

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4

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RESPONSE TO PUBLIC COMMENTS

Project Name: Albany Terminal
Applicant: Global Companies, LLC
Permit Application: Air Title V Renewal and Modification
Project Location: 50 Church Street, City of Albany, Albany County
DEC Application #: 4-0101-00112/00029
Project Contact: Trish Gabriel, Deputy Regional Permit Administrator
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Enclosure: Distribution List (via email)
Date: June 25, 2024

Introduction

Global Companies LLC (“Global” or the “Applicant”) operates a petroleum storage and trans-shipment facility (“Global Facility” or “Terminal”) located at 50 Church Street, Albany, New York, adjacent to the Port of Albany (the “Port”). The Global Facility is comprised of bulk storage tanks, truck, rail and marine loading racks, and related equipment.

Currently, terminal operations include storage, blending and distribution of various petroleum and related products including, but not limited to, refined petroleum products (e.g., gasoline, distillate, kerosene, heating oil), additives, ethanol, crude oil, and petroleum product/water mixtures. Products are delivered to and shipped from the Terminal by marine vessel, rail and truck and are stored in 16 bulk storage tanks. Trains offload at the Global Facility in the Kenwood Rail Yard, which is owned by Canadian Pacific Railway and leased to Global.

In March 2020, Global applied to the New York State Department of Environmental Conservation (DEC) for a renewal and modification to its existing Title V air permit requesting authorization to change its product storage operations (hereinafter, the “Project”). The following summarizes these proposed changes:

- Decrease the currently permitted crude oil loading throughput limit at the Terminal’s marine rack from 1.85 billion to 450 million gallons per year, resulting in a total reduction of Terminal throughput of approximately 950 million gallons.
- Increase existing throughput caps for refined products (gasoline, ethanol, distillate, biodiesel and blendstock) by 450 million gallons to allow greater operational flexibility to switch among products. Decrease the volatile organic compounds (VOC) emission limit applicable to the primary marine vapor combustion unit at the marine rack from 3 milligrams per liter (mg/L) to 2 mg/L and implement negative pressure loading at the marine rack to control VOC emissions.

- Decrease the VOC emission limit applicable to the vapor combustion unit at the rail loading rack from 10 mg/L to 2 mg/L and implement negative pressure loading to control fugitive loading emissions.
- Install boilers and associated piping for managing biodiesel.
- Prohibit the use of boilers to heat crude oil.
- Install two loading positions at the truck rack to improve efficiency and reduce customer wait time and truck idling time.
- Install seven loading positions to the rail loading rack to allow railcars to be loaded more efficiently and eliminate the need for interim movement of rail cars to load certain trains.

DEC received relevant comments from ten individuals/organizations about the application. A list of commenters is included as Appendix A at the end of this document. Below are the responses to the comments received organized by subject matter.

Public Participation/Disadvantaged Community Concerns

Comment 1: Modifications to Global's existing air emissions permit should be brought before the local community. (Commenter 8)

Response: The Applicant conducted extensive public outreach in conjunction with the proposed Title V air permit modification. As required by DEC's Commissioner Policy 29, *Environmental Justice and Permitting* (March 19, 2003), in 2020, the Applicant prepared and implemented a Public Participation Plan (PPP or plan) approved by DEC with the goal of ensuring that the potential environmental justice area/disadvantaged community in which the Terminal is located was fully informed of the proposed modification. Global then supplemented the PPP in 2023 prior to issuance of the draft permit. Consistent with the plan, prior to submitting the Title V air permit modification application, Global hosted an open house on February 25, 2020 to provide information about the Project and give the public an opportunity to ask questions. After the application was submitted to DEC, Global held two virtual public meetings on August 24, 2020 to provide nearby residents with an opportunity to learn about and comment on the application. Prior to the draft Title V air permit being released for public comment, Global held two additional virtual meetings on August 24, 2023, again with the goal of providing information about the Project and soliciting feedback from the public. Postcards were sent to several thousand nearby residents to inform them of the meetings.

