

September 24, 2021

**VIA ELECTRONIC MAIL**

New York Department of Public Service Commission  
Empire State Plaza, Agency Building 3  
Albany, NY 12223-1350  
[secretary@dps.ny.gov](mailto:secretary@dps.ny.gov)

Re: Case No. 21-M-0238, *Petition of Fortistar North Tonawanda Inc. and Digihost International Inc. for a Declaratory Ruling Regarding Application of Section 70 and 83 of the New York State Public Service Law and the Alternative, Approval of the Proposed Transaction Pursuant to Sections 70 and 83.*

Dear Public Service Commission,

I write to you as a resident of Buffalo in opposition to the Petition of Fortistar North Tonawanda Inc. and Digihost International Inc. for Digihost to purchase the Fortistar North Tonawanda (“FNT”) power plant as not in the public interest. The proposed new operations at the FNT facility to mine Bitcoin 24 hours a day, 365 days a year provides no benefits to the electric grid and no benefits to local residents. On the other hand, the plant’s new operations to mine Bitcoin would substantially increase greenhouse gas (“GHG”) emissions as well as local air pollution in nearby communities in contravention of New York’s Climate Leadership and Community Protection Act (“CLCPA”). As the most recent assessment report of the Intergovernmental Panel on Climate Change (“IPCC”) recently concluded, we must act now to reduce GHG emissions to avert the worst effects of the climate crisis – not increase these planet-warming emissions.

According to EPA emissions data, the FNT facility operated between approximately 14 and 20 days each year since 2018. The power plant’s annual emissions were 12,448 tons of CO<sub>2</sub> for 2018, 9,245 tons of CO<sub>2</sub> for 2019, and 10,981 tons of CO<sub>2</sub> in 2020.<sup>1</sup> But Digihost plans to emit 339,068 tons of CO<sub>2</sub> every year going forward once it begins operating full-time to mine Bitcoin.<sup>2</sup> That is a nearly **3,000%** increase in its CO<sub>2</sub> emissions from 2020, when it operated approximately 18 days (421 hours) that year. Mining Bitcoin 24 hours per day, 7 days a week, 365 days per year will also significantly increase emissions of nitrous oxide, particulate matter, carbon monoxide, and volatile organic compounds.<sup>3</sup> Bitcoin mining full-time will also use and heat tremendous amounts of water. The FNT facility plans to use 500,000 gallons of water per day, which will account for approximately 12% of the City’s current total water usage.<sup>4</sup> This is not in the public interest.

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<sup>1</sup> EPA, *Power Sector Emissions Data*, <https://www.epa.gov/airmarkets/power-sector-emissions-data>.

<sup>2</sup> NAES, *Title V and Title IV Permits Renewal Application*, Fortistar North Tonawanda Cogeneration Facility (Apr. 21, 2021) at 5-6, 8, 30.

<sup>3</sup> *Id.*

<sup>4</sup> Digihost, *Full Environmental Assessment Form* (Aug. 12, 2021) at 5, [https://www.northtonawanda.org/documents/legal%20notice/fortistar%20amended%20seqr\\_2.pdf](https://www.northtonawanda.org/documents/legal%20notice/fortistar%20amended%20seqr_2.pdf).

Recently, Digihost announced that it plans to combust renewable natural gas (“RNG”) and hydrogen.<sup>5</sup> The combustion of RNG or hydrogen is not emissions free and is not in the public interest. RNG emits just as much carbon dioxide when burned, and leaks just as much methane when transported as gas produced from non-biological sources like hydraulic fracturing (fracking).<sup>6</sup> For its part, hydrogen combustion creates significant amounts of nitrogen oxide (NOx) emissions, which are a precursor of both ground-level ozone and fine particulate matter, both of which disproportionately impact disadvantaged communities.<sup>7</sup> And anything less than 100% green hydrogen has very modest CO2 reductions.<sup>8</sup> Additionally, there are safety and flammability issues with hydrogen transport, storage, and combustion at power plants because hydrogen is much more flammable than fracked gas.<sup>9</sup>

In addition, this power plant is located close to several state-designated Potential Environmental Justice Areas.<sup>10</sup> There is a high likelihood that the environmental impacts of this power plant running 24/7 to mine Bitcoin will disproportionately burden a neighborhood that is already environmentally overburdened.<sup>11</sup> This is not in the public interest.

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The vast majority of the energy generated at this power plant is not going to the grid. Rather, it will be used by a private technology company where the financial rewards will remain with the company and its investors, while the environmental impacts of its intensive energy use are externalized, impacting the local community, our state, and our ever-warming world. This is not in the public interest.

Thank you for considering my comments describing the impact this power plant will have on the community of North Tonawanda, and the state’s CLCPA’s emissions reduction requirements. We must do everything we can to prevent the worst of climate change’s impacts.

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<sup>5</sup> Digihost’s Aug. 26, 2021 Supplement to Petition to the PSC, at <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7B6BC737BC-01AE-49A8-BCA3-441B4D8AEE3E%7D>.

<sup>6</sup> Earthjustice & Sierra Club, *Rhetoric v Reality: The Myth of “Renewable Natural Gas” for Building Decarbonization* 9 (July 2020), [https://earthjustice.org/sites/default/files/feature/2020/report-decarb/Report\\_Building-Decarbonization-2020.pdf](https://earthjustice.org/sites/default/files/feature/2020/report-decarb/Report_Building-Decarbonization-2020.pdf).

<sup>7</sup> , Earthjustice, *Reclaiming Hydrogen for a Renewable Future: Distinguishing Oil & Gas Industry Spin from Zero-Emission Solutions* 24–26 (2021), [https://earthjustice.org/sites/default/files/files/hydrogen\\_earthjustice.pdf](https://earthjustice.org/sites/default/files/files/hydrogen_earthjustice.pdf); N.Y. State Dept. of Health, *New York’s State Health Improvement Plan: Prevention Agenda 2019-2024* (Apr. 27, 2021) at 72-3, [https://www.health.ny.gov/prevention/prevention\\_agenda/2019-2024/docs/ship/nys\\_pa.pdf](https://www.health.ny.gov/prevention/prevention_agenda/2019-2024/docs/ship/nys_pa.pdf).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> N.Y. State Dep’t of Env’t Conservation, *Maps & Geospatial Information System (GIS) Tools for Environmental Justice*, <https://www.dec.ny.gov/public/911.html>; N.Y. State Dep’t of Env’t Conservation, *Potential Environmental Justice Area (PEJA) Communities*, [https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential\\_Environmental\\_Justice\\_Area\\_PEJA\\_Communities/FeatureServer&source=sd](https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area_PEJA_Communities/FeatureServer&source=sd); EPA, *EJSCREEN: EPA’s Environmental Justice Screening and Mapping Tool*, <https://ejscreen.epa.gov/mapper/>

<sup>11</sup> See, e.g., N.Y. State Dep’t of Health, *Tonawanda Study Area: Health Outcomes Review*, <https://www.health.ny.gov/environmental/investigations/tonawanda/>.

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