

Consolidated Edison Company of New York, Inc.

M29 Transmission Line Project

Exhibit 8

Other Pending Filings

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
EXHIBIT 8: OTHER PENDING FILINGS	8.1
8.1 New York State Department of Transportation – Utility Work Permit	8.1
8.2 United States Army Corps of Engineers – Section 10 Permit	8.1
8.3 New York State Department of Environmental Conservation – SPDES Permit for Construction Stormwater	8.2
8.4 New York State Department of State – Coastal Zone Consistency Determination.....	8.2
8.5 Metropolitan Transit Authority – Utility License Agreement	8.3
8.6 New York City Department of Environmental Protection, Bureau of Water Supply Lands	8.4

EXHIBIT 8: OTHER PENDING FILINGS

This Exhibit addresses the requirements of 16 NYCRR §86.9.

This Exhibit identifies and describes known pending applications or filings, if any, of the Applicant, or others, related to the subject matter of this Application as filed with the Commission.

In conjunction with the design, construction and operation of the proposed facilities, Con Edison will seek certain permits from federal and other New York State agencies. These regulatory approvals are discussed below.

8.1 New York State Department of Transportation – Utility Work Permit

Construction of the proposed M29 transmission line will require a Utility Work Permit from the New York State Department of Transportation (“NYSDOT”) for installation of utilities (i.e., the proposed M29 transmission line) within or adjacent to State highway rights-of-way. Roadways under the jurisdiction of the NYSDOT along the proposed transmission route include: Tuckahoe Road (between the New York State Thruway and Saw Mill River Road), Nepperhan Avenue (between Lake Avenue and Broadway) and Riverdale Avenue (within the City of Yonkers). Accordingly, Con Edison will be filing a Utility Work Permit application with the NYSDOT for the Project. Con Edison will fully comply with the requirements set forth in any NYSDOT Highway Crossing Permit and Utility Work Permit issued for the Project. The Applicant would also comply with all applicable New York State traffic control standards to provide for the maintenance and protection of traffic along the affected state roads.

8.2 United States Army Corps of Engineers – Section 10 Permit

The installation of the M29 transmission line beneath the Harlem River via **a new tunnel will likely** require a Department of the Army Permit from the U.S. Army Corps of Engineers (“USACE”) **under Section 10 of the Rivers and Harbor Act, which pertains to navigable waters.** Accordingly, Con Edison **will submit** a Joint Permit Application Form and supporting materials to the USACE **to ensure** that the construction of the proposed **tunnel and** transmission line under the Harlem River **protects the navigation interests in the Harlem River.**

In accordance with Article VII of the Public Service Law, this Article VII application also includes a request to the New York State Public Service Commission for a Water Quality Certificate in accordance with Section 401 of the Clean Water Act.

8.3 New York State Department of Environmental Conservation – SPDES Permit for Construction Stormwater

Construction activities along the proposed route and at the Sprain Brook Substation will entail disturbance of greater than one acre. Under these conditions, New York State law requires that stormwater discharge(s) from the construction(s) be covered under a State Pollutant Discharge Elimination System (“SPDES”) permit issued in accordance with New York State Environmental Conservation Law Article 17. Con Edison will seek coverage under the State’s General Permit for Stormwater Discharges from Construction Activities (GP-02-01). Con Edison will prepare a Construction Stormwater Pollution Prevention Plan (which will be included in the Project’s Environmental Management and Construction Plan (“EM&CP”) to address construction-related activities for the Project that will demonstrate compliance with applicable New York State standards and adherence to guidelines for stormwater management.

8.4 New York State Department of State – Coastal Zone Consistency Determination

Portions of the Project are located within the designated New York State Coastal Zone. Accordingly, the Project will require a Federal Coastal Consistency Certification and a New York State Coastal Management Program (“CMP”) consistency finding under the coastal zone management program. The federal action under consideration would be issuance of an NWP by USACE for **tunne**ling activities under the Harlem River. The New York State actions under consideration would be issuance of certain permits, certifications and licenses to be issued by the Commission under PSL Article VII, NYSDOT, and NYSDEC.

The CMP was established in 1981 by the Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and is administered by the New York State Department of State (“NYSDOS”), under the authority of the Federal Coastal Zone Management Act of 1972 (“CZMA”). The principal function of the CMP is to provide a framework for government decision-making in the coastal area. The Coastal Management Program is based on 44 policies which can be grouped into ten categories that address: 1) Development; 2) Fish and Wildlife; 3) Flooding and Erosion; 4) Public Access; 5) Recreation; 6) Historic Resources; 7) Visual Quality; 8) Agricultural Lands; 9) Energy and Ice Management; and 10) Water and Air Resources.

Article 42 of the Executive Law requires state agency actions within the coastal zone to be undertaken in a manner that is consistent with the State's coastal area policies, or a State approved Local Waterfront Revitalization Program ("LWRP"). A LWRP is a refinement of the State's coastal policies, developed jointly by the State and a municipality. Land development and related activities in New York's coastal area which involve state agency direct action or funding, or requiring state permits must be consistent with the coastal policies in Article 42 or an LWRP.

The Project will be located in the coastal zone within the Cities of Yonkers and New York. The City of Yonkers is in the process of drafting a Waterfront Revitalization Plan; therefore, in the absence of an approved local plan, the proposed Project actions within the City of Yonkers will be reviewed for consistency with policies contained within the CMP. The City of New York has an approved LWRP. On May 20, 2002, the New York State Secretary of State approved the New Waterfront Revitalization Program ("NWRP") as New York City's official LWRP.

Consistency review for federal actions with the CMP is undertaken by the NYSDOS Division of Coastal Resources. Consistency review for State and local actions is typically undertaken by the agency conducting the action. However, in the case of the proposed transmission facilities, coordinated review is undertaken pursuant to Article VII of the Public Service Law, and the consistency finding will be made by the NYSPSC. As demonstrated in the coastal zone consistency assessment included as Appendix C of this Application, the Project is consistent with and will not preclude the coastal zone management goals contained within the CMP or the New York City NWRP.

8.5 Metropolitan Transit Authority – Utility License Agreement

The installation of the M29 transmission line beneath the Metropolitan Transit Authority ("MTA") Metro-North Railroad right-of-way via a new tunnel will require a Utility License Agreement with the MTA. The MTA's review of the proposed crossing would focus on engineering and safety issues associated with the crossing's design. The MTA would require the crossing to be designed to comply with local laws as well as MTA standards, including minimum cover requirements from top of the pipe-type cable for the width of the right-of-way. Con Edison will fully comply with the requirements set forth in any MTA agreement issued for the Project. As the proposed tunneling activity will cross well below the railway, construction activities in support of the Project are not anticipated to disrupt rail operations.

8.6 New York City Department of Environmental Protection, Bureau of Water Supply Lands

As described in the Application, the Project transmission line will cross the City of New York's Croton and New Croton Aqueducts. For the crossing of the New Croton Aqueduct, the transmission line would be mounted on the underside of the Tuckahoe Road Bridge. For the crossing of the Croton Aqueduct, the transmission line will either be mounted on the underside of the existing Nepperhan Avenue Bridge, which crosses both the Saw Mill River and the aqueduct, or located within the roadway bed of the bridge. As a consequence, the installation of the transmission line will not directly impact either aqueduct. However, Con Edison anticipates submitting a revocable permit application for each proposed crossing to the NYCDEP, Bureau of Water Supply. During construction of the proposed transmission facility, Con Edison will implement best management practices and approved soil erosion and sedimentation control measures to ensure that there will be no stormwater impacts from Con Edison's activities on NYCDEP property.