

## IPRenewal NPEmails

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## **Section 1 – Project Description**

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**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>1. Project Description</b>	<b>1-1</b>
1.1 Introduction to the FEIS	1-1
1.2 Project Refinements Since the DEIS	1-2
1.3 Summary of Project Characteristics and Proposed Mitigation Measures	1-4
1.3.1 Project Purpose, Public Need and Benefits	1-5
1.3.2 Site Description	1-8
1.3.3 Construction Worker Parking and Equipment Laydown Site	1-10
1.3.4 Site Preparation and Demolition	1-11
1.3.5 Facility Overview	1-13
1.3.6 Project Layout and Access	1-14
1.3.7 Electric Transmission Interconnection	1-16
1.3.8 Natural Gas Interconnection Pipeline	1-17
1.3.9 Safety and Security	1-18
1.3.10 Involved and Interested Agencies, Permits and Approvals	1-19
1.3.11 Project Schedule	1-21
1.4 Responses to Comments on the DEIS	1-21
1.4.1 General and editorial comments	1-21
1.4.2 Requests for Additional Hearing or Review	1-45
1.4.3 Displacement and the Need for Power	1-61
1.4.4 Alternatives Analysis	1-98
1.4.5 Cumulative Impacts	1-111
1.4.6 Project Fuel Source	1-115
1.4.7 Project Safety	1-123
1.4.8 Project Benefits	1-132
1.5 Conclusions	1-144
1.6 References	1-144

**Figures** (provided following the text)

- Figure 1-1 Current Project Property
- Figure 1-2 Proposed Temporary Construction Area – Former Rasco Parcel
- Figure 1-3 Remote Laydown Site Location
- Figure 1-4 Proposed Temporary Construction Area – Remote Laydown Site
- Figure 1-5 Project Plot Plan
- Figure 1-6 Project Power Island Details
- Figure 1-7 Updated Project Rendering
- Figure 1-8 Project Construction Schedule

**Tables**

Table 1-1 Status of Permits and Approvals for the Cricket Valley Energy Project	1-19
Table 1-2 Response to General or Editorial Comments	1-22
Table 1-3 Responses to Comments Regarding Requests for Additional Hearing or Review	1-46
Table 1-4 Responses to Comments Regarding Displacement and the Need for Power	1-65
Table 1-5 Responses to Comments Regarding Potential Project Alternatives	1-99
Table 1-6 Responses to Comments Regarding Cumulative Impacts	1-112
Table 1-7 Responses to Comments Regarding Project Fuel Source	1-116
Table 1-8 Responses to Comments Regarding Project Safety and Odor	1-125
Table 1-9 Responses to Comments Regarding Project Benefits	1-133

**Appendices**

- Appendix 1-A Comments Received on the DEIS
- Appendix 1- B Responses to Comments Received on the DEIS
- Appendix 1-C DEIS Hearing Transcripts
- Appendix 1-D Responses to Comments Received in DEIS Transcripts
- Appendix 1-E Plans for Temporary Use of the Former Rasco Parcel
- Appendix 1-F Plans for Temporary Use of the Remote Laydown Site

**List of Acronyms and Abbreviations – Section 1**

%	percent
BMP	Best Management Practice
CEA	Critical Environmental Area
CEMS	Continuous Emissions Monitoring Systems
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
ConEd	Consolidated Edison Company of New York
CPCN	Certificate of Public Convenience and Necessity
CRP	Comprehensive Reliability Plan
CVE	Cricket Valley Energy Center, LLC
DEIS	Draft Environmental Impact Statement
DOE	Department of Energy
ERC	Emission Reduction Credit
FAA	Federal Aviation Administration
FEIS	Final Environmental Impact Statement
the former Rasco parcel	the 57-acre land south of the Project Development Area now optioned by CVE and formerly utilized by RASCO Materials LLC
GE	General Electric
GEP	Good Engineering Practice
GHG	greenhouse gas
HRSR	heat recovery steam generator
IDA	Industrial Development Agency
Iroquois	Iroquois Natural Gas Transmission System LP
kV	kilovolt
kWh	kilowatt-hour
LOLE	Loss of Load Expectation
M	Town of Dover's Industrial/Manufacturing District
MW	megawatts

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

NFPA	National Fire Protection Association
NO <sub>x</sub>	nitrogen oxides
NYCRR	New York Code of Rules and Regulations
NYISO	New York Independent System Operator
NYSDEC	New York State Department of Environmental Conservation
NYSDPS	New York State Department of Public Service
NYSEG	New York State Electric and Gas
NYSPSC	New York State Public Service Commission
OSHA	Occupational Safety and Health Administration
PCBs	polychlorinated biphenyls
PILOT	Payment in Lieu of Taxes
PM <sub>2.5</sub>	particulate matter with a diameter less than or equal to 2.5 microns
the Project	the Cricket Valley Energy Center
Project Development Area	the 57-acre portion of the 193.5-acre Property proposed for development
the Property	the 193.5-acre property optioned by CVE
PSD	Prevention of Significant Deterioration
PSL	Public Service Law
RASCO	RASCO Materials LLC
remote Laydown Site	38.8-acre construction worker parking and laydown site located approximately 2.5 miles north of the Property
RNA	Reliability Needs Assessment
RU	Town of Dover's Rural District
SCR	selective catalytic reduction
SEQRA	State Environmental Quality Review Act
SO <sub>2</sub>	sulfur dioxide
SPDES	State Pollutant Discharge Elimination System
SWPPP	Storm Water Pollution Prevention Plan
U.S.	United States
ULSD	ultra low sulfur diesel

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
VOC	volatile organic compounds



## **1. PROJECT DESCRIPTION**

Cricket Valley Energy Center, LLC (CVE) proposes to construct and operate a high efficiency, combined cycle natural gas powered 1,000 megawatt (MW) electric generating facility on a 57-acre portion (Project Development Area) of an approximately 193.5-acre property (the Property) in Dover, Dutchess County, New York. This section provides an overview of the Final Environmental Impact Statement (FEIS) and an update of Project refinements since the Draft Environmental Impact Statement (DEIS) was filed. A brief overview of Project and site characteristics is then provided, including Project purpose and need and proposed mitigation. Comments received on the DEIS are provided in Section 1.4, along with responses and reference to sections where additional information is provided for some topics. Comments associated with general Project issues are addressed in Section 1.4.1. Other topics addressed in this section include:

- Requests for additional hearing or review, addressed in Section 1.4.2;
- Comments regarding displacement and the need for power, addressed in Section 1.4.3;
- Comments regarding the alternatives analyses conducted for the Project, addressed in Section 1.4.4;
- Comments regarding cumulative impacts associated with the Project, addressed in Section 1.4.5;
- Comments regarding the Project fuel source, addressed in Section 1.4.6;
- Comments regarding Project safety, addressed in Section 1.4.7; and
- Comments regarding Project benefits, addressed in Section 1.4.8.

Additional comments relating to specific technical topics are addressed in Sections 2 through 6 of this FEIS.

### **1.1 Introduction to the FEIS**

Following a public process to identify an appropriate work scope, the DEIS was accepted and publicly noticed by the New York State Department of Environmental Conservation (NYSDEC) on May 25, 2011. The DEIS and draft state permits were made available for public and agency comment. Two legislative public hearings sponsored by NYSDEC were held on June 28, 2011, and one additional hearing was held on Saturday, July 9, 2011 that was sponsored by the Town of Dover and incorporated into the NYSDEC record.

This FEIS provides responses to the comments received during the course of that review and public hearing process. Appendix 1-A provides a copy of each letter that was received and, in Table A-1, a listing of comments specifically addressed in this FEIS. Each letter has been assigned a number (for example, Letter #1), and each comment within the letter has also been numbered to create a unique comment number (for example, the first comment in Letter #1 is given the comment number 1-1). For the most part, exact comment language is used in order to respond most effectively to the specific question asked. In some cases, comments were paraphrased; those comments are indicated in Table A-1 and other comment tables in this document through the use of italics.

Appendix 1-B provides a copy of the transcripts for each of the three public hearings held. Table B-1 provides the comment numbering for each specific comment addressed in the FEIS from those public hearings. Each of the three transcripts has been assigned a number (T1 through T3), with comments from each transcript provided in numerical order (T1-1, T1-2, etc.).

In addition to the information provided in Appendices 1-A and 1-B, which provides comments and cross-referenced responses on a letter-by-letter and transcript-by-transcript basis, Sections 1.4, 2.3, 3.3, 4.3, 5.3 and 6.3 of the FEIS provide the same response information sorted by technical topic.

## **1.2 Project Refinements Since the DEIS**

Since the DEIS was filed, CVE has continued to work with regulatory agencies at the federal, state and local level, as well as with the community, to refine aspects of the Project. The following changes are important to note:

- In August of 2011 CVE amended its land purchase option agreement to include an additional 57 acres of industrial land formerly leased to RASCO Materials LLC (the former Rasco parcel; Figure 1-1). The additional parcel will give CVE the opportunity to decrease further the impacts related to the Project construction and operation. Including the former Rasco parcel in the Project also provides an opportunity to further clean up environmental conditions on the Property.

The addition of 57 acres to the Project site will allow CVE to move a substantial portion of the off-site parking and laydown area onto the Project site (Figure 1-2). This is intended to reduce the impacts and traffic associated with the originally proposed remote parking area (Figure 1-3; the remote Laydown Site). CVE

expects to use the off-site Laydown Site (Figure 1-4) for overflow parking during the peak construction months and as a staging area for construction material only. Following construction, the off-site Laydown Site will be restored to its existing agricultural use, and the 57-acre former Rasco parcel will provide for additional buffer between the Project and land uses to the south.

Plans illustrating the proposed use and restoration of the former Rasco parcel and the remote Laydown Site are provided in Appendix 1-E and 1-F, respectively.

- The Project continues to move forward with the New York State Independent System Operator (NYISO) Large Facility Interconnection process and has completed its Feasibility Study and System Reliability Impact Study, which have determined that the Project can interconnect to the regional electrical transmission grid without substantial upgrades and improvements. The next step in the process is the Class Year 2011 Facilities Study, which is currently underway, and which will determine the specific upgrades and improvements required for the reliable delivery of the Project's electricity to the regional transmission grid.
- NYSDEC revised and re-noticed the Draft Prevention of Significant Deterioration (PSD) air permit in December 2011, incorporating greenhouse gas (GHG) emissions limits and Emission Reduction Credit (ERC) requirements. Emissions offsets have been obtained from existing sources that have shut down and agreed to a permanent, enforceable, quantifiable and surplus emissions reduction. The offsets have been certified by NYSDEC, as described further in Section 4 of the FEIS.
- On July 12, 2012, NYSDEC adopted new regulations (6 New York Code of Rules and Regulations [NYCRR] Part 251) establishing carbon dioxide (CO<sub>2</sub>) emission standards for new major electric generating facilities. As described in Section 4 of the FEIS, the Project will fully comply with this standard.
- Additional technical studies completed since the DEIS was filed include:
  - A Phase I Environmental Site Assessment (Section 2.3.1 of the FEIS);
  - Phase II Environmental Site Assessment (Section 2.3.2 of the FEIS);
  - Pre-demolition building characterization (Section 2.3.3 of the FEIS);

- Wetland delineation for the former Rasco parcel and the remote Laydown Site (Section 3.3.1 of the FEIS);
- Phase I bog turtle survey and additional consideration of potential New England cottontail habitat at the former Rasco parcel and Laydown Site, followed by a Phase 2 bog turtle survey at the former Rasco parcel (Section 3.3.2 of the FEIS);
- Timber rattlesnake habitat assessment at the former Rasco parcel (Section 3.3.2.2 of the FEIS).
- Indiana bat habitat assessment for the Project Development Area, former Rasco parcel, and remote Laydown Site (Section 3.3.2.4 of the FEIS);
- Revised Preliminary Stormwater Pollution Prevention Plans (SWPPPs), incorporating temporary impacts to the former Rasco parcel and the remote Laydown Site (Section 5.3.1 and Appendices 5-A and 5-B of the FEIS);
- An updated traffic assessment reflecting the modified construction worker parking and laydown scenario (Section 6.2.3 of the FEIS); and
- Updated activities and correspondence to reflect cultural resource review for the remote Laydown Site and former Rasco parcel (Section 6.2.6 of the FEIS).

### **1.3 Summary of Project Characteristics and Proposed Mitigation Measures**

The CVE Project will be a state-of-the-art electric generating facility that will provide needed electricity to the New York State bulk power grid and will provide long-term economic and environmental benefits on a local, regional and state-wide basis. The Project will begin construction in 2013 and is anticipated to be operational in 2016.

The facility will be located in southeastern New York, an area that has been determined by the NYISO to have electric transmission constraints. The facility will take advantage of nearby existing natural gas and electric transmission infrastructure and will utilize natural gas to provide reliable baseload electric generating capacity to the New York State power grid while improving air quality through the displacement of less efficient and higher emitting

generating facilities. The Project will meet local, regional and state planning objectives to bolster economic growth with minimal negative impact on the human and natural environment. The Project will reuse an inactive industrial site and will be compatible with local zoning and community planning goals.

#### 1.3.1 Project Purpose, Public Need and Benefits

The purpose of the Project is to produce electricity in an efficient and environmentally conscious way to offset the increasing long-term regional energy demand and reduce dependence on older, less efficient, and higher emitting electric generators that currently serve the New York region. The Project will use the most advanced, state-of-the-art power generation technology available, making it one of New York's most efficient energy producers. The CVE Project would be considered a baseload generator, meaning it would be generating electricity at least 75 percent of the time on an annual basis. This is due to the Project's thermal efficiency and resulting lower cost to operate relative to other available generating units. It is because of this that other less efficient generators would be displaced, which results in cost benefits and reduced air emissions.

As also addressed in more detail in Section 1.4.3 of the FEIS, the New York State Public Service Commission (NYSPSC) similarly has recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors. These factors include system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. A recent NYSPSC order stated, with respect to the need for a proposed project, that the project would "provide an additional source of supply in the event that other expected generation and transmission projects are not completed as projected, generation retires or is unavailable as a result of relicensing disapproval, emissions control requirements such as compliance with the Clean Air Act National Ambient Air Quality Standards, or the effects of possible changes in state and federal climate change/greenhouse gas emission regulation and legislation, or for any other reason."<sup>1</sup>

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<sup>1</sup> NYSPSC, Case 08-T-1245, *Bayonne Energy Center, LLC*, Order Adopting the Terms of a Joint Proposal and Granting Certificate of Environmental Compatibility and Public Need, with Conditions, and Clean Water Act §401 Water Quality Certification (Nov. 12, 2009) at 13.

NYISO is responsible for overseeing the safe and reliable operation of the New York bulk electric transmission system. Over the past number of years, NYISO has issued a *Power Trends* report, assessing New York's electricity supply, infrastructure, and needs. The 2011 report (NYISO 2011a) identifies certain contingencies in which the sustained adequacy of resources may be challenged by a number of factors including the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants and the considerable lead time it takes to finance, permit, and construct replacement projects.

NYISO's 2010 Comprehensive Reliability Plan (NYISO 2011b), which evaluates proposed solutions to address reliability needs over a ten-year planning period, also identifies concerns over reduced generating capacity available due to aging infrastructure and the implementation of new environmental programs. Providing new generating sources would mitigate the potential violation of the generating resource adequacy criterion, and avoid impacting the reliability of the New York bulk transmission system.

The CVE Project's generation capabilities will provide reliability for the electric transmission grid, serving as a replacement resource for retired plants. In addition, the Project's more efficient technology will help displace the operation of existing, less efficient plants, as quantified in the economic dispatch analysis provided in Appendix 1-A of the DEIS. Due to the Project's high thermal efficiency and resulting lower cost to operate relative to other available generating units it will be dispatched in the competitive market ahead of less efficient, higher emitting generators, causing those units to operate less frequently, thereby yielding a net air quality benefit across the region. The regional emissions reductions expected are quantified in Section 4 (Table 4-32) of the DEIS. While NYISO has not identified short-term power needs of immediate concern, major generating stations, depending on location, typically take several years to develop and construct, so generation developers always need to look and plan ahead regarding the state's changing energy needs. Thus, the construction and operation of the Project will help ensure that the regional power grid continues to reliably, efficiently and economically serve the region's changing energy needs into the future.

The Project is also consistent with the New York State Energy Plan which was issued by the State Energy Planning Board in December 2009 (State Energy Planning Board, 2009). The 2009 Plan has identified five policy objectives:

- *Maintain Reliability:* Assure that New York State has reliable energy and transportation systems.
- *Reduce GHG Emissions:* Support energy and transportation systems that enable the state to significantly reduce GHG emissions, both to do the state's part in responding to the dangers posed by climate change and to position New York State to compete in a national and global carbon-constrained economy.
- *Stabilize Energy Costs and Improve Economic Competitiveness:* Address affordability concerns of residents and businesses caused by rising energy bills, and improve the state's economic competitiveness.
- *Reduce Public Health and Environmental Risks:* Reduce health and environmental risks associated with the production and use of energy across all sectors.
- *Improve Energy Independence:* Improve the state's energy independence and fuel diversity by developing in-state energy supply resources.

The Project is consistent with these objectives. The 2009 Plan explains: "in general, new plants use technologies that are more efficient than those used in older plants. As older facilities retire and newer, more efficient plants come on line, the average heat rate<sup>2</sup> of the power plant fleet in New York is expected to improve. The State's markets and its commitment to continually improve them will facilitate this substitution." The Project will generate electricity far more efficiently than the existing fleet of plants and do so using natural gas instead of higher emitting fossil fuels like oil or coal. Thus, since the Project has the ability to provide electricity more cost-effectively and efficiently with a significantly better emissions profile, the Project can play a role in achieving New York State's Energy Plan goals.

The New York State Energy Planning Board is in the process of preparing the 2013 New York State Energy Plan. The criteria offered in the scope for the 2013 Plan mirror those in the 2009 Plan.<sup>3</sup>

The Project is also uniquely situated to address a specific need identified by the NYSPSC. As discussed in Section 1.4.3 of the FEIS, in a September 2011 Order, the NYSPSC

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<sup>2</sup> Heat rate is a measure of thermal efficiency. Heat rate is defined as the fuel required to produce one kilowatt-hour (kWh) of electricity. A lower heat rate means that it takes less fuel to produce a given amount of energy.

<sup>3</sup> See 2013 State Energy Plan Final Scope, available at <http://www.nysenergyplan.com/meeting/Scope%20for%20the%202013%20Energy%20Plan.pdf>.

explained that adequate black-start capability is essential to the reliable operation of the region's electric system. The CVE Project includes four diesel-fired black-start generators that will be used to re-start the facility's combustion turbines in the event of a total power loss on the local or regional transmission grid. This capability allows the Project to meet a need "essential" to the regional electric transmission system.

The Project also provides an environmental and economic opportunity to rehabilitate an inactive industrial site, currently in disrepair, and return it to productive use. The Project in this location will result in economic growth for Dutchess County and the Town of Dover without a significant burden on the community or significant adverse impact to the environment. Benefits to the region, in addition to the electricity that will be contributed to the regional grid, include job creation and contributions to the tax base, as discussed in Section 6.7 of the DEIS, as well as the cleanup of a deteriorating inactive industrial complex.

The Project is expected to employ up to 750 workers during the 36-month construction period, with the peak employment occurring for approximately five months. Once operational, the facility is expected to employ between 25 to 30 full-time employees. Construction, beginning with demolition of existing structures and site preparation, is planned to begin in 2013 and commercial operation is planned to begin in 2016.

In summary, the Project has been designed to provide an efficient, environmentally responsible source of electricity that both complements the New York State Energy Plan and supports the objective of the NYISO to ensure a safe and reliable electricity supply. As environmental regulations aimed at reducing emissions take hold, the Project is positioned to displace, or if necessary, replace older, less efficient generators resulting in a regional air quality benefit. The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Town of Dover and Dutchess County through contributions to the tax base.

### 1.3.2 Site Description

The location (Figure 1-1) was selected specifically for the Project due to existing infrastructure, current zoning, and topography and tree cover that provide a natural buffer to the surrounding community. The Property is a total of 193.5 acres, bounded by New York State Route 22 to the east; to the south by rural district (RU) zoned property; to the west



generally by the Swamp River and an active Metro-North commuter rail line, which transects the 193.5-acre parcel in a north-south direction. To the north is an existing Consolidated Edison Company of New York (ConEd) electric transmission right-of-way, to which the facility will interconnect and which contains an Iroquois Gas Transmission System LP (Iroquois) natural gas pipeline which will provide fuel to the facility. The Property is within the Town of Dover's Industrial/Manufacturing District (M) which permits industrial and related uses.

Approximately 79 acres of the 193.5-acre Property lie west of the railroad track and are currently undeveloped, except for a small pump house associated with a former use. This portion of the Property has been designated within the Great Swamp Critical Environmental Area (CEA) for its natural resource value. It contains a NYSDEC-mapped wetland system associated with the Swamp River, which flows northward past the Property to its confluence with the Ten Mile River, just south of Dover Plains. This area is not proposed for any development activity related to the Project.

Of the 114-acre portion of the Property east of the railroad track, an approximately 70-acre portion has a long history of industrial use and numerous dilapidated, vacant industrial buildings and associated debris are located in the area. This portion of the Property has been identified by Dutchess County as the Mica Products CEA, due to the need for clean-up associated with former uses.<sup>4</sup>

Within the 57-acre Project Development Area, approximately 30 acres will be re-developed. The Project Development Area has a long history of industrial use. It was used as a magnesium refining facility from 1932 until 1966. Between 1966 and 1980 a Formica production facility used it for its manufacturing operations. In the early 1990s it was used as a tire recycling facility until a 1996 fire caused extensive damage to many of the buildings. The Project Development Area has been vacant for many years and there is still debris and evidence of the site's varied industrial history.

Since the issuance of the DEIS, the Project has added an additional 57 acres of land south of the Project Development Area (Figure 1-1). A portion of this parcel was also associated with the magnesium refining operation. In 1994, TT Materials began operations on a portion of this parcel as a petroleum-contaminated soil processing facility. In 2004, RASCO

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<sup>4</sup> See "Critical Environmental Areas in Dutchess County" at <http://www.dec.ny.gov/permits/25113.html>.

Materials LLC acquired the operation. The former Rasco parcel was optioned by CVE (and RASCO vacated the parcel) in 2011. The majority of the former Rasco parcel (approximately 44 acres) will not be altered by the Project and will serve as additional buffer for the Project's potential visual and noise impacts. Approximately 13 acres of the former Rasco parcel, where waste piles and other materials require parcel restoration, are proposed for temporary use during the construction period for parking and laydown (Figure 1-2). Once construction is complete, this area will be restored, and no further Project uses are proposed in this area.

### 1.3.3 Construction Worker Parking and Equipment Laydown Site

An off-site location approximately 2.5 miles north of the Project Development Area has been proposed for temporary construction worker parking and equipment storage or laydown (Figure 1-3). The 38.8-acre remote Laydown Site consists of active agricultural fields historically associated with a farming operation, and is a portion of a larger parcel, which includes actively farmed fields, a former farm-related house and outbuildings, and undeveloped land to the south of the field.

The remote Laydown Site is bounded to the east by Old State Route 22, a small wetland area, and the associated farming buildings, including a farmhouse, barn, silo, metal storage shed/lean-to, and a guesthouse, as well as several concrete pads and foundations indicating previous structures. The remote Laydown Site is bounded to the south by undeveloped partially wooded property, beyond which is Sherman Hill Road, where a few residences and the Sherman Hills residential development are located. The remote Laydown Site is bounded to the west by Route 22 from which access will occur.

The remote Laydown Site has been designed to allow for parking of up to 850 cars as well as sufficient area for the storage of construction materials (Figure 1-4). With the acquisition of the 57-acre former Rasco parcel, CVE plans to move a substantial portion of the off-site parking and laydown area onto previously disturbed portions of the Project Property. This will help reduce the impacts and traffic associated with the remote Laydown Site. CVE still expects to use the remote Laydown Site for overflow parking during the five-month peak construction period and as a staging area for non-hazardous construction material.

The former Rasco parcel is a 57-acre parcel immediately south of the Project Development Area and situated between the Metro-North track to the west and Route 22 to the east. Abandoned buildings and fill piles are located in the northern part of the parcel; additional miscellaneous fill and debris piles are scattered about in the northeast portion of the parcel.

It is anticipated that an approximately 13-acre area within this disturbed portion of the former Rasco parcel can accommodate up to 580 construction worker vehicles and provide sufficient area for the staging of construction materials (Figure 1-2).

#### 1.3.4 Site Preparation and Demolition

The Project will be constructed in the location of existing abandoned industrial buildings on the Property and can take advantage, to a great extent, of that previously disturbed footprint. Building demolition will be a component of early-stage Project construction. Surface and subsurface clean-up will also be implemented. Clean-up activities will be the responsibility of CVE and will not be implemented under a formal federal or state program. NYSDEC review has been an important element in developing a plan for clean-up activities, and NYSDEC will continue to be involved as the plan is refined and implemented. All applicable reviews and approvals will be obtained, including at the local level, prior to commencement of work.

Before demolition activities commence, silt fences, geotextiles, crushed rock stormwater attenuation features, hay bales, and settling tanks or ponds will be installed and utilized to minimize surface erosion and to prevent ingress of sediment into the temporary and permanent drainage systems. Stockpiles and temporary excavation cut slopes will be covered to minimize erosion and control against sediment washing into storm drainage systems. All stormwater control measures will be in compliance with the Project's SWPPP, prepared pursuant to the State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), discussed in Section 5.1 of the FEIS (a preliminary SWPPP is provided in Appendix 5A of the DEIS).

To prepare for demolition, a Pre-Demolition Characterization Survey has been conducted in order to evaluate potential environmental concerns (further discussed in Section 2.3.3 of the FEIS). The results from the survey will be used for the preparation of demolition specifications for the removal of existing building materials as part of site-wide demolition. All existing exterior and interior buildings, stacks, and tanks have been surveyed as part of this effort. This survey provides the general locations and estimated quantities of any of the following materials: asbestos containing materials; lead-based paint; mercury; polychlorinated biphenyls (PCBs); fluorescent tubes for lighting; and solvent materials.

