

November 7, 2016

Basil Seggos, Commissioner  
Department of Environmental Conservation  
625 Broadway, Albany NY 12233-1750

Dear Commissioner Seggos –

As representatives and residents of Albany's South End and nearby neighborhoods we wish to congratulate you on the Department of Environmental Conservation's comprehensive identification of negative environmental impacts associated with the Pilgrim Pipeline as stated in your Positive Declaration of Environmental Significance for the project. We expect that the draft-scoping document will be released shortly. As you well know, the dramatic increase in the amount of crude-by-rail traffic through the City of Albany has had a profoundly detrimental effect upon our residents and the addition of a crude oil pipeline will only exacerbate the negative air quality impacts and risks associated with the mass transport of fossil fuels. Using our collective resources, it is our intention to engage the citizens of Albany's South End in the Pilgrim Pipeline's scoping process. The amount of work, however, required to involve an economically disadvantaged community that is already facing substantial environmental problems, in the State Environmental Quality Review Act (SEQRA) process, is significantly more difficult than soliciting comments from an affluent community with more resources.

Fortunately, the Department's Environmental Justice Policy (Commissioner Policy-29) is designed to ensure that minority and low-income communities, like ours, play a meaningful role in DEC's permit review processes and the Department's application of SEQRA. Albany's South End Neighborhood, including the Ezra Prentice homes – has already been designated by the Department as an Environmental Justice area. CP-29 recognizes that our community has been disproportionately affected by adverse environmental impacts and requires that any applicant for a major project must "submit a written public participation plan as part of its complete application." In anticipation of the soon-to-begin scoping process for Pilgrim Pipeline it would appear that unless there is an enhanced public participation plan approved and in place BEFORE the release of the draft scope, it will be difficult to engender meaningful community engagement during this key information gathering time. Waiting to implement a public participation plan during or after scoping will largely nullify the most effective aspirations of CP-29, which is to involve an EJ community as early as possible in the review process.

The public participation plan must, at a minimum, (1) identify stakeholders, including nearby residents, local elected officials, community-based organizations, and community residents; (2) provide for distribution and posting of written information on the proposed action and permit review process; (3) provide for public information meetings to keep the public informed about the proposed action and permit.

Despite the clear requirements of CP-29, the Department has in the past, regrettably,

authorized several major projects in the Port of Albany without involving our adjacent Environmental Justice communities, including a number of Title V air permit modifications for both the Global and Buckeye oil transloading facilities. These projects, alone and collectively, raised serious health and public safety concerns for residents of the South End and we hope that the threat of yet another crude oil related project will finally yield appropriate adherence to CP-29 and proper consideration of Environmental Justice concerns.

Finally, while our interests are focused upon the neighborhoods of Albany's South End community, Pilgrim Pipeline and the dramatic increase in rail traffic on the Canadian Pacific Line could potentially affect dozens of EJ communities from the Canadian border to the lower Hudson Valley. We hope that any consideration afforded to the Environmental Justice communities near the Port of Albany will be applied to other EJ communities in the path of this pipeline as well. Again, we strongly encourage you to hold off on releasing the draft scope until you have established an approved public participation plan under CP-29 for all EJ communities affected by Pilgrim Pipeline to ensure maximum public involvement.

Thank you for your consideration in this matter and we eagerly anticipate your reply.

Sincerely,

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