Global undertook other measures to facilitate communication with the community, including hiring a full-time Community Liaison, who is responsible for facilitating communications between Global and the surrounding community; holding meetings with community members; and providing elected officials with updates on developments at the Terminal. In accordance with the PPP, Global has taken numerous steps to inform the local community about the proposed modifications to the Terminal and give members of the community the opportunity to ask questions and provide feedback.

In addition, the Applicant submitted to DEC on June 7, 2023 a letter requesting a Legislative Public Hearing during the Uniform Procedures Act (UPA) public comment

period. On November 10, 2023, DEC issued a Notice of Complete Application and Notice of Legislative Public Hearing announcing DEC's intent to hold a Legislative Public Hearing on December 18, 2023, which would allow the public to provide comments on the proposed Project and draft Title V air permit in person. The Notice was published in the DEC's Environmental Notice Bulletin (ENB) on November 15, 2023 and in the local newspaper on November 17, 2023. Seven speakers participated in the December 18, 2023 hearing. The deadline for submitting written comments on the application was December 30, 2023.

Comment 2: A commenter who arrived late to the public hearing on December 18, 2023 asked about DEC's decision to adjourn the hearing after 20 minutes and suggested that holding the hearing the week before Christmas was probably not the best way to maximize public participation. (Commenter 5)

Response: The DEC administrative law judge conducted the public hearing in accordance with the requirements of 6 NYCRR Parts 621. She convened the meeting at the scheduled time, provided an overview of the Project, took comments from all members of the public in attendance who expressed an interest in speaking, and adjourned the meeting once all the commenters in attendance had made their remarks. A court reporter recorded a transcript of the meeting, and it was made available at the public document repository in accordance with the PPP.

DEC issued a Notice of Complete Application and Notice of Legislative Public Hearing on November 10, 2023, announcing DEC's intent to hold a Legislative Public Hearing on December 18, 2023, which would allow the public to provide comments in person. The Notice was published in the DEC's Environmental Notice Bulletin (ENB) on November 15, 2023 and in the local newspaper on November 17, 2023. DEC did not receive requests from the public to postpone the public hearing, schedule a second public hearing, or extend the public comment period.

Comment 3: Commenters wanted to elevate the concerns of those that live in Albany's South End, especially in the Ezra Prentice homes that coexist with Global's transloading facility. While acknowledging that Global had made efforts to comply with DEC Commissioner's Policy 29 requiring enhanced public participation for environmental justice communities and had considered impacts to mapped disadvantaged communities pursuant to CLCPA Section 7(3), commenters indicated more should be done. Commenters noted that Governor Hochul had signed the "Cumulative Impacts law" requiring applicants to prepare "disproportionate burden reports" when projects require DEC permits having the potential to impact disadvantaged communities. While acknowledging that the law has not yet taken effect, Commenters suggested that it would be appropriate for DEC to seek a burden report from Global to ensure that the proposed changes in emissions and throughput will not, in actual terms, increase hardship on a community already burdened with pollution. Consistent with this comment, the Commenters requested that the permit include an approved



disproportionate burden report that demonstrates Global's plans will not deepen the pollution impact upon an already impacted community. (Commenters 3 and 6)

Response: See Response to Comment 4.

Comment 4: Concerns were raised about the cumulative impacts of the Terminal on disadvantaged communities. (Commenter 2)

Response: (Comments 3 and 4): Comments that referenced cumulative impacts and/or the "Cumulative Impacts Law", (S.8830/A.2103D) likely pertain to legislation enacted regarding the siting of environmental facilities relative to disadvantaged communities, codified by various amendments to New York Environmental Conservation Law Articles 8 and 70. The legislation does not take effect until December 30, 2024 and so does not apply to this application.

