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July 21, 2017

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

**Re: *Millennium Pipeline Company, L.L.C.*
Valley Lateral Project, Docket No. CP16-17-000
Request for Notice to Proceed with Construction**

Dear Ms. Bose:

Millennium Pipeline Company, L.L.C. (“Millennium”) requests that the Federal Energy Regulatory Commission (“Commission” or “FERC”) issue a Notice to Proceed (“NTP”) with construction activities for all portions of Millennium’s Valley Lateral Project (“Project”). Millennium has obtained all federally-required environmental permits and authorizations, or waiver thereof, necessary for construction of the Project. Millennium, therefore, requests the Director of the Office of Energy Projects (“Director”) promptly grant Millennium’s request for a NTP, but in any event, no later than August 31, 2017.

The Project is a 7.8-mile, 16-inch diameter pipeline designed to connect Millennium’s existing system to the CPV Valley Energy Center, a new combined-cycle natural gas-fired power plant with a capacity of 650 megawatts in the Town of Wawayanda, New York. The CPV Valley Energy Center is nearly 80 percent complete and plans to begin testing next month, August 2017. This facility, which represents a nearly \$1 billion investment by CPV, urgently needs gas supply so it can begin supplying the area with much-needed electricity, and Millennium is the sole means of transporting these critical natural gas supplies. The Commission issued an order granting Millennium a certificate of public convenience and necessity to construct and operate the Project on November 9, 2016,¹ and Millennium accepted the certificate on November 11, 2016. Millennium had originally planned to begin construction shortly after receipt of the Commission’s order and had secured all required federal permits necessary to begin construction save one—a Water Quality Certification from the New York Department of Environmental Conservation (“NYSDEC”) under Section 401 of the Clean Water Act (“CWA”). As of the date of this filing, Millennium’s application has been pending before the NYSDEC for well over nineteen months. Despite the limited nature of the Project-related impacts to jurisdictional Waters of the United States, the NYSDEC has not acted within the statutory timeframe and the CWA Section 401 Water Quality Certification requirement has been waived, as discussed below.

¹ *Millennium Pipeline Co., L.L.C.*, 157 FERC ¶ 61,096 (2016) (“Certificate Order”).



Notwithstanding the waiver, Millennium notes that it has made every effort to work with the NYSDEC to secure this permit. The NYSDEC was aware of the need for a delivery lateral for the CPV Valley Energy Center for years prior to Millennium's actual filing. CPV began development of the CPV Valley Energy Center in 2008. The NYSDEC issued an air permit to the facility effective August 1, 2013, and the New York Public Service Commission issued a certificate of public convenience and necessity on May 4, 2014. NYSDEC was aware that the natural gas to supply the CPV Valley Energy Center would be transported on facilities constructed, owned, and operated by Millennium.² In developing its proposal, Millennium participated in pre-filing processes both at the FERC and the NYSDEC. Millennium's formal application, which it filed in November 2015, contained nearly 1200 pages of analysis and construction details, including explanations of how water quality would be protected. Millennium continued to work with the NYSDEC, making revisions to the project in response to NYSDEC's stated preferences and ultimately agreeing in the application and subsequent submissions to use horizontal directional drills ("HDD") or conventional bores with respect to nine of the twelve required stream crossings. Of the remaining three streams, two are intermittent and expected to be dry during construction. Although the Project has a limited number of resource crossings, these commitments to use trenchless crossing methods for 90 percent of the perennial streams ensured that the Project has minimized potential Project-related impacts to water quality. These commitments were not without impact to Millennium, increasing the project costs from an estimated \$39 million to approximately \$57 million.

Millennium knows of no additional information that is needed by the NYSDEC; nor is Millennium aware of any NYSDEC concerns that have not been addressed. But, despite the limited size of the Project and Millennium's considerable mitigation efforts, the NYSDEC failed to act on Millennium's application.³ The CWA Section 401 Water Quality Certification requirements have now been waived, and Millennium provides below the required "evidence of waiver thereof." Accordingly, Millennium has fully satisfied Environmental Condition 9, and the Director should issue a NTP authorizing construction of the Project no later than August 31, 2017, to allow Millennium sufficient time to engage construction contractors and complete land acquisition before full construction can commence.

Issuance of a NTP will not adversely impact water quality. The substantial commitments Millennium has made to the NYSDEC to mitigate potential water quality issues associated with the Project are reflected in Millennium's December 21, 2016 Implementation Plan.⁴ Millennium will abide by these commitments and would accept a condition in the NTP to reflect such commitments. Millennium will also comply with all environmental conditions set forth in the Certificate Order, including the tree-clearing restrictions associated with the U.S. Fish and Wildlife Service clearance.

² NYSDEC's July 13, 2012, Notice of Complete Application for the CPV Valley Energy Center's water and air permits explains that "[n]atural gas for the facility will be from the Millennium pipeline south of the site . . . subject to approval by the Federal Energy Regulatory Commission." See Notice of Complete Application, Competitive Power Ventures, Inc. (July 13, 2012) attached hereto as Attachment B.