The abatement and removal of hazardous materials will be performed by licensed and experienced contractors in accordance with applicable federal, state, and local regulations governing each material and as outlined by the Project's demolition procedures and

specifications. Each phase of the work will be overseen by a third party environmental monitor and, where required, environmental sampling will be conducted on a continuous or periodic basis.

Asbestos-containing material will be abated from the site according to the New York State Industrial Code, the U.S. Environmental Protection Agency's (USEPA) National Environmental Standard for Hazardous Air Pollutants and site-specific Project specifications. Asbestos monitoring and air sampling will be conducted by licensed personnel representing a third party consultant. All waste containers will be properly labeled prior to removal from the site. Disposal sites and landfills will be pre-approved for each type of waste that is to be disposed.

Some lead-based paint and asbestos-containing material areas (such as window glazing or roofing) will be difficult to remove, particularly in buildings which are deemed structurally unsafe, or which have collapsed due to disrepair or snow load. Should a building be ruled structurally unsafe by a Professional Engineer, Registered Architect, Building Inspector, Fire Inspector or other official of competent jurisdiction, the building may be demolished with asbestos-containing material still within the building in accordance with New York State Department of Labor Industrial Code Rule 56. In accordance with Industrial Code Rule 56, resultant demolition debris that cannot be decontaminated must be considered asbestos-contaminated waste. Removal and disposal methods will strictly adhere to all applicable federal, state, and local guidelines for such activity, including the disposal of removed demolition wastes. Trucks and vehicles transporting demolition debris offsite will be covered and cleaned prior to leaving the Property in accordance with applicable regulations and best management practices (BMPs) as noted in Section 2.3.5 of the DEIS and as further discussed in Section 2 of the FEIS.

As noted above, all contractors performing the removal of materials from the site will be supervised by a third party consultant to confirm strict adherence to personal protection requirements. All contractors will be required to conduct employee monitoring according to applicable Occupational Safety and Health Administration (OSHA) regulations for each of the materials encountered.

Existing buildings will be demolished using conventional demolition methodology, such as a crane with drop ball working in conjunction with grapple/shear-equipped excavators and track loaders. The final building demolition methods will be chosen based on actual demolition work scope specifications and other approved methods to safely collapse or dismantle structures. Demolition debris will be prepared for disposal by segregating metals

from brick and concrete. If possible, clean concrete and brick will be crushed and recycled as fill on site, as permitted. Demolition debris, for disposal or reuse, will be tested utilizing the Toxicity Characteristic Leaching Procedure for lead and other metals that might be suspected. The debris will be classified according to test results and properly disposed of, or recycled as fill, in accordance with applicable disposal regulations. Steel will be transported to an approved recycler. Combustible building debris will be transported offsite for proper disposal.

#### 1.3.5 Facility Overview

The CVE facility will generate approximately 1,000 MW of electricity, fueled only by natural gas. The CVE facility will use “combined cycle” generation technology, one of the most efficient technologies for producing electricity. The facility (Figure 1-5 and 1-6) will be comprised of three combined cycle units, each consisting of a combustion turbine generator, a Heat Recovery Steam Generator (HRSG) with supplemental duct firing, and a steam turbine generator. An updated rendering of the proposed facility is provided in Figure 1-7.

Auxiliary equipment will include a low nitrogen oxide (NO<sub>x</sub>) natural gas-fired auxiliary boiler, needed to keep the HRSGs warm during periods of turbine shutdown and to provide sealing steam during startups, and four diesel-fired black-start generators, each with a maximum power rating of 3 MW. The four black-start generators would be used to re-start the facility in the event of a total power loss on the local or regional transmission grid.

The Project will be equipped with state-of-the-art emissions control technology, including dry low-NO<sub>x</sub> burners and selective catalytic reduction (SCR) technology to control emissions of NO<sub>x</sub>, and an oxidation catalyst to control carbon monoxide (CO) and volatile organic compounds (VOC) emissions. A continuous emissions monitoring system (CEMS) will be utilized to ensure and document facility compliance with applicable emissions standards.

Water use will be minimized by the use of air cooled condensers. Process water supply will be provided from new on-site bedrock wells. A Zero Liquid Discharge system will recycle and reuse water internally, reducing the need for process water and ensuring that no process wastewater will be discharged. The facility will employ BMPs for stormwater management, which will include a system that reflects existing drainage patterns and incorporates a wet extension detention pond, small bio-retention facilities, and roof top rain

capture to maintain peak rates of discharge and minimize the potential for erosion and sedimentation.

There will be several storage tanks on-site, including:

- A 1,000,000-gallon raw water storage tank, used to supply the facility's water needs and for fire protection;
- A 250,000-gallon demineralized water storage tank; and
- Two 30,000-gallon aqueous ammonia storage tanks.

A secondary safety containment area, designed to hold 110 percent of the entire volume of the tanks, will be provided around the ammonia storage tanks, consistent with New York State requirements. There also will be on-site storage of small quantities of ultra-low sulfur diesel (ULSD) fuel and lubricating oils. The ULSD fuel storage will be limited to the fire pump's integrated 650-gallon fuel tank and the four emergency black-start generators, each with an integrated 1,000-gallon fuel tank. As required, all tanks, equipment and vessels containing ULSD fuel and/or lubricating oils will be located inside a concrete safety containment, sump or curbed dike area for spill control and management.

There will be two utility interconnections at the facility, one to connect to the electrical grid and one to connect to the natural gas fuel supply. The electricity generated from the facility will be transmitted via a 700-foot on-site overhead interconnect to the existing ConEd 345 kilovolt (kV) electric transmission line located north of the Project Development Area. A new switchyard and substation, incorporating gas-insulated switchgear to minimize footprint requirements, will be built at the facility. Natural gas will be the sole fuel for the facility, transported via a new 500-foot, 12-inch gas pipeline from the Iroquois pipeline, just north of the Project Development Area.

The combined-cycle process is one of the most efficient technologies for producing electricity from fossil fuels, using less fuel than alternate technologies and resulting in environmental emissions that are considerably less than those of traditional fossil fuel technologies per megawatt-hour of electricity generated.

#### 1.3.6 Project Layout and Access

The Project has been designed to be complementary to the Property's site conditions, environmental resources and surrounding land uses. The extent of change to the site and surroundings has been minimized and is limited to the portion of the Property already

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

altered due to past industrial uses. Facilities have been oriented to maximize use of already developed areas and to minimize impacts to the surrounding community.

The Project will be accessed by the existing driveway off of Route 22. Major improvements to the driveway will include widening and grading to improve stormwater flow. Facility traffic entering the site will be required to pass through a security gate. Employee and service parking will be provided immediately upon entering the secured area. Parking for visitors and delivery traffic will be provided outside of the security fencing to limit traffic inside the secured areas. A ring road will be constructed inside the secured area to provide access to the various equipment areas and to allow emergency response equipment to access all areas of the Project Development Area. An alternate secured entrance gate will be located south of the administrative and warehouse building.

The administrative and warehouse building will be located near the facility entrance. This building will include space for offices, a meeting room, kitchen, storage area, restroom facilities, warehouse space and a maintenance area. The three combustion turbine generators will be enclosed in a single turbine generator building, which also will enclose ancillary mechanical equipment. The three steam turbine generators will extend from the building, one for each of the three units, with the HRSGs situated to the west side of each steam turbine generator. Each HRSG will exhaust its emissions to one of three 282.5 foot stacks, which will be co-located to minimize the visual effect to the surrounding areas and to enhance dispersion of the exhaust plumes. Other major facility components will include a water treatment building, fin fan cooler, air cooled condensers, ammonia tanks, service/fire water tanks, demineralized water storage tanks and a wastewater holding tank.

To maintain as much of the Property's vegetation as possible, no vegetation will be removed from areas located west of the railroad track and a significant amount of wooded buffer will be maintained around the Project Development Area, including a 300-foot buffer between the Project Development Area and Route 22 and approximately 44 acres of the former Rasco parcel. Four areas within the Project Development Area are planned for landscaping or forest restoration, including: the area at the plant entrance; two locations near the administrative building and front visitor parking area; and the area between the new natural gas metering/conditioning area and an isolated non-jurisdictional wetland area (just south of the new electric transmission line), which will provide additional visual buffer from Route 22. Additionally, restoration of 0.6 acre of formerly degraded wetland and approximately 1 acre of associated Adjacent Area, and the creation of 0.05 acre of new wetland will be undertaken as part of Project activities within the Project Development Area.

Previously disturbed areas within the former Rasco parcel, following use for temporary parking and laydown during construction, will also be restored.

Lighting for both normal operation and emergency or temporary shutdown will be provided throughout the facility. The proposed lighting will minimize off-site impacts, while providing sufficient lighting to ensure worker safety during routine operations and maintenance. Site lighting will be in accordance with appropriate standards and the Town of Dover code requirements. Stack lighting will comply with Federal Aviation Administration (FAA) requirements, modified as practicable to minimize off-site impacts while maintaining aviation safety.

As noted above, the Project will include two temporary areas for construction worker parking and laydown. The primary area will be an approximately 13-acre portion of the 57-acre former Rasco parcel, an industrially zoned site immediately adjacent to the Project Development Area. The secondary site, referred to as the remote Laydown Site, will be located within a 38.8-acre agricultural field, approximately 2.5 miles north of the Project Development Area. The remote Laydown Site, accessed from a new temporary driveway off of Route 22, will be used for construction worker overflow parking during peak construction and for the storage of materials. Both temporary construction locations have been designed to avoid impact to jurisdictional wetlands and significant natural resources (as discussed in Section 3 of the FEIS) and incorporate stormwater measures (as described in Section 5 of the FEIS) to prevent off-site flooding, erosion or sedimentation.

#### 1.3.7 Electric Transmission Interconnection

Electrical interconnection will be with the ConEd 345 kV transmission system through the Project's 345-kV on-site combined substation/switchyard. The existing transmission line right-of-way abuts the Property's northern property line.

In order to minimize the Project footprint and avoid wetland intrusion, a state-of-the-art gas insulated switchgear substation has been selected. The substation is located adjacent to the facility footprint, to the north of the Project Development Area and outside of wetland areas.

The substation/switchyard will incorporate a bus-type arrangement with six ring breakers serving the six generator step-up transformers. Six main generator step-up transformers will serve the three power blocks (two transformers for each unit, one for the combustion turbine generator and one for the steam turbine generator). Each transformer will step up



the generator voltage of the steam turbine generator and the combustion turbine generator from 18 kV to a 345 kV feed into the plant substation/switchyard.

The Project's electrical output will be connected to the ConEd 345 kV transmission line via two new 345-kV interconnection lines, to be located entirely within the Project Development Area and adjacent ConEd right-of-way. The electrical interconnection line route is shown on Figure 1-5. The existing ConEd transmission line will be "looped-in" on one new interconnection line and "looped-out" on the other. A 228-foot wide clearing, or right-of-way, will accommodate the two lines, which will be separated by approximately 78 feet. The two electrical interconnection lines will each include three 109-foot high steel transmission poles. A bundle of two sets of 1,351.5 thousand circular mil, 45/7 aluminum conductor, steel reinforced conductors will be strung along the two sets of three poles.

The Project has entered the NYISO Large Facility Interconnection process, under the Federal Energy Regulatory Commission Electric Tariff, for interconnection to the local and regional electrical transmission grid. A Feasibility Study and System Reliability Impact Study, each performed by the NYISO, have been completed and concluded that an interconnection of 1,000 MW at this location can be supported without the need for substantial upgrades and improvements. The next major step in the process is a Facilities Study to determine the cost and allocation of the transmission system's facility upgrades for corresponding NYISO Class Year 2011 interconnections. The Project is part of NYISO Class Year 2011 and its Facilities Study is currently being conducted by NYISO. The last step is the Large Generator Interconnection Agreement which is used to construct the physical interconnection and transmission system upgrades to allow the Project to connect to the ConEd system.

#### 1.3.8 Natural Gas Interconnection Pipeline

The Project will utilize natural gas as the sole fuel for its combustion turbines and HRSG duct burners. Pipeline-quality natural gas will be delivered via an interconnection with the existing 24-inch, 1,480 pounds per square inch gauge Iroquois interstate pipeline. A short on-site 12-inch-diameter lateral of approximately 500 feet will connect the Project with the Iroquois pipeline that abuts the northern property line of the ConEd electric transmission line right-of-way, shown on Figure 1-5.

Natural gas will be provided to the Project through a combination of firm and interruptible natural gas transportation contracts to meet facility requirements. It is intended that the

arrangement will minimize gas supply costs and provide high levels of reliability and operational flexibility.

#### 1.3.9 Safety and Security

Combined cycle electric generating plants have excellent safety records. CVE will follow all applicable federal, state and local codes and standards. In addition to incorporating advanced safety technology, CVE will coordinate its safety plans for the design and operational configuration of the facility with local emergency agencies and the Dover Fire Department (J.H. Ketcham Hose Company).

Prior to commencement of construction, a comprehensive security plan will be developed and implemented that will address both construction and operational phases of the Project. The plan will include perimeter fencing that secures the complete operations of the facility and Iroquois fuel gas metering station. Staff will utilize security monitoring systems, complete perimeter fencing, electronic badged gates and doors, inspections, and other procedures to secure the site. The gate will be locked at all times, with access provided by Project personnel. The control room will have surveillance views of the gate, and the ability to open the gate. Normal plant lighting and emergency temporary lighting will be provided throughout the Project.

During construction, on-site staff will monitor this system throughout all construction phases. Once the facility is operational, on-site staff operation and surveillance will be 24 hours per day, 7 days per week, and 365 days per year. All vehicle and personnel traffic will be controlled through the single main gate via the control room building, with substantial surveillance in and around the Property.

The continuously staffed control room will include equipment for communications with local fire and rescue teams, emergency services, the Dutchess County Sheriff's Office, and the New York State Police. In addition, the J.H. Ketcham Hose Company will have the ability to fully access the Property in the event of an emergency.

The Project's fire protection systems will be designed and constructed to the latest, state-of-the-art requirements. These include the National Fire Protection Association (NFPA) "Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations." In addition to NFPA regulations, these systems will comply with all applicable state and local codes, and will be designed, installed,

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

documented and coordinated with the J.H. Ketcham Hose Company to ensure compatibility with firefighting equipment and capabilities.

NFPA fire protection systems will be fully automated to provide alarm, detection, and suppression capability for all hazard areas. The facility will contain a reliable, on-site fire water supply system. Water will be supplied to the fire protection system via two 100 percent capacity fire pumps. One pump will be electric motor driven and the other pump will be diesel engine driven. The diesel-driven pump will serve as backup to the motor-driven pump.

Dedicated water source for fire protection will be allocated from the 1,000,000-gallon on-site water storage tank, with the fire pump taking suction directly from the tank. Water quality of the stored water will be suitable for process uses. The fire water distribution system will include yard hydrants and automatic and manual suppression systems serving areas requiring protection.

1.3.10 Involved and Interested Agencies, Permits and Approvals

Development and construction of the Project will require or involve a number of discretionary federal, state and local regulatory agency notifications, actions, permits and approvals. Table 1-1 lists each permit, review or approval and its current status.

**Table 1-1: Status of Permits and Approvals for the Cricket Valley Energy Project**

Agency	Permit, Review or Approval	Status
<b>Federal</b>		
United States Army Corps of Engineers	Section 404 Permit	Joint Permit filed 1/22/10; revised application filed 7/2/12.
United States Fish and Wildlife Service	Endangered Species Act Section 7 consultation	Correspondence received 7/20/09, 9/21/09, and 7/19/11.
FAA	Notice of Proposed Construction or Alteration	Determination of No Hazard received 3/19/10; request for Extension granted on 9/15/11.
<b>State</b>		
NYSDEC	Part 201 permit (air quality)	Application filed 3/26/10; draft permit noticed 5/25/11 and re-noticed on 12/14/11.
	PSD permit	Application filed 3/26/10; draft permit noticed 5/25/11 and re-noticed on 12/14/11.
	Title V operating permit (air quality)	Application to be filed within 12 months following the commencement of facility operation.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Agency</b>	<b>Permit, Review or Approval</b>	<b>Status</b>
	Title IV Acid Rain permit (air quality)	Submitted on 10/24/11 and Noticed on 12/14/11.
	Freshwater Wetlands Permit	Joint application filed 1/22/10; draft permit noticed 5/25/11; revised application filed 7/2/12.
	Clean Water Act Section 401 Water Quality Certification	Joint application filed 1/22/10; draft permit noticed 5/25/11; revised application filed 7/2/12.
	SPDES General Permit for Stormwater Discharges from Construction Activities	Notice of Intent pending.
	Natural Heritage and Endangered Species program consultation	Correspondence received on 6/10/09.
	Oil and chemical storage authorization	Pending.
	Notification for large asbestos removal, if applicable	Pending.
	Water Withdrawal Permit pursuant to proposed regulations at 6 NYCRR Part 601, if applicable under final rule	Pending.
Office of Parks, Recreation and Historic Preservation	National Historic Preservation Act Section 106 consultation	Correspondence received on 9/3/09, 9/25/09, 7/6/11, and 2/29/12.
New York State Department of Transportation	Highway work permit for non-utility work	Submitted on 11/11/2011.
New York State Public Service Commission	Section 68 Certificate of Public Convenience and Necessity; Confirmation of Lightened Regulatory Status	Application filed 11/01/11.
	Section 69 of the Public Service Law Approval of Financing	Pending.
<b>Local</b>		
Dutchess County Health Department	Water Well Construction	Notifications provided for temporary wells on 7/22/09; final well notifications pending.
	Septic System Approval	Pending.
	Abandonment of Water Well, if applicable	Pending.
Dutchess County Planning Board	Special Permit/Site Plan Review (advisory role)	Application filed 11/4/09.
Town of Dover Town Board	Special Permit/Site Plan Review	Application filed 11/4/09.
	Fire Prevention Permits	Pending.
	Use of Explosives	Pending.
Town of Dover Planning Board	Erosion/Sediment Control	Pending.
Town of Dover Zoning Board	Town Zoning Law Amendment (fence height, and noise)	Zoning amendment petition filed 06/22/11; amendment submitted on 1/25/12.
Town of Dover Architectural Review Board	Design Review	Pending.
Building Inspector	Building/Occupancy Permits	Pending.

1.3.11 Project Schedule

Construction of the facility will require approximately 36 months. Building demolition, clearing, and grading will be a component of early-stage project construction. Construction is currently proposed to start in early 2013, with a proposed commercial operation date for the facility in early 2016. An updated preliminary construction schedule for the Project is shown in Figure 1-8.

**1.4 Responses to Comments on the DEIS**

Tables 1-2 through 1-9 address comments received relative to specific topics, and provide a response or guide the reader to the location of the response within this section and the DEIS. Specific topics addressed in Section 1 of the FEIS are:

- General and editorial comments (Table 1-2);
- Requests for additional hearing or review (Table 1-3);
- Displacement and the need for power (Table 1-4);
- Potential Project alternatives (Table 1-5);
- Cumulative impacts (Table 1-6);
- Project fuel source (Table 1-7);
- Project safety and odor (Table 1-8); and
- Project benefits (Table 1-9).

Other comments received, relating to specific technical topics, are addressed in their respective sections of the FEIS.

1.4.1 General and editorial comments

Table 1-2 provides a summary of general or editorial comments received, and provides a response to each.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Tonia Shoumatoff and Elaine LaBella, Housatonic Valley Association	We request that each appendix be labeled with its subject as well as a number.	9-5	The Cricket Valley Energy website ( <a href="http://www.cricketvalley.com">www.cricketvalley.com</a> ), which serves as a repository for the DEIS and its Appendices, was updated in July 2011 to address the commenter's concerns. The Appendices are now labeled with their corresponding subject.
Venna Currow, Wingdale Resident	Cricket Valley Energy is owned by parent company Advanced Power. They have no loyal history because they will sell the company once up and running. Whatever commitments they make will be obsolete.	11-3	Advanced Power has established a Project company, CVE, to assure that all Project commitments are retained even should additional investors participate in the Project. Any future participants would become stakeholders in CVE, and will be legally bound to all commitments made by CVE as the Project company and holder of all permits and contracts.
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	I would like to see addressed how this project is being funded. Is it being constructed to take advantage of Federal, State, brownfield, IDA, grant, subsidy, monies (all taxpayer monies)?	23-15	The Project is privately funded, and no brownfield, grant or subsidy monies will be used. The Project will work with the Dutchess County Industrial Development Agency (IDA) to negotiate a Payment in Lieu of Taxes (PILOT) agreement with Dutchess County, Town of Dover and the Dover Union Free School District, as well as a community benefit agreement.
Joel Tyner, Dutchess County Legislature	<i>Incorporates through a newspaper article information regarding comments provided by Robert Herzog.</i>	24-6	Comments received from Robert Herzog are specifically addressed in this FEIS under Comments 42-1 through 42-20.
Mark Chipkin, Pawling Resident	..What precautions can be put in place now to prevent abandonment? How can we set up the agreement between the Town and Cricket Valley, so that any new owners are held responsible for environmentally sound actions?	25-8	CVE anticipates preparing a decommissioning plan prior to commencement of construction. The decommissioning plan will include a discussion of the potential useful life of the facility, the salvage and recycling value, safety and the removal of potential hazardous conditions, environmental impacts, site aesthetics, and potential future use of the site. Note that any additional investors in the CVE Project will be required to agree to all commitments made by CVE as the Project company and holder of all permits and contracts.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
George Quasha, Station Hill Press, Inc.	<i>Opposition to the project and support of Joel Tyner's position.</i>	26-1	We appreciate all comments received on the DEIS. See the response to Joel Tyner located in Table 1-2, Comment No. 24-6.
Christina Palmero, State of New York Department of Public Service (NYS DPS)	...additional information is necessary regarding the proposed project's back-up operating procedure in the event of unanticipated contingency. This information should include a discussion of what back-up energy production capacity can be sustained, if any; the back-up fuel source(s); the proposed on-site fuel supplies and their expected duration; and, the process for switching fuels if a gas emergency occurs or is declared.	28-2	<p>Additional details, such as those outlined, have been provided to the NYSDPS as part of the Project's Petition for Order Granting a Certificate of Public Convenience and Necessity (CPCN) filed on November 1, 2011. The Petition is available for review on the website of the NYSPSC (<a href="http://www.dps.ny.gov">http://www.dps.ny.gov</a>) in the file for Case Number 11-E-0593. As discussed in the CPCN Petition, the Project will be fueled by natural gas only and no back-up fuel will be used.</p> <p>Use of natural gas as the sole fuel lowers the potential environmental impacts of the Project compared to the use of back-up fuel oil. Environmental impacts that are avoided include air emissions and water use associated with the use of fuel oil; additional truck traffic required to deliver fuel to the Project; and potential safety and environmental issues associated with storage of more than two million gallons of oil adjacent to the Great Swamp CEA. Combustion of fuel oil in the turbines would result in an increase in emissions of sulfur dioxide (SO<sub>2</sub>), NO<sub>x</sub> and particulate matter including fine particulates (PM<sub>2.5</sub>). Together with the Project's planned firm gas supply contract, avoiding these environmental impacts and risks outweighs the potential benefits of using back-up fuel on a limited basis.</p> <p>It should be noted that there will be on-site storage of small quantities of ULSD fuel and lubricating oils. ULSD storage will be limited to the fire pump's integrated 650-gallon fuel tank and the four emergency black start generators, each with an integrated 1,000-gallon fuel tank. As required, all tanks, equipment and vessels containing ULSD fuel and/or lubricating oils will be located inside a concrete safety containment, sump or curbed dike area for spill control and management.</p>



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Christina Palmero, NYSDPS	The applicants should also discuss how the power production capacity was determined for the proposed generator at the Cricket Valley site.	28-3	<p>The CVE development team reviewed the state of the electric market in New York and developed a view on the future state of the market when a project could reasonably expect to go into operation. With this in mind the team looked at the ability of the Iroquois pipeline to supply gas to the Project and the capability of the adjacent 345 kV transmission line to move the electricity from the Property to the regional transmission system. After considering gas and electric transmission capabilities, in addition to site constraints, such as the availability of water for cooling, CVE determined that a 1,000 MW project was appropriate.</p> <p>As described in Section 1.3.7 of the FEIS, the NYISO has conducted multiple assessments of the Project which have found that only minimal upgrades are required to interconnect to the grid. Additional upgrade estimates will be part of the ongoing Class Year 2011 Facilities Study.</p> <p>Additional details, such as those outlined, have been and will continue to be provided to the NYSDPS as part of its review of the Project's Petition for a CPCN, which was filed on November 1, 2011. The NYSDPS will receive all required information through that review process.</p>
Christina Palmero, NYSDPS	Staff of the NYS Department of Public Service will review CVE's petition to the Public Service Commission (when filed) for an eventual recommendation to, and decision by the Commission on the required Section 68 and Section 69 authorizations. As such DPS Staff requires copies of all plans, documents and specifications to be prepared in further support of this project including, but not limited to, final construction drawings and specifications, final site grading and drainage plans, wetland restoration and mitigation drawings and a final Storm Water Pollution Prevention Plan. DPS reserves the right to request additional information during its review.	28-6	



