



ARC ENGINEERING & CONSTRUCTION, P.C.

June 10, 2009

New York Department of
Environmental Conservation
Division of Environmental Permits, Region One
Stony Brook University
50 Circle Road
Stony Brook, New York 11790-3409
Attention: Kevin Kispert

**RE: South Pier Improvement Project (SPIP)
Draft Environmental Impact Statement (DEIS)
Public Comment Period Ending June 10, 2009
Air Emissions / Air Quality Review Comments**

Dear Mr. Kispert:

ARC Engineering & Construction, P.C./Enviro-Sciences Engineering (ESE) respectfully submits this letter **on behalf of UPROSE, Community Board 7, Brooklyn Chinese-American Association, Opportunities for a Better Tomorrow, and Southwest Brooklyn Industrial Development Corp.** ESE has reviewed the Draft Environmental Impact Statement (DEIS) for the South Pier Improvement Project (SPIP), the air permit applications, and related technical documentation that has been made available to the general public. This review focused on air emissions and air quality impacts resulting from the proposed facility.

Review of the project documentation indicates that the applicant's air emissions approach is to obtain a permit at the Gowanus Generating Station (GGS) with limited operating hours that do not trigger the nonattainment New Source Review (NSR) and Prevention of Significant Deterioration (PSD) program requirements. A similar approach with limited operating hours is also proposed at the Narrows Generating Station (NGS), and on this basis, an overall net reduction in emissions is claimed by the applicant.

A number of issues, however, need to be addressed in the DEIS to support the applicant's statement that the proposed project will result in a net reduction in emissions. These items are identified in the following sections of this letter.

BASELINE YEAR SELECTION

The general approach to calculating net reductions in emissions is to subtract **baseline emissions** from the newly-proposed emissions levels. Under NSR and PSD regulations, the baseline period is typically the two most recent years of operations (i.e., in order to reflect "current" conditions).

The applicant, however, has stated that an alternative period (2004-2005) was used in the analysis to be most representative of peaking plant operations. While this is possible, the two

most recent years (2007-2008) should also be evaluated as a baseline period to support the applicant's statement that the proposed project will result in a net reduction in emissions.

To further demonstrate a net reduction in emissions to the public, computations using data from the intervening year (2006) and prior (2000-2003) years would further support the applicant's statement that the proposed project will result in a net reduction in emissions. It will also be helpful if the applicant could explain why the alternative period (2204-2005) is believed to be the most representative of peaking plant operations.

CALCULATED VERSUS ACTUAL EMISSIONS

A comparison of the above-calculated emissions and actual (measured) emissions data obtained any time during this longer (nine-year) period would also demonstrate to the public the accuracy of computations in predicting a net reduction in emissions.

DISTILLATE FUEL USE

In Section 3.4.4.3 of the DEIS, regulatory-based reduction alternatives were presented for emissions of PM₁₀ / PM_{2.5}. Nine alternatives were evaluated. The conclusion was made that the only practical approach to reduce emissions would be to take permit restrictions.

The option of eliminating or reducing the use of distillate fuel by the existing units did not appear to be evaluated. This discussion is recommended for inclusion in the SPIP DEIS.

HAZARDOUS AIR POLLUTANTS

Evaluation of emissions reductions was provided in the DEIS for criteria pollutants. However, no reference was made to net reduction in emissions of hazardous air pollutants. This discussion is recommended for inclusion in the SPIP DEIS.

START-UP AND SHUTDOWN PERIODS

It is unknown if the calculations for the GGS and NGS that indicated a net reduction in emissions included project start-up and shutdown periods. If not, project start-up and shutdown periods emissions are recommended for inclusion in these computations.

PROJECT SCHEDULE

Reductions in GGS and NGS emissions are proposed through modification of the existing Title V Operating Permits for both facilities. The achievement of a net reduction in emissions reportedly requires changes at the NGS, which is separate from the construction of new facilities at GGS.

It is important, therefore, to understand when emissions would be reduced. The projected timeframe for securing regulatory approvals at the GGS and NGS is recommended for discussion in the DEIS.

Mr. Kevin Kispert, NYSDEC

June 10, 2009

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AIR QUALITY MODELING

Ambient air quality modeling is recommended to demonstrate the proposed net reduction in emissions will result in improved ambient air quality in the region, and in the host community of Sunset Park, Brooklyn.

With respect to the modeling analysis that was performed to determine if the Significant Impact Levels (SILS) would be exceeded, it is recommended to have the start-up and shutdown conditions included in the analysis

CONCLUSIONS AND RECOMMENDATIONS

Recognizing the general intent of a DEIS is to present full public disclosure of potential environmental impacts from a proposed project, **further clarification and explanation is recommended in the SPIP DEIS** for the general public to be able to understand how the proposed project will achieve the stated goal of a net reduction in emissions. Further clarification and explanation is also recommended in the SPIP DEIS to demonstrate the proposed net reduction in emissions will result in improved ambient air quality in the host community of Sunset Park, Brooklyn.

CLOSING COMMENT

On behalf of UPROSE, Community Board 7, Brooklyn Chinese-American Association, Opportunities for a Better Tomorrow, and Southwest Brooklyn Industrial Development Corp., we look forward to your response to this comment letter. We welcome an opportunity to work with the NYSDEC and the applicant in order to provide the general public with an enhanced understanding of how the proposed project will achieve the stated goals of reducing emissions and improving air quality in Sunset Park community.

Very truly yours,

ARC ENGINEERING & CONSTRUCTION, P.C.

/ ENVIRO-SCIENCES ENGINEERING



Stephen J. Fleischacker, P.E.
Project Director

cc: Elizabeth Yeampierre, UPROSE
Gavin Kearney, New York Lawyers for the Public Interest
Randy Peers, Community Board 7
Rohit Aggarwala, Mayor's Office on Long-term Planning and Sustainability

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June 12, 2009

Kevin Kispert
NYS Dept. of Environmental Conservation
Division of Environmental Permits
Region 1
50 Circle Road
Stony Brook, NY 11790

Re: SEQRA Draft Environmental Impact Statement Comments
on South Pier Improvement Program

Dear Mr. Kispert,

The New York State Department of Public Service (DPS) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed South Pier Improvement Program (SPIP). The SPIP is an energy project that will improve the Gowanus Generating Station (GGS), through the addition of a 100 MW combustion turbine generator while guaranteeing the reduction of actual net emissions from the Sunset park facilities. The proposed facility is to be located on the existing South Pier at the GGS which is zoned to allow electric power or steam generation plants as a permitted use according to city zoning regulations.

DPS includes the Staff of the Public Service Commission (PSC). The PSC is an involved agency in the State Environmental Quality Review Act (SEQRA) review of the project. DPS staff have reviewed the developer's DEIS and has the following comments.

Public Service Law Section 68

Pursuant to Public Service Law (PSL) §68, Astoria Generating Company will be required to obtain a Certificate of Public Convenience and Necessity (CPCN) from the Public Service Commission. The §68 review includes consideration of the capability of the developer to function as an electric corporation and to provide safe and reliable service. The review is in progress.

Section 1.1.1.4 - Exhaust stack

Specify the color of the paint for the exhaust stack.

Section 1.1.1.5 - Cooling System

Specify the cooling system that will be used for the LMS 100 turbine. Is it wet cooling tower or fin fan cooling? Explain the reasons for selecting either of them.

Section 3.4 - Climate and Air Quality Pg.39

Specify the Narrows Generating Station emission control program and the implementation plan, in the Final Environmental Impact Statement (FEIS).

Use of Bio-fuels and Waste Heat - Page 205

The FEIS should specifically state the conclusions on the evaluations of the uses of bio-fuels and waste heat conversion.

Appendix H

Letter dated December 10, 2007 from NYS DEC - Division of Fish, Wildlife and Marine Resources states "if this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this information with the most current information." Please include this statement in the FEIS.

Appendix N – Capacity Study (Page 16)

This part states that "Selective Catalytic Reduction Vendor and Catalyst Vendor are willing to guarantee stack emission." Please include the guarantee as part of the FEIS.

Availability of LMS 100 Turbine - Ref. Page 18

Specify the time schedule for availability of the LMS 100 turbine in the FEIS.

Final Scope of Work- Appendix L

The cover letter states "final scope of work." But the headers on subsequent pages are marked as "proposed scope of work". Is the final and proposed scope the same? If so, correct it accordingly in the FEIS.

DPS recognizes the fact that this area of the Project is in a flood zone and critical components will be placed above the ground. What is the proposed height? Please clarify the height of the components.

Utilities such as electric underground cables, gas transmission or distribution lines, and water lines crossed or near the SPIP should be shown on a topographic map, with respect to the location of the LMS 100 turbine and its accessories.

Please contact Philipose Philip at 518-486-6075 for any further questions or reviews.

Very truly yours,

{Original Signed}

Christina Palmero, Chief
Renewable Energy and
Environmental Compliance

cc: David Perry, Senior Project Manager, Astoria Generating Co.
Ms. Gail Suchman, Stroock, Stroock & Lavan, LLP

This email is addressed to Kevin Kispert at the New York State Department of Environmental Conservation as public commentary. I have sent copies to Dr Thomas Cahill, Air Quality Expert, Dr Julie Sze, Environmental Justice Expert, I attach the Draft Environmental Impact Statement which is still open for public comment.

I was present at the South Pier Improvement Project public hearing on April 6th 2009 at PS 24 in Brooklyn to discuss the permit request for a GE LMS 100 turbine at the South Pier Improvement Project in Brooklyn New York by US PowerGen (<http://www.uspowergen.com/projects/south-pier/overview/>) and I would like to add to the public comments I made at that hearing.

I am an emergency medicine doctor, currently completing a residency program in New York City. I have a bachelor's degree in biological science from the University of California at Davis, and I have a medical degree from the National University of Ireland, University College Dublin, Ireland. I worked for two years as a teacher in an industrial community in Long Beach, California with Teach for America and I am concerned about environmental impacts in low income communities. My commentary is my own opinion as a citizen and does not reflect the views of my residency or of those institutions.

