

State Environmental Quality Review Act Final Scoping Document Astoria Replacement Project

Astoria Gas Turbine Power LLC
Astoria, Queens County, New York

Accepted: September 18, 2020

NYS Department of Environmental Conservation

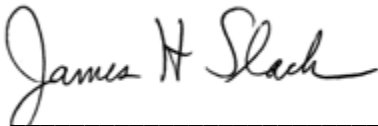
SEQR Lead Agency

State Environmental Quality Review Act Final Scoping Document Astoria Replacement Project

Astoria Gas Turbine Power LLC
Astoria, Queens County, New York



Prepared By Gary Palumbo



Reviewed By Jim Slack

Contents

1.0	Introduction	1-1
2.0	Replacement Project	2-1
2.1	Proposed Project Modification	2-1
2.2	Physical Setting	2-1
2.3	Prior Environmental Review	2-2
2.4	Siting Board Declaratory Ruling	2-4
2.5	Supplemental SEQRA Procedural Steps To-Date	2-4
3.0	Scoping	3-1
3.1	Purpose and Objectives	3-1
3.2	Consideration of Changes in Community Setting	3-1
3.3	Regulatory Changes	3-5
3.4	Other Changes in Circumstances	3-7
3.4.1	Energy and Environmental Economics, Inc. (E3) Report "The Potential for Energy Storage to Repower or Replace Peaking Units in New York State"	3-7
3.4.2	COVID-19	3-8
3.4.3	Demand Management and Energy Efficiency	3-8
4.0	Modifications to Previously Approved Project	4-1
4.1	Project Changes	4-1
4.1.1	Project Design and Operations	4-1
4.1.2	Air Quality	4-1
4.1.3	Water Resources	4-2
4.1.4	Noise	4-3
4.1.5	Aesthetic/Visual Resources	4-4
4.1.6	Traffic/Transportation	4-6
4.1.7	Geology, Soils, and Topography	4-6
4.1.8	Biological, Terrestrial, and Aquatic Ecology	4-6
4.1.9	Historic, Cultural, and Archeological Resources	4-6
4.1.10	Public Safety	4-7
4.1.11	Community Facilities and Services	4-7
4.1.12	Communication Facilities	4-7
4.1.13	Effects on Use and Conservation of Energy	4-7
4.1.14	Short Term Impacts	4-7

4.2	Public Need and Benefits	4-7
5.0	Anticipated Format, Approach and Content of Draft SEIS	5-1
5.1	Overview	5-1
5.2	Scope of Analyses to be Conducted	5-4
5.2.1	Air Resources	5-4
5.2.2	Climate Change	5-6
5.2.3	Environmental Justice	5-7
5.2.4	Health Outcome Data	5-9
5.2.5	Coastal Consistency Review and LWRP	5-10
5.2.6	Cumulative Impacts	5-11
6.0	Relevant Issues Raised During Public Scoping	6-1
7.0	Impacts Considered, but Not Included in the Final Written Scope	7-1

List of Appendices

Appendix A Project Site Plan

Appendix B Anticipated DSEIS Table of Contents

List of Tables

Table 3-1.	Measured Early Morning Ambient Sound Level (L_{eq} , dBA)	3-5
Table 4-1.	Comparison of Proposed Project Modification to the Previously Approved Project Configuration – Facility/Project Design.....	4-1
Table 4-2.	Comparison of Proposed Project Modification to Previously Approved Project Configuration - Air Emissions.....	4-2
Table 4-3.	Comparison of Proposed Project Modification to Previously Approved Project Configuration - Water Use and Wastewater Discharge	4-2
Table 4-4.	Comparison of Proposed Project Modification to Previously Approved Project Configuration - Predicted Sound Levels	4-4

List of Figures

Figure 2-1.	Astoria Facility Location	2-3
Figure 3-1.	Aerial Image of Project Vicinity – 2010	3-3
Figure 3-2.	Aerial Image of Project Vicinity – 2020	3-4
Figure 4-1.	Rendering of Previously Approved Project Configuration	4-5
Figure 4-2.	Rendering of Proposed Project Modification	4-5

List of Acronyms

AGC	annual guideline concentration
CCCT	combined cycle combustion turbine
CFR	Code of Federal Regulations
CLCPA	Climate Leadership and Community Protection Act
CO	carbon monoxide
CO ₂	carbon dioxide
CT	combustion turbine
CTG	combustion turbine generator
CPCN	Certificate of Public Convenience and Necessity
CP-29	NYSDEC Commissioner Policy 29 - Environmental Justice and Permitting
dBA	A-weighted decibels
DEIS	Draft Environmental Impact Statement
DSEIS	Draft Supplemental Environmental Impact Statement
EJ	environmental justice
FEAF	Full Environmental Assessment Form
FEIS	Final Environmental Impact Statement
FTW	full time equivalent
GE	General Electric
gpm	gallons per minute
HOD	Health Outcome Data
LWRP	local waterfront revitalization program
MWe	electrical megawatts
MWh	megawatt-hour
NAAQS	National Ambient Air Quality Standards NO ₂ nitrogen dioxide

NO _x	nitrogen oxides
NSPS	New Source Performance Standards
NYC	New York City
NYCRR	New York Codes, Rules and Regulations
NYSDEC	New York State Department of Environmental Conservation
NYSDOH	New York State Department of Health
NYISO	New York Independent System Operator
NYSERDA	New York State Energy Research and Development Authority
NYSHPO	New York State Historical Preservation Office O ₃ ozone
OWS	oil water separator
Pb	lead
%	percent
PEJA	preliminary environmental justice area
PM _{2.5}	particulate matter sized 2.5 microns and smaller
PM ₁₀	particulate matter sized 10 microns and smaller
P&W	Pratt & Whitney
PSC	New York State Public Service Commission
PSD	Prevention of Significant Deterioration
RO	reverse osmosis
SCCT	simple cycle combustion turbine
SCR	selective catalytic reduction
SEQRA	New York State Environmental Quality Review Act
SEIS	supplemental environmental impact statement
SGC	short-term guideline concentration
SIL	significant impact level

SO ₂	sulfur dioxide
SPARCS	Statewide Planning and Research Cooperative System
SPDES	State Pollutant Discharge Elimination System
SU/SD	start-up / shutdown
ULSD	ultra-low sulfur distillate
ULSK	ultra-low sulfur kerosene
USEPA	U.S. Environmental Protection Agency
VOC	volatile organic compounds
WRP	waterfront revitalization program

1.0 Introduction

Astoria Gas Turbine Power LLC (the “Applicant”) is proposing to modify its previously approved project (the “Replacement Project” or “Project”) and replace existing natural gas and liquid fuel fired simple cycle combustion turbines (“SCCTs”) at the Astoria Gas Turbine Generating Facility (“Facility”) with a new state-of-the-art simple cycle dual fuel peaking combustion turbine generator (“CTG”). The Applicant has prepared this Draft Scoping Document for a Draft Supplemental Environmental Impact Statement (“DSEIS”) to assess the potential impacts from construction and operation of the updated Project (or the “Proposed Action”). The Facility is located on a 15-acre site at 31-01 20th Ave., Astoria, Queens County, New York, which is further described in subsection 2.2.

In 2009, the Applicant proposed to replace the existing SCCTs with a 1,040 electrical megawatts (“MWe”) combined cycle combustion turbine (“CCCT”) project. At that time, a Draft Environmental Impact Statement (“DEIS”), Clean Air Act Title IV and Title V air permit applications, and a State Pollutant Discharge Elimination System (“SPDES”) application were submitted to the New York State Department of Environmental Conservation (“NYSDEC”). The NYSDEC issued the SPDES and air permits, accepted the Final Environmental Impact Statement (“FEIS”) and issued a findings statement in the fall of 2010. In addition, the New York State Public Service Commission (“PSC”) issued a Certificate of Public Convenience and Necessity (“CPCN”) and a State Environmental Quality Review Act (“SEQRA”) findings statement in spring 2011. However, due to prevailing market conditions, the Project was not constructed at that time.

2.0 Replacement Project

2.1 Proposed Project Modification

The Facility currently consists of 31 older, peaking-only gas and oil-fired CTs including 24 Pratt & Whitney (“P&W”) turbines and seven retired Westinghouse turbines, with a combined nameplate rating of 646 MWe (502 MWe not including the retired Westinghouse turbines). The Project, as modified, will replace the nearly 50-year-old P&W and Westinghouse turbines at the Facility with a new state-of-the-art simple cycle dual-fuel peaking CTG. The Project will include a new CTG which will be a highly efficient, quick start, fast-ramping, General Electric (“GE”) H-Class 7HA.03 or equivalent unit that has a nominal generator output of approximately 437 MWe. The new CTG will fire natural gas as the primary fuel with limited ultra-low sulfur distillate (“ULSD”) liquid fuel for backup. The Project will also include a ULSD-fired emergency generator, and two ULSD-fired emergency fire water pumps. The Project is planned to be operational in 2023 following a construction period starting in 2021.

All of the existing units, with the exception of one P&W Twin Pac (consisting of two combustion turbines and a single generator), will be permanently shut down once the Project has completed its shakedown period. The two remaining P&W turbines will remain operational to make the site black-start capable until replaced by an approximately 24 MWe battery energy storage system. The P&W Twin Pac uses natural gas as its primary fuel with ultra-low sulfur kerosene (“ULSK”) as backup.

The Project will be well positioned to transition to renewable hydrogen fuel in place of natural gas or fuel oil to satisfy New York State’s Climate Leadership and Community Protection Act (“CLCPA”) and its target of zero GHG emissions for statewide electrical demand by 2040. The Project’s combustion turbine generator is already capable of being converted to use a blend of GHG-free hydrogen. By 2040, it is expected the Project will be able to continue generating electricity consistent with the CLCPA using hydrogen fuel should sufficient sources become commercially available by that time.¹

A general arrangement drawing depicting the layout of existing and proposed equipment, structures, and parking is provided in **Appendix A – Project Site Plan**.

2.2 Physical Setting

The Facility is located on an approximately 15-acre site at 31-01 20th Ave., Astoria, Queens County, New York and is situated within a large, approximately 300 acre complex (referred to as the “Astoria ConEd Complex”), which is home to several power generating facilities, as well as barge delivery facilities, a liquefied natural gas plant, a decommissioned wastewater treatment plant, and other miscellaneous energy and utility scale operations. This area has been the site of energy and electricity generating, transmission, distribution and associated energy activities since the 1890s and remains exclusively a major electric generating and manufacturing complex. As it has been for over a century, the Facility site is mostly built-out with some boundary landscaping and no natural habitat remaining.

¹ In 2040, the Project will comply with the CLCPA by either transitioning to operations using hydrogen fuel or another GHG-free fuel source or it will cease operating.

Since at least 1961, the entire Astoria Con Ed Complex has been Zoned M3-1, Heavy Manufacturing. The Project Site has no direct contact with the adjacent neighborhood as it is surrounded by other industrial and energy facilities and set back several thousand feet from the Astoria ConEd Complex fence line.

The Facility location is shown in **Figure 2-1**. The site plan showing the locations of the CTG and ancillary equipment is provided in **Appendix A**.

2.3 Prior Environmental Review

The Project previously underwent extensive environmental review under SEQRA, with NYSDEC serving as Lead Agency. Throughout October 2008, the applicant engaged in numerous public outreach activities, including meetings with local government representatives and civic organizations, to discuss the Project and its potential impacts on the community.

Although the proposal would have significantly decreased emission rates from the existing facility, a DEIS studying the environmental impacts of the Replacement Project was prepared. As part of this process, a Draft Scope was prepared. The NYSDEC conducted two public informational sessions on the Draft Scope on November 12, 2008. Public comments on the Draft Scope were accepted through November 26, 2008. NYSDEC issued the Final Scope on December 24, 2008.

Thereafter, an initial DEIS along with draft permit applications (a modified Title V air permit application, and SPDES permit application) were submitted to NYSDEC in February 2009. The DEIS and its appendices, which comprised 880 pages, considered and examined the potential impacts of the Project with regard to a comprehensive list of environmental resources: air, energy use and greenhouse gas emissions, geology and soils, water resources, water supply, wastewater, stormwater, terrestrial and aquatic ecology, fish and wildlife, aesthetic and visual resources, noise, historical and cultural resources, traffic and transportation, socioeconomic, environmental justice areas, land use and zoning. It also examined impacts of various Project alternatives, potential cumulative impacts, growth inducing impacts, and consistency with the state's coastal management policies and local waterfront revitalization plans.

A revised DEIS and updated Title V air permit application were resubmitted to NYSDEC in February 2010. NYSDEC accepted the DEIS, Title V air permit application and SPDES permit application as complete on April 16, 2010 and made it available for public review and comment. NYSDEC issued a Notice of Complete Application and Legislative Hearing, which was published in the Environmental Notice Bulletin on April 21, 2010. The DEIS and supporting project materials were available at public repositories and on the Project website. Two public hearings were held on May 20, 2010 to receive public comments on the DEIS and permit applications.

The Final Environmental Impact Statement, including a response to comments, was accepted by NYSDEC on September 22, 2010. NYSDEC issued a Findings Statement on October 4, 2010, concluding that the Project was designed, and where necessary revised, to avoid, minimize and mitigate adverse environmental impacts. NYSDEC's Findings Statement evaluated each of the potential impacts addressed in the DEIS and detailed its conclusion as to why the Project would not result in any adverse environmental impact.

Figure 2-1. Astoria Facility Location



2.4 Siting Board Declaratory Ruling

On June 12, 2019, the New York State Board on Electric Generation Siting and the Environment (“Siting Board”) determined that the “proposal to continue the SEQRA process, for this as yet unbuilt Proposed Replacement Project through a Supplemental Environmental Impact Statement to address the Proposed Replacement Project’s impacts and seek to amend the previously- issued DEC water and air permits and Commission-approved CPCN, is consistent with the ‘grandfathering’ exemption under PSL §162(4)(d).”² Furthermore, “the SEQRA exemption does not preclude projects that have been subject to reasonable updating or revisions. The purpose of the exemption is to allow the previously engaged governmental entity to continue its review of the proposal first brought to it for review and to allow the applicant to continue permitting before the entity to whom it first filed applications.”

Ultimately, the Siting Board concluded that the Project was an “extension, amendment or continuation of the originally proposed project” and therefore ruled the Project “...is exempt from review under Article 10 of the Public Service Law and should instead continue to be subject to the State Environmental Quality Review Act (SEQR)...” and “need not be treated as an altogether new project.

2.5 Supplemental SEQRA Procedural Steps To-Date

Prior to preparing the DSEIS for the Project, the Applicant and Lead Agency will have completed a series of procedural steps in accordance with SEQRA and its implementing regulations (6 NYCRR Part 617).

On April 27, 2020, the Applicant submitted to the NYSDEC Division of Environmental Permits applications for modification of the Facility’s existing Title V and Title IV air Permits; and, SPDES permit. The Applicant also completed Part 1 of the Full Environmental Assessment Form (“EAF”) to re-open the SEQRA process.

On May 19, 2020, pursuant to SEQRA and its implementing regulations, the NYSDEC issued a Lead Agency coordination letter expressing its intent to act as SEQRA lead agency to other potentially involved agencies as well as to request those agencies’ issues of concern.³ As in 2010, the Project continues to be classified as a Type 1 Action. As listed in the Lead Agency coordination letter, other potentially Involved and Interested Agencies that may have a permit, review, approval and/or funding role, or other interest in the implementation of the Project include:

- New York State Department of Public Service
- New York State Department of State
- New York State Office of Parks, Recreation and Historic Preservation
- NYC Department of Environmental Protection
- Mayor’s Office of Environmental Coordination
- NYC Department of City Planning
- Queens Community Board 1

² New York State Board on Electric Generation Siting and the Environment. Declaratory Ruling Concerning Jurisdiction Over Proposed Generating Facilities, June 12, 2019.

³ New York State Department of Environmental Conservation, correspondence dated May 19, 2020.

Although not all discretionary and subject to SEQRA, the FEAF Part 1 identifies the following potential regulatory approvals and permits that have been identified for the Project:

- NYSDEC: Title IV Air Permit Modification
- NYSDEC: Title V Air Permit Modification
- NYSDEC: Industrial SPDES Permit Modification
- NYSDEC: Approval of SWPP for Stormwater Discharges from Construction Activities
- NYSDEC: Chemical Bulk Storage Registration
- NYS PSC: Certificate of Public Convenience and Necessity Amendment
- NYC DEP: Certificate of Operation for Fuel-Burning Equipment
- NYC DOB: Building Permit, and Floodplain Development Permit
- FDNY: storage permit for aqueous ammonia and bulk oil storage, fire protection system permit, and Battery Energy Storage System Letter of No Objection
- FAA: Notice of Proposed Construction for new stack

The Draft Scope was noticed in the Environmental Notice Bulletin on July 1, 2020 with an initial thirty (30) day comment period, ending on July 31, 2020. It was also made available to the public on the Project's website at www.cleanerpowerforastoria.com. In addition, in accordance with the Supplemental Enhanced Public Participation Plan ("SEPPP") for the Project, the Notice of Draft Scope was sent via first class mail to each stakeholder identified in Appendix B to the SEPPP. Based on various requests to NYSDEC, the comment period on the Draft Scope was thereafter extended until September 4, 2020 for those parties that requested additional time.

3.0 Scoping

3.1 Purpose and Objectives

The primary goals of scoping are to focus the SEIS on potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or not significant. It is intended to provide the public and other involved agencies an opportunity to participate in the identification of impacts and “narrow issues and ensure that the draft SEIS will be a concise, accurate and complete document that is adequate for public review.” SEQR Handbook, p. 100.

The objectives of scoping are:

- Identify the significant environmental conditions and resources that may be affected by the project;
- Focus on the relevant environmental impacts of those environmental conditions and resources, thus providing the preparers with the specific issues to be addressed in the SEIS;
- Eliminate irrelevant impacts or issues and eliminate or de-emphasize non-significant impacts;
- Describe the extent and quality of information needed;
- List available sources of information;
- Specify study methods or models to be used to generate new information, including criteria or assumptions underlying any models, and define nature and presentation of the data to be generated by those studies and models;
- Define reasonable alternatives for avoiding specific impacts which must be included in the SEIS, either as individual scenarios or a range of alternatives; and
- Specify possible measures for mitigating potential impacts that must be discussed in the SEIS, to the extent that they can be identified at the time of scoping.

This document is intended to identify potentially significant adverse environmental impacts due to Project modifications and/or changes in circumstances that were not adequately considered in the 2010 FEIS and need to be supplemented in the DSEIS.

3.2 Consideration of Changes in Community Setting

The Project Site is located within the Astoria ConEd Complex in the northern portion of the Astoria neighborhood of Queens. The area is also known as Ditmars Steinway. The Astoria ConEd Complex is situated on a peninsula surrounded by the East River on the northern, western, and eastern sides.

The general area commencing approximately two thousand feet south of the Project Site (at the property line of the Astoria ConEd Complex) is largely low to mid density residential in nature and has been since the 1950s. The zoning districts to the south of the Astoria ConEd Complex are residentially zoned allowing low and mid density residential and community facility uses. Population density in Astoria has decreased 3.4% from 2010 to 2018. The neighborhood has slightly shifted from families to more young professionals. Households with children under 18 dropped from 23.9% in 2010 to 19% in 2018, and

single-person households increased from 32.8% to 36.3%. The neighborhood's reduction of immigrants has been replaced by out-of-state transplants rather than New Yorkers, with a reduction of foreign-born population from 44.9% to 38.6%, but only an increase of 2.2% of New York State born population.

There is a commercial corridor running north/south along 31st Street, which is zoned for commercial uses, as well as a commercial corridor on Ditmars Blvd, running east to west approximately four thousand feet south of the Project Site, which is also zoned for commercial uses (via commercial zoning overlays), and is comprised generally of local retail uses. The land uses have not changed since the turn of the century. Immediately south of the Astoria ConEd Complex are multiple low-rise apartment buildings that were developed in 1949. The remaining residential uses in the area are comprised of low-rise one and two family attached homes. There are also two schools in the area south of the Astoria ConEd Complex as well as a park that hugs the east river to the southwest of the Project Site. All these land uses have been in place for over 20 years. While newer buildings have replaced some older residential buildings, specific commercial uses may have changed over the years, and the population demographic may have changed, the contextual character of the neighborhood has remained consistent.

The newest large-scale development is the Hallett's Point section of Queens, which resulted from the Astoria Cove Rezoning (ULURP No. C 140322 ZMQ). This is over a mile and a half south of the Project Site. In addition, in 2018 Mount Sinai Health System opened the Queens Pavilion - a 140,000 square foot emergency department and surgical suite facility with expanded outpatient medical, imaging and testing services. This new medical facility is also over one and a half miles from the Project Site.

Changes since 2010 within the Astoria ConEd Complex have been limited to redevelopment and modernization of other generation facilities. This includes the demolition of the New York Power Authority (NYPA) Charles Poletti Power Plant starting in 2012. In addition, there was the construction of Astoria Energy II, located outside the ConEd complex to the southeast on the other side of Luyster Creek, which became operational in 2011.

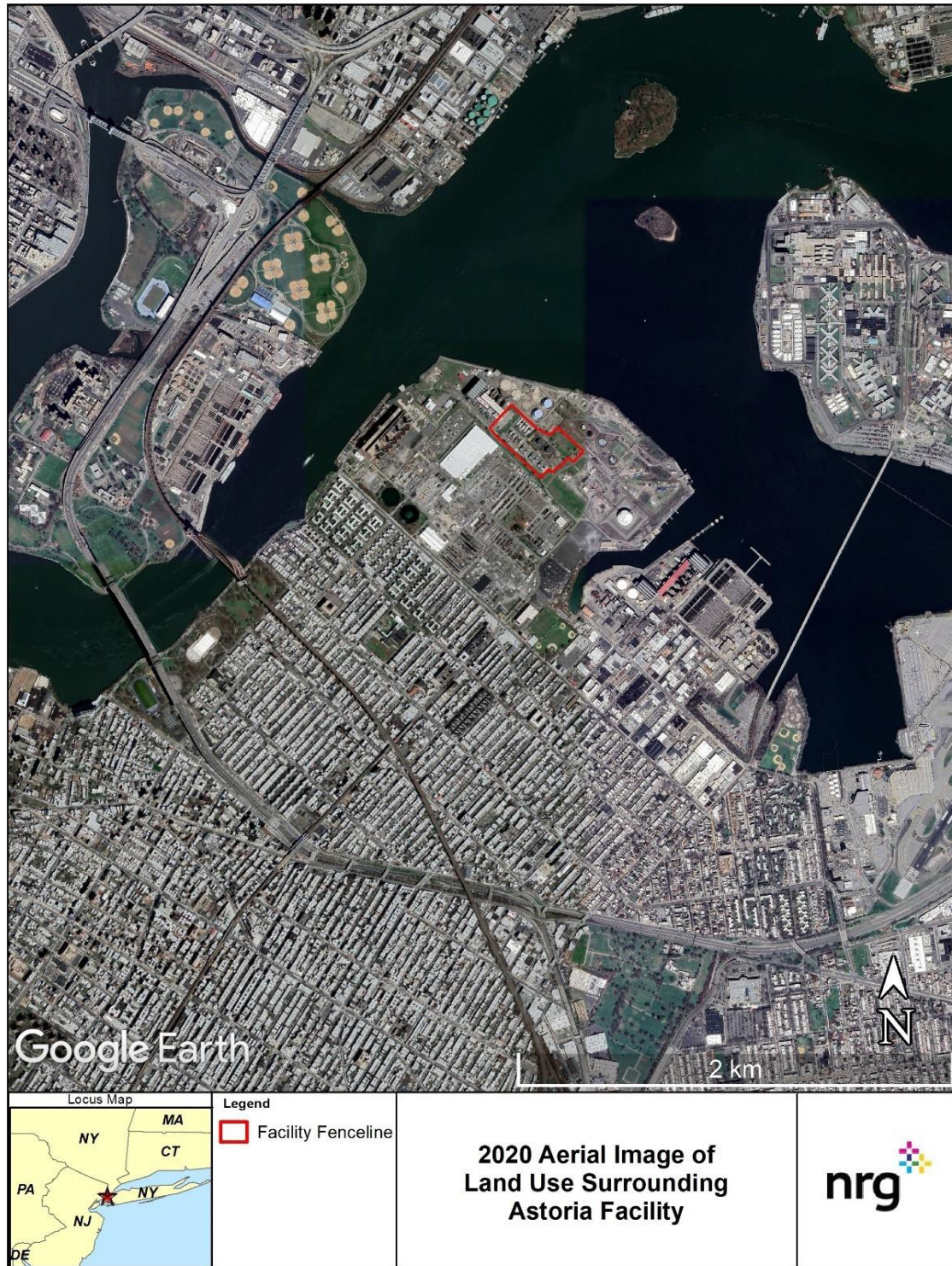
These facility modifications have not resulted in land use changes or alterations in character to the Astoria ConEd Complex. Aerial images from September 2009 and April 2020, **Figure 3-1** and **Figure 3-2** respectively, demonstrate relatively minor changes in land use or density since the 2010 SEQRA. Most of the area south of the Astoria ConEd Complex was rezoned under the 2010 Astoria Rezoning (ULURP No C 100199 ZMQ) which was adopted on May 25th, 2010. However, this zoning change was largely to protect the existing density within the neighborhood (i.e., a "downzoning"). There are currently no pending zoning map amendments to change any land use or zoning on parcels in this neighborhood. The most recent zoning map amendment within the neighborhood was the "38-01 23rd Avenue Rezoning" (ULURP 180315 ZMQ) which mapped a C2-3 commercial overlay on an existing R5D zoning district. This zoning map amendment did not change any available floor area ratios ("FAR") in the district.

Since 2010, the redevelopment activities in the areas surrounding the Project Site have not resulted in significant changes in land use, density or community character that equate to changes in circumstances that would necessitate assessment of impacts in addition to those performed for the 2010 FEIS.⁴

⁴ 6 NYCRR 617.9(a)(7).

Figure 3-1. Aerial Image of Project Vicinity – 2010

Figure 3-2. Aerial Image of Project Vicinity – 2020



Ambient air quality in the vicinity of the Facility has improved since the Project was permitted in 2010. In 2008, the U.S. Environmental Protection Agency ("USEPA") classified the area surrounding the Facility as not meeting the National Ambient Air Quality Standards ("NAAQS") (i.e., nonattainment) for particulate matter less than 2.5 microns in size ("PM_{2.5}") and ozone ("O₃")⁵. PM_{2.5} was reclassified as in attainment on April 18, 2004. Currently, the USEPA classifies the area surrounding the Facility as nonattainment for O₃ only.

Due to the limited changes in the character of the neighborhood, the residential noise receptors used in 2010 remain appropriate for purposes of assessing the modifications to the Project as they continue to be the closest residential receptors to the Project Site. The Applicant conducted an updated ambient noise survey in 2019 to determine if any changes in background noise levels had occurred since 2010. As reflected in **Table 3-1**, there have only been minor changes in the ambient noise level at these receptors in that timeframe.

Table 3-1. Measured Early Morning Ambient Sound Level (L_{eq}, dBA)

Noise Receptor	Representative Address	2010	2020
N-1	Ralph Demarco Park, Corner of 20th Ave and Shore Blvd	58	50.9
N-2	Corner of 20 th Ave and 23 rd St	60	59.7
N-3	Corner of 20 th Ave and 31 st St	58	60.2

Two changes have been noted in traffic patterns since 2010. In 2015, the intersection of 31st Street and Hoyt Avenue was modified to include new traffic lights, priority bus lanes and revised parking spaces to reduce congestion and increase safety. In 2016, Shore Boulevard was converted to a one-way street (southbound) with added bicycle lanes to increase safety for users of Astoria Park on the East River. Neither change affects commercial vehicle access to the Astoria ConEd Complex.

