PROPOSED STIPULATIONS

Danskammer Energy Center

Case 18-F-0325

September 5, 2019

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BEFORE THE
NEW YORK STATE
SITING BOARD ON ELECTRIC GENERATION SITING
AND THE ENVIRONMENT

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	)	Case 18-F-0325

General Matters

THE PARTIES HERETO stipulate and agree as follows:

(1) The Danskammer Energy Center Project ("Project") is described in an Article 10 Preliminary Scoping Statement ("PSS") submitted to the New York State Board on Electric Generation Siting and the Environmental (the "Siting Board") on February 8, 2019 by Danskammer Energy, LLC ("Danskammer"). The term "Project" as used herein includes the proposed electric generating facility and all related facilities and improvements, including buildings, structures, fixtures, site development changes including site grading, filling, and other improvements associated with the electric generating facility, as well as the interconnections subject to the Siting Board's jurisdiction. There are no offsite improvements proposed. The scope of the System Reliability Impact Study ("SRIS") will determine what interconnection facilities, if any, are required to be built through the interconnection review process. The SRIS results will be filed with the Siting Board once received and any applicable cumulative impacts will be identified. A list of any related facilities as defined in Public Service Law ("PSL") Article 10 or the implementing regulations will be included in the Application.

(2) Danskammer will present the studies, evaluations, and analyses as set forth in these Stipulations to satisfy the application requirements of PSL Article 10, unless, after consultation with the signatory parties, relief is requested by Danskammer and the relief is granted by the Siting Board. These Stipulations are governed by Section 163(5) of the PSL, the Article 10 implementing regulations and by any applicable requirements for federally delegated environmental permits issued by the New York State Department of Environmental Conservation ("NYSDEC").

(3) Parties hereto may limit their concurrence to one or more of the 41 specific subject area Stipulations, and Attachment 1, Proposed Map and Scales,[1] by so indicating in a notation next to their signature. A signature without this notation shall indicate concurrence with the entire set of Stipulations.

(4) Those signing a given Stipulation agree that, as of the date hereof, the studies outlined in that Stipulation constitute all the necessary studies concerning the subject matter of that Stipulation that Danskammer must provide to satisfy Section 164.1 of the PSL. Except as provided herein, and in accordance with 16 NYCRR § 1000.5(k), the signatories agree not to request that Danskammer provide additional studies concerning the subject matter of that Stipulation in connection with the Article 10 proceeding.

(5) To the extent Danskammer represents or asserts a fact or intention in these Stipulations ("Danskammer Representation"), Danskammer acknowledges and agrees that the signatory party is not agreeing to the truthfulness of the Danskammer Representation. If any Danskammer Representation changes materially after the Application is filed, Danskammer will notify the parties and, if appropriate, supplement the Application to address the change. Further, to the extent that Danskammer represents in a Stipulation that any information to be submitted in connection with an Exhibit should qualify for confidential treatment, and that Danskammer will seek confidential treatment for such information under the Public Officers Law and the Department of Public Service's rules (or applicable Protective Order), Danskammer acknowledges: (1) that a signatory party is not stipulating that such information actually qualifies for confidential treatment; and (2) that each signatory party reserves the right to contest such confidential treatment in accordance with the Public Officers Law and the Department of Public Service's rules (or applicable Protective Order).

(6) Under any of these following circumstances, Danskammer 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 that requires such additional studies, evaluations or analyses;

(b) Danskammer 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;

[1] Attachment 1, Proposed Map and Scales, was originally proposed by the Staff of Department of Public Service in its responses to the PSS. (*See* Case 18-F-0325, DPS Staff Comments on PSS, filed on March 29, 2019). Danskammer will accept the map specifications as provided by DPS Staff while reserving its position that the scales for some maps may need to be adjusted based on actual data.

(c) New information is discovered during the course of conducting, or as a result of, the stipulated studies, evaluations or analyses that materially affects the results thereof; or

(d) The results of the studies performed in conformance with these Stipulations show that some limited level of additional analysis is necessary to identify appropriate measures to avoid, minimize, mitigate or offset impacts for a particular subject matter; or

(e) The Chair of the Siting Board, the Siting Board, or the 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 the NYSDEC, whose ruling will be appealable to the Commissioner of the NYSDEC or the Siting Board, as the case may be, requires an additional study, evaluation, or analysis pursuant to 16 NYCRR § 1000.9; or

(f) The NYSDEC 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).

(7) After the Chair of the Siting Board determines that the Article 10 Application (the "Application") complies with Section 164 of the PSL, 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 Danskammer 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 6, 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 Danskammer must provide additional studies, evaluations or analyses related thereto during the Article 10 proceeding regarding the subject matter of these Stipulations.

(8) Danskammer will comply with Application filing requirements associated with:

(a) Official notices that must be provided to each municipality, state legislature members, and persons having filed a statement with the Secretary within the past 12 months wishing to receive all such facility notices, listed as necessary to serve the proposed and/or alternative facility site locations. Official notices will conform to the procedural and substantive requirements outlined in 16 NYCRR § 1000.7;

(b) A discussion of water quality certification procedural steps as defined at 16 NYCRR § 1000.8, pursuant to Section 401 of the Clean Water Act;

(c) An intervenor funding fee in the amount specified at 16 NYCRR § 1000.10.

Stipulation 1 – 1001.1 General Requirements

Exhibit 1 of the Application will contain the following information:

(a) As set forth in the Preliminary Scoping Statement, the Application will contain the exhibits described under Part 1001 of the Siting Board regulations. Danskammer may include other exhibits that Danskammer may consider relevant and will include those exhibits as may be required by the Siting Board or the Presiding Examiner to the matter.

(b) Each exhibit will contain a title page showing:

(1) Danskammer's name,

(2) The title of the exhibit,

(3) The proper designation of the exhibit,

(4) The Siting Board docket number assigned to the Project: 18-F-0325.

(c) Formatting:

(1) Each exhibit consisting of 10 or more pages of text will contain a table of contents citing by page and section number or subdivision the component elements or matters contained in the exhibit.

(2) Each exhibit which includes reference or supporting documents such as attachments or appendices will contain a table of contents that indicates those supporting documents. The location of information within the Article 10 Application (including exhibits, attachments and appendices, specifically addressing the relevant requirements of 16 NYCRR Part 1001) will be clearly identified either in the table of contents or in the form of a matrix in order to ensure completeness and facilitate review.

(d) In collecting, compiling and reporting data required by Part 1001 of the Siting Board regulations, Danskammer will establish a basis for statistical comparison with data which will subsequently be obtained under any program of post-certification monitoring.

(e) If the same information is required for more than one exhibit, to avoid duplication, it may be supplied in a single exhibit and referenced in other exhibit(s) where it is also required.

(f) Exhibit 1 will also contain:

(1) The name, address, telephone number, facsimile number, and e-mail address of Danskammer.

(2) The address of the website established by Danskammer to disseminate information to the public regarding the Article 10 Application.

(3) The contact information, including name, address, telephone number, facsimile number and email address, of the person whom the public may contact for more information regarding the Project and Article 10 Application.

(4) The local telephone number established for the Project, as well as the location of the local office that is opened in the Project area.

(5) The name, business address, telephone number, facsimile number, and e-mail address of the principal officer of Danskammer.

(6) The name, business address, telephone number, facsimile number, and e-mail address of Danskammer's agents upon whom Danskammer desires service of documents or other correspondence regarding the Project and the Article 10 Application.

(7) A brief explanation of the type of business entity that Danskammer Energy, LLC is, including its date and location of formation and the name and address of its parent.

(8) A certified copy of the certificate of formation for Danskammer will be provided with the Article 10 Application.

Stipulation 2 – 1001.2 Exhibit 2: Overview and Public Involvement

Exhibit 2 will not exceed 15 pages of text, except if for good cause shown, the Secretary increases the page limit. Exhibit 2 will contain:

(a) A brief description of the major components of the Project, interconnections and any related facilities, including the air cooling facilities and a description of how they will operate. Danskammer will describe why the selected technology for the proposed Project is considered "state-of-the-art" for this generation type. The Application will provide any Project Facility component dimensions given in meters by the equivalent value in feet.

(b) A brief summary of the contents of the Application, except those exhibits which do not apply to the proposed Project.

(c) A brief description of the Public Involvement Program ("PIP") plan conducted by Danskammer prior to submission of the Application, an identification of significant issues raised by the public and affected agencies during such program and the response of Danskammer to those issues including a summary of changes made to the proposed Project as a result of the PIP. Specific components of the PIP plan conducted to date and the topics addressed will be discussed, including: opportunities for public involvement; development and use of the stakeholder list (including host and adjacent landowners); Danskammer's efforts relating to language access, including outreach to local Spanish-speaking populations; identification of environmental justice areas; the use of document repositories; consultation with affected agencies and stakeholders, including utilities; factsheets on the Article 10 process, intervenor funding and other outreach materials; use of meeting logs; the establishment of a Project website, a local office and local telephone number and contact name; and a description of the open house events held with additional details as to how and when stakeholders and the public were notified of the open houses, how many people attended, issues and/or concerns raised at the open houses, and reference copies of the open house notice, invitations, and distribution lists.

(d) A brief description of the PIP to be conducted by Danskammer after submission of the Application, such as hearings, notification of construction activities and complaint resolution procedures. Danskammer will also provide an updated Stakeholders List, including host and adjacent landowners, utilities and any tribal organizations contacted as part of the Project outreach or studies. The Application will include an indication of how stakeholders have been identified and subsequently added to the list during the scoping and stipulation process and will briefly describe how the list will be used for distribution and notification regarding Project milestones, including submittal of the Application. In addition to notifications required under Sections 1000.6 and 1000.7 of the Siting Board regulations, Danskammer will mail notice of the Application submittal to a project mailing list comprised of the updated Stakeholders List, including host and adjacent landowners, and additional addresses received through public outreach. The notice will include information on the Project generally and the Article 10 Application specifically. A copy of the mailing list and an affidavit of service indicating the dates and mailings that were made will be filed with the Secretary of the Siting Board. In addition to newspaper publication as required under 16 NYCRR §1000.7(a), the Applicant will publish notification about the Project in a bilingual media outlet, and in at least one free local community newspaper circulated in the Project and study areas, if available.

(e) A brief, clearly and concisely written analysis in plain language that presents the relevant and material facts regarding the proposed Project that Danskammer believes the Siting Board should use as the basis for its decision. The analysis will be analytical

and not encyclopedic and will specifically address each required finding, determination and consideration the Siting Board must make or consider in its decision pursuant to PSL § 168, and will explain why Danskammer believes the requested Certificate should be granted.

(f) Danskammer will ensure that paper copies of the Project's Article 10 Application documents, except those subject to protective order, are properly filed at the designated local repositories, which include the Project local office, Newburgh Town Hall, Newburgh Free Library, Marlboro Free Library, Adriance Memorial Library, and the Blodgett Memorial Library.

(g) Further, Danskammer will ensure that electronic copies of the Project's Article 10 Application documents, except those subject to a protective order, can be accessed (1) on the New York State Department of Public Service ("DPS") online case record website and (2) on Danskammer's Project-specific website (www.danskammerenergy.com).

Stipulation 3 – 1001.3 Exhibit 3: Location of Facilities

Exhibit 3 will contain maps, drawings and explanations showing the location of the proposed Project, all interconnections, and all 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, 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) The most recent USGS maps (1:24,000 topographic edition) reproduced at original scale showing:

(1) the proposed location of the Project including: electric transmission line and fuel gas transmission line interconnections; and ancillary features located on the Project Site, such as roads, railroads, 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 gas lines, electric lines, water supply lines, wastewater lines and facilities, communications lines, steam lines, stormwater drainage lines, and appurtenances thereto, either existing or to be installed in New York State that will connect to and service the site of the Project and that are not subject to the jurisdiction of the Public Service Commission under PSL Article VII. Danskammer does not currently propose to install any offsite electric transmission lines, fuel gas transmission lines or fuel oil transmission lines, but if facts were to change such that such

offsite facilities are proposed, Danskammer will also show the location of any such proposed offsite facilities.

(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 study areas for the Project generally relate to the nature of the technology and the setting of the Project Site. The Project is located within an area with generally urbanized uplands, adjacent open waters and floodplains, and thus, the "Study Areas" for purposes of the Article 10 Application will be defined by the specific requirements of individual studies required to address the requirements of Article 10. The general Project study area designated for purposes of Exhibit 3 - Facility Location will include: (a) a map to show a study area of one mile from the property boundaries of the Project Site and interconnections: and (b) for broader context, a map to show study areas of one, three, and five miles from the property boundaries of the Project Site and interconnections (the "Study Areas").

(5) For facilities in areas of significant resource concerns, the size of a study area shall be configured to address specific features or resource issues.

The proposed locations of all Project components will also be identified on aerial photos (Environmental Systems Research Institute aerial photos). Aerial photographs will meet the scaled reference of 1:24,000 unless components would otherwise be deemed ineffective, at which point these components will be depicted at larger scales. The date and source of the aerial photography will be provided. Municipal boundaries will be obtained from NYS GIS Clearinghouse and ESRI and provided on appropriate mapping. In general, maps submitted with the Application will be prepared at one of three scales (1:1,200, 1:24,000, or 1:63,360 scales) depending upon the subject matter being represented. Depending on the subject matter, variations to these general scales may be utilized in order to clearly depict to the viewer the relationship between Project components and the resources being evaluated.

(b) Written descriptions explaining the relation of the location of the proposed Project Site, the on-site 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 of the Application will address the Project's impacts on land uses within the applicable study area, defined as follows. For purposes of the mapping to be provided in Exhibit 4, unless otherwise specifically noted below, the study area shall consist of a five-mile radius from the boundaries of the Project Site ("Land Use Map Study Area"). For purposes of the qualitative assessments or other narrative analysis of impacts to be provided in Exhibit 4, area, unless otherwise explicitly set forth, the study area shall consist of a one-mile radius from the boundaries of the Project Site ("Land Use Qualitative Assessment Study Area"). Throughout the Application, land use will be further discussed, refined, and mapped based on site-specific investigations and documentation.

Exhibit 4 will also describe both the current use of the landfill (identified in Section 1.5 of the Preliminary Scoping Statement) and anticipated future actions related to the land. The maps provided in Exhibit 4 will also show the boundary of the existing coal ash leachate collection system, the processing facility, and the location of the landfill monitoring wells. The leachate collection and monitoring systems associated with the landfill will be clearly differentiated from any wastewater systems associated with the Project. The landfill, while located on Danskammer-owned property, is not situated within Project Site boundaries and is not a part of the Project that is subject to this Article 10 proceeding.

Exhibit 4 will contain:

(a) A scaled map showing Project facilities in relation to existing land uses within the Land Use Map Study Area. Land use classifications codes of the New York Office of Real Property Services will be used to inventory existing land uses within the Land Use Study Area. Land use types will be identified as:

(1) 100 – Agricultural;

(2) 200 – Residential;

(3) 300 – Vacant Land ("vacant" land that is identified for the Project Site and directly adjacent properties will be further broken down by usage, i.e., timber, pasturing, hunting etc. based on input from landowners);

(4) 400 – Commercial;

(5) 500 – Recreation and Entertainment;

(6) 600 – Community Services;

(7) 700 – Industrial;

(8) 800 – Public Services; and

(9) 900 – Wild, Forested, or Conservation Lands and Public Parks.

(b) In addition to land use maps provided in Exhibit 4 of the Land Use Map Study Area, a map will be provided showing (i) any existing overhead and underground major facilities for electric, gas or telecommunications transmission within a radius of one-mile from the Project Site; and (ii) the relationship of those transmission facilities to the proposed Project. This map will be redacted consistent with Part 6-1 of the Department of Public Service Rules of Procedure regarding public access to Department records and confidential treatment.

(c) A scaled map of all properties upon which any component of the Project and any related facility 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, as well as any publicly known land use plans for such parcels. The map to be provided pursuant to this subsection and contemplated by the Siting Board Regulations at 16 NYCRR § 1001.4(c) is specific to the Project site and adjoining parcels; consequently it will not extend to the Land Use Map Study Area.

(d) A scaled map of existing and proposed zoning districts within the Land Use Map Study Area will be created by data obtained from local governments. A description of the permitted and prohibited uses within each zone will also be provided for all districts within the Land Use Qualitative Assessment Study Area. Danskammer will also create an Appendix providing the full text, with attachments, tables, maps, references and associated documents, comprising the Zoning Code of the Town of Newburgh. The Appendix will also contain relevant portions of Orange County laws and codes that may be applicable to the proposed construction and operation of the Project Facility.

(e) A review of the Town of Newburgh Comprehensive Plan Update (2006) and the Orange County Comprehensive Plan – 2018 Update – Final Draft and an assessment of the consistency of the Project with such plans.

(f) A scaled map of all publicly known proposed land uses within the Land Use Map Study Area, gleaned from interviews with state and local planning officials, from the public involvement process, or from other sources, including, where appropriate, media reports, applications submitted to local municipalities, and informal discussions with residents.

(g) Scaled maps of the Land Use Map Study Area showing: agricultural districts, designated coastal areas, inland waterways and local waterfront revitalization program areas; and groundwater management zones, Flood Hazard Areas (including the limits of the 100- and 500-year floodplains), and critical environmental areas designated pursuant to the State Environmental Quality Review Act. Flood hazard areas will be specified according to data from the Flood Emergency Management

Agency (FEMA) Flood Insurance Rate Maps and an on-site survey of the flood plain areas, conducted by a qualified surveyor. Critical environmental areas will be specified according to data from the US Fish and Wildlife Service's Information for Planning and Consultation (IPaC) portal and the NYS Natural Heritage Program. Other resources will be specified according to data from the NYS GIS Clearinghouse and other publicly available sources.

(h) Exhibit 4 will provide the maps required by Section 1001.4(h) relative to the Land Use Map Study Area. In addition, Exhibit 4 will provide portions of NOAA Navigational Chart 12352(b)(1), and other charts as appropriate, covering the Land Use Map Study Area, to show locations of navigable channels, navigation aids, water depths and other information related to recreational and navigational use of the waterways, and any other known uses of the Hudson River and shoreline areas, in the Land Use Map Study Area. Exhibit 4 will also provide a narrative summary describing the nature of probable environmental impacts of construction and operation of Project facilities, including any interconnections and related facilities' impacts, on the resources identified in 1001.4(h) with respect to the Land Use Qualitative Assessment Study Area.

(i) A qualitative assessment of the compatibility of Project facilities, including any interconnection and off-site staging and storage areas, with existing, proposed and allowed land uses, and local and regional land use plans within the Land Use Qualitative Study Area. The qualitative assessment will evaluate short- and long-term effects of facility-generated noise, odor, traffic and visual impacts on the use and enjoyment of areas within the Land Use Study Area for the current and planned uses. The assessment will specifically address impacts to nearby land uses that may be of particular concern to the community, such as residential areas, schools, civic facilities, recreational facilities, and commercial areas. The assessment will also consider uses of the Hudson River in the vicinity of the Project. Exhibit 24 will consider the short- and long-term effects of any Project-generated visual impacts within the 5-mile Visual Impact Study Area. Quantitative assessments of Project-generated noise, visual, and traffic impacts will be provided in the Article 10 Application in Exhibits 19, 24 and 25, respectively.

(j) A qualitative assessment of the compatibility of proposed above-ground interconnections and related facilities with existing, potential, and proposed land uses within the Land Use Qualitative Assessment 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 the Project's conformance with the Coastal Zone Management Act, and more specifically, the State Coastal Policies, published by the New York State Department of State, Coastal Management Program in June 2017.

(m) Publicly available aerial photographs of all properties within the Land Use Map Study Area will be shown at a scale of at least 1:24,000 in order to provide detail, discrimination and identification of natural and cultural features.

(n) Spatial overlays will be laid over publicly available aerial photographs to generate maps that clearly identify the Project Site and all proposed Project facilities, as well as existing structures, limits of proposed clearing, vegetation covers, and the location of access and maintenance routes.

(o) All aerial photographs will reflect the current situation and will indicate the photographer and the date the photographs were taken.

(p) A description of community character within the Land Use Qualitative Assessment Study Area, an analysis of impacts of Project Facility construction and operation on community character, and an identification of avoidance or mitigation measures that will minimize adverse impacts on community character. Sources of information used to describe community character will include land use plans, feedback from the public involvement process, and interviews with local planning officials. Exhibit 4 will also provide a photographic record, including photographs of locations identified during such interviews as representative of community character.

Stipulation 5 – 1001.5 Exhibit 5: Electric System Effects

As discussed in Danskammer's Preliminary Scoping Statement, Exhibit 5 of the Article 10 Application will contain:

(a) A system reliability impact study ("SRIS"), performed in accordance with the open access transmission tariff of the New York Independent System Operator, Inc. ("NYISO") approved by the Federal Energy Regulatory Commission, that shows expected flows on the system under normal, peak and emergency conditions and effects on stability of the interconnected system, including the necessary technical analyses (Thermal, Voltage, Short Circuit and Stability) to evaluate the impact of the interconnection. The SRIS will include the new electric interconnection between the Project and the point of interconnection, as well as any other system upgrades required. The SRIS will be prepared in consultation with the NYISO and the interconnecting transmission owner, Central Hudson. Danskammer will submit a copy of the SRIS confidentially pursuant to Section 87(2)(d) of the Public Officers Law and Section 6-1.4 of the Commission's regulations.

(b) An evaluation of the potential significant impacts of the proposed Project and its interconnection to transmission system reliability at a level of detail that reflects the magnitude of the impacts.

(c) A discussion of the benefits and detriments of the proposed Project on ancillary services and the electric transmission system, including impacts associated with reinforcements and new construction necessary as a result of the proposed Project Facility.

(d) An analysis of any reasonable alternatives that would mitigate adverse reliability impacts and maintain voltage, stability, thermal limitations, and short circuit capability at adequate levels.