³ Yet in April 2017, the NYSDEC was able to act on the CWA Section 401 Water Quality Certification request made by National Fuel for its 97-mile Northern Access Project, even though National Fuel's request was filed on February 29, 2016, long after Millennium's request.

⁴ *Millennium Pipeline Co., L.L.C.*, Implementation Plan (Dec. 21, 2016) ("Implementation Plan")



Millennium Has Received All Federally-Required Permits or Waiver Thereof.

Environmental Condition 9 of the Certificate Order requires Millennium, prior to construction, to provide the Commission with documentation that it has “received all authorizations required under federal law (or evidence of waiver thereof).”⁵ Millennium has met that condition. Millennium’s Implementation Plan, filed with the Commission on December 21, 2016, included a list of all the federal permits and clearances required for Project construction activities, and copies of all of the federal permits and clearances that it had received as of that time. As Attachment A hereto, Millennium provides an update to that table and copies of all of the federally-required permits and clearances that Millennium has subsequently received.⁶

In addition to receiving a certificate of public and convenience and necessity from the Commission pursuant to NGA Section 7, Millennium has obtained confirmation that the Project activities can be completed under the Department of the Army Nationwide General Permit 12 from the U.S. Army Corps of Engineers under CWA section 404⁷ and has completed consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, the Migratory Bird Treaty Act, and the Golden Eagle Protection Act.

On the state level, Millennium has received a State Pollutant Discharge Elimination (“SPDES”) permit for construction activities and stormwater pollution prevention plan;⁸ Millennium has also engaged in a consultation with the New York Natural Heritage Program regarding State-listed species; a consultation with the New York Bureau of Parks, Recreation, and Historic Preservation under section 106 of the National Historic Preservation Act; and a consultation with the New York State Department of Agriculture and Markets. As discussed below, the requirement for the CWA Section 401 Water Quality Certification—the last remaining federally-required permit—has been waived, although Millennium will comply with

⁵ Certificate Order, Appendix B, Environmental Condition 9.

⁶ In Attachment F to its Implementation Plan, Millennium filed copies of its MS4 SWPPP Acceptance Form Town of Wawayanda and its New York State Office of Parks Recreation and Historic Preservation Clearance. Millennium incorporates those documents by reference herein.

⁷ The U.S. Army Corps letter stated that the Section 404 authorization was “conditional on [Millennium’s] receipt of the required water quality certificate or *waiver* from the New York State Department of Environmental Conservation.” *Millennium Pipeline Co.*, Supplemental Information – U.S. Army Corps of Engineers Nationwide Permit 12 Verification (Mar. 9, 2017). Because the CWA Section 401 Water Quality Certification requirements have been waived, this condition has been met and Millennium’s CWA Section 404 authorization is effective. In addition, the Corps’ finding that the Project complies with Nationwide General Permit 12 provides further support that the Project will not have adverse water quality impacts.

⁸ Millennium received a SPDES permit from the Town of Wawayanda on June 15, 2016; its application for a stormwater permit covering the Town of Minisink is pending before the NYSDEC. But the Commission need not delay issuing its NTP on that account. While Millennium, in cooperation with the expressed preference of New York, applied for the stormwater permit from the NYSDEC, discharges of stormwater related to the construction of natural gas pipelines are exempt from any federal permitting requirements pursuant to CWA Section 402(l)(2). 33 U.S.C. § 1342(l) (2012). U.S. Environmental Protection Agency guidance makes clear that a stormwater permit is not required under CWA Section 402(l)(2). *See* Oil and Gas Stormwater Permitting, <https://www.epa.gov/npdes/oil-and-gas-stormwater-permitting> (last visited Jul. 20, 2017). Any action by the NYSDEC on Millennium’s stormwater permit application would be pursuant to state—not federal—law and would be preempted under the Natural Gas Act. *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 300-301 (1980); *Nat’l Fuel Gas Supply Corp. v. Pub. Serv. Comm’n*, 894 F.2d 571, 576-577 (2d Cir. 1990).



the commitments to mitigate any water quality impacts that Millennium has made to both the Commission and the NYSDEC in this proceeding.⁹

Evidence of Waiver of the CWA Section 401 Water Quality Certification Requirements.

Section 401 of the CWA allows a permitting agency a “reasonable period of time,” not to exceed one year, to act on an application for a Water Quality Certification. The statute provides that, if the permitting agency “fails or refuses to act on a request for certification within a reasonable period of time (*which shall not exceed one year*) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application.”¹⁰ The NYSDEC received Millennium’s application for a CWA Section 401 Water Quality Certification over nineteen months ago, and it still has not acted on that application. The CWA Section 401 certification requirements thus have been waived.

