NEW YORK STATE OF OPPORTUNITY. | Department of Public Service

RAPID Act Proposed Regulations:

Streamlining the Siting of Major Renewable Generation and Electric Transmission Projects

(L. 2024, Ch. 58, Part O)

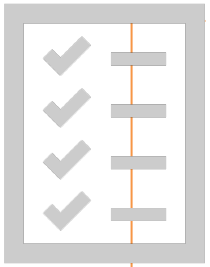
Introduction and Outline

- These slides provide a high-level overview of the draft subject matter regulatory provisions for major renewable energy and transmission facility siting pursuant to Public Service Law article VIII (Article VIII).
- Slides summarize takeaway points.
- We will pause throughout to allow for questions and encourage discussion.

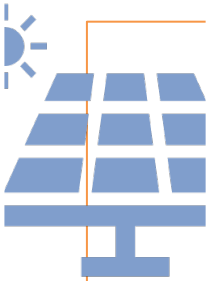
Outline

1) Overview of the RAPID Act and Article VIII
2) Overview of Proposed Rulemaking
3) Proposed Part 1100 General Procedures
4) Proposed Part 1101 Major Renewable Energy (MRE) Facility Siting
5) Proposed Part 1102 Major Electric Transmission (MET) Facility Siting
6) Questions

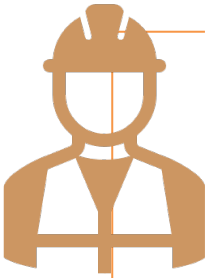
Who is ORES?



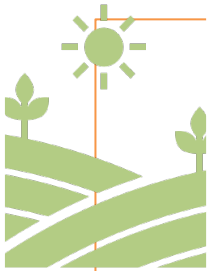
Originally established within Dep't of State pursuant to the Accelerated Renewable Energy Growth & Comm'ty Benefit Act (L. 2020, Ch. 58, Part JJJ, § 4)



Displaced the Board on Electric Generation Siting & the Env't from jurisdiction over the siting of renewable energy facilities with a capacity of 25 MW or greater



ORES has the authority to issue a single permit for the construction of large-scale renewable energy facilities and preempts other state and local permitting requirements



Streamlines the environmental review and siting of large-scale renewables through application of uniform standards & conditions ("USCs") to timely achieve the CLCPA goals

The RAPID Act: Primary Purposes

- Transfer the Office of Renewable Energy Siting (ORES) and its existing authority to permit major renewable energy facilities to the Dept. of Public Service (DPS); transfer ORES regulations at 19 NYCRR Part 900 to 16 NYCRR Part 1100.
- Provide ORES “with additional responsibilities for the review and permitting of major electric transmission facilities”
- Ensures that significant upgrades in the bulk and local transmission system necessary to achieve the CLCPA targets can be permitted in an “expedited timeframe” consistent with ORES’s existing streamlined process
- Empower ORES to issue permits for major electric transmission facilities pursuant to new Public Service Law (PSL) Article VIII – absent involvement of the Public Service Commission (PSC)

2019 Climate Leadership and Community Protection Act

Establishes ambitious clean energy targets.

Reduce GHG emissions economy wide: 40% from 1990 levels by 2030 and achieve 85% by 2050

Attain 70% renewable energy by 2030 and emissions free electric demand system by 2040

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PSL Article VIII Rulemaking

- **Generation -- PSL § 138(1)(a), (3)**: The statute authorizes ORES, in consultation with DPS, and subject to the approval of the PSC, to promulgate rules and regulations with respect to all necessary requirements to implement the siting permit program established in Article VIII and promulgate modifications to such rules and regulations as it deems necessary.
  - **Impacts to lands used in agricultural production:** The RAPID Act expressly directs ORES to develop uniform standards and conditions designed to avoid, minimize, or mitigate to the maximum extent practicable, potential significant adverse impacts to land used in agricultural production, with additional consideration for land within an agricultural district or land that contains mineral soil groups 1-4.
- **Electric Transmission -- PSL § 139(1)(a), (4)**: The statute requires ORES to within 1 year of the effect date of the RAPID Act (or by April 20, 2025) to promulgate regulations (1) establishing “a set of uniform standards and conditions for the siting, design, construction, and operation of major electric transmission facilities”; and (2) any other related requirements.