As part of its permit application, Global provided information concerning the potential impacts of the proposed Title V air permit modification on the disadvantaged community, thus enabling DEC to assess whether the planned changes will impose a disproportionate burden on that community as required by Section 7(3) of the CLCPA. Among other things, the application included: (1) a supplement to the Environmental Assessment Form (EAF) submitted under SEQRA that included a detailed assessment of the potential impacts of the proposed Project both generally and in relation to the disadvantaged community; (2) an air dispersion modeling analysis to assess the potential impact of air emissions from the modified Terminal on the disadvantaged community; and (3) an analysis of the potential impact of the modified Terminal under CLCPA Section 7(3). These submissions provided DEC with the information necessary to assess the potential impact of the proposed changes to the Terminal, including, but not limited to, traffic impacts (truck, rail and marine), air impacts, odor, noise, and fire and emergency response. Based on information provided, DEC has determined the proposed Project will not result in a disproportionate burden to the disadvantaged community.

Comment 5: Notification to schools of potential offsite impacts should be provided. (Commenter 2)

Response: Notification was provided to all relevant stakeholders in accordance with Global's approved Public Participation Plan (PPP). Giffen Memorial Elementary School (GMES) is identified as a stakeholder in Global's PPP and so receives information about the Project consistent with that plan.

Throughput Caps

Comment 6: While Global is proposing a lower permitting cap on gallons of throughput for all volatile liquids, which represents a reduction of almost a third from the original permit, it is still allowing volumes of traffic that were never actually surpassed in the original permit. The amount of throughput from the height of the 2013-14 Bakken crude transloading boom would

still be allowed under the proposed permitting cap as illustrated by a graph from Global's EAF statement. Consistent with this comment, the permit should be written to include enforceable restrictions that will see actual reductions in emissions – not theoretical declines on original pollution caps that Global never surpassed in the first place. (Commenters 3 and 6)

Response: Global is proposing to lower the allowable throughput of crude oil loading at the Terminal's marine rack from approximately 1.85 billion to 450 million gallons per year, or approximately 25% of their previously permitted capacity. This steep reduction in allowable crude oil throughput significantly reduces the number of train cars carrying crude oil that can be received at the Terminal. Moreover, the reduction in crude oil throughput is significant relative to past activity at the Terminal. During the peak 12-month period for crude oil movement from January 2014 to January 2015, Global shipped over 1.2 billion gallons of crude oil through the Terminal. The proposed reduction in allowable crude oil throughput in the draft permit to 450 million gallons represents a 750-million-gallon reduction in crude oil throughput from past actual conditions. DEC recognizes that the current throughput of crude oil at the facility is less than the 2014-2015 peak volume, and therefore the reduction in the draft permit is less significant when compared to current operations, however, it is necessary to maintain the 450-million-gallon throughput volume in the draft permit in order to be protective of NY State residents and state economy in the case of emergency need where other potential crude oil sources cannot be obtained.

To minimize the potential for increases in truck traffic associated with the Project, the draft permit includes conditions that maintain existing loading limits at the truck rack. Given that NY State's Climate Leadership and Community Protection Act is among the most ambitious climate laws in the nation, a dependency on fossil fuels transported to and from the facility is expected to decrease. See Permit Conditions 41 through 44.

Climate Change and CLCPA Consistency Analysis

Comment 7: The CLCPA is not strong enough to prevent climate collapse. (Commenter 5)

Response: Comment noted.

Comment 8: New York needs to significantly reduce the number gas-powered vehicles in order to meet its limited emission reduction goals. (Commenter 5)

Response: Comment noted.

Comment 9: Most of Global's narrative on their responsibility to assess climate impacts comes from an Environmental Assessment Form (EAF) support document that is more than 3 years old. (Commenters 3 and 6)

Response: Global's EAF Supplement, which was prepared shortly after enactment of the CLCPA, contained a brief discussion of the implications of the CLCPA with respect to the project. In response to DEC's first Notice of Complete Application, Global submitted an

assessment of the consistency of the Project with the goals and requirements of the CLCPA. Thereafter, Global supplemented its CLCPA analysis several times to address comments from DEC staff as well as the issuance of DEC's Program Policy DAR-21, *The Climate Leadership and Community Protection Act and Air Permit Applications* in December 2022. In addition to the EAF Supplement, DEC has relied on these subsequent submissions to further assess the consistency of the Project with the CLCPA under Section 7(2) and evaluate the burdens of the Project on disadvantaged communities under Section 7(3).

