

Environmental Permits and Approvals Matrix - Working Draft Seneca Compressed Air Energy Storage (CAES) Project in Reading, NY

Revision date: 12/01/2011

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
Federal							
U.S. Army Corps of Engineers (Corps)	Rivers & Harbors Act - Section 10, Navigable Waterways	Required when conducting work in, over, or under navigable waters of the United States. It is a detailed process that requires environmental surveys and may require mitigation. The construction and operation of the intake and discharge pipelines within Seneca Lake are applicable.	Standard individual permit, letter-of-permission, nationwide permit, or regional permit. The Corps will make the determination on what type of permit is needed. May qualify for Nationwide Permit # 7.	A pre-application meeting with the Corps is recommended to describe the project and present our preliminary determination of which elements may qualify for a Nationwide Permit (NWP), if any.	6-9 months	No fee	A Joint Application process with New York State Department of Environmental Conservation (NYSDEC) and the Corps is used in New York. A joint application form is to be completed and submitted to NYSDEC, who forwards a copy to the Corps. New Nationwide Permits are expected to be issued by the Corps in the next few months and may include a NWP A, which allows for up to 1/2 acre of impacts to Waters of the U.S. and may be applicable to the CAES Project.
	Clean Water Act - Section 404, Discharge of Dredge or Fill Materials	Required when discharging dredged materials or fill in wetlands and crossing navigable waters. It is a detailed process that requires environmental surveys and may require mitigation. The construction of the Plant within wetlands and installation of underground pipeline across streams are applicable.	Standard individual permit, letter-of-permission, nationwide permit, or regional permit. The Corps will make the determination on what type of permit is needed.	A pre-application meeting with the Corps is recommended to describe the project and present our preliminary determination of which elements may qualify for a Nationwide Permit, if any.	6-9 months	\$100.00 upon approval	A Joint Application process with NYSDEC and the Corps is used in New York. A joint application form is to be completed and submitted to NYSDEC, who forwards a copy to the Corps. New Nationwide Permits are expected to be issued by the Corps in the next few months and may include a NWP A, which allows for up to 1/2 acre of impacts to Waters of the U.S. and may be applicable to the CAES Project.
U.S. Federal Aviation Administration	Code of Federal Regulations (CFR) Title 14, Aeronautics and Space, Part 77 Objects Affecting Navigable Airspace, §77.13 - Notice of Construction or Alteration	Required for the construction of any structure over 200 feet (can apply to shorter structures depending on the proximity to an airport). Preliminary design for CAES Plant indicates that Cycle 2 stack height to be 190 feet. (GEP stack height is 213) Likely that will need to file notice and then discuss with FAA extent of requirements.	File Form 7460-1 electronically and FAA will provide a determination and will specify lighting and marking requirements.	TBD	45 to 60 days	No Fee	The FAA Form 7460-1 should be submitted at least 30 days prior to initiation of construction. Application should be made to the FAA Eastern Regional Office Manager, Air Traffic Division, AEA-500 (Form 1 is also on-line). Following a favorable determination for stack location, FAA Form 7460-2 will need to be filed during construction once the stack reaches the maximum designed height.
U.S. Fish and Wildlife Service (USFWS)	Migratory Bird Treaty Act	Requires determination of no "taking" or harming of birds. CAES Project features are unlikely to result in taking or harming of birds; however, concurrence from USFWS is required.	Requires consultation with the agency.	Pre-application meeting is suggested.	TBD	TBD	Additional analysis will be required in Phase 2 of the Project to confirm no impacts to these resource areas, but based on the data provided by NYSDEC Natural Heritage Program and USFWS database, no adverse impacts are anticipated. USFWS must concur with this determination.
	Endangered Species Act, Section 7	Consultation on action that may jeopardize threatened & endangered (listed) species or adversely modify critical habitat. Based on preliminary review of USFWS database, no listed species would be adversely impacted; however, concurrence from USFWS is required.	Requires consultation with the agency.	Pre-application meeting is suggested.	TBD	TBD	Additional analysis will be required in Phase 2 of the Project to confirm no impacts to these resource areas, but based on the data provided by NYSDEC Natural Heritage Program and USFWS database, no adverse impacts are anticipated. USFWS must concur with this determination.
	Fish and Wildlife Coordination Act	Consultation when waters of any body of water are proposed or authorized, permitted or licensed to be impounded, diverted or otherwise controlled or modified under a Federal permit or license. If work across the tributaries to Seneca Lake are considered jurisdictional, then by-passing these streams temporarily during construction may be applicable.	Requires consultation with the agency.	Pre-application meeting is suggested.	TBD	TBD	Additional analysis will be required in Phase 2 of the Project to confirm no impacts to these resource areas, but based on the data provided by NYSDEC Natural Heritage Program and USFWS database, no adverse impacts are anticipated. USFWS must concur with this determination.
	Bald and Golden Eagle Protection Act	Requires determination of no "taking" or harming of birds. Project features are unlikely to result in taking or harming of bald and golden eagles; however, concurrence from USFWS is required.	Requires consultation with the agency.	Pre-application meeting is suggested.	TBD	TBD	Additional analysis will be required in Phase 2 of the Project to confirm no impacts to these resource areas, but based on the data provided by NYSDEC Natural Heritage Program and USFWS database, no adverse impacts are anticipated. USFWS must concur with this determination.

