



**Department of
Environmental
Conservation**

Balance of Power in the Hudson Valley

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Objective

- Provide an overview of the various state and federal processes by which energy projects are reviewed and highlight how the public can participate in those review processes.
- Highlight the energy projects in the Hudson Valley in the Hudson Valley that are either under review, approved or being constructed.



Project Types

- Transmission Projects – Electric and Natural Gas
 - Intrastate – Article VII of the PSL (Electric & Natural Gas)
 - Interstate – Natural Gas Act – FERC (Natural Gas)
- Generation Projects - > 25 MWs
 - Article 10 of the PSL
- Energy Projects Under SEQR < 25 MWs & Pilgrim Pipeline
- Small Hydro

Article VII of Public Service Law

Siting of Major Electric and Gas Transmission Facilities

- Major electric transmission facilities are lines with a design capacity of 100 kV² or more extending for at least 10 miles, or 125 kV and over, extending a distance of one mile or more.
- Major fuel gas transmission facilities are natural gas pipelines extending a distance of at least 1,000 feet and operated at pressures of 125 PSIG³ or more,



Article VII Facts

- Enacted in 1970
- Establish a single forum for reviewing the need for, and environmental impact of, certain major electric and gas transmission facilities
- Art. VII Certificate and WQC issued by Public Service Commission
- Projects managed by DPS staff
- DEC is a party
- Type II under SEQR
- All local and state approvals are superseded by Article VII



DPS Online

- Register online – Become a registered user of the Document & Matter Management System (DMM)
 - New Cases – receive emails to be notified of new cases
 - Service Lists –Subscribe to a service list for a case
 - Party Lists – Parties use DMM to develop record
- Article VII Process Guidelines (www.dps.ny.gov/articlevii.htm)



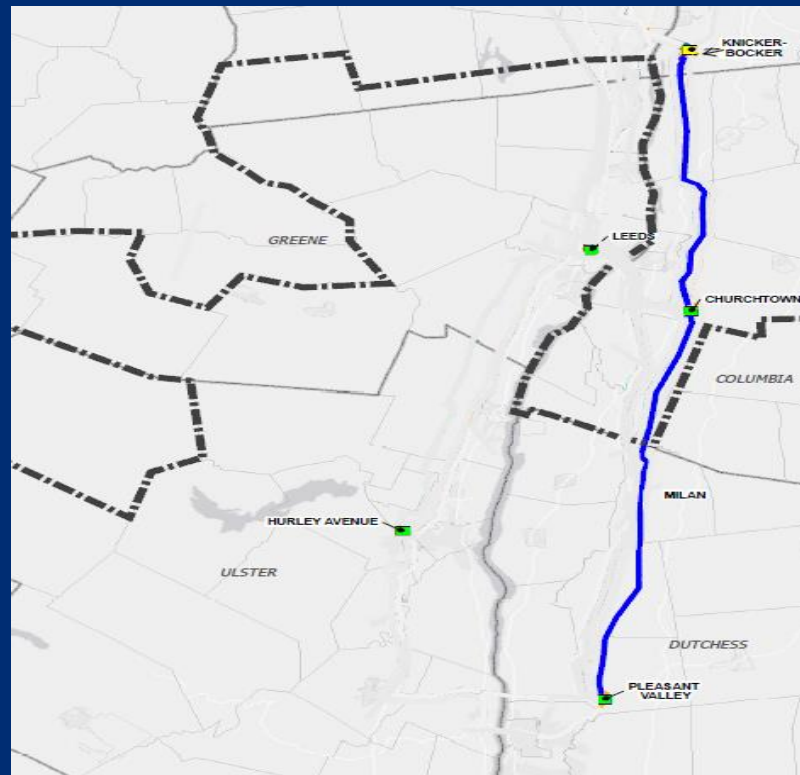
Article VII – Public Participation

- Advanced notice provided to municipalities and state legislators
- Proceedings are open to public participation
- Interested Parties should subscribe to the service list for project
- Stakeholders can request “party status”
 - Individuals should consider joining with others with similar interests
 - Legal representation not required but often helpful
- Intervenor funding available for the larger projects
- Public Statement Periods – public hearings & written comments



AC Transmission Upgrade

- Eliminate transmission congestion
- Transmit renewable energy from upstate to downstate
- Increase reliability
- Two step approach
 - Evaluation of options
 - Article VII