I live at 23rd street and 3rd avenue in Brooklyn near the South Pier Site and due to the proximity of my residence to the proposed added turbine I am concerned for a number of reasons. As we heard at the meeting, there are approximately 50 turbines running on fossil fuels in the South Brooklyn waterfront, each of which has a permit from the state to operate near a large population center. The addition of one turbine to this number by means of a permit approval will supposedly decrease emissions through arcane "enforcement changes" which are not actually part of the permit application. As a scientist, physician, and citizen I am concerned that the emissions reductions which are promised will not actually improve air quality in this community, and the environmental impact statement does not adequately address the risks of PM 2.5 in the community nor provide a means to track changes in mortality or morbidity in the future. There is no proposed mechanism to identify how the proposed reductions in air quality will be monitored, assured, reported, or correlated to reductions in mortality or morbidity

1. This is an energy/environmental issue which directly affects the public and there has been little to no publicity at the point where consumers and citizens use electricity and energy or where they will be affected by it eg in the hospital. For example, most neighborhood citizens use gasoline and/or take the subway- so it would be nice to see advertising for an energy issue at the gas stations or in the subway where we directly use energy or where we are affected by it's consequences.

Consumers will not use less energy unless they are aware of some of the environmental impacts associated with it. I read in the DEIS on page 132 that the scoping of the DEIS was undertaken with "so-called" enhanced public participation. Yet the distribution was aimed at libraries, mail, and on a project website most people have never been to. The public participation was not driven by any logic.... to publicly target a neighborhood you have to get the word out through businesses people use on a daily basis- hospitals, doctor's offices, pharmacies, banks, churches, supermarkets, laundromats, gas stations, post offices, and the subway.

I quote from page 132... I would hardly call this "enhanced and comprehensive public participation"... that would require the use of a commercially available PR agency, not the " NYSDEC region 2 office" which is located in another borough in Long Island City. With all due respect to the hard work of Michelle Moore and Arturo Garcia-Costas, I think the public participation could have been improved or been made more logical and focused at the point of energy use and it's consequences.

"Undertaking any activity requiring a permit in a PEJA triggers the obligation on the part of an applicant to pursue an enhanced public participation program. AGC prepared a comprehensive and proactive Public Participation Plan (PPP), and submitted the plan to the NYSDEC with the

Environmental Assessment Form on October 1, 2007. This plan was reviewed by the EJ8 and community9 specialists at the NYSDEC Region II office. The PPP was made widely available to the public by mail and email, on the project website, at the public repositories in local libraries and at the Community Board office, and at the public information meetings. The plan contained commitments for AGC to undertake significant public outreach and preparation of a public contact list, widely disseminate information, prepare fact sheets, hold public meetings, take comments continually throughout the SEQRA review process, and provide periodic progress reports summarizing public outreach activities to date, project status, and responses to questions and comments received. All project documents are available through the project website and at public repositories in local libraries and the CB7 office, and comments were encouraged to be provided at public meetings, by mail, through the website, or via the established hotline."

2. The data in the DEIS provides some data about the population which suggests that the mortality, cancer and hospitalization rates are subject to confounding and bias, and misses the boat on assessing the risk of PM 2.5 in that same population. The point of an environmental impact statement is to give an estimate of current and future risks, which this study does not do.

In the Sunset Park profile from NYC DOHMH
(<http://www.nyc.gov/html/doh/downloads/pdf/data/2006chp-205.pdf>)

We see that Sunset Park is largely immigrant, unlikely to have a doctor, and ethnically diverse, and perhaps less likely to be documented citizens or seek health care. In an demographically mobile transitional community whose population is not stable over time, the environmental impact of an exposure is not likely to be reflected in the vital statistics of the community... therefore, the data from NYC DOHMH is limited in its ability to quantify the correlation between PM 2.5 and mortality or asthma hospitalizations.

In 2001 Drs Fricker and Hengartner published a paper which found that in New York City, ethnic minority populations are more likely to be located next to an environmentally undesirable site. This paper suggests there is inequity in the distribution of polluting sites in New York City. The data used to make this claim was taken from census tracts. ("Environmental equity and the distribution of toxic release inventory and other environmentally undesirable sites in metropolitan New York City" by Ronald D. Fricker Jr. and Nicholas W Hengartner in "Environmental and Ecological Statistics" 8, 33-52, 2001).

There are two important papers which confirm a link between PM 2.5 and mortality which have not been addressed in this DEIS.

One is the Harvard Six Cities study, and the other is a zip code based association between PM 2.5 and mortality.

At Johns Hopkins, Zeger et al found an increase in mortality associated with exposure to PM 2.5 in a very large medicare population.

Scott L. Zeger, Francesca Dominici, Aidan McDermott, and Jonathan M. Samet Mortality in the Medicare Population and Chronic Exposure to Fine Particulate Air Pollution in Urban Centers (2000–2005) *Environ Health Perspect* 116:1614–1619 (2008).

The Harvard Six Cities study focused on a stable cohort in towns in Ohio, correlating PM 2.5 with mortality.

Dockery DW, Pope CA III, Xu X, Spengler JD, Ware JH, Fay ME, et al. 1993 An association between air pollution and mortality in six U.S. cities. *N Engl J Med* 329:1753–1759.

Both well controlled, and confirm a link between PM 2.5 and mortality.

The DEIS completely misses the boat on assessing the risk of PM 2.5 in my community. There is no attempt to correlate the existing excess mortality burden which is caused by the existence of 50 turbines on the Brooklyn waterfront and cannot provide any solid data on how this SPIP is going to reduce mortality. If the SPIP is indeed a good thing, then you ought to be able to provide data which has shown a correlation between mortality and PM 2.5 so that you can track it in the future. Yet as I state, based on the fact that the population structure is ethnically diverse, and the community is a transitional one, efforts to monitor and report the PM 2.5 should be stepped up on a daily and monthly basis near these 50 turbines to capture the daily flux of pollutants at peak generating times, not just on an annual basis.

3. I want to re-iterate my concerns about the particulate pollution from the proposed addition of a turbine to the site at South Pier. While I understand that there is a "proposed" enforceable reduction in emissions, I am not confident this will be associated with an improvement in air quality because it is not part of the current permit application. I don't see how you can allow a permit to go through on the basis of a future claim that US PowerGen is going to "voluntarily" reduce emissions at another site at a future date without changing the existing permits for those sites and turbines.

As I quote below from pages 50 and 51, there is to be no Title V permit modification on existing units, and there is no enforceable way to ensure that existing units are reduced in emissions as long as their permit continues to be in existence. I would urge the DEC to deny the permit application until US POWERGEN submits the application for a permit to reduce the existing emissions at SPIP, and I would urge the DEC to be aggressive in protecting public health and revoke any and all existing US POWER GEN permits which do not meet NAAQS on a 24 hour basis as measured within a reasonable distance (2 miles) of the turbines.

As described in 3.4.4.2-2 (page 56), the LMS100 is not going to decrease PM 10 and 2.5 emissions requiring an emissions netting strategy.

"The first part of the air emission reduction strategy is the installation of a new, highly efficient LMS100 combustion turbine with add-on emission controls, and capping the emissions through enforceable permit limits. As described in Section 3.4, the potential emissions from the LMS100 will be "netted" to be below NSR/PSD emission threshold levels by enforceable permit limits that reduce the actual emission levels from the existing GGS units. Therefore, the installation of the LMS100 is considered a minor modification of the existing facility.

The second part of the air emission reduction strategy is to reduce actual emission levels from the existing NGS units through enforceable permit limits which will be requested in a separate NGS Title V Permit modification application submitted to the NYSDEC in the future. This second part of the strategy is not required in order for the SPIP to qualify as a minor permit modification or by the regulatory process. Rather, this step will guarantee reduced emissions to the community. The proposed limits at NGS will ensure that actual emission reductions from existing AGC's facilities in Sunset Park are greater than any potential emission increases due to the LMS100.

Both parts of the strategy are based on "Emissions Netting", which is the implementation of emissions reductions to existing units and then subtracting these reductions from a new emission source for determining net project emissions. For the SPIP, the reduced emissions from the existing GGS are subtracted from the LMS100 emissions to determine NSR/PSD applicability. As a result, the addition of the LMS100 is classified as a minor modification to the existing facility. While not required for the regulatory process, a similar Emissions Netting strategy will be used for obtaining additional reductions at NGS for community benefit. In this

way, the overall project may achieve net negative emissions, even though a new emission source has been added. "

from page 61

3.4.5.1 Community-based Reductions

As described in Table 3.4.4.3-2, the Emissions Netting analysis results in significant reductions (total emissions) in all regulated pollutants while reducing the level of VOC and PM2.5 emissions to be below the NSR/PSD thresholds. However the first part of AGC's emissions reduction strategy results in slight increases in PM2.5 and VOC (9.27 and 1.79 tons per year, respectively). While this increase is below the NSR/PSD emission threshold levels, AGC has committed to the community that it would reduce all criteria pollutants, particularly PM2.5 which has been noted as an important community concern. As such, in addition to the regulatory-driven reductions described in Section 3.4.4.3, AGC has committed to voluntarily reduce emissions from the NGS to guarantee a net reduction in emissions to the community. AGC will implement these additional reductions at NGS due to the fact that additional reductions at the GGS are either not a physically practical or economically viable. These reductions will be achieved through enforceable permit limits at NGS similar to those described for the GGS in Section 3.4.4.3.

The full implementation of the SPIP air emissions reduction strategy will result in the SPIP having an overall net reduction in emissions from AGC's Sunset Park facilities while adding generating capacity..

4. I note that on the DEIS pages 40-44 in particular table 3.4.1.3-1 the attainment status for PM 10 is not listed on a 24 hour basis since data is not available, and that the PM2.5 does not meet emissions standards for National Ambient Air Quality Standards NAAQS as listed in table 3.4.1.3-2. I only see that there is one monitoring station in this table listed at 424 Leonard Street in Williamsburg which is about 7 miles away from the SPIP site. However, in the DEIS, there is a comment on page 41, that

"The attainment status in the vicinity of the SPIP site is based on detailed ambient air quality data, which was collected from ambient air monitors located in the vicinity of the SPIP site.

