

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits

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August 31, 2023

### VIA EMAIL

To: **Interested Parties and Stakeholders:**

Re: **Response to Public Comments on NYSDEC Permit Applications**  
State Pollutant Discharge Elimination System (SPDES) – DEC # 4-0199-00059  
Air State Facility (ASF) – DEC # 4-0122-00322  
Port of Albany Offshore Wind Expansion Project  
Marmen-Welcon Tower Manufacturing Plant  
Beacon Island Parcel, Bethlehem NY, Albany County

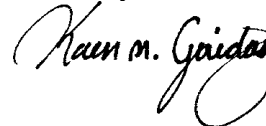
On January 31, 2022 and March 1, 2022, New York State Department of Environmental Conservation (NYSDEC) received permit applications from Marmen Energy Co and the Albany Port District Commission, respectively, for the proposed Port of Albany Offshore Wind Expansion Project (Project).

The permit applications were determined complete on June 12, 2023 and a public comment period ran from that date until July 17, 2023. NYSDEC has reviewed the public comments that were submitted and prepared a summary of the comments in the attached “Response to Comments” document.

Based on our careful review of the application materials and applicable regulatory standards, NYSDEC has issued the above referenced permits for the Project. A copy of the issued permits are attached for your information.

You are receiving this because you submitted comments during the public comment period or otherwise had an interest in the proposed Project. Thank you for taking the time to comment and participate in NYSDEC’s review of the applications.

Sincerely,



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

**Response to Public Comments received on the SPDES Application**

The following table provides a summary of the commentors, and public comments received.

**Table 1: Summary of Public Comments on the SPDES Application**

No.	Name	Date – Public Comment Letter	Number of Comments / Responses per Letter
1	Dan Maier	July 10, 2023	2
2	Amanda Rowlands	July 13, 2023	3
3	Jack Brennan	July 13, 2023	2
4	Chris Dempf	July 14, 2023	3
5	Sylvia Rowlands	July 14, 2023	4
6	Chris Dempf	July 17, 2023	1

The following is a summary of the public comments on the SPDES application and responses to the comments:

**1. Comments from Dan Maier, dated July 10, 2023**

**Comment 1-1:**

***The Wind Tower Manufacturing project is planned to be built on 82 acres of coal ash deposited there by the South Albany Steam Generating plant from the 1950's through the late 1960's. This site borders the Normanskill Creek and the Hudson River where it will negatively impact the submerged aquatic vegetation, the sturgeon habitat, the ground water drinking supply for many of the town of Bethlehem residents using 2 private wells and the overall health of this ecosystem. I am sure that you are well aware of the extremely harmful effects of coal ash and its cancer-causing heavy metals. The coal ash is at some spots 25 feet deep and estimated to be between 2 million tons and 10 million tons depending on the algorithm used.***

**Response 1-1:**

*As identified by the Commenter, the Beacon Island site was previously used for disposal of coal combustion residuals from 1952 until 1970 by Niagara Mohawk. According to the Soil Management Plan (ATL Report No. AT5596CE-05-10-20) prepared for the Beacon Island site, ash-impacted soils are present at the site in a widespread condition, and predominantly observed on the west side of the site. As of 1970, the site was required by New York State Department of Health (NYSDOH) regulations to cover coal combustion residuals with at least two (2) feet of suitable cover material (Public Health Law Part 19 Refuse Disposal). Potential impacts from construction on the ash-impacted soils will be addressed through adherence to and implementation of the following plans and approvals:*

