



# **DANSKAMMER ENERGY CENTER**

**Case No. 18-F-0325**

**1001.33 Exhibit 33**

**Other Applications and Filings**

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## **Exhibit 33: Other Applications and Filings**

### **33(a) Other Applications & Filings**

Danskammer does not have, nor is Danskammer aware of, any other pending application or filing with the Public Service Commission or the Siting Board concerning the Project.

As set forth in Exhibit 32 of this Application, Danskammer intends to apply to the Public Service Commission for a Certificate of Public Convenience and Necessity pursuant to Section 68 of the Public Service Law authorizing the right to construct and operate an electric plant.

Also as set forth more fully in Exhibit 32 of this Application, within the context of this Article 10 proceeding, Danskammer will file applications with the NYSDEC pursuant to that agency's delegated authority under: (1) the Clean Air Act, for a Prevention of Significant Deterioration Air Permit, ECL Article 19, 6 NYCRR Part 231, and for a modification of the Title V Facility Permit, ECL Article 19, 6 NYCRR Part 201; and (2) the Clean Water Act, for a modification of the SPDES Individual Permit for Stormwater Discharges from Industrial Activities, ECL Article 3, 6 NYCRR Part 750. Additionally, Danskammer will seek a coastal consistency determination from the NYS Department of State pursuant to that agency's delegated authority under the federal Coastal Zone Management Act, as set forth more fully in Exhibit 32.

Danskammer submitted its New York System Operator (NYISO) interconnection request on January 25, 2019. The Feasibility Study requirement was waived and a System Reliability Impact Study (SRIS) was issued in July 2019. The SRIS was approved by the NYISO Operating Committee on August 7, 2019. The Project was determined by the NYISO to be an eligible project to enter Class Year 2019, and a Facilities Study Agreement was executed on October 9, 2019. The NYISO, Danskammer and CHGE are working together to complete the scope of the 2019 Class Year study, which is targeted to be complete on or about August 9, 2020. Upon completion of the Class Year study, any determined system upgrades and project cost allocation will be assigned to the Project for those upgrades. A copy of the SRIS is set forth in Appendix 5-1 and is provided subject to a confidentiality request.

### **33(b) Anticipated Federal Permits, Consents, Approvals, or Licenses**

Pursuant to 16 NYCRR § 1001.33(b), the following federal permits, consents, approvals, or licenses are anticipated to be required for construction or operation of the Project:

### ***(1) Federal Aviation Administration***

In September 2019, Danskammer filed a “Notice of Proposed Construction or Alteration” (FAA Form 7460-1) with the Federal Aviation Administration (FAA) in accordance with 14 CFR Part 77.9(a) and (b)(1). The FAA Aeronautical Study Determination was received on October 10, 2019 and determined that the proposed stack did not constitute a hazard to air navigation. Additionally, the FAA determined that the proposed stack does not exceed obstruction standards and that marking and lighting for the proposed stack will not be necessary for aviation safety. Further discussions regarding consultation with the FAA can be found in Exhibit 25.

### ***(2) U.S. Environmental Protection Agency***

The Project will store over 1 million gallons of ultra-low sulfur diesel on the Project Site. Pursuant to 40 CFR § 112.20, the owner or operator of any non-transportation-related on-shore petroleum bulk storage facility must submit a Facility Response Plan (FRP) to the U.S. Environmental Protection Agency (USEPA) where: (1) total storage capacity exceeds 1 million gallons; and (2) the facility is located at such a distance from a water body that a discharge from the facility could result in injury to fish, wildlife or other sensitive environmental resources.

Danskammer has prepared and will submit the FRP to the USEPA Regional Administrator (RA) after final engineering is complete. If the RA determines that the Project’s oil storage facility has the potential to cause substantial and significant harm in the event of a discharge, the FRP must be approved by the RA. In accordance with 16 NYCRR § 1033(b), Danskammer will notify the Secretary of the Siting Board, the assigned Administrative Law Judges and each party to this proceeding of any significant change in the status of the FRP submittal. The FRP is provided in these Application materials as Appendix 37-2.

### ***(3) Federal Consultations***

As a result of the FRP approval process, Danskammer is consulting with the United States Fish and Wildlife Service and National Oceanic and Atmospheric Administration (NOAA) Fisheries Service under Section 7 of the Endangered Species Act and NOAA Fisheries Service under the Magnuson-Stevens Fishery Conservation and Management Act. Danskammer’s correspondence with USFWS and NOAA Fisheries Service establishing compliance with the consultation requirement is set forth in Appendix 22-4. In accordance with Stipulation 33(b), Danskammer will notify the Secretary of the Siting Board, the ALJs, and all parties of any significant changes in the status of the consultations.