The evidence of waiver is plain. Millennium submitted an application for a Water Quality Certification to the NYSDEC on November 20, 2015, after having participated in the NYSDEC’s pre-filing process for seven months. The NYSDEC received the application on November 23, 2015.¹¹ Millennium’s application was comprehensive, including 1,200 pages addressing in detail the measures Millennium would take to address any potential water quality issues associated with the Project. Millennium also proposed mitigation measures to ensure that the Project would have minimal impacts on water quality.¹² Over 19 months have passed since the NYSDEC received Millennium’s permit application, and the NYSDEC has not acted. No other evidence is required. Pursuant to the CWA’s plain statutory language, the one year-review period has elapsed and “the certification requirements of [CWA Section 401] shall be waived.”¹³

Prompt Issuance of a NTP Is Appropriate.

The U.S. Court of Appeals for the D.C. Circuit recently held that, where a waiver has occurred, the Commission can and should authorize Millennium to commence construction. In November of 2016, pursuant to Section 19(d)(2) of the Natural Gas Act, Millennium sought the D.C. Circuit’s review of the NYSDEC’s failure to act on the permit application.¹⁴ Millennium requested that the court determine that the NYSDEC’s delay was improper and that NYSDEC had waived its ability to issue a Water Quality Certification because it had failed to act on

⁹ Millennium has committed to use trenchless crossing techniques (HDD and conventional bore) to cross under nine of the twelve waterbodies and all State-regulated or eligible forested wetlands associated with Project pipeline.

¹⁰ 33 U.S.C. § 1341(a)(1) (emphasis added).

¹¹ NYSDEC 2nd Notice of Incomplete Application at 1 (June 17, 2016). The D.C. Circuit also recognized that the NYSDEC received Millennium’s request on November 23, 2015. *Millennium Pipeline Co. v. Seggos*, No. 16-1415, 2017 WL 2697987, at *2 (D.C. Cir. June 23, 2017) (“The Department received Millennium’s request on November 23, 2015”).

¹² Letter to Karen M. Gaidasz, Major Projects Management Section, NYSDEC from Ron Happach, Chief Operating Officer, Millennium Pipeline Company, L.L.C., Affidavit of John Zimmer (“Zimmer Affidavit”) at PP 25-42 (Nov. 15, 2016).

¹³ 33 U.S.C. § 1341(a)(1).

¹⁴ 15 U.S.C. § 717r(d)(2) (2012). Section 19(d)(2) of the NGA provides the D.C. Circuit has “original and exclusive jurisdiction” over suits alleging that a state agency has failed to grant, deny, or condition a federal permit required for a natural-gas facility.



Millennium’s permit application within one year of receipt. In response, the NYSDEC argued that the Commission “is the proper forum to consider in the first instance Millennium’s claim that the [NYSDEC] waived its right to deny or conditionally grant the section 401 application.”¹⁵

In an opinion issued on June 23, 2017, the D.C. Circuit held that the Commission may issue Millennium a NTP based on evidence that the NYSDEC has waived its ability to issue a Water Quality Certification.¹⁶ As the court explained, Millennium lacked standing to petition the D.C. Circuit to compel the NYSDEC to act, because “[e]ven if the Department has unlawfully delayed, . . . it can no longer prevent the construction of Millennium’s pipeline.”¹⁷ The D.C. Circuit further explained that “[o]nce the Clean Water Act’s requirements have been waived, the Act falls out of the equation. . . . As a result, if the Department has delayed for more than a year—as Millennium alleges—the delay cannot injure Millennium.”¹⁸ Having disclaimed jurisdiction over Millennium’s petition, the court then identified Millennium’s sole path forward:

So what can Millennium do in the face of the Department’s continued inaction?
*Millennium can go directly to FERC and present evidence of the Department’s waiver.*¹⁹

The Commission, of course, has already made provision in the Certificate Order for just this finding. Environmental Condition 9 of the Certificate Order requires that, as a prerequisite to receipt of a NTP for construction, Millennium provide documentation to the Commission that Millennium has “received all authorizations required under federal law (*or evidence of waiver thereof*).”²⁰ Commission precedent also supports such a finding.²¹ For example, in *Georgia Strait*, the Commission issued a certificate order approving construction and operation of a new pipeline in Washington, conditioned on the applicant’s obtaining a CWA Section 401 Water Quality Certification, as well as a consistency determination under the Coastal Zone Management Act (“CZMA”).²² After the state agency failed to act within the statutes’ time limitations, the applicant filed a petition for a declaratory order asking the Commission to declare that the state had waived the certification requirements, both under CWA Section 401 and under the CZMA. The Commission granted the applicant’s petition for declaratory order, and upheld this determination on rehearing.²³

The Commission noted in *Georgia Strait* that its waiver findings were consistent with its practice in hydroelectric proceedings, in which the Commission similarly deems the CWA

¹⁵ See Proof Brief for Respondents at 20-22, *Millennium Pipeline Co. v. Seggos*, No. 16-1415 (D.C. Cir., Jan. 17, 2017).

¹⁶ *Millennium Pipeline Co. v. Seggos*, No. 16-1415, 2017 WL 2697987.