(e) An estimate of the increase or decrease in the total transfer capacity across each affected interface.

(f) A description of criteria, plans, and protocols for generation and ancillary facilities design, construction, commissioning, and operation, including as appropriate to generation technology:

(1) Engineering codes, standards, guidelines and practices that apply.

(2) Generation facility type certification.

(3) Procedures and controls for facility inspection, testing and commissioning.

(4) Maintenance and management plans, procedures and criteria.

(g) Heat balance diagrams at various load levels and generation configurations demonstrating that the proposed Facility is utilizing the best use of heat from the facility, as applicable to the proposed technology.

(h) Facility maintenance and management plans for the Project Site, procedures and criteria, specifically addressing the following topics:

(1) Gas and steam turbine maintenance, and safety inspections.

(2) Electric transmission, gathering and interconnect line inspections, maintenance, and repairs, including:

(i) vegetation clearance requirements (if any are needed);

(ii) vegetation management plans and procedures;

(iii) inspection and maintenance schedules;

(iv) notification and public relations for work in the public right-of-way; and

(v) minimization of interference with electric and communications distribution systems.

(i) The repowered Project Facility will interconnect with Central Hudson's 115 kV transmission system through the existing substation on the Project Site. Therefore, it is expected that the proposed Project will have limited, if any, impact on vegetation. Exhibit 5 will include vegetation management practices for the existing substation and for danger trees (trees that due to location and condition are a particular threat to fall on and damage electrical equipment) around stations, specifications for clearances, inspection and treatment schedules, and environmental controls to avoid off-site effects.

(j) A status report on equipment availability and expected delivery dates for major components including heat recovery steam generators, towers, turbines, transformers, and related major equipment.

(k) An identification and demonstration of the degree of compliance with all relevant applicable reliability criteria of the Northeast Power Coordinating Council Inc., New York State Reliability Council, and the local interconnecting transmission owner, Central Hudson, including any criteria regarding fuel switching capabilities. These appropriate criteria will be identified in the SRIS and through consultation with DPS, NYISO, and Central Hudson.

(l) An identification of the specific interconnection facility components that will be owned by Danskammer and those that are to be owned by Central Hudson. A drawing depicting the line of demarcation on ownership will also be included.

(m) Danskammer does not currently propose that the Project Facility will have blackstart capabilities. If the facts were to change such that blackstart capabilities are proposed for the Project, Danskammer will include a description of any such proposed blackstart capabilities.

Stipulation 6 – 1001.6 Exhibit 6: Wind Power Facilities

Danskammer does not seek to build a wind power facility. Therefore, this Stipulation is inapplicable to the Project under review.

Stipulation 7 – 1001.7 Exhibit 7: Natural Gas Power Facilities

Exhibit 7 will contain:

(a) An estimate of the monthly and hourly gas usage by the Project. Danskammer will provide a basis for this forecast and how it was determined.

(b) A statement of the gas pressure required for the gas turbines and how the pressure will be regulated or increased, as well as a statement indicating how the high and low ranges for pressure were determined.

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

Prior to preparing this exhibit, Danskammer will consult with DPS Staff and NYSDEC Staff to develop an acceptable input data set, including modeling for Danskammer's proposed Project and inputs for the emissions analysis, to be used in the simulation analyses.

Exhibit 8 will contain:

(a) The following analyses that will be developed using the PROMOD computer-based modeling tool. It is currently anticipated that the modeling year to be used for the analyses will be 2024. Exhibit 8 will provide a written summary of the inputs used in such modeling, including the basis for the assumptions included in development of the base case at the time the Project is expected to commence operations, and will include the following:

(1) Estimated statewide and regional levels of sulfur dioxide ("SO2"), nitrogen oxide ("NOx") and carbon dioxide ("CO2") emissions, both with and without the proposed Project 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 Project Facility.

(3) An estimated capacity factor for the proposed Project Facility.

(4) Estimated annual and monthly, on peak, shoulder and off-peak MW output capability factors for the proposed Project Facility.

(5) Estimated average annual and monthly production output for the proposed Project Facility in MWhs.

(6) An estimated production curve for the proposed Project Facility over an average year.

(7) An estimated production duration curve for the proposed Project Facility over an average year.

(8) Estimated effects of the proposed Project Facility on the energy dispatch of existing must-run resources, as defined in the Siting Board's regulations in Section 1001.8 and also including existing utility scale solar resources to the extent that they could similarly be defined as must-run resources.

(b) Danskammer agrees that, upon request, it will confidentially share the digital copies of all inputs used in the simulations referenced above. While doing so, Danskammer will seek trade secret protection for this information pursuant to Section 87(2)(d) of the Public Officers Law and Section 6-1.4 of the Commission's regulations.

Stipulation 9 – 1001.9 Exhibit 9: Alternatives

Danskammer is a private facility applicant as such term is used in Section 1001.9 of the Siting Board regulations. Accordingly, Danskammer may limit its identification and description of alternative location sites to those owned by, or under option to, Danskammer or its affiliates. Danskammer represents that it owns ±180 acres in the Town of Newburgh, transected in a northwest/southeast orientation by the CSX Transportation rail line (the "Danskammer Property"). The proposed Project Site comprises approximately 106 acres within the Danskammer Property. Danskammer represents that there are no other locations owned or under option to Danskammer or an affiliate in New York State.

Exhibit 9 will contain:

(a) An identification and description of reasonable and available alternative location sites considering only the Danskammer Property and that owned by, or under option to, its affiliates, if any.

(b) As indicated in subdivision (a), analysis of alternative locations will be limited to the Danskammer Property and that owned by, or under option to, its affiliates, if any. A fully developed evaluation of the comparative advantages and disadvantages of alternative locations is therefore not required under 16 NYCRR § 1001.9(b). However, Danskammer will provide information regarding the general site selection process and Project details relevant to the selection process.

(c) A description and evaluation of reasonable alternatives to the Project at the primary proposed location, including:

(1) Alternative general arrangement and design, such as Project Facility locations, maximizing use of available land.

(2) Alternative technology, including alternative technology types and providers, equipment sizes, 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) Alternative scale and magnitude of the Project facilities.

(4) Alternative timing of the proposed in-service date for the Project Facility in relation to other planned additions, withdrawals, or other capacity, transmission or demand reduction changes to the electric system.

(5) Alternative points of electrical interconnection and voltage and the relationship of that alternative to timing of the proposed in-service date.

(d) A statement of the reasons why the primary proposed Project location is best suited to promote public health and welfare, including the recreational, cultural and other concurrent uses which the Project Site and affected areas may serve.

(e) A statement of the advantages and disadvantages of the alternatives evaluated in Exhibit 9(c), above, 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 recreational, cultural and other concurrent uses that the site may serve.

(f) A description and evaluation of the no action/no build alternative at the primary proposed location including the reason why the proposed Project is better suited to promote public health and welfare, including recreational, cultural and other concurrent uses that the Project Site may serve.

(g) Pursuant to Section 1001.9(g) of the Siting Board Regulations, Danskammer, as a private facility applicant, is permitted to limit its identification and description of reasonable energy supply source alternatives to those that are feasible, considering its objectives and capabilities as Project sponsor. Consistent with this regulation, Danskammer will identify and examine wind and solar energy as alternative energy supply source alternatives, as well as the production capacity of those resources and the specific local impacts arising from their use, and will evaluate whether those alternatives are reasonable and feasible, given its capabilities and objectives as the Project Sponsor. Danskammer will also discuss the consideration of inclusion of ancillary battery storage facilities in Project Facility design and, if applicable, the potential location and extent of any such storage facilities considered.

(h) Section 9(h) will contain a discussion of any energy supply source alternative identified and discussed in Section 9(g) that is determined to be both reasonable and feasible. The discussion will be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed, considering:

(1) engineering feasibility;

(2) reliability and electric system effects;

(3) environmental impacts, including an assessment of climate change impacts (whether proposed energy use contributes to global temperature increase);

(4) economic considerations;

(5) environmental justice considerations;

(6) security, public safety and emergency planning considerations;

(7) public health considerations; and

(8) the objectives and capabilities of Danskammer.

(i) A statement of the reasons why the proposed Project is best suited, among the alternative sources and measures, to promote public health and welfare, including the recreational, cultural and other concurrent uses that the Project Site and affected areas may serve.

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

Exhibit 10 will contain:

(a) A statement demonstrating the degree of consistency of the construction and operation of the Project with the energy policies and long range energy planning objectives and strategies contained in the most recent state energy plan (currently, the 2015 State Energy Plan, including the renewable energy generation and greenhouse gas emissions reduction goals described therein). This statement shall include consideration of the information required by subdivisions (b) through (i) in this Stipulation.

(b) A description of the impact the proposed Project would have on reliability in the state; provided, however, that this description may be submitted when the SRIS required by Stipulation 5 is submitted.

(c) A description of the impact the proposed Project would have on fuel diversity in the state.

(d) A description of the impact the proposed Project would have on regional requirements for capacity.

(e) A description of the impact the proposed Project would have on electric transmission constraints.

(f) A description of the impact the proposed Project would have on fuel delivery constraints.

(g) A description of the impact the proposed Project 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 (currently, the 2015 State Energy Plan, including the renewable energy generation and greenhouse gas emissions reduction goals described therein).

(h) An analysis of the comparative advantages and disadvantages of reasonable and available alternative locations or properties identified for construction of the proposed Project, which analysis will be limited to the property owned by, or under option to, Danskammer or its affiliates, as authorized by Section 1001.9 of the Siting Board regulations (16 NYCRR § 1001.9).

(i) A statement of the reasons why the proposed location and source are best suited, among the alternatives identified, to promote public health and welfare, including minimizing the public health and environmental impacts related to climate change.

Stipulation 11 – 1001.11 Exhibit 11: Preliminary Design Drawings

All drawings prepared in support of Exhibit 11 of the Article 10 Application will be prepared using computer software (e.g., AutoCAD, etc.), will be labeled "preliminary" and "not for construction purposes" and will be prepared under the direction of a professional engineer, landscape architect, or architect who is licensed and registered in New York State. Four full-size copies of the preliminary design drawing set, utilizing a scale of 1" = 100' or greater will be provided to DPS Staff. All other printed copies (included with the Application) will be at a legible and reduced size (i.e., 11" x 17" sheets), also utilizing a common engineering scale (for example: 1" = 60'; 1" = 100'; or 1" = 200') and drawing upon the specifications provided in Appendix 1 of the DPS Staff comments on the Preliminary Scoping Statement. Additionally, a thumb drive(s) or DVD containing PDFs of the AutoCAD design drawings will be submitted to DPS Staff.

Exhibit 11 will contain:

(a) Site plan drawings at a common engineering scale (e.g., 1" = 100') of all existing and proposed buildings, structures and other improvements at the Project Site, as required by 16 NYCRR § 1001.11(a). Additional drawings will depict the layout of all offsite facilities using publicly available data. Specific to the Project, the site plan drawings will include the following features:

(1) The Project Site's property lines and Danskammer's proposed setbacks from the property lines (as well as local setback requirements);

(2) Existing and proposed electric transmission lines and natural gas pipelines and associated rights-of-way, subject to a request for confidential treatment for critical infrastructure information under the Public Officers Law, as necessary;

(3) Driveways and access roads (temporary and permanent);

(4) Turn-around areas to be used during equipment deliveries;

(5) Proposed temporary (grading for construction purposes) and permanent contours (final grading);

(6) Limits of disturbance for all facility components (equipment, access roads, buildings, etc.);

(7) Existing Central Hudson substation outline, including access driveway and fence line;

(8) Operations and Maintenance (O&M) building, any proposed septic system(s), and parking area(s);

(9) Outline of all ancillary equipment located within the Project Site, such as those features listed on page 2-6 of the Preliminary Scoping Statement ("PSS"), as well as any other proposed ancillary features associated with the Project;

(10) Laydown, staging, and equipment storage areas;

(11) Back-up generators and fuel storage areas;

(12) Location of existing buildings or structures to be demolished and any major modifications to existing buildings and structures in the Project Site.

(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 for construction and installation indicating soil types, depth to bedrock, general areas of cut and fill, retaining walls, existing and proposed contours shown at two-foot intervals, and permanent stormwater retention areas (which will address both construction-phase and permanent installations).

(d) A landscaping plan indicating areas of trees to be retained, removed, or restored; berms, walls, fences, access road gates and other landscaping improvements, areas for snow removal storage and any identification signs, including references to any local design requirements or standards that may be applicable.

(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 Project facility property line while still providing for safe working conditions. Such lighting plan will include preliminary elevations and provide cut sheets of proposed fixtures, if available.

(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 and their roof plans. Among the building and structure arrangements included on such drawings will be the preliminary layout of equipment that will be located within the steam turbine generator enclosure, although the location of individual components may shift in final design. Danskammer will also provide elevation plans associated with the Project's major generating equipment such as combustion turbine/generator set, heat recovery steam generator and exhaust stack, steam turbine/generator set, air cooled condenser, fin-fan cooler, auxiliary boiler, substation/switchyard equipment, any support systems and equipment (such as those items listed on page 2-8 of the PSS), and any ancillary equipment (such as those features listed on page 2-6 of the PSS). The design drawings will also show any storm protective features proposed for areas of the Project Site (such as raising grade levels for proposed equipment through placement of fill or raised foundations) along with reference to applicable codes and criteria.

(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, and other structures.

(h) As no new interconnection facilities are proposed for the Project, Exhibit 11 will not contain preliminary design plans and drawings related to such interconnection facilities.

(i) A list of engineering codes, standards, guidelines and practices that Danskammer intends to conform with when planning, designing, constructing, operating and maintaining the Project.

Stipulation 12 – 1001.12 Exhibit 12: Construction

Exhibit 12 will contain:

(a) A preliminary Quality Assurance and Control Plan ("QAQC") relating to Project Facility installation. The QAQC Plan will demonstrate how Danskammer will monitor and assure conformance of Project Facility installation with all applicable design, engineering and installation standards and criteria. The QAQC Plan will list staff positions of those involved in the QAQC process, along with the qualifications related to those positions.

(b) A statement from a responsible Danskammer official that:

(1) Danskammer 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.

(2) Danskammer 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 all existing electric, gas infrastructure (production or storage wells, pipelines, and related components), and communications infrastructure and measures to minimize interferences where avoidances cannot be reasonably achieved. Danskammer will also identify any available utility owner criteria regarding crossing of or installations nearby existing utilities, including descriptions of potential studies to be performed (along with an indication of timing), specific separation requirements or recommendations of utility owners (including electric, communications facilities, and gas pipeline owners) and descriptions and typical details of any protective separation criteria, design measures and features to be applied in close proximity to existing utilities.

(d) A formal complaint resolution plan in consultation with the Town of Newburgh, which includes specification of commitments for addressing public complaints, and procedures for dispute resolution during Project construction and operation. The Complaint Resolution Plan will include steps detailing how complaints will be received, how the public will be informed about the complaint process and the timeframe within which complaints will be resolved. In addition, the Plan will:

(1) Include a complaint log listing all complaints and resolutions will be maintained during construction and operation of the Project and will be made available to DPS upon request;

(2) Describe actions that Danskammer will take if the complaint remains unresolved after all these steps are followed;

(3) Indicate whether complaints will be accepted by telephone, email and the Project website. In addition, complaint handling needs to address both written and oral complaints. Oral complaints received during construction need to be converted to written documents that can be reported in the tracking log; and

(4) Identify and include any procedures or protocols that may be unique to each phase of the Project (e.g., construction, operation, decommissioning of facilities) or complaint type (e.g., noise). For example, during construction, complaint calls need to be handled locally and quickly.

(e) This section also will describe Danskammer's plans to communicate construction plans, schedules and applicable safety and security measures to local stakeholders.

Stipulation 13 – 1001.13 Exhibit 13: Real Property

Exhibit 13 will contain the following information:

(a) As set forth in the Preliminary Scoping Statement, the Project Site comprises 106 acres owned by Danskammer and is located entirely within an approximately 180-acre site, also owned by Danskammer. Exhibit 13 will provide a survey of the Project Site showing Project Site property boundaries with tax map sheet, block and lot numbers.

The survey map will also contain the following information, either on the map or on an associated table for easier reference:

(1) the owner of record of all parcels included in the Project Site (Danskammer) and for all adjacent properties;

(2) easements, grants and related encumbrances on the Project Site parcels;

(3) all public and private roads on or adjoining the Project Site or planned for use as access to the Project Site;

(4) all zoning and related designations applicable to the Project Site and adjoining properties.

The currently proposed locations of all Project-related facilities will be indicated on the survey map.

(b) Maps showing all proposed interconnection facilities and associated access drives and construction lay-down/preparation areas.

(c) A demonstration that Danskammer holds title to the Project Site, which includes ingress and egress access to a public street.

(d) A statement that Danskammer 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 Project.

(e) An identification of any improvement district extensions necessary for the Project and a demonstration that the applicant has obtained, or can obtain, such improvement district extensions.

(f) Exhibit 13 will also contain a discussion of access rights and restrictions, if any, associated with the railroad property, owned by CSX, that transects a portion of the Project Site.

(g) An identification of any potential offsite parking and/or laydown areas and a statement that Danskammer has obtained, or can obtain, such deeds, easements, leases, licenses, or other real property rights or privileges as are necessary for such offsite parking. To the extent that Danskammer acquires additional property for use as parking or laydown areas, Danskammer will consider such property in its alternatives analysis in Exhibit 9 regarding alternative offsite parking and/or laydown areas. Danskammer, as a private facility applicant, does not have eminent domain authority and intends to negotiate with third parties to acquire any needed properties adjacent to, or in the vicinity of, the existing boundaries of the Danskammer Property.

Stipulation 14 – 1001.14 Exhibit 14: Cost of Facilities

Exhibit 14 will contain:

(a) A detailed estimate, as explained in subsection (b) below, of the total capital costs of the proposed Project, broken down into major cost components appropriate for the Project, including the costs associated with development and permitting, surveys, environmental studies, materials and equipment, labor, engineering and architectural fees, costs necessary for interconnecting the Project to the New York grid, administrative overhead, fees for legal and other services, construction interest and contingencies. Danskammer represents, however, that this information is proprietary, confidential commercial information. Therefore, the Applicant will seek the requisite trade secret and/or confidential commercial protection for this information pursuant to Public Officers Law ("POL") § 87(2) (d) and 16 NYCRR § 6-1.

(b) The Project cost estimate provided under subsection (a) will be based on Danskammer's historical experience in building energy projects in the United States and/or current and historical price quotes associated with the various energy project components. To the extent practicable, the basis for the cost estimates provided under subsection (a) will be described in Exhibit 14.

(c) Upon the written demand of DPS or any other party to the proceeding, Danskammer will provide an internal work paper that describes the assumptions used in estimating the total capital costs described above in (a). Danskammer represents, however, that this information is proprietary, confidential and consists of Danskammer trade secrets that are not provided to the public. Danskammer will submit this under separate and confidential cover, and will seek the requisite trade secret protection for this information pursuant to POL § 87(2)(d) and 16 NYCRR § 6-1.

Stipulation 15 – 1001.15 Exhibit 15: Public Health and Safety

Exhibit 15 will contain:

A statement and evaluation that identifies, describes, and discusses all potential significant adverse impacts of the construction and operation of the Project, 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 Project during construction and under representative operating conditions, 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. During the construction phase, solid waste generated by the Project will include small amounts of plastic, wood, cardboard, and metal packing materials, construction scrap, waste concrete from concrete truck washout (if applicable), and general refuse. In addition, small amounts of waste will be generated during routine maintenance activities (e.g., cardboard, cleaning rags and general refuse). Exhibit 15 will address how the waste materials will be properly recycled or disposed of at a nearby landfill facility. Exhibit 15 will also address the specific local solid waste collection services, landfills, or transfer stations within the area of the Project. If wastewater disposal is necessary, Exhibit 39 will contain a description of any new or modified on-site septic system, and such plan will be designed by a NYS licensed professional engineer in good standing and approved by the Orange County Department of Health to verify that it complies with applicable state and local laws.

(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. To the extent that any waste is disposed of off-site, Danskammer will use properly licensed waste haulers and will ensure that such waste is disposed of at properly licensed disposal facilities.

(e) Maps and analysis showing the relation of the proposed Project Facility 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 within one mile of the proposed Project Site.

(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 Stipulation, including all reasonably related short-term and long-term impacts.

(g) Any adverse impact on the environment, public health, and safety that cannot be avoided should the proposed Project 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 Project.

(i) Any measures proposed by Danskammer to minimize such impacts.

(j) Any measures proposed by Danskammer to mitigate or offset such impacts.

(k) Any monitoring of such impacts proposed by Danskammer.

(l) A description of the location and maximum quantity of hydrogen to be stored on the Project Site, as well as a discussion of all safety measures to be taken with respect to the handling, transportation and storage of hydrogen.

(m) A description of the potential impacts that could result if a discharge of ultra-low sulfur diesel, lubrication oil, and natural gas occurred, including acute and chronic health impacts and emergency service impacts.

(n) A description of the location of the proposed Project Facility in relation to FEMA mapping (as confirmed by actual on-site surveys of flood plains or flood hazards areas on the Project Site) as well as potential sea level rise, storm surge and flooding. Exhibit 15 will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines, including guidance provided by NYSDEC. To the extent consistent with the applicable law and guidance, increases in frequency and intensities of coastal storms and increases in sea level relative to the plant site will be considered in flood hazard zone and storm surge zone analyses.

(o) In addition to the discussion referenced in Stipulation 19(g) regarding noise design goals for the Project Facility, Exhibit 15 will discuss relevant publications concerning potential health effects from noise, including, at a minimum, the following:

(1) Guidelines for Community Noise WHO (1999);

(2) Night Noise Guidelines for Europe, WHO (2009);

(3) Annex D of ANSI standard S12.9-2005/Part 4 (Sounds with strong low-frequency content) for minimization of annoyance from low frequency sounds.