- a. *A Soil Management Plan developed by Atlantic Testing Laboratories contains protocols to control erosion, turbidity, and dust. Additionally, due to the presence of coal ash, the Soil Management Plan addresses protocols for monitoring, sampling and analysis of coal combustion residuals during excavation and site work.*
- b. *A Community Air Monitoring Plan (CAMP) was prepared and is being implemented to address the potential for air impacts resulting from the excavation of coal ash.*
- c. *Construction related impacts will be mitigated through appropriate erosion and sediment controls as described within the Stormwater Pollution Prevention Plans (SWPPPs) which were designed for the Project in accordance with the NYSDEC New York State Standards and Specifications for Erosion and Sediment Control. Additionally, post-construction stormwater management controls were designed as required in the NYSDEC Stormwater Management Design Manual to address water quality and quantity management. The SWPPPs for the Beacon Island Site and the 700 Smith Boulevard site were reviewed and approved by the Town of Bethlehem and City of Albany with the Town and City issuing a Municipal Separate Storm Sewer System (MS4) SWPPP Acceptance Forms on August 10, 2022 and October 6, 2022, respectively.*
- d. *To address the approximately 15,000 cubic yards of coal combustion residual impacted soil that is expected to be disturbed during construction, the Project will cap the landfilled coal ash by the proposed site development (i.e., construction of impervious areas and structures). The Project received a validated Landfill Reclamation Registration from NYSDEC on October 28, 2022 which requires compliance with 6 NYCRR Part 360 regulations.*
- e. *As required in NYSDEC permits issued on November 10, 2022 (DEC # 4-0122-00322), APDC prepared a Groundwater Monitoring Well Plan which included the installation of five (5) groundwater wells along the banks of the Hudson River. The intent of the Plan is to monitor for potential contaminant migration resulting from construction activities over the coal ash landfill. Groundwater monitoring has been conducted monthly since December 2022 and will continue until construction activities are completed. Monitoring shall continue post-construction every six (6) months until NYSDEC determines it can be discontinued based on review of sampling results.*
- f. *Impacts to sturgeon and submerged aquatic vegetation are beyond the scope of the noticed SPDES permit application, however, they were previously addressed in an Incidental Take Permit (ECL Article 11 and 6 NYCRR Part 182) issued by NYSDEC on November 10, 2022 (DEC # 4-0122-00322) and an SAV Mitigation Plan which will be implemented per United State Army Corps of Engineers (USACE) Permit No. NAN-2021-00948-UDA issued on April 10, 2023.*

**Comment 1-2:**

***Another major concern with building on the Beacon Island site is the fact that the entire 82 acres of this proposed project is within the 100 year flood plain. We are acutely aware of the more severe weather patterns and increased flooding as seen today in the State of Emergency for New York State. If you have read the SWPPP, you will see the major issue with stormwater runoff as well.***

**Response 1-2:**

*Most of the Project is mapped within the 100-year floodplain of the Hudson River based on the most current Federal Emergency Management Agency (FEMA) map (Map No. 36001C0307D, effective March 16, 2015). Accordingly, the Project was designed such that all building lowest floor elevations are at the lowest possible engineered elevation of 20.3 feet, providing a minimum elevation of 2.3 feet above the current FEMA 100-year base flood elevation and 1.3-feet above the NYSDEC “Low Projection” of climate related sea-level rise to year 2100. The Draft Generic Environmental Impact Statement (DGEIS) looked at sea level rise over time because of climate change and found that the project’s floodplain design standards will meet or exceed floodplain development requirements and building codes. Additionally, the Project has obtained a Floodplain Development Permit pursuant to Bethlehem Town Code Chapter 69-Flood Damage Prevention.*

**2. Comments from Amanda Rowlands, dated July 13, 2023**

**Comment 2-1:**

***The unstable coal ash soil, compounded by the weight of mounds of stone, crushed cement, and gravel used for compaction, further exacerbates the potential for groundwater contamination and surface leakage, creating an immediate threat to the health and safety of our community.***

**Response 2-1:**

*See response to Comment 1-1, specifically Response 1-1e.*

**Comment 2-2:**

***Additionally, the environmental implications of adding treated wastewater to the Hudson River are cause for great concern.***