3.3 Regulatory Changes

Since completion of the FEIS in 2010, there have been regulatory changes that may affect the Project and therefore should be addressed in the supplemental impact review. These include:

- Local Waterfront Revitalization Program ("LWRP"). As part of the 2010 FEIS, the NYSDEC determined that the Project was consistent with the policies of the LWRP. Since that time, in October 2013, the City Council approved a revised version of the New York City Waterfront Revitalization Program ("WRP"). The intent of these revisions was to update the policies based on new information and to reflect the City's objectives for waterfront revitalization, as embodied in Vision 2020, the NYC Comprehensive Waterfront Plan, released in 2011. One of the most significant revisions to the policies was to incorporate the consideration of climate change projections for coastal flooding and sea level rise into the design and review of projects. This policy requires all projects, except for maintenance and in-kind replacement of existing facilities, to identify potential vulnerabilities to and consequences of sea level rise and coastal flooding

⁵ The entire New York Metropolitan Area was, and continues to be, classified as nonattainment for O₃.

over their lifespan and to identify and incorporate design techniques to address these risks. New York City's revised WRP was approved by the New York State Department of State on February 3, 2016.

- Climate Leadership and Community Protection Act ("CLCPA"). The CLCPA was passed in 2019 (Chapter 106 of the Laws of 2019). The CLCPA and Environmental Conservation Law ("ECL") Article 75 require NYSDEC to promulgate regulations to establish a statewide greenhouse gas ("GHG") emissions limit for 2030 that is sixty percent of 1990 GHG emissions, and for 2050 that is fifteen percent of 1990 GHG emissions. The CLCPA also requires the Public Service Commission ("PSC") to establish a program to meet a target of seventy percent of statewide electrical generation from renewable sources by 2030, and a target of zero GHG emissions for statewide electrical demand by 2040. To date, neither NYSDEC nor the PSC has established these regulations. In addition to the regulations that are to be promulgated, Section 7(2) of the CLCPA requires all state agencies to consider whether the decision to issue permit(s) is inconsistent with or will interfere with the attainment of the ECL Article 75 GHG emission limits. Where such decisions are deemed to be inconsistent with or will interfere with the attainment of the statewide GHG limits, the agency must provide a detailed statement of justification as to why such limits/criteria may not be met and identify alternatives or GHG mitigation measures to be required where the project is located.
- 6 NYCRR Part 496 Proposed Rulemaking "Statewide Greenhouse Gas Emission Limits." The proposed rule adopts limits on the emission of greenhouse gases in 2030 and 2050, as a percentage of 1990 emissions, per the requirements of the CLCPA. It applies to all emission sources in New York State, but the rule does not itself impose compliance obligations.
- Sea Level Rise. Since the completion of SEQRA and permitting in 2010, the Community Risk and Resiliency Act was signed into law in 2014, which requires applicants to consider impacts of extreme weather including storm surge, sea level rise and flooding. NYSDEC promulgated Part 490 of Title 6 of the New York Code, Rules and Regulations ("NYCRR"), which includes sea level rise predictions for use in consideration of the impacts. The 2018 Draft New York State Flood Risk Management Guidance for the Implementation of the Community Risk and Resiliency Act ("2018 Guidance") has been put into effect.
- FEMA Flood Mapping. The Project is located in the area covered by the FEMA-mapped flood hazard areas.⁶ Since the 2010 SEQR was completed, preliminary floodplain mapping was reissued by the Federal Emergency Management Agency ("FEMA") in 2015. Although the 2015 mapping is available and utilized by New York City, the new maps have not yet been put into effect by FEMA and the Effective Flood Maps remain from 2007. Both flood maps (attached to the FEAF Part 1 indicate that portions of the Project Site lie in an area having a 1% chance of annual flood hazard (100-year floodplain).
- NYC Climate Change Executive Orders, Local Laws and Policies
 - *Executive Order 52 ("EO-52")* – Statement of Administration Against Addition of Infrastructure that Expands the Supply of Fossil Fuels in New York City. On February 6, 2020, Mayor Bill DeBlasio issued EO-52. EO-52 sets forth New York City's opposition to the development of infrastructure that expands the supply of fossil fuels via pipelines, and new fossil-fuel based electric generation capacity. It includes four key components:

⁶ NYC Planning, Zoning & Land Use Map (ZoLa). <https://zola.planning.nyc.gov/about/#9.72/40.7125/-73.733>, accessed June 10, 2020.

1. Commitment to ending the expansion of fossil-fuel related infrastructure that “expands the supply of fossil fuels via pipelines or terminals for the transfer of fossil fuels or via the construction of new fossil-fuel based electric generation capacity.”
 2. Comprehensive review of processes for approving or allowing infrastructure that expands the supply of or extends reliance on fossil fuels.
 3. Regulatory interventions to articulate the City’s opposition to infrastructure that expands the supply of fossil fuels.
 4. Agency cooperation to ensure that potential economic impacts and the potential disruption of existing fossil fuel supply is taken into account and to assess potential conflicts with contract requirements.
- *Local Law 97, 2019.* On April 18, 2019, the New York City Council passed the Climate Mobilization Act. One piece of this is Local Law 97, which mandates reductions in citywide greenhouse gas emissions. Codified in Section 24-803(a)(1) of the NYC Administrative Code, Local Law 97 requires that:

There shall be, at minimum, a 40 percent reduction in citywide emissions by calendar year 2030, and an 80 percent reduction in citywide emissions by calendar year 2050, relative to such emissions for the base year for citywide emissions.

These reduction goals enacted by Local Law 97 are to be “achieved through the applicable policies, programs and actions included in PlaNYC, the long-term sustainability plan developed and updated pursuant to section twenty of the New York city charter, and any additional policies, programs and actions to reduce greenhouse gas emissions that contribute to global warming.” NYC Code, Section 24-803(a)(2).

Local Law 97 also requires substantial reductions in greenhouse gas emissions from city government operation and contains building emissions and energy conservation requirements.

- *OneNYC 2050.* OneNYC is an update of PlaNYC, which was first developed in 2007. Following a nearly year-long effort to explore and evaluate the most important local and global challenges facing New York City, to craft a strategic plan to address those challenges, and to offer a vision for New York City in the 21st century, New York City released its OneNYC 2050 in April 2015. Created under the requirements of Local Law 84 of 2013, OneNYC 2050 is New York City’s long-term strategic plan. The relevant goals of the OneNYC Plan, as updated in April 2019, include the City’s New Green Deal policies including the reduction of GHGs and the achievement of carbon neutrality by 2050.

3.4 Other Changes in Circumstances

3.4.1 Energy and Environmental Economics, Inc. (E3) Report “The Potential for Energy Storage to Repower or Replace Peaking Units in New York State

The New York State Public Service Commission’s energy storage deployment order from late 2018⁷ included a requirement for Department of Public Service staff to analyze the operational and emissions data of conventional peaking units, defined as fossil-fuel generators with low utilization that typically

⁷ Case 18-E-130, In the Matter of Energy Storage Deployment Program, Order Establishing Energy Storage Goal and Deployment Policy (Energy Storage Deployment Order) (issued Dec. 13, 2018).

operate during periods of high demand, to identify potential candidates for repowering or replacement with energy storage and/or clean resources. In consultation with the New York Independent System Operator (“NYISO”), New York State Energy Research and Development Authority (“NYSERDA”), NYSDEC, the Long Island Power Authority (“LIPA”), and Consolidated Edison Company of New York, Inc. (“CECONY or Con Edison”), E3 conducted this analysis and issued its report in July 2019.

3.4.2 COVID-19

According to the New York State Department of Health:

SARS-CoV-2, a novel coronavirus, was first identified as the cause of an outbreak of respiratory illness in Wuhan, Hubei Province, China in 2019. There are many coronaviruses, all of which typically cause respiratory disease in humans. The World Health Organization (WHO) named the disease caused by SARS-CoV2 “COVID-19.”

COVID-19 was declared a pandemic on March 11, 2020 due to the number of countries affected by its rapid spread.

3.4.3 Demand Management and Energy Efficiency

In response to increasing energy costs and efforts to reduce greenhouse gas emissions, the State and New York City have employed a number of different measures to manage and reduce energy use, including demand management and energy efficiency. Demand management is the modification of consumer demand for energy through various methods, the goal of which is to encourage the consumer to use less energy during peak hours, or to move the time of energy use to off-peak times such as nighttime and weekends. Peak demand management does not necessarily decrease total energy consumption, but could be expected to reduce the need for investments in networks and/or power plants for meeting peak demands. Energy efficiency seeks to reduce energy consumption by using less energy to attain the same amount of useful output.

4.0 Modifications to Previously Approved Project

4.1 Project Changes

4.1.1 Project Design and Operations

Table 4-1 provides a summary comparison of facility/Project design parameters for the previously approved configuration and the proposed Project as modified.

Table 4-1. Comparison of Proposed Project Modification to the Previously Approved Project Configuration – Facility/Project Design

Parameter	Previously Approved Project Configuration	Proposed Project Modification
Number / type of CTs	4 / CCCT	1 / SCCT
CT fuels (primary / backup)	Natural Gas / ULSD	Natural Gas / ULSD
Electrical output (nominal gross MWe)	1,040	437
Steam condensing system	Indirect Dry Cooling	None
Number / height (feet) of stacks	4 / 250	1 / 250

The previously approved Project configuration included four CCCTs intended to be used as intermediate mode and peaking units, with a permitted annual capacity factor in excess of 85%; ULSD firing in all four units was limited to a total of 400 hours/year. The Proposed Project as modified consists of one SCCT and is designed to operate as a peaking facility, seeking a permitted annual capacity factor of less than 30%;⁸ operation on ULSD will be limited to ULSD gallon equivalent of 720 hours/year.

4.1.2 Air Quality

Table 4-2 provides a summary comparison of the short-term (pounds per hour, “lb/hr”) and annual (tons per year, “tpy”) emissions for the previously approved Project configuration and the Proposed Project as modified.

Table 4-2 shows that the Proposed Action’s short-term air emissions are lower than those for the previously approved Project configuration for all pollutants with the exception of VOC and CO for the reason stated in footnote 3 to the table. Use of vendor guarantee emissions for a similar unit at Con Edison’s East River Repowering Project would have resulted in considerably higher short-term VOC and CO emissions for the previously approved project compared to the Project as modified. Maximum projected annual emissions for the Proposed Modification are lower than those for the project as previously configured for all pollutants.

⁸ As described in the Project’s Title V Air Permit Major Modification Application, permitted annual capacity factor will be a function of fuel use, hours of operation and number startup/shutdown events.

Table 4-2. Comparison of Proposed Project Modification to Previously Approved Project Configuration - Air Emissions

Parameter	Previously Approved Project Configuration		Proposed Project Modification	
	lb/hr ⁽¹⁾	tpy ⁽¹⁾	lb/hr ⁽²⁾	tpy ⁽²⁾
Pollutant				
Nitrogen oxides (NO _x)	226.7	404.6	77.6	96.6
Volatile Organic Compounds (VOC)	7.1 ⁽³⁾	25.2 ⁽³⁾	10.8	24.8
Respirable particulate matter (PM _{2.5})	86.4	160.7	71.1	52.5
Sulfur dioxide (SO ₂)	10.9	21.9	6.1	7.9
Carbon monoxide (CO)	41.6 ⁽³⁾	194.4 ⁽³⁾	47.2	89.3
Carbon dioxide (CO ₂)	1,175,760	3,865,000	652,360	713,487
<p>(1) Maximum short-term and annual emissions as submitted to NYSDEC on February 5, 2010. There are no short-term mass emission limits in the Title V permit for the previously approved configuration. Note that annual emissions include start-up/shutdown ("SU/SD") events only for NO_x and VOC.</p> <p>(2) Maximum short-term and annual emissions as reported in Tables 2-1 and 2-3, respectively, of the Astoria Replacement Project Title V Air Permit Modification Application, submitted to NYSDEC on April 27, 2020. Listed short-term values are the proposed permit emission limits. Emissions for SU/SD events were included for all pollutants.</p> <p>(3) The Title V permit for the previously approved configuration did not contain emission limits for VOC or CO, and the projected emissions of VOC and CO were based on AP-42 emission factors and stack test data, not on vendor guarantee. The emission rates as listed in the Astoria Replacement Project Title V Air Permit Modification Application, submitted to NYSDEC on April 27, 2020 are proposed permit limits and based on the vendor guarantee.</p>				

4.1.3 Water Resources

Table 4-3 provides a summary comparison of the peak (gallons per minute, "gpm") and annual (million gallons per year) water use and peak wastewater discharge to Outfall 001 for the previously approved Project configuration and the Project as modified.

Table 4-3. Comparison of Proposed Project Modification to Previously Approved Project Configuration - Water Use and Wastewater Discharge

Parameter	Previously Approved Configuration	Proposed Project Modification
Water use		
Peak (gpm)	1,368	579
Annual (million gallons/year)	39.3	27.6
Wastewater Discharge to Outfall 001 (peak gpm)	50-80	6

The data in the table show that water use and wastewater discharge to Outfall 001 for the Proposed Modification are considerably lower than corresponding data for the previously approved Project configuration.

The SPDES permit (which also applies to the current Facility) for the Project configuration previously approved allows limited discharge through Outfall 001 to the East River via a 24-inch unperforated pipe from the following sources: (1) the discharge from an oil-water separator (“OWS”) system that treats stormwater collected within the diked containment areas of the ULSK tanks and the adjacent truck unloading area and (2) the reverse osmosis (“RO”) water treatment system reject waste stream.⁹ The Proposed Modification will include a second OWS unit to treat runoff generated in the new CTG power generation area. After construction has been completed on the proposed modification, discharges to Outfall 001 will include flows from the existing and new OWS systems, evaporative cooler blowdown and limited quantities of stormwater runoff from the power generation area.

As with the previously approved Project configuration, water will be sourced from New York City water supply. No water will be withdrawn from the East River.

4.1.4 Noise

In 2010, it was determined that Project noise levels would cause an increase of 1.0 A-weighted decibels (“dBA”) or less at the nearby residential areas and, therefore, would be below the significance criterion established by City Environmental Quality Review (“CEQR”) and DEC noise guidance.

Due to the limited changes in the character of the neighborhood (see Section 3.2), the residential receptors used in 2010 remain appropriate for purposes of assessing the modifications to the Project as they continue to be the closest residential receptors to the Project Site. Accordingly, both a new ambient noise survey and noise study were conducted to determine anticipated noise levels at these receptors and to update the potential for a significant adverse noise impact from the Project as modified.

The results establish that predicted sound levels at all three residential receptor locations from the Project as modified will decrease from those predicted in the 2010 analysis. The increase over ambient will also decrease at two receptors, with only one receptor location showing a small increase over ambient, due to a decrease in ambient noise since 2010 (see Section 3.2 above). For all three receptors, increases over ambient remain below 2 dBA.

As such, as in 2010 predicted Project noise levels remain below the significance criteria as the projected increases over ambient are well below the 6 dB(A) increase threshold triggering further assessment as provided in the NYSDEC Program Policy DEP-00-1 - Assessing and Mitigating Noise Impacts. They are also below the New York City CEQR Technical Manual 3 dB(A) threshold as shown in **Table 4-4**.

⁹ Historically, Outfall 001 was connected to the Facility’s stormwater drainage system, which collected stormwater runoff from outside the containment areas. This connection was plugged in the mid-1990s, and stormwater discharge was not included in the previously approved Project’s SPDES permit.

Table 4-4. Comparison of Proposed Project Modification to Previously Approved Project Configuration - Predicted Sound Levels

Noise Receptor	Previously Approved Project Configuration				Proposed Project Modification			
	Project Sound Level (L _{eq} , dBA)	Measured Early Morning Ambient Sound Level (L _{eq} , dBA)	Cumulative Sound Level (L _{eq} , dBA)	Increase over Ambient (dBA)	Project Sound Level (L _{eq} , dBA)	Measured Early Morning Ambient Sound Level (L _{eq} , dBA)	Cumulative Sound Level (L _{eq} , dBA)	Increase over Ambient (dBA)
N-1	51.3	58	58.8	0.8	48	50.9	52.7	1.8
N-2	53.5	60	60.9	0.9	48	59.7	60.0	0.3
N-3	52.0	58	59	1.0	46	60.2	60.4	0.2

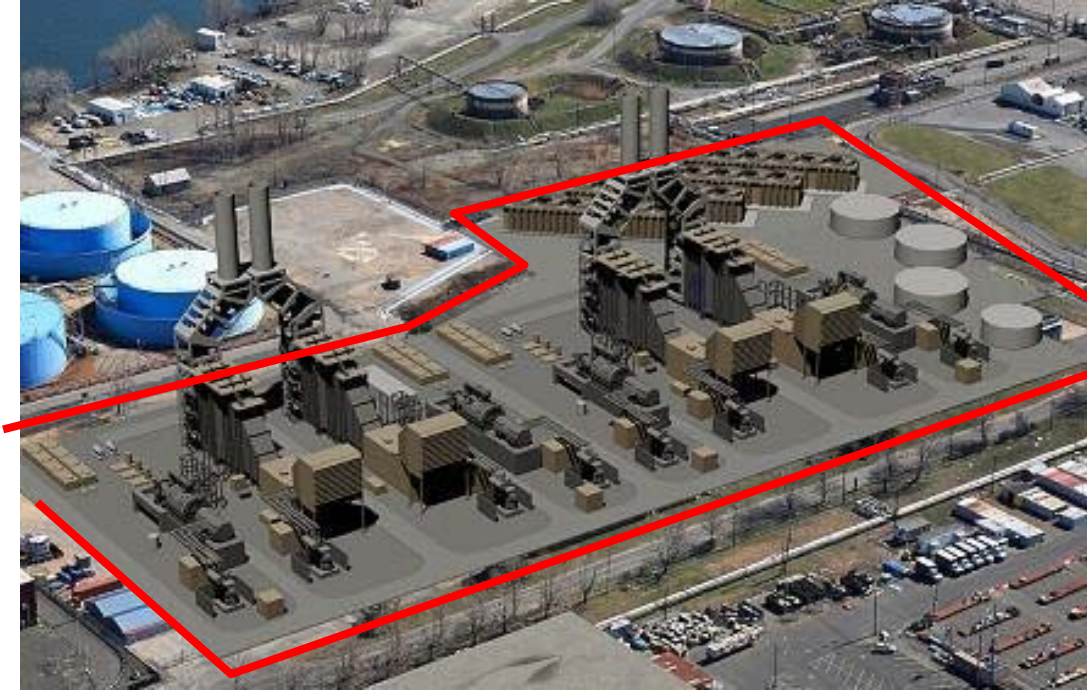
4.1.5 Aesthetic/Visual Resources

The Project as modified will be smaller in scale compared to the Project configuration previously approved; it will have fewer structures and stacks. As such, the visual impact of the Proposed Action will be less when compared to the Project configuration previously approved.

The Project as modified will be sited at the same Astoria ConEd Complex and have a considerably smaller footprint than what was previously evaluated and found not to result in adverse visual or aesthetic impacts. As in 2010, the Project will be located in a large, relatively flat tract of land used for more than 100 years for the generation of electricity. Similarly, in all the surrounding boroughs that could view the Replacement Project, there are several existing stacks used by other power stations located in the Astoria ConEd Complex.

As modified, the scope and size of the Project has been reduced as has the potential for adverse visual and aesthetic impacts. For example, as permitted in 2010, the CC-FAST combined cycle trains had four stacks, each of which were to be built to 250 feet. The Project as modified will have only one stack, at the same 250 feet height. This is a significant reduction in stacks that might be visible from off-site. Further, unlike in 2010 when the configuration of the Project included new and additional fuel storage tanks, the Project as modified does not include any new fuel tanks, with the exception of a small kerosene tank, and will use the Facility's two existing storage tanks that have been at the site for approximately 50 years. Similarly, since the Project as modified has a simple cycle configuration, it does not require the four large indirect dry cooling systems included in the previously approved Project configuration. Visual comparisons of the previously approved Project configuration versus the Project as modified are shown in below in **Figure 4-1** and **Figure 4-2**.

Figure 4-1. Rendering of Previously Approved Project Configuration



2010 Permitted Configuration (CC Fast – 1,040 MW Combined Cycle)

Figure 4-2. Rendering of Proposed Project Modification



Modified Project Configuration (437 MW – Simple Cycle)

4.1.6 Traffic/Transportation

The Facility typically receives less than 10 truck trips per day including fuel deliveries, express shipping, and others. It also currently employs a small staff of about 20 full time personnel. Most of these employees commute to work by car.

As previously configured, the Project anticipated an operational staff of 24 personnel and typically 10-truck trips per day as well as additional truck trips associated with fuel deliveries up to three times per year. NYSDEC determined that this would not result in any significant adverse traffic or transportation impacts.

For the Project as modified, operational traffic is anticipated to be lower than evaluated and approved in 2010. There will be fewer full-time personnel and, thus, the commuter expectation will be less than both the current number and the number projected for the previously approved Project configuration. Typical truck trips are expected to be below 10 per day. In addition, truck trips associated with fuel deliveries will be less than what was anticipated with the previously approved Project configuration due to the smaller size of the plant (437 MWe vs 1040 MWe) and because the plant will be a peaking facility that will operate a considerably smaller portion of the year. The previously approved Project configuration was permitted with an annual capacity factor in excess of 85%, while the Project as modified is seeking a permitted annual capacity factor of less than 30%.

Although NYSDEC does not have a guidance document addressing traffic and transportation impact review, this level of anticipated traffic is below the New York City CEQR Technical Manual threshold.

4.1.7 Geology, Soils, and Topography

The Project Site has not been materially altered since 2010. There are no Project modifications that will affect the existing geology, soils or topography differently than assessed previously. It is noted that the footprint for new equipment and construction activities is smaller than the previously approved Project configuration. In addition, it is anticipated that any impacts to geology, soils, and topography will be insignificant since the Project is located on an existing industrial site that is fully utilized.

4.1.8 Biological, Terrestrial, and Aquatic Ecology

There continues to be no significant biological, terrestrial, or aquatic ecological resources on site. Consistent with the 2010 evaluation, the Project as modified does not include any cooling water intake structures ("CWIS"). Therefore, no impingement or entrainment or thermal issues are of concern with respect to the Project.

As discussed in Section 4.1.3 above, the Project as modified will use existing Outfall 001 to discharge flows from the existing and new OWS systems, evaporative cooler blowdown and limited quantities of stormwater runoff from the power generation area to the East River. This discharge is being assessed as part of the SPDES permit application.

4.1.9 Historic, Cultural, and Archeological Resources

According to the NYSDEC EAF Mapper, there have been no significant changes or new National Register of Historic Places ("NRHP") listed historic resources identified at the site or in the area immediately surrounding the Project Site since the NYSDEC as Lead Agency issued the 2010 FEIS. Although the site is located within an area designated by NYS Office of Parks, Recreation and Historic Preservation ("NYSHPO") as having potential sensitivity for archaeological resources, in 2010, as part

of the SEQRA process, clearance was obtained from the NYSHPO confirming the Project would not result in adverse impacts upon cultural resources. Project activities will occur within the same existing previously disturbed property. The Applicant will consult with the NYSHPO to reaffirm their previous determinations.

4.1.10 Public Safety

There have been no significant changes to on-going security at the Facility or proposed Project modifications related to public safety or security. The Facility still has fully restricted access with fenced property and security cameras. With new state-of-the-art equipment, Astoria does not anticipate serious maintenance problems (emergencies). Also, Astoria anticipates little or no direct need for local public safety agencies.

4.1.11 Community Facilities and Services

There are no changes in circumstances since the Project was approved in 2010 that warrant re-evaluation of potential impact to community facilities and services. There are no Project modifications that effect community facilities and services. The existing companies operating within the Astoria ConEd Complex maintain well trained fire and emergency response capabilities within their organizations and utilize the security services provided by ConEd for the complex for their day-to-day security needs. It is not anticipated that the Project as modified will result in any permanent increase in local population and therefore, no impacts to school or other community facilities are likely to occur.

4.1.12 Communication Facilities

The 2010 SEQR findings did not find a significant adverse impact from the proposed stacks (4) on communications. As modified, there is a reduction in the number of proposed stacks from four to one, reducing any potential impact.

4.1.13 Effects on Use and Conservation of Energy

There is no change in the potential effect on use and conservation of energy since 2010. The proposed Project modifications will not cause an increase in use of energy resources. The Project will use far less fuel than the previously approved Project configuration. This equates to lower incremental energy costs and emissions. Furthermore, when dispatched, the Replacement Project will help avoid the need to operate more expensive peaking resources.

4.1.14 Short Term Impacts

As shown in **Table 4-1**, the construction period for the Project as modified will be considerably less compared to the previously approved Project configuration (25 months compared to a total of 60 months). This will result in lower construction-related impacts including air emissions, noise and traffic. Further, as in 2010, during construction, it is expected barge delivery will be utilized for large equipment due to its cost efficiency, ease of access, and to avoid local ground delivery by truck.

4.2 Public Need and Benefits

Public benefits will be described in the DSEIS in qualitative and quantitative measures, as appropriate. It is anticipated that this section of the DSEIS will discuss, but not be limited to, benefits to resiliency, increased reliability of the electric grid and support of promotion of renewable energy generation, as well as economic benefits to the community.

5.0 Anticipated Format, Approach and Content of Draft SEIS

5.1 Overview

This section of the Draft Scoping Document describes the anticipated content of the DSEIS and the anticipated methodology and resources for the necessary environmental assessment. The DSEIS will be prepared in accordance with 6 NYCRR 617.9, as applicable to a supplemental assessment. As such, it will present a focused assessment of potentially significant adverse impacts resulting from Project modifications and changes in circumstances that have occurred since the 2010 FEIS. As a supplement it will be presented as a stand-alone document providing a more general characterization of the existing conditions and inventory of existing resources than a conventional EIS. The 2010 FEIS will be appended by reference.

The DSEIS will be generally organized in accordance with 6 NYCRR 617.9(b) as follows:

DSEIS Title Page per 617.9(b)(3)

The DSEIS title page will state that the document is a Draft Supplemental Environmental Impact Statement, and will include the descriptive title of the project, the location of the project, the name, address and telephone number of the Lead Agency and its contact person, contact information for key preparer(s) of the DSEIS, the date of acceptance of the DSEIS by the Lead Agency, and the date by which comments must be submitted.

Table of Contents per 617.9(b)(4)

The DSEIS will include a Table of Contents including listings of tables, figures, drawing, maps and appendices, as applicable. It is anticipated that the 2020 Final EIS will be appended by reference. See attached Anticipated Table of Contents (**Appendix B**).

Executive Summary

The executive summary will provide a concise overview of the DSEIS. It will include a brief description of the Project, as modified, a description of the existing environmental setting, identification of significant beneficial and adverse impacts, a summary of the assessments of potential impacts, a description of proposed mitigation measures, an evaluation of alternatives considered, and a listing of anticipated permits and approvals necessary to construct, operate and maintain the Project.

DSEIS Section 1.0 - Introduction - Project Description per 617.9(b)(5)

Section 1 of the DSEIS will provide an overview of Project background for context. The Project location and setting will be provided as well as characterization of the surrounding areas. A description of the Action subject to SEQRA will be included in Section 1 as a concise description of the proposed modification to the previously approved Project. This section will provide a comparison of the permitted modifications in 2010 with the proposed project changes today. A characterization of the current socio-economic conditions within the surrounding community will be provided with a description of the purpose, need and benefits of the Project. A site location map that shows the location of the Project

area in relation to its surroundings will be included in this section along with general arrangement drawings.

DSEIS Section 2.0 - SEQR Process

This section will describe the process that the Applicant and Lead Agency have followed to date in conducting and documenting the supplemental environmental assessment in accordance with SEQR. SEQR requires all state, regional, and local government agencies to consider potential environmental impacts equally with social and economic factors during preliminary stages of proposed development actions. The Lead Agency and other Involved Agencies must assess the environmental significance of all actions they have discretion to approve, fund, or directly undertake. Section 2 of the DSEIS will document the classification of the Project as a Type 1 Action, identify reviewing agencies (Lead Agency and Involved Agencies) as well as Interested Parties. Applicable permits and/or approvals anticipated to be required for the construction, operation and maintenance of the facility will also be identified in this section of the DSEIS. A chronology of environmental reviews and permitting will be provided along with the current regulatory framework and rationale for utilizing a Supplemental EIS.