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
David Roberts, Pawling Resident	The largest concern is a lack of track record for CVE. There are no current projects operating in the U.S. A plant in the Boston area is not up and running yet. I would recommend delaying action on this application until performance can be evaluated on other projects initiated by CVE's parent company.	29-4	The Advanced Power development team has many years of experience developing projects of this type and equivalent size which are currently in operation in the U.S., including in New York State. In addition, CVE has agreements with two partners, GE Energy and Marubeni Power International, who each bring extensive development and operational experience to the team. GE Energy not only has installations of its turbine technology at thousands of locations through the U.S., but is one of the world's largest third-party providers of power plant operations and maintenance service, managing more than 22,000 MW of power assets. Marubeni has a similar strong operational background, with ownership in over 29,000 MW of power facilities.
Jurgen Wekerlie, Sierra Club, Atlantic Chapter	The DEIS must document and evaluate the total public subsidies for which this Project is eligible including all federal, state and local incentives such as DOE [Department of Energy] energy credits and directed funding, Federal '08 and '09 stimulus package incentives, NYS and local IDA sales tax waivers, reduced below market rate interest financing, property tax exemptions, reduced property/plant tax assessments, etc. The CVE site qualifies for Superfund monies, and also an extra bonus for being an energy company located on a Superfund site.	30-9	The Project will be privately funded, and will not rely upon federal, state or local incentives, with the exception of a structured tax agreement (PILOT) which will be developed through the Dutchess County IDA, the Town of Dover and the Dover Union Free School District.  This site has not been designated as a Superfund site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Site demolition, disposal, and remediation will be entirely paid for through private funding.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Jurgen Wekerlie, Sierra Club, Atlantic Chapter	Further the DEIS must detail how subsidies awarded to this Project will absorb available finite public resources that will displace and/or delay renewable energy priorities of the RPS and job creation in the solar/wind/smart grid programs promoted by the state energy plan.	30-10	The Project will utilize only private funding. No public funds or resources will be used that would displace or delay renewable energy projects or efficiency programs. The Project will create private sector jobs and generate substantial revenue (through tax payments or payments-in-lieu-of-taxes) for Dutchess County, the Town of Dover, and the Dover Union Free School District.
Tamara Wade, Wingdale Resident	Will CVE obtain and utilize Federal and State monies? And if so, wouldn't those public monies be best spent, helping taxpayers to update their homes and businesses with true green energy production such as Solar and or wind turbines as with global warming being a main concern we might consider deeply that fossil fuel energy of any kind needs to cease, and non-emission producing renewable alternatives are the only hope for a future and the wellbeing of all life.	31-19	Federal and state monies will not be used for the Project; the Project will be privately funded. Therefore, no public resources will be diverted from renewable energy or energy efficiency programs.
Graham Trelstad, AKRF	"Table 1: List of Agencies Permits and Approvals" on page 2 and "Table 1-4: Status of Permits and Approvals for the Cricket Valley Energy Project" on page 1-34 do not list the same required approvals for the Town of Dover. Both tables should also note the proposed Zoning Amendment which requires Town Board approval, as well as subdivision approval which is required	32-1	The current information is reflected in Table 1-1 of the FEIS, including the proposed zoning amendment. The Project has optioned the former Rasco parcel to the south and no longer requires a subdivision approval.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Graham Trelstad, AKRF	for the lot line change. Page 5 states that, "The project has been designed to be complementary to the Property's environmental resources and surrounding land uses." The use of the term "complementary" seems out of place, "not infringe" would be more appropriate.	32-3	The word "complementary" was selected to reflect the previously developed, industrial nature of the Project Development Area and the manner in which the proposed Project can predominantly remain within that previously developed area. To state that the Project does "not significantly infringe" would also be accurate.
Graham Trelstad, AKRF	Page 1-5, which describes the past industrial use of the site, fails to mention the past and present use of the project site for product storage by Rasco Materials (formerly T&T Materials).	32-6	As discussed in Section 1.2 of the FEIS, the former Rasco property is now encompassed in the overall Project Property and those uses have been discontinued. If approved, the Project represents an opportunity to clean up and remediate the former Rasco parcel.
Graham Trelstad, AKRF	The Project Description should include a discussion of the required subdivision to adjust the lot line between the Project Site and the Rasco Materials parcel (which, like the Project Site, is owned by Howland Lake Partners). It is noted that Rasco Materials shares the same driveway off of Route 22 with the Proposed Project. How will access to the Rasco site be maintained? Are there any plans to purchase the Rasco site since it is owned by the same entity?	32-7	Since filing the DEIS, CVE has acquired an option to purchase the former Rasco parcel. Therefore, a subdivision is no longer required and no uses associated with RASCO Materials will remain.
Graham Trelstad, AKRF	It is noted that the proposed Laydown Site is the field from the Asher B. Durand painting, "Dover Plains." This should be addressed as a potential community character impact.	32-8	Given the temporary manner in which the remote Laydown Site will be used, as well as the pre-construction and post-construction measures to be implemented, no change in the current character is expected. The remote Laydown Site will be restored and returned to its existing use as an agricultural field following its restoration post-construction.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Graham Trelstad, AKRF	Pg 1-19 states that the Federal Aviation Administration (FAA) will require lighting on all three stacks, and recommended a dual lighting system that would result in red lighting at night and medium intensity white lights during daytime hours. Photo-simulations of the proposed night-time illumination from sensitive receptors and an assessment of potential impact to those receptors from the night-time illumination should be provided.	32-9	<p>The visual impact assessment presented in Section 6.2 of the DEIS indicated that views of the facility stacks will be limited, day or night, due to topography, vegetation and distance. The facility, including its stacks, would not be visible at night, although FAA safety lighting on the stacks will be visible. Stack lighting will be similar to the FAA lighting one sees on communication towers. Because the stacks are co-located, it is anticipated that only a single light per stack will be necessary to provide for adequate visibility. Other lighting will be directed downwards and would not result in nighttime off-site visibility of the facility.</p> <p>The analysis presented in Section 6.2 of the DEIS demonstrates consistency with NYSDEC's Visual Program Policy, and although resources of "statewide significance" were not identified from which significant visual change would be anticipated, additional simulations were provided of other viewing locations that represent the potential for local changes in view.</p> <p>The closest view is that from Route 22, reflected in Figure 6.2-6 of the DEIS. Stack lighting would be expected to be visible from that location. However, viewers would be driving along Route 22 and experiencing a momentary glimpse of the lighting that would not be dissimilar to the effect of street lights or similar features. Viewers from the other evaluated representative locations also have the potential to view stack top lighting, but distance and vegetation will place the lighting as a horizon feature. The potential impact of the views would vary, as individual viewer sensitivity to this form of lighting varies. CVE is working with the FAA to minimize the need for stack lighting to the extent possible while still meeting FAA safety requirements.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Graham Trelstad, AKRF	Page 1-22 notes that a small amount of un-reacted ammonia ("ammonia slip") will be leaked from the project. Will the smell of the ammonia be detectable off-site? What are normal background levels of ammonia for comparison?	32-10	Even directly in the exhaust plume, the maximum ammonia concentration would be 5 parts per million, well below the ammonia odor recognition threshold. Ground-level concentrations would be substantially below this level. Therefore, there will be no odor associated with the emission of trace amounts of ammonia in the exhaust. Typical background concentrations of ammonia range from a few parts per billion to as high as 50 parts per million in heavy agricultural areas. The proposed Project will have no discernable impact to ammonia levels in the area.
Graham Trelstad, AKRF	Section 1.6 – Required Permits and Approvals on page 1-33 should discuss the potential zoning amendment regarding noise limits at the property line and fence height since these are discussed later in the document.	32-11	Table 1-1 of the FEIS reflects the need for an amendment to the Town of Dover zoning code. CVE submitted a proposed noise amendment on 1/25/2012.
Graham Trelstad, AKRF	General – Under the list of project approvals, New York State Petroleum Bulk Storage and Chemical Bulk Storage registrations should be identified.	32-16	Table 1-1 of the FEIS has been updated to address this requirement.
Graham Trelstad, AKRF	Page 6-5 incorrectly describes the status of the Rasco Materials facility. Town of Dover and NYSDEC review of this project has been completed.	32-36	RASCO Materials LLC is no longer operating at this location. As discussed in Section 1.2 of the FEIS, the former Rasco property is now encompassed in the overall Property.
Graham Trelstad, AKRF	Page 6-5 also incorrectly describes the project site and Rasco Materials site as unrelated to each other. They currently share the same access driveway off of Route 22, and Rasco Materials has historically used portions of Building E as part of their processing and storage.	32-37	RASCO Materials LLC is no longer operating at this location. As discussed in Section 1.2 of the FEIS, the former Rasco property is now incorporated into the Property. Thus, the issues raised in the comment are no longer a concern.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Graham Trelstad, AKRF	The DEIS should consider the burning of Natural Gas an Irreversible and Irretrievable Commitment of Resources.	32-61	We agree that the burning of natural gas as fuel for the Project can be considered an irreversible and irretreivable commitment of resources.
Graham Trelstad, AKRF	The Growth-Inducing Aspects of the Proposed Action should further evaluate whether the proposed project, and increased availability and reliability of energy, would increase energy usage and generate growth.	32-62	As discussed in Section 8.4.4 of the DEIS, the Project is not expected to result in growth by the construction of improved infrastructure. The Project is intended to meet reliability and load requirements of the regional grid, and is not expected to affect the use of energy or stimulate energy-using growth.
T. Michael Twomey, Entergy	The construction and operation of the Project will involve substantial soil disruption at a former industrial facility with documented site contamination and also create acres of impervious surface. Although the Project has a Stormwater Pollution Prevention Plan (see DEIS, sect. 5.6), this is no guarantee that the contaminants associated with construction related activities, as well as inevitable spills of the various hazardous substances that will be kept on site during operation, will not make their way into the Great Swamp. Given the reported ecological value of the Great Swamp, we respectfully question the location of this new facility within the watershed of, and adjacent to, the Great Swamp. Certainly, it is hard to understand how the Project can be reconciled with the Dover Master Plan's goal of	33-6	<p>None of the Project activities will be located west of the Metro-North railroad track that separates the Project Development Area from the Swamp River. In addition, best management practices and compliance with regulatory requirements will not only minimize the potential for accidental spills or discharges, but identify measures for rapid response, if necessary.</p> <p>Note that the Town of Dover Town Board approved a revised FEMA floodplain map in April 2012 (provided in Appendix 3-C of the FEIS); the adjusted floodplain overlay district does not extend east of the Metro-North railroad track. Work within state-regulated wetlands is limited to Wetland 2, where only a very small finger of marginal wetland will be altered; this will be fully replaced, resulting in no net loss. In fact, the clean-up of previously developed portions of the Property is expected to contribute to safeguarding the quality of the state-regulated wetlands associated with the Swamp River. No flood storage volume will be compromised by the Project and therefore no compensatory flood storage would be required nor would special flood damage protection be required for Project design. In fact, the Dover Master Plan specifically identifies this particular location as appropriate to maintain an industrial designation, referencing the site</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	"discourag[ing] the development and encourag[ing] permanent protection of state-regulated wetlands and their 100-foot buffers," and prohibiting uses in the federally designated 100-year floodplain which includes portions of the Great Swamp.		locations as the "Mica plant."  Note that CVE does not consider spills of hazardous materials to be inevitable. The Project will incorporate design measures and best management practices as safeguards on this issue.
Sibyll Gilbert, Oblong Land Conservancy	We request that CVE do what it can to avoid the most offensive high impact lighting, and when at all possible, install low impact lighting that reflects the recommendations made in this communication on recommendations and guidelines.	36-4	Low impact lighting is incorporated into the Project design, with lighting directed downwards and consistent with what is necessary for safety, security and functions. Project area lighting (as detailed in DEIS Section 6.2.3 and DEIS Appendix 6-C) will meet the standards of the Illuminating Engineering Society Lighting Handbook and the code requirements of the Town of Dover. In addition, lighting on the Project stacks will be the minimum necessary to meet FAA safety requirements.
Ryan Courtien, Town Supervisor, Town of Dover	Some [comments] listed in the Executive Summary may be explained in later sections but a better understanding of these topics in the Executive Summary would greatly benefit the public because of the few people who actually read these documents, most of them may only read the Executive Summary.	37-1	A summary section, by its nature, is unable to provide the detail necessary for a comprehensive understanding of key issues. It would be hoped that those interested in a particular topic would take advantage of the publicly available versions of the DEIS and explore those issues further. To supplement the material in the DEIS, the CVE team has hosted numerous public working groups at its Community Outreach Office in Dover Plains, where Project consultants have been made available to answer specific questions in detail.
Ryan Courtien, Town Supervisor, Town of Dover	ES-10: Take out "where project design allows." If areas are not revegetated, then they are not temporarily disturbed. Also, a suitable local plant species can be found for any area on the site.	37-9	All temporarily disturbed areas will be revegetated. The phrase "where project design allows" was intended to refer to the fact that lawn may be more practical than local plant species in some areas if pedestrian access is expected to be frequent.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ryan Courtien, Town Supervisor, Town of Dover	ES-15: Will the project require any improvement to the ConEd Electric Lines or Iroquois Gas Pipeline? If so, what improvements?	37-15	The Project may be required to replace the cable splices on the existing Con Ed transmission line. The extent to which replacement is required will be determined through the ongoing NYISO Interconnection Process (specifically, as part of the Class Year 2011 Facilities Study).  The Project will require no improvements to the Iroquois Gas Pipeline.  Thank you for noting this typographical error.
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-2: RC does not mean recreation; it means resource conservation.	37-27	
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-4: No longer TT Materials; is now RASCO.	37-28	As noted in Section 1.2 of the FEIS, the expansion of the Project site has eliminated this additional use.
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-4: What is the purpose of lettering the buildings on the map if the letters don't relate to anything? Why are some lettered and some explanatory? Move to Section 2 or move Section 2 into Section 1.	37-29	The lettering on Figure 1-4 of the DEIS corresponds with the discussion in Section 2.2.1.1, where additional detail is provided regarding existing building historical use.
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-5: What do the different colored arrows represent? Is gas being fed into the system through ducts after the turbine? What do the circles represent? Do the hot steam lines leave in parallel and return cold in series? Is electric generated from the air compressor? This, and all aspects of the DEIS, is supposed to be understandable to the general public.	37-30	The arrows are generally intended to reflect direction of air flow. The colors can be interpreted to represent temperature. Cool air enters the air compressor and cooling fans; red arrows and segments of equipment represent the hottest portions of the process; and yellow and white arrows represent warm to cool temperatures passing through the system and exhausting from the stack and air cooled condenser.  The shapes (including the circles) are all representational of various equipment elements, with the circles indicating nodes where each of the three units connects to piping. The air compressor is an integral part of the gas turbine and by itself does not generate electricity but compresses the air used in combustion which turns the section of gas turbine generating the electricity.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-6: Well B-3 should have some protection from tampering due to its location outside of the fenced area and its proximity to RT . 22. Consideration also toward wells B-5 and B-6.	37-31	The Project's primary well will be located within the perimeter fencing which secures the complete operations of the Project. Three on-site wells will be located outside of the secure, fenced Project area. All on-site wells currently have locks and will continue to be protected by padlocked steel well caps to protect against tampering; these will be periodically checked by operational staff to confirm locks are secure. In addition, Well B-3 (due to its location proximate to Route 22) will also be protected by bollards, pursuant to the requirements of Chapter 145-15.E(1)(c) of the Town of Dover Zoning Code.
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-8: There cannot be an elevation drawing with the elevation of the stacks being cut short. This figure needs to be redone.	37-32	This is a normal engineering drawing convention and is typical where one element of a drawing is otherwise unchanged along its length. Showing the full stack height on this drawing would reduce the readability of other Project details. CVE will adjust the Elevation Drawing to remove this drawing convention as part of its submittal to the Town of Dover pursuant to Chapter 145-65(B)16 of the Town of Dover Zoning Code. The visual simulations in Section 6.2.5 of the DEIS show the full heights of the stacks.
Ryan Courtien, Town Supervisor, Town of Dover	The Leach Field and the Fin Fan Coolers ...have reversed locations from Figure 1-6 to Figure 1-9. Additionally the Storm Water Pretreatment and Management Basin shape is altered.	37-33	Figure 1-9 in the DEIS is a representational rendering which has since been amended to show the correct configuration of the Leach Field and Fin Fan Coolers. Figure 1-6 of the DEIS, the engineering site plan, shows the proposed configuration. The revised rendering, presented as Figure 1-7 of the FEIS, is updated to present the most current representation of the facility, which is consistent with the engineering site plan.
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-10: The Laydown Site map should include the proposed design of the site; not merely the part of the parcel being considered for use.	37-34	Specific design details for temporary construction parking and laydown have been developed for both the remote Laydown Site and the former Rasco parcel. These design details are presented in the preliminary SWPPPs (Appendix 5-A and 5-B of the FEIS) and will be the subject of discussion during the Project's Special Permit and Site Plan review with the Town of Dover.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-13: This timeline was recreated in July 2010. Is the projected timeline anticipated start date still January 2012?	37-36	Figure 1-8 illustrates an updated timeline. As you can see the time line has been modified to include the special permit process allowing for a construction start date in early 2013. Commercial Operation would begin in early 2016.
Ryan Courtien, Town Supervisor, Town of Dover	1-5: Move Figure 1-4 to Section 2 or move the existing site conditions in Section 2 into Section 1.	37-41	Figure 1-4 was in Section 1 of the DEIS to illustrate a closer view of the aerial photo showing the Project Development Area. For efficiency, the same figure was referenced in a later section.
Ryan Courtien, Town Supervisor, Town of Dover	1-7: Approximately 282.5 feet tall seems to be rather exact.	37-42	Calculation of Good Engineering Practice (GEP) stack height does result in exact dimensions. The use of the word “approximately” in this case was not necessary, and will not be used in the FEIS with regard to GEP stack height calculation.
Ryan Courtien, Town Supervisor, Town of Dover	1-8: How long can the fire pump run on 650-gallon fuel tank before requiring refueling?	37-43	The Project will install a primary fire pump which runs on electricity and a backup fire pump which runs on diesel. The diesel will be used if the electric pump fails to run for any reason. The pump can run for approximately 32 hours without refueling.
Ryan Courtien, Town Supervisor, Town of Dover	1-9: Where does the 1000 MW rating come from when the Net Output varies based largely on temperature as seen in Table 1-1?	37-44	The 1,000 MW is a nominal rating, as the actual output of the gas turbines is temperature dependent. The actual output varies as shown in Table 1-1 of the DEIS.
Ryan Courtien, Town Supervisor, Town of Dover	1-10: Will there need to be a second driveway created for access to the properties south of the project?	37-46	With the expansion of the Project property and discontinuance of the RASCO Materials LLC business, no secondary driveway is proposed for use during construction or operation.
Ryan Courtien, Town Supervisor, Town of Dover	1-11: What affect, if any, will the heat from the plume have on local (project property and surrounding properties) temperatures?	37-49	Temperatures of the Project property and surrounding properties will not be affected by the stack exhaust temperature. With heat, the stack exhaust will rise and cool at heights significantly higher than the 282.5-foot stacks, such that ground level temperatures will not be changed as a result.
Ryan Courtien, Town Supervisor, Town of Dover	1-17: How will ammonia be delivered to the site? How often?	37-50	The 19 percent aqueous ammonia will be delivered to the site by specialized tanker trucks approved for transport of this material. It is anticipated that there will be 15 truck deliveries per month.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ryan Courtien, Town Supervisor, Town of Dover	1-18: More detail is needed for purging of hydrogen gas.	37-52	All cleaning of pipes will be performed with inert gases such as nitrogen or compressed air. No hydrogen or natural gas cleaning will occur per the new NFPA standards. Additional detail on cleaning procedures will be detailed in the Project's Emergency Response Plan, which will be submitted to the Town of Dover.
Ryan Courtien, Town Supervisor, Town of Dover	1-19: Will the lighting cause a reflection on the facility that will be seen off-site?	37-53	The lighting will not cause a reflection on the facility that would be seen off site. As discussed in Section 6.2.3 of the DEIS, lighting for the Project has been designed to have minimal impact on the surrounding community while providing for safe operations. Project area lighting (as detailed in DEIS Appendix 6-C) will meet the standards of the Illuminating Engineering Society Lighting Handbook and the code requirements of the Town of Dover.
Ryan Courtien, Town Supervisor, Town of Dover	1-20: More details regarding "A variance or an exemption for certain types of non-friable asbestos may be requested from the Town of Dover" need to be given.	37-54	Additional detail will be available as the Project's contractor is selected. Section 2 of the FEIS provides information characterizing building materials, as well as additional details regarding plans for appropriate disposal and reuse of material.
Ryan Courtien, Town Supervisor, Town of Dover	1-25: There will be 2800/5 = 560 5-gallon containers of medium WT Oil on site at one time or over the course of construction?	37-55	A total of 560, 5-gallon containers is the amount expected to be required over the course of the 3-year construction period.
Ryan Courtien, Town Supervisor, Town of Dover	1-25: Is it supposed to be 50 – 1000 gallons of paint or 500 – 1000 gallons of paint?	37-56	This should be 5,000 to 7,500 gallons of paint over the course of the 3-year construction period. Thank you for noting this typographical error.
Ryan Courtien, Town Supervisor, Town of Dover	1-20: What is the composition of the step-up transformers?	37-57	Step-up transformers are composed primarily of steel, iron, copper, cooling oils, and ceramic insulating materials.
Stephen and Cate Wilson, Wingdale Residents	Although CVE conducted a variety of tests for impact on water, air, noise, pollution, traffic, etc., none of these were of sufficient duration to be	38-3	Detailed scopes of work for environmental assessments were prepared as a part of the public and agency review process associated with the DEIS. Study methodologies followed standard practice, were reviewed and approved by all applicable regulatory agencies in advance, and are

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>considered reliable in evaluating the full impact of the proposed plant in actual operation. Most were only one to two weeks in duration and could not possibly take into account all of the variables that could potentially alter the results – for example, conditions at different seasons of the year, additional building projects in the area, increasing population locally and increased water usage resulting from any or all of these. Some also used basis points that should be considered irrelevant for our specific area.</p>		<p>considered to accurately represent the potential for impact.</p> <p>In the case of water resources, the original plan for pump testing was to conduct the analysis during April 2010. However, due to the large amount of rain in March and April 2010, CVE delayed the pump test to prevent results from being skewed. The tests were instead conducted in late June 2010, during a time when water levels were at seasonably low levels as described in Section 5 of the FEIS.</p> <p>For further detail on how CVE analyses account for cumulative impacts, please see Table 1-6 of the FEIS.</p>
<p>Stephen and Cate Wilson, Wingdale Residents</p>	<p>In fact, Arcadis, the CVE environmental consultant who wrote the DEIS, was mentioned in a recent documentary titled "Mann vs. Ford" which aired on HBO. Arcadis was apparently wrong in that Ringwood, NJ case, since their client, Ford Motor Company settled with a large number of cancer victims.</p>	<p>38-6</p>	<p>ARCADIS provides high quality technical and regulatory support to its clients at numerous sites throughout the country. ARCADIS was not involved in the initial Ringwood site activities, which were the subject of controversy. Since being involved, the company's work has been highly regarded by the state and federal agencies overseeing that site. While the referenced class action lawsuit progressed and eventually settled without a verdict against Ford Motor Company, a separate technical team from ARCADIS continued to work under CERCLA towards site cleanup. For the CVE Project, ARCADIS has provided community outreach support as well as technical analysis and permit application documentation, and has been supported by numerous additional firms that also have technical expertise and strong credibility in their respective areas.</p>
<p>Robert Herzog, Dover Resident</p>	<p>Cricket Valley Energy exists only to develop the Cricket Valley project. It is owned by a parent company, Advanced Power AG, a Swiss-based, privately-</p>	<p>42-20</p>	<p>Advanced Power has established a Project company, CVE, to assure that all Project commitments are retained even should additional investors participate in the Project. Any future participants would become stakeholders in CVE, and will be legally bound to all commitments made</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>owned company. How many projects is Advanced Power currently operating? None. That company has only built only two plants, both considerably smaller, and both outside the United States, subject to different regulations.</p> <p>Further, Advanced Power rapidly sold both plants once they were up and running, so they do not have to live with any consequences of operating them. What this means is that it doesn't matter with whom our community has been dealing, or what commitments they make. Within a short time after construction is completed, we can expect Cricket Valley to flip the plant, selling it to new players who may have little or no regard for the operating commitments that Cricket Valley made. The residents of the Town of Dover should not be forced to be pawns in this scheme.</p>		<p>by CVE as the Project company and holder of all permits and contracts.</p> <p>The Advanced Power development team has many years of experience in developing projects of this type and equivalent size which are currently in operation in the U.S., including in New York State. In addition, CVE has agreements with two partners, GE Energy and Marubeni Power International, who each bring extensive development and operational experience to the team. GE Energy not only has installations of its turbine technology at thousands of locations through the U.S., but is one of the world's largest third-party providers of power plant operations and maintenance service, managing more than 22,000 MW of power assets. Marubeni has a similar strong operational background, with ownership in over 29,000 MW of power facilities.</p>
<p>Jessica Abrams, Green in Greene Inc. Earlton, NY</p>	<p>How many times do we have to repeat the same mistakes until we wake up, until we realize this is not the solution? This is not even in the right direction. We're taking two steps back to trip one forward. We're walking into an era of totally unpredictable weather. Completely unknown circumstances may be arising, as we have seen with Fukushima</p>	<p>T1-20</p>	<p>The State Environmental Quality Review Act (SEQRA) process is intended to carefully consider a full range of potential issues, incorporating public and agency comment into the scope of study as well as in the review process. The Project will be among the lowest emitting, most water efficient facilities of its type ever constructed. In addition to displacing the operation of older, higher emitting generators, yielding significant regional emissions reductions, the Project will clean up and restore an unused industrial site. It will also remediate wetlands and Adjacent Areas that have been significantly degraded by historical</p>



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	currently raining down on us daily. We are noticing it in so many forms. We can't even eat from our own Hudson River. Talk about our own backyard. If you really care enough, look at the history and think to yourselves: How many times do we have to repeat the same mistakes before we realize we have the solutions? They're clean. They're here. They're domestic.		conditions on the site. Development of the Project also enables the preservation of 79 acres of land abutting the Swamp River, protecting that area from future development.
Antonia Shoumatoff, Housatonic Valley Association	<i>Reading of portions of the formal comment letter submitted into the record and responded to in this FEIS.</i>	T2-7	The specific comments outlined in this letter are addressed in the FEIS in response to Comments No. 9-1 through 9-5.
Cristina Bleakley, Dover Resident	I live on Sherman Hill Road...across from where the site of the parking is going to be located. One of my concerns is, is any hazard materials will be stored at that site? 850 cars parking, is it one-level parking? Is it two-level parking? I think they need to be a little bit more descriptive.	T2-8	No hazardous materials will be stored on-site. Section 2.3.4 describes in detail how the remote Laydown Site will be created, maintained and restored to its original condition at the completion of construction. Parking and storage of equipment at that location will be on one level.  The addition of the 57-acre former Rasco parcel to the Property will allow CVE to move a substantial portion of the parking and laydown area onto the Property. This is intended to reduce the impacts and traffic associated with the originally proposed remote parking area. CVE expects to use the original remote Laydown Site for overflow parking during the peak construction months and as a staging area for non-hazardous construction material only.
Jessica Abrams, Green in Greene Inc. Earleton, NY	We do not want this in our backyards. Unfortunately, we can't escape it. It's everyone's backyard, regardless. That's the unfortunate side...25 jobs? And this major risk we're looking to introduce to our area for no reason, as we do have the	T2-19	Environmental standards are established to be protective of the entire population, recognizing that the environment has no boundaries. This Project complies with applicable environmental requirements, and thus will safeguard clean water and clean air in addition to providing the range of environmental, economic and societal benefits, including direct and

