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

At a session of the New York State Board on Electric Generation Siting and the Environment held in the City of Albany on July 10, 2012, by a unanimous vote of its five members present

BOARD MEMBERS PRESENT:

Garry A. Brown, Chairman
New York State Public Service Commission

Louis Alexander, Alternate for
Joseph Martens, Commissioner
New York State Department of
Environmental Conservation

Robert Chinery, Alternate for
Nirav Shah, M.D., Commissioner
New York State Department of Health

Francis J. Murray, Jr., Acting Chairman
New York State Energy Research and Development Authority

Keith Corneau, Alternate for
Kenneth Adams, Commissioner
Empire State Development

CASE 12-F-0036 - In the Matter of the Rules and Regulations of the Board on Electric Generation Siting and the Environment, contained in 16 NYCRR, Chapter X, Certification of Major Electric Generating Facilities.

RESOLUTION BY THE BOARD

(Issued and Effective July 17, 2012)

Statutory Authority
Public Service Law §§ 160(8), 161(1) and (3), 163(1)(h), (2) and (4)(b), 164(1), (2), (3), (4) and (6)(b), 165(2), (4)(b) and (5), and 167(1)(b) and (4)

RESOLVED:

1. That the provisions of §202(1) of the State Administrative Procedure Act and §101-a(2) of the Executive Law have been complied with.

2. The official Compilation of Codes, Rules and Regulations of the State of New York, Title 16, Public Service, is amended, effective upon publication of a Notice of Adoption in the State Register, by the repeal of Subchapter A of Chapter X and the addition of a new Subchapter A to read as set forth in the Appendix attached hereto.

2. That the Secretary to the Board is directed to file a copy of this resolution with the Secretary of State.

By the New York State Board on
Electric Generation Siting and
the Environment

(SIGNED) JACLYN A. BRILLING
Secretary

PART 1001 CONTENT OF AN APPLICATION

(Statutory Authority: Public Service Law §164(1))

Sec.

1001.1 General Requirements

(a) Each application for a certificate shall contain the exhibits described by this Part as relevant to the proposed major electric generating facility technology and site and such additional exhibits and information as the Applicant may consider relevant or as may be required by the Board or the Presiding Examiner. Exhibits that are not relevant to the particular application may be omitted.

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

(1) the applicant's name;

(2) the title of the exhibit; and

(3) the proper designation of the exhibit.

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

(d) In collecting, compiling and reporting data required by this Part, the applicant shall establish a basis for a statistical comparison with data which shall subsequently be obtained under any program of post-certification monitoring.

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

(f) Exhibit 1 shall contain:

(1) the name, address, telephone number, facsimile number, and E-mail address of the applicant;

(2) the address of a website established by the applicant to disseminate information to the public regarding the application;

(3) the name, address, telephone number, facsimile number, and E-mail address of a person provided by the applicant that the public may contact for more information regarding the application;

(4) the name, business address, telephone number, facsimile number, and E-mail address of the principal officer of the applicant;

(5) if the applicant desires service of documents or other correspondence upon an agent, the name, business address, telephone number, facsimile number, and E-mail address of the agent;

(6) a brief explanation of the type of business entity that the applicant is, including its date and location of formation and the name and address of any parent entities; and

(7) if the facility is to be owned by a corporation, a certified copy of

the charter of such corporation; if the facility is not to be owned by a corporation, a copy of the certificate or other documents of formation.

1001.2 Exhibit 2: Overview and Public Involvement

Exhibit 2 shall not exceed 15 pages of text, except that for good cause shown, the Secretary may increase the page limit. Exhibit 2 shall contain:

(a) A brief description of the major components of the proposed facility, interconnections and related facilities.

(b) A brief summary of the contents of the application.

(c) A brief description of the public involvement program conducted by the applicant prior to submission of the application and an identification of significant issues raised by the public and affected agencies during such program and the response of the applicant to those issues including a summary of changes made to the proposal as a result of the public involvement program.

(d) A brief description of the public involvement program to be conducted by the applicant after submission of the application.

(e) A brief, clearly and concisely written overall analysis in plain language that assembles and presents relevant and material facts regarding the proposed project upon which the applicant proposes that the Board make its decision. The analysis shall be analytical and not encyclopedic and shall specifically address each required finding, determination and consideration the Board must make or consider in its decision pursuant to Section 168 of the PSL and explain why the applicant believes that the requested Certificate can be granted.

