

From: [Kersey, Tara \(DPS\)](#)
To: [ALBP@equinor.com](#); [buchlera@coned.com](#); [winerbr@coned.com](#); [Ossias, Brian \(DPS\)](#); [botoole@heathotoole.com](#); [bcook@heathotoole.com](#); [Sandrow, Cheryl A \(DEC\)](#); [Dan Chorost](#); [esenlet@barclaydamon.com](#); [Kelly, Evan \(AGRICULTURE\)](#); [gpond@barclaydamon.com](#); [Behnke, Heather \(DPS\)](#); [Mulford, Jason \(AGRICULTURE\)](#); [Jennifer@heathotoole.com](#); [JVER@equinor.com](#); [Gaidasz, Karen M \(DEC\)](#); [kghilaintrudell@sprlaw.com](#); [chuk@coned.com](#); [klang@couchwhite.com](#); [Bonilla, Mary Anne \(DEC\)](#); [mbrot@equinor.com](#); [mholden@sprlaw.com](#); [Morris, Michael \(DOS\)](#); [Forst, Nicholas \(DPS\)](#); [savagep@coned.com](#); [Hill, Ralph W \(OGS\)](#); [sabrina.hepburn@tetratech.com](#); [rosenblatts@coned.com](#); [Wells, Tara \(AGRICULTURE\)](#); [whipplet@coned.com](#); [Hepner, Tyler \(DEC\)](#); [GalloV@coned.com](#); [wplache@law.nyc.gov](#)
Cc: [Costello, James A \(DPS\)](#); [Kersey, Tara \(DPS\)](#)
Subject: Empire Offshore Wind LLC - Local Law Waivers
Date: Friday, October 27, 2023 11:24:10 AM

After our review of the record, we require clarification regarding the Applicant's requests for local law waivers.

1. The Revised Exhibit 7 – Local Ordinances contains Table 7.2-1 Summary of Local Ordinances specifically identifying the following as local laws for which a waiver is being sought:
 - a. New York City Administrative Code, Title 24, Environmental Protection and Utilities section 24-223;
 - b. New York City Administrative Code, Title 27, Construction and Maintenance, Chapter 3;
 - c. Rules of the City of New York, Title 15, Department of Environmental Protection, section 8-01; and
 - d. Rules of the City of New York, Title 34, Department of Transportation section 2-06.

Upon review of the explanatory sections of the Revised Exhibit 7, please clarify whether the Applicant is requesting a waiver with respect to the following local law provisions:

- a. NYC Administrative Code, Title 24, Environmental Protection and Utilities, sections 24-228, 24-228.1, and 24-229;
- b. Rules of the City of New York, Title 15, Department of Environmental Protection, section 13-08; and
- c. Rules of the City of New York, Title 15, Department of Environmental Protection, section 28-103.

2. Further, in discussing the New York City Administrative Code, Chapter 3 of

Title 27 (Construction and Maintenance), Revised Exhibit 7 provides, in pertinent part, that

“The Applicant may, pursuant to §28-103.3 of the New York City Administrative Code, seek a variance or modification from the Commission of any requirements of the New York City Construction Codes where an equally safe alternative would be used, provided that the Applicant first consults with New York City Department of Buildings regarding such alternative”.

Based on the foregoing, the Applicant is directed to (i) specifically confirm the local laws for which a waiver is being sought, and (ii) address, with respect to NYC Administrative Code, Chapter 3, whether the applicant is intending to seek a “variance or modification” from the Public Service Commission or whether reference to “Commission” is to the NYC Commissioner of Buildings, by close of business on Tuesday, October 31, 2023. To the extent any other parties would like to address such issues they may do so by close of business on Tuesday, October 31, 2023.

Thank you,

Tara A. Kersey (she/her/hers)
Administrative Law Judge
Office of Hearings and Alternative Dispute Resolution
Department of Public Service
3 Empire State Plaza, Albany, NY 12223
t (518) 473-5277 |
www.dps.ny.gov