Stipulation 16 – 1001.16 Exhibit 16: Pollution Control Facilities

Exhibit 16 will contain:

(a) Copies of completed applications for permits to be issued by NYSDEC pursuant to federal recognition of New York State authority, or pursuant to federally delegated or approved authority, under the Clean Water Act, the Clean Air Act and the Resource Conservation and Recovery Act, and for any applicable permits to be issued pursuant to ECL Articles 17 and 19, ECL Article 27, Title 9, and ECL Section 15-1503. Copies of the completed applications will be provided as appendices to the Article 10 Application to address this Stipulation.

(b) Such evidence as will enable the Commissioner of NYSDEC to evaluate the Project Facility's pollution control technologies and to reach a determination to issue, subject to appropriate conditions and limitations, permits for such technologies.

(c) Such evidence as will enable the Siting Board to evaluate the Project Facility's pollution control technologies and to make the findings and determinations required by PSL § 168.

(d) A representation and description of all fuel waste byproducts, if any, to be produced as a result of the construction and operation of the Project 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. Danskammer represents that coal, wood, biomass, municipal solid waste and similar fuels will not be combusted or gasified at the Project Facility.

Stipulation 17 – 1001.17 Exhibit 17: Air Emissions

Exhibit 17 will contain:

(a) A demonstration of the Project Facility's compliance with applicable federal, state, and local regulatory requirements regarding air emissions, including: Clean Air Act New Source Performance Standards; New York State or National Ambient Air Quality Standards; Maximum Achievable Control Technology pursuant to 40 CFR Part 63; Prevention of Significant Deterioration and Nonattainment and Nonattainment New Source Review under 6 NYCRR Part 231; Class I Area Impact Analysis; Cross-State Air Pollution Rule; Acid Rain Program; CO2 Performance

Standards under 6 NYCRR Part 251, Regional Greenhouse Gas Initiative CO2 Budget Trading Program; New York State regulatory emission limits; and Reasonably Available Control Technology requirements.

(b) An assessment of existing ambient air quality levels and air quality trends for pollutants in the region surrounding the Project Facility, including air quality levels and trends taken from regional air quality summaries and air quality trend reports.

(c) For emissions of the following criteria and non-criteria pollutants by combustion sources at the Project Facility including, but not limited to, fire pumps and additional ancillary stationary source generating equipment (emergency generators, etc.), 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, the annual potential to emit in the third column and (for GHG emissions) the annual CO2e in a fourth column:

(1) sulfur dioxide (SO2);

(2) oxides of nitrogen (NOx);

(3) carbon dioxide (CO2);

(4) carbon monoxide (CO);

(5) particulate matter (PM 2.5, PM 10, total PM);

(6) volatile organic compounds (VOCs);

(7) methane (CH_4);

(8) elemental lead;

(9) ammonia slip;

(10) mercury; and

(11) a set of additional non-criteria (i.e. toxic) air pollutants to be emitted from the proposed facility as determined in consultation with NYSDOH and NYSDEC.

(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 NYSDOH and NYSDEC;

(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 NYSDOH and NYSDEC;

(3) where warranted as determined in consultation with NYSDOH and NYSDEC, cumulative source impact analyses for any appropriate pollutant in accordance with air permitting requirements and 6 NYCRR Part 487;

(4) an assessment of the impact on air quality in terms of air pollutant concentrations at certain receptor points; and

(5) an assessment of the Project's potential impact on greenhouse gas emissions, using the procedures outlined in the July 15, 2009 Draft NYSDEC Commissioner's Policy.

(e) An analysis of an accidental release scenario for aqueous ammonia, following the United State Environmental Protection Agency's ("USEPA") procedures for off-site consequence analyses, irrespective of the applicability of Section112(r) of the Clean Air Act. 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).

(f) A general visibility impairment analysis for scenic vistas using VISCREEN.

(g) Where applicable, the studies included in Exhibit 17 will be done in accordance with the air quality modeling protocols reviewed and approved by NYSDEC and USEPA, copies of which will be provided in the appendices to the Article 10 Application.

(h) A Criteria Pollutant Study, which will include:

(1) An assessment of meteorological data sets from the Hudson Valley Regional Airport located on State Route 376 in the Town of Wappinger.

(2) An assessment of existing air quality levels and air quality trends for criteria pollutants in the region surrounding the Project, including air quality levels and trends taken from regional air quality summaries and air quality trend reports. NYSDEC operated monitors will be used to determine background ambient air pollutant levels.

(3) An assessment of the impacts from quantifiable criteria pollutant emissions, including those generated during construction of the Project. A qualitative

assessment of construction-related emissions and impacts and an analysis of fugitive dust and a discussion of fugitive dust control measures.

(4) A control technology assessment for pollutants subject to PSD and Non-attainment New Source Review ("NSR") promulgated under 6 NYCRR Part 231 to determine the best available control technology and lowest achievable emission rate for the relevant pollutants.

(5) If the Project's hazardous air pollutant emissions exceed the regulatory thresholds, a case-by-case determination of the Maximum Achievable Control Technology for major sources will be conducted to determine an emission limit or control technology.

(6) The requirements of New Source Performance Standards at 40 CFR Part 60 will be addressed.

(7) An assessment of an optimal stack height taking into consideration Good Engineering Practice stack height for the Project and air-quality-related values, visual impacts, and other considerations. The USEPA Building Profile Input Program for PRIME ("BPIPPRM") will be used to determine directionally dependent building dimensions for use in air quality modeling.

(8) An assessment of stack emissions of criteria pollutants, stack emissions being provided in hourly and annual estimates based on manufacturer's data, available emission factors, design control efficiencies, and other data or regulatory specifications related to the design of the Project.

(9) A calculation of the number of nitrogen oxides ("NOx") and volatile organic compounds ("VOCs") emission offsets (if required) to be obtained at a 1.15 to 1.0 ratio and how those offsets will be obtained in accordance with 6 NYCRR Part 231. The Project's compliance with the NOx Reasonable Available Control Technology provisions of 6 NYCRR Part 227-2 will be addressed. The Project is subject to the Acid Rain Program and will submit a complete application to the NYSDEC prior to commencing operation.

(10) Criteria pollutant modeling will be done in accordance with NYSDEC's DAR-10 and USEPA Revisions to the Guideline on Air Quality Models. Computer input (including meteorological data) and output files of the dispersion modeling results will be provided to NYSDEC and USEPA. The maximum criteria pollutant specific impacts of the Project will be displayed in graphical format on a map of the surrounding community. A wind rose of the meteorological data will be provided.

(11) A comparison of the predicted air quality impacts from the dispersion modeling analysis to the Significant Impact Levels identified in Subpart 231-12, to the New York Ambient Air Quality Standards ("NYAAQS") as identified in Part 257, and the National Ambient Air Quality Standards ("NAAQS").

(12) In accordance with the State Acid Deposition Control Act, an assessment of the Project's contribution to the New York State total deposition of sulfates and nitrates at 18 NYSDEC-defined sensitive receptors in New York State, New England, and Canada.

(13) A cumulative source impact analysis as required by 6 NYCRR Part 231 will be performed for any criteria pollutant for which the Project has impacts above Significant Impact Levels pursuant to Subpart 231-8. The additional sources to be analyzed to determine whether the Project, in conjunction with existing and proposed major sources, will cause or contribute to exceedances of applicable NAAQS and/or NYAAQS, will include those identified as "nearby" existing sources, as defined in the USEPA Modeling Guidelines and NSR Workshop Manual, and by the DAR-10 procedures. The inventory of existing major sources will be developed in coordination with USEPA and NYSDEC, and will be approved by NYSDEC.

(14) Start-up and shut-down conditions will be addressed by the Project's air quality modeling. Ancillary emission sources and aqueous ammonia accidental release scenarios will be included and specified in the air modeling analysis.

(i) A Non-Criteria Pollutant Study, which will include:

(1) A review of pertinent available data provided in USEPA AP-42 on non-criteria pollutants that may be emitted by combustion sources at the Project and identification of emission factors for those pollutants. The specific source, including publication date, of each emission factor will be clearly identified and referenced in the Article 10 Application.

(2) An assessment of the emission rates for non-criteria pollutants that may be emitted from the combustion sources at the Project. All emission rate calculation methodologies will be described in detail, with appropriate equations and examples provided. These descriptions either will accompany or specifically be cited in any corresponding tabulated emissions data presented in the Article 10 Application.

(3) An estimation of the maximum potential ground level air concentrations (short-term and annual averages) of non-criteria pollutants from the Project, quantified using the models and approach as approved by the USEPA and NYSDEC.

(4) A comparison of the maximum predicted air concentrations of non-criteria pollutants to NYSDEC Short-term and Annual Guideline Concentrations. For those NYSDEC Short-term Guideline Concentrations that are based on occupational guidelines, other short-term, health-based comparison values such as the Agency for Toxic Substances and Disease Registry's Acute Minimal Risk Levels will be compared to predicted air concentrations.

(j) Where applicable, the following documents, methodology, procedures and data will be used for the air quality analyses:

(1) For performing air quality dispersion modeling:

(i) NYSDEC, DAR-10, NYSDEC Guidelines on Modeling Procedures for Air Quality Impact Analysis (May 2006).

(ii) Air Modeling Protocol to be established to the satisfaction of USEPA and NYSDEC specifically for this Project (hereinafter Air Modeling Protocol), which such Air Modeling Protocol has already been provided to NYSDEC for approval.

(iii) USEPA, Draft New Source Review Workshop Manual (October 1990).

(iv) USEPA, Revisions to the Guideline on Air Quality Models – Enhancement to the AERMOD Dispersion Modeling System and Incorporation of Approaches to Address Ozone and Fine Particulate Matter, Appendix W of 40 CFR Part 51 (January 2017).

(v) Modeling Emission Rates for Precursors ("MERPS") guidance for including secondarily formed PM2.5 in the air quality assessment.

(vi) USEPA, Clarification on the Use of AERMOD Dispersion Modeling for Demonstrating Compliance with the NO2 National Ambient Air Quality Standard (May 2014).

(2) For determining stack height:

(i) USEPA, Guidelines for Determination of Good Engineering Practice Stack Height (EPA Technical Support Document for the Stack Height Regulations), Document Number EPA-450/4-80-023R (June 1985).

(3) For quantification and assessment of the Project's contribution to the New York State total deposition of sulfates and nitrates, in accordance with the State Acid Deposition Control Act:

(i) Memorandum from Leon Sedefian to IAM Staff (March 4, 1993).

(4) For performing visibility modeling:

(i) USEPA, Workbook for Plume Visual Impact Screening and Analysis, Document Number EPA-454/R-92-023 (October 1992).

(5) For non-criteria pollutant ambient air guidelines and benchmarks:

(i) NYSDEC, DAR-1, AGC/SGC Tables, Division of Air Resources, Air Toxics Section, July 14, 2016.

(ii) NYSDEC, DAR-1, Guidelines for the Evaluation and Control of Ambient Air Contaminants Under Part 212 (August 2016).

(6) For assessing fine particulate matter ("PM-2.5") emissions:

(i) NYSDEC Subpart 231-12.6, Significant Impact Levels.

(ii) USEPA, Guidance for PM-2.5 Permit Modeling (May 2014).

Stipulation 18 – 1001.18 Exhibit 18: Safety and Security

Exhibit 18 will contain a preliminary comprehensive safety and security plan applicable to both construction and operation of the proposed Project Facility, including:

(a) A preliminary plan for site security of the proposed Project during construction of the Project 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) Setback considerations for Project components which may present hazards to public safety.

(b) A preliminary plan for site security of the proposed Project during operation of the Project 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. The Article 10 Application will describe the capabilities of these systems and identify the decision point that will initiate installation.

(3) Security lighting, including specifications for lighting and controls to address work-site safety requirements and to avoid off-site lighting impacts.

(4) Lighting of facility components to ensure aircraft safety. Danskammer will also include an evaluation of potential night-time lighting in Exhibit 24 of the Article 10 Application.

(5) Setback considerations for Project 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.

(c) A Preliminary Safety Response Plan to ensure the safety and security of the local community will include:

(1) An identification of contingencies that would constitute a safety or security emergency.

(2) A description of coordination with local emergency response teams, including the jurisdictional fire department for the proposed Project, for any necessary specialized training regarding safety or security emergencies.

(3) Identification of safety drill protocols and procedures for each contingency.

(4) Emergency response measures by contingency.

(5) Evacuation control measures by contingency.

(6) Community notification procedures by contingency, including a detailed description of the stakeholders included in the communication/notification efforts, timeframes for notification, and the planned communication methods (e.g. letter, doorhanger, electronic mail, text, telephone calls, etc.).

(7) A statement that Danskammer will provide a copy of such Preliminary Safety Response Plan to the jurisdictional fire department, local emergency responders, Orange County Emergency Management Office, and the Hosting Community police department for review and comment. Any reviews and comments that are received from these local emergency responders will be included in Exhibit 18 of the Article 10 Application.

(d) A statement that Danskammer will provide a copy of the plans required in subdivisions (a), (b), and (c) of this Stipulation to, and request review of such plans and comment by, the New York State Division of Homeland Security and Emergency Services. Any reviews and comments that are received from the Division of Homeland Security will be included in Exhibit 18 of the Article 10 Application.

(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 Danskammer has provided a copy of the plans required in subdivision (c) of this Stipulation to, and has requested review of such plans and comment thereon by, local emergency first responders serving the area of the Project Site, host and adjacent landowners, the local utilities, and other stakeholders identified through the Public Involvement process. The statement will also contain a review by Danskammer of any responses received. Danskammer will provide a copy of the final plan to the local emergency responders, the county emergency management office and the NYS Division of Homeland Security and Emergency Services.

Stipulation 19 – 1001.19 Exhibit 19: Noise and Vibration

Exhibit 19 will contain a study of the potential noise impacts of the construction and operation of the Project Facility. The name and qualifications of the individual preparing the study will be stated. If the results of the study are certified by a member of a relevant professional society, the details of such certification will be stated. If any noise assessment methodology standards are applied in the preparation of the study, an identification and description of such standards shall be stated.

The term “Project” or “Project Facility” as used in this Stipulation 19 includes the proposed Danskammer Energy Center and all related facilities and ancillary equipment, including buildings, structures, fixtures, and other improvements associated with the electric generating facility. The existing station will not continue operating after the proposed Project Facility commences commercial operation. All “References” noted below are fully identified at the end of this Stipulation.

Exhibit 19 will include:

(a) A map of the study area showing:

(1) The location of sensitive sound receptors in relation to the Project Facility, related facilities and ancillary equipment (including any related substations).

(i) The Application will include map(s) in digital format of the Sound Study Area that will extend, as required by any law or regulation, to the greater of a minimum 1 mile-radius from any Project Facility component (Gas Turbine(s), Steam Turbine(s), Generator(s), Heat Recovery Steam Generator(s), and any Auxiliary Equipment required to operate the Power Generating Facility), or until the 30-dBA maximum noise contour obtained through computer modeling (as specified in subsection (d) of this Stipulation) is reached.

(ii) The map will show all sensitive sound receptors and boundary lines differentiating participating and non-participating parcels (and potentially participating parcels, if any); noise sources within the Sound Study Area (including turbines, inlets, stacks, transformer(s), emergency generators, and other noise sources, if any).

(2) The sensitive sound receptors shown will include residences, outdoor public facilities and areas, hospitals, schools and other identified noise-sensitive receptors, if any.

(i) Potentially impacted and representative residences within the study area defined in (a) (1) (i) will be included as sensitive sound receptors.

(ii) Other noise sensitive receptors will include libraries, parks, camps, summer camps, places of worship, cemeteries, any historic resources listed or eligible for listing on the State or National Register of Historic Places, and any public (Local, Federal, and State) Lands.

(iii) Seasonal receptors will also include cabins and hunting camps, identified by property tax codes, and any other seasonal residences with septic systems and/or running water within the Sound Study Area.

(iv) The Applicant will coordinate with local authorities to identify any existing or proposed sound sensitive receptor within the Study Area.

(b) An evaluation of ambient pre-construction baseline noise conditions, including A-weighted/dBA sound levels, prominent discrete (pure) tones, at representative

potentially impacted noise receptors, using actual measurement data recorded in winter and summer and during day and night as a function of time and frequency using a suitable and suitably calibrated sound level meter (SLM) and octave band frequency spectrum analyzer, or similar equipment. The ambient pre-construction baseline sound level will be filtered to exclude seasonal and intermittent noise. The ambient pre-construction baseline noise conditions will be assessed as specified in Appendix A to this Stipulation.

(c) An evaluation of future noise levels during construction of the Project Facility, including predicted A-weighted/dBA sound levels at potentially impacted and representative noise receptors, using computer noise modeling. The evaluation will:

(1) Follow, at a minimum, the guidelines and recommendations of the FHWA Highway Construction Noise Handbook (Reference 1) that are applicable to the Project.[2]

(2) Use the noise database for construction equipment listed in Reference 1 or any other that better resembles the noise emissions of the construction equipment that is proposed to be used for construction of the Project Facility.

(3) Include a discussion of time frames for construction activities indicating seasons of the year, days of the week, hours of the day, and whether construction activities will be performed during evening time (6:00 p.m. to 10 p.m.), nighttime (after 10:00 p.m. or before 7:00 a.m.), weekends (Saturdays or Sundays), or national holidays.

(4) Present results of computer noise modeling using software that incorporates the ISO-9613-2 propagation standard (Reference 2) for the main phases of construction (e.g., clearing if required, foundation, building construction, installation of mechanical equipment, and from activities at any laydown area). The model will include all construction noise sources during the most critical time frames of each phase.

(5) Report construction sound level contours (as specified in sections 19 (h)(9) through 19 (h)(11)) on the map described in section 19(a) (graphical format) of this stipulation and sound levels at a minimum, at the most critical potentially impacted receptors (in tabular format).

(d) An estimate of the noise level to be produced by operation of the Project Facility, related facilities and ancillary equipment assuming:

[2] Although developed mainly for roadway projects, the handbook is applicable to many construction projects and provides guidance in measuring, predicting, and mitigating construction noise and developing noise criteria.

(1) wind-induced background noise or stable atmospheric conditions, as appropriate, it will:

(i) Use the ISO-9613-2 propagation standard (Propagation Standard) with no meteorological correction (Cmet).[3]

(ii) Include a discussion about the accuracy of the ISO 9613-2 sound propagation standard for prediction of noise which will include at a minimum, a review of Propagation Standard.

(iii) Include a description and discussion about propagation above water bodies (if any), as applicable to the site.

(iv) State if any corrections or adjustments are applied to any modeling or calculation results and, if so, both corrected and uncorrected results will be presented along with a discussion, documentation, and justification for any corrections (e.g., short-term (Leq 1-hour) and long-term (Lnight (9-h), Max L-9-h-nighttime and Max L-15-h-daytime in a year)).

(2) and not assuming any attenuation of sound that transiently occurs due to weather or temperature. The model will use a temperature of 10 degrees Celsius and 70% Relative Humidity.

(e) An evaluation of future noise levels during operation of the Project Facility, related facilities and ancillary equipment, including

(1) predicted A-weighted/dBA sound levels,

(i) that will include at a minimum, the full-octave band sound frequencies from 31.5 Hz up to 8,000 Hz.

(2) prominent discrete (pure) tones,

(i) Estimated by using the simplified definition of prominent tones as recommended in Reference 6.[4]

(3) and amplitude modulated sound, at potentially impacted and representative noise receptors, using computer noise modeling, and an analysis of whether the Project Facility will produce significant levels of low frequency noise or infrasound.

(i) General: Exhibit 19 will use at a minimum, the following methodology for evaluation of low frequency noise and infrasound impacts including the

[3] The CONCAWE propagation standard will not be used.

[4] Electrical tonal noise sources should be assumed audible and prominent at the closest residential receptors, unless demonstrated otherwise.

potential for annoyance from low frequency noise and airborne induced vibration and rattles on windows, walls, or floors of sensitive receptor buildings: the outdoor criteria established in Annex D of ANSI Standard S12.9-2005/Part 4 Section D.2 (i) for minimization of annoyance and prevention of vibrations, rumbles and rattles.

(ii) Low Frequency Sound Levels:

Computer noise modeling will be performed at a minimum for the mechanical equipment with the highest Broadband A-weighted sound power levels (including all options considered for the project). If other alternatives of mechanical equipment considered for the Project Facility have lower (or equal) broadband A-weighted sound power levels but greater maximum un-weighted sound power levels (Z or linear) at the 31.5 Hz, or 63 Hz full-octave bands, the estimate of low frequency noise levels at the 31.5 and 63 Hz. bands will be based on:

1. Computer noise modeling that uses the maximum sound power levels of all equipment models considered for the Project Facility at these two low frequency bands, or

2. by applying corrections to the 31.5 and 63 Hz. low-frequency band sound pressure results of the computer noise modeling for the mechanical equipment models with the maximum overall broadband sound power level (dBA). These corrections will be equivalent to the difference between the maximum sound power levels at the 31.5 and 63 Hz. band and the sound power levels for the equipment used for computer noise modeling at those bands, as appropriate.

(iii) Infrasound:

1. The baseline preconstruction survey will also measure infrasound levels at one location of the proposed Project Facility Site, at a minimum, for the 16 Hz full-octave band, which may be compared to estimates of infrasound levels from the Project Facility at the most critical potentially impacted sound sensitive receptors.[5]

2. Discussion of the 16 Hz full-octave band will be based on extrapolated sound pressure level results down to the 16 Hz. based on the 31.5 Hz. modeling results. The correction applied to the sound pressure level results at 31.5 Hz. to obtain the sound pressure level results at 16 Hz. at each receptor will be the difference between the highest

[5] Sound Level Meters will use windscreens to reduce or minimize the effects from wind on the infrasound and low frequency sound readings.

manufacturer's sound power level at 16 Hz. for the different options and the sound power level at 31.5 Hz used for computer noise modeling, provided the sound power level information at 16 Hz. is available.

