

# Second Supplement to the Application for a Certificate of Environmental Compatibility and Public Need

**Danskammer Energy Center**  
Town of Newburgh, Orange County, New York

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

**Applicant:**  
Danskammer Energy, LLC  
181 South Plank Road  
Newburgh, New York 12550  
Contact: William Reid  
WReid@danskammerenergy.com  
Office: (646) 783-3717



**Prepared by:**  
TRC Companies, Inc.  
1090 Union Road, Suite 280  
West Seneca, NY 14224  
Contact: Kaitlin McCormick  
KMcCormick@trccompanies.com  
Office: (716) 221-4128

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In response to the February 10, 2020 letter, which was received from the Chair of the New York State Board on Electric Generation Siting and the Environment (Chair) regarding the Application submitted by Danskammer Energy, LLC (Applicant) pursuant to Public Service Law (PSL) 164 for a Certificate of Environmental Compatibility and Public Need for Approval to repower its Danskammer Generating Station Site (the Project), Applicant provided certain supplemental information, organized consistent with the Chair's February 10, 2020 letter, in a supplemental filing dated March 11, 2020 (the "Supplement to the Application").

Following a technical conference with Department of Public Service and New York State Department of Environmental Conservation (NYSDEC) staff on March 30, 2020, Applicant is providing the further information below (the "Second Supplement to the Application") to address two issues identified by NYSDEC in the attachment to the February 10, 2010 deficiency letter, and which were discussed during that technical conference: (1) future climate risk and (2) the Stormwater Pollution Prevention Plan (SWPPP) included as part of Applicant's Article 10 Application.

### **NYSDEC - Article 10 Application Deficiency Items**

*3. Demonstration that the future physical climate risk has been considered in the application.*

#### **Further Response:**

During the March 30, 2020 technical conference, NYSDEC clarified that it was requesting that Applicant address its compliance with the 2018 Draft New York State Flood Risk Management Guidance for the Implementation of the Community Risk and Resiliency Act. NYSDEC concurred with Applicant's use of the 30-inch sea level rise scenario but wanted clarification on the integration of the recommended additional freeboard per the 2018 Guidance.

The base flood elevation (BFE) at the Project Site is 7 feet. To calculate the recommended elevation for critical infrastructure based on the 2018 Guidance, the BFE is added to the 30-inch (2.5 feet) sea level rise scenario plus an additional 3 feet of freeboard. This results in a recommended elevation for critical infrastructure of 12.5 feet. For non-critical infrastructure, the recommended freeboard is 2 feet, which results in a recommended elevation of 11.5 feet.

The Project Site is divided into two areas, one along the Hudson River (Main Plant Area) and the other further inland across the railroad tracks (Auxiliary Area).

The Main Plant Area will be graded to a ground elevation of 11 feet. New buildings and structures within this area will be placed on concrete foundations of at least 18 inches in height. Infrastructure within those new buildings or structures will be mounted or stored further above the foundation level. Thus, all new critical infrastructure will be at an elevation over 12.5 feet. New infrastructure that is not placed on foundations will be designed to resist potential impacts of sea level rise and storm surge. For example, electrical ductbanks will be sealed and access points to the ductbanks will be sealed or elevated.

The Auxiliary Area will be graded to a ground elevation of 20 feet. All infrastructure located in the Auxiliary Area will be located above the elevations of 11.5 or 12.5 feet for non-critical or critical infrastructure, respectively.

Detailed engineering design, including cross-sections and additional civil engineering drawings will be provided to the NYSDPS during the compliance phase.

- 4. Stipulation 23(c)(1) states that the Article 10 Application will include a preliminary Stormwater Pollution Prevention Plan ("SWPPP")... and will include in general terms the sediment control practices that will likely be implemented during construction activities....*

**Further Response:**

As discussed during the March 30, 2020 technical conference, Applicant has reviewed the preliminary SWPPP and there are no additional updates or changes to provide at this time. The preliminary SWPPP provided as part of the Article 10 Application filed in December 2019 includes an attachment of forms that may be required for submittal of the final SWPPP. The forms provided as Attachment A were provided for informational purposes only.

Applicant is in the process of applying for modification of its existing State Pollutant Discharge Elimination System (SPDES) permit from NYSDEC, and any SWPPP submittals will need to be in accordance with the revised SPDES permit. Applicant's current SPDES permit does not allow for the use of the general construction stormwater permit. The final SWPPP will be submitted with any required permit coverage forms in accordance with regulatory requirements and existing permit terms. One form, the Notice of Termination Form, would not be required until after construction of the proposed Project is complete. At this time, it is expected that the applicant information included on the SPDES modification request will be the same as that included in the final SWPPP.