

# Island Park Energy Center – A Repowering of E.F. Barrett Power Station

## Article 10 Review Process

### PROJECT OVERVIEW

National Grid is proposing to repower its E. F. Barrett Power Station located in the Town of Hempstead, Nassau County, New York. The proposed repowering will result in a new modern energy center at the Barrett Station through the installation of new, state-of-the-art electric generators and the removal of all existing electric generating equipment currently on the site. The new energy center will provide a more efficient and cost-effective facility to produce electricity while minimizing impacts on the surrounding communities and providing tax benefits into the future. The repowering, if approved by LIPA and once licensed, will also provide numerous jobs during the construction period.

The proposed project is considered a 'major electric generating facility' (25 megawatts or more) and is regulated under Article 10 of the New York State Public Service Law, which was enacted in 2011. Article 10 requires the New York State Board on Electric Generation Siting and the Environment (Siting Board) to issue a Certificate of Environmental Compatibility and Public Need (Certificate) authorizing the construction and operation of major electric generating facilities. The Siting Board is a seven-person board composed of: The Chair of the New York State Department of Public Service (DPS); Commissioner of the Department of Environmental Conservation (DEC); Commissioner of the Department of Health (DOH); Chair of the New York State Energy Research and Development Authority (NYSERDA); Commissioner of Economic Development (Empire State Development); and Two Ad Hoc Public Members.

This Article 10 Fact Sheet is intended to provide information on the overall Article 10 Application Process as well as provide information on the intervenor funding available for use.

### ARTICLE 10 APPLICATION PROCESS

Below is an overview of the five phases of the Article 10 process:

#### 1. Pre-Application Phase

- i. The Applicant submits a Public Involvement Program (PIP) Plan to the DPS which identifies the activities to educate, inform and involve the public in the Article 10 process.
- ii. At least 150 days after submittal of the PIP Plan, the Applicant submits a Preliminary Scoping Statement (PSS) to the Siting Board, which, among other things, describes the proposed facility and environmental setting; identifies initial potential significant and adverse environmental or health impacts; identifies the proposed studies to evaluate potential impacts and measures to avoid or mitigate adverse impacts; identifies reasonable alternatives; and identifies applicable State and Federal requirements and other information as required for the project. The PSS is provided to State and municipal agencies, State and local officials and to local libraries for general public review.
- iii. Upon filing of the PSS, a Presiding Examiner will be appointed for the case. The Siting Board will also issue a notice of availability of pre-application intervenor funds for interested parties. Intervenor funds are available to be used by municipal and local parties to participate in the scoping process.
- iv. The Applicant begins consultation with interested parties on the PSS, including the general public. There is a 21-day period for public comment on the PSS. Upon the closing of the comment period, the Applicant has 21 days to respond to all comments received.
- v. The stipulation phase is intended to provide an opportunity for participants in the scoping process to reach agreement on the type and extent of studies on environmental and community impacts that will be analyzed and reported in the Application.

#### 2. Application Phase

- i. No less than 90 days after the filing of the PSS, the Applicant submits an Article 10 Application. The Application must include a project description; a summary of public involvement activities; an evaluation of reasonable and available alternative locations; an evaluation of expected environmental and health impacts, environmental justice issues; plans for back-up fuel storage and supply; and facility and community security and safety plans. The Application is provided to State and municipal agencies, State and local officials, interested parties and to local libraries for general public review.

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- ii. Upon the filing of the Application, the Siting Board will again issue a notice of availability of application intervenor funds that are available to be used by municipal and local parties to participate in formal review of the Application.
3. Administrative Hearings
    - i. Within 60 days of the filing of the Application, the Siting Board must determine whether the application complies with the Article 10 filing requirements, and, if so, will schedule a public hearing on the Application. A pre-hearing conference will be scheduled within a reasonable time after the date for the public hearing has been set to identify intervenors, award intervenor funds, identify issues for the hearing and establish a case schedule. Additional hearings regarding the application and project impact assessments will be scheduled by the Hearing Examiners as needed during this phase of Application review.
  4. Siting Board Decision
    - i. The Siting Board will make a decision on the Application within 12 months of when the Application is determined to be complete, with the possibility of a six-month extension. For a repowering project, the Siting Board is required to make a decision on an expedited schedule or within 6 months.
    - ii. In making a final decision on the Application, the Siting Board will consider the need for the project, public interest, environmental impacts, public health and safety, impacts on environmental justice communities and compliance with State and local laws and regulations, to ensure the facility is a “beneficial addition to or substitution for” electric generation capacity of the State.
  5. Compliance Phase
    - i. The post-certification compliance phase consists of three elements: pre-construction (includes the filing of final engineering and design documents, permits and approvals before construction begins); on-site compliance inspections by State agency personnel during construction to ensure compliance with the Certificate; and long term compliance to ensure operation of the facility is in compliance with the Certificate.

For more information on the Article 10 Process, visit the Board on Electric Generation Siting and the Environment’s website at <http://www.dps.ny.gov/sitingboard/>.

### **INTERVENOR FUNDS**

With the submission of the PSS and again with the submission of the Article 10 Application, National Grid is required to provide funds to be disbursed by the Siting Board to municipalities and individuals to help pay for consultants and studies to make an effective contribution to the application process and thereby ensure early and effective public involvement (16 NYCRR Section 1000.10 [a][9]) – the funds are referred to as Intervenor Funds. The PSC term “Intervenor” refers to a party in an ongoing case or proceeding for the protection of an interest, including statutory parties (i.e., DEC, DOH, etc.) or others that request permission to join a proceeding; however, only municipal and local parties are eligible for intervenor funds. The Siting Board will reserve at least 50% of the intervenor funds for the use by municipalities.

Following the filing of the Preliminary Scoping Statement, the Presiding Examiner will issue a notice of availability of pre-application intervenor funds. This notice will include notification that initial requests for funding must be submitted within 30 days. A pre-application meeting to consider funding requests will be convened between 45 and 60 days after the filing of the PSS. Recipients of Intervenor Funds must provide a quarterly report to the Siting Board that includes, among other things, a detailed accounting of the monies spent, the results of any studies, a description of any activities conducted using the funds, and a discussion of whether the purpose for which the funds were awarded has been achieved. Intervenor funds for review of the Article 10 Application and participation in hearing phase activities will be made available at the time of Application.

For more information on the Article 10 Process, including notices of Intervenor Funding availability and the Form to Request Intervenor Funds, visit the Board on Electric Generation Siting and the Environment’s website at <http://www.dps.ny.gov/sitingboard/>.