencies whose requirements are the subject of this exhibit to determine whether the applicant has correctly identified all such requirements and to determine whether any potential request by the applicant that the Board elect to not apply any such local requirement could be obviated by design changes to the proposed facility. A list of local municipal and county officials contacted, along with their individual area of responsibility, will be provided from the following local municipalities and agencies:

- (1) Town of Hempstead;
- (2) Village of Island Park; and
- (3) Nassau County.

**Stipulation 32 – 1001.32 Exhibit 32: State Laws and Regulations**

Before preparing the exhibit required by this section, the Applicant shall consult with the state agencies and authorities whose requirements are the subject of the exhibit to determine whether the Applicant has correctly identified all such requirements. Exhibit 32 shall contain:

- (a) A list of all state approvals, consents, permits, certificates, or other conditions (including section or chapter number) for the construction or operation of the proposed Project (including interconnection electric transmission lines and fuel gas transmission lines that are not subject to review under Article VII of the PSL) of a procedural nature. These state procedural requirements are supplanted by PSL Article 10, except for permits to be issued by the DEC pursuant to Federal recognition of State authority, or pursuant to federally delegated or approved authority, in accordance with the Clean Water Act, the Clean Air Act and the Resource Conservation and Recovery Act, and permits pursuant to Section 15-1503, Title 9 of Article 27, and Articles 17 and 19 of the ECL, unless the Board expressly authorizes the exercise of such authority by the state agency.
- (b) A list of all state procedural requirements required to be identified pursuant to subdivision (a) of this section for which the Applicant requests that the Board expressly authorize the exercise of such authority by the state agency, including a statement why such exercise would be desirable or appropriate.
- (c) A list of all state approvals, consents, permits, certificates, or other conditions for the construction or operation of the proposed major electric generating facility (including interconnection electric transmission lines and fuel gas transmission lines that are not subject to review under Article VII of the PSL) of a substantive nature, together with a statement that the facility as proposed conforms to all such state substantive requirements. Pursuant to PSL §168(3)(e), the Board must find that the facility is designed to operate in compliance with these state substantive requirements, all of which shall be binding upon the applicant.
- (d) A summary table of all state substantive requirements required to be identified pursuant to subdivision (c) of this section in two columns listing the provisions in the first column and a discussion or other showing demonstrating the degree of compliance with the substantive provision in the second column.
- (e) A list of all state approvals, consents, permits, certificates, or other conditions for the construction or operation of any proposed offsite interconnections and ancillary features that are not encompassed within the definition of Major Electric Generating Facility. These state actions not for the construction or operation of the proposed major electric generating facility are not supplanted by PSL Article 10 and may be state procedural requirements or state substantive requirements.

**Stipulation 33 – 1001.33 Exhibit 33: Other Applications and Filings**

Exhibit 33 shall contain:

- (a) A statement whether the applicant has pending, or knows of others who have pending, with the Commission or with any other governmental department, agency or court of competent jurisdiction (State or Federal), any application or filing which concerns the subject matter of the proceeding before the Board. If any such applications or filings are pending, the applicant shall state, for each such application or filing, whether the granting of any such application or filing will have any effect on the grant or denial of a Certificate, and whether the grant or denial of a certificate will have any effect upon the grant or denial of any such other application or filing. The applicant shall notify the Secretary, presiding examiner and each party of any significant change in the status of each such application or filing.
- (b) The application shall identify any Federal permit, consent, approval or license that will be required for the construction or operation of the facility. The application shall specify the date on which an application for any such approval was made or the estimated date on which it will be made. The applicant shall notify the Secretary, presiding examiner and each party of any significant change in the status of each such application.

**Stipulation 34 – 1001.34 Exhibit 34: Electric Interconnection**

*To be provided at a later date.*

**Stipulation 35 – 1001.35 Exhibit 35: Electric and Magnetic Fields**

Exhibit 35 shall contain:

- (a) For the entire transmission corridor of the proposed power line providing the onsite electrical interconnection between the proposed facility and the onsite interconnection to the existing electric transmission and distribution system, identify every transmission corridor segment having unique electric and magnetic field (EMF) characteristics due to structure types and average heights, corridor widths, and co-location of other transmission facilities in the corridor.
- (b) For each identified onsite transmission corridor segment, provide both "base case" and "proposed" cross-sections to scale showing:
  - (1) all overhead electric transmission, sub-transmission and distribution facilities including the proposed facility showing structural details and dimensions and identifying phase spacing, phasing, and any other characteristics affecting EMF emissions;
  - (2) all underground electric transmission, sub-transmission and distribution facilities;
  - (3) all underground gas transmission facilities;
  - (4) The electrical interconnection will occur onsite and, therefore, no new right-of-way is proposed. The limits of the transmission corridor onsite will be provided;
  - (5) structural details and dimensions for all structures (dimensions, phase spacing, phasing, and similar categories) and include a Station number identifying the location.
- (c) A set of the aerial photos/drawings enhanced by showing the exact location of each:
  - (1) onsite transmission corridor segment;
  - (2) cross-section; and
- (d) An EMF study with calculation tables and field strength graphs for each identified segment cross-section, as follows:
  - (1) the study must be signed and stamped/sealed by a licensed professional engineer registered and in good standing in the State of New York;
  - (2) provide the name of the computer software program used to model the facilities and make the calculations;