**Response 2-2:**

*The Project includes the installation of an onsite package wastewater treatment plant capable of achieving tertiary treatment. Tertiary wastewater treatment is the third or final stage of the wastewater treatment process that removes contaminants like nutrients, suspended solids, organic materials, metals, and pathogens from wastewater. Tertiary treatment is used at municipal wastewater treatment plants when receiving water conditions or other uses require higher quality effluent than that produced by secondary wastewater treatment. The proposed discharges would not result in violation of water quality standards. The SPDES permit for the wastewater discharge includes limitations*

*for all pollutants or parameters which are or may be discharged at a level which may cause or contribute to an exceedance of any State water quality standard adopted pursuant to Environmental Conservation Law 17-0301. Water quality standards can be found under Title 6 of the New York Codes, Rules, and Regulations (6 NYCRR) Parts 700-704. The limitations are stringent enough to ensure that water quality standards are met in the receiving water (Hudson River). The permit requires regular water sampling and results must be submitted to NYSDEC monthly. The SPDES Fact Sheet, which was public noticed with the draft permit, provides a detailed explanation how the permit limits were developed.*

**Comment 2-3:**

***Furthermore, it is crucial to acknowledge that the failure to meet the requirements outlined by the State Environmental Quality Review (SEQR) invalidates any permitting process associated with the project. This non-compliance not only calls into question the project's integrity but also opens the NYSDEC to potential legal consequences.***

**Response 2-3:**

*NYSDEC fully complied with the State Environmental Quality Review (SEQR) Act pursuant to Article 8 of the ECL and its implementing regulations in 6 NYCRR Part 617. NYSDEC considered the relevant environmental impacts, facts, and conclusions disclosed in the Generic Environmental Impact Statement (GEIS) and Supplemental Environmental Impact Statement (SEIS). As an involved agency, NYSDEC prepared its own SEQR findings following acceptance of a final Environmental Impact Statement (EIS) by the Town of Bethlehem. The Lead Agency (Town of Bethlehem) was required to make its findings no more than 30 calendar days after the final EIS was filed and other involved agencies (NYSDEC) may make their findings whenever they make their final decisions. NYSDEC issued a Findings Statement for this project on November 10, 2022, which concluded NYSDEC's obligations under 6 NYCRR Part 617.*

**3. Letter (Comments) from Jack Brennan, dated July 13, 2023**

**Comment 3-1:**

***Everyone knows that pumping treated wastewater into the Hudson River will hurt the water and aquatic life. And putting nitrogen, phosphorus, bacteria, viruses, and protozoan pathogens from the wastewater treatment process will damage the river's ecosystem and the communities that use the Hudson River water.***

**Response 3-1:**

*See response to Comment 2-2.*

**Comment 3-2:**

***I am told that there is "leakage of coal ash toxins into the Hudson River", caused by the enormous piles of rock, cement, and stone used is what you have called preconstruction. My father is a contractor, and he says that the preconstruction***

***you approved is really construction and if he were to do the same on his next project he would immediately be shut down by any building department in NYS.***

Response 3-2:

See response to Comment 1-1.

**4. Comments from Chris Dempf, dated July 14, 2023**

**Comment 4-1:**

***An additional permit was also apparently obtained from the DEC without a proper noticed opportunity for comment and to request a public hearing in the DEC Environmental bulletin (“EBN”) (sic) dated May 25, 2022. No public hearing opportunity was provided in the May 25, 2022 notice. This failure, if not fatal, is contrary to good government and transparency for the public. The proposed wind tower factory project was improperly described and noticed to the public. Not only was an unnoticed reclamation permit issued on November 10, 2022 and major disturbance of a legacy coal ash landfill and ponds were approved by NYSDEC. The underlying project site location, distance in relation to residential property and use by the applicant of a short form environmental assessment submitted to the Town of Bethlehem Zoning Board of Appeals failed to disclose that the subject property and adjoining areas are contaminated with coal ash and heavy metals such as arsenic, lead, mercury, etc. At the Zoning Board of Appeals public hearing on March 16, 2023, not only did the applicant misrepresent that there were no residential properties within 600’ of the project site location, but also the Chairman of the Zoning Board of Appeals expressly relied upon this misinformation in granting at least four (4) substantial variances and more than doubling the size of this project from approximately 18,000,000 cubic feet to 54,000,000 cubic feet. The Town of Bethlehem Zoning Board Appeals and Planning Board not only failed to [provide mitigation to those property owners withing 200’ of the proposed wind tower factory but also failed to provide mitigation to those adversely affected by this project. The facility in the May 25, 2022 DEC Environmental Notice bulletin inadequately describes it as “Beacon Island, Bethlehem, NY” in contracts to the June 14, 2023 DEC Environmental Notice Bulletin which describes it as “309 River Road – Beacon Island, Bethlehem, NY, 12077”.***