Comment 10: Global's CLCPA analysis dismisses any responsibility for calculating life cycle impacts of the crude oil they transport or all the emissions that occur "upstream" of the Port of Albany, as required by Section 7(2) of the CLCPA. Global should at least be required to complete a full analysis of the lifecycle impacts of the fuels it intends to process through its transloading facility. (Commenters 3 and 6)

Response: Section 7(2) of the CLCPA requires DEC to determine whether its administrative decisions, such as issuing a permit for this project, are consistent with the attainment of the statewide GHG emission limits promulgated in 6 NYCRR Part 496. The CLCPA further indicates that upstream emissions associated with the extraction, transmission, and use of fossil fuels imported into the state are included when determining GHG emissions for this purpose. Accordingly, DEC asked Global to consider the upstream GHG emissions associated with the fossil fuels used at the facility, and their response was included in the CLCPA analysis prepared in support of this permit application.

As the commenter suggests, Global's primary business activity involves the import of various fossil and non-fossil fuels into the State. Most of these fuels are not used by Global directly and are instead sold to various end users. Further, the terminal is located upstream of these end users. The upstream emission factors used by DEC and facilities to calculate the associated GHG emissions account for the transport of crude through facilities such as Global and the refining process, which occurs outside of New York State. Some upstream emissions from imported fossil fuels moving through the facility and not used by Global may be more appropriately accounted for by the end users of that fuel to avoid unnecessary double-counting of upstream emissions from fossil fuels used within the State and to ensure proper accounting of such upstream emissions as required by the CLCPA. To the extent any end-users are subject to DEC permitting and/or CLCPA Section 7 review, these emissions will be analyzed at that time.

Comment 11: Global's CLCPA analysis does not benefit from significant CLCPA implementation decisions made by DEC over the past three years in which Title V applications have been denied to various applicants on the grounds that certain fossil fuel activities do not comply with the climate law. (Commenters 3 and 6)

Response: DEC decisions to deny permit applications for other facilities in the State based on inconsistency with the CLCPA are not relevant to Global's pending permit application. Section 7(2) of the CLCPA requires DEC to determine whether its administrative decisions, such as issuing a permit for this project, are consistent with the attainment of the statewide GHG emission limits promulgated in 6 NYCRR Part 496. Determining consistency is necessarily done on a case-by-case basis, with an evaluation of specific facts that are unique to an applicant's underlying project or facility.

In this case, Global has provided sufficient information as part of its CLCPA analysis for DEC to conclude the Project will not result in a disproportionate burden to the disadvantaged community. As discussed above, Global is proposing significant reductions in the allowable throughput of various fossil fuels at this facility. Further, on December 23, 2021, Governor Hochul signed legislation into law that requires an increasing percentage of heating oil sold for use in New York to be comprised of biodiesel. The modifications being proposed as part of this Project directly support Global's ability to handle biodiesel at this facility and thus ensure the fuel blends required by this legislation can be sold. Global is also proposing reductions in allowable emission limits and other changes to the facility's operations that would reduce its impact on the disadvantaged community in which it is located.

Air Impacts and Permitting Issues

Comment 12: Additional research should be done as to the potential amount of airborne pollutants that would be added to the historically abused community in the vicinity of the Project. (Commenter 8)

Response: As part of its Title V air permit modification application, the Applicant performed a comprehensive air dispersion modeling analysis based on a protocol reviewed and approved by DEC staff. The results of this analysis were used by DEC staff to understand and evaluate the potential impact of air emissions from the Global Facility on the disadvantaged community by comparing them to short term and annual guideline concentrations. These guideline concentrations are developed with consideration of the health effects of exposure to various levels of air pollution over time. The permit conditions DEC has added to Global's draft permit ensure that emissions from the facility remain below these concentrations and do not adversely impact nearby residents.

Comment 13: Asthma risk is two-times higher at Ezra Prentice than other housing authority locations away from the Port of Albany. (Commenter 9)

Response: See response to Comment 12 above.