¹⁷ *Id.* at *3.

¹⁸ *Id.* (citation omitted).

¹⁹ *Id.* (emphasis added).

²⁰ Certificate Order, Appendix B, Environmental Condition 9 (emphasis added).

²¹ *Georgia Strait Crossing Pipeline*, 107 FERC ¶ 61,065 (2004), *order on clarification and reh’g*, 108 FERC ¶ 61,053 (2004) (“*Georgia Strait*”); *AES Sparrows Point LNG, LLC*, 129 FERC ¶ 61,245, at P 63 (2009), *vacated on other grounds*, 145 FERC ¶ 61,113 (2013).

²² *Georgia Strait*, 107 FERC ¶ 61,065, at P 2.

²³ *Georgia Strait*, 108 FERC ¶ 61,053.



section 401 certification requirements waived when the certifying state agency fails to act within the statutory deadlines.²⁴ The Commission's regulation provides that "[a] certifying agency is deemed to have waived the certification requirements of section 401(a)(1) of the Clean Water Act if the certifying agency has not denied or granted certification by one year after the date the certifying agency *received* a written request for certification."²⁵ Under this regulation, the Commission automatically deems an agency to have waived the CWA section 401 certification requirements after a year of inaction following receipt of the Water Quality Certification request.

In implementing this regulation in Order No. 464, the Commission explained that, under its previous practice, CWA section 401's one-year period was triggered upon the certifying agency deeming an application "*acceptable for processing*."²⁶ The Commission concluded that this practice could allow states to "delay indefinitely their acceptance of a certification request, in contravention of the Congress' intent, through the waiver provision, to prevent unreasonable delays (i.e., of more than one year)."²⁷ Citing its responsibility to effectively administer the CWA, including the firm deadlines established therein, Order No. 464 thus modified the requirement so that CWA Section 401 certification is waived one year after the certifying agency's *receipt* of the request for the certification.²⁸ The Commission stated that the one-year waiver period "should in all but the most unusual cases provide certifying agencies with sufficient time to complete the certification proceeding."²⁹

The Commission has specifically held that the one-year period runs from *receipt* of a Water Quality Certification application when evaluating a waiver of CWA Section 401 in a pipeline certificate proceeding. In *AES Sparrows Point*, the Commission explained that the "triggering event" for start of the one-year decision-making period was—"as specified in the statute—the 'receipt of' the request for a water quality certification."³⁰ The Commission therefore held that the CWA 401 Water Quality Certification requirements had been waived because the certifying state agency had not acted within that one-year period.

This proceeding should produce the same result. The NYSDEC's one-year deadline to act from receipt of Millennium's November 2015 application expired over seven months ago. The Director should determine that the CWA section 401 certification requirements have been waived. With this demonstration of waiver, Millennium has shown that it has "received all

²⁴ *Id.* at P 17, n.21 (citing Order No. 464); *Waiver of the Water Quality Certification Requirements of Section 401(a)(1) of the Clean Water Act*, Order No. 464, FERC Stats. & Regs., Regs. Preambles 1986-1990 ¶ 30,730 (1987), 52 Fed. Reg. 5,446 (Feb. 23, 1987), *reh'g denied*, Order No. 464-A, 39 FERC ¶ 61,021 (1987), *reconsideration denied*, Order No. 464-B, 41 FERC ¶ 61,206 (1987).

²⁵ 18 C.F.R. § 4.34(b)(5)(iii) (2016) (emphasis added).

²⁶ Order No. 464 at p. 30,543.

²⁷ *Id.*

²⁸ *Waiver of the Water Quality Certification Requirement of Section 401(a)(1) of the Clean Water Act*, 50 Fed. Reg., 32,229 (Aug. 9, 1985) (citing *United States v. Boyle*, 105 S. Ct. 687 (1985); *United States v. Locke*, 105 S. Ct. 1785 (1985)) (Notice of Proposed Rulemaking).

²⁹ Order No. 464 at p. 30,545.

³⁰ *AES Sparrows Point LNG, LLC*, 129 FERC ¶ 61,245, at P 62-63 (citing, *inter alia*, the Commission's waiver finding in *Georgia Strait*).



authorizations required under federal law (or evidence of waiver thereof).”³¹ The Director should therefore promptly issue a NTP authorizing construction of the Project in its entirety.

Issuance of a NTP Will Benefit the Public and Have No Adverse Effects.

Prompt issuance of a NTP is necessary to allow the Project to meet the needs of the CPV Valley Energy Center. The Project has already been delayed long past its original in-service date of April 15, 2017. CPV Valley Energy Center explained in the D.C. Circuit proceeding that delay of construction of the Project will require CPV’s generation facility to run on fuel oil, to the extent it can do so while complying with its air permit restrictions.³² This in turn would have numerous adverse effects, including delaying the use of clean-burning natural gas in favor of fuel oil, limiting the plant to operation at about 88 percent of its capacity, and harming ratepayers and businesses that will rely on the electricity produced.³³ Further, the New York Independent System Operator is relying on the CPV Valley Energy Center—and Millennium’s Project that provides its fuel requirements—to increase transfer capability and reduce congestion across portions of the bulk transmission system.³⁴ Prompt issuance of the NTP will help avoid harm to CPV Valley Energy Center and the electric customers who are relying on CPV’s facility to meet their electric generation needs.