Response 4-1:

*On May 25, 2022, a Notice of Complete Application was published in the Environmental Notice Bulletin for the Article 15 Protection of Waters Permit and the Article 11 Endangered/Threatened Species (Incidental Take) applications. Additionally, the Notice of Complete Application was published in the Albany Times Union on May 20, 2022. In accordance with 6 NYCRR 621.8 (a), “After a permit application for a major project is complete” and “notice in accordance with section 621.7 of this Part has been provided, the department must evaluate the application and any comments received to determine*

*whether a public hearing will be held.” NYSDEC did not receive any public comments in response to the public notices and therefore did not hold a public hearing.*

**Comment 4-2:**

***As relates to public interest we respectfully direct your attention two (2) pending Supreme Court Proceedings relating to this proposed wind tower factory project (Index No.:905731-22; 902286-23). Importantly, these two (2) proceedings and a third proceeding initiated by four (4) other Glenmont residents, demonstrates overwhelming public and media interest in this project and the concern of adverse impacts to the environment and public health. It has been pointed out throughout this process that this proposed massive factory within 200’ of residential property is larger than even the Empire State Plaza project (102 acres vs. 98 acres). A critical factor is that the proposed wind tower factory lies within the Normanskill – Hudson River tidal estuary. Importantly, NEPA is conducting its own Federal review of this project through the Army Corps of Engineers and various Federal agencies including but not limited to Environmental Protection Agency (EPA). Despite the lack of approvals, the applicants continues with an improperly Segmented project putting out environment and health at risk.***

***Many residents have submitted comments to these applications under review further demonstrating the wide spread (sic) interest and concern for our environment and health, which has not to date been affectively discussed or analyzed.***

**Response 4-2:**

*See response to Comment 2-3.*

*A NEPA review was completed prior to the issuance of USACE Permit No. NAN-2021-00948-UDA.*

**Comment 4-3:**

***As far as coastal management and waterfront revitalization, the applicant failed to consider easement rights of at least one neighbor and property to access the Hudson River through Beacon Island and the historical use of these former islands and lands of other neighbors for recreational hiking, picnicking, fishing, and family activities these historical uses were not properly considered. The environmental justice impacts of this project of elderly and low income neighbors along River Road, Old River Road, were not properly considered.***

**Response 4-3:**

*The Project was subject to review by the New York Department of State (NYDOS) and obtained a consistency certification with the New York State Coastal Zone Management Program on May 12, 2022 (DOS # F-2021-0757).*

**5. Comments from Sylvia Rowlands, dated July 14, 2023**

**Comment 5-1:**

***Despite the wastewater treatment process, which typically removes only 60% of waste, significant challenges arise in dealing with the resultant sludge. In layman's terms, the NYSDEC has tentatively approved a permit that would allow 13,300 gallons per day of 60% treated sewage (NYS Geological Survey), or the equivalent of 5,320 gallons of raw sewage, to be discharged into the historic Hudson River.***

**Response 5-1:**

***See response to Comment 2-2. In addition, the SPDES permit requires a minimum of 85% removal of BOD<sub>5</sub> and Total Suspended Solids and the effluent will be disinfected prior to discharge to the Hudson River from May 1 to October 31. Please note that 100% of the influent will be treated before being discharged to the Hudson River.***

