

**COVER SHEET FOR Six Versions / choose one**

Remove the wording in *<brackets and italics>* in the letter you choose.

**To submit comments by email:**

Send to [Comment.NYPARen2022@dec.ny.gov](mailto:Comment.NYPARen2022@dec.ny.gov)

Deadline: June 28, 2023, 5:00 p.m.

**To submit comments by mail:**

Send to Caitlyn Nichols, NYS DEC - Region 2 Office, Division of Environmental Permits, 47-40 21st Street, Long Island City, NY 11101

Postmark deadline: Wednesday June 28, 2023

**To attend the Webex virtual hearing:**

**Register for the [June 26 hearing](#) at the 2 p.m.** session. You will receive an email reply with instructions for joining Webex.

**Register for the [June 26 hearing](#) at the 6:30 p.m.** session. You will receive an email reply with instructions for joining Webex.

Webex advance registration deadline: Friday June 23, 2023, 1 p.m.

**To speak at the Webex by phone:**

**To speak at the June 26 at either 2 p.m. or 6:30 p.m. Webex virtual hearing by phone**, call the Office of Hearings and Mediation Services at 518-402-9003, providing your name, contact information, telephone number, and your interest in the NYPA power plant renewal hearing.

Phone call-in advance registration deadline: Friday, June 23, 2023, 1 p.m.

<Name>  
<Address>  
<Email>

Version 1

June 28, 2023

Caitlyn Nichols, NYS DEC - Region 2 Office  
Division of Environmental Permits  
47-40 21st Street, Long Island City, NY 11101

[Comment.NYPARen2022@dec.ny.gov](mailto:Comment.NYPARen2022@dec.ny.gov)

Re: New York Power Authority, Harlem River Yard  
Draft Air Permit Renewal, ID: 2-6007-00726/00003  
Article 19 Air Title V Facility

Dear Ms. Nichols,

Please accept these comments on the New York State Department of Environmental Conservation (DEC) Draft Air Quality Permit Renewal for the New York Power Authority (NYPA) for the Harlem River Yard “Peaker” Power Plant in the Mott Haven neighborhood of the Bronx.

The draft renewal application does not comply with key provisions of New York State’s Climate Leadership and Community Protection Act. The application is not complete, it is beyond the parameter of the original permit and is therefore not a renewal, and will allow additional emissions adverse to the health impact of Bronxites and neighboring counties of New York and Queens.

DEC should not issue a renewal permit until conditions requiring the plant to respond to all of the following are complied with:

1. Reduction in emissions to the permit maximum
2. Addition of green infrastructure practices to the project area
3. Restoration of the shoreline along the Bronx Kill area of the Harlem River, and
4. Provide the site’s Stormwater Management Plan, SWPPP, the SWMP Annual Report, and the Flood Risk Management Plan for the unmanned facility.

Thank you for the opportunity to comment. Please reply with your response to [xxxx@xxxx.xxx](mailto:xxxx@xxxx.xxx).

Sincerely,

<name>

<Name>  
<Address>  
<Email>

Version 2

June 28, 2023

Caitlyn Nichols, NYS DEC - Region 2 Office  
Division of Environmental Permits  
47-40 21st Street, Long Island City, NY 11101

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The Harlem River Yard plant is located in one of the most disadvantaged communities in the entire state of New York. It is operated by a public power authority. Both the DEC and NYPA must prioritize reductions of greenhouse gases (GHG) emissions and co-pollutant emissions in disadvantaged communities under the CLCPA and renewal of this permit does nothing of the sort. Notably, the plant has significantly increased operations over the past 5 years, and has increased its emissions of both “GHGs” and local air pollutants. 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, and even if continued operation of the plant is justified because of electricity system reliability needs, DEC must evaluate alternatives and mitigation measures such as incorporating battery storage – something NYPA is already evaluating for its New York City peaker plants like this one.

DEC should not issue a renewal permit until conditions requiring the plant to respond to all are complied with.

Thank you for the opportunity to comment. Please reply with your response to [xxxx@xxxx.xxx](mailto:xxxx@xxxx.xxx).

