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Commissioner

**TOWN OF OYSTER BAY**  
**DEPARTMENT OF ENVIRONMENTAL RESOURCES**

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January 10, 2012

VIA E-MAIL: [MBrechter@lipower.org](mailto:MBrechter@lipower.org)

Nick Lizanich  
Vice President Operations  
Long Island Power Authority  
333 Earle Ovington Boulevard, Suite 403  
Uniondale, NY 11553

Re: Glenwood Power Station Demolition and Transmission Line Relocation

Dear Mr. Lizanich:

The Town of Oyster Bay is in receipt of your letter dated December 21, 2011, which seeks to establish the Long Island Power Authority (LIPA) as lead agency in regard to the above referenced proposed action pursuant to the State Environmental Quality Review Act (SEQRA).

It does not appear that the Town of Oyster Bay has discretionary approval authority in this matter. The Environmental Assessment Form (EAF) attached to LIPA's lead agency coordination letter indicates that the only approval governed by the Town of Oyster Bay is the issuance of a building permit for construction trailers and associated facilities, which is identified as a "ministerial action". Under these circumstances, the Town of Oyster Bay would not be eligible to serve as lead agency. However, the proposed power plant demolition would occur on a parcel of land located just to the south of the Town of Oyster Bay municipal boundary, adjacent to the Town's Powerhouse Park, while some of the proposed transmission line relocation work would occur within the Oyster Bay portion of Glenwood Landing. Additionally the project site fronts on Hempstead Harbor, an environmentally sensitive body of water which has been the subject of major ongoing revitalization efforts primarily being implemented through the Hempstead Harbor Protection Committee (HHPC). The HHPC was established to facilitate a cooperative approach to addressing issues facing Hempstead Harbor, and its membership comprises all nine municipalities with Harbor frontage, including the Town of Oyster Bay. Accordingly, the Town of Oyster Bay has significant interest in the subject proposed action; and on the Town's behalf, in conjunction with the HHPC, we offer the following comments based upon our review of the EAF (including attachments) for your consideration in an effort to ensure that the project is undertaken in a manner that minimizes adverse environmental impacts to the maximum extent practicable.

1. Attachment 1 (page 1) indicates the intent to prepare a Full Environmental Assessment (EA) with regard to the subject proposed action. It is requested that the completed EA be circulated for public review before any decision is made (i.e., prior to the issuance of a Negative Declaration under SEQRA).

2. Attachment 1 (page 2) states that access to boating will be closed underneath the transmission lines for an estimated two-week period while "re-stringing" occurs. If possible, this should be done during the months when the HHPC is not conducting weekly water sampling (i.e., it would be best to do this from mid-November to mid-April). Such closure would effectively preclude sampling the lower harbor and the HHPC's grant funding requires weekly sampling. Also, re-stringing during the summer months would preclude boaters from accessing the lower harbor, and impacts to that important user group would be minimized if this work occurred during the off-season.
3. Attachment 1 (page 2) indicates that the notification requirement regarding harbor closure during the re-stringing operation was made following outreach to the U.S. Coast Guard and discussed with the Town of (North?) Hempstead Harbor Master. As the Town of Oyster Bay's jurisdictional waters lie immediately to the north of the project area, it is requested that discussion and coordination also occur with the Town of Oyster Bay Department of Public Safety (which includes the Bay Constables).
4. If the only facilities that will remain upon project completion are natural gas turbines, substations and transmission lines, it is not clear why the existing fuel oil tanks adjacent to the gas combustion turbines (as shown in Figure 5) are being retained under the proposed action.
5. Attachment 1 (page 7) mentions that an alternate location would be found for the peregrine falcon nest currently located on one of the stacks of Power Station 2 which is proposed for demolition. The alternate location should be within Hempstead Harbor if at all possible.
6. There are also several osprey nests nearby in lower Hempstead Harbor. The forthcoming EA should address the demolition's impact (such as noise) on these birds, as well. Impacts during the nesting season should be avoided if possible.
7. The EAF does not mention the New York State Open Space Plan, which includes the National Grid parcels just to the north of the proposed project site. This should be addressed in the forthcoming EA.
8. The EAF also does not mention the impact on the Town of Oyster Bay public park (Powerhouse Park) located immediately to the north of the proposed demolition site. The anticipated impacts to this park, and measures that will be implemented to mitigate such impacts, should be discussed in the forthcoming EA.
9. The EAF also does not address the future of the cooling water system. It is not clear whether the remaining turbines will continue to use this system. If they do, analysis should be provided to address how and whether the system will meet new requirements for protecting marine life that may be drawn into the system.
10. Attachment 1 (page 5) describes Glenwood Power Station as a "peaking facility". While the removal of this facility from the Hempstead Harbor waterfront can be expected to result in a number of benefits

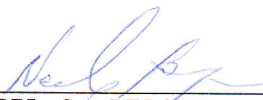
to the Harbor, it would be important to demonstrate that the capacity currently served by this facility will be satisfied by other new or expanded facilities and/or energy conservation measures.

11. Attachment 1 (page 6) states that the facility decommissioning plan includes existing groundwater monitoring wells on the site. Given the fact that a Phase I investigation is underway, and a Phase II investigation may be required, it seems to make sense to retain these groundwater monitoring wells.
12. Attachment 1 (page 6) states, "As no discretionary permits are required for the abatement work, this work is not part of the proposed action for SEQRA purposes." The meaning and intent of this statement is unclear, with one possible interpretation being that the issue of site remediation may not be addressed in the forthcoming EA. Clarification is requested, and it is urged that the EA fully describe and analyze the remediation program that will be implemented at the subject location since this issue is of critical interest and importance with respect to the protection of Hempstead Harbor.
13. While the EAF states that there are no plans for future development of the site, it would be hard to imagine that the company will choose to keep the site vacant in light of its valuable waterfront development potential. If there are conceptual plans for development, they should be addressed. Failure to do so could be considered "segmentation" under SEQRA. At a minimum, it should be possible at this time to specify whether National Grid intends to sell the land or re-use it for utility purposes.

We appreciate the opportunity to comment on the EAF at this time and we look forward to continued cooperation as review of the proposed action proceeds with the preparation of the EA and ultimate decisions.

Please do not hesitate to contact us if you have any questions.

Very truly yours,

  
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NEIL O. BERGIN  
COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

c: Office of the Supervisor  
Leonard Genova, Town Attorney  
Frederick Ippolito, Commissioner, Department of Planning & Development  
Eric Swenson, Executive Director, Hempstead Harbor Protection Committee