3. If infrasound levels at the 16 Hz. full-octave band measured from other existing projects or obtained from literature are used in the discussion of potential infrasound impacts, the Application will specify whether the data information corresponds to the same or similar mechanical equipment models proposed for the Project Facility operating at similar conditions and report relevant specifications such as dimensions, power generation, frequency of operation, and distances to evaluated receptors, among others.

(iv) Reporting:

1. Maximum sound pressure levels at the 31.5 and 63 Hz bands as predicted with computer noise modeling (ISO 9613-2) and at the 16 Hz. band (as extrapolated or calculated) will be reported for all sound sensitive receptors specified in section 19(a).

2. A list of sound sensitive receptors with sound pressure levels (SPLs) equal to and greater than 60 dB at 16, 31.5, or 63 Hz, if any, will be reported along with their estimated SPLs.

(f) A statement in tabular form of the A-weighted/dBA sound levels indicated by measurements and computer noise modeling at the representative external property boundary lines of the Project Facility, and related facilities and ancillary equipment sites, at the representative nearest and average noise receptors, for the following scenarios:

(1) Daytime ambient noise level - a single value of sound level equivalent to the level of sound exceeded for 90% of the time during the daytime hours (7 am - 10 pm) of a year (L90).

(2) Summer nighttime ambient noise level - a single value of sound level equivalent to the level of sound exceeded for 90% of the time during the nightime hours (10 pm - 7 am) during the summer (L90).

(3) Winter nighttime ambient noise level - a single value of sound level equivalent to the level of sound exceeded for 90% of the time during the nighttime hours (10 pm - 7 am) during the winter (L90).

(4) Worst case future noise level during the daytime period - the daytime ambient noise level (L90), plus the noise level from the proposed new sources modeled as

a single value of sound level equivalent to the level of sound exceeded for 10% of the time by such sources under normal operating conditions by such sources in a year (L10).

(5) Worst case future noise level during the summer nighttime period - the summer nighttime ambient noise level (L90), plus the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of sound exceeded for 10% of the time by such sources under normal operating conditions by such sources in a year (L10).

(6) Worst case future noise level during the winter nighttime period - the winter nighttime ambient noise level (L90), plus the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of sound exceeded for 10% of the time by such sources under normal operating conditions by such sources in a year (L10).

(7) Daytime ambient average noise level – a single value of sound level equivalent to the energy-average ambient sound levels (Leq) during daytime hours (7 am –10 pm); and

(8) Typical Project Facility noise levels - the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of the sound exceeded 50% of the time by such sources under normal operating conditions by such sources in a year (L50).

(9) Typical future noise level during the daytime period - the energy- average ambient sound level during daytime hours (Leq), plus the noise level from the proposed new sources modeled as a single value of sound level equivalent to the level of the sound exceeded 50% of the time by such sources under normal operating conditions by such sources in a year (L50).

(i) The information obtained from the baseline pre-construction ambient noise survey will be processed to evaluate the L90 statistical noise descriptors required by 16 NYCRR §1001.19 Exhibit 19 (f) as follows:

1. For protected natural and quiet residential areas by:
   a. following the provisions of Reference 13 to calculate and report the L90 and Leq values, or
   b. the L90 noise descriptor for the daytime, nighttime, summer, winter, and for a year (see 16 NYCRR §1001.19 Exhibit 19 (f) for details) will be determined by reprocessing short time collections of the Leq noise descriptor (e.g., 1 sec.) after exclusions are applied, or

c. by calculating the percentile 10 of all short-time L90 samples (e.g., Percentile 10 of all L90-10 minute samples) after exclusions.

2. Temporal and spatial accuracy of the ambient data will be calculated for the Leq and the L90 noise descriptors to a 95% confidence interval using the technique specified in Section 9 of ANSI S12.9-1992/Part 2 (R2013) (Reference 7) or any other applicable statistical procedure as appropriate.

(ii) The Application will specify whether the evaluation of future operational noise levels (as required by 16 NYCRR §1001.19 Exhibit 19(f) for the L10 and L50 noise descriptors) excludes the periods of time when the Project Facility will not be operating (generating power).

1. The sound pressure levels exceeded for 10% of the time over the course of one year (L10)[6,7] will be assumed to be equal to the maximum sound pressure levels from the Project Facility. In addition, the sound power level exceeded for 50% of the time over the course of one year (L50) will be assumed to be 3 dBA lower than the maximum sound pressure levels from the Project Facility.
2. The Application will report these worst case (L10) and typical (L50) operational sound levels for all sensitive receptors identified in section (a).

(g) Noise design goals for the Project will be based on the more restrictive of: the Town of Newburgh Noise and Illumination Control Law's existing noise standards based on zoning designation, NYSDEC Noise Policy criterion (as to any NYSDEC jurisdictional lands only), and the other requirements of 16 NYCRR § 1001.19, including noise design goals for the Project Facility at representative potentially impacted noise receptors, including residences, outdoor public facilities and areas, hospitals, schools, other noise-sensitive receptors, and at representative external property boundary lines of the Project Facility and related facilities and ancillary equipment sites. Full copies of local Laws on noise will be provided in the Application. Danskammer will also consider:

[6] L10 Statistical Noise Descriptor: If the noise sources operate at the maximum noise conditions for at a minimum 10% of the time period the L10 may be approximately equivalent to the maximum sound pressure levels calculated with the maximum sound power levels from the noise sources.

[7] The Application may use the results of the maximum Leq-15-h-daytime or Leq-9-h-nighttime in a year (excluding the time periods when the plant is not operating) whichever is greater, as the estimate of the L10's required by sections f(4), f(5) and f(6). In this case, additional computer noise modeling may not be necessary for the L10's in a year.

(1) WHO-1999,[8] WHO-2009,[9] Annex D of ANSI S12.9-2005/Part 4,[10] and table 2 of ANSI S-12.9-2005/Part 4.[11] Table 1 attached to this Stipulation contains the design goals proposed for the Project Facility.

(2) Calculation of Leq Noise Descriptors: The following descriptors will be calculated for evaluation of conformance with WHO guidelines:

(i) WHO-1999: Maximum Lday time-15-hour and L nighttime-9-hour in a year (outdoor and indoor). The Application will include a discussion and justification for the outdoor to indoor noise reductions provided by sound sensitive receptors' building facades.

(ii) WHO-2009: Lnight (1-year).

(iii) Calculations and computer noise modeling for single story residences will be done for a receptor height of 1.5 meters above ground level, and for two-story residences will use 4.0 meters above ground level, or alternatively, 4 meters above ground for all residences.

(3) The application will report in a table the noise descriptor results indicated in this section. Tabular noise modeling results, inclusive of annual maximum daytime (L16day), annual maximum night (L8night), and annual logarithmic average nighttime (Leqnight) noise levels, will be provided in a manner that allows for comparison with World Health Organization guidelines (WHO, 1999; 2009) to evaluate potential adverse health effects.

(4) Annex D of ANSI Standard S12.9 -2005/Part 4 (Sounds with strong low-frequency content) for minimization of annoyance from low frequency sounds; and

(5) MCNR methodology to assess community complaint potential, as required by Section (k)(4) of this Stipulation 19. , that are based on the study of the correlation between acoustical parameters and community noise reaction or percentages of annoyance for documented power plant cases.

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[8] The recommendations are: 30 dBA Leq-8-hour nighttime maximum indoor sound level, and 35 dBA Leq-16-hour indoor daytime sound level. See Reference 3 for details.

[9] The recommendation is not to exceed a 40 dBA-Leq-1-year nighttime outdoor sound level. See Reference 4 for details.

[10] The standard states that annoyance to low frequency sounds is minimal when sound levels at the 16, 31.5 and 63 Hz. full-octave bands are lower than 65 dB (linear-unweighted). See Reference 3 for details.

[11] The standard calls for an adjustment factor for tonality equivalent to 5-dB. Tonal noise sources (such as turbines, inlets, stacks, and transformers) will be assumed audible and prominent at the closest residential receptors, unless demonstrated otherwise.

(h) A tabular comparison of the applicable noise standards and noise design goals provided in accordance with section (g) and the degree of compliance, as indicated by computer noise modeling at the representative external property boundary lines of the Project Facility and at the representative nearest and average noise receptors.

(1) Evaluation of conformance with identified noise standards, local requirements, goals, and identified thresholds at representative nearest sensitive receptors and boundary lines will be included in the Application. For this purpose, the Application will discuss the input parameters, assumptions, and associated data that were used for prediction of relevant sound criteria (e.g.. sound power levels, uncertainties, noise descriptors, time frames of determination, ground absorption factors, any corrections, receptor heights, etc.) as related to the noise descriptors and criteria contained in these noise standards, local standards, goals, and identified thresholds.

(2) The predicted sound levels from ISO 9613-2 will be reported for the most impacted sensitive receptors and boundary lines in tabular format in both broadband and fractional band basis (at a minimum for the full-octave bands from 31.5 Hz. up to 8,000 Hz.).

(3) Data reported in tabular format will be clearly identified to include headers and summary footer rows. Headers will include identification of the information contained on each column, such as noise descriptors (e.g., Leq, L10, L50, L90, etc.); duration of evaluation (e.g., 1-hour, 11-h, 4-h, 9-hour, 15-h, 1-year), time of the day (day time or nighttime), season (summer, winter, 1-year); whether the value is a maximum or average value, and the corresponding time frame of evaluation (e.g., maximum 9-h-Leq-nighttime in a year, etc.).

(4) Titles will identify whether the values correspond to "un-mitigated" or "mitigated" results, if any mitigation measures are evaluated.

(5) Columns with results related to a specific local requirement, Article 10 regulations, stipulations, or design goals, will identify the requirement the information is related to. (e.g., Exh. 19(f)(1), Stip. (c), Stip. (k) (2), local law, etc.).

(6) Tables will include rows at the bottom summarizing the results to report maximum, minimum, and mean or arithmetic averages of the information contained in the columns. For this purpose, sound receptors will be separated in different tables according to its use (e.g., residences, schools, parks, cemeteries, historic places, etc.).

(7) Estimates of the number of sensitive sound receptors that will be exposed to noise levels that exceed any identified limit, threshold, goal, guideline or recommendation will be included in the Application (in terms of absolute values).

(8) Sound levels at sensitive receptors and external property boundaries will also be represented through graphical isolines (noise contours) of A-weighted decibels rendered on the map defined in section (a) of this Stipulation for the maximum Leq-1-hour-nighttime in a year.

(9) Sound contours will be delineated for at a minimum the range from 30-dBA to 70-dBA, at 1-dBA increments. Noise contours representing sound levels in multiples of 5 dB will be differentiated by colors or contour line formatting.

(10) Full-size hard copy maps (22" x 34") in 1:12,000 scale will be submitted to DPS and DOH Staff and provided in digital format (maps) in the Application.

(11) Sensitive sound receptors will be identified with land/tax ID numbers in tables and on sound contour drawings.

(12) The Application will include a table with a summary of the degree of compliance indicated by computer noise modeling in relation to applicable noise ordinances, standards, guidelines, goals and identified criteria.

(13) Compliance or non-compliance with a specific goal, guideline, threshold or regulation will be stated in the Application.

(i) An identification and evaluation of

(1) reasonable noise abatement measures for construction activities

(i) The Application will list and discuss noise mitigation measures that may be applied to address reasonable complaints from construction noise.

(2) including, among other things, BMPs and a description of the noise complaint resolution plan that will be provided during the construction period.

(i) The Application will include a description of the noise complaint resolution plan that will be provided during the construction period.

(j) An identification and evaluation of reasonable noise abatement measures for the final design and operation of the Project Facility, including the use of alternative technologies, alternative designs, and alternative Project Facility arrangements.

(1) The Application will list and discuss noise abatement measures implemented for the final design (enclosures, silencers, stacks and HRSG's) and operation of the Project Facility.

(2) Additional modeling scenarios for evaluation of additional mitigation options for impact avoidance or minimization will be included, if needed. In this case, results will be differentiated. (e.g.: "mitigated" vs. "un-mitigated").

(3) Results of this identification and evaluation will be included in this exhibit.

(k) An evaluation of the following potential community noise impacts:

(1) The potential for the Project Facility to result in hearing damage will be addressed by using the applicable Occupational Safety and Health Administration standards. OSHA 29 CFR 1910.95 will be used for facility workers and WHO 1999 (Reference 5) for sensitive sound receptors.[12]

(2) Indoor and outdoor speech interference. The criteria included in WHO 1999 guidelines (Reference 5).

(3) Interference in the use of outdoor public facilities and areas.

(4) Potential for community complaint.

(i) Community complaint potential will be evaluated based upon the MCNR methodology indicated in Reference 11.

(ii) Report the MCNR results for the sensitive sound receptors identified in the map indicated in section (a) of this stipulation.

(5) Potential for structural damage. The application will include evaluation of the potential for some construction activities (such as blasting, pile driving, excavation, horizontal directional drilling (HDD) or rock hammering, if any) to produce any cracks, settlements or structural damage on any existing proximal buildings or infrastructure, as well as any residences and historical buildings. At a minimum, the FHWA Highway Construction Noise Handbook (Reference 1) will be used for the discussion of noise and vibration impacts from blasting, if any.

(6) The potential for interference with technological, industrial or medical activities that are sensitive to vibration or infrasound. The potential of construction and operation of the Project Facility to create perceptible vibrations or infrasound that

[12] WHO-1999 recommends a limit of 70 dBA Leq-24-hour for long-term operational sound levels; and 120 and 140 dB peak sound levels for impulsive sounds (e.g., blasting) for children and adults respectively.

may affect technological, industrial or medical activities, if any, will be included in the application.

(l) A description of the proposed post-construction evaluation studies that will be performed in order to determine compliance with operational noise design goals. The Application will include a post-construction noise evaluation protocol with, at a minimum, provisions for sound instrumentation specifications and calibration requirements; equipment settings; noise and vibration descriptors to be evaluated; weather conditions to be tested and to be excluded; seasons and time frames for testing; testing procedures; provisions for evaluation of audible prominent tones,[13] low frequency noise, and vibrations; provisions for processing test results, reporting, and documentation.

(m) An identification of practicable post-construction operational controls and other mitigation measures that will be available to address reasonable complaints, including a description of a complaint resolution plan that shall be provided during periods of operation.

(n) The computer noise modeling values used for the major noise-producing components of the PRoject Facility will fairly match the unique operational noise characteristics of the particular equipment models and configurations proposed for the Project Facility. Specific inputs, assumptions, and associated data used for computer modeling will be provided either in Exhibit 19 or by electronic means.

(1) Relevant sound power level information from the equipment manufacturers will be included in the Application. Sound power level information not available from the manufacturers, can be estimated by using acoustical formulae. The methodologies for estimation and results will be described in the Application. If sound power level information is based on actual sound readings from similar piece(s) of equipment, the procedure for determination will be described along with a discussion of similarities and differences regarding the proposed equipment and whether any corrections to the input data or output results were applied and if so, provide justification. Sound information from the manufacturers documenting the sound power levels at the 16, 31.5 and 63 Hz full-octave bands used in the Application, will also be reported (if available).

(2) The Application will provide the software input parameters, assumptions and associated data used for the computer noise modeling, such as: sound power levels from the noise sources and uncertainties (if any); source location coordinates, ground elevations, and heights above the ground; receptor location coordinates, ground elevations, and heights; Ground absorption factors (G)[14];

[13] See Reference 8.
[14] A discussion and justification for the G factors used will be included. A ground absorption factor of zero (G=0) will be used to represent water bodies.

Temperature and relative humidity[15]; and other data as included in the computer model.

(3) GIS files used for computer noise modeling including noise source and receptor locations, topography, and boundary lines will be provided to DPS Staff in digital media when the Application is filed. Computer software files (*e.g.*, CADNAA, SoundPlan, Predictor) will be provided to DPS, if requested.

(o) Include a glossary of terminology, definitions, and acronyms used throughout Exhibit 19 and citations with references mentioned in the Application.

(p) To the extent possible, the findings and results of Exhibit 19 will be reported and presented in the Application in the same order as listed in this stipulation. Some content can be presented as Appendices (*e.g.*, Pre-construction Ambient Sound Level Survey, weather data, calculations).

(q) Cumulative Noise Impacts: The scope of studies will include an analysis of noise impacts from the proposed Project Facility in conjunction with existing adjacent Generating Facility, which can be performed in the following way:

(1) Determine the sound impacts from the proposed Project Facility on any sound sensitive receptors in the vicinity by using computer noise modeling as indicated in this stipulation.

(2) Determine the sound impacts from the existing adjacent Generating Facility at the most critical potentially impacted sound sensitive receptors in the vicinity by using pre-construction sound measurements. Sound immission from the existing adjacent Generating Facility can be analyzed by comparing representative L_{90} sound levels (adjacent facility sounds plus background sounds) at the most critical potentially impacted receptor(s), and background sounds only at proxy monitoring locations, far from the influence of the existing power plant. Noise contributions from existing adjacent Generating Facility may be estimated by using energy based (logarithmic) subtractions of background sound levels at proxy locations (L_{90}) from the adjacent facility maximum noise levels, at a broadband and fractional band basis.

(3) Cumulative Noise impacts can be calculated by adding the existing maximum noise levels from adjacent existing Generating Facility (as measured) to the future maximum noise levels from the proposed power plant (as modeled), at the most critical potentially impacted sound receptor(s).

[15] See section 19 (d) (2) in this Stipulation.

(4) In a cumulative noise impact analysis, any goal, limit, or identified threshold is evaluated with and without the noise contributions from the adjacent existing Generating Facility.

(5) For evaluation of community noise potential (section (k) (4) (i) of this stipulation), the existing adjacent Generating Facility will be considered a noise source (for Figure 2.6, Reference 11) and not part of the background (for Figure 2.7, Reference 11).

REFERENCES

(1) FHWA Highway Construction Noise Handbook (FHWA-HEP-06-015)

(2) ANSI/ASA S12.92-2012/ISO 9613-2:1996 (MOD) or ISO 9613-2.

(3) Annex D of ANSI Standard S12.9-2005/Part 4, Section D.2(i) for minimization of annoyance and prevention of vibrations, rumbles and rattles.

(4) Night Noise Guidelines for Europe, World Health Organization Regional Office for Europe, Denmark, 2009. (WHO-2009)

(5) Guidelines for Community Noise, World Health Organization, Geneva, 1999 (WHO-1999).

(6) Table 2 of ANSI S12.9-2005/ Part 4 and Annex C.

(7) ANSI S.12.9-1992 Part 2 (R2013) (Quantities and Procedures for Description of Environmental Sound. Part 2. Measurement of Long-term, wide area sound);

(8) Percentiles of Normal Hearing-Threshold Distribution Under Free-Field Listening Conditions in Numerical Form. Kenji Kurakata, Tazu Mizunami, and Kuzama Matsushita. Acoust. Sci. & Tech. 26, 5 (2005). For hearing threshold use P5 (for a 95% confidence level) Table 2, third column.

(9) ANSI S12.9-2007 / Part 5 (R September 5, 2012). Quantities and Procedures for Description of Environmental Sound. Part 5: Sound Level Descriptors for Determination of Compatible Land Use.

(10) Hubbard, Harvey., 1982. "Noise Induced House Vibrations and Human Perception." Noise Control Engineering Journal, v. 19, no. 2, p. 49-55.

(11) MCNR Method. Electric Power Plant Environmental Noise Guide. Edison Electric Institute. Bolt Beranek and Newman Inc. Report 3636. Second Edition. 1983

(12) Recommended Noise Criteria for Siting Industrial Facilities Near Residential Communities with Extremely Low Ambient Sound Levels. David Hessler. NOISE-CON 2005. Minneapolis, Minnesota. October 17-19, 2005.

(13) ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014 (Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas).

(14) ANSI Standard S12.9 2005/Part 4 Annex C Sounds with Tonal Content.

Table: 1 Summary of Design Goals and Standards for: Danskammer Case # 18-F-0325

#	Design Goal. (Not to exceed)	Assessment Location	Noise descriptor	Period of Time	Design Goals and basis
1	30 dBA	At residence, Indoor	Leq	8-hour; nighttime	WHO-1999
2	35 dBA	At residence, indoor	Leq	16hour; daytime	
3	40 dBA	At residence, Outdoor	Lnight-outside (Leq)	Annual; nighttime.	WHO-2009
4	50 dBA	Outdoor	Leq	1-year-nighttime	Boundary lines and lands except wetlands (RD Case 14-F-0490 pp. 112 and ECPN Order pp. 73.
5	No audible prominent tones or 5 dBA penalty if they occur.	At residence, Outdoor	Leq		ANSI S12.9-2005/Part 4, Table 2 and Annex C
6	65 dB at 16, 31.5, and 63 Hz full-octave bands.	At residence, Outdoor	Leq	1-hour; daytime and nighttime	ANSI S12.9 Part 4, Annex D, Section D.2 (1)
7	No perceptible vibrations	At residence, Indoor	See ANSI S 2.71-1983 (R August 6/2012).	See ANSI S 2.71-1983 (R August 6/2012).	See ANSI S 2.71-1983 (R August 6/2012).
8	Modified Composite Noise Rating (MCNR) level of "C"	Outdoor	Leq		See Electric Power Plant Environmental Noise Guide, Volume 1, 2nd Edition. Edison Electric Institute. Report No. 3637. Rev. 1984

9	56 dBA	At residence		Nighttime (from 10 pm to 8 am)	Town of Newburgh Code Section 125-5(A)(1)(b)
10	65 dBA	At residence		Daytime (from 8 am to 10 pm)	Town of Newburgh Code Section 125-5(A)(1)(a)
Conformance with all goals to be evaluated with the use computer noise modeling except prominent tones (#5), Sound levels at 16 Hz. (#6), and Vibrations(#7), which will be evaluated as indicated in this Stipulation.					

