

NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT

CASE 18-F-0325 - Application of Danskammer Energy, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Approval to Repower its Danskammer Generating Station Site Located in the Town of Newburgh, Orange County.

NOTICE OF PROPOSED STIPULATIONS AND REQUEST FOR PUBLIC COMMENTS

(Issued September 11, 2019)

PLEASE TAKE NOTICE that Danskammer Energy, LLC (Danskammer) proposes to repower the Danskammer Generating Facility in the Town of Newburgh, Orange County (Project). The existing facility currently operates as a natural gas fired peaking facility with a capacity of 532 MW. The repowered facility would be a natural gas fired combined cycle facility with a capacity of up to 600 MW and limited provisions to burn ultra-low sulfur diesel fuel as a backup fuel with approximately 5 days of on-site fuel oil storage. The existing facility is connected to Central Hudson Gas and Electric Corporation's 115 kV transmission system. Danskammer indicates that the repowered facility would interconnect to existing electric transmission infrastructure and utilize the existing natural gas transmission system for delivery of natural gas.

In furtherance of preparing an application for this Project, on September 6, 2019, Danskammer filed proposed stipulations related to its application for a certificate of environmental compatibility and public need pursuant to Article 10 of the Public Service Law. Stipulations are proposed agreements among the parties to this proceeding that are designed to address the methodology and scope of studies for the application and are intended to simplify or shorten litigation

of issues before the New York State Board on Electric Generation Siting and the Environment (Siting Board).

PLEASE TAKE FURTHER NOTICE that attached to this notice is a summary of the proposed stipulations, prepared by Danskammer, listing the parties supporting the stipulations and describing the content of the proposed stipulations. The full text of the proposed stipulations, named the "Proposed Stipulations Danskammer Energy Center" is available at the Department of Public Service website, <http://www.dps.ny.gov/>. To access documents, go to "Search," click "Search by Case Number," and type the case number "18-F-0325."

Before stipulations can be finalized, a notice of the proposed stipulation must be published and the public and other parties must be afforded a reasonable opportunity to submit comments on the proposed stipulation. Only parties that are signatories to a stipulation are bound by it. Any party who does not sign a stipulation may challenge the aspect of the application to which the stipulation applies.

PLEASE TAKE FURTHER NOTICE that pursuant to Public Service Law § 163(5) and the Siting Board rules, including 16 NYCRR § 1000.5(j), any person, agency or municipality may submit comments on the proposed stipulations by filing a copy with the Secretary to the Siting Board and serving such comment on Danskammer Energy on or before **October 9, 2019**. The comments may be filed electronically by registered users through the Department of Public Service Document and Matter Management (DMM) system¹ or sent by e-mail to the Secretary at secretary@dps.ny.gov. Comments may also be sent by mail to Honorable Kathleen H. Burgess, Secretary, Board on Electric

¹ The Secretary's Filing Guidelines and instructions on becoming a registered user of the DMM system are available on the Siting Board website (<http://www.dps.ny.gov/SitingBoard/>).

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Generation Siting and the Environment, Three Empire State Plaza,
Albany, New York 12223-1350.

Such comments also must be served on Danskammer by
email Brenda Colella, at bcolella@barclaydamon.com.

(SIGNED)

KATHLEEN H. BURGESS
Secretary

Case No. 18-F-0325
Danskammer Energy, LLC
Danskammer Energy Center
Town of Newburgh, Orange County, New York

NOTICE OF SUBMISSION OF PROPOSED STIPULATIONS

Danskammer Energy, LLC (“Danskammer” or the “Applicant”), a subsidiary of Danskammer Holdings, LLC, is proposing to submit an application (the “Application”) to repower its existing 532 MW nameplate generating facility with a state-of-the-art natural gas fired combined cycle power generation facility with an optimal net capacity of approximately 536 MW (the “Project”) (the “Danskammer Energy Center” or the “Project”), under Article 10 of the Public Service Law (“PSL”). The Article 10 regulations at 16 NYCRR § 10005.(j)(3), require that, before any proposed stipulations may be executed by the interested parties, the public must be given notice and afforded a reasonable opportunity to submit comments on the proposed stipulations. This notice announces that on or about September 5, 2019, the Applicant will file proposed stipulations, pursuant to 16 NYCRR § 1000.5, as to the scope and methodology of studies to be conducted in support of the Application. The filing of the proposed stipulations will begin a 30-day public comment period during which anyone may submit comments on the proposed stipulations before they are executed by the interested parties.

As part of the proposed repowering Project, the existing facility will be upgraded with a 1-on-1 combined cycle configuration, utilizing a gas combustion turbine and steam turbine generator, with an optimal net baseload capacity of approximately 536 MW. The Danskammer Energy Center will also incorporate the ability to provide additional peaking output to potentially ramp up to as much as 600 net MW to meet the market demands, or support variations in generation from renewable resources. The Project will be located entirely on lands owned by Danskammer in the Town of Newburgh in Orange County, New York.

Pursuant to the Article 10 process, Danskammer filed a Preliminary Scoping Statement (“PSS”) on February 8, 2019, with the New York Board on Electric Generation, Siting and the Environment (the “Siting Board”). Thereafter, the public and stakeholders had an opportunity to submit comments on the PSS. Following the comment period, on April 19, 2019, Danskammer filed and served its summary of the comments on the PSS and response to such comments. On April 3, 2019, a pre-application procedural conference was held to consider requests for intervenor funding and the scoping stipulations process was ordered to be commenced. On April 24, 2019, Danskammer filed a notice that settlement negotiations for the stipulation process had been initiated.