1001.3 Exhibit 3: Location of Facilities

Exhibit 3 shall contain:

Maps, drawings and explanations showing the location of the proposed major electric generating facility, all interconnections, and all ancillary features not located on the facility 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) New York State Department of Transportation or USGS maps (1:24,000 topographic edition), showing:

(1) the proposed location of the major electric generating facility and any reasonable and available alternative location sites required to be identified, including electric transmission line and fuel gas transmission line interconnections that are not subject to review under Article VII of the PSL, and including ancillary features located on the facility 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;

(2) the proposed location of any interconnections, including all offsite electric transmission lines, fuel gas transmission lines, fuel oil transmission lines, water supply lines, wastewater lines, communications lines, steam lines, stormwater drainage lines, and appurtenances thereto, to be installed in New York State connecting to and servicing the site of a major electric generating facility that are not subject to the Commission’s jurisdiction under PSL Article VII;

(3) the location of all proposed ancillary features not located on the facility 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 proposed location of any electric transmission line and fuel gas transmission line interconnections that are subject to review under Article VII of the PSL and that are not subject to the Board’s jurisdiction under PSL Article 10; and

(5) A study area for the proposed facility generally related to the nature of the technology and the setting of the proposed site. In highly urbanized areas, the study area may be limited to a one-mile radius from the property boundaries of the facility site, interconnections, and alternative location sites. For large facilities or wind power facilities with components spread across a rural landscape, the study area shall include the area within a radius of at least five miles from all facility components, interconnections and related facilities and alternative location sites. For facilities in areas of significant resource concerns, the size of a study area shall be configured to address specific features or resource issues.

(b) Maps clearly showing the location of the proposed facility site, any reasonable and available alternative location sites required to be

identified, the interconnections, and all ancillary features not located on the facility site in relation to municipal boundaries, taxing jurisdictions, designated neighborhoods or community districts, at a scale sufficient to determine and demonstrate relation of facilities to those geographic and political features.

(c) Written descriptions explaining the relation of the location of the proposed facility site, any reasonable and available alternative location sites required to be identified, the interconnections, and all ancillary features not located on the facility site to the affected municipalities, taxing jurisdictions, designated neighborhoods or community districts.

1001.4 Exhibit 4: Land Use

Exhibit 4 shall contain:

(a) A map showing existing land uses within the study area.

(b) A map of any existing overhead and underground major facilities for electric, gas or telecommunications transmission within the study area.

(c) Except for wind power facilities, a map of all properties upon which any component of the major electric generating facility or the related facilities 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, and any publicly known proposed land use plans for any of these parcels. For wind power facilities, a map of all properties upon which any component of the major electric generating facility or the related facilities would be located, and all properties within 2,000 feet of such properties, that shows the current land use, tax parcel number and owner of record of each property, and any publically known proposed land use plans for any of these parcels.

(d) A map of existing zoning districts, and proposed zoning districts within the study area, including a description of the permitted and the prohibited uses within each zone.

(e) A statement as to whether the municipality has an adopted comprehensive plan and whether the proposed land use is consistent with such comprehensive plan. If the municipality’s comprehensive plan is posted on a website, the exhibit shall contain the address of the internet site where the plan is posted.

(f) A map of all publicly known proposed land uses within the study area, gleaned from interviews with state and local planning officials, from the public involvement process, or from other sources.

(g) Maps showing designated coastal areas, inland waterways and local waterfront revitalization program areas; groundwater management zones; designated agricultural districts; flood-prone areas; and critical environmental areas designated pursuant to the State Environmental Quality Review Act.

(h) Maps showing recreational and other land uses within the study area that might be affected by the sight, sound or odor of the construction or operation of the facility, interconnections and related facilities, including Wild, Scenic and Recreational River Corridors, open space, and any known archaeological, geologic, historical or scenic area, park, designated wilderness, forest preserve lands, scenic vistas specifically indentified in the Adirondack Park State Land Master Plan, conservation easement lands, scenic byways designated by the federal or state governments, nature preserves, designated trails, and public-access fishing areas; major communication and utility uses and infrastructure; and institutional, community and municipal uses and facilities; including a summary describing the nature of the probable environmental impact of facility and interconnection construction and operation on such uses, including an identification of how such impact is avoided or, if unavoidable, minimized or mitigated. Given the provisions of §304 of the National Historic Preservation Act, 9 NYCRR §427.8, and §15 of the Public Service Law, information about the location, character, or ownership of a cultural

resource shall not be disclosed to the public, and shall only be disclosed to the parties to a proceeding pursuant to an appropriate protective order if a determination is made that disclosure may:

(1) cause a significant invasion of privacy;

(2) risk harm to the affected cultural resource; or

(3) impede the use of a traditional religious site by practitioners.

