

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
6274 East Avon-Lima Road, Avon, NY 14414-9516  
P: (585) 226-5400 | F: (585) 226-2830  
www.dec.ny.gov

**Sent 1<sup>st</sup> Class Mail**  
**and via e-mail ([dirwin@greenidgellc.com](mailto:dirwin@greenidgellc.com))**

May 3, 2021

Mr. Dale Irwin  
Lockwood Hills, L.L.C.  
590 Plant Road, PO 18  
Dresden, NY 14441

Re: **Greenidge Station**  
**Title IV, Title V Renewal Application**  
**Notice of Incomplete Application**  
DEC ID #8-5736-00004/00016 and 00017  
Torrey (T), Yates (C)

Dear Mr. Irwin:

Based upon DEC's review of the application materials, DEC hereby provides notice to Greenidge that its application for a Title V and Title IV permit renewal is deemed incomplete, pending at least the receipt of the additional information discussed below. The requested information must be provided to and reviewed by staff prior to any determination that the renewal application is deemed complete.

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

To address Section 7(2) of CLCPA, please identify each GHG and calculate the facility's potential to emit GHG in tons per year and carbon dioxide equivalent (CO<sub>2</sub>e) emissions for the facility using the 20-year global warming potentials found in 6 NYCRR Section 496.5. The CLCPA analysis should also include calculations showing the facility's projected GHG and CO<sub>2</sub>e emissions in the years 2030, 2040, and 2050.

In addition, the CLCPA analysis should include actual GHG emissions from the facility, in tons per year and CO<sub>2</sub>e, for each year since 2015. Finally, the CLCPA analysis



should also include the anticipated actual GHG emissions from the facility, based on anticipated operation of the facility, for each year of the term of the permit.

For purposes of the CLCPA, Statewide GHG emissions include “upstream” out-of-state GHG emissions associated with the generation of electricity imported into the State, or the extraction, transmission, and use of fossil fuels imported into the State. Accordingly, please include any upstream emissions in the calculations. The Department has developed the attached draft document titled, “Preliminary Interim Draft Emission Factors for Use by State Agencies and Project Proponents,” which includes preliminary emission for facilities to use as they prepare analyses. As explained in the attached document, the values are intended to be presumptive, meaning a facility may use a different value in a given context, provided that a different value is supported by appropriate justification and analysis

Pursuant to ECL Article 75, the CLCPA’s Statewide GHG emission limits require a Statewide reduction in GHG emissions from 1990 levels of 40% by 2030 and 85% by 2050. Further, CLCPA requires that the energy generation sector be zero-emissions by 2040. Please discuss how the emissions from this facility will be mitigated or reduced consistent with these requirements, including the means the facility will use to meet the 2040 energy sector requirement. If there are no feasible ways to reduce GHGs, please explain that too. If GHG emissions will not be consistent with the Statewide GHG emission limits of the CLCPA, then we may need to discuss this further. In addition to the GHG requirements outlined above, calculations and discussions of mitigation measures for any co-pollutants should also be provided.

Please submit the required CLCPA information before September 6, 2021. As you are aware, 6 NYCRR Subpart 621.11(f)(2) states, “Where an application for permit renewal is timely filed, but determined insufficient, and the applicant subsequently provides required information prior to permit expiration, the application will be considered both timely and sufficient.”

Should you have questions, feel free to contact me at (585)226-5392 or by email at [kimberly.merchant@dec.ny.gov](mailto:kimberly.merchant@dec.ny.gov) or Michael Wheeler at 585-226-5318 or by email at [michael.wheeler@dec.ny.gov](mailto:michael.wheeler@dec.ny.gov).

Sincerely,



Kimberly A. Merchant  
Deputy Regional Permit Administrator

Attached: Preliminary Interim Draft Emission Factors for Use by State Agencies and Project Proponents”

Ecc: Dudley Loew, Acting Regional Attorney, OGC, DEC Region 8  
Lisa Schwartz, Senior Attorney, OGC, DEC Region 8  
Bernette Shilling, RE, DEC Region 8  
Thomas Haley, RPA, DEP, DEC Region 8  
Yuan Zeng, DAR, DEC Region 8  
Michael Wheeler, DAR, DEC Region 8  
Scott Sheeley, DEP, CO  
Dave Murtha, ERM  
Danielle Mettler-LeFeir, Barclay Damon LLP