



## Cassadaga Wind Project

Case No. 14-F-0490

1001.32 Exhibit 32

## State Laws and Regulations

## EXHIBIT 32 STATE LAWS AND REGULATIONS

Subsequent to the preparation of the PSS, the Applicant has consulted with the state agencies and authorities whose requirements are the subject of the exhibit, to determine whether all such requirements have been correctly identified. The Applicant intends to comply with the identified requirements unless the Applicant specifically requests relief from the Siting Board.

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

The Applicant has compiled a preliminary listing of state approvals, consents, permits, or other conditions of a procedural nature required for the construction or operation of the proposed Facility, as summarized below in Table 32-1:

**Table 32-1. List of All State Approvals for the Construction and Operation of the Facility that are Procedural in Nature and supplanted by PSL Article 10**

State Agency	Requirement	Discussion
New York State Department of Environmental Conservation	Water Quality Certification (WQC), Section 401 of the Clean Water Act	The Applicant anticipates submitting a permit application to the U.S. Army Corps of Engineers after the Facility receives the Article 10 Certification. Therefore, the request for WQC is not included in this Application and will be submitted at a later date.
New York State Office of Parks, Recreation, and Historic Preservation (OPRHP)	Consultation Pursuant to §14.09 of the New York State Historic Preservation Act	The Applicant has initiated (and will continue) consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) to ensure compliance with §14.09 of the New York State Historic Preservation Act.
New York State Department of Environmental Conservation	Permit for Protection of Waters Article 15, 6 NYCRR Part 608	This permit would be required for the crossing of protected streams by Facility components. Protected streams are particular portions of streams designated by the NYSDEC with one of the following classifications: AA, AA(t), A, A(t), B, B(t) or C(t). The permit is required for any change, modification, or disturbance of any protected streams, streambeds, or stream banks. It is currently anticipated that Facility components will cross NYSDEC protected streams, requiring this permit, and therefore the procedural requirements are supplanted by Article 10.

State Agency	Requirement	Discussion
New York State Department of Environmental Conservation	Permit for Freshwater Wetlands Article 24, 6 NYCRR Part 663	This permit would be required for the crossing of regulated freshwater wetlands or adjacent areas by Facility components. Regulated freshwater wetlands are designated and mapped by the NYSDEC, and are generally 12.4 acres or larger. Around every regulated freshwater wetland is an adjacent area of 100 feet that is also regulated to provide protection for the wetland. It is currently anticipated that Facility components will cross NYSDEC regulated wetlands and/or adjacent areas, requiring this permit, and therefore the procedural requirements are supplanted by Article 10.
New York State Department of Environmental Conservation	SPDES General Permit for Construction Activity	This permit is required for construction projects that disturb one or more acres of soil. In accordance with 1001.32(a) of the PSL this is identified as a state procedural requirement issued by the NYSDEC pursuant to federal recognition of state authority. As agreed to by the parties in the Stipulations, this approval is subject to review by the NYSDEC independent of the Article 10 process.

As indicated in Table 32-1 above, except where otherwise noted, these state procedural requirements are supplanted by PSL Article 10.

(b) List of Procedural State Approvals/Permits/Etc. that the Applicant Requests the Board Authorize the Exercise of Such Authority by the State Agency

The Applicant does not intend to request that the board authorize the exercise of authority by the applicable state agency for any procedural state approvals/permits/etc.

(c) Compliance with Substantive State Approvals/Permits/Etc.

The Applicant will construct and operate the Facility in a manner that conforms to all State substantive requirements for those approvals, consents, permits, certificates, or other conditions. The table below in Section (d) outlines the Applicant's current understanding of all such approvals, based on the Facility layout as defined in this Application and preliminary consultations with the associated agencies. In addition, the following is a list of all substantive State requirements:

- 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)
- Consultation Pursuant to Section 14.09 of the New York State Historic Preservation Act

- Permit for Protection of Waters, Article 15, 6 NYCRR Part 608.7b (Permit Application Review) and 608.8 (Standards)
- Permit for Freshwater Wetlands, Article 24, 6 NYCRR Part 663.5 (Standards for Issuance of Permits and Letters of Permission)
- SPDES General Permit for Construction Activity, Article 3, 6 NYCRR Part 750-1.11 (Application of Standards, Limitations, and other Requirements)

As indicated in Table 32-2 below, the Applicant intends on complying with the associated substantive requirements.

(d) Summary Table of Substantive State Requirements

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

<b>Provision</b>	<b>Degree of Compliance</b>
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 intends to comply with this requirement.
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 intends to comply with this requirement.
Permit for Protection of Waters Article 15, 6 NYCRR Part 608.7b (Permit Application Review) and 608.8 (Standards)	The Applicant intends to comply with this requirement.
Permit for Freshwater Wetlands Article 24, 6 NYCRR Part 663.5 (Standards for Issuance of Permits and Letters of Permission)	The Applicant intends to comply with this requirement.
SPDES General Permit for Construction Activity Article 3, 6 NYCRR Part 750-1.11 (Application of Standards, Limitations, and other Requirements)	The Applicant intends to comply with this requirement.

(e) State Approvals/Permits/Etc. for Offsite Features

Based on all studies and analyses conducted to date, the only off-site ancillary features associated with the Facility are temporary public road improvements, some of which are currently anticipated to occur within the right-of-way of State Route 60. Table 32-3 lists those approvals associated with these off-site ancillary features.

**Table 32-3. List of All State Approvals for the Construction and Operation of the Facility that are Procedural in Nature and supplanted by PSL Article 10**

State Agency	Requirement	Discussion
Department of Transportation	Special Use Permit for Oversize/Overweight Vehicles	Special hauling permits from the New York State Department of Transportation (NYSDOT) 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. Actual loads and permits will depend on the specific turbine supplier, crane equipment chosen, and degree of disassembly of the crane. These permits are typically obtained by the Balance of Plant (BOP) contractor immediately prior to construction. Although these ministerial permits are supplanted by Article 10, the Applicant will request that the Siting Board authorize the NYSDOT to issue these permits because of the timing of these submissions and the likelihood that the information will not be available from the contractor until post-Certification.
Department of Transportation	Highway Work Permit	The use of New York State highway right-of-ways must be carried out in accordance with terms and conditions of a highway work permit issued by the NYSDOT. The proposed Facility may need such a permit for the overhead 115 kV generator lead line crossing of State Route 60, and for temporary intersection improvements along State Route 60.

As indicated in Table 32-3 above, the Applicant anticipates requesting that the Siting Board authorize the NYSDOT to issue the applicable over-sized vehicle permits. Generally, these approvals are issued immediately prior to construction and are submitted by the contractor. It is anticipated that the information required to be included in the submission will not be available until after a final turbine model and a contractor is selected, which will occur post-Certification.