

August 22, 2014

**VIA ELECTRONIC FILING**

Hon. Kathleen H. Burgess  
Secretary  
New York State Public Service Commission  
Three Empire State Plaza, 14<sup>th</sup> Floor  
Albany, New York 12223-1350

Re: Petition of Binghamton BOP LLC for an Order Granting a Certificate of Public Convenience and Necessity and Establishing a Lightened Regulatory Regime

Dear Secretary Burgess:

Enclosed for filing with the Public Service Commission please find the Petition of Binghamton BOP LLC for an Order Granting a Certificate of Public Convenience and Necessity and Establishing a Lightened Regulatory Regime

Please contact me if you have any questions.

Respectfully submitted,

COUCH WHITE, LLP

*Amanda De Vito Trinsey*

Amanda De Vito Trinsey

ADT/dp

Attachment

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**STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION**

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**PETITION OF BINGHAMTON BOP LLC FOR AN ORDER  
GRANTING CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY AND ESTABLISHING A LIGHTENED  
REGULATORY REGIME**

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Case 14-E- \_\_\_\_\_

**INTRODUCTION**

Binghamton BOP LLC (“Binghamton BOP”) owns the former Binghamton Cogeneration Plant located at 22 Charles Street in the City of Binghamton, New York (“Facility”). The Facility was retired in 2012 after due compliance with the Public Service Commission’s (“Commission”) generator retirement notice procedure.<sup>1</sup>

Binghamton BOP has determined that market conditions justify the addition of new electric generating facilities in New York. Accordingly, it plans to commence operations at the Facility later this year. Upon doing so, the Facility will constitute electric plant within the meaning of Public Service Law (“PSL”) § 2(12), and Binghamton BOP will become an electric corporation within the meaning of PSL § 2(13). Accordingly, Binghamton BOP respectfully requests that the Commission grant it: (i) a Certificate of Environmental Convenience and Necessity (“CPCN”) pursuant to PSL § 68 and 16 NYCRR §§ 21.1 and 21.10; and (ii) a lightened regulatory regime similar to that provided to other merchant owners of generating facilities.

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<sup>1</sup> Case 05-E-0889, Establishment of Policies and Procedures Regarding Generation Unit Retirements, Order Adopting Notice Requirement for Generation Unit Retirements (issued December 20, 2005); Notice of Intent to Discontinue Operations and Retire, filed by Standard Binghamton LLC, dated November 16, 2011.

## **PETITIONER**

Binghamton BOP is the owner of the Facility and all of its components. The land upon which the Facility is located is owned by Binghamton Land LLC, an affiliated company. Binghamton BOP and Binghamton Land LLC are limited liability companies organized under the laws of the State of Delaware,<sup>2</sup> and both companies are authorized to do business in the State of New York. Both are wholly-owned subsidiaries of Wellhead Equipment Leasing, LLC, which in turn is a wholly-owned subsidiary of Wellhead Electric Company, Inc. (“Wellhead”).

Wellhead has been in the electric generation business for over 20 years, and its principals have been involved in the electric industry for far longer. The Company owns, operates, and develops gas-fired power generation projects; its fleet presents consists of nine power plants in California and one in Oregon. It is developing a 624 megawatt gas-fired combined cycle generating facility in the San Francisco Bay Area.

Wellhead’s management and employees collectively have hundreds of years of experience in the operation of electric generating facilities. Through this experience, the Company is well-qualified to operate the Facility.

## **THE FACILITY**

The Facility has a nameplate rating of 47.7 MW. Before it was retired, it was capable of operating on natural gas or fuel oil. Going forward, Binghamton BOP intends to operate the Facility on natural gas, but it will preserve the option to use fuel oil. Binghamton BOP simultaneously is registering the Facility with the New York Independent System Operator, Inc.

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<sup>2</sup> A certified copy of Binghamton BOP’s formation documentation is provided in Exhibit A.

(“NYISO”) and will sell its output into the NYISO’s wholesale energy, capacity, and ancillary services markets.

Binghamton BOP acquired the Facility from Standard Binghamton, LLC in 2012. Because the Facility was retired by Standard Binghamton prior to consummating the transaction, it was not considered to be electric plant under the PSL (and thus not subject to the Commission’s jurisdiction). Therefore, approval of the transaction under PSL § 70 was not sought.

