

New York State Department of Environmental Conservation

Division of Environmental Permits

NYSDEC Region 2 Headquarters

47-40 21st St

Long Island City NY 11101

(718) 482-4997



7/15/2021

Request for Additional Information

RE: DEC ID# 2-6101-00071/00024
GREENPOINT ENERGY CTR

The Brooklyn Union Gas Company
1 METROTECH CTR
BROOKLYN, NY 11201-3831

Dear Applicant:

On 11/2/2020 your application was determined to be complete. However, subsequent technical review of your application shows the following information is required to make findings and determinations required by the Environmental Conservation Law:

In response to (1) various comments submitted during the public comment period and legislative hearing for this application and (2) updates to the Department of Environmental Conservation's (DEC) Potential Environmental Justice Areas maps, qualifying definitions, and thresholds; the Department requests additional information and materials to clarify comments and satisfy requirements based on the most current information and guidance necessary to assess the sufficiency of the environmental analysis and review of your application package and addenda.

Please review the following comments and submit the information requested below:

1. CLCPA Analysis

As you know, the Governor signed the Climate Leadership and Community Protection Act (CLCPA) into law in July 2019, which became effective January 1, 2020. (Chapter 106 of the Laws of 2019). Among other requirements, the CLCPA directs state agencies to determine if the decisions they make are consistent with the Statewide greenhouse gas (GHG) emission limits established by the CLCPA in Environmental Conservation Law (ECL) Article 75. In the case of the DEC, this includes determining if permits issued are consistent with or would interfere with the attainment of the Statewide GHG emission limits in ECL Article 75.

To address Section 7(2) of CLCPA, please identify each GHG and calculate the project's potential to emit GHG in units of tons per year and carbon dioxide equivalents using the 20-year global warming potentials found in 6 NYCRR Section 496.5. The CLCPA analysis should also include calculations showing the project's projected GHG and CO₂e emissions in the years 2030 and 2050 if possible. For purposes of the CLCPA, Statewide GHG emissions include "upstream" out-of-state GHG emissions associated with the generation of electricity imported into the State, or the extraction, transmission, and use

of fossil fuels imported into the State. Accordingly, please include any upstream emissions in the calculations. The Department has developed the attached draft document titled, "Preliminary Interim Draft Emission Factors for Use by State Agencies and Project Proponents," which includes preliminary upstream emission factors for facilities to use as they prepare analyses. As explained in the attached document, the values are intended to be presumptive, meaning a facility may use a different value in a given context, provided that it is supported by an appropriate justification in the analysis.

Pursuant to ECL Article 75, the CLCPA's Statewide GHG emission limits require a Statewide reduction in GHG emissions from 1990 levels of 40% by 2030 and 85% by 2050. Further, CLCPA requires that the energy generation sector be zero-emissions by 2040. Please discuss how the emissions from this facility will be mitigated or reduced consistent with these requirements. If there are no feasible ways to reduce GHGs, please explain that, too. If GHG emissions will not be consistent with the Statewide GHG emission limits of the CLCPA, then we may need to discuss this further.

To address Section 7(3) of CLCPA, the DEC is required to prioritize the reduction of GHG emissions and co-pollutants in disadvantaged communities. Co-pollutants are defined as hazardous air pollutants (HAPs) that are emitted by GHG sources. A GHG source is a piece of equipment that emits GHG. This project is in, or potentially impacts, a Potential Environmental Justice Area (PEJA) as identified by the DEC Office of Environmental Justice (see <https://www.dec.ny.gov/public/911.html>). Accordingly, you must calculate the co-pollutant emissions from each GHG source and discuss any alternatives or mitigation measures that will be used to reduce the impact of those emissions on the facility's neighbors. If you conclude that existing measures are enough to mitigate these impacts, that should be discussed as well.

2. Public Participation Plan

See [NYSDEC policy "CP-29 Environmental Justice and Permitting" \(March 2003\), CP-29](#), Section V "Procedures," Subsection D, of CP-29 and submit a written Public Participation Plan to ensure additional enhanced public participation during the application review process. Your Public Participation Plan (PPP) must focus on the community potentially affected by the proposed project, inform interested stakeholders about the proposed action and outline and describe a program of activities that provide opportunities for public participation in the NYSDEC environmental permit review process. Public participation in the NYSDEC environmental permit review process means a program of activities that provides opportunities for stakeholders to be informed about and involved in the review of a proposed action.

Please review the guidance pertaining to CP-29 and PPP preparation outlined below. Once you have prepared your draft PPP, please submit to the Department for review.

- A map that depicts PEJAs relative to your project location may be obtained by utilizing the [DECinfo Locator](#) and activating the *Potential Environmental Justice Area* layer under the *Public Involvement Layers* (see: <https://gisservices.dec.ny.gov/gis/dil/>).
- Please see "[Tips for Preparation of a Public Participation Plan](#)" which you can use in preparing the above-requested plan (https://www.dec.ny.gov/docs/permits_ej_operations_pdf/ppp.pdf).
- During the COVID-19 pandemic, please follow DEC's guidance for complying with Commissioner Policy 29 (PDF) which refers to public meetings: https://www.dec.ny.gov/docs/permits_ej_operations_pdf/cp29guidance.pdf
 - For additional information and guidance please visit: <https://www.dec.ny.gov/public/36929.html>.

3. **SEQR Full Environmental Assessment Form, Part 1 only (FEAF PART 1)**

<https://gisservices.dec.ny.gov/eafmapper/>.

Please note at the link above, the new EAF Mapper Application is an Internet-based Geographic Information System (GIS) specifically designed to facilitate the NY State Environmental Quality Review (SEQR) process by answering geographic or place-based questions on the Full Environmental Assessment Form – to help you fill out the form. If applicable, the project description should indicate the following: added/removed units, change in fuel source/type, permit limits/caps, capping equation, and if the action is subject to Federal CAA requirements, New Source Review, etc. Form space is limited, addendums as attachments to adequately describe the project are typically submitted.

In the FEAF Part 1, Section B. Government Approvals, please make sure to identify and provide the status of any government approvals required by any federal, state or local agencies including, but not limited to, any NYC Department of Buildings permits or approvals, FDNY approvals, and/or NYCDEP work permit(s), registration(s), and/or certificate(s) to operate; and any sponsorship or government funding, including grants, loans, tax relief, and/or any other forms of financial assistance associated with the proposed project. Also, enter the date by which the application for any such approval, funding, or sponsorship has occurred (or will occur) (actual or projected).

Depending on the responses provided, additional information may be needed to further evaluate the project.

Pursuant to 6NYCRR621.14(b) this information must be provided by 7/30/2021. Failure to provide this information by the date specified in this request may be grounds for denial of your application.

If you have questions or need more time to provide this information, please contact me at the address above.

Sincerely,



Caitlyn P Nichols
Division of Environmental Permits