



# **NORTH SIDE ENERGY CENTER**

**Case No. 17-F-0598**

**1001.17 Exhibit 17**

**Air Emissions**

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## **Exhibit 17: Air Emissions**

This Exhibit will track the requirements of Stipulation 17, dated February 10, 2021, and therefore, the requirements of 16 New York Codes, Rules, and Regulations (NYCRR) § 1001.17. This Exhibit discusses the potential temporary impacts to the ambient air quality resulting from the construction of the North Side Energy Center (North Side Energy Center or Project). Construction impacts on ambient air quality will be typical of a commercial construction project and include emissions from engine exhaust, the generation of fugitive dust during earth moving activities, and travel on unpaved roads. There will be no back-up generator installed for operation of the Project. The appropriate control and mitigation measures have been identified in this Exhibit to avoid or minimize potential adverse impacts to the maximum extent practicable.

### **17(a) Demonstration of Compliance with Applicable Federal, State, and Local Regulatory Requirements Regarding Air Emissions**

#### ***Federal Regulatory Requirements***

Section 111 of the Clean Air Act (CAA) authorizes the U.S. Environmental Protection Agency (EPA) to develop technology-based standards which apply to specific categories of stationary sources. These standards are referred to as New Source Performance Standards (NSPS) and are found in Title 40 of the Code of Federal Regulations (40 CFR) Part 60. The NSPS are developed and implemented by the EPA and are delegated to the states. There are approximately 100 NSPS, which apply to new, modified, and reconstructed affected facilities in specific source categories. There are no NSPS which apply to solar panels, as they do not emit air pollutants or greenhouse gases (GHGs) while in operation.

Section 112 of the CAA requires the EPA to develop and enforce regulations to protect the public from exposure to airborne contaminants that are known to be hazardous to human health and that are not covered by the National Ambient Air Quality Standards (NAAQS). The National Emission Standards for Hazardous Air Pollutants (NESHAP) have been established to regulate the emissions of air toxics from sources in an industry group or source category. NESHAPs are found in 40 CFR Part 61 and 63, however the NESHAPs do not apply to solar panels.

The Acid Rain Program (ARP) was established by Title IV of the 1990 CAA Amendments. It requires major emission reductions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>), the primary precursors of acid rain from the power sector. The Program sets a cap on the total amount of SO<sub>2</sub>

that may be emitted by electric generating units (EGUs) within the United States. The ARP has a program specific to NO<sub>x</sub> reductions which applies to certain coal-fired EGUs. The ARP does not apply to the Project because it will not burn fossil fuels or emit SO<sub>s</sub> or NO<sub>x</sub>.

### ***State Regulatory Requirements***

(i) 2015 New York State Energy Plan (SEP)

As explained more fully in Exhibit 10, the 2015 New York State Energy Plan (SEP), adopted by the New York State Energy Planning Board pursuant to New York State Energy Law § 6-104 in June 2015, details an extensive range of goals for New York's energy system (Senate Bill S6599). The SEP is based on five Guiding Principles: market transformation, community engagement, private sector investment, innovation and technology, and customer value and choice. The SEP "sets out specific initiatives to increase renewables and... decrease greenhouse gas (GHG) emissions" (SEP at 11). The SEP aims to attract private investment in New York's energy sector and combat climate change among other objectives. The SEP calls for reducing statewide GHG emissions 40% from 1990 levels and generating 50% of the State's electricity from renewable resources by 2030 (SEP at 112). These targets were amended in 2020 to reflect the statutory targets in the Climate Leadership and Community Protection Act of generating 70% of the State's electricity from renewables and zero carbon emission electric generation by 2020. According to the SEP, large-scale renewables have several immediate benefits for the State: "economic development and jobs for communities across the State, greater stability in customer bills, [and] cleaner air..." (SEP at 71).

(ii) Clean Energy Standard (CES)

In August 2016, the New York State Public Service Commission (NYSPSC) adopted the CES to ensure that New York will achieve the SEP's 50% by 2030 goal (NYSPSC, 2016). The CES primarily focuses on building new renewable resource power generation facilities (CES at 78) and seeks to reduce the "total emissions of air pollutants resulting from fossil fuel combustion" (CES at 3) (NYSPSC, 2016).

Two mechanisms are employed by the CES to achieve the SEP's renewables goal. First, it requires load-serving entities (LSEs) to obtain an increasing percentage of their electricity needs from renewable sources. LSEs demonstrate compliance by purchasing renewable energy credits (RECs) from renewable resources (NYSPSC, 2016). Second, the CES authorizes the New York

State Energy Research and Development Authority (NYSERDA) to procure RECs from renewables to ensure an increasing number of RECs are available to LSEs (NYSPSC, 2016). Renewables sited within New York State are eligible to sell RECs regardless of their location within the State (NYSPSC, 2016).

