

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
New York on July 16, 2015

COMMISSIONERS PRESENT:

Audrey Zibelman, Chair
Patricia L. Acampora
Gregg C. Sayre
Diane X. Burman

CASE 13-T-0515 - Petitions of New York Power Authority
Relating to its Certificate of Environmental
Compatibility and Public Need for the Marcy
South 345 kV Transmission Facilities -
Formerly Case 70126.

ORDER APPROVING PHASE TWO ENVIRONMENTAL MANAGEMENT AND
CONSTRUCTION PLAN

(Issued and Effective July 21, 2015)

BY THE COMMISSION:

INTRODUCTION

We recently granted an amendment to the Certificate of Environmental Compatibility and Public Need (the Certificate) authorizing the New York Power Authority (NYPA) to construct Series Compensation Banks (SC Banks).¹ Pursuant to Ordering Clauses 2 and 3 of the Certificate Amendment Order, NYPA prepared, filed and served the required Environmental Management and Construction Plan (EM&CP) in two phases. We approved the Phase One EM&CP earlier this year to allow tree clearing that

¹ Case 13-T-0515, New York Power Authority, Order Granting Amendment of Certificate of Environmental Compatibility and Public Need (issued October 27, 2014) (the Certificate Amendment Order).

would avoid possible adverse impacts on Northern Long-Eared Bats.²

NYPA published notice of availability of the Phase Two EM&CP on May 21 and 28, 2015 in The Daily Star in Oneonta, New York. It filed the Phase Two EM&CP on May 29, 2015. The applicable comment period expired on June 29, 2015. No comments were received.

THE PROPOSED PHASE TWO EM&CP

Construction of the SC Banks will require clearing of approximately 3.5 acres of upland meadows and deciduous forest habitat along the edge of the existing electric transmission rights-of-way (ROW). The Phase Two EM&CP covers disposal or use of the logs and wood chips, as well as full site development to prepare the substation pad, including site grading, permanent access road construction, drainage facility installation, and foundation construction. Once the substation pad is completed, the SC Banks, switches, breakers, substation control building, and utility transmission structures will be installed.

There are no wetlands or watercourses within the proposed foot print of the SC Banks.

Cultural resource field surveys have been completed for the site; they did not detect above-ground or buried artifacts that would cause the site to be eligible for listing on the New York State or Federal register of significant sites.

Work is proposed to occur Monday through Saturday from 7:00 a.m. to 6:00 p.m. Longer work hours will be required when transmission line outages occur for connecting the SC Banks to the grid or when full scale operational testing is required.

² Case 13-T-0515, supra, Order Approving Phase One Environmental Management and Construction Plan (issued March 2, 2015).

The project site is in the watershed of the New York City (NYC) drinking water reservoir system and a Stormwater Pollution Prevention Plan (SWPPP) has been reviewed by both the New York State Department of Environmental Conservation(DEC) and the NYC Department of Environmental Protection (DEP). The SWPPP is for an individual permit by DEC and was subject to a separate public notice and review process. DEC has prepared a draft State Pollutant Discharge Elimination System (SPDES) permit for the project. The SWPPP covers sediment and erosion control during construction and post construction operation of the site. A permanent storm water infiltration basin will be built to recharge and improve the quality of the stormwater prior to discharge to a stream on site. A qualified environmental monitor from NYPA will oversee the project.

A pre-construction sound assessment has been completed; it indicates that changes in the sound environment during operation of the SC Banks will be within acceptable limits, based on DEC guidance.³

DISCUSSION AND CONCLUSION

The Phase Two EM&CP describes the work necessary to build the substation for the SC Banks to meet the in-service date of June 2016. We will approve the proposed EM&CP, finding that it complies with the Certificate Amendment Order. We will, however, require final "for construction" drawings to be submitted to Staff and, consistent with the proposed EM&CP, impose other conditions necessary to ensure proper construction and environmental management.

³ Assessing and Mitigating Noise Impacts. Program Policy DEP-00-1, February 2, 2001.

The Commission orders:

1. The Phase Two Environmental Management and Construction Plan (EM&CP), filed by the New York Power Authority (NYPA) on May 29, 2015, is approved.

2. NYPA shall submit to Staff final "for construction" drawings before the start of construction. Construction plans shall include a schedule that shall be updated as necessary.

3. Within 60 days after the SC Banks are placed in service, as built plans, stamped New York State License Professional Engineer shall be submitted to Staff.

4. NYPA shall assign an environmental monitor to address any occurrences of erosion or stormwater runoff during Phase Two of project construction as required by the State Pollutant Discharge Elimination System Permit.

5. NYPA shall provide to Staff notice of the need for extended work hours related to the schedule, transmission system outages or testing.

6. NYPA shall provide to Staff a schedule and methodology for post-construction sound testing of the area around the substation, including one or more of the sites evaluated in the May 8, 2015 Acoustic Assessment Report for NYPA's Marcy South Series Compensation Project (included in the proposed EM&CP). A final post-construction sound levels study protocol shall be submitted to Staff following placement of the SC Banks foundation. If a sound mitigation plan is necessary, it will be subject to Ordering Clause 4 of the March 2, 2015 Order in this proceeding regarding proposed changes to the approved EM&CP.

7. The Secretary in her sole discretion may extend the deadlines set forth in this Order. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least one day prior to the affected deadline.

8. This proceeding is continued.

By the Commission,

(SIGNED)

KATHLEEN H. BURGESS
Secretary