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>solutions... First and foremost is our people, the right to access to clean water and clean air and a safe environment is first and foremost before profits...Our health is not for sale.</p> <p>I want to understand, who pays for this? Is this a tax dollar issue to accommodate bringing this to the area? Because that would, of course, be completely unacceptable.</p> <p>We also have to understand the footprint that we're now removing from that very land. What is the impact of this going forward on retention, the impact on the Village, the infrastructures. We want to make sure we reduce that as much as possible.</p>		<p>secondary economic benefits, addressed in Section 6.7 of the DEIS.</p>
Jessica Abrams, Green in Greene Inc. Earlton NY		T2-21	The Project is privately funded, and will be a significant contributor to the local and regional tax revenues. No public revenue resources will be diverted to accommodate this Project.
Jessica Abrams, Green in Greene Inc. Earlton NY		T2-22	<p>The Project will remediate an abandoned industrial site, including both the Project Development Area and the former Rasco parcel. This remediation will include restoration of previously impacted wetlands on the site, which will have a positive impact on water quality.</p> <p>Stormwater management systems have been carefully designed, prioritizing water reuse and conservation and using bioretention swales. See Section 5.3.1 of the FEIS and FEIS Appendix 5-A and Appendix 5-B for a discussion of the proposed stormwater management plans, addressing the impacts of the footprint on retention.</p> <p>The Project will be relatively self-contained, and will not add significant demand for town services or infrastructure. Avoiding and minimizing impact to the community and the environment has been a priority for the Project.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Jessica Wade Former Dover resident	I'm 22 years old. I just graduated from college. I have a great life of ahead of me, and I'm going places, and I really don't need to stay here in Dover. I really don't. And I probably won't be. But how can I turn my back on my mom and dad who will be a mile away from this or a community that raised me... they're not able to just sell their homes and go off. If they did want to sell their homes, I'm wondering if health effects do -- if we start to see that there are health effects and that people are getting sick, are people going to want to come into our community and buy our homes? What are you going to do about that when we can't sell our homes and we want to get out? <i>Statement in support of the project.</i>	T2-29	The environmental standards with which the Project will comply were developed to be protective of public health, including for the most sensitive populations. The Project offers substantial environmental benefits, including mitigation and restoration of an abandoned industrial site, preservation of 79 acres of land abutting the Swamp River, and displacement of the operation of less efficient, higher emitting generators, yielding a regional air quality benefit. CVE is not aware of any instance in which a community sponsoring a gas fired combined cycle project has experienced negative impacts on its real estate market as a consequence of the facility's development.
Linda French, Dover Resident	<i>Statement in support of the project.</i>	T3-1	Comments acknowledging support of the Project are noted.
Paul Palmer, Dover Resident	<i>Statement in support of the project.</i>	T3-2	Comments acknowledging support of the Project are noted.
Stacy DuHamel, Wingdale Resident	<i>Reading of comments by Robert Herzog, responded to in this FEIS.</i>	T3-3	Comments from Robert Herzog are addressed in this FEIS, in response to Comments No. 42-1 through 42-20.
Stacy DuHamel, Wingdale Resident	<i>Reading of comments by Constance DuHamel, responded to in this FEIS.</i>	T3-6	Comments from Constance DuHamel from this letter are addressed in this FEIS, in response to Comments No. 41-1 through 41-11.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

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Valerie LaRobardier, Dover Plains Resident	<i>Statement of support for the project and for the open, transparent process, and surprise at new questions coming at this stage of review.</i>	T3-7	Comments acknowledging support of the Project are noted.
Mark Chipkin, Pawling Resident	...The other thing I wanted to mention is that in taking all this water and producing all those greenhouse gases, I don't see much here in terms of what Cricket Valley Energy is giving back...And yes, I know that there'll be some -- there'll be jobs created, but I don't want jobs for pollution, that's not -- that's not a good trade-off to me, that we should be in a situation where we say, yeah, we need the jobs, and then everybody has to deal with the noise.	T3-10	The Project has incorporated significant water-conserving measures, at substantial cost to the Project, in order to keep water demand low.  Through displacement of older, less efficient power plants in the region, the Project will result in a net reduction of over 650,000 tons per year of GHG emissions (see Table 4-36 of the DEIS, as derived from Appendix 1-A of the DEIS). The Project will also fund and execute the cleanup of an abandoned industrial complex that currently represents a potential environmental liability. It will also commit to the preservation of 79 acres of land bordering the Swamp River in perpetuity.  The Project will comply with environmental regulations intended to safeguard the environment and community. Other Project features such as jobs and taxes are important community benefits, but in no way are considered to be a replacement for good environmental stewardship. CVE has demonstrated a commitment to such stewardship, reducing its environmental impacts and giving back to the community through a wide variety of community outreach efforts (such as Advisory Working Groups, Open Houses, and newsletters). Project design refinements and potential community benefits have resulted from these discussions; these conversations continue as CVE works with the Town Board to discuss components of a formal community benefits package.
Mike Purcell, Pawling Resident	...I don't know how many structures [studies?] Cricket Valley's done in the field here, and there's probably plenty they could do by monitoring water and air, you can maybe get some baseline studies to	T3-39	CVE worked closely with the public and regulatory agencies to define appropriate scopes of study for the Project, and has documented findings in the DEIS. It is correct that each site has unique attributes that must be considered; it is also the case that this Property presents a unique opportunity to construct and operate the Project within the existing

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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	<p>see...what's out there, because...the Harlem Valley's a real special place... You've got more wildlife here than anywhere else in New York State almost, species-wise, you've got all kinds of birds, fish, turtles, whatever you want, animals; they're all out there.</p> <p><i>Statement in favor of the project due to site clean-up, tax revenues, and compliance with standards.</i></p>		<p>developed footprint of an abandoned industrial complex. Potential impacts to wildlife are discussed in Section 3 of the DEIS and the FEIS.</p>
Steve Vincent, Dover Resident	<i>Statement in favor of the project due to site clean-up, tax revenues, and compliance with standards.</i>	T3-45	Comments acknowledging support of the Project are noted.
Jaime Vincent, Dover Resident	<i>Statement in favor of the project, including the low noise impact expected due to other background sound level.</i>	T3-46	Comments acknowledging support of the Project are noted.
Ross Cardwell, Wingdale Resident	<p>... you need two sides of the argument, we need the pros and the cons, we need an in-depth investigation...What does make sense is examination of the evidence from all sides so that we can make an informed decision as a community, and we don't have that available to us right now...And if we don't have that available to us right now, you can't support the application until you do... There's going to be problems. Their failures are human error. There's going to be problems with this plant. We need to know what those potential problems are before it goes up.</p>	T3-55	<p>The SEQRA process is intended to allow for detailed exploration of key issues, gathering input from the public as well as federal, state and local agencies, to inform a thorough and detailed public review and thoughtful decision process. CVE has provided significant information and opportunity to examine all sides of many issues through six public hearings, 15 advisory working group sessions and two open houses. In addition, CVE currently funds an escrow account with the Town of Dover which allows for the independent review of the Project by qualified consultants. As a result of this funding, the Town of Dover has retained the services of AKRF and Berger Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-2: Responses to General or Editorial Comments</b>			
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Carol Moran, Dover resident	It seems to me that the most important things that have been said are the discussion of getting some funding to do the things that will help if this plan goes through. . . .there are lots of things we can do with getting funds to maintain monitoring and even things like getting funds to maintain the Town's website so that we can disseminate information to those people who are fortunate enough to have computers and be comfortable using them.	T3-56	Monitoring is an essential element of the Project to confirm compliance with environmental commitments. Continuous monitoring of the air emissions and water system will occur.  CVE is in the process of finalizing a PILOT agreement and Community Benefits Package with the Town of Dover. The use of those funds for monitoring and information dissemination will be at the discretion of the Town of Dover.
Manna Jo Green, Rosendale Resident, Environmental Director for Hudson River Sloop Clearwater	The other thing that I think is really important is closer monitoring.	T3-59	Monitoring is an essential element of the Project to confirm compliance with environmental commitments. Continuous monitoring of the air emissions and water system will occur.
Lydia Odunsi, Wingdale Resident	We need to do a lot of work before we can prevent the air pollution, the too much traffic.	T3-66	These issues have been addressed in conjunction with the SEQRA review process, both by CVE and its team, as well as by members of the public and agency representatives. Detailed consideration of a range of issues, including air quality and traffic, has informed the public through SEQRA, and will continue to be vetted through the local approval processes. The Project will comply with air quality standards that are designed to protect even the most sensitive members of the population, and the Project is anticipated to create a regional net air quality benefit. Traffic impacts during construction are likely to be noticeable, but measures will be implemented to mitigate the impacts to the community. Once the facility is operational, traffic impacts will be negligible.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-2: Responses to General or Editorial Comments**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Constance DuHamel, Wingdale Resident	...mitigation is cheaper and more effective than remediation. And who's gonna enforce it? The DEC, the DEC that allowed Rasco's predecessor to leave junk all over that property and then bring in another contaminated soil project over our aquifer. We don't want to rely on DEC to be enforcing excess emissions or excess noise or anything like that. I want us to meet our standards before that point goes up.	T3-87	The Project has incorporated substantial mitigation through use of careful siting and design features, as well as preservation, clean-up, restoration and wetland creation activities, including clean-up of the former Rasco parcel. CVE intends to carefully monitor compliance with all regulations. Project emissions will be continuously monitored and reported to NYSDEC which shares enforcement responsibility with USEPA.
Jurgen Wekerle, Sierra Club	Generating facilities are not utilities, they are considered factories, they get all of the benefits...above and beyond what we consider the energy subsidies from the '05 Energy Act as well, so they get it from both ways.	T3-89	The Project will not receive public subsidies or funding. This Project is not a utility but it does fall under the regulation of the NYSPSC and must meet all the NYSPSC requirements to be approved for construction. The Project is privately funded, and will be a significant contributor to the local and regional tax revenues.
Jurgen Wekerle, Sierra Club	The project here also benefits from credits of putting up a Superfund site. In effect, this project could be built in its entirety from the subsidies even if no returns are made on the investment, if no electricity ever were produced.	T3-90	The Project site is not a Superfund site and no subsidies or government funding will be used for the Project. All Project expenditures, including site demolition and remediation, will be privately funded and recovered through Project operations and the sale of electricity.

#### 1.4.2 Requests for Additional Hearing or Review

Review time for a DEIS is established by regulation, and an extension was granted for this Project to allow for additional time for completion of a thorough review. The time period for public review lasted from May 25, 2011 through August 5, 2011, which is beyond the minimum 30-day comment period prescribed in SEQRA regulations. CVE has also supplemented the official SEQRA process with extensive public outreach that includes 15 public workshops and two open houses spanning a 24 month period, inviting everyone interested in the Project to participate in either group discussions or one-on-one conversations with a range of technical experts. Invitations were extended to every household in Dover via a mailed postcard, were publicized in the quarterly CVE newsletter, were announced on the Cricket Valley web site, and were publicized via advertisements in local newspapers and periodicals (e.g., the Pawling Press, The Millbrook Independent). In addition, the Town of Dover and NYSDEC have held public hearings or meetings on six occasions since May of 2009 to solicit public comment.

Significant independent and professional review by qualified experts has occurred to evaluate and refine the Project to reflect its current configuration. In addition to the multiple technical contributors to the DEIS, independent review was completed by NYSDEC (utilizing additional third party review by Ecology & Environment, Inc. for evaluation of water resources, traffic, noise and visual impacts, and relying on internal expertise for the remaining topics). The USEPA also provided independent review of air quality issues. In addition, CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS by AKRF and Berger Engineering. The Dover Town Board has also hired an outside expert using funds provided by CVE, for an air quality review. Dr. Bruce Egan has been retained by the town to supplement the existing expertise for an additional review of the environmental impacts related to air quality.

Table 1-3 identifies comments from those requesting an additional hearing or additional Project review. Due to the similarity of many of these comments, they are grouped into categories for response purposes.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-3: Response to Comments Regarding Requests for Additional Hearing or Review</b>			
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<b>Requests for a Saturday hearing</b>			
Multiple (see listing under Summary)	<p><i>Request for a Saturday hearing:</i></p> <ul style="list-style-type: none"> <li>• Vicki Doyle, Town Councilwoman, Town of Amenia;</li> <li>• Constance DuHamel, Wingdale Resident;</li> <li>• Lorraine O'Neill Town Board, Town of Dover;</li> <li>• Sibyll Gilbert, Oblong Land Conservancy;</li> <li>• Peter Rostenberg;</li> <li>• Mike Purcell, Pawling Resident;</li> <li>• Tara Shoureck, Wingdale Resident;</li> <li>• Ryan Courtien, Town Supervisor, Town of Dover;</li> <li>• Peg Day, Dover Resident</li> </ul>	<p>1-1; 2-1; 3-1; 4-1; 5-1; 6-1; 7-1; 27-1; T1-1; T1-12; T1-18; T2-1</p>	<p>Two formal NYSDEC weekday hearings were held on June 28, 2011 and a Saturday hearing sponsored by the Town of Dover was held on July 9, 2011. All comments received during the Town's Saturday hearing have been entered into the NYSDEC record and are responded to in this FEIS.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-3: Response to Comments Regarding Requests for Additional Hearing or Review</b>			
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<b>Comments regarding the need for good outreach and publicity regarding the Project</b>			
Tara Shoureck, Wingdale Resident	...more outreach needs to go to surrounding towns as well, Pawling, Millbrook, nearby CT ...as this will impact them as well	7-2	CVE has held 15 public workshops and two open houses spanning a 24-month period, inviting those interested in the Project to participate in either group discussions or one-on-one conversations with a range of technical experts. Invitations were extended to every household in Dover via a mailed postcard, were publicized in the quarterly CVE newsletter which is also mailed to every household in Dover, were announced on the Cricket Valley Energy website, and were publicized via advertisements and press releases in local newspapers and periodicals that are circulated in Dover, as well as in surrounding towns, including Pawling and Millbrook (e.g., Pawling Press, Millbrook Independent, Pennysaver, etc.). In addition, the Town of Dover and NYSDEC have held six formal public meetings since May of 2009 to solicit public comment, with each of these meetings publicized via advertisements, postcard mailings, road signs, press releases, and announcements on the Cricket Valley Energy website.
Sibyll Gilbert, Oblong Land Conservancy	<i>Request for Saturday hearing and concern about public notification</i>	8-1	
Cristina Bleakley, Dover Resident	I was not informed that this was going on... So I also would consider that maybe some information would be sent to the local towns that will be affected by this project like Pawling, New Milford. I think that we have the duty of informing them that this project is going to be going on so close to them.	T2-11	
Ross Cardwell, Wingdale Resident	I learned about this project about two weeks ago, two weeks. There was application before this Board that was submitted back in November of 2009. How is it possible that I've heard nothing about this project, I haven't seen a roadway sign, I haven't seen a poster? There's been no postage coming in through the mail, zero. Nothing went out into my trash as a false advertisement... absolutely nothing, and I only raise this concern because I've spoken to some of my neighbors since learning of this proposal, none of my	T3-47	



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-3: Response to Comments Regarding Requests for Additional Hearing or Review</b>			
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	neighbors have heard about this, none of my neighbors have received any postage, none of my neighbors know anything about this power plant and were mortified when I began to discuss the probability of three smokestacks blowing emissions a half a mile away from the high school.		
Alex Ackerman, Wingdale Resident	....I want you to prove to me that you've shown -- sent me one flyer, that I have one flyer from you guys saying about this. 23 Bannister Lane, Wingdale, New York 12594...	T3-74	
Mr. Galayda, Town Board	... I've gotten tons of postcards, but I think they need to continue to do that. And then I think that, based on some of the comments that we've heard here today from some of the public, they need to go back and look at their mailing list. We need to make sure that we're getting it out.	T3-84	



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-3: Response to Comments Regarding Requests for Additional Hearing or Review</b>			
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<b>Requests for additional time and for additional review by experts</b>			
<p>Mark Chipkin, Pawling Nature Reserve Management Committee</p> <p>John Fila, Former Town of Dover Planning Board Member</p> <p>Janet Pickering, Dover Resident</p> <p>Joanne Otero, Wingdale Resident</p>	<p><i>Request for extension of the public comment period to allow the Town of Dover to hire an independent expert to review the DEIS</i></p>	15-1	<p>Review time for a DEIS is established by regulation, and an extension was granted for this Project to allow additional time for completion of a thorough review. Significant independent and professional review has occurred to evaluate and refine the Project to reflect its current configuration. In addition to the multiple technical contributors to the DEIS, independent review was completed by NYSDEC (utilizing additional third party review by Ecology &amp; Environment, Inc. for evaluation of water resources, traffic, noise and visual impacts, and relying on internal expertise for the remaining topics). The USEPA also provided independent review of air quality issues. CVE also provided funding to the Town of Dover to allow for independent consulting review of the DEIS by the Town Planner (AKRF) and Town Engineer (Berger Engineering). In addition, through CVE funding, the Town Board has hired an independent air quality expert, Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.</p> <p>The DEIS public comment period was extended on multiple occasions to allow for additional public comment. The time period for public review lasted from May 25, 2011 through August 5, 2011, which is well beyond the minimum 30-day comment period prescribed in SEQRA regulations. CVE has supplemented the official SEQRA process with extensive public outreach that includes 15 public workshops and two open houses spanning a 24-month period.</p>
		16-1	
		17-1	
		18-1	

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Joel Tyner, Dutchess County Legislature	<i>Incorporates article raising issues regarding the need for power and broad environmental impacts, calling for an independent review by experts retained by the Town of Dover on behalf of its residents.</i> Now, the Town has retained the firm, AKRF, to advise them but it is an open question as to whether additional expert help would be useful in evaluating the impacts upon air, water and noise.	24-7	The need for power is addressed in Sections 1.3.1 and 1.4.3 of the FEIS. NYSDEC, as Lead Agency for the Project, has conducted an independent review of the analyses contained in the DEIS, relying upon in-house experts. Where appropriate, in-house expertise was augmented with an independent contractor, Ecology & Environment, which assisted in the evaluation of water resources, traffic, noise and visual impacts (consistent with the commenter's experience).  CVE provided funding to the town of Dover to allow for independent consulting review of the DEIS by AKRF and Berger Engineering. The Dover Town Board has also hired an outside expert, Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.
Mark Chipkin, Pawling Resident	A third party review of this project should be paid for by Cricket Valley. The third party used must be chosen by the Town of Dover.	25-1	
Mark Chipkin, Pawling Resident	What is making Dover so attractive to developers of environmentally risky projects? Is it that the developers know that Dover will not be able to afford the third party review and the litigation that may be needed to oppose any inappropriate aspects of the project?	25-13	The CVE property was chosen due to its industrial zoning and the ability to re-use an existing, abandoned industrial site, its proximity to an existing high-voltage electric transmission line and existing high pressure natural gas pipeline, and its existing buffer of trees and topography.  Since its first submittal in 2009, CVE has worked in cooperation with the Town of Dover to ensure the town has adequate funding available for independent third party reviews. As a result of this funding, the Town of Dover has retained the services of AKRF and Berger Engineering to review the DEIS, and outside expert, Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.  The SEQRA process is designed to identify and evaluate potential environmental risks. In addition to incorporating clean technologies and stringent protections, the Project will also reduce regional emissions, clean up an abandoned industrial site, restore degraded wetlands and

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Tamara Wade, Wingdale Resident	I have requested that my Town Board seeks an Independent (of CVE) specialist to analyze the findings of the DEIS.	31-4	Adjacent Areas, and preserve 79 acres of land bordering the Swamp River, all of which provides a significant environmental benefit.  CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS, which was subsequently conducted by AKRF and Berger Engineering. The Dover Town Board has also hired an outside expert, Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality. CVE provided the funds for this independent analysis to the Dover Town Board.
John Fila, Wingdale Resident	These and the many other issues and objections that have been identified and presented to you in other DEIS public comments, require further study. As a former member of the town of Dover's Planning Board I know it to be a common practice for a lead agency, when faced with anything as far reaching and complex as this, to use outside expertise to supplement the resources available from within and not to rely solely on information provided by the applicant's document(s)... Given the importance of this project and the need to ensure the complete and proper protection of our environment along with the long term health and safety of Dover's residents, the need to supplement your department's team with whatever outside expertise is needed, is a given.  I believe you have the authority to direct the applicant to fund this independent	35-5	NYSDEC, as Lead Agency for the Project, has conducted an independent review of the analyses contained in the DEIS, relying upon in-house experts. Where appropriate, in-house expertise was augmented with an independent contractor, Ecology & Environment, Inc., which assisted in the evaluation of water resources, traffic, noise and visual impacts (consistent with the commenter's experience).  In addition, CVE has provided funding to the Town of Dover to allow for independent consulting review of the DEIS by the Town Planner (AKRF) and Town Engineer (Berger Engineering). Through CVE funding, the Town Board has also hired an independent air quality expert, Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Stephen and Cate Wilson, Wingdale Residents	analysis through its escrow account so there should be no cost to the taxpayer. We object strenuously to the limited amount of time allowed for residents to respond to the DEIS.	38-2	The DEIS public comment period was extended on multiple occasions to allow for additional public comment. The time period for public review lasted from May 25, 2011 through August 5, 2011, which is well beyond the minimum 30-day comment period prescribed in SEQRA regulations. In addition, CVE has supplemented the official SEQRA process with extensive public outreach that has included 15 public workshops and two open houses spanning a 24-month period.
Stephen and Cate Wilson, Wingdale Residents	We join with others in the community in requesting that the CVE plan not be approved until such time as an independent and unbiased expert of the Dover Town's choosing can complete an assessment of the potential impacts.	38-9	CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS by AKRF and Berger Engineering. Through CVE funding, the Dover Town Board has also hired an outside expert, Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.
Cristina Bleakley, Dover Resident	I must say there is no question that this plant is state of the art. One must ask is this plant the best choice for Dover? Do we have enough information? No. Are we moving too fast?...I hope that we the residents of Dover get to an opportunity to get an outside agency to do the studies so we can better understand the impacts this plant will bring into our valley.	40-11	NYSDEC, as Lead Agency for the Project, has conducted an independent review of the analyses contained in the DEIS, relying upon in-house experts. Where appropriate, in-house expertise was augmented with an independent contractor, Ecology & Environment, Inc., which assisted in the evaluation of water resources, traffic, noise and visual impacts.  CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS by AKRF and Berger Engineering. Through CVE funding, the Dover Town Board has also hired an outside expert, Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Constance DuHamel, Wingdale Resident	That the Town of Dover retain an independent air quality expert to review the DEIS on our behalf. The fees will be paid by Cricket Valley Energy in much the same way AKRF's services were paid by Dover Knolls. After reading the Air Quality section of the DEIS, it is clear an industry expert is required to vet this project on the town's behalf: To that end, I recommend Camp, Dresser & McKee, now CDM, to check the data, analysis and conclusions in the CVE DEIS. The hydrogeologist hired by the Coalition for the Responsible Growth of Dover found enough errors in the data, analysis and conclusions from the Dover Knolls pump tests, as presented in the Dover Knolls DEIS, that DEC suggested the Town of Dover and AKRF, the Town Board's planner, incorporate our report in their analysis of the Dover Knolls DEIS.	41-6	CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS and for a review of the environmental impacts related to air quality. The Town of Dover selected AKRF and Berger Engineering for independent review of the DEIS and Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.
Robert Herzog, Dover Resident	It is worth noting that the energy cost and environmental impact studies were prepared by General Electric. GE will also be selling to CVE major pieces of equipment for the facility, for hundreds of millions of dollars. Their findings in support of the plant are hardly a surprise, and an alternate study performed by a truly independent and unbiased organization, selected by the community, should be conducted for this and all other major	42-18	CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS and for a review of the environmental impacts related to air quality. The Town of Dover selected AKRF and Berger Engineering for independent review of the DEIS and Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.  GE Energy Applications and Systems Engineering was selected to conduct an economic dispatch analysis of the Project because they have developed and maintained the most widely accepted economic model used to simulate the operation of the New York electrical grid. All models



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-3: Response to Comments Regarding Requests for Additional Hearing or Review</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	findings of the DEIS that were derived from interested parties. As the DEC’s mission includes supporting environmental justice, it should mandate that CVE provides funds for such studies, since the community is hard pressed to do so.		related to dispatch and energy cost provided in studies by GE to the Project will be independently verified by the NYPSC and NYSDDS in their assessment of the Public Service Law (PSL), Section 68 approval process.
Alan Surman, Dutchess County Legislator	...I was one of the proponents to bring in the DEC earlier. I actually wrote to Commissioner Grannis to make the DEC the Lead Agency, because I really wanted an expert review of the air quality issues.	T1-4	Support of the Project and the process set out by the NYSDEC is noted.
Cate Wilson, Wingdale Resident	The first thing I would like to note is that the DEIS document itself is quite lengthy. It’s many hundreds of pages long. It’s also on a topic that’s complex and difficult for many of us to understand. Given that, I think that perhaps the review period that’s been allowed is somewhat shorter than it might have been... The one piece of it that I was able to get a pretty good look at is the executive summary document. That, of course, is a very much reduced version of what is in the complete study.	T2-2	The DEIS public comment period was extended on multiple occasions to allow for additional public comment. The time period for public review lasted from May 25, 2011 through August 5, 2011, which is well beyond the minimum 30-day period prescribed in SEQRA regulations.  CVE has supplemented the official SEQRA process with extensive public outreach that includes 15 public workshops, two open houses, and a “Guide to the DEIS” newsletter mailed to Dover residents. In addition, the Project maintains a Project website ( <a href="http://www.cricketvalley.com">www.cricketvalley.com</a> ) through which it created an “Ask Cricket Valley” webpage, specifically designed to answer frequently asked questions and guide the public to answers within the DEIS.
Tamara Wade, Dover Resident	Many of us do not possess the knowledge to fully understand the DEIS in its entirety... I think that we need more time.	T2-16	
Jessica Abrams, Greene Co., NY	Not only do we need extra time to navigate the pros, the cons, but we also need time to understand, what are we in this for?	T2-23	