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
Advisory Council on Historic Preservation (ACHP)-Office of Federal Agency Programs	National Historic Preservation Act (NHPA), Section 106, 36 CFR Part 800, "Protecting Historic Properties"	The federal agency providing assistance or approvals for a proposed project is responsible for completing Section 106 reviews in consultation with appropriate State Historic Preservation Office (SHPO) and tribes.	Requires consultation between the appropriate agency and state and tribal officials	Section 106 requires each federal agency to identify and assess the effects of its actions on historic resources; the responsible federal agency must consult with appropriate state and local officials, Indian tribes, applicants for federal assistance, and members of the public.	30 days	No fee	As directed by NHPA, the ACHP serves as the primary federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting our nation's heritage; advocates full consideration of historic values in federal decision-making; and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies. This federal agency typically delegates this consultation requirement to the appropriate state agency. May participate in controversial or precedent-setting situations.
Lead federal agency to be determined	National Environmental Policy Act (NEPA) Review Council of Environmental Quality 40 CFR Parts 1500-1508 42 USC 4321-4347	Major federal action (could include federal permitting, issuing regulations, making federal land management decisions, constructing publicly-owned facilities, or financing of an activity) that has the potential for significant impact on the human environment.	1) Categorical Exclusion, or 2) Environmental Assessment (EA), or 3) Environmental Impact Statement (EIS)	TBD	TBD based on whether an EA or an EIS is required.	No fee	NEPA requires federal agencies to integrate environmental values into their decision-making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions through the prescribed NEPA process. The need for a Corps Section 404/10 Permit and federal funding triggers the NEPA process. Further clarification is required to determine if Department of Energy NEPA process will satisfy NEPA requirements for the Corps' issuance of a Section 404/10 Permit.
U.S. Environmental Protection Agency	Clean Water Act - Section 402, National Pollutant Discharge Elimination System (NPDES) Permit	Regulates discharges of pollutants into waters of the United States. The discharge of cooling tower blowdown to Seneca Lake is applicable, as is the discharge of water from construction activities disturbing one acre or more.	New York State has delegated authority to implement the State Pollutant Discharge Elimination System (SPDES) permit for discharges to waters of the U.S. (see NYSDEC section below).	Not suggested	TBD	TBD	
	Clean Water Act Section 316(a) and 316(b), Thermal Discharges and Cooling Water Intake Structures (CWIS), respectively	Evaluation and design of cooling water discharge and intake facilities to manage, minimize and avoid adverse thermal impacts from cooling water discharges and fish impingement or entrainment from cooling water intakes. The intake structure may be applicable. Will make final applicability determination after CAES Project design has been finalized. Potential that water intake may not be regulated by US EPA but will be at discretion of NYSDEC.	TBD	TBD	TBD	TBD	Analysis will evaluate the adequacy of impingement and entrainment mitigation design. State equivalent requirements must be met.
	Title 40 CFR Parts 110 and 112 - Spill Prevention Control and Countermeasure (SPCC)	An SPCC Plan may be required for the project if certain triggers are met, including the capacity to store at least 1,320 gallons of oil-containing fluids aboveground counting only containers of oil with a capacity of 55 gallons or greater, or completely buried storage capacity of the facility is greater than 42,000 gallons. The plan identifies spill prevention measures, spill response actions and procedures for timely notifications.	Approved Plan	Not suggested	TBD	No fee	The plan identifies spill prevention measures, spill response actions and procedures for timely notifications.
	40 CFR 52.21 Subpart A -Prevention of Significant Deterioration (PSD) of Air Quality	The requirements of this section apply to the construction of any new major stationary source (as defined in paragraph (b)(1) of this section) or any project at an existing major stationary source in an area designated as attainment or unclassifiable under Sections 107(d)(1)(A)(ii) or (iii) of the Act. CAES Project will trigger these requirements due to a potential to emit CO ₂ e in excess of the major source threshold of 100,000 TPY.	Air permit	Yes with NYSDEC	TBD	TBD	NYSDEC has been delegated authority to implement the federal PSD program.