PSL Article VIII Rulemaking

- **Notice of Proposed Rulemaking, Acceptance of Draft Generic Environmental Impact Statement, Public Comment Period, and Public Comment Hearing:**
  - Issued Dec. 18, 2024; notice of additional hearings issued Jan. 14, 2025.
  - Proposes to repeal the current 16 NYCRR Part 1100 (Office of Renewable Energy Siting and Electric Transmission) (former 19 NYCRR Part 900) and replaces it with a new Part 1100 (General Procedures), Part 1101 (Major Renewable Energy Facility Siting), and Part 1102 (Major Electric Transmission Facility Siting).
  - DPS, by and through ORES, as lead agency, completed and accepted a draft generic environmental impact statement (DGEIS) in connection with the proposed rulemaking.
  - 90-day public comment period on the proposed regulations and DGEIS through March 18, 2025.
  - Scheduled 20 in-person public comment hearings at 11 locations around the State, and 2 virtual public comment hearings.

RAPID Act & Article VIII Basics

- **Analogous Provisions to Articles VII and 10 Incorporated into Proposed Regs**
  - ***Applicability***:
    - "Major renewable energy facility" (MRE) is defined similar to Article 10 - any renewable energy system, as such term is defined in PSL § 66-p, with a nameplate generating capacity of 25,000 kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants (such as battery energy storage systems (BESS)), including electric transmission facilities less than 10 miles in length in order to provide access to load and to integrate such facilities into the state's bulk electric transmission system.
    - PSL § 66-p(1)(b) defines "renewable energy systems" as systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

RAPID Act & Article VIII Basics

- **Analogous Provisions to Articles VII and 10 Incorporated into the Proposed Regs**
  - ***Applicability***: “Major electric transmission facility” (MET) is defined the same as Article VII - an electric transmission line of a design capacity of: (i) 150 kV or more extending a distance of one mile or more, or 100 kV or more , including associated equipment; and (ii) less than 125 kV, extending a distance of ten miles or more, including associated equipment. Do not include any such transmission line located wholly underground in NYC.

RAPID Act & Article VIII Basics

- **Analogous Provisions to Articles VII and 10 Incorporated into the Proposed Regs**
  - ***Intervenor Funding***: Like Article VII and 10, the applicant must deposit same fees as required under Article VII (dependent on kV and distance) or Article 10 ($1,000 per $1,000 kW of capacity), although made subject to inflation.
  - ***Application of Local & Other State Law***: One-stop permitting law. Local and other State permitting and other procedural requirements are preempted; all State and local substantive laws must be applied; exception: substantive local law requirements are subject to waiver if deemed "unreasonably burdensome *in view of the CLCPA targets and environmental benefits*" of the facility and, in the case of electric transmission, the public need for the facility.
  - ***Deadline for permitting decision – one year from completeness determination:*** similar to Article 10.

RAPID Act & Article VIII Basics

- **Key Features Unique to Article VIII Incorporated into the Proposed Regs**
  - ***Executive Director:***
    - ORES acts by and through an Executive Director (§ 3-c[2][a], [b])
      - Final agency decision maker on Article VIII applications
      - Replaces PSC (Article VII) and the Article 10 Siting Board
    - Powers: authorized to conduct hearings and dispute resolution proceedings, issue permits, and adopt rules and regulations (§ 3-c[2][c]).
    - Hearings and dispute resolution proceedings conducted by Exec. Dir. or delegee of Exec. Dir. (§ 140[4] [generation]; § 141[4] [transmission])

  - ***Siting Permit requirement:***
    - Establishes a siting permit requirement for MRE and MET facilities subject to Article VIII.
    - Replaces the Article VII and 10 siting certificates.

