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State Admits Plants Headed To Poor Areas

By RICHARD PÉREZ-PEÑA

The Pataki administration acknowledges in its own study that the electric generators it wants to install around New York City would go into poor, heavily minority communities, a finding that supports some of the arguments of the project's opponents.

The study, conducted in January by the State Power Authority, has not been publicly released, despite requests for information by several organizations, including the opponents.

The debate over the planned locations of the generators has reached such a heated pitch that the State Assembly has taken the unusual step of issuing subpoenas to high-ranking officials in the administration of Gov. George E. Pataki to testify about the generators. They had been asked to appear at a hearing to be held Thursday in Manhattan, but refused. The hearing has been postponed a week to March 22.

Environmental and community groups, local businesses and a state legislator have sued the state over the generators, saying that the state illegally bypassed environmental laws, failed to consider other locations and put an undue burden on certain neighborhoods. Oral arguments were held Tuesday in State Supreme Court in Brooklyn, and Justice Lawrence S. Knipel said he would rule by the end of the month.

The Power Authority plans to install 10 natural-gas-fired turbines at six sites in the city and one on Long Island. The administration hopes that by increasing the region's power supply by 3 to 4 percent, it can avoid the kind of steep price rises that hit consumers last summer and lessen the risk of shortages. Private builders have proposed much larger plants, but they are at least three years from completion.

The authority's analysis says that the sites in the Bronx, Brooklyn and Queens are in areas with heavy concentrations of industrial polluters. The sites have an average of 100 other plants with air pollution permits within one mile of them.

The state is not required to ensure that sources of pollution do not put a disproportionate burden on minority and poor areas. But it is usually required to consider whether a proposed plant would go into a neighborhood that is already disproportionately affected by pollution. It also has to show that it considered other sites. The state bypassed both requirements by not conducting environmental impact reviews.

The state took advantage of a provision in the law that subjects power plants of less than 80 megawatts to minimal environmental review. The two-turbine sites would be able to produce 88 megawatts, but the state has promised to limit their output to 79.9 megawatts. Critics of the plan say this amounts to an illegal evasion.

Assemblyman Joseph R. Lentol, a Brooklyn Democrat whose district includes one of the sites, said, "It's clear they went where the communities were the poorest and the whole thing could be done quickest and with the least resistance."

But a Power Authority spokesman, Michael A. Petralia, said the sites were chosen because they had available gas and electric hook-ups, and could be put to use by summer. He said the generators would have little impact on air quality in those areas, and that the authority would offset any pollution by reducing emissions at other plants.

He also argued that poor communities would benefit most from the effort. "Avoiding high energy costs has a greater impact on low-income communities," he said.

The Assembly delivered subpoenas Tuesday to Eugene W. Zeltmann, the president of the Power Authority; Maureen Helmer, the chairwoman of the Public Service Commission, which asked the authority to install the generators; and Gavin J. Donohue, acting commissioner of the Department of Environmental Conservation, which agreed to the generators.

The officials had declined to testify at the Assembly's hearing. Legislators complained that the administration had not tried to explain its plans to the residents of the affected neighborhoods, or given the residents a chance to comment.

"Our people are always ready and willing to accommodate the Assembly," said Michael McKeon, spokesman for the governor. "It's just a matter of working out scheduling."

Assemblyman Michael Gianaris, a Queens Democrat, is a plaintiff in a suit challenging one of the turbine projects, and Mr. Lentol and Assemblyman Vito J. Lopez, Democrat of Brooklyn, say they plan to join in a suit against another.

The turbines are among the cleanest of power plant technologies, but they would emit pollutants that would most heavily affect the surrounding areas. The authority estimates that a single turbine could produce as much as 61 tons a year of toxic compounds, soot and chemicals that contribute to smog.

The Power Authority conducted what is known as an environmental justice analysis, an effort to determine whether the project would disproportionately affect the poor and minorities.

People and organizations that have requested copies of the analysis say the authority has refused to release it. Mr. Petralia said the requests would be granted in due time. A reporter received a copy from an official at another state agency.

Using 1990 census data, the authority found that at each of the six New York City sites, the surrounding community had a higher poverty rate than the entire borough or the city, and a higher proportion of minority residents. (Detailed data from the 2000 census are not yet available.)

The authority plans to put 4 of the 11 turbines at two sites in the Bronx. Those neighborhoods are heavily poor and populated by members of racial minorities, even for the Bronx, which is the most heavily black and Hispanic county in the state and one of the poorest.

In 1990, 29 percent of the Bronx population lived below the poverty line, 37 percent was black and 42 percent was Hispanic.

Around one proposed turbine site, at the Harlem River Yards, 51 percent of the people living within half a mile of the site lived in poverty, 37 percent were black and 65 percent were Hispanic. At the other Bronx location, in the Port Morris section, 44 percent of the people within half a mile were poor, 48 percent were black and 52 percent were Hispanic, the study said.

The authority also proposes to put one turbine in Williamsburg, Brooklyn; two in Sunset Park, Brooklyn; two near Queens Plaza; one in Rosebank, Staten Island; and one at Pilgrim State Hospital in Islip on Long Island.

"There's clearly an environmental justice issue here, and the state is attempting to pretend that there's not," said Jason K. Babbie, an environmental lobbyist for the New York Public Interest Research Group, a plaintiff in the suit against all 11 turbines.

The state made a finding that the power plants did not require an environmental impact review under state law, a conclusion that the lawsuit plaintiffs and Democrats in the Legislature say was illegal.

"In the rush to get these plants in, they're simply saying the law doesn't apply, and they're wrong," said Assemblyman Paul Tonko, chairman of the Energy Committee.