

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on August 15, 2024

COMMISSIONERS PRESENT:

Rory M. Christian, Chair  
David J. Valesky  
John B. Maggiore  
Uchenna S. Bright  
Denise M. Sheehan  
Radina R. Valova

CASE 10-T-0139 - Application of Champlain Hudson Power Express,  
Inc. for a Certificate of Environmental  
Compatibility and Public Need Pursuant to  
Article VII of the PSL for the Construction,  
Operation and Maintenance of a High Voltage  
Direct Current Circuit from the Canadian Border  
to New York City

ORDER APPROVING ENVIRONMENTAL MANAGEMENT AND CONSTRUCTION PLAN  
FOR SEGMENT 20A SUBJECT TO CONDITIONS

(Issued and Effective August 19, 2024)

BY THE COMMISSION:

INTRODUCTION AND BACKGROUND

On April 18, 2013, the Public Service Commission  
(Commission) issued a Certificate of Environmental Compatibility  
and Public Need (CECPN or Certificate)<sup>1</sup> to Champlain Hudson Power  
Express, Inc. and CHPE Properties, Inc. (CHPE or Certificate

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<sup>1</sup> Case 10-T-0139, Order Granting Certificate of Environmental  
Compatibility and Public Need (issued April 18, 2013) (CECPN  
Order).

Holder).<sup>2</sup> The Certificate authorizes the construction, operation, and maintenance of a High Voltage, Direct Current transmission line extending approximately 330 miles from the New York/Canada border to a converter station in Astoria, Queens known as the Champlain Hudson Power Express Project (Project or Facility) pursuant to the requirements of Article VII of the Public Service Law (PSL). Since its approval in 2013, the Commission has approved multiple amendments to the Certificate.

The Certificate Conditions contain several requirements for compliance, including a requirement that the Certificate Holders submit for public review and Commission approval an Environmental Management and Construction Plan (EM&CP) detailing the Facility design, construction and maintenance plans, and environmental controls in accordance with the EM&CP Guidelines set forth in Appendix E to the Certificate.<sup>3</sup>

The Certificate provides flexibility for the Certificate Holders to develop the Facility in segments in order to facilitate construction sequencing and scheduling.<sup>4</sup> As such, as proposed and subsequently authorized by the Commission, the Project is being divided into several overland and marine

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<sup>2</sup> For the purposes of this Order, "Certificate Holders" represents both past and current Certificate Holders. In August 2020, CHPEI converted from a corporation (CHPEI) to a limited liability company (CHPE LLC) and received Commission approval to transfer its CECPN from CHPEI to CHPE LLC. See Case 20-E-0145, Petition of Champlain Hudson Power Express, Inc., CHPE Properties, Inc., and CHPE LLC for a Declaratory Ruling that a Series of Intra-Corporate Transactions are Not Transfers Subject to Review Under the Public Service Law or, in the Alternative, for Certain Approvals Pursuant to Sections 70 and 121 of the Public Service Law, Order Approving Transfers (issued July 17, 2020).

<sup>3</sup> CECPN Order, Certificate Conditions 6, 7, and 145 through 164.

<sup>4</sup> Id., Certificate Condition 6.

segments, which will be contained in separate design packages in the EM&CP filings.<sup>5</sup>

The Certificate Holders filed their proposed Segment 20A EM&CP on June 6, 2024. On July 24, 2024, the Certificate Holders filed revisions to the Segment 20A EM&CP. This Order only pertains to the Segment 20A EM&CP, as revised, which includes the installation of conduits via bulkhead penetration and duct bank construction at the interface of the Harlem River and on the northern shore of the Harlem River. Construction activities of this Segment will occur in the Harlem River and on property owned by the New York State Department of Transportation (NYSDOT), which is leased to private owners in the Port Morris neighborhood of the Bronx, Bronx County. The bulkhead penetration work includes installation of approximately 60 feet of high-density polyethylene (HDPE) conduits, use of a temporary cofferdam, and on-water support from the Harlem River; the tie-in of HDPE conduit to the transition vault work includes installation of approximately 125 feet of HDPE conduit.

PUBLIC NOTICE

The Certificate Holders filed their proposed Segment 20A EM&CP on June 6, 2024. On July 24, 2024, the Certificate Holders filed revisions to the Segment 20A EM&CP. Public notice of the Segment 20A EM&CP filings for review and comment was served on each party on the Service List and on residents, businesses, and building, structure, and facility owners; owners of co-located infrastructure whose facilities, properties, and/or structures are within the geographic scope of that portion of the EM&CP that may be impacted; and was also made

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<sup>5</sup> See the Segment 20A EM&CP Narrative (filed June 6, 2024), Table 1.1 for a schedule of approved and anticipated EM&CP filings.

available at the public repositories listed on the Service List, in accordance with Certificate Conditions 151 through 155. As further required by Certificate Conditions 153 and 155, the Certificate Holders published notice in local newspapers of general circulation for nearby locations of proposed construction activities in Segment 20A. In accordance with Certificate Conditions 153 and 155, on July 30, 2024, the Certificate Holders filed the affidavits of service and proofs of publication.

The 30-day comment period, required by Certificate Condition 155(a)(8), ended on July 6, 2024, for the Segment 20A EM&CP. No public comments have been filed regarding Segment 20A.

