



The Olana Partnership



**FRIENDS of  
HUDSON**

**FOR IMMEDIATE RELEASE**

*Wednesday, March 10, 2004*

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## **State requires significant new data and explanations from St. Lawrence Cement**

### **PREVIOUS COMPANY SUBMISSIONS NOT 'SATISFACTORY' TO DEPT. OF STATE DIVISION OF COASTAL RESOURCES**

ALBANY — A new letter from the New York State Department of State (NYSDOS) requires St. Lawrence Cement to furnish significant new information on a wide variety of topics, including noise impacts, light and air pollution, visual blight, and potential harm to public enjoyment of the Hudson and Athens waterfronts.

The March 9th letter from Samuel E. Messina, Deputy Director of the NYSDOS Division of Coastal Resources, states that the agency has “re-evaluated” SLC’s prior submissions in light of information which emerged during recent reviews and hearings. Messina writes that SLC’s earlier submissions “do not reflect these developments, and therefore have not been provided in a manner satisfactory to DOS.”

Sara Griffen, President of The Olana Partnership said: “The fact that the DOS has requested significantly more information on visual impacts to major historic resources like Olana, as well as air impacts specifically on Olana, is hugely gratifying to us. SLC clearly had done an inadequate job in the first place.”

Speaking on behalf of the Hudson Valley Preservation Coalition, Scenic Hudson general counsel Warren Reiss said, “HVPC heartily applauds this step by DOS to ensure that SLC’s mammoth project receives a full and proper review. We have maintained all along that this project is utterly inconsistent with the laudable and worthy aims of the Coastal Management Program, and that SLC’s prior attempts to address these issues have merely highlighted the huge negative impacts this project would have on the Coastal Zone, and indeed the entire region.”

Friends of Hudson executive director Sam Pratt commented: “This new DOS letter is the latest setback for St. Lawrence’s attempts to cut corners within the State review processes. We appreciate that the DOS is

taking the necessary hard look at these important Coastal issues, which have been raised by thousands of concerned Valley residents over recent years. We applaud the State for acting forcefully to protect public access, views, and natural and historic resources along the magnificent Hudson River.”

Messina’s letter outlines 10 broad areas in which the agency has not received adequate information from SLC, instructing SLC to:

- **Conduct a new “balloon test” simulating the “height and mass of the proposed plant,” with Department of State staff present, as well as one week of public notice of the event.**
- **Discuss alternative plant designs resulting in the “smallest visual intrusion possible” while also attaining the lowest possible pollution impacts.**
- **Identify the potential impacts of noise, light and dock activity on the Hudson and Athens communities.**
- **Devise measures to eliminate these impacts, especially along the waterfronts and public parks.**
- **Explain how noise from SLC’s proposed 24-hour-a-day operation can be reduced to acceptable levels, especially at nighttime, and on weekends and holidays.**
- **“Elaborate on the additional measures which would be undertaken to protect the public interest on recreational boating and waterfront uses in the vicinity of the SLC dock.”**
- **Assess the use of a recent advance in pollution control technology, Selective Catalytic Reduction, as requested by engineers retained by project challengers.**
- **Assess the effects of their emissions “on the structures of the Olana State Historic Site, and other historic resources within the plume deposition area.”**
- **Furnish a complete copy of its most recent visual analysis.**

The Division of Coastal Resources is responsible for assessing the SLC project’s impacts to the Coastal Zone along the Hudson River. The agency reviews the project against 44 Coastal Zone policies, intended to improve public access, protect natural and scenic resources, and ensure appropriate development within coastal areas. Without approval from the agency, the U.S. Army Corps of Engineers would be restrained from issuing permits at the Federal level.