The NYSPSC estimates a maximum of approximately 6,900 megawatts (MW) of utility-scale solar would need to be installed in order to reach the 50% renewables mandate (NYSPSC, 2016). Even if 100% of the sites were located on New York agricultural lands, the NYSPSC estimates only roughly 0.16% of such land would be converted to utility-scale solar (NYSPSC, 2016). The NYSPSC recently adopted several modifications to the CES to align it with the Climate Leadership and Community Protection Act (CL&CPA) mandates. In addition, it updated its calculations regarding the amount of agricultural land that could potentially be occupied by utility-scale solar to meet the new mandates. According to the latest analysis, reaching 70% renewables by 2030 could require 0.2 to 0.5% more of New York's agricultural land than the 2016 analysis's 0.16% (NYSPSC 2020 at 5-2).

(iii) New York State Climate Leadership and Community Protection Act

On July 18, 2019, Governor Andrew Cuomo signed into law the Climate Leadership and Community Protection Act (CL&CPA) (Senate Bill S6599). The Climate Act increases the State's renewable energy penetration goal to 70% by 2030, with 6 gigawatts of solar generation by 2025. The Climate Act ultimately requires 100% carbon-free electricity by 2040. The Climate Act is also expected to incentivize the procurement of 6,000-MW of photovoltaic (PV) solar generation by 2025.

(iv) Title V

The New York State Department of Environmental Conservation (NYSDEC) Division of Air Resources (DAR) administers an air permitting program under New York State statutes and regulations (most notably, 6 NYCRR Part 201) and the CAA. Major stationary sources (i.e., facilities whose potential air pollution emissions exceed a certain threshold) must obtain a Title V Facility Permit prior to the commencement of construction. The Permit contains the regulatory requirements applicable to all sources at the Facility. Solar arrays generate electricity without emitting air pollutants. Therefore, a Title V Facility Permit will not be required for the Project.

## **Local Regulatory Requirements**

There are no applicable regulatory requirements in St. Lawrence County pertaining to air emissions. In the Town of Massena, local law 197 pertains to air pollution control facilities, of which there are none at the Project as there are no air emissions. This law also does not apply to the Project during the construction time period because no air pollution control facilities will be present during construction.

## **17(b) Assessment of Existing Ambient Air Quality Levels and Trends**

The CAA requires that the EPA set NAAQS for pollutants considered harmful to public health and the environment. NAAQS apply to criteria pollutants [i.e., particulate matter with a diameter  $\leq 10$  microns ( $PM_{10}$ ), particulate matter with a diameter  $\leq 2.5$  microns ( $PM_{2.5}$ ), nitrogen dioxide ( $NO_2$ ),  $SO_2$ , carbon monoxide ( $CO$ ), ozone ( $O_3$ ), and lead ( $Pb$ )]. Each NAAQS is expressed in terms of a pollutant concentration level and an associated averaging period.

NYSDEC DAR monitors criteria pollutant and air toxics concentrations at more than 50 sites across New York State. These sites are part of the federally-mandated National Air Monitoring Stations Network and the State and Local Air Monitoring Stations Network. Various private industrial facilities and utilities also monitor air pollution levels.

The DAR publishes an annual summary of air quality data for New York State. The most recent summary available is the New York State Air Quality Report for 2019 (NYSDEC, 2019). This report summarizes the ambient air quality levels and trends by NYSDEC region. The proposed Project would be located in NYSDEC Region 6<sup>1</sup>, which has six sites that monitor for the following pollutants:

- Alcoa West in St. Lawrence County (Site 36-089-0004), which addresses ambient air concentration data for  $SO_2$ .
- Alcoa East in St. Lawrence County (Site 36-089-0005), which addresses ambient air concentration data for  $SO_2$ .
- Nick's Lake in Herkimer County (Site 36-043-0005), which addresses ambient air concentration data for  $SO_2$  and  $O_3$ .

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<sup>1</sup> Herkimer, Jefferson, Lewis, Oneida, and St. Lawrence Counties

- Utica in Oneida County (Site 36-065-2001), which addresses ambient air concentration data for PM<sub>2.5</sub>.
- Perch River in Jefferson County (Site 36-045-0002), which addresses ambient air concentration data for O<sub>3</sub>.

The nearest monitoring sites for three other criteria pollutants including PM<sub>10</sub>, NO<sub>2</sub>, and CO are located in Monroe County listed below.

- Rochester in Monroe County (Site 36-055-1007), which addresses ambient air concentration data for PM<sub>10</sub>.
- Rochester Near-Road in Monroe County (Site 36-055-0015), which addresses ambient air concentration data for NO<sub>2</sub> and CO.

In 2019, the ambient air quality data collected at each monitoring station listed above were within the acceptable levels defined by the NAAQS for the monitored pollutants (NYSDEC, 2019).

No additional local air monitoring data is available to further define air quality in the immediate vicinity of the proposed Project.