Application of Uniform Standards & Conditions

- **PSL §§ 138, 139**: To streamline the process, each application would be subject to uniform standards and conditions – analogous to ORES's existing authority.
  - All permits would include **uniform standards and conditions** to address those environmental impacts that are common to each type of MRE facility, or to MET projects. PSL §§ 138(1)(a), (b); 139(1)(a), (b).
  - USCs "shall be designed to avoid or minimize, to the maximum extent practicable, any potential significant adverse environmental impacts . . ." PSL §§ 138(1)(b); 139(1)(b).
  - ORES shall identify those site-specific adverse environmental impacts, if any, that may be caused or contributed to by a specific proposed project that "are unable to be addressed by the uniform standards and conditions" and develop **site-specific conditions** to avoid or mitigate those impacts "taking into account the CLCPA targets and the environmental benefits" of the facility and, in the case of transmission, the public need for the facility. PSL §§ 138(1)(c); 139(1)(d).

RAPID Act & Article VIII Basics

- **Key Features Unique to Article VIII Incorporated into the Proposed Regs**
  - ***Pre-hearing administrative review of applications:***
    - Similar to DEC's permit application review pursuant to the Uniform Procedures Act (ECL article 70; 6 NYCRR Part 621)
  - ***Draft siting permit:***
    - Draft siting permit to include: (1) uniform standards and conditions, and (2) site-specific permit terms and conditions to address site-specific environmental impacts not addressed by uniform standards and conditions.
  - ***Adjudicatory hearings limited to "substantive and significant" issues*** regarding the application and draft siting permit. Similar to DEC's permit hearing procedures under the Uniform Procedures Act (ECL article 70; 6 NYCRR Part 624)

RAPID Act & Article VIII Basics

- **Key Features Unique to Article VIII Incorporated into the Proposed Regs**
  - ***Municipal and community involvement***
    - Pre-application consultation
    - Municipal statement of local law compliance
    - **Landowner statement challenging need (transmission):** ORES must provide any landowner "for which the applicant lacks a right-of-way agreement . . . with an opportunity to challenge the explanation for the public need given in" the application. *Id. § 143(6).*
    - ***Host community benefit (generation):***
      - Final permit to require permittee to provide a host community benefit, as determined pursuant a program established by the PSC pursuant to the Accelerated Renewable Energy Act, or as determined by ORES, or as subsequently agreed to between applicant and the host community.

Statutory Findings

- **Limited findings:** A siting permit may only be issued if the Office makes a finding that the proposed project, together with any applicable provisions of the uniform standards and conditions (USCs), necessary site-specific conditions, and applicable compliance filings:
  - complies with Public Service Law article VIII and applicable provisions of the Office's regulations;
  - complies with substantive provisions of applicable State laws and regulations;
  - complies with substantive provisions of applicable local laws and ordinances, except those provisions the Office has elected not to apply based on a finding that they are unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the facility;
  - avoids, minimizes, or mitigates to the maximum extent practicable potential significant adverse environmental impacts of the facility; and
  - achieves a net conservation benefit with respect to any impacted threatened or endangered species.
- **Transmission facilities -- finding of "Public Need"**: Article VIII requires ORES "to identify and make public the basis of the public need for a major electric transmission facility *in a written finding* . . ." PSL § 139(3). Replaces the public need finding required by the Eminent Domain Procedure Law article 2.

Interaction with PSL Article VII

- **PSL § 139(1)(a), (e)**: PSL Article VII remains applicable to the siting of major transmission facilities until "uniform standards and conditions" and other Article VIII requirements are adopted by ORES.
- **PSL § 3-c(2)(d)**: All existing Certificates of Environmental Compatibility & Public Need issued by the Commission pursuant to PSL Article VII "shall be considered for all legal purposes to be permits issued by ORES."
- **Opt Into Article VIII/PSL § 139(6)**: After ORES issues new regulations implementing Article VIII for major electric transmission facilities, pending Article VII applications may "opt in" to Article VIII by filing an application pursuant to those implementing regulations.

