Article 10 Process

Applies to electric generating facilities with generating capacity of 25 MW or more; including renewables

- The Siting Board oversees the Article 10 process and its head is the Chair of the Public Service Commission and CEO of the Department of Public Service
 Other members include: Heads of NYS DEC, Health
- Department, NYSERDA, Economic Development, and two members of the public.
- The Board issues Certificates of Environmental Compatibility and Public Need.

16 NYCRR, Chapter X, Certification of Major Electric Generating Facilities

Five Steps: 1. Pre-application; 2. Application; 3. Administrative Hearings; 4. Siting Board; Decision; 5. Compliance

STEP 3. Administrative 4. Siting Board STEP 2. Application STEP 1. Pre-application **Decision Hearings** summarizing Public activities to educate, inform Involvement **File** and involve the **Program** PIP (PIP) Plan public in the **150** process days prior \$350/MW, up to Resp **Prehearing Conference** 30 d \$200,000 to fund identify intervenors, DPS within **PSS** preapplication 60 days for compliance award intervenor funds, review **30** d intervenor account determination; once deemed identify issues for hearing, SITING BOARD DECISION compliant a date for the establish a case schedule. public hearing is set. provided to state **Application** & municipal **PUBLIC HEARING** Public consultation agencies, state & **Preliminary** local officials, & on scope and Scoping local libraries; methodology **Statement** newspaper public explicit findings about the nature of the **Intervenor Fund** notice, and other environmental impacts related to construction and Each application must be written responses stakeholders operation of the facility and related facilities (e.g., accompanied by a fee of \$1,000 electric lines, communications and transportation) per MW of capacity, up to \$400,000. Statewide electrical capacity Half of the funds must be File PSS 90 days prior to Application Ecology, air, ground and surface water, available for municipal parties and wildlife, and habitat half for local parties to hire expert Public health and safety witnesses, consultants, and **Contents Contents** Cultural, historical and recreational resources Proposed facility and environmental setting lawyers. Project description Transportation, communication, utilities, etc. Potential significant and adverse Public inwivement activity Filing & Notice The facility is a "beneficial addition to or environmental and health impacts Facility and community filed with the Siting Board. substitute for" generation capacity. Proposed studies to evaluate potential security and safety plans made available for public Construction and operation are in the public Evaluation of expected impacts inspection at libraries. interest environmental and health Measures to avoid or mitigate Copies are provided to interested Adverse environmental effects will be impacts, adverse impact parties. minimized or avoided reasonable and available Local newspaper notice Reasonable and available alternatives It is in compliance with state laws and alternative locations, and Notice to state legislators in Local, State and federal requirements regulations and compliance with, or override compliance with state and impacted districts and to Other required information of unreasonably burdensome substantive local substantive individuals requesting it local laws and regulations. requirements