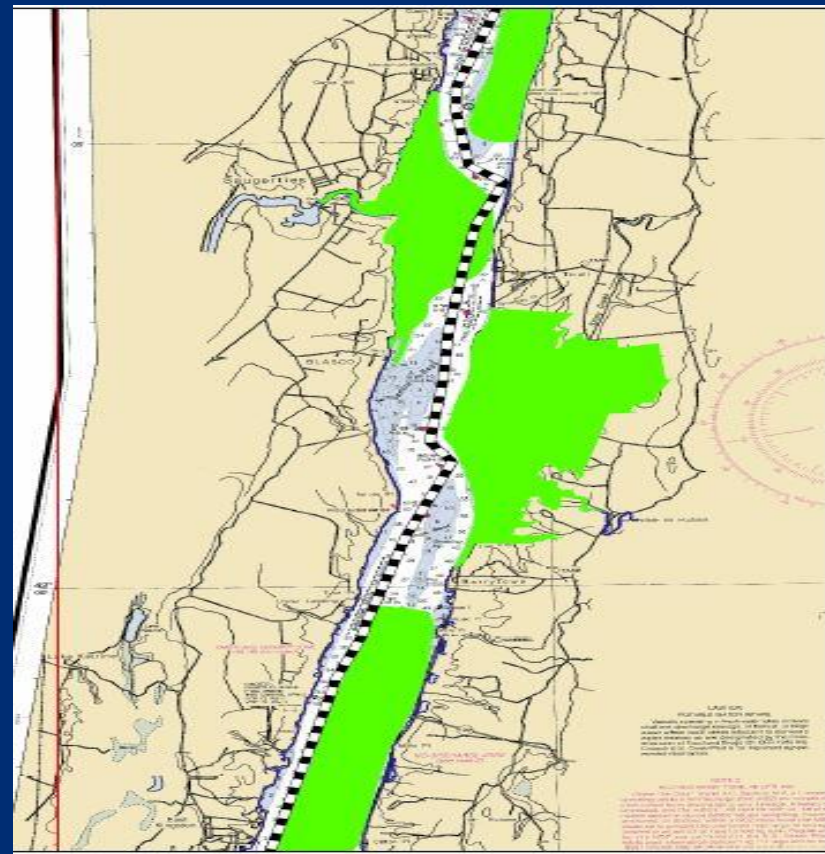
Champlain Hudson Power Express (CHPE)

- Hydroelectric power from Canada – 300+ mile HVDC
- Article VII Certificate issued (2013)
- Cementon to Harlem River
- Contract needed with Hydro Quebec



CHPE

- Sig Hab Areas
- Environmental Trust established as part of settlement
- 10 agencies, municipalities and organizations make up the Governance Committee



Empire Connector

- Marcy, NY to NYC
- HVDC Marine Cable
- Pre-application phase
- Collecting environmental data to support application



Aging Infrastructure

- Existing infrastructure needs to be upgraded
- Transmission Rebuilds
- Larger rebuilds subject to Article VII review



Natural Gas Act – FERC

- Companies seeking to build interstate natural gas pipelines must first obtain **certificates of public convenience and necessity** from FERC
- State must issue a Section 401 WQC
- Other state level permits issued as well
- Environmental review conducted pursuant to NEPA
- DEC preempted from conducting concurrent SEQR review



FERC Review Process – Public Participation

- FERC Website
 - <https://www.ferc.gov/resources/processes/gas-pipe-stor-perm.asp>
- Congressional Research Service
 - <https://fas.org/sgp/crs/misc/R43138.pdf>



FERC ONLINE

- Register with FERC – become an online user
 - eSubscription
 - Receive docketed correspondence, issuances and News Releases
 - eFiling
 - Submit comments during the review process



Pre-Filing

- Applicants may request to engage in FERC's pre-filing process
 - Encourages early interaction with agencies, municipalities and landowners
 - Identify stakeholders and hold an open house for stakeholders to discuss the project
- Concurrent with the developer's activities, FERC staff participate in the open house and publish in the *Federal Register* a Notice of Intent for Preparation of an EA or EIS



Public Participation in FERC Review

- Incorporated into NEPA Environmental Review
 - Scoping
 - EA or EIS
- Public can also request rehearing by FERC on final decision