Upon acquisition of the Facility, Binghamton BOP removed the gas and power turbine equipment from the Facility. Because the future plans for the Facility were uncertain, the Company maintained the remainder of the equipment on-site in a protective lay-up status. On-site personnel have performed weekly maintenance activities to preserve the condition of the equipment and Facility, and outside technical consultants conducted periodic inspections to assess ongoing equipment condition and viability. The gas turbine was maintained in a similar status, but at a Wellhead-owned location in California.

Binghamton BOP has maintained the operating air permit for the Facility and is current with all applicable permits fees. While some other permits required to operate the Facility have lapsed, the Company is in the process of securing new permits. The Company is also coordinating with New York State Electric & Gas Corporation (“NYSEG”) to restore gas service to the Facility and the electrical interconnection between the Facility and the bulk power system.<sup>3</sup> All property taxes levied against the property continue to be paid.

The gas turbine at the Facility was an LM 5000 unit manufactured by General Electric. Wellhead intends to reinstall an LM 5000 unit shortly – either the same turbine that was removed

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<sup>3</sup> The Facility formerly was connected to the NYSEG Northside Substation in Binghamton.

or an identical model. The power turbine will be replaced with the same model that was formerly used. Once the Facility is restored to service, its heat input and power production ratings should be the same as they were prior to 2012.

**THE COMMISSION SHOULD GRANT BINGHAMTON BOP A CPCN**

Binghamton BOP satisfies all of the requirements for a CPCN set forth in PSL § 68 and 16 NYCRR §§ 21.2 and 21.3. The statute, regulations, and Commission precedent applying them require an applicant to: (i) describe the plant to be constructed; (ii) demonstrate that the applicant is able to finance the project and state the manner in which the cost of the plant is to be financed; (iii) show that its plant is in the public interest; (iv) demonstrate that the enterprise is economically feasible; and (v) show that the applicant is able to render safe and adequate service.<sup>4</sup> Here, Binghamton BOP is not proposing the construction of a new generating facility, but instead is proposing to re-start an existing plant.

Restarting the Facility is in the public interest. Its production of electricity will produce very low emissions, and the LM 5000 technology has a long record of reliability. Binghamton BOP anticipates that the Facility will improve grid stability and can provide local voltage support, if needed.<sup>5</sup> Environmentally, the Facility formerly had not been considered a major source of air emissions under the applicable Clean Air Act regulations, and the re-use of the same equipment will not change its emissions profile.

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<sup>4</sup> See, e.g., Case 05-E-1633, Noble Ellenburg Windpark, LLC, Order Granting Certificate of Public Convenience and Necessity and an Order Providing for Lightened Regulation (issued Nov. 9, 2006) at 10.

<sup>5</sup> Upon information and belief, there are no other generating facilities in the Binghamton regional area.

Further, restarting the Facility will require Binghamton BOP to add a full-time operations staff, and it presents opportunities to attract new businesses to the Binghamton area. The Facility is capable of producing both electricity and steam. The area surrounding the Facility is mostly industrial and once contained extensive manufacturing operations. Binghamton BOP plans to contact the City and County about ideas to attract new companies to the area. For all of the foregoing reasons, the Facility will help meet New York State's goals of lowering air emissions, maintaining a reliability electric system, and stimulating economic development.

Restarting the Facility is economically feasible. As noted, above, Binghamton BOP has maintained the Facility in a condition that would allow it to be reactivated without the need for a major overhaul or extensive capital investments. Nevertheless, prudent utility, engineering, and safety practices require varying levels of re-commissioning activities to return the Facility to an operating status. It is expected that these re-commissioning activities will be completed within the next two to three months.

The cost estimate for the reconnection work is between \$100,000 and \$125,000 and will be financed from internal funds. As a point of comparison, typical construction costs today for a new combined cycle facility are in the range of \$1,200 to \$1,500/kW of capacity; the total cost for a new generating plant equivalent to the Facility would be approximately \$48 million to \$60 million. Thus, the cost of restarting commercial operations at the Facility is clearly *de minimis* when viewed in context.