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
	40 CFR 60 Subpart IIII, Standards Of Performance For Stationary Compression Ignition Internal Combustion Engines	Applies to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE). The diesel fire pump will be subject to this regulation.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	40 CFR 60, Subpart GG - Standards of Performance for Stationary Gas Turbines	Applies to stationary gas turbines with a heat input peak >10.7 gigajoules/hr (10 million Btu) based on the lower heating value of the fuel. Restricts emissions of NOx according to the formula provided. Restricts sulfur content of fuel to <0.8% by weight.	Incorporated in an air permit				40CFR Part 60 Subpart KKKK Stationary combustion turbines regulated under this subpart are exempt from the requirements of subpart GG of this part.
	40 CFR 60, Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines	Applies to manufacturers, owners, and operators of stationary compression ignition (CI) internal combustion engines (ICE)	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	Facility will operate a diesel-fired fire water pump IC engine.
	40 CFR 60, Subpart JJJJ - Standards Of Performance For Stationary Spark Ignition Internal Combustion Engines	Applies to manufacturers, owners, and operators of stationary spark ignition (SI) internal combustion engines (ICE). The natural gas fired emergency generator will be subject to this regulation.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	40 CFR 60, Subpart KKKK - Standards Of Performance For Stationary Combustion Turbines	Applies to the owner or operator of a stationary combustion turbine with a heat input at peak load equal to or greater than 10.7 gigajoules (10 MMBtu) per hour, based on the higher heating value of the fuel, which commenced construction, modification, or reconstruction after February 18, 2005. The Cycle 2 combustion turbine will be subject to this regulation.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	40 CFR 63, Subpart YYYY - National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines	Applies to combustion turbine operations.	Incorporated in an air permit				The Facility will not be a major source of HAP
	40 CFR 63, Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE)	Applies to RICE operations.	Incorporated in an air permit				Facility emergency generator/fire pump will be subject to 40 CFR 60 Subparts IIII and JJJJ.
	40 CFR 63, Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters	Applies to industrial, commercial, and institutional boilers and process heaters located at major sources.	Incorporated in an air permit				The Facility will not be a major source of HAP
	40 CFR 63, Subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources	Applies to industrial, commercial, and institutional boilers and process heaters located at non-major sources.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	40 CFR 64 - Compliance Assurance Monitoring (CAM)	Enhanced monitoring is required for emissions units subject to a National Emission Standards for Hazardous Air Pollutants (NESHAP), PSD, New Source Performance Standards (NSPS), and units with the Potential to Emit (PTE) 100% or more of the minimum potential emissions required for the source to be classified as a major source under Title V. This requirement will apply to NOx SCR system and CO oxidation catalyst.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	

New York State (NYS)

