



# A Breakdown of the Article 10 Permitting Process

## Introduction to Article 10

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New York State requires that major electric generation facilities, including solar farms, undergo a rigorous state permitting process, called Article 10, prior to construction and operation. ConnectGen is developing the South Ripley Solar Project in the Town of Ripley and will be progressing through the New York State's Article 10 Process.

Article 10 condenses the New York State and local permitting processes into a single, unified proceeding, which is overseen by the Board on Electric Generation Siting and the Environment, also known as the Siting Board. The Siting Board consists of five permanent members and two project-specific local ad hoc members who are appointed specifically to provide a local voice in each proceeding. The New York State Senate Majority Leader and the Speaker of the New York State Assembly each appoint one ad hoc member from residents within the municipality in which the project is proposed (i.e., the Town of Ripley). The Siting Board will ultimately determine whether to issue a Certificate of Environmental Compatibility and Public Need which would authorize the construction and operation of the South Ripley Solar Project.

## How can you participate?

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You can participate throughout the Article 10 process by:

- Visiting the Project Website: [www.southripleysolar.com](http://www.southripleysolar.com)
- Attending local Open House events, public statement hearings, or municipal meetings where ConnectGen representatives provide additional information
- Contacting ConnectGen to request additional information, or to receive project updates or Article 10 notices
- Joining the Party or Service List on the Siting Board's project docket site, and/or monitoring the filings and announcements posted to that site. You will need the project case number, 19-F-0560, to access these materials (<https://tinyurl.com/south-ripley-article-10>)
- Filing comments on the "Public Comments" tab on the project docket site (link above)

## Process for Public Engagement

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One of the major components of Article 10 is a public involvement process. Applicants must develop a Public Involvement Program (PIP) Plan that educates, informs, and involves the public throughout the Article 10 process. South Ripley's PIP Plan was filed in August 2019 and is made available on the Project website, the New York State Department of Public Service Document Matter Management website, and in several local document repositories. As part of the PIP, South Ripley Solar will hold multiple open house meetings at each major stage of the process. The meetings are open to the public and provide opportunities for community members to ask questions about the project and directly interact with project representatives. Notification of these meetings are published in local newspapers and provided via mail to those on the Stakeholder List.

South Ripley Solar will also file a Preliminary Scoping Statement (PSS). This document provides a description of the proposed project, details the studies that will be performed to evaluate potential impacts, and outlines the steps that will be taken to avoid and minimize impacts. Hard copies of the PSS are made available for public review at local libraries and at the Ripley Town Clerk's office, on the DPS's Document Matter Master (DMM) website, and on the project website ([www.southripleysolar.com](http://www.southripleysolar.com)).

Once a PSS is submitted, circulated and properly noticed, and after at least half of the intervenor funds (process outlined below) have been awarded, consultation begins with interested parties on the methodology and scope of impact studies. There is a 21-day period for the public to comment on the PSS, and the applicant has 21 days to respond to all comments received. One week before the start of this comment period, South Ripley Solar will publish advertisements in local newspapers, mail letters to stakeholders, and post a notice on the project website.

## Intervenor Funding and the Pre-Application Procedural Conference

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There will be a pre-application Procedural Conference, during which the presiding examiner discusses pre-application intervenor funding, makes funding awards and authorizes the parties to initiate the stipulations process. Funds are used by intervenors—qualified locally affected parties—to offset certain expenses they incur while participating in the first part of the Article 10 process, called the pre-application phase.

## Stipulations

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Agreements on the scope and methodology of studies (i.e., proposed Stipulations) are released for public review and made available for review at local libraries, on the DPS's DMM website, and on the project website. Following closure of the public comment period, the executed Stipulations will be filed on the DMM website.

## **Filing of the Article 10 Application**

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No less than 90 days after filing the PSS, the project Application can be filed with the Siting Board. Prior to submission of the Application, notices will be placed in local newspapers. The Application will include figures and appendices outlining the details of the project, assessment of potential project impacts, and identification of proposed mitigation measures which South Ripley Solar will employ to offset unavoidable project impacts. This comprehensive Application document will be made available to the general public at local libraries and at the Ripley Town Clerk's office, on the DPS's DMM website, and on the project website.