Finally, Binghamton BOP is qualified to render safe and reliable service at the Facility. As noted above, Wellhead is an experienced operator of gas-fired generating facilities, and it will rely on the experience here. Moreover, Binghamton BOP is committed to complying with the relevant design, construction, and operating requirements of the National Electric Safety Code and other

applicable engineering codes. Based on preliminary conversations with the NYISO and NYSEG, Binghamton BOP is not aware of any impediments to restoring the electrical and gas interconnections for the Facility.

For all of the foregoing reasons, the Commission should find that restarting the Facility satisfies the legal requirements for granting an CPCN, and it should therefore grant a CPCN to Binghamton BOP.

**BINGHAMTON BOP REQUESTS THAT THE COMMISSION  
APPLY LIGHTENED REGULATION TO BINGHAMTON BOP,  
CONSISTENT WITH THE LIGHTENED REGULATION IMPOSED  
ON OTHER WHOLESALE GENERATORS**

Binghamton BOP requests that it be regulated under a lightened regulatory regime similar to the regimes the Commission has imposed on other independent power producers engaged in the sale of energy, capacity, and ancillary services exclusively at wholesale. The Commission first articulated its policy on the regulatory regime for competitive wholesale providers of electricity for Wallkill Generating Co., L.P.<sup>6</sup> In the Wallkill Order, the Commission found it appropriate to modify the regulatory procedures that were intended to apply to monopoly utilities when regulating generating companies operating in a competitive environment. The Commission established the regulatory requirements that should be imposed on wholesale electric service providers in its Orders imposing lightened regulation on Carr Street Generating Station, L.P. and AES Eastern Enterprises, L.P.<sup>7</sup> In those decisions, the Commission relaxed the regulatory scheme otherwise applicable to traditional vertically integrated utilities.

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<sup>6</sup> Case 91-E-0350, Wallkill Generating Co., L.P., Order Establishing Regulatory Regime (issued April 11, 1994) (“Wallkill Order”).

<sup>7</sup> Case 98-E-1670, Carr Street Generating Station, L.P. – Petition for an Original Certificate of Public Convenience and Necessity and for a Declaratory Ruling on Regulatory Regime, Order

In those Orders, the Commission found that wholesale generators are subject to regulation as electric corporations under PSL § 2(13) as entities engaged in the manufacture of electricity under PSL § 5(1)(b). Such generators are therefore subject to the Commission’s jurisdiction under PSL §§ 11, 19, 24, 25 and 26. The Commission also found that wholesale generators are subject to PSL §§ 66(6), 68, 69, 69-a and 70. The Commission noted, however, that consistent with the Wallkill Order, wholesale generators could fulfill their obligations to file annual reports, pursuant to PSL § 66(6), by submitting information they are obliged to file with the Federal Energy Regulatory Commission (“FERC”). The Commission also stated it would presume that PSL § 70 would not apply to transfers of ownership interests of such companies as long as there is no potential for the exercise of market power arising out of an upstream power transfer.

The Commission further determined that most of the provisions of Article 6 do not apply to wholesale generators. Where generators have their capacity marketed by affiliated power marketers, they must comply with PSL § 110(2). Where the generators are organized as limited partnerships, PSL § 110(1) does not apply.<sup>8</sup> The Commission also ordered that wholesale generators must comply with PSL § 119-b regarding the protection of underground facilities from damage by excavators. As for the remainder of Article 6 requirements, the Commission determined that the provisions either do not pertain to wholesale generators, or would

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Providing for Lightened Regulation (issued April 23, 1999); Case 99-E-0148, AES Eastern Energy, L.P. and AES Creative Resources, L.P. – Petition for a Declaratory Ruling That Light-Handed Regulation Be Applied Concerning the Petitioner’s Purchase of Certain Electric Generating Assets from New York State Electric & Gas Corporation, Order Providing for Lightened Regulation (issued April 23, 1999).

<sup>8</sup> The Commission, however, has stated that it would apply the reporting of stock ownership requirements of PSL § 110(1) to non-partnership entities. *See, e.g.*, Case 02-E-0362, Flat Rock Windpower LLC, Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (issued June 17, 2004).



unnecessarily hinder competitive wholesale generators by interfering with their flexibility to structure the financing and ownership of their facilities.

