

**Talking Points for the Legislative Hearing on 6/26/23 at 2 pm & 6:30 pm
Harlem River Yard Draft Air Permit Renewal**

Frequently Asked Questions (FAQ)

1. What is the purpose of this Hearing?

This hearing concerns whether or not the draft renewal of an Air Quality Permit prepared by the State of New York Department of Environmental Conservation to continued operation of the Harlem River Yards Plant (HRYP) deserves to be approved as is. The March 2023 comment letter from community organizations and elected officials requested this hearing so the public could make their opinion heard.

2. Where is this facility located?

Located in the Mott Haven/Port Morris neighborhood of the south Bronx along the edge of the Bronx Kill part of the Harlem River at the leg of the Robert Kennedy Bridge (connecting the three counties: Bronx, Queens & New York). It is located in one of the most disadvantaged communities in the entire state of New York.

3. Who owns and operates this facility?

The New York Power Authority (NYPA) owns and operates the plant. NYPA is a New York State public authority that operates generating facilities and miles of transmission lines providing the lowest cost for electricity. The plant is known as a “Peaker” because it is to be used temporarily only when the need for power “peaks” and more power needed.

4. Why is wrong with this permit renewal?

In the March 2023 comment letter, South Bronx Unite, Bronx Council for Environmental Quality, Earthjustice and other organizations and elected officials identified that the DEC and NYPA failed to comply with the state’s climate law in reviewing the permit renewal, and should not issue a renewal permit without imposing conditions requiring the plant to reduce its emissions going forward. Notably, the plant has significantly increased operations beyond the maximum permitted over the past 5 years, and has increased its emissions of both greenhouse gases (“GHGs”) and local air pollutants.

5. What is the State’s Climate Law?

Under the New York Climate Leadership and Community Protection Act (“CLCPA”), NYPA and DEC, as state agencies, must prioritize reductions of GHG emissions and co-pollutant emissions in disadvantaged communities. (To make matters worse, NYPA operates another peak power plant, known as Hell Gate, within a few blocks of HRYP in Port Morris, on the East River waterfront. Notably, the HRYP has significantly increased operations over the past 5 years, and has increased its emissions of both greenhouse gases (“GHGs”) and local air pollutants.) CLCPA Section 7(3) prohibits agencies from imposing disproportionate impacts on disadvantaged communities when considering and issuing permits, licenses and other administrative approvals and decisions pursuant to the Climate Law. Agencies must also must also prioritize localized reductions of GHG emissions and co-pollutants in disadvantaged communities, in order to improve public health and advance equity.

6. What are we asking of the agency holding the hearing?

It is imperative that this permit application is reviewed comprehensively, keeping in mind the CLCPA’s mandates as well as the spirit of New York’s newly passed cumulative impacts legislation. DEC must evaluate any disproportionate burdens the plant causes in neighboring disadvantaged communities, must evaluate the permit’s consistency with the CLCPA’s GHG emission reduction mandates, must prioritize reducing emissions, and must evaluate alternatives and mitigation measures.