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-3: Response to Comments Regarding Requests for Additional Hearing or Review</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Peg Day, Wingdale Resident	...I think it's very obvious that we need more time. We need more time for individuals to study, to learn, to think, and to assess.	T2-36	
Lorraine O'Neill, Town Board, Town of Dover	Clearly, the public is asking for more time, whether they come to the podium or not.	T2-37	
Stancy DuHamel, Wingdale Resident	And I really want to reiterate that this town does not have the capacity to analyze this DEIS...I struggled, myself, going through the DEIS and only focused on air quality... You know, it's just not -- it's not the kind of thing that a local citizen and our Town Board, who are elected officials, they are local citizens, none of them have an expertise in the power, energy utility or air pollution or noise pollution arenas. We need experts. We can't afford them. Cricket Valley Energy has to pay for them, and we need to choose...them.	T3-4	CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS and for a review of the environmental impacts related to air quality. The Town of Dover selected AKRF and Berger Engineering for independent review of the DEIS and Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.  In addition, NYSDEC, as Lead Agency for the Project, has conducted an independent review of the analyses contained in the DEIS, relying upon in-house experts. Where appropriate, in-house expertise was augmented with an independent contractor, Ecology & Environment, Inc., which assisted in the evaluation of water resources, traffic, noise and visual impacts. USEPA, in conjunction with NYSDEC, reviewed the air quality input analyses completed for the Project. Independent review of environmental topics has also been undertaken by the U.S. Fish and Wildlife Service, New York State Office of Parks, Recreation and Historic Preservation, and the U.S. Army Corps of Engineers.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Chris Wood, Pawling Resident, Oblong Land Conservancy	<p>...Just recently I've become aware, and I think it's the NYISO which has circulated a report in Albany, I believe it's confidential, but one of the provisions in it, I understand, relates to the making availability of funds for local communities to better investigate significant-impact projects, such as power plants. Now, if this in fact proves to be the case, it would be very useful. This has been referred to in other states as "Comments," to have additional expert advice provided, independent advice, on issues like noise quality and water, and if there is to be funding available from, say, to other sources, then time should be taken to allow that to happen. So, I would respectfully suggest that there be an extension to the period for public comment.</p> <p>...I wholeheartedly agree with the idea of having an independent person come in to look at the data from a nonbiased perspective.</p>	T3-28	<p>CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS and for a review of the environmental impacts related to air quality. The Town of Dover selected AKRF and Berger Engineering for independent review of the DEIS and Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.</p> <p>The DEIS public comment period was extended on multiple occasions to allow for additional public comment. The time period for public review lasted from May 25, 2011 through August 5, 2011, which is well beyond the minimum 30-day period prescribed in SEQRA regulations.</p>
Tyler Davis, Dover Plains Resident	<p>...I wholeheartedly agree with the idea of having an independent person come in to look at the data from a nonbiased perspective.</p>	T3-33	<p>CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS and for a review of the environmental impacts related to air quality. The Town of Dover selected AKRF and Berger Engineering for independent review of the DEIS and Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.</p>



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Ross Cardwell, Wingdale Resident	We need an independent entity to come in, review the proposals that have been made...I've seen nothing from the state, nothing from the EPA, nothing from any environmental agencies, that are independent of Cricket Valley that will allow for the residents of the state to make an independent decision of their own as to whether or not they want it.	T3-48	CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS and for a review of the environmental impacts related to air quality. The Town of Dover selected AKRF and Berger Engineering for independent review of the DEIS and Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.  NYSDEC, as Lead Agency for the Project, conducted an independent review of the analyses contained in the DEIS, relying upon in-house experts. Where appropriate, in-house expertise was augmented with an independent contractor, Ecology & Environment, Inc., to evaluate water resources, traffic, noise and visual impacts. USEPA, in conjunction with NYSDEC, reviewed the air quality analyses completed for the Project. Independent review of environmental topics has also been undertaken by the U.S. Fish and Wildlife Service, New York State Office of Parks, Recreation and Historic Preservation, and the U.S. Army Corps of Engineers.
Jill Way, Dover Resident	It is truly hard to balance economic development and environmental protection, and I'm here really to ask for one thing, that through maybe a collaborative arrangement or mutual agreement the Applicant and the Lead Agent could agree to extend the August 1 deadline for the Town Board to make comment so that the Town Board would then have the time to consider and retain an expert on air quality.  While I know that we have a Town Engineer and some other experts, I don't	T3-65	CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS and for a review of the environmental impacts related to air quality. The Town of Dover selected AKRF (the Town Planner) and Berger Engineering (the Town Engineer) for independent review of the DEIS and Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-3: Response to Comments Regarding Requests for Additional Hearing or Review</b>			
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	believe that we have an expert who can actually take a hard look at the particular geography and the air quality impacts in the Harlem Valley using a modeling – modeling data or data from western Dutchess County is not the same, and other folks have spoken about that, so I'm not gonna go over it, I think we all get the concept. And so, please, Town Board, would you consider hiring this air quality expert.		
Ashley Ley, AKRF (Town Planner)	I understand that there have been a lot of questions about air quality. We do have professionals who are experts in air quality on our staff that will take a look at the chapter and that have been reviewing the chapter.  Some of the comments that we've been focusing on specifically, because the Town of Dover is not the lead agency on this project, have been in relation to community character impacts, which include the noise impacts, because that does conflict with the Town of Dover Code, as well as visual impacts and water resources...	T3-75	We are in receipt of all comments from the Town Planner (AKRF) and have responded to those comments, which relate to air, water, land use, and community character, as part of this FEIS.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Mr. Galayda, Town Board	You know, I am absolutely in favor of an escrow for the Town that should be set so that we can go ahead and hire independent consultants.	T3-81	CVE has provided funding to the Town of Dover, through an escrow account under the Town's control, to allow for independent consulting review of the DEIS by the Town Planner (AKRF) and the Town Engineer (Berger Engineering). Through the Escrow funding, the Dover Town Board has hired an independent air quality expert, Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.
Ms. DuHamel	... we could ask them to size the project so that they're not going over noise thresholds or emissions thresholds... That's what an expert would be able to tell you, at what point does the size bring emissions and noise down to our acceptable levels. I don't want to rely on AKRF for that. I want an air quality expert to come in and tell us what those air quality levels are and how the plant can meet those levels.	T3-86	The Project is asking for relief from the noise ordinance only with respect to the Project Development Area boundaries along the existing Metro-North railroad line, which does not represent a sensitive receptor. CVE controls the land on the other side of the rail line. The Project will comply with the ordinance along all other property boundaries.  The NYSDEC and USEPA, both government agencies with a mission to protect the public and the environment, have concluded that emissions are at acceptable levels to protect the health of the most sensitive members of the population. CVE provided funding to the Town of Dover to allow for independent consulting review of the DEIS and for a review of the environmental impacts related to air quality. The Town of Dover selected AKRF (the Town Planner) and Berger Engineering (the Town Engineer) for independent review of the DEIS and Dr. Bruce Egan, to supplement the existing expertise for a review of the environmental impacts related to air quality.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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<b>Comments regarding the lead agency determination</b>			
Mark Chipkin, Pawling Resident	If the Town of Dover is NOT the Lead Agency, then the meeting of local residents should be directly with the DEC members who are making the decision...	25-2	NYSDEC was selected as lead agency for the Project in part due to its internal technical expertise and familiarity with this type of project. The Town is an involved agency under SEQRA, and has been welcomed to continue to play a strong role in the SEQRA process. Comments received on the DEIS, including those from the Town, are taken seriously both by CVE and by NYSDEC in the preparation of the FEIS and in Project decisions.
Ryan Courtien...	...I was one of the people who strongly advocated for the Town of Dover being the lead agency on the SEQRA...	T3-76	
Mr. Chris Galayda... Town Board	...we petitioned at the very beginning to be the lead agent...and the DEC said no, and then we said, we know our residents best and we know our community best and we feel that we have...the most to gain by, or lose, as we are Town Board members of the community, so we went through the appeal process and the DEC said no. So, they basically stripped us of any power at this point until we get to the Special Permit stage...	T3-77	The Town of Dover Town Board will have an integral role in the approval of the Project through the granting of a Special Permit.

1.4.3 Displacement and the Need for Power

Comments and responses in Table 1-4 are related to the Project's displacement of emissions and the need for power.

Section 1.1 of the DEIS discusses the Project's consistency with the NYISO 2010 Power Trends report, the NYISO 2009 Comprehensive Reliability Plan (CRP), and the 2009 New York State Energy Plan. The DEIS's discussion of the purpose, need, and benefits of the action is provided to allow NYSDEC to weigh and balance the public need and other social economic and environmental benefits of the Project against identified potential environmental impacts of the Project, as required under SEQRA. If the environmental and community assessment evaluated through the SEQRA process shows that the Project's adverse impacts can all be adequately mitigated, a limited discussion of the need for the Project is sufficient. Benefits to be provided by the Project, which may exceed perceived needs, are a component of NYSDEC's analysis, and may include socioeconomic and environmental benefits.

In ruling on several recent applications for approvals under New York Public Service Law §68 and Article VII (including projects cited by the commenters), NYSPSC has recognized the need for the addition of new, more efficient generating resources, even where there is not an imminent threat to system reliability, based on a number of factors.<sup>5</sup>

These factors include system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits.

With respect to reliability, the NYSPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system. This could result from projects not being completed as projected, or retirement of existing generation facilities. In

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<sup>5</sup> See, e.g., NYSPSC, Case 10-E-0197, *NRG Astoria Power LLC*, Order Granting Certificate of Public Convenience and Necessity, Providing for Lightened Regulation, and Approving Financing (Jan. 24, 2011) at 13; NYSPSC, Case 08-T-0034, *Hudson Transmission Partners, LLC*, Order Granting Certification of Environmental Compatibility and Public Need (Sept. 15, 2010) at 41; NYSPSC, Case 08-T-1245, *Bayonne Energy Center, LLC*, Order Adopting the Terms of a Joint Proposal and Granting Certificate of Environmental Compatibility and Public Need with Conditions, and Clean Water Act §401 Water Quality Certification (Nov. 12, 2009) at 16; NYSPSC, Case 09-E-0250, *Astoria Generating Company, L.P.*, Order Granting a Certificate of Public Convenience and Necessity, Providing for Lightened Regulation, and Approving Financing (Dec. 23, 2009) at 11-12.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

addition, the NYSPSC has found that existing capacity may be reduced as a result of relicensing disapproval, or increased emissions control requirements such as compliance with the Clean Air Act National Ambient Air Quality Standards, or the effects of possible changes in state and federal climate change/greenhouse gas emission regulation and legislation.

For instance, the USEPA recently promulgated the Cross-State Air Pollution Rule, which will ultimately require reduced emissions of NO<sub>x</sub>, SO<sub>2</sub>, and fine particulates from most commercial fossil-fuel powered electric generators in New York. This rule's use of a cap-and-trade system for the covered pollutants may affect the operating scenarios of facilities that do not have state-of-the-art emissions controls. The NYSPSC has recognized that new facilities may be expected to displace older, less efficient generation, leading to economic (e.g., reduced energy prices) as well as environmental benefits.

The comments in Table 1-4 point to the fact that the NYISO's evaluation of reliability needs in its recent annual Power Trends reports, CRPs, and Reliability Needs Assessments (RNA) determines that there is no need for additional electric generation facilities through 2020 to avoid violating minimum reliability criteria. The purpose of these planning documents is to examine the electric system's ability to satisfy electric system reliability and security criteria, and to identify system additions needed to satisfy those criteria.<sup>6</sup>

However, the NYISO documents' conclusions that there is no imminent threat of failure of reliability criteria do not preclude a finding of need for the Project or a recognition of the demonstrated benefits gained by the public and environment as a result of its development. Indeed, the 2010 RNA recognizes that new capacity resources may further improve and help maintain the reliability of the bulk power system, and that other system changes (e.g., retirements not included in the RNA's Base Case) – depending on timing and location – could result in future Reliability Criteria violations and could generate future Reliability Needs. These issues are addressed in Section 1.1 of the DEIS, in relation to the NYISO's 2009 CRP.

In support of the development of new sources of electric generation, the NYISO reinforces these concerns in its 2011 Power Trends report,<sup>7</sup> explaining that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit, and construct major energy projects; the potential retirement or other closure of existing

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<sup>6</sup> See 2011 Power Trends § 2; 2010 Power Trends at 4, 6; 2010 RNA § 1, 3.7; 2010 CRP § 1.

<sup>7</sup> NYISO, 2011 Power Trends at 6.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

generation facilities as a result of business or governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.

The NYISO's 2010 RNA report identifies a number of uncertainties in the base case assumptions associated with both aging infrastructure and numerous significant environmental initiatives that could affect the generators of existing plants contributing to the reliability of the electric system over the report's 10-year planning horizon.

In its CRP, the NYISO emphasizes that the reliability of the bulk power system continues to be maintained by a combination of additional resources (provided by independent developers that are responding to market signals, regulatory initiatives, and long term contracts); and the electric utility companies who are obligated to provide reliable and adequate service to their customers.<sup>8</sup> In light of the potential market factors identified in its assessment and planning reports, the NYISO specifically recommended:<sup>9</sup>

- Continued monitoring and tracking of the implementation of planned generation and transmission additions and the level of special case resource registrations, as well as vigilant monitoring for, and assessment of, any announced retirements; and
- Continued monitoring of the development and cumulative effect of new environmental regulations that impact the operation of power plants and evaluation of their impact on resource adequacy and transmission security.

These issues were specifically addressed in the context of the Project in Section 1.1 of the DEIS. Further, CVE prepared a *Security-Constrained Economic Dispatch Analysis*, provided as Appendix 1-A to the DEIS, that forecasts annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million; annual NO<sub>x</sub> reductions in the New York Pool of up to 618 tons; annual SO<sub>2</sub> reductions in the New York Pool of up to 1,082 tons; as well as a decrease in total annual emissions of CO<sub>2</sub>.

The CVE Project is also uniquely situated to address a specific need more recently addressed by NYSPPSC. In a September 2011 Order addressing black-start capability, the NYSPPSC

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<sup>8</sup> NYISO, 2010 CRP, at 3.

<sup>9</sup> NYISO, 2010 CRP, at 3.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

explained: "Those generation facilities that can be restarted without drawing power from the grid may be suppliers of Blackstart Service, which is one of the essential tools through which the electric transmission and distribution system is restored to operation in a timely and reliable manner after a blackout occurs. As such, adequate Blackstart Service from generation facilities is essential to the reliable operation of New York's electric system."<sup>10</sup> The CVE Project includes four diesel-fired black-start generators that will be used to re-start the facility's combustion turbines in the event of a total power loss on the local or regional transmission grid.

As discussed in Section 6.1.5.3 of the DEIS, the public benefits of the Project also include the generation of up to 750 construction jobs and 25 to 30 high-skilled, permanent positions. The Project will also generate significant tax revenues for the Town of Dover, both directly and through the expansion of the town's tax base. In addition, CVE will demolish the existing abandoned and collapsed industrial buildings on the Property and will clean up the Property, as discussed in Section 2 of the FEIS. The clean-up activities will improve the previously developed portions of the Property, will restore impacted wetlands, and create additional wetland area. Preservation of 79 acres of land abutting the Swamp River will provide additional benefit to the community and environment.

These socioeconomic and environmental benefits are relevant to NYSDEC's obligation to weigh and balance the public need and other social, economic, and environmental benefits of the Project against its potential environmental impacts.

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<sup>10</sup> Case No. 11-0E-0423, *Consolidated Edison Company of New York, Inc.*, Declaratory Ruling Regarding Blackstart Service, Sept. 28, 2011.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
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C.L.J. Wood, Oblong Land Conservancy	We are aware that a variety of questions have been raised including the short-term need for this plant, the long-term availability and cost of the gas used to power it...and the benefits that will accrue locally as opposed to regionally from the construction and operation of the plant.	12-1	The cited comments point to the fact that the NYISO's evaluation of reliability needs in its recent annual Power Trends reports, CRPs, and RNAs determines that there is no imminent need for additional electric generation facilities to avoid violating minimum reliability criteria. However, as discussed in Section 1.4.3 of the FEIS, an environmental, reliability and economic need for the Project has been established.
Joanne Otero, Wingdale Resident	...there is some question as to whether or not NYS even needs this plant.	18-3	NYSPSC has, in several recent orders, recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYSPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system. <sup>1,5</sup>
Joel Tyner, Dutchess County Legislature	<i>References NYISO Power Trends evaluation that the States wholesale electric power system will continue to meet reliability standards through 2018. forecasts show baseline energy demand rate is decreasing...Is Cricket Valley Energy needed, even if Indian Point shuts down?</i>	24-4	In support of the development of new sources of electric generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Joel Tyner, Dutchess County Legislature	In a letter addressed to Constance DuHamel on July 12, 2011, Michael Seilback, Communications Director of the American Lung Association in New York states, “[O]ur public policy agenda declares that we believe that we need to see more conservation, efficiency and the use of renewable resources before building new power plants.”	24-5	It is acknowledged that energy efficiency and renewable energy are an important part of the region’s energy portfolio. The Project is not a substitute for, nor does it preclude, conservation, efficiency and use of renewable resources. Rather, it is an important element of an integrated energy strategy that includes all of these elements.
Joel Tyner, Dutchess County Legislature	<i>Incorporates comments of R. Herzog raising issues regarding the need for power...</i>	24-7	The cited comments point to the fact that the NYISO’s evaluation of reliability needs in its recent annual Power Trends reports, CRPs, and RNAs determines that there is no imminent need for additional electric generation facilities to avoid violating minimum reliability criteria. However, as discussed in Section 1.4.3 of the FEIS, CVE has articulated a basis for an environmental, reliability and economic need for the Project, which the NYPSC will consider as part of its independent determination on CVE’s application to the Commission for a Certificate of Public Convenience and Necessity (CPCN) pursuant to Section 68 of the Public Service Law (PSL).  NYPSC has, in several recent orders, <sup>15</sup> recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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			<p>In support of the development of new sources of electric generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.</p>
Mark Chipkin, Pawling Resident	Dover and surrounding Towns must be given the opportunity to buy local electrical power from Cricket Valley at reduced rates.	25-6	<p>The Project is a wholesale merchant non-utility generation facility. In New York State, wholesale generators are prohibited from providing power except to a licensed retail energy provider.</p>
Mark Chipkin, Pawling Resident	It is unclear as to whether this plant is needed. What would be the implications if no contract to produce power was obtained? ...	25-8	<p>As discussed in Section 1.4.3 of the FEIS, CVE has articulated a basis for an environmental, reliability and economic need for the Project, which the NYPSC will consider as part of its independent determination on CVE's application to the Commission for a CPCN pursuant to Section 68 of the PSL.</p> <p>NYPSC has, in several recent orders,<sup>15</sup> recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system.</p> <p>In support of the development of new sources of electric</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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Christina Palmero, State of New York Department of Public Service	The applicants must receive a Certificate of Public Convenience and Necessity (CPCN) pursuant to Section 68 of the Public Service Law (PSL) and, since a proposed security issuance has a term of more than one year, approval of financing pursuant PSL Section 69.	28-1	<p>generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.</p> <p>It is worth noting that the CVE facility is a merchant project. No ratepayer funding is being sought. Therefore, any and all favorable impacts – reliability, economic or environmental – would benefit New York without imposing additional risk on electric ratepayers. CVE alone bears the economic risks of its participation in electricity markets. Advanced Power intends to maintain ownership of the CVE Project as a long term investment. Any additional investors in the CVE Project will be required to agree to all commitments made by CVE as the Project company and holder of all permits and contracts. The Project, no matter who owns it, will be required to adhere to all permit and contractual requirements and obligations, which will be administered by governing bodies at the federal, state, county and local levels.</p> <p>CVE has submitted a petition for a CPCN pursuant to Section 68 of the PSL and filed on November 1, 2011. The Project will also file for approval of financing under PSL Section 69.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
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Jurgen Wekerle, Sierra Club, Atlantic Chapter	Also not explained are the capacity limits and congestion vulnerability of the electric substation in Pleasant Valley which exists now even before the CVE plant is brought on line. Major rewiring is anticipated in order to accommodate the Project. SEQR requires an evaluation of the public need and benefits of the CVE Project...SEQR requires...a full range of alternatives and strategies that could also satisfy the Project's state purpose...New York State regulations also require an evaluation of impacts on the use and conservation of energy including a demonstration that the Project will satisfy generating capacity and other electric system needs in a manner consistent with the state energy plan, the state Renewable Portfolio Standards (RPS), and the state Greenhouse Gas Emission Policy. The New York Independent System Operator (NYISO) which manages the supply/reliability of electricity produced and traded among New York merchants has confirmed that there is no existing or anticipated need for additional power supply in New York State during the next 10-year planning cycle through 2020 or beyond. NYS is experiencing its fourth year-over-year steady decline in power consumption	30-2	As discussed in Section 1.3.7, the Project is going through the NYISO Large Generator Interconnection process, through which the NYISO will determine what upgrades and improvements are required for the Project to interconnect to the regional transmission grid. The Project is interconnecting at a point south of the "Leeds – Pleasant Valley" transmission congestion constraint. Under SEQRA, if the environmental and community assessment evaluated through the SEQRA process shows that the Project's adverse impacts can all be adequately mitigated, a limited discussion of the need for the Project is sufficient. Benefits to be provided by the Project, which may exceed perceived needs, are a component of NYSDEC's analysis, and may include socioeconomic and environmental benefits. Section 1.2 of the DEIS specifically discusses the Project's consistency with the five policy objectives of the 2009 State Energy Plan: (1) Maintain reliability; (2) Reduce GHG emissions; (3) Stabilize energy costs and improve economic competitiveness; (4) Reduce public health and environmental risks; and (5) Improve energy independence. Section 7 of the DEIS presents a discussion of alternative means of achieving the Project's purpose and need. Section 8.5 of the DEIS discusses the effect of the Project on the use and conservation of energy. SEQRA does not require a proposed electric generating facility to demonstrate consistency with the Renewable Portfolio Standard, which is implemented primarily through the procurement of energy from renewable sources by New York State agencies and the New York State Energy Research and Development Authority. See NYSERDA, <i>New York State Renewable Portfolio Standard Performance Report</i> (Program Period December 31, 2010).
Jurgen Wekerle, Sierra Club, Atlantic Chapter		30-4	



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-4: Response to Comments Regarding Displacement and the Need for Power**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>since 2007, even though July 2010, had the highest monthly use on record, and several weeks during July 2011, had the highest weekly use on record. During those peak periods, no supply disruptions were experienced.</p>		<p>The <i>Security-Constrained Economic Dispatch Analysis</i>, Appendix 1-A to the DEIS, forecasts the CVE Project's impacts on emissions of CO<sub>2</sub>, the primary GHG, and Section 4.6.5 of the DEIS also discusses the Project's potential GHG emissions, consistent with the NYSDEC's Greenhouse Gas Policy. As discussed in FEIS Section 4.3.1.1, the Project will represent the lowest emitting fossil-fuel-fired power plant of its kind ever constructed. Further, the Project will reduce regional emissions of all air pollutants and greenhouse gases by displacing the operation of older, less efficient and higher emitting power plants in the region. Increasing baseload electric generation capacity while reducing regional emissions is completely consistent with New York's air quality and climate change goals and objectives.</p> <p>The cited comment points to the fact that the NYISO's evaluation of reliability needs in its recent annual Power Trends reports, CRPs, and RNAs determines that there is no imminent need for additional electric generation facilities to avoid violating minimum reliability criteria. However, as discussed in Section 1.4.3 of the FEIS, an environmental, reliability and economic need for the Project has been established.</p> <p>NYSPSC has, in several recent orders,<sup>1,5</sup> recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYSPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are</p>



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
			<p>not available to the bulk electric system.</p> <p>In support of the development of new sources of electric generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.</p>
Jurgen Wekerle, Sierra Club, Atlantic Chapter	The DEIS must describe how suppliers trade electricity: whether by NYISO auction process, or by bilateral contracts, or by some other exchange including export-import action beyond the NYISO service area.	30-5	The CVE facility is a merchant Project and, as such, plans to participate in NYISO's day-ahead market for electricity supply. This is a "reverse auction" process whereby the lowest cost generation is dispatched ahead of costlier power. CVE has prepared a <i>Security-Constrained Economic Dispatch Analysis</i> , Appendix 1-A to the DEIS, that models the CVE facility's performance in the electricity marketplace under various scenarios. The economic dispatch analysis provided in Appendix 1-A of the DEIS demonstrated that the facility will be called upon to provide power on most days.
Jurgen Wekerle, Sierra Club, Atlantic Chapter	The DEIS must describe the mechanisms of how the NYISO purchase auction system actually works since CVE has no current utility contracts and will be dependent on the NYISO system to absorb its electric output.	30-6	The Dispatch Analysis explains how it determined demand, marginal prices, and other factors influencing the Project's participation in the electricity market. The Dispatch Analysis projects the effects of the Project's operations in the power market, based on modeled successful bidding into the market.
Jurgen Wekerle, Sierra Club, Atlantic Chapter	The DEIS must evaluate the impact of pending new power supply proposals under review which will compete with CVE for	30-7	Certain sources of planned new power supply were included in the modeling of the CVE Project's performance, in <i>Security-Constrained Economic Dispatch Analysis</i> , Appendix 1-A to the