Comment 14: Ethanol emissions are associated with higher rates of ozone formation—a major source of respiratory illness, particularly in low-income communities of color. It is also no better than gasoline in terms of carcinogenic potential. (Commenter 5)

Response: See response to Comment 12 above.

Comment 15: The permit should include requirements for an independent means of monitoring to verify Global's throughput numbers to help DEC with enforcement and compliance. (Commenters 3 and 6)

Response: Each Title V permit contains conditions based on the air pollution control requirements applicable to the permitted activity and specifies how the permittee is expected to monitor and report compliance with the permit condition. Title V permittees, such as Global, must submit semi-annual reports documenting their compliance with the permit and certify compliance with the permit semi-annually. Each permit requires the permittee to maintain extensive records documenting their compliance. Certain records must be submitted to the DEC while others must be maintained at the Global Facility and made available to the DEC upon request. Title V permittees also may be inspected by DEC and EPA at any time, and are routinely inspected by DEC. These conditions provide DEC with sufficient information to assess compliance and determine whether enforcement is necessary.

Biodiesel and Ethanol

Comment 16: Biofuel production has drawbacks, including land and water resource requirements, air and groundwater pollution. Depending on the feedstock and production process, biofuels can emit even more GHGs than some fossil fuels on an energy-equivalent basis. (Commenter 5)

Response: A broad assessment of the environmental impacts of biofuel production and use is outside the scope of this proceeding.

Comment 17: The pro-environmental bent of the "biodiesel" should be discussed widely. (Commenter 8)

Response: See response to Comment 16 above.

Comment 21: A concern arose whether approving biodiesel processing will clear the way for the return of oil trains shipping crude oil to the port area. (Commenter 5)

Response: Authorizing the Terminal to heat biodiesel will not facilitate a change in crude oil trains accessing the Terminal. The management of crude oil will be governed solely by permit conditions relating to the receipt, storage, and offloading of crude oil and is unrelated to operation of the boilers.

Comment 19: Using factory farming to produce biofuels generates methane, a GHG. Also, burning factory farm gas for energy generates carbon dioxide and other pollutants like ammonia, hydrogen sulfide and smog forming nitrogen oxides. Transporting the gas also generates emissions. Expanding factory farm gas means entrenching and expanding this

dirty infrastructure. It also creates new sources of climate-wrecking methane emissions. These concerns prompted a request for information regarding whether there are any restrictions on the source of the biodiesel and the suggestion that New York needs to oppose providing incentives to expand the existence of factory farms. (Commenter 5)

Response: The production of biodiesel and other fuels is outside the scope of this permit action. However, this permit does not restrict the source of the biodiesel brought to the terminal. Also see response to Comment 16 above.

Comment 20: A February 2022 study published in the National Academy of Sciences found that corn-based ethanol is likely 24% more carbon-intensive than gasoline due to emissions resulting from land use changes to grow corn, along with processing and combustion. (Commenter 5)

Response: See response to Comment 16 above.

Comment 21: A commenter requested more information about the Project and how it addresses the concerns stated before adopting a formal position. (Commenter 5)

Response: Comment noted. Global has submitted sufficient information for DEC to determine whether to grant its application for a Title V permit modification and to assess the consistency of the Project with the CLCPA. No further information about the Project is necessary. Information about the application can be found on DEC's webpage for the pending Title V permit modification application at: <https://dec.ny.gov/regulatory/permits-licenses/notable-projects-documentation/states-actions-on-crude-oil-transportation/global-companies-llc-albany>. The webpage includes a link to a Global website containing additional information and documents relating to the Project.

Crude Oil

Comment 22: The draft permit allows for 450,000,000 gallons of crude oil to be transloaded annually from rail to ship in 2024 and beyond. While this represents a 75% reduction in throughput of crude oil from the original permit almost half a billion gallons annually of highly volatile and polluting fuel still displays an unacceptable risk to Hudson River communities. Transloading of crude oil should not start up again. Consistent with that comment, the permit should be written to prohibit the flow of crude oil through the Global Facility. (Commenters 3 and 6)

Response: See Response to Comments 26 through 31 below.

