



**Department of
Environmental
Conservation**

Greenidge Generation Station

Legislative public comment hearings will be held virtually on **Monday October 24, 2022, at 1:00 pm and 6:00 pm**. These hearings will be conducted electronically through the Webex electronic webinar platform. [Instructions for participating in and attending the public comment hearings](#) are provided below. A pre-adjudicatory issues conference will be conducted through the Webex electronic webinar platform on **Thursday, December 8, 2022, at 10:00 a.m.** and may continue as necessary on Friday, December 9, 2022 at 10:00 a.m. [Instructions for attending the Issues Conference webinar](#) are provided below

Applicant

Greenidge Generation LLC
590 Plant Road
PO Box 187
Dresden, NY 14441-0187

Facility

Greenidge Generation Station
590 Plant Road
Dresden, NY 14441

Applicant's Attorney

Yvonne Hennessey, Esq.
Barclay Damon LLP
80 State Street
Albany, NY 12207

DEC Application

Article 19 Title V Air Permit (ID No. 8-5736-00004/00017)

Project Description

Greenidge Generation LLC (Greenidge) filed an application to renew its Clean Air Act Title V air permit 8-5736-00004/00017, effective September 7, 2016, for the continued operation of a natural gas-fired electric generating facility (facility) in the Town of Torrey, Yates County, on Seneca Lake.

The facility is a primarily natural gas-fired electric generating plant, with a generating capacity of approximately 107 megawatts (MW) with a maximum heat input which is limited to 1,117 million BTUs per hour.

The renewal application requests renewal of the existing permit, with revisions limited to: removal of the diesel fire pump permit conditions because the diesel fire pump has been taken out of service and removed from the facility, and minor revisions to the monitoring requirements for particulate emissions (PM-10, PM-2.5 and Particulates), which includes the use of a flowmeter for the facility to demonstrate continuous compliance with the existing PM-10, PM 2.5 and Particulates permit conditions.

The New York State Department of Environmental Conservation (DEC) Division of Environmental Permits denied the renewal request on June 30, 2022, pursuant to title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR) 621.10(f). The denial was based on the determination that the facility's continued operation would be inconsistent with or would interfere with the attainment of the Statewide greenhouse gas (GHG) emission limits established in article 75 of the Environmental Conservation Law (Climate Leadership and Community Protection Act [CLCPA]) and reflected in 6 NYCRR part 496. On July 28, 2022, Greenidge Generation, LLC filed a hearing request on the denial.

Prior Notices of Complete Application and Legislative Public Comment Hearing

On September 8, 2021, the Department issued a combined notice titled, *Notice of Complete Application, Availability of Draft Permits and Announcement of Virtual Legislative Public Comment Hearings*, in the Environmental Notice Bulletin (ENB) commencing the public review and comment period for the referenced permit and associated application materials.

Virtual legislative public comment hearings were held on October 13, 2021, at 1:00 p.m. and 6:00 p.m.

SEQRA Status

In its role as Lead Agency under SEQRA (ECL article 8 [State Environmental Quality Review Act]), Department staff determined the proposed project to be a Type II Action as described under 6 NYCRR 617.5(c)(32) because it is a permit renewal application.

Current Notice

This Notice serves to provide the public notification that the Department will hold legislative public comment hearings, provide a written public comment period, set deadlines for petitions for party status, and hold an issues conference regarding Greenidge's Title V permit renewal application and the Department's notice of denial, and Greenidge's request for a hearing as described below. Please note the administrative law judge (ALJ) is accepting all oral statements provided at the October 13, 2021, legislative public comment hearings and written comments submitted to Department staff pursuant to the previous notices into the administrative record of this proceeding.

Legislative Public Comment Hearings

Legislative public comment hearings pursuant to 6 NYCRR part 624 to hear and receive unsworn comments from the public will be held virtually on **Monday October 24, 2022, at 1:00 pm and 6:00 pm**. **These hearings will be conducted electronically through the Webex electronic webinar platform.** Instructions for participating in and attending the webinar are provided below.