Overview of Proposed RAPID Act Regulations

PSL Article VIII Rulemaking

- **Structure of the Proposed Regulations**: The proposed RAPID Act regulations are in three Parts:

  - **Part 1100: General Procedures**.
    - Provides the general procedures applicable to both MRE and MET facility siting.

  - **Part 1101: Major Renewable Energy Facility Siting.**
    - Provides the MRE facility specific pre-application requirements, application exhibits, uniform standards and conditions, and compliance filing requirements.

  - **Part 1102: Major Electric Transmission Facility Siting.**
    - Provides the MET facility specific pre-application requirements, application exhibits, uniform standards and conditions, and compliance filing requirements.

Overview of Proposed Part 1100: General Procedures

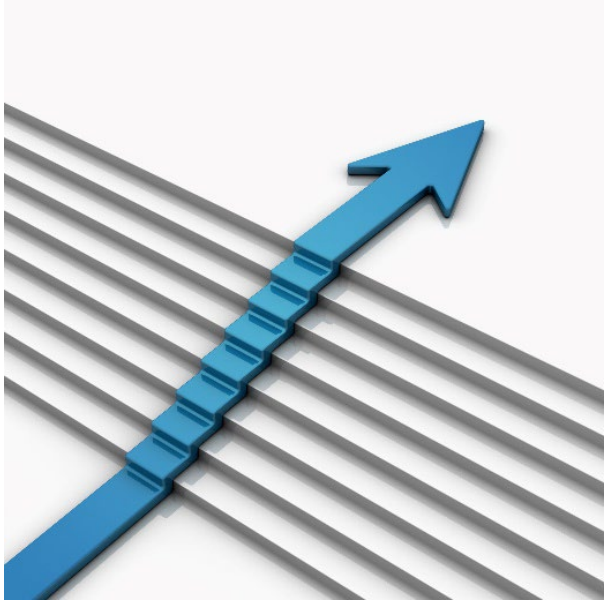
Part 1100 – General Procedures

- ***Applicable to both generation and electric transmission facilities***

- ***Based on the former Executive Law § 94-c regulations at 19 NYCRR part 900 (now 16 NYCRR part 1100).***
  - Part 900 was based in turn on DEC's Uniform Procedures Act (UPA) regulations:
    - 6 NYCRR part 621 (Uniform Procedures)
    - 6 NYCRR part 624 (Permit Hearing Procedures)

Subpart 1100-1.3. Pre-Application Procedures

- Pre-application is a **key component** of accelerating the permitting process because there is no formal settlement and no post-completeness discovery unless a hearing is required
- **Frontloads consultation** with the ORES and other **stakeholders**
- **Early identification** of resources is crucial to the permitting process and accelerates all subsequent steps.
- **Well-established** in the generation regulations and through Article VII practice, especially for new rights-of-ways and off-shore wind projects
- Can **accelerate** other processes (e.g., federal permitting)



Pre-Application Public Participation

- Mandatory consultations with municipalities are required consistent with Part 900/94-c and with Article VII practice, the application must include a description of the results of consultation
- Mandatory pre-application meetings with community members required consistent with Part 900/94-c; including meetings in any disadvantaged community identified in the project study area
- Mandatory consultations with indigenous nations; meets RAPID Act statutory requirement