Staffs of the Department of Public Service (DPS) and the Department of Environmental Conservation (NYSDEC) provided informal comments and recommendations and took part in technical meetings with the Certificate Holders.

This Order approves the Segment 20A EM&CP, as revised, so that the Certificate Holders may begin the bulkhead penetration work and the tie-in of HDPE conduit to the transition vault work.

#### THE EM&CP, COMMENTS AND RESPONSES

The Certificate Holders' Segment 20A EM&CP, as filed on June 6, 2024, and revised on July 24, 2024, provides both typical and site-specific techniques, procedures, and requirements to be followed in development of the Project by the Certificate Holders to ensure environmental impacts avoidance, minimization, and mitigation. The Segment 20A EM&CP identifies and defines the scope of work relevant to this construction phase which includes penetration of an existing bulkhead and installation of approximately 60 feet of HDPE conduits, use of a

temporary cofferdam, and on-water support from the Harlem River, and the tie-in of HDPE conduit to transition vault (Transition Vault 5); such tie-in includes approximately 125 feet of HDPE installation. It should be noted that the installation of Transition Vault 5, which shall be utilized as the termination for the HDPE proposed in EM&CP Segment 20A, was approved through an Order of the Commission on October 12, 2023.<sup>6</sup> Therefore, overland construction at and beyond Transition Vault 5 is not associated with this EM&CP Segment 20A. Furthermore, according to CHPE, EM&CP Segment 20B, to be filed hereafter, will detail the installation of submarine HVDC cables in the Harlem River, and shall also include pulling of the cables through the HDPE conduits (installed as part of EM&CP Segment 20A), to Transition Vault 5. Accordingly, the pulling of cables through the HDPE conduit and activities related to submarine cable installation in the Harlem River are not detailed in EM&CP Segment 20A. Activities of Segment 20A will be done within the Harlem River and in an industrial area in the Port Morris neighborhood of the Bronx.

The standards for the EM&CPs are described in the Joint Proposal and its appendices, particularly the Certificate Conditions (Appendix C of the Certificate), EM&CP Guidelines (Appendix E of the Certificate) and the Best Management Practices (BMPs) (Appendix F to the Certificate).

DPS Staff

DPS Staff reviewed the Segment 20A EM&CP and provided informal comments and recommendations and took part in technical meetings with the Certificate Holders and their consultants.

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<sup>6</sup> Case 10-T-0139, Order Approving Environmental Management and Construction Plan for Segments 13, 14, and 15 Subject to Conditions (issued October 12, 2023).

DPS Staff suggested revisions to the EM&CP design plans and other parts of the EM&CP primarily with respect showing compliance with certain Certificate Conditions, proof of NYSDOT acceptance of bulkhead design, explanation of the role of the designated construction inspector, CHPE's and contractor's responsibilities related to overall construction, and identification of disposal sites.

The Commission is advised that the Certificate Holders adequately addressed all of DPS Staff's comments relating to the Segment 20A EM&CP, as filed on June 6, 2024, and revised on July 24, 2024.

NYSDEC Staff

NYSDEC Staff reviewed the Segment 20A EM&CP and provided informal comments and recommendations and took part in technical meetings with the Certificate Holders and their consultants. NYSDEC Staff provided informal comments on the EM&CP design plans and other parts of the EM&CP, primarily with respect to invasive species, general dewatering practices, lighting provisions, dredging and cofferdam installation methods, methodology for bulkhead penetration, methodology for trenching-duct bank tie-in and the Stormwater Pollution Prevention Plan.

The Commission is advised that the Certificate Holders adequately addressed all of NYSDEC Staff's comments relating to the Segment 20A EM&CP, as filed on June 6, 2024, and revised on July 24, 2024.

DISCUSSION AND CONCLUSION

As noted above, DPS and NYSDEC Staff raised various concerns and suggestions regarding the details of the proposed Segment 20A EM&CP. The Certificate Holders incorporated and

resolved the agencies' feedback in their July 24, 2024 revisions to the EM&CP filings.

Based upon its review, DPS Staff advises that the Segment 20A EM&CP complies with the applicable Certificate Conditions and adheres to the EM&CP Guidelines and BMPs included as Appendix E and Appendix F to the Certificate, respectively.

Upon review, the Commission finds that the Certificate Holders have adequately addressed the concerns, raised by DPS and NYSDEC Staff. Based upon a review of all the documents submitted, responses received, and revised filings made by the Certificate Holders, the Segment 20A EM&CP for the Project, as revised, is approved subject to the conditions below.

The Commission orders:

1. The Environmental Management and Construction Plan regarding the installation of conduits via bulkhead penetration and duct bank construction at the northern shore of the Harlem River within the Port Morris neighborhood of the Borough of the Bronx, Bronx County (Segment 20A EM&CP) submitted by Champlain Hudson Power Express, Inc. and CHPE Properties, Inc. (Certificate Holders) on June 6, 2024, and revised on July 24, 2024, is approved subject to the following condition.

2. The Certificate Holders shall not commence construction until they have received a "Notice to Proceed with Construction" letter sent by the Chief of Environmental Certification and Compliance of the Office of Energy System Planning and Performance, or by a designee.

3. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS  
Secretary