

**STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**NOTICE OF EXTENSION OF DEADLINE FOR FILING  
PETITIONS FOR PARTY STATUS**

**Applicant:** Finger Lakes LPG Storage, LLC  
Two Brush Creek Boulevard, Suite 200  
Kansas City, MO 64112

**DEC Project Application Number:** 8-4432-00085

**Application:** Applicant Finger Lakes LPG Storage, LLC (applicant) proposes to construct and operate a new underground liquefied petroleum gas (LPG) storage facility for the storage and distribution of propane and butane on a portion of a 576-acre site located on NYS Routes 14 and 14A west of Seneca Lake in the Town of Reading, Schuyler County, and approximately 2.5 miles north of the Village of Watkins Glen. The storage facility will use existing underground caverns in the Syracuse salt formation created by US Salt (an affiliate of Finger Lakes) and its predecessors' salt production operations. The existing caverns are located near the western shore of Lake Seneca, and associated surface facilities would extend uphill to the west with compressors, brine ponds, and distribution operations along Route 14 south of the junction of Route 14A, and along Route 14A west of the intersection with Route 14.

Applicant has applied to the New York State Department of Environmental Conservation (Department) for an Underground Storage of Gas Permit pursuant to Environmental Conservation Law (ECL) article 23, title 13, and for an Air Facility Registration (6 NYCRR 201-4) for a proposed propane dryer at the facility. Applicant has also obtained coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (SPDES General Permit GP-0-08-001), and submitted updates to its Stormwater Pollution Prevention Plan through September 2012.

Although the Underground Storage of Gas Permit applied for is not subject to the Uniform Procedures Act (ECL article 70 and 6 NYCRR part 621), Department staff determined that the application was complete. A Notice of Acceptance of Draft SEIS and Public Hearing was published in the Department's electronic Environmental Notice Bulletin (ENB) on August 24, 2011 ([http://www.dec.ny.gov/enb/20110824\\_not8.html](http://www.dec.ny.gov/enb/20110824_not8.html)). On October 12, 2011, a Combined Notice of Complete Application, Notice of Acceptance of Draft Supplemental Environmental Impact Statement and Notice of Continuation of a Public Hearing dated October 5, 2011, was published in the ENB (<http://www.dec.ny.gov/permits/71619.html>).

Two legislative hearings on the application and DSEIS have already been conducted. Pursuant to the two notices, legislative hearings before an Administrative Law Judge (ALJ) were held on September 27 and November 3, 2011, for purposes of receiving comments from the public (see 6 NYCRR 624.4[a]). The period for public comments closed on November 14, 2011.

On November 10, 2014, Department staff issued a draft Article 23, Title 13 Underground Storage of Gas Permit with conditions for consideration in the issues conference. The draft permit is accessible on the Department's website at <http://www.dec.ny.gov/permits/71619.html>.

**Issues Conference:** By notice dated October 22, 2014 (accessible at <http://www.dec.ny.gov/enb/99319.html>), a pre-adjudicatory hearing issues conference pursuant to 6 NYCRR 624.4(b) is scheduled to be held on **Thursday, February 12, 2015, at 10:00 a.m., at the Holiday Inn Express, 2666 Corning Road, Horseheads, New York, 14845**. If needed, the Issues Conference will continue on Friday, February 13, 2015. The purpose of the issues conference is to determine party status for any person who has properly filed a petition (as indicated below) and to define the scope of issues, if any, that require adjudication with regard to the application before the Department. Please note that participation at the issues conference is limited to Department staff, applicant, and those persons requesting party status.

**Party Status:** Persons seeking to participate in the issues conference and any subsequent adjudicatory hearing must file a petition (a written statement) explaining whether the request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5(b)(1) and (2). To determine whether an issue is substantive, see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3). For the required contents of a petition seeking amicus status, see 6 NYCRR 624.5(b)(1) and (3).

**Please take notice that** the deadline for filing petitions for party status provided for in the October 22, 2014 notice has been extended from December 10, 2014 to **Friday, January 16, 2015**. All petitions for party status must be received at the Department's Office of Hearings and Mediation Services by 5:00 p.m. on Friday, January 16, 2015. Address all petitions to James T. McClymonds, Chief Administrative Law Judge, Office of Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, First Floor, Albany, New York 12233-1550, telephone: (518) 402-9003, email: [james.mcclymonds@dec.ny.gov](mailto:james.mcclymonds@dec.ny.gov).

Unless other arrangements have been made in advance, send copies of all petitions at the same time and in the same manner to counsel for Department staff: Lisa Schwartz, Esq., Assistant Regional Attorney, NYSDEC Region 8, Office of General Counsel, 6274 East Avon-Lima Road, Avon, New York, 14414-9516, telephone: (585) 226-5364, email: [lisa.schwartz@dec.ny.gov](mailto:lisa.schwartz@dec.ny.gov), and Jennifer Maglienti, Esq., 625 Broadway, 14th floor, Albany, New York, 12233, telephone: (518) 402-9507, email: [jennifer.maglienti@dec.ny.gov](mailto:jennifer.maglienti@dec.ny.gov); and to applicant's counsel: Kevin Bernstein, Esq., Bond Schoeneck & King, LLC, One Lincoln Center, Syracuse, New York 13202, telephone: (315) 218-8329, email: [kbernstein@bsk.com](mailto:kbernstein@bsk.com), and Robert Alessi, Esq., DLA Piper, 677 Broadway, Suite 1205, Albany, New York 12207-2996, telephone: (518) 788-9710, email: [robert.alessi@dlapiper.com](mailto:robert.alessi@dlapiper.com).

Filing of petitions by email is authorized provided petitions are received by all of the above parties by the 5:00 p.m. deadline, and a conforming hardcopy is sent by first class mail and postmarked by the deadline date. Telefaxed petitions will not be accepted.

Applicant and Department staff are authorized to file written responses to any petitions. Any responses must be received at the Department's Office of Hearings and Mediation Services by

5:00 p.m. on Monday, February 9, 2015. Responses should be sent at the same time and in the same manner to counsel for staff and applicant, and to all parties filing petitions for party status. No further written responses are authorized at this time. The filing of written responses is without prejudice to any revision or extension of comments by Department staff or applicant, or any reply by party status petitioners, at the issues conference.

For additional information about the project and document availability, see the October 22, 2014 notice at <http://www.dec.ny.gov/enb/99319.html>.

James T. McClymonds  
Chief Administrative Law Judge

November 18, 2014  
Albany, New York