

**ADOPTED**

BY THE BROOKHAVEN TOWN BOARD

RESOLUTION NO. 2014-459  
MEETING: JUNE 10, 2014

ADOPTION OF THE SEQRA FINDINGS  
STATEMENT FOR THE APPLICATION OF  
CAITHNESS LONG ISLAND II, LLC FOR A  
SPECIAL PERMIT FOR AN ELECTRIC  
GENERATING FACILITY

WHEREAS, the Town Board is considering the application of Caithness Long Island II, LLC for a special permit for an electric generating facility and waivers of special permit criteria on property located on the n/s of Zorn Boulevard, n/o Horseblock Road, Yaphank, further identified as S.C.T.M. Nos. 0200-704.00-02.00-041.001, 041.002, 041.003, 041.004, 041.005, 041.006 and 041.007 and 0200-740.00-03.00-001.002, 002.000, 006.000, 007.00 and 008.000 and 0200-777.00-02.00-001.001 and 002.006; and

WHEREAS, the Draft Environmental Impact Statement (DEIS) in conjunction with said application was accepted as complete by the Town Board of the Town of Brookhaven at the December 17, 2013 Town Board Meeting, and a thirty day minimum public comment period was commenced; and

WHEREAS, on January 28, 2014, a joint public hearing on both the DEIS and special permit application and special permit criteria waivers was held, at which time all interested parties were given an opportunity to be heard, and the public comment period on same was held open until February 26, 2014 to receive written comments; and

WHEREAS, on May 6, 2014, the Town Board accepted the Final Environmental Impact Statement (FEIS) for the application, and a ten day consideration period was commenced; and

WHEREAS, in response to the submitted comments, questions and concerns, as well as the Town of Brookhaven's own analysis, the Town Board is considering the application of Caithness Long Island II, LLC for a special permit for an electric generating facility and waivers

of special permit criteria on property located on the n/s of Zorn Boulevard, n/o Horseblock Road, Yaphank, further identified as S.C.T.M. Nos. 0200-704.00-02.00-041.001, 041.002, 041.003, 041.004, 041.005, 041.006 and 041.007 and 0200-740.00-03.00-001.002, 002.000, 006.000, 007.00 and 008.000 and 0200-777.00-02.00-001.001 and 002.006; and

WHEREAS, pursuant to the requirements of Part 617.11 of the State Environmental Quality Review Act, a written Findings Statement must be prepared prior to a decision being rendered on the application;

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven that the attached Findings Statement for the application of Caithness Long Island II, LLC for a special permit for an electric generating facility and waivers of special permit criteria on property located on the n/s of Zorn Boulevard, n/o Horseblock Road, Yaphank, further identified as S.C.T.M. Nos. 0200-704.00-02.00-041.001, 041.002, 041.003, 041.004, 041.005, 041.006 and 041.007 and 0200-740.00-03.00-001.002, 002.000, 006.000, 007.00 and 008.000 and 0200-777.00-02.00-001.001 and 002.006 is hereby adopted.

# State Environmental Quality Review Statement of Findings

## Caithness Long Island Energy Center II TOWN BOARD SPECIAL PERMIT APPLICATION FOR ELECTRIC GENERATING FACILITY USE WITH SPECIAL PERMIT CRITERIA WAIVERS

*June 10, 2014*

Pursuant to Article 8 of the New York State (NYS) Environmental Quality Review Act (SEQRA) of the New York State Environmental Conservation Law and Title 6 of the NYS Code of Rules and Regulations (6 NYCRR) Part 617, the Town Board of the Town of Brookhaven has prepared in accordance with Article 8 the following findings.

**Name of Action:** Caithness Long Island Energy Center II Town Board Special Permit Application for Electric Generating Facility Use with special permit criteria waivers

**Description of Action:** The applicant, Caithness Long Island II, LLC (Caithness), has applied for a Town Board Special Permit with waivers of special permit criteria for operation of an electrical generating facility within an L-Industrial-1 zoned area. The proposed project involves installation and operation of a combined-cycle combustion turbine generating facility (Caithness Long Island Energy Center II, CLI-II, or project) with an output of approximately 752 megawatts (MW) on an approximately 81-acre parcel of land in the Town of Brookhaven. The CLI-II project will consist of two combustion gas turbines exhausting through two heat recovery steam generators, with duct burner capability, serving a single steam turbine generator, as well as other associated equipment and structures. Air-cooled condensing will be employed to minimize water usage, reduce water treatment costs and eliminate cooling tower plume impacts. Selective catalytic reduction technology and an oxidation catalyst will be utilized to reduce air emissions. The facility will interconnect to the 138-kilovolt (kV) Long Island Power Authority system within the 81-acre parcel via an expansion to an existing switchyard.

**SEQRA Classification:** Type I Action

**Town File Number:** 2012-08-CZ

**Location:** North of the terminus of Zorn Boulevard (adjacent to 50 Zorn Boulevard) in Yaphank.

**SCTM No.:** 0200 70400 0200 041001, 041002, 041003, 041004, 041005, 041006, and 041007; 0200 74000 0300 001002, 002000, 006000, 007000, and 008000; 0200 77700 0200 001001 and 002006 (81.3 +/- acres, total)

**Final Environmental Impact Statement (FEIS) Filed:** May 6, 2014

**Lead Agency:** The Town Board of the Town Of Brookhaven  
Brookhaven Town Hall  
One Independence Hill  
Farmingville, New York 11738

**Contact for Additional Information:** Tullio Bertoli AIA, AICP, LEED  
Commissioner  
Department of Planning, Environment, and Land Management  
Brookhaven Town Hall  
One Independence Hill  
Farmingville, New York 11738  
(631) 451-6400

**Statement of Certification:** The Town Board of the Town of Brookhaven, as Lead Agency, has reviewed the Draft Environmental Impact Statement (hereinafter referred to as the DEIS) and the Final Environmental Impact Statement (hereinafter referred to as the FEIS) and certifies that:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in these documents;
- It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- It has considered and addressed all public comments to the DEIS;
- The requirements of 6 NYCRR Part 617 have been met;
- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.
- Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable during the environmental review process.

**Introduction:**

This Findings Statement provides the rationale for the Town Board of the Town of Brookhaven's findings to approve the Town Board Special Permit and associated special permit criteria waivers concerning the Caithness Long Island Energy Center II (CLI-II) application based on review of the Draft Environmental Impact Statement (DEIS), Town Board public hearing, public and agency comments, the Final Environmental Impact Statement (FEIS) prepared at the direction of the Town Board to respond to public and agency comments, cumulatively referred to as the Environmental Impact Statement (EIS), as well as supporting and related documents. The DEIS and FEIS were prepared in accordance with the approved Scoping Document.

In May 2012 the applicant filed a Town Board Special Permit application for operation of an electrical generating station within an L-Industrial-1 zoned area. The application was filed while the proposed project was under consideration by the Long Island Power Authority (LIPA) as part of its "Request for Proposals to Provide Electric Capacity, Energy & Ancillary Services to the Long Island Power Authority," which was issued in August 2010. In July 2013, LIPA selected the CLI-II project from

among the Request for Proposals (RFP) responses received subject to, among other things, the CLI-II project satisfactorily completing the necessary environmental review under SEQRA.

**Description of the Proposed Project:**

The proposed CLI-II facility will utilize the General Electric 207FA.05 flexible combined-cycle technology and will consist of two F-Class heavy duty combustion turbines each with a heat recovery steam generator (HRSG) providing steam through a common header to serve a single steam turbine generator. The waste heat from spent steam will be dissipated to the atmosphere through an air-cooled condenser where the condensed steam will be returned as makeup water for the steam generators. The proposed facility will include a dual-fueled auxiliary boiler to facilitate startup of the steam turbine generator and two emergency diesel generators to provide emergency power for safe shutdown of the facility in the event of a system-wide power outage, and both an electric and diesel fire water pumps for fire protection.

To accommodate short-term operation on distillate oil, the project will include fuel oil storage tankage and associated off-loading facilities, transfer piping, and pump systems. The fuel storage tank(s) will have secondary containment capacity of 110 percent of tank capacity; all piping outside of the basin would be double walled. Tanker trucks will be used to transport liquid fuel to the facility.

As noted, the proposed facility would be located on an approximately 81-acre parcel. The site is located south of the Sills Road interchange of the Long Island Expressway (LIE) (Interstate 495), within the Town of Brookhaven, Long Island, New York. The project site's southwestern border is adjacent to an existing electric generating facility – the 350 MW Caithness Long Island Energy Center or CLIEC, which is owned and operated by Caithness Long Island, LLC, which is an affiliate of the applicant.

The CLI-II project site is located within the Town of Brookhaven's L-Industrial1 District, which permits electric generating facilities by special permit issued by the Town Board. The most prominent nearby land uses include the now vacant former Grucci Fireworks manufacturing plant, a LIPA transmission line right-of-way (ROW), and a main line of the Long Island Railroad. As noted, the project site's southwestern border is adjacent to the existing CLIEC facility. Farther south of the existing electric generating facility is the Zorn Industrial Park. Immediately adjacent to the project site to the west is the Sills Industrial Park, located off Old Dock Road. The recently completed Yaphank Correctional Facility and a proposed hydroponic farm are located to the east, beyond the LIPA ROW. The Brookhaven Landfill is approximately 1.5 miles to the south. FEIS Figure 3-2a shows the residential locations most proximate to the proposed CLI-II facility. The nearest residences to the northwest are located approximately 0.3 miles from the proposed CLI-II on the north side of the Long Island Railroad ROW and Sills Road.

Chapter 2 of the FEIS, supported by additional information in relevant Appendices (e.g., Appendix A, Engineering Drawings), provides a detailed description of the proposed CLI-II project as well as figures placing the proposed project within the 81-acre site and the context of the surrounding area, including conceptual site plans, a project area location figure, a project rendering and facility elevation figures. In addition, Chapter 2 presents a detailed discussion of major components of the facility (with anticipated dimensions), facility instrumentation and air pollution control equipment, and summarizes the project's

anticipated water use, wastewater generation, chemical usage, storm water management, the electrical interconnection, the on-site natural gas supply pipeline, and security and fire protection measures. The EIS provides additional information in several of these areas under topic-specific Chapters.

### **Summary of the SEQRA Process:**

On June 4, 2013 the Brookhaven Town Board adopted a Positive Declaration for the Town Board Special Permit with waivers of special permit criteria application known as Caithness Long Island Energy Center II (CLI-II) and set a Public Scoping meeting for May 21, 2012. The basis for the Positive Declaration was that the size and scope of the Proposed Action has the potential to result in one or more significant adverse environmental impacts in one or more areas due to the proposed construction and operation of the facility. These potential impacts include; natural resources, health and safety, cultural and historical resources, visual resources, air quality, water resources, storm water pollution prevention measures, noise, energy generation and siting, utility and utility service providers, as well as traffic and transportation. Accordingly, the Town Board, as the SEQRA Lead Agency, determined that a Draft Environmental Impact Statement would “...provide the best means to systematically consider significant adverse environmental impacts, alternatives and mitigation, and to facilitate the weighing of social, economic, and environmental factors.”