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*A copy of the 3-page NYS DOS Division of Coastal Resources letter is attached.*



STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001

GEORGE E. PATAKI  
GOVERNOR

March 9, 2004

RANDY A. DANIELS  
SECRETARY OF STATE

Mr. David Loomes  
Director: Greenport Project  
St. Lawrence Cement Company, LLC  
4363 Route 9  
Hudson, NY 12534

Re: F-2001-0127  
U.S. Army Corps of Engineers/NY District  
Application #2000-00943-YN  
St. Lawrence Cement - Greenport Project  
Town of Greenport, Columbia County  
City of Hudson, Columbia County  
DEC #4-1040-00011

**Request for Additional Information**

Dear Mr. Loomes:

The Department of State (DOS) has re-evaluated the information provided by St. Lawrence Cement in light of several administrative developments related to the New York State Department of Environmental Conservation's hearing process. As a result of these developments, and in consideration of the evolving nature of the project to date, the data and information provided to the DOS in response to the DOS' letters of March 2001 and June 2001 do not reflect these developments and therefore have not been provided in a manner satisfactory to DOS. Therefore, the following data and information are necessary to enable the DOS to adequately assess the coastal zone effects of this proposed project:

1. In February, 2002, your consultant, the Saratoga Associates made a presentation to the DOS on issues associated with the visual quality analysis for the Greenport Project that was required for the State Environmental Quality Review Act (SEQRA). To assist in our determination of the consistency of the Greenport Project with the visual and cultural resources policies of the NYS Coastal Management Program (CMP), please provide a hard copy and a compact disc copy of that visual analysis presentation, or the most current visual analysis, if a more recent version exists.

2. According to the materials submitted, the industrial processes that are proposed for the Greenport manufacturing facility will employ treatment of the exhaust and by-product gases which is expected to reduce emissions. Page I-15 of the Draft Environmental Impact Statement (DEIS) refers to "[t]he newer, highly efficient dry process ..." which requires a pre-calciner tower, one of the major vertical elements of the Greenport manufacturing plant. To determine if the Greenport project would be constructed and operated in a manner that is fully consistent with the air quality and visual resources policies of the NYS CMP, please elaborate on the differences in air quality, visual character of the plume, plant efficiency, building design and stack height between the dry process technology proposed for the Greenport plant, and an alternative pre-heating, heating and cooling process which attains the LAER required by the NYS DEC and which presents the smallest visual intrusion possible. More specifically, please describe whether an alternative to your preferred process configuration exists which achieves emission control requirements and would result in less visual effect.

3. Please submit an assessment of Selective Catalytic Reduction technology as it is employed in the cement manufacturing process, and its effects on the applicable policies of the NYS CMP, especially those policies pertaining to visual quality and air quality (i.e. #24, #25, #41 & #43). Please provide plans which depict how such a technology could be incorporated into the Greenport facility design, in addition to a copy of the information requested by the NYS DEC in their letter to Mr. Thomas West, dated July 29, 2003.

4. A balloon simulation flight was made by St. Lawrence Cement prior to the preparation of the Draft Environmental Impact Statement. If photographs and data for the flight(s) exist; including elevation and specific site location of the balloon(s), time of day, wind speed and direction, represented structural components of the plant, and actual ground elevation of the tethered balloon(s), please supply copies of that information to DOS.

5. So that the Department may fully consider the potential visual effects of the Greenport project on the visual and scenic policies of the NYS CMP, please arrange to simulate the finished height and mass of the proposed plant stack, other vertical elements, and the corners of the entire plant with a short-duration balloon flight in the presence of DOS staff. The simulation balloons should be of an acceptable durable quality, flown and tethered sufficiently to prevent loss and significant displacement from the vertical in winds less than approximately 25 knots. A flight of one day should be adequate, unless weather conditions (i.e. high winds, rain, fog) preclude such a flight and balloon observation. Please contact me in order to review what is to be simulated and to coordinate the scheduled lofting and duration of these flights. Furthermore, the Department will require photos and videos of the flight from locations selected by the Department. You should be prepared to advertise when the flight is to occur in major daily newspapers serving the area at least one week prior to the scheduled flight.

