

THE SENATE
STATE OF NEW YORK



PETER B. HARCKHAM
SENATOR, 40TH DISTRICT

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Ona Papageorgiou
NYS Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

Re: recommendations - 6 NYCRR Part 203

July 26, 2021

Dear Ms. Papageorgiou:

I thank the Department of Environmental Conservation (DEC) for the opportunity to provide input on the rulemaking designed to support the goals and requirements of the Climate Leadership and Community Protection Act (6 NYCRR Part 203).

I support the recent Clean Air Council recommendations, detailing ways to strengthen the regulations and would like to add my input to the process of drafting regulations designed to lower methane and VOC emissions for new and existing sources in the oil and natural gas sector

In the interest of protecting public health, safety and the environment for all New Yorkers, I urge the DEC to adopt the following regulatory requirements for oil and gas infrastructure, which include but are not limited to natural gas compressor stations, metering and regulating stations, and pigging stations:

1. Installation and use of Lowest Achievable Emissions Rate (LAER) technology at all new and existing gas infrastructure facilities that emit pollutants into the environment, including those not designated under federal Title V requirements or not located within non-attainment areas;
2. Inclusion of non-combustion emission sources and emission sources currently
 - a. considered "exempt" within the DEC regulatory framework;
3. Installation and use of specific emission control technology, identified through the federal National Gas Star Program, including, but not limited to:
 - a. Dry seals on all centrifugal compressors
 - b. Automatic air to fuel ratio (AFR) controls
 - c. Oxidation catalysts and selective catalytic reduction (SCR) on exhaust stacks

- d. Vapor recovery technology for reciprocating compressors, storage tanks, and other sources of fugitive or vented emissions
 - e. Static seals on reciprocating compressor rods
 - f. Dry low-NO_x burners (DLNB)
 - g. Low emission combustion (LEC)
 - h. SCONO_x or equivalent technology
 - i. Zero-emission dehydrators and similar closed-system technology to avoid venting of gas
 - j. Electric or compressed air starters
 - k. Electric or compressed air actuators instead of gas-operated pneumatic actuators
 - l. Post-combustion particulate matter controls such as electrostatic precipitators, baghouses, and scrubbers
 - m. Interior and exterior corrosion protection, such as plastic enamel sprays
 - n. Electric motor compressors where applicable;
4. Implementation of practices, identified through the National Gas Star program, to reduce natural gas leakage and blowdowns, including but not limited to maintaining compressors at pipeline pressure when off-line, redirecting blowdown gas to lower-pressure lines, cap testing, use of inert gases at pigging stations, and more aggressive maintenance of packing rings and compressor rods than required by existing regulations;
 5. Continuous monitoring of pollutants including toxic chemicals, criteria pollutants, ultra-fine particulate matter, individual VOCs, as well as methane, in real time for all gas infrastructure facilities at the stack, fence line, and within nearby communities, with such data made readily available to the public, such as by online access;
 6. Onsite verification of compliance with regulatory requirements and permit conditions by independent registered inspectors through scheduled and random visits (i.e., no “self audits”);
 7. Rigorous quarterly inspection by independent registered personnel with regular reports submitted to the DEC and made available to the public to detect and ensure timely elimination of natural gas leaks at gas infrastructure facilities, using comprehensive detection methods such as aerial and ground-level laser methane assessment, organic vapor analyzers (OVAs), toxic vapor analyzers (TVAs), sorbent tubes, SUMMA canisters, infrared cameras, as well as real-time monitoring with Fourier Transform Infrared (FTIR) spectroscopy and other remote sensing along pipelines;
 8. 48-hour or greater advanced notification to all County and local governments within a six (6) mile radius of gas infrastructure facilities of all planned blowdowns, regardless of size, and other chemical releases; notification to all County and local governments within a six (6) mile radius of gas infrastructure facilities within 30 minutes of all unplanned blowdowns, regardless of size, and other chemical releases at all gas infrastructure facilities; and suspension of planned blowdowns or other chemical releases during poor air quality days as defined by the EPA Air Quality Index (e.g., ‘Unhealthy for Sensitive

Groups, AQI > 101) as well as when weather conditions would increase exposure to air pollutants;

9. Within 6 months of effective date, requirement of replacement or retrofitting of technology and updating of site practices for existing gas infrastructure facilities, to ensure compliance with applicable regulatory requirements and best management practices;
10. Retention of chain of custody records and tracking for all industrial waste removed from gas infrastructure facilities;
11. Strict enforcement of all best management practices and protocols for gas infrastructure facilities, to ensure protection of public health, safety, and the environment.

Additionally, it is critical for the health and safety of New Yorkers that the DEC and the Department of Health (DOH) take the following steps:

The DEC, in cooperation with the DOH, promulgate standards that are more stringent and performance requirements, including but not limited to the current regulated levels of criteria pollutants, to address deficiencies in NAAQS, which fail to consider human toxicity in populations proximate to gas infrastructure facilities, and any other deficiencies affecting public health, safety, or environmental protection.

Revision of the DEC's Air Toxics Program, including 6 NYCRR Part 212, DAR-1 modeling protocol and guidance, AGC/SGC concentrations, and assessment tools, in order to protect people and vulnerable subpopulations from exposure to toxic air contaminants emitted from natural gas infrastructure.

The DOH in cooperation with the DEC require and oversee a comprehensive, independent Health Impact Assessment (HIA) as outlined by the Centers for Disease Control and the National Academy of Sciences, incorporating the latest peer reviewed science, to be conducted by an independent public health entity and include cumulative short and long-term, direct and indirect impacts from all natural gas infrastructure components, emissions from operations including blowdowns, leaks, and spills; and a thorough analysis of the chemical emissions and radioactive contaminants, as well as their concentrations, persistence, and dispersion; and that a health registry should be established and maintained with all data available to the public.

Development of DEC State Environmental Quality Review (SEQR) guidance to ensure that all relevant state agencies adequately address all cumulative impacts including but not limited to greenhouse gases and climate change during environmental reviews for gas infrastructure projects. Protecting public health, reducing harm caused by gas infrastructure, and tackling climate change require strong, comprehensive, and immediate action. Our health and welfare depend on your full adoption of these recommendations.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter B. Harckham". The signature is written in a cursive style with a large, stylized initial "P".

Peter B. Harckham

New York State Senate, 40th S.D.