This Findings Statement certifies that the Town Board, as lead agency, has met the applicable requirements of 6 NYCRR Part 617 in reviewing the CLI-II project, including but not limited to:

- Town Board established as the lead agency
- Preparation and issuance of Draft Scope of Work (Draft Scoping Document) for public review and comment (early August 2013)
- Holding a public meeting on the Draft Scope of Work (Draft Scoping Document) (late August 2013)
- Receipt of public comments on Draft Scope of Work (Draft Scoping Document)
- Preparation and issuance of Final Scope of Work (Final Scoping Document) (October 2013)
- Causing the preparation of the DEIS by the project sponsor
- Accepting the DEIS for public review and comment (December 2013)
- Holding a public meeting on the DEIS (January 2014)
- Receipt of public comments on the DEIS (through late February)
- Causing the preparation of the FEIS
- Accepting the FEIS (May 2014)

### **Agency Approvals: Jurisdiction**

Federal agencies are not subject to SEQRA, and SEQRA otherwise does not change the existing jurisdiction of agencies nor the jurisdiction between or among state and local agencies. In addition to a Town Board-issued special permit, development and operation of the proposed CLI-II project will require a number of federal, state and local notifications, registrations, actions, permits and approvals, including:

*United States Environmental Protection Agency (U.S. EPA)*

- Oil Pollution Act – Facility Response Plan Approval

*Federal Aviation Administration*

- Notice of Proposed Construction or Alteration

*Long Island Power Authority*

- Facility Power Purchase Agreement

*New York State Department of Environmental Conservation (NYSDEC)*

- Part 231 Prevention of Significant Deterioration Permit and Nonattainment New Source Review Permit
- Part 201 State Air Permit
- Title IV Acid Rain Permit
- State Pollutant Discharge Elimination System (SPDES) Permit for Storm Water Discharges Associated with Industrial Activities and Process Wastewater Discharge
- Major Oil Storage Facility License
- Chemical Bulk Storage Registration

*New York State Office of Parks, Recreation, and Historic Preservation*

- New York State Parks, Recreation and Historic Preservation Law, Section 14.09: Cultural Resource Review
- National Historic Preservation Act, Section 106: Cultural Resource Review

*New York State Public Service Commission*

- Section 68 Certificate of Public Convenience and Necessity
- Section 69 Long Term Indebtedness Approval
- Lightened Regulation Status Confirmation

*Suffolk County Department of Health Services (SCDHS)*

- Article VI Approval for Water Use
- Article VII Approval for Water Pollution Control
- Article XII Approval for Toxic and Hazardous Materials Storage and Handling Controls (to the extent not preempted by the MOSF program)
- Power Plant Registration Form (if applicable)

*Suffolk County Planning Commission*

- Advisory Recommendation

*Town of Brookhaven Planning Board*

- Site Plan Approval
- Tree Clearing Permit – Test Hole Exemption

**Public Outreach**

The DEIS provided an overview of the measures being implemented to inform the public about the proposed CLI-II project. The FEIS updated these efforts which included:

- Convening public meetings at critical milestones in the planning, development and SEQRA environmental review processes.
- Notifying the community about project developments through mailings and advertisements, including a series of mailings and news advertisements to inform the public about the project.
- Establishing SEQRA project document repositories throughout the local project area and on the Town's and the applicant's website ([www.caithnesslongisland.com](http://www.caithnesslongisland.com)) to provide the public with the widest possible access to the SEQRA documents created concerning the project.
- Developing a color brochure/fact sheet for general use and distribution that addresses specific project details, plans and benefits.
- Soliciting public input through a telephone information line (917-472-4511), this will remain in place through project construction and commissioning. The hotline is listed on the project website.
- Creating a project website to provide news about the process, and a direct e-mail link for the proposed CLI-II project ([info@caithnesslongisland.com](mailto:info@caithnesslongisland.com)) as an alternative means for the public to communicate with the applicant during permitting and construction phases of the project.
- Making presentations to municipal, community, environmental, and business organizations.
- Initiating a newspaper campaign which seeks to inform the public about the proposed CLI-II project.
- Conducting briefings for stakeholder groups and entities that have expressed an interest in the project.

Appendix O to the FEIS includes correspondence from the applicant to the Town supplementing information on the applicant's public outreach efforts, and includes a list of entities with which the applicant has met, and copies of fact sheets, brochure materials and newspaper advertisements published or used to date. Newspaper advertisements have been run in the Patchogue-Medford News, Long Island Advance, Brookhaven Review, and South Shore Press. These advertisements have provided basic information concerning the CLI-II project and included the phone hotline and a link to the Caithness website. The advertisements also provided a link to access the DEIS on the Town of Brookhaven's website.

Caithness's public outreach efforts coupled with the Town's formal notices have provided the public with multiple avenues to become informed about the proposed CLI-II project and learn how to provide comments during the SEQRA process.

### **Project Purpose and Need**

For privately sponsored projects such as the proposed CLI-II facility, the scope of the discussion of project need under SEQRA depends on the project's potential for significant adverse environmental impacts. As reflected in this Findings Statement, the FEIS shows that the proposed CLI-II project will not result in significant adverse environmental impacts.

In addition to supporting LIPA's capacity requirements and providing electricity using the General Electric 207FA.05 flexible combined-cycle technology, the proposed CLI-II project is anticipated to result in significant socioeconomic benefits, including construction and operational jobs, use of equipment constructed in the State of New York, increased expenditures within the local economy and added revenues for local taxing jurisdictions.

As noted above, LIPA, the entity responsible to deliver safe and reliable electricity supply to Long Island customers, has selected the proposed CLI-II project through an RFP process aimed at securing additional generating capacity for Long Island. Based on the analysis in the FEIS, the Town Board finds that the proposed CLI-II project will address the need for additional capacity on Long Island in future years commencing as early as 2018 and will not foreclose other initiatives such as an increased penetration of renewable energy projects on Long Island or repowering of older existing plants.

Chapter 1 of the DEIS and FEIS presented information relating to the purpose and need for the proposed CLI-II project. This issue generated a number of public comments, which were addressed in the Responses to Comments Chapter of the FEIS.

The DEIS described LIPA's efforts to meet current and future customer energy needs. Toward that end, LIPA developed its *2010-2020 Electric Resource Plan* (Resource Plan), which, after extensive public comment, was approved in February 2010. LIPA considered a variety of factors to determine energy capacity needs to ensure safe and reliable service. These factors include the desire to repower and/or retire older plants to improve system efficiency, reduce costs, reduce air pollutant emissions, and to prepare the electric system for greater penetration of renewable energy resources. The DEIS explained that LIPA projected a need for 900 to 1,200 MW of new generating resources by 2022 to comply with New York Independent System Operator (NYISO) and New York State Reliability Council (NYSRC) requirements. Rated at 752 MW, the proposed CLI-II project would assist LIPA in meeting those projections.

During the DEIS public comment period, LIPA provided updated data that corresponded with the analysis presented in the DEIS. The LIPA data projected a 520 MW net deficiency in generating capacity by 2018, and an 839 MW net deficiency by 2022, even after accounting for planned demand side reductions and other initiatives such as renewable energy resources. Based on LIPA's data, the projected capacity deficiency would exceed the entire capacity of the proposed CLI-II project by 2021.

As explained by LIPA, a significant component of these projections is the Locational Capacity Requirement or LCR imposed on LIPA by NYISO based on recommendations by the NYSRC.

LIPA's LCR is the minimum level of generating resources (*i.e.*, capacity) that must be available on or connected to Long Island to ensure continued reliable electric service to LIPA's customers. The LCR is tied to peak electricity demand. Over the past several years, NYISO has increased the LCR requirement from 99% of peak demand to 107% of peak demand. According to LIPA, this increase of 8 % from 99% to 107% of peak demand is alone equivalent to a need for an additional 500 MWs of generating capacity.

A number of DEIS comments claimed that additional capacity needs should be met through other means such as renewable energy resources (*e.g.*, solar or wind projects) or the repowering of existing plants. These issues are addressed in more detail below under *Alternatives*.

Many Port Jefferson residents and others are concerned about the future of the Port Jefferson plant and have expressed a desire that it be repowered.<sup>1</sup> However, neither the Town of Brookhaven nor the project sponsor, Caithness, have the jurisdictional authority to determine whether the Port Jefferson facility will be repowered. The Port Jefferson facility is owned by a private entity, National Grid. Any agreement to repower the Port Jefferson facility would be determined between National Grid and LIPA. Notably, National Grid did not submit a proposal to repower the Port Jefferson facility in response to the August 2012 LIPA RFP in which the proposed CLI-II project was selected. Thus, it was not an available option to LIPA under the RFP.

Nevertheless, the information presented in the FEIS does not indicate that renewable energy resources or repowering existing facilities are competing options to the proposed CLI-II project; in fact the FEIS indicates these goals are complementary. Renewable generating resources are being pursued by LIPA as discussed in Chapters 1 and 18 of the FEIS, but due to the intermittent nature of electrical output of renewable energy generation these renewable energy resources have limitations for utilization to meet mandated capacity requirements such as the LCR.

Additionally, considering the example of the Brookhaven National Laboratory (BNL) Long Island Solar Farm (LISF), a 200 acre facility with an approximate 32 MW rated generating capacity, would require a minimum cleared area of 4,700 acres to match the scale of the proposed CLI-II project, at 752 MW. Similar proposed projects, currently under review, also require approximately 6.25 acres of cleared area to produce one MW.

Such facilities are not readily sited in this region at the scale of the proposed CLI-II project. Nevertheless, it is anticipated that the proposed CLI-II's flexible operations capability will accommodate LIPA's continued efforts to pursue renewable energy generating capacity by being available at times when renewable resources cannot provide electricity or are in conflict with environmental concerns such as clearing of natural and undisturbed vegetation areas for solar and wind farm proposals.

Similarly, repowering the Port Jefferson plant faces its own constraints. As noted, the owner, National Grid, and LIPA would need to reach an agreement (*i.e.*, economic terms) concerning the project. Further, because the Port Jefferson site is relatively small in size, the existing facility would have to be decommissioned and demolished before a new facility could be constructed. This would

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<sup>1</sup> The term repowering has several meanings within the parlance of the electric generating industry. In the case of the Port Jefferson Power Plant, due to the constraints of the site, repowering refers to the demolition of the existing plant followed by the construction of a new facility in its place.

be a multi-year process during which the Port Jefferson plant could not provide electricity. Under current conditions, there is no apparent means to proceed with repowering of the Port Jefferson facility and meet NYISO's LCR mandate without first adding significant generating capacity to LIPA's system.

Development of the proposed CLI-II project would be consistent with the draft 2014 New York State Energy Plan, which was released after the DEIS was accepted. The draft plan promotes the development of renewable energy resources but also explains that the increased use of natural gas over oil and coal to generate electricity has yielded "environmental benefits" while noting that overreliance on a particular resource can pose reliability risks. For this reason, the draft New York State Energy Plan specifically recognizes the "particular value in the continued availability of dual fuel generation capability, *i.e.*, natural gas and oil, especially in New York City and Long Island for continued ability to shift to oil should there be natural gas delivery problems." The CLI-II project, as proposed, would have dual-fuel capabilities, and therefore would help address this concern.

The proposed CLI-II project is also consistent with the 2009 New York State Energy Plan, which explained that as newer plants with more efficient technologies come on-line, the average heat rate of the fleet will improve, thereby lowering the cost of generation.

### **Land Use, Zoning and Public Policy**

Based on the analysis during the SEQRA process, the Town Board finds that operation of the proposed CLI-II project is not anticipated to result in any significant adverse impacts to land uses, local zoning and development standards, or local and regional planning objectives and plans.

#### *Land Use*

The CLI-II project site is located north of the existing terminus of Zorn Blvd. Immediately adjacent to and west of the project site is the Sills Industrial Park. This industrial park has a variety of businesses, including a petroleum distributor, a printing company, a millwork facility, a transfer station, a sanitation services facility and other uses such as offices, warehouses and manufacturing. A church uses one property within the park.

