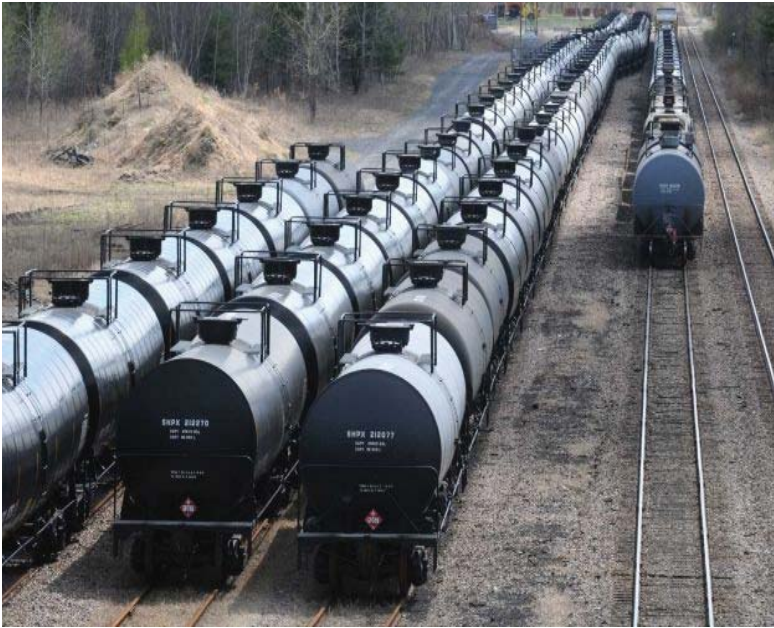


Crude oil project on back burner

State pulls ruling; new plan rises for pollution sensor in South End



Oil train cars seen from the Route 155 bridge on Thursday April 30, 2015 in Watervliet, N.Y. (Michael P. Farrell/Times Union)

By Brian Nearing
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Albany - Amid neighborhood concerns over air pollution around the Port of Albany from massive crude oil trains, the state pulled back an earlier ruling that a proposed crude oil heating project — a potential processor of Canadian tar sands oil — would not pose any environmental threat.

The ruling by the state Department of Environmental Conservation came as the agency also quietly revealed plans to add a permanent air pollution sensor in the nearby South End neighborhood where residents fear increasing emissions from a

surge in crude trains that started arriving at the port from the Midwest about three years ago.

"This is a huge victory for the community, on both fronts," said Dorcey Ap-plyrs, a city Common Council member from the South End. "This is what the community has been asking for. We want to know what is in the air that we are breathing."

County Legislator Lucille McKnight, who also represents the South End, said "the community has been praying for this. It shows that if a poor community sticks together and fights, what can happen."

They were joined by many elected officials and neighborhood groups who reacted with jubilation that the crude oil heating plant, proposed by Massachusetts-based Global Partners, now must go through a much more rigorous environmental review. Opponents fear the project could be used to heat Canadian tar sands, a form of oil that is thicker than traditional crude.

This month, amid reports that DEC was poised to issue a permit to Global, regional EPA Administrator Judith Enck

demanded that DEC provide a draft permit to federal regulators before making a final decision. A year earlier, EPA had challenged DEC's acceptance of Global-provided air pollution figures used to review the project.

Environmental groups Scenic Hudson, Riverkeeper, Environmental Advocates of New York and People of Albany United for Safe Energy also welcomed the move, as did Albany County Executive Dan McCoy, and state Assembly members Patricia Fahy, of Albany, and John McDonald, of Cohoes.

DEC cited "significant proposed project changes and new information submitted" by Global after DEC's initial ruling in late 2013 that the crude heating project would have no significant environmental impact. The agency said "significant adverse impacts must be fully analyzed" because of the nearby 137-unit Ezra Prentice Homes, a city-owned housing project on South Pearl Street.

"Our review of Global's application has focused on protecting the health of people living around the facility and the environment," said DEC Commissioner Joe Martens. "This community has voiced its concerns and raised some serious issues. Through the environmental review process, DEC will continue to evaluate the project's impacts."

