February 18, 2022

Basil Seggos
Commissioner
Department of Environmental Conservation
New York State
625 Broadway
Albany, NY 12233-1011

DEC Facility ID: 2620601583

Dear Commissioner Seggos:

We write as elected officials of the area proposed for the Combined Heat and Power plants (the “CHP Plants”) located at 251 Avenue C and 420 East 20th Street, referenced above and currently under review by the NYS Department of Environmental Conservation (“DEC”). We unequivocally oppose the CHP Plants and urge DEC to do the same.

First, the CHP Plants would be sited in the middle of a residential complex, Stuyvesant Town-Peter Cooper Village (“ST-PCV”), that already suffers from poor air quality. This complex, which has more than 25,000 residents, has among the poorest air quality in the entire city according to data from the City of New York1 because it is adjacent to the 660 megawatt 14th Street power plant, the FDR highway and a NYC truck route on 1st Avenue. As a result, the neighborhood has recorded dangerously high levels of PM2.5, NO2, NO, and other air pollutants.

We have no data on how much worse the air quality will be in ST-PCV if the CHP Plants are allowed to proceed. Given the already dangerous air conditions in this neighborhood, the impact of a significant additional source of air pollutants is a top consideration. Air studies must be conducted and made public to fully understand the impact to Environmental Justice communities, including a number of public housing developments in the immediate vicinity.

Second, as you are well aware, the Climate Leadership and Community Protection Act of 2019 ("CLCPA") sets strict statewide greenhouse gas emission limits. As the 2030 deadline approaches by which New York must reduce emissions by 40 percent, we must consider the impact new fossil fuel infrastructure has on New York’s ability to meet this goal. Facilitating the siting of the proposed fossil fuel burning CHP Plants would stand in contradiction to the CLCPA mandates and lock the State into new fossil fuel infrastructure with a lifespan of multiple decades.

Third, as you know, New Yorkers voted to approve a new constitutional right to clean air. It is our belief that the proposed CHP Plants may violate this new provision of the NYS constitution and should be opposed by DEC on these grounds, as well.

Finally, we were recently informed that the applicant has lowered the projected emission levels in their application to an amount just below the DEC threshold. We are concerned that this suggests the applicant may be attempting to undermine established environmental protections and skirt the spirit, if not the letter, of the law. The permitting process is crucial to ensuring that the public interest is represented when building a facility that would have such wide reaching societal impacts. To address this concern, we are exploring legislation that would lower the emission threshold that would require DEC permits.

We are grateful to Governor Hochul and DEC for your commitment to protecting our environment, demonstrated by the recent rejection of permits for Astoria Gas Turbine Power, LLC. We hope you agree with us that our community should be granted similar relief. We look forward to discussing this matter further with you at your earliest convenience.

Sincerely,

Brad Hoylman
State Senator, 27th District

Carolyn B. Maloney
Member of Congress

Keith Powers
Council Member, 4th District

Harvey Epstein
Assembly Member, 74th District

Mark Levine
Manhattan Borough President