



EIGHT POINT WIND ENERGY CENTER

Case No. 16-F-0062

1001.32 Exhibit 32

State Law and Regulations

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Exhibit 32: State Laws and Regulations

32(a) State Approvals, Consents, Permits, Certificates, or Other Conditions of a Procedural Nature

The following section contains a list of state approvals, consents, permits, certificates, or other conditions of a procedural nature that are applicable to the construction or operation of the Project. These state requirements are supplanted by PSL Article 10 unless the Board expressly authorizes the exercise of such authority by the state agency. This list does not include the transmission line portion of the Project, which is subject to review under Article VII of the PSL or the Certificate of Public Convenience and Necessity Pursuant to Section 68 of the PSL authorizing the exercise of municipal rights to occupy municipal property.

Table 32-1. State Reviews, Permits and Approvals of a Procedural Nature

Permit/ Clearance	Regulatory Agency	When Required	Potential Studies & Application Requirements	Status
Stormwater Permit for Discharges from Construction Activity (SPDES GP-0-15-002)	NYSDEC	Soil disturbance of one (1) or more acre	Preparation of a Stormwater Pollution Prevention Plan	Applicant will submit a SWPPP once Project configuration is finalized; submit NOI to NYSDEC at least five (5) days prior to construction
Water Quality Certification (Section 401 of Clean Water Act [CWA])	NYSDEC	Projects that will result in the discharge of dredged or fill material into WOTUS	Wetland and waterbody delineations for this application began in Summer 2016 and will be completed by Fall 2017.	Permit application review by NYSDEC for Nationwide Permit takes 45 – 60 days

Permit/ Clearance	Regulatory Agency	When Required	Potential Studies & Application Requirements	Status
Highway Work Permits	New York State Department of Transportation (NYSDOT)	Required for overhead or underground crossings of state highways, access roads from state highways, and temporary widening of intersections at state highways.	Complete Standard Permit Application	Approved once routes are finalized.
Oversize/Overweight Vehicle Permit	NYSDOT	Required for wind turbine delivery vehicles. May be required for transformer deliveries.	Complete Standard Permit Application	Approved once routes are finalized.

The Applicant intends to build and operate the Project in accordance with state laws and regulations as described herein. In addition to the Article 10 Application, the Applicant will apply to the Public Service Commission for 1) a Certificate of Environmental Compatibility and Public Need to authorize construction of an approximately 16.5-mile 115 kV transmission line to connect the Project to the New York transmission grid through a parallel and separate Article VII and (2) a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the PSL authorizing the exercise of municipal rights to occupy municipal property, and seeking lightened regulation for the Project.

32(b) Explanation and Justification for the Siting Board to Authorize NYSDOT to Issue Permits & Other Procedural Approvals

At this time, the Applicant anticipates that the NYSDOT Special Hauling Permits for Oversize/Overweight Vehicles and NYSDOT Highway Work Permits will be left with the state agencies and not be issued by the Siting Board.

Special Hauling Permits for Oversize/Overweight Vehicles are required for loads that exceed legal dimensions or weights. Thus, transport of the blades, nacelles, tower sections, and cranes will require a variety of special hauling permits. The permits are typically obtained by the wind turbine supply vendor prior to construction and depend on the delivery routes. Delivery routes are selected, and may change,

depending on the selected vendor as well as road conditions, access concerns and other factors that are best determined immediately prior to the start of shipments.

In addition, NYSDOT Highway Work Permits depend on final delivery routes and conditions. As the Applicant finalizes delivery plans for Project components and detailed designs of the electrical system, details of crossings with state highways are likely to change. Therefore, the Applicant anticipates delaying receipt of the NYSDOT highway work permits until immediately prior to that start of construction.

32(c) State Approvals, Consents, Permits, Certificates, or Other Conditions of a Substantive Nature

The following section contains list a list of state approvals, consents, permits, certificates, or other conditions of a substantive nature that are applicable to the construction or operation of the Project. The Applicant intends to comply with the substantive requirements as outlined in Table 32-2 below. This list does not include the transmission line portion of the Project, which is subject to review under Article VII of the PSL.

32(d) Summary Table of All State Substantive Requirements

Table 32-2. Summary Table of All State Substantive Requirements

Provision	Degree of Compliance
Water Quality Certification (WQC). Section 401 of the Clean Water Act 6 NYCRR Part 621.4e (Water Quality Certifications in Accordance with Section 401 of the Clean Water Act)	The Applicant anticipates to fully comply.
Consultation Pursuant to §14.09 of the New York State Historic Preservation Act 9 NYCRR Part 428 (State Agency Activities Affecting Historic or Cultural Properties)	The Applicant anticipates to fully comply.
Permit for Protection of Waters Article 15, 6 NYCRR Part 608.7b (Permit Application Review) and 608.8 (Standards)	The Applicant anticipates to fully comply.
Permit for Freshwater Wetlands Article 24, 6 NYCRR Part 663.5 (Standards for Issuance of Permits and Letters of Permission)	The Applicant anticipates to fully comply.
SPDES General Permit for Construction Activity Article 3, 6 NYCRR Part 750-1.11 (Application of Standards, Limitations, and other Requirements)	The Applicant anticipates to fully comply.

32(e) List of State Approvals, Consents, Permits, Certificates, or Other Conditions for Offsite Components

The Applicant has not identified any additional state approvals, consents, permits, certificates or other conditions for proposed offsite interconnections and ancillary features. This does not include the transmission line portion of the Project, which is subject to review under Article VII of the PSL.