Issuance of a NTP will have no adverse impacts on water quality. Millennium has already made commitments with the Commission and the NYSDEC to avoid, minimize and mitigate potential water quality issues associated with the Project, as reflected in its Implementation Plan. In consultation with the NYSDEC, Millennium has committed to use trenchless crossing techniques (HDD and conventional bore) to cross under nine of the twelve waterbodies and all State-regulated or eligible forested wetlands associated with Project pipeline. Based on these updates to the Project, which were made to directly address and accommodate the comments from the NYSDEC with respect to wetland and waterbody impact avoidance and minimization, Millennium would construct approximately 40 percent of the entire Valley Lateral Project pipeline via a trenchless crossing method.³⁵ While Millennium intends to voluntarily abide by these commitments, Millennium would accept a condition on its NTP that reflects such conditions.

Nor will issuance of a NTP affect other resource areas. Millennium will comply with all environmental conditions set forth in the Certificate Order, including the tree-clearing requirements of the U.S. Fish and Wildlife Service.

³¹ Certificate Order, Appendix B, Environmental Condition 9.

³² Brief of Intervenor CPV Valley, LLC in Support of Petitioner at 14-15, *Millennium Pipeline Co. v. Seggos*, No. 16-1415 (D.C. Cir. Jan. 31, 2017).

³³ *See id.* at 14-20.

³⁴ New York Independent System Operator, 2016 Reliability Needs Assessment at 36 (Oct.18, 2016), http://www.nyiso.com/public/webdocs/markets_operations/services/planning/Planning_Studies/Reliability_Planning_Studies/Reliability_Assessment_Documents/2016RNA_Final_Oct18_2016.pdf.

³⁵ *See* Zimmer Affidavit; Implementation Plan.



Conclusion

Millennium has obtained all environmental permits and authorizations, or waiver thereof, required under federal law necessary for construction of the Project. Accordingly, the Director should promptly grant Millennium's request for a NTP, but in any event, no later than August 31, 2017.

If you have any questions regarding this filing, please contact me at 845-620-1300.

Respectfully submitted,

/s/ Georgia B. Carter

Vice President and General Counsel
Millennium Pipeline Company, L.L.C.

cc: Terry Turpin (Commission staff)
Rich McGuire (Commission staff)
Danny Laffoon (Commission staff)
Anthony Rana (Commission staff)



ATTACHMENT A

TABLE E
Valley Lateral Project - Permits and Approvals

Agency and Contact Information	Permit/Consultation	Submittal Date	Status
FEDERAL			
FERC	Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act	November 2015	Order Denying Motion to Dismiss and Issuing Certificate issued on November 9, 2016.
U.S. Army Corps of Engineers New York District	Nationwide Permit - Section 404 of the Clean Water Act (CWA)	November 2015	NWP 12 coverage received May 11, 2017 (conditional on the applicant's receipt of the required water quality certificate or waiver).
U.S. Fish & Wildlife Service New York Ecological Services Field Office	Consultation - Section 7 Endangered Species Act Consultation - Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act	USFWS IPaC package Submitted November 2015 Addendum report filed November 18, 2016 Addendum report filed December 21, 2016	Concurrence received February 2, 2017

TABLE E
Valley Lateral Project - Permits and Approvals

Agency and Contact Information	Permit/Consultation	Submittal Date	Status
NEW YORK			
New York State Department of Environmental Conservation (NYSDEC)	Section 401 Water Quality Certification	November 2015	Waived (Evidence of waiver provided)
	New York State Freshwater Wetlands Permit (Article 24) and Protection of Waters Permit (Article 15)	November 2015	Pending (Not required under federal law)
	SPDES Permit for Construction Activities and Stormwater Pollution Prevention Plan	February 2016	Pending (Not required under federal law)
New York Natural Heritage Program	Consultation – State listed species	April 2015	Complete Species list received June 2015
New York Bureau of Parks, Recreation, and Historic Preservation	Consultation – Section 106 National Historic Preservation Act	Phase I survey report filed November 2015 Addendum report filed December 21, 2016	Clearance for surveyed parcels received November 2015. Clearance for last two parcels anticipated January 2017.
New York State Department of Agriculture and Markets	Consultation	April 2015	Complete
New York State Department of Transportation	Accommodation of Utilities within State Highway Right-of-Way	September 2016	Approved April 27, 2017

TABLE E
Valley Lateral Project - Permits and Approvals

Agency and Contact Information	Permit/Consultation	Submittal Date	Status
Orange County Department of Public Works	Permit Work within County Right-of-Way	September 2016	Approved June 6, 2017
Town of Wawayanda	Stormwater Pollution Prevention Plan	February 2016	MS4 Acceptance form signed. Permit pending NYSDEC approving coverage of the Project under the SPDES Permit for Construction Activities.