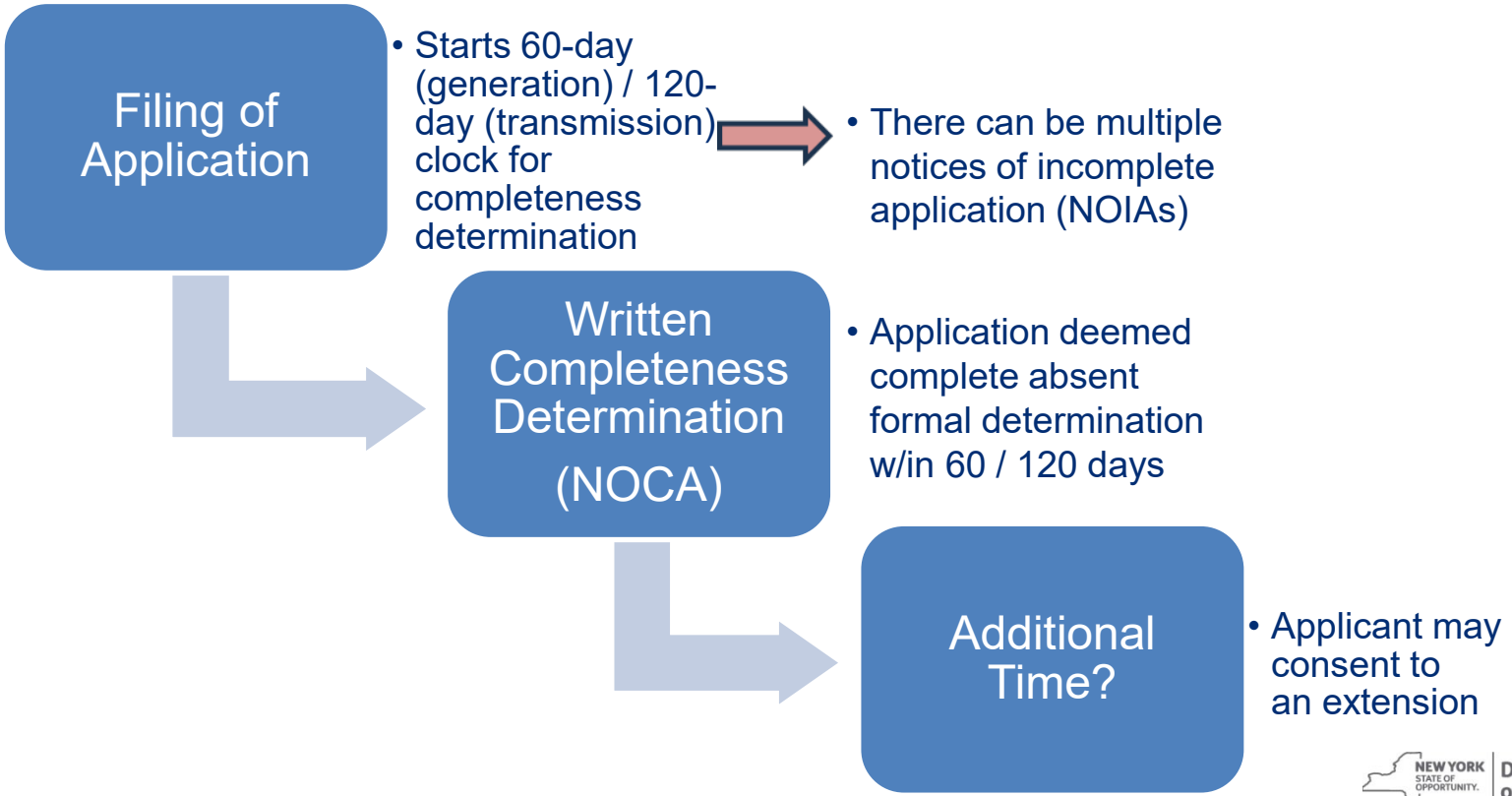
Part 1100 – General Procedures

- ***General Application Requirements***

  - Subpart 1100-2. Application Exhibits
    - Specified in Part 1101 – Generation (25 exhibits) and Part 1102 – Transmission (29 exhibits)
    - Many exhibits contain standards and conditions
    - Some exhibits constitute the regulations implementing State law for application under Article VIII (e.g. generation exhibit 14 implements the State Freshwater Wetlands Act).

  - Local Agency Account Fund (LAAF) and Application Review Fee; LAAF Award
    - LAAF Award issued by assigned Administrative Law Judge (ALJ)
    - At least 75 percent of the award is reserved for municipalities and local agencies.