Within 60 days of the filing of the Application, the Siting Board must determine whether the Application complies with all filing requirements. Once the Application is deemed complete, the Siting Board will schedule a public hearing (as outlined below). A pre-hearing conference will also be set to identify intervenors, award intervenor funds, identify issues for hearing, and establish a case schedule.

## **Public Statement Hearings**

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The Siting Board will hold public statement hearing sessions to gain feedback from the general public on the Article 10 Application. The NYDPS will designate a presiding examiner to conduct the public statement hearings. In addition to the public opportunity, there will also be evidentiary hearings, where the presiding examiner will hear formal evidence from various parties to the case, which may include written and sworn testimony from expert witnesses. Notices will be placed in local newspapers regarding the time and place of the hearings.

## **Siting Board Decision**

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The Siting Board must make a decision on the Application within 12 months of when the Application is determined to be complete. In making its final decision, the Siting Board will consider impacts to statewide electrical capacity and energy policies; ecology, air, ground and surface water, and wildlife and wildlife habitat; public health and safety; cultural, historical, and recreational resources; transportation, communications, and utilities.

The Siting Board must also determine that the facility is a "beneficial addition or substitute for" generation capacity, that the project is in the public interest, that adverse environmental effects will be minimized or avoided, and that the project is in compliance with state laws and regulations.

## **Compliance**

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If the Siting Board issues a Facility an Article 10 certificate, there are likely to be tasks which must be addressed prior to Facility construction, before the Facility begins operating, or at certain milestones after operations begin. You will be able to find information on these requirements in the Siting Board's decision, and proof of the Applicant's compliance with those requirements will be submitted to the Siting Board's docket page, the Party and Service Lists, and other repositories for important Facility information, such as the project website.

## Construction and Operation

Most Applications will need to include a Complaint Resolution Plan, construction related plans, and other information for the public, communities and stakeholders should any issues arise while the Applicant is building or operating the Facility. In those plans, you will be able to find Applicant contact numbers, see proposed plans for dealing with construction-related traffic and machinery, review emergency response and impact mitigation plans, and understand how the Applicant plans to interact with the community over the life of the project.

## South Ripley is Pleased to be Part of the Ripley Community

We look to partner with communities who are hosting our projects through community involvement and investment . We hope to build long-term, collaborative relationships with the Town of Ripley and with Chautauqua County, to best enable us to promote economic prosperity and build safe, sustainable infrastructure.

We hope that providing more clarity around the process in which we will be participating is helpful. For questions pertaining to the South Ripley Solar Project, please call 800-338-8905 or email [info@southripleysolar.com](mailto:info@southripleysolar.com). Interested persons can also sign up to receive automated email alerts of various filings by going to the Siting Board's website (<http://dps.ny.gov/SitingBoard>) and signing up for the Service List in case 19-F-0560.

## Please visit our document repositories to access hard copies of project documents:

### Ripley Town Clerk's Office

14 North State Street  
Ripley, NY 14775

Monday, Tuesday, Thursday, and Friday  
9:00 AM-12:00 PM, and 1:15 PM-4:00  
PM, Saturday 9:00 AM-12:00 PM

### Ripley Library

64 Main Street  
Ripley, New York 14775

Monday, Wednesday, and Friday 10:00  
AM-5:00 PM, Tuesday and Thursday  
10:00 AM-7:30 PM, and Saturday 9:00  
AM-2:00 PM

### Minerva Free Library

116 Miller Street  
Sherman, NY 14781

Tuesday, 4:00 PM-8:00 PM, Thursday,  
9:00 AM-4:00 PM and 6:00 PM-8:00  
PM, Friday, 9:00 AM-3:00 PM, Saturday,  
9:00 AM-12:00 PM.