Here, the Commission should subject Binghamton BOP to the same lightened regulatory regime approved in the Carr Street and AES Orders, and in similar subsequent orders issued for other wholesale generators operating in New York. Specifically, Binghamton BOP requests that the Commission apply the relevant sections of Articles 1 and 4 to its operations with reduced scrutiny and less stringent filing requirements, and that the Commission not impose Article 6 requirements, except for PSL §§ 110(1) and 119-b.

**GRANTING A CPCN TO BINGHAMTON BOP  
WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT**

The State Environmental Quality Review Act ("SEQRA") requires applicants to submit a completed Environmental Assessment Form ("EAF") describing and disclosing the likely impacts of the actions they propose. Binghamton BOP submits that the Commission's proposed action – consideration of a CPCN – should be classified as an "unlisted" action because it is neither a Type I or a Type II action as defined in 6 NYCRR §§ 617.4 and 617.5 and 16 NYCRR § 7.2. As an unlisted action, an environmental impact statement is not automatically required. Instead, the Commission must determine whether an environmental assessment should be prepared.<sup>9</sup>

Binghamton BOP respectfully submits that the proposed action is not likely to cause or lead to any significant adverse environmental impacts, and that an environmental impact statement is not required. Binghamton BOP will operate the Facility in accordance with all applicable laws, regulations, and permits. Because the terms and conditions of those statutes, rules, and permits

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<sup>9</sup> The request for lightened regulation is a Type II action under 16 NYCRR § 7.2(b)(2). As such, it does not require any environmental review.

are intended, *inter alia*, to prevent significant impacts from arising, Binghamton BOP's compliance with them will avoid the creation of any significant adverse impacts. In further support of this position, attached hereto as Exhibit B is a completed "Short Environmental Assessment Form" for this matter.

For the foregoing reasons, Binghamton BOP respectfully requests that the Commission issue a negative declaration of significance for this matter.

### **CORRESPONDENCE AND COMMUNICATIONS**

All correspondence and communications related to this matter should be addressed to the following:

Daniel Richardson  
Plant Manager  
Binghamton BOP, LLC  
c/o Wellhead Electric Company, Inc.  
650 Bercut Drive  
Suite C  
Sacramento, CA 95811  
Tel. 916-447-5171  
Email: [drichardson@wellhead.com](mailto:drichardson@wellhead.com)

Kevin M. Lang, Esq.  
Amanda De Vito Trinsey, Esq.  
Couch White, LLP  
*Counsel for Binghamton BOP, LLC*  
540 Broadway  
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Albany, New York 12201-2222  
Tel. 518-426-4600  
Fax: 518-426-0376  
Email: [klang@couchwhite.com](mailto:klang@couchwhite.com)  
[adevito@couchwhite.com](mailto:adevito@couchwhite.com)

## CONCLUSION

Based on the foregoing, Binghamton BOP respectfully requests that the Commission issue an order granting Binghamton BOP a CPCN and an order establishing a lightened regulatory regime for Binghamton BOP as an electric generator selling electricity exclusively at wholesale. Binghamton BOP also respectfully requests that the Commission adopt a negative declaration of significance for this matter.

Date: August 22, 2014  
Albany, New York

Respectfully submitted,

*Kevin M. Lang*

Kevin M. Lang, Esq.  
Amanda De Vito Trinsey, Esq.  
COUCH WHITE, LLP  
*Counsel for Binghamton BOP, LLC*  
540 Broadway  
P.O. Box 22222  
Albany, New York 12201-2222  
(518) 426-4600  
[klang@couchwhite.com](mailto:klang@couchwhite.com)  
[adevito@couchwhite.com](mailto:adevito@couchwhite.com)

**VERIFICATION**

STATE OF CALIFORNIA        )  
  ) ss.:  
COUNTY OF SACRAMENTO    )

Colin Clements, being duly sworn, deposes and says that he is the Chief Financial Officer of Binghamton BOP LLC, that he has read the foregoing Petition for an Order Granting a Certificate of Public Convenience and Necessity and Establishing a Lightened Regulatory Regime and knows the contents thereof as to Binghamton BOP LLC and that the contents set forth therein as to Binghamton BOP LLC are true to the best of his knowledge, information and belief.