**Comment 5-2:**

***We would like to highlight Beacon Island's known coal ash history and eligibility for a legacy surface impoundment designation raises concerns relative to issuing permits allowing additional pollutants to be released at the site. It is public knowledge that coal ash is known to contain a multitude of heavy metals and toxins that can have detrimental effects on ecosystems and human health. Considering the current and on-going pollution from the coal ash, granting an Industrial SPDES permit to release more pollutants to the proposed Marmen-Welcon Tower Manufacturing Facility at this time would be imprudent and irresponsible.***

***Furthermore, recent testing conducted by ATL (Analytical Testing Laboratories) between 2017 and 2022 has confirmed the presence of heavy metal contaminants in the groundwater surrounding the facility, exceeding accepted state and federal levels. This current groundwater contamination raises significant alarm bells regarding further pollution through "treated" sewage discharge. Given the existing contamination and the potential exacerbation caused by the proposed facility's activities, granting an SPDES permit would further endanger the surrounding environment and nearby communities.***

**Response 5-2:**

***See responses to Comment 1-1, Comment 2-2 and Comment 5-1.***

**Comment 5-3:**

***In addition to the groundwater contamination, the facility's current issue with contaminated groundwater surface leakage must be addressed urgently before adding additional wastewater pollutants. The mounds of stone, crushed cement, and gravel used in an attempt to compact the unstable coal ash soil has contributed to the compromised integrity of the proposed storm water pollution***



***prevention system, resulting in surface leakage. This leakage poses an immediate threat to nearby water bodies, including the Hudson River and Normanskill and nearby streams, exacerbating the culminating contamination concerns, endangering aquatic ecosystems and raises serious concerns of the potential for the coal ash soil cohesion.***

Response 5-3:

See responses to Comment 1-1, Comment 2-2 and Comment 5-1.

**Comment 5-4:**

***Moreover, it is essential to note that the project has failed to meet the requirements set forth by the State Environmental Quality Review (SEQR). This failure invalidates any permitting process associated with the project and raises questions about the thoroughness and validity of the proposed operations. This non-compliance also exposes the New York State Department of Environmental Conservation (DEC) to potential legal action.***

Response 5-4:

See response to Comment 2-3.

## **6. Comments from Chris Dempf, dated July 17, 2023**

**Comment 6-1:**

***We are writing to request a public comment hearing about the two proposed permits for Beacon Island in the Town of Bethlehem in Albany County / DEC Region 4. We would like to ensure that full consideration is given to the potential environmental and environmental justice issues arising from the proposed projects for the Wind Tower Manufacturing Project. We would like fair treatment in this concern and an opportunity for the residents of adjacent disadvantaged communities in South Albany and in Glenmont to provide critical input on the proposed permits and environmental and social impacts. Isn't it time that the residents of Glenmont are finally heard?***

Response 6-1:

*NYSDEC received permit applications for the Project on January 31, 2022 and March 1, 2022. The permit applications were determined complete on June 12, 2023 and a public comment period ran from that date until July 17, 2023. NYSDEC evaluated the application and the public comments received and determined that a public hearing was not needed.*

**Response to Public Comments received on the ASF Application**

The following table provides a summary of the commentors, and public comments received.

**Table 1: Summary of Public Comments on the ASF Application**

No.	Name	Date – Public Comment Letter	Number of Comments / Responses per Letter
1	Dan Maier	July 10, 2023	2
2	George Brennan	July 13, 2023	3
3	Jack Brennan	July 14, 2023	3
4	Chris Dempf	July 14, 2023	3
5	Sylvia Rowlands	July 14, 2023	2
6	Chris Dempf	July 17, 2023	1

The following is a summary of the public comments on the ASF application and responses to the comments:

**1. Comments from Dan Maier, dated July 10, 2023**

**Comment 1-1:**

***Another major concern is the clear-cutting of 82 acres of established forest and shrubland and the lack of immediate deforestation as recommended by the Army Corp of Engineers. By clearing the 82 acres of forest and shrubland, the Port of Albany destroyed the land's ability to capture carbon dioxide from the environment. A similar area of 84 acres on the Cornell Campus sequestered 230 metric tons of carbon dioxide annually. According to the Cornell Botanical Garden's article on "Calculating Carbon Capture," the value of the carbon offset is even greater when considering all of the social, economic and environmental benefits this former natural area provided. A study conducted by the International Carbon Reduction and Offset Alliance (ICROA) quantified these additional values.***

***The ICROA found that every ton of carbon reduced yields an additional value of \$664 in the ecosystem. This raises the value of the previously forested Beacon Island and to the broader community to an additional value of \$151,720 annually.***

**Response 1-1:**

***All necessary permits and approvals were obtained for the respective development phases of the Project.***

**Comment 1-2:**

***It was brought to my attention by the well-known environmentalist, Judith Enck, who informed me that the entire Beacon Island project will be run by natural gas from FRACKING WELLS! I am sure that you know how extremely dangerous and***

***environmentally damaging these wells are to our environment, So damaging that NYS has banned this process. I find it hard to believe that the DEC would back such an environmentally damaging project. Can you imagine how many millions and millions of cubic feet of fracked natural gas will be used to run just the blast metallization furnace running 24 hours a day, 7 days a week, 365 days a year!***

Response 1-2:

*The Project would be connected to the power grid and energy would be supplied by National Grid USA Service Company, Inc. The source of gas provided by National Grid is not under review, nor is it under the jurisdiction of NYSDEC.*

**2. Comments from George Brennan, dated July 13, 2023**

**Comment 2-1:**

***I'm writing to tell you that I'm against giving permits to Marmen-Welcon Tower Manufacturing Facility. They want to pump treated wastewater into the Hudson River, which will harm the water and the animals that live there. It will add nitrogen, phosphorus, bacteria, viruses, and other bad things to the river. If they're allowed to pollute the air too, it will make things even worse.***

Response 2-1:

*The Project will employ highly automated, state-of-the-art equipment designed to manufacture towers and transition pieces while minimizing air emissions to meet all applicable regulatory requirements. In addition, best management practices (BMPs) would be implemented, as applicable, such as:*

- *Installing a high efficiency cartridge dust collector.*
- *Performing fabrication activities indoors.*
- *Equipping the building ventilation system with fabric filters for control of particulates.*
- *Implementing a fully enclosed blast room to minimize emissions.*
- *Operating and maintaining all process emission sources, including the associated air pollution control and monitoring equipment, in a manner consistent with safety, good air pollution control practices, good engineering practices and manufacturers' recommendations for minimizing emissions.*

*The Project is required to maintain emissions records to ensure permit requirements are met.*

*Also see response to comments on SPDES Application, Comment 2-2.*

**Comment 2-2:**

***Even though Marmen-Welcon says they'll keep the air pollution low, I've heard about what happened with Norlite. Sometimes, promises aren't enough. We need to rely on science and find solutions that are good for the environment.***

**Response 2-2:**

*Prior to permit issuance, NYSDEC reviewed the potential environmental impacts of the facility's construction and operation. The permit conditions contain various limits designed to minimize air emissions. NYSDEC retains authority to take appropriate enforcement actions, including revocation, if the Facility does not act in compliance with the permits.*

**Comment 2-3:**

***I also heard that two lawsuits were taken because the Town of Bethlehem didn't follow the rules for protecting the environment. Doesn't that mean you can't give permits until they follow the rules?***

**Response 2-3:**

*NYSDEC is named in two lawsuits challenging the validity of NYSDEC's SEQR determinations. The pending lawsuits do not preclude NYSDEC from issuing permits for the Project.*

**3. Comments from Jack Brennan, dated July 14, 2023**

**Comment 3-1:**

***While you have said that Marmen-Welcon intends to keep air pollution discharges from its factory at a low level I know about the Norlite incident, and the promises made by the factory owners there. It is important you rely on science and data solutions instead of falling back on the "because it is what we have always done" mentality.***