#### **17(c) Emissions by Combustion Sources at the Facility**

Electricity is generated from the Project's solar arrays without fuel combustion. Therefore, a table detailing the rates and amount of emissions as specified by 16 NYCRR § 1001.17 (c) is not applicable to the Project and has not been included in this Exhibit.

#### **17(d) Assessment of the Potential Impacts to Ambient Air Quality That May Result from Pollutant Emissions from the Facility**

The solar arrays for the Project will generate electricity without releasing pollutants into the ambient air, therefore the operation of the Project would not increase air pollutant concentrations or contribute to an exceedance of the air quality standards. .

#### ***Construction Related Impacts***

Temporary, local, and minor impacts to air quality could result from the operation of construction equipment and vehicles typical of construction projects. Impacts from fugitive dust created during site preparation and travel on newly created access roads could occur. Diesel generators may be

used to provide temporary electrical service to the construction trailers and during solar panel commissioning. Construction trailers would require only modest amount of electrical power for lighting, heating, cooling, computers, etc. Commissioning activities that require the use of generators typically occur for limited duration and during daylight hours. Additionally, engine exhaust emissions from construction vehicles will occur. Fugitive dust and exhaust emissions would be at low levels and for limited durations and would not significantly impact local air quality. In addition, the Project will comply with standard Siting Board certificate conditions requiring the operation of functioning mufflers on construction vehicles. Impacts from fugitive dust emissions are anticipated to be short-term and localized and dust control measures will be deployed to minimize impacts as described in the Preliminary SWPPP, provided as Appendix 23-3.

It is anticipated that none of these sources of temporary emissions would require an air permit or registration. The construction contractor will be instructed not to leave generators idling when they are not actively providing power. In addition, exhaust systems on equipment and construction personnel vehicles will be properly maintained. As a result, adverse impacts to air quality are not anticipated.

***Operation Related Impacts***

Operation of the Project would not generate vented or fugitive air emissions. During operation, the Project would instead displace air emissions from fossil fuel-fired power plants as provided in Table 17-1. See Exhibit 8 for the analysis required by the Article 10 regulations.

**Table 17-1. North Side Energy Center Displaced Emissions Summary**

<b>Year</b>	<b>CO<sub>2</sub> (short tons)</b>	<b>NO<sub>x</sub> (short tons)</b>	<b>SO<sub>2</sub> (short tons)</b>
2023	105,954	29	1

The expected displaced emissions can be compared to the emissions typical of passenger cars. EPA reports that an average motor vehicle in New York State emits 5.1 tons of CO<sub>2</sub>e per vehicle year (EPA, 2018). Assuming that the average distance traveled per year is 11,500 miles, it is

estimated that operation of the facility in 2023 would displace CO<sub>2</sub>e emissions from the operation of approximately 20,800 passenger cars<sup>2</sup> respectively.

**Table 17-2. North Side Energy Center Displaced Vehicles Summary**

Year	CO <sub>2</sub> (tons)	CO <sub>2</sub> (tons/Vehicle-Year)*	CO <sub>2</sub> Vehicle Offset <sup>†</sup>
2023	105,954	5.1	20,775
<p>* tons of CO<sub>2</sub> per vehicle mile traveled.  <sup>†</sup> Number of passenger cars which are predicted to emit CO<sub>2</sub> equivalent to the emissions displaced by operation of the Facility, assuming average passenger car travels 11,500 miles per year.</p>			

**17(e) Offsite Consequence Analysis for Ammonia Stored On-Site**

Ammonia will not be stored or used on-site during Facility construction or operation. Therefore, offsite consequences have not been analyzed for the Project.

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<sup>2</sup> For example, (105,954 ton/year CO<sub>2</sub>e) / (5.1 CO<sub>2</sub> tons/vehicle-year) = 20,775 cars

## References

- Energy Information Agency (EIA) (2019a). *New York Electricity Profile 2017*. Available at: <https://www.eia.gov/electricity/state/>. (Accessed: October 2020). See “Full data tables 1-14”.
- Environmental Protection Agency (EPA) Office of Transportation and Air Quality. *EPA-420-F-18-008. Greenhouse Gas Emissions of a Typical Passenger Vehicle 2018*. Available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=P100U8YT.pdf> (Accessed: October 2020).
- Federal Highway Administration (FHWA) (2018), *State & Urbanized Area Statistics*. <https://www.fhwa.dot.gov/ohim/onh00/onh2p11.htm>. (Accessed: October 2020)
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- New York State Public Service Commission (NYSPSC) (2016). *Clean Energy Standard*. Available at: <https://www.nyserda.ny.gov/All-Programs/Programs/Clean-Energy-Standard>. (Accessed: October 2020).
- New York Session Laws Chapter 106 Senate Bill S6599 (S6599) (2019). Available at: <https://www.nysenate.gov/legislation/bills/2019/s6599>. (Accessed: October 2020).