In an email Thursday night, Global Executive Vice President Edward J. Faneuil said: "Global Companies has received a notice of intent from the New York state Department of Environmental Conservation to rescind the Negative Declaration issued in connection with Global's pending Title V Permit Modification Application for its Albany facility.

The Permit Modification Application has not been denied but the DEC has requested additional information in connection with the submission. The DEC's action will not affect Global's day-to-day operations or activities at the Albany facility. As always, we are committed to fully complying with all applicable environmental, health and safety regulations. Global is reviewing the notice and will respond in a timely manner."

The company has 10 days to respond to the DEC decision, which if it stands, would require Global to file a detailed environmental impact statement on the project.

Oil train cars seen from the Route 155 bridge on Thursday April 30, 2015 in Watervliet, N.Y. (Michael P. Farrell/Times Union) Rail tanker cars are moved from the yard at the Port of Albany Tuesday, April 7, 2015 in Albany, N.Y. (Skip Dickstein/Times Union) A long line of oil tank cars sits along I-787 Tuesday, Jan. 20, 2015, in Albany, N.Y. (John Carl D'Annibale / Times Union archive) View of the courtyard between the apartment buildings and the rail line that carries oil tankers to the Port of Albany Wednesday, July 16, 2014, at Ezra Prentice Homes in Albany, N.Y. (Cindy Schultz / Times Union archive)

DEC said it received 19,000 comments on Global that raised significant issues, including how the heating plant would meet emission standards for hydrogen sulfide, an invisible, poisonous gas that has the odor of rotten eggs. DEC added that Global "failed to provide sufficient information" on potential increased emissions of the gas.

"We need to know and avoid any impacts on our air, water, climate and public health before a decision is made to put tar sands on the Hudson," said Peter Iwanowicz, executive director of Environmental Advocates of New York.

Scenic Hudson called the move "a step towards reducing the threat of crude oil transport along the river."

Said Roger Downs, conservation director for the Sierra Club Atlantic Chapter, "With so much emphasis on the pre-emptive power of federal railway laws, Governor Cuomo is demonstrating that states can protect citizens from crude-by-rail dangers where federal regulators have failed them."

Last year, Sierra Club Atlantic Chapter, Ezra Prentice Tenants Homes Association and Center for Biological Diversity sued DEC over its initial ruling that the Global project would have no environmental impact.

"We look forward to working with DEC to identify the multitude of threats to the health and safety of communities that make this project a disaster-in-waiting," said EarthJustice attorney Chris Amato. The lawsuit will be rendered moot if the DEC ruling stands, he added.

Also Thursday, a DEC report revealed plans to add a new air pollution sensor near the port as part of a statewide network.

A "special purpose monitor" has been running at the Albany County Health Department offices on South Pearl Street since February, according to an annual DEC plan filed with EPA that proposes to make the sensor permanent.

The sensor tests for carbonyls and volatile organic compounds, which are two forms of hazardous air pollution linked to crude oil and fossil fuel combustion.

According to the DEC report, the Albany sensor should provide data that "will be useful in assessing if industrial activities in the port area significantly impact the neighborhood air quality when compared to cities of similar sizes with normal urban emissions."

DEC was not able to provide further information. Last summer, DEC conducted temporary air pollution testing around the port, and said results were within state guidelines for short-term, acute exposure.

Many neighbors were dissatisfied with that stance, and several months later, the head of the Institute for Health and the Environment at the University at Albany called DEC "irresponsible" because air samples in 20 of 21 cases showed elevated levels of benzene, a known human carcinogen.

Institute Director David Carpenter said the new test station "sounds pretty decent ... and it appears they will also be testing for formaldehyde, which I was very concerned about." Formaldehyde is a known human carcinogen.

A South End resident said the new sensor is welcomed. "I'm not sure if one day of monitoring on a six-day schedule is enough, but it sure is more than we have had in the past," said Dominick Casolaro, a former city Common Council member.

"I find it very disturbing, the way DEC has framed the issue," Amato added. "DEC's position seems to be that residents of the South End may be no worse off than anyone else who is breathing really bad air elsewhere in the state. That is a lackadaisical approach to people's health."