

April 9, 2002

Notes for a letter in support of the Greenpoint Williamsburg Waterfront Task Force  
Comments on TGE's proposed stipulations revised March 22, 2002

Proposed Stipulation No. 1: Air Quality and Meteorology

Issues of concern raised by the local community and the TF with respect to proposed stipulation No.1 include:

1. The Application must be required to examine the cumulative impacts of all pollutants (criteria, other NYSDEC regulated pollutants and non-criteria pollutants) on air quality. The purpose is to obtain a comprehensive cumulative impacts study for existing and proposed facilities and power plants in the Greenpoint and Williamsburg area together with the proposed facility.

The cumulative air quality analysis must be performed regardless of whether or not Project impacts are below significant impacts to address the requirements of Section 168 (b) of the Public Service Law and include an air quality impact assessment and cumulative air impacts analysis for NO<sub>2</sub>, SO<sub>2</sub>, PM-2.5 and PM-10 at all schools, hospitals, parks, religious centers and senior residences within a 2-mile and a 5-mile radius of the Project. It must include a compilation and analysis of publically available statistics on statewide and local cumulative air impact analysis (within a 2-mile and a 5-mile radius of the Project or such larger local area – using zip codes – for which statistics are available) rates for asthma and cancer incidence (total, and by type if available).”

2. Compliance with NYC Air Code must be studied and considered for this project.

3. Stack high is a critical issue in this proceeding because of health concerns (specially from PM-2.5), visual impact, and community character. The local community represented by the Task Force Page must be given a stake in the determination of the stack height studies. The air stipulation must provide for one or more additional runs of the dispersion model at alternate stack heights to evaluate the air quality impacts of measures proposed to mitigate visual impacts. In addition, TGE and the agencies involved must coordinate with the Task Force the analysis of various environmental impacts, including localized concentration of air pollutants, likely to affect specified neighborhoods and community resources in Williamsburg and Greenpoint. The community raised these issues during the public meetings.

4. TGE has led the community to believe a complete Environmental Justice (EJ) Analysis will be undertaken. Not just on air quality EJ study but on overall environmental impacts from the Project. We urge TGE and the agencies involved to develop such a comprehensive EJ study and make part of the decision-making process.

The EJ study must compile all health data available based on NYS Department of Health data, local health departments data and local hospitals data, including the North Brooklyn

health Network, NYU School of Medicine, the American Lung Association of New York State, the Center for Disease Control and the American Cancer Society on statewide and local (within a 5-mile radius of the Project or such larger local area –zip code, town or county – for which statistics are available) rates for asthma and cancer incidence (total, and by type if available), and an analysis of the percentage of the population and sub-populations that suffers from incidence of asthma based this data and the possible impact of air pollution from the Project on asthma rates and exacerbations.

5. TGE must be required to present a complete study on PM-2.5 in the community and the impact of the proposed facility on PM-2.5, as requested by the Task Force. TGE must be required to demonstrate compliance with the new standards for PM-2.5, which would be implemented in the near future.

#### Proposed Stipulation No. 2: Cultural Resources

1. TGE must study the impact on the historic district and eligible historic places in coordination with the Task Force.

#### Proposed Stipulation No. 4: Project and Fuel Reliability and Mitigation Alternatives

1. The study of oil fuel must be limited to the emergency situations explained led by TGE in the public meetings. In additions, TGE must study the compatibility of fuel oil storage with current, proposed and future, conforming and non-conforming, land uses within 2000-feet from the proposed facility, and the closest nearby schools, churches, synagogues and recreational resources (including Mc Carren Park and the proposed Monitor museum/park), as well as the air impact (including PM-2.5) derived for oil fuel.

2. The no-action alternative must consider alternate possibilities to the project site. At least two no-action alternatives must be include, one with light industry, open space use and waterfront access and one with residential, open space use and waterfront access on the site, including the costs and benefits of each option. Both the Greenpoint and Williamsburg 197-a plans should serve as guidance for those no-action alternative studies. Studies must include local land use, environmental and socio-economic implications of the no-action scenarios.

#### Proposed Stipulation No. 5: Land Use And Local Laws

1. The scope land use study must be at least 2 miles to include the Greenpoint and Williamsburg areas affected by the Project. TGE must identify all properties at least within 2000 feet of the Project and consider the potential impact of the Project on the surrounding communities and the off-site impacts of the Project. The Application will further cross-reference to traffic, air impact and noise studies done for the purpose of this Project.