APPENDIX A to Stipulation 19
Recommendations for evaluation and reporting of ambient pre-construction baseline noise conditions: Danskammer Energy Center 18-F-0325

All "References" noted below are fully identified at the end of this document.

16 NYCRR §1001.19 Exhibit 19 (b) requires the following:

(b) An evaluation of ambient pre-construction baseline noise conditions, including A-weighted/dBA sound levels, prominent discrete (pure) tones, at representative potentially impacted noise receptors, using actual measurement data recorded in winter and summer and during day and night as a function of time and frequency using a suitable and suitably calibrated sound level meter (SLM) and octave band frequency spectrum analyzer, or similar equipment. The ambient pre-construction baseline sound level should be filtered to exclude seasonal and intermittent noise.[16]

1) **Protocol:**
The sound survey should follow a protocol that includes the following recommendations:

i) Sound instrumentation: Use type 1 or type 2 sound level meters (SLMs) and type 1 acoustical calibrators (sensitivity checkers).

ii) DPS Staff recommends using sound level meters with low sound floor levels and wide temperature and relative humidity range specifications to minimize the amount of collected data that will need to be discarded. Sound floor should be equal to or lower than: 10-dB at 1/3 octave-bands, 12-dB at full-octave bands, and 20-dBA for broadband sounds.[17]

[16] Text of 16 NYCRR §1001.19 Exhibit 19 is highlighted in red italic text. NYS-DPS Recommendations are identified in black color text. Numbering of subsections is not part of the text of the regulation.
[17] Sound levels in rural areas in New York State can be very low (e.g., as low as 20-dBA, approximately).

iii) Wind screens: Use 7"-diameter-foam or equivalent. 300-millimeter windscreens or similar can be used for measuring 16 Hz. full-octave band sound pressure levels.

iv) Temperature of operation for SLMs: From 20 to 110 Fahrenheit degrees, at a minimum.[18]

v) Relative humidity ranges for SLMs: from 20 to 90%, approximately.[19]

vi) Calibration recommendations: Acoustical calibrator/sensitivity checker: 1-year; SLMs: 2-years, maximum.

vii) Meter settings: Time weighting. Use "fast" response or as specified in local laws, if any.

viii) Positions to be evaluated: Select the most representative potentially impacted sound sensitive receptors.

ix) Noise descriptors to be collected: At a minimum collect L90, L50, and Leq. Collection of the Lmin and Lmax may assist with identification of exclusions.

x) Range of sound frequencies to be measured:
(1) Audible sound: 20 to 10,000 Hz. for 1/3 octave bands; 31.5 to 8,000 Hz. for full-octave bands.
(2) Infrasound: A baseline of infrasound levels at 16 Hz. is recommended at a minimum, at the most representative location within the Project area.

xi) Testing conditions to be excluded:
(1) periods of rain, thunderstorms, wet-road conditions, snow-fall.
(2) Sound data should not be included when the wind speed exceeds 7 mph (3 m/s) measured at 5 ft (1.5 m) above the ground.

xii) Proposed schedules and time frames:
(1) Test during winter and summer, alternatively during the "leaf-on" and "leaf-off" seasons.
(2) Monitor sound levels continuously for a period of at least 10 days.
(3) Collect, at a minimum, 7 days of valid data in each season (after exclusions).

xiii) Testing methodologies, standards, and procedures: See References 1), 2), and 3).

[18] Air temperatures in New York State can be very low in winter (Below zero Fahrenheit degrees).
[19] Relative humidity in New York State fluctuates from very low values (e.g., 20% or lower) up to high humidity air (e.g., 95% or more).

xiv) Sounds with strong low frequency noise content: identify, if any.

xv) Provisions for analysis of results, reporting, and documentation: A report of ambient pre-construction baseline noise conditions should be included as an Appendix to the Application including sound instrumentation specifications, certificates of calibration, summary of weather conditions during the survey, tested locations, and results.

2) A-weighted/dBA sound levels: Include, at a minimum, 1/3 sound frequencies from 20 Hz. up to 10,000 Hz. and full-octave band frequencies from 31.5 Hz. up to 8,000 Hz.

3) Prominent discrete (pure) tones: DPS Staff recommends using the simplified definition for identification of existing prominent tones, if any, as follows: A prominent discrete tone is identified as present if it is audible[20] and the time-average sound pressure level (Leq) in the one-third-octave band of interest exceeds the arithmetic average of the time-average sound pressure level (Leq) for the two adjacent one-third-octave bands by any of the following constant level differences: 15 dB in low-frequency one-third-octave bands (from 25 up to 125 Hz); 8 dB in middle-frequency one-third-octave bands (from 160 up to 400 Hz); or, 5 dB in high-frequency one-third-octave bands (from 500 up to 10,000 Hz). See References 4 and 5.

4) Representative potentially impacted noise receptors:

i) Include the most critical and representative locations considering proximity to the proposed Facility (Based on preliminary layout) and existing soundscapes.

ii) Select positions at residences that are representative of all the distinct settings that may be present within the site area.

iii) Residential measurement locations are preferred rather than other locations that could be affected by sound from farming, construction, industrial, commercial, or human activities.

iv) Open areas, far from wind flow obstacles, are preferred for sound and wind speed monitoring locations.

v) Sound measurement positions should be selected to:

(1) Minimize the influence of traffic noise from local roads: Measurement positions should be no closer than 50 feet (15 meters) from the center of any roadway (Measurement locations should include GPS coordinates of the sound microphones and AADT information of the nearest road, to the extent the data is

[20] See Reference 5.

available from the County and/or New York State Department of Transportation (NYSDOT));

(2) Avoid or minimize the influence of any mechanical or electrical noise sources such as air conditioners, air condensers, heaters, boilers, fans, pumps, transformers, lighting, etc.;

(3) Avoid or minimize the influence of sounds from flowing or moving water;

(4) Minimize the influence of reflections from any buildings and other small reflective surfaces as follows: Sound microphones shall not be located closer than 25 ft. (7.5 m.) from any reflective surface; Sound microphones shall not be located closer than 5 ft. (1.5 m) from any reflecting object with small dimensions such as small trees, posts, bushes, etc.; and

(5) The sound level microphone height should be 5 ft ± 4 in. above ground elevation (1.5 ± 0.10 m).

vi) Report GPS or GIS coordinates of selected measurement locations and provide aerial or satellite photos/maps, and photos of all tested locations; include justifications for location selection, and specify whether selected locations are representative of potentially impacted receptors, in the Application.

5) *Using actual measurement data recorded in winter and summer and during day and night as a function of time and frequency*:

i) Collect pre-construction ambient noise levels at 1/3 octave bands from 20 to 10,000 Hz.

ii) Broad-Band A-weighted sound levels should be reported in graphs plotted as a function of time at each evaluated position showing exclusions (due to wind speed, temperature, relative humidity, rain fall or thunderstorms/snow storms).

iii) Plot 1/3 octave and 1/1 band frequencies sound levels for the L90 noise descriptor (for winter, summer, daytime and nighttime), including minimum, maximum and average levels for each evaluated location.

6) *Using a suitable and suitably calibrated sound level meter (SLM) and octave band frequency spectrum analyzer, or similar equipment*: Sound instrumentation for ambient sound surveys should comply with the standards at References 6 through and including 12. At a minimum, sound instrumentation should comply with the standards at References 13, 14, and 15.

7) The ambient pre-construction baseline sound level should be filtered to exclude seasonal and intermittent noise:

Use of the A-Weighted, noise compensated (ANS-weighted network) as recommended in Reference 1 (for summer at a minimum). Report ANS results only, unless an existing (manmade) prominent tone is found in the excluded frequencies.

i) Use portable weather station(s) at sound measurement locations to continuously document, at a minimum: temperature; relative humidity; wind direction; and rain fall (precipitation). Weather information can be supplemented with information from the closest/most representative nearby airport or Mesonet station, unless the weather conditions differ substantially from those found at the site at the time of the sound surveys.

ii) Sound data collected should be excluded if collected:

(1) At temperature and relative humidity out of the range of operation of sound instrumentation;

(2) at wind speed exceeding 7 mph. (3 m/s) at the sound microphones (or at 2+/- 0.20 meters above the ground); or

(3) during rain, thunderstorms, wet-road, or snow-fall conditions.

8) Reporting.[21]

REFERENCES

1) ANSI/ASA S3/SC1.100-2014/ANSI/ASA S12.100-2014 (Methods to Define and Measure the Residual Sound in Protected Natural and Quiet Residential Areas);
2) ANSI S.12.9-1992 Part 2 (R2013) (Quantities and Procedures for Description of Environmental Sound. Part 2. Measurement of Long-term, wide area sound);
3) ANSI S1.13 2005 (R March 5, 2010) (Measurement of Sound Pressure Levels in Air).
4) ANSI Standard S12.9- 2005/Part 4 Annex C Sounds with Tonal Content.
5) Percentiles of Normal Hearing-Threshold Distribution Under Free-Field Listening Conditions in Numerical Form. Kenji Kurakata, Tazu Mizunami, and Kuzama Matsushita. Acoust. Sci. & Tech. 26, 5 (2005). For hearing threshold use P5 (for a 95% confidence level) Table 2, third column.
6) ANSI S1.4-2014 /Part 1 / IEC 61672-1:2013. Electroacoustics – Sound Level Meters – Part 1: Specifications.

[21] See Stipulation 19, sections 19 (f) (1), 19 (f) (2), 19 (f) (3), and 19 (h) for recommendations about processing and reporting of the L90 and Leq pre-construction ambient sound levels.

7) ANSI S1.4-2014 /Part 2 / IEC 61672-2:2013. Electroacoustics – Sound Level Meters – Part 2: Pattern Evaluation Tests.
8) ANSI S1.4-2014 /Part 3 / IEC 61672-1:2013. Electroacoustics – Sound Level Meters – Part 3: Periodic Tests.
9) ANSI/ASA S1.6-2016 (A revision of ANSI/ASA S1.6-1984) Preferred Frequencies and Filter Band Center Frequencies for Acoustical Measurements.
10) ANSI S1.11-2014/Part 1 IEC 61260-1:2014 Electroacoustics – Octave Band and Fractional-octave-band Filters – Part 1: Specifications.
11) ANSI S1.11-2014/Part 2 IEC 61260-1:2014 Electroacoustics – Octave Band and Fractional-octave-band Filters – Part 2: Pattern-evaluation tests.
12) ANSI S1.11-2014/Part 3 IEC 61260-1:2014 Electroacoustics – Octave Band and Fractional-octave-band Filters – Part 3: Periodic Tests.
13) ANSI S1.43-1997 (R March 16, 2007). Specifications for Integrating- Averaging Sound Level Meters;
14) ANSI S1.11-2004 (R June 15, 2009) Specification for Octave-Band Analog and Digital Filters, and
15) ANSI S1.40-2006 (R October 27, 2011) (Revision of ANSI 1.40-1984) Specifications and Verification Procedures for Sound Calibrators.

Stipulation 20 – 1001.20 Exhibit 20: Cultural Resources

Exhibit 20 will contain:

(a) A study of the impacts of the construction and operation of the proposed Project, interconnections and related facilities on archeological resources, including:

(1) If there are any archaeological/cultural resources identified, including federal and state recognized tribal communities, a summary of the nature of the probable impact addressing how those impacts will be avoided or minimized.

(2) A Phase IA archeological/cultural resources study for the Area of Potential Effect (APE) for the Project Site and any areas to be used for interconnections or related facilities, which will include a description of the methodology employed for this study. This study will be prepared in consultation with the New York State Office of Parks, Recreation and Historic Preservation(“OPRHP”).

(3) A Phase IB study, if deemed necessary, after consultation with OPRHP. If a Phase IB study is not required, a supporting written documentation will be provided along with written concurrence of OPRHP staff that a Phase IB study is not warranted.

(4) Where warranted based on the Phase I study results, Phase II archaeological studies will be conducted to assess the boundaries, integrity and significance of cultural resources identified in the Phase I studies. Any such Phase II studies will be conducted in accordance with the requirements of 16 NYCRR § 1001.20(a)(4). The need for and scope of this work will be determined in consultation with OPRHP and DPS.

(5) A statement demonstrating the following: that any archaeological materials recovered during the Facility cultural resources investigation will be cleaned, catalogued, inventoried and curated according to New York Archaeological Council Standards; that, to the extent possible, Danskammer will provide a list of all recovered artifacts, which shall be identified as to material, temporal or cultural/chronological associations, style and function; and that the facility archaeologist will provide temporary storage for any such artifacts until a permanent curatorial facility is identified.

(6) An Unanticipated Discovery Plan that will identify the actions to be taken in the unexpected event that resources of cultural, historical or archeological importance are encountered during the excavation process. The Plan will include a provision for work stoppage upon the discovery of possible archaeological or human remains. In addition, the methodology used in the Plan will follow the most recent Standards for Cultural Resource Investigations and Curation of Archeological Collections in New York State.

(7) To the extent practicable, Danskammer will provide shapefiles of archaeological and historic resource survey locations, attribute data, and results. These results will be provided confidentially pursuant to Section 87(2)(d) of the Public Officers Law and Section 6-1.3 of the Commission's regulations.

(b) A study of the impacts of the construction and operation of the proposed Project and the interconnections and related facilities on historic resources, based on a study plan that is pre-approved by the OPRHP, including: the results of field inspections and consultation with local historic preservation groups to identify sites or structures listed or eligible for listing on the State or National Register of Historic Places within the viewshed of the facility and within a five-mile Study Area based on bare earth topography; and an analysis of potential impact on any standing structures which appear to be at least 50 years old and are listed, eligible or potentially eligible for listing in the State or National Register of Historic Places, based on an assessment by a person qualified pursuant to federal regulation (36 CFR Part 61). Mitigation measures, such as local improvement projects, will be discussed should there be any unavoidable impacts to cultural resources.

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

Exhibit 21 will contain a study of the geology, seismology, and soils impacts of the Project 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 Project Site will be prepared using the USGS National Elevation Dataset. Digital Elevation Model (DEM) Data will be processed using ESRI ArcGIS® software to delineate a drainage area and develop slope mapping.

(b) A proposed site plan showing existing and proposed contours at two-foot intervals for the Project Site at a scale sufficient to show all proposed buildings, structures, paved and vegetative areas, and construction areas.

(c) Preliminary cut and fill calculations based on survey or publicly available contour data. Separate calculations for topsoil, sub-soil and rock will be approximated based on publicly available data from the Orange County Soil Survey and the results of a pre-application geotechnical report (the "Geotechnical Report"). A plan to identify the presence of invasive species in spoil material will be provided in Exhibit 22 in accordance with the provisions set forth in Stipulation 22(b)(2)(1) - (11). No fill material is planned to be transported from the Project Site to outside areas, thus adverse impacts associated with the spread of invasive species as a result of the Project are not anticipated. To the extent practicable, native material will be used when fill material is required. Danskammer represents that only clean fill will be brought onto the site and it will be obtained from commercial sources.

(d) A description and preliminary calculation of the amount of fill, gravel, asphalt, and surface treatment material to be brought into the Project Site. The Application will describe the anticipated amount and characteristics of all fill materials expected to be imported into the Project Site. For comparative context, the anticipated amount of fill materials imported will be presented in both cubic yards, and the equivalent number of truck loads.

(e) It is not anticipated that cut and fill will be removed from the Project Site and, thus, calculations as to the type and amount are not expected to be provided in Exhibit 21. If cut or spoil materials will be removed from the Project Site, the Application will provide a description and preliminary calculation of the proposed type and amount of cut material or spoil to be removed.

(f) A description of construction methodologies and activities associated with the Project Facility, including anticipated excavation techniques, based on a preliminary

identification of where each type of excavation will be employed and publicly available soil and geology data.

(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 Project and of the deposits found at foundation level, including factors such as soil corrosivity of steel and concrete, soil shrink-swell potential, bedrock competence, risk of frost action and frost heave, and subsurface hydrologic characteristics.

(i) An evaluation as to whether blasting operations are likely to be required for the Project based on the results and data obtained from a preliminary geotechnical assessment. If blasting is determined to be required, a Preliminary Blasting Plan will be provided in the Application and will describe all anticipated blasting operations including location(s), minimum blasting contractor qualifications, hours of blasting operations, estimates of amounts of rock to be blasted, warning measures, measures to ensure safe transportation, storage and handling of explosives, use of blasting mats, conduct of a pre-blasting condition survey of nearby buildings and improvements, and coordination with local safety officials. The Preliminary Blasting Plan also will include procedures and timeframes for notifying the host community and property owners (or persons residing at the location if different) within one-half mile radius of blasting locations of these activities. The complaint procedures applicable to the construction period, including any blasting operations, are provided in Exhibit 12 in accordance with the provisions set forth in Stipulation 12(d)(1) - (4).

(j) If blasting is proposed, the Preliminary Blasting Plan will also include an assessment of any potential impacts of blasting to environmental features, including existing carbonate karst features, as well as to above-ground structures and below-ground structures such as pipelines and wells.

(k) If blasting is proposed, the Preliminary Blasting Plan will also include an identification and evaluation of reasonable mitigation measures regarding any blasting impacts, including, where appropriate: (1) the use of alternative technologies and/or location of structures; (2) a plan to prevent any impacts to above- and below-ground structures including water wells, gas/oil wells, pipelines or other existing utility infrastructure; and (3) a plan for securing compensation for damages that may occur due to blasting.

(l) A description of the regional geology, tectonic setting and seismology within a radius of least five miles of the Project Site.

(m) An analysis of the expected impacts of construction and operation of the Project with respect to regional geology as can be readily determined based on publicly available geologic data and reasonable engineering assumptions.

(n) An analysis of the impacts of typical seismic activity experienced within at least five miles of the Project Site based on current seismic hazards maps, on the location and operation of the Project identifying potential receptors in the event of failure, and if the Project 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.

(o) A map delineating soil types on the Project Site using data from the USDA Web Soil Survey.

(p) 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. Any below-grade facilities where dewatering is anticipated will be identified and dewatering methods discussed.

(q) The Geotechnical Report shall contain the information required by 1001.21(q), including: maps, figures, and analyses delineating depth to bedrock and underlying bedrock types; vertical profiles showing soils, bedrock, water table, seasonal high groundwater (using the U.S. Geology Service Online Spatial Geology Data and the USDA Web Soil Survey), typical foundation depths on the Project site; and any area(s) to be disturbed for roadway construction. No new off-site interconnections will be required to serve the facility. The information and analyses in the Geotechnical Report will be based on available published maps and scientific literature, technical studies conducted on and in the vicinity of the Facility, and on-site field observations, test pits and/or borings as available.

(1) The Geotechnical Report will identify locations of known or suspected soil contamination within the Project Site. The Geotechnical Report will also identify locations of existing underground and aboveground storage tanks, fuel and chemical storage areas, waste storage areas, and reported spill locations. The Application shall describe methods for managing contaminated soils and minimizing risks of transport of contaminants.

(r) 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) A statement whether pile driving is proposed to take place in the construction of the Project and, if pile driving is required, 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 Project Facility, and an assessment of pile driving impacts on surrounding properties and structures due to vibration; and

(3) If pile driving is required, an 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.

(s) An evaluation of the vulnerability of the Project Site and the operation of the Project to an earthquake event. Because of the Project's distance from any large body of water, the Application will not address tsunami vulnerability.

Stipulation 22 – 1001.22 Exhibit 22: Terrestrial Ecology and Wetlands

Exhibit 22 will contain:

(a) Mapping, identification and description of the type of plant communities present on the Project Site and adjacent properties. The plant community mapping will use Geographic Information System (GIS) software and will be compatible with ESRI's ArcGIS Suite.

These maps and shapefiles will show approximate locations of identified plant communities overlaid with areas of proposed disturbance, and will be based on the following:

(1) field observations and the results of field surveys conducted during November 2018 and June 2019;

(2) as to adjacent parcels, access availability and roadside surveys;

(3) a review of aerial imagery; and

(4) National Land Cover Data ("NLCD") information.

A plant species list, which will include all species identified during the various field surveys and incidentally while at the Project Site, will be provided, along with the month and year observed (to the extent this can be established). Specific information

on, and a detailed description of, all ecological communities identified within parcels that will host Project components will be provided, as classified according to *Ecological Communities of New York State* (Edinger et al., 2014).

(b) An analysis of the proposed temporary and permanent impacts of the construction and operation of the Project and the onsite interconnections to plant communities will be calculated using GIS software and discussed based on specific assumptions associated with the proposed limits of vegetation clearing and soil disturbance for each type of Project component, or the limits of disturbance, as identified in the Preliminary Design Drawings (Exhibit 11). The limits of disturbance will include all areas of anticipated vegetation clearing and soil disturbance. As set forth in Stipulation 22(a) above, a map will depict vegetation cover types in relation to proposed limits of vegetation disturbance, and GIS shapefiles showing all areas of clearing and disturbance will be provided

A summary impact table will quantify the number of acres that will be temporarily and permanently impacted by the various Project components (permanent impact calculations will include all tree clearing for construction and operation of the Project Facility). A generated list and maps of all pre-existing non-native invasive plant species and non-native insect species observed and documented during field investigation (within the anticipated limits of disturbance only) will be provided in Exhibit 11. Shapefiles of the locations of non-native invasive plant species and non-native inspect species observed will be provided to NYSDEC.