Pursuant to 16 NYCRR § 1000.5(j)(2), this notice serves as a summary regarding the contents of proposed stipulations, which were developed through negotiations between Danskammer and the New York State Department of Public Service (“DPS”), the New York State Department of Environmental Conservation, and the New York State Department of Health pursuant to 16 NYCRR § 1000.5(j)(2). Other stakeholders involved in this proceeding may join these proposed stipulations. During the 30-day public comment period, any person, agency or municipality may submit comments on the stipulations by serving such comments on the Applicant’s legal representative, Brenda Colella, at bcolella@barclaydamon.com, and by filing a copy with the Secretary to the Siting Board, Honorable Kathleen H. Burgess, at secretary@dps.ny.gov. All comments should specify, on the first page, “Case 18-F-0325, Danskammer Energy, Comments on Proposed Stipulations.”

The proposed stipulations address the studies to be included in the exhibits to its Article 10 Application pursuant to 16 NYCRR § 1001.1. Parties intending to sign the stipulations agree that the studies outlined in the proposed stipulations constitute all of the necessary studies concerning the subject matter of the proposed stipulations and that the Applicant will not be requested to provide additional studies, except as otherwise provided for in the stipulations. As set forth in 16 NYCRR § 1000.5(k), any party that executes a pre-application stipulation may not raise objections at the hearing on the Application as to the methodology or scope of any study or program of studies performed in compliance with such stipulation. Any other party may timely raise objections at the evidentiary hearing as to the methodology or the scope of any study or program of studies performed in compliance with such stipulation.

The proposed stipulations provide for agreements on the following exhibits: Exhibit 1: General Requirements; Exhibit 2: Overview and Public Involvement; Exhibit 3: Location of Facilities; Exhibit 4: Land Use; Exhibit 5: Electric System Effects; Exhibit 7: Natural Gas Power Facilities; Exhibit 8: Electric System Production Modeling; Exhibit 9: Alternatives; Exhibit 10: Consistency with Energy Planning Objectives; Exhibit 11: Preliminary Design Drawings; Exhibit 12: Construction; Exhibit 13: Real Property; Exhibit 14: Cost of Facilities; Exhibit 15: Public Health and Safety; Exhibit 16: Pollution Control Facilities; Exhibit 17: Air Emissions; Exhibit 18: Safety and Security; Exhibit 19: Noise and Vibration; Exhibit 20: Cultural Resources; Exhibit 21: Geology, Seismology and Soils; Exhibit 22: Terrestrial Ecology and Wetlands; Exhibit 23: Water Resources and Aquatic Ecology; Exhibit 24: Visual Impacts; Exhibit 25: Effect on Transportation; Exhibit 26: Effect on Communications; Exhibit 27: Socioeconomic Effects; Exhibit 28: Environmental Justice; Exhibit 29: Site Restoration and Decommissioning; Exhibit 31: Local Laws and Ordinances; Exhibit 32: State Laws and Regulations; Exhibit 33: Other Applications and Filings; Exhibit 34: Electric Interconnection; Exhibit 35: Electric and Magnetic Fields; Exhibit 36: Gas Interconnection; Exhibit 37: Back-Up Fuel; Exhibit 38: Water Interconnection; Exhibit 39: Wastewater Interconnection; and Exhibit 40: Telecommunications Interconnection. As set forth in the proposed stipulations, the following exhibits are not applicable to the Project and therefore will not be included in the Application: Exhibit 6: Wind Facilities; Exhibit 30: Nuclear Facilities; and Exhibit 41: Applications to Modify or Build Adjacent.

The proposed stipulations include, but are not limited to: the scope and types of studies to be conducted, the content and analysis to be supplied with each exhibit and/or study, the types of maps, drawings or explanations to be provided, the methodologies to be used in performing studies, the data to be collected and compared in the studies, impact avoidance and mitigation measures, the type and extent of agency consultations needed before submitting the Application and the information required to be provided in the Application in compliance with the regulations. The Application itself will be filed at a later date.

Once the Application is filed and determined by the Siting Board to be complete, the Siting Board will schedule a public hearing on the Application. The Siting Board will also issue a notice of availability of application intervenor funds that are available to be used by eligible parties to participate in formal review of the Application. A pre-hearing conference will be scheduled by the Hearing Examiners to identify intervenors, award intervenor funds, identify issues for the hearing, and establish a case schedule. Additional hearings regarding the Application and project impact assessments will be scheduled by the Hearing Examiners as needed. Article 10 requires that all proceedings on the Application, including a final decision by the Siting Board, must be completed within 12 months of when the Application is determined to be complete.

All public documents filed in this proceeding, including the proposed stipulations, and this summary of the stipulations, may be accessed electronically at the DPS website at <http://www.dps.ny.gov>. To access documents, go to "Search," type the case number, "18-F-0325", and click "Search by Case Number." Documents may also be accessed using the direct link: (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=18-F-0325>) or by going to the Project-specific website maintained by the Applicant at <https://danskammerenergy.com/>. Libraries often have free internet service for the public to use.

Hard copies of the stipulations may also be examined during normal business hours at the Offices of the DPS at 3 Empire State Plaza, Albany, New York 12223, at the local project office located at 181 South Plank Road, Newburgh, New York 12250, or at the following public repositories: Newburgh Free Library, 124 Grand Street, Newburgh, New York 12550; Marlborough Free Library, 1251 Route 9W, Marlborough, New York 12542; Adriance Memorial Library, 93 Market Street, Poughkeepsie, New York 12603; and Blodgett Memorial Library, 37 Broad Street, Fishkill, New York 12524.