Immediately to the southwest is the existing 350 MW CLIEC facility and beyond that is the Zorn Industrial Park. Approximately one mile to the south is the Atlantic Point residential development with the Brookhaven Landfill located beyond that to the south-east. Immediately to the east of the project site is the LIPA Holbrook-to-Brookhaven 138 kV transmission line ROW. Beyond the ROW lies undeveloped, industrially zoned land. Several Suffolk County facilities such as the Suffolk County Correctional Facility, Suffolk County Department of Public Works headquarters and other County offices/facilities are located farther to the east, and the Suffolk County Farm lies to the northeast. The former Grucci Fireworks manufacturing facility property and a future hydroponic farm are located to the southeast of the project site. Immediately to the north is the main line of the Ronkonkoma Branch of the Long Island Railroad, with a multi-modal rail freight facility on the north side of the railroad ROW. The project would be located approximately 0.3 miles from the nearest residences which are to the northwest across the Long Island Railroad ROW and Sills Road.

Development of the proposed CLI-II project will result in the siting and development of an industrial facility on vacant forested and previously disturbed land that is zoned for industrial use. The project site is near supporting infrastructure including the Long Island Expressway and the LIPA ROW.

To be compatible with an existing land use, the project would need to avoid, or minimize impairments to that land use, including avoiding significant adverse environmental impacts with regard to air quality, water resources, noise, traffic and transportation, visual resources, community facilities and natural resources. In addition, the project must not render existing land uses non-viable. Based on the analyses during the SEQRA process, the proposed CLI-II project is not anticipated to cause any significant adverse environmental impacts, or render other existing land uses in the area non-viable. The project is anticipated to be compatible with existing and proposed land uses within the surrounding area, as well as the broader region.

### *Zoning*

The project site is located within the Town's L-Industrial-1 District. With the exception of the Long Island Railroad ROW, which is zoned residential, but not used for residential purposes, all of the parcels surrounding the site are zoned for industrial development. The L-Industrial-1 District permits a variety of office, warehouse, manufacturing, light industrial, commercial, agricultural, and institutional uses as-of-right. In addition, other uses are permitted by special permit. Electric generating plants are permitted in this district by special permit issued by the Town Board.

The applicant applied for a Town Board special permit for the proposed CLI-II project in May 2012. The proposed CLI-II project also will be required to obtain site plan approval from the Town of Brookhaven Planning Board. The applicant meets compliance with applicable dimensional requirements but has explained that the facility requires waivers from certain aspects of the special permit criteria.

In the L-Industrial-1 District, there is a 500-foot buffer requirement for any boundary abutting a residentially-zoned parcel. The project site does not abut any residentially zoned property, with the exception of the Long Island Railroad ROW to the north which is zoned residential even though it is not devoted to residential use nor could potentially be developed as a residential use in the future. Therefore, a waiver from that requirement is technically required to accommodate the proposed CLI-II project. Since the railroad property will not be used for residential purposes, the 500-foot buffer requirement is not serving its intended purpose in this instance and the requested waiver will not create any adverse impacts to abutting residential uses.

For electric generating facilities, the applicable height requirement is 50 feet, other than for stack height. For technological, health and safety reasons, the following components of the proposed facility need to exceed 50 feet: generation building (high bay) (108 feet)/(low bay) (85 feet); inlet filter housing (81 feet); air cooled condenser (ACC) (97 feet); and heat recovery steam generator (HRSG) (97 feet).

The combustion turbines and associated equipment inside the generation building cannot be accommodated within a 50-foot height limit. The proposed CLI-II facility would have an air cooled condenser (ACC) instead of a water cooled condenser to minimize water use and water vapor

plumes. In order to ensure adequate air flow, the ACCs must have sufficient clearance from the ground to induce the required air flow to condense residual steam and maintain facility operation. Therefore, the ACC, as explained in the EIS, must exceed 50 feet to achieve this goal. The HRSG must exceed 50 feet in order to accommodate the tube surface area required to produce volume of steam necessary to power the steam turbine generator. The inlet filter housing also must be adequately sized to balance filter efficiency and pressure drop, which would require a structure with a height of more than 50 feet.

The height restriction for a stack in the L-Industrial-1 District is 125 feet. For compliance with applicable state and federal air quality standards and permit limits, the proposed CLI-II facility's stacks have been calculated for a height of 170 feet above ground level, and therefore cannot comply with the 125-foot stack height limit. The initial calculated engineering height for the stack was determined to be 270 feet. The applicant undertook analysis to mitigate the stack height to the greatest extent practicable while ensuring air quality standards are satisfied. This resulted in the 100 foot reduction to 170 feet. The required stack setback is calculated to be 255 feet. The applicant has provided a site arrangement that places the stacks over 325 feet from the nearest property line, to further mitigate the potential impacts of the requested waiver.

From a land use compatibility perspective, the vegetated buffer perimeter presented in the conceptual site plan and setbacks that exceed Code requirements help mitigate the increased heights of these components.

The EIS presents a detailed discussion with respect to the proposed project's conformity with the Town's criteria for issuance of a special permit as set forth in Code Section 85-31.3(B). In order to issue a special permit, the Town Board must first determine:

- (a) and (b) That the use will not prevent the orderly and reasonable use of adjacent properties or properties in the surrounding area or impair the value thereof, or orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located or of permitted or legally established uses in adjacent districts.

The proposed CLI-II project is not anticipated to prevent the orderly and reasonable use of adjacent properties or properties in the surrounding area, nor impair the value of properties in the surrounding area. The 81-acre project site is surrounded by industrially-zoned land that is primarily used for commercial and industrial purposes consistent with uses allowed in the L-Industrial-1 District. The proposed plant will be located approximately 0.3 miles from the nearest residences located to the northwest across the Long Island Railroad ROW and Sills Road. These uses are not anticipated to be adversely impacted by the proposed CLI-II project.

While project components will need to exceed the height restriction due to the technology, engineering, environmental and safety concerns discussed above, the applicant proposes to provide setbacks greater than required for these components to mitigate the impacts of the requested waivers. Additionally, the vegetated buffer to be provided along the property perimeter and the generally level topography, the proposed CLI-II facility is anticipated to have limited visibility beyond the immediate vicinity of the project site, including at the nearest residentially developed locations.

The proposed CLI-II project technically will not comply with a residential zone buffer requirement because the Long Island Railroad ROW is zoned residential. Granting this waiver is not anticipated to cause any significant adverse environmental impacts since the ROW will not be developed for residential use.

The EIS included a property value impact study that indicated the proposed CLI-II project is not expected to cause any significant adverse impacts on property values in the area.

(c) That the safety, health, welfare, comfort, convenience or order of the Town will not be adversely affected by the proposed use and its location.

The analysis during the SEQRA process concludes that the CLI-II project will not cause any nuisance conditions in the area in relation to noise, water quality or air quality.

(d) That the use will be in harmony with and promote the general purposes and intent of this chapter.

The purpose of the L-Industrial-1 District is to provide for the development of a wide range of light industrial uses that can meet a high level of performance standards. Electric generating facilities in the L-Industrial-1 District are permitted by Town Board Special Permit. The review has concluded that the proposed facility is in general conformance with the Town's zoning ordinance, and that the extent of the waivers that the applicant is seeking has been mitigated to the greatest extent practicable such that the overall harmony of the proposed CLI-II project with surrounding land uses and development is not compromised.

In making the determinations above, the Town Board has considered the criteria set forth in Section 85-31-3(b)(2) of the Town Code and the potential adverse impact of the proposed CLI-II project in relation to each of these criteria. In light of these criteria, the Town Board finds that the proposed site is appropriate for the proposed use, will not significantly impact or interfere with existing or proposed development in the area, and will not adversely affect the safety, health, welfare, comfort or convenience of the community.

#### *Public Policies*

The most recent Town of Brookhaven's Comprehensive Land Use Plan was adopted in 1996. It places emphasis on appropriate economic development together with preservation and protection of community and natural resources (for example, the Central Suffolk Special Groundwater Protection Area (SGPA)). The Plan recommends to direct industrial development south of the LIE near the boundary between the Longwood school district and the South Country school district. The proposed project site is located south of the LIE and outside the Central Suffolk SGPA. The proposed CLI-II facility would be located just north of the boundary between the Longwood and South Country schools districts. The proposed CLI-II project is generally consistent with the Town's Comprehensive Land Use Plan.

In October 2000, the Suffolk County Planning Department, acting on a resolution of the County Legislature, adopted the “Smart Growth Policy Plan for Suffolk County.” This document is not intended to specify a use for each parcel in the County, but rather is intended to measure existing laws, regulations, policies and programs against smart growth principles, which include:

- Encourage consultation and collaboration among communities.
- Encourage compact and orderly development.
- Encourage permitting processes which are predictable, certain, efficient and final.
- Ensure consistency of government policies and programs.

While the plan is designed for County government actions, the proposed CLI-II project is generally consistent with the plan’s smart growth principles.

Suffolk County is in the process of developing a new comprehensive plan entitled “Suffolk County Comprehensive Plan 2035” governed by six “critical county-wide priorities”: environmental protection, economic development, housing diversity, transportation, energy, and public safety. According to the Suffolk County Planning Commission, between 2010 and 2035, the County’s population is expected to increase by about 16% or 240,000, with nearly half of that increase in the Town of Brookhaven alone. Between 2010 and 2035, Brookhaven’s population is expected on increase by nearly 25%. Enhanced electricity demand side management, renewable energy initiatives, and the need for reliable, efficient baseload capacity is apparent to meet the needs of a growing population as existing legacy baseload plants continue to age.

The proposed CLI-II project’s compatibility with other land use management plans and districts are as follows:

- *Long Island Pine Barrens Protection Act of 1993*: The proposed CLI-II project site is not located within the Central Pine Barrens Core Preservation Area, the Core Expansion Area, the Compatible Growth Area or the Compatible Growth Expansion Area, protected under the Act.
- *Groundwater Management Zones*: The proposed CLI-II project site is not located within the Long Island “Deep Recharge Area,” (i.e., Suffolk County Groundwater Management Zone III), designated to protect Long Island’s groundwater resources, but rather, is located within Suffolk County Groundwater Management Zone VI, in which groundwater discharges to surface waters.
- *Carmans River Conservation and Management Plan*: Based on groundwater time of travel, the site is not located on environmentally sensitive lands that are critical to the ecological health and water quality of the Carmans River or lands representing significant habitat within the Carmans River Watershed. In addition, the site is not designated as falling within a Primary Acquisition Area or a Secondary Acquisition Area identified in the Carmans River Conservation and Management Plan. The site is located beyond the 25 to 50 year estimated groundwater time of travel to the river. Sanitary subsurface disposal systems at the site will be designed, constructed, maintained and

operated in accordance with requirements established by the Suffolk County Department of Health Services. Actively managed landscape areas, and associated use of fertilizers for turf management, pesticides, and herbicides, at the project site will be minimized. The proposed facility will operate in accordance with the terms and conditions of a State Pollutant Discharge Elimination System (SPDES) permit to manage site stormwater runoff, including development and implementation of a BMP Plan. The proposed CLI-II facility is not anticipated to adversely impact the Carmans River Watershed.

- *Carmans River floodplain*: The proposed CLI-II facility is not located within the 100-year or 500-year floodplain.
- *NYS Wild, Scenic and Recreational River Corridors*: The CLI-II facility is not located within any Wild, Scenic and Recreational River corridors on Long Island.
- *Economic Development Zones*: The project site is not located within an economic development zone.
- *Agricultural Districts*: The project site is not located within an agricultural district.

The proposed CLI-II project is generally compatible with or not subject to the above management plans and districts. Development consistent with the conceptual site plan is intended to mitigate potential land use impacts to the greatest extent practicable.

### **Community Facilities**

Based on the analysis in the EIS, the Town Board finds that the proposed CLI-II project is not anticipated to result in significant adverse impacts to local community services including fire and emergency services.