ATTACHMENT B

Times Herald-Record Friday, July 13, 2012 To place your ad call 343-7000 today

www.recordonline.com

LEGAL NOTICE

County Paving & Const., Inc. soliciting certified DBE firms for NYS D262049, Incement on NYS Rte 17 over NYS Rte 55x1 and Village of Liberty. Quotes must be to later than 7/25/12. Plans and specs are to review in our office at 420 Bernas Rd, NY 12726. Questions may be directed to at 845-932-8337 or Fax 845-932-8139. County Paving & Construction, Inc. is an Equal Opportunity Employer.

Formation of a Limited Liability Company name of the LLC is: **Happy Birthday Muffins**. Articles of Organization were filed with the Secretary of State (SSNY) office on: April 6, 2012. The LLC is to be located: Sullivan County, NY. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 79 Skipperne Road Narrowsburg, NY 12764. Purpose: any lawful activity.

Formation of Limited Liability Company. **DEPRESES, LLC**, with an office in Orange County, NY. Articles of Organization with the Secretary of State (SSNY) on 05/14/12. The SSNY designated as agent of the LLC upon whom process may be served. The LLC address to which mail a copy of any process against the LLC is: 12549. The purpose of the LLC is: in any lawful act or activity for which limited parties may be formed.

Formation of a Limited Liability Company name of the LLC is: **J Sierra Enterprise LLC**. Articles of Organization were filed with the Secretary of State (SSNY) office on: 5/2/12. The County in which the Office is to be located: Orange County. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 7014 13th Ave, Bklyn. Purpose: any lawful activity.

Formation of a Limited Liability Company name of the LLC is: **Route 42 Properties, LLC**. Articles of Organization were filed with the Secretary of State (SSNY) office on: May 31, 2012. The LLC is to be located: Sullivan. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 1631 Bancroft Way #2, Berkeley, CA. Purpose: any lawful activity.

Formation of a Limited Liability Company name of the LLC is: **Prost Family Holdings, LLC**. Articles of Organization were filed with the Secretary of State (SSNY) office on: July 3, 2012. The LLC is to be located: Orange. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 55 Laurel Hill Drive, Westtown, NY 19382. Purpose: any lawful activity.

Formation of a Limited Liability Company name of the LLC is: **Prost Fast Food, LLC**. Articles of Organization were filed with the Secretary of State (SSNY) office on: June 14, 2012. The LLC is to be located: Orange. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 55 Laurel Hill Drive, Westtown, NY 19382. Purpose: any lawful activity.

PROPERTIES MAYBROOK ROAD, LLC. Formation of Access Properties Maybrook (LLC). Articles of Organization filed with the Secretary of State (SSNY) on 6/18/12. The County in which the Office is to be located: Sullivan. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 20 Walnut Street, NY 12549. Purpose: any lawful activity.

LIABILITY COMPANY Notice of Formation. Articles of Organization filed with the Secretary of State (SSNY) on 04/02/2012. The County in which the Office is to be located: Sullivan. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 222 N Church St, NY 10924.

MAILER ASSOCIATES II, LLC. Formation of Mailer Associates II, LLC (LLC). Articles of Organization filed with the Secretary of State (SSNY) on 6/26/12. Office Location: Orange County. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: c/o Olympia Development Companies, Inc., Street, Cornwall, NY 12520. Purpose: any lawful activity.

BARLIN PROPERTIES, LLC. Formation of Barlin Properties, LLC (LLC). Articles of Organization filed with the Secretary of State (SSNY) on 6/15/12. Office Location: Orange County. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 18 Osprey Hill Drive, Newburgh, NY 12550. Purpose: any lawful activity.

Formation of 18 Skypop Road LLC. Arts of NY Secy of State (SSNY) on 6/26/12. Office County: Sullivan. The LLC is designated as agent of the LLC upon whom process may be served. The address to which mail a copy of any process against the LLC is: 18 Skypop Road, Highlands, NY. Purpose: any lawful activity.

LEGAL NOTICE

Sullivan County Paving & Const., Inc. is soliciting quotes from certified M/WBE firms for D004272. Awosting Falls Carriage Road Rehab, Minerva State Park Preserve, Town of Rochester, Ulster County, NY. Quotes must be to our office no later than 7/20/12. Plans and specs are available in our office at 420 Bernas Rd, Coecton, NY 12726. Questions may be directed to Estimating at 845-932-8337 or Fax 845-932-8139. Sullivan County Paving & Construction, Inc. is an Equal Opportunity Employer.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that an Order signed by Hon. Elaine Slobod, Justice of the Supreme Court, Orange County, on the 15th day of June, 2012, bearing Index No. 4539/2012, a copy of which may be examined at the office of the Orange County Clerk, grants me the right to assume the name of Angelo Alfonso Luceno. My present address is 5 Hickman Terrace, Westbrookville, N.Y. My date of birth is 5/21/2006. My present name is Angelo Alfonso Bayron.