All persons, organizations, corporations, or government agencies who may be affected by the project are

invited to attend the hearing and comment on Greenidge's Title V permit renewal application, the draft permit, the Department's notice of denial, and Greenidge's request for a hearing. Lengthy comments should be submitted in writing. Equal weight will be given to oral and written statements. The ALJ may limit the time available for oral comments to two minutes, depending on the number of people wishing to speak, to ensure that all persons have an opportunity to be heard. **Please be advised that speakers will be called in the order they register with preference given to publicly elected officials and those who did not speak at the previous legislative public comment hearings.** The virtual hearings are reasonably accessible to persons with a mobility impairment.

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests must be submitted by **October 17, 2022**, and directed to the NYSDEC Office of Communication Services, either by mail (address: NYSDEC, Office of Communication Services, 625 Broadway, Albany, New York 12233-4500), or by e-mail (language@dec.ny.gov).

Written Public Comments: Written comments concerning Greenidge's Title V permit renewal application, draft permit, the Department's notice of denial, and Greenidge's request for a hearing must be postmarked by **October 31, 2022**, and mailed to Administrative Law Judge (ALJ) Elizabeth Phillips at the Department's Office of Hearings and Mediation Services, 1st Floor, 625 Broadway, Albany, NY, 12233-1550, or emailed to ALJ Phillips at Comment.GreenidgeGenerating2022@dec.ny.gov by **5:00 p.m. on October 31, 2022**. Written statements will be considered equally with oral statements given at the legislative public comment hearings, provided they are postmarked by **October 31, 2022** or emailed by 5:00 p.m. on that date.

Issues Conference

Pursuant to 6 NYCRR 624.4(b), a pre-adjudicatory issues conference will be conducted by ALJ Phillips electronically through the Webex electronic webinar platform. The conference will begin at **10:00 a.m. on Thursday, December 8, 2022, and may continue as necessary on Friday, December 9, 2022 at 10:00 a.m.** The purpose of the issues conference is to determine party status for any person or organization who has properly filed a petition (as indicated below), consider the Department's notice of denial, Greenidge's statement of issues, and narrow and define those issues, if any, that will require adjudication in this matter. Participation at the issues conference shall be limited to Department staff, applicant, and those persons or organizations requesting party status. Issues proposed for adjudication must be both substantive and significant in accordance with 6 NYCRR 624.4(c). Members of the public may observe the issues conference by attending the electronic webinar. Instructions for attending the webinar are provided below.

Filing for Party Status and Proposed Issues: Persons seeking to participate at the issues conference and the subsequent adjudicatory hearing, if one is necessary, must file a written petition explaining whether their request is for full party status or amicus status. For the required contents of petitions for full party status, see 6 NYCRR 624.5(b)(1) and (2). To determine whether an issue is substantive, see 6 NYCRR 624.4(c)(2), and to determine whether an issue is significant, see 6 NYCRR 624.4(c)(3). For the required contents of a petition seeking amicus status, see 6 NYCRR 624.5(b)(1) and (3).

All petitions requesting party status to participate at the adjudicatory hearing **must be received at the Department's Office of Hearings and Mediation Services no later than 5:00 p.m. on November 4, 2022.** Address all petitions to ALJ Elizabeth Phillips, NYSDEC, Office of Hearings and Mediation Services, 1st Floor, 625 Broadway, Albany, NY, 12233-1550, email: elizabeth.phillips@dec.ny.gov. At the same time

that the petition is furnished to the ALJ, a copy of the petition must be furnished to applicant's attorney, Yvonne E. Hennessey, Esq., Barclay Damon, LLP, 80 State Street, Albany, New York 12207, telephone: (518) 429-4200, email: yhennessey@barclaydamon.com, and to Department staff's attorney, Jonathan A. Binder, Esq., Office of General Counsel, NYSDEC, 625 Broadway, 14th Floor, Albany NY 12233-1500, telephone: (518) 402-9185, email: jonathan.binder@dec.ny.gov.