**Response 3-1:**

*See responses to Comment 2-1 and Comment 2-2.*

**Comment 3-2:**

***Furthermore, I understand that 2 Article 78s were filed because the Town of Bethlehem did not follow the State Environmental Quality Review (SEQR) rules. Doesn't that mean that you cannot give permits until the law is followed by the Town of Bethlehem?***

**Response 3-2:**

*See response to Comment 2-3.*

**Comment 3-3:**

***If you approve the permit to allow air pollution, it will only add to the destruction of the wastewater being pumped into the river.***

**Response 3-3:**

*See response to Comment 2-1.*

**4. Comments from Chris Dempf, dated July 14, 2023**

**Comment 4-1:**

***An additional permit was also apparently obtained from the DEC without a proper noticed opportunity for comment and to request a public hearing in the DEC Environmental Bulletin (“EBN”) [sic] dated May 25, 2022. No public hearing opportunity was provided in the May 25, 2022 notice. This failure, if not fatal, is contrary to good government and transparency for the public. The proposed wind tower factory project was improperly described and noticed to the public. Not only was an unnoticed reclamation permit issued on November 10, 2022 and major disturbance of a legacy coal ash landfill and ponds were approved by NYSDEC. The underlying project site location, distance in relation to residential property and use by the applicant of a short form environmental assessment submitted to the Town of Bethlehem Zoning Board of Appeals failed to disclose that the subject property and adjoining areas are contaminated with coal ash and heavy metals such as arsenic, lead, mercury, etc. At the Zoning Board of Appeals public hearing on March 16, 2023, not only did the applicant misrepresent that there were no residential properties within 600’ of the project site location, but also the Chairman of the Zoning Board of Appeals expressly relied upon this misinformation in granting at least four (4) substantial variances and more than doubling the size of this project from approximately 18,000,000 cubic feet to 54,000,000 cubic feet. The Town of Bethlehem Zoning Board Appeals and Planning Board not only failed to provide mitigation to those property owners withing 200’ of the proposed wind tower factory but also failed to provide mitigation to those adversely affected by this project. The facility in the May 25, 2022 DEC Environmental Notice bulletin inadequately describes it as “Beacon Island, Bethlehem, NY” in contracts to the June 14, 2023 DEC Environmental Notice Bulletin which describes it as “309 River Road – Beacon Island, Bethlehem, NY, 12077”.***

**Response 4-1:**

*On May 25, 2022, a Notice of Complete Application was published in the Environmental Notice Bulletin for the Article 15 Protection of Waters Permit and the Article 11 Endangered/Threatened Species (Incidental Take) applications. Additionally, the Notice of Complete Application was published in the Albany Times Union on May 20, 2022. In accordance with 6 NYCRR 621.8 (a), “After a permit application for a major project is complete” and “notice in accordance with section 621.7 of this Part has been provided, the department must evaluate the application and any comments received to determine*

*whether a public hearing will be held.” NYSDEC did not receive any public comments in response to the public notices and therefore did not hold a public hearing.*

**Comment 4-2:**

***As relates to public interest we respectfully direct your attention two (2) pending Supreme Court Proceedings relating to this proposed wind tower factory project (Index No.:905731-22; 902286-23). Importantly, these two (2) proceedings and a third proceeding initiated by four (4) other Glenmont residents, demonstrates overwhelming public and media interest in this project and the concern of adverse impacts to the environment and public health. It has been pointed out throughout this process that this proposed massive factory within 200’ of residential property is larger than even the Empire State Plaza project (102 acres vs. 98 acres). A critical factor is that the proposed wind tower factory lies within the Normanskill – Hudson River tidal estuary. Importantly, NEPA is conducting its own Federal review of this project through the Army Corps of Engineers and various Federal agencies including but not limited to Environmental Protection Agency (EPA). Despite the lack of approvals, the applicants continues with an improperly Segmented project putting out environment and health at risk.***

***Many residents have submitted comments to these applications under review further demonstrating the wide spread interest and concern for our environment and health, which has not to date been affectively discussed or analyzed.***

**Response 4-2:**

See response to Comment 2-3.

