

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits

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August 13, 2021

Via Email

Robert Leslie, AICP
Director of Planning
Town of Bethlehem
445 Delaware Avenue
Delmar, NY 12054
rleslie@townofbethlehem.org

Re: NYSDEC Comments on Final Scoping Document
Albany Port District Commission - Port of Albany Expansion Project
Marmen-Welcon Tower Manufacturing Plant
Beacon Island Site, Town of Bethlehem, Albany County

Dear Mr. Leslie:

The New York State Department of Environmental Conservation (NYSDEC) respectfully submits the following comments in response to the Final Scoping Document for the preparation of a Supplemental Draft Environmental Impact Statement (SDEIS) for the Albany Port District Commission (APDC) Port of Albany Expansion Project (hereafter, "Proposed Action"). The Final Scoping Document was prepared by the Town of Bethlehem Planning Board as Lead Agency on July 1, 2021 and received by NYSDEC on July 8, 2021. NYSDEC previously provided comments on the Generic Environmental Impact Statement (GEIS) prepared for the Proposed Action in letters dated August 30, 2019, September 13, 2019 and September 16, 2019.

Description of the Proposed Action

The Proposed Action involves site plan approval for a 604,000 +/- square foot offshore wind tower manufacturing plant contained within 5 separate buildings. The following is a breakdown of the function and size of each building:

- Building A Plate Preparation & Welding (291,617 s.f.)
- Building B Welding Finishing (89,074 s.f.)
- Building C Blast Metallization Plant (142,371 s.f.)
- Building D Internal Assembly finishing (67,217 s.f.)
- Building E Material receiving (13,500 s.f.) – *(located at 700 Smith Boulevard)*



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The Proposed Action also includes a 500 linear foot wharf along the Hudson River to ship completed tower sections out to sea and a new bridge over the Normanskill for truck deliveries to the Proposed Action site.

NYSDEC Comments on Final Scoping Document

As an involved agency, pursuant to the State Environmental Quality Review Act (SEQR), NYSDEC has reviewed the Final Scoping Document and has several comments regarding the proposed scope and content of the SDEIS. The Summary of Action in the Final Scoping Document describes the following four items that were not contemplated in the GEIS:

- Using 2.5 acres of National Grid's property,
- Using the 14-acre 700 Smith Boulevard property,
- A maximum building height of 100 feet which exceeds the established threshold of 85 feet, and
- Impacts to Submerged Aquatic Vegetation.

In addition to these items, based on NYSDEC's understanding of the Proposed Action, NYSDEC recommends that the following additional items be more fully addressed in the SDEIS so that all potential significant environmental impacts are identified and fully evaluated. A comprehensive SDEIS is essential for NYSDEC and other involved agencies to prepare SEQR findings before making discretionary approvals.

3.2 Vegetation and Wildlife

The SDEIS should include a more robust analysis of the potential impacts to Atlantic and shortnose sturgeon resulting from dredging, the wharf construction and the proposed bridge across the Normanskill. This analysis should include, but should not be limited to, an evaluation of underwater sound levels, impacts resulting from habitat alteration and removal. The SDEIS should also evaluate specific avoidance, minimization and mitigation measures that would address potential impacts to sturgeon species caused by the Proposed Action.

The SDEIS should specifically address the potential impacts to State designated Significant Coastal Fish and Wildlife Habitats.

3.4 Floodplains and Floodways

The SDEIS should include consideration of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act (CRRA).

In addition to discussing the impacts that building in the floodplain or floodway will have on surrounding and downstream properties, the SDEIS should include a discussion of proposed impacts to upstream properties.

3.6 Climate and Air

Title V Facility Permits are required for all facilities with air emissions greater than major stationary source thresholds; a Title V Facility Permit will likely be required for the tower manufacturing operation. NYSDEC is delegated to issue Clean Air Act Title V permits by the U.S. Environmental Protection Agency. The SDEIS should include a comprehensive analysis of the potential air quality related impacts related to the tower manufacturing operations. The addition of a major stationary source as part of the Proposed Action is a significant change and should be fully evaluated in the SDEIS.

The SDEIS should include an assessment of greenhouse gas (GHG) emissions and how the project aligns with the Climate Leadership and Community Protection Act (CLCPA), as required by § 7(2) of the CLCPA. This review should assess the alignment of the Proposed Action with the achievement of the statewide GHG limits established in Article 75 of the Environmental Conservation Law as reflected in Title 6 of the New York Codes, Rules, and Regulations Part 496. The specific gases subject to the law are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride (see 6 NYCRR Part 496). The Proposed Action should seek to mitigate emissions of any relevant GHGs, such as by minimizing the combustion of fossil fuels.

The SDEIS should consider the Proposed Action's impacts on disadvantaged communities including measures being taken to ensure GHG emissions and co-pollutants are not disproportionately burdening disadvantaged communities.

3.7 Traffic and Transportation

It is recommended that the SDEIS use a more generic term such as "commercial vessel traffic" so that all commercial vessel traffic (e.g., container ships, tankers, cruise ships, etc.) is considered. The term "maritime barge traffic" is specific to only a single type of vessel.

3.20 Environmental Justice Policy

The SDEIS should more fully consider environmental justice issues, especially considering that the Proposed Action will likely require a Title V Facility Permit for the new major stationary air emission source for the tower manufacturing operation. NYSDEC strongly recommends that the SDEIS include a copy of the enhanced Public Participation Plan (PPP) and other required elements of NYSDEC Commissioner Policy-29 given the proximity of the Proposed Action to a Potential Environmental Justice Area.

Thank you for considering these comments. If you have any questions, please feel free to contact me at karen.gaidasz@dec.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Karen M. Gaidasz". The signature is written in a cursive style with a large, looping flourish at the end of the last name.

Karen M. Gaidasz
Offshore Wind & Hydroelectric Section Chief
Energy Project Management Bureau