This data is representative of existing ambient air quality of the vicinity of the SPIP. Tables 3.4.1.3-2 to 3.4.1.3-4 list the pertinent data from nearby state operated ambient air monitors. Table 3.4.1.3-2 presents the existing background ambient air quality data for Brooklyn (Kings County). Since many of the criteria pollutants are not monitored in Brooklyn, Table 3.4.1.3-3 was prepared to present the existing background ambient air quality data for all of the City"

I am not convinced that data from ambient air quality monitors 7 miles away from the SPIP is "in the vicinity of the site". If there is better data which was collected within 0.5 miles of the SPIP I would like to see it.

The SCREEN3 model is not really relevant for PM 2.5.. as I quote on page 74,

"The purpose of the SCREEN3 modeling analyses was to determine the maximum, modeled screening concentrations from the turbine for comparison to the SILs. As shown in Table 3.4.9-1, the maximum, modeled screening concentrations are less than the SILs for all pollutants and averaging periods. The net emissions of PM2.5 from the LMS100 will be below the 15 TPY (expected to be reduced 10 TPY) threshold levels in NYSDEC policy guidance CP-33 and therefore this policy guidance including the corresponding SIL, does not apply. Predicted impacts from the LMS100 are below SILs and by definition will not cause or contribute to any exceedance of PSD increments or NAAQS. Additional modeling is not required to demonstrate compliance with PSD increments or NAAQS."

I think I am correct in concluding that the SCREEN3 model is simply a model, not an actual measurement of PM2.5, and that based on the assumption that the NET emissions are below 10 TPY the SCREEN3 analysis is not applicable.

Yet, it is clearly stated in table 3.4.4.2-2 on page 56 that the LMS100 is going to emit 19.76 tons per year of PM 2.5 which means that the SCREEN3 analysis IS applicable and we need more data on the PM 2.5 distribution in the community. This is because the permit for the LMS 100 does not require any enforceable limits elsewhere!

5. I am not impressed by the local micro-climate data and geographic data in the DEIS. If the DEIS is going to make comments about the topography of the area, it needs to comment on where the air quality monitors are located and the specific local patterns that exist with respect to air quality. As I note on page 40, the DEIS lists Battle Hill as the highest point in Brooklyn, and quotes as the reference a website "sunset-park.com" rather than a reputable source such as the USGS. The DEIS makes note of wind patterns as reported by the National Weather Service for La Guardia Airport.

The SPIP is located in the New York Harbor, and I think that the best source for local wind conditions is a marine forecast, not an aviation forecast. No ship captain bringing an oil tanker to the SPIP is going to rely on the wind conditions from La Guardia airport, and I don't think that the public should be treated as so naive that an 8th grader with google could get better weather conditions and topography information about the SPIP than the DEIS provides. I would urge the DEIS to revise their weather conditions from the National Weather Service MARINE data available at nws.noaa.gov

I quote from page 40.

"Local wind patterns are heavily influenced by the geography of the Hudson River Valley and the Atlantic Ocean. National Weather Service data for the La Guardia Airport office reflect predominant winds from the south and southeast, with a secondary maximum from the west and northwest directions. Although these wind directions prevail due to the passage of large scale weather systems, they are accentuated by the proximity of nearby bodies of water.

3.4.1.2 Topography

The SPIP site is located within Brooklyn, New York. Figure 1.1 depicts the SPIP site on a USGS digital raster grid (Jersey City and Brooklyn Quad). Topography in the vicinity of the SPIP is generally flat and ground level ranges from 0 to approximately 30 feet above sea level from the waterfront to the BQE (elevated above 3rd Avenue). Continuing west, topography gradually rises and crests at 220 feet above sea level at "Battle Hill" which is located in the northeast corner of Green-Wood Cemetery. Battle Hill is listed as the highest point in all of Brooklyn (Sunset-Park.com, 2008)."

6. I am concerned about the fact that PM 10 and 2.5 emissions are going to be calculated only on an ANNUAL basis. This means that a turbine which has a high output of particulate matter below 10 or 2.5 microns can be run ALL summer 24 hours a day at peak capacity from June to September when energy requirements are highest, and children are out of school, yet even if the turbine was turned off completely for the other 8 months of the year the total pollution in those four months could easily result in devastating damage to children's lungs when they are outside all day in the summer months. However, by the logic of the permit process, the total emissions for the annual year would be met. My concern is that the outputs of the turbine are not going to be monitored and reported on a continuing basis- eg the annual standards for the facility could be met while for many months or days of the year the community would not be in compliance with the National Ambient Air Quality Standards on a 24 hour basis.

as the DEIS states on page 57,

"The GGS and NGS are both peaking stations that operate to supply electrical power to the system during high load conditions or when the system requires these units for reliability. While the overall annual operation (capacity factor) is low, the operation of the peaking units is one that can vary significantly year to year. A slight change in hours of operation results in a significant percentage swing. The primary variables that affect the operating time are the overall electrical load demand, ambient temperature, extended heat or cold waves, fuel curtailments, transmission and distribution line outages, and other available generation. These conditions could require the facility to operate up to the permit limits in any given year. As such, normal operation for a peaker is the capacity factor needed to support the electric system as required."...

this suggests that the turbines could be used at certain times causing severe periodic adverse air quality while still meeting annual requirements, and this could happen at times when susceptible individuals (children) are outside on school breaks during the summer.

I would ask that as a scientist, a physician, and a concerned citizen and neighborhood resident you require that as a condition of the permit that the permit owner be required to report the output of turbines in particulate matter on at least a MONTHLY basis and that there is a public reporting of the actual air quality measured in several locations within the neighborhood (not only at the nearest available PM 10 or PM 2.5 measurement station 7 miles away in Williamsburg at Leonard Avenue), and that these PM emissions be reported on at least a MONTHLY basis at hospitals, pharmacies, schools, post offices AND public libraries and in the CONED bill, at every gas station in the neighborhood, and at main express subway stops (36th street), Atlantic Pacific, and at the ConEd offices.

7. I am really surprised that the DEIS considers that PM emissions from the SPIP do not add any environmental burden to impact the health in this community.

In the DEIS, page 141

3.10.3 Effects of SPIP on PEJA Burden

It is not anticipated that the SPIP will contribute any additional environmental burden on the local PEJA. As demonstrated by the analysis of potential air contaminants to be emitted by the SPIP contained in Section 3.1, the project will not contribute to the community's air pollution burden. In fact, it will decrease the annual actual emissions now coming from the AGC owned facilities and therefore will reduce the contribution of AGC on air quality components that may contribute to environmental and health impacts. By reducing operations of existing facilities by approximately 50% from baseline actuals, the SPIP will achieve an approximately 49% actual overall emission reduction from current conditions, while adding to the overall capacity and reliability of the local electrical grid. In addition, conservative air quality screen modeling demonstrates that the impacts from emissions pollutants from the LMS100 turbine will be below Significant Impact Levels (SILs; see Section 3.4). Furthermore, the SPIP will supply greatly needed energy during peak periods thereby, increasing reliability and uninterrupted electrical generation service for area businesses, residences and the City of a whole.

As I state above, the turbines could be run periodically significantly adversely affecting air quality at peak periods, there is no guarantee that even with annual reduced emissions this is going to result in a positive health impact.

Several studies have confirmed a link between PM 2.5 and mortality, and there is NO data that small reductions in PM 2.5 can improve mortality. What the scientific literature tells us is that there is a link, it does not tell us the threshold at which reduction below a certain level is associated with decreased mortality. As long as there are PM 2.5 emissions on the waterfront, there will be health effects. The DEIS

should try and get more data on what the health effects are by linking the PM 2.5 in this local area to health outcomes rather than stating that the status quo is acceptable.

8. The DEIS clearly states that the community is one which is underserved by physicians and there is little access to preventive care in this community. As an emergency physician, I can tell you that an emergency room visit does not prevent asthma... asthma is prevented by focus on air quality and primary care, neither of which exist in the SPIP area.

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Neighborhood asthma hospitalization rates depend in part on the percentage of residents who have asthma. However, good medical management of asthma can prevent many asthma-related hospitalizations, and patients can work with health care providers to better control their asthma. Thus, the asthma hospitalization rate can also indicate poor access to health care (NYC DOHMH, 2006a). Medical care may help people prevent illnesses, identify health conditions, and treat health problems. The Sunset Park residents are more likely to be without a doctor (31%) when compared to Brooklyn (23%) and the City (24%). More residents in Brooklyn and the City have health insurance when compared to Sunset Park. In Sunset Park, the amount of residents who live below the poverty level is higher than Brooklyn and the City. Therefore, the Sunset Park residents are less likely than the average Brooklyn or City resident to have the advantage of preventative medical care and rely more on emergency medical services.

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To: Kevin Kispert
NYS Department of Environmental Conservation

From: Naim Rasheed, Director
Traffic Planning

Re: South Pier Improvement Project
Draft Environmental Impact Statement

Date: June 10, 2009

The South Pier Improvement Project (SPIP) is an energy project that will improve the Gowanus Generating Station (GGS) through the installation of one combustion turbine (LMS 100) generator, while guaranteeing reduction of the actual net emissions from the Sunset Park facilities. While the regulatory process does not require reductions in emissions, the Astoria Generating Company (AGC), a private energy company based in New York City that is developing and will own and operate the proposed facility, has made a commitment that the overall emissions from its new and existing facilities would be reduced. The entrance to the GGS is located at 29th Street and 2nd Avenue. The SPIP is approximately 200-feet north of the GGS entrance and bounded to the north, west and south by the Gowanus Bay. In meetings between AGC and the NYC Department of City Planning (DCP), the agency confirmed that the project could be constructed “as-of-right” pursuant to the NYC Zoning Resolution. Although no significant adverse environmental impacts are anticipated as a result of the proposed project, AGC has prepared a Draft Environmental Impact Statement (DEIS) to address community concerns.