(i) A qualitative assessment of the compatibility of the facility and any interconnection, including any off-site staging and storage areas, with existing, proposed and allowed land uses, and local and regional land use plans, within a 1-mile radius of the facility site and any interconnection route. The qualitative assessment shall include an evaluation of the short- and long-term effects of facility-generated noise, odor, traffic and visual impacts on the use and enjoyment of those areas for the current and planned uses. The assessment shall identify the nearby land uses of particular concern to the community, and shall address the land use impacts of the facility on residential areas, schools, civic facilities, recreational facilities, and commercial areas.

(j) A qualitative assessment of the compatibility of above-ground interconnections and related facilities with existing, potential, and proposed land uses within the 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) For projects at locations within designated coastal areas, or in direct proximity of designated inland waterways, provide an analysis of conformance with relevant provisions of the Coastal Zone Management Act, and proposed or adopted plans for inland waterways and local waterfront revitalization areas.

(m) Aerial photographs of all properties within the study area of such scale and detail to enable discrimination and identification or all natural and cultural features.

(n) Overlays on aerial photographs which clearly identify the facility site and any interconnection route, the limits of proposed clearing or other changes to the topography, vegetation or man-made structures, and the location of access and maintenance routes.

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

(p) A description of community character in the area of the proposed facility, an analysis of impacts of facility construction and operation on community character, and identification of avoidance or mitigation measures that will minimize adverse impacts on community character. For the purposes of this paragraph, community character includes defining features and interactions of the natural, built and social environment, and how those features are used and appreciated in the community.

1001.5 Exhibit 5: Electric System Effects

Exhibit 5 shall contain:

(a) A system reliability impact study, 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 study shall include the new electric interconnection between the facility and the point of interconnection, as well as any other system upgrades required.

(b) An evaluation of the potential significant impacts of the facility 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 facility on ancillary services and the electric transmission system, including impacts associated with reinforcements and new construction necessary as a result of the 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, and if a forecasted reduction in transfer capability across affected interfaces violates reliability requirements, an evaluation of reasonable corrective measures that could be employed to mitigate or eliminate said reduction.

(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; and

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

(g) If there is a thermal component to the facility the applicant is to provide heat balance diagrams at various load levels and generation configurations demonstrating that the facility is utilizing the best use of heat from the facility.

(h) For wind power and other facilities where it is contemplated that a portion of a new interconnection substation to be built will be transferred to the transmission owner:

(1) describe the substation facilities to be transferred and the contemplated future transaction, including a timetable for the future transfer;

(2) describe how the substation-interconnection design will meet the transmission owner's requirements; and

(3) define the operational and maintenance responsibilities for the substation and how they will meet the transmission owner's standards.

(i) Facility maintenance and management plans, procedures and criteria, specifically addressing the following topics:

(1) turbine maintenance, safety inspections, and tower integrity; and

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

(i) vegetation clearance requirements;

(ii) vegetation management plans and procedures;

(iii) inspection and maintenance schedules;

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

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

(j) Vegetation management practices for switchyard and substation yards, 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.

(k) If the applicant will entertain proposals for sharing above ground facilities with other utilities (communications, cable, phone, cell phone relays, and similar facilities), criteria and procedures for review of such proposals.

(l) 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.

(m) A description of the generating facility's blackstart capabilities, if any.

(n) After consultation with DPS, NYISO, and the local transmission owners to identify applicable requirements, 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 utility, including any criteria regarding blackstart and fuel switching capabilities.

1001.6 Exhibit 6: Wind Power Facilities

If the Applicant’s proposal is for a wind power facility, Exhibit 6 shall contain:

(a) A statement of all setback requirements and/or setback recommendations for turbines from roads, occupied structures (dwellings, commercial, industrial, and institutional), barns and unoccupied structures, areas of public gathering, and electric transmission lines, explaining the rationale for the setback distances for each type, as required or recommended by:

(1) the manufacturer's specifications;

(2) the Applicant; and

(3) any local ordinance or law.