Completeness Determination (PSL §§ 142(1); 143(1))



Expedited Review (PSL §§ 142; 143)

Completeness Determination

- Starts 60-day clock to publish draft siting permit
- Starts 1-year clock to issue final permit decision (unless applicant agrees to extension)

Issuance of Draft Permit

- Starts minimum of 60-day public comment period

- Time by which municipality submits statement of local law compliance

Adjudicatory Hearing?

- Upon a party status petitioner raising "a substantive and significant issue"

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Subpart 1100-8 – Hearing Process

- ***Public Comment Period and Public Comment Hearings***
  - Minimum 60-day comment period on applications
  - In-person public comment hearing conducted in location of project

Subpart 1100-8 – Hearing Process

- ***Issues Conference***
  - Purpose – To limit and define subject matter of adjudicatory hearing and determine party status; similar to summary judgment, but without evidentiary proof.
  - Parties -- ORES staff, applicant, and any person filing a petition for party status (municipalities, local agencies, and community intervenors)
  - Factual disputes between ORES staff and applicant subject to adjudication
  - Party status petitioners must raise a "substantive and significant" factual for adjudication
  - Legal issues not dependent on disputed fact issues resolved at issues conference without regard to party status.
  - Outcome: Ruling of the ALJ on issues and party status; order of disposition if no substantive and significant fact issues are identified for adjudication
  - Issues ruling subject to appeal to the Executive Director
- ***Settlement:*** no formal settlement procedures; parties may resolve any or all issues among themselves and thereby avoid further litigation or a decision by the ALJ or Executive Director.

Subpart 1100-9 – Final Decision on Application

- ***Timelines:***
  - Within 6 months of application completeness for an MRE facility application if the proposed site is a repurposed site as defined by Part 1100; or
  - Within 1 year of application completeness for all other MRE facilities or MET facilities.
- ***Findings:*** A siting permit may only be issued if the Office makes a finding that the proposed project, together with any applicable uniform standards and conditions, necessary site-specific conditions, and applicable compliance filings:
  - complies with Public Service Law article VIII and Parts 1100, 1101, and 1102;
  - complies with substantive provisions of applicable State and local laws and regulations, except any local law or ordinance ORES has elected not to apply, in whole or in part, based on a finding that, as applied to the proposed facility, is unreasonably burdensome in view of the CLCPA targets and the environmental benefits of the facility and, in the case of a major electric transmission facility, the public need for the proposed project;
  - avoids, minimizes, or mitigates to the maximum extent practicable potential significant adverse environmental impacts of the facility;
  - achieves a net conservation benefit with respect to any impacted threatened or endangered species; and
  - for a major electric transmission facility, demonstrates a qualified public need, and is in the public and ratepayer interest.
  - In making the required findings, the Office shall consider the CLCPA targets and the environmental benefits of the project and, in the case of a major electric transmission facility, the public need for the proposed project.

Subpart 1100-10 – Compliance Filings

- ***Procedures for pre-construction and post-construction compliance filings***
  - Borrowed from 900/94-c, Article 10 and Article VII practice
  - Incorporates Article VII's Environmental Management and Construction Plan (EM&CP)
  - Allows permittees to finalize plans and other necessary approvals before ORES issues notices to proceed with construction

Overview of Proposed Part 1101: Major Renewable Energy Facility Siting

Part 1101 – Major Renewable Energy (MRE) Facility Siting

- Part 1101 contains the pre-application requirements, application exhibits, USCs, and compliance filing requirements from Part 900.
- Pre-application requirements (subpart 1101-1): In addition to subpart 1100-3 consultations and other requirements:
  - Wetland delineations
  - Water recourses and aquatic ecology
  - NYS threatened or endangered species
  - Cultural resources
  - Visual impacts consultation with ORES

  Pre-application data needs can be completed via desktop survey
- Application exhibits (subpart 1101-2):
  - 25 application exhibits
  - Revisions to application exhibit 15: Agricultural Resources to comply with statutory requirements
  - Implementation of DEC's new freshwater wetland protection program