Chapter 4 of the EIS assessed the proposed CLI-II project's potential demands on local community services, including police protection, fire, and emergency medical services. In particular, the EIS considered whether the provision of services to the proposed CLI-II facility would significantly impair the service provider's ability to serve the local community. Due to the limited number of operational staff, the proposed CLI-II project is not expected to place a notable additional burden on the provision of police services in the area. The plant's permanent employees will receive practical training on defensive firefighting measures and would work cooperatively with the local fire departments to function as the first line of defense in the event of a fire at the proposed plant. In addition, prior to the commencement of project operation, the applicant will prepare an emergency response plan and security plan to support operational activity at the site.

Due to the limited number of operational employees, the Town Board also finds that the proposed CLI-II project is not anticipated to result in significant adverse impacts to other community resources such as schools, houses of worship, hospitals, libraries or parks. Nor will the project prevent these resources from serving the local community. Overall, based on the analyses in Chapter 4 and other topic-specific Chapters (air, noise, visual, *etc.*) in the EIS, no significant adverse impacts are expected to occur to any community resource due to the proposed CLI-II project.

### **Cultural Resources**

Based on the analysis in the EIS, the Town Board finds that the proposed CLI-II project will not result in any significant adverse impacts to historic architectural properties, or historic resources

listed on or eligible for the State and National Registers of Historic Places, including the nearby Suffolk County Almshouse Barn, St. Andrew's Episcopal Church, Homan-Gerard House and Mills site, and Robert Hawkins Homestead.

As discussed in the EIS, background research indicated that no archaeological sites exist within the 81-acre project parcel. Two cultural surveys were conducted over portions of the proposed CLI-II project parcel during the permitting phase of the CLIEC facility. No cultural material was recovered during those surveys. In consultation with the New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP), an additional archeological study was conducted in support of the proposed CLI-II project on the remaining portion of the site. No cultural material was recovered during this study and the report recommended that no further work was required.

In a letter dated December 6, 2013, the NYSOPRHP determined that "no further archeological investigation is recommended for the proposed undertaking. Based upon the provided information, our office concurs with this recommendation and recommends that there will be No Historic Properties Affected [as per 36 CFR Sec. 800.4(d)(1)] as a result of the proposed project."

While no cultural resources are anticipated to be impacted by the proposed project, the project sponsor has committed to prepare an Unanticipated Discovery Plan in conjunction with the construction of the project. The plan, which is described in the EIS, would specify the approach that would be employed to address such discoveries and ensure that any potentially significant archaeological resources discovered during construction are dealt with in full accordance with state and federal requirements, including the most recent *Standards for Cultural Resource Investigations and Curation of Archaeological Collections in New York State*.

### **Visual Resources and Aesthetics**

Based on the analysis in the EIS, including as described in Chapter 6 and Appendix E (Balloon Study Report), the Town Board finds that the proposed CLI-II project, as currently designed, will not result in any significant adverse impacts to visual resources.

A visual impact analysis was conducted in accordance with New York State Department of Environmental Conservation's (NYSDEC) program policy entitled "Assessing and Mitigating Visual Impacts" (7/31/2000). The analysis consisted of an identification of potential viewpoints, a viewshed analyses, an impact assessment and mitigation analysis with respect to project visibility within a 2-mile radius from the project site. Representative viewpoints were selected to support the analysis. A balloon study was conducted and photographic simulations were prepared. The visual impact was assessed in terms of the anticipated change in visual resources, including whether there would be a change in character or quality of the view.

The most prominent structures associated with the proposed CLI-II facility are the exhaust stacks, ACC, generation buildings and HRSGs. The tallest structure would be the two exhaust stacks with a height of approximately 170 feet above grade.

The applicant has incorporated several design features into the proposed CLI-II project that mitigate visual impacts, including:

- A compact arrangement of project components within an approximately 15-acre portion of the 81-acre parcel;
- Preservation and maintenance of a 100 foot natural and undisturbed vegetation buffer;
- Mitigation of stack height from 270 feet to 170 feet through engineering and modeling analysis;
- Mitigation of heights of other project components to the greatest extent practicable;
- Implementation of a lighting plan in conformance with both LIPA's and the Town of Brookhaven's Dark Skies exterior lighting programs; and
- Incorporation of colors and design materials to complement surrounding industrial developments and match that of the existing CLIEC facility.

The applicant has secured confirmation from the Federal Aviation Authority that the stacks will not be a hazard to air navigation and marking and lighting on the stacks will not be required for aviation safety.

The proposed CLI-II project site was selected, in part, because of the close proximity of existing electric transmission infrastructure, which helps mitigate the visual impact of new overhead transmission lines. The conceptual site plan confirms several design features noted above, showing that the proposed CLI-II facility within a relatively compact 15-acre area within the larger 81-acre parcel. In addition, the plan shows that a minimum 100-foot buffer will be provided. This buffer, the setbacks for facility components, and the project site's level topography, as well as other off-site vegetation and existing structures, will limit project visibility.

There will be intermittent views of the proposed CLI-II facility along Sills Road at certain vantage points in gaps between trees and structures. Similarly along Old Dock Road and in parking lots within Sills Industrial Park, views will be intermittent as well, typically where there is sparse tree cover or when there are gaps between trees. At those locations, visibility will be limited mostly to the upper portion of the stacks and in some instances the top of some other structures such as the ACC or generation building.

More distant views will be sporadic, mostly occurring at discrete areas within about one mile of the project site. To the northeast, the upper portions of the stacks and some other project components buildings will be visible from certain viewpoints at the Suffolk County Farm and Education Center. There are other vertical elements already visible from these vantage points including single-pole utility structures on the premises itself and a 138 kV LIPA transmission line crossing through this area, with a glimpse of a Suffolk County Water Authority tower as well. Given the predominately inward-focused nature of the programs at the Farm, the distant partial visibility of the proposed project is not considered a significant adverse impact.

Near Exit 67 of the LIE, there will be some visibility of the project. However, these views are expected to be of short duration as the viewers will be travelling at relatively high rates of speed on the interstate highway. Two larger areas of visibility to the south are indicated on the viewshed map included in the EIS. An area of visibility just north of Woodside Avenue at the southern section of the Atlantic Point apartment complex may be considered overrepresented. There are trees and buildings present within the apartment complex that were not accounted for in the analysis, and as a result shows more visibility than what may be expected. Views from within the Atlantic Point apartment complex would be limited by intervening vegetation along Horseblock Road and along the

perimeter of the project site. A second larger area of visibility to the south near the extent of the two-mile radius is located on the high northern side of the Brookhaven Town Landfill, but is not considered adversely significant. For those locations from which the plant would be seen, most views will be distant and include only a portion of the stack(s) and upper portions of some other structures.

Significant adverse impacts of lighting from the proposed project will be mitigated to a level that complies with the Town Code and will be formally addressed through an Exterior Lighting Plan prepared for the project, which will be subject to review and approval by the Town of Brookhaven Planning Board as part of the site plan approval process. The elements of the plan are addressed in the EIS.

The exterior architectural treatment of the buildings (*i.e.*, windows, doors, siding, etc.) will replicate the color palette of the existing CLIEC. The steel stack would be painted a neutral gray tone to complement the generation building. Non-reflective materials would be specified, where feasible, to further soften the facility appearance and minimize the potential for glare.

The applicant has acknowledged that maintenance of the proposed facility is an important aspect to the visual appearance of the proposed CLI-II facility and the continued enhancement of the area aesthetics. The EIS explains that the façade of the generation building and other prominent plant components would be periodically inspected to ensure that the selected materials remain durable and attractive. A program of scheduled maintenance would be followed to repair or replace any façade materials that show accelerated wear. The areas surrounding the facility would be similarly maintained and kept free from loose debris or other refuse.

Any lawn areas would be mowed on a regular schedule, and annual clean-up programs during the spring and fall would ensure fallen leaves and annual vegetation are properly removed. Landscape plantings that do not survive would be replaced during the next available planting cycle to maintain the integrity of the landscaping plan.

### **Socioeconomics and Environmental Justice**

Based on the analysis in the EIS, the Town Board finds that the proposed CLI-II project is not anticipated to have any significant adverse socioeconomic or environmental justice impacts. In fact, the proposed CLI-II project is anticipated to generate significant local economic benefits.

#### *Socioeconomic Impacts*

The proposed CLI-II project is anticipated to require approximately 580 peak construction jobs, with an average workforce level of approximately 280 construction employees. Construction is expected to be completed within an approximate 28-month timeframe. The EIS socioeconomics analysis is based on conservative inputs derived from Bureau of Labor data (for primary effects) and regional multipliers developed by the U.S. Department of Commerce, Bureau of Economic Analysis (for secondary effects). The analysis shows that estimated total payroll expenditures to construct the project are anticipated to be approximately \$28.7 million, with a peak construction period payroll of approximately \$4,220,000 per quarter. Local purchases of materials, supplies and contracted services used for construction would comprise another direct and positive socioeconomic effect, and are

estimated at \$18.4 million. Thus, total primary economic infusion of approximately \$47.1 million is conservatively predicted.

The EIS analysis used the Regional Industrial Multiplier System (RIMS II) input-output model from the U.S. Department of Commerce, Bureau of Economic Analysis to estimate secondary impacts associated with the project. The analysis estimates that economic output in the area would increase by approximately \$66.14 million during construction, of which \$19.0 million would be secondary impact. Earnings in the area are estimated to increase by approximately \$46.5 million, of which \$28.7 million would be primary payroll and \$17.8 million would be secondary earnings impact. On the basis of 580 construction and project management jobs directly associated with the proposed CLI-II project, employment in the area is expected to temporarily increase by an additional 205 jobs, for a total of 785 jobs created.

The proposed CLI-II project is expected to provide an estimated 16 permanent operations jobs with an estimated on-site payroll of approximately \$1.216 million per year. The EIS analysis explains that the total annual non-fuel operations and maintenance expenditures are expected to equal approximately another \$1.3 million in local supplies and services. It is estimated that due to secondary impacts of the proposed CLI-II project operation for a typical year, total economic output for the area will increase to approximately \$4.03 million per year, of which \$2.8 million will be secondary impact. Household earnings in the Nassau-Suffolk metropolitan area are estimated to increase by approximately \$2.08 million per year, of which \$1.22 million will be direct payroll and \$860,000 is estimated as secondary earnings impact. In addition, employment is estimated to increase by approximately 25 permanent new jobs in addition to the 16 created directly by the proposed CLI-II project.

In addition, the proposed CLI-II plant will utilize General Electric-based equipment and technology. Many of the major components of the facility are anticipated to be manufactured in GE's Schenectady New York facility, generating additional economic activity in New York State.

In addition, as shown by the property valuation study included in the EIS, no significant adverse impacts to property values due to the proposed CLI-II facility are anticipated. Lastly, the proposed CLI-II plant will add additional revenue to taxing jurisdictions either in the form of real estate taxes or payments-in-lieu-of-taxes. The amount is anticipated to be in the range of \$11 million to \$15 million per year.

The construction labor force is anticipated to be available locally, and no in-migration of construction workers is expected. Thus, there would be no incremental increase in demand for municipal services, and no increased costs to the public during construction. Similarly, the existing employee base of power plant operational staff located on Long Island is expected to provide for the approximately 16 person operating staff at the facility without significant in-migration. The EIS shows that there will be little or no incremental costs due to the proposed CLI-II project in relation to the provision of local community services such as educational, police, fire, emergency response or water supply services.

### *Environmental Justice*

The applicant conducted an environmental justice (EJ) analysis to determine whether construction and/or operation of the proposed CLI-II project will have a significant adverse and disproportionate effect on an "environmental justice community." The analysis was conducted in accordance with NYSDEC's Environmental Conservation Environmental Justice Policy (CP-29, Environmental Justice and Permitting, March 19, 2003) and federal guidance documents prepared by the U.S. Environmental Protection Agency for use in preparing a National Environmental Policy Act (NEPA) environmental justice analysis. Six of the 16 studied census block groups were identified as potential EJ communities, with minority populations above the NYSDEC EJ thresholds (none had exceeded the low-income threshold).