We have completed the review of the above referenced DEIS and have the following comments/requests for information:

The SPIP DEIS references several active projects which may be undergoing construction at the same time as this proposal, or may even be operational at the time this project begins construction. Specifically, the SIMS Municipal Recycling Facility proposes the use of 2nd Avenue for both its construction and operational activities with a proposed 2009 build year. Although the DEIS identifies the use of a traffic coordinator during the construction period, NYC DOT requests that the consultant perform a traffic analysis. This analysis should focus on the following intersections:

- 2nd Avenue and 39th Street and the BQE Exit Ramp; and
- 3rd and 4th Avenues @ 38th and 39th Streets.

Should there be a need for the shuttle bus to transport constructions workers, please identify the boarding location, the proposed route and headways during the AM and PM peak hours.

Kevin Kispert
NYS Department of Environmental Conservation
Re: South Pier Improvement Project
Draft Environmental Impact Statement
June 10, 2009

Page 2 of 2

Please provide a table indicating the number of trucks per hour over a 24-hour period, and the prescribed route.

Please indicate the number of new employees and vehicular trips that would be generated by the upgraded facility.

Please describe the number of on-site employee parking spaces to be provided.

Please justify the exclusion of construction impact analyses.

If there are any questions I can be reached at (212) 839-7710, or you may contact Marjorie Bryant at (212) 839-7756.

c: Acting A/C R. Russo, B/C J. Palmieri, J. Noto, S. Ahmed, H. Colon, M. Bryant,
File
e:/docs/Bryant/South Pier Improvement Project

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NYSDEC

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PUBLIC COMMENT HEARING

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SOUTH PIER IMPROVEMENT PROJECT

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GOWANUS GENERATING STATION

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Public School 24

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427 38th Street

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Brooklyn, New York

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April 6, 2009

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7:06 p.m.

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Reported by: JUDEEN M. DENNISTON, RPR

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PROCEEDINGS

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MR. ARTURO GARCIA-COSTAS: The time is approximately 7:06 on April 6, 2009. My name is Arturo Garcia-Costas. I am the Regional Public Affairs Manager for the New York State Department of Environmental Conservation. The regional office is located in Long Island City.

I would like to welcome you this evening to a public hearing on the Draft Environment Impact Statement and the Draft Qualifications to Clean Air Act Permits for the South Pier Improvement Project at the existing Gowanus Generating Station that is being proposed by the Astoria Generating Company. The meeting tonight is being held in the auditorium of Public School 24 in Brooklyn, located at 427 38th Street. We thank the Public School

24 for hosting us this evening.

25 Astoria Generating Company, LP,

1
2 is proposing to upgrade the existing
3 Gowanus Generating Station. The
4 proposed upgrade is known as the South
5 Pier Improvement Project. It consists
6 of two components; the installation of
7 one General Electric LMS100
8 Combustion Turbine on existing South
9 Pier existing at the site, and an
10 emission reduction strategy for the
11 existing electric generating
12 equipment on the site.

13 The goal of tonight's meeting is
14 to receive comments on the Draft
15 Environmental Impact Statement and
16 on the air permits. If you like to
17 speak tonight, we have registration
18 cards, speaker registration cards
19 available at the front. You may
20 have noticed them when you came in.
21 If not, you are welcome to go and
22 sign them up right now. My
23 colleague Michelle has some cards

24 right there.

25 There are a limited number of

1
2 copies of the DEIS document and the
3 notice of the complete application
4 available tonight. You also are
5 able to download these documents on
6 the website, you can see those
7 website addresses in the
8 presentations that are about to be
9 made.

10 On the registration card, please
11 note the name, address and phone
12 number -- I'm sorry, please note the
13 name, address and phone number of
14 the DEC project manager which is
15 behind me.

16 If you have any questions about
17 the process and about what happens
18 this evening, please do not hesitate
19 to contact him. The public comment
20 period for these documents is open
21 through May 13, 2009, at present.

22 If you think of an item that you
23 left off tonight and you were not

24 able to think of this evening or

25 after the presentation or after the

1
2 comments you heard from other
3 members of the public, please submit
4 those that comment to us through the
5 public comment period.

6 Let me introduce my colleague. I
7 just mentioned her, Michelle Moore,
8 she is right there (indicating).
9 She is the Lead Environmental
10 Analyst. She is in our Region
11 Permits office and she is one of the
12 justice coordinators.

13 As I said before my name is
14 Arturo Garcia-Costas. And we also
15 have with us Leon Sebastian, from
16 the Division of Air Resources.

17 On behalf of Astoria Generating
18 Company, this evening is David
19 Perri, who is the Project Manager.
20 And we have John Reese, who is the
21 Vice President of the New York Power
22 Generating, which is the parent
23 company for this project. He is

24 sitting right there (indicating).

25 So basically the meeting will

1
2 proceed as follows: Kevin Kispert
3 will get up, he will make a
4 presentation, basically about
5 framing the DEC process, and then
6 David Perri will tell you
7 specifically about DEIS.

8 Tonight's meeting is being
9 recorded by a court reporter Judeen
10 Denniston. Thank you for coming
11 Judeen. When you get up to speak
12 please say your name and spell your
13 last name for Judeen's benefit and
14 speak into the microphone.

15 If Judeen has any problems
16 understanding you, she will ask you
17 to speak up and will ask you to
18 repeat yourself.

19 So without any further ado, I
20 would like to invite to Kevin
21 Kispert up to the mic.

22 MR. KEVIN KISPert: Hello, good
23 evening. Thank you all for taking

24

the time to come out here this

25

evening. My name is Kevin Kispert,

1

2

I am the Project Manager of DEC

3

contract of the South Pier

4

Improvement Project.

5

6

I believe Arturo went over most
of the agenda, so I will just touch

7

that briefly and I am going to talk

8

a little bit about the SEQRA, the

9

application process, and the

10

applicant will talk about the

11

project, and then we will open up

12

for the public comment section. And

13

please, if you would like to speak,

14

please fill out a card.

15

These terms are probably

16

familiar to some of you, so please

17

bear with me. I will go through them

18

very quickly. "SEQRA," the term

19

stands for the State Environmental

20

Quality Review Act. The act passed

21

in 1975, which provides for

22

consideration of environmental

23

factors early in the decision-

24 making process.

25 The "lead agency" in this case

1
2 is the New York State Department
3 Environmental Conservation. And it
4 is essentially the agency that
5 coordinates the SEQRA process and it
6 is responsible for SEQRA
7 determinations throughout the
8 process.

9 The "scope" is really like a
10 written outline. We had a public
11 scoping meeting prior to this meeting,
12 which I will mention later. Really,
13 this is the items to be discussed in
14 the DEIS.

15 The terms "DEIS" and "FEIS" stand
16 for the Draft or Final Environmental
17 Impact Statement. And it is the
18 document that examines the project
19 and explores ways to either remove
20 or minimize hazardous impacts.
21 This is a document that is, in
22 essence, prepared to satisfy SEQRA.

23 Lastly, "findings" is a written

24 document that each involved agency --

25 means each agency that has a permit to

1
2 issue must prepare to come up with
3 the final decision with their
4 permit. And what it does, is to
5 simply balance or looks at ways that
6 project has balanced in the adverse
7 impacts -- impacts against the
8 benefits of the project.

9 Quickly about the definition.
10 SEQRA, as I mentioned, incorporates
11 consideration of environmental
12 factors into a state, a city,
13 county or local agency's decision-
14 making process at the earliest
15 possible time.

16 SEQRA has a very public nature
17 and this can be seen in public events
18 that we have had so far. And the
19 first is the opportunity to comment on
20 draft scope and the draft list of
21 topics, and that occurred January 28,
22 2008. And tonight we're here for the
23 DEIS, the permit hearing -- comments

24 and we are going on -- the draft DEIS
25 we are going -- the draft permits.

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I would say hand-and-hand with SEQRA goes the Department's Environmental Justice Policy. And this policy is important because it provides guidance for incorporating environmental justice concerns into the application of SEQRA and the environmental review process. And to have greater opportunity for public participation and to attempt to address disproportionate adverse impacts of projects on communities.

The policy has several requirements, and they will be enhanced public participation. It requires scoping to be conducted, as is done. It requires a description of the existing environmental burden and the additional burden of the project. And it provides for a longer public comment period, 60 days.

These are the -- I call the

24 major events to date, it does not
25 however, include some of the

1
2 community meetings and open houses
3 that there were with the community
4 to discuss the project.

5 Just quickly, in December 2007
6 the draft scope was made available
7 and the scope meeting, January 28th,
8 the meeting was held. April 30th
9 the final scope was prepared and
10 accepted and made available. And on
11 July of 2008, the Draft
12 Environmental Impact Statement, the
13 application were filed with DEC.
14 On March 11 -- the DEC is the lead
15 agency in terms of the Draft
16 Environmental Impact Statement -- was
17 complete so that the agency had draft
18 permits for public review. And that
19 brings us to where we are going
20 tonight.

21 The comment deadline is listed
22 as of May 13, 2009, and the agency
23 has received requests to extend the

24 time of the deadline, which we are
25 considering. We just haven't

1

2

extended the date at this time.

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This is a fairly busy diagram, but what I want to do is just to quickly run through where we are. The yellow boxes show pretty much where we are in process.

In essence, the applicant decided to prepare an impact statement. From the start, DEC conducted a coordinated review, which it basically asked other involved agencies, "do you have any objections to the DEC being the lead agency." No objections were filed, so DEC became the lead agency.

So DEC became the lead agency, issued a positive declaration, conducted public scoping, the scope was finalized and that document was used to prepare the Draft DEIS.

The draft DEIS and public application was submitted. They

24 went through a couple of -- and that
25 got us to where we are today. The

1
2 draft DEIS is accepted for public
3 review and comment. And the agency
4 has prepared this draft for the
5 public review and comment.

6 This is as high tech as it gets,
7 but this is the step we are at
8 tonight. That's the SEQRA and
9 Permit Hearing to get comments on
10 both documents.