Comment 23: DEC cannot allow the shift in the application [to biodiesel] to be a trojan horse for a new wave of crude oil coming through the port. If the altruistic climate narrative presented by Global is true, then they should voluntarily remove any transport of crude oil from future plans for the boiler or transloading facility. Bakken crude and Canadian tar sands

represent a climate bomb and these dirty fuels' impacts on a rapidly warming planet go far beyond onsite emission calculations. (Commenters 3 and 6)

Response: The boiler component of the Title V permit modification application and the reduction in the crude oil throughput limit are unrelated. The Applicant has proposed to install boilers and heaters to enable it to manage biodiesel at the Terminal. As part of the same application, the Applicant has proposed to reduce its allowable throughput of crude oil at the Terminal from 1.85 billion to 450 million gallons, a 75% emission reduction. Further, Global has specifically indicated in its application that the boilers and heaters will not be used to heat crude oil. See March 19, 2020 EAF Supplement, p. 14 and 15, footnote 4. The facility will be held to this statement.

Comment 24: The pending permit renewal should make it clear that the new proposed boiler unit can never be used to heat crude oil. (Commenters 3, 6 and 9)

Response: Global has specifically indicated in its application that the boilers and heaters will not be used to heat crude oil. March 19, 2020 EAF Supplement, p. 14 and 15, footnote 4. The facility will be held to this statement.

Comment 25: This Project and the potential for future use of diluted bitumen or Bakken crude is of grave concern because: tar sands oil and production is the dirtiest of all fossil fuels; it emits three times more carbon dioxide than extraction and production of conventional oil; and the extraction process results in the destruction of pristine areas within the Canadian Boreal Forest. (Commenter 3 and 6)

Response: A broad assessment of the environmental impacts of tar sands oil or Bakken crude is beyond the scope of this proceeding.

Comment 26: Transporting diluted bitumen by train and barge brings the risks of potential spills. (Commenters 3 and 6)

Response: DEC's review of the Project is limited to determining whether the Project complies with all applicable federal and State air pollution control and comports with SEQRA and the CLCPA. Federal law preempts New York State from prohibiting the transportation of diluted bitumen by rail through the State and/or regulating railroad activities. A partial list of federal laws preempting state regulation of railroad activities and/or regulating railroad transport is set forth below:

- The Federal Railroad Safety Act (FRSA) (49 USC §20101 et seq.) empowering the Federal Railroad Administration to prescribe regulations and issue orders for every area of railroad safety and preempting states from adopting state regulations covering any subject matter covered by those regulations.
- Interstate Commerce Commission Termination Act (ICCTA) (49 USC §10101 et seq.) addressing rates, classifications, rules, practices, routes, services and facilities of rail carriers and specifying that the jurisdiction of the Surface Transportation Board (STB) over these and other listed aspects of train operations is exclusive.

- Hazardous Materials Transportation Act (HMTA) (49 USC §5101 et seq.), requiring establishment of regulations to ensure the safe transportation of hazardous materials and preempting states' ability to regulate hazardous material transportation.

In conjunction with these laws, the federal government has adopted extensive regulations to ensure the safe transportation of hazardous materials, including crude oil. A partial list includes: 49 CFR Parts 171-173, Hazardous Materials Regulations (HMR) Generally; 49 CFR Part 174, HMR Carriage by Rail Requirements; 49 CFR Part 179, Specifications for Tank Cars; 49 CFR Parts 200-299, Federal Railroad Administration regulations addressing rail safety and related matters under the FRSA; and 49 CFR Part 130, Oil Spill Prevention and Response Plans.

See also Response to Comment 27 below.