The EIS EJ analysis shows that portions of the study area exceed NYSDEC thresholds for minority representation and/or have elevated asthma ER visitation rates based on a review of health outcome data. As a result, an analysis of potential environmental impacts within the communities of concern was conducted. The analysis demonstrates that the project's potential air emission concentrations would not violate the ambient air quality standards within the study area, and therefore are not significantly adverse. Furthermore, the maximum modeled air quality impact locations do not fall within the communities of concern and thus are not considered disproportionate.

Additionally, the facility will be designed with stringent emission controls for ozone precursor pollutants, will obtain emission reduction credits for NO<sub>x</sub> and VOCs emissions, and is expected to reduce utilization of older, less efficient, and more polluting electric generating facilities on Long Island. The proposed CLI-II facility is expected to help further reduce the LIPA system-wide average emission rate per megawatt hour generated.

Regarding hazardous materials and chemical use, the introduction of oil, aqueous ammonia, and other chemicals at the project site are not anticipated to result in a disproportionate or adverse impact to the identified potential communities of concern as the use and/or presence of fuel oil, chemicals, and other materials currently is occurring throughout the two-mile project study area and is not concentrated within the communities of concern. The storage of fuel oil or use of aqueous ammonia or other chemicals at the project site is not anticipated to jeopardize public health or adversely impact groundwater quality.

The proposed facility will comply with state and Town of Brookhaven noise standards at all locations within the project study area, and therefore, will not cause any adverse impact. Similar to the assessment of air quality impacts, maximum modeled facility noise impacts will occur outside of the potential communities of concern.

Lastly, the applicant is implementing a public outreach plan in accordance with applicable NYSDEC's environmental justice guidance.

### **Traffic and Transportation**

Based on the analysis in the EIS, the Town Board finds that the proposed CLI-II project is not anticipated to result in significant adverse traffic impacts or impacts to transportation.

The traffic generated from the proposed CLI-II project would result from the approximately 16 employees needed to operate the power plant. The traffic from the project is expected to access and leave the site via Zorn Boulevard at Horseblock Road. A review of the results contained in the EIS indicates that there would be no significant adverse impacts created at any of the study intersections during the operational phase of the proposed CLI-II project during either the morning or evening peak hour periods.

The accident history data presented in the EIS indicates that the cause of the majority of accidents at studied intersections, especially at higher occurrence locations, are due to driver error (turning improperly, driver inattention, following too closely, unsafe speed, aggressive driving, failure to yield right of way, disregard for traffic control device, etc.). There were also other factors that cannot be remedied which contributed to accidents such as animal action, glare, slippery pavements, etc.

No significant adverse impacts to local airport operations or air navigation are anticipated to result from the operation of the CLI-II facility. The facility is also not anticipated to result in significant adverse impacts related to the operation of the main line of the Ronkonkoma Branch of the Long Island Railroad.

### **Air Quality**

Based on the analysis in the EIS, the Town Board finds that the CLI-II project will not result in any significant adverse impacts to air quality.

The EIS presents information related to existing air quality in the vicinity of the project site and an assessment of the potential air quality impacts of the proposed CLI-II project on the existing air quality. A discussion of the area topography is included because the topography can affect local meteorological conditions and air quality impacts. Modeling methodologies presented in the Air Quality Modeling Protocol that was approved by U.S. EPA and NYSDEC were implemented to assess the potential air quality impacts due to the proposed project. The protocol specified the procedures and guidelines that were followed in order to assess the plant's potential air quality impacts.

The proposed location of the project is an area currently designated as attainment or unclassifiable for SO<sub>2</sub>, CO, NO<sub>x</sub>, PM-10, sulfuric acid mist (H<sub>2</sub>SO<sub>4</sub>) and greenhouse gas (GHG) emissions. In addition, the area was recently redesignated to attainment status for PM-2.5. Therefore, for these pollutants, the project is required to demonstrate compliance with the federal and New York State ambient air quality standards, and is subject to review under the prevention of significant deterioration (PSD) permit program. Under the PSD program, the project is subject to best available control technology (BACT) requirements for these applicable PSD pollutants. Suffolk County is classified as severe ozone non-attainment with respect to the 1-hour ozone NAAQS. Therefore, facilities emitting more than 25 tons/year of NO<sub>x</sub> or VOC, as would be the case for the proposed CLI-II project, are subject to nonattainment new source review (NNSR) requirements for these pollutants. The CLI-II project is therefore subject to lowest achievable emission rate (LAER)

requirements under the NNSR program and must obtain emissions offsets for its VOC and NOx emissions at a 1.3 to 1 ratio.

The EIS presents the results of air quality modeling analysis of the proposed CLI-II facility and shows on Table 9-2 that emissions from the facility will not result in adverse air quality concentrations, and will not exceed any federal or New York State ambient air quality standards. These standards have been developed to protect the most sensitive population groups, which include young children, the elderly, asthmatics, and those members of the population that have other breathing difficulties.

The EIS also addressed the proposed CLI-II facility's greenhouse gas emissions during construction and operation and provides comparisons to alternative energy sources. The proposed CLI-II facility is demonstrated to provide an efficient technology with a lower greenhouse gas footprint than most alternate combustion-related energy sources. The EIS explains that more efficient energy supplies like the proposed CLI-II facility have the potential to displace the operation of older, less efficient and higher emitting power plants, which should reduce regional emissions of air pollutants and greenhouse gases.

An assessment of non-criteria pollutants was also conducted which demonstrated that the maximum modeled non-criteria pollutant emissions from the proposed CLI-II project will be below their corresponding NYSDEC short-term and annual guideline concentrations. The proposed CLI-II project will store aqueous ammonia for use with the SCR pollution control system at a concentration of 19 percent on-site, for which EPA does not mandate accident release modeling. Nevertheless, an analysis of a worst-case accidental release of the aqueous ammonia was conducted. The EIS showed that such a release will not result in an exceedance of ammonia greater than EPA's thresholds beyond the property boundary.

Cumulative air quality impacts analyses were also conducted. First, an analysis was conducted for existing and proposed LIPA combustion turbine projects. The analysis showed that total concentrations (*i.e.*, the cumulative effect of the existing and proposed LIPA combustion turbine projects and ambient background levels) would not exceed the ambient air quality standards. A second, local cumulative air quality modeling analysis was conducted to assess the impact of the proposed project along with any nearby large combustion sources (*i.e.*, sources within 10 miles of the project site). The cumulative air quality modeling results indicated that modeled concentrations were not significant adverse contributors to air quality pollutant concentrations.

### **Noise**

Based on the analysis in the EIS, the Town Board finds that the proposed CLI-II project, as designed, will not result in any significant adverse noise impacts.

The proposed CLI-II project design will include the noise attenuation features such as:

- building housing the combustion turbines and steam turbine and generator;

- noise limits for the heat recovery steam generator and exhaust stack;
- combustion turbine air intake silencer;
- building housing the boiler feed water pumps;
- noise limits and design requirements for the air cooled condenser;
- building housing the fuel gas compressors;
- noise limit and design requirements for transformers;
- noise limits for the gas compressor coolers; and,
- noise limits for the fin fan coolers.

The proposed project will be designed and constructed to comply with Town Code noise standards and NYSDEC policy noise guidelines.

As presented in the EIS, predicted increases in noise levels due to the proposed CLI-II project, including at all nearby sensitive receptor locations such as nearby residences, are 2 decibels dB(A) or less, which is considered to be a barely perceptible increase in noise levels. In addition, the modeling results show that the project will comply with Town of Brookhaven code for noise for both the residential locations and the industrial property lines, for both daytime and nighttime operation. Compliance was also confirmed for periods of start-up and shut down.

### **Geology, Seismology and Soils**

Based on the analysis in the EIS, the Town Board finds that the CLI-II project is not anticipated to result in any significant adverse impacts in relation to geology, seismology or soils.

There are no unique or unusual geologic resources on the project site. The project site is nearly level, and bedrock in the area of the site has been estimated at being located approximately 1,500 feet below the existing ground surface. Support piles would not reach the bedrock, so bedrock will not be affected. Considering depth to bedrock in the project area, blasting will not be required during construction for the project or any on-site interconnections.

Based on recent geotechnical investigations conducted at the adjacent CLIEC site, which has soil types consistent with those that will be encountered at the proposed CLI-II project site, the soils at the site are considered competent to support the loads associated with the project without the need for bedrock support.

The seismic design for the proposed facility would be based on the requirements of the International Building Code (“IBC”). Adherence to these requirements will minimize potential risks associated with seismic events. The proposed CLI-II project structures will be constructed in accordance with the New York State Uniform Fire Prevention and IBC, including pertinent seismic design provisions of the code.

In terms of excavation, grading, cut and fill activities, the transport of significant quantities of soil from the site is not anticipated.

None of the soil or geologic conditions present at the project site are anticipated to present any engineering or construction issues that cannot be readily addressed through conventional construction methods. Further, based on a review of data from past geotechnical investigation conducted on nearby property, the native and anthropogenic unconsolidated strata underlying the 81-acre parcel are considered suitable to support the proposed project including interconnection facilities.

### **Infrastructure**

Based on the analysis in the EIS, the Town Board finds that the proposed CLI-II project is not anticipated to result in any significant adverse impacts to infrastructure.

### *Water Supply*

Water will be required for several functions associated with the efficient operation of the proposed facility. Water will be used for steam cycle makeup (i.e., HRSG makeup), air emissions control when using the backup fuel, plant maintenance, inlet air cooling, combustion turbine compressor cleaning, and to satisfy potable water needs. To minimize water supply needs, an air cooled condenser (ACC) will be used for heat dissipation, rather than relying on once through or evaporative cooling technologies. In addition, water supply and wastewater discharge needs will be minimized through use of a fin-fan cooler to manage the facility's auxiliary cooling loop, as well as through recycle and reuse of process wastewater, when practicable. The facility will be highly efficient in terms of water supply needs.

The applicant has incorporated the following features into the proposed CLI-II project to ensure significant impacts to water supply are avoided:

- Mitigation of water needs through selection of an air cooled condenser for heat dissipation, rather than relying on once through or evaporative cooling technologies;
- Selection of a closed cycle fin-fan cooler to manage the heat load from the auxiliary cooling loop;
- Installation of a 1,500,000-gallon on-site raw water/fire water storage tank and a 1,000,000-gallon demineralized water storage tank to reduce peak hourly water demands;
- Recycling process waste streams, such as blowdown from the inlet air coolers and HRSGs, back to the raw water/fire water storage tank for reuse as process makeup water; and,
- Funding the design and construction of a new booster pump station at the Suffolk County Water Authority (SCWA) Station Road well field.

The facility's water supply needs typically will range from approximately 35 gallons per minute (gpm) or 50,400 gallons per day (gpd) to 130 gpm or 190,000 gpd, when operating on the primary fuel, natural gas. When the backup fuel is used (limited to 720 hours per year), the proposed facility's water supply needs typically will range from 700 gpm (approximately 1.0 million gallons per day [mgd]) to 750 gpm (approximately 1.1 mgd). Potable water needs will typically range between 1 gpm and 3 gpm.

The facility also will be equipped with fire suppression systems. Based on design requirements and National Fire Protection Association (NFPA) guidelines, the internal fire protection loop will have a design capacity to provide approximately 2,660 gpm of water over a two hour period. The 1,500,000-gallon raw water/fire water storage tank will provide primary capacity for emergency firefighting use, with secondary capacity provided through the SCWA distribution system. To ensure that primary capacity will be available at all times, approximately 350,000 gallons of on-site storage capacity will be dedicated for firefighting purposes.