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
New York State Department of Environmental Conservation (NYSDEC), Bureau of Water	Environmental Review process in New York State via State Environmental Quality Review Act (SEQR). [Statutory authority: Environmental Conservation Law Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113].	Most projects or activities proposed by a state agency or unit of local government, and all discretionary approvals (permits) from a NYS agency or unit of local government, require an environmental impact assessment. This process must be complete and the project deemed approvable through an Issuance of Findings Statement before State and Local permits can be issued. In general, any land use proposal requiring a permit from a local or state government, and requires discretion on the part of the permitting agency, is subject to SEQR. Based on recent legislation, the decision to undergo Environmental Review for the CAES Project may proceed under the Article X process rather than the SEQR Process for energy facility siting projects in the state (see New York State Public Service Commission section below).	Issuance of Findings Statement	NYSDEC strongly recommends a pre-application meeting for industrial projects.	The EIS could take between 2 to 9 months to review. Precedent-setting projects and permits often take longer.	TBD	The applicant must complete a "Full Environmental Assessment Form" as part of the application. More complex projects require an EIS. Any EIS could include: Project Site and Propose Activities, Environmental Baseline for various subject areas, Impact Assessment, Construction Management and Environmental Monitoring, Environmental Restoration, Operations, Maintenance, and Decommissioning descriptions, and an Alternatives Analysis. The SEQR information should be submitted to all involved agencies as it is the responsibility of the local, county and state government to ensure that its decisions are consistent with the SEQR requirements.
	Protection of Waters - Section 401 Water Quality Certification/ Stream Protection Permits	Discharge of Dredged or Fill Materials; Modification or disturbance of stream beds. Applicants for a Federal license or permit for activities (including but not limited to the construction or operation of facilities that may result in any discharge into waters of the United States) are required to apply for and obtain a Water Quality Certification from NYSDEC indicating that the proposed activity will not violate water quality standards.	Water Quality Certification	NYSDEC strongly recommends a pre-application meeting for industrial projects.	The review period is between 45 to 90 days and a public hearing may be required.	TBD	<i>Minor</i> Water Quality Certification projects include those projects which will not exceed the Minor project thresholds for Protection of Waters Permits, Freshwater Wetlands Permits or Tidal Wetlands Permits, and which do not involve the approval of construction and operation of hydroelectric generating facilities. All other projects are <i>Major</i> . The water quality certification is a prerequisite to permit review. Water Quality Certification applications are directed to NYSDEC - Division of Regulatory Affairs.
	EPA's Phase II Stormwater Rules; NYSDEC GP-02-01 requires Spill Prevention, Control and Countermeasure Plan (SPCC), State Pollutant Discharge Elimination System (SPDES) Permit including a Stormwater Pollution Prevention Plan (SWPPP)	Required for construction or use of an outlet or discharge pipe (point sources) of wastewater discharging into the surface waters) or ground water of the State.	General Permit (GP-02-01) for Stormwater Discharges from Construction Activities	NYSDEC strongly recommends a pre-application meeting for industrial projects.	TBD	TBD	
	Environmental Conservation Law (ECL) Article 11 - Endangered Species	Provide review and evaluation of these potential impacts and make recommendations to the lead agency regarding suitability of the project.	Article 11 Permit	NYSDEC strongly recommends an Article 11 pre-application meeting for industrial projects.	TBD	TBD	
	ECL Article 15 - Protection of Waters Permit - Freshwater Wetland Permit	Almost any activity which may adversely impact the natural values of wetlands or their adjacent areas (within 100 feet of the wetland boundary as designated on the official NYSDEC freshwater wetlands map or as determined through site inspection) is regulated. Typically the wetland must be 12.4 acres or greater to be regulated under this program. Smaller wetlands can be regulated if certain criteria are met. The wetlands to be disturbed within the CAES Project site have the potential to, but are not anticipated to, be regulated as state freshwater wetlands.	Article 15 Permit	NYSDEC strongly recommends an Article 15 pre-application meeting for industrial projects.	Uniform Procedures Act (UPA): A completeness determination from NYSDEC is typically made within 15 days from submittal. Minor projects have a 45-day review while major projects can take up to 90 days (without public hearing) and up to 60 days after the close of a public hearing (if necessary).*	TBD	Applications should be made to the NYSDEC - Division of Regulatory Affairs. One Article 15 Permit will be issued for all activity categories under this regulation.