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Chapter	customers...How will all that new supply capacity affect CVE, and how will CVE impact the pending competing proposals? NYISO data clearly confirms that no one of the above noted proposals, including CVE, is needed.		DEIS. The base case assumption methodology is discussed in detail in the GE-MAPS Database Documentation, which is Appendix A to the Dispatch Analysis. In addition, the Project will undergo a thorough examination by the NYSPSC through the CPCN review process.
Jurgen Wekerle, Sierra Club, Atlantic Chapter	The DEIS must evaluate the effect of the economic recession on energy trends and on the transformation of industry and lifestyles that need less, rather than more energy, especially in a bleak, protracted economic downturn compounded by financial speculation in energy commodity trading, and wildly fluctuating fuel prices.	30-11	The <i>Security-Constrained Economic Dispatch Analysis</i> , presented as Appendix 1-A to the DEIS, models the CVE facility's performance in the electricity marketplace under various scenarios, taking into account current trends in the energy trends. The Dispatch Analysis explains how it determined demand, marginal prices, and other factors influencing the Project's participation in the electricity market. The Dispatch Analysis projects the effects of the CVE facility's operations in the power market, based on modeled successful bidding into the market.
Jurgen Wekerle, Sierra Club, Atlantic Chapter	The DEIS must evaluate the economic impact that CVE will have on all competing producers/merchants who generate/supply electricity to any and all utility/distributors via the NYISO auction process and the open access grid throughout New York State and surrounding states and Canada.	30-12	CVE has prepared a <i>Security-Constrained Economic Dispatch Analysis</i> , Appendix 1-A to the DEIS, that models the CVE facility's performance in the electricity marketplace under various scenarios such as those described by the commenter. The Dispatch Analysis explains how it determined demand, marginal prices, and other factors influencing the Project's participation in the electricity market. The Dispatch Analysis projects the effects of the CVE facility's operations in the power market, based on modeled successful bidding against the competing producers/merchants referred to by the commenter.  It is through this competitive process that the Project will displace the operation of older, less efficient, more costly and higher emitting facilities and that some of the economic and environmental benefits discussed in the DEIS will be gained.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Jurgen Wekerle, Sierra Club, Atlantic Chapter	The DEIS must evaluate the risk of financial default requiring a NYS and U.S. government financial rescue. Is the Project cost-effective and viable at all in today's market? Will revenue be sufficient and sustainable to cover debt service and operating expenses without additional public subsidies or a total bailout? What risk and exposure would the investor, the customer, the general taxpayer, and other merchants have in the event of default and bankruptcy? How would town, county and school district property taxes be affected?	30-13	There will be no public funding involved in the financing of the CVE Project, and all financial risks associated with the Project will be completely borne by the commercial investors. As a privately funded entity, the taxpayers, customers, and other merchants are not exposed to any event of default to the investors or lenders. As with all private investment, the investors bear the risk of losing their investment.  It is worth noting that as a merchant Project, no ratepayer funding is being sought by CVE. Therefore, any and all favorable impacts – reliability, economic or environmental – would benefit New York without imposing additional risk on electric ratepayers. CVE alone bears the economic risks of its participation in electricity markets.  Dutchess County, the Town of Dover, and the Dover Union Free School District will all benefit from the tax payments generated by the Project.
Jurgen Wekerle, Sierra Club, Atlantic Chapter	The DEIS should address practical responses requiring system-wide adjustments to an economy having excess capacity and diminishing demand for power in general.	30-14	The economic dispatch analysis in Appendix 1-A of the DEIS considered various scenarios of future demand. The Project's economic superiority will displace operation of older, more costly, less efficient and higher emitting units independent of future growth in electric demand.
Tamara Wade, Wingdale Resident	The greatest beneficiary is Advanced Powers, then, whoever is the owner of the facility there after, Dover is very last on that list. Will our schools stand to lose any state funds as a result of receiving payoffs, or contributions from CVE? Some residents of Dover are under the assumption that their property and school taxes will be lowered as a result of CVE,	31-20	As discussed in Section 1.4.3 of the FEIS, the need for the Project has been demonstrated. The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover Union Free School District, the Town of Dover and Dutchess County through contributions to the tax base. The Project is currently in discussions with the Town and the School District to ensure these

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>is that so? And is the financial payoff or gain a wise trade for accepting declined health of our environment and all that live within it? I would rather pay my taxes and not pollute the environment. Some believe those of us with concerns do not like progress, On my list of hopes for progress in this town, never was a power plant one of them. Is revenue generation truly progress when ozone producing smog, and water contamination or depletion is the price? Since when has anyone ever needed to receive a payoff to accept something truly worthwhile? With the question of need on the table, and the reports that state even without Indian Point we already have sufficient power production, a bargain is no bargain if you don't need it.</p>		<p>taxing jurisdictions are only positively affected.</p> <p>These contributions are in no way considered to be a replacement for environmental stewardship. The CVE Project has demonstrated a commitment to such stewardship, reducing its environmental impacts and giving back to the community through a wide variety of community outreach efforts (such as Advisory Working Groups, Open Houses, and newsletters). Project design refinements and potential community benefits have resulted from these discussions; these conversations continue as CVE works with the Town of Dover Board to discuss components of a formal community benefits package. For example, CVE has been working with local land acquisition groups, including the Oblong Land Conservancy, to place the approximately 79 acre land west of the Metro-North rail line into permanent conservation. In addition, CVE continues to support the advancement of Dover's youth through a scholarship, awarded annually to a graduating Dover High School Senior pursuing an advanced degree in engineering or environmental science.</p> <p>Further, independent of these benefits, the Project offers very real and tangible environmental benefits including reduced regional emissions, remediation of an abandoned industrial site, restoration of wetlands and Adjacent Area previously impacted by historical industrial uses, and removal of dilapidated structures.</p>
Graham Treistad, AKRF	<p>Page 23 states that, "The project is a combined cycle electric generating facility, which is one of the most efficient methods of producing baseload electricity. The project's high efficiency will require less fuel to produce equivalent amounts</p>	32-5	<p>In NYISO's Day-Ahead Market, electric generators are dispatched based on the generators' bids, which specify each generator's price for a requested unit of energy. As the DEIS explains, and as modeled in the <i>Security-Constrained Economic Dispatch Analysis</i>, Appendix 1-A to the DEIS, the Project's more efficient technology will help displace the operation of existing, less efficient plants. In</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>of electricity than other fossil-fuel based technologies. In addition, the sole use of clean burning natural gas for the combustion turbines means that not only is fuel efficiently used, but also the cleanest possible fossil fuel is utilized. By displacing the operation of older, less efficient generating plants, the project will contribute to regional fuel savings, as less fuel will be required to generate the same amount of electricity.” This statement should be substantiated. Would the project actually displace existing facilities or would it meet projected demand?</p>		<p>general, a more-efficient generator will be able to bid competitively against a less-efficient generator, as a more-efficient generator’s operating costs per delivered unit of energy are generally lower than a less-efficient generator’s costs. Because less-efficient generators produce more polluting air emissions for a given unit of energy than more-efficient generators, NYISO’s dispatch of more-efficient generation to meet electric demand results in lower emissions of air pollutants.</p>
Graham Trelstad, AKRF	<p>The dispatch analysis, and any other relevant data, should be used to enhance the argument that the proposed project would displace older facilities.</p>	32-63	<p>The <i>Security-Constrained Economic Dispatch Analysis</i>, Appendix 1-A to the DEIS, projects the Project’s impacts on emissions of CO<sub>2</sub>, the primary GHG, and Section 4.6.5 of the DEIS also discusses the Project’s potential GHG emissions, consistent with the NYSDEC’s Greenhouse Gas Policy.</p>
T. Michael Twomey, Entergy	<p>SEQRA requires that “(e) impacts of the proposed action on the use and conservation of energy (for an electric generating facility, the statement must include a demonstration that the facility will satisfy electric generating capacity needs or other electric systems needs in a manner reasonably consistent with the most recent state energy plan).” See, e.g., 6 NYCRR § 617.9(b)(5)(iii)(g)). The DEIS has not</p>	33-29	<p>Section 1.1 of the DEIS specifically discusses the Project’s consistency with the five policy objectives of the 2009 State Energy Plan: (1) Maintain reliability; (2) Reduce GHG emissions; (4) Stabilize energy costs and improve economic competitiveness; (5) Reduce public health and environmental risks; and (5) Improve energy independence. In addition, a detailed assessment of generating capacity needs is provided in this FEIS as Section 1.4.3.</p>



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ryan Courtien, Town Supervisor, Town of Dover	established that this standard is met, a deficiency that must be remedied. ES-1: “through the displacement of less efficient and higher polluting generating facilities.” Is this provable?	37-4	In NYISO’s Day-Ahead Market, electric generators are dispatched based on the generators’ bids, which specify each generator’s price for a requested unit of energy. As the DEIS explains, and as modeled in the <i>Security-Constrained Economic Dispatch Analysis</i> , Appendix 1-A to the DEIS, the Project’s more efficient technology will help displace the operation of existing, less efficient plants. In general, a more-efficient generator will be able to bid competitively against a less-efficient generator, as a more-efficient generator’s operating costs per delivered unit of energy are generally lower than a less-efficient generator’s costs. Because less-efficient generators produce more polluting air emissions for a given unit of energy than more-efficient generators, NYISO’s dispatch of more-efficient generation to meet electric demand results in lower emissions of air pollutants. The Dispatch Analysis was performed using industry standard modeling programs (i.e., MAPS). The Dispatch Analysis also describes the methodologies and assumptions underlying its projections, with links to additional sources of information. All models related to dispatch and energy cost provided in studies by GE to the Project will be independently verified by the NYSPSC and NYSDPS in their assessment of the PSL, Section 68 application process.
Ryan Courtien, Town Supervisor, Town of Dover	Are potential older, less efficient, and higher GHG emitting electric generators identified?	37-37	Individual generators are not specifically identified within the <i>Security-Constrained Economic Dispatch Analysis</i> . Instead, the displaced generation fuel type (e.g., natural gas, fuel oil, coal) and technology (e.g., steam turbine, gas turbine, internal combustion) is used to identify which generator type would be displaced by the Project.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-4: Response to Comments Regarding Displacement and the Need for Power**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ryan Courtien, Town Supervisor, Town of Dover	1-2: The DEIS states “Due to the project’s superior efficiency it will be dispatched ahead of high emitting generators, causing those units to operate less frequently, thereby yielding a net air quality benefit across the region.” The primary consideration in dispatching seems to be emissions over cost; is this true?	37-38	The “superior efficiency” referenced in the comment refers to the project’s more efficient technology, which allows the Project to produce electricity with less fuel. This results in a lower fuel cost, which is the primary consideration in NYISO’s dispatch decision, and also results in lower emissions, as more electricity can be produced by burning the same amount of fuel.  The <i>Security-Constrained Economic Dispatch Analysis</i> (DEIS Appendix 1-A) forecasts decreases in both service costs, and emissions of NO <sub>x</sub> , SO <sub>2</sub> , and CO <sub>2</sub> under various scenarios. The Dispatch Analysis projects annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million; annual SO <sub>2</sub> NO <sub>x</sub> reductions in the New York Pool of up to 618 tons; annual SO <sub>2</sub> reductions in the New York Pool of up to 1,082 tons; as well as a decrease in total annual emissions of CO <sub>2</sub> . The Dispatch Analysis was performed using industry standard modeling programs (i.e., MAPS). The Dispatch Analysis also describes the methodologies and assumptions underlying its projections, with links to additional sources of information.
Ryan Courtien, Town Supervisor, Town of Dover	1-2: The regional emissions reduction table is 4-33 not 4-32.	37-39	Thank you for noting this typographical error.
Ryan Courtien, Town Supervisor, Town of Dover	1-2: Is a map of the NYISO Load Zones available showing plant locations, types and output?	37-40	A map of the NYISO Load Zones is presented within DEIS Appendix 1-A, <i>Security-Constrained Economic Dispatch Analysis</i> . The map can be found as Figure B-1, on page 23 of the report (within Appendix B). The Project is located with NYISO Zone G.
Susan Holland, Ulster Park Resident	...The DEC’s mission includes supporting environmental justice...We simply do not need a new natural-gas-fired power plant to be built in the beautiful Hudson Valley	39-1	As discussed in Section 6.7.4 of the DEIS, the Project fully complies with state and federal Environmental Justice guidelines by demonstrating that it will not have a significant adverse or disproportionate impact on any Environmental Justice Community



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>region...there are far too many problems with this project, as other reviewers of the DEIS have already commented on in detail...we must only permit and create projects that rely on renewable energy sources to satisfy our energy needs. "Natural" gas is most certainly not such a source and has proven to be "dirtier" than coal.</p>		<p>of Concern. Environmental justice areas are generally defined as communities or facilities housing disadvantaged groups, such as low-income or minority populations. As discussed in DEIS Section 6.7.4, there are no environmental justice populations proximate to the Project.</p> <p>The need for the Project is discussed in detail in Section 1.1 of the DEIS. In addition, the Project will be required to obtain a Certificate of Public Convenience and Necessity (CPCN) from the NYSPPSC; that process will ensure that the Project is in the public interest. A Petition was submitted to the NYSPPSC on November 1, 2011 and will be the subject of review in 2012.</p> <p>It is acknowledged that renewable energy projects are an important part of the region's energy portfolio. The Alternative Analysis in Section 7.6.1 of the DEIS considered wind and solar alternatives and concluded that neither technology is suited to the Project's purpose and need, to supply 1,000 MW of baseload electricity to the grid. Wind and solar are intermittent resources, and could take tens of thousands of acres of land to generate the same amount of electricity as the proposed Project. Further, the proposed Project is not incompatible with wind and solar and will in no way preclude development of these types of projects on sites that are suitable for those technologies.</p> <p>Natural gas is the cleanest-burning fossil fuel alternative available, with emission rates of criteria pollutants and GHG far lower than coal or oil.</p>
<p>Cristina Bleakley, Dover Resident</p>	<p>First off all, we must ask ourselves do we need this huge plant in Dover? Do we need it anyplace else?</p>	<p>40-1</p>	<p>A response to concerns on Project Need is provided in Section 1.4.3 of the FEIS. In addition, the Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Robert Herzog Dover Resident	<p>Since the plant is not being built to serve local or Dutchess County needs, but rather contribute to the state and region's capacity infrastructure, the first question that must be asked is – is it needed? Is it required to fulfill reasonable system capacity requirements in the near future...Based on their expert analysis, NYISO stated in its 2009 Power Trends Evaluation, "Based on current NYISO projections, the state's wholesale electric power system will continue to meet accepted reliability standards through 2018."</p> <p>The NYISO 2010 report extends the period of reliability even further, to 2020. It might be more, but this is as far as their forecast period extends. The New York Control Area baseline summer peak demand forecast developed for the 2010 report shows a baseline energy forecast growth rate of 0.41% for the years 2011 through 20121. The 2009 report forecasted growth rate for annual energy in that period was 0.78%. That represents a 47% decrease in one year! The energy growth rate in the 2011 forecast is lower than in 2010 due to a</p>	42-1	<p>productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover Union Free School District, the Town of Dover and Dutchess County through contributions to the tax base.</p> <p>The cited comment points to the fact that the NYISO's evaluation of reliability needs in its recent annual Power Trends reports, CRPs, and RNAs determines that there is no imminent need for additional electric generation facilities to avoid violating minimum reliability criteria. However, as discussed in Section 1.4.3 of the FEIS, an environmental, reliability and economic need for the Project has clearly been established.</p> <p>NYSPSC has, in several recent orders,<sup>15</sup> recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYSPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system.</p> <p>In support of the development of new sources of electric generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>lower econometric forecast and an increase in the projected amount of energy efficiency impacts. Thus the period when it might be reasonable to consider construction for Cricket Valley would not be until 2018 at the earliest, given the two year construction cycle for building the plant.</p>		<p>federal and state environmental regulations on the continued operation of various existing power plants.</p> <p>The NYISO documents' conclusions that there is no imminent threat of failure of reliability criteria do not preclude a finding of need for the Project or recognition of the demonstrated benefits gained by the public and environment as a result of its development. Indeed, the 2010 RNA recognizes that new capacity resources may further improve and help maintain the reliability of the bulk power system, and that other system changes (e.g., retirements not included in the RNA's Base Case), depending on timing and location, could result in future Reliability Criteria violations and could generate future Reliability Needs, if such events were to become likely. In support of the development of new sources of electric generation, the NYISO reinforces these concerns in its 2011 Power Trends report as discussed in Section 1.4.3 of the FEIS.</p>
Robert Herzog	<p>The NYISO 2010 report does state that if the Indian Point nuclear plants were both closed, that the State could fall below accepted standards of reliability (the LOLE, or Level of Load Expectation) by 2016...it would seem highly unlikely that the plants will actually be closed in the foreseeable future...There are three projects under way that could replace some of the power that would be lost if Indian Point closed. These projects – power plants in Astoria, Queens, and Bayonne, N.J., and a transmission cable from New Jersey to Manhattan – total</p>	42-2	<p>The cited comments point to the fact that the NYISO's evaluation of reliability needs in its recent annual Power Trends reports, CRPs, and RNAs determines that there is no imminent need for additional electric generation facilities to avoid violating minimum reliability criteria. However, as discussed in Section 1.4.3 of the FEIS, an environmental, reliability and economic need for the Project has been established, which the NYSPPSC will consider as part of its independent determination on CVE's application for a CPCN pursuant to Section 68 of the PSL.</p> <p>NYSPPSC has, in several recent orders,<sup>1,5</sup> recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>roughly 1700MW, or 85% of the total Indian Point Capacity...it is not accurate to think that Cricket Valley would address any power shortfall, since there is a well-documented bottleneck of transmission capacity in Westchester that would preclude any power generated in the Hudson Valley from reaching New York City.</p> <p>Other, better alternatives exist or are being proposed in the event they are needed. The Champlain Hudson Power Express Project would carry 1,000 megawatts of wind and hydropower from Quebec to metropolitan New York and Connecticut. Cleaner, cheaper power than what Cricket Valley could provide, and addressing the only potential – and highly unlikely – energy capacity shortfall in New York State...</p>		<p>benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system.</p> <p>In support of the development of new sources of electric generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit, and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business or of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.</p>
Robert Herzog,	<p>The DEIS shows its biases within its first paragraphs, stating the plant will supply “needed electricity to the New York State bulk power grid,” despite the ISO conclusions.</p> <p>Cricket Valley tries to make an argument for displacement – building a new plant burning natural gas would displace other, less efficient plants. The major displacement that will take place will be to move point sources of pollution from other locations to</p>	42-3	<p>These issues are further discussed in Section 1.4.3 of the FEIS.</p> <p>The “superior efficiency” referenced in the comment refers to the Project’s more efficient technology, which allows CVE to produce electricity with less fuel. This results in a lower fuel cost, which is the primary consideration in NYISO’s dispatch decision, as suggested by the commenter. Producing electricity with less fuel also results in lower emissions, which is a beneficial environmental result of dispatching the CVE Project.</p> <p>The <i>Security-Constrained Economic Dispatch Analysis</i> (DEIS Appendix 1-A) forecasts decreases in both service costs, and emissions of NO<sub>x</sub>, SO<sub>2</sub>, and CO<sub>2</sub> under various scenarios. The Dispatch Analysis forecasts annual reductions in load-weighted</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>the Town of Dover. The attempt to circumvent the NYISO's finding that there is no need to build new capacity by citing the benefits of displacing other more polluting plants is specious. The DEIS states: "Due to the project's superior efficiency it will be dispatched ahead of higher emitting generators, causing those units to operate less frequently, thereby yielding a net air quality benefit across the region."</p> <p>The ISO in fact dispatches based on price, not pollution, choosing the lowest marginal cost production at any given moment. As the New York Energy Consumers' Council states, "Generators bid in prices for their capacity based on their marginal costs (e.g. fuel), and the NYISO accepts bids to fill its projected demand requirements in each zone. This is called the Locational-based Marginal Pricing (LBMP) Day Ahead Market (DAM). In an effort to arrive at the most efficient market price, lowest bids are considered highest merit and those generators are dispatched first (i.e. base loaded); highest bids are considered lowest merit. This is called the merit order bid stack."</p> <p>That process means that hydro, coal and nuclear plants will always be first in line. While older plants may be less efficient,</p>		<p>costs to serve in the New York Pool of up to \$275 million; annual NO<sub>x</sub> reductions in the New York Pool of up to 618 tons; annual SO<sub>2</sub> reductions in the New York Pool of up to 1,082 tons; and a slight decrease in total annual emissions of CO<sub>2</sub>. See Section 4.3.6 – Emissions Displacement. The dispatch analysis provided in Appendix 1-A of the DEIS is based on the marginal cost dispatch order and day ahead pricing process, which the commenter describes, using the most widely accepted economic dispatch model in the industry, GE MAPS. The Dispatch Analysis also describes the methodologies and assumptions underlying its projections, with links to additional sources of information.</p> <p>As discussed in detail in Section 1.4.3 of this FEIS the need for the plant and its consistency with NYISO projections is clear.</p> <p>The Project's regional emissions displacement includes reductions in emissions from sources that directly contribute to air quality in the entire region, including Dover. This is clearly evidenced by the results of cumulative air quality modeling which demonstrates that distant sources, due to the magnitude of their emissions, have impacts far exceeding that of the proposed Project.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-4: Response to Comments Regarding Displacement and the Need for Power**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>they have also been partially or fully amortized in rate bases, meaning they may also be competitive on price with a newer facility built at, and requiring a return on, current construction costs. Furthermore, oil is already the lowest merit source of generation for the State, supply only about 1,200 hours during highest peak demand periods in the year. By contrast, nuclear and hydro are highest merit, supplying base load all 8,760 hours in the year. So the most polluting and expensive plants are already being displaced by existing capacity and load management.</p>		



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Robert Herzog,	The DEIS's own findings regarding greenhouse gas (GHG) emissions indicate how spurious the displacement argument is. According to the DEIS, the introduction of the Cricket Valley plant actually increases the production of one of the most serious of GHG, CO <sub>2</sub> , by around 2% annually for the New York State power pool. The total impact on CO <sub>2</sub> production with Cricket Valley online is a decrease of .1% - one tenth of one percent. And that is based on the assumptions that the Cricket Valley-hired consultants are projecting, which would be a best case scenario. In short, local GHG will increase, along with other air pollutants, noise and water impact, while the best case projected for this plant is a negligible positive environmental impact.	42-4	<p>The <i>Security-Constrained Economic Dispatch Analysis</i>, Appendix 1-A to the DEIS, forecasts the CVE Project's impacts on emissions of CO<sub>2</sub>, the primary GHG, and Section 4.6.5 of the DEIS also discusses the Project's potential GHG emissions, consistent with the NYSDEC's Greenhouse Gas Policy.</p> <p>As discussed in FEIS Section 4.3.1.1, the Project will represent the lowest emitting fossil-fuel-fired power plant of its kind ever constructed. Further, the Project will reduce regional emissions of all air pollutants and GHGs by displacing the operation of older, less efficient and higher emitting power plants in the region. As shown on Table 4-36 of the DEIS, operation of the Project is expected to result in the displacement of CO<sub>2</sub> emissions from other power plants in the region, yielding a net reduction in regional CO<sub>2</sub> emissions of over 650,000 tons per year. Displacement benefits also average approximately 1,500 tons per year of NO<sub>x</sub> and 4,300 tons per year of SO<sub>2</sub> for the period modeled, 2015 through 2020.</p> <p>Increasing baseload electric generation capacity while reducing regional emissions is completely consistent with New York's air quality and climate change goals and objectives. GHGs are global pollutants; therefore, in which power pool emissions occur are of no consequence. As shown from the economic dispatch analysis, the Project will reduce the total GHG burden by an average of 653,242 tons per year over the period from 2015 to 2020. These values do not represent "best case" estimates, rather, they represent the most likely scenario based on clearly identified independent projections of fuel and electricity costs using the most widely accepted model and input data set available.</p>



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Robert Herzog,	Special Case Resources (SCR) include distributed generation capacity and interruptible load customers. In 2010, an additional 198 MW was added to the NYISO projections. That follows on an increase in 2009 of 167 MW, a total of 365 MW in just two years. SCR alone could exceed the proposed Cricket Valley 1000 MW of capacity in the next 10 years.	42-6	Efficiency projects such as Demand Side Management are recognized as an important part of the region's energy portfolio. The proposed Project is not incompatible with and will not preclude development of these types of projects.  NYISO's 2010 Comprehensive Reliability Plan specifically emphasizes that the reliability of the bulk power system continues to be maintained by a combination of additional resources, of which Special Case Resources is one part. The CRP acknowledges that the availability of Special Case Resources may fluctuate, noting that NYISO will need to continue to monitor and track the level of special case resource registrations.
Robert Herzog,	As to the purported economic benefits, the DEIS's own findings are that only half of the benefit of reduced costs that they themselves project will benefit New York State; the remainder will benefit PJM... The New England power pool will also reap gains. The reasons for the town of Dover to have to supply benefits to all these other states, primarily to serve as a source of profits for CVE, are not equitable, rational or compelling.	42-17	The Dispatch Analysis forecasts annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million; annual NO <sub>x</sub> reductions in the New York Pool of up to 618 tons; annual SO <sub>2</sub> reductions in the New York Pool of up to 1,082 tons; along with a decrease in total annual emissions of CO <sub>2</sub> . The Dispatch Analysis was performed using industry standard modeling programs (i.e., MAPS). The Dispatch Analysis also describes the methodologies and assumptions underlying its projections, with links to additional sources of information.  The Project will also provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through contributions to the tax base and community benefits.  These contributions are in no way considered to be a replacement for environmental stewardship. The CVE Project has

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Robert Herzog,	The dependence on the assumption of low natural gas prices maintaining Cricket Valley's competitiveness is questionable. Recent articles in the New York Times, such as on June 26th ("Behind Veneer, Doubt on Future of Natural Gas") discussed the growing concern that natural gas prices will rise despite the hopes of new investment in production. And should the forces of reason prevail and the noxious practice of fracking be prohibited or limited, that will further put pressure on gas prices	42-19	<p>demonstrated a commitment to such stewardship, reducing its environmental impacts and giving back to the community through a wide variety of community outreach efforts (such as Advisory Working Groups, Open Houses, and newsletters). Project design refinements and potential community benefits have resulted from these discussions; these conversations continue as CVE works with the Town of Dover Board to discuss components of a formal community benefits package.</p> <p>CVE is currently working with the Town of Dover to discuss the components of a formal community benefits package. In addition, CVE has been working with local land acquisition groups, including the Oblong Land Conservancy, to place the land west of the Metro-North rail line, approximately 79 acres, into permanent conservation. In addition, CVE continues to support the advancement of Dover's youth through a scholarship, awarded annually to a graduating Dover High School Senior pursuing an advanced degree in engineering or environmental science.</p> <p>The CVE Project is not dependent on the assumption of low natural gas prices. The economic dispatch analysis provided in Appendix 1-A of the DEIS included sensitivity analyses of a range of future fuel prices.</p> <p>It is worth noting that the CVE facility is a merchant Project. No ratepayer funding is being sought. Therefore, any and all favorable impacts – reliability, economic or environmental – would benefit New York without imposing additional risk on electric ratepayers. CVE alone bears the economic risks of its participation in electricity markets.</p> <p>As discussed in Section 1.3.1 of the FEIS, the Project will yield substantial local and regional environmental and economic</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>to rise.</p> <p>Plants all over the country are being built to take advantage of the relatively low prices of natural gas. That in and of itself will increase demand and prices. No one can predict commodity prices, except to say they fluctuate, and that limited resources will ultimately rise in price.</p> <p>There seems little doubt that over the life of this plant natural gas prices will become relatively higher. All this adds up to the residents of Dover being forced to endure increased local point source air pollution, noise pollution, impingement on water and destruction of the character of the area, for a plant whose output could have been far better supplied through cleaner, more sustainable long term sources that brings no local benefits and questionable regional ones.</p>		benefits.
Alan Surman, Dutchess County Legislator	The positive is: We are going to bring tax revenue to the Town. I know a lot of people have the NIMBY attitude, "Not In My Backyard," but if this plant displaces some of the dirtier burning plants, I think people in this overall region are going to benefit.	T1-3	Comments acknowledging benefits of the Project are noted.
Donald Dedrich, Dover Resident	...Is it safe, or not safe, to assume that perhaps our electric rates in the Harlem Valley would decrease some?	T1-11	CVE will bid its power into the NYISO power pool. As one of the most efficient power generation facilities in the country, it will be able to bid lower prices in the wholesale market which should