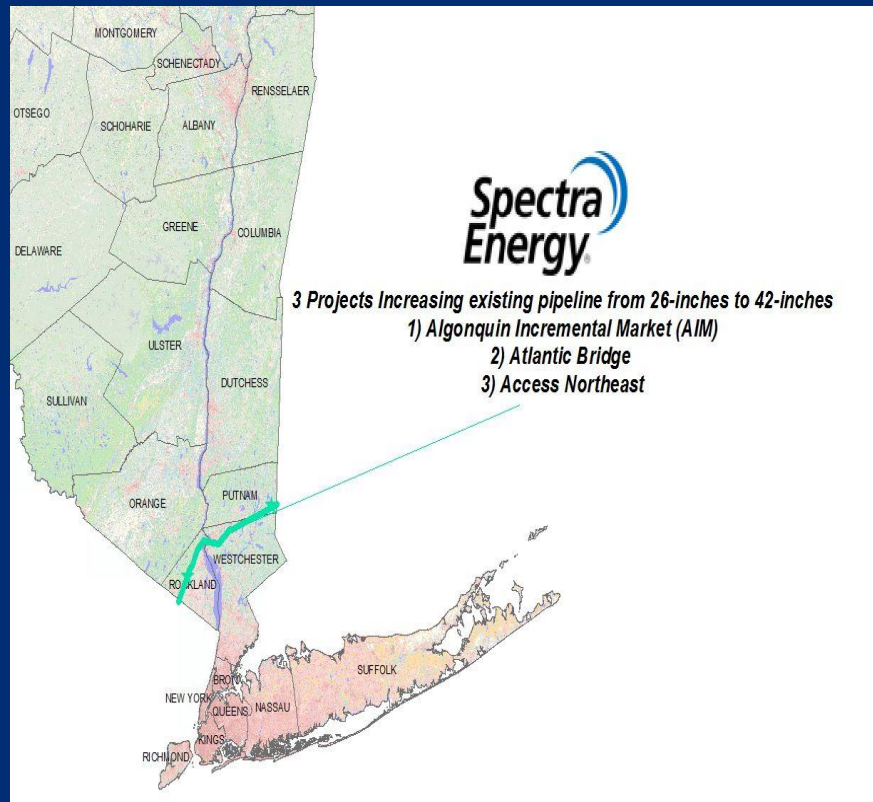
Public Participation in DEC Review of WQC

- Individual WQC typically required
- WQC subject to 6 NYCRR Part 621 (Uniform Procedures)
- Notice of Complete Application - Public Comment Period required



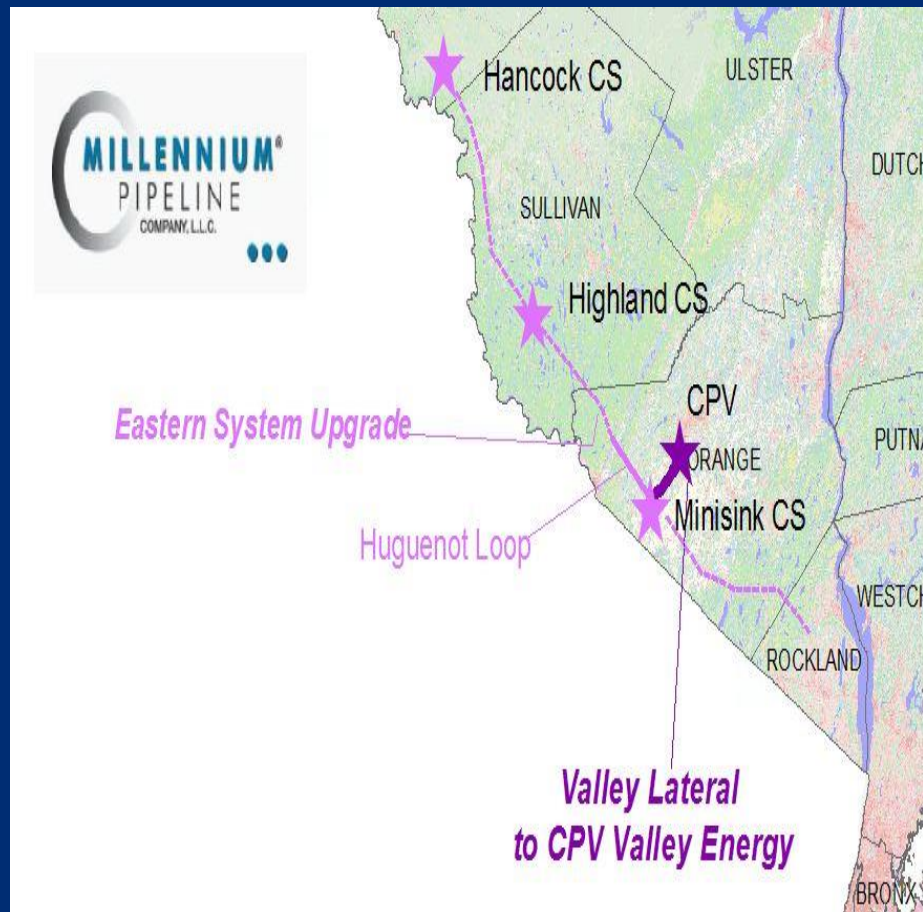
Algonquin Pipeline

- **Algonquin Incremental Market**
 - Operational – January 2017
- **Atlantic Bridge**
 - FERC Certificate Issued
 - WQC Issued
- **Access Northeast**
 - Under Review