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
	ECL Article 15 - Protection of Waters Permit - Excavation or Placement of Fill in Navigable Waters and their Adjacent and Contiguous Wetlands	A Protection Of Waters Permit is required for excavating or placing fill in navigable waters of the state, below the mean high water level, including adjacent and contiguous marshes and wetlands. Installation of the intake and discharge pipelines in Seneca Lake are applicable.	Article 15 Permit	NYSDEC strongly recommends an Article 15 pre-application meeting for industrial projects.	See above for UPA summary.	TBD	
	ECL Article 15 - Protection of Waters Permit - Major Construction, Reconstruction or Expansion of Docking and Mooring Facilities.	A Protection Of Waters Permit is required for constructing, reconstructing, or repairing docks or platforms and installing moorings on, in or above navigable waters to create docking facilities, mooring areas or to facilitate other activities. If any such facilities are intended for Seneca Lake, they would be applicable.	Article 15 Permit	NYSDEC strongly recommends an Article 15 pre-application meeting for industrial projects.	See above for UPA summary.	TBD	
	ECL Article 15 - Stream Bed or Bank Disturbance Permit	Required in any stream with a Class C(T) water quality classification and up for any activity that will affect drainage swales or water quality by disturbance of stream bed or bank. This permit would be required if the utility lines or underground pipelines will disturb stream beds or banks along the portion of any qualifying Seneca Lake tributaries in the Project area. [Clarification will be required from NYSDEC regarding the portion of the tributaries that will be affected and their water quality classifications.]	Article 15 Permit	NYSDEC strongly recommends an Article 15 pre-application meeting for industrial projects.	See above for UPA summary.	TBD	
	ECL Article 11 - Part 182, Fish and Wildlife	Although the Phase 1 review of the USFWS data and response from NYSDEC Natural Heritage Program indicated no listed species anticipated to be present in the Project area, additional consultation may be required regarding the waterfowl winter concentration area.	Article 11 Permit	NYSDEC strongly recommends an Article 11 pre-application meeting for industrial projects.	See above for UPA summary.	TBD	Additional analysis will be required in Phase 2 of the Project to confirm the specific species associated with the waterfowl winter concentration area and whether the Project will affect those species. Even if no Article 11 permit is required, additional consultation with NYSDEC is required for the waterfowl winter concentration area.
	ECL Article 17 - Titles 7 and 8 and Article 70	Construction projects that result in soil disturbances of at least one or more acres. Construction of the multiple CAES Project features will exceed the one-acre threshold and are applicable.	SPDES General Permit for Stormwater Discharges from Construction Activity. Permit No. GP-0-10-001.	Not suggested	Five business days from the date NYSDEC receives a complete Notice of Intent.	\$100 per acre disturbed.	The General Permit will be effective five business days from the date NYSDEC receives a complete Notice of Intent for construction activities and a SWPPP has been prepared in conformance with specific technical standards identified by NYSDEC.
	EPA's Phase II Stormwater Rules; Article 17, Title 8, ECL (6 NYCRR Part 750).	Construction disturbing one acre or more requires a SPDES General Permit for Stormwater Discharges from Construction Activity.	SPDES General Permit for Stormwater Discharges from Construction Activity: GP-0-10-001	Not suggested	General permits for construction are authorized within 5 days of submission of a Notice of Intent.	TBD	NYSDEC GP-0-10-001 for construction activity requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) in accordance with NYS technical standards prior to submitting a Notice of Intent.
	ECL Article 3, Title 3; Article 15; Article 17, Titles 3, 5, 7, 8; Article 21; Article 70. Title 1; Article 71, Title 19. New York State Penal Code, Articles 175 and 210. Public Health Law, Section 502.	Discharges to waters must reasonably protect classified water use and assure compliance with applicable water quality standards. The Cooling Tower Blowdown discharge will be subject to these requirements.	Individual SPDES Permit for Discharges to Surface Waters.	NYSDEC strongly recommends a pre-application meeting for industrial projects.	TBD	TBD	
New York State Department of Environmental Conservation (NYSDEC), Division of Air Resources	6 NYCRR 201 - Air Resources - Permits and Registrations	This Part applies throughout New York State. Owners and/or operators of major stationary sources subject to Subpart 201-6 of this Part must obtain a Title V facility permit.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	6 NYCRR 201-8 - Air Resources - General Permits	This Subpart is intended to implement the provisions of ECL 19-0311 that provides for the issuance of general permits covering numerous similar emission sources or source categories for purposes of complying with Title V of the Act or to augment other permitting requirements under this Part.	General Permits				

