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Memorandum

To: Rikers Island Title V Permit Modification – CP-29 public Participation Plan File

From: New York City Department of Correction (NYCDOC)/AKRF

Date: August 3, 2023 (Revised 11/14/2023)

Re: **NYCDOC Island Jail Complex (Rikers Island) Title V Permit Modification & Renewal: (DEC ID: 2600700259/00033 Title V Renewal 3 Application)**
Summary of Comments and Questions Raised at the Virtual Public Information Session, Held June 22, 2023 (6-9PM)

cc: Michael Leonard, Christopher Clarke, Hardee Saini, Susan Yang (NYCDOC); Stephen Watts, Caitlyn Nichols (NYSDEC); Henry Kearney, Stephen Holley, Sheveta Sharma, Lindsay Garten (AKRF); Stephen Kretzmer (Fulcrum)

This memorandum provides a summary of the members of the public that attended and/or provided comments and questions during the Virtual Public Information Session held on June 22, 2023 from 6 to 9 PM, along with a summary of the comments and questions raised during the meeting. Note that no comments were submitted by mail, email, or via the project website (<https://www.rikersislandtitlevpermit.com/>) through July 28, 2023 (the stated date established by NYCDOC for submitting questions and/or comments after the Virtual Public Information Session was given during the presentation as July 7, 2023; this was an informal deadline to have a reasonable timeframe before issuing responses to comments and questions raised by the public after the Virtual Public Information Session, but is not meant to represent an official comment period or cut-off date). NYCDOC continued to check for comments after that date, up through the preparation of this comment summary memorandum, to ensure any comments or questions from the public submitted would be accepted. The Project Contact and Project Liaison (as are identified in the Public Participation Plan [PPP] and listed on the project website (<https://www.rikersislandtitlevpermit.com/>)) continue to be available for members of the public to send in comments and questions about the permit application. NYCDOC continues to monitor the project website, emails, and US mail directed to the Project Contact and Project Liaison, to ensure that any substantive concerns/issues raised by the public can be addressed and made known to the New York State Department of Environmental Conservation (NYSDEC).

Once NYSDEC has determined the Draft Title V Air Permit application complete, NYSDEC will prepare and distribute the Notice of Complete Application (NOCA) and draft permit for public review and comment. The 30-day public comment period for submitting written comments to NYSDEC will begin once the NOCA has been published by NYSDEC in the Environmental Notice Bulletin, or the applicant has published the NOCA in the newspaper (whichever is later). This formal comment period provided for the Draft Permit will extend for 30 days after the issuance of the Draft Title V Permit by NYSDEC.

The members of the public that attended and/or provided comments and questions during the Virtual Public Information Session included the following:

1. Victoria Garvey (Planning and Development Director, representing Queens Borough President, Hon. Donovan Richards)
2. Faraz Lotfi (local resident)
3. George S. (via Phone) (local resident)
4. Niki Cross (stakeholder/New York Lawyers for the Public Interest)
5. Mychal Johnson (local resident/community organizer-South Bronx Unite)
6. Lonnie Portis (local resident/community organizer-We Act)
7. Latima Johnson (NYCDOC)

The following comment and/or questions were raised during the Virtual Public Information Session [the number shown in parentheses “(#)” at the end of each comment corresponds to the meeting registrant number shown above]:

Comment 1: Based on the proposed changes to the emission limits, I understand that the rate is going to change from 42 tons per year (tpy) to 52 tpy for nitrous oxide [*sic*] (nitrogen oxides). Will removing the boiler annual emission limits, will this be temporary, or will the limits be raised? What, if any, limits may be imposed in the future on these boilers? (#1)

Response: Under the current permit, annual emissions from the cogeneration facility are limited to 42 tpy of nitrogen oxides (NO_x) and 15.77 tons/year of fine particulate matter (PM₁₀). The existing permit further requires that NO_x emissions from the combustion turbines must not exceed a concentration of 25 parts per million (ppm). Under the proposed modified permit conditions, annual NO_x emissions from the cogeneration facility would be limited to 52 tpy. Additionally, the proposed permit modifications would specify that NO_x emissions limits from the combustion turbines must not exceed a concentration of 12 ppm without duct burner firing; 15 ppm with duct burner firing. Finally, the permit modification would require NYSDOC to purchase of 67.6 tons of NO_x emission reduction credits (ERCs) needed. NYCDOC has secured the ERCs, which must be certified by NYSDEC before the Title V permit renewal can be approved.

Currently the Title V permit emission contains limits for nitrogen oxides (NO_x) that apply to the boilers. Under the proposed permit modifications, there would not be any permit restrictions on the boilers because currently the steam demand at the Island Jail Complex exceeds the capacity of the cogeneration facility to provide the steam needed at certain times of the year. The boilers are used as needed at certain times of peak demand, since they are providing a critical function to the Island Jail Complex. The permit modifications are going to allow the boilers to be used as needed to provide the additional steam required at the Island Jail Complex during peak demand periods.

The current Title V permit conditions contains annual emission limits of NO_x and particulate matter (PM₁₀). Under the current Title V permit conditions, the boilers cannot be operated as needed to meet the peak steam demand of the Island Jail Complex or when the cogeneration facility undergoes more lengthy maintenance or repairs.

The proposed permit modifications would not change the actual day-to-day operations at the Island Jail Complex, these permit modifications only account for a change to the permit to reflect the way the boilers are actually being operated now, compared to the allowable operations and emission that are specified in the existing permit.

