



March 25, 2022

Mr. Chris Hogan
New York State Department of Environmental Conservation
Division of Environmental Permits
625 Broadway
Albany, New York 12233-1750
chris.hogan@dec.ny.gov

**RE: Draft Major Source Air Operating Permit (Title V)
Renewal and Draft Permit Acid Rain (Title IV) for Greenidge Generating Station
590 Plant Road, Dresden (Town of Torrey), Yates County, New York
DEC Permit ID No. 8-5736-00004/00017, Renewal 1**

Dear Mr. Hogan:

On behalf of Greenidge Generation LLC, we submit the following in further support of our application to renew the existing Title V Permit at our facility in Dresden. We understand that staff is focused not on Title V technical concerns but on issues relating to whether such renewal is consistent with New York's landmark Climate Leadership and Community Protection Act ("CLCPA"). As you know, our facility in Dresden makes up a fraction of the state's electricity generation capacity -- and even less of the statewide emissions reduction target for 2030. Therefore, we believe the text of the CLCPA -- coupled with the indisputable facts about our operation -- confirm that our facility's pending application is not at all 'inconsistent' with the CLCPA's statutory language, and renewal of our existing permit does not interfere with the attainment of statewide 2030 Greenhouse Gas ("GHG") emissions limits.

That said, we wish to reiterate again; to further demonstrate its CLCPA consistency, Greenidge is prepared to do more than the legal minimum -- and more that it has already done -- to reduce GHG emissions in support of the Department's effort to achieve CLCPA's goals.

Therefore, rather than devote the Department's finite resources to novel questions of CLCPA consistency which will almost inevitably result in extensive legal challenges, **Greenidge is hereby proposing what the Department may deem mitigation under the CLCPA consisting of a binding condition to be included in our Final Title V Air Permit that requires a 40% reduction in GHG emissions at our Dresden facility from the current permitted level, to be achieved by the end of this permit term in 2025.** We have outlined this additional mitigation below and are ready to meet with Department staff to discuss any questions with regard to this proposed mitigation condition.

Greenidge's Proposed Mitigation Package

Greenidge has already achieved significant GHG reductions over its 1990 baseline by converting from coal-firing to natural gas-firing and upgrading the facility's air pollution control equipment to comply with all applicable Non-Attainment New Source Review/Prevention of Significant Deterioration emissions



limits. In addition, in our August 2, 2021, supplement to our renewal application, we outlined a suite of six site-specific GHG reduction opportunities to be evaluated and, if feasible, implemented during the term of the renewed permit.

We are extremely proud of our record of environmental stewardship in Dresden. That said, we wish to do more. **We hereby propose the following two additional limits to be included in our Final Permit:**

- *A binding condition that requires a 40% reduction in GHG emissions from our current permitted level by the end of 2025 – a full five (5) years before the CLCPA’s statewide target date of 2030; and*
- *A requirement that Greenidge be a zero-carbon emitting power generation facility by 2035 - a full five (5) years before the statewide target for the electric generating sector found in Public Service Law § 66-p.*

Greenidge is Already Fully Consistent with the CLCPA

To put this mitigation proposal in perspective, the starting point for any CLCPA analysis is the requirement in Environmental Conservation Law (“ECL”) § 75-0107(1) that statewide emissions reductions are to be evaluated “as a percentage of 1990 emissions.” Moreover, the regulations necessary to implement this statute are not even due to be finalized for approximately two years.

As the Department has indicated, Greenidge is already fully compliant with its existing Title V Air Permit. NYSDEC analyzed the full range of potential adverse environmental impacts and found that our existing Permit would allow the Facility to operate on a full-time (24/7) basis at full capacity without causing significant adverse impacts to surface waters, air, plants or animals, historic or archaeological resources, energy demands, or solid waste management. Nevertheless, as noted above, Greenidge will offer as CLCPA mitigation an agreement to reduce maximum permitted GHG emissions at this facility by another 40% by the end of 2025.

With respect to the first test in the CLCPA of whether this specific permit renewal is “consistent with...” or would “interfere with...” the attainment of statewide greenhouse gas emissions limits established in article 75 of the ECL, here are several relevant facts, in addition to the above-referenced proposed limits, that we believe make clear that renewal of the Title V permit is CLCPA-compliant:

- *Even if running at our full permitted capacity, our 106 MW facility accounts for literally a small fraction of the approximately 38,000 MW of power generation capacity in the State of New York -- specifically 0.3 percent.*
- *Our emissions levels, even running at our full permitted capacity, amount to a small fraction -- 0.2% -- of the statewide emissions reduction target for 2030. Our Dresden facility does not move the needle in terms of meeting statewide goals.*



- *The statewide GHG emissions limits in the CLCPA need to be achieved five years and fourteen years after the date this permit would expire. It defies logic that a permit expiring years before the CLCPA limits take effect can be an obstacle to achieving compliance.*
- *Because of the retirement of Unit #3 in 2009 and the conversion of Unit #4 to primarily natural gas firing in 2017, **our facility’s current onsite and upstream potential carbon dioxide equivalent emissions are already approximately 70 percent lower than the coal-fired power plant’s actual emissions in 1990**, the statewide barometer enacted in the CLCPA to measure statewide emissions reductions.*
- *Our renewal application did not request any increase in generation capacity or any relief from any of the conditions in the existing Title V Air Permit.*
- *Moreover, the Department’s September 9, 2021, Permit Review Report (“PRR”) Renewal 1 and the draft Major Source Air Operating Permit (“Title V”) Renewal 1 found that that our “renewal application is essentially unchanged from the existing permit.”*
- *In the PRR, the Department considered each of the major elements of the Title V program, including Prevention of Significant Deterioration; National Emissions Standards for Hazardous Air Pollutants; Maximum Achievable Control Technology; as well as Acid Rain Control and Ozone Protection, and concluded that Greenidge “is in compliance with all requirements.”*
- *Greenidge is not generating any air emissions --either from electricity used for bitcoin mining or for delivery to the NYISO energy grid -- that are not already (a) subject to the strict terms and conditions of its existing Title V Air Permit and (b) fully accounted for by New York State’s federally approved Clean Air Act State Implementation Plan.*
- *Because it is an operating plant, supported by existing infrastructure, renewal of Greenidge’s existing Title V permit will not trigger additional in-state or upstream GHG emissions associated with the production or transmission of new sources of natural gas or other fossil fuels.*
- *We send power to the NYISO Grid each day that we operate.*

Conclusion

Greenidge has invested tens of millions of dollars on its environmental compliance programs. Our investment has generated significant economic activity and the Department’s failure to promptly renew our Title V Air Permit could cause significant, irreparable human and economic harm to local and state taxpayers, dozens of Upstate New York businesses, our partners in the International Brotherhood of Electrical Workers (IBEW) and our great employees and their families across the Finger Lakes community.

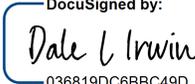
Local community leaders and our neighbors have spoken and spoken loudly; they have resoundingly rejected -- over and over -- and in public -- the repeated intentionally false accusations made against



Greenidge and our workers. Greenidge is a significant success story for the State of New York, by every measure including the CLCPA.

We thank the Department for its ongoing review of our application and look forward to finalizing a strong renewed permit.

Sincerely,

DocuSigned by:

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Dale Irwin
President
Greenidge Generation LLC