In addition, an Invasive Species Prevention and Control Plan that addresses the species listed in 6 NYCRR Part 575 will be included in the Application. For purposes of Exhibit 22, "invasive species" shall include those species listed in 6 NYCRR Sections 575.3 and 575.4." Specifically, the Invasive Species Prevention and Control Plan will include the following:

(1) A summary of the survey methods Danskammer used to identify and mark existing non-native invasive plant and insect species within the Project site. Field verification of the location(s) of the invasive species was conducted in June 2019. An update to this baseline information will be completed during the growing season within 6 months of the start of vegetation clearing or disturbance activities;

(2) A plan for pre-construction management of non-native invasive species. This will include specific methods that Danskammer will use to ensure that imported fill and fill leaving the Project Facility site will be free of non-native invasive plant and insect species to the extent practicable). Materials leaving the site will be free of invasive species to the extent practicable;

(3) Specification on how fill materials to be placed within the Project Site will be free of non-native invasive plant and insect species, or, if not free of these items,

it will only be used within the areas already containing those non-native plant and insect species infestation;

(4) Proposed Project Site grading and erosion and sediment control methods that will be used to prevent the introduction, spread, or proliferation of non-native invasive plant and insect species to the extent practicable;

(5) Landscape/re-vegetation including specification of native seed mix to be used where appropriate.

(6) A detailed description of cleaning procedures for removing non-native invasive plant and insect species from equipment and personnel, and properly disposing of materials known to be or suspected of being infested;

(7) Details of procedures for preventing the spread of invasive insects and diseases, such as the emerald ash borer and oak wilt, and a discussion of how Danskammer will comply with the state quarantine and protective zones on the transport of ash trees, if applicable, from the Project site;

(8) Implementation plans for ensuring that equipment and personnel arrive at and depart from the Project Site clean and free of non-native invasive plant and insect species. The protocol for inspection of equipment arriving at and departing from the facility will also be provided in the Application.;

(9) Description of the Best Management Practices (BMP) or procedures that will be implemented, and the education measures that will be used to educate workers;

(10) Detailed description of a post-construction monitoring plan (for no less than five years) and survey measures and procedures for revising the Invasive Species Control Plan in the event that the goals of the initial plan are not met within a specified timeframe; and

(11) Anticipated methods and procedures used to treat non-native invasive plant and insect species that have been introduced or spread as a result of the construction or operation of the Project.

(c) A detailed description of the proposed measures that will be implemented to avoid, minimize, and mitigate any temporary and permanent impacts to existing, non-invasive plant communities, particularly grasslands, wetlands, and interior forests, as a result of the construction and operation of the Project Facility. Measures to avoid, minimize, and mitigate impacts to vegetation will be addressed.

(d) Information on, and description of, vegetation, wildlife (including mammals, birds, amphibians, terrestrial invertebrates, and reptiles) and wildlife habitats, that occur within the Project Site, including any areas in the vicinity of the Project Site that may

be disturbed in connection with Project construction. Such information will be based on employee reports, a reconnaissance survey conducted in November 2018, a wetland delineation and habitat evaluation completed in June 2019, and available data from the New York Natural Heritage Program ("NHP"), New York State Amphibian and Reptile Atlas Project ("Herp Atlas"), the New York Breeding Bird Atlas and range maps, Breeding Bird Survey Routes, Christmas Bird Counts and other similar reference sources. This information will include:

(1) Field identification and verification of aquatic habitats, plant communities, and wildlife habitat that could potentially support federally or state-listed threatened and endangered ("T&E") species, state species of special concern ("SCC"), and state species of greatest conservation need based on consultation with the US Fish and Wildlife Service ("USFWS") and the NHP. An identification and depiction of any Significant Coastal Fish and Wildlife Habitat Areas designated by the NYS Department of State ("NYSDOS") and/or NYSDEC will also be provided. USFWS, NYSDEC staff, and NHP database information will be used to determine if any bat hibernacula or maternity roosts are located within the Project Site. If hibernacula or roosts are identified within the Project Site, or five miles from any Project component or Project Site boundary, the location and distance to each identified hibernaculum and roost will be provided separately and confidentially to NYSDEC.

(2) A discussion of the extent, methodology, and results of habitat surveys conducted by the Applicant or its agents within or in the vicinity of the Project Site will be provided in Exhibit 22(d).

(3) Information on amphibians and reptiles based on the New York State Herp Atlas, database records obtained from NHP, NYSDEC, and USWS, assessments of suitable habitat within the Project Site, and any field observations made on-site and in the vicinity of the Project Site.

(4) The Applicant will consult with NHP, NYSDEC, and USFWS to identify any listed, rare, and sensitive Threatened or Endangered ("T&E") species, Species of Special Concern ("SSC"), and Species of Greatest Conservation Need ("SCN") or the habitats that support such species, that may be impacted by the Project. An inventory of and information on wildlife species known or likely to occur in or near the Project Site will be provided in Exhibit 22(e).

(5) Identification and depiction of any Significant Coastal Fish and Wildlife Habitat Areas designated by NYSDOS and/or NYSDEC, and any unusual habitats or significant natural communities within or adjacent to the Project Site that could support federally or state-listed T&E species, SSC, or SGCN.

(6) Description of potential impacts to calcareous shoreline outcrops and karst features, if present within or adjacent to the Project Site, and an evaluation of what impacts may occur to any species potentially utilizing these habitats if final site design indicates there could be impacts.

(e) The Application will include a plant and wildlife species inventory based on existing data available from the NHP, NYSDEC, USFWS, Herp Atlas, New York Breeding Bird Atlas, US Geological Survey Breeding Bird Survey, and the Christmas Bird Count. On-site field surveys (*e.g.*, ecological cover type assessments, habitat assessments, and wetland delineations) and/or the availability of suitable habitat, will also be used to identify species that could potentially occur within the Project Site at some time during the year. The list will specify whether species were observed, known to occur on the Project Site, or are predicted to occur based on habitat characteristics and historical records. The above-listed state and federal plant and wildlife species databases will be re-queried during the compliance phase to determine whether any plant and/or wildlife species have been added or removed from consideration for the Project Site.

(f) An analysis of the impact of the construction and operation of the Project Facility, including air emissions, 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 Project Facility on declining species, Species of Greatest Conservation Need, and species protected by State and Federal law and the habitats of such species, including but not limited to bald eagles. Evaluation of potential construction and operational impacts to habitat will include:

(1) A narrative analysis and associated mapping to explain and illustrate potential and expected construction and operational impacts to vegetative cover types, wildlife habitats, wildlife concentration areas, travel corridors, if identified, and terrestrial and aquatic organisms.

(2) Exhibit 22 will discuss all direct and indirect construction-related impacts that may occur to wildlife and wildlife habitat, including but not limited to incidental injury and mortality due to construction activity and vehicular movement, habitat disturbance and loss associated with vegetation clearing and earth-moving activities, and the displacement of wildlife from preferred habitat.

(3) Exhibit 22 will discuss all direct and indirect operational and maintenance impacts, including, but not limited to, functional loss and degradation of habitat and wildlife displacement. To the extent any documented wildlife travel corridors or concentration areas are identified within or in the vicinity of the Facility Site, direct or indirect impacts to such corridors and concentration areas, and the species utilizing corridors or concentration areas, will be addressed.

(4) Exhibit 22 will also include a discussion and assessment of potential short-and long-term impacts to plants, animals, and habitats that may result from the application of biocides, if any, during site preparation, construction, operations, or maintenance of the Facility. This will include consideration of impacts to tree, ground covers, and other vegetation planted as part of restoration, mitigation, and habitat enhancement activities.

(5) A summary impact table will be included that clearly quantifies anticipated temporary and permanent impacts associated with all Facility components in relation to wildlife habitats, identified concentration areas or travel corridors, and vegetation cover types.

(6) Information regarding the presence of federally and state-listed T&E species, SSC, and SGCN, and a discussion of the Facility's potential to impact such species or their habitats will be provided as a summary impact table in the Application. Analysis of documented T&E species, SSC, and SGCN, will be based on database records obtained from the NHP, other known records documented by NYSDEC, NMFS, USFS, and observation during on-site habitat, ecological and wetland surveys. If it is determined by the Applicant NYSDEC, National Marine Fisheries Service ("NMFS"), or USFWS that the construction or operation of the Facility is likely to result in a take of a listed species, including the modification of habitat on which a listed species depends, the Applicant will submit with the Application an avoidance, minimization, and mitigation plan that demonstrates a net conservation benefit to the affected species as defined pursuant to 6 NYCRR Part 182.11 (Part 182), along with the information requirements of an Incidental Take Permit (ITP) as provided for in Part 182, including proposed actions to first avoid all impacts to listed species. If impacts are unavoidable, the Application will demonstrate that they are unavoidable and provide a clear and reasoned explanation as to why complete avoidance of impacts to each affected species is not practicable, how the proposed minimization actions will minimize impacts to the maximum extent practical, and proposed mitigation actions where impacts cannot be avoided or secondly minimized. All information and material described in Section 22(f), including all associated attachments and appendices, will be provided to NYSDEC in full and un-redacted form at the time the Application is submitted.

(g) Given the provisions of ECL § 3-0301(2)(r) and Public Service Law § 15, any information identifying the location(s) 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 therefrom would impair their ability to survive) will not be disclosed to the public, and will only be disclosed to the parties to this Article 10 proceeding pursuant to an appropriate protective order.

(h) A detailed description of the impact avoidance and minimization efforts used in developing the Facility, as they pertain to vegetation, wildlife, and wildlife habitat. The Facility design, construction controls, and operational measures that can be reasonably implemented to first avoid to the maximum extent practicable, then minimize and mitigate for impacts to wildlife, and wildlife habitat as a result of construction, operation, and maintenance of the Facility will be described. If such impacts cannot be demonstrably avoided, the Applicant anticipates minimizing impacts associated with habitat loss, fragmentations, displacement, and mortality through such measures as careful site design (utilizing an existing industrial site), adherence to the designed construction limits, adhering to seasonal restrictions (e.g., tree clearing dates), and adhering to other construction best management practices for unavoidable impacts to wildlife, fisheries, and habitat. A commitment to mitigate, in an appropriate and timely manner, for any demonstrably unavoidable impacts to listed T&E species will also be discussed. Such mitigation must be determined only after avoidance and minimization measures are evaluated and must result in a net conservation benefit to the target species. Measures to avoid, minimize, and mitigate for impacts to vegetation will be addressed in Exhibit 22(c). All information and material described in 22(g), including all associated attachments and appendices, will be provided to NYSDEC in full and un-redacted at the time the Application is submitted.

(i) Maps and GIS shapefiles depicting the field-delineated wetlands present on the Project Site and within 500 feet of areas to be disturbed by construction, including interconnections. For adjacent properties without field accessibility, initial surveys will be based on one or a combination of the following methods: remote-sensing data, interpretation of published wetlands and soils mapping, roadside observations and aerial photography. This delineation protocol will apply to all wetlands. All wetland boundaries will be keyed to the submissions described in Stipulation 11 – 1001.11 Exhibit 11: Preliminary Design Drawings. To define boundaries of wetlands on properties that are not held by Danskammer, there will be an interpretation of aerial imagery signatures, on site-observations, analysis of topography, existing databases of hydric soils, and wetland mapping maintained by National Wetland Inventory ("NWI") and NYSDEC. Wetlands identified in this way will be referred to as approximate wetlands. The boundaries for approximate wetlands shown on site plans will be differentiated from field-delineated boundaries when displayed on maps, site plans, and shapefiles.

(j) The determination of wetland boundaries during on-site field delineations will be made according to the three-parameter methodology described in the U.S. Army Corps of Engineers *Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: North central and Northeastern Region* and *The New York State Wetlands Delineation Manual* (July 1995). Wetland boundaries will be defined in the field by sequentially numbered pink surveyor's flagging marked "wetland delineation," which will be located using GPS technology

with reported sub-meter accuracy. Wetlands identified by these methods will be referred to as delineated wetlands. The wetland boundaries will be indicated on a scaled site plan maps to be provided with the Application.

(k) A description of the characteristics of all federal, state and locally regulated wetlands, if any, delineated above, including the Cowardin classification, and a description of the vegetation, soils, and hydrology data collected for each of wetland sites identified, based on actual on-site wetland observations. Copies of all Wetland Determination Data Forms will be included in a Wetland and Stream Delineation Report and appended to the Application.

(l) A qualitative and descriptive wetland functional assessment, including seasonal variations, for all wetlands delineated above. Qualitative assessment scores for each delineated wetland to assess functions and values of delineated wetlands will be based on a methodology similar to *The Highway Methodology Workbook Supplement, Wetlands Functions and Values: A Descriptive Approach* published by the U.S. Army Corps of Engineers New England District in 1999 or the *Ohio Rapid Assessment Method for Wetlands, Version 5.0* published by the Ohio EPA, Division of Surface Water in 2001 and approved by NYSDEC. The functions/values evaluated using this method will include:

(1) Groundwater recharge/discharge;

(2) Floodflow alteration;

(3) Fish and shellfish habitat;

(4) Sediment/toxicant/pathogen retention;

(5) Nutrient removal/retention/transformation;

(6) Production export;

(7) Sediment/shoreline stabilization;

(8) Wildlife habitat;

(9) Recreation;

(10) Education/scientific value;

(11) Uniqueness/heritage;

(12) Visual quality/aesthetics;

(13) Threatened or endangered species habitat.

(m) An analysis of all off-site wetlands that may be hydrologically or ecologically influenced by development of the Project Site and the wetlands identified above. Such analysis of off-site wetlands will be based on field observations, where those wetlands are accessible, to determine their general characteristics and relationship, if any, to the delineated wetlands.

(n) An identification and quantification of temporary and permanent impacts to wetlands (and any state-regulated 100-foot adjacent areas) based on the proposed footprint of all Project components and associated impact assumptions. Such impacts will be presented in a table that identifies the page number on preliminary design drawings depicting the resource, type of impact and associated crossing methodology, clearly discerning between federal and state wetland (and 100-foot adjacent area) impacts. This assessment will also include a description of applicable permanent forest conversion, if any, that would occur as a result of the construction of the Project. Calculation of impacts to both wetland and 100-foot adjacent areas of state-regulated wetlands will include the type of impact, including but not limited to permanent or temporary fill and forest conversion, and will be provided in table format with associated delineation and NYSDEC wetland classification code.

(o) A general discussion of measures considered, and indication of methods to be implemented to avoid wetland impacts, including the use of alternative technologies. Where impacts are demonstrably unavoidable, mitigation measures, including compensatory mitigation, will be discussed. Such plans will contain sections on grading, planting, and monitoring for success. This section will describe the anticipated compliance phase filing to be implemented during Facility construction, demonstrating adherence to all relevant permit conditions to protect wetlands, streams, and other waterbodies. The Facility's ECMP will include an Environmental Monitor(s) during construction and restoration activities on the Facility site, and the duties of the Environmental Monitor will be described. The ECMP will clearly describe the locations of all staging areas, temporary spoil or woody debris stockpiles, "extra work" areas, and other places material or equipment may be placed on site. The limits of disturbance around all such areas will be clearly defined in plan maps and physically marked in the field using orange construction fencing or other similar indicators. Plans to restore all temporary disturbances in regulated areas, including replanting trees in disturbed forested areas, will also be provided.

For each item identified in the table described in Stipulation 22(n), the following will also be provided:

(1) For each resource, whether the resource could be reasonably avoided;

(2) Proposed site-specific actions to minimize impacts to resources that are not avoided;

(3) Proposed site-specific actions to mitigate impacts that are not avoided, and;

(4) Proposed appropriate compliance monitoring schedule to ensure mitigation is successful, including adaptive management actions to be implemented should the planned mitigation fail.

(p) For each of the State and Federal endangered or threatened species previously identified, an analysis of the potential for these species to be on the Project site or otherwise impacted by the construction or operation of the Project, including incidental takings, will be provided. As previously set forth in Subsection (f)(6) of this Stipulation, Exhibit 22 will minimally include the following information with respect to the identification of all federally and state-listed T&E species that could occur within or adjacent to the Facility site: species name; federal status, NYS status; if species was observed on site or potentially occurring at the Facility; source of information indicating potential or documented presence of species; discussion of the type of impact (direct and/or indirect) that may occur to each listed species; estimated take of each listed species; and an evaluation of all impact avoidance measures considered and, if full avoidance is not feasible, a discussion of why such actions are not practicable. If take of a listed species is anticipated, a Threatened and Endangered Species Avoidance, Minimization, and Mitigation Plan that meets the requirements of Part 182 and demonstrates net conservation benefit to the affected listed species will be included with the Application. See also Subsection (f)(6), above.

(q) An invasive species prevention and management plan, as described in Stipulation 22(b), indicating the presence of invasive species and measures that will be implemented to minimize the introduction of new invasive species and spread of existing invasive species during soil disturbance, vegetation management, transport of materials, and landscaping/revegetation. This plan will include a description of the monitoring and corrective measures that will be implemented to ensure specified standards are met.

(r) It is not expected that there will be any temporary and permanent impacts through the construction and operation of the Project on agricultural resources.

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

Exhibit 23 will include a study of Project impacts to groundwater resources, surface water resources, and associated aquatic ecologies, including identification and mapping of existing conditions, an in-depth impact analysis of the Project and, where appropriate, proposed impact avoidance and mitigation measures.

Danskammer does not plan to use barges or other vessels to transport materials or equipment to the Project Site during construction or operation of the Project, nor does Danskammer intend to create any disturbance to the bed or banks of the Hudson River or otherwise conduct any in-water work in the Hudson River. Accordingly, any associated impacts to the Hudson River are not anticipated as part of this Project. If the foregoing plans change such that there is a potential for Hudson River impacts during construction or operation of the Project, Danskammer will supplement Exhibit 23 so that any impacts to the Hudson River may be evaluated and appropriately reviewed as part of the Article 10 Application process.

Exhibit 23 will contain the following with regard to:

(a) Groundwater:

(1) Hydrologic information reporting depths to high groundwater and bedrock, including a site map at a scale supporting legibility showing depth to high groundwater in increments appropriate for the Project Site. The site map will be based on a map entitled "*Unconsolidated Aquifers in Upstate New York*" and obtained through the NYSDEC.

(2) A map based on information from the following sources: NYSDEC Division of Water Resources, Bureau of Water Management; the USGS Office of Groundwater; USDA Soil Conservation Service, Soil Survey of Orange County; USDA NRCS Web Soil Survey online resource, and data collected during previous subsurface investigations on the Project Site.

(3) The information obtained from these sources will be mapped, and to the extent available/provided by these sources. Exhibit 23 will also discuss groundwater quality for all areas within one-mile of the Project Site. The mapping provided with Exhibit 23 will delineate all groundwater aquifers and groundwater recharge areas, and will identify groundwater flow direction, as well as the location, depth, yield and use of all public and private groundwater wells or other points of extraction of groundwater located within the Project Area and within one mile of the Project Area. Well head and aquifer protection zones will also be delineated, to the extent the information is publicly available. In addition to this information, Danskammer will obtain information on the location of public water supplies in the area by contacting the New York State Department of Health, the Orange County Department of Health and local municipal code enforcement officers. Danskammer will also access the NYSDEC's Water Well Program Information Search Wizard in order to generate a list of well locations within one mile of the Project Area. Any freedom of information requests will be directed to the New York State Department of Health, Records Access Office.

(4) This section will describe how well owners were contacted to collect groundwater well information, including verification that Danskammer provided to such well owners the following: a description of the Project and the Article 10 process; a Project contact; and information on where the well owners can get more information about the Project (i.e., Project website, document repositories, etc.), as well as an invitation to join the stakeholder list. Well owners that provided data regarding active wells will be added to the stakeholder list.

(5) An analysis and evaluation of potential impacts (during normal and drought conditions) from the construction and operation of the Project on drinking water supplies, groundwater quality and quantity within a one-mile radius of the Project Site, including potential impacts on public and private water supplies (including private wells within a one-mile radius of the Project Site), and wellhead and aquifer protection zones. The analysis and evaluation of impacts to groundwater quality and quantity will take into account data collected regarding the nature and extent of existing groundwater conditions on the Project Site. The analysis will also address impacts that could occur from Project construction, including effects arising from anticipated dewatering areas (if necessary) and also operation of the facility during both nominal and extreme (drought) conditions.

(6) Plans for notification and complaint resolution during construction of the Project for owners/operators of public and private wells within a one-mile radius of the Project Site.

(b) Surface Water:

(1) A map, at a scale that supports legibility, identifying all surface waters, including intermittent streams and wetlands, within and adjacent to the Project Site using data from the NYSDEC, ESRI (ArcGIS), Orange County, U.S. Geological Survey (USGS), National Wetlands Inventory, and stream data collected during the on-site wetland delineation. Wetland and stream delineations will identify all surface waters (ponds and ephemeral, intermittent, and perennial streams) within 500 feet of the edge of disturbance of all proposed construction work areas. Stream mapping outside of these areas will be based on NYSDEC mapping and stream classifications and other mapping sources as applicable. Maps and shapefiles identifying the above will be submitted to NYSDEC. These data will also be provided in tabular format for cross-referencing to maps.

(2) A description of the New York State listed Water Classification and Standards, pursuant to 6 NYCRR Part 800-941 and including Part Item Numbers, Water Index Numbers (WIN), physical water quality parameters, flow, biological aquatic resource characteristics (including species and habitat) and presence of

common invasive species identified by the NYSDEC. A field survey inventory of aquatic species and aquatic invasive species is not anticipated, except as provided in Section (e)(3) below. Information will be based on both publicly available data sets (when available) and on field data collected during site observations.

(3) An analysis of the impact of the construction and operation of the Project Facility and interconnections on the identified surface waters. Where impacts are unavoidable, mitigation measures will be proposed.