2. An open space resource evaluation as requested by the Task Force is also necessary. Article X requires an analysis of impacts to recreational areas, as well as alternative use of the proposed site for recreational uses. Brooklyn and particularly the communities of Greenpoint and Williamsburg have one of the lowest ratios of open space in New York State. The analysis of the project must include the impact of the project on this inequity and on the specific proposed future open space - such as those set for in the Greenpoint and Williamsburg 197-a plans.

3. TGE must also submit a description of recent trends in land use, economic base, demographics and income in the Greenpoint and Williamsburg communities as well as areas immediately adjacent to the project site and must identify specific neighborhoods and community resources likely to experience multiple localized impacts.

4. Regarding local laws, the TGE must study consistency with the waterfront plans for the area as requested by the Task Force.

5. TGE must demonstrate having such deeds, easements, leases, licenses or other real property interests as are necessary for all interconnections for the Project.

Proposed Stipulation No. 6: Noise

1. These must show identify and seek to protect the nearest sound receptors in relation to the Project site, including existing and approved key neighborhood/community resources, the nearest residential, school, churches, synagogues and public open space receptor locations. TGE must include those Noise Assessment Receptors identified by the Task Force.

Proposed Stipulation No. 7: Socioeconomics

1. As discussed in the Task Force's comments and the Borough President's comments, this stipulation must be modified to clearly indicate which socioeconomic impacts will be studied and reported at a community rather than a city-wide basis. The analysis of socioeconomic impacts must focus on impacts in Community District One, rather than the city as a whole. Methodologies for the socio-economic impact analysis must be agreed with the Task Force. Such socio-economic study must compare the proposed economic benefits with those that would exist if the property were converted to M-1 "light industrial" uses similar to others in the area.

2. This study must also take into account the socio-economic impacts if the proposed facility halts proposed residential development in the area. The socio-economic study must also include an alternative scenario, with residential use, on the site. Both the Greenpoint and Williamsburg 197-a plans should serve as guidance for the socio-economic study.

3. The Community has categorically rejected any Benefit Plan funded by a supplemental payment stream. Therefore, the clause should present a comparative analysis with the assessment from other alternative actions studied pursuant to Stipulation 4 clause 7(a) and Stipulation 7 clause 2.

Proposed Stipulation No. 8: Soils, Geology, and Seismology

1. TGE must provide the site contamination study if it has been completed or upon completion, prior to submitting the Application. In the stipulations, TGE must present the remediation requirements and a review of applicable law as to what level of site remediation is necessary to support industrial as well as unrestricted (residential, open space) land uses.

2. The Application must also address how TGE will interact with Con Edison for its steam system. It is unfair to the communities to go through the Article X process if TGE has not reached an agreement with Con Edison for the steam interconnection and the steam sales.

Proposed Stipulation No. 9: Traffic and Transportation

1. TGE must include a modal distribution analysis for construction related traffic to determine vehicular traffic generation attributable to workers accessing the site, off-site construction areas, truck traffic, and other modes of transportation accessing the site and off-site areas during construction. In addition, the study must include an evaluation of the NYC DOT multi-year program for the reconstruction of Franklin Street and Kent Avenue and the NYS DOT reconstruction of the Koszkiusko Bridge. TGE must consult with the Task Force on the methodology for the traffic and transportation studies.

Proposed Stipulation No. 10: Aesthetics And Visual Resources

1. This is a waterfront location and the adequate methodology for the cases is the United States Army Corps on Engineers (ACOE) Visual Resource Assessment Procedure (VRAP - Smardon et. al 1988). This methodology has already been used in various Article X proceedings. Additional studies requested by the Task Force for visual assessments must be included as well.

Proposed Stipulation No.11: Water Resources

1. As requested by the Task Force, the stipulations must require confirmation from NYCDEP of approval for water use demonstrating available capacity for water use needs of the Project; and a copy of any legally binding agreements that have been executed, with NYCDEP for providing water to the Project, including a complete description of the water resources affected, construction work, treatment, connections, operation requirements and all relevant features of the reuse of non-potable water arrangement with NYCDEP. If the Applicant has not reached legally binding agreements with NYCDEP

for the reuse of non-potable water, those aspects of the Application related to water reuse must not be considered or reviewed by the agencies.