DSEIS Section 3.0 - Assessment of Potential Impacts and Mitigation Measures *per 617.9(b)(5)(iii) and (iv)*

As appropriate for a supplemental assessment, the level of detail in Section 3 will be commensurate with the significance of potential impacts due to changes in circumstances and project changes. The general approach to the impact analysis will be to first describe and characterize the existing conditions relative to the potentially impacted resource. Based on the information provided in permit modification applications, FEAF Part 1, as well as through the on-going public scoping process, the Lead Agency and Applicant will establish the potential impacts to be assessed in the DSEIS.

The DSEIS will assess the potential impacts that are likely to occur under implementation of the Project modifications. The DSEIS will identify and describe possible mitigation measures to avoid or reduce the identified significant adverse environmental impacts. The assessment section of the DSEIS will be organized for each resource or impact category to be assessed; the characterization, impact assessment and possible mitigation will be described together in a single sub-section for that category (e.g., Air Quality).

Sources for this Section include, but will not be limited to:

- Full Environmental Assessment Form – Part 1, April 2020;
- Astoria Replacement Project Title V Air Permit Modification application, April 2020;
- Economic Development Benefits of the Proposed Astoria Replacement Project, June 2020;
- Correspondence and consultations with interested and involved agencies:
 - New York State Historical Preservation Office
 - NYSDEC – National Heritage Program
 - US Fish and Wildlife Service
 - NYC Department of City Planning - Coastal Zone Consistency Review
 - New York State Board on electric Generation Siting and the Environment, Declaratory Ruling on Jurisdiction of Proposed Generating Facilities, June 2019.

- New York City Waterfront Revitalization Program, approved February 2016;
- New York City Environmental Quality Review Technical Manual, 2014;
- Astoria Repowering Project - SEQRA Findings Statement, September 2010; and
- Astoria Repowering Project - Final Environmental Impact Statement, September 2010, including Draft EIS and Appendices.

It is anticipated that the DSEIS will evaluate the potential for significant adverse impacts for the following:

- Air resources;
- Climate change;
- Environmental Justice;
- Health Outcome Data;
- Coastal Consistency Review and LWRP; and
- Cumulative Impacts.

Section 4.2 herein describes the scope of analyses to be conducted and documented.

DSEIS Section 4.0 - Potential Alternatives to be Considered

This section of the DSEIS will define and provide a qualitative comparison of reasonable alternatives to the Proposed Modification. Alternatives to be considered will include the following:

- “No Action” Alternative:
The “no Action” alternative will evaluate the potential impacts under a scenario where the Project would not be permitted, and the Applicant would not construct the proposed improvements. Under the “No Action” Alternative, the Applicant will not replace the existing SCCTs with new CCCT turbines. The current Facility also will have to comply with 6 NYCRR Subpart 227-3, “Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines.” Both the positive and negative implications will be addressed, including operating and permitting consequences, as well as the loss of economic benefits and system reliability improvements. The DSEIS will utilize the 2010 EIS and current studies and permitting applications as source materials.
- Previously Approved Project Configuration:
Under this alternative, the DSEIS will compare and evaluate the environmental impacts and project benefits that would result if instead of the current Project, the applicant constructed and operated a project as was assessed by the 2010 EIS and subsequently permitted. The permitting implications due to changes in regulatory standards would be evaluated. The DSEIS will utilize the 2010 EIS and current studies and permitting applications as source materials.
- Renewable Energy Generation Alternative:
Under the Renewable Energy Generation Alternative, the DSEIS will compare and evaluate a project consisting of a solar and/or wind generation system. Differences in the permitting

scenario(s) will be identified as well as the Project's ability to meet the "peaker plant" rule. The differences in potentially significant impacts will be identified and compared.

- **Energy Storage Alternative:**

Under the Energy Storage Alternative, the DSEIS will compare and evaluate a project consisting of a battery energy storage system instead of the Project as modified. The differences in generation and storage will be compared as well as the similarities to serving in a backup or peaking capacity. Differences in the permitting scenario(s) will be identified. The differences in potentially significant impacts will be identified and compared.

- **Project as defined by the Siting Board 2018 Declaratory Ruling:**

For this alternative, the Project as considered by the Siting Board in its June 12, 2019 Declaratory Ruling will be evaluated.

A detailed table of contents of the DSEIS is provided in **Appendix B**.

5.2 Scope of Analyses to be Conducted

5.2.1 Air Resources

Operation of the proposed Project would result in emissions of various compounds into the air. An analysis was conducted in support of the Astoria Replacement Project Title V Air Permit Modification application submitted to NYSDEC on April 27, 2020 ("2020 Air Permit Application") that quantified the expected emissions and demonstrated that the predicted air quality impacts were below established health and welfare-based ambient standards and guidelines. The approach to and results of these analyses will be summarized in the DSEIS.

The DSEIS will summarize the regulatory requirements for the Project as documented in the 2020 Air Permit Application, including:

- New York State air pollution control regulations requiring a permit to construct and the Title V operating permit program (6 NYCRR Part 201);
- New York State air pollution control regulations for stationary combustion installations (6 NYCRR 227);
- New York State air pollution control regulations for new source review for a modification to an existing major facility in an ozone nonattainment area (6 NYCRR Subpart 231-6);
- New York State air pollution control regulations for new source review for a modification to an existing major facility in an attainment area [state Prevention of Significant Deterioration ("PSD") review] (6 NYCRR Subpart 231-8);
- New York State CO₂ Budget Trading Program (6 NYCRR Part 242);
- New York State CO₂ Performance Standards for Major Electric Generating Facilities (6 NYCRR Part 251);
- New York State Air Toxics Emissions Guidelines [NYSDEC Division of Air Resources (DAR) Policy DAR1];

- Federal Emission Standards [New Source Performance Standards (“NSPS”) for the new CTG (40 CFR Part 60, Subpart KKKK), the new emergency generator engine and two emergency fire pump diesel engines (40 CFR Part 60, Subpart IIII);
- NSPS for greenhouse gas emissions from electrical generating units (40 CFR Part 60, Subpart TTTT); and
- Federal Cross-State Air Pollution Rule (“CSAPR”) Ozone Season NO_x, Annual NO_x, and SO₂ Trading Programs (40 CFR Part 97, as implemented under New York State air pollution control regulations (6 NYCRR Parts 243, 244, and 245).

To characterize existing conditions, an update to the description of climatology and meteorology of the Facility area as provided in the 2010 DEIS will be included based on meteorological data measured at LaGuardia Airport. The DSEIS will also provide an update to the 2010 DEIS summary of ambient air quality data for SO₂, PM₁₀, PM_{2.5}, NO₂, CO, and O₃ as measured at the following NYSDEC monitoring sites:

- IS52 (681 Kelly Street in the Bronx, 3 km north of the Facility) – SO₂, PM_{2.5}, PM₁₀, NO₂, O₃;
- Queens College 2 (65-30 Kissena Blvd., Flushing, 9 km southeast of the Facility) – CO.

Data for the most recent three-year period for which data are available from the NYSDEC air monitoring website (2016 – 2018) will be summarized.

The air quality impact analysis as documented in the 2020 Air Permit Application was conducted for criteria pollutants (NO_x, VOC, CO, PM₁₀, PM_{2.5}, SO₂, lead (“Pb”), GHG emissions (as CO₂ equivalents, CO_{2e}), and air toxic compounds. Project emissions for these compounds and other pertinent source data and the new source review analysis will be summarized in the DSEIS. The 2020 Air Permit Application demonstrated that the Project is subject to PSD review for PM_{2.5}, PM₁₀, and GHG emissions (as CO₂ equivalents, CO_{2e}) and is not subject to nonattainment new source review for either NO_x or VOC.

A dispersion modeling analysis was conducted in accordance with the NYSDEC-approved modeling protocol in support of the 2020 Air Permit Application to evaluate the air quality impact of Project emissions. The results of that analysis demonstrated that:

- Maximum modeled concentrations associated with Project sources operating at steady-state conditions and SU/SD conditions for the CTG were below the USEPA significant impact levels (“SILs”) for all pollutants and all averaging periods. As such, no further modeling (i.e., a cumulative analysis) was required for the Project to demonstrate compliance with the NAAQS and PSD increments.
- Maximum modeled concentrations of air toxic compounds were below the applicable NYSDEC short-term and annual guideline concentrations (“SGCs” and “AGCs”).

The approach to and results of the 2020 Air Permit Application dispersion modeling analyses will be summarized in the SDEIS.

The use of Selective Catalytic Reduction (“SCR”) to control NO_x emissions from the CTG will require the storage and use of aqueous ammonia at the site. The tank containing aqueous ammonia will be registered in accordance with 6 NYCRR Part d596 regulations. The tank will be located within a fully contained and diked concrete storage area, and the holding capacity of the containment area will be

110% of the capacity of the tank. In the unlikely event of a significant release of ammonia solution from the tank, spilled liquid will be retained within the concrete containment area. A worst-case dispersion modeling analysis will be conducted to estimate airborne ammonia concentrations at the fence-line and the nearest actual or potential residence to evaluate this potential scenario. Data to be used in this modeling analysis include:

- the amount of aqueous ammonia stored,
- the area of the concrete containment area,
- the highest daily maximum temperature and average humidity based on the five years (2014-2018) of hourly surface meteorological data recorded at the LaGuardia Airport and used in the air quality modeling analysis; and
- a worst-case wind speed of 1.5 meters per second ("m/s") and class F stability (highly stable atmosphere).

Due to the analysis already completed as part of the Project 2020 Air Permit Application, no additional data or studies are anticipated to be required for the SDEIS. Potential adverse air impacts have already been addressed through Project design, which includes a state-of-the-art air pollution control system that should minimize air emissions to the maximum extent practicable. The air quality impact analyses that have been conducted demonstrated that operation of the Project would result in ambient concentrations of criteria and air toxic compounds that are well below health and welfare-based ambient air quality standards and guidelines. If necessary, possible mitigation measures will be presented and analyzed in the DSEIS.

5.2.2 Climate Change

Operation of the proposed Project would result in emissions of GHG. An analysis of the proposed Project's consistency with ECL Article 75 and the CLCPA limits, targets and goals, was included in the 2020 Air Permit Modification Application. Consistent with the CLCPA, CRRR, 6 NYCRR Part 490, and the 2018 Guidance, an analysis of the future physical climate risks associated with the proposed Project has also been conducted. The 2020 Air Permit Modification Application includes a summary of the future climate risk analysis. The approach to and results of the CLCPA analysis, including the Guidehouse study, analysis of direct and indirect upstream greenhouse gas emissions based on 20-year global warming potential and the future climate risk analysis, will be summarized in the DSEIS.

5.2.2.1 Greenhouse Gas Emissions

As part of the CLCPA consistency analysis for the proposed Project, a study was conducted by Navigant Consulting, Inc n/k/a Guidehouse, "GHG Impacts of Astoria Replacement Project" (April 2020), which is included as Appendix F of the 2020 Air Permit Application ("Guidehouse Report"). The CLCPA analysis includes GHG emissions from operation of the proposed Project (see Table 2-3 of the 2020 Air Permit Modification Application) and upstream GHG emissions, and demonstrates that the proposed Project is consistent with the CLCPA's limits, targets and goals, will not interfere with the attainment of the ECL Article 75 GHG reduction standards established by the CLCPA, and will assist in the attainment of the CLCPA renewable resource targets and GHG emission reductions.

In the near-term, the proposed Project will add an efficient, low-emitting resource to the New York City electrical system, resulting in direct reduction of GHG emissions. In the mid to longer term (2030-2040), as other renewable resources are added to the system, maintaining efficient low capacity factor dual fuel generation in New York City is important to minimize system cost as technology develops to reach

the ultimate CLCPA limits and to allow for renewables to be added to the system in a cost effective manner. The Project is suited to fill this role and is forecasted to cause a combined direct and indirect reduction in GHG emissions through 2035 of almost 5,000,000 tons (as shown Figure 6-1 of the 2020 Air Permit Modification Application). In the longer term, the proposed Project will be able to be converted to use GHG-free hydrogen as fuel if available, or it will cease operation. The Guidehouse Report includes an analysis of the impact on GHG emissions from the Project coming on line, including an electricity sector and dispatch analysis, which will be summarized in the DSEIS.

The DSEIS will also summarize the GHG air permitting regulatory requirements for the Project as documented in the 2020 Air Permit Application, including:

- New York State air pollution control regulations for new source review for a modification to an existing major facility in an attainment area [state Prevention of Significant Deterioration ("PSD") review] (6 NYCRR Subpart 231-8);
- New York State CO₂ Budget Trading Program (6 NYCRR Part 242);
- New York State CO₂ Performance Standards for Major Electric Generating Facilities (6 NYCRR Part 251); and
- NSPS for greenhouse gas emissions from electrical generating units (40 CFR Part 60, Subpart TTTT).

5.2.2.2 Future Climate Risk

The DSEIS will include an analysis of future climate risk, including a description of the location of the proposed Project in relation to FEMA mapping and an assessment of the impacts of potential sea level rise, storm surge and flooding. The analysis will be consistent with the requirements of the New York City LWRP, the CRRA, 6 NYCRR 490, the 2018 Guidance, and the CLCPA.

A summary of the consideration of future climate risk was also included in the 2020 Air Permit Modification Application. The proposed Project has been designed to be consistent with the Part 490 sea level rise projections for 2050 and the NYSDEC 2018 Guidance. The base flood elevation at the Project Site is 13 feet. The elevation for the proposed Project's infrastructure was calculated by adding the Part 490 sea-level rise projection for 2050 (30 inches) to the additional freeboard recommended in the 2018 Guidance resulting in a Project elevation of 18 feet 6 inches.

Based on the studies and analyses already performed for the proposed modifications to the Project, additional studies related to climate change or future climate risk are not expected to be conducted. Mitigation for potential climate change impacts have already been addressed through Project design, including a state-of-the-art air pollution control system that should minimize air emissions to the maximum extent practicable as well as compliance with Part 490 sea-level rise projection for 2050 (30 inches) and the 2018 Guidance.

5.2.3 Environmental Justice

NYSDEC's CP-29, Environmental Justice and Permitting, requires permit applications for major projects or major modifications to conduct an environmental justice ("EJ") analysis if the proposed action is in or near a potential environmental justice area ("PEJA"). A PEJA is defined as a minority and/or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial operations or the execution of programs and policies. In addition, where a PEJA is

identified by the preliminary screen, the applicant is required to submit a written enhanced public participation plan ("EPPP") as part of its complete application.

A comprehensive EJ analysis was previously conducted for the Project and was documented in the 2010 FEIS. That analysis confirmed the location of several PEJAs within the one-mile study area based on the 2000 census data. As such, and in accordance with CP-29, the following analyses were conducted to determine whether potential disproportionate adverse environmental impacts were likely to affect a PEJA:

- an evaluation of the existing environmental burden on the PEJAs;
- an evaluation of the potential additional burden of any disproportionate adverse impacts directly related to the Project;
- an evaluation of the health-related community conditions in accordance with New York State Department of Health, Guidance for Health Outcome Data Review and Analysis Relating to NYSDEC Environmental Justice and Permitting, Draft 7/21/08; and
- The Applicant also previously prepared and implemented an EPPP in order to inform the interested public with regard to the Project. The EPPP was originally submitted to the NYSDEC on February 23, 2009 and was approved by the NYSDEC on February 27, 2009. The Applicant submitted an updated EPPP on February 15, 2010, which included the required certification. Thereafter, NYSDEC determined that Astoria's public outreach was consistent with CP-29. (FEIS, Section 4.10.5).

Based on foregoing, NYSDEC concluded that the Project would not contribute any additional environmental burden on the nearby PEJA. (FEIS, Section 11.0).

A review of 2010 census data again confirms the locations of PEJAs within the one-mile study area, although the number of PEJAs has decreased. As such, the prior EJ analysis for the Project will be supplemented as part of the SDEIS. Specifically, the SDEIS will include an updated evaluation of the existing environmental burden on the PEJAs and the potential additional burden of any disproportionate adverse impacts directly related to the Project as modified. The update to the health outcome data evaluation is discussed in Section 5.2.4 of this document. Data to be used in conducting the EJ analysis include:

- 2010 U.S. Census data, including data on total population, age distribution, and race/ethnicity (data.census.gov);
- 2018 American Community Survey data from the U.S. Census Bureau on income and percent of population with income below poverty level (data.census.gov);
- Information on the existing community environmental burden, including the following located within the one-mile study area:
 - registered Resource Conservation and Recovery Act ("RCRA") facilities;
 - facilities with air permits and Toxic Release Inventory ("TRI") reporters;
 - sites undergoing remediation;
 - facilities with a SPDES permit; and
 - chemical, petroleum, and major oil storage facilities.

Astoria also has updated and supplemented the 2010 EPPP for the Project and has submitted a draft Supplemental EPPP concurrently with the 2020 Air Permit Application. This Supplemental EPPP includes additional outreach to Project stakeholders as well as an additional public informational meeting.

Potential adverse air, water, noise, and climate change impacts have already been addressed through Project design that should minimize impacts to these environmental media to the maximum extent practicable. If necessary, possible mitigation measures will be presented and analyzed in an DSEIS.

5.2.4 Health Outcome Data

In accordance with NYSDEC policy CP-29, the Applicant will update the 2010 DEIS evaluation of the health-related community conditions in accordance with New York State Department of Health ("NYSDOH"), Updated Guidance for Health Outcome Data Review and Analysis Relating to NYSDEC Environmental Justice Requirements for CP-29 and 6 NYCRR Part 487, updated October 2014, revised 1-26-15, links updated June 2017 ("HOD" Guidance). The HOD Guidance provides the methodology to collect and evaluate existing health related events data for the project host community and to compare that information in a qualitative and quantitative manner to data for the same health related events in similarly configured communities apart from the project host community.

The study area and comparison areas will be identified as one or more ZIP codes because health outcome data for small areas are tabulated at the NYSDOH website by ZIP codes. The method specifies tabular displays of demographic and health outcome data for the study area and at least four comparison areas. The table of demographic data will include information on age, sex, race/ethnicity, population density, and poverty for the study area and each comparison area. The rates of health outcomes in the study area will be compared to rates in the comparison areas by calculation of rate ratios and confidence intervals. The results of these analyses will be summarized and discussed.

The host community ZIP code for the Project is 11105. This ZIP code covers the area including all of the Astoria ConEd Complex and the residential/commercial area from 20th Ave. south to 24th Ave./Astoria Blvd. approximately 1.2 miles from the Project Site. Based on the ambient air dispersion modeling for the Project conducted in support of the 2020 Air Permit Application, the maximum annual impacts occur within this ZIP code. Consistent with the 2010 HOD analysis, HOD Guidance, and discussions with NYSDEC, the study area for this HOD analysis will be ZIP code 11105.

The following comparison areas will be selected in accordance with Section I.D.b of the HOD Guidance:

- the county in which the study area is located (i.e., Queens County);
- a large regional comparison area (i.e., New York City);
- an area, composed of ZIP codes, with population densities of $\pm 10\%$ of the zip code 11105 population and located in the same general geographic area (e.g., county or contiguous counties); and
- a comparison area composed of the ZIP codes that surround and are contiguous to the study area.

The following health outcome data will be used in the data display and analyses:

- emergency department visits for asthma from the Statewide Planning and Research Cooperative System (“SPARCS”) available at: http://www.health.ny.gov/statistics/ny_asthma/index.htm;
- Cancer incidence for male and female colorectal, female breast, male and female lung and bronchus, and male prostate cancer from the New York State Cancer Registry available at <http://www.health.ny.gov/statistics/cancer/registry/zipcode/index.htm>; and
- Low birth weight from the New York State County/ZIP Code Perinatal Data Profile available at <http://www.health.ny.gov/statistics/chac/perinatal/index.htm>.

The data will be summarized in accordance with Section I.F of the HOD Guidance. Rate ratios and confidence intervals will then be calculated to compare disease rates between the impact study area and comparison areas in accordance with Section I.G of the HOD Guidance. A summary of the analysis will be included in the DSEIS.

The air quality impact analyses that have been conducted in support of the Astoria Replacement Project Title V Air Permit Modification Application, submitted to NYSDEC on April 27, 2020 demonstrated that operation of the proposed Project would result in ambient concentrations of criteria and air toxic compounds that are well below health and welfare-based ambient air quality standards and guidelines. If necessary, possible mitigation measures will be presented and analyzed in an DSEIS.

Further, as part of the DSEIS, the Applicant will assess the Project’s potential impact on public health, including asthma and cancer rates. This assessment will also consider the current COVID-19 pandemic.

5.2.5 Coastal Consistency Review and LWRP

The New York City LWRP establishes the City’s policies for waterfront planning, preservation and development projects to ensure consistency over the long term. The goal of the program is to maximize the benefits derived from economic development, environmental conservation and public use of the waterfront, while minimizing any potential conflicts among these objectives. The LWRP is authorized by New York State’s Waterfront Revitalization of Coastal Areas and Inland Waterways Act, which was enacted in response to the Federal Coastal Zone Management Act and allows municipalities to participate in the State’s Coastal Management Program by creating their own local Waterfront Revitalization Program.

The DSEIS will utilize the LWRP to conduct Coastal consistency review in order to document that the proposed Project adheres to the LWRP policies. The LWRP establishes policies for development and use of the waterfront and coastal areas. In October 2013, the City Council approved a revised version of the LWRP. The intent of these revisions was to update the policies based on new information and to reflect the City’s objectives for waterfront revitalization, as embodied in Vision 2020, the NYC Comprehensive Waterfront Plan, released in 2011. In 2016, the revised LWRP was approved by New York State Secretary of State with the concurrence of the U.S. Secretary of Commerce. One of the most significant revisions was to incorporate the consideration of climate change projections for coastal flooding and sea level rise into the design and review of projects. The new Policy 6.2 is to “Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the New York City Panel on Climate Change, or any successor thereof) into the planning and design of projects in the city’s Coastal Zone.” This policy requires all projects, except for maintenance and in-kind replacement of existing facilities, to identify potential vulnerabilities to and consequences of sea

level rise and coastal flooding over their lifespan and to identify and incorporate design techniques to address these risks.

The Applicant will utilize the 2013 City WRP as the primary resource for the Coastal Zone Consistency review, which will be summarized in this section of the DSEIS. It is not anticipated that further studies will be undertaken.

It is not anticipated that any significant adverse environmental impacts will be identified through the Coastal Zone Consistency Review. However, if any inconsistencies with the City WRP policies rise to the level of significant adverse impacts, then mitigation measures will be proposed in the DSEIS.

5.2.6 Cumulative Impacts

A cumulative impact is an impact on the environment that could result from incremental impacts of a proposed action when added to other past, present, or reasonably foreseeable future actions by other entities separate from the proposed action. Cumulative impacts can result from individually minor but collectively significant actions that take place over time.

This section of the DSEIS will include a qualitative analysis of the relationship and implications of such projects when their impacts are added to the proposed Project impacts. It will also evaluate the potential cumulative effect on certain natural resource categories when impacts from other projects in the geographic area (Astoria, Queens) are added to the proposed Project. These impact categories are anticipated to include, air quality, traffic, and noise.

Other proposed projects that have been identified to date include: the NYC Department of Sanitation ("DSNY") relocation of the Queens 1 Garage and salt shed currently located on 21st Street that will be moved to Vernon Blvd. by Luyster Creek; the proposed Wildflower Studios to be located on 19th Avenue; a 316-megawatt battery storage project at the Ravenswood Generating Station along the East River in Long Island City, Queens; and the renovation of subway stations along the Astoria N/W Line. As part of the SDEIS, the Applicant will utilize publicly available information from, among other sources, NYC Department of City Planning, NYC Department of Environmental Protection, PSC and NYSDEC to identify other projects that should be evaluated for purposes of cumulative impacts.

6.0 Relevant Issues Raised During Public Scoping

During the public comment period, 39 written comments were submitted.¹⁰ Comments generally came from concerned citizens and several environmental organizations, as well as one government official. Ten of those commenters requested an extension to submit further comments on the proposed project. These comments, many of which went beyond scoping, fell into general themes as described further below.

Several commenters raised concerns regarding potential health problems of members of the community that live near the Project site. Public health issues included increase in asthma rates in the area, as well as health risks from exposure to pollution from the Project. Commenters also stated that those public health issues affect lower income people and people of color disproportionately and asked for a new Environmental Justice analysis. There were several commenters that called for an analysis of COVID-19 related issues and how pollution could exacerbate health issues.

Several commenters also expressed concern that the Project would increase the negative impacts of climate change because it proposes the continued use of fossil fuels. Specifically, one commenter suggested that the Applicant needs to show how the Project complies with NYSDEC's NOx peaker regulations. Some commenters suggested that there should be renewable energy and battery storage sources used at the Site instead of the existing plant.

A few commenters, mainly from environmental groups, suggested that the Applicant's project proposed in 2020 is different than the one that received grandfathering approval in 2017, and that the Applicant should obtain a renewed grandfathering determination from the Siting Board as to whether or not the Project needs Article 10 review.

Another issue raised in the comments was that the Project does not comply with the CLCPA or NYC's Local Law 97. These commenters suggested that the Applicant needs to address New York City's specific policy developments and show the consistency of the project with the City's environmental and climate vision.

A few commenters suggested that there should be a more robust range of alternatives in order to fulfill the requirements of the CLCPA, and that scrutiny of the Project should be over the Project's full economic lifespan, including the implications of switching to hydrogen. This commenter also suggested that the SEIS should evaluate CLCPA compliance of all alternatives analyzed, not just the Project. The No Action Alternative must explain what the Applicant will do with the existing SCCTs to comply with the NOx peaker regulations.

Appendix C includes all of the written comments received on the Draft Scope.

¹⁰ Some commenters submitted the same comment more than once, and those duplicate comments were only counted once for the purpose of drafting this scoping statement. Although considered, 8 comments were received after the close of the comment period.

7.0 Impacts Considered, but Not Included in the Final Written Scope

The Project was previously evaluated under SEQRA. The 2010 FEIS considered and examined the potential impacts of the Project with regard to a comprehensive list of environmental resources: air, energy use and greenhouse gas emissions, geology and soils, water resources, water supply, wastewater, stormwater, terrestrial and aquatic ecology, fish and wildlife, aesthetic and visual resources, noise, historical and cultural resources, traffic and transportation, socioeconomics, environmental justice areas, land use and zoning. It also examined impacts of various Project alternatives, potential cumulative impacts, growth inducing impacts, and consistency with the state's coastal management policies and local waterfront revitalization plans.

The Final Environmental Impact Statement, including a response to comments, was accepted by NYSDEC on September 22, 2010. NYSDEC issued a Findings Statement on October 4, 2010, concluding that the Project was designed, and where necessary revised, to avoid, minimize and mitigate adverse environmental impacts. NYSDEC's Findings Statement evaluated each of the potential impacts addressed in the DEIS and detailed its conclusion as to why the Project would not result in any adverse environmental impact.

Based on the prior environmental review, consideration of changes in circumstances since 2010 (Section 3), project modifications (Section 4) and public comments received on the Draft Scope (Section 6), the following potential impacts will not be evaluated further in the Draft SEIS.

Water Resources and Stormwater Management (Section 4.1.3)

The 2010 Findings Statement concluded that "no significant impacts to surface water quality are expected." Water use and wastewater discharge to Outfall 001 for the Project as modified are considerably lower than the Project as previously approved. As in 2010, water will be sourced from New York City water supply with no water withdrawn from the East River. Given the foregoing, water resources and stormwater management will not be assessed in the DSEIS. Modifications to the Facility's existing SPDES permit are being evaluated and, if approved, the Project will be required to operate within the discharge limits established in the modified SPDES permit.