(b) A detailed explanation of the degree to which the Applicant has accommodated in the facility layout the required and/or recommended turbine setbacks required to be stated in subdivision (a) of this section.

(c) Documentation regarding the status and results of third-party review and certification (type and project) of wind turbines proposed for construction and operation at the electric plant.

(d) Wind meteorological analyses demonstrating adequate wind conditions supporting the estimated capacity factor for the facility.

1001.7 Exhibit 7: Natural Gas Power Facilities

If the applicant’s proposal is for a gas power facility, Exhibit 7 shall contain:

(a) An estimate of the monthly and hourly gas usage by the facility.

(b) A statement of the gas pressure required for the gas turbines and how the pressure will be regulated or increased.

1001.8 Exhibit 8: Electric System Production Modeling

Prior to preparing this exhibit, the Applicant shall consult with DPS and DEC to develop an acceptable input data set, including modeling for the Applicant's proposed facility and inputs for the emissions analysis, to be used in the simulation analyses.

Exhibit 8 shall contain:

(a) The following analyses that shall be developed using GEMAPS, PROMOD or a similar computer-based modeling tool:

(1) estimated statewide levels of SO2, NOx and CO2 emissions, both with, and without the proposed 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 facility;

(3) an estimated capacity factor for the facility;

(4) estimated annual and monthly, on peak, shoulder and off-peak MW output capability factors for the facility;

(5) estimated average annual and monthly production output for the facility in MWhs;

(6) an estimated production curve for the facility over an average year;

(7) an estimated production duration curve for the facility over an average year; and

(8) estimated effects of the proposed facility on the energy dispatch of existing must-run resources, defined for this purpose as existing wind, hydroelectric and nuclear facilities, as well as co-generation facilities to the extent they are obligated to output their available energy because of their steam hosts.

(b) Digital copies of all inputs used in the simulations required in subdivision (a) of this section.

1001.9 Exhibit 9: Alternatives

Exhibit 9 shall contain:

(a) an identification and description of reasonable and available alternate location sitesfor the proposed facility, except that a private facility applicant may limit its identification and description to sites owned by, or under option to, such private facility applicant or its affiliates;

(b) for each alternative location identified, an evaluation of the comparative advantages and disadvantages of the proposed and alternative locations at a level of detail sufficient to permit a comparative assessment of the alternatives discussed considering:

(1) the environmental setting;

(2) the recreational, cultural and other concurrent uses that the site may serve;

(3) engineering feasibility, including fuel availability, wind availability (if applicable), and interconnections;

(4) reliability and electric system effects;

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

(6) economic considerations;

(7) environmental justice considerations;

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

(9) public health considerations;

(10) the site's vulnerability to potential seismic disturbances and current and anticipated climate change impacts, such as sea-level rise, precipitation changes, and extreme weather events; and

(11) the objectives and capabilities of the applicant;

(c) a description and evaluation of reasonable alternatives to the proposed facility at the primary proposed location including alternatives regarding:

(1) general arrangement and design;

(2) technology, including 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) scale or magnitude;

(4) for wind power facilities, alternative layouts of the turbines within the site location; and

(5) timing of the proposed in-service date for the facility in relation to other planned additions, withdrawals, or other capacity, transmission or demand reduction changes to the electric system;

(d) a statement of the reasons why the primary proposed location is best suited, among the alternative locations required to be identified, to promote public health and welfare, including the recreational, cultural and other concurrent uses which the site and affected areas may serve.

(e) a statement of the advantages and disadvantages of the alternatives 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 the 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 a statement of the reasons why the proposed facility is better suited to promote public health and welfare including the recreational, cultural and other concurrent uses that the site may serve.

(g) an identification and description of reasonable energy supply source alternatives including but not limited to alternatives to the proposed facility consisting of renewable generation, distributed generation, transmission, and demand-reducing alternatives, except that an applicant may limit its identification and description to alternatives that are feasible considering the objectives and capabilities of the sponsor or its affiliates;

(h) for each source and demand-reducing alternative identified, an evaluation of the comparative advantages and disadvantages of the proposed facility and the alternatives 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 the applicant;

(i) a statement of the reasons why the proposed facility 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 site and affected areas may serve.