Water to support facility operations will be obtained from the Suffolk County Water Authority (SCWA) distribution system via a new 12-inch diameter lateral. SCWA has issued a Letter of Availability for the proposed project. The new lateral will extend west of the facility to an existing 12-inch distribution main located along Old Dock Road or south to an existing 12-inch distribution main located along Zorn Boulevard. At the metering station, a suitable backflow prevention device will be installed.

The proposed project's water needs will represent only a small incremental increase in water withdrawal from the SCWA's system, representing less than a 0.1 percent increase over the present demand on the SCWA system. As noted above, in accordance with SCWA's recommendation, the applicant will fund the design and construction of a booster pump station at the Station Road well field to ensure that adequate water supply capacity is available to meet the projected peak demand without adversely impacting SCWA's existing customer base. The EIS analysis concludes that the project's water supply needs will have only a minimal impact in terms of groundwater withdrawal at SCWA well fields, and is not anticipated to have a significant adverse impact water quantity or water quality in the Carmans River.

#### *Wastewater*

The proposed CLI-II project will generate relatively minimal amounts of wastewater. Many of the process waste streams generated during normal operation, such as inlet air-cooler blowdown, HRSG blowdown, and quench water, will be filtered and returned to the raw water tank for reuse. Nevertheless, the project will generate some process and sanitary wastewater requiring proper handling, management and disposal. These waste streams would include:

- Sanitary wastewater;
- Rinse and drain down water from the demineralization system;
- Off-line compressor wash water;

- Plant maintenance water collected in facility floor drains; and,
- Site stormwater runoff.

Sanitary wastewater will be managed using an on-lot subsurface disposal system. The average daily sanitary wastewater design flow for the facility is conservatively estimated to total 3 gpm or 4,320 gpd. The subsurface disposal system will be designed in accordance with applicable state and local codes, including applicable provisions of the New York State Uniform Fire Prevention and Building Code and Sanitary Code, the Suffolk County Sanitary Code and the Town of Brookhaven Building Code.

Prior to connecting the new demineralization trailer to the demineralized water storage tank, the resin beds will be rinsed using water from the raw water/fire water storage tank. Initial rinse water may not meet the stringent demineralized process makeup requirements, and therefore will be directed to an on-site recharge basin. This intermittent discharge stream will meet all groundwater discharge standards.

Both the sanitary wastewater subsurface disposal system and discharges through recharge basins will be subject to terms and conditions of a State Pollution Discharge Elimination System (SPDES) permit issued by NYSDEC.

The compressors serving the combustion turbines require periodic cleaning to maintain operating efficiency and prevent excessive wear and tear on internal components. The resultant wastewater will be collected in the false start drain tank(s) for off-site processing at an appropriately licensed facility.

Trench, grate or hub type floor drains will be used to collect equipment and floor wash water from the turbine building. Following processing through the oil/water separator, this wastewater will be sent to a wastewater holdup tank. The wastewater holdup tanks will be emptied on an "as needed basis" and transported to a local sewage treatment plant for proper treatment and disposal.

#### *Stormwater*

There are no floodways or flood hazard areas that would be affected by stormwater runoff generated during construction or operation of the facility. The nearest flood hazard area is located along the Carmans River, over 1 mile northeast of the project site.

The proposed CLI-II project will place impervious surfaces in areas where currently stormwater can infiltrate into the ground, changing the runoff characteristics of the site. Both structural and non-structural methods will be used to prevent significant adverse stormwater and sedimentation impacts. The site will be designed so that all stormwater meeting criteria for discharge is kept on site and sent to a recharge basin for infiltration into the ground. Areas where chemicals and fuel are stored will have containment of 110 percent. These areas include components such as the fuel and ammonia truck loading areas, ammonia storage and transformers. Stormwater collected in these containment areas will be inspected for any evidence of contamination, a leak or a spill (*i.e.*, oil or petroleum sheen). Stormwater meeting all criteria for discharge will be released to the recharge

basins, as permitted by NYSDEC through a SPDES permit. Water that does not meet all requirements for discharge will be collected separately and sent to a licensed disposal facility.

Non-structural measures will include the preparation and implementation by the applicant of stormwater pollution prevention and spill prevention control and countermeasure plans. The plans will detail measures to be taken during operation to prevent spillage and loss of chemicals. In addition, cleanup measures will be specified. Best management practices or BMPs, including loading and unloading procedures, daily, weekly, monthly, and annual inspections and personnel training will be implemented as a key component of stormwater contamination prevention.

These structural and non-structural measures will mitigate the potential of significant adverse impact due to stormwater or sedimentation.

#### *Groundwater*

The EIS analyzes impacts to groundwater resources due to the proposed project. Potential significant adverse impacts to groundwater would be associated with drawdown, construction dewatering, discharge of wastewater, and infiltration of stormwater as discussed above.

In terms of the concerns over water table drawdown, the project site is outside of the Central Suffolk Special Ground Water Area and the Suffolk County Ground Water Management Zone III "Deep Recharge Areas". Based on this and the project's limited water supply needs, no significant adverse impacts to groundwater or SCWA well fields are anticipated.

No significant adverse construction dewatering impacts are projected because the water table will be well below the deepest on site excavation. Temporary dewatering may be required for the installation of a new natural gas pipeline, depending on the route of the selected pipeline alternative. Construction dewatering is not anticipated for the construction of other utility interconnections.

Due to the manner in which sanitary wastewater and stormwater would be managed, and that fact that these discharges will be required to comply with applicable New York State and Suffolk County regulations and standards, no significant adverse impact to groundwater are anticipated.

#### *Surface Waters and Aquatic Resources*

There are no surface waters on or adjacent to the project parcel, including any rivers, streams, ponds or wetlands. The nearest surface water resource to the project site is the Carmans River, which is located over 1 mile northeast of the project parcel. The estimated time of travel for groundwater recharge at the site to discharge to the Carmans River would range from 25 to 75 years. Since there will be no direct discharge of process wastewater or stormwater runoff resulting from the project or any direct water withdrawals from surface water resources, the project is not anticipated to have any measurable impacts to surface water resources in the project vicinity.

Because no aquatic resources are found on or near the project site, no significant adverse impacts to aquatic resources are anticipated.

### *Security and Emergency Preparedness*

During construction and operation, the facility will be staffed 24 hours per day, 7 days per week, and 365 days per year. Prior to commencement of operation, the perimeter of the project site will be secured with a chain link fence topped with barbed wire, sliding motorized gates and surveillance equipment to permit only authorized access to the facility's service drive, structures and operations.

The applicant will implement a series of measures to address emergency response situations such as fire, explosion, personal injury, a hazardous material spill or release, earthquake, or tornado. To ensure that on-site personnel are prepared to address emergency operating conditions at the facility, written protocols and standard operating procedures will be developed to:

- provide for the safety of on-site staff and visitors should an emergency condition arise;
- provide for the safe shutdown of the facility, when necessary; and
- guide personnel in implementing emergency response actions, as appropriate.

All employees at the facility will receive annual training in emergency preparedness and emergency response, including participation in periodic drills to verify their effectiveness. More frequent in-depth training would be provided to emergency response coordinators and staff directly responsible for the storage, handling and proper management of oil or hazardous substances.

### *Solid Waste*

The solid waste generated at the project site generally will be limited to small quantities of office waste and general plant refuse, which will be handled and recycled or disposed of appropriately. The anticipated volume of solid waste is not expected to have a significant adverse impact on the solid waste handling system.

### *Chemical Wastes*

The proposed CLI-II project would generate small volumes of chemical wastes during operations and waste that can be classified as hazardous, which would typically include the sludge from the oil/water separators, spent lubricating oils, oil filters and air filters. These wastes will be separated from general solid waste and stored in specially marked containers. The proposed CLI-II facility is expected to be designated as a Conditionally Exempt Small Quantity Generator as defined by the United State Environmental Protection Agency, which applies to industrial facilities that generate less than 100 kilograms (220 pounds) of hazardous waste per month. Disposal of hazardous waste will comply with the federal Resource Conservation and Recovery Act and the New York State hazardous waste regulations. This will mitigate the risk of potential significant adverse environmental impacts in the collection, transportation and disposal of chemical wastes at the site.

### *Energy*

The proposed CLI-II project would interconnect to LIPA's transmission system within the 81-acre parcel via a newly constructed expansion to the existing LIPA 138 kV switchyard on the project parcel. The 138 kV interconnection between the project's step-up transformers and the proposed

switchyard will be accomplished via an overhead transmission line to be located entirely within the project parcel.

Adding the proposed plant to the system is expected to require certain upgrades, improvements or reinforcements to certain substations and transmission lines to ensure the plant's power is safely distributed across LIPA's system. A System Reliability Impact Study, which includes analyses for thermal, voltage, short circuit and stability, will determine the scope of the upgrades. The study would be conducted in accordance with the New York State Independent System Operator's Criteria and Procedures.

The facility would utilize natural gas as its primary fuel with ultralow sulfur diesel (ULSD) used as a backup fuel. Natural gas would be provided to the project through a new natural gas pipeline/lateral. The project's natural gas demand is not anticipated to impact regional energy systems; nor will it impact or preclude service to other users. As explained in Chapter 19 of the EIS, the natural gas pipeline would be subject to stringent requirements to avoid and minimize environmental impacts associated with its installation and operation. The ULSD would be stored in two new 800,000-gallon above ground storage tanks. These proposed oil storage tanks would be double walled and equipped with interstitial leak monitoring. Each tank would be engineered, constructed and operated in accordance with applicable state and local code; including NYSDEC regulations contained in 6 NYCRR Part 614 entitled "Standards for New and Substantially Modified Petroleum Storage Facilities."

#### *Electric and Magnetic Fields*

The post-construction magnetic field levels and electric field levels for the project's proposed 138 kV electric transmission line interconnection were calculated. Electric and magnetic fields of the magnitude calculated will not exceed recommended occupational exposure levels within the facility fence line or recommended exposure levels for the general public beyond the facility fence line. As such, potential impacts associated with electric and magnetic fields produced at the facility are considered negligible and are not anticipated to pose a significant health risk.

#### *Decommissioning*

The EIS explains that facility decommissioning would encompass, where appropriate, removal of structures, equipment, hazardous materials and ancillary facilities. It also encompasses remediation of residual contamination, if found, to acceptable levels for industrial redevelopment. The decision to permanently cease facility operations would be solely at the discretion of the owner, based on commercial factors. During construction, contractual obligations and remedies would be in place to ensure that the project is completed and commences commercial operations. Once operational, decommissioning is highly unlikely while the facility is economically viable.

Decommissioning activities would occur in accordance with local, state, and Federal regulations. The closure of environmental permits and licenses associated with facility operation would be coordinated with the applicable agencies such as NYSDEC.

It is expected that the aboveground portion of the facility's components would be offered for sale, for salvage or at least scrap value. Even if there were no salvage market for the project's components,

the scrap value of the equipment, buildings, and structures should be sufficient to offset site decommissioning costs.

### *Communications*

Any fiber optic or other communications facilities that LIPA or NYISO requires to support the proposed CLI-II project will represent only incremental additions to existing infrastructure along existing rights-of-way. Any new interconnections would be installed in accordance with standard industry practice. No new right-of-way for communications systems is anticipated and no new microwave facilities are expected. Consequently, the proposed CLI-II project will not have a significant adverse impact on existing communications rights-of-way, facilities, or infrastructure.

### **Contaminated Materials**

Based on the analysis in the EIS, the Town Board finds that the Project is not anticipated to result in any significant adverse environmental impacts due to contaminated materials at the site.

