

# **Rochester Gas and Electric Corporation**

## **Rochester Transmission Project Enhancement**

### **Exhibit 8**

#### **Other Pending Filings**

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## **EXHIBIT 8: OTHER PENDING FILINGS**

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Rochester Gas and Electric Corporation (RG&E or the Applicant) does not have pending before the New York State Public Service Commission (the Commission) or any other agency another application or filing concerning the Rochester Transmission Project Enhancement (RTP Enhancement or the Project). Permits and approvals that the Applicant intends to seek in connection with the Project, other than the Article VII Certificate Amendment, are summarized below.

### **8.1 New York State Department of Transportation – Utility Work Permit**

The New York State Department of Transportation (NYSDOT) requires that a Utility Work Permit (UWP) be obtained to install utilities within or adjacent to State highways. Following Commission approval of the final design as part of the Environmental Management and Construction Plan (EM&CP), the Applicant will obtain UWPs from NYSDOT pursuant to 17 New York Codes, Rules and Regulations (NYCRR) Part 131 for the construction and operation of the Project within or adjacent to State highways, subject to the Commission's continuing jurisdiction.

### **8.2 New York State Department of Environmental Conservation – SPDES Permit for Construction Stormwater**

Since Project construction activities will entail soil disturbances of greater than one acre of land, the Applicant will seek coverage from the New York State Department of Environmental Conservation (NYSDEC) under the State's General Permit (GP) for Stormwater Discharges from Construction Activities (GP-0-15-002) or any applicable GP renewal (State Pollutant Discharge Elimination System [SPDES] Permit) by filing a Notice of Intent (NOI) prior to the commencement of Project construction. Upon completion of Project construction, the required Notice of Termination (NOT) of the SPDES Permit coverage will be provided to the NYSDEC.

One of the requirements of the SPDES Permit is the development of a Stormwater Pollution Prevention Plan (SWPPP). The Project's EM&CP and SWPPP will address stormwater management and temporary soil erosion and sediment controls, as well as spill-prevention and control measures.

### **8.3 New York State Canal Corporation – Work Permit**

Since the Project crosses the Erie Canal, the Applicant is subject to the substantive requirements of a Canal Crossing Permit and will need to obtain a work permit from the New York State Canal Corporation. Construction activities will be subject to the Special Provisions for Work In or Over Navigable Waterways Operated by the New York State Canal Corporation. In addition, since New York State canals are navigable waterways under the jurisdiction of the U.S. Coast Guard, any work performed during the navigation season, which may interfere with navigation, will also require prior approval by the U.S. Coast Guard.

The Canal work permit application will require a detailed plan and profile drawing showing the adjacent structure locations along with the canal boundary line and other pertinent information such as the minimum conductor height above mean high water. This information will be part of the Applicant's EM&CP. Accordingly, the Applicant will submit an application for a Canal Work Permit for the Project following completion of the EM&CP.

### **8.4 U.S. Army Corps of Engineers – Section 404 Permit**

All wetlands (regardless of their size) that meet the federal criteria are regulated under Section 404 of the Clean Water Act by the U.S. Army Corps of Engineers (USACE).

The Project will cross wetland areas that are regulated by the USACE. The temporary wetland disturbance associated with construction activities for the Project is likely to be authorized by the USACE – Buffalo District under Nationwide Permit (NWP) 12 (utility line activities). Other similar projects have been authorized under NWP 33 (temporary construction). Consultations with the USACE – Buffalo District will determine the applicable NWP, and any required documentation or Pre-Construction Notification will be provided in conjunction with the filing of the EM&CP. Before USACE can issue their permit, they will require the issuance of a water quality certificate by the appropriate state agency. At the time of EM&CP preparation, the Applicant will seek a Section 401 Water Quality Certification from the Commission.

## **8.5 U.S. Army Corps of Engineers – Section 10 Permit**

Two NYSDEC-mapped streams will be crossed by the Project. One of these, the Erie Canal, is identified as a navigable water of the United States regulated under the Rivers and Harbors Act of 1899. For water bodies that have been designated as navigable waters of the United States, any structure or work located above any such water body is considered to have an impact on the navigable capacity of that water body and requires a Section 10 permit from the USACE.

Consultations with the USACE – Buffalo District will determine the applicable clearance requirement for the Erie Canal crossing, and any required documentation will be provided to the Commission in conjunction with the filing of the EM&CP.

## **8.6 Federal Aviation Administration – Notice of Proposed Construction or Alteration**

Portions of the Project will be in proximity to the Greater Rochester International Airport (GRIA). The Applicant will coordinate final design and construction of the Project in the vicinity of the GRIA with airport officials, and will reflect appropriate design criteria and clearance requirements into its design and construction. In addition, the Applicant will file a Notice of Proposed Construction or Alteration (Federal Aviation Administration [FAA] Form 7460-1) with the FAA, along with pertinent final design drawings to confirm that Project structures and activities in the vicinity of the GRIA will not impact air navigation or airport operations.

## **8.7 Filings of Others**

The Applicant is unaware of any other entities having an application or filing pending with the Commission, or with any other state or federal governmental department or agency, which concerns the subject matter of this Application.

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