Comment 2: By removing the emission limits on the boilers, what would be the actual GHG amount with the modified permit? What is the current emission level now? (#1)

Response: In the document repository on the project website there is a Climate Leadership and Community Protection Act (CLCPA) Report, referenced during the presentation (see, www.RikersIslandTitleVPermit.com). That report has the calculations of the carbon dioxide equivalent CO₂e emissions.

There are two sets of calculations included in the CLCPA Report. One report a “potential to emit” scenario, which translates to what are the maximum allowable emissions under the existing permit. Under the proposed permit modifications, the GHG potential to emit the Rikers Island facility would increase from approximately 209 to 862 thousand metric tons of CO₂e per year. The maximum allowable emissions will increase with the permit modifications due to the need to operate the boilers to meet the steam demand at the Island Jails Complex (see Response #1 for additional information). However, under the “actual emissions” scenario, which calculates the emissions resulting from how the boilers and cogeneration facility equipment are actually being used in practice, the calculations show that actual emissions are approximately 144 thousand metric tons of CO₂e per year. Because there will be no physical changes at the plant with respect to the equipment being used or the buildings being served on the island,

the actual GHG emissions will not change under the proposed permit modification.

Comment 3: Why are the facilities not using any alternative energy methods, possibly one that does not release any greenhouse gas emissions? (#2)

Response: Operation of the existing combustion turbines and boilers are necessary in order to provide reliable power supply as well as heating and cooling to the population and buildings on Rikers Island. Due to the isolated nature of the buildings and the physical limitations to power supply infrastructure, the existing combustion turbines and boilers are also critical to provide this power through on-site generation. The cogeneration facility was designed to reduce dependence on both utility power and reduce usage of older boilers at the facility. The system utilizes waste heat for heating and cooling, which allows the facility to operate more efficiently than and reduces the amount of required fuel for steam generation from the facility's boilers. Mitigation measures to reduce GHG emissions associated with these units in the short-term would not be reasonable or practicable to meet the critical heating and power needs of Rikers Island to construct additional power transmission infrastructure to provide a reliable power supply. However, long-term planning for the Rikers Island facility will likely consider further measures to reduce emissions alongside the City's plan to relocate the Rikers Island population to other DOC facilities.

Comment 4: During the construction phase, when the modifications are being implemented, will there be any impacts to the atmosphere or to the local environment, or any by-products from construction, or is that not expected? (#2)

Response: The proposed permit modifications do not require any physical alterations or modifications to the existing cogeneration or boiler facilities at the Island Jail Complex. There will not be any construction taking place as a result of the permit modifications. The cogeneration facility and boilers exist and operate today and will continue to operate in the future as they do today under the proposed permit modifications.

Comment 5: Why didn't the residents get notified about the meeting? I think only the businesses in the industrial park were notified. I live on 81st Street between 21st Avenue and Ditmars Boulevard, and I haven't received anything nor have my neighbors received anything. I found out because I work in the industrial park nearby and they got notices. I don't know that people always see newspaper ads or, these days, they read their news online instead of in a newspaper. I think distributing flyers at homes and businesses or mailing to residents works better. (#3)

Response: Residents within a ½-mile of the facility were notified via a direct mailing, approximately 400 bilingual (English/Spanish) meeting notice/Fact Sheet mailings were sent to residents, building owners, businesses, schools, houses of worship, and community organizations. It appears that your home fell just outside the mailing area that was targeted. However, ads were placed and ran between June 5th and 8th in five local newspapers, in both print and in corresponding online versions in the **Queens Gazette, Bronx Times Reporter, Queens Ledger, Queens Examiner, Long Island City-Astoria-Jackson Heights Journal, and El Diario/La Prensa**. The meeting was also advertised on the project website. Community Boards and elected officials were also targeted to learn about the meeting and let their constituents know about the meeting. The meeting notices were made available in English and Spanish.

Comment 6: Years back before COVID, there was a proposal to phase out Rikers Island, and spread it over the 4 boroughs. Can you tell me what the status of Rikers Island is, and when will it phase out? At what point in the phasing out of Rikers Island are we now? Once Rikers is phased out, does that mean that the cogeneration facility and boilers that are generating pollution now, will be shut down or eliminated? Will the boilers still be active when the jail has been phased out? I heard at a Town Hall that the island is intended for public gathering and for retail uses, and several agencies and others have been proposing various uses for the island. Is there any information about what the island will be used for once the jail closes? There was talk about having an area designated on the island for an emergency unit for La Guardia Airport, do you know anything about that? It is a concern because I live and work nearby and we the residents need more green space, especially with all the various burdensome uses in the area (LaGuardia, industrial uses, utility company, etc.). Can some space on Rikers Island be designated as green space? That would be great for residents. (#3)

Response: The phasing out of Rikers Island is still planned and has started. NYCDOC has started implementing the borough-based jail program through NYCDDC that has started building new jail facilities in each of the boroughs excluding Staten Island, and once those are finished, Rikers will begin to be phased Out. It is not known if the power facilities that are subject to the Title V permit would continue to be operated for other purposes; however, some of the existing power facilities are quite old and would likely be retired or upgraded to be made more efficient and cleaner. At this time, there are no definite plans for the future use of Rikers Island once it ceases to be used as a correctional facility. However, this information session is specifically intended to discuss and provide information about the proposed Title V modification.