2. TGE must present a copy of any legally binding contracts, options or agreements that have been executed, with Con Edison for providing steam to the New York City steam system, including a complete description of the water resources used, construction work, connections, transmission, delivery, operation requirements and all relevant features of the steam sales arrangement with Con Edison. If the Applicant has not reached legally binding contracts, options or agreements with Con Edison for connecting to their system and steam sales, those aspects of the Application related to steam sales Project should not be considered or reviewed by the parties.”

#### Proposed Stipulation No.12: Cumulative Impacts and Environmental Justice

1. As requested by the Task Force it is necessary to quantify the cumulative land use and socioeconomic impacts of multiple projects in the same area. Stipulation 12 should be modified accordingly.

2. TGE must present cumulative impacts from the facility and cumulative impacts from multiple facilities and power plants.

3. An Environmental Justice (EJ) Analysis must be performed as part of the Article X application (in addition to EJ Air Quality Analysis as part of the PSD application outlined in Stipulation No. 1). The EJ Analysis must be based on requirements of Presidential Order 12898, on guidelines described in the USEPA Region II Interim Environmental Justice Policy, dated December 2000 and the Recommendations for the New York State Department of Environmental Conservation Environmental Justice Program (January 2, 2002).

4. The selection of “Communities of Interest” and “Reference Communities” for the purposes of the EJ Analysis must be consulted with the Task Force. TGE will consult with the Task Force on the definition of these communities before the environmental justice study is undertaken.

5. The EJ Analysis must be based on the identification of sub-populations (or pockets) of minority and low-income residents of Williamsburg and Greenpoint, and their proximity to the proposed site.

At a minimum, the EJ Analysis will consist of the following factors:

- All environmental impacts from the plant;
- All existing environmental impacts from other power generating and other municipal and state permitted facilities in the area, including (a) the Astoria Energy Facility (SCS Energy, LLC), (b) East River Facility (Consolidated Edison Company of New York, Inc.), (c) Hudson Avenue (Consolidated Edison Company of New York, Inc.), (c) Waterside (Consolidated Edison Company of

- New York, Inc.), (d) KeySpan facility in Queens, (e) KeySpan Ravenswood Cogeneration in Queens, (f) Orion Power Astoria Repowering Project in Queens, (g) Poletti Station Expansion (NYPA) in Queens, (h) the Cogen Steam Partnership Plant in the Brooklyn Navy Yard, (i) The NYPA peaking facilities on North 1st Street adjacent to the Grand Ferry Park at the foot of Grand Street in Brooklyn and (j) the facility in Queens, (k) the NISA Electric Barge, (l) Domino Sugar, (m) the Newton Creek Generator, (n) Incinerators (including decommissioned incinerators), (o) Waste Transfer Stations, (p) mobile sources, (q) waste water treatment plants, (r) low level nuclear waste disposal facilities, (s) Toxic Release Inventory Sites, (t) Oil spills, (u) Right-to-Know Facilities, (v) Sanitary Garages, (w) State and Federal Superfund sites,
- Populations and sub-populations affected by environmental impacts within a 2-mile area;
  - For such populations and sub-populations, an analysis of the percentage of minority and low-income residents;
  - A compilation and analysis of available statistics based on NYS Department of Health data, local health departments data and local hospitals data, including the North Brooklyn health Network, NYU School of Medicine, the American Lung Association of New York State, the Center for Disease Control and the American Cancer Society on statewide and local (within a 5-mile radius of the Project or such larger local area –zip code, town or county – for which statistics are available) rates for asthma and cancer incidence (total, and by type if available), and
  - An analysis of the percentage of the population and sub-populations that suffers from incidence of asthma based on NYS Department of Health data, local health departments data and local hospitals data, including the North Brooklyn health Network, NYU School of Medicine, the American Lung Association of New York State, the Center for Disease Control and the American Cancer Society. The analysis will include a review of the occurrence of asthma within a 2-mile radius, a 5-mile radius, regionally, statewide, and nationally and the possible impact of air pollution from the Project on asthma rates and exacerbations.”

#### Proposed Stipulation No.13: Simulation Analysis

TGE’s analysis of the potential for displacement of older, less efficient and more polluting plants by the Project and the local air quality impacts, during base-load and peak-load conditions must specify the location of all power plants that would be displaced and the level of displacement. This analysis must incorporate recent load growth (over the last 10 years), as well as reduced load reduction associated with recent NYS commitments on load reduction measures. This analysis must include certified Article X power plants, other proposed Article X power plants and other generators.