Part 1101 Application Exhibits: Part 900 Model

Exhibit 1: General Information and Overview

Exhibit 2: Public Involvement

Exhibit 3: Location of Facilities and Surrounding Land Use

Exhibit 4: Real Property

Exhibit 5: Design Drawings

Exhibit 6: Public Health, Safety, and Security

Exhibit 7: Noise and Vibration

Exhibit 8: Visual Impacts

Exhibit 9: Cultural Resources

Exhibit 10: Geology, Seismology, and Soils

Exhibit 11: Terrestrial Ecology

Exhibit 12: NYS Threatened or Endangered Species

Exhibit 13: Water Resources and Aquatic Ecology

Exhibit 14: Wetlands

Exhibit 15: Agricultural Resources

Exhibit 16: Effect on Transportation

Exhibit 17: Consistency with Energy Planning Objectives

Exhibit 18: Socioeconomic Effects

Exhibit 19: Disadvantaged Communities and Environmental Justice

Exhibit 20: Effect on Communications

Exhibit 21: Electric System Effects and Interconnection

Exhibit 22: Electrical and Magnetic Fields

Exhibit 23: Site Restoration and Decommissioning

Exhibit 24: Local Laws and Ordinances

Exhibit 25: Other Permits and Approvals

Part 1101 – Major Renewable Energy (MRE) Facility Siting

- Uniform standards and conditions (USCs) (subpart 1101-3):
  - Carried over from Part 900; based on PSL Article 10 precedent and certificates
- Pre-construction compliance filings (subpart 1101-4):
  - Environmental management and construction plan (EM&CP)
- Post-construction compliance filings (subpart 1101-5)

Overview of Proposed Part 1102: Major Electric Transmission Facility Siting

Part 1102 Regulatory Highlights

- Transmission USCs blend Part 900/94c permitting and Article VII certificate precedent:
  - **No "new" substantive requirements of USCs are proposed, and proposed USCs** are based entirely on Article VII certificate condition precedent
  - Where Part 900 and Article VII had similar conditions or other requirements, Part 900 language was used to the extent practicable – this language has already been vetted through the rulemaking process.

Part 1102 Regulatory Highlights

- **Other Regulatory Considerations**
  - All pre-application work can be completed via desktop survey, but there is an option to perform fieldwork where land rights exist
  - Defines transmission project types, including:
    - Substantially within existing right-of-way
    - In-water facilities
  - Recognizes that transmission projects involve underground and overhead components, which would have very different impacts
  - Identifies “off-ramps” for certain types of projects.
  - Includes statutorily required exhibit elements

Pre- Application: Following Part 900 Model

- (a) Consultation with Municipalities
- (b) Landowner Notification
- (c) Consultation with Indigenous Nations
- (d) Documentation
- (e) Notice
- (f) Wetlands and Surface Waters
- (g) NYS Threatened or Endangered Species
- (h) Cultural Resources
- (i) Visual Resources
- (j) Agricultural Resources
- (k) In-Water Facilities
- (l) Corridor Selection

- Formalize Part 900/94c practice for transmission (e.g., Documentation, Visual Resources Consultation)
- Includes transmission-specific requirements (e.g., In-Water Facilities, Corridor Selection)
- Meets RAPID Act statutory requirements (e.g., Agricultural Resources, Consultation with Indigenous Nations)

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Part 1102 Pre-Application Work

- All pre-application data needs can be completed via desktop survey
  - Consistent with Art VII practice, if additional site-specific data is available, it can inform pre-application.
  - There is an option to perform fieldwork where land rights exist.
- **Fieldwork** not completed during pre-app would be **required at EM&CP phase** (e.g., T&E species surveys, archaeological survey).
  - Draft Take Determination included in the application may be over-inclusive (conservative) in many cases where field surveys are not conducted
  - Requirements consistent with DEC's new regulations (effective January 2025), which delineates wetlands using remote data.

