



ALBANY ENERGY LLC

NOTICE OF COMPLETE APPLICATION

From: Andy Marcuccio <aamarcuc@gw.dec.state.ny.us>
To: Lewis Staley <lstaley@fortistar.com> **Cc:** Tony Jimenez <tjimenez@fortistar.com>, Don Spencer <dhsponce@gw.dec.state.ny.us>, Gary McPherson <gamcpher@gw.dec.state.ny.us>, Nancy Baker <nmbaker@gw.dec.state.ny.us>, Pamela Story <plstory@gw.dec.state.ny.us>
Date: 10/14/2010 04:53 PM
Attachments:  2010.10.14 Albany Energy Notice of Complete Application and... (31 kB)
 2010.10.14 Albany Energy Notice of Complete Application cover... (40 kB)
Subject: Albany Energy Draft DEIS

Lew,

Attached is the Notice of Complete Application/Acceptance of DEIS. Please have the Notice published in the Albany Times Union next week as explained in my attached cover letter.

This Notice, along with the following documents should be posted on the Fortistar's web pages as individual links:

1. Original DEIS you provided last July;
2. Your follow up response dated October 7
3. Section 3 of the City of Albany's DEIS for the expansion project (you reference this in the DEIS)
4. Copy of the draft Air Title V permit (if you do not have this please request it from Gary)

The bottom of the Notice lists 3 other locations other than this office where we would like you to provide a hard copy of all the application documents (City of Albany offices, Albany Library, Colonie library).

I will be out of the office tomorrow, however, should you have any questions about the Notice or find any errors in it, etc. please contact my colleague Nancy Baker at nmbaker@gw.dedc.stet.ny.us (518) 257-2452 for assistance.

I will be back in the office Monday if your questions can wait until then.

A special thank you goes to Tony Jimenez for setting up the webpage (URL) so quickly today.

Angelo (Andy) Marcuccio
Environmental Analyst 2
NYS Dept. of Environmental Conservation
Division of Environmental Permits
Region 4
1130 N. Westcott Road
Schenectady, NY 12306-2014

Telephone (518) 357-2446
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New York State Department of Environmental Conservation

Division of Environmental Permits, Region 4

1130 North Westcott Road, Schenectady, New York 12306-2014

Phone: (518) 357-2069 • Fax: (518) 357-2460

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

October 14, 2010

Mr. Lewis Staley
Albany Energy, LLC
5087 Junction Road
Lockport, NY 14094

RE: Notice of Complete Application/Acceptance of DEIS
Air Title V Application for Albany Energy LLC - Gas to Energy Facility at Albany Landfill
DEC Permit Application No. 4-0101-00426/00001
City of Albany, Albany County

Dear Mr. Staley:

We have reviewed the original Draft Environmental Impact Statement you prepared for the Gas to Energy Facility you propose to build and operate at the City of Albany Rapp Road landfill along with the supplemental information you provided on October 7. We have accepted these two documents as the DEIS document for your proposed facility and have determined that your permit application is now considered complete.

Enclosed is a combined Notice of Complete Application and Acceptance of DEIS. Please have the entire Notice published in the *Albany Times Union*, one time, on any day, Monday through Friday during the week commencing on October 18, 2010. It would be preferable to have the Notice published on the same day that the next edition of Environmental Notice Bulletin is published by the Department on October 20.

Please request that the newspaper publisher provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication please forward it to me for our files. You must provide the Proof of Publication before a decision can be rendered on your applications. You are responsible for paying the cost of publishing the Notice in the newspaper.

This notification does not signify approval of your permit application. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application.

Should you have any questions regarding this process or your pending application, please contact me at (518) 357-2446 or at aamarcuc@gw.dec.state.ny.us.

Sincerely,

Angelo A. Marcuccio
Environmental Analyst

Enclosure - Notice of Complete Application/Acceptance of DEIS

**NOTICE OF COMPLETE APPLICATION
NOTICE OF COMPLETION OF DEIS**

Date: October 14, 2010
Applicant: Albany Energy, LLC
Address: 5087 Junction Road, Lockport, NY 14094
Facility: Albany Energy Gas to Energy Facility

Permit applied for and application number:

NYS Air Title V permit (6NYCRR Part 200)
DEC# 4-0101-00426/00001

Project description and location:

The proposed project involves the construction of a gas-to-energy facility located on the grounds of the City of Albany Landfill, located at 525 Rapp Road, City of Albany, Albany County, New York. The facility is designed to recover methane gas generated from the landfill and use it as fuel to operate four lean burn internal combustion engines that will produce electricity. The engines will be housed inside a building on the landfill property and the methane gas will be piped directly from the landfill's gas collection system to the generators. This proposed facility is being designed to beneficially use methane gas that is currently being burned-off through a flare at the landfill.

