

**NOTICE OF COMPLETE APPLICATION**

**Applicant**                    The Port Authority of New York & New Jersey

**DEC No.**                      2-6205-00041/00001  
                                      SPDES No. NY-000 8010

**Project Description and Location**

The Port Authority of New York & New Jersey has submitted an application to the New York State Department of Environmental Conservation (“the Department”) for renew and modify its State Pollutant Discharge Elimination System (SPDES) permit for an existing cooling water intake system (CWIS) at the former World Trade Center (WTC) site.

Prior to the terrorist attacks of September 11, 2001, water withdrawn from the Hudson River was used for cooling all the buildings in the World Trade Center complex. After passing through the cooling system and building complex, the heated water was discharged back to the river. The cooling water system intake tunnel is located in Lower Manhattan, beneath Battery Park City’s Hudson River waterfront promenade, immediately south of the North Cove. The intake, system pump station, underground piping and discharge were intact after the terrorist attacks of September 11, 2001. The pump station, located beneath Pumphouse Park in Battery Park City, sends water via below-grade piping to the WTC site. Two return pipes discharge the system’s heated water to the North Cove.

The reactivated CWIS will cool only the non-commercial and retail spaces of the redeveloped World Trade Center. The remaining buildings comprising the redeveloped WTC complex - Freedom Tower and Towers 2 through 5 - will utilize state-of-the-art methods to cool with water from the New York City public water system and will not use river water for cooling. The reactivated CWIS will use flow minimization methods to reduce the system’s water demand. The decreased cooling demand, combined with the flow minimization methods, will significantly reduce the volume of Hudson River water utilized by the cooling system.

## **State Pollutant Discharge Elimination System (SPDES) Permit Application**

The Port Authority is seeking to renew and modify the State Pollutant Discharge Elimination System (SPDES) permit for the Hudson River CWIS that served the former World Trade Center.

Technological modifications and intake alternatives have been evaluated to determine the best technology available (BTA) to minimize adverse environmental impacts, as defined under Section 316(b) of the Federal Clean Water Act (33 U.S.C. Section 1326(b)), and in New York State Regulations at 6NYCRR Section 704.5. Based on the BTA evaluation modifications are proposed to the existing CWIS to decrease the impingement and entrainment impacts to aquatic organisms associated with withdrawal of Hudson River water.

The following changes are proposed for the cooling water intake system:

- As mentioned above, the system will serve only the non-commercial and retail spaces of the redeveloped WTC. (These are the Performing Arts Center, Memorial/Memorial Center, Visitor Orientation and Education Center, PATH Terminal, chiller plant and distribution, and vehicle security center.) Use of cooling towers at only the commercial buildings will significantly reduce once-through cooling needs.
- The CWIS intake will be limited to a maximum velocity of 0.2 feet per second - even during peak operations.
- Variable speed pumps will be used in the cooling system to further reduce flow.
- During cooler seasons an air-side economizer would be used to eliminate or reduce cooling water demand. Where a 100 percent air-side economizer is unfeasible a partial air-side economizer will be used where possible.

These changes will significantly reduce the volume of river water used in the WTC cooling system from that removed from the Hudson before September 11, 2001. That previous system had a maximum design flow of 123,600 gallons per minute. The redesigned CWIS will have a maximum design flow of 30,000 GPM.

These changes will significantly reduce the system's impingement and entrainment impacts to the Hudson River fishery. As a result, the Department

has concluded that these modifications represent BTA as defined under Section 316(b) of the Federal Clean Water Act, 33 U.S.C. Section 1326(b), and in New York State Regulations at 6NYCRR Section 704.5.

### **NYS Environmental Conservation Law and Implementing Regulations**

The Department's review of the SPDES application has been conducted pursuant to New York State Environmental Conservation Law Article 17 (Water Pollution Control); and 6NYCRR Parts 750 et seq. (State Pollutant Discharge Elimination System); and 6 NYCRR Part 621 (Uniform Procedures).

### **State Environmental Quality Review**

The Lower Manhattan Development Corporation (LMDC), in conjunction with the United States Department of Housing and Urban Development, issued a *Final Generic Environmental Impact Statements for the World Trade Center Memorial and Redevelopment Plan* (April 2004). LMDC adopted a Record of Decision and Findings Statement for the Plan in June 2004. Since then LMDC and HUD have released a series of documents addressing the environmental effects of adjustments and refinements made to the generic WTC redevelopment plan. Most recently, LMDC and HUD released an Environmental Assessment (EA) detailing the potential environmental impacts of changes in the planning, engineering, design, and construction of the WTC Site. This EA assesses changes made in the CEIS design, specifically, the reduced use of river water for cooling. The EA concludes that no significant environmental impacts will result from the changes. The LMDC's environmental review documents may be viewed at LMDC's website: [www.renewnyc.com](http://www.renewnyc.com).

The FGEIS, ROD and Findings Statement, and all the subsequent environmental review documents were prepared pursuant to the National Environmental Policy Act and implementing regulations (40 CFR Parts 1500-1508); and the New York State Environmental Quality Review Act (SEQRA, New York State Environmental Conservation Law Article 8) and implementing regulations (6 NYCRR Part 617). The Department has determined that, taken together, the LMDC's environmental review and the BTA analysis prepared for this SPDES application adequately assess the potential environmental impacts of the proposed CWIS reactivation. Accordingly, the Department will issue a SEQRA Findings Statement when it renders a final decision on the SPDES application.

### **Document Availability**

The Department hereby provides notice that the application for the renewal and modification of the SPDES permit is complete.

The application and supporting documents, a draft SPDES permit, and a SPDES Permit Fact Sheet are available for review at the following locations during normal business hours.

Manhattan Community Board 1 49-51 Chambers Street, #715 New York, NY 10007	NYS Department of Environmental Conservation Division of Environmental Permits 47-40 21 <sup>st</sup> Street, Long Island City, NY 11101-5407 718/482-4997
Manhattan Community Board 2 3 Washington Square Park New York, NY 10012	
Hudson Park Library 66 Leroy Street New York, NY 10007	Division of Environmental Permits NYS Department of Environmental Conservation 4 <sup>th</sup> Floor, 625 Broadway, Albany, NY 12233-1750

### **Department Contact**

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### **Written Comments**

All written comments must be postmarked no later than October 27, 2006 and must be filed with the Department Contact at the above address.

Pursuant to §621.8 of the Uniform Procedures regulations referenced above, the Department will determine if any comments raise substantive issues requiring further consideration. If found necessary, the Department will conduct a legislative hearing or an adjudicatory hearing, or both. Specific comments must be supported by full documentation; references should be limited to readily available information.