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NRG NE Generating LLC
C/O Oswego Harbor Power
261 Washington Blvd.
Oswego, NY 13126

February 21, 2002

Ms. Monica Abreu Conley
Environmental Justice Coordinator
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway
Albany, NY 12233-1500

Re: Comments on Recommendations for the NYSDEC Environmental Justice Program

Dear Ms. Conley:

NRG Energy is pleased to present comments on the Environmental Justice report containing recommendations for creating an effective environmental justice program. NRG Energy owns and operates power production facilities across New York State. We have plans to redevelop some of those facilities so we are concerned how environmental justice is incorporated into permit review, State Environmental Quality Review Act procedures, and other components of the NYSDEC enforcement, public participation and grants programs.

The proposed program seems to represent a balanced approach to assessing environmental justice issues. It should be a useful framework to incorporate environmental justice issues into the permitting process.

Our primary concern regards the potential impact of an environmental justice program on existing facilities, permit renewals and permit applications. We believe that any environmental justice guidance implemented by the NYSDEC must be well defined and workable so as to not create undue delays in the permitting process. The permitting process in New York is already slow and cumbersome. Any additional delays will have a negative impact on the business climate. Therefore we do not agree with the report's recommendation to modify two existing regulatory time periods that apply to the SEQRA permit process, specifically the public comment period on a draft EIS and DEC's determination of significance.

One area of concern is the discussion of Technical Assistance Grants. We recognize the need this program but feel that the state, rather than a permit applicant should fund it. In addition, we are concerned that there is no discussion of the specific criteria and procedures needed to implement a Technical Assistance Grant program.

Finally, NRG is very concerned about the section regarding permit renewals in the report. We believe that this program should focus on new applications or major modifications and that permit renewals should generally not include any Environmental Justice requirements. If they are to be included, then the demographics at the time the original permit was issued should be reviewed instead of the current demographics. If not, then the facility is being subjected to additional regulatory requirements.

Sincerely,

A handwritten signature in cursive script that reads "Roger Caiazza".

Roger Caiazza
Environmental Manager

xc: J. Peress
T. Coates