



**ENVIRONMENTAL
ADVOCATES OF NEW YORK**

YOUR GOVERNMENT WATCHDOG

December 1, 2014

VIA EMAIL: DEP.R4@dec.ny.gov

William J. Clarke
New York State Department of Environmental Conservation
Region 4 Office
1130 North Westcott Road
Schenectady, NY 12306

Dear Mr. Clarke:

Environmental Advocates of New York's (Environmental Advocates) mission is to protect our air, land, water, wildlife and the health of all New Yorkers. Based in Albany, we monitor state government, evaluate proposed laws, and champion policies and practices that will ensure the responsible stewardship of our shared environment. We work to support and strengthen the efforts of New York's environmental community and to make our state a national leader.

On behalf of Environmental Advocates, I hereby submit the following comments in reference to the New York State Department of Environmental Conservation's (the Department) draft permit and tentative determination to issue a modification to the Global Companies LLC - Albany Terminal facility's Title V Air Facility Permit.

We are also submitting the names of the 725 New Yorkers who have signed our most recent petition to the Governor (enclosed) calling for a full environmental review of Big Oil's plans to turn New York into a crude oil hub. To date, the Department has received more than 4,000 calls for a full environmental review from our members. Such review should encompass the proposal by Global Companies LLC – Albany Terminal.

Global is seeking to expand the capabilities at the Albany Terminal to include the storage of heated petroleum products, including crude oil and biofuels. Plainly put: Global Companies LLC wants permission, via this permit modification, to heat tar sands crude oil at its Albany facility so that it can transship this dirty, dangerous and highly carbon intense form of crude oil.

Though they will not admit so publicly, they seek the State's permission to move tar sands oil from rail cars to barges and/or ships in order to move that oil along the Hudson River to refineries in other states and countries.

Because a release of tar sands oil into the environment would cause significant harm to New York's people, land, water (surface and drinking water), natural resources, wildlife and coastal resources, we request that the Department rescind the faulty negative declaration previously issued for this permit and conduct a full environmental review of this proposal.

Environmental Advocates echoes the comments of Earthjustice and others in noting the multiple deficiencies in the Department's review of this permit application. It appears that the Department has also been conducting a review outside of the structured one required by the State Environmental Quality Review Act (SEQRA). We point to the public input and stakeholder outreach meetings held after the issuance of a negative declaration, as well as the limited air monitoring done in response to citizen concerns, as evidence that the Department belatedly recognized the need for deeper assessment of the environmental impacts.

In addition to the above-mentioned harms to New York's environment, the extraction of tar sands crude oil is likely to negatively influence the changing climate New York is already experiencing, and its impacts (e.g. public health emergencies and extreme weather-related events).

In comments filed with the United States Department of State, New York Attorney General Eric Schneiderman described tar sands crude oil as being responsible for 17% more climate disrupting pollution than other forms of crude. The carbon associated with extraction, transport and use of tar sands oil would be between 2 and 14 times the pollution emitted in New York in 2008.

It is inconceivable to Environmental Advocates that New York State would aid Big Oil's efforts to extract and transport this fuel without conducting a full environmental review. A full review would take into account the climate disrupting emissions that granting a permit would allow.

Environmental Advocates believes that the Department has ignored and is violation of its own policies concerning this project. On October 22, 2010, the Department adopted Commissioner Policy – 49/Climate Change and DEC Action. This policy is recognition of the multiple impacts occurring in New York as a result of our changing climate. Commissioner Policy – 49 states that:

“DEC must incorporate climate change considerations into all aspects of its activities, including but not limited to decision-making, planning, permitting, remediation, rulemaking, grants administration, natural resource management, enforcement, land stewardship and facilities management, internal operations, contracting, procurement and public outreach and education.”

There is no evidence in the record detailing how the Department followed Commissioner Policy – 49. Had there been a review it would have triggered a full EIS under SEQRA. Further, under SEQRA, Department staff would have then required Global Companies LLC to follow the policy issued on July 15, 2009. This policy is a document titled “Guide for Assessing Energy Use and Greenhouse Gas Emissions in an Environmental Impact Statement.” This policy exists to provide

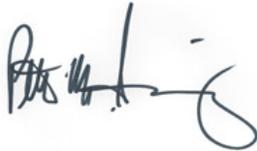
instructions for Department staff for reviewing an EIS when said EIS involves energy use or greenhouse gas emissions.

By failing to conduct an assessment under Commissioner Policy – 49, the Department erred in issuing a negative declaration.

We request that the Department rescind the negative declaration, move to require the applicant to conduct a full Environmental Impact Statement and require the consideration of the role that Global Companies LLC's combustion of fossil fuels (including those needed to heat the crude oil and the carbon intensity of tar sands crude itself) will play with our changing climate.

Thank you for consideration of our views and concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Iwanowicz". The signature is fluid and cursive, with a large loop at the end.

Peter M. Iwanowicz
Executive Director

Enclosures