(4) A narrative discussion will be provided that describes potential impacts to water resources, including submerged aquatic vegetation (SAV), wetlands, streams, and lakes. This section will also include a discussion of potential impacts to any large waterbodies as a result of relevant Facility components, such as wastewater discharge sites. Environmental impacts to be discussed and addressed will include, if applicable, thermal changes to waterbodies due to vegetative clearing, changes to in-stream structure, morphology and stability, potential impacts to or taking of State-listed threatened and endangered (T&E), state species of special concern (SSC), species of greatest conservation need SGCN), and the effects of turbidity on nearby habitat. Source(s) of and collection systems for water for construction period uses, including for concrete batch plant, invasive species wash station(s), fire control, and other uses will be provided. A table will be provided that identifies all resource impacts to surface waters. This will include:

- A calculation of the approximate acreage and linear distance of surface waters that will be temporarily or permanently impacted based on the proposed Facility footprint and associated impact assumptions, and field delineated stream and wetland boundaries;

- The construction impact type at each waterbody. As applicable, the crossing methodology at each waterbody (e.g. buried collection line, access road) and construction technique used (e.g. access road utilizing temporary bridge, if applicable);

- Typical details of BMPs to be used. Detailed BMPs following the recommendations of NYSDEC will be provided for each construction technique as appendixes to the Application;

- All stream crossings for temporary and permanent roads, culvert placement specifications, and construction details will be described and enumerated, and detail the expected flow calculations, and demonstrate culvert capacity with BMP considerations for culvert placement.

- Clear photographs depicting all perennial and intermittent stream crossings identified for the project, including photos upstream and downstream of the crossing site, referenced to the stream WIN and crossing location on maps and shapefiles.

- All items in Stipulation 23(b) (1) above will be incorporated into this table.

(5) An identification and evaluation of reasonable avoidance measures and Facility layout alternatives. This will include an evaluation of alternatives that may entirely avoid impacts to regulated waterbodies. Where impacts to regulated waterbodies are unavoidable and have been minimized to the greatest extent possible, Exhibit 23 will identify and evaluate measures designed to mitigate such impacts.

It is not presently anticipated that any new stream crossing structures will be constructed for the Project. In the event that new stream crossing structures are required, any such structures will include the bankfull width at the crossing location, and the dimensions of the proposed structure. The specific methodology for controlling water flow during construction will be discussed for each stream crossing. It is also not anticipated that any new underground lines or pipes associated with the Project will cross streams. If this is not the case, for all such underground lines and pipes, an indication of whether the crossing will be done via open cut or a trenchless installation method will be provided, including for all open trench crossings an analysis demonstrating that a trenchless method is not feasible.

In the event that new stream crossing structures, underground lines or pipes are required, work prohibition dates will be established in consultation with NYSDEC after the Applicant identifies which streams will be crossed. BMPs will be employed for all stream crossings, and all permanent proposed stream crossing methods will meet NYSDEC stream crossing guidelines as currently set forth at the following website address (http://www.dec.ny.gov/permits/49060.html). Any necessary culverts will be designed for a 100-year storm event, will allow for continued stream connectivity, and will be designed according to the specifications described in the NYSDEC stream crossing guidelines. The Applicant will provide NYSDEC and NYSDPS with final engineering plans for all stream crossings prior to the commencement of construction activities.

(c) Information on stormwater, including:

(1) Prior to commencement of construction activities, Danskammer will submit to NYSDEC a Notice of Intent for Stormwater Discharges from Construction

Activity and will seek coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). This authorization is subject to review by NYSDEC. The Article 10 Application will include a preliminary Stormwater Pollution Prevention Plan ("SWPPP") for the collection and management of stormwater discharges from the Project Site, which will be prepared consistent with the SPDES General Permit and will describe in general terms the sediment control practices that will likely be implemented during construction activities, and the stormwater management practices that will be used to reduce pollutants in stormwater discharges after Project Facility construction has been completed, including:

(i) a Project introduction, that will review the purpose, need, and appropriate contents of the complete SWPPP;

(ii) anticipated stormwater management practices, including erosion and sediment control measures;

(iii) anticipated construction activities, including a preliminary construction phasing schedule and definition of disturbance areas;

(iv) site waste management and spill control measures;

(v) proposed site inspection and maintenance measures, including construction site inspection, and construction site record keeping; and

(vi) conditions that will allow for the termination of permit coverage.

Preparation of the final SWPPP will require a level of detail that is not expected to be available until after the completion of the Application and final engineering. A SPDES permit application for stormwater and process wastewater discharges from the proposed Project Facility following construction will be included as an Appendix to the Article 10 Application.

(2) The Preliminary SWPPP identified in Stipulation 23(c)(1), above, will be prepared in accordance with the most current version of the New York State Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual. The SWPPP will include information on permanent, post-construction erosion and sediment control measures (vegetative and structural), along with the anticipated stormwater management practices, including runoff reduction/green infrastructure practices, that will be used to control the volume and rate of runoff. The Preliminary SWPPP will include a figure that depicts the existing stormwater drainage at the Project Site and any proposed modifications, and will also include calculations

to demonstrate the capacity of the existing drainage system to manage runoff from proposed new impervious areas.

(d) Chemical and Petroleum Bulk Storage:

(1) A preliminary Spill Prevention, Containment and Countermeasures ("SPCC") Plan, prepared by a NYS licensed Professional Engineer, will be provided 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. Spill containment requirements for electric transformers at the on-site substation will also be provided.

(2) An identification as to 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) The identification as to 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 such local laws.

(e) Aquatic Species and Invasive Species:

(1) An analysis of the impact of the construction and operation of the Project Facility on biological aquatic resources, including species listed as endangered, threatened, or species of special concern in 6 NYCRR Part 182, as well as species of greatest conservation need, and including the potential for introducing and/or spreading invasive species Maps and shapefiles of the locations of aquatic invasive species will be provided to NYSDEC before the Application is submitted.

(2) An identification and evaluation of reasonable avoidance measures and, where impacts are demonstrably 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).

(3) The Application will include inventory maps based on existing data available from the NHP, NYSDEC, and NMFS. On-site field surveys (e.g., habitat assessments and wetland delineations) and/or the availability of suitable habitat, will also be used to identify species that could potentially occur within the Project Site at some time during the year. The list will specify whether species

were observed, known to occur on the Project Site, or are predicted to occur based on habitat characteristics and historical records.

(f) There will be no cooling water intake structure associated with the Project Facility. Instead, the selected cooling technology for the Project consists of an air-cooled condenser ("ACC") system.

Stipulation 24 – 1001.24 Exhibit 24: Visual Impacts

Exhibit 24 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 will 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 the visible plumes from exhaust stacks, duration, and conditions where visible plumes will be created.

(3) Visibility of all Project-related aboveground interconnections and roadways - within a radius of five miles from the Project (the "Visual Study Area"), as determined by a viewshed analysis.

(4) Appearance of the Project upon completion, including building/structure size, architectural design, facade colors and texture, and site lighting.

(5) Proposed lighting (including lumens, location and direction of lights and/or task use, and safety including, worker safety and tall structure marking requirements) and similar features.

(6) Representative views (photographic overlays) of the Project from locations that have as best line of sight and unobstructed views as possible from various compass directions around the Project. The results of preliminary viewshed analysis and identification of visual resources resulting from a Visual Resource Inventory will be used to develop the appropriate number of simulation viewpoints based on the required consultations with municipal and agency personnel. A photographic overlay will also depict components of the existing generating facility that will remain after the Project is constructed.

(7) Nature and degree of visual change resulting from construction of the Project and all Project-related aboveground interconnections.

(8) Nature and degree of visual change resulting from operation of the Project.

(9) Analysis and description of related operational effects of the Project such as visible exhaust plumes, shading, and glare.

(10) Proposed avoidance, minimization, mitigation and mitigation alternatives based on an assessment of mitigation strategies including screening (landscaping), architectural design, visual offsets, relocation or rearranging Project Facility components, reduction of Project Facility component profiles, alternative technologies, Project Facility color and design, lighting options for work areas and safety requirements, and lighting options for aviation obstruction lighting if required by the Federal Aviation Administration.

(11) A description of visual resources that are within, but not limited to, the Visual Study Area, and a discussion of potential visibility.

(b) The viewshed analysis component of the VIA will be conducted as follows:

(1) A digital GIS-based viewshed analysis will be provided and will depict areas of potential Project visibility within the five mile Visual Study Area. The results will be prepared and presented on a 1:24,000 scale current USGS topographic base map. A line of sight profile will also be done for resources of statewide concern located within the VIA study area. The viewshed maps will provide an indication of areas of potential visibility based on topography and vegetation and the highest elevation of Project structures. The potential screening effects of existing vegetation will also be shown. The map(s) shall be divided into foreground, midground and background areas based on visibility distinction and distance zone criteria. Publicly accessible visually-sensitive sites, cultural and historical resources, representative viewpoints, photograph locations, and public vantage points, and landscape similarity zones within the Visual Study Area will be included on the map(s) or an overlay. An overlay indicating landscape similarity zones will be included.

(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. The VIA will abide by and conform to methodologies stated in the NYS Article 10 regulations. For those requirements that do not state methodologies the following will apply: 1) To obtain photographs for visual simulations, a high resolution digital SLR camera will be used with a focal length set at 50 mm to best represent human vision. If a wider angle view is needed, a SLR digital camera with an adjustable zoom that provides a variable focal length less to

achieve less than 50 mm would be chosen; 2) Viewshed analysis that shows predicted visibility will use acceptable industry standards and methodology set by ESRI Spatial Analyst GIS software; 3) Visual simulations will be produced using industry standards and methodology using 3DS Studio Max, an acceptable industry software used for visual simulations; and 4) Contrast Rating evaluations of existing conditions vs. proposed conditions simulation sets will incorporate concepts and methodologies adopted from the U.S. Bureau of Land Management (BLM), Handbook H-8431: Visual Contrast Rating, January 1986, Visual Resources Assessment Procedure For U.S. Army Corps Of Engineers, March 1988, National Park Service Visual Resources Inventory View Importance Rating Guide, 2016, and USDA Forest Service (USFS), United States Department of Agriculture Forest Service, Landscape Aesthetics: A Handbook for Scenery Management. USDA Forest Service Agriculture Handbook No. 701, 1995.

(3) The viewshed mapping will be used to determine sensitive viewing areas and the location(s) of potential viewer groups in the Project vicinity. Viewer groups will include recreational areas (i.e., state and local parks, recreational waterways, etc.), residences, businesses, listed State or National Register of Historic Places sites, sites eligible for listing on the State or National Register of Historic Places, and travelers (interstate and other highway users).

(4) Important or representative viewpoints will be selected based on past and future consultations with, and feedback provided by, members of the public, and engaged stakeholders. Danskammer will confer with the appropriate municipal planning representatives, DPS, NYSDEC, OPRHP and NYS Department of State Coastal Consistency Review Staff and other stakeholders. Viewpoint selection will be based upon the following criteria:

(i) Representative or typical views from select locations and/or community resources with public access. Attempts will be made to obtain simulation photographs with the most unobstructed or direct line-of-sight views as possible.

(ii) Significance of publicly accessible 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 NYSDEC 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; state parks or historic sites; sites listed on National or State

Registers of Historic Places and eligible historic sites as noted in section (b)(4)(vi) of this Stipulation; areas covered by scenic easements, public parks or recreation areas; locally designated historic or scenic districts and scenic overlooks; high-use public areas; and Scenic Areas of Statewide Significance, including the Hudson Highlands SASS District. For this Project, such features will also include the Hudson River, which is a National Heritage River, and the Hudson River Greenway Water Trail.

(iii) Level of viewer exposure, i.e., frequency of viewers or relative numbers, including residential areas, or high volume roadways and travel corridors, e.g., the Amtrak/MTA Hudson River Line travel corridor.

(iv) Proposed land uses.

(v) Input from local public sources, including Town of Newburgh planning representatives and other appropriate stakeholders. Any visual stakeholders identified through this outreach process will be added to the Project's Stakeholder List for notification of Project milestones and public involvement activities. This outreach will be in the form of an interim visual impact report that is electronically mailed to visual stakeholders and municipalities where the visual resources inventory, the preliminary viewshed analysis results, the landscape similarity and distance zones, suggested representative viewpoints for simulations and a photolog of candidate simulation photographs are presented for review and comment. Danskammer will consider comments on suggested viewpoint locations or additional visual resources and whether such warrant further consideration. Depending on the results of the comments, Danskammer will also consider whether it is appropriate to also host an in-person meeting or conference call with the visual stakeholders. Danskammer will include a list of the visual stakeholders and copies of its viewpoint selection correspondence in the Application.

(vi) Building/structure data for each potentially eligible property: Currently according to the NY Cultural Resources Information System (CRIS), there are approximately 200 eligible historic sites within the 5-mile Visual Study Area. Danskammer will provide a listing of Eligible Historic Sites with corresponding Unique Site Numbers ("USNs"), addresses, along with mapped GIS locations. Most data for eligible sites are already on the CRIS system in the form of site plans, pictures, and written forms. The USNs can be cross-referenced to the data that SHPO and OPRHP already have in their system. Data related to any

cultural studies as required by Exhibit 20 of the Article 10 Application will either be included or referenced.

(5) Photographic simulations using a three-dimensional model of the Project built according to site engineering specifications shall be prepared from select representative viewpoint locations from various landscape locations, to demonstrate the post-construction appearance of the Project. The simulation photographs are expected to be obtained, but will not be strictly limited to, during leaf-off conditions to provide worse-case scenario. Representative locations shall be selected from preliminary investigations and in consultation with the NYSDEC, DPS staff and the OPRHP, with the ultimate focus on the visual resources identified as set forth in Stipulation 24(a)(11) in combination with the predicted visibility of the viewshed analysis and the on-the-ground site visits.

(6) Discussion of other general mitigation strategies such as design, appearance, lighting, siting, and layout will be discussed. As necessary, additional revised simulations illustrating mitigation will be prepared for those observation points for which mitigation is proposed.

(7) Each set of existing and simulated views of the Project shall be compared and rated. Documentation of the steps followed in the rating and assessment methodology shall be provided as well as a results summary and a description of the qualifications of the individuals serving on the panels. Where visual impacts from the proposed Project are identified, potential mitigation measures shall be outlined, and the extent to which they effectively minimize such impact shall be addressed.

(8) As applicable to the proposed Project technology, the analysis shall include analyses of overall appearance and operational characteristics of the Project and related facilities, including stack and exhaust stack plume visibility, shading, glare, or related visible effects of Project operation, including an assessment of the predicted extent, frequency and duration of any such visible effects created by the Project.

Stipulation 25 – 1001.25 Exhibit 25: Effect on Transportation

Exhibit 25 will contain:

(a) A conceptual site plan, drawn at a legible scale, depicting all Project site driveway and road intersections and showing horizontal and vertical geometry, the number of approach lanes, the lane widths, shoulder widths, traffic control devices by approaches, and sight distances.

(b) A description of the pre-construction characteristics of roads in the vicinity of the Project, including:

(1) A review of existing data on vehicle traffic, use levels and accidents. Data will be obtained from the New York State Department of Transportation ("NYSDOT") Traffic Data Online Viewer to review existing traffic volumes along the proposed routes for delivery of Project components, construction, and operation of the Project.

(2) A review of transit facilities and routes, including areas of school bus service.

(3) An identification of potential approach and departure routes to and from the Project site for police, fire, ambulance and other emergency vehicles.

(4) The load bearing and structural rating of existing roads will be specified in the detailed roadway descriptions. Local, state and federal transportation agencies, highway departments (including NYSDOT, Orange County DPW, and Town of Newburgh Officials), and emergency responders will be consulted during this process. Documentation of such consultations will be included in Exhibit 25.

(5) The Project site is not within a congested urbanized area, therefore 24-hour traffic volume counts and peak turning movement counts for typical weekday morning, weekday afternoon, and Saturday peaks, at representative critical intersections are not applicable and will not be included in the Application.

(c) The Study will include an estimate of the trip generation characteristics of the Project during both construction and operation. The estimate will include:

(1) For each major phase of construction, and for the operation phase, an estimate of the number and frequency of vehicle trips, including time of day and day of week arrival and departure, distribution, by size, weight and type of vehicle.

(2) An identification of approach and departure routes to and from the Project site out to a 5-mile distance for vehicles carrying water, fuel oil, bulk fuels, chemicals or hazardous materials for construction or operation of the Project.

(3) For major cut or fill activity (spoil removal or deposition at the Project site and affected onsite interconnection areas), a separate estimate of the number and frequency of vehicle trips, including time of day and day of week arrival and departure, distribution, by size, weight and type of vehicle.

(4) An identification of approach and departure routes to and from the Project site for construction workers and employees of the Project.

(d) The Study will include an analysis and evaluation of the traffic and transportation impacts of the Project, including:

(1) Because the Project should have no significant impact on traffic following the construction phase, no analysis of future traffic conditions with and without the Project will be prepared.

(2) An evaluation of the adequacy of the road system to accommodate the projected traffic, with 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. Where practicable, the evaluations performed under Stipulation 25(d)(2) and (3) will consider the adequacy of existing culverts along Project haul routes.

(4) An identification and evaluation of 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 Project. Additionally, the study will evaluate the potential for increased accidents and potential impacts to school bus transportation and/or emergency vehicle responses as a consequence of construction or utilization of these improvements.

(5) A description of all road use and restoration agreements, if any, between Danskammer and landowners, municipalities, or other entities, regarding repair of local roads damaged by heavy equipment or construction activities during construction or operation of the Project.

(6) A description of rail use by the existing facility and the proposed Project.

(e) An analysis and evaluation of the impacts of the Project 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.

(f) If the height of the stacks (which will be determined based upon the results of air emission and dispersion modeling) is such that a Notice of Proposed Construction or

Alteration is required to be submitted to the Federal Aviation Administration ("FAA") pursuant to 49 USC § 44718 and 14 CFR Part 77, Danskammer will file such Notice, at which time the FAA will initiate aeronautical studies (including outreach to Department of Defense ("DoD") for their input) in order to make a determination as to whether or not the proposed structure(s) presents a hazard to navigation. This section of Exhibit 25 will include:

(1) A statement that Danskammer has received an informal or formal DoD review of the proposed construction or alteration in accordance with 32 CFR § 211.7.

(2) A statement that Danskammer has consulted with the operators of the Hudson Valley Regional Airport and New York Stewart International Airport, and that such consultation included a detailed map and description of Project construction or alteration, with a request for review of and comment on such construction or alteration.

(3) A statement that Danskammer has provided the operator (base commander) of the Stewart Air National Guard Base with a detailed map and description of Project construction or alteration.

(4) A detailed description of all responses received from the consultations required in paragraphs (i), (ii), and (iii) of this subsection, including whether and why such operators believe such construction or alteration should be (1) unrestricted; (2) subject to site-specific requirements; or (3) excluded from certain areas.

(g) A method for notifying the community within the greater project area will be developed to provide commuters with potential impacts to traffic conditions during Project construction and the decommissioning of Danskammer Generating Station; notification types such as signage, publications in local newspapers, internet site postings (including notice to the NYSDOT 511NY travel and road conditions website), and other types will be discussed. Landowners (residents and businesses) within a radius of 500 feet of the Project site will be notified by direct mailing, and. warning signs will be posted within a radius of one mile. Local emergency responders and student bus transportation services in the Project area will be directly notified as well.

(h) 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. Included in the Application will be information such as appropriate temporary signage, temporary striping, temporary traffic control, flag personnel, or any other MPT plan measures that may be required.

Stipulation 26 – 1001.26 Exhibit 26: Effect on Communications

Exhibit 26 will contain sections regarding the following:

(a) An identification of all existing broadcast communication sources within a two-mile radius of the proposed Facility and the electric interconnection between the Project and the point of Central Hudson 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) Global positioning systems (GPS).

(13) LORAN (all affected sources, not limited to a two-mile radius).

(14) Amateur radio licenses registered to users.

(b) Danskammer will conduct research to identify underground cables or fiber optic major transmission telecommunication lines within two miles of the Project. The Project will avoid any impacts to underground cables or fiber optic lines. Danskammer will consult with Orange County to confirm identification of any fiber lines connecting radio towers.

(c) A statement describing the anticipated effects of the proposed Project and the existing electric interconnection between the Project and the point of interconnection on the communications systems required to be identified pursuant to subdivision (a) and (b) of this stipulation, 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. Danskammer will consult with Dig Safe New York, Inc. prior to the commencement of any construction activities to obtain maps of any buried cables with 100 feet of any areas of ground disturbance.

(4) Adverse impacts to co-located lines due to unintended bonding.

(5) Any other potential for interference.

(d) To address potential impacts on federal government communication systems, Danskammer will send a notification letter to the National Telecommunications and Information Administration ("NTIA") and will request that the NTIA review the proposed Project and identify any concerns with federal communication systems. The NTIA response letter will be included in Exhibit 26 of the Article 10 Application, accompanied by a discussion of how to resolve any potential concerns identified by the NTIA.

(e) The proposed Project will interconnect with Central Hudson's 115 kV transmission system through the existing Central Hudson 115 kV substation that is currently present on the existing Danskammer Generating Station property. As part of Exhibit 26, Danskammer will include:

(1) An evaluation of the design configuration of the proposed Project and electric interconnection between the Project and the point of Central Hudson interconnection demonstrating that there will be no adverse effects on the communications systems required to be identified pursuant to subdivision (a) and (b) of this stipulation.

(2) 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.

(f) Danskammer will also consult with the Orange County Office of Emergency Services, Orange County Sheriff's Office, and NYS Division of Homeland Security & Emergency Services to assess any effects on communication services, with particular respect to emergency services, or potential impacts on the communication network for the NYS Early Warning Weather Detection System.

Stipulation 27 – 1001.27 Exhibit 27: Socioeconomic Effects

Exhibit 27 will contain:

(a) An estimate of the average construction work force, by discipline (including specialty crafts), for each quarter, during the period of construction; an estimate of the peak construction employment level; and a projection of the anticipated number of jobs that will be from the region in which the Project is located. Exhibit 27 will include the construction workforce estimates used in developing the actual budget and costs estimated for the Project.