As discussed in the EIS, several Phase I Environmental Site Assessments (ESA) have been conducted with respect to the project parcel. In addition, a limited Phase II assessment was undertaken by Caithness Long Island, LLC of a 1998 tetrachloroethene (PCE) plume at the northern portion of the parcel. At that time, all concentrations were below DEC groundwater standards. PCE was detected at concentrations of 0.97 and 1.3 parts per billion (ppb), well below the DEC groundwater standard of 5 ppb. Subsequently sampling has confirmed results below standards. The construction and operation of the proposed project is not expected to have any significant adverse effects with regard to contaminated materials.

### **Terrestrial Ecology**

Based on the analysis in the EIS, the Town Board finds that the proposed CLI-II project will not have a significant adverse impact on terrestrial ecology.

Other than previously disturbed areas associated with the development of the existing CLIEC, the majority of the 81-acre parcel supports upland plant communities that fall under the Pitch Pine-Oak Forest category. The forest community is not considered unusual in terms of species composition and is apparently/demonstrably secure globally, and apparently secure in New York State. There is also a small scrub oak dominated stand. This community is considered rare and local to apparently secure globally and very vulnerable or limited acreage present in New York State. There is evidence of previous disturbance due to fire that led to the development of this community, and absent further disturbance this plant community would be expected to undergo succession to the Pitch Pine-Oak Forest community. This area would not be disturbed as part of the proposed CLI-II plant development.

No endangered or threatened species were observed during three site surveys, and none are believed to be present on the site. Since the project site is located in an industrially-zoned area, proximate to existing industrial parks, has historically experienced disturbances (*i.e.*, fire and mechanical clearing) and has been subjected to heavy ATV traffic as well as other disturbances from surrounding land

development, impacts to wildlife associated with the development of the proposed CLI-II project are expected to be minimal. Wildlife species that presently utilize pitch pine-oak forested stands will continue to have access to a significant amount of available habitat following construction of the project. It is anticipated that forest community wildlife will return to the portion of the construction laydown and parking area that is allowed to revegetate and other undisturbed areas as the forest regenerates in the years following the completion of the project.

### **Construction Impacts**

Based on the analysis in the EIS, the Town Board finds that there will be no significant adverse impacts to the environment due to construction of the proposed CLI-II project.

The proposed CLI-II project is anticipated to generate approximately 580 peak construction jobs, with an average workforce level of approximately 280 construction employees. Construction is expected to be completed within about 28 months. The peak construction period is expected to last about four months. Workforce agreements will specify a start-time of no later than 7:00 AM, with 8-hour to 10-hour shifts. This will reduce impacts to traffic during peak periods.

The EIS describes proposed CLI-II project construction activities:

- installation of erosion and sedimentation control measures
- installation of access drive and temporary utilities
- set-up and assembly of temporary office and warehouse
- preparation of construction parking and equipment staging areas
- site preparation
- disposal of wastes during construction
- excavation and construction of foundations
- erection of permanent facility equipment and buildings
- installation of project gas and electric interconnections
- stabilization of disturbed areas following completion of final grading
- systems testing and commissioning.

The EIS grouped these activities into three major phases, with expected workforce levels identified: (i) underground phase; (ii) aboveground phase; and (iii) systems testing and commissioning.

With this background, the EIS then provides an assessment of anticipated impacts, including impacts relating to traffic, air quality, noise, stormwater/water quality, natural resources, visual, hazardous materials, community services and fire and emergency services.

With respect to traffic during construction, even though due to designated off-peak start times and shift periods, workers will not be on the study roadway network during AM or PM peak traffic hours, the analysis assumed that 70% of the peak workforce would enter and exit the site during peak hours in order to ensure a conservative analysis. From an overall perspective, the results indicate that there will be no significant adverse impacts created at any of the study intersections during the peak construction phase for either the morning or evening peak hour periods; however, some individual movements at selected intersections are anticipated to experience a decline in level of service. However, these impacts will be temporary. Moreover, traffic signalization at these intersections includes built-in green time

redistribution capability that adjusts signal controller timings based on actual traffic volumes. As a result, no specific signal timing adjustments have been proposed as mitigation since the current signalization will automatically adjust based on traffic volumes. However, the applicant has committed to coordinate closely with Town and County highway officials to address any unanticipated issues that may emerge during construction.

Construction-related emissions can be classified into two distinct sources: criteria pollutant emissions from private and construction vehicle internal combustion engines; and fugitive dust that results from vehicle movement over paved and unpaved roads, as well as activities associated with material handling, earth moving/grading, etc. Off-road construction equipment such as bulldozers, backhoes, etc., can emit criteria pollutants. However, impacts are expected to be minimal. Little to no demolition will be required because the project site is clear of existing structures. Minimal grading will be required because the project site is relatively level. Off-road construction equipment to be used will be well maintained, which will result in efficient fuel combustion and minimal criteria pollutant emissions. The project site is located more than one quarter mile from the nearest residence. At this distance, any off-road construction equipment emissions would not result in any significant adverse impacts. Nonetheless, measures would be employed during construction activities to ensure to minimize fugitive dust, including (i) keeping construction vehicle speed low to reduce dust suspension; (ii) covering exposed stockpiles of soil and gravel to eliminate wind-driven dust suspension, or as an alternate, minimizing the height of these piles; (iii) periodic washing of paved surfaces during dry periods as a means to suppress dust suspension; and (iv) application of water on stockpiles and unpaved roads during dry periods as a means to suppress dust suspension.

The EIS includes the results of a modeling analysis showing expected noise impacts during construction. It is anticipated that only daytime construction will be required. The calculated construction noise levels will be below existing daytime noise levels at all locations. In the event that nighttime construction is required due to schedule constraints, and is permitted by the Town of Brookhaven, construction noise levels were also evaluated against existing late night noise levels. Calculated construction noise levels were shown to be below existing nighttime levels at all locations.

The applicant will install erosion and sediment control measures prior to commencement of land disturbance. These measures will not be removed until the disturbed land areas are stabilized. All erosion and sediment control measures and best management practices (including specifications for temporary and permanent seeding) used during construction will comply with the specifications contained in the August 2010 New York State Stormwater Management Design Manual.

Development of the proposed CLI-II project will result in the permanent clearing of about 23 acres of land; other areas that are temporarily disturbed would be restored and revegetated. Approximately 28.5 acres of the 81-acre parcel would remain natural and undisturbed. Given the absence of threatened and endangered species and their habitats on the site, no impacts to these species will occur due to the proposed CLI-II project. Based upon the history of on-site disturbance and the resilience of plant species present on this site, no adverse and long-term adverse impacts to wildlife are expected to result from the proposed project.

The EIS analysis also shows that the proposed CLI-II project construction will not cause a significant adverse impact in relation to visual resources, hazardous materials, community services or fire and emergency services

The EIS also provides a description of measures that would be implemented to address security and solid/hazardous/sanitary waste handling during construction. Prior to commencement of construction, a comprehensive security plan will be developed and implemented. The security plan will be provided to the Suffolk County Police Department and the Suffolk County Department of Fire, Rescue, and Emergency Services for review. The applicant will contract with private waste haulers to remove solid waste resulting from the project during construction. Wastes that could be classified as hazardous will be generated during construction. These wastes will be segregated from normal waste removed from the project site by licensed contractors for disposal at approved facilities. Sanitary waste during construction would be handled through the combination of a temporary subsurface disposal system and, as needed, use of portable toilets.

### **Cumulative Impacts**

Based on the analysis in the EIS, the Town Board finds that the proposed CLI-II project will not result in any significant adverse cumulative impact.

A cumulative impact analysis was performed to examine whether the project, cumulative with other relevant facilities, will have the potential for causing significant adverse environmental impacts. Cumulative impact studies performed included: (i) an air quality cumulative impact analysis of the proposed CLI-II project and existing and proposed LIPA combustion turbine projects; (ii) a local air quality cumulative impact analysis, including the proposed CLI-II project, the existing CLIEC, any approved or pending large combustion sources located within 10 miles of the proposed site; (iii) an assessment of potential cumulative impacts on water supply associated with the proposed CLI-II facility and recent power development projects (i.e., from 2002 to present) for which power purchase agreements have been executed with LIPA; (iv) an operational cumulative impact analyses addressing other technical areas (*e.g.*, traffic, noise and land use, *etc.*); and (v) where the construction of another project could overlap with construction of the proposed Caithness Long Island Energy Center II, a cumulative impact analysis addressing the potential cumulative effects of construction impacts.

With regard to the two air quality cumulative impact analyses, the air quality modeling results indicated that concentrations would not violate the ambient air quality standards and would not be significant contributors to air quality pollutant concentrations.

With respect to cumulative water supply impacts, since there is a diverse geographical distribution of the various electric generating projects in Suffolk County and recognizing that the SCWA is the largest groundwater purveyor in the nation, the cumulative impacts to groundwater resources of Suffolk County are expected to be negligible. As explained in the EIS, SCWA has over 580 active wells that feed 63 water storage tanks. Current water production for the SCWA system exceeds 69 billion gallons annually. As such, the total use of water by energy projects in Suffolk County would represent less than one percent of current SCWA withdrawals and is not anticipated to have a significant adverse cumulative impact on groundwater.

With regard to cumulative effects on land use, community facilities, cultural resources, visual resources, socioeconomics and environmental justice, traffic and transportation, noise,

geology/seismology/soils, infrastructure, contaminated materials, and terrestrial ecology, the proposed CLI-II project is not expected to result in significant adverse cumulative impacts.

### **Other Environmental Impacts**

The proposed CLI-II project is not anticipated to have significant adverse impacts with respect to other short or long term environmental impacts, irreversible and irretrievable commitments of resources, or growth-inducing aspects.

### **Alternatives**

In addition to the CLI-II project as proposed by the applicant, the Town Board has also considered a range of alternatives that were described, analyzed and assessed in the EIS. The Town Board finds that the proposed CLI-II project is the preferred alternative.

#### *No-Action Alternative*

The no-action alternative assumes that the proposed CLI-II project will not be constructed at the project site, and that the site would remain undeveloped. The no-action alternative is not an objective of the project sponsor. The applicant intends to provide baseload electric services to LIPA consistent with the goal of the LIPA RFP discussed above. To fulfill this objective, the applicant intends to pursue approvals to construct and operate the proposed CLI-II project.

The existing land use, environmental, socioeconomic, and energy use effects of the no-action alternative are similar to those of the proposed project; however, the planned land use, economic and energy reliability effects of the no-action alternative are very different from the proposed project. As noted, the project is an allowed use by special permit in the L-Industrial-1 District and because demand for electricity on Long Island and Eastern Suffolk County, in particular, is rising faster than the ability of the region's infrastructure to generate and deliver it, locating an additional source of electricity at the project site is an appropriate response to the increased demands for power supply and capacity requirements on Long Island. Further, operation of the proposed facility could result in regional air quality benefits as it is anticipated that the proposed CLI-II facility will be operated in preference to older, higher air pollutant emitting generating units that currently serve the LIPA service area. Finally, under the no-action alternative, the additional electric capacity provided by the proposed CLI-II project will not be available to provide greater flexibility to LIPA to allow for the increased use of other technologies, such as renewable energy. Thus, the no-action alternative is not considered a reasonable alternative to the proposed facility because it would not be consistent with the Town's land use planning goals, would not address LIPA's stated need for additional generation to meet NYISO and NYSRC requirements and would not result in a net reduction in regional air emissions.