- (3) regarding electric fields, model the circuits at rated voltage and provide electric field calculation tables and field strength graphs calculated at one meter above ground level with 5 foot measurement intervals extending to the property boundary of the facility, including digital copies of all input assumptions and outputs for the calculations; and,
  
- (4) regarding magnetic fields, model the circuit phase currents equal to the summer normal, summer short term emergency (STE Sum), winter- normal, and winter short term emergency (STE Win) loading conditions and provide magnetic field calculation tables and field strength graphs calculated at one meter above ground level with 5 foot measurement intervals extending to the property boundary of the facility, including digital copies of all input assumptions and outputs for the calculations;

**Stipulation 36 – 1001.36 Exhibit 36: Gas Interconnection**

Exhibit 36 shall contain:

- (a) A study of gas supply options, capacity, and system impact, including:
  - (1) A detailed description of the proposed gas pipeline interconnection, including all interconnecting facilities, pipeline route, size, operating pressure, volume of gas required to serve the facility, the need for new on-site compression, and identifying who shall construct, own and operate the pipeline facilities.
  - (2) An analysis demonstrating that there shall be sufficient gas supply and gas transmission capacity to support the requirements of the facility.
  - (3) An estimate of the peak hour, peak day, seasonal and annual natural gas requirements of the facility.
  - (4) An identification of the nature and extent of the natural gas capacity and transportation service as firm, interruptible, or both.
  - (5) An evaluation of the potential impacts of the facility on the gas distribution system of the Local Distribution Company (LDC).
  - (6) A discussion of the impact of the facility use of gas on wholesale supplies and prices in the region using the same transmission facilities as the facility.
- (b) A description and preliminary design details for the gas interconnection including:
  - (1) class criteria for the interconnection pipeline location;
  - (2) location and design of valves;
  - (3) a plan for pressure testing of the station piping facilities, indicating applicable code, standards and procedures for testing and release of test medium; and
  - (4) the need for cathodic protection measures.

**Stipulation 37 – 1001.37 Exhibit 37: Back-Up Fuel**

Exhibit 37 shall contain:

- (a) A description of the circumstances under which fuel oil shall be burned in the facility and a description of all onsite facilities and interconnections required for the transportation, storage and combustion of fuel oil, including:
  - (1) A chemical analysis of the back-up fuel, including proposed sulfur content;
  - (2) an estimate of the rate of fuel oil consumption at full power output;
  - (3) a description of any fuel oil storage tank(s), including the storage capacity of the tank(s) and a description of any secondary containment structures proposed to be constructed around the tank and off-loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills;
  - (4) an estimate of the maximum period that the plant could burn oil without refueling;
  - (5) a description of the proposed method of oil delivery, why it was selected over alternative methods for delivery and on site oil delivery infrastructure or offsite interconnections and an estimate of the maximum rate of delivery, given the transportation methods and facilities proposed;
  - (6) an estimate of the expected frequency and duration of oil firing of the facility and a discussion of the assumptions and analyses used to arrive at this estimate; and
  - (7) a statement of the number of days of back-up fuel supply to be maintained including a discussion as to whether such number will be sufficient to conform to Commission policies on minimum back-up fuel supply quantities.
  
- (b) If it is proposed to store more than 400,000 gallons of fuel oil at the facility site:
  - (1) a copy of a draft Spill Prevention, Countermeasures and Control (SPCC) Plan required pursuant to federal regulations;
  - (2) a draft application for a Major Petroleum Facility License pursuant to Article 12 of the Navigation Law, Section 174 (licenses), 17 NYCRR Part 30 (Oil Spill Prevention and Control- Licensing of Major Facilities), 6 NYCRR Part 610 (Certification of Onshore Major Facilities), and 6 NYCRR Parts 612 through 614 (Petroleum Bulk Storage Regulations).
  
- (c) An identification and evaluation of reasonable alternatives to the use of fuel oil as a back-up fuel, including the feasibility of not having fuel oil back-up capability.

- (d) A discussion of the impact of the facility use of fuel oil on wholesale supplies and prices in the affected region.
- (e) If it is proposed to use a back-up fuel other than fuel oil, an identification of the proposed back-up fuel and such information for the identified back-up fuel as is required for fuel oil as a back-up fuel pursuant to subdivisions (a) through (d) of this section, to the degree such information is applicable.
- (f) A description of current oil storage capability and a description of removal plans for existing onsite storage tanks, where required.