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
	6 NYCRR 211 - Air Resources - General Prohibitions	General prohibition against air pollution and visible air emissions.	General Prohibitions				
	6 NYCRR 212 - Air Resources - General Process Emission Sources	Regulation establishes permissible emission rates for industrial processes based on environmental rating issued by the commissioner. The CAES Project would not be subject to this regulation because it is a combustion installation, a source category that is exempt under 6 NYCRR 212.	NA				
	6 NYCRR 225 - Air Resources - Fuel Composition And Use	Requirements related to fuel composition and use for sulfur limitations, waste fuel, gasoline, and diesel fuel. Diesel fuel for the fire pump will be subject to this regulation.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	6 NYCRR 226 - Air Resources - Solvent Metal Cleaning Processes	Applies to facilities engaging in the process of cleaning soils from metal surfaces by using a volatile organic compound (Solvent Metal Cleaning). The facility will be subject to this part if it operates a cold cleaning degreaser with an open surface area of greater than 11 square feet and an internal volume of greater than 93 gallons or, has an organic solvent loss of greater than 3 gallons per days.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	6 NYCRR 231 - Air Resources - New Source Review For New And Modified Facilities	Applies to projects in which there is a threshold increase in annual actual emissions from an air contamination source project above the de minimis emission limits found in section 231-1.9 of this Subpart. The purpose of this Part is to establish the new source review (NSR) preconstruction, construction and operation requirements for new and modified facilities in a manner which furthers the policy and objectives of Article 19 of the Environmental Conservation Law, and meets the plan requirements for nonattainment areas (Part D) and PSD of air quality (Part C) of subchapter I of the act.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	The Facility will be major for CO2e and PM, PM10, and PM2.5.
	6 NYCRR 257 - Air Resources - Air Quality Standards	Compliance with Air Quality Standards must be demonstrated. Air quality modeling will be required to demonstrate compliance	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	6 NYCRR 257-7 - Air Resources - Air Quality Standards - Nitrogen Dioxide (NO ₂)	The objective of this Subpart is the attainment of the annual average which, with an adequate safety margin, will provide for protection of public health and will protect against known and anticipated adverse effects on public welfare. During any 12 consecutive months, the annual average of the 24-hour concentrations, shall not exceed 0.05 ppm (100 µg/m ³) in all levels. This project may need to demonstrate compliance with this standard through dispersion modeling.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
	NYSDEC Policy DAR-1 - Guidelines for the Control of Toxic Ambient Air Contaminants Air Guide 1	This policy provides guidance for the control of toxic ambient air contaminants in New York State and outlines the procedures for evaluating sources of air pollution for those chemical contaminants directly addressed by New York State or federal regulations and those for which no State or federal ambient air quality standards exist.	Incorporated in an air permit	Yes as part of overall air permitting process	TBD	TBD	
New York State Office of Parks, Recreation, and Historic Preservation (OPRHP)	Section 106 of the National Historic Preservation Act of 1966 (NHPA), 36 CFR Part 800, Protection of Historic Properties AND Section 14.09 of the New York State Historic Preservation Act	Federal undertaking and/or requiring federal funding, licensing, and/or permitting. Should be applicable only if federal involvement is required. Environmental reviews undertaken by the Field Services Bureau relate only to Historic/Cultural resources and do not include potential environmental impacts to New York State Parkland near the project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).	Section 106 Consultation, NEPA compliance, and/or consultation through SEQR.	Need for consultation will be determined following submittal of ERM's Phase 1A report to the SHPO.	30 days for the initial review and finding for the Project. Resolving adverse effect findings and signing a Memorandum of Agreement can be a lengthy process.	No fee--if tribal consultation is required (Section 106), tribal review fees may apply	Section 106 requires every agency (federal, state, local) to "take into account" how its undertakings (construction, rehabilitation/repair projects, demolition, licenses, permits, loans, grants, etc.) could affect historic properties. The SHPO advises local communities on local preservation environmental reviews, upon request, under the provisions of the State Environmental Quality Review Act.