ANDREW FREDRICK LLC, a domestic LLC, Arts of Org. filed with the SSNY on 5/30/12. Office location: Ulster County. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Andrew Fredrick, 100 Hardenburgh Rd., Ulster Park, NY 12487. General Purposes.

A. SWEET RETREAT CARE LLC

Articles of Organization of Limited Liability Company ("LLC"). Articles of Organization filed with Sec. of State of NY ("SSNY") on 6/11/2012. Office location: Orange County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail a copy of any such process served to the LLC at The LLC, PO Box 58, Circleville, NY 10919. Purpose: To engage in all things that the company may legally engage in under the Laws of the State of New York.

Notice of Formation of a Limited Liability Company (LLC). The name of the LLC is: **B & I Renovation, LLC**. Articles of Organization were filed with the Secretary of State of New York (SSNY) office on: 3/12/2012. The County in which the Office is to be located: Orange. The SSNY is designated as agent of the LLC upon whom process against it may be served. The address to which the SSNY shall mail a copy of any process against the LLC is: PO Box 4117, Middletown, NY 10941 Purpose: any lawful activity.

120 Sullivan Street LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 5/22/12. Office in Sullivan County. SSNY designated agent of LLC upon whom process against it may be served. SSNY shall mail process to: Ian Blake Newhem, 179 Fox Hill Rd., Mountain Dale, NY 12763. Purpose: General.

PUBLIC AUCTION NOTICE

TAKE NOTICE that the undersigned will sell contents of self-storage unit at a Public Auction On July 17, 2012, Pursuant to Pennsylvania Section 1906 et of the Pennsylvania Self Storage Facility Act. The sale will take place at the storage facility. Listed below are the tenants who are going into this lien sale.

CUSTOMER	UNIT
Deborah Aleemandra	A311
Mindy Pink	A109
Patricia Wong	A516

Customer Cure Default Date: July 16, 2012
Port Knox Self Storage
405 Fifth St.
Matamoras, Pa. 18336
570-491-0000

Notice of Formation of a Limited Liability Company (LLC). The name of the LLC is: **SAVICA LLC**. Articles of Organization were filed with the Secretary of State of New York (SSNY) office on: Initial DOS Filing Date: SEPTEMBER 16, 2005. County of record amended 6/21/12. The County in which the Office is to be located: ORANGE. The SSNY is designated as agent of the LLC upon whom process against it may be served. The address to which the SSNY shall mail a copy of any process against the LLC is: Benjamin Bryan, 825 New England Drive, Westfield, NJ 07090. Purpose: any lawful activity. Real Estate.

New York State Department of Environmental Conservation Notice of Complete Application

Date: 07/09/2012

Applicant: **COMPETITIVE POWER VENTURES INC**
50 BRAINTREE HILL OFFICE PARK SUITE 300
BRAintree, MA 02184

Facility: **CPV VALLEY ENERGY CENTER**
US RTE 6 @ ST RTE 17M
MIDDLETOWN, NY

Application ID: 3-3356-00136/00004

Permits(s) Applied for: 1 - Article 19 Title IV (Phase II Acid Rain)
1 - Section 401 - Clean Water Act Water Quality Certification
1 - Article 19 Air State Facility

Project is located in: **WAWAYANDA IN ORANGE COUNTY**

Project Description:

The CPV Valley Energy Center (CPV) will consist of a combined cycle natural gas powered electric generating facility nominally rate at 630 megawatts (MW) and interconnection substation.

The CPV facility will generate nominally 630 MW of electricity, fueled primarily by natural gas. The CPV facility will use ultra-low sulfur distillate oil for back-up for reliability purposes. The CPV facility will use "combined cycle" generation technology, one of the most efficient technologies for producing electricity. The facility will be comprised of two combined-cycle units, each consisting of a combustion turbine generator (CTG), a Heat Recovery Steam Generator (HRSG) with supplemental duct firing, and a steam turbine generator (STG). Auxiliary equipment will include a low nitrogen oxide (NOx) natural gas-fired auxiliary boiler, needed to keep the HRSGs warm during periods of turbine shutdown and to provide sealing steam during startups.

The project will be equipped with state-of-the-art emissions control technology, including dry low NOx (DLN) burners and selective catalytic reduction (SCR) technology to control emissions of NOx, and an oxidation catalyst to control carbon monoxide (CO) and volatile organic compounds (VOC) emissions. A continuous emissions monitoring system (CEMS) will be utilized to ensure and document facility compliance with applicable emissions standards. The CPV facility will also be limited to operating on the back-up fuel for the equivalent of 720 hours per year, per turbine. Water use will be minimized by the use of air cooled condensers (ACC). Process water supply will be treated wastewater provided from the City of Middletown Sewage Treatment Plant (STP). Wastewater generated by the CPV facility will be returned to the City of Middletown STP. The facility will employ best management practices (BMPs) for stormwater management, which will include a system that reflects existing drainage patterns.