Corridor Selection/Alternatives Analysis

- All applicants must consult with the ORES as early as possible regarding the preferred and reasonable alternative routes proposed to be included for analysis in the application, and the Office may require an alternative route be included for analysis in the application.
- For projects that meet one or more of the following criteria, only the above consultation on alternatives is required in pre-app:
  - Portions of a facility that would be constructed entirely or substantially within existing ROWs.
  - Facilities that would not result in any significant adverse impacts, considering current uses and conditions at the site.
  - Facilities where expansion of existing ROW is necessary to comply with law, regulations, or industry standards relating to EMF.

Alternative Route Scoping Process

- For projects that do not meet any of those 3 criteria, the Office would conduct an alternative route scoping analysis.
- At least 6 months before application is filed, applicant must conduct pre-app meeting(s) with municipalities in which facility would be located to, among other things, identify reasonable alternative routes for study and consideration.
- Process would allow relevant stakeholders or potential parties to propose reasonable alternatives for analysis in the application. However, if party fails to raise a proposed alternative at this point, it would be barred from raising proposed alternative during any hearing process.
- Process would allow applicant to respond to request to consider additional routes and authorizes Staff issue determination specifying alternative routes that must be presented and analyzed in the application.

Part 1102 Application Exhibits

- Includes topic areas (application exhibits) that are particular to transmission: corridor selection/ alternatives analysis
- Preliminary Description of Construction Practices
- Cost of Proposed Facility
- Public Need for Facility
- In-Water Facilities
- Prescriptive language reduced (e.g., removes mitigation ratios for grassland bird impacts, removes stream mitigation)
- Guidance proposed in place of some prescriptive language (e.g., Wetland Mitigation, Noise)

Part 1102 Application Exhibits: Part 900 Model

Exhibit 1: General Information and Overview

Exhibit 2: Public Involvement

Exhibit 3: Location of Facilities and Surrounding Land Use

Exhibit 4: Real Property

Exhibit 5: Route Selection and Alternatives Analysis

Exhibit 6: Design Drawings

Exhibit 7: Preliminary Description of Construction Practices

Exhibit 8: Public Health, Safety, and Security

Exhibit 9: Noise and Vibration

Exhibit 10: Visual Impacts

Exhibit 11: Cultural Resources

Exhibit 12: Geology, Seismology, and Soils

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Exhibit 14: NYS Threatened or Endangered Species

Exhibit 15: Water Resources and Aquatic Ecology

Exhibit 16: Wetlands

Exhibit 17: In-Water Facilities

Exhibit 18: Agricultural Resources

Exhibit 19: Effect on Transportation

Exhibit 20: Cost of Proposed Facility

Exhibit 21: Public Need

Exhibit 22: Socioeconomic Effects

Exhibit 23: Disadvantaged Communities and Environmental Justice

Exhibit 24: Effect on Communications

Exhibit 25: Electric System Effects and Interconnection

Exhibit 26: Electrical and Magnetic Fields

Exhibit 27: Site Restoration and Decommissioning

Exhibit 28: Local Laws and Ordinances

Exhibit 29: Other Permits and Approvals

Part 1102 Uniform Standards & Conditions

- Transmission USCs primarily based on Article VII certificate conditions
  - Language from Part 900 USCs used for substantively similar impacts due to previous vetting and rulemaking.
- Site-specific conditions would be considered and proposed on a project-specific basis, as appropriate.
- Expiration date for permit 2 years from issuance to start of construction.
  - Article VII has 2 years to start of construction
  - Added extension and Force Majeure

Compliance (EM&CP) Filings

- EM&CP requirements primarily based on Article VII Certificate conditions, EM&CP specifications and other requirements. Pulled into a single, comprehensive EM&CP section for easier application.
- Applicant Option: Allows for submittal of a Draft EM&CP between Draft Permit and Final Permit. Would be entirely or partially approved as part of Final Permit.
- Approval of the EM&CP by ORES (Part 900 method).
- Minor Changes “approved” via written “determination” of a Minor Change by the Office. All other changes determined to be Permit Modification.
- Allowance to issue conditional Notice to Proceed (NTP) so that, for instance, crossing agreements/ Unknown CI can be finalized after NTP. Maintains approach of issuing EM&CPs for larger projects divided into segments.

Questions?