Any questions about the filing requirements or other hearing procedures may be addressed to ALJ Phillips by telephone at (518) 402-9003. The Department's [permit hearing regulations](#) may be found at <http://www.dec.ny.gov/regs/2488.html>, and a [guide to permit hearing procedures](#) may be found at <http://www.dec.ny.gov/permits/6234.html>.

Statement of Issues

Greenidge must submit a statement of issues **no later than 5:00 p.m. on November 4, 2022**, addressed to ALJ Phillips and Department staff's attorney. The statement of issues must: (a) identify issues for adjudication which meet the criteria of 6 NYCRR 624.4(c); (b) present an offer of proof specifying the witness(es), each witness's qualifications, the nature of the evidence the applicant expects to present at the evidentiary hearing and the grounds upon which the assertion is made with respect to each issue; and (c) identify whether each identified issue is an issue of fact or law. Subsequently, the statement of issues must also be provided to all persons who filed petitions for party status no later than 5:00 p.m. on **November 7, 2022**.

Responses: Department staff may submit a response to Greenidge's statement of issues, and Department staff and Greenidge may submit responses to petitions for party status provided they are submitted no later than 5:00 p.m. on **November 22, 2022**. Copies of any responses must also be provided to all persons who filed petitions for party status.

Filing by Email: Filing of petitions for party status, Greenidge's statement of issues, and responses from Department staff and Greenidge by email is authorized provided the petitions, statement of issues, and responses are received by all of the parties or petitioners, as directed above, by the 5:00 p.m. deadline for each filing. One hard copy must be filed with Administrative Law Judge (ALJ) Elizabeth Phillips at the Department's Office of Hearings and Mediation Services, 1st Floor, 625 Broadway, Albany, NY, 12233-1550 by hand delivery or first class mail postmarked by the respective deadline date. Telefaxed petitions will not be accepted.

Statutory and Regulatory Provisions

This proceeding is being conducted according to ECL article 3, title 3 (General Functions), ECL article 19 (Air Pollution Control), ECL article 70 (Uniform Procedures), ECL article 75 (CLCPA); 6 NYCRR part 621 (Uniform Procedures), part 624 (Permit Hearing Procedures), and part 201-6 (Air Title V); and 40 CFR 72 through 78.

Project Documents

Filed application documents, draft permit, and notice of denial are available for review below. For further information, contact Daniel Whitehead, Director, NYSDEC Division of Environmental Permits, 625 Broadway, Albany, NY 12233-1750, Phone: (518) 402-9167, E-mail: deppermittting@dec.ny.gov.

Draft Permit Documents:

- [Air Title V Draft Permit, Greenidge Station, \(PDF\)](#)
- [Air Title IV Acid Rain Draft Permit, Greenidge Station \(PDF\)](#)
- [DEC General Conditions, Greenidge Station \(PDF\)](#)
- [Permit Review Report, Greenidge Station \(PDF\)](#)

Application Documents:

- [Permit Renewal Application, Greenidge Station \(PDF\)](#)
- [Notice of Incomplete Application, Greenidge Station \(PDF\)](#)
- [Climate Leadership and Community Protection Act \(CLCPA\) Assessment \(PDF\)](#)

Hearing Transcripts:

- [Public Comment Hearing Transcript, October 13, 2021, 1:00 PM \(PDF\)](#)
- [Public Comment Hearing Transcript, October 13, 2021, 6:00 PM \(PDF\)](#)

Letters:

- [Letter to NYSDEC from Greenidge Generation, LLC, March 25, 2022 \(PDF\)](#)
- [Mutual Agreement of Suspension of Final Decision Due Date, March 30, 2022 \(PDF\)](#)
- [DEC's letter denying the Title V Permit Renewal for Greenidge Generation, LLC, June 30, 2022 \(PDF\)](#)