Comment 27: Since diluted bitumen is extremely thick and heavy, it sinks in water and soaks into soil, making it extremely difficult to clean up in the event of a spill, posing a serious threat to Lake Champlain, the Hudson River, and communities along the transport path. Without a commitment in the new permit to bar the transloading of crude oil, these unacceptable risks persist. (Commenters 3 and 6)

Response: The proposed throughput volumes for the Global Facility will decrease by 950 million gallons as a result of this permit modification. The risks associated with potential spills at the Terminal are addressed by the myriad of spill prevention, control, and response laws and regulations that govern Global's activities at the Terminal. A partial list includes:

- New York's Major Oil Storage Facility program (6 NYCRR Parts 610. 611 and 613) establishing facility design, spill prevention, reporting, and response requirements for large petroleum storage operations;
- New York's federally delegated stormwater pollutant prevention program, which requires discharge permits for facilities that could potentially discharge pollutants, including petroleum, via stormwater;
- Spill Prevention, Control and Countermeasures (SPCC) program (40 CFR Part 112) requiring certain petroleum storage facilities to prepare and implement a SPCC plan;
- Facility Response Plan (FRP) and Emergency Response Action Plan (ERAP) regulations (40 CFR §112.20), requiring plans to ensure Terminal is prepared to respond to a "worst-case" oil discharge involving the non-marine transportation related portion of the Global Facility;
- U.S. Coast Guard (USCG) FRP requirement (33 CFR Part 154, Subpart F) applicable to the marine transportation portion of the Global Facility;
- USCG Dock Operations Manual (33 CFR Part 154, Subpart B and 33 CFR Part 156) addressing marine transfer operations for oil and hazardous materials; and
- U.S. Department of Homeland Security Facility Security Plan (33 CFR Part 105, Subpart D) demonstrating the Terminal's preparedness for a security incident.

These programs require Global to design its facility and implement procedures to reduce the risk of spills and discharges, develop programs and procedures to respond immediately should a spill occur, and implement remediation measures, as necessary, based on the type of spill. No further spill prevention, control and response measures are required in conjunction with Global's Title V air permit modification application.

As set forth in Comment 29 below, New York State is preempted from regulating the transport of crude oil under FRSA, HMTA, and other federal laws.

Comment 28: Diluted bitumen is just as explosive as fracked Bakken oil because of the petroleum-based diluents added to it to make it easier to transport. (Commenters 3 and 6)

Response: The draft Title V air permit limits the volatility of crude oil received at the Terminal. The Reid Vapor Pressure of crude oil will be limited to 12.5 pounds per square inch absolute based on a 30-day rolling average, monitored daily. See Draft Permit Condition 31.

Traffic

Comment 29: If Global's proposal is successful, there may be an increase in truck traffic as a result. (Commenter 9)

Response: As set forth in Section 5.0 of Global's EAF Supplement, several traffic studies have been conducted in the vicinity of the Terminal to assess the comparatively high volume of truck traffic travelling on South Pearl Street in front of the Ezra Prentice Homes, including a study performed by Alta Planning and Design on behalf of Global. The studies show that the Global Terminal does not contribute significantly to traffic on this section of South Pearl Street. A separate study commissioned by the Capital District Transportation Committee showed as follows: 81% of northbound vehicles that pass Ezra Prentice originate between Ezra Prentice and South Port Road (encompassing, among other things, the Port and the Waste Connections/Sierra Processing facility located north of South Port Road) and that only 3% of trucks that pass Ezra Prentice originate from Church Street east of NYS Route 787 (i.e., the area in the immediate vicinity of the Terminal). Global's study of truck traffic entering and leaving the Terminal—which was performed in conjunction with the Title V permit application—confirmed that truck traffic into or out of the Terminal does not significantly contribute to the traffic passing Ezra Prentice.

The changes proposed as part of the Title V air permit modification application are not anticipated to increase truck traffic at the Terminal. Although the Project calls for the addition of two loading positions at the truck rack, this change will not necessarily result in a daily increase in truck volumes and is meant to reduce truck idling time while waiting to load at the racks. To ensure against future traffic impacts, DEC included a throughput limit at the truck rack in the draft Title V permit designed to eliminate potential increases in truck traffic by limiting to currently permitted levels.