11 UNKNOWN SPEAKER: Excuse me.
12 Could you just state what SEQRA,
13 what that means.

14 MR. KEVIN KISPERT: Yes, sure.
15 SEQRA is the State Environmental
16 Quality Review Act. It is basically
17 a law that was passed to make sure
18 that the environment factors early
19 in the decision-making process.

20 So where we go from here is, in
21 essence, to take public comments on
22 the draft DEIS, and on the draft
23 permits. And then they will

24 consider the preparation of the
25 final documents.

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Once the final DEIS is accepted by the lead agency, that will be posted in the same locations where the draft is available tonight and a notice will go out indicating that it is done and prepared.

At that point, each involved agency has to take that document and prepare their own findings and can come up with their decision, whether to issue or deny their permits. And that effectively ends the review process.

Just a couple of words about the DEC draft permits. This project, Arturo had mentioned, does require modifications to the Gowanus Generating Station air permits. It requires modification of the Title 5 operating permit and the modification of the Title 4.

The DEC has reviewed the

24 application and has determined that
25 emissions will comply with US

1
2 Environmental Protection Agency or
3 US EPA standards for -- and air
4 quality.

5 The air quality impacts would
6 be below significant impact levels
7 established by EPA. And emission
8 will comply with the Federal and
9 State Air Quality Regulations.

10 The permits therefore, if issued
11 will be protective of human health
12 and air quality in the community.

13 Arturo mentioned the format.
14 Briefly, this is for public comments
15 on the draft DEIS and on the draft
16 permits. Both verbal or written
17 statements are accepted. If you do
18 have a verbal -- a written statement
19 rather, we just ask you that you be
20 brief, summarize it and please
21 provide a copy to stenographer.
22 Please use the microphones, speak
23 clearly, in clear nice speech. The

24 record, as Arturo mentioned, will be
25 available when we are done. And the

1
2 order we will to go is elected
3 officials, agencies and then
4 citizens. The comment deadline
5 again, at this point, is May 13th.

6 This just shows where the
7 documents are available and they are
8 on the DEC website and on the
9 applicant's website. They are
10 available on Community Board 7, two
11 local libraries and the New York
12 State DEC Region office.

13 And that concludes all that I
14 have to say tonight. Thank you,
15 very much for taking the time.

16 Thank you.

17 MR. ARTURO GARCIA-COSTAS: Dave,
18 could you please come up.

19 MR. DAVID PERRI: Thank you,
20 Arturo.

21 First I would just like to thank
22 everybody for coming out tonight to
23 provide their comments on this Draft

24 Environmental Impact Statement.

25 I want to just clarify a little

1
2 bit about what the DEC said about how
3 the public comments today would be
4 responded to formally in this
5 process. However, if there are any
6 comments or questions about the
7 project, we will continue to make
8 ourselves available to answer those
9 questions, both through our website,
10 through our phone and hotline
11 number. So please use that. Please
12 contact us if you have questions.
13 If you have some questions, please
14 provide a formal comment and we can
15 hopefully clarify some of the things
16 for you.

17 I am going to spend just a few
18 minutes talking about the project
19 itself. I think the DEC has covered
20 the process, but for some of you who
21 have not been part of the process
22 throughout the better part of the
23 year-and-a-half that we have been

24 discussing this project, I am going
25 to go briefly through the project,

1
2 some evolutions of the project, and
3 some the details of the project.

4 As Arturo mentioned, this is a
5 project that has two components; the
6 first component is to install a new
7 state-of-the-art 100 megawatt
8 combustion turbine. It is a GE
9 LMS100. What you see in front of
10 you is just a little picture of it.
11 This is the latest and greatest
12 simple sample of combustion turbines
13 produced today. It has the lowest
14 emissions and the highest
15 efficiency. So that is the first
16 part of the project.

17 The layout of the project has
18 evolved. It evolved in many ways
19 from many of the comments that we
20 received from the community earlier
21 on. Some of the things that the
22 community wished to see at the
23 project, and what you see is in

24 front of you is a layout of the
25 facility.

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I just want to point out some features that have been put into the project as it evolved since the earlier conception.

The wall here that we put in, that is labeled as D, this is a planted green wall. It is intended, to the extent that it can be seen from anywhere in the community, or there are going to be proposed green ways, most of it cannot be seen. But we believe that to the extent it can be seen, we want to make it green, we want to make it a living wall and produce that as part of this project.

In the area here of the building, we are putting a relatively small building on this property that will house necessary equipment, new control room and a conference room.

24

Those of you who were at our

25

earlier presentations, you want to

1
2 take -- a quick response to the
3 presentations -- about some of the
4 things that we are doing to that
5 building. And we are striving to
6 build that building to be lead
7 certified. That is a standard that
8 is used for new building
9 constructions that demonstrates that
10 it is built to certain standards for
11 efficiency environmental and design
12 standards.

13 The next picture you will see is
14 a better picture, that there is a
15 courtyard here. And one of the things
16 that we wanted to strive for is to
17 make this not look like a power
18 plant. We wanted to make it look
19 like something that may fit into a
20 community; certainly fit into an
21 area that has a greenway that is
22 going to be bordering it to some
23 extent.

24

So you will see in the next

25

picture, the entrance way to this

1
2 was very important for us to make to
3 look like something. On top of a
4 couple of tanks that we're putting
5 there, there are the water tanks and
6 there is some roof area, we also
7 decided to put some green roofs on
8 there. Again, to have a more living
9 environment within the power plant
10 environment.

11 We have areas that we planted or
12 plan to plant; areas around the
13 facility that we will put in
14 shrubbery, to the extent we are
15 going to figure out how to get
16 things to grow in this environment.
17 Where it will work, we will figure
18 that out and we are going to make
19 this plant look like something other
20 than a power plant.

21 This is the entrance that we
22 discussed. As you can see, it is a
23 courtyard, it has got some -- it has

24 got some plantings, it has got an
25 architectural wall in front of it.

1
2 This is all a concept that Bob Fox
3 came out with to help us to make
4 this plant look like something other
5 than an industrial facility.

6 For those of you who saw the
7 original visual studies, and those
8 things that are on our website, there
9 are pictures. This area that I am
10 showing you is not an area that can
11 be readily seen from the community,
12 from the roads or from anywhere
13 close, but we envision people
14 coming to this facility and this is
15 what we want people to see.

16 The next part, I want to talk a
17 little bit about air emissions. The
18 DEIS document has a number of
19 studies in it. Those studies range
20 from visual simulations, as I
21 mentioned -- studies and the
22 predominant studies that are done
23 are the air emission studies.

24

There is an appendix to the

25

document, that appendix resulted in

1
2 the direct air permit that you will
3 have the opportunity to comment on,
4 but I just want to briefly talk
5 about what the overall objective was
6 for the air strategy.

7 We looked at a number of items
8 and how to reduce our emissions. John
9 Reese, who is here, came into the
10 community in an earlier community
11 meeting sometime in November of
12 2007, probably met with some other
13 people before that period of time,
14 and made a statement that you cannot
15 build a project unless we would
16 demonstrate it will reduce
17 emissions.

18 We have spent the better part of
19 the year-and-a-half developing our
20 plans, working with the DEC and
21 putting our permit applications
22 together. The period of time since
23 our DEIS was submitted to them to

24 the time in which was actually
25 accepted as a complete document, was

1
2 four or five months, I think Kevin's
3 slide showed.

4 That period of time was spent
5 trying to figure out how to make our
6 concept of reducing emissions work
7 and work reasonably well and put the
8 proper documentation to do that.

9 So that was one of the reasons
10 that period took a couple -- little
11 longer than we hope, but I think we
12 have got a fair document now.

13 We did look at a number of
14 alternatives on how to reduce the
15 emissions. Some of those earlier
16 comments again -- certainly from
17 Randy, from the community was, how
18 do we reduce emissions from our
19 existing facility? There is a
20 significant section in the DEIS that
21 I will encourage you all to read and
22 help you understand and ask
23 questions, if you don't.

24

That's an area that the DEC

25

asked us to act on. They knew that

1
2 the community had concerns. We looked
3 at things like conversion of the
4 existing coordinates, and we looked at
5 -- units. And we believe we took
6 forth the rationale for the
7 decisions in the proposal that we
8 made here today.

9 What the strategy ultimately
10 does, is says that our -- we request
11 a permit application modification
12 for Gowanus. It will reduce the
13 emissions from our existing baseline
14 in Gowanus and place the new
15 emissions from the new unit path
16 into that permit.

17 That application allows us to go
18 through the permit process and
19 meet all the regulatory
20 requirements. However, that action
21 alone did not result in reduction of
22 every criteria that we had
23 originally in John's commitment

24 earlier on.

25 So we said one of the strategies

1
2 was to look at other facilities that
3 we own, certainly in the community.
4 And the other facility, the one in
5 the community is the Narrows
6 facility. So our strategy is such
7 that we are ultimately reducing the
8 emissions through a permit
9 modification.

10 What we are planning to do is
11 commit to reduce those emissions at
12 the time or before the new unit is
13 available. So our strategy is
14 really is a two-fold strategy, to
15 reduce the emissions at Gowanus,
16 initially with the permit
17 modification and then reduce our
18 emissions at Narrows. Those actions
19 together, the math, the numbers
20 behind those different facilities,
21 and how much is actually coming out
22 of those facilities for a more
23 baseline period and in the future,

24 are all documented in the DEIS.

25 A lot of charts, a lot of graphs

1
2 and consultants and ESS put a
3 lot of time into number crunching,
4 not finding it frankly easy to
5 understand in all respects. So we
6 ask again, if anybody has questions
7 or comments about how we came up
8 with our numbers, how we presented
9 the numbers, we certainly want to
10 talk to you about those. It is not
11 an easy concept but the numbers are
12 all in the DEIS.

13 I am not going to repeat
14 anything that DEC said, I have a
15 couple of slides that reiterate
16 where to find documents, how to make
17 comments in the process. So I will
18 leave out what has already been
19 said. Same information that Kevin
20 had, just in a different format, this
21 is the same kind of chart that we put
22 forward.