Noise (Section 4.1.4)

The 2010 Findings Statement determined that the predicted increase in noise from the Project was "less than the significance criterion established by CEQR and DEC noise guidance" and further "in compliance with the NYC Noise Code and NYC Zoning Resolution criteria." Predicted noise from the Project will be less than the levels previously permitted in 2010. In addition, the predicted increase in noise continues to be less than the significance criterion established by CEQR and NYSDEC noise guidance. Noise, therefore, will not be further assessed in the DSEIS.

Aesthetic and Visual Resources (Section 4.1.5)

In 2010, NYSDEC concluded that the Project “is visually consistent in character with the area, conforms with the look of the existing neighborhood/study area, and does not change the character of the urban design of the area, does not affect any historic or cultural resources, and would be visible to existing residential and commercial areas only in very limited locations.” It, therefore determined in its Findings Statement that “[t]he project would not significantly and adversely affect inventoried visual resources, nor affect the public’s ability to view and enjoy those resources’ such that it “would not result in adverse visual or aesthetic impacts.” The Project, as modified, will be smaller in scale compared to the previously approved Project configuration; it will have fewer structures and stacks. As such, the visual impact of the Proposed Action will be less than that evaluated in the 2010 FEIS. Aesthetic and Visual Resources will not be further assessed in the DSEIS.

Traffic and Transportation (Section 4.1.6)

In 2010, NYSDEC determined that the Project would not have an adverse impact on traffic or transportation. The Project as modified is anticipated to have less operational traffic. Specifically, there will be fewer full-time personnel and, thus, the commuter expectation will be less than both the current number and the number projected for the previously approved Project configuration. Typical truck trips will also remain below 10 per day. Truck trips associated with fuel deliveries will be less than what was anticipated with the previously approved Project configuration due to both its smaller size (437 MWe vs 1040 MWe) and because, as a peaking facility, the plant will operate considerably less often. In addition, the projected level of anticipated traffic is below the New York City CEQR Technical Manual threshold. Given the foregoing, traffic and transportation will not be further assessed in the DSEIS.

Geology, Soils and Topographic (Section 4.1.7)

Per the 2010 Findings Statement, “[p]otential impacts to geology, soils, and topography will be insignificant since the project is proposed to be developed on an existing industrially zoned site. As all of the NRG Facility is now utilized, no significant impacts will occur with respect to soils and subsurface conditions.” The Project, as modified, will be on the same Site located within the Astoria ConEd Complex, which has been fully developed for over a century. As such, the prior environmental review of geology, soils and topography is adequate and will not be further assessed in the DSEIS.

Biological, Terrestrial, and Aquatic Ecology (Section 4.1.8)

The 2010 Findings Statement concluded that there would be “no impacts” to biological, terrestrial and aquatic ecology for the Project based on the Site’s more than 100 year history as a fully developed site for electric generating and utility services, the absence of any significant biological, terrestrial, or aquatic ecological resources on the Site and the lack of any proposal to include cooling water intake structures (CWIS) as part of the Project. There have been no changes since 2010 that alter this conclusion. The Project, as modified, still lacks any proposal to include a CWIS. Biological, terrestrial and aquatic ecology, therefore, will not be assessed further in the DSEIS. The modified Project’s use of existing Outfall 001 to discharge stormwater and evaporative cooler blowdown is being assessed as part of the SPDES permit application.

Historic, Cultural and Archeological Resources (Section 4.1.9)

The 2010 Findings Statement concluded that there was “no potential for significant historic-period cultural resources.” At that time, the NYS Office of Parks, Recreation and Historic Preservation (NYSHPO) concluded that the Project “will have No Adverse Impact upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places.” Because the Project is located on the same existing previously disturbed property as in 2010, no further assessment of historic, cultural and archeological resources will be included in the DSEIS. Nevertheless, the Applicant has initiated consultation with the NYSHPO to reaffirm their previous determinations.

Public Safety (Section 4.1.10)

Based on the Project Site’s limited access, it was determined in the 2010 FEIS that there was “little or no direct need for local public safety agencies.” This conclusion was based on: (1) the Site’s fully restricted access with fenced property and security cameras; (2) the fully trained NRG Staff that are equipped to handle a broad range of possible operating emergencies, equipment failures, fires, leaks and spills, etc.; (3) NRG’s use of local contractor experts for emergency response in the event of spills or other emergencies; and (4) the well trained fire and emergency response capabilities of the other companies operating within the Astoria ConEd Complex. There have been no significant changes to on-going security at the Facility or proposed Project modifications related to public safety or security. The Facility still has fully restricted access with fenced property and security cameras. The same fully trained staff will operate the plant using local contractor experts and the well trained fire and emergency response capabilities of the other companies remain in the Complex. Thus, similar to 2010, little or no direct need for local public safety agencies is anticipated. There is therefore no need to further assess public safety in the DSEIS.

Community Facilities and Services (Section 4.1.11)

Community facilities and services were evaluated in 2010 and, at that time, it was determined that the Project was “not anticipated to have an adverse impact on any community facilities and services.” There are no changes in circumstances since the Project was approved in 2010 that warrant re-evaluation of potential impacts to community facilities and services, nor are there any Project modifications that effect community facilities and services. Community facilities and services, therefore, will not be assessed in the DSEIS.

Communications Facilities (Section 4.1.12)

Potential impacts to communication facilities were determined to be insignificant in 2010 due to the lack of reported interference with electronic communications as a result of the long-standing presence of the structures in the Astoria ConEd Complex and the Federal Aviation Administration’s (“FAA”) review of the proposed stack height. As such, the 2010 Findings Statement found that “[t]here is no known or anticipated basis to believe that the facilities to be built as part of the repowered NRG Facility will cause or contribute in any way to an interference or adverse impact on communications facilities.” The Project as modified will have only one stack (as opposed to four in the 2010 project), at the same 250 feet height as previously evaluated in the 2010 FEIS. Impacts to communication facilities, therefore, will not be further assessed in the DSEIS. The Applicant has filed an updated Notice of Proposed Construction with the FAA as part of the Project.

Land Use and Zoning (Section 3.2)

Based on the Project's location inside the Astoria ConEd Complex, which has been fully developed for utility and power generating facilities since approximately 1900, electric generation is an approved use under the Site's M3-1 zoning designation (heavy manufacturing) and the fact that no zoning variances or reclassifications would have been required by code or expected for this Project, NYSDEC determined in 2010 that the Project would not have an adverse impact on land use and zoning. There have been no changes since 2010 with respect to the Site's land use and zoning. Therefore, there will be no further assessment of land use and zoning in the DSEIS.

Effects on Use and Conservation of Energy Resources (Section 4.1.13)

The 2010 Findings Statement concluded that, because the Project would "use far less fuel than the existing NRG Astoria facility to produce the equivalent amount of electricity[," equating "to lower incremental energy costs and emissions[," there would not be an adverse impact on effects on use and conservation of energy resources. There is no change in the potential effect on use and conservation of energy since 2010. The Project as modified will use even less fuel than the previously approved Project configuration. This equates to even lower incremental energy costs and emissions. Accordingly, the effect on use and conservation of energy will not be further assessed in the DSEIS.

Socioeconomics

The 2010 Findings Statement concluded that the Project would "provide an economic benefit to the community over its projected 30+ year life[," both through the creation of construction-related jobs and greater security for permanent jobs with the installation of new reliable electrical generation facilities. Since this conclusion is still true today, socioeconomics will not be further assessed in the DSEIS. However, as part of the the DSEIS's assessment of purpose and need, the Applicant will include a socioeconomic study prepared for the Project detailing the Project's projected economic benefits.

Growth Inducing Impacts

As in 2010, the Project in intended to provide electric generating capacity to the NYC load pocket. In addition, the Project a modified will have black start capability to support system restoration efforts in the event of a total system outage. The Project does not provide growth inducements, but merely meets already projected electric demand. As a result, growth inducing impacts will not be further assessed in the Draft SEIS.

Notably, there were also no comments received during the extended comment period requesting that any of these impact categories, all of which have been found to be adequately addressed in the 2010 FEIS, be further assessed in the DSEIS.

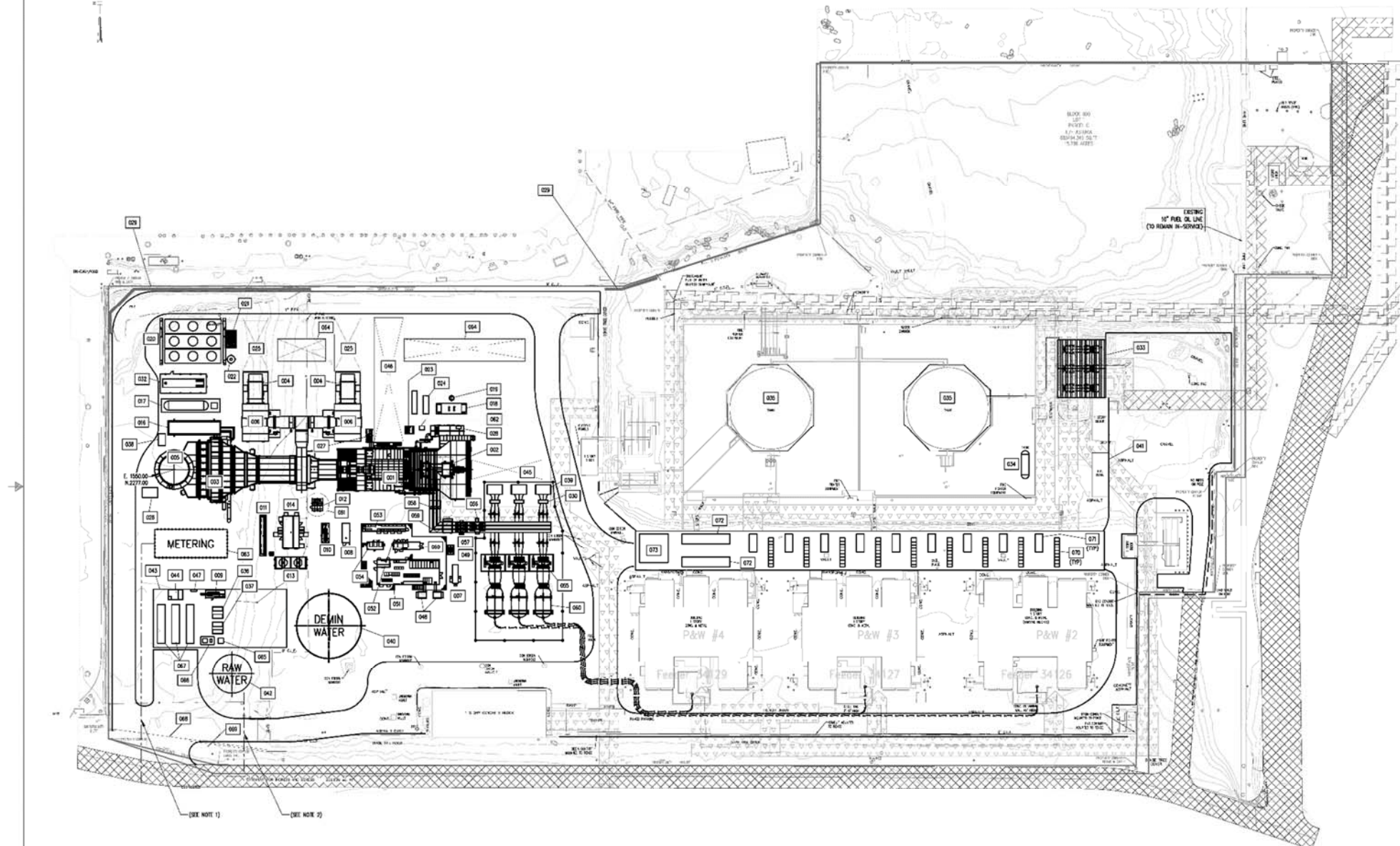
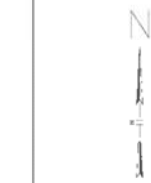
Certain commenters suggested that the Applicant consider a number of alternatives. Examples include energy efficiency, demand management, off-shore wind and energy storage development at alternative locations. To the extent that these proposed alternatives are not within the Applicant's control, they will not be further assessed in the DSEIS. See 6 NYCRR 617.9(5)(v).

Several commenters also raised a number of New York City local laws, resolutions and policies concerning climate change and renewable alternatives that should be evaluated as part of the DSEIS. As described in Section 3.3, relevant New York City executive orders, local laws and policies addressing climate energy goals and mandated reductions in citywide greenhouse gas emissions will be assessed in the DSEIS. However, other local New York City laws, resolutions and policies will not be evaluated as they do not impact the Project or are duplicative of the executive orders, local laws and policies identified in Section 3.3.

Appendix A

Project Site Plan

SK-31380-16-004A



- LEGEND NEW EQUIPMENT:
- 001 COMBUSTION TURBINE (CT)
 - 002 COMBUSTION TURBINE GENERATOR (CTG)
 - 003 SCR/CO CATALYST
 - 004 TEMPERING/FILTER FAN DRIVE MOTOR
 - 005 STACK (26.5' DIAMETER)
 - 006 TRIMMING/PURGE FAN INLET/OUTLET COMPARTMENT
 - 007 EMERGENCY DIESEL GENERATOR
 - 008 WATER MIST (FIRE PROTECTION) SKID
 - 009 WATER INJECTION PUMP SKID
 - 010 LIQUID FUEL PUMP SKID
 - 011 OIL WATER SEPARATOR
 - 012 ABSOLUTE FUEL GAS FILTER SEPARATOR SKID
 - 013 GAS COMPRESSOR FIN-FAN COOLER
 - 014 GAS COMPRESSOR
 - 015 (NOT USED)
 - 016 AMMONIA VAPORIZATION SKID
 - 017 AMMONIA STORAGE TANK
 - 018 COMPRESSED AIR SKID
 - 019 DRY AIR RECEIVER
 - 020 COOLING FAN VOLUME
 - 021 CLOSED COOLING WATER PUMP
 - 022 COOLING WATER EXPANSION TANK
 - 023 WATER WASH SKID
 - 024 FALSE START/ WASH WATER DRAIN
 - 025 TEMPERING FAN MAINTENANCE/ACCESS CORRIDOR
 - 026 DMS
 - 027 LIQUID FUEL FILTRATION SKID
 - 028 LUBE OIL MODULE & CONTAINMENT
 - 029 RETAINING WALL
 - 030 CAPACITOR CIRCUIT BREAKER
 - 031 CO2 STORAGE AREA (NOT SHOWN)
 - 032 WOODCH STORAGE TRAILERS
 - 033 LSS UNLOADING AREA
 - 034 LSS HORIZONTAL TANK (7,500 GALLONS)
 - 035 GROUNDHOLD LSS TANKS (2 MILLION GALLONS EA.)
 - 036 CENTRALIZED WATER PUMP SKID
 - 037 RAW WATER TANK SKID
 - 038 SAFETY SHOWER/EYE WASH
 - 039 CATALYST RACK
 - 040 CENTRALIZED WATER TANK (1 MILLION GALLONS)
 - 041 FIRE PROTECTION BUILDING
 - 042 RAW WATER TANK
 - 043 WATER TREATMENT ENCLOSURE
 - 044 CENTRALIZED WATER PUMP AND PUMPS
 - 045 DIE MOTOR REMOVAL PATH
 - 046 OT MAINTENANCE/ACCESS CORRIDOR
 - 047 MINERALIZED WATER SAMPLE PANEL
 - 048 STATION SERVICE TRANSFORMERS
 - 049 EXCITATION TRANSFORMER
 - 050 JO COMPARTMENT
 - 051 PDC
 - 052 REC HEAT EXCHANGER
 - 053 PFDG
 - 054 SAT LRY COMPARTMENT
 - 055 DSJ TRANSFORMER
 - 056 AUXILIARY TRANSFORMER
 - 057 SOLATION TRANSFORMER
 - 058 V COUPLER VALVE
 - 059 GENERATOR CIRCUIT BREAKER
 - 060 TRANSMISSION LINES
 - 061 NTPA HAZARDOUS AREA ZONE
 - 062 AMMONIA VLE COOLER CALCULUS FILTER
 - 063 NATURAL GAS METERING STATION
 - 064 S OXY WASH FILTRATION AREA
 - 065 CARTRIDGE FILTER
 - 066 AMMONIA CHEMICAL SKID
 - 067 CENTRALIZED TRAILERS (BY OWNER)
 - 068 80' SLIDING GATE
 - 069 GUARD SLACK
 - 070 SAT LRY BANK
 - 071 PDS SKID
 - 072 AMMONIA FILTER
 - 073 AREA RESERVED FOR ADDITIONAL EQUIPMENT

GENERAL NOTES:
1) UNDERGROUND NATURAL GAS PIPE.
2) UNDERGROUND RAW WATER PIPE.

PROJECT: AS ORA REPLACEMENT PROJECT
ASTORIA 1 X 7HA.03 DUAL FUEL PEAKER

DATE: 11/11/19
BY: JH
CHECKED: JH
APPROVED: JH

SCALE: 1" = 40'

NO.	DESCRIPTION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	11/11/19	JH	JH
2				
3				
4				
5				
6				
7				
8				

GRAPHIC SCALE
1" = 40'

AS ORA REPLACEMENT PROJECT
ASTORIA 1 X 7HA.03 DUAL FUEL PEAKER

DATE: 11/11/19
BY: JH
CHECKED: JH
APPROVED: JH

SCALE: 1" = 40'

Appendix B

Anticipated DSEIS Table of Contents

Draft SEIS Title Page

List of Acronyms

Executive Summary

Table of Contents

- 1.0 Introduction and Project Description
 - 1.1 Project Description
 - 1.1.1 Project Location and Setting
 - 1.1.2 Project Background and History
 - 1.1.3 Significant Project Changes Since 2010
 - 1.2 Applicable Changes in Circumstances
 - 1.2.1 Coastal Consistency Review and NYC Local Waterfront Revitalization Program ("LWRP")
 - 1.2.2 Climate Leadership and Community Protection Act ("CLCPA")
 - 1.2.3 6 NYCRR Part 496 Proposed Rulemaking "Statewide Greenhouse Gas Emission Limits."
 - 1.2.4 Sea Level Rise
 - 1.2.5 FEMA Flood Mapping
 - 1.2.6 New York City Climate Change Executive Orders, Local Laws and Policies
 - 1.2.7 Other (COVID-19, Demand Management and Energy Efficiency and Energy and Environmental Economics, Inc.'s *The Potential for Energy Storage to Repower or Replace Peaking Units in New York State* Report)
 - 1.3 Purpose, Public Need and Benefits, Socioeconomic Considerations
- 2.0 Permitting and SEQR Process
 - 2.1 State Environmental Quality Review Act
 - 2.2 Chronology of Previous Environmental Review and Permitting
 - 2.3 Chronology of Current SEQR Process
 - 2.3.1 Full Environmental Assessment Form – SEQR Classification
 - 2.3.2 Coordinated Review and Involved Agencies
 - 2.3.3 Scoping
 - 2.4 Preparation of the Draft Supplemental Environmental Impact Statement
- 3.0 Existing Conditions, Potential Impacts and Mitigation Measures
 - 3.1 Air Quality
 - 3.1.1 Introduction and Summary of Findings
 - 3.1.2 Existing Conditions
 - 3.1.3 Project Emission Sources and Pollutants Emitted
 - 3.1.4 Applicable Regulatory Requirements
 - 3.1.5 Air Emissions Reduction Strategy
 - 3.1.6 Project Emissions and NSR Applicability
 - 3.1.7 Air Quality Impact Analysis
 - 3.1.8 Compliance Demonstration

- 3.1.9 Avoidance, Minimization and Mitigation of Potential Impacts
- 3.2 Climate Change and Greenhouse Gas Emissions
 - 3.2.1 GHG and Climate Change Statutes, Regulations and Policies
 - 3.2.2 GHG Impact Assessment
 - 3.2.3 Future Climate Risk/Sea Level Rise Impact Assessment
- 3.3 Environmental Justice Analysis
 - 3.3.1 Overview
 - 3.3.2 Project Description
 - 3.3.3 Project Setting and Community Profile
 - 3.3.4 Determination of Potential Environmental Justice Areas
 - 3.3.5 Existing Environmental Burden to the Community
 - 3.3.6 Project Impacts, Benefits and Mitigations
 - 3.3.7 Health Outcome Data Analysis
 - 3.3.8 How the EJ Analysis Responds to the CP-29 Requirements
- 3.4 Coastal Consistency / NYC Waterfront Revitalization Program
 - 3.4.1 POLICY 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development
 - 3.4.2 POLICY 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change
 - 3.4.3 POLICY 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety"
- 3.5 Cumulative Impacts
 - 3.5.1 Cumulative Impact Assessment Methodology
 - 3.5.2 Past, Present, and Reasonably Foreseeable Future Actions
 - 3.5.3 Potential Cumulative Impacts by Resource Area
- 3.6 Unavoidable Adverse Environmental Impacts
 - 3.6.1 Introduction / Purpose
 - 3.6.2 Determinations by Assessment Categories 3.1 -3.5
- 4.0 Alternatives
 - 4.1 Alternative 1: No Action Alternative
 - 4.2 Alternative 2: Previously Permitted Configuration
 - 4.3 Alternative 3: Project as defined by the Siting Board 2019 Declaratory Ruling
 - 4.4 Alternative 4: Renewable Energy Generation Alternatives
 - 4.5 Alternative 5: Battery Energy Storage
- 5.0 References

Anticipated Figures, Plans and Maps:

- Project Location Map
- Aerial Views
- Informative Data Charts
- General Arrangement Drawing
- Renderings

- Graphics Supporting Potential Environmental Justice Areas
- FEMA Floodplains - Effective and Preliminary

Anticipated Appendices:

- Guidehouse Study: Economic Development Benefits of the Proposed Astoria Replacement Project
- Title V Air Permit Modification Application
- Guidehouse Study: GHG Impacts of Astoria Replacement Project
- Supplemental Enhanced Public Participation Plan
- Demographic Data Supporting EJ Analysis
- WRP Consistency Assessment Form
- Sound/Noise Modeling Results
- Agency Correspondence
 - NYSDEC – Lead Agency and SEQR Process
 - NYSHPO Consultation and Affirmation of Previous Reviews
 - NYSDEC – National Heritage Program
 - US Fish and Wildlife Service
 - Dept. of City Planning - Coastal Zone Consistency Review
- Enhanced Supplemental Public Participation Plan
- Final Scope
- SPDES Permit Modification Application

Appendix C

Comment Letters



Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
Delivered Via email: comment.nrgastoriagas@dec.ny.gov

July 30, 2020

Dear Mr. Hogan,

Sane Energy Project is a New York City based organization with over 12,000 members across New York State, and several members in the neighborhood of the Astoria Generating Station, focused on the environmental health and safety of our communities and our climate.

We thank the New York Department of Environmental Conservation for your work to halt a number of dangerous fracked gas proposals in our state making way for our leadership in the renewable energy economy.

We are writing to you to request at least a 60-day extension for comments on the Astoria Gas Turbine Power LLC (Astoria) proposal. Many on our team were unable to attend the public hearing, and required more notification about the hearing due to shifts in work scheduling and family illnesses and management due to COVID-19, we ask that you honor this request.

A few initial comments we would like to make now about the draft scoping document:

- The scoping statement does not discuss New York City climate legislation and policies adopted since 2010. Local Law 97 of 2019 intends to reduce the use of fossil fuel power and therefore any need for this proposed plant. Other new city-level laws, rules and regulations also should be examined in the scope.
- The original Final Environmental Impact Statement (FEIS) was completed almost a decade ago and since then the Climate Leadership and Community Protection Act (CLCPA) was passed and signed into law. We're glad the scoping statement acknowledges the need to address the CLCPA and request that not only are the greenhouse gas emissions assessed as required by the CLCPA but particular attention is paid to the environmental justice provision of the law and all co-pollutants and history of pollution are assessed.

- The scoping statement does not include renewable heating and cooling options or energy efficiency measures to reduce the need for peak demand. The scoping statement also fails to address the need to reevaluate demand projections which have been impacted by the coronavirus pandemic.
- Two other gas plant expansion proposals in New York State, Cayuga in Tompkins Co. and Glidepath in Ulster Co. opted to build battery storage facilities instead, which we don't see considered in this scoping statement.
-

We hope you will find our request for a comment extension to be reasonable, so we can ensure that all of our members, particularly those local to the plant will have adequate time to review the scoping document, and participate in the democratic process.

Sincerely,

Kim Fraczek,
Director, Sane Energy
Project

Lee Ziesche
Community Engagement
Coordinator, Sane Energy
Project

Nicolas Shearman,
Sane Energy Core Team
member, and Astoria
resident

From: Anthony Ng
To: dec.sm.comment.nrgastoriagas
Subject: Comments, draft scoping plan for SEIS, Astoria Gas Turbine Power LLC Generating Corp (NRG) case 17-F-0451
Date: Thursday, July 30, 2020 11:07:28 PM
Attachments: [Comments, Astoria Gas Turbine draft scoping plan, 7-30-20.pdf](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
(Submitted electronically and attached as a PDF document)

July 30, 2020

Re: Comments to NYS DEC re: draft scoping plan for SEIS proposed by Astoria Gas Turbine Power LLC Generating Corp (NRG) case 17-F-0451

I am a community member residing in the borough of Queens, where I serve my community and spend volunteer hours educating and organizing people on climate and environmental issues. I have only just become aware of the proposed overhaul of Astoria Gas Turbine Power LLC (NRG)'s power plant in Astoria. The fact that community members who are very active in local civic life and our organizations, which are actively engaged in this policy area, were unaware of a major new fossil fuel powered plant for New York City indicates a process that is at odds with robust public participation. I am now scrambling to review the company's documents, and would like to **request a 60 - day extension to file comments in response to the company's draft scoping proposal.**

I also note that **Article 10 of the state's Public Service Law should be used by the state in this process because it is the controlling statute for proposed new power plants.** Given the COVID-19 pandemic, the significant impact this would have on local community members, and the clear failure of the existing process to engage in meaningful public participation, it is integral that the state revisit the Declaratory Ruling of the Public Service Commission in 2019. I reserve the right to argue as such in my forthcoming comments, should the extension be granted.

Best,

Anthony Ng
83-10 35th Avenue, Apt. 3N
Jackson Heights, NY 11372

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
(submitted electronically)

350Brooklyn
% Sara Gronim
35 Prospect Park West
Brooklyn, NY 11215

July 30, 2020

Re: Comments to NYS DEC re: draft scoping plan for SEIS proposed by Astoria Generating Corp (NRG) case 17-F-0451

Dear Mr. Hogan,

It has just this week come to our attention that the energy company NRG has filed a draft scoping plan for a Supplemental Environmental Impact Statement for its proposal to build a new fracked gas facility at its Astoria plant. The original EIS was apparently written back in 2010. As you know, many things have changed in the ten years since then. Not only has our understanding of climate change expanded but so has our knowledge of the impact of the climate crisis on human health and on the biosphere. And our technical knowledge of - and interest in - renewable energy has grown enormously, even as the cost of such energy has fallen.

The deadline for comments on NRG's proposed SEIS is tomorrow. Given that there seemed to have been very little public notice of this process, and given the very pressing nature of other developments around us (the Covid-19 pandemic, the Black Lives Matter movement, the economic recession), we at 350Brooklyn ask you to extend the comment period for the NRG draft scoping plan. 350Brooklyn takes the just transition to a renewable energy economy locally very seriously and asks for the opportunity to engage with this process fully..

On behalf of the public, then, we ask for at least a thirty-day extension to the comment period for the SEIS in case 17-F-0451.