There will be several storage tanks on-site, including a 965,000-gallon fuel oil storage tank, a 15,000-gallon aqueous ammonia storage tank and a 400,000-gallon demineralized water tank. A secondary safety containment area, designed to hold 110 percent of the entire volume of the tanks, will be provided around the fuel oil storage and ammonia storage tanks, consistent with New York State requirements.

There will be two utility interconnections at the facility. The electricity generated from the facility will be transmitted via an underground interconnect to the existing NYPA 345-kV transmission system less than 1-mile northeast of the Project site. The new switchyard will be constructed on property adjacent to the NYPA transmission line. Natural gas for the facility will be from the Millennium pipeline south of the site. The approval of this natural gas lateral will be subject to approval by the Federal Energy Regulatory Commission.

The project will require temporary and permanent disturbance of DEC regulated wetlands (#MD-23) and federal jurisdictional wetlands. The project will require the temporary disturbance of 3.56 acres of DEC wetland for installation of an underground electrical line. For permanent disturbance; a total of 0.79 acres of wetlands will be impacted, including 0.33 acres of federal wetlands at various site locations, and 0.46 acres of forested DEC wetland which will be permanently converted to non-forested wetland along the underground electrical line right-of-way. The permanent loss of the wetland areas will be mitigated by the onsite creation of wetlands on a 1.5:1 ratio.

The project is located in the northeast portion of the Town of Wawayanda that is bounded Interstate 84 to the south, SR 17M on the east and SR 6 on the north and west. The site is undeveloped land used previously for agricultural purposes and zoned mixed commercial by the Town of Wawayanda.

Air Permits: The Applicant has filed individual applications seeking the issuance of a preconstruction permit pursuant to 6 N.Y. Compilation of Codes, Rules and Regulations (NYCRR) §201-6.1(b) and Subpart 201-5. New York State Department of Environmental Conservation (NYS DEC) Staff concludes that the applications for this permit are complete within the meaning of 6 NYCRR §621.2(f) and has tentatively determined to issue the permits. Consequently, NYS DEC Staff has prepared a draft permit pursuant to 6 NYCRR §621.7(b)(7).

NYS DEC Staff has determined that the conditions in the draft preconstruction permit authorize the construction and operation of the proposed facility and assure conformance of the facility with all applicable State and federal air pollution control regulations including the requirements of 6 NYCRR Parts 201.225, 227, 231, 242, 243, 244, 245 and 257, as well as all New Source Performance Standards (NSPS) at 40 Code of Federal Regulations (CFR) Part 60. Information regarding the demonstration of the Lowest Achievable Emission Rate (LAER) or Best Available Control Technology (BACT) or both is included within the Draft EIS and draft air permit.

Freshwater Wetlands Permit: The Applicant has filed an application with NYS DEC for a Freshwater Wetlands permit for the disturbance of a freshwater wetlands and/or its 100-foot adjacent area protected pursuant to 6 NYCRR Part 663 (Freshwater Wetlands). Further, for the crossing of two streams within the DEC wetland, the project will also require a permit for Disturbance of the Bed or Banks of a Protected Stream or Other Watercourse pursuant to 6 NYCRR Part 608 (Protection of Waters). The Department will issue a joint permit that covers all of the above jurisdictions.

Water Quality Certification: Pursuant to Environmental Conservation Law (ECL) §24-0105 and the Clean Water Act Part 401 Water Quality Certification, the Applicant has filed an application with NYS DEC for a State water quality certification for activities on the site under the jurisdiction of the U.S. Army Corps of Engineers. NYS DEC Staff concludes that the applications for these permits are complete within the meaning of 6 NYCRR §621.2(f) and has tentatively determined to issue a permit. Consequently, NYS DEC Staff has prepared a draft permit.

NYS DEC Staff has determined that the conditions in the draft permit authorize the proposed activities and assure conformance with NYS water quality standards.

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

A draft environmental impact statement has been prepared for this project and is on file.

SEQR Lead Agency

Wawayanda Town Planning Board

State Historic Preservation Act (SHPA) Determination

A cultural resources survey has been completed. Based on information provided in the survey report, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the proposed activity will have no impact on registered or eligible archaeological sites or historic structures. No further review in accordance with SHPA is required.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

The proposed action is subject to CP-29. An enhanced public participation plan was submitted by the applicant and has become part of the complete application.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 09/09/2012 or 60 days after the publication date of this notice, whichever is later.

Contact Person:

CHRISTOPHER M HOGAN
NYSDEC ALBANY
625 BROADWAY, NY 12233
(518) 402-9167

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Federal Energy Regulatory Commission in this proceeding.

Dated at Washington, DC this 21st day of July 2017.

/s/ Barbara Deathe
Barbara Deathe, Paralegal
Van Ness Feldman, LLP
1050 Thomas Jefferson Street, NW
Washington, DC 20007