23 We still have a couple of more

24 steps to go, but basically we are
25 here. He had a flashing yellow box,

1

2

I have a star, the same thing.

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We will take comments today, we will accumulate those for the record, and those that are the submitted will be responded to in a formal process. We will take comments through our website. And certainly Kevin will take comments formally in letter form through his office.

That is all I have. Thank you very much for coming. And we will look forward to your comments.

MR. ARTURO GARCIA-COSTAS: Thank you, Dave.

I will reiterate that there are various places to submit comments. You can submit comments by fax, you can submit comments by e-mail, and you can submit comments -- web comments, if you like.

So we have -- I am sorry, sir,

24 we are on the record now and there
25 is no alternative question and

1
2 answer at this point. There was an
3 open house from 6:00 to 7 o'clock
4 that allowed for questions and
5 answers. But we will be available
6 after the record closes, the DEC
7 representatives and representatives
8 from the applicant to answer your
9 questions at that time.

10 So we have cards from four
11 individuals who have submitted speaker
12 registration cards -- actually five.
13 I am going to call them up to the
14 mic. Please once again, you identify
15 yourself, spell your last name for
16 the record, for Judeen, to take in
17 the record. After we finished with
18 these five speakers, then I will
19 invite others to step up to the mic
20 and make any additional comments, if
21 they choose.

22 So the first person who would
23 like to come up to the mic is Edward

24 Wade.

25 MR. EDWARD WADE: Good evening,

1
2 thank you. The State is running
3 this, this is a State public
4 hearing. The State works for us.
5 And thank you, David. In the years
6 we've been meeting you have been
7 very great, all you guys. They are
8 professional people.

9 My concern is this community and
10 it is appropriate that we meet in a
11 building occupied by little
12 children, who will end up getting
13 the short end of electric
14 generation.

15 There are 50 generators on our
16 waterfront, this is the 51st. There
17 is 30 at Gowanus and 20 in Narrows.
18 They are floating generators, which
19 means they bypass the old clean
20 water act, because they are looked at
21 as ships. They can burn garbage if
22 they wanted, but these are
23 professional people, they are trying

24 to do their job.

25 My concern is the 51st one. I

1
2 don't want to see a 52nd, a 53rd and
3 a 54th. There is a lot of money in
4 making electricity. Astoria Generating
5 can buy people faster than anybody
6 in this room, which is obvious for
7 the last couple of years. We don't
8 see any of the elected officials
9 here and you won't.

10 But the thing is the pollution.
11 I don't care how we make
12 electricity, it is measured in
13 tons. And if there's anybody in the
14 environmental field that doesn't admit
15 that, they're kidding you, they are
16 lying to you.

17 And the people who suffer are
18 the old and the young. And they are
19 going to suffer because they are
20 going to keep generating electricity
21 as long time -- as long as your air
22 conditioners will work.

23 So please, and I am pleading

24 with the people in the State, because
25 Astoria is in the business in making

1
2 money. I can't compete with their
3 money, nobody in this room can
4 compete with their money. I am
5 asking the State to stop putting
6 generators in Sunset Park. Please,
7 we have 50 generators that is
8 enough, this is 51.

9 If you're going to put -- in the
10 Western Hemisphere nobody has 50
11 generators on their little
12 waterfront, except us. We have got
13 nothing but garbage dumps and
14 generators.

15 And if you doubt me go over by
16 Lutheran and look at the Narrows,
17 they are floating generators. Which
18 means they can burn anything. And I
19 am glad that they are addressing the
20 problem to help out in making less
21 pollutants, but less pollutants means
22 that there is still pollution. So
23 it is obvious that we have to stop

24 them from building any more.

25 We are not going to stop this

1
2 one, this one was paid for. It is
3 bought and paid for, it is in a bag
4 and it all over. But please, the
5 State don't be bubbleheads. Don't
6 just agree to everything they tell
7 you. The kids in this community and
8 the people deserve better than that.
9 Help us.

10 And when you ask about the
11 impact, this is the impact. The
12 impact is where we are going to be;
13 the people who pay to light Yankee
14 Stadium with our lungs? Stop them.

15 MR. ARTURO GARCIA-COSTAS:
16 Before I call the next guest
17 speaker, we basically are going to
18 give speakers five minutes.
19 Whichever mic you choose to use, I
20 will step forward at the four minute
21 mark, just to let you know that
22 there is a final minute or so left.

23 Randy Pierce.

24

MR. RANDY PIERCE: So couple of

25

things. First of all, I want to say

1
2 thank you to DEC and US PowerGen for
3 being open to having community
4 discussions from early on and I am
5 glad to see, probably, the biggest
6 crowd we've seen so far.

7 Unfortunately, it is never big
8 enough and this has been going on
9 since November of 2007. And all of
10 the public meetings have been
11 advertised very, very well in at
12 least four different languages, with
13 the community board -- has helped to
14 publicize these meetings. And the
15 more people who come out is a good
16 thing.

17 A few things I want to say on
18 the record, first since these are
19 things that DEC already knows,
20 because we have already communicated
21 them. But we have formally
22 requested an extension to the
23 comment period past May 13th. So

24 that is one thing that we have on
25 the record, along with -- for that

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extension.

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So, Arturo, I don't know what that process is, but hopefully you will get back to us soon in terms of our request for an extended comment period.

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The other thing that I want to say is that, it is one thing to say that there will be emission reductions, it is another thing to put them into permit which is legally enforceable. The biggest concern that we have going into this process recently is the fact that the Narrows commitment can't happen and is directly -- is part of this particular project.

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So I am happy to say that we are working -- the Community Board is, along with other community groups -- to develop a MIU, which will be legally binding with respect to the Narrows

24 facility. And the only way that we
25 could support that is, if that goes

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forward as well.

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And then the third thing that I want to say is that I think we still need more education in the community with respect to the power plants; the impacts and not just the sort of the technical details, but what some other long term options are for cleaning up the waterfront. Nobody wants power plants on the waterfront. But from my perspective, if there is a chance to reduce emissions, then as a community resident and as a community board member, I can't do my duty if we didn't pursue that option. So this is an absolute reduction, if you do what you say you are going to do and if we have legal mechanisms in place to ensure that that is enforceable. And that in the long term is important. And like I said, my

24 preference would be to get rid of
25 all the -- but the fact of the

1
2 matter is this an absolute reduction
3 in emissions, it is verifiable and
4 it is legally binding and that is
5 important for this community to
6 advocate for.

7 So, thank you.

8 MR. ARTURO GARCIA-COSTAS:

9 Robert Jereskin with a J.

10 THE REPORTER: Could you spell
11 that, please.

12 MR. ROBERT JERESKIN: Yes, sure
13 J-E-R-E-S-K-I-N. I am a committee
14 member of the Green Brigade, but I
15 am speaking here in my own capacity.

16 I just spoke with the air
17 emissions' people outside. I heard
18 about this project just recently and
19 so I spoke to them just to get a
20 sense of what is being worded.
21 Because as opposed to clean burning --
22 fuel clean alternative -- which natural
23 gas -- and as I understand that this is

24 going to be burning 35 percent of
25 natural gas. And I just came from the

1
2 future bread basket of our region,
3 which is upstate New York, where
4 there is a natural gas -- of
5 drilling in what's called the "play."
6 The people who play with us, with
7 these -- our energy future.

8 But the -- upstate, we're
9 going need in 20 or 30 years to feed
10 our sibling region and the people
11 who live near platforms in the rural
12 areas, who drink that water. And the
13 communities are not playing and they
14 are very concerned, And they asking
15 for a statewide ban on natural
16 gas drilling. There are
17 communities that have already
18 experienced the particular sort of
19 drilling that is being brought to
20 New York State, which is invited --
21 which is a major lobbyist to the
22 2005 Energy Bill that excluded,
23 exempted natural gas from a full

24 range of environmental protections,
25 governing laws to protect communities

1
2 from environmental impacts, natural
3 gas and public health impacts.

4 So they licensed this technology
5 and it is called a horizontal hydro
6 -- and it pierces levels of land down
7 to about 70,000 feet and it goes
8 through -- different geographical
9 formations, at which point they
10 spread out horizontally and they
11 release the drill bits with toxic --
12 to about 250 to 300 chemicals which
13 are considered by the industry to be
14 proprietary.

15 So if the worker on the site gets
16 splashed and goes to the emergency
17 room, there has to be a whole bunch of
18 telephone calls before the people
19 know exactly how to treat this
20 person who was splashed with this
21 waste water.

22 Between 37 percent of millions
23 of gallons of water get pumped into

24 these wells and sand is shot down

25 there and also these toxic chemicals,

1
2 tens of thousands of gallons. 37
3 percent stays down there, which
4 means that 37 percent comes back up
5 that is undrinkable. And there's not
6 a single filtration plant in our state
7 or our country to take this
8 chemicals out.

9 So the farmers who depend on
10 the water sources there for their
11 herds, the people who depend on
12 water, the city that depends on that
13 upstate water it's well-being, it's
14 future. They are looking at the
15 contamination if in one well they
16 have multiple flats. And each flat
17 takes somewhere between three and
18 nine million gallons of water. So
19 we are talking about a huge strain
20 on the watersheds in New York
21 State.

22 And this power plant which --
23 as most of the young people in our

24 world know, fossil fuel plants need
25 to be decommissioned. We don't need

1
2 to be extending the capacity or
3 putting a nice green roof on it. We
4 need to be decommissioning them and
5 building like offshore -- we need to
6 be building offshore wind farms.
7 And we need to be investing, you
8 know, the work of engineers like
9 these guys -- the consultants at ESS,
10 I think it was -- and I don't know what
11 kind of work you do, but we need your
12 work to be building, you know, that
13 huge clean technology. And not be
14 destroying the planet and building a
15 parts per million and polluting
16 atmosphere beyond 400 parts per
17 billion. It is 382 now, it is
18 completely endangering what Jim
19 Henson from NASA says, and it is
20 endangering the future of
21 civilization.