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Lorraine O'Neill, Town Board, Town of Dover	I would also like to clearly state that the... electricity will not benefit our residents and their electric bills. The electricity will be generated here in Dover, then passed on to Putnam Valley, and then down to New York City.	T1-14	contribute to lower overall electric prices. The Dispatch Analysis provided in Appendix 1-A of the DEIS projects annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million. While many factors affect retail electric prices, the Project will certainly be a positive element in controlling costs to ratepayers.  CVE will bid its power into the NYISO power pool, which serves all consumers within the New York Control Area. The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through contributions to the tax base and community benefits.  The Dispatch Analysis projects annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million. This will help to control electricity costs for all New York State consumers, including the residents of Dover.
Mark Chipkin, Pawling Resident	...I don't understand what happens if they don't get a contract. Like what if they start building this and then all of a sudden they can't find somebody who wants to buy that [power], what do we do with that? What happens to that building that we put up?	T3-14	The CVE facility is a merchant project. No ratepayer funding is being sought. Therefore, any and all favorable impacts would benefit New York without imposing additional risk on electric ratepayers. CVE alone bears the economic risks of its participation in electricity markets.
Mark Chipkin, Pawling Resident	...I'd like to see Cricket Valley Energy doing more to say, well, we're gonna...pollute the area with carbon dioxide and other gases, we're gonna take your water, and...here's what we're gonna mitigate that with, here's the things we're gonna do, we're gonna	T3-15	The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by cleaning up and reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover Union Free School District, the Town of Dover and Dutchess County through

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>add thousands of trees here, we're gonna put up -- you know, if they got to that point, that, I would see being part of this project so that everybody makes this a healthy project, because we know that at any discretion there is some loss...I see them fixing a little part of their wetland, now, that's great and I think that's important, but I think there's got to be more to it.</p>		<p>contributions to the tax base. The Project is currently in discussions with the Town and the School District to ensure these taxing jurisdictions are only positively affected.</p> <p>These contributions are in no way considered to be a replacement for good environmental stewardship. CVE has demonstrated a commitment to such stewardship, reducing its environmental impacts and giving back to the community through a wide variety of community outreach efforts (such as Advisory Working Groups, Open Houses, and newsletters). Project design refinements and potential community benefits have resulted from these discussions.</p> <p>CVE is also currently working with the Town of Dover to discuss the components of a formal community benefits package. In addition, CVE has been working with local land acquisition groups, including the Oblong Land Conservancy, to place the land west of the Metro-North rail line, approximately 79 acres, into permanent conservation. In addition, CVE continues to support the advancement of Dover's youth through a scholarship, awarded annually to a graduating Dover High School Senior pursuing an advanced degree in engineering or environmental science.</p> <p>The Project will also restore wetlands that have been significantly degraded from historical industrial activities on the site. It will also reduce regional emissions of pollutants and GHG through displacement of operation of less efficient and higher emitting units.</p> <p>It is assumed that the commenter is citing to comments that indicate that there is no imminent need for additional electric generation facilities to avoid violating minimum reliability criteria for New York's electric transmission system. However, as discussed in Section 1.4.3 of the FEIS, a need for the Project has been</p>
Chris Wood, Pawling Resident, Oblong Land Conservancy	We are very aware that a number of questions have been raised, including the short-term need for this plant.	T3-17	

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
			<p>established.</p> <p>NYSPSC has, in several recent orders,<sup>15</sup> recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYSPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system.</p> <p>In support of the development of new sources of electric generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.</p>
Tyler Davis, Dover Plains Resident	...if we could get a break on our electricity prices, I think that would assuage a lot of people's comments.	T3-32	<p>CVE will bid its power into the NYISO power pool. As one of the most efficient power generation facilities in the country it is able to bid lower prices in the wholesale market which should contribute to lower overall electric prices. The Dispatch Analysis forecasts annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million. While many factors affect the retail price of electricity, the Project will have a positive effect on controlling costs to ratepayers.</p>



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Alan Surman, Dutchess County Legislator	<p>... I don't think anybody in this room would like to go back 100 years to the way it was. We use power every day. We use power for our laptops, we use power just for safe lighting as opposed to candles, we use power for our plasma TVs, we use power for our washing machines and our air conditioners...Electrical power generation is an extremely dangerous enterprise. Approximately one-third of the power in this state right now is being produced by Indian Point, and I don't feel very comfortable about that, and I agree with Mayor Cuomo that that plant should be shut down...nuclear power generation is an extremely dangerous enterprise, and I'd be a lot more worried about that than a plant which is gonna produce mostly carbon dioxide and some nitrogen oxide...  <i>[Discussion of risks and limitations associated with several energy generating technologies]...</i></p>	T3-40	A need for the Project has been demonstrated, as discussed in Sections 1.3.1 and 1.4.3 of the FEIS.
Alan Surman, Dutchess County Legislator	<p>This plant will produce, roughly, half the capacity of Indian Point, because we need a plant with the capacity of Indian Point and maybe a little more so that we can eventually shut that plant down and we could all breathe a little bit easier, because I don't like the fact that I'm within 50 miles of it, and that's what you really should be worried about. This is a much safer,</p>	T3-43	Comments acknowledging support of the Project are noted. A need for the Project has been demonstrated, as discussed in Sections 1.3.1 and 1.4.3 of the FEIS, and the Project is being evaluated under SEQRA on its own merits.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Manna Jo Green, Rosendale Resident, Environmental Director for Hudson River Sloop Clearwater	cleaner, long-term method... ...we have enough power on the grid to do without Indian Point without building this facility, but I think that...the Governor and legislators really want the reassurance that there is replacement power coming online. We think that the majority of that replacement power should be from green sources and they really are immediately available....	T3-60	Renewable energy projects are recognized as an important part of the region's energy portfolio. The proposed Project is not incompatible with and will not preclude development of these types of projects. Further, the State Energy Planning process will establish renewable energy goals for the state. We firmly believe that efficiency and energy conservation, renewable sources of electricity and clean, reliable sources of baseload power are all essential elements of a sound energy policy.
Alex Ackerman, Wingdale Resident	...it's not even needed, this plant. ...that's assuming you're gonna get contracted and you're gonna want this power, which you have not solidified, it's not there, nobody said they -- if nobody buys the power, it's a useless piece of junk standing there doing nothing. And you hear people here comment; it's not necessary. There's, if anything, an abundance of power. It's more or less just in case of something.	T3-70	It is assumed that the commenter is referring to comments indicating that there is no imminent need for additional electric generation facilities to avoid violating minimum reliability criteria. However, as discussed in Section 1.4.3 of the FEIS, an environmental, reliability and economic need for the Project has been established.  NYSPPSC has, in several recent orders, <sup>1,5</sup> recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYSPPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system.  In support of the development of new sources of electric generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Alex Ackerman, Wingdale Resident	<p>...But I came here, again, for the fresh air, for the great people, for the environment, and to have an -- unnecessary, literally chemical-producing smokestacks that are not needed in an area where you feel the people are maybe a little more poverty-encroached and need the extra money, \$22 million in tax revenue, let's be -- admit it, it's a drop in the bucket, that's probably a three-day profit for you gentlemen from your company which you are gonna make.</p> <p>... I believe 80 percent of all the energy that's staying here, whatever it is, runs through Westchester and New York City, nothing to do with us whatsoever, so we get all the poison, all the garbage, they get all the energy, we get \$22 million bucks, which is not even a tenth of a penny, and that's unless you -- so, obviously, I'm against it.</p>	T3-73	<p>following factors: the considerable lead-time needed to finance, permit and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.</p> <p>As detailed in Section 1 of the DEIS and further supported in Section 1 of this FEIS, there is a clear and stated need for the Project within the proposed Project timeline. The Project will be privately funded, and will generate substantial tax revenue to the benefit of the local community.</p> <p>The Project fulfills a stated need and has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional adjacent area, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment, 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other economic benefits.</p> <p>Potential Project impacts have been carefully assessed, and compliance demonstrated with applicable environmental standards. In addition, this Project will have little demand on public services.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Mr. Chris Galayda, Town Board	<p>...you look at reservoirs that are drained to the ground because the City does it, right, and you look at, you know, the fact that they're talking about New York City needs more power or the Governor wants it. And, I'm...trying to...balance and review this stuff, I mean, if the Governor wants it so bad, why doesn't he put it in his backyard?...the county has a lot to gain by this and not much to lose, they're gonna make a million dollars a year and not give us any more services. My children's health is not for sale, you know, and my neighbors' children's health is not for sale.</p> <p>...if they need more power in Manhattan, put it there, or like I said, better yet, in the Governor's backyard.</p>	T3-78	<p>As detailed in Section 1 of the DEIS and further supported in Section 1 of this FEIS, there is a clear and stated need for the Project within the proposed project timeline. The Project will be privately funded, and will generate substantial tax revenue to the benefit of the local community.</p> <p>The Project fulfills a stated need and has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional adjacent area, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment (the hardest hit economic group in New York State), 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other economic benefits.</p> <p>Potential Project impacts have been carefully assessed, and compliance demonstrated with applicable environmental standards. In addition, this Project will have little demand on public services.</p>
Jurgen Wekerle, Sierra Club	<p>The issue is: Do we really need this project?... We are in our fourth year-over-year decline in energy consumption in New York State. The New York State Public Service Commission has issued directives to all the generators and utilities to prepare an austerity plan on which plants to close down... The New York State Independent Systems Operator, which manages the reliability and the flow and the processing of</p>	T3-91	<p>The SEQRA process is intended to evaluate a project on its own merit, rather than focusing on potential implications to other operating facilities.</p> <p>It is assumed that the commenter is referring to analyses indicating that there is no imminent need for additional electric generation facilities to avoid violating minimum reliability criteria. However, the commenter notes the uncertain status of a number of older existing plants and, as discussed in Section 1.4.3 of the FEIS, an environmental, reliability and economic need for the Project has</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>contracts for electricity, they have a ten-year forward-moving average. There is no need projected until 2020, but they have no need after that either, but that's just within their current time frame. We have several other power plants... Indian Point does not produce at its capacity right now... Bowline in Rockland is on life support, Roseton in the town of Newburgh is on life support, Danskammer is producing a moderate amount of electricity. There is no need.</p> <p>...The market circumstances are such that we do not have a need for this energy. Another sign of the lack of the need and demand is the Levitt plant in Rockland County. That plant was... under consent decree to clean out its air emissions. Rather than do that, it was not economically feasible for them to invest money and converting to gas or improving the coal or some other fuel, and they petitioned the Public Service Commission for decommissioning. Before any power plant can go off-line, they have to ensure a replacement supply of power... The Levitt plant was able to satisfy the needs of the state in the entire grid that we are all hooked up into here. Through the efficiency measures by Orange &amp; Rockland Utilities that you saw on that plan prior to</p>		<p>been established.</p> <p>NYSPSC has, in several recent orders,<sup>15</sup> recognized the need for the addition of new, more efficient generating facilities, even where there is not an imminent threat to system reliability, based on a number of factors, including system reliability benefits, economic benefits for customers and New York State, and achievement of public policy goals including environmental benefits. With respect to reliability, the NYSPSC has determined that the addition of new generation facilities provides an additional source of supply in the event that other expected generation and transmission projects are not available to the bulk electric system.</p> <p>In support of the development of new sources of electric generation, the NYISO 2011 Power Trends report explains that the sustained adequacy of resources may be challenged by the following factors: the considerable lead-time needed to finance, permit and construct major energy projects; the potential retirement or other closure of existing generation facilities as a result of business of governmental determinations; aging generation and transmission infrastructure; and the cumulative impact of impending federal and state environmental regulations on the continued operation of various existing power plants.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>deregulation, by creating a -- by building a new substation, by improving the regional distribution lines and the transformers neighborhood to neighborhood, the efficiency in that upgrade of the regional grid by itself captured the capacity of the production of the Levitt coal plant all by itself.</p> <p>A major goal of New York State is to modernize the entire grid. If that happens, more power plants will close, let alone new power plants coming online. So, we have the taxes, we have the assessment issues that may vaporize totally. We also – mentioned earlier was no contracts, does this company have contracts. They may not need contracts, and that is something that the DEIS should look at very carefully, and that is the whole New York State Independent Systems Operator auction system, how does that work, how would it affect the prices that homeowners actually pay here?</p>		
Jurgen Wekerle, Sierra Club	<p>...Any more capacity is not going to lower the price either. That may have other dire consequences in the payments in lieu of taxes that will be negotiated locally. The example in Rockland County, based on the lower use, is that the towns of Haverstraw and Stony Point suffered when Myron, the</p>	T3-92	The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through contributions to the tax base and

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-4: Response to Comments Regarding Displacement and the Need for Power</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>owner of those plants, declared bankruptcy and also a series of reassessments, and the property taxes, to offset the income that the municipalities became dependent on, doubled and doubled again... The Town of Newburgh and the Town of Marlboro in Orange and Ulster Counties suffered the same re-evaluation and reassessment based on the reduced income from the Dynegy plants, Danskammer and Roseton, and their property taxes drastically increased totally out of the blue, totally unexpectedly, so whatever is promised today may not be materialized even if it's been in effect for a short period of time.</p> <p>... Your electricity prices may actually go up... there's an auction system and, in effect, lower prices are accepted to supply a certain amount and a series of bids are accepted to satisfy the entire demand;... the highest price, the last bid offered, is paid to all the previous bidders, so it's the highest price that controls, not lower prices.</p> <p>... You may end up with the expectation of all kinds of income, all kinds of benefits, that may never materialize...</p>		<p>community benefits.</p> <p>The negotiated tax agreement is designed specifically to avoid the situations referenced in Newburgh and Marlboro. CVE proposes a tax agreement that would provide steady, escalating payments over a 30-year period which provides revenue certainty to the Town of Dover and the Dover Union Free School District.</p> <p>Regarding the cost of electricity, CVE will bid its power into the NYISO power pool. As one of the most efficient power generation facilities in the region, it will be able to bid lower prices in the wholesale market which should contribute to lower overall electric prices. The Dispatch Analysis projects annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million. While the retail price of electricity is dependent on a number of factors, the Project will have a positive effect on controlling costs to taxpayers.</p>



#### 1.4.4 Alternatives Analysis

Section 7 of the DEIS addressed a range of alternatives to the proposed Project, summarized from the DEIS as follows.

- The “no action” alternative;
- Alternative Project sites;
- Alternative electric generating technologies;
- Alternative Project sizes;
- Alternative cooling technologies;
- Alternative emissions control technologies;
- Fuel use alternatives; and
- Water supply alternatives.

Each of these alternatives has been considered in determining Project feasibility, selecting the Project location, and incorporating technology decisions into the Project design.

Table 1-5 provides comments received, as well as responses, regarding alternatives.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-5: Responses to Comments Regarding Potential Project Alternatives</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Venna Currow, Wingdale Resident	...I strongly support more viable environmental alternatives such as: Solar and Wind. These alternatives will have less substantial negative effect on the environment at large.	11-4	Renewable energy projects are recognized as an important part of the region's energy portfolio. The State Energy Planning process will establish renewable energy goals for the state. The Alternative Analysis in Section 7.6.1 of the DEIS considered wind and solar alternatives and concluded that neither technology is suited to the Project's purpose and need, to supply 1,000 MW of <u>baseload</u> electricity to the grid. Wind and solar are intermittent resources and could require tens of thousands of acres of land to generate the same amount of electricity as the proposed Project. Further, the proposed Project is not incompatible with wind and solar and will not preclude development of these types of projects on sites that are suitable for those technologies.
Joel Tyner, Dutchess County Legislature	Dutchess County's and our country's future in green jobs-- not in fossil fuels like natural gas-- but solar farms; am I only one who heard the great report recently on WAMC re: green jobs from new solar farm in VT?  Fact: Dr. Richard Perez of SUNY-Albany has conclusively proven that ALL of NYS's energy needs could be met completely by solar energy alone-- by covering 0.75% of NY's surface with photovoltaics.  Fact: 22,000 jobs across NYS could be created with the bipartisan Bonacic/Cahill Solar Jobs Act of 2011 (for solar renewable energy credits, as in NJ, PA, MA – all much more heavily incentivizing the purchase of solar for their state residents than New York does here); Germany has less sunlight than NYS but has solar panels all over –	24-2	
Mark Chipkin, Pawling Resident	The project can be a "hybrid" power generating plant which would include solar and wind power. This would be a more appropriate example of working towards a	25-9	The Project is located in a valley that is very poorly suited to wind energy, lacking the strong, persistent winds necessary for a viable wind turbine location. Development and operation of wind farms is

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-5: Responses to Comments Regarding Potential Project Alternatives</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>green, sustainable energy plan for the future.</p> <p>GE is building a power plant that uses a flexible natural gas power generator coupled with concentrating solar power and wind turbines.</p>		<p>supported in locations more suitable for this form of energy.</p> <p>In addition, the Project will utilize rooftop rainwater capture and is considering all reasonable opportunities to incorporate on-site renewable energy, such as solar photovoltaic panels on the Project roofs.</p>
David Roberts, Pawling Resident	<p>Any SEQRA document needs to include substantive alternative actions to the proposed application. The DEIS plainly dismisses this responsibility; stating there is no environmental benefit to the no action alternative- there is clearly a distinct benefit to not approving this project.</p>	29-3	<p>The DEIS addresses an array of alternatives to the Project in Section 7. Further, as detailed in Section 7.2 of the DEIS, there are substantial societal, economic, energy and environmental benefits to the proposed Project. These would not be realized under the No Action alternative, and the Project's purpose and need would not be met. Therefore, the No Action alternative was not selected as the preferred alternative.</p>
Jurgen Wekerle, Sierra Club, Atlantic Chapter	<p>The DEIS must consider the full range of reasonable, realistic alternatives to the purpose and objectives of the CVE Project, and must consider the financial capabilities of the project sponsor especially in the context of current market conditions, environmental degradation, conflicting public policies, and the expenditure of federal-state-local public funds/subsidies required to underwrite the CVE project.</p> <p>Alternatives are not limited to property locations, but include alternative sources, solutions and technologies that could produce the same or better outcomes that that promised by CVE.</p>	30-8	<p>As previously stated, no federal, state or local funds/subsidies will be utilized by this privately funded Project. The alternative solutions offered by the commenter do not meet the Project's purpose and need of adding baseload electric generating capacity. Further, the Project does not in any way preclude or inhibit the energy efficiency enhancements or other energy use improvements suggested, nor are these measures and development of new efficient and environmentally responsible sources of energy mutually exclusive. A detailed discussion of Alternatives is provided as Section 7 of the DEIS.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-5: Responses to Comments Regarding Potential Project Alternatives</b>		
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>
	<p>The letter asks for consideration of a range of impacts to be consistent with the state energy plan. If the need exists, the following alternatives are recommended for consideration:</p> <ul style="list-style-type: none"> <li>• Upgrades to the power grid</li> <li>• Demand-side management strategies</li> <li>• Time-of-day price metering</li> <li>• Unused reserve capacity at existing power plants</li> <li>• A New York City regulation that requires ability to produce 80 percent of peak load from generation located within the city limits</li> <li>• NYSERDA programs</li> <li>• Reduced power demand due to improved building construction codes and code enforcement</li> <li>• Weatherization and energy efficiency programs associated with the '09 American Recovery and Reinvestment Act funding</li> <li>• Solar energy projects</li> <li>• The LIDAR project, "Remote Net-Metering" legislation and the proposed "Feed-in Tariff" legislation</li> <li>• Decentralized, land-based and off-shore wind power proposed for Long Island and the New Jersey coastline</li> </ul>	
		<b>Response</b>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-5: Responses to Comments Regarding Potential Project Alternatives**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Tamara Wade, Wingdale Resident	Will CVE obtain and utilize Federal and State monies? And if so, wouldn't those public monies be best spent, helping taxpayers to update their homes and businesses with true green energy production such as Solar and or wind turbines as with global warming being a main concern we might consider deeply that fossil fuel energy of any kind needs to cease, and non-emission producing renewable alternatives are the only hope for a future and the wellbeing of all life.	31-19	Federal and state monies will not be used for the Project; the Project will be privately funded. Therefore, no public resources will be diverted from renewable energy or energy efficiency programs.  It should be noted that the Project will utilize rooftop rainwater capture and is considering all reasonable opportunities to incorporate on-site renewable energy, such as solar panels on the Project roofs.
Graham Trelstad, AKRF	The proposed Water Supply Alternatives should consider phasing in the use of treated effluent from the Dover Knolls project as it is constructed and occupied.	32-59	As discussed in DEIS Section 5.4.4.2, the proposed Knolls of Dover project is planned to have a wastewater treatment plant that could, at some future point, provide treated effluent to meet all or a portion of the Project's water needs. While that project has been approved by the Town of Dover, until it has an operating track record to demonstrate consistent volume and quality of discharge, a practical assessment of that source cannot be completed. CVE is open to consideration of feasibility of use of this water source in the future.  The water demand for the Project is very small and can easily be met through the use of bedrock wells without adverse impact. While technically feasible (depending upon the consistent volume and quality of the discharge), use of treated effluent would require several miles of new water line along Route 22.
Graham Trelstad, AKRF	The use of alternative energy sources to supplement the project and offset the burning of fossil fuels should be considered.	32-60	Use of alternative energy sources was considered in Section 7.6.1 of the DEIS. The Project is located in a valley that is very poorly suited to wind energy, lacking the strong, persistent winds necessary for a viable wind turbine location. Development and operation of wind farms is

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-5: Responses to Comments Regarding Potential Project Alternatives</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
			supported in locations more suitable for this form of energy. In addition, the Project will utilize rooftop rainwater capture and is considering all reasonable opportunities to incorporate on-site renewable energy, such as solar photovoltaic panels on the Project roofs.
T. Michael Twomey, Entergy	Given the proximity to the Great Swamp, the DEIS's Alternative Site Analysis is insufficient to satisfy the "hard look" required by SEQRA...the DEIS provides no information on what or how many alternative Sites were actually evaluated or why each did not meet these criteria...it is impossible to tell from the DEIS whether other potentially suitable Sites that are not located in or adjacent to the Great Swamp or other wetlands were adequately evaluated (or evaluated at all).	33-22	CVE considered a range of alternate Project sites as detailed in Section 7.4 of the DEIS. None of the alternate sites identified creates the environmental benefit provided by the opportunity to restore an abandoned site that is zoned for industrial use and is immediately proximate to the necessary natural gas and electric infrastructure.
Ryan Courtien, Town Supervisor, Town of Dover	ES-19: Is any consideration being given to an expandable sewage treatment plant that possible future projects in the vicinity could tie into?	37-19	The Project does not include a wastewater treatment plant, as no wastewater from the process will be discharged from the site. Its Zero Liquid Discharge system is designed specifically for process water and cannot accommodate other waste stream types. Sanitary discharge from the facility is to a conventional septic system.
Ryan Courtien, Town Supervisor, Town of Dover	1-10: What are the more efficient technologies for producing electricity than combined cycle?	37-45	Efficiency is generally measured in terms of energy produced per unit of fuel consumed. Combined cycle technology is by far the most efficient means of generating electricity with a fossil fuel.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-5: Responses to Comments Regarding Potential Project Alternatives**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ryan Courtien, Town Supervisor, Town of Dover	1-11: CVE should communicate with NYPA, or some other organization, to locate solar panels on the project structures.	37-47	The Project will utilize rooftop rainwater capture and is considering all reasonable opportunities to incorporate on-site renewable energy, such as solar photovoltaic panels on the Project roofs.
Ryan Courtien, Town Supervisor, Town of Dover	1-11: Is a design alternative considered / possible that does not exceed the 35 foot height limitation of buildings in the Town of Dover Town Code? ...if the system wants displacement, then there are still better alternatives.	37-48	No design alternative for this type of Project that would not exceed this height limitation is possible.
Robert Herzog,	<ol style="list-style-type: none"> <li>Currently Proposed Generating and Transmission Capacity. As stated above, a total of 1660 of new transmission capacity and 1060 MW of new generating capacity are currently proposed and in the queue ahead of Cricket Valley. These increases would directly alleviate any potential stress on the one area of the State that could have reliability issues, New York City, and that only in the event Indian Point is shut down.</li> <li>Alternative Energy Sources. A recent extensive study of the solar generating potential for New York City found it was 5,847 megawatts. The study concluded that given current costs and incentives, building solar power units would be cost effective. Over five thousand megawatts! If even a tenth of that</li> </ol>	42-5	None of the alternatives suggested by the commenter would be precluded by the proposed Project. However, as discussed in Section 1.4.3 of the FEIS, CVE has articulated a basis for an environmental, reliability and economic need for the Project, which the NYSPPSC will consider as part of its independent determination on CVE's application for a CPCN pursuant to Section 68 of the PSL.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-5: Responses to Comments Regarding Potential Project Alternatives**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>potential was realized, there would never be a reason to build a plant in Cricket Valley. Solar power cost effectiveness will only increase as technology improves and demand lowers the price of the systems. If Dover Plains and Dutchess County decided for some reason they wanted to be major contributors to regional energy needs, imagine the solar potential for the county.</p> <p>NYC is 305 square miles, Dutchess County is 825. The cost of construction would be a lot cheaper on the open flat land here than it would be on the rooftops of New York City.</p> <p>Furthermore, the construction and operation of solar energy farms would produce many more construction and permanent jobs, especially for local residents, than would the 25 niche skill jobs that would be the remnant of the Cricket Hill operation.</p> <p>Wind power is also playing an increasing role in meeting power requirements for the State. Should anyone claim that projections based on increases in wind power capacity are not realistic, it should be noted that there were 48 MW of installed wind</p>		