(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 Project (materials, services, rentals, and similar categories) during the period of construction, including those expenditures likely to be made regionally.

(c) A range of estimates of the annual secondary employment and economic activity likely to be generated in the vicinity of the Project by the construction of the construction of the plant, to reflect the uncertainty associated with such, possibly multiplier-based, secondary impact assessments. This analysis will describe, and 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 Project during a typical year of operation. The Applicant should rely as much as possible on the actual number of jobs budgeted for the Project, as well as the Applicant's prior experience with similarly situated projects.

(e) A range of estimates of the annual secondary employment and economic activity likely to be generated in the vicinity of the Project by its operation, to reflect the uncertainty associated with such, possibly multiplier-based secondary impact estimates.

(f) An estimate of incremental school district operating and infrastructure costs due to the construction and operation of the Project, with 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 Project, with this estimate to be made after consultation with the affected municipalities, public authorities, and utilities.

(h) An identification of Orange County, Town of Newburgh and the Marlborough School District, as the entities that have taxing jurisdiction over the Project Site, its improvements and appurtenances, and the Orange County Industrial Development Authority ("OCIDA"), as the entity from which payments in lieu of taxes will or may be negotiated.

(i) For each taxing jurisdiction, an estimate of the incremental amount of annual taxes (and payments in lieu of taxes, benefit charges and user charges) that is projected to be levied against the post-construction Project site, its improvements and appurtenances.

(j) For each taxing jurisdiction, a comparison of the fiscal costs to the jurisdiction that are expected to result from the construction and operation of the Project to the expected tax revenues (and payments in lieu of taxes, benefit charge revenues and user charge revenues) generated by the Project.

(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 Orange County Sheriff's office, NY State Police, Town of Newburgh police, fire and ambulance departments and any other affected local emergency response organizations).

(l) A detailed statement indicating how the proposed Project 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.

(m) All input data and work files used to develop the job impact estimates will be provided in electronic file format.

(n) A commitment by the Applicant to report the actual number of direct jobs created during the construction and operational phases of the Project, as well as the tax payments to local jurisdictions made during the course of the Project. Jobs will be measured in terms of full-time equivalents.

Stipulation 28 – 1001.28 Exhibit 28: Environmental Justice

Exhibit 28 will contain:

(a) An identification and evaluation of significant and adverse disproportionate environmental impacts of the Project, 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.

For the purposes of the Impact Study Area ("ISA") as defined under Part 487, a distance of five miles will be applied. The Comparison Areas ("CAs") will be defined as those communities located within a five-mile radius of the ISA, or within five to ten miles from the proposed Project Facility, and will include:

(1) Orange County (the county in which the Project is located);

(2) A large regional area, in this case all of New York State excluding New York City;

(3) An area with ZIP codes of the same population density from the same local area; and

(4) An area made up of ZIP codes with a population within a 5-10 mile radius of the ISA that is greater than 50% of the total ZIP code population for each ZIP code located within a 5-10 mile radius of the ISA.

(b) Consistent with the data requirements of the NYS Department of Health's "Updated Guidance for Health Data Review and Analysis Related to NYS Department of Environmental Conservation Environmental Justice Requirements for CP-29 and 6 NYCRR Part 487" (NYSDOH, 2017) (the "DOH Guidance"), an environmental justice analysis that will:

(1) be based on the 2010 Decennial Census Data and the 2012-2017 American Community Survey Data; and

(2) include an evaluation of asthma emergency department visits, cancer incidence rates for four sites, and low birth weights by ZIP code for the ISA and CAs.

(c) An environmental justice analysis that will include estimates of the anticipated cumulative air impacts from the Project on the identified Environmental Justice areas ("EJ Areas"). Danskammer will conduct a screening air quality analysis, as detailed in Application Exhibit 17, which will follow NYSDEC guidance for criteria air pollutants and modeling maximum facility impacts in the ISA of all relevant non-criteria pollutants to determine if any exceed either 10% of the NYSDEC Annual Guideline Concentration ("AGC") if based on non-cancer effects or 100% of the AGC if based on a one-in-one million cancer risk. This screening will be used to determine the appropriate number of chemicals included in the cumulative impact analysis and will be conducted after consultation with NYSDEC and NYS Department of Health.

(d) Separately stated for all significant and adverse disproportionate environmental impacts of the Project resulting from its construction and operation required to be identified pursuant to subdivision (a) of this section, a description of:

(1) The specific measures Danskammer 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 Danskammer 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 Danskammer 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.

(e) 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.

(f) A description of outreach efforts within the communities in the identified EJ Areas will be provided in Exhibit 28.

(g) Maps of EJ Areas will be included as part of Exhibit 28. Based on preliminary analysis, the EJ Areas within the ISA include portions of the City of Newburgh, City of Beacon, Town of Fishkill, Town of Newburgh and Town of Plattekill.

Stipulation 29 – 1001.29 Exhibit 29: Site Restoration and Decommissioning

The proposed repowering of the existing Danskammer Power Station ("Station") involves construction and installation of new electric generating facilities adjacent to existing facilities. Certain existing Station structures, buildings, fixtures and other improvements will be removed to accommodate the siting and construction of new Project components. Other existing components of the Station will be retained during development and construction of the Project, and will either be incorporated into the Project or not continue in their present use after the Project is in service. To the extent that removal of existing Station facilities is necessary to site and construct Project components or existing Station facilities are otherwise incorporated into the Project, those activities are considered part of the Project and will be described in Exhibit 29 of the Application.

Exhibit 29 will 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 Project, including a discussion of why the performance criteria are appropriate. The statement will 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.

(6) The useful life of the Project.

(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. The Decommissioning and Restoration Plan will include, among other things: (1) a description of proposed decommissioning activities and schedule for completion of those activities; (2) a detailed cost estimate associated with decommissioning and site restoration activities, which shall be based on Project design, proposed equipment and features, and actual decommissioning costs from other similar facilities; (3) a justification for the proposed type of financial instrument that will be provided for site decommissioning and restoration, comparing the proposed instrument to alternative options; and (4) methods and schedules for notifying the Town of Newburgh and adjacent landowners prior to the start of decommissioning and site restoration activities.

(c) Information related to wind power facilities will not be included in the Application.

(d) Information related to nuclear power facilities will not be included in the Application.

(e) A description of all existing structures, building and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the proposed Project Facility to accommodate the Project. Exhibit 29 will also discuss potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. Decommissioning of the existing Danskammer Generating Station facilities that are not required to be removed, demolished or rehabilitated to accommodate the Project are not subject to this Article 10 proceeding.

Stipulation 30 – 1001.30 Exhibit 30: Nuclear Facilities

Danskammer does not seek to build a nuclear facility. Therefore, this Stipulation is inapplicable to the Project under review.

Stipulation 31 – 1001.31 Exhibit 31: Local Laws and Ordinances

During preparation of Exhibit 31 of the Article 10 Application, Danskammer will continue its consultation with the Town of Newburgh, Orange County and DPS Staff regarding the local law requirements applicable to the construction, operation and maintenance of the Project, and to determine whether any potential request by Danskammer that the Siting Board elect to not apply any such local requirements could be obviated by design changes to the proposed Project, or otherwise. Danskammer will provide to the Town of Newburgh, Orange County and DPS Staff a draft analysis and summary of local law applicability and the basis of Danskammer's waiver request as part of Exhibit 31 of the Application. Danskammer will then consult with the Town of Newburgh, Orange County, and DPS Staff regarding the applicability of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction and operation of the Project and necessary interconnections. Danskammer will also include documentation of its consultations with the Town of Newburgh to facilitate the certification of the flood elevation utilized for the proposed Project by FEMA.

For local procedural requirements supplanted by PSL § 172, Danskammer will not request that the Siting Board elect not to apply them.

Exhibit 31 will contain:

(a) A list and copies of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction and operation of the Project (including existing interconnection electric transmission lines and fuel gas transmission lines) that are of a procedural nature for the Town of Newburgh and Orange County.. Under the Siting Board's rules and regulations, and PSL, these local procedural requirements are supplanted by the Article 10 proceeding unless the Siting Board expressly authorizes the exercise of the procedural requirement by the local municipality or agency.

(b) A list and copies of all local procedural requirements required to be identified pursuant to section (a) of this stipulation for which Danskammer requests that the Siting Board expressly authorize the exercise of the procedural requirement by the Town of Newburgh or Orange County, including a statement why such local exercise would be desirable or appropriate.

(c) Identification of the local 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. The statement of

identification will include a description of the preliminary arrangement made between Danskammer and the entity that will 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 the proposed Project facilities. Because the Town of Newburgh adopted and incorporated the New York State Uniform Fire Prevention and Building Code for administration into its local electric, plumbing and building codes in 1980, Danskammer may make a request pursuant to subdivision (b) of this section that the Siting Board expressly authorize the exercise of the electric, plumbing and building permit application, inspection and certification processes by the Town of Newburgh.

(d) Identification and copies of all local ordinances, laws, resolutions, regulations, standards and other requirements applicable to the construction and operation of the Project (including interconnection electric transmission lines and fuel gas transmission lines) that are of a substantive nature for the Town of Newburgh and Orange County, together with a statement that the location of the facility as proposed conforms to all such local substantive requirements, except any that Danskammer requests that the Siting Board elect to not apply. Copies of zoning, flood plain and similar maps, tables and/or documents will be included in Exhibit 31 of the Article 10 Application when such are referenced in such local substantive requirements. Pursuant to PSL § 168(3)(e), the Siting Board must find that the facility is designed to operate in compliance with these local substantive requirements, all of which shall be binding upon Danskammer, unless the Siting Board elects to not apply them by finding that, as applied to the proposed Project 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 stipulation for which the Danskammer requests that the Board elect to not apply them by finding that, as applied to the Project 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 pursuant to subdivision (d) of this stipulation, a statement justifying the request will be provided. The statement of justification will show with facts and analysis the degree of burden caused by the requirement, why the burden should not reasonably be borne by Danskammer, that the request cannot reasonably be obviated by design changes to the Project, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable. The statement will include a demonstration:

(1) for requests grounded in the existing technology, that there are technological limitations (including governmentally imposed technological limitations) related to necessary Project component bulk, height, process or materials that make

compliance by Danskammer 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 Project outweigh the impacts on the community that would result from refusal to apply the local substantive requirement.

(f) A list and copies of any local ordinances, laws, resolutions, regulations, standards and other requirements for Town of Newburgh and Orange County that are 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.

(g) A list and copies of any local ordinances, laws, resolutions, regulations, standards and other requirements for Town of Newburgh and Orange County that are 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.

(h) A list of all local procedural or substantive requirements required to be identified pursuant to subdivisions (f) and (g) of this stipulation for which Danskammer requests that the Siting Board elect to not apply them by finding that, as applied to the proposed Project 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 will be provided. The statement of justification will show with facts and analysis the degree of burden caused by the requirement, why the burden should not reasonably be borne by Danskammer, that the request cannot reasonably be obviated by design changes to the proposed Project, the request is the minimum necessary, and the adverse impacts of granting the request are mitigated to the maximum extent practicable. The statement will include a demonstration:

(1) for requests grounded in the existing technology, that there are technological limitations (including governmentally imposed technological limitations) related to necessary Project component bulk, height, process or materials that make compliance by Danskammer 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 Project 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 stipulation 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 Project and a statement of the language in the zoning ordinance or local law by which it is indicated that the proposed Project is a permitted use at the proposed site. If the language of the zoning ordinance or local law indicates that the proposed Project 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.

Stipulation 32 – 1001.32 Exhibit 32: State Laws and Regulations

During preparation of the Article 10 Application, Danskammer will consult with the state agencies and authorities whose requirements are the subject of this exhibit to determine whether Danskammer has correctly identified all such requirements.

Exhibit 32 will contain:

(a) A list of all state approvals, consents, permits, certificates, or other conditions for the construction or operation of the proposed Project (including interconnection electric transmission lines and fuel gas transmission lines) of a procedural nature. These state procedural requirements are supplanted by the Article 10 proceeding, except for permits to be issued by the NYSDEC 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 Environmental Conservation Law, unless the Siting 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 Danskammer requests that the Siting 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 Project (including interconnection electric transmission lines and fuel gas transmission lines) of a substantive nature, together with a statement that the proposed Facility as proposed conforms to all such state substantive requirements. Pursuant to PSL § 168(3)(e), the Siting Board must find that the facility is designed to operate in compliance with these state substantive requirements, all of which will be binding upon Danskammer.

(d) A summary table of all state substantive requirements 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, if any.

Stipulation 33 – 1001.33 Exhibit 33: Other Applications and Filings

Exhibit 33 will contain:

(a) A statement whether Danskammer 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 Siting Board. If any such applications or filings are pending, Danskammer will 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. Danskammer will notify the Secretary of the Siting Board, assigned Administrative Law Judges, and each party listed on the Siting Board's DMM of any significant change in the status of each such application or filing.

(b) Exhibit 33 of the Application will also identify any Federal permit, consent, approval or license that will be required for the construction or operation of the proposed Facility. The Application will specify the date on which an application for any such approval was made or the estimated date on which it will be made. Danskammer will notify the Secretary of the Siting Board, the assigned Administrative Law Judges, and each party listed on the Siting Board's DMM of any significant change in the status of each such application.

Stipulation 34 – 1001.34 Exhibit 34: Electric Interconnection

The proposed Project will interconnect with Central Hudson's 115 kV transmission system through the existing Central Hudson 115 kV substation that is currently present on the existing

Danskammer Generating Station property. As part of Exhibit 34, Danskammer will prepare a detailed description of the proposed electric interconnection including:

(a) The design voltage and voltage of initial operation.

(b) The type, size, number and materials of conductors.

(c) The insulator design.

(d) The length of the existing transmission line.

(e) The typical dimensions and construction materials of the towers.

(f) The design standards for each type of tower and tower foundation.

(g) For underground construction, the type of cable system to be used and the design standards for that system.

(h) For underground construction, indicate on a profile of the line the depth of the cable and the location of any oil pumping stations and manholes.

(i) Equipment to be installed in any proposed switching station or substation, including an explanation of the necessity of these components.

(j) Any terminal facility.

(k) The need for cathodic protection measures.

Stipulation 35 – 1001.35 Exhibit 35: Electric and Magnetic Fields

As set forth in the Preliminary Scoping Statement at Section 9.2, electrical interconnection for the Project is proposed to occur onsite at Central Hudson's existing 115 kV substation. This existing interconnection is entirely within the Project Site. Accordingly, Exhibit 35 will contain:

(a) For the entire transmission corridor of the proposed power line providing the non-Article VII onsite electrical interconnection between the proposed Project and the onsite interconnection to the existing electric transmission and distribution system, Danskammer will 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, Danskammer will provide both "base case" and "proposed" cross-sections to scale showing:

(1) All overhead electric transmission, sub-transmission and distribution facilities, including the proposed Project Facility, showing structural details and dimensions and identifying phase spacing, phasing, and any other characteristics affecting EMF calculations.

(2) All underground electric transmission, sub-transmission and distribution facilities.

(3) All underground gas transmission facilities.

(4) All right-of-way boundaries.

(5) Structural details and dimensions for all structures (dimensions, phase spacing, phasing, and similar categories), including a Station number identifying the location.

(c) A set of the aerial photos/drawings enhanced by showing the exact location of each:

(1) Identified right-of-way segment.

(2) Cross-section.

(3) Nearest residence or occupied non-residential building in each identified right-of- way segment with a stated measurement of the distance between the edge of right- of-way and the nearest edge of the residence or building.

(d) An EMF study of the onsite corridor comprising the new power line connecting the Project Facility to the existing substation, complying with the requirements of 16 NYCRR § 1001.35(d)(1) – (6).

Stipulation 36 – 1001.36 Exhibit 36: Gas Interconnection

Exhibit 36 will 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 an identification of who will construct, own and operate the pipeline facilities.

(2) An analysis demonstrating that there will be sufficient gas supply and gas transmission capacity to support the requirements of the Facility; details will be provided on the specific type of gas service agreement, such as whether there

will be primary or secondary firm gas capacity, or whether the supply will be baseloaded or incremental.

(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.

(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.

(4) the need for cathodic protection measures.

Stipulation 37 – 1001.37 Exhibit 37: Back-Up Fuel

Exhibit 37 will contain:

(a) A description of the circumstances under which fuel oil will be burned in the Project 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); a description of any secondary containment structures proposed to be constructed around the tank and off-loading areas; any other facilities or measures proposed to prevent, contain or clean up oil spills; and a statement of the most severe weather event (e.g. hurricane, storm surge, etc.) for which the fuel oil storage tank(s) and any offloading equipment were designed to remain intact and undamaged.

(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 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.

(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.

(8) A statement of the maximum quantity of back-up fuel supply, in gallons, expected to be stored at the Project Site.

(b) If it is anticipated that Danskammer will store more than 400,000 gallons of fuel oil at the Facility Site, Danskammer will also provide:

(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) A description of current oil storage capability and a description of removal plans for existing onsite storage tanks, where required.

(f) Danskammer represents that it will use only ultra-low sulfur diesel as a back-up fuel.

Stipulation 38 – 1001.38 Exhibit 38: Water Interconnection

Exhibit 38 will contain:

(a) An estimate of the water supply needs and consumptive water losses of the Project Facility, expressed in gallons, for each day of a typical year, broken down by power production and domestic uses, with hourly and daily peak estimates, as well as hourly, 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 in 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. The description will set forth all factors used.

(d) A description of the water chemistry requirements for water to be supplied to the Project, indicating any requirements that are more stringent than New York State standards for potable water, and describing any additional water treatment that will be necessary to obtain the desired chemistry.

(e) As set forth in the PSS at Section 2.6.1, it is anticipated that water to support the proposed Project Facility will be obtained from the Town of Newburgh distribution system through existing metered connections with the potential for additional connections if needed. As to this source and any other public water supply source or well field proposed to be used by the Project Facility (should there be one), Exhibit 38 will also contain:

(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 Project's water use on the water supply system, including an identification of the well field(s) in the localized zone. This assessment will also evaluate the use of back-up fuel and any water demand that may be associated with use of the back-up fuel.

(2) An identification of all infrastructure requirements necessary to serve the Project, including the location of additional connections, on-site storage, and treatment requirements, if any.

(3) The impact of the Project on excess infrastructure capacity, including distribution piping, mains, pumps, storage, or additional supply during both normal and maximum system demands.

(4) The Project does not anticipate using surface water or an on-site well for daily water supply for the Project. The existing Danskammer Generating Station facility currently uses Hudson River water as its emergency fire suppression back-up source. If Danskammer anticipates that it will continue to do so at the proposed Project Facility, Exhibit 38 will assess the impacts of this use, including the method of extraction, on waterbodies and public or private wells.

(5) Danskammer represents that it is not anticipated that surface water withdrawal will be required for the Project, so a quantitative analysis of the water balance will not be provided.

(6) An identification and description of any Project Facility water treatment facilities.

(f) A detailed description of the proposed water interconnection, including all interconnecting facilities, line route, size, functions, design details (including back flow prevention), and operating characteristics.

(g) A description of the status of negotiations, and a copy of agreements that have been executed, with the Town of Newburgh and any other municipalities, public authorities, companies or individuals for providing water to the Project, including permitting implications/modification requirements and restrictions, if any, imposed by the provider. Danskammer Energy will also provide a preliminary description of how the interconnection and any necessary system upgrades are to be installed, owned, maintained and funded.

(h) 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.

(i) 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 will be presented in a manner that distinguishes between sanitary wastewater, process wastewater, and intermingled sanitary and process wastewater. Exhibit 39 will contain:

(a) A detailed description of the proposed wastewater sewer interconnection, including all interconnecting facilities, line route, size, functions, and operating characteristics. If multiple interconnection points are being considered, detailed descriptions and figures will be provided for each.

(b) A separate water balance diagram for hourly and daily peak and hourly and daily average water use operating conditions for the Project Facility that shows in detail all water sources, plant water uses, water treatment facilities, wastewater treatment facilities, and wastewater discharges. The water balance diagram will also identify the effluents that will be discharged, where they will be discharged from, and will include 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 Project Facility, including a review of options for discharging to municipal sewer systems, aquifer recharge areas, in-ground discharges, or other process wastewater disposal. Where applicable, this discussion will include 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 Project Facility, including any restrictions or conditions of approval imposed by the provider on the Project Facility, 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 during construction and operation, an identification and description of any Project 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.

(h) If required after consultation with the NYSDEC it is determined that a new State Pollution Discharge Elimination System ("SPDES") permit is required for the Project, a completed application for such permit will be provided along with a demonstration that the discharge complies with all applicable technology-based and/or water-quality based effluent limits. Otherwise, Danskammer will demonstrate that the Project adheres to the requirements and restrictions of the existing SPDES

permit, and that the anticipated wastewater discharge from the Project Facility will comply with those restrictions and requirements.

(i) If collection of process waste streams and transport off-site is proposed, a detailed description and figures of waste stream collection systems, designated waste storage areas and handling procedures will be provided.

(j) Design details of the Project Site's existing sanitary collection system, capacity limitations of the existing sanitary collection system, and calculations for estimated maximum volume of sanitary wastewater anticipated for the Proposed Facility.

(k) A discussion of what wastewater will discharge to outfall and which will discharge to the Project Site's existing sanitary collection system.

Stipulation 40 – 1001.40 Exhibit 40: Telecommunications Interconnection

Exhibit 40 will 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 Project.

(c) A description of the status of negotiations, or a copy of agreements that have been executed, with companies or individuals providing the communications interconnection, including any restrictions or conditions of approval 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

Danskammer does not seek treatment of this Article 10 Application under PSL § 165(4)(b). Consequently, this Stipulation is inapplicable to the Project under review.