Truck traffic allowed in the existing permit and proposed in the draft permit is limited to the transport of 879,000,000 gallons. There is no reasonable expectation that the tanker fleet hauling fuel from Global will change significantly from the existing fleet. The volume capacities of tanker trucks hauling gasoline at Global can vary, but it is not expected to have substantial difference in traffic count due to limit of gallons remaining the same. See Permit Condition 44.

Comments in Support

Comment 30: Global has provided support to Giffen Memorial Elementary School (GMES) in recent years. Global employees have sat on the community school's advisory board and participated and provided input on programming, budgeting, and other matters. Specific assistance provided by Global has included, among other things, supporting urban gardening efforts at the school, assisting families in need (holidays, food, etc.), and supporting a recent event targeted at incentivizing chronically absent students to attend school regularly. (Commenter 1).

Response: Comment noted.

Comment 31: Commenter thanked Global for providing support to the Boys and Girls Club of the Capital Area. (Commenter 7)

Response: Comment noted.

Comment 32: Commenter provided positive comments concerning Global's operations at its Albany Terminal and described the Terminal as "very safe." (Commenter 10)

Response: Comment noted.

Other Comments

Comment 33: Cumulative impacts to the Port of Albany should be considered. (Commenter 2)

Response: See response to Comment 4.

Comment 34: The permit should be written to obligate DEC to issue a positive declaration and require an Environmental Impact Statement if at any future time Global submits a request to handle diluted bitumen. (Commenters 3 and 6)

Response: DEC will evaluate future permit actions under SEQR on a case-by-case basis as it ordinarily does for most actions under SEQR. In the future, if Global undertakes an "action" (as that term is defined in SEQRA) implicating the handling of diluted bitumen, DEC will assess the SEQRA implications of that action at that time.

Comment 35: The site plan for the Project needs to be clarified. The locations of certain features of the site are unclear. In particular, additional clarity is sought concerning whether

the lube oil building will be housing the proposed boilers and which building on the Global site is the lube oil building. (Commenter 4)

Response: The lube oil building is shown on the plans submitted with the Title V application as the red square adjacent to the rail loading area. The note next to the building states “(4) 9.9-MMBTU/hr. Boilers in existing structure.” The existing structure is the lube oil building which will house the proposed boilers.

Comment 36: The distinction between boilers and heaters should be clarified. (Commenter 4)

Response: The project boilers will combust natural gas to heat water and produce steam. The steam will be circulated in heat transfer piping to heat Biofuel. The project heaters will combust natural gas to heat thermal oil. The thermal oil will be circulated in heat transfer piping to heat Biofuel.

Comment 37: The location of the rail offloading area(s) should be clearly marked. The rail yard for staging of trains and the existing loading areas are not labeled, nor is the “rail offload area,” well north of Ezra Prentice. (Commenter 4)

Response: The portion of the Kenwood Rail Yard that Global leases and location where rail offloading occurs is located immediately north of the Global Terminal and is plotted on the site plan submitted with the Title V application. Canadian Pacific Railway (CP) stages trains in CP-operated areas of Kenwood Rail Yard, which is not part of the Global Terminal. Kenwood Rail Yard is located approximately 0.25 miles southwest of the Terminal.

Comment 38: Tracing lines for prompting throughout the system do not appear to have been added to the site plans. (Commenter 4)

Response: Piping is shown on the Site Plan submitted with the Title V application.



DISTRIBUTION LIST

1. Jasmine Brown, Principal Giffen Memorial Elementary School
2. Chris Dempf (no email address provided)
3. Roger Downs, Sierra Club
4. Susan DuBois
5. Mark Dunlea, Green Education and Legal Fund and People of Albany United for Safe Energy
6. Wes Gillingham, Catskill Mountain Keeper (joint comments with Sierra Club)
7. Venus Illaraza, Boys and Girls Clubs of Capital Area, City of Albany SCD After School Programs
8. Ben McKrell
9. Stacy Pettigrew, Radix Ecological Sustainability Center
10. George Yhap, Global Intern (no email address provided)