*A NEPA review was completed prior to the issuance of USACE Permit No. NAN-2021-00948-UDA.*

**Comment 4-3:**

***As far as coastal management and waterfront revitalization, the applicant failed to consider easement rights of at least one neighbor and property to access the Hudson River through Beacon Island and the historical use of these former islands and lands of other neighbors for recreational hiking, picnicking, fishing, and family activities these historical uses were not properly considered. The environmental justice impacts of this project of elderly and low income neighbors along River Road, Old River Road, were not properly considered.***

**Response 4-3:**

*The Project was subject to review by the New York Department of State (NYDOS) and obtained a consistency certification with the New York State Coastal Zone Management Program on May 12, 2022 (DOS # F-2021-0757).*

**5. Comments from Sylvia Rowlands, dated July 14, 2023**

**Comment 5-1:**

***Beacon Island, with its historical background and status as an unofficial solid waste dump for many toxic materials, including coal ash, raises significant concerns about potential environmental risks associated with groundwater and river sediment contamination. The groundwater on Beacon Island has been reported to reach the surface up to approximately 11 feet below, while the coal ash is present on the surface to a depth of approximately 27 feet. This indicates direct contact between the coal ash and groundwater, which raises the potential for leaching of toxic heavy metals into the surrounding environment.***

***Multiple water and soil tests conducted by Atlantic Testing Laboratories (ATL) between 2017 and 2021 have revealed contamination levels above state and federal limits in the groundwater, riverbank, and river sediment on Beacon Island. Elevated detection limits for arsenic, lead, chromium, aluminum, and iron have been observed, all of which exceed state and federal requirements. These heavy metals pose significant health threats to humans, with arsenic being particularly concerning. Volatile organic compounds detected in the area, such as fluorobenzene, chlorobenzene-d5, 1,4-dichlorobenzene-d4, 1,2-dichloroethane-d4, toluene-d8, dibromofluoromethane, and 4-bromofluorobenzene, have also been found to be outside the acceptance criteria set by state and federal guidelines.***

***The March 1980 report from the State of New York Department of Public Service Office of Environmental Planning explicitly describes Beacon Island as an area filled with dredge spoil and coal waste, with approximately two million tons of ash disposed of between 1952 and 1970. The report outlines the site's geographical boundaries and notes that the surrounding area is currently occupied by residential and commercial developments situated about 20 feet above the ash area.***

**Response 5-1:**

***See responses to comments on the SPDES application, Comment 1-1, Comment 2-2, and Comment 5-1.***

**Comment 5-2:**

***Furthermore, it is important to acknowledge that the project's operators have said they will "attempt" to keep the air pollution discharges at levels that allow them to be considered minor contributors to air pollution rather than major, in order to avoid more rigorous oversight. However, it is crucial to recognize our past experiences with projects such as Norlite and promises of "good faith".***

**Response 5-2:**

***See response to Comment 2-1 and Comment 2-2.***

**6. Comments from Chris Dempf, dated July 17, 2023**

**Comment 6-1:**

***We are writing to request a public comment hearing about the two proposed permits for Beacon Island in the Town of Bethlehem in Albany County / DEC Region 4. We would like to ensure that full consideration is given to the potential environmental and environmental justice issues arising from the proposed projects for the Wind Tower Manufacturing Project. We would like fair treatment in this concern and an opportunity for the residents of adjacent disadvantaged communities in South Albany and in Glenmont to provide critical input on the proposed permits and environmental and social impacts. Isn't it time that the residents of Glenmont are finally heard?***

**Response 6-1:**

*NYSDEC received permit applications for the Project on January 31, 2022 and March 1, 2022. The permit applications were determined complete on June 12, 2023 and a public comment period ran from that date until July 17, 2023. NYSDEC evaluated the application and the public comments received and determined that public hearing was not needed.*