1001.10 Exhibit 10: Consistency with Energy Planning Objectives

Exhibit 10 shall contain:

(a) a statement demonstrating the degree of consistency of the construction and operation of the facility with the energy policies and long range energy planning objectives and strategies contained in the most recent state energy plan including consideration of the information required by subdivisions (b) through (i) in this section;

(b) a description of the impact the proposed facility would have on reliability in the state;

(c) a description of the impact the proposed facility would have on fuel diversity in the state;

(d) a description of the impact the proposed facility would have on regional requirements for capacity;

(e) a description of the impact the proposed facility would have on electric transmission constraints;

(f) a description of the impact the proposed facility would have on fuel delivery constraints;

(g) a description of the impact the proposed facility 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;

(h) an analysis of the comparative advantages and disadvantages of reasonable and available alternative locations or properties identified for construction of the proposed facility; and

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

1001.11 Exhibit 11: Preliminary Design Drawings

The preliminary design drawings to be submitted pursuant to this section shall be prepared by a Professional Engineer, Architect or Landscape Architect, as appropriate, licensed and registered in New York State, whose name shall be clearly printed on the drawings. All such drawings may be labeled "preliminary" or "not for construction purposes" to indicate their preliminary status. All such drawings are to be drawn to scale, or to an exaggerated scale, as appropriate. All such drawings are to be drawn using computer graphics or computer-aided design software; hand-drawn sketches and drawings may not be used.

Exhibit 11 shall contain:

(a) A site plan showing all buildings, structures, driveways, parking areas, emergency access lanes, sidewalks, access ways and other improvements at the facility site, depicting the proposed site in relation to adjoining properties, and depicting the layout of onsite facilities and ancillary features. Additional drawings shall be included depicting the layout of all offsite facilities and ancillary features.

(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 indicating soil types, depth to bedrock, general areas of cut and fill, retaining walls, initial and proposed contours, and permanent stormwater retention areas.

(d) A landscaping plan indicating areas of trees to be retained, removed, or restored; berms, walls, fences and other landscaping improvements, and areas for snow removal storage.

(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 facility property line.

(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.

(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, wind turbine towers and blades, and other structures.

(h) For interconnection facilities, the plans and drawings required by subsections (a) through (g) of this Section for the proposed interconnection facilities and a profile of the centerline of the interconnection facilities at exaggerated vertical scale.

(i) A list of engineering codes, standards, guidelines and practices that the applicant intends to conform with when planning, designing, constructing, operating and maintaining the generating facility power plant, wind turbines, electric collection system, substation, transmission line, inter-connection, and associated buildings and structures.

APPENDIX

1001.12 Exhibit 12: Construction

Exhibit 12 shall contain:

(a) A preliminary Quality Assurance and Control plan, including staffing positions and qualifications necessary, demonstrating how applicant will monitor and assure conformance of facility installation with all applicable design, engineering and installation standards and criteria.

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

(1) that applicant 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; and

(2) the applicant 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 existing electric, gas, and communications infrastructure and measures to minimize interferences where avoidances cannot be reasonably achieved.

(d) Specification of commitments for addressing public complaints, and procedures for dispute resolution during facility construction and operation.

1001.13 Exhibit 13: Real Property

Exhibit 13 shall contain:

(a) A survey of the facility site showing property boundaries with tax map sheet, block and lot numbers; the owner of record of all parcels included in the site and for all adjacent properties; easements, grants and related encumbrances on the site parcels; public and private roads on or adjoining or planned for use as access to the site; zoning and related designations applicable to the site and adjoining properties, except that for wind facilities a map may be used instead of a survey to fulfill this requirement.

(b) A property/right-of-way map of all proposed interconnection facilities and off-property/right-of-way access drives and construction lay-down or preparation areas for such interconnections.

(c) A demonstration that the applicant has obtained title to or a leasehold interest in the facility site, including ingress and egress access to a public street, or is under binding contract or option to obtain such title or leasehold interest, or can obtain such title or leasehold interest.

(d) A statement that the applicant 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 facility.

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

1001.14 Exhibit 14: Cost of Facilities

Exhibit 14 shall contain:

(a) A detailed estimate of the total capital costs of the proposed facility, including a separately stated estimate for each interconnection, broken down in a rational manner by the Applicant into major cost components appropriate to the facility.

(b) A brief statement of the source of the information used as the basis for the estimates required by subdivision (a) of this section.