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-5: Responses to Comments Regarding Potential Project Alternatives</b>			
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Robert Herzog,	<p>capacity in New York State in 2005, and 1,348 MW of installed wind capacity in 2011, as documented in the NYISO Load and Capacity Report 2011.</p> <p>Over the next five years enormous strides will no doubt be made in producing energy from sources other than fossil fuel burning plants such as Cricket Valley. These new sources will not have enormous local impact, on water, air, noise and the environment.</p> <p>DEC as lead agency with the mandate to protect our environment has the legal responsibility to consider the NYISO findings and the likelihood of far better alternatives available during the time frame when they will actually be needed. Circumventing or ignoring such findings would be a violation of DEC's mission, which is to "conserve, improve and protect New York State's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being." – Environmental Conservation Law, Article 1.</p> <p>DEC states its goal is to "achieve this mission by embracing the elements of</p>	42-7	<p>As discussed in Section 1.4.3 of the FEIS, CVE has articulated a basis for an environmental, reliability and economic need for the Project, which the NYSPPSC will consider as part of its independent determination on CVE's application for a CPCN pursuant to Section 68 of the PSL.</p> <p>Speculative alternatives for technologies that may or may not exist in the future are not responsible alternatives to be considered in a SEQRA process. The Project fulfills a stated need and has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional adjacent area, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment (the hardest hit economic group in New York State), 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary economic benefits.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-5: Responses to Comments Regarding Potential Project Alternatives</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>sustainability – the simultaneous pursuit of environmental quality, public health, economic prosperity and social well-being, including environmental justice and the empowerment of individuals to participate in environmental decisions that affect their lives.” Approving a fossil fuel plant that is not needed and consumes a non-renewable, more polluting fuel is clearly not consistent with DEC’s mission. Any decision to site this plant now would have to be considered arbitrary and capricious, and open to challenges on those grounds.</p>		
Robert Herzog, Dover Resident	<p>The Analysis of alternatives is best summed up by one of the four principal reasons for rejecting other sites: “None of the other sites are owned or controlled by CVE.” Their theory would thus seem to be that once CVE acquired this property, that becomes a determinative factor in allowing the plant to proceed to construction. To state the obvious, the bet that CVE made on land acquisition, and finding what it evidently assumed to be a complement locality in which to build a plant with major local disruption and few local benefits, should play no role in this siting decision.</p>	42-14	<p>The lack of ownership of other sites in New York was only one of the reasons listed in the alternatives site section. It was primarily included to reflect the alternate site requirement for private applicants set forth in the SEQRA regulations at 6 NYCRR Part 617.9(b)(5)(v) which specifically states that, for private applicants, alternatives may be limited to sites which the sponsor owns or has under a purchase option.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-5: Responses to Comments Regarding Potential Project Alternatives**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Robert Herzog,	Other elements of the Alternatives section are equally spurious. Solar and wind alternatives are rejected because they would require more acreage than is on the CVE site. Again, the characteristics of this one site should play no role in determining an optimum energy future for New York and the region.	42-15	Solar and wind alternatives were rejected because they would not meet the Project's purpose and need, which is for baseload electric generating capacity. These alternatives would not be able to generate the same amount of electricity using the acreage available on the site, but would require tens of thousands of acres of land and would generate electricity on an intermittent basis.  However, it should be noted that the Project will utilize rooftop rainwater capture and is considering all reasonable opportunities to incorporate on-site renewable energy, such as solar photovoltaic panels on the Project roofs.
Robert Herzog,	...the No Action plan, in the context of no need for the plant, the likelihood of more viable alternatives being available by the time the regional grid requires additional capacity, and the serious negative local impact the construction and operation of this plant will have on the quality of life around it, is clearly the best alternative at this time.  CVE and the state can reconsider this application in 2018 with ample time to meet whatever projected capacity needs the state might have at that time, and what are the then best alternatives, from conventional to alternative, to meet those needs. CVE and its parent should explore other alternatives before imposing the burden of their prior purchase on the town of Dover.	42-16	See the response to Comment No. 42-7. As discussed in Section 1.4.3 of the FEIS, CVE has articulated a basis for an environmental, reliability and economic need for the Project, which the NYSPPSC will consider as part of its independent determination on CVE's application for a CPCN pursuant to Section 68 of the PSL.  The Project proposed is the best alternative for meeting the purpose and need and brings environmental, societal, and economic benefits that would not be realized with the No Action alternative. Given the lead time associated with the development of this type of project, the commenter's proposal to delay the application until 2018 is not feasible. For this reason, the No Action alternative is not considered the best alternative.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-5: Responses to Comments Regarding Potential Project Alternatives</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Brigid Casson, Dover resident	... I would like to strongly recommend that you consider, should this come to pass, a green roof, if it's possible. Many structures now have green roofs, and if you're trying to be environmentally sensitive, that would be a significant step in the right direction.	T1-17	The Project will utilize rooftop rainwater capture and is considering all reasonable opportunities to incorporate on-site renewable energy such as solar panels on the Project's roofs. These low-impact designs will reduce the environmental impacts of the facility.
Mark Chipkin, Pawling Resident	...I don't understand why no solar or wind power or anything like that was included in this project. Even GE in Turkey has proposed a hybrid type of plant, and I don't see that here...	T3-13	The Project is located in a valley that is very poorly suited to wind energy, lacking the strong, persistent winds necessary for a viable wind turbine location. Development and operation of wind farms is supported in locations more suitable for this form of energy. The Project will utilize rooftop rainwater capture and is considering all reasonable opportunities to incorporate on-site renewable energy, such as solar panels on the Project's roofs.
Alan Surman, Dutchess County Legislator	One idea that I advanced earlier, if there was a continued need for water, since this place will be so close to Dover Knolls and Dover Knolls will be producing up to 500,000 gallons of effluent and be going through tertiary cleaning, conceivably one day we could force a pipeline up there for a mile and a half and they could use treated wastewater and they don't have to touch the groundwater at all.	T3-44	The water demand for the Project is very small and can easily be met through the use of bedrock wells without adverse impact. As discussed in DEIS Section 5.4.4.2, the proposed Knolls of Dover project is planned to have a wastewater treatment plant that could, at some future point, provide treated effluent to meet all or a portion of the project's water needs.  Use of this treated effluent may be technically feasible (depending upon the consistent volume and quality of the discharge), but would require several miles of new water line along Route 22. While that project has been approved by the Town of Dover, until it has an operating track record to demonstrate consistent volume and quality of discharge, a practical assessment of that source cannot be completed. CVE is open to consideration of feasibility of use of this water source in the future.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-5: Responses to Comments Regarding Potential Project Alternatives**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Ross Cardwell, Wingdale resident	...there's other ways to get business here and tax dollars here that'll benefit our community than building some, you know, multimillion-dollar plant that will generate profits with independent entities that'll take their money elsewhere. To power that much of our state, to have the capacity to do that much and to give us so little, doesn't make sense, it just doesn't make sense.	T3-54	CVE believes the environmental and economic benefits offered by the Project exceed those of any other project ever proposed in Dover.  The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by remediating and reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover schools, the Town of Dover and Dutchess County through contributions to the tax base and community benefits.
Manna Jo Green, Rosendale Resident, Environmental Director for Hudson River Sloop Clearwater	...if this plant moves forward...there's not an official requirement for a host community benefit package, but you are in negotiations and you could be negotiating for that facility to also include a huge solar array, and if there is the potential for wind, that wind be captured so that it really is moving towards sustainability.	T3-58	The Project will generate substantial revenue to the Town of Dover and is in negotiations with the town on a community benefits package.  Regarding renewable energy opportunities, the Project is located in a valley that is very poorly suited to wind energy, lacking the strong, persistent winds necessary for a viable wind turbine location. Development and operation of wind farms is supported in locations more suitable for this form of energy. The Project will utilize rooftop rainwater capture and is considering all reasonable opportunities to incorporate on-site renewable energy, such as solar panels on the Project roofs.

#### 1.4.5 Cumulative Impacts

Cumulative impacts have been carefully considered as a part of the SEQRA process for this Project, addressed within each relevant technical area of study. Cumulative impact analysis follows prescribed scopes developed not only through the public and agency review process for this Project, but used by the broader regulatory and consulting community to understand the potential for project effect. Both regional and site-specific conditions were incorporated, and all impacts were considered within the local context. Specific consideration of cumulative effects was incorporated for studies associated with:

- Site conditions and the need for cleanup;
- Air quality issues;
- The potential for groundwater impact;
- Evaluation of traffic impacts;
- Noise assessment; and
- Potential impact to community services and socioeconomics.

Numerous working group meetings were held to allow the community to bring local issues to CVE and to facilitate discussion of key concerns, many of which have resulted in Project refinements to help mitigate impacts to Dover and the surrounding communities.

Table 1-6 provides responses to comments received regarding Project cumulative impacts.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-6: Response to Comments Regarding Cumulative Impacts</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
James Utter, Friends of the Great Swamp	We also reiterate our concern that this project be examined in the light of the other proposed and potential projects in the Towns of Dover and Pawling especially. Cumulative impacts must be part of a SEQRA process.	34-1	Cumulative impacts have been carefully considered as a part of the SEQRA process for this Project, addressed within each relevant technical area of study. For example: <ul style="list-style-type: none"> <li>• Site conditions and the need for cleanup considered surrounding land uses;</li> <li>• Air modeling utilized regional background quality information as well as including cumulative modeling incorporating appropriate sources within New York, Connecticut and Massachusetts;</li> <li>• The potential for groundwater supply impact considered surrounding wells, including potential future projects such as the Knolls of Dover; and</li> <li>• The traffic study specifically incorporated growth in traffic associated with potential future projects such as the Knolls of Dover, as well as typical community growth over time.</li> </ul>
Stephen and Cate Wilson, Wingdale Residents	The DEIS also discusses "net" change over a relatively wide measurement area; however there is no specific discussion of how these standards could vary in areas like ours, closest to the proposed plant... They cannot accurately predict the cumulative effects of the plant in operation for any type of impact...	38-5	
Jim Utter, Friends of the Great Swamp	I think a serious problem is for Dover to look at what is going to be happening in the area. Because one of the goals of the EIS process is to look at cumulative impacts. As was mentioned before, there are at least three major projects proposed. One of them has been put on hold now, 22 Wind Rose. But right on the same stem, not very far apart, is Dover Knolls, which still plans to take a 24 million gallons a day out of the ground water, and Cricket Valley. This is water impact. It's also traffic impact. It's all sorts	T2-34	Cumulative impact analysis followed prescribed scopes developed not only through the public and agency review process for this Project pursuant to SEQRA, but used by the broader regulatory and consulting community to understand the potential for project effect. Both regional and site-specific conditions were incorporated, and all impacts were considered within the local context. Numerous working group meetings were held to allow the community to bring local issues to CVE and to facilitate discussion of key concerns, many of which have resulted in Project refinements to help mitigate impacts to Dover and the surrounding communities.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-6: Response to Comments Regarding Cumulative Impacts**

Author	Summary	Comment Number	Response
	<p>of impacts. I think the Town really needs to make sure that the cumulative impacts from a long-range standpoint are considered in all of this. So that they are laid out and there are clear decisions made by the Planning Board. Where they want Dover to be in 25 years and how much should each project take from or add to the Town. It's a little hard to anticipate the economic downturn that stopped Wind Rose. But these are serious issues that affect the natural environment but also affects the community and social environment and the whole culture of the area.</p>		
<p>Ross Cardwell, Wingdale Resident</p>	<p>...I'm not sure that there's been a clearcut study as to the impact of the development of this plant on Dover Knolls, what will that do.</p>	<p>T3-53</p>	<p>Cumulative impacts have been carefully considered as a part of the SEQRA process for this Project, addressed within each relevant technical area of study. These cumulative impacts considered not just regional effects, but local effects, with particular attention paid to the proposed Knolls of Dover project. For instance, the traffic study (DEIS Section 6.3 and DEIS Appendix 6-D), Water Well Test Report (DEIS Section 5 and DEIS Appendix 5-E), Site Water Budget Report (DEIS Section 5 and DEIS Appendix 5-C), and visual analyses (DEIS Section 6.2) specifically incorporated the Knolls of Dover project, as well as other typical community growth over time.</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-6: Response to Comments Regarding Cumulative Impacts</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Chris Wood, Pawling Resident, Oblong Land Conservancy	The project includes a number of conservation measures and pump tests have been run that would indicate that the needs of the project should not exceed local capacities. However, the fact remains that the communities in the valley rely upon an aquifer. This is just a finite resource. The Swamp River is a slow moving stream with limited capacity to self-cleanse. Were the water resources to become contaminated or subject to chronic depletion present and future residents of the area would have nowhere to turn. In view of this, we believe according to the water resources on a regional basis to serve the needs of CVE against the long-term implications of additional piecemeal development in the area, as well as large-scale projects such as Dover Knolls...	T3-23	Alteration of the wetlands is not anticipated due to Project water use, confirmed by the wetland monitoring described in DEIS Section 5.4.4.2 and discussed further in Section 5.3.2.  The Project's Site Water Budget Report (DEIS Appendix 5-C) was commissioned to specifically analyze whether the Project's water consumption, in conjunction with other proposed projects in the area, including the Knolls of Dover, will be sustainable. The Chazen Companies, which has been involved in Harlem Valley watershed investigations since 1997, was chosen to conduct this study based on their knowledge and expertise of Harlem Valley hydrogeology. Their conclusion is that the Project water withdrawal needs are locally sustainable. Further, under proposed regulations at 6 NYCRR Part 601, the Project may be required to obtain a water withdrawal permit. Once these regulations become effective, CVE will seek to obtain required water withdrawal permits, which are expected to carry with them stringent reporting requirements on the quantities of water withdrawn.  CVE has committed to install a stream gauging station downstream of the Project on the Swamp River. Meetings with local residents and environmental groups have concluded that the Route 22 bridge, where a United States Geological Survey (USGS) stream gauging station had been previously sited, would be the most advantageous location for gauging to occur.  As discussed in Section 5 of the DEIS and Section 5 of this FEIS, CVE has incorporated a Zero Liquid Discharge system into the Project. Water is continually recycled using this system, such that no process wastewater discharge is required. With no discharge of process wastewater, that potential pathway for contamination of groundwater supplies will be avoided.

#### 1.4.6 Project Fuel Source

The Project proposes to utilize natural gas as the sole fuel for the Project's combustion turbines, HRSG duct burners and auxiliary boiler. In addition, ULSD fuel will be used in the emergency fire pump and black-start generators. These are the cleanest fuels available for each respective equipment type given their intended use.

The Project location was selected, in part, due to its close proximity to electric and gas transmission lines, which are located immediately adjacent to the Property. The Project will require a 500-foot lateral pipeline to connect to the adjacent Iroquois gas pipeline which abuts the site. No other pipeline infrastructure will be required for the Project.

No hydro-fracking is proposed as a part of this Project. Natural gas will be supplied to the Project from the existing Iroquois pipeline adjacent to the Project site. CVE will be relying upon the general flow of natural gas from many sources within the interstate pipeline transportation system. The Project cannot influence, nor can it distinguish between the potential sources of natural gas in the interstate pipeline system.

Responses to comments regarding the source of natural gas for the Project and other fuel-related issues are provided in Table 1-7.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-7: Responses to Comments Regarding Project Fuel Source**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Venna Currow, Wingdale Resident	Natural Gas prices will cost more because of the demand [the project] will have.	11-2	Pricing of natural gas is not generally determined through local demand, but on a national basis. National demand at the “Henry Hub” in Louisiana, as well as other factors such as weather, storage and fuel competition all contribute to natural gas pricing. Based upon New York State natural gas consumption in 2010, the Project’s demand would represent less than 4 percent of total demand. <sup>11</sup> No material impact to the price of natural gas is anticipated.
C.L.J. Wood, Oblong Land Conservancy	We are aware that a variety of questions have been raised including the short-term need for this plant, the long-term availability and cost of the gas used to power it, the linkage, if any, with the issue of hydro-fracking in the Marcellus Shale formation and the benefits that will accrue locally as opposed to regionally from the construction and operation of the plant.	12-1	The need for power is addressed in Section 1.4.3, and Project benefits are addressed in Section 1.4.7 of the FEIS. Firm transportation capacity is available on the Iroquois pipeline from Iroquois and several additional capacity resources. At this time, the applicant has no gas transportation contracts for capacity. The Project is negotiating for both primary and secondary firm supply with several parties including Iroquois. CVE will be relying upon the general flow of natural gas from many sources within the interstate pipeline transportation system. The Project cannot influence, nor can it distinguish between the potential sources of natural gas in the interstate pipeline system.

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<sup>11</sup> Energy Information Administration, New York Natural Gas Consumption by End Use – 2011, Available at: [http://www.eia.gov/dnav/ng/ng\\_cons\\_sum\\_dcu\\_sny\\_a.htm](http://www.eia.gov/dnav/ng/ng_cons_sum_dcu_sny_a.htm)

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-7: Responses to Comments Regarding Project Fuel Source</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Anna McCabe, no affiliation listed	Until the gas power plant operator signs with NYS an agreement that this plant will never burn the product of hydrofracked gas, I stand in opposition to its opening.	21-1	As noted in the response to Comment No. 12-1, this Project does not influence nor can it distinguish between the potential sources of the pipeline quality gas that will be delivered through the interstate pipeline system.
Catherine Sebastian, Ulster County Resident	Where and how would this natural gas be obtained? The idea that Fracking would be involved is frightening. I believe the well being and future of our country depends on rejection of fossil fuel.	22-1	No hydro-fracking is proposed as a part of this Project. Natural gas will be supplied to the Project from the existing Iroquois pipeline adjacent to the Project site. The Project cannot influence, nor can it distinguish between the sources of natural gas in the interstate pipeline system.
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	I have been told that gas for this project will come from fracking...I cannot condone such an unethical, heartless method of obtaining fuel, especially if it is not really needed as NYS Independent Service Operator finds.	23-13	No hydro-fracking is proposed as a part of this Project. CVE will be relying upon the general flow of natural gas from many sources within the interstate pipeline transportation system. The Project cannot influence, nor can it distinguish between the sources of natural gas in the interstate pipeline system. The need for this Project is discussed above, at Section 1.4.3 of the FEIS.
Joel Tyner, Dutchess County Legislature	-- has anyone from Cricket Valley, Dover, or the NYS Department of Environmental Conservation 100% guaranteed that none of the natural gas to be burned at the power plant will come from fracking?  Recall May Duke University study-- groundwater in areas near active fracking wells contained, on average, methane concentrations 17 times higher than wells located where fracking was not taking place --  Yes, all of this is pertinent to the plant proposed for Dover – because it's to be fired by "natural gas" (with good possibility	24-1	

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-7: Responses to Comments Regarding Project Fuel Source</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	much of that natural gas is coming from fracking—over my dead body!"		
Jurgen Wekerle, Sierra Club, Atlantic Chapter	Not explained but integral to the CVE Project is the planned fuel switch to Marcellus Shale hydrofracked methane as the fuel source, and the related plan to construct the new 66-mile, 36-inch diameter NY Marc pipeline needed to transport that Marcellus Shale gas to a new Iroquois pipeline interconnection to be constructed in Pleasant Valley which will feed the CVE power plant.	30-1	
Jurgen Wekerle, Sierra Club, Atlantic Chapter	<i>The letter takes the position that the project is dependent on Marcellus Shale gas and the new pipeline, believing it is segmentation if full and cumulative impacts of that action is not considered, including public health impacts associated with air quality, greenhouse gas issues, evaluation of infrastructure deficits, etc.</i>	30-3	
Tamara Wade, Wingdale Resident	What is the likelihood of new pipelines being laid for CVE to connect to gas from the Marcellus Shale in the future, and the demand for hydro-fracking. Despite the statement that this particular project itself is "not hydro-fracking" wouldn't it be fair to say that gas fired power plants = need for natural gas=future need for hydro-fracking? And what about the issue of cabling? The Benjamin Company plans	31-18	The Project site was selected due to its close proximity to existing electric and gas transmission lines, which are located immediately adjacent to the Property (see Section 1.3.7 and 1.3.8 of the FEIS). The Project will require a 500-foot lateral pipeline to connect to the adjacent Iroquois gas pipeline which abuts the Property. No other pipeline infrastructure will be required for the Project.  CVE will be relying upon the general flow of natural gas from many sources within the interstate pipeline transportation system. The Project cannot influence, nor can it distinguish between the sources of natural gas in the interstate pipeline system. CVE cannot address the future of use of

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-7: Responses to Comments Regarding Project Fuel Source</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	to eventually utilize gas for their development do they require a power plant in order to connect to the pipeline? And if Benjamin companies do access natural gas from Iroquois what impact will that connection have on our town.		natural gas by the Knolls of Dover development.
Ryan Courtien, Town Supervisor, Town of Dover	ES-1: “clean burning natural gas” vs. “natural gas” Is there non-clean burning natural gas? What is the definition of clean burning?	37-3	The use of this phrase is primarily intended to stress the use of natural gas, the cleanest-burning of the fossil fuel alternatives. Composed primarily of methane, the main products of the combustion of natural gas are carbon dioxide and water vapor, the same compounds we exhale when we breathe. Although all natural gas would be considered “clean” relative to other fossil fuels, pipeline quality natural gas, which will be used for this Project, is also subject to standards that control its constituents further. To eliminate any potential confusion as indicated by this comment, this FEIS uses the term “natural gas” rather than “clean burning natural gas” when referencing fuel for the Project.
Ryan Courtien, Town Supervisor, Town of Dover	1-31: Does the natural gas go directly from the Iroquois pipeline into the lateral pipeline then into the equipment or is there a reservoir between the lateral and the equipment to take care of any increases / decreases in pressure?	37-58	As shown in Figure 1-5 of the FEIS, the natural gas from the existing Iroquois pipeline will go through the proposed interconnecting (or lateral) piping to the proposed Fuel Gas Metering Station. Because the Iroquois pipeline operates at a pressure of 800 to 1,000 pounds per square inch, which is well above the requirements of the Project (600 pounds per square inch), the Project will not require a gas compressor. The Project will instead need to reduce pressure and has included a Fuel Gas Conditioning and Pressure Reducing Station in its designs. This is not a reservoir system. Once the gas pressure is reduced, the gas will continue to flow through the piping, which will include fuel gas preheaters, to the facility.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-7: Responses to Comments Regarding Project Fuel Source</b>			
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Ryan Courtien, Town Supervisor, Town of Dover	1-31: With the creation of this power plant, Iroquois will likely need to adjust their pipeline, with a compressor station, cooling system or loop up-line, to take care of the increased demand for natural gas. Has there been a discussion with Iroquois regarding this likely event and, if so, where would the alterations to the pipeline take place to accommodate the project?	37-59	Discussions with Iroquois have taken place to discuss the availability of natural gas and what modifications might be required. No changes to the Iroquois pipeline need to take place in Dover other than 500-foot lateral pipeline from the Iroquois main line to the Project's fuel gas metering station.
Cristina Bleakley, Dover Resident	How will Cricket Valley provide natural gas to Dover Knolls? Is their any other construction that will take place to provide others with natural gas?	40-10	CVE is a wholesale generator of electricity, which it will produce and sell in the electric markets administered by NYISO. The Project will purchase natural gas from the nearby Iroquois pipeline, but it is not licensed to supply natural gas to others, a service that can only be provided by the area's franchised local gas utility, New York State Electric & Gas (NYSEG).
Ilana Nilsen, [unknown]	...For the natural gas coming from the Iroquois pipeline, where will that be coming from? Is this part of New York State? Is it coming down from Canada?	T1-21	The CVE Project will interconnect to the Iroquois gas pipeline which runs through New York State (and Connecticut) from Canada to Long Island. Iroquois has numerous connections with other interstate pipelines. CVE will be relying upon the general flow of natural gas from many sources within the interstate pipeline transportation system and it is not possible to either influence or distinguish from where the gas originates.
Jessica Abrams, Earleton, NY	Just because [natural gas] comes from the earth does not make it a green source.	T2-17	Natural gas is the cleanest-burning fossil fuel alternative available.
Peter Rustenberg, Sherman, CT	Bob Boyle...asked me to read this to you tonight. "The single biggest threat to water in the history of the United States is slick water hydraulic fracturing, a/k/a fracking, for unconventional natural gas and shale	T2-26	CVE will be relying upon the general flow of natural gas from many sources within the interstate pipeline transportation system. The Project cannot influence, nor can it distinguish between the sources of natural gas

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-7: Responses to Comments Regarding Project Fuel Source</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	in more than 30 states." ...All the gas that comes here could be coming up from this horizontal hydrofracking in Pennsylvania.		in the interstate pipeline system.
Jessica Wade, Dover Resident	...Many of you spoke about hydrofracking tonight...And while this is not going to be a site where there's hydrofracking, they're hydrofracking in other parts of the country, and they're bringing the gas to this plant where they will burn it.	T2-27	
Jessica Wade, Dover Resident	So my question is: If the gas companies that are extracting the gas from the land are able to walk on and have landowners sign an agreement and say that there will be no problems, what are the gas companies that are constructing the plants and to burn the gas -- are they going to do the same to us? ...I ask you, for the people that are going to put this plant on our property in our small town, where our schools are less than a mile away, in your hearts, are you really doing the right thing? Are you telling us something that might not necessarily be true?	T2-28	CVE is working closely with the town, county and state, as well as reaching out to members of the public, in order to provide sufficient information to support reaching Project decisions with confidence. CVE has supplemented the official SEQRA process with extensive public outreach that includes 15 public workshops, two open houses, and a "Guide to the DEIS" newsletter mailed to Dover residents. In addition, CVE maintains a Project website