



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
SCOTT M. STRINGER

September 3, 2020

Christopher M. Hogan  
Division of Environmental Permits  
New York State Department of Environmental Conservation  
625 Broadway, 4th Floor  
Albany, NY 12233-1750  
Email: [comment.nrgastoriagas@dec.ny.gov](mailto:comment.nrgastoriagas@dec.ny.gov)

**RE: Comments Regarding Astoria Gas Turbine Power LLC Draft SEIS Scoping**

Dear Mr. Hogan:

I am writing to convey my opposition to NRG Energy's Astoria Replacement Project, a fossil fuel power generation project that will only threaten our progress towards a more sustainable future for our city. With the aim of applying proper scrutiny to a project that seems in such open contradiction to existing climate policy, I urge the Department of Environmental Conservation (DEC) to require that the project undergo a full Article 10 review that can properly assess the project's scope and associated environmental impacts. A full and thorough environmental review must evaluate how the proposal could possibly meet the stringent climate and environmental justice mandates of the Climate Leadership and Community Protection Act (CLCPA) and various other relevant laws and regulations. The State should not allow NRG to advance this new project under the auspices of regulatory permissions granted nearly a decade ago and should instead insist that the project account for the profound harm fossil fuel infrastructure poses to our communities and our climate.

This proposal, just as any further expansion of fossil fuel infrastructure, is incompatible with our climate goals. In the almost ten years since NRG first proposed to modify its peaker plant facilities in Astoria, the State and City have advanced a slew of climate legislation, culminating in the CLCPA, which requires the sourcing of 70 percent of electricity from renewable sources by 2030 and the elimination all fossil fuel power generation by 2040. Building out new natural gas facilities clearly contradicts these goals and NRG's tenuous assertion that the project could gain compliance with the CLCPA's mandates via the use of carbon-free hydrogen fuel lacks sufficient detail to be considered a viable strategy. There are currently no hydrogen-exclusive power plants operating in the United States and there is no guarantee NRG will be able to source

adequate amounts of sustainable hydrogen to reliably run the plant. Until this emerging technology develops a proven supply-chain, produces no lifecycle emissions, and becomes commercially viable, the proposed plant will run on fracked gas and will pose a threat to our climate.

NRG is advancing this project under the premise that decade old environmental review permissions are adequate to determine the project's compliance with existing laws and regulations. However, NRG's attempts to evade a full and thorough review of their project does a disservice to the CLCPA and regulations like Article 10 which have come into effect since the initial plant proposal. Given these new laws and meaningful changes to the proposed project, NRG should be required to obtain a new Siting Board grandfathering approval for the project before any supplemental environmental review.

Should the project be permitted to move forward with a supplemental environmental impact statement, I ask that NRG undertake a full and thorough comparative review of the benefits of non-fossil fuel project alternatives. Maintaining system reliability is essential, especially if the City and the State continue to pursue policies that encourage beneficial generation. I believe our need for a strong, resilient power grid can be met by embracing new, viable technologies, as well as doubling down on energy efficiency policies. I do appreciate the inclusion of energy storage and renewables as alternatives to the project and ask that NRG evaluate in good faith how larger battery systems coupled with renewables like wind and solar could work to power our grid. Those elements tied together could be the basis for a sustainable future for the Astoria site and a model for how to retire other peaker plants. I also ask that any evaluation of alternatives focus on advancing environmental justice and include assessment of how options impact local air quality. Appropriately assessing environmental justice impacts is especially crucial in the context of the 'no action' alternative which must address what NRG will do to make sure the existing plant complies with air quality regulation if permissions for a new project are denied.

The scope of the SEIS should also address how the project is compatible with City policy to ban new fossil fuel infrastructure in the City. I have long called for a complete moratorium on major fossil fuel infrastructure and was heartened when in February the Mayor concurred and issued Executive Order 52, which commits the City to opposing permits or approvals for fossil fuel infrastructure, including new fossil-fuel-based electric generation capacity. The SEIS must appropriately address how the proposed project is feasible under the outlines of that order.

The study should also include discussion of several crucial policy advancements since 2010, especially Local Law 97 of 2019, which sets ambitious emissions caps for energy use in the City's largest buildings. That law, along with a host of other policies and programs that encourage energy efficiency, can be expected to change the energy landscape across the city. Given those advancements, I believe it is incumbent on NRG to provide an up-to-date energy forecast that further justifies the need for this project to maintain reliability over other alternatives. I would especially ask that any forecast evaluate the programs implemented as part of the "New Efficiency: New York" order issued by the Public Service Commission.

I am also concerned that the proposed scope does not take a holistic enough view of the public health harms posed to the surrounding community. While the proposal promises to update the existing impact statement, it must more fully take into account a decade's worth of new scientific research on the disparate impacts of air pollution. COVID-19 has cruelly taught us that the burdens of disease are not shared equally and that people of color suffer disproportionate impacts from air pollution. Initial studies have shown that even a small increase in exposure to air pollution drastically increases one's likelihood to die if infected with COVID-19. Even absent a global pandemic, exposure to fine air pollution claims the lives of more than 3,000 New Yorkers every year. Recent studies show air pollution can impact mental health, childhood development, and worker productivity. I ask that the impact of any level of air pollution linked with fossil fuel power generation be rigorously discussed in the study. I also ask that should the project not be approved, NRG's study of the 'no action' alternative include an explanation of how it will retrofit the existing plant to comply with new regulations on air pollution so that the community is spared ongoing exposure to pollution.

Given these concerns, I urge the DEC to require NRG to return to the Siting Board to gain updated approvals and engage in a more exhaustive environmental review process in order to protect the well-being of local residents and our progress towards our emissions goals. The urgency imposed by climate change requires an expeditious and just transition from fossil fuels and we cannot spare any time on reinforcing the existing status quo. Instead of doubling down on natural gas, I believe we must commit to a future powered by innovative, clean energy technologies that can transform the Astoria waterfront into a hub of sustainability. This project can and should be the start of that future.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Stringer". The signature is fluid and cursive, with the first name "Scott" being more prominent.

Scott M. Stringer  
New York City Comptroller