



**RIVERSIDE SOLAR, LLC**

**Matter No. 21-00752**

**900-2.26 Exhibit 25**

**Other Permits and Approvals**

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Appendix 25-1 Agency Correspondence

## Acronym List

AES	The AES Corporation, Inc.
CRIS	Cultural Resources Information System
CWA	Clean Water Act
IPaC	Information for Planning and Consultation
NOI	Notice of Intent
NWP	Nationwide Permit
NYSDEC	New York State Department of Environmental Conservation
OPRHP	Office of Parks, Recreation, and Historic Preservation
ORES	Office of Renewable Energy Siting
PJD	Preliminary Jurisdictional Determination
SHPO	State Historic Preservation Office
SPDES	State Pollutant Discharge Elimination System
SWPPP	Stormwater Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USCs	Uniform Standards and Conditions
USFWS	United States Fish and Wildlife Service
WOTUS	waters of the United States
WQC	Water Quality Certification

## Glossary Terms

**Applicant**

Riverside Solar, LLC, a subsidiary of The AES Corporation, Inc. (AES), the entity seeking a siting permit for the Facility from the Office of Renewable Energy Siting (ORES) under Section 94-c of the New York State Executive Law.

**Facility**

The proposed components to be constructed for the collection and distribution of energy for the Riverside Solar Project, which includes solar arrays, inverters, electric collection lines, and the collection substation.

## **Exhibit 25: Other Permits and Approvals**

This Exhibit provides information required in accordance with the requirements of §900-2.26 of the Section 94-c Regulations.

### **25(a) Anticipated Federal or Federally-Delegated Permits, Consents, Approvals, or Licenses**

The following federal or federally-delegated permits, consultations, consents, approvals, or licenses are anticipated to be required for construction or operation of the Facility:

#### ***Federal Permits, Consents, Approvals, or Licenses***

United States Army Corps of Engineers (USACE):

- Section 404 of the Clean Water Act (CWA), Nationwide Permit (NWP) Program.
  - To initiate the Preliminary Jurisdictional Determination (PJD) process, the Applicant submitted a copy of the Facility's Wetland and Waterbody Delineation Report along with other required documents (Appendix 14-1) to Lindsey R. Doktor, NY Application Evaluation Section for the Buffalo District of USACE, on May 25, 2021 along with a request for a boundary verification of the features presented in the report. A copy of this correspondence is provided in Appendix 25-1.
  - The Applicant anticipates the need for NWP coverage for the construction of the Facility. The NWP Program has several NWPs that may be applicable to the Facility and which authorize discharges of dredged or fill material into non-tidal waters of the United States (WOTUS). The Applicant will coordinate with the USACE prior to submittal of the NWP application.
  - The Applicant intends to apply for the NWP by the end of 2021.
- Water Quality Certification (WQC), Section 401 of the CWA.
  - The Applicant anticipates the need for a WQC because, as previously stated, the Project will be permitted under the NWP program for discharges of dredged or fill material into non-tidal WOTUS.

- The Applicant intends to apply for the WQC by the end of 2021. ORES will issue the Water Quality Certificate.
- National Historic Preservation Act, Section 106 compliance; and
  - Because the Facility will require approval under the CWA, consultation for the Facility follows the Section 106 review process. The Applicant initiated formal consultation with the Office of Parks, Recreation, and Historic Preservation (OPRHP) and New York State Historic Preservation Office (SHPO) to develop the scope and methodology for cultural resources studies for the Facility. A copy of this correspondence is provided in Appendix 9-2.
  - To date, formal consultation with the OPRHP has included submissions through OPRHP's Cultural Resources Information System (CRIS) website consisting of the following technical documents for OPRHP review:
    - SHPO/OPRHP consultation initiated by the Applicant via CRIS on June 24, 2020
    - A Phase IA archaeological investigation was conducted, and the report submitted to the SHPO/OPRHP on September 18, 2020
    - Historic Architecture Survey Methodology submitted to SHPO/OPRHP on November 4, 2020
    - The Phase IB Scope of Work investigation was conducted, and the report submitted to the SHPO/OPRHP on April 30, 2021.
    - Historic Resources Reports submitted to SHPO/OPRHP on May 24, 2021.

United States Fish and Wildlife Service (USFWS):

- Endangered Species Act, Section 7 Consultation.
  - The USFWS will be consulted as part of the CWA Section 404 permit process. The USFWS Information for Planning and Consultation (IPaC) tool identified two federally listed species that have the potential to occur within the Facility: the federally endangered Indiana bat (*Myotis sodalis*) and the federally threatened northern long-eared bat (*Myotis septentrionalis*) (IPaC. March 30, 2020).

Authority to regulate stormwater discharges in accordance with the federal CWA has been delegated to the New York State Department of Environmental Conservation (NYSDEC):

- Stormwater Permit for Discharges from Construction Activity (State Pollutant Discharge Elimination System [SPDES] GP-0-20-01).
  - The NYSDEC requires coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) for construction projects that disturb one or more acres of soil. The Applicant has prepared a Stormwater Pollution Prevention Plan (SWPPP) for the management of stormwater discharges from the Facility during construction as part of the requirements for coverage under GP-0-20-001. The SWPPP has been included as Appendix 13-3 of this Application.
  - The Applicant will submit the Notice of Intent (NOI) for SPDES General Permit Coverage approximately 60 days prior to construction.

Riverside will notify ORES of any significant change in the status of each application noted above as applicable and warranted.

### **25(b)Statement of Other Applications and Filings**

The Applicant does not have or know of others who have pending applications or filings for any federal or federally-delegated, federal or state recognized Indian Nation, state or local permit, consent, approval or license which concerns the Facility. Riverside will notify ORES of any significant change related to other federal or federally-delegated applications or filings related to the Facility.

### **Conclusion**

The Applicant intends to consult with the USFWS and apply for both an NWP and WQC. The Section 106 review process is underway to obtain approval under the NHPA. To obtain coverage under the NYSDEC SPDES General Permit, the Applicant has prepared a SWPPP and will submit a NOI approximately 60 days prior to construction. The Facility has been designed to comply with 19 NYCRR § 900-2.26 and the Uniform Standards and Conditions

(USCs) and all applicable permits and approvals will be obtained prior to construction, as applicable.