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
New York State Public Service Commission (NYSPSC)	Article X - Board on Electric Generation Siting and the Environment	If regulations are promulgated in time to allow the CAES Project to utilize this program, the program will replace the NYSDEC SEQR process described above. Article X requires an environmental and public health impact analysis, studies regarding environmental justice and public safety, and consideration of local laws. Applicants will also provide funding for both the pre-application and application phases. Funding to be used to help intervenors (affected municipalities and other parties) hire experts to participate in the review of the application and for legal fees (but not for judicial challenges). Requires a utility security plan reviewed by Homeland Security and, for New York City (NYC) plants, NYC's emergency management office. Provides for appointment of ad hoc public members of the Siting Board from the municipality where the facility is proposed to be sited. Requires a public information coordinator within the Department of Public Service to "assist and advise interested parties and members of the public" in participating in the siting process. Required for the construction and operation a major electric generating facility 25 megawatts or more.	Certificate of Public Convenience and Necessity	Yes	TBD	TBD	If the Article X process is completed, no other state environmental review is required. However compliance with each of the applicable rules is still required. The Article X environmental review process is as comprehensive as the SEQR process. There is a coordinated effort between NYSDEC and the PSC to ensure that the EIS covers the needs of both regulatory agencies (try to minimize duplication).
New York State Office of General Services (NYSOGS)	License/Lease of NY State Owned Submerged Lands - NY State Assembly Law Public Lands Law, Article 6, Section 75 (NYCRR, Title 9, Subtitle G, Chapter 2 Part 270)	For use of Lands Underwater: Grants, Easements, Leases, Permits. If Seneca Lake is owned by New York State, then the installation, operation, and maintenance of the intake structure and associated pipelines would be applicable. Applicability to be determined.	Lease or license for "Lesser Interest in Lands Underwater"	A pre-application meeting is strongly recommended.	No license or lease can be issued until all other permits are issued. The process can take 2 to 3 months to complete.	The cost of the lease will need to be negotiated with the NYSOGS.	Issued for a period of up to 40 years. If no pre-application meeting is held, NYSOGS requests that a copy of the Joint Permit Application be submitted to them. Applicability yet to be determined.
	Easement for use of NY State Owned Submerged Lands - NY State Assembly Law Public Lands Law, Article 2, Sub 3, Sub 2 (NYCRR, Title 9, Subtitle G, Chapter 2, Part 271)	An easement must be obtained for Lands Underwater for Cables, Conduits, Pipelines, Hydroelectric Power - A 30-foot width easement is the minimum width approved. If Seneca Lake is owned by New York State, then the installation, operation, and maintenance of the intake structure and associated pipelines would be applicable. Applicability to be determined.	Easement for underwater intake structure and associated pipelines	TBD	The process can take 2 to 3 months to complete.	TBD	Issued for a period of 25 years. Applicability yet to be determined.
New York State Department of Transportation (NYSDOT)	Highway Work Permit for Utility Work	Allow construction within the right-of-way of a state highway including the installation and maintenance of utilities.	Permit	TBD	Review is completed within 10 days of the receipt of a complete application.	Calculated based on project specific information (e.g., activity type and distance (feet) of disturbance).	Application made to the NYS Department of Transportation.
Local							
Typical County/Local Permits/Approvals	Land Use Law for the Town of Reading	Projects to include greater than 15,000 square feet of area, and Project elements near Seneca Lake exceed the 'Site Plan Only' review option and trigger the need for a Special Permit.	Special Permit	A pre-application meeting is suggested to determine if the project elements proposed along the shore of and within Seneca Lake will be permissible, or will require a variance process (which is not provided for in the Land Use Law).	TBD	TBD	

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
	Building Permit	Required to begin the removal, erection, construction, placement, enlargement, improvement, alteration or demolition of any building or structure; or installation of heating, ventilating and air conditioning, plumbing or electrical equipment.	Permit	TBD	TBD	TBD	The time between application and issuance of a building permit varies by municipality. Applications are to be made to the code enforcement officer or municipal building inspector.
	Flood Hazard Area Permit	Required for the construction of any structure within areas classified by the Federal Emergency Management Agency (FEMA) as being in a flood hazard area (within the 100-year floodplain). As of the time of this review, no 100-year flood plains are mapped by FEMA in the Town of Reading.	Permit	TBD	TBD	TBD	
	Site Plan Review	Site plan reviews are required to review the layout and design of a development site. It is completed to insure that the development is in harmony with the character of the area in which it is located and that important resources will be protected and to ensure compliance with local zoning and subdivision ordinances.	Review and recommendation	TBD	TBD	TBD	
	General Municipal Law 239 Review	If a special use permit, approval of site plans, granting of use or area variances or other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law, and such a permit is within 500 feet of the boundary of any city, village or town, or the boundary of any existing or proposed county or state park or any other recreation area, or the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or the boundary of a farm operation located in an agricultural district, defined by Article 25-AA of the Agriculture and Markets Law, (except for area variances), then the approvable action must be submitted for review.	Review and recommendation	TBD	30 days from receipt of full statement of proposed action.	TBD	This review brings intermunicipal or county-wide concerns to the municipality before it takes action on an application. Application should be made to the county planning commission 30 days prior to the action by the local board so that Schuyler County Planning Commission can make a recommendation for consideration by the local board. Any new projects of significant size require approval from the Community Development and Natural Resources Committee of the Schuyler County Legislature.
	Driveway Access Permit	Required to join a driveway to a county road. The installation of the substation driveway off County Route 28 is applicable. This requirement may also apply to driveway to the CAES Plant.	Permit	TBD	TBD	No fee	The applicant must stake out the driveway. It will be inspected by the county within 10 days of application to determine if it is in a safe location and if a culvert is required. If a culvert is required it must be purchased from the county. A crew will deliver and install the culvert with no charge. Application should be made to the Schuyler County Department of Public Works.
	Permit for Construction in a County Highway Right-of-Way	Allows construction in a county highway ROW /easement. Installation of the overhead power lines across County Route 28 is applicable.	Permit	TBD	TBD	No fee	Application must be made at least 30 days prior to the start of construction at the Schuyler County Department of Public Works.
Preservation League of New York State	NHPA/SEQR consulting party potential	If an easement exists on a historic property, applicant should go through correct process to abide by easement owner's wishes/objections on a property or land.	Non-profit preservation organization that may hold easements	Need for consultation will be determined following submittal of ERM's Phase 1A report to the SHPO.	TBD	TBD	Refer to ERM's Phase 1A Cultural Resources report prepared in anticipation of submittal to the New York State Historic Preservation Office (NYSHPO). This report recommended additional investigations to be conducted under Phase 1B. The response from SHPO on this report will direct the need for further consultation and investigation of architectural and archaeological resources.

