

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

**A. Where are the details for the INCREASED EMISSIONS?**

HRY has significantly increased operations over the past five years, and, thereby, emissions of both greenhouse gases (“GHGs”) and local air pollutants.

1. The Facility operated 131 days in 2018. In 2022, it operated 211 days, a 61% increase over the last 5 years.
2. Even more troublingly, the number of days when the Facility operated for over 10 hours increased from 46 days in 2018 to 109 days in 2022, a 137% increase over 5 years.
3. The Facility’s Total Gross Load in 2018 was 44,612 megawatt-hours (“MWh”). In 2022, it was 125,135 MWh, a 180% increase over 5 years.
4. Problematically, the New York Power Authority (“NYPA”), which owns the Facility, “projects that the facility will be operating in 2030 similarly to its current day operations.” Maintaining this high level of operations and emissions for the next seven years is clearly inconsistent with and interferes with the state’s ability to reduce GHG emissions in the state by 40% by 2030 and ensure that 70% of all electricity generated in New York be renewable by 2030.

**B. What are the BURDENS & BROKEN PROMISES of this ENVIRONMENTAL JUSTICE community?**

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.

**C. What information does the permit have on COMPARATIVE BURDENS?**

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.

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.

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. The draft permit allows the plant to 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.

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**D. Where are the ALTERNATIVES or MITIGATION MEASURES in the permit?**

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 increased emissions at the plant are likely to be inconsistent with the CLCPA, but no alternatives or mitigation measures at the plant were considered. 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. This, even though NYPA is already evaluating alternatives of incorporating battery storage for its other New York City peaker plants like this one, but not at the HRYP.

**E. What CONDITIONS are we asking as a result of this Legislative Hearing?**

Before approving any renewal Title V permit for HRY, the New York Department of Environmental Conservation ("DEC") must add conditions, among which are:

- a. Consider the South Bronx's existing pollution burden, and disproportionate impacts of this facility's continued operation at current levels, in the review and analysis of the permit application.
- b. Conduct a full analysis of the permit application under the NY Climate Leadership and Community Protection Act.
- c. Impose significant emissions reductions conditions on the permit to reduce the pollution impact on South Bronx residents.
- d. Respond to comments either the spoken or written during the public hearing period to allow South Bronx residents a meaningful opportunity to express their opinions, and understand the process.
- e. The permit expired on 12/29/2020. Do not extend permit time frame beyond the five years. We look forward to an immediate review in 3 years or the end of 2025.
- f. DEC should reject this renewal, and insist NYPA begin a new application.
- g. Provide the stormwater permits required of this facility, including the restoration of the water's edge, provision for green infrastructure, and their Flood Risk Plan at the site.
- h. Provide a 24-hour person and contact at the site, preferably from the local community.