Millennium Pipeline

- Valley Lateral
 - EA issued – May 2016
 - FERC Certificate – Nov 2016
 - DEC WQC needed
- Eastern System Upgrade
 - EA Issued – March 2017
 - FERC Certificate needed
 - DEC WQC needed



Article 10 of the PSL

- Promulgated in 2011
- Provides a unified review and approval process for major electric generating facilities in New York State
- applies to electric generating facilities with generating capacity of 25 MW or more or increase in 25 MW
- Includes renewable energy generation (solar and wind)



Article 10 Facts

- Art. 10 Certificate and WQC issued by Siting Board (DPS, DEC, DOH, NYSERDA, ESD and two ad hoc members)
- Projects managed by DPS staff
- DEC is a statutory party
- Type II under SEQR
- Local and State approvals superseded (except SPDES & Air)



DPS Online (Again!)

- Siting Board Webpage
 - <http://www3.dps.ny.gov/W/PSCWeb.nsf/All/1392EC6DD904BBC285257F4E005BE810?OpenDocument>
- Utilize DMM system to follow cases



Article 10 - General Public Participation

- All developers must submit Public Involvement Plan (PIP)
- General opportunities for public comment in the review process
 - Preliminary Scoping Statement
 - Application



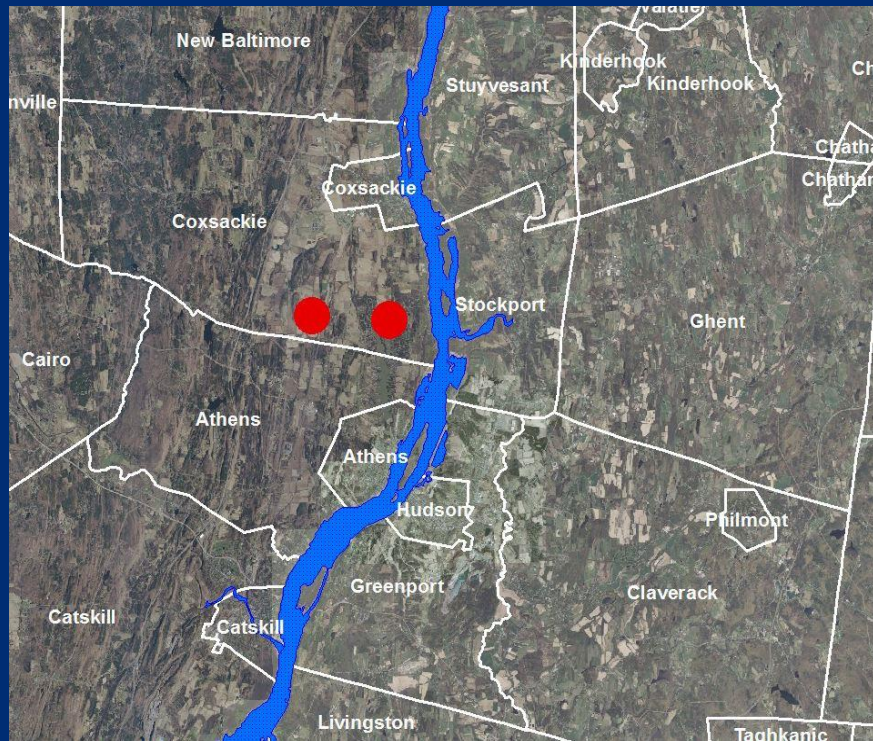
Article 10 – Party Status

- DEC & DOH are statutory parties
- Municipalities, groups and individuals can be granted party status in Article 10 proceeding
 - Eligible for intervenor funding (\$ available in pre-app and application phases)
 - Participating in building the record for the proceeding
 - Stipulations, Settlement and Adjudicatory Proceeding



Large Scale Solar Projects

- Two Projects – Greene County
- 5-10 acres per MW
- 60 MWs
- Pre-application stage



Energy Projects reviewed under SEQR

- Small scale solar in the Hudson Valley
- Local and State jurisdictions apply
 - Public comment opportunities
- Local municipalities = Lead Agency
- Public comment opportunities in SEQR



Pre-Article 10 Projects

UNDER CONSTRUCTION!

- CPV Valley Energy Center
- Cricket Valley Energy Center



Pilgrim Pipeline

- Thruway Authority & DEC = Co-lead agencies
- Positive Declaration Issued
- Public Scoping is next step



Hydroelectric Power in the Hudson Valley

- Small/Low Impact Hydro
- FERC Regulated or FERC Exemption
- <https://www.ferc.gov/industries/hydropower/gen-info/licensing/small-low-impact.asp>



- **Bard College**
- Conversion of two historical mill dams into hydroelectric
- NYSERDA grant to develop guidance for other NY colleges and universities
- Dam removal as alternative
- DEC Hudson River Estuary efforts



Thank You

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