In accordance with 6NYCRR Parts 621.7(b)(9) and 201-6.4(c), the Administrator of the United States Environmental Protection Agency (USEPA) has the authority to bar issuance of any Title V Facility Permit if it is determined not to be in compliance with applicable requirements of the Clean Air Act or 6NYCRR Part 201.

Persons wishing to inspect the subject Title V files, including the application with all relevant supporting materials, the draft permit, and all other materials available to the DEC (the "permitting authority") that are relevant to this permitting decision should contact the DEC representative listed below. The Draft Permit and Permit Review Report may be viewed and printed from the Department web site at: <http://www.dec.ny.gov/chemical/32249.html>.

The DEC will evaluate the application and the comments received on it to determine whether to hold a public hearing. Comments and requests for a public hearing should be in writing and addressed to the Department representative listed below. A copy of the Department's permit hearing procedures is available upon request or on the Department web site at: <http://www.dec.ny.gov/permits/6234.html>.

State Environmental Quality Review (SEQR) Determination:

The project is classified as an Unlisted action and may have a significant impact on the environment. A coordinated review was not performed and a positive declaration was issued was issued by the DEC. The applicant has prepared Draft Environmental Impact Statement (DEIS) for this action which updates a previously prepared DEIS for the expansion of the landfill facility by the City of Albany. The DEC, as the SEQR Lead Agency, has accepted this DEIS document as being complete.

SEQR Lead Agency: NYS Department of Environmental Conservation

Uniform Procedures Act: This project is considered a Major action under this act.

State Historic Preservation Act (SHPA) Determination: A cultural resources survey has been completed. Based on information provided in the survey report, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the proposed activity will have no adverse impact on registered or eligible archaeological sites or historic structures. No further review in accordance with SHPA is required.

Coastal Management: This project is not located in a Coastal Management area and is not subject to the Waterfront Revitalization and Coastal Resources Act.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29):

It has been determined that the proposed action is not subject to CP-29.

Statutory and Regulatory Provisions:

This application was filed and reviewed pursuant to Environmental Conservation Law ("ECL") Article 3, Title 3 (General Functions), Article 8 (State Environmental Quality Review), and Article 70 (Uniform Procedures); and pursuant to Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (A6NYCRR@) Part 617 (State Environmental Quality Review), Part 621 (Uniform Procedures),

Availability of Documents:

The Department has prepared a draft Air Title V permit which may be reviewed, along with the Draft Environmental Impact Statement, and supporting documentation, at the locations listed below during normal business hours:

NYS DEC Region 4 Office, 1130 North Westcott Road, Schenectady, NY 12306
City of Albany, Office of General Services, 1 Connors Blvd., Albany, NY 12205
City of Albany, Main Library, 161 Washington Ave., Albany, NY 12210
William K. Sanford Library, Town of Colonie, 629 Albany-Shaker Road, Loudonville, NY 12211

In addition, the documents are posted on the world wide web for accessibility by interested parties on the following website: <http://www.fortistar.com/PublicDocs/Forms/AllItems.aspx>

Opportunity for Public Comment:

Written comments may be submitted as follows:

- 1) Mailed to the DEC Region 4 office listed in this Notice;
- 2) Faxed to the DEC Region 4 office at 518-357-2460;
- 3) E-mailed to DEC Region 4 office at: r4dep@gw.dec.state.ny.us

All comments should be addressed to the attention of the DEC Contact person listed in this Notice and must be received by DEC no later than Close of Business (4:45 p.m.) on November 19, 2010. Comments should include specific information relative to the project.

DEC Contact Person:

Angelo Marcuccio, Environmental Analyst
New York State Department of Environmental Conservation
Region 4 Headquarters
1130 North Westcott Road
Schenectady, New York 12306
(518) 357-2446