22 So we really need your help and
23 the people inside to start saying to

24 the people on the outside to protect
25 our food, to protect our water and

1
2 push for real clean alternatives to
3 burning more fossil fuel.

4 Thanks a lot. Thank you.

5 MR. ARTURO GARCIA-COSTAS:
6 Alexandra Delvalle and please
7 remember to spell your name for
8 Judeen.

9 MS. ALEXANDRA DELVALLE:
10 Alexandra Delvalle. I am with
11 UPROSE and I am the deputy director
12 there.

13 We met with US PowerGen over the
14 past two years making sure that the
15 Brooklyn expansion at the facilities
16 at Sunset Park does not add to the
17 already numerous environmental
18 burden that we faced in this
19 community, that some -- most people
20 here are aware of. We are mostly
21 concerned with the levels of
22 emissions that Gowanus might leave or
23 the numbers that it will leave. US

24 PowerGen has committed to reducing
25 emissions by 49 percent, but claims

1
2 that it needs to make changes in both
3 Gowanus and Narrows.

4 As you had mentioned before, we
5 have been told that anything written
6 about the Narrows Facility in the
7 Gowanus permit is unenforceable.

8 And we are not comfortable
9 supporting South Pier Improvement
10 Project based on emissions
11 reductions that comments that they're
12 not enforceable in the permit.

13 We have continued working with
14 US PowerGen, moving slowly forward
15 while guaranteeing emissions
16 reduction that we need for the
17 health of this community.

18 We have also requested that the
19 following condition be met. One is
20 that we enter into a legally
21 binding agreement between PowerGen
22 and community stakeholders that --
23 with the land, that will be

24 applicable regardless of ownership
25 of the facility and guarantees

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emission reductions.

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We also have requested the community stakeholders be provided with funding to contract an independent engineer to read the application materials as well advise the community on technical aspects of this proposed project.

And we have requested that the comment period be extended for four weeks, which we will take it to the date of June 10th. So we are waiting to hear back from DEC on that.

In addition we have a couple of other recommendations on how this facility can be made more than credible to community stakeholders. The first is in reference to peak generation facilities that PowerGen operates at Gowanus -- opposed to the maintenance and continue to use

24 -- in our community and we hope that
25 PowerGen will commit to saving --

1
2 (speaker's voice went very low,
3 reporter could not understand what
4 was being said).

5 We're also concerned about
6 the frequency of measurement of
7 emissions. And we recommend that
8 these permits be set on a monthly
9 basis and measured accordingly,
10 instead of annually.

11 We will be continuing working
12 with the community board and other
13 stakeholders in the area to prepare
14 more detailed and comprehensive
15 comments. And we will submit them
16 by the end of the hopefully extended
17 comment period.

18 MR. ARTURO GARCIA-COSTAS: Thank
19 you. Maria Roca

20 MS. MARIA ROCA: R-O-C-A. Good
21 evening. I am really sorry that I
22 wasn't able to make more of these
23 meetings because I have been upset

24 about this and I have to support
25 everything that Mr. Wade said,

1
2 particularly about our small
3 children of this community and any
4 community. They don't vote and the
5 elders sometimes are not well to
6 sometimes come out to all these
7 meetings and they are unable to get
8 here on their own power.

9 I asked the question at the
10 beginning as to what the statistics
11 were for consumption in the neighborhood
12 in the past 10 years, and there
13 wasn't an answer; there was an
14 estimate. And I do believe that it
15 is possible to get those numbers
16 from Con Edison and I will work on
17 that myself and maybe I can make
18 those numbers available to you.

19 But my second question what was
20 thought to be the future of the next
21 ten years of that usage, that it was
22 not going to be going very high.
23 So I am a little confused. And I don't

24 know about anyone else here, why are
25 we building more capacity to

1
2 generate, when the usage that we are
3 forecasting is not going to be going
4 up by much. It tells me that we are
5 going to be living with the issues
6 of our generation, but we're not
7 necessarily the users of that
8 generation.

9 So we're actually, our children
10 -- our young people are working class
11 and this is a working class
12 neighborhood. As long as I live I
13 will fight to keeping it a working
14 class neighborhood. So most likely
15 people who can't afford to buy more
16 television, buy more air
17 conditioners, buy more products that
18 will consume electricity.

19 I am a founder of the Sunset
20 Park, we -- in the park, the most
21 beautiful park in the city, by the
22 way, and we have a commanding view of
23 that waterfront.

24

It is the Disney World of this

25

part of New York. Our families don't

1
2 have the money to go sometimes and
3 get on the bus and go to the movies
4 or to downtown Brooklyn. That park,
5 that view, the fresh air that you
6 can get -- and I hope that, you know,
7 I hope that we'll continue to get as
8 fresh air as possible. It is all we
9 have here for many, many of our
10 residents. Anything that
11 jeopardizes that or supports the bad
12 habits of other people insults me,
13 and insults my intelligence.

14 Many of our families cannot
15 afford an air conditioner, the park
16 is their air condition. The park is
17 where they come out to, to get some
18 fresh air and cool off. But their
19 children, our elders, our children
20 will have to live with the
21 emissions, those particles that come
22 out of those.

23 So I am also upset that there

24 are not more people here, and that
25 none of the elected officials are

1
2 here, and none of the doctors from
3 Lutheran Medical Center are here.
4 None of the people who see, who have
5 the scientific knowledge and the
6 political -- what we call to make a
7 difference. Anyone here that
8 covers those groups, any medical --
9 any pediatricians from Lutheran
10 here? Any pediatricians from this
11 neighborhood? Thank you.

12 I am confused. I am annoyed. I
13 have many other emotions that are
14 going through. I was a little
15 insulted by the green, the dressing
16 up of this facility. We are, as I
17 said before a working class
18 neighborhood, we are an industrial
19 waterfront, with the crowded industrial
20 nature of our waterfront, our walk
21 to work. We are probably the
22 largest walk-to-work communities in
23 this country.

24

I am always comfortable with

25

that. No amount of green roofing

1
2 would subtract from that. I think
3 it is completely disingenuous to dress
4 it up. If it looks like a snake, if
5 it smells like a snake, if it hisses
6 like a snake, it's a snake. So you
7 can dress it you up and take it out
8 for a walk, it is not a good thing.

9 Will it go forward, I will have
10 to -- I notice that it probably will
11 go, but I stand with Mr. Wade, let
12 this be the last one if it does go
13 forward. And I will make it my
14 business to be more supportive.

15 Thank you for your time.

16 MR. ARTURO GARCIA-COSTAS: Thank
17 you.

18 Dr. John Haughey.

19 DR. JOHN HAUGHEY: Hello. My
20 name is Dr. John Haughey, H-A-U-G-H-
21 E-Y. I live in this community and I
22 live on 103rd Street. My concern is
23 that I took the subway to get here,

24 I used electric power to get here, I
25 used electric power to learn about

1

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this project, using the computer.

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My concern is that there is not enough public information being put out about the effects of the particulate matter that is going to be released into the community.

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For example, when I took the subway here, there was no information in the subway about this meeting. There was no information about different matter that's going to be released. The concern that I have as a physician is the particulate matter that is below the size of 2.5 microns and that particular matter can get into the lungs and that can cause cardiac pulmonary disease.

20

21

22

23

Now it is tricky to identify the problems here because a lot of the information that we have in the scientific literature is based on

24 death certificates. I don't know if
25 anyone of you ever filled out a

1
2 death certificate before. Has
3 anyone in the room ever filled out a
4 death certificate?

5 So when you fill out a death
6 certificate, you have to establish
7 the cause of death. In many cases
8 this is done in the middle of the
9 night by a resident physician. And
10 some of it is clear as to what the
11 cause of death was. I have filled a
12 couple of these. And I looked at the
13 Draft Environmental Impact
14 Statement, there is no mention of
15 death certificates.

16 My concern is that there is an
17 increase in mortality relating to
18 particulate matter. Particularly
19 particulate below the size of 2.5
20 microns.

21 Now David tells me that there is
22 about 40 tons per year released
23 particulate matter around the size of

24

10 microns. Now the EPA hasn't come

25

to a final rule in establishing a

1
2 limit on 2.5 micro emissions. And
3 my concern is that this project is
4 being promoted as a way of reducing
5 the emissions in the particulate
6 matter, but I don't see a definite
7 way that the particulate matter of
8 emissions are being monitored and
9 communicated to the public.

10 For example, I am a member of
11 the public and I go down to Gowanus
12 to look at the water. There isn't,
13 to my knowledge, any monitoring system
14 set up there to establish what the
15 air quality is on a given day.
16 Maybe there is or maybe there isn't.

17 If you watched the news maybe
18 you saw that the EPA recently
19 mentioned that you can check the air
20 quality at the local school, for
21 example, PS. 24. I opened USA Today
22 so I could find out what the air
23 quality is like here, and it is

24 about average. It's like 43 percent,
25 which is not very good.

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So my concern is that, when we have a project like this, where the public needs to know exactly what the air quality is on any given day and how much is being released.

Now I happen to live across the street from a peak generator and when I open my window you can see the dust on my window sill. And there happens to be an elevated highway near the site. My concern is that the emissions from these power generating power plants, in addition to the emissions that come from the cars on the elevated highway, combine to create unacceptable high levels of matter of emissions.

We are a very large population center. When reviewing the Draft Environmental Impact Statement, according to the document, it's about two million people in this area. I

24 am not sure how many people are in
25 this local Sunset Park area. It

1
2 doesn't say that, it just talks about
3 the ethnicity of people. It does
4 not say how many actual humans live
5 here.

6 My concern is the actual number
7 of death certificates that are going
8 increased as a result of these
9 generators. And I don't understand
10 why in adding a generator you can't
11 take away a generator. If you are
12 going to add a more efficient
13 turbine, which operates on natural
14 gas -- which we have already heard the
15 damage that it can do to the
16 environment -- how emergency room
17 doctors need to call people in the
18 middle of the night because they
19 don't know how to treat the problem.
20 I happen to be one of those people
21 who will be calling somebody in the
22 middle of the night, because I
23 wouldn't know what to do, because

24 somebody fell in this terrible
25 water.