Sincerely,

<name>

<Name>  
<Address>  
<Email>

Version 3

June 28, 2023

Caitlyn Nichols, NYS DEC - Region 2 Office  
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The plant is located in an environmental justice community with a history of broken promises and cumulative environmental burdens. The Mott Haven and Port Morris community is an epicenter of racial, social, and environmental injustice due to the legacy of redlining and decades of public policies devaluing the lives of Black, Brown, and immigrant communities. This has manifested in the heavy concentration of local polluting facilities and infrastructure such as peaking power plants, expressways, bridges linking to other boroughs, heavy duty diesel truck-intensive warehouses, and multiple waste transfer stations. Not surprisingly, the area has the worst air quality in the City and has among the lowest access to green space per capita. This combination has resulted in disproportionately high illnesses ranging from asthma and heart disease to cognitive impairment and dementia. Not surprisingly, the community has been among the worst hit by the pandemic due to the high prevalence of respiratory illnesses. The Hell Gate power plant owned by NYPA is right next door to the Harlem River Yard plant. Both were promised to be temporary solutions to what was seen to be an immediate electricity supply crisis in 2000 – instead, the plant is now operating significantly more than it was in 2018 and NYPA projects in its permit renewal application that it will have similar operations in 2030.

DEC should not issue a renewal permit until conditions requiring the plant to respond to all are complied with. Thank you for the opportunity to comment. Please reply with your response to [xxxx@xxxx.xxx](mailto:xxxx@xxxx.xxx).

Sincerely,

<name>

<Name>  
<Address>  
<Email>

Version 4

June 28, 2023

Caitlyn Nichols, NYS DEC - Region 2 Office  
Division of Environmental Permits  
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It appears that both NYPA and DEC failed to analyze any disproportionate burdens caused by renewing the permit on the surrounding communities, all of which are characterized as among the most environmentally overburdened in the state and as having the highest levels of population vulnerability. There is no information in the permit materials about comparative burdens. Moreover, even though NYPA separately issued a study acknowledging that its peaker plants, including the Harlem River Yard plant, are located in overburdened communities and finding that replacing all or part of their operations with battery storage by 2030 was a promising option that would substantially reduce air emissions, nothing was included in the draft permit that would require – as mandated by law – this or any other measures to prioritize emission reductions in one of the most disadvantaged communities in the state.

DEC should not issue a renewal permit until conditions requiring the plant to respond to all are complied with.

Thank you for the opportunity to comment. Please reply with your response to [xxxx@xxxx.xxx](mailto:xxxx@xxxx.xxx).

Sincerely,

<name>

<Name>  
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Version 5

June 28, 2023

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The increased emissions at the plant are likely to be inconsistent with the CLCPA, but DEC failed to consider any alternatives or mitigation measures at the plant. Section 7(2) requires both the DEC and NYPA to provide a justification and identify alternatives or mitigation measures for any permitting of a project that would be inconsistent with or would interfere with the CLCPA’s greenhouse gas reduction mandates. The DEC’s and NYPA’s CLCPA analysis is wholly insufficient because it ignores the obvious facts on the ground – that the plant is in a pattern of increasing, rather than decreasing, its GHG emissions and local air pollution. The DEC and NYPA must both conduct a more detailed analysis of projected GHG emissions over the full permit term and beyond, as well require NYPA to submit as a concrete plan to reach zero emissions by 2040, to determine CLCPA consistency. Any increased emissions are likely to be inconsistent with the CLCPA. Notably, NYPA has publicly committed to transition its power generation facilities to zero emissions by 2035, including in its VISION2030 plan. Yet this commitment, and examination of ways to reach it including the potentially reduced need for the facility to operate once increased transmission of renewable generation into New York City is installed and alternatives like full or hybrid batter storage, were not incorporated in the permit renewal.

DEC should not issue a renewal permit until conditions requiring the plant to respond to all are complied with. Thank you for the opportunity to comment. Please reply with your response to [xxxx@xxxx.xxx](mailto:xxxx@xxxx.xxx).

Sincerely,

<name>

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Version 6

June 28, 2023

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At the very least, the DEC must revise the draft permit. By issuing the permit as is, DEC would permit a power plant to continue emitting CO2 and other air pollutants, business-as-usual, without considering measures the power plant could take to reduce its emissions, or institute alternatives or mitigation measures. This permit will continue to burden the surrounding communities, which are among the most environmentally overburdened and have the highest population vulnerability in the state, ignoring DEC and NYPA’s affirmative obligation to prioritize emissions reductions in the communities surrounding the plant. The permit should incorporate emissions limits to enforce actual operational reductions over the life of the permit and incorporate binding commitments on the part of NYPA to further reduce emissions before the state’s 2030 and 2040 CLCPA mandates.

NYPA has already publicly committed to a zero-emissions portfolio by 2035, and they should commit to an even faster timeline for the South Bronx. DEC should reject this renewal, and insist NYPA begin a new application. DEC should not issue a renewal permit until conditions requiring the plant to respond to are complied with.

Thank you for the opportunity to comment. Please reply with your response to [xxxx@xxxx.xxx](mailto:xxxx@xxxx.xxx).

Sincerely,

<name>