6. Operations at the Hudson River dock would continue throughout the duration of the Hudson Max vessel dwell time while such a vessel is moored. These operations would utilize lighting at the dock and mechanized equipment associated with the off-loading and movement of material. Please more fully explain and evaluate expected noise and light levels to be generated, and their impacts to the communities of Hudson and Athens. Compare these effects to the effects of noise and light levels now generated at the dock. Discuss how these effects will be minimized, particularly with regard to future waterfront development described by the City of Hudson in the City's Vision Plan of March, 1996.

7. Please identify techniques, treatments and other steps which reduce or eliminate the potential of light and noise pollution, such as light shades, depressed work areas below the existing grade at the dock, berms and other barriers, or the installation of vegetation. Please also thoroughly assess and describe the effectiveness of such techniques and the degree to which they would reduce or eliminate light and noise emanating from the Hudson River dock to the City of Hudson waterfront and the Village of Athens. Your assessment should actively analyze the effects of noise and light pollution using such treatments and describe any resulting impacts that may result to existing and future public uses of the waterfront. Provide plans, diagrams, and/or specifications which employ such treatments eliminating, or reducing, noise and visual effects migrating from the dock to the maximum extent practicable. Any plans for the use of such treatments must specifically be based on an assessment of their effectiveness in the Greenport application. Following the implementation of such treatments and techniques, there should be no excessive noise exceedences (i.e. beyond 5dB of ambient) at locations where the public can reasonably be expected to congregate including, and not limited to, the City of Hudson waterfront park. Other future uses contemplated by the City of Hudson, and the proposed relocation of the State boat launch, will introduce planned uses of the waterfront that could be adversely affected by noise and light.

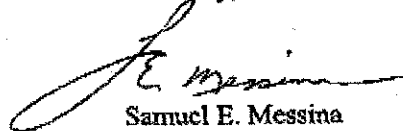
8. Identify what is meant in the DEIS by the term "daylight" hours with respect to the evaluation of noise. Because the Greenport project is proposed to operate 24 hours per day, day and night effects will be different. The effects of the Greenport project during constant operations will vary hourly, daily and seasonally due to lighting, a reduction in ambient sound levels at night, greater tourist, vacation and recreational activity at the waterfront, in the City of Hudson, and in the Village of Athens on weekends and holidays. Please more fully explain the effects of the project at a constant production level, in terms of these variables.

9. Please elaborate on the additional measures which would be undertaken to protect the public interest in recreational boating and waterfront uses in the vicinity of the St. Lawrence Cement dock, particularly during the period when company vessels are moored there. Such measures must extend beyond the posting of a St. Lawrence Cement employee to include, but not be limited to, timely Notices-to-Mariners regarding scheduled arrivals and departures of Hudson Max vessels, and public posting of anticipated dock schedules for Hudson Max vessels at conspicuous public locations at the City of Hudson boat launch and waterfront. Please analyze the effects of the forecast moorings for barges, tugs, HudsonMax and other vessels on existing and expected uses of the City of Hudson waterfront. Your assessment must include an analysis of effects on, and impacts to, the State boat launch re-location to the parcel immediately north of the St. Lawrence Cement dock property, as well as other future planned waterfront development. Please describe what will be done to avoid adversely affecting the public interest in the waterfront at this location.

10. So that the Department of State may fully consider the potential effects of the project air emissions, please assess the effects of emissions from the Greenport project at normal operating capacity on the structures of the Olana State Historic site, and other historic resources found within the prevailing plume deposition area of New York State.

If you have any questions, please contact me at (518) 473-2469.

Sincerely,



Samuel E. Messina  
Deputy Director  
Division of Coastal Resources

c: COE/New York District - Christine Delorier  
NYS DEC Region IV - Michael Higgins  
NYS OPRHP - Petra Kreshik, Robert Kuhn  
US F&WLS - Alex Chmielewski  
NMFS - Diane Rusanowski  
LLG&M - Thomas West, Robert Alessi

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