1
2 It seems to me if you are adding
3 a more efficient turbine, you should
4 be able to remove one of the
5 turbines that runs on oil. It just
6 seems logical to me. So if we're
7 adding a more efficient turbine and
8 we are going to decrease emissions,
9 shouldn't we be taking away a less
10 efficient turbine, physically
11 removing. I don't see that in the
12 proposal.

13 And finally I would just like to
14 state that this proposal increases
15 the total amount of capacity by a
16 100 megawatts, when we are already
17 500 megawatts in capacity. And I
18 don't see how -- I don't see how the
19 general public is going to be able
20 to identify how many megawatts are
21 being generated. We are referring
22 to comments or questions about the
23 actual sort of use of electricity

24 and I don't see a sort of measurable
25 inputs here, not in death

1
2 certificates or particulate matter or
3 in consumption. I don't see that
4 any member of the public, who
5 is a well-educated individual, can
6 see the inputs and the outputs of
7 this environmental system. There is
8 no way to make a rational decision
9 because you don't have a way of
10 measuring it.

11 So there are a lot of problems
12 here that need to be identified and
13 addressed.

14 Thank you.

15 MR. ARTURO GARCIA-COSTAS: Thank
16 you.

17 So we reached the end of those
18 speakers that had submitted cards.
19 By the way, I really -- we all
20 neglect to mention that they have
21 two interpreters here for Spanish
22 and Mandarin Chinese. But if you
23 needed an interpreter, hopefully, you

24 would have contacted any one of us
25 earlier on to discuss that.

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So if there is anyone else that wants to come to the mic, please be my guest. Just state your name and spell your last name, please.

MS. ROSA: My name is Rosa -- and I am a member of SPAN. And we just want to share our concerns here. We have been following this proposal and we really don't ever agree with it, that was just my point. We are the ones who have to suffer with this. My personal question to all of you is that you build it, but you don't live in the place and when you leave you work do you ever think what are you building here.

Do you ever think about our children and the neighborhood that has to live with that and how many people are going to die after. And with all the money that is made can we build something that you all can

24 live by with it.

25 I think it is time -- Bush is

1
2 gone. Thank God. I think it is
3 time for everybody to stop thinking
4 just about money, money because
5 there is going to be a time that you
6 won't be able to use that money.
7 You are going to have so much money
8 but you won't be able to live on
9 this Earth, you won't be able to go
10 to another planet. I can assure you
11 that there is no other planet as
12 beautiful as this Earth.

13 How can we help each other and
14 make it a little bit better.

15 MR. ARTURO GARCIA-COSTAS:
16 Ma'am, for the record could you
17 please define what SPAN is?

18 MS. ROSA: Sunset Park Alliance of
19 Neighbors.

20 MR. ARTURO GARCIA-COSTAS: Thank
21 you.

22 MR. JAVIER GENAO: I just want to
23 talk about something -- well, it was

24 just amazing that we have UPROSE --

25 THE REPORTER: Could you please

1

2

state your name?

3

MR. JAVIER GENAO: My name is

4

Javier Genao. I lived in the Sunset

5

Park for over 25 years now.

6

I think it is very tacky that

7

our environmental, you know,

8

protection fighting community

9

grassroots organization chose to

10

walk out when some of us was going

11

to continue to speak. They

12

absolutely don't want to hear what

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we have to say. That is more

14

interesting to me.

15

I don't think this power plant

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is built yet. Is it? It is not

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built yet, right? Which means that

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it still needs to be built, if they

19

want that. Well I would say we

20

can't wait on the state, the state

21

has been killing us and killing this

22

Earth every since they came into

23

existence. And if you really want

24 to stop this we need to get together

25 and do whatever it takes to stop

1

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this.

3

50 power plants in our

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community, that is ridiculous. I

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mean, just like what the gentleman

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here said. We can't depend on the

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business to say okay we are not

8

going to take advantage of this

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opportunity to make more money. And

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obviously like he said, they can buy

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just about anybody. So we can't

12

expect politicians to say, "Well, we

13

are not going to advantage of making

14

some money off of this power plant."

15

We all have to get together, the

16

doctors, the teachers, the children,

17

you know, the workers, the people

18

in the community organizations, you

19

know, the activists who are here to

20

fight against all this destruction

21

that is going on this planet, due to

22

this system that we have in place,

23

that everyone knows are destroying

24 this planet, and destroying
25 themselves. We need to do whatever

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it takes to stop this.

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And I would like to meet up
with anybody right after this
meeting. I will be right outside
waiting or you catch me right before you
leave. Let's meet up, let's organize
and let us do what it takes because
I don't see no guns to my head right
now. I don't see any guns to our
heads telling us that we must accept
this power plant here, you know.
And perhaps guns will eventually be
put to our head and you know what, at
that point, we choose to take actions
as, you know, accordingly -- guns
and politicians and money teaming up
to destroy the people and the
environment. But right now there is
nothing intimidating me or stopping
me from taking any action necessary
as far as we democratically decide
within Sunset Park, in Brooklyn and

24

New York and the whole East Coast

25

and the whole Earth. Because when

1
2 you pollute one area, it just
3 doesn't just stay there, it just
4 doesn't affect the people and the
5 other living beings that depend on
6 that area. This thing is global, it
7 is worldwide. Even space is being
8 polluted, even space is being
9 polluted by the destructive
10 system that don't care about any of
11 us. It obviously don't really care
12 about themselves, because if they
13 care about themselves you think they
14 care about -- you know they care
15 about their children and they
16 children's children and so forth and
17 so on, but they obviously don't know
18 what is going on.

19 And we do need the engineers and
20 all the scientists to help us fix
21 this mess that a whole bunch of them
22 and their ass has gotten us into.
23 And they are some of them out there.

24 That's why the gentleman from the
25 organization, the environmental

1
2 organization gave us so much
3 information in just a few minutes of
4 how terrible the situation is.

5 So again, my name is Javier, you
6 can meet me right now as soon as
7 this over. Let's organize, let's
8 stand up and let's say "No," to this
9 power plant, no more power plants.
10 It is time to take action against
11 all this destruction and rebuild.
12 Let's do some gardening, let's set
13 up some gardens in there, let's
14 build some homes for homeless
15 people, you know, let's make them
16 environmentally safe and
17 sustainable, because that is what we
18 need in this future. If not, there
19 is no future and, you know what? If
20 they are going to destroy this
21 planet, then I say I will destroy
22 them before they destroy us.

23 Any time there was something that

24 is tangible that is destroying, that
25 tangible object needs to be

1
2 destroyed. And I am -- this is not
3 illogical and unreasonable. This
4 is the most logical thing that I can
5 think of and I am sure anybody here
6 can agree with, and I will challenge
7 them to tell me how there is another
8 solution to this if it is not
9 direct action and to make this power
10 plant stop. You tell me, what other
11 actions do we have other than
12 stopping this power plant from being
13 built, you tell me.

14 Thank you.

15 MS. ELIZABETH YEAMPIERRE: It
16 would really be nice to see people
17 doing something instead spewing
18 rhetoric, because rhetoric does not
19 transform a community, rhetoric does
20 not clean up people's lungs, rhetoric
21 really does not address the issues
22 of reducing emissions in this
23 community.

24

So for those who are fronts for

25

people who are running for public

1
2 office, if they get past this
3 political rhetoric, we will welcome
4 them in this struggle and all the
5 work that we have been doing now for
6 12 years to transform the landscape
7 of this community and all the policy
8 that we have been making happen all
9 over the City of New York. Because
10 anonymous blogs and that kind of
11 punk activity is not respected by
12 those of us who are true activists.

13 I will say this, if we are faced
14 with a possibility of actually
15 reducing emissions in this
16 community, are we supposed to say
17 that we are going to walk away from
18 the possibility of reducing
19 emissions? Is it irresponsible of us
20 to actually look at a possibility;
21 something that is different that may
22 actually contribute to that end, and
23 walk away from it? What we are saying

24 is that we want to get an engineer that
25 will work with this community board

1
2 and that we will look at the DEIS and
3 look at the air permit and we will
4 look at whether or not what is being
5 presented is really what is being
6 presented in emissions that are
7 actually going to be released. So
8 our organization has always been
9 responsible in making sure that
10 every recommendation that is made is
11 in the interest of this community.
12 And anybody who challenges that can
13 come up to me personally or can talk
14 to us or they can just do their
15 anonymous blog. But I want to
16 thank you for giving me the
17 opportunity to set that straight.

18 MR. ARTURO GARCIA-COSTAS: Could
19 you please identify yourself and
20 your organization.

21 MS. ELIZABETH YEAMPIERRE: My
22 name is Elizabeth Yeampierre and I
23 am the Executive Director of UPROSE

24 and the president of the New York
25 City Environmental Justice --

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2

MR. ARTURO GARCIA-COSTAS: Can
you spell your last name, please.

4

MS. ELIZABETH YEAMPIERRE: Y-E-
A-M-P-I-E-R-R-E.

5

6

THE REPORTER: Thank you.

7

MR. ARTURO GARCIA-COSTAS: Thank
you. Excuse me, sir.

8

9

Is there anyone else that would
like to provide a comment on the
DEIS or the clean air act permits?
Seeing no further speakers, this
hearing is closed.

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(Time noted at 8:10 p.m.)

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1 C E R T I F I C A T E

2

3 STATE OF NEW YORK)

4 : ss

5 COUNTY OF QUEENS)

6

7 I, JUDEEN M. DENNISTON, a reporter
8 and Notary Public within and for the
9 State of New York, do hereby certify:

10 That the within transcript is a true
11 and accurate record of the hearing
12 taken by me.

13 I further certify that I am not
14 related to any of the parties to this
15 action by blood or marriage, and that I
16 am in no way interested in the outcome
17 of this matter.

18 IN WITNESS WHEREOF, I have hereunto
19 set my hand this 20th day of April,
20 2009.

21

22

23

JUDEEN M. DENNISTON, RPR

24

25