Colin Clements  
Colin Clements  
Chief Financial Office  
Binghamton BOP LLC

Sworn to before me this 21<sup>st</sup>  
day of August, 2014.

Brian Soares  
Notary Public



## **EXHIBIT A**

# Delaware

PAGE 1

*The First State*

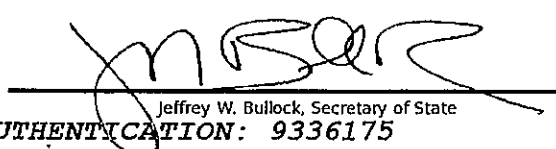
I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "BINGHAMTON BOP LLC", FILED IN THIS OFFICE ON THE FIRST DAY OF FEBRUARY, A.D. 2012, AT 12:58 O'CLOCK P.M.



5103493 8100

120110590

You may verify this certificate online  
at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

  
Jeffrey W. Bullock, Secretary of State  
AUTHENTICATION: 9336175

DATE: 02-01-12

**CERTIFICATE OF FORMATION**

of

**BINGHAMTON BOP LLC**

This certificate of formation of Binghamton BOP LLC (the "Company") is being executed by the undersigned for the purpose of forming a limited liability company pursuant to the Delaware Limited Liability Company Act.

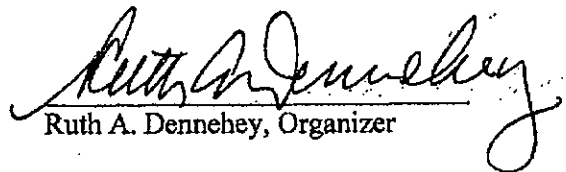
**FIRST:** The name of the limited liability company is:  
Binghamton BOP LLC

**SECOND:** The name and address of the Registered Agent in Delaware will be:

Colby Attorneys Service Co., Inc.  
615 South DuPont Highway  
Dover DE 19901  
Kent County

**THIRD:** The address of the registered office of the Company in Delaware is  
615 South DuPont Highway, Dover, DE 19901.

**IN WITNESS WHEREOF**, the undersigned, an authorized person or agent or attorney-in-fact of the Company, has caused this certificate of formation to be duly executed as of the 1<sup>st</sup> day of February 2012.

  
Ruth A. Dennehey, Organizer

## **EXHIBIT B**



# Short Environmental Assessment Form

## Part 1 - Project Information

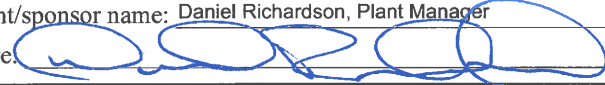
### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Certificate of Environmental Convenience and Necessity and lightened regulatory regime to re-start the Binghamton Cogeneration Plant			
Project Location (describe, and attach a location map): 22 Charles Street, Binghamton, New York			
Brief Description of Proposed Action: Binghamton BOP LLC requests that the New York State Public Service Commission grant it a Certificate of Environmental Convenience and Necessity and a lightened regulatory regime so that it may re-start operations at the Binghamton Cogeneration Plant. The Cogeneration Plant has a nameplate rating of 47.7 MW and Binghamton BOP intends to operate the Plant on natural gas.			
Name of Applicant or Sponsor: Binghamton BOP LLC		Telephone: (916) 447-5171	
		E-Mail: drichardson@wellhead.com	
Address: 650 Bercut Drive, Suite C			
City/PO: Sacramento		State: CA	Zip Code: 95811
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? <span style="float: right;">_____ approx. 2 acres</span>			
b. Total acreage to be physically disturbed? <span style="float: right;">_____ N/A acres</span>			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? <span style="float: right;">_____ approx. 2 acres</span>			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: N/A _____ _____	<input type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	<input checked="" type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p><b>NO</b></p> <p><input checked="" type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>Site Name: Anitec Image Corporation, Site Code: 704022, Program: State Superfund Program, Classification: C, 40 Charles St., Binghamton, NY- All remedial activities have been completed, and the site is no longer a threat to health or environment.</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input checked="" type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: Daniel Richardson, Plant Manager</p>		<p>Date: August 21, 2014</p>
<p>Signature: </p>		