#### *Alternative Capacity Supply Methods*

The EIS also addressed an array of alternative methods that LIPA could implement, including repowering and renewable energy. As explained, Caithness does not own or control the Port Jefferson Power Plant. With respect to repowering, the EIS further explains that National Grid, the

owner of record of the Port Jefferson Power Plant, did not submit a repowering proposal under the LIPA RFP, even though it met the RFP criteria. LIPA has a contractual right to direct National Grid to repower certain facilities, including the Port Jefferson Power Plant. However, the Port Jefferson facility does not have sufficient space on its site to construct a new facility in addition to the existing facility. Repowering the Port Jefferson Power Plant would therefore require shutting down the facility and demolishing it prior to construction of the new facility, a process that would take several years. Since the proposed CLI-II project is intended to address a capacity shortfall that is projected in 2018, the removal of the Port Jefferson Power Plant for several years for repowering would only exacerbate LIPA's capacity shortfall. Thus, repowering the Port Jefferson facility cannot be viewed as a reasonable alternative to the proposed CLI-II project. Moreover, the EIS explains that the usable portion of the Port Jefferson Power Plant site is sufficient only for a plant similar in size to the existing plant. Accordingly, even if Port Jefferson were repowered, it would not materially change the need for the proposed CLI-II plant given the overall capacity shortfall that LIPA is facing.

With respect to renewables, consistent with State goals, LIPA is in the process of implementing a series of initiatives to add more renewable energy resources to its portfolio of available assets, including the addition of 400 MW of renewable energy generation by 2018, and another 280 MW by 2022. Despite these and other renewable energy generation, demand response and energy efficiency efforts, LIPA still projects significant net capacity shortfalls by the 2018 – 2022. Thus, in order to meet NYISO's mandated capacity requirements, LIPA must secure additional baseload capacity that the proposed CLI-II project can fulfill; and energy efficiency, demand response, and renewable energy resources cannot be viewed as alternatives to the development of the proposed CLI-II project. As discussed in the EIS, the proposed CLI-II plant's flexible operation capability will complement efforts to develop and integrate renewable energy resources, which provide power intermittently, into the 138-kilovolt (kV) system.

With respect to the options that LIPA had available to it under its RFP, LIPA evaluated 45 projects proposed by 16 entities, none of which involved the proposal of repowering the National Grid owned Port Jefferson Power Plant. Additionally, Caithness, could not submit an RFP to repower the Port Jefferson Power Plant as they do not own or control the Port Jefferson Power Plant. LIPA used quantitative criteria (financial, environmental and others) to evaluate the proposals. Based on a careful and comprehensive evaluation of all factors, the proposed CLI-II project was selected to proceed with the necessary environmental review under SEQRA and the negotiation of a power purchase agreement.

#### *Alternative Sites*

Aside from the CLIEC project site, which is adjacent to the proposed CLI-II parcel to the southwest and already developed, the proposed CLI-II project site location is the only property in New York currently controlled by the applicant.

#### *Alternative Project Technologies*

The EIS also reviewed alternative project technologies, including combined-cycle versus simple cycle design, alternative combustion turbines, and alternative cooling technology. The proposed combined-cycle plant supported by air cooled technology is viewed as the preferred alternative as it is significantly more efficient than a simple cycle plant and requires substantially less water and, as a result, will generate less wastewater.

### *Alternative Project Design Options*

The EIS also assessed alternative project design options, including alternative stack heights, and a natural gas-fired only plant.

The facility's stacks are the most visually prominent features, and the primary way of minimizing stack height is to limit the height of nearby controlling structures. Based on these nearby structures, the good engineering formula stack height was calculated to be 270 feet above grade. However, through use of natural gas and ULSD, the applicant has been able to reduce the stack height to 170 feet while ensuring that air quality standards are still met and to ensure that significant air quality impacts will not occur. A taller stack would have a greater impact on visibility and therefore is not viewed as a preferred alternative.

Using only natural gas would eliminate the need for the two 800,000-gallon above ground storage tanks proposed for the project. However, these tanks would be double walled and equipped with interstitial leak monitoring. Each tank would be constructed and operated in accordance with applicable state and local regulations and standards. Thus, these tanks are not anticipated to pose a threat to the environment. Moreover, the availability of ULSD will ensure that the plant will be able to run in the event of a natural gas supply curtailment, and therefore provides added reliability in terms of availability to LIPA and its customers. Thus, the natural gas only option is not considered the preferred alternative.

### *Alternate Scale or Magnitude of Project*

Finally, the EIS considered alternative scale and magnitude with respect to the project. In its response to LIPA's RFP, the applicant proposed a number of potential projects that would have resulted in a project of a smaller or larger generating capacity utilizing two different combustion turbine types. The project configurations considered by the applicant included plants that incorporated similar F class turbine technologies in various configurations which resulted in projected capacities of between 275 MW and the 752 MW CLI-II project.

The applicant's proposal, as well as the other offerings proposed by other RFP respondents, were reviewed under the RFP evaluation criteria. Based on a careful and comprehensive evaluation of all factors, LIPA selected the 752 MW plant proposed by Caithness to proceed with the necessary environmental review under SEQRA and the negotiation of a power purchase agreement.

### **Natural Gas Transportation Alternatives**

As presented in the EIS, the proposed CLI-II facility will utilize natural gas as its primary source of fuel. The natural gas could be delivered to the project from one of several pipeline projects that are currently under consideration. The new natural gas pipeline selected would be developed by an entity other than the applicant and would be available to the proposed project as well as other users in eastern Long Island. Any new pipeline project would require separate environmental review and approval from either the Federal Energy Regulatory Commission (FERC) under its Natural Gas Act (NGA) Section 7(c) certificate authority (for interstate pipelines) or the New York State Public Service Commission (NYSPSC) under Article VII of the Public Service Law (for intrastate pipelines).

A full environmental review would be undertaken by the pipeline project sponsor following either FERC or NYSPSC environmental review procedures. FERC licensing is subject to environmental impact review requirements under the National Environmental Policy Act. Such environmental review processes would be subject to their own public review and comment process. Because the environmental review of the natural gas transportation pipeline option eventually selected will be under the exclusive jurisdiction of another agency, the EIS included a general overview of the conceptual design of alternative means of transporting natural gas to the project, including a literature review of probable environmental impacts of such alternatives.

Nothing in the EIS can bind a future natural gas supplier in its separate regulatory process. Three potential pipelines that are currently under consideration for the project were discussed in the EIS:

- Northville Natural Gas Pipeline Alternative (Northville Alternative);
- Iroquois Gas Transmission System Eastern Long Island Project (ELI Alternative);  
and,
- National Grid Transmission System Alternative (National Grid Alternative).

Conceptual routing plans for each alternative were presented in the EIS, noting that the eventual route would be determined by the future natural gas supplier and approved by FERC or the NYSPSC. In addition, a map level review of each option, potential environmental issues that may be encountered and typical construction and installation measures that can be employed to address those issues were discussed in the EIS.

As noted, the licensing of a natural gas pipeline lateral ultimately used to provide a natural gas supply to the proposed CLI-II project was not part of this SEQRA review because, as an independent project, it would go through its own separate environmental review and approval process. As stated above, the proposed pipeline routes presented in the EIS are not yet approved by FERC or by the NYSPSC. Such approval would occur only after completion of the FERC or Article VII licensing process, which involves extensive environmental impact analysis and permitting requirements. As such, the alternative pipeline routes and construction methods presented in the EIS may not be the final route and/or construction methods that are ultimately licensed by FERC or the NYSPSC for supplying natural gas. However, the alternative pipeline routes presented in the EIS are viable pipeline routes that demonstrate it is feasible to license a pipeline to bring natural gas to the project. Similarly, the anticipated construction methods identified in the EIS conform to standard industry practice and demonstrate that it is feasible to construct the pipeline without causing significant adverse environmental impacts.

It has been explained in the Final Scoping Document, DEIS and FEIS that the construction of a natural gas pipeline lateral is not part of the proposed action that is subject to review under SEQRA. Thus, there is no improper segmentation. In addition, it should be noted that SEQRA permits segmentation if circumstances warrant a segmented review and the lead agency demonstrates that such segmented review is clearly no less protective of the environment. 6 NYCRR § 617.3(g)(1). In this case, while the EIS specifically acknowledges the jurisdiction of the NYSPSC (intrastate) and

FERC (interstate) over natural gas pipelines and the fact that the pipeline is not subject to SEQRA review, a map level discussion was presented in the EIS that shows that there are several viable pipeline options and that measures can be readily employed to mitigate any environmental impacts that may be encountered once an option is selected. Thus, to the extent required, a basis exists to conclude, pursuant to 6 NYCRR § 617.3(g)(1), that the independent review processes for the proposed CLI-II project and the natural gas pipeline options are warranted and will be no less protective of the environment.

**Facts and Conclusions Relied on to Support the Decision:**

The DEIS and FEIS have fully disclosed all pertinent information in order to arrive at the conclusions presented above.

Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the FEIS having weighed and balanced relevant environmental impacts with social, economic and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of 6 NYCRR Part 617 have been met and further certifies that, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable.

**State Environmental Quality Review  
FINDINGS STATEMENT SIGNATURE PAGE**

**Certification to Approve/Undertake**

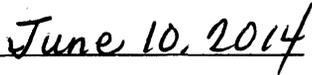
The Town Board of the Town of Brookhaven has considered the relevant environmental impacts, facts and conclusions disclosed in the FEIS prepared for the CLI-II project and has weighed and balanced relevant environmental impacts with social, economic and other considerations.

Having considered the DEIS and FEIS, as well as supporting information and public comments received and the above written facts and conclusions relied upon to meet the requirements of 6 NYCRR § 617.11, the Town Board certifies that (1) the requirements of 6 NYCRR Part 617 have been met; and (2) consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

The above Findings Statement was approved and adopted By the Town Board of the Town of Brookhaven, One Independence Hill, Farmingville, NY 11738



Donna Lent, Town Clerk



Date

Copies of this Findings Statement have been filed with:

Applicant: Caithness Long Island II, LLC

Environmental Notice Bulletin

Involved/Interested Agencies:

John D. McMahon, Chief Operating Officer, Long Island Power Authority

Garry A. Brown, Commissioner, New York State Public Service Commission

Mark Carrara, Deputy Permit Administrator, Region 1, NYS Dept. of Environmental Conservation

Christopher M. Hogan, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY

Terri T. Lee, Chief Operating Officer, OE, U.S. Department of Energy

Bruce Beard, Federal Aviation Administration, Obstruction Evaluation Group

James L. Tomarken, Commissioner, Suffolk County Department of Health Services

Kimberly Kennedy, Assistant to General Counsel, Suffolk County Water Authority

Andrew P. Freleng, Chief Planner, Suffolk County Department of Planning

Sheref Fathi, Regional Environmental Manager, NYS Dept. of Transportation

**Caithness Long Island Energy Center II  
TOWN BOARD SPECIAL PERMIT APPLICATION FOR  
ELECTRIC GENERATING FACILITY USE  
WITH SPECIAL PERMIT CRITERIA WAIVERS  
Findings Statement, June 10, 2014**

Wm. Brian Yates, NYSOPRHP, Division for Historic Preservation (12PR02354)  
Allen Logalbo, Deputy Director of Acquisition & Leasing, Metropolitan Transportation Authority, Long  
Island Railroad  
Jon Wellinghoff, Chairman, Federal Energy Regulatory Commission  
Gilbert Anderson, Commissioner, Suffolk County Department of Public Works  
Judith Enck, Regional Administrator, U.S. Environmental Protection Agency, Region 2 Office

Town of Brookhaven:

The Honorable Ed Romaine, Supervisor  
and Members of the Town Board  
Donna Lent, Town Clerk and Registrar  
Vincent E. Pascale, Chairperson, Town of Brookhaven Planning Board  
Daniel Losquadro, Superintendent, Town of Brookhaven Highway Department  
Tullio Bertoli, Commissioner, PELM