Instructions for Attending the October 24, 2022 Public Comment Hearings

To join the October 24, 2022, 1:00 pm hearing through the internet:

Go to link: <https://meetny-broadcast-pilot.webex.com/meetny-broadcast-pilot/j.php?RGID=rf51e806aabde3ff40cc1d8589e4df3dd>

Meeting number: 2346 442 5023

Password (if needed): welcome1

To join by phone only:

Dial:1-518-549-0500

Access Code: 2346 442 5023

To join the October 24, 2022, 6:00 pm hearing through the internet:

Go to link: <https://meetny-broadcast-pilot.webex.com/meetny-broadcast-pilot/j.php?RGID=rd4cb7f5544b8fe773b1d20b891ec28a7>

Meeting number: 2340 346 4285

Password (if needed): welcome1

To join by phone only:

Dial: 1-518-549-0500

Access Code: 2340 346 4285

Persons wishing to comment on the Department's denial, and Greenidge's request for hearing will have the opportunity to make a statement at the public comment hearing webinar. **Any person wishing to provide a public statement must register in advance of the hearing no later than 4:00 p.m. the previous day.** Any person may listen to the hearing by phone without pre-registration. **Please note, if you spoke at the previous hearing conducted on October 13, 2021, you will only be called if time allows.**

To register electronically: Persons who login to the hearing electronically must register. To register, click on the link above or visit <http://www.webex.com>, click "Join a meeting," and input the meeting number listed above. Then, click "Register," and fill in the requested information. You will be asked whether you wish to make a public statement. After registration is complete, you will receive a confirmation by email with information about how to join the hearing.

On the appropriate date and time of the hearing, participants should click on the link above or visit <https://www.webex.com>, click "Join a meeting" at the top right-hand corner of the screen, and input the appropriate meeting number for the hearing. Participants will be asked to "select audio system." It is recommended that participants choose to have the system "call me" or "call using computer." The "call me" option will require participants to enter their phone numbers.

To register by telephone: Any person who is not able to login electronically may participate by telephone. Call-in participants must register to speak in advance by calling the Department at 518-402-9003 no later than **4:00 p.m. October 23, 2022**. Please provide your first and last name, address, email address if any, and telephone number and reference the Greenidge public comment hearing. On the day and time of the hearing, use the phone access phone number, (518) 549-0500, and the appropriate access code listed above to join the hearing.

All participants will be muted upon entry into the hearing. The ALJ will call each person who has requested to provide a statement to speak. The ALJ will continue the hearing until everyone wishing to speak has been heard or other reasonable arrangements have been made to include their comments in the record. The ALJ may limit the time available for oral comments to two minutes, as necessary, to afford all participants an opportunity to be heard. Lengthy comments should be summarized for oral presentation and submitted in writing as provided above. The hearing will be stenographically recorded for inclusion in the record.

Instructions for Attending the Issues Conferences

Instructions for Attending the December 8, 2022 Issues Conference

To observe the issues conference through the internet, go to link: <https://meetny-broadcast-pilot.webex.com/meetny-broadcast-pilot/j.php?MTID=mb0ff7ee7d86b2532fa1925956eb2d516>

Webinar number (access code): 2339 430 3216

Webinar password: Dec8-10AM (33280102 from phones)

To listen by phone only:

Dial: -518-549-0500

Access Code: 2339 430 3216

Instructions for Attending the December 9, 2022 Issues Conference

To observe the issues conference on December 9, 2022, through the internet, go to link:

<https://meetny-broadcast-pilot.webex.com/meetny-broadcast-pilot/j.php?MTID=m7a39cd85fecef018135bec9799c751d2>

Meeting number (access code): 2341 483 0212

Meeting password: Dec9-10AM (33290102 from phones)

To listen by phone only:

Dial: 1-518-549-0500

Access Code: 2341 483 0212

It is not necessary to register in advance to attend the issues conference.

Translation Services

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