Lead Agency	Legislative Authority	Applicability	Type of Approval	Pre-Application Meeting Suggested by Agency	Estimated Agency Turn-Around Time	Review Fee (if applicable)	Notes
The Landmark Society of Western New York	NHPA/SEQR consulting party potential	If an easement exists on a historic property, applicant should go through correct process to abide by easement owner's wishes/objections on a property or land.	Non-profit preservation organization that may hold easements	Need for consultation will be determined following submittal of ERM's Phase 1A report to the SHPO.	TBD	TBD	Refer to ERM's Phase 1A Cultural Resources report prepared in anticipation of submittal to the NYSHPO. This report recommended additional investigations to be conducted under Phase 1B. The response from SHPO on this report will direct the need for further consultation and investigation of architectural and archaeological resources.
Schuyler County, NY	NHPA/SEQR consulting party potential	If NHPA or SEQR apply	Input on historic properties	Need for consultation will be determined following submittal of ERM's Phase 1A report to the SHPO.	TBD	TBD	Refer to ERM's Phase 1A Cultural Resources report prepared in anticipation of submittal to the NYSHPO. This report recommended additional investigations to be conducted under Phase 1B. The response from SHPO on this report will direct the need for further consultation and investigation of architectural and archaeological resources.
Town of Reading, NY	NHPA/SEQR consulting party potential	If NHPA or SEQR apply	Input on historic properties	Need for consultation will be determined following submittal of ERM's Phase 1A report to the SHPO.	TBD	TBD	Refer to ERM's Phase 1A Cultural Resources report prepared in anticipation of submittal to the NYSHPO. This report recommended additional investigations to be conducted under Phase 1B. The response from SHPO on this report will direct the need for further consultation and investigation of architectural and archaeological resources.
Tribal Governments							
Tribal Consultation	NHPA tribal consultation requirement, SEQR consulting party	Tribal Consultation for Federally recognized and State recognized tribes	Consultation required under Section 106 and NEPA process	Need for consultation will be determined following submittal of ERM's Phase 1A report to the SHPO.	TBD	Review Fee (if applicable)	Refer to ERM's Phase 1A Cultural Resources report prepared in anticipation of submittal to the NYSHPO. This report recommended additional investigations to be conducted under Phase 1B. The response from SHPO on this report will direct the need for further consultation and investigation of architectural and archaeological resources. Note that at least two Indian Nations (Seneca and Cayuga) have interest in the CAES Project vicinity.

* Minor Projects - NYSDEC must make a permit decision on minor projects within 45 days of determining the application complete. Major Projects - 1. If no hearing is held, NYSDEC makes its final decision on the application within 90 days of its determination that the application is complete. 2. If a hearing is held, NYSDEC notifies the applicant and the public of a hearing within 60 days of the completeness determination. The hearing must commence within 90 days of the completeness determination. Once the hearing ends, NYSDEC must issue a final decision on the application within 60 days after receiving the final hearing record. A completeness determination must be made within 15 days.

Notes:

1. The permitting approval times are subject to change based on the nature of the project. Approval for state-issued permits and federal-issued permits can vary and could take nine months or greater.
2. TBD = To be determined as the project scope is further defined.