(c) Upon the demand of any party or of DPS, the applicant shall supply the work papers from which the estimates required by subdivision (a) of this section were made.

1001.15 Exhibit 15: Public Health and Safety

Exhibit 15 shall contain:

A statement and evaluation that identifies, describes, and discusses all potential significant adverse impacts of the construction and operation of the facility, 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 facility during construction and under representative operating conditions of the facility, 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;

(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;

(e) for wind power facilities, impacts due to blade throw, tower collapse, audible frequency noise, low-frequency noise, ice throw and shadow flicker;

(f) maps of the study area and analysis showing relation of the proposed facility site 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;

(g) all significant impacts on the environment, public health, and safety associated with the information required to be identified pursuant to subdivisions a through f of this section, including all reasonably related short-term and long-term effects;

(h) any adverse impact on the environment, public health, and safety that cannot be avoided should the proposed facility be constructed and operated, and measures for monitoring and measuring such impacts;

(i) any irreversible and irretrievable commitment of resources that would be involved in the construction and operation of the facility;

(j) any measures proposed by the applicant to minimize such impacts;

(k) any measures proposed by the applicant to mitigate or offset such impacts; and

(l) any monitoring of such impacts proposed by the applicant.

1001.16 Exhibit 16: Pollution Control Facilities

(a) If applicable, Exhibit 16 shall contain:

(1) Copies of completed applications for permits to be issued by the DEC 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 ECL.

(2) Such evidence as shall enable the Commissioner of DEC to evaluate the facility's pollution control technologies and to reach a determination to issue, subject to appropriate conditions and limitations, permits for such technologies.

(3) Such evidence as shall enable the Board to evaluate the facility's pollution control technologies and to make the findings and determinations required by PSL Section 168.

(4) A representation and description of all fuel waste byproducts to be produced as a result of construction and operation of the 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. Ash produced from the combustion or gasification of coal, wood, biomass, municipal solid waste or similar fuels shall be included in the definition of fuel waste byproduct for the purposes of this subdivision.

(b) Following commercial operation of a certified Major Electric Generating Facility, renewal applications for permits to be issued by the DEC 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 ECL, will be submitted to and acted upon by the DEC without copies being submitted to the Board or findings and determinations being made by the Board.

1001.17 Exhibit 17: Air Emissions

If applicable, Exhibit 17 shall contain:

(a) A demonstration of the facility's compliance with applicable federal, state, and local regulatory requirements regarding air emissions.

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

(c) For emissions of the following substances by combustion sources at the facility, 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, and the annual potential to emit in the third 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) elemental lead;

(8) mercury; and

(9) a set of non-criteria (i.e. toxic) pollutants to be emitted from the proposed facility as determined in consultation with DOH and DEC.

(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 DOH and DEC;

(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 DOH and DEC;

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

(e) An offsite consequence analysis for any ammonia that shall be stored onsite, including an analysis of an accidental release scenario for ammonia performed to meet the requirements of the U.S. Environmental Protection Agency's regulations implementing Section 112(r) of the Clean Air Act.

1001.18 Exhibit 18: Safety and Security

Exhibit 18 shall contain:

(a) A preliminary plan for site security of the proposed facility during construction of such 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; and

(4) setback considerations for facility components which may present hazards to public safety.

(b) A preliminary plan for site security of the proposed facility during operation of such 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) lighting of facility components to ensure aircraft safety;

(5) setback considerations for facility components which may present hazards to public safety, and

(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, including:

(1) an identification of contingencies that would constitute a safety or security emergency;

(2) emergency response measures by contingency;

(3) evacuation control measures by contingency; and

(4) community notification procedures by contingency.

(d) A statement that the applicant has provided a copy of the plans required in subdivisions (a), (b), and (c) of this section to, and requested review of such plans and comment by, the New York State Division of Homeland Security and Emergency Services.

(e) If the facility is to be located within any part of a city with a population over one million, a statement that the applicant has provided a copy of the plans required in subdivisions (a), (b), and (c) of this section to, and requested review of such plans and comment by, the local office of emergency management.

(f) A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies and hazardous substance incidents.

(g) A description of all contingency plans to be implemented in response to the occurrence of a fire emergency or a hazardous substance incident.

(h) A statement that the applicant has provided a copy of the plans required in subdivision (c) of this section to, and requested review of such plans and comment by, local emergency first responders serving the area of the facility site, and a review of any responses received.