**Stipulation 38 – 1001.38 Exhibit 38: Water Interconnection**

Exhibit 38 shall contain:

- (a) An estimate of the hourly and daily peak, and the hourly and daily water supply needs and consumptive water losses of the facility, in gallons, for each day of a typical year, broken down by power production and domestic uses, with daily, monthly and annual totals.
- (b) An estimate of the daily peak, daily average, and fire suppression peak and average flow rate needs of the facility in gallons per minute and a demonstration that an adequate water supply is available (both quantity and pressure) for fire protection during both normal and drought periods.
- (c) A description of the methodology used (i.e., estimate, comparison, data, calculation) to prepare the water supply needs and minimum and maximum flow rate estimates stating all factors used.
- (d) A description of the water chemistry requirements for water to be supplied to the facility, indicating any requirements that are more stringent than New York State standards for potable water, and describing any additional water treatment that shall be necessary to obtain the desired chemistry.
- (e) A description of the equipment, capacity, and location of onsite demineralized water storage that is incorporated into the facility design and a discussion of how and under what conditions the demineralized water storage will be used.
- (f) An identification of the public water supply source or sources, including an identification of the well field(s) in the localized zone, proposed to be used by the facility, including:
  - (1) studies to assess the available capacity of the water supply source and an analysis of the impacts, in terms of quantity, quality, and pressure during both normal and drought periods of the facility's water use on the water supply system, including an identification of the well field(s) in the localized zone;
  - (2) an identification of all infrastructure requirements necessary to serve the facility including treatment requirements;
  - (3) the impact of the facility on excess infrastructure capacity, including distribution piping, mains, pumps, storage, or additional supply during both normal and maximum system demands;
  - (4) an identification and description of any facility water treatment facilities.

- (g) A detailed description of the proposed water interconnection, including all interconnecting facilities, line route, size, functions, design details, and operating characteristics.
- (h) A description of the status of negotiations, and a copy of agreements that have been executed, with New York American Water for providing water to the facility, including permitting implications/modification requirements and restrictions, if any, imposed by the provider, and a preliminary description of how the interconnection and any necessary system upgrades are to be installed, owned, maintained and funded.
- (i) An identification and evaluation of other reasonable water supply alternatives and mitigation measures to avoid or minimize water supply impacts, including a contingency plan, if required, for water use curtailment during times of drought or water emergency, describing thresholds for water use curtailment.
- (j) A description and evaluation of compliance with any requirements regarding water withdrawals contained in applicable state regulations.

**Stipulation 39 – 1001.39 Exhibit 39: Wastewater Interconnection**

The information provided in this exhibit shall be presented in a manner that distinguishes between sanitary wastewater, process wastewater, and intermingled sanitary and process wastewater. Exhibit 39 shall contain:

- (a) A detailed description of the proposed wastewater sewer interconnection, including all interconnecting facilities, line route, size, functions, and operating characteristics.
- (b) A separate water balance diagram for hourly and daily peak and hourly and daily average water use operating conditions for the facility that shows in detail all water sources, plant water uses, water treatment facilities, wastewater treatment facilities, wastewater discharges and which effluents shall be discharged, and where, including information on the characteristics (e.g. volume, temperature, constituent concentrations) of each water withdrawal and discharge under all operating conditions.
- (c) An identification and evaluation of reasonable mitigation measures regarding wastewater generation and disposal impacts, including the use of on-site subsurface disposal.
- (d) An identification and description of all reasonable discharge or disposal methods for wastewater generated from the facility, including a review of options for discharging to municipal sewer systems, aquifer recharge areas, in-ground discharges, or other process wastewater disposal, as well as, where applicable, an analysis of the impacts on water quality and quantity in affected groundwater and surface water resources, and an analysis of the impacts of any out-of-aquifer transfers.
- (e) A description of available capacity and any limitations on wastewater disposal capacity.
- (f) If a municipal or private sewage treatment system is proposed to be used, a description of the status of negotiations, or a copy of agreements that have been executed, with municipalities, companies or individuals for receiving wastewater from the facility including any restrictions or conditions of approval placed on the facility for wastewater disposal, if any, imposed by the provider, and a preliminary description of how the interconnection and any necessary system upgrades will be installed, owned, maintained and funded.
- (g) For each proposed discharge, an identification and description of any facility wastewater treatment facilities and discharge structures, including a demonstration that each facility and/or effluent discharge will meet all applicable effluent limitations or pretreatment standards, as well as all applicable New York State water quality standards, during construction and operation.
- (h) A completed application for the State Pollutant Discharge Elimination System (SPDES) Permit and a demonstration that the discharge complies with all applicable technology-based and/or water-quality based effluent limits.

**Stipulation 40 – 1001.40 Exhibit 40: Telecommunications Interconnection**

Exhibit 40 shall contain:

- (a) A detailed description of the proposed telecommunications interconnection, including all interconnecting facilities, line route, design details, size, functions, and operating characteristics.
- (b) An analysis demonstrating that there will be sufficient capacity to support the requirements of the facility.
- (c) A description of the status of negotiations, or a copy of agreements that have been executed, with companies or individuals for providing the communications interconnection including any restrictions or conditions of approval placed on the facility imposed by the provider, and a description of how the interconnection and any necessary system upgrades will be installed, owned, maintained and funded.

**Stipulation 41 – 1001.41 Exhibit 41: Applications to Modify or Build Adjacent**

*To be provided at a later date.*