Sincerely,
Sara S. Gronim
Georgi Page
Ieva Zadina
350Brooklyn
infrastructure@350Brooklyn.org



July 31, 2020

VIA ELECTRONIC MAIL

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
Email: comment.nrgastoriagas@dec.ny.gov

**RE: Sierra Club Comments Regarding Astoria Gas Turbine Power LLC Draft
SEIS Scoping**

Dear Mr. Hogan:

On behalf of the Sierra Club and its more than 50,000 members in New York, please accept these comments regarding Astoria Gas Turbine Power LLC's (Astoria's) State Environmental Quality Review Act Draft Scoping Document (Scoping Document) for the Astoria Replacement Project (Project). For the reasons set forth below, based on the significant changes to Astoria's replacement project since it was reviewed by the Board on Electric Siting and the Environment (Siting Board), DEC should require Astoria to seek and obtain a renewed grandfathering determination from the Siting Board before permitting Astoria to evade Article 10 review for a newly proposed fossil fuel generation project. Even if review exclusively under the State Environmental Quality Review Act (SEQRA) were appropriate, there are numerous deficiencies in the scope of the proposed supplemental environmental analysis that must be addressed.

The Climate Leadership and Community Protection Act (CLCPA) fundamentally changed the energy landscape in New York, establishing nation-leading climate commitments, mandating a zero carbon electric sector by 2040, directing the procurement of massive quantities of clean, renewable energy and energy storage, and requiring state agencies to scrutinize in all their administrative approvals and decisions the consistency with the CLCPA's climate mandates.¹ The CLCPA, together with similarly aggressive climate and clean energy commitments made by the City of New York and Mayor Bill de Blasio, highlights the incompatibility of new fossil generation projects like this one with New York's announced energy future. This project, newly proposed nine years after New York's landmark siting law—Article 10—went into effect, must not be allowed to evade full siting review. It bears far less in common with the original turbine replacement project approved in 2010 than did the modified 2017 proposal Astoria used to obtain a grandfathering determination. Before any process moves

¹ CLCPA § 7(2).

forward under SEQRA, DEC must require Astoria to obtain a grandfathering determination for its current proposal.

Moreover, any environmental review that occurs must be searching and meaningful. It must address all of the relevant developments that post-date the 2010 final environmental impact statement (FEIS), including not only the CLCPA, but also resolutions and legislation by the New York City Council and public commitments by the Mayor. It must include a robust alternatives analysis that evaluates the full suite of available resources, including the pairing of renewables with energy storage. There are numerous alternatives—including renewables and storage—that could be developed at the site that would help fulfill New York’s power system needs in a manner that advances rather than imperils attainment of climate mandates. These must be fully evaluated. For fossil fuel alternatives, any analysis must evaluate their viability and consistency with the CLCPA over the full life span of the project, including the economic viability and environmental implications of the proposal to refuel the facility with hydrogen in the future. Finally, the environmental justice analysis must be improved to clarify the baseline and consider more fully the impacts of alternatives to the Project on environmental justice communities.

Ultimately, Astoria is attempting to lock New York into a fossil fuel future just as the City and State are striving to chart a new, cleaner, safer and healthier course. To fulfill its obligations under the CLCPA, DEC must carefully scrutinize the proposed action’s consistency with the relevant climate mandates and must not allow it to move forward if compliance cannot be demonstrated.

A. Astoria Must Not be Permitted to Rely on a Grandfathering Determination for a Different Project to Evade Article 10 Review of the Current Proposed Project

Astoria’s basis for moving forward with a SEQRA analysis for the Project rather than the more comprehensive and robust Article 10 process is a determination by the Siting Board from June 2019 that a different proposed project at the site was grandfathered under Article 10.² The Department of Environmental Conservation (DEC) should reject this inadequate basis and require Astoria to petition for a new grandfathering determination from the Siting Board for the currently proposed Project before moving forward with the SEQRA process. Particularly in light of the developments that have occurred regarding New York’s commitments for its electric sector, it is unconscionable for a fossil fuel generating station newly proposed in 2020—nine years after Article 10 came into effect—to evade that law’s review procedures.

In 2017, NRG Astoria Power LLC (NRG) submitted a Petition for Declaratory Ruling (Petition) to the Siting Board seeking a determination that a modified version of its 2010 replacement project was exempt from review under Article 10 under Public Service Law § 162(4)(d). The 2017 proposal bore more in common with the originally approved 2010 replacement project than the Project currently pending review. As NRG explained in its Petition filing, “[t]he replacement turbines for the Proposed Replacement Project will still be the same General Electric 7F, dual-fuel models” as originally approved in 2010.³ NRG proposed to reduce

² Scoping Document at 2-4 to 2-5.

³ NRG Astoria Power LLC, Petition for Declaratory Ruling, Dkt. No. 17-F-0451, at 9 (July 24, 2017) (hereinafter Petition).

the number of turbines from four to three and proposed that “the units will be operated in simple cycle rather than combined cycle.”⁴ No mention was made of refueling these turbines in the future with hydrogen.

NRG’s current Project, proposed in 2020, is markedly different from what it previously sought and obtained grandfathering approval for. The Project involves a different turbine—the GE H-Class 7HA.03—and involves a single large (437 MW) unit rather than several smaller 193-MW units.⁵ NRG has also indicated an intent to potentially repower the facility in the future to hydrogen, stating on its project website that: “In line with our commitment to invest in cleaner energy, our new technology is fully convertible to hydrogen fuel in the future, giving New York even greater flexibility to achieve its zero-carbon emission goals.”⁶ Hydrogen presents a different set of environmental and safety concerns than gas that have nowhere previously been analyzed.

Astoria itself recognizes the differences between the 2017 and 2020 project proposals. In the Scoping Document, it proposes to analyze as an “alternative” the “Project as defined by the Siting Board 201[9] Declaratory Ruling” to evaluate “the project as considered by the Siting Board in its June 12, 2019 Declaratory Ruling.”⁷

Plainly, what Astoria is proposing today is not the same project that NRG previously obtained its grandfathering determination for. DEC must require Astoria to obtain Siting Board grandfathering approval for the currently proposed project before authorizing Astoria to proceed with the SEQRA review process.

B. Any Supplemental Environmental Review Must Account for Legal, Regulatory, and Policy Changes that Post-Date the 2010 FEIS, Including New York City Policies and Actions that Implicate the Project

If DEC authorizes Astoria to move forward with the SEQRA process, the supplemental environmental review must encompass all relevant legal and policy developments that post-date the 2010 FEIS. While the Scoping Document identifies some of these developments,⁸ it fails to identify important New York City-specific developments that implicate the consistency of the project with the City’s environmental and climate vision. In addition to robustly addressing the developments identified by Astoria, these additional developments must also be addressed in any SEIS.

Astoria correctly identifies the CLCPA as an important post-2010 development that must be addressed,⁹ although it fails to fully countenance the law’s practical implications for the

⁴ Petition at 9.

⁵ Scoping Document at 2-2.

⁶ Astoria Replacement Project, <https://www.nrg.com/legal/astoria-peaking-generation-station-project.html>; see also Scoping Document at 5-6 (“In the longer term, the proposed Project will be able to be converted to use GHG-free hydrogen as fuel if available.”).

⁷ Scoping Document at 5-3 (the Scoping Document initially references the “Siting Board 2018 Declaratory Order”; presumably this is a typographical error, but Astoria should confirm).

⁸ *Id.* at 3-11 to 3-12.

⁹ *Id.* at 3-11.

Project. The CLCPA fundamentally alters New York’s vision for its electric sector and clarifies the incompatibility of fossil fuel generation—particularly new fossil fuel generation—with that vision. The law mandates that New York reduce statewide greenhouse gas (GHG) emission levels 40 percent from 1990 levels by 2030 and 85 percent by 2050.¹⁰ For the electric sector, the law mandates a plan to source 70 percent of New York’s electrical demand from renewable sources by 2030 and to ensure that “statewide electrical demand system will be zero emissions” by 2040.¹¹ Given that the Project would be replacing turbines that are already 50 years old and its economic life would extend beyond 2040, it will be critical that the analysis of the Project and all alternatives robustly evaluate consistency with the CLCPA.

The CLCPA also fundamentally changes the way state agencies must review projects such as this turbine replacement project. The law provides that: “[i]n considering and issuing permits, licenses, and other administrative approvals and decisions . . . all state agencies, offices, authorities, and divisions shall consider whether such decisions are inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits established in article 75 of the environmental conservation law.”¹² Where an action is “deemed to be inconsistent with or will interfere with the attainment of the statewide greenhouse gas emissions limits, each agency, office, authority, or division shall provide a detailed statement of justification as to why such limits/criteria may not be met, and identify alternatives or greenhouse gas mitigation measures to be required where such project is located.”¹³ The CLCPA therefore requires scrutiny of the Project over its full economic lifespan including, as discussed further below, claims that Astoria may burn hydrogen at the facility in future years. The strong procedural requirements of the CLCPA also counsel in favor of DEC requiring Astoria to seek renewed grandfathering approval for the Project given the significant proposed changes since the 2017 Petition for Declaratory Ruling.

With regard to CLCPA compliance, Astoria indicates that the DSEIS will summarize “[t]he approach to and results of the CLCPA analysis [accompanying the air permit application], including the Guidehouse study, and the future climate risk analysis.”¹⁴ It is imperative that sufficient detail be provided in the SEIS to enable a critical evaluation of this analysis and supporting studies. In addition, the SEIS must evaluate CLCPA compliance of all alternatives analyzed, not merely the Project. This is particularly important because other alternative uses of the site may be far more compliant with the CLCPA than Astoria’s proposed fossil fuel peaking turbine.

In addition, Astoria identifies as post-2010 developments the 2014 passage of the Community Risk and Resiliency Act, which requires applicants to consider impacts of extreme weather including storm surge, sea level rise and flooding, and also preliminary updated Federal Emergency Management Agency (FEMA) floodplain maps from 2015.¹⁵ In addressing these developments, the SEIS must explain the apparent discrepancy between the 2010 FEIS and

¹⁰ E.C.L. § 75-0107(1).

¹¹ P.S.L. § 66-p(2).

¹² CLCPA Section 7(2).

¹³ *Id.*

¹⁴ Scoping Document at 5-6.

¹⁵ *Id.* at 3-11.

Scoping Document with regard to elevation at the site. The 2010 FEIS states that “[t]he surface elevation is approximately 17 feet above mean sea level (“msl”) for the general site, while the planned site elevation will be standardized at 20 feet above msl for the larger [combined cycle] units.”¹⁶ By contrast, in discussing site elevation, the Scoping Document simply indicates that “[t]he base flood elevation at the Project Site is 13 feet.”¹⁷ Clarifying site elevation is critical because projections of the magnitude of sea level rise during the life span of the project have changed dramatically since 2010. In 2010, using “worst-case” assumptions, the FEIS identified 6.9 inches of maximum sea level rise during the 30-year project lifespan.¹⁸ Only ten years later, the sea level rise projection is 30 inches – more than 400 percent greater!¹⁹ With storm surge compounding this increase in sea level, it is important to correctly delineate the site elevation and evaluate all risks associated with such low-elevation construction.

Astoria also identifies as a post-2010 development New York City’s development of an updated Local Waterfront Revitalization Program (LWRP).²⁰ Since the 2010 FEIS relied on an LWRP that was developed in 1999,²¹ and is now badly outdated, it is critical that the SEIS incorporate the most current developments regarding the City’s LWRP.

The Scoping Document fails to address other New York City-specific developments post-2010 that implicate the environmental consistency of the Project. In 2019, the City Council passed a resolution declaring a climate emergency and calling for an immediate emergency mobilization to restore a safe climate.²² The resolution finds, among other things, that “[a] sweeping transition to clean energy systems that centers on equity and justice in their solutions is vital to our future and must include the following goals: dramatically expand existing renewable power sources and deploy new production capacity with the goal of meeting 100% of national power demand through renewable sources.”²³ Also in 2019, the City enacted Local Law 97, which mandated reductions in citywide greenhouse gas emissions of 40 percent by 2030 and 80 percent by 2050, as well as substantial reductions in greenhouse gas emissions from city government operation.²⁴ Local Law 97 additionally contains building emissions (Article 320) and energy conservation (Article 321) requirements, compliance with which could affect New York City load and local reliability needs. Further, earlier this year, New York City Mayor Bill de Blasio committed in his State of the City 2020 to “stop new fossil fuel infrastructure.”²⁵ The Mayor clarified that “[w]e’re not just divesting billions from coal and oil companies – we will stop any new infrastructure, such as power plant expansions, pipelines, or terminals that expands

¹⁶ 2010 FEIS at 13.

¹⁷ Scoping Document at 5-6.

¹⁸ 2010 FEIS at 15.

¹⁹ Scoping Document at 5-6 (“The elevation for the proposed Project’s infrastructure was calculated by adding the Part 490 sea-level rise projection for 2050 (30 inches) to the additional freeboard recommended in the 2018 Guidance.”).

²⁰ *Id.* at 3-11.

²¹ 2010 FEIS at 55.

²² NYC Res. No. 864-A, available at

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3940953&GUID=506493D1-9DF1-4289-8893-4AF892557355&Options=ID%7cText%7c&Search=climate+mobilization+act>.

²³ *Id.*

²⁴ Local Law 97, § 4, available at https://www1.nyc.gov/assets/buildings/local_laws/l197of2019.pdf.

²⁵ <https://www1.nyc.gov/office-of-the-mayor/news/064-20/state-the-city-2020-mayor-de-blasio-blueprint-save-our-city#0>

the supply of fossil fuels in our city. We will issue an Executive Order codifying this policy.”²⁶ The SEIS must demonstrate how the project is consistent with the City’s resolutions and ordinances and the Mayor’s commitments.

C. Any Supplemental Environmental Review Must Include Consideration of a More Robust and Well-Defined Set of Alternatives

To fulfill its obligations under SEQRA, Astoria must include a robust alternatives analysis in any supplemental environmental review. Because the Project is so fundamentally inconsistent with the direction that both the City and State are heading on energy development, and because other options for the project site are available that would advance rather than cripple efforts to achieve New York’s clean energy and climate goals, the analysis of alternatives will be especially critical here.

SEQR regulations require that an EIS include “a description and evaluation of the range of reasonable alternatives to the action that are feasible, considering the objectives and capabilities of the project sponsor.”²⁷ Astoria owns a 15-acre site in New York City that is already interconnected to the electric grid and capable of contributing to the reliability of the power system in the City. In the 2010 FEIS, NRG considering only two alternatives to the then-proposed project: a no action alternative and a Phase I only alternative involving a subset of the proposed combined cycle gas turbines.²⁸ While Astoria’s proposed range of alternatives in the Scoping Document is marginally more robust, it nevertheless inadequately explains certain alternatives and omits others.

Astoria’s “No Action” alternative requires further description. In characterizing the “No Action” Alternative, Astoria states that: “the Applicant will not replace the existing [simple cycle combustion turbines] with new [combined cycle combustion] turbines. Both the positive and negative implications will be addressed, including operating and permitting consequences, as well as loss of economic benefits and system reliability improvements.”²⁹ As an initial matter, Astoria’s reference to combined cycle combustion turbines (CCCTs) is confusing. Astoria is no longer proposing to replace the existing simple cycle combustion turbines (SCCTs) with CCCTs, but rather with a large SCCT. More problematically, Astoria does not identify what the future of the existing SCCTs would be under its No Action Alternative. In 2019, DEC finalized new nitrogen oxide (NOx) emission regulations for combustion turbines that apply to the existing SCCTs at the project site. Under the new regulations, units subject to the rule will be required to meet specified ozone season NOx emission limits beginning in ozone season 2023, and then meet stricter limits beginning in ozone season 2025. Based on publicly reported emission data from the U.S. Environmental Protection Agency’s Air Markets Program Database, all operating units at the site had NOx emission rates above 6 lb/MWh³⁰ during the most recent (2019) ozone season and would, absent investments in additional pollution controls on those units, be unable to

²⁶ *Id.*

²⁷ 6 NYCRR 617.9(b)(5)(v).

²⁸ See 2010 FEIS at 2-3.

²⁹ Scoping Document at 5-3.

³⁰ Data available at <https://ampd.epa.gov/ampd/>.

comply with either the 2023 or 2025 ozone season NOx emission limits.³¹ The No Action Alternative must explain what Astoria will do with the existing SCCTs to comply with the NOx peaker regulations if it does not move forward with a new generation project at the site.

While we appreciate Astoria's inclusion of several alternatives that were not considered in 2010, additional alternatives to those identified in the Scoping Document must also be evaluated. As an initial matter, we support inclusion of the project as considered by the Siting Board in its June 12, 2019 Declaratory Ruling.³² We also strongly support consideration of the Energy Storage Alternative.³³ The Astoria site is strategically situated for storage, which is a resource directly supported by the CLCPA. Indeed, the CLCPA mandates that the PSC "establish programs to require the procurement by the state's load serving entities . . . to support three gigawatts of statewide energy storage capacity" by 2030.³⁴ We likewise support evaluation of renewable alternatives,³⁵ although the current description of the "Renewable Energy Generation Alternative" is inadequate. The Scoping Document indicates that "the DSEIS will compare and evaluate a project consisting of a solar and/or wind generation system."³⁶ Astoria Generation should be required to evaluate the suitability and impacts of both, and certainly must include solar given the size and location of the site.

In addition to the identified alternatives, we urge DEC to require Astoria to consider several more alternatives:

- First, we urge DEC to require Astoria to consider a Renewables Plus Storage alternative. Pairing renewable generation (likely solar) with storage offers many advantages over each resource in isolation. Storage helps address the variability and lack of peak-coincidence of certain non-dispatchable renewable resources. Renewables help ensure that the stored energy being delivered to the grid is clean and zero carbon. The SEIS should include a thorough review of options for pair renewable generation with storage at the site.
- Second, we urge DEC to require Astoria to consider a smaller facility sized to address any specific localized reliability needs that would arise if the existing peaking units at the site were retired without replacement.
- Third, we urge DEC to require Astoria to evaluate the potential for demand management to address any local reliability needs that would arise if the existing SCCTs were retired without replacement.
- Finally, we urge DEC to require Astoria to consider use of the site for transmission interconnection to bring clean power from outside of New York City into the five boroughs. Transmission into New York City is challenged by lack of suitable locations for interconnection and scarcity of space. Astoria should fully evaluate the potential to use the site as a transmission interconnection point.

³¹ NRG (via Astoria Gas Turbine Power LLC) submitted a compliance plan to DEC on February 28, 2020 for the SCCTs at the Astoria site, but redacted from the public version its compliance plans for all of its affected units.

³² Scoping Document at 5-3.

³³ *Id.*

³⁴ P.S.L. § 66-p(5).

³⁵ Scoping Document at 5-3.

³⁶ *Id.*

Analysis of all of the above-discussed alternatives must address the full lifespan of the project and the fact that any resource will be required to comply with the CLCPA's 100 percent zero carbon electricity requirement by 2040. For the carbon-emitting fossil fuel alternatives, this would require identifying whether Astoria is proposing to retire the facility or repower it with a zero-carbon fuel source by 2040.

In the Scoping Document, Astoria states that: "In the longer term, the proposed Project will be able to be converted to use GHG-free hydrogen as fuel if available."³⁷ If repowering to hydrogen is Astoria's CLCPA compliance strategy, considerable additional information must be provided to evaluate the feasibility and environmental health and safety consequences of this approach. Regarding cost, in the most recent supplement to its Article 10 application for a combined cycle facility in Newburgh, New York, Danskammer Energy LLC consultant ICF estimates that hydrogen in 2040 will cost \$45/MMBtu in nominal dollars.³⁸ The most recent Energy Information Administration 2020 Annual Energy Outlook projects natural gas to cost well below \$4/MMBtu in 2040 (in 2019\$) in its Reference Case.³⁹ Even accounting for the difference between nominal versus (2019) real dollars used in these estimates, Astoria must provide a compelling explanation for how it will be able to economically switch to a fuel that is many times more expensive than its proposed fuel. Further, regarding logistics of hydrogen, Astoria must identify the quantity of hydrogen that would be required to refuel the facility completely using hydrogen, identify how this hydrogen would be transported to and stored on the site and in what quantities, and carefully evaluate the safety and environmental impacts of transporting, storing, and fueling the facility with hydrogen, including the radius of any blast zones. Finally, Astoria would need to identify the source of any hydrogen to be used at the site in order to assess its climate and environmental impacts. Industrial hydrogen today is largely produced via steam methane reforming using natural gas, a process that results in significant GHG emissions. Electrolysis is an alternative means to produce hydrogen but is highly energy-intensive and only climate neutral if the electricity used to split water is itself zero carbon. Simply stating an intention to burn hydrogen at the facility, absent a detailed account of how that hydrogen would be produced, does not demonstrate consistency with the mandates of the CLCPA.

D. The Proposed Environmental Justice Analysis is Deficient

The proposed environmental justice analysis must be revised to more clearly delineate the environmental baseline for the analysis and to include consideration of the relative impacts of the alternatives to the project. For its updated environmental justice analysis, Astoria proposes that "the SDEIS will include an updated evaluation of the existing environmental burden on the [potential environmental justice areas] and the potential additional burden of any disproportionate adverse impacts directly related to the Project as modified."⁴⁰ Without a clear articulation of baseline environmental conditions, it is not obvious what Astoria means by

³⁷ *Id.* at 5-6.

³⁸ ICF, Supplemental Greenhouse Gas Analysis of the Danskammer Energy Center, Dkt. No. 18-F-0325, at 11 (July 8, 2020).

³⁹ <https://www.eia.gov/outlooks/aeo/pdf/AEO2020%20Natural%20Gas.pdf>.

⁴⁰ Scoping Document at 5-7.

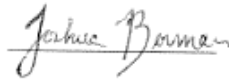
“additional burden.” Most relevant, Astoria needs to identify what it would do with the existing SCCTs at the site to comply with the NOx peaker regulation in the absence of the turbine replacement Project. In addition, to fully understand the environmental justice implications of the Project, Astoria’s analysis should include the relative impacts of each of the alternatives evaluated in the SEIS. These alternatives would have very different localized emission profiles and, therefore, contribute differently to the environmental burden of nearby environmental justice communities. Those comparative impacts should be analyzed and understood.

E. Conclusion

The Sierra Club is deeply troubled by Astoria’s efforts to advance a new fossil fuel project through the SEQRA process based on a siting approval for a completely different project from 2010 and an Article 10 grandfathering determination for a yet different power plant proposal from 2017. Particularly given that the proposed facility is so transparently antithetical to the direction that both the State and City are trying to move the electric sector, as articulated by laws and policies that post-date the prior grandfathering determination, it is imperative that DEC require a renewed grandfathering approval from the Siting Board before moving forward with the SEQRA process. Even if SEQRA review were appropriate, the proposed scope is deficient in numerous ways as articulated above. These deficiencies must be addressed in any supplemental environmental review.

Thank you for your consideration.

Respectfully submitted,



Joshua Berman
Senior Attorney
Sierra Club
50 F St. NW, 8th Floor
Washington, DC 20001
Tel: (202) 650-6062
Email: Josh.Berman@sierraclub.org



The Center for Urban Environmental Reform Comments to DEC on the NRG Astoria Repowering Project Draft Scoping Document

July 31, 2020,

Submitted via email to comment.nrgastoriagas@dec.ny.gov

The CUNY Center for Urban Environmental Reform (CUER) submits these comments in response to DEC's July 1, 2020 Notice on the draft scope of the Supplemental Environmental Impact Statement to be prepared for this project under the State Environmental Quality Review Act. CUER urges DEC to ensure that the Scoping Plan reflects the significant changes to the legal and technical landscape that have occurred since 2010. In particular, CUER urges DEC to require that: 1) the Scoping plan include the options of shutting the plant entirely, and/or replacing the plant with wholly non-polluting energy infrastructure; and 2) CUER urges the DEC to require NRG to conduct a full environmental justice analysis as part of the scoping process and the DEIS.

Background

In its draft scoping document, NRG seeks to revive a proposal that received DEC approval in October 2010. At that time, DEC authorized replacement of the existing simple cycle combustion turbines at NRG's Astoria site with a new, larger combined cycle combustion turbine. For reasons rooted entirely in NRG's assessment of its own economic interests, NRG elected not to proceed with that proposal.¹ Now, a decade later, NRG is seeking to leverage this earlier proposal to obtain regulatory approval for installing new polluting infrastructure at its Astoria site.

However, the legal and technical landscape has changed dramatically since NRG brought its earlier proposal. Those changes mean that NRG's existing, dirty facility no longer has the option of business as usual. That reality should be the foundation for analyzing any proposals for new uses at the site. NRG has characterized the EIS process as merely "updating" a process that occurred a decade ago. But the fact that NRG could have installed new combined cycle turbines a decade ago does not answer whether installing new polluting fossil-fuel infrastructure makes sense today in light of the current legal and technical environment. CUER respectfully

¹ Astoria Replacement Project Draft Scoping Document, 1-1 (June 2020) (attributing the decision to "prevailing market conditions."

encourages DEC to ensure that this current process engages with today's environmental legal and technical landscape rather than allow NRG to mire its current proposal in the relatively distant past.

The comments below will outline important changed legal and technical circumstances that should shape the Scoping and DEIS process. However, CUER would like to begin by suggesting that the most important changed circumstance that should guide DEC's actions are revelations from the COVID-10 pandemic about the relationship between air pollution and illness, as well as the disparate burdens that pollution has on communities of color. Exposure to air pollution is a known threat multiplier for coronavirus infection.² A recent Harvard Study found that those living in a high pollution area have a significantly elevated risk of dying from COVID-19.³ Indeed, this study concluded that "[a] small increase in long-term exposure to PM_{2.5} leads to a large increase in the COVID-19 death rate."⁴ In light of this new information, the nexus between air emissions and negative health outcomes, particularly for communities of color, deserves a more prominent role in every environmental assessment, including this one.

1. The Scoping Document and DEIS Must Consider the Option to Shut the Facility Entirely

In December 2019, the DEC adopted sweeping new NOX regulations under Subpart 227-3 of the New York State Environmental Conservation Law.⁵ In its regulatory impact assessment, the agency was clear that these regulations would force the closure of old, polluting peaker plants like those at the NRG facility that is the subject of this draft scoping process. Under this new NOx regulation, there is no possibility that the 7 retired Westinghouse turbines at the NRG Astoria facility could be reactivated and the 24 Pratt and Whitney turbines will have to cease operations by 2023.⁶ NRG is not proposing modifications to its existing turbines to bring them into compliance with the NOx emission standards articulated in Subpart 227-3. Therefore, there is no question that these turbines will have to cease operations as of 2023.

Because shutting the existing turbines is the required outcome under the DEC regulations, is essential that the scoping document include the option of shutting the facility down entirely. In fact, shutting the facility entirely must be the default option, with any proposed repowering examined and justified (if at all) as an alternative. Such an approach would evaluate NRG's proposal to replace the existing turbines with new fossil-fuel based infrastructure as a proposal to

² Xia Wu, *Exposure to Air Pollution and COVID-19 Mortality in the United States, A Nationwide Cross-Sectional Study*, preprint available at <https://www.medrxiv.org/content/10.1101/2020.04.05.20054502v2>; Yaron Ogen, Assessing Nitrogen Dioxide (NO₂) Levels as a Contributing Factor to Coronavirus (COVID-19) Fatality, 726 SCI. TOTAL ENV. 138605; Maria A. Zoran, et al., *Assessing the Relationship Between Surface Levels of PM_{2.5} and PM₁₀ Particulate Matter Impact on COVID-19 in Milan, Italy*, 738 SCI. TOTAL ENV. 139825 (2020)

³ Xia Wu, Rachel C. Nethery, Benjamin M. Sabath, Danielle Braun, Francesca Dominici, *Exposure to Air Pollution and COVID-19 Mortality in the United States: A Nationwide Cross-Sectoral Analysis*, HEALTH SCIENCES PREPRINT (Apr. 24, 2020) <https://www.medrxiv.org/content/10.1101/2020.04.05.20054502v2>.

⁴ *Id.* at p 2.

⁵ 6 NYCRR Subpart 227-3, "Ozone Season Oxides of Nitrogen (NO_x) Emission Limits for Simple Cycle and Regenerative Combustion Turbines.

⁶

add polluting infrastructure to the neighborhood and increase emissions into an already overburdened airshed.

At the July 16 2020 public participation meeting, NRG characterized its proposal as an emissions reduction compared to business as usual with the existing turbines. In its draft scoping document, NRG compares the air pollution impacts of its current proposal to the project that was never built.⁷ However, neither comparison is appropriate. The first comparison to existing emissions, ignores the reality that the existing turbines will have to cease operations in 2023. The second comparison ignores the fact that NRG did not build the 2010 facility. These are not the only reasons that NRG's attempt to portray its current proposal as a net air quality benefit for the community is inaccurate. Had NRG implemented the 2010 proposal, that would have significantly reduced emissions in this overburdened airshed over the past decade. Yet, NRG did not act on this proposal and did not invest in infrastructure that would have benefited the community over the past decade, opting instead to maintain the existing dirty, highly polluting turbines "due to prevailing market conditions."⁸

As a result, NRG's Astoria turbines emitted nearly 1400 tons of NO_x, and over 35 tons of PM_{2.5}.⁹ Those emissions had real health consequences for the New Yorkers breathing polluted air. Having missed out on a decade of reduced emissions from the approved but never implemented 2010 proposal, Astoria's residents are entitled to expect more consideration now. For this reason, CUER urges DEC to evaluate NRG's current proposal to install new fossil-fuel infrastructure at the Astoria site as a proposal that will increase, rather than decrease emissions.

A second important change to the legal landscape is that Queens County, like the rest of New York City, is a serious ozone nonattainment zone under the Clean Air Act.¹⁰ Guaranteeing the right to breathe clean air, which is a basic human right,¹¹ is the driving purpose behind the National Ambient Air Quality Standards (NAAQS) in the Clean Air Act. To that end, the NAAQS are set at a level "requisite to protect public health."¹² Because New York City's air does not meet this standard, breathing is already unsafe for residents. The known health impacts from breathing pollutants like those generated from NRG's Astoria facility include asthma and cardiopulmonary ailments.¹³ This burden falls most heavily on poor and minority communities.¹⁴ Indeed residents

⁷ Astoria Replacement Project Draft Scoping Document, 4-2 (June 2020).

⁸ Astoria Replacement Project Draft Scoping Document, 1-1 (June 2020).

⁹ Personal Communication from Dave Shrader of NRG Communications.

¹⁰ New York Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants (July 30, 2020) https://www3.epa.gov/airquality/greenbook/anayo_ny.html.

¹¹ Special Rapporteur Report on Issue of Human Rights Obligations Relating to Enjoyment of A Safe, Clean, Healthy, and Sustainable Environment, A/HRC/40/55 (Jan. 8, 2019); David R. Boyd, et al, *The Human Right to Breathe Clean Air*, 85 ANN. GLOB. HEALTH 146 (2019).

¹² Clean Air Act §109(b)(1), 42 U.S.C. §7409.

¹³ Robert D. Brooks, et al., *Particulate Matter Air Pollution and Cardiovascular Disease*, 121 CIRCULATION 2331 (2010)

¹⁴ Nam. P. Nguyen and Julian D. Marshall, *Impact, Efficiency, Inequality and Injustice of Urban Air Pollution: Variability by Emission Location*, 13 ENVIRON. RES. LETT. 24002 (2018)

in the South Bronx and Queens, the neighborhoods nearest the NRG Astoria facility have shockingly high asthma rates.¹⁵

Through most of June and July 2020, Astorians and other New Yorkers breathed unhealthy levels of ozone.¹⁶ On many of those days, they also breathed unhealthy levels of particulate pollution.¹⁷ Shutting the existing NRG Astoria peaker turbines and not replacing them with new polluting sources will improve the air that Astoria residents and other New Yorkers breathe. NRG's proposal to install a new fossil-fuel peaking generator must be evaluated against the fact that its emissions will compound New York City's serious noncompliance with the Ozone National Ambient Air Quality Standards. DEC should require that the Scoping plan ensure a rigorous evaluation of whether NRG's proposed fossil-fuel peaker plant should be authorized at all, and at a minimum should require extensive mitigation strategies to minimize environmental impacts.

2. The Scoping Document and EIS Must Require a Full Environmental Justice Analysis

A final important legal change is the New York State enacted the Climate Leadership and Community Protection Act (CLCPA). Signed into law in December 2019, the CLCPA commits New York to deriving 70 percent of the state's electricity from renewable energy by 2030.¹⁸ By 2040 the entire energy supply must be emission free.¹⁹ The CLCPA requires that every state agency, including DEC, assess whether their actions to issue permits are consistent with the state's goal of reducing greenhouse gas emissions.²⁰ That requirement should guide DEC's approach to this proposal. While in 2010 NRG's proposal to replace its existing dirty peaker plants might have been consistent with the state energy policy of a decade ago, NRG's current proposal to add a fossil-fuel powered peaker plant locks in polluting infrastructure in a fashion that is contrary to both the letter and spirit of this law. NRG's suggestion that it could rely on the 2010 community assessment is therefore inappropriate.

Moreover, the CLCPA emphasizes the impacts that polluting industry has on environmental justice communities. Similarly, New York City has enacted two environmental justice ordinances in the decade since DEC approved NRG's 2010 proposal.²¹ As he signed the bills, Mayor de Blasio characterized them as "recogniz[ing] the historic injustices that have disproportionately fallen on low-income residents and communities of color—with the burden of pollution and climate change—and offer[ing] a different path forward."²² The New York City

¹⁵ New York State Dept. of Health, Asthma ED Visits and Hospitalizations

https://apps.health.ny.gov/statistics/environmental/public_health_tracking/tracker/index.html#/asthmaCounty

¹⁶ Air Quality Index Daily Values Report (2020).

¹⁷ *Id.*

¹⁸ CLCPA §4, amending Public Service Law §66-p(2).

¹⁹ *Id.*

²⁰ CLCPA §7(2).

²¹ Local Law 64, <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2460360&GUID=0C9F8C9D-5F14-4C1E-B4AD-37BB96F82BA3&Options=ID|Text|&Search=environmental+justice>. Local Law 60 <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1805815&GUID=8901A89B-078E-4D47-88D8-EA3E48E715A1&Options=ID|Text|&Search=environmental+justice>

²² Press Release: *Mayor de Blasio Signs Legislation to Better Promote Environmental Justice Through the Work of City Agencies*, (April 25, 2017)

ordinances, like the CLCPA, direct agency attention to the disparate impacts that polluting infrastructure has on low income communities and communities of color. The 2010 FEIS was conducted before the CLCPA and the New York City environmental justice ordinances were enacted. It did not adequately consider the impacts that the Astoria facility will have on environmental justice communities. As noted above, COVID-19 has underscored the deep connection between exposure to air pollution and community health vulnerability and has shown that minority communities are far more exposed and therefore far more vulnerable. Therefore, DEC should require NRG to conduct a new environmental justice impact as part of this 2020 DEIS process.

3. The Scoping Plan Must Reflect Significant Changes to the Technical Landscape Since 2010.

In 2010, when DEC approved NRG's earlier proposal, solar and wind energy generation and battery storage were in their relative infancy. What a difference a decade makes! Technological advances now make solar and wind generation, and battery storage economically competitive and capable of providing large quantities of base load as well as peak power. Indeed, in its September 2018, Energy Storage Roadmap, the Public Service Commission found that deploying battery storage to replace peaker plants could result in a significant reduction in air pollutants and could thereby improve public health outcomes.²³ California is just about to add 250 MW of battery storage to its grid, and expects to add more than 1000 MW over the next two years.²⁴ Ravenswood will be adding 316 MW of battery storage to replace 16 turbines analogous to the ones NRG seeks to replace in this project. Battery technology has grown by leaps and bounds since DEC approved NRG's 2010 proposal. New technology is a changed circumstance that requires specific consideration in this Scoping process. The size of NRG's proposal, 437 MW, is well within the scope of current solar and battery storage projects.

NRG's proposal, which does not consider using nonpolluting renewable energy and battery storage at the Astoria site, is out of step with the tenor of New York law and regulation. New York does not need to add any new fossil fuel infrastructure and allowing NRG to lock in at least another decade of emitting pollution and greenhouse gases without even considering replacing the Astoria peaker facility with renewable energy generation would be a mistake. For this reason, the Scoping document must include the option of replacing the existing turbines with solar energy generation capacity and battery storage.

NRG's representation that its proposed plant will be capable of switching to hydrogen by 2040 is not enough to bring this draft scoping document in line with New York priorities as expressed in the CLCPA and the New York ISO Vision for a Greener Grid.²⁵ First, the alleged

²³ Final Generic Environmental Impact Statement CASE 18-E-0130 – In the Matter of Energy Storage Deployment Program, Industrial Economics, Inc., 1-7 (September 12, 2018), <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7B2D2304AA-857E-429A-B17D-7335AB6D58DA%7D>.

²⁴ Kavya Balarsman, *Largest US Battery Resource Connects to CAISO Grid, Signalling Next Phase of California's Storage Growth*, UTILITY DIVE (Jul. 14, 2020).

²⁵ NY ISO, *Power Trend 2020: The Vision for a Greener Grid*, <https://www.nyiso.com/documents/20142/2223020/2020-Power-Trends-Report.pdf/dd91ce25-11fe-a14f-52c8-fla9bd9085c2>.

benefits of this switch would only accrue after 20 years of emitting pollution and greenhouse gas emissions while solar and battery storage would provide those benefits in the much nearer term. Moreover, hydrogen is more a marketing gimmick than a green technology. It is wholly speculative, while solar and battery storage are existing technologies that could be deployed today. Second, this approach doubles down on polluting infrastructure in order to extract raw materials (either water or hydrocarbons)²⁶ and to produce, compress or liquify hydrogen, and then to transport and store the hydrogen fuel. Finally, this approach recreates the existing problems and inequities in siting pipelines and will multiply the dangerous and polluting truck traffic that already overburdened communities will bear. DEC should interrogate NRG's proposal to meet CLCPA requirements with hydrogen technology. If the scoping plan includes the option of replacing the existing turbines with solar and battery storage rather than hydrogen-compatible technology, it will ensure that these issues receive a full and fair hearing during the DEIS process.

Conclusion

CUER respectfully requests that DEC require that the scoping document and the environmental impact statement for the NRG Astoria Repowering Project include the alternatives of shutting the facility entirely, and/or replacing the existing generating capacity with solar generation and battery storage. CUER also requests that DEC require NRG to conduct a full and thorough environmental justice analysis as part of these assessments.

Thank you for your time and attention. Please direct any questions or follow-up to Prof. Rebecca Bratspies at bratspies@law.cuny.edu.

Sincerely,

Rebecca Bratspies

Rebecca Bratspies
Director, CUNY Center for Urban Environmental Reform
CUNY School of Law
2 Court Square
Long Island City, NY 11101
718-340-4505

About the CUNY Center for Urban Environmental Reform (CUER)

CUER is a justice initiative at CUNY School of Law dedicated to developing new avenues of participation and new opportunities for citizen empowerment in environmental decision-making.

²⁶ Even though hydrogen is the most abundant element, it is not a readily available energy source. Allowing NRG to proceed with this proposal as submitted with lock New York into either hydrocarbons or water as a fuel source. Extracting hydrogen from hydrocarbon produces large quantities of carbon monoxide, a dangerous pollutant regulated under the Clean Air Act. Relying on water sets us up for clear possibility of conflict, with a resource that is vital for life and health being diverted to energy production.

Drawing from the emerging human rights norms of participation, access to information, transparency and intergenerational equity, CUER seeks to revitalize participatory environmental decision-making to help community members, scholars and policymakers communicate in a way that leads to better, more sustainable decision-making. In doing so, the Center facilitates important social conversations about the acceptability of environmental risks and the need for their equitable distribution.

Many of the standard techniques of environmental decision-making reduce society's ability to include issues of distributive justice and overall fairness in the decision. As a result, environmental policies have been repeatedly accused of perpetuating environmental injustice — with poor and minority communities consistently allocated a larger share of environmental bads while having access to fewer environmental goods. CUER's emphasis on environmental citizenship is an attempt to surface these justice dynamics that are too often ignored. Framing environmental choices as questions of fundamental equality in a political community, rather than as private choices about property, helps emphasize the role that power, access to information, and inequality play in shaping environmental outcomes.

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
(submitted electronically)

July 31, 2020

Re: Comments to NYS DEC re: draft scoping plan for SEIS proposed by Astoria Gas Turbine Power LLC Generating Corp (NRG) case 17-F-0451

I am a resident of Jackson Heights, Queens and have just become aware of the proposed overhaul of Astoria Gas Turbine Power LLC (NRG)'s power plant in Astoria. My neighborhood is just down the road from the location of this plant and is subject to the pollution that it produces. The fact that community members who are very active in local civic life were unaware of a major new fossil fuel powered plant for New York City indicates a process that is at odds with robust public participation. I am now scrambling to review the company's documents , and would like to **request a 60 - day extension to file comments in response to the company's draft scoping proposal.**

I also note that **Article 10 of the state's Public Service Law should be used by the state in this process because it is the controlling statute for proposed new power plants.** Given the COVID-19 pandemic, the significant impact this would have on local community members, and the clear failure of the existing process to engage in meaningful public participation, it is integral that the state revisit the Declaratory Ruling of the Public Service Commission in 2019. I reserve the right to argue as such in my forthcoming comments, should the extension be granted.

Best,

Aviram Cohen
3424 82nd Street 3M
Jackson Heights, NY 11372

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
(submitted electronically)

July 31, 2020

Re: Comments to NYS DEC re: draft scoping plan for SEIS proposed by Astoria Gas Turbine Power LLC Generating Corp (NRG) case 17-F-0451

I am a community member residing in the borough of Queens, where I serve my community and spend volunteer hours educating and organizing people on climate and environmental issues. I have only just become aware of the proposed overhaul of Astoria Gas Turbine Power LLC (NRG)'s power plant in Astoria.

I am also a concerned parent of a child with asthma.

The fact that community members who are very active in local civic life and our organizations, which are actively engaged in this policy area, were unaware of a major new fossil fuel powered plant for New York City indicates a process that is at odds with robust public participation. I am now scrambling to review the company's documents , and would like to **request a 60 - day extension to file comments in response to the company's draft scoping proposal.**

I also note that **Article 10 of the state's Public Service Law should be used by the state in this process because it is the controlling statute for proposed new power plants.** Given the COVID-19 pandemic, the significant impact this would have on local community members, and the clear failure of the existing process to engage in meaningful public participation, it is integral that the state revisit the Declaratory Ruling of the Public Service Commission in 2019. I reserve the right to argue as such in my forthcoming comments, should the extension be granted.

Best,
Jennifer Varbalow
3047 Hobart St. Apt 1J
Woodside, NY 11377

Christopher M. Hogan
NYS DEC
625 Broadway, 4th Floor
Albany, NY 12233
submitted electronically

July 31, 2020

Re: Comments to NYS DEC re: draft scoping plan for SEIS proposed by Astoria Gas Turbine Power LLC
Generating Corp (NRG) case 17-F-0451

Mr. Hogan,

As a 20-year resident of Queens, where I live with my husband and child, I am very concerned about the proposed overhaul of NRG's Astoria power plant.

I have been involved in the Queens Climate Project since its inception, as well as in other activism around climate, clean energy and social justice. Even though I am deeply engaged with local community organizations and public policy debates, and have previously given testimony around the Ravenswood and Astoria power plants, I only heard about the proposed overhaul of NRG's Astoria power plant yesterday. Most other community leaders I've spoken to hadn't heard about it at all. This suggests that the approval process has not been transparent or designed to encourage public participation.

The pollution from fossil fuel-burning power plants has been shown again and again to cause serious health problems, including heart and lung problems and neurological disorders. The science is clear. It is very concerning to me that a project with serious public health implications would be approved without a real opportunity for public comment, in the middle of a pandemic.

I would like to request a 60-day extension to file public comments in response to the company's proposal.

Please also note that **Article 10 of the state's Public Service Law should be used by the state in this process because it is the controlling statute for proposed new power plants.**

Given the COVID-19 pandemic, the significant impact this would have on local community members, and the clear failure of the existing process to engage in meaningful public participation, the state must revisit the Declaratory Ruling of the Public Service Commission in 2019. I will argue as such in my forthcoming comments, should the extension be granted.

Sincerely,

Leontine Greenberg
35-30 73rd St. 6A
Jackson Heights, NY 11372

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
(submitted electronically)

July 31, 2020

Re: Comments to NYS DEC re: draft scoping plan for SEIS proposed by Astoria Gas Turbine Power LLC Generating Corp (NRG) case 17-F-0451

I am a community member residing in the borough of Queens, where I serve my community and spend volunteer hours educating and organizing people on climate and environmental issues. I have only just become aware of the proposed overhaul of Astoria Gas Turbine Power LLC (NRG)'s power plant in Astoria. The fact that community members who are very active in local civic life and our organizations, which are actively engaged in this policy area, were unaware of a major new fossil fuel powered plant for New York City indicates a process that is at odds with robust public participation. I am now scrambling to review the company's documents and would like to **request a 60 - day extension to file comments in response to the company's draft scoping proposal.**

I also note that **Article 10 of the state's Public Service Law should be used by the state in this process because it is the controlling statute for proposed new power plants.** Given the COVID-19 pandemic, the significant impact this would have on local community members, and the clear failure of the existing process to engage in meaningful public participation, it is integral that the state revisit the Declaratory Ruling of the Public Service Commission in 2019. I reserve the right to argue as such in my forthcoming comments, should the extension be granted.

Best,



Michael Parrella
35-06 88th Street
Apartment #2G
Jackson Heights, NY 11372

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
(submitted electronically)

July 31, 2020

Re: Comments to NYS DEC re: draft scoping plan for SEIS proposed by Astoria Gas Turbine Power LLC (NRG) case 17-F-0451

Our organizations, described individually below, are advocacy and community-based organizations whose members include residents in the immediate vicinity of Astoria Generating Corp (NRG's) proposed new fracked gas peaker plant. We were tipped off to this proposal's existence earlier this week. The fact that community members who are very active in local civic life and our organizations, which are actively engaged in this policy area, were unaware of a major new fossil fuel-powered plant for New York City indicates a process that is at odds with robust public participation. We are now scrambling to review the company's documents and assemble advice from experts who can help us more effectively analyze the proposal. **We therefore request a 60 - 90 day extension to file comments in response to the company's draft scoping proposal.**

We also note that **Article 10 of the state's Public Service Law should be used by the state in this process because it is the controlling statute for proposed new power plants.** We reserve our right to make such arguments -- and to challenge the Declaratory Ruling by the Public Service Commission from 2019 -- in this and any other relevant proceeding. After a rapid review, we want to comment in a preliminary manner that there are at least several areas in which the analysis as proposed would fail to address concerns that should be addressed:

- The scoping statement does not discuss New York City climate legislation and policies adopted since 2010. Local Law 97 of 2019 and other new laws and regulations will reduce GHG emissions. LL97 in particular sets limits on climate pollution from the top source of the city's emissions: large buildings. This law will strongly tend to reduce the use of fossil fuel power and therefore any need for this proposed plant. Other new city-level laws, rules and regulations also should be examined in the scope.
- The scoping statement does not include heat pumps or energy efficiency measures. Substantial progress in these areas has been made since 2010. These measures should be examined especially as they will tend to reduce the need for peak demand.

- The scoping statement fails to include the need to consider peak demand management methods as alternatives. Substantial progress in this area has been made since 2010. For example, adoption of electric vehicles, which the state plans, will provide a widespread source of vehicle to grid energy storage. Other demand management practices and technologies and practices are also rapidly advancing.
- The scoping statement does not include the need to reevaluate energy demand projections. Substantial progress in this area has been made since 2010.
- The Environmental Justice section of the draft scope relates that the SEIS will include a discussion of changes in communities and in data on asthma and other relevant health outcomes, and re-evaluate the burden. But it fails to include the need to update information on the disparate adverse impacts of air pollution on communities of color. Substantial research on this has been conducted since 2010.
- The scoping statement does not propose to adequately examine the use of a simple cycle system as opposed to a combined cycle system, which would result in a more-polluting proposal.
- The scoping statement does not address the effects of the pandemic. New York City's energy future will be affected by COVID-19 in both the short and long term. The scope and study should include examination of the effects of the pandemic.
- The scoping statement does not propose to examine the impact of proposed Tier 4 Renewable Energy Credits (RECs), which the state has proposed in a recent PSC white paper on the state's Clean Energy Standard. While some of our organizations do not have positions on a proposed Tier 4 or may have concerns around the structuring of such a Tier, the state is currently proposing up to 3,000 MW of REC structure that will incentivize creation of transmission and renewable energy delivery in or into Zone J. Increased Zone J renewable generation and/or more transmission of such energy into Zone J, which the City of New York supports (see NYC comments in the CES proceeding), would result in substantially more renewable electric energy and transmission where renewable energy is the most desirable, lowest cost marginal energy (rather than the fossil fuel power this plant would produce, which would have a higher marginal cost).

We also note that although NRG may wish otherwise, the state's new climate law is clear: the grid must be "carbon free" by 2040. A new utility-scale fossil fuel power

plant flies in the face of the new law. The applicants appear to speculate, we believe in an attempt to obfuscate, that hydrogen could or would be used as a fuel for the power plant starting in 2040. But the letter of the law is clear. We take exception to the developer's suggestion that the CLCPA can be wished away. No fossil fuel power means this project cannot be approved.

Finally, we wish to note that some of our organization's members need time to review the draft scope and previous applications and documentation to substantiate whether the developer has accurately described conditions in the local area. We need some time to consult with community residents, including our organizations members who live in the area, to properly respond. Our organizations are not capable of a proper review and response to all the documentation in less than one week, particularly as COVID-19 and the accompanying economic downturn has occupied much of our members' attention and time. Since this project has flown entirely "under the radar," we therefore request a 60 - 90 day extension to the deadline for comments to the proposed scoping plan for the SEIS the applicant has requested.

350Brooklyn is a grassroots all-volunteer organization that works to reverse climate change and achieve climate justice at the local level. Our members have strong interests in the energy future of New York, and are working towards a future in which every person can flourish in a just society on a thriving planet.

Food & Water Watch mobilizes regular people to build political power to move bold & uncompromised solutions to the most pressing food, water, and climate problems of our time. We work to protect people's health, communities, and democracy from the growing destructive power of the most powerful economic interests.

New York Communities for Change (NYCC) is a community based organization that works to build power for Black and Latinx communities. NYCC works to advance economic, social and climate justice.

New York City Democratic Socialists is the NYC local of Democratic Socialists of America, the largest socialist organization in the United States with over 70,000 members (as of June 2020). NYC-DSA is run by its thousands of members and activists who are working together to build a democratic socialist organization in the five boroughs.

Sincerely,
350Brooklyn
Food & Water Watch
New York Communities for Change (NYCC)
NYC Democratic Socialists of America



July 31, 2020

VIA EMAIL

Chris Hogan
Project Manager
NYSDEC
Division of Environmental Permits
625 Broadway
Albany, New York 12233-1750
comment.nrgastoriagas@dec.ny.gov

Re: Astoria Replacement Project Draft Scoping Document

Dear Mr. Hogan,

The PEAK Coalition respectfully submits these comments concerning the Astoria Replacement Project Draft Scoping Document. The PEAK Coalition—UPROSE, THE POINT CDC, New York City Environmental Justice Alliance (NYC-EJA), New York Lawyers for the Public Interest (NYLPI), and Clean Energy Group (CEG)—seeks to reduce the negative and racially disproportionate health impacts of New York City’s peaker plants by replacing them with renewable energy and storage solutions. Together with communities, PEAK advocates for a system of localized renewable energy generation and battery storage to replace peaker plants, reduce greenhouse gas (GHG) emissions, lower energy bills and make the electricity system more resilient in the face of increased storms and climate impacts.

The Draft Scoping Document (“DSD”) does not identify all necessary alternatives, nor does it lay out a proposed Environmental Impact Statement analysis that will be sufficient for the community to evaluate the risks of the Astoria Replacement Project (“Project”). First and foremost, the DSD does not propose an adequate assessment of how the Project is consistent with state energy goals or New York State’s new climate laws; both of which have changed significantly since the project was first approved ten years ago. Moreover, the DSD’s proposed analysis of air quality, environmental justice, health, and flooding impacts also should be expanded to capture the full risks to the overburdened community residing adjacent to the site.

1. The DSD Does Not Propose Adequate Assessment of How the Project is Consistent with State Energy Goals and the Climate Leadership and Community Protection Act.

New York State realizes the dangers posed by climate change and the health impacts of co-pollutants, and has embraced ambitious goals to reduce greenhouse gas emissions by 60 percent by 2030, and by 85 percent by 2050. N.Y. E.C.L. § 75-0107. A key component of this

path is to reduce emissions in electricity generation 70% by 2030 and eliminate emissions entirely from the generation sector by 2040. N.Y. P.S.L. § 66-p(2). Specifically, the Climate Leadership and Community Protection Act (“CLCPA”) calls for New York to reduce reliance on peaker plants in disadvantaged communities. *Id.* § 66-p(7)(a). Even prior to the passage of the CLCPA, New York’s 2015 Energy Plan targeted of 50% renewable electricity generation by 2030, and aimed to have storage and renewables assist with peak loads.¹ It is not clear from the DSD that the Draft Environmental Impact Statement (“DEIS”) will fully assess compliance with either.

Astoria Gas Turbine Power proposes to build a new gas-powered plant that will not be operational until 2023. DSD 2-2. Though Astoria Gas Turbine Power has submitted an emissions analysis, it is reliant on the possibility of cost savings being “used to accelerate the construction of 543 MW of offshore wind” to generate indirect emissions benefits. Appx. F. 16. Astoria Gas Turbine Power must more thoroughly model anticipated greenhouse gas and co-pollutant emissions from the plant, without relying on speculative changes to the grid that are not near the Project.

Further, New York anticipates promulgating regulations implementing the greenhouse gas limits in the CLCPA by early 2021. N.Y. E.C.L. § 75-0107(1). Though these regulations may not be in place by the time the Final Scoping Document is published, Astoria Gas Turbine Power must carefully explain how the project meets the new regulations in subsequent analyses like the DEIS.

Additionally, Astoria Gas Turbine Power states that it hopes to use the facility after 2040 to generate electricity using hydrogen fuel “if available.” DSD 5-6. For the community to know what to expect, the DEIS must assess the likelihood that this will occur, in addition to the feasibility of using hydrogen to comply with CLCPA, the 2015 Energy Plan, and its implementing regulations and initiatives. The DEIS should also provide an analysis of the current risks of hydrogen fuel, as well as assess the lifecycle health and emissions implications of hydrogen production and storage to evaluate whether hydrogen use would in fact be compliant with the zero emissions electricity mandate in the CLCPA.

2. The Alternatives Analysis Must Include Actionable Renewable Options.

A thorough alternatives analysis must analyze the ability to add renewable energy generation and complementary storage configurations within or near the proposed Project.

When considering the renewable alternatives on site, on any scale, it will be essential to include an assessment of those alternatives and their contrasting impact on air quality and health benefits. New York State Energy Research and Development Authority (NYSERDA) recently released a white paper outlining how the state can meet the CLCPA requirements. The agency specifically noted the requirement for “the Commission to take steps to ensure reductions in

¹ See NEW YORK STATE ENERGY PLANNING BOARD, ENERGY TO LEAD: 2015 NEW YORK STATE ENERGY PLAN 28, 112 (2015).

emissions from peaker plants, many of which are located in low-income communities.”² In assessing the benefits and costs of renewable energy, NYSERDA recognized the importance of renewable energy servicing New York City. Specifically, the report noted that “offshore wind and other zero-emission energy...could cause significant improvements [to] local air quality and public health. Reducing emissions is particularly important for the New York City metropolitan area, which has a high population and high density of emissions sources.”³ NYSERDA further explained that renewable energy would provide “meaningful benefits, especially health benefits.”⁴ Such benefits should be considered in the alternatives analysis.

Astoria Gas Turbine Power should also include a full analysis of renewable energy and storage alternatives in the Final Scoping Document and DEIS.⁵ The company should use this Project as an opportunity to develop innovative solutions to meet peak energy needs. By considering renewable energy and storage alternatives in the DEIS, the community can better assess the impact on air quality and reliability.

Multiple projects in New York and around the country are already advancing the replacement of conventional peaker power plants with battery storage and renewables. In October 2019, the New York Public Service Commission approved the development of a 316-MW, 8-hour-duration battery at the Ravenswood Generating Station in Long Island City that will be built in a section of the facility currently occupied by aging peaker units similar to the Astoria Gas Turbine facility.⁶ The batteries are being developed to provide peak capacity, energy, and ancillary services to the New York City grid, offsetting the need for existing peaking units. At the end of 2019, NYSERDA approved a 20-MW battery storage project in Ulster that will replace a gas peaker plant that was initially proposed.⁷ California regulators have approved several peaker replacement projects over the past two years, including the replacement an aging jet-fuel peaker in Oakland with 20-MW battery system and 500 kW of 4-hour duration battery storage paired with solar at multifamily affordable housing properties,⁸ replacement of three gas

² NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, WHITE PAPER ON CLEAN ENERGY STANDARD PROCUREMENTS TO IMPLEMENT NEW YORK’S CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT 14 (2020) (Hereinafter NYSEDA White Paper).

³*Id.* at 24-25.

⁴ *Id.* at 24.

⁵ NEW YORK STATE DEPARTMENT OF PUBLIC SERVICE, WHITE PAPER ON THE POTENTIAL FOR ENERGY STORAGE TO POWER OR REPLACE PEAKING UNITS IN NEW YORK STATE, (2020)

⁶ New York Public Service Commission, *Case 19-E-0122 - Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation* (Oct. 2019), <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={F39060AB-A5FB-4E65-8846-D148D099123D}>.

⁷ New York State Energy Research and Development Authority, *NYSEDA Announces Battery Storage Project for Town of Ulster, Replacing Previously Planned Fossil Fuel Plant* (Dec. 2019), <https://www.nyserda.ny.gov/About/Newsroom/2019-Announcements/2019-12-13-NYSEDA-Announces-Battery-Storage-Project-for-Town-of-Ulster-Replacing-Previously-Planned-Fossil-Fuel-Plant> (last visited July 30, 2020).

⁸ PG&E, *CASIO Approved PG&E Oakland Clean Energy Initiative*, (Mar. 2018), https://www.pge.com/en/about/newsroom/newsdetails/index.page?title=20180323_caiso_approves_pge_oakland_clean_energy_initiative (last visited July 31, 2020).

peaker plants in Northern California with 567 MW of 4-hour duration battery storage resources,⁹ and replacement of a proposed 262-MW gas peaker plant in Oxnard with a combination of local energy efficiency measures, demand response, renewable energy generation, and a mix of distributed and large-scale energy storage.¹⁰

An assessment of economic feasibility of renewable and storage alternatives, as well as the amount of capacity needed, should take into account historical capacity payments to the facility as well as its recent capacity factor. Recent publications, such as The PEAK Coalition’s “Dirty Energy, Big Money”, have highlighted the very large capacity payments received by plants such as this one.¹¹ The report estimated that NRG received approximately \$453.6 million in capacity payments related to the Astoria Gas Turbines from 2010 to 2019.¹² Meanwhile, the plant ran very rarely, for example with just a 0.8% capacity factor in 2018 representing less than 100 hours of generation.¹³ The analysis of the Project must take into account the low run time, high amounts of historical capacity payments to the facility, the economic impact of capacity payments on the project going forward, whether any possible change in eligibility of renewables or storage for those payments might impact the project, and how ratepayers might be affected.

The DEIS analysis should include an assessment of the amount of energy storage possible to develop onsite as a replacement for existing resources, as well as the potential for energy storage, renewables, energy efficiency, and demand response development within the same load pocket served by the existing facility, which may reduce or negate the need for the Project.¹⁴ Astoria Gas Turbine Power must not propose more of the same—a new fossil fuel gas plant that would operate and pollute for many years.

3. Astoria Generating Has Not Thoroughly Explained the Need for the Project, Especially After Changes as a Result of COVID-19.

The prior project configuration was approved by the New York State Public Service Commission in 2011, since which time there have been significant changes in load, demand, and generation. The DEIS must thoroughly explain the current need for the Project generally, and more analysis is needed as to the public need for electricity generation in this load pocket.

⁹ Gavin Blade, *Storage Will Replace 3 California Gas Plants as PG&E Nabs Approval For World’s Largest Batteries*, (Nov. 2018), <https://www.utilitydive.com/news/storage-will-replace-3-california-gas-plants-as-pge-nabs-approval-for-worl/541870/> (last visited July 31, 2020).

¹⁰ See Julian Spector, “Oxnard, California: The City That Stopped a Gas Plant,” *Huffington Post*, June 12, 2019, https://www.huffpost.com/entry/oxnard-california-gas-plant_n_5cfeafdc4b0aab91c0a2f27 (last visited July 31, 2020).

¹¹ See generally PEAK Coalition, *Dirty Energy, Big Money* (2020).

¹² *Id.* at 15.

¹³ *Id.* at 30.

¹⁴ For instance, if there is increased energy generation at the proposed Renewable Rikers complex, as envisioned in three bills currently pending before City Council, that may provide additional nearby capacity which could offset the need for peak generation within NYISO Zone J and this particular load pocket. See, e.g., NYCurbed.com, “‘Renewable Rikers Act’ aims to remake the island with green infrastructure,” <https://ny.curbed.com/2019/6/11/18659909/nyc-rikers-island-solar-field-water-treatment-facility-council-bills> (last visited July 22, 2020).

In order for the project to move forward successfully, the Project's Certificate of Public Convenience and Necessity (CPCN) must be updated, which is relevant to the alternatives analysis. The last CPCN was issued in 2011, well before the 2015 Storage Rule and the passage of the CLCPA. In order to obtain a new CPCN, the Project will need to prove (1) "a beneficial addition to or substitution for the electric generation capacity of the state," (2) "serve the public interest," (3) minimize or avoid adverse environmental impacts to the maximum extent practicable, (4) avoid, offset or minimize disproportionate impacts to the local community, and (5) be "designed to operate in compliance with [state law]." N.Y. P.S.L. § 168(3)(a)–(e). It is unclear how such a Certificate can be granted, especially in light of the recent CLCPA, and the analysis in the DEIS must address this. The DEIS must also include analysis of the potential for reductions in energy demand going forward, as Local Law 97 and statewide energy efficiency initiatives.¹⁵ The surrounding community should know the answers to these questions before moving forward under SEQRA as well.

4. The Alternatives Analysis Must Include Retirement, Given the Department of Environmental Conservation's NO_x Rules and Potential Nearby Future Clean Energy Generation.

In an effort to reduce ozone levels in New York, NYSDEC promulgated regulations requiring significant cuts to NO_x emissions, particularly from peaker plants. 6 N.Y.C.R.R. Part 227-3. As the Astoria Generating Station currently operates, it would need to either shut down all turbines on site or add significant controls to meet the NYSDEC's NO_x rules for peaker plants.¹⁶ As such, shutting down the facility altogether is a significant possibility, and is appropriate to consider as a No-Action Alternative. The Final Scoping Document and DEIS should consider the outcome of closing the facility. When doing so, that analysis must include the potential impact on air quality from retiring the turbine units. *Cf.* DSD 5-5.

5. The Air Quality, Environmental Justice, Health Outcomes, and Flooding Analyses Must Address the Risks and Adverse Impacts Facing the Nearby Community Residents.

The DEIS must include a completely new and more thorough analysis of air quality, environmental justice, health outcomes, and flooding. The current plan for analysis will not allow residents to determine the true risk of the plant. The DSD indicates that no additional data or studies will be required, despite significant changes since prior analyses performed in 2010, and the disparate health impacts of Covid-19 on the city and the neighborhood this year.

a. The air quality analysis and health outcomes analysis does not adequately allow residents to determine the true risk of the plant, especially given the disparate respiratory health impacts of COVID-19 on the city and the neighborhood.

A proper air quality analysis is essential for residents to assess the risks of the plant. Residents in this area already suffer from high rates of pollution compared to the rest of New

¹⁵ 26 N.Y.C. Charter § 651; NEW YORK STATE ENERGY PLANNING BOARD, 18-23.

¹⁶ NRG has admitted as such. Tom Atkins, Vice President of Development, NRG, Astoria Public Meeting (July 16, 2020).

York City, particularly from ozone and NO₂.¹⁷ The DEIS should discuss the likely possibility that the new unit will run more frequently than the existing units. The new unit has an anticipated capacity factor of 30 percent, while the capacity factor of the existing unit is below one percent.¹⁸ DSD 4-1. By foreclosing this possibility and instead planning to compare the Project with the configuration approved in 2010, the DSD's proposed analysis makes it more difficult for community members to understand how the air quality will change as a result of the Project.

Additionally, the pollution from nearby major roadways – particularly the Bronx-Queens Expressway (Route 278) and the Grand Central Parkway – will likely increase as New Yorkers drive cars and trucks more frequently due to the COVID-19 pandemic.¹⁹ The air quality analysis should encompass these recent but significant changes, as well as the interrelation of high asthma rates and other respiratory health issues with COVID-19 in the nearby community. The air pollution from nearby LaGuardia Airport also needs to be factored into the air quality analysis.

The health outcomes analysis must also encompass the full and current risks facing Astoria residents. The area around the proposed Project has suffered from high rates of COVID-19,²⁰ which may complicate the impact of air pollution on residents. The health outcomes analysis should assess the interrelations between COVID-19 and other respiratory illness with air pollution. Other disparate health impacts to the local community must be examined as well.

Furthermore, there is a large population residing at the Rikers Island jail complex very near to the site. The air quality at nearby Rikers would likely be impacted by the Project and should be analyzed.

b. The environmental justice analysis does not adequately allow residents to determine the true risk of the plant.

Related, the environmental justice analysis in the DEIS must expand to capture the full profile of the community and its environmental burden. The environmental justice analysis must include a discussion of how the Project meets the CLCPA's goals of reducing pollution in disadvantaged communities. N.Y. P.S.L. § 66-p(7)(a).

In addition, the DSD attempts to capture the components of environmental burden in its explanation of their environmental justice analysis. DSD 5-7 to 5-8. However, the sources of

¹⁷ See NYC Health, *The New York City Community Air Survey*, https://nyc-ehs.net/nyccas2020/web/report#Pollutant_Maps (last visited July 21, 2020).

¹⁸ PSE, *Opportunities for Replacing Peaker Plants with Energy Storage in New York State*, <https://www.psehealthyenergy.org/our-work/energy-storage-peaker-plant-replacement-project/new-york/#Comparison> (last visited July 20, 2020).

¹⁹ See Danielle Muoio, *The Coronavirus Comeback No One Wants: New York City Traffic*, POLITICO (July 17, 2020), <https://www.politico.com/states/new-york/albany/story/2020/07/17/the-coronavirus-comeback-no-one-wants-new-york-city-traffic-1301905> (“At stake is a gridlocked city where trucks and cars sit idle and spew emissions, primarily hurting the predominantly Black and Latino communities that surround major highways.”).

²⁰ See NYC Health, *COVID-19 Data*, <https://www1.nyc.gov/site/doh/covid/covid-19-data.page> (last visited July 21, 2020).

pollution included in this list must also include major roadways, bus depots, and major truck delivery routes, which may not have air permits but contribute a significant amount of pollutants.

Furthermore, in addition to covering race and ethnicity, the environmental justice analysis should cover factors like linguistic isolation and the economic situation of residents. The economic situation will likely have changed since the 2018 American Community Survey data given the current health and economic crisis, and the analysis should reflect this.

c. The flooding analysis does not adequately allow residents to determine the true risk of the plant.

Given the Project's location on a tidal river and its previous flooding history,²¹ the DEIS must include a thorough analysis of the flood risks. While the New York City Panel on Climate Change provides excellent resources, they generally analyze risks in terms of the 100-year floodplain.²² It is essential to look at rates of flooding that are more frequent than the 100-year flood, and especially at this location on the East River. The Project area is likely to be subject to more frequent flooding in parts.

Superstorm Sandy was less than a Category-1 storm. This facility needs to be able to withstand future storms of increasing strength and rainfall.²³ The DEIS should examine the impacts of Superstorm Sandy and future stronger storms on the all the utilities located near this Project Area, as well as this Project Area itself.

Additionally, the DSD is entirely lacking analysis of the Project's impact on water quality. The DEIS must include analysis of any water quality impacts, including but not limited to hot water and pollutant discharges, spills and leaks, and runoff.

* * * * *

These additions to the Final Scoping Document and Draft Environmental Impact Statement will help the public more accurately assess the risks of and the need for the project. Please feel free to contact us at any time with questions, which you may direct to Carlos Garcia at NYC-EJA, carlos@nyc-eja.org.

Sincerely,

PEAK Coalition: New York City Environmental Justice Alliance, UPROSE, THE POINT CDC, New York Lawyers for the Public Interest, Clean Energy Group

²¹ See Josey Bartlett, Hurricane Sandy Floods Long Island City, Astoria, QUEENS CHRON. (Nov. 1, 2012), https://www.qchron.com/editions/western/hurricane-sandy-floods-long-island-city-astoria/article_c050afc2-44ca-5ac8-b616-38f0134eed7a.html (noting that Shore Boulevard flooded up to the power plant).

²² See Lesley Patrick et al., NEW YORK CITY PANEL ON CLIMATE CHANGE 2019 REPORT CHAPTER 5: MAPPING CLIMATE RISK (2019).

²³ New York State Office of the Attorney General, CURRENT & FUTURE TRENDS IN EXTREME RAINFALL ACROSS NEW YORK STATE (2014), at https://ag.ny.gov/pdfs/Extreme_Precipitation_Report%209%202%2014.pdf; New York State Energy Research and Development Authority, CLIMATE CHANGE IN NEW YORK 14 (2014).

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
(submitted electronically)

July 31, 2020

Re: Comments to NYS DEC re: draft scoping plan for SEIS proposed by Astoria Gas Turbine Power LLC Generating Corp (NRG) case 17-F-0451

I live in Jackson Heights, Queens, and am a co-founder of Queens Climate Project, an organization devoted to educating and organizing people on climate and environmental issues. I recently become aware of the proposed overhaul of Astoria Gas Turbine Power LLC (NRG)'s power plant in Astoria.

I am deeply disturbed by the fact that community members like me – those who are very active in local civic life and this policy area – were unaware of a major new fossil fuel power plant for New York City. Having just learned about this overhaul, I and other volunteers do not now have sufficient time to review the company's documents. This situation indicates a process that is at odds with robust public participation. In order to allow for more active community engagement, I would like to **request a 60-day extension to file comments in response to the company's draft scoping proposal.**

I also note that **Article 10 of the state's Public Service Law should be used by the state in this process because it is the controlling statute for proposed new power plants.** Given the COVID-19 pandemic, the significant impact the power plant would have on the community, and the clear failure of the existing process to engage in meaningful public participation, it is **integral that the state revisit the Declaratory Ruling of the Public Service Commission in 2019.** I reserve the right to argue as such in my forthcoming comments, should the extension be granted.

Sincerely,

Victoria Adler
3548 80th Street, Apt. 51
Jackson Heights, NY 11372



From: Samantha Love
To: dec.sm.comment.nrgastoriagas
Subject: Support for Senator Gianaris's Calls for Revision
Date: Sunday, August 23, 2020 8:07:45 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello,

I am writing to express my support for Senator Gianaris and the concerns he has voiced about the peaker plant in Astoria.

As a mother of two young children growing up in the area, I am gravely concerned by the level of pollution they are exposed to every day. We already know the harm these plants cause in the community, expelling high levels of pollutants that cause asthma and we also have far better, cleaner technology that we can begin transitioning to ***now***. Every effort should be made to make this project as clean and dependent on predominately green energy as possible.

I hope you reconsider your plans for the health of the community.

Thank you.

Sincerely,

Samantha Love

Sent from my iPhone

From: Mark Victor Smith
To: dec.sm.comment.nrgastoriagas
Subject: Comment on NRG's Peaker Plant Upgrade Proposal in NW Astoria, Queens
Date: Monday, August 24, 2020 3:43:57 AM
Attachments: [20200823.Comment_NRG_PeakerPlant.pdf](#)

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Comment on NRG's Proposal to Upgrade its Peak-demand Electric Generation Plant ("peaker plant") in Northwest Astoria, Queens.

I am writing to oppose the upgrade of NRG's peaker plant in Northwest Astoria, Queens. This upgrade, conceived ten years ago and revised since, does not comply with current law and when completed will not eliminate pollution and CO₂ emissions.

Gas-turbine electricity generation was an important tool in ensuring that New York City residents and businesses could avoid power cutbacks and even blackouts in the first years of this Century. Alternative, carbon-free means of generating and storing electricity had not developed to the point of being practical or cost-effective enough. However, since then advances in wind and solar power and in battery storage have greatly reduced the cost of generating and storing electricity by these methods. Companies utilizing these methods bear less debt, and pay off that debt relatively quickly. NRG's proposal only plans to consider adding battery storage in the future; it is not a commitment sufficient to render this proposal more environmentally friendly.

Electrical generation plants powered by turbines using natural gas pollute more than steam-turbine plants. Specifically, nitrous oxide emissions are higher, many days causing higher ozone levels in our local area and causing the health of Astoria residents to suffer. Simply rebuilding or upgrading an existing plant will not appreciably mitigate this effect.

The Climate Leadership and Community Protection Act, passed last year, calls for the building of clean-energy generation facilities that may include windmills and solar panels. NRG's proposal contains no clean-energy generation. It does not answer the call for zero-carbon power generation so that New York State can move quickly toward the 2030 goal of carbon-free electricity generation.

Upgrading an existing fossil-fuel-fired plant will not reduce our carbon footprint, therefore continuing to add to climate change. We need to replace electrical generation that utilizes fossil fuels and build carbon-free plants now; we cannot wait. It is well within the NY-DEC's authority to reject any plan that includes power generation that produces greenhouse gases.

NRG's has had ten years to come up with a plan that replaces a greenhouse-gas producing power plant with a proposal that would be at the least carbon neutral. Even with the passage of the CLCPA, it still had a year to rewrite its proposal to switch to battery storage enhanced by wind and solar electrical generation. It has not

done so in any way.

NRG may argue that they still need to pay off the debt of the facility that they built ten years ago. The NY-DEC should not consider this argument; its area of regulatory responsibility is environment, not finance.

Battery storage, enhanced by solar and possibly wind electrical generation, is the only real choice for replacing fossil-fuel fed peaker plants. This mix of clean technologies can provide sufficient electricity during peak-use times, and it can do so at a lower cost than peaker plants.

For all of the reasons above, I urge the Department of Environmental Conservation to reject NRG's current proposal, and encourage them to return with a clean energy proposal.

Mark Victor Smith
Astoria, Queens, NY

“When you see something that is not right, not fair, not just, you have to speak up. You have to say something; you have to do something.”

John Lewis, recently deceased Civil Rights Activist and Member of Congress

Mark Victor Smith

29-07 31st Avenue, Apt. 2E

Astoria, NY 11106

(917) 502-5761

mv.smith@verizon.net

From: Neal Hoffman
To: dec.sm.comment.nrgastoriagas
Subject: Astoria Gas
Date: Monday, August 24, 2020 1:25:09 AM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To the state Department of Environmental Conservation,
I am writing to recommend that under the State Environmental Quality Review Act, the DEC reject NRGs proposal to upgrade the Peaker Plant in Astoria, Queens, forcing NRG to revise the project to comply with the Climate Leadership and Community Protection Act, which encourages the construction of renewable energy facilities such as solar-powered wind farms, towards a goal of a completely carbon-free New York by 2030.

Sincerely

Neal Hoffman

New York, NY 10033

Sent from my iPhone

From: Nikki Gertner
To: dec.sm.comment.nrgastoriagas
Subject: Concern over plans for peaker plant
Date: Monday, August 24, 2020 7:40:52 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello, I hope this message finds you well.

I am writing to express my concern over the plans to upgrade the “peaker plant” in Astoria. I am particularly concerned with the climate implications, and the impact they will have on the local community.

Because of COVID, it’s more important than ever that we don’t turn our backs on the communities who face the greatest risk. I am a resident of Astoria, and a volunteer courier for the organization Last Mile NYCPPE. I have seen first hand how these communities have been forgotten. We can do better, plan better and find a way to lift up the communities who have been neglected.

I agree that this plan should not move forward and instead go through a more thorough Article 10 review process.

Thank you for taking the time to read this. Take care,

--

Nikki Gertner



NEW YORK PUBLIC INTEREST RESEARCH GROUP

August 28, 2020

**COMMENTS OF THE NEW YORK PUBLIC INTEREST RESEARCH GROUP (NYPIRG)
REGARDING NRG's ASTORIA REPLACEMENT PROJECT PROPOSAL**

To the New York State Department of Environmental Conservation:

New York needs to act in accordance with the latest Intergovernmental Panel on Climate Change (IPCC) findings, which means oil and gas infrastructure cannot continue to be in use for another 10 to 15 years. Additionally, to ensure New York meets its important climate goal of net-zero emissions by 2050, reliance on fossil fuels cannot continue.

If New York expands fossil fuel infrastructure, like NRG's proposed Astoria Replacement Project, it will lock New York into decades more of greenhouse gas (GHG) pollution. The methane (CH₄) pollution will further ignite climate change, devastate public health, and the proposal will jeopardize the long-term local economy and the safety of residents. This is an opportunity to displace GHG emissions. NRG's proposal to expand fossil fuel infrastructure needs to be rejected.

CH₄ is a much more potent GHG than carbon dioxide (CO₂). The CH₄ that is emitted and leaks through the whole lifecycle of natural gas extraction, distribution and burning will exacerbate the global climate crisis—at a time when government must fully commit to keeping fossil fuels in the ground and transition to 100% renewable energy. Unfortunately, progress with the state's energy efficiency measures and renewable energy production is not moving fast enough, while industry has attempted to push new construction and expansion of fossil fuel based energy proposals rapidly.

Last year, New York State announced the Westchester Clean Energy Action Plan. This can and should be used as a model statewide to find alternatives to all new proposed oil and gas infrastructure in New York, including the Astoria NRG plant. New York is making big investments in renewable heating and energy efficiency in Westchester County, and we need to do the same statewide. We recommend that any and all new development proposals in New York include plans for generating fossil fuel-free energy.

Climate change is the biggest threat to humanity, and expanding fossil fuel infrastructure only contributes to that threat. New York must move off of fossil fuels and to a 100% clean, renewable energy future. NYPIRG urges DEC to do everything in its power to prevent the Astoria Replacement Project from breaking ground. NRG needs to meet the asserted energy needs of all New Yorkers through efficiency measures, demand management, electrification and renewable energy production.

Eric Wood
NYPIRG
Regional Coordinator



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

September 3, 2020

Christopher M. Hogan
Division of Environmental Permits
New York State Department of Environmental Conservation
625 Broadway, 4th Floor
Albany, NY 12233-1750
Email: comment.nrgastoriagas@dec.ny.gov

RE: Comments Regarding Astoria Gas Turbine Power LLC Draft SEIS Scoping

Dear Mr. Hogan:

I am writing to convey my opposition to NRG Energy's Astoria Replacement Project, a fossil fuel power generation project that will only threaten our progress towards a more sustainable future for our city. With the aim of applying proper scrutiny to a project that seems in such open contradiction to existing climate policy, I urge the Department of Environmental Conservation (DEC) to require that the project undergo a full Article 10 review that can properly assess the project's scope and associated environmental impacts. A full and thorough environmental review must evaluate how the proposal could possibly meet the stringent climate and environmental justice mandates of the Climate Leadership and Community Protection Act (CLCPA) and various other relevant laws and regulations. The State should not allow NRG to advance this new project under the auspices of regulatory permissions granted nearly a decade ago and should instead insist that the project account for the profound harm fossil fuel infrastructure poses to our communities and our climate.

This proposal, just as any further expansion of fossil fuel infrastructure, is incompatible with our climate goals. In the almost ten years since NRG first proposed to modify its peaker plant facilities in Astoria, the State and City have advanced a slew of climate legislation, culminating in the CLCPA, which requires the sourcing of 70 percent of electricity from renewable sources by 2030 and the elimination all fossil fuel power generation by 2040. Building out new natural gas facilities clearly contradicts these goals and NRG's tenuous assertion that the project could gain compliance with the CLCPA's mandates via the use of carbon-free hydrogen fuel lacks sufficient detail to be considered a viable strategy. There are currently no hydrogen-exclusive power plants operating in the United States and there is no guarantee NRG will be able to source

adequate amounts of sustainable hydrogen to reliably run the plant. Until this emerging technology develops a proven supply-chain, produces no lifecycle emissions, and becomes commercially viable, the proposed plant will run on fracked gas and will pose a threat to our climate.

NRG is advancing this project under the premise that decade old environmental review permissions are adequate to determine the project's compliance with existing laws and regulations. However, NRG's attempts to evade a full and thorough review of their project does a disservice to the CLCPA and regulations like Article 10 which have come into effect since the initial plant proposal. Given these new laws and meaningful changes to the proposed project, NRG should be required to obtain a new Siting Board grandfathering approval for the project before any supplemental environmental review.

Should the project be permitted to move forward with a supplemental environmental impact statement, I ask that NRG undertake a full and thorough comparative review of the benefits of non-fossil fuel project alternatives. Maintaining system reliability is essential, especially if the City and the State continue to pursue policies that encourage beneficial generation. I believe our need for a strong, resilient power grid can be met by embracing new, viable technologies, as well as doubling down on energy efficiency policies. I do appreciate the inclusion of energy storage and renewables as alternatives to the project and ask that NRG evaluate in good faith how larger battery systems coupled with renewables like wind and solar could work to power our grid. Those elements tied together could be the basis for a sustainable future for the Astoria site and a model for how to retire other peaker plants. I also ask that any evaluation of alternatives focus on advancing environmental justice and include assessment of how options impact local air quality. Appropriately assessing environmental justice impacts is especially crucial in the context of the 'no action' alternative which must address what NRG will do to make sure the existing plant complies with air quality regulation if permissions for a new project are denied.

The scope of the SEIS should also address how the project is compatible with City policy to ban new fossil fuel infrastructure in the City. I have long called for a complete moratorium on major fossil fuel infrastructure and was heartened when in February the Mayor concurred and issued Executive Order 52, which commits the City to opposing permits or approvals for fossil fuel infrastructure, including new fossil-fuel-based electric generation capacity. The SEIS must appropriately address how the proposed project is feasible under the outlines of that order.

The study should also include discussion of several crucial policy advancements since 2010, especially Local Law 97 of 2019, which sets ambitious emissions caps for energy use in the City's largest buildings. That law, along with a host of other policies and programs that encourage energy efficiency, can be expected to change the energy landscape across the city. Given those advancements, I believe it is incumbent on NRG to provide an up-to-date energy forecast that further justifies the need for this project to maintain reliability over other alternatives. I would especially ask that any forecast evaluate the programs implemented as part of the "New Efficiency: New York" order issued by the Public Service Commission.

I am also concerned that the proposed scope does not take a holistic enough view of the public health harms posed to the surrounding community. While the proposal promises to update the existing impact statement, it must more fully take into account a decade's worth of new scientific research on the disparate impacts of air pollution. COVID-19 has cruelly taught us that the burdens of disease are not shared equally and that people of color suffer disproportionate impacts from air pollution. Initial studies have shown that even a small increase in exposure to air pollution drastically increases one's likelihood to die if infected with COVID-19. Even absent a global pandemic, exposure to fine air pollution claims the lives of more than 3,000 New Yorkers every year. Recent studies show air pollution can impact mental health, childhood development, and worker productivity. I ask that the impact of any level of air pollution linked with fossil fuel power generation be rigorously discussed in the study. I also ask that should the project not be approved, NRG's study of the 'no action' alternative include an explanation of how it will retrofit the existing plant to comply with new regulations on air pollution so that the community is spared ongoing exposure to pollution.

Given these concerns, I urge the DEC to require NRG to return to the Siting Board to gain updated approvals and engage in a more exhaustive environmental review process in order to protect the well-being of local residents and our progress towards our emissions goals. The urgency imposed by climate change requires an expeditious and just transition from fossil fuels and we cannot spare any time on reinforcing the existing status quo. Instead of doubling down on natural gas, I believe we must commit to a future powered by innovative, clean energy technologies that can transform the Astoria waterfront into a hub of sustainability. This project can and should be the start of that future.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer", written in a cursive style.

Scott M. Stringer
New York City Comptroller

From: briabaptiste06=outlook.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Thursday, September 03, 2020 1:10:47 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Bria Baptiste

12037 180TH ST
Jamaica NY, 11434-2725

From: anusha.anowar@gmail.com@mg.gospringboard.io
To: [dec.sm.comment.nrgastoriagas](#)
Subject: Governor Cuomo: This is Important and needs your attention! NRG Energy
Date: Thursday, September 03, 2020 7:34:48 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I respect and admire for all that you have done as a leader, and with this leader I am asking for you to oppose the NRG Energy's proposed fracked gas power plant.

Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Anusha Anowar

200 West 109th Street
New York NY, 10025-2247

From: anusha anowar
To: dec.sm.comment.nrgastoriagas
Subject: RE: Comments Regarding Astoria Gas Turbine Power LLC Draft SEIS Scoping"
Date: Thursday, September 03, 2020 7:44:30 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

To whom it may concern,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Thanking you,

Anusha Anowar

From: anthony.m.ng@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Thursday, September 03, 2020 10:14:47 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Anthony Ng

83-10 35th Avenue, #3N
Jackson Heights NY, 11372-5316



VIA ELECTRONIC MAIL

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
Email: comment.nrgastoriagas@dec.ny.gov

Re: 350Brooklyn Comments Regarding Astoria Gas Turbine Power LLC Draft SEIS Scoping

On behalf of 350Brooklyn please find below our comments regarding NRG and Astoria Gas Turbine Power LLC's ('Astoria's') State Environmental Quality Review Act Draft Scoping Document ('Scoping Document') for the Astoria Replacement Project ('The Project').

350Brooklyn works to reverse climate change and achieve climate justice through local action. We promote sustainable energy, oppose the use of fossil fuels, and educate and activate our community. 350Brooklyn is a local affiliate of 350.org, a global grassroots organization. Our 2,500+ members include active, informed residents who share our concern about Astoria Generating Corp (NRG's) proposed new gas peaker plant in Queens.

Based on the significant changes to Astoria's replacement project since it was reviewed in 2017 by the Board on Electric Siting and the Environment (Siting Board), we are asking that the DEC require Astoria to seek and obtain a renewed grandfathering determination from the Siting Board before permitting Astoria to evade Article 10 review for a newly proposed fossil fuel generation project.

Aside from the question of the appropriateness of SEQRA review, there are serious deficiencies in the scope of the proposed supplemental environmental impact statement that must be addressed. There are also numerous changes in city-wide conditions that demand consideration.

Citizens of New York and New York City have already made our wishes clear via our elected officials and the policies and laws we have fought for.

Statewide, the Climate Leadership and Community Protection Act (CLCPA) established climate commitments, mandating a zero carbon electric sector by 2040, directing the procurement of massive quantities of clean, renewable energy and energy storage, and requiring

state agencies to make their administrative approvals and decisions consistent with the CLCPA's climate mandates.

On July 1, 2019 NYSERDA released an analysis called '[The Potential for Energy Storage to Repower or Replace Peaking Units in New York State](#)' which outlines the specific renewable and battery storage alternatives that would be healthier for our communities, more cost-effective and more efficient:

"Among other things, the Energy Storage Deployment Order called for a unit-by-unit operational and emission profile study and methodology to determine which downstate peaking power plant generating units are potential candidates for repowering or replacement -"

NRG's Astoria plant is one of the plants that NYSERDA determined to be eligible for renewable energy and storage replacement, as detailed in the chart from NYSERDA's analysis, below.

Table B1: Peaking unit replacement and hybridization results

Plant Name	ORISPL Code	Unit ID	NYISO PTID	Z o n e	2013 Peak Load (MW)	Nameplate Capacity (MW)	Ozone season only?	Solar (MW, if applicable)	Smallest storage for full replacement	Smallest storage for hybridization to meet 2025 limit	Smallest storage for hybridization to meet 2023 limit
Astoria Gas Turbines	55243	CT2-1	24094	J	40	41.9	No	3	6 hours, 150% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
								-	8 hours, 125% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
		CT2-2	24095	J	40	41.9	No	3	6 hours, 150% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
								-	8 hours, 125% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
		CT2-3	24096	J	40	41.9	No	3	6 hours, 150% of peak load	8 hours, 100% of peak load	4 hours, 150% of peak load
								-	8 hours, 125% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
		CT2-4	24097	J	40	41.9	No	3	6 hours, 125% of peak load	4 hours, 150% of peak load	4 hours, 100% of peak load
								-	6 hours, 125% of peak load	6 hours, 125% of peak load	6 hours, 75% of peak load
		CT3-1	24098	J	40	41.9	No	3	8 hours, 125% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
								-	8 hours, 125% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
		CT3-2	24099	J	40	41.9	No	3	6 hours, 150% of peak load	8 hours, 100% of peak load	4 hours, 150% of peak load
								-	6 hours, 150% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
		CT3-3	24100	J	40	41.9	No	3	8 hours, 125% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
								-	8 hours, 125% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
		CT3-4	24101	J	40	41.9	No	3	8 hours, 125% of peak load	6 hours, 125% of peak load	4 hours, 150% of peak load
								-	8 hours, 125% of peak load	6 hours, 125% of peak load	4 hours, 150% of peak load
		CT4-1	24102	J	40	41.9	No	3	6 hours, 150% of peak load	8 hours, 100% of peak load	6 hours, 125% of peak load
								-	6 hours, 150% of peak load	6 hours, 150% of peak load	6 hours, 125% of peak load
		CT4-2	24103	J	40	41.9	No	3	6 hours, 150% of peak load	8 hours, 100% of peak load	4 hours, 150% of peak load
								-	8 hours, 125% of peak load	6 hours, 150% of peak load	4 hours, 150% of peak load
		CT4-3	24104	J	40	41.9	No	3	8 hours, 100% of peak load	6 hours, 125% of peak load	4 hours, 150% of peak load
								-	8 hours, 100% of peak load	6 hours, 125% of peak load	4 hours, 150% of peak load
		CT4-4	24105	J	40	41.9	No	3	6 hours, 150% of peak load	6 hours, 125% of peak load	4 hours, 150% of peak load
								-	6 hours, 150% of peak load	8 hours, 100% of peak load	4 hours, 150% of peak load

New York City's **Climate Mobilization Act (CMA)**, passed in April of 2019, represents our city's sustained commitment to the carbon drawdown targets set out in the Paris Agreement and highlights the incompatibility of new fossil fuel-burning generation projects like Astoria with New

York's often-declared renewable energy future. The CMA's Local Law 99 specifically requires the city to conduct a feasibility study on closing the 21 gas-fired power plants within the five boroughs in favor of renewable sources with batteries large enough to store excess energy. This study calls for consultation with the various state agencies involved and must include a time frame for how long it might take the batteries to be installed as well as an energy storage goal for 2030 and a roadmap for how the city will meet that target.

In addition, on June 26th, 2019 the New York City Council responded to pressure from grassroots environmental groups by declaring a **Climate Emergency**, calling for an immediate response to the global climate crises and representing New Yorkers' resolve to fight it urgently with future legislation. Surely our city should also be able to fight the current Climate Emergency by not building power plants which will make it worse.

Other legislation being considered by the City Council would provide for renewable energy options close to Astoria while also creating more local jobs.

Economic and Environmental Justice Factors

Because of the Covid-19 pandemic New York City's health and economy have changed dramatically and the necessity of cost-cutting and efficiencies are greater than ever. Acceptable energy solutions should protect the environment, protect New Yorkers' health, create local jobs, and make efficient use of our tax dollars, among other objectives.

On May 7, 2020 The Peak Coalition (Clean Energy Group, NYC Environmental Justice Alliance, New York Lawyers for the Public Interest, THE POINT CDC and UPROSE) published '[Dirty Energy, Big Money](#) How Private Companies Make Billions from Polluting Fossil Fuel Peaker Power Plants in New York City's Environmental Justice Communities – and How to Create a Cleaner, More Just Alternative'. The report details how New York City's peaker power plants have a disproportionate impact on the city's most vulnerable people - and on our economy.

The report cites a recent assessment of health, environmental, and demographic indicators for populations living near peaker power plants and highlights many of the environmental justice concerns regarding these facilities.

The Peak Coalition referenced Physicians, Scientists, and Engineers (PSE) for Healthy Energy, a nonprofit organization which developed a Cumulative Vulnerability Index by analyzing demographic and environmental data for communities living within one mile of plants. The Index demonstrates the need to prioritize pollution reduction and peaker replacement in environmental justice communities. According to the Coalition's report, in addition to local air pollution impacts, climate change is projected to increase the morbidity and mortality impacts of ozone in the Northeast region of the United States by 2030 due to increases in the average daily maximum temperature, making it even more urgent to mitigate local air pollution.

Replacing these peaker plants with a system of localized renewable energy generation and battery storage can reduce greenhouse gas emissions, reduce energy bills, improve public health and equity, and make the system more resilient in the face of increased storms and climate impacts.

Further, the path to replacing Peaker Plants was modeled very clearly in a July 1, 2019 NYSERDA analysis called '[The Potential for Energy Storage to Repower or Replace Peaking Units in New York State](#)' which outlines the specific combinations of renewable and battery storage alternatives that would be healthier for our communities, more cost-effective and more efficient:

“On December 13, 2018, the Public Service Commission (Commission) issued the Order Establishing Energy Storage Goal and Deployment Policy (Energy Storage Deployment Order) in this proceeding. Among other things, the Energy Storage Deployment Order called for a unit-by-unit operational and emission profile study and methodology to determine which downstate peaking power plant generating units are potential candidates for repowering or replacement and file such study by July 1, 2019.”

According to an [NREL toolkit](#) battery storage is acceptable and potentially even revenue-generating as it could purchase energy from the grid at times of low demand and sell it back to the grid at times of higher demand.

The **Hydrogen Fuel Cell technology** that the plant proposes as a future alternative is prohibitively expensive and would create a dependency on yet another costly option instead of developing the renewable energy our city wants and needs and has repeatedly asked for. There are numerous alternatives - including renewables and storage - that could be developed at or near the Astoria site. These options would help fulfill New York City's power needs in a manner that advances rather than jeopardizes attainment of climate mandates.

These renewable alternatives must be fully addressed, evaluated and accounted for by NRG in application documents, as must **the environmental implications** of the proposal to refuel the facility with hydrogen in the future. NRG's Scoping document claims: "In the longer term, the proposed project will be able to be converted to use GHG-free hydrogen as fuel **if available**". We would like to hear from NRG how they define 'GHG-free hydrogen' and under which specific circumstances GHG-free hydrogen might not be 'available', or possible? Does NRG mean 'available' at a certain price? Does NRG have a plan to guarantee the availability of green hydrogen at any cost so that they remain in compliance with the emission reduction goals set by the state's CLCPA and the city's CMA?

The Alternative Fuels Data Center (AFDC) of the US Department of Energy says that "hydrogen is an energy carrier that can be produced from various feedstocks. These [feedstocks and production methods should be considered](#) when evaluating hydrogen emissions."

Moreover, "Hydrogen production for all fuel pathways creates fewer GHG emissions except when the fuel is produced by electrolysis from typical grid electricity. As the renewable content in the grid mix increases, the GHG emissions for electrolysis from that grid will be reduced as the GHG emissions come from the non-renewable portion of the grid mix."

Note that the term 'GHG-free hydrogen' in NRG's scoping document does not necessarily refer to 'green hydrogen' produced using renewables. Therefore we ask if NRG's plan could be to use 'blue hydrogen', produced using fossil fuels? While the fuel cells themselves do not emit GHG emissions, the process that creates them does.

We request that NRG evaluate the proposed plant's viability and consistency with the CLCPA over the full life span of the project. This includes details on whether they are committing to 'blue hydrogen' fuel cells or 'green hydrogen fuel cells. 'Blue hydrogen', produced using fossil fuels, is the technology that would most likely be compatible with a natural gas plant, thus it is not compliant with the letter or spirit of recent state and city laws.

Risks of the use of Hydrogen technology

Whether using 'blue' or 'green' hydrogen cells, planning for the use of hydrogen technology is also risky given its current high price. Fuel cells [contain rare metals such as platinum](#) which are becoming increasingly scarce and expensive and might be difficult to obtain in the future..

The development of a hydrogen fuel cell-compatible plant would likely add additional expense and may rely on government investment in the initial phases. Investment in both hydrogen production and distribution infrastructure is needed. For green hydrogen fuel cells renewable power projects would be required to supply carbon-neutral energy.

At this time, the scarcity of [such infrastructure](#) represents a very large obstacle to the adoption of hydrogen technology.

350Brooklyn would like to see a comparative cost-benefit analysis of NRG's proposed new plan and projected future costs of green hydrogen cell usage vs. hybrid renewable and battery storage options. This analysis should also quantify the Health Impacts, as well as the economic impacts that result from the health impacts.

In 2019, DEC finalized new nitrogen oxide (NOx) emission regulations for combustion turbines that apply to the existing SCCTs at the project site. Under the new regulations, units subject to the rule will be required to meet specified ozone season NOx emission limits beginning in ozone season 2023, and then meet stricter limits beginning in ozone season 2025. Based on publicly reported emission data from the U.S. Environmental Protection Agency's Air Markets Program Database, all operating units at the site had NOx emission rates above 6 lb/MWh³⁰ during the most recent (2019) ozone season and would, absent investments in additional pollution controls on those units, be unable to comply with either the 2023 or 2025 ozone season NOx emission limits. The No Action Alternative must explain what Astoria will do with the existing SCCTs to comply with the NOx peaker regulations if it does not move forward with a new generation project at the site.

On August 23, 2019, EPA reclassified the New York Metropolitan Area ('NYMA') to "serious" nonattainment. The area was designated as "moderate" nonattainment for the 2015 ozone NAAQS. NYMA monitors are currently reporting ozone concentrations of 0.082 ppm, well

above the standard. Every time emissions regulations are ignored or flouted it can cost or irreparably harm a human life. We must not accept the loss of human life as ‘the cost of doing business’.

Table 5 below: Summary of Total Number of Annual Ozone and PM-Related Premature Mortalities and Premature Morbidity: 2025 National Benefits (adapted from EPA, 2015 RIA, p. ES-16)(from the [DEC Regulations website](#))

This table describes the costs of non-attainment of the ozone NAAQS, to the New York Metropolitan Area.

Attainment Provides Prevention of:	
Deaths from effects of ozone	13 - 22
Deaths from effects of PM2.5	31 - 70
Nonfatal heart attacks	4 - 36
Hospital admissions & emergency room visits	134
Acute bronchitis events	48
Upper & lower respiratory symptom events	1,540
Exacerbated asthma events	32,200
Missed work & school days	26,320
Restricted activity days	86,800

Better Alternatives

On the other hand, on October 18th, 2019 New York's utility regulator approved construction of a 316-megawatt battery storage plant that would replace fossil-fueled capacity at the **Ravenswood Generating Station** in New York City. 350Brooklyn would like NRG to address why the company is not following suit with their own proposal for battery storage and additional renewable sources or transmission lines needed.

The Renewable Rikers Act, currently under consideration by the City Council, paves the way for alternative technologies to power the city: from waste. Anaerobic digesters, and a possible solar farm with battery storage. As per the [April 2017 Lippman Commission Report](#) the estimated high-end capacity that could be sited is approximately 90 megawatts of solar production—enough to power nearly 25,000 households within miles of the current NRG plant. The site could also accommodate 300 megawatts of energy storage. In November 2019 the New York City Council voted to shutter Rikers Island, paving the way for renewable energy generation on the island.

These alternatives are just a few of the many visionary proposals that are needed to save our planet and protect our most vulnerable citizens from further harm.

In light of all that we have shared in these comments 350Brooklyn is deeply troubled by NRG/Astoria Gas Turbine Power LLC's efforts to push a costly and harmful new fossil fuel project through the SEQRA process at this time. The proposed plant not only goes backward, it goes against the will of the people of New York and against the renewable direction toward which both the State and City must move the electric sector, as articulated by laws and policies that post-date the prior grandfathering determination. It is imperative that the DEC require a new grandfathering approval from the Siting Board before moving forward with the SEQRA process. Even if SEQRA review were appropriate, the proposed scope is deficient and harmful in the many ways articulated above. These deficiencies must be addressed in any supplemental environmental review.

Thank you for your consideration.

Georgi Page
Member & Chair, City Action Committee
350Brooklyn
gpageonline@gmail.com
917-957-2535

From: Daniel Salamon
To: dec.sm.comment.nrgastoriagas
Subject: Re: Comments Regarding Astoria Gas Turbine Power LLC Draft SEIS Scoping
Date: Friday, September 04, 2020 11:05:05 AM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Governor Cuomo and whoever else has power in making decisions regarding the NRG Energy fracked gas power plant,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Daniel Salamon

From: msanchezpottter89@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Friday, September 04, 2020 12:49:00 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Mark Sanchez-Potter

84 Carpenter Ave., 2
Newburgh NY, 12550-4407

From: santosh.nandabalan@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Friday, September 04, 2020 12:23:56 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

NO MORE FRACKED GAS PLANTS!

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Santosh Nandabalan
1103 Carroll St Apt 2A
Brooklyn NY, 11225-2236

From: jvaron613@aol.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Friday, September 04, 2020 3:48:45 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Joseph M. Varon

244 Lindberg Street
West Hempstead NY, 11552-2431

From: Tara Vamos
To: dec.sm.comment.nrgastoriagas
Subject: No More Fossil Fuel Infrastructure!
Date: Friday, September 04, 2020 2:06:19 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Arctic ice melt is happening at a rate that suggests we are on a significantly more accelerated path to global warming than even the IPCC report was accounting for. We need to invest in things like district geothermal, improved weatherization, heatpumps and electric cook tops.

Please no more investments in fossil fuel infrastructure. Climate change has already cost so many lives from supercharged hurricanes, cyclones, tornados, derechos, heat waves and wildfires. Don't be complicit in another climate death when we have better solutions in front of us.

Sincerely,

Tara Vamos

Currently of 6 Rock St., Cold Spring, NY but former resident of Brooklyn who worked in and loves Queens NY

I

--

Tara Vamos

Anat Baniel Method for Children &
Certified Feldenkrais Practitioner
845-264-9565

ItsAllAboutMovement.com

35-06 88th Street, Apt. #2G
Jackson Heights NY, 11372-5613

From: vassar=fordham.edu@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Friday, September 04, 2020 10:23:49 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

As a highly concerned longtime NYC resident I strongly oppose NRG Energy's proposed Astoria fracked gas power plant. Many residents of Astoria and its environs have already been harmed by the toxic emissions of fossil fuel power plants, resulting in degraded air quality and higher rates of asthma and other respiratory afflictions. It is no coincidence that these same neighborhoods have been hit hardest by the COVID 19 pandemic, a potentially deadly respiratory virus.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these critical and undeniably valid considerations, I join many concerned New Yorkers in calling on you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

David Vassar
501 W. 123rd St. #15E
New York NY, 10027-5010

From: Elaine O'Brien
To: dec.sm.comment.nrgastoriagas
Subject: RE: Comments Regarding Astoria Gas Turbine Power LLC Draft SEIS Scoping
Date: Friday, September 04, 2020 5:30:19 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello,

I'm writing to express my opposition to NRG's proposed Astoria fracked gas power plant. Astoria and western Queens are already plagued with fossil fuel burning power plants, which are harmful to the residents of Queens. As someone who has asthma and who survived Covid-19, I cannot express the importance of clean air for overall health. New York needs to get with the program and replace all dirty plants with clean energy, namely solar and wind energy. We do not need yet another fossil fuel burning power plant, especially in an area that has been so strongly impacted by the coronavirus. Please respect the goals set forth by the CLCPA and reject NRG's fracked gas power plant.

Thank you,
Elaine O'Brien

From: dcouchon@yahoo.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Friday, September 04, 2020 3:07:55 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am opposed to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by respiratory impacts of the COVID 19 pandemic.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we want to achieve the emission reduction goals set forth by the CLCPA and do our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the work of scientists around the world. The plant would become a stranded asset for consumers who would foot the bill in higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Doug Couchon

109 Foster Ave.
Elmira NY, 14905-2415

From: alantmessenger@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Friday, September 04, 2020 3:08:46 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Furthermore, it is clear to anyone living within the 5 boroughs, that people are moving out of New York City. Energy demand is decreasing, at least in the short term, in a time scale to be addressed by further efficiencies and "Green" energy projects: local solar, off-shore wind.

When will negative externalities, (adverse health outcomes, greenhouse gas emissions, and wasted future global green economic opportunity) of fossil fuel development be addressed

and used by planners and the approving institutions in their calculations?

Thank You. Sincerely, Alan Messer
215 W 91st St #104. New York NY 10024

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Alan Messer
215 W 91st St #104
New York NY, 10024-1359

Christopher M. Hogan
NYS DEC - Division of Environmental Permits
625 Broadway, 4th Floor
Albany, NY 12233-1750
Email: comment.nrgastoriagas@dec.ny.gov

Dear Mr. Hogan:

On behalf of the NYC Democratic Socialists of America, please accept these comments regarding the Astoria NRG Fracked Gas Power Plant. For the reasons outlined below, we urge the DEC to reverse the Article 10 waiver.

1. Building new fossil fuel infrastructure will make it nearly impossible for the state to meet its climate goals.

The recently-passed CLCPA mandates that the electric grid becomes 70% renewable energy by 2030 and “carbon-free” by 2040. The average lifetime for a natural gas plant is 22 years. If we build this plant we cannot reasonably be “carbon free” until 2045.

The IPCC report showed that we only have 10 more years to get off of fossil fuels and stave off the worst effects of climate change. Building a new fossil fuel plant flies in the face of science and our future.

2. This plant is dirty.

Astoria residents already have elevated rates of asthma compared to the rest of the city due in part to the large fossil fuel power plants already in the area. According to NRG’s permit applications, the proposed new plant would generate:

- i. Nitrogen Oxides (NOx aka smog) at a rate of 36 pounds per hour.
- ii. Volatile Organic Compounds (VOCs), which also cause respiratory illness, at a rate of 25 pounds per hour.
- iii. Particulate Matter (PM) at a rate of 25 pounds per hour. PM exposure is linked to lung disease and heart failure.
- iv. Greenhouse Gas Emissions (GHG) in the form of CO2 at a rate of 232 tons per hour, which causes climate change.

The Astoria Fracked Gas Power Plant will exacerbate the health problems of working class New Yorkers.

3. NRG will make billions from this plant, while the working-class foots the bill.

NRG is a multi-billion dollar company. Their CEO made \$9,000,000 last year. Meanwhile, New Yorkers, already suffering under the COVID crisis, will be asked to fund this dangerous, outdated plant.

4. The SEQRA process is inappropriate.

The project has changed significantly since NRG first submitted it for review. This project was approved under the outdated SEQRA law and must now be reviewed

under Article 10, which is the standard for plant approvals now. The plant has evaded public review for years. Article 10 will allow the people to be heard.

The people deserve a say in where our power comes from. We need publicly-owned, democratically-controlled power generation and transmission in New York. We urge the DEC to rescind their Article 10 waiver and give the people a chance to be heard.

Thank you,
NYC Democratic Socialists of America

From: vadler4444@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Saturday, September 05, 2020 7:37:58 AM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Victoria Adler

3548 80th Street, Apt. 51
Jackson Heights NY, 11372-4912

From: margaret.samu@gmail.com@mg.gospringboard.io
To: [dec.sm.comment.nrgastoriagas](#)
Subject: Stop the Astoria NRG Power Plant
Date: Sunday, September 06, 2020 9:42:18 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I urge you to oppose NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. These respiratory illnesses contributed to making these same neighborhoods suffer more than others during the peak of the COVID 19 pandemic.

Building a new fossil fuel power plant in Astoria would badly damage the communities struggling to recover from coronavirus. It would also work against New York's stated climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

New York State must reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world.

New York State must subject this proposal to careful scrutiny. It must and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Margaret Samu

8115 35th Avenue
Jackson Heights NY, 11372-5063

From: jozicsamantha@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Monday, September 07, 2020 11:24:16 AM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Samantha Jozic

30-67 47th street
Astoria NY, 11103-1522

From: kparrella@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Monday, September 07, 2020 2:56:12 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Kristen Parrella

35-06 88th St. Apt. 2G
Jackson Heights NY, 11372-5613

From: parrella00@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Monday, September 07, 2020 2:03:15 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Michael Parrella

From: ab4777=columbia.edu@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Tuesday, September 08, 2020 9:38:02 AM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Aditi Bansal

3333 Broadway, #C9F
New York NY, 10031-8722

From: andreaspaparo@gmail.com@mg.gospringboard.io
To: dec.sm.comment.nrgastoriagas
Subject: Stop the Astoria NRG Power Plant
Date: Wednesday, September 09, 2020 12:32:54 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Hogan,

I am writing to express my opposition to NRG Energy's proposed Astoria fracked gas power plant. Astoria and the surrounding neighborhoods are already plagued by fossil fuel power plants that have caused lower air quality and higher rates of asthma. It is no coincidence that these same neighborhoods were hit hardest by the COVID 19 pandemic -- a respiratory illness.

Building a new fossil fuel power plant in Astoria would be an affront to the communities struggling to recover from coronavirus, and would also fly in the face of New York's climate goals as set forth by the Climate Leadership Communities Protection Act (CLCPA).

It is imperative that New York reject all fracked gas infrastructure proposals if we have any intention of actually achieving the emission reduction goals set forth by the CLCPA and doing our part to curb the climate crisis. Building a new plant now would contradict the state's climate law and the calls of scientists from all over the world, as well as become a stranded asset for consumers who would foot the bill in their higher utility rates.

This proposal should be subjected to careful scrutiny by New York State and undergo the Article 10 siting process. Instead, NRG seeks to circumvent New York's regulatory system by having the proposal be grandfathered into the outdated SEQRA process, which requires far less public engagement and input than the Article 10 process which is now mandatory for proposals like this.

NRG's Astoria proposal should not qualify to be grandfathered into the former SEQRA approval process because the current proposal is very different from their original proposal from 2010 that was granted a grandfathering determination.

Furthermore, NRG's scoping statement that would determine on what grounds the state evaluate the proposal is far too narrow. It fails to evaluate how the plant would meet NYC climate law and fails to include alternatives like heat pumps, energy efficiency measures, and peak demand management. The scope should also consider the impacts of the COVID pandemic and the disproportionate impacts of air pollution on communities of color.

Given these concerns, I urge you to subject the proposal to a more thorough environmental review process through Article 10 in order to protect New Yorkers' health and climate.

Please stop the Astoria NRG fracked gas power plant and set Queens on a path to renewable alternatives instead.

Sincerely,

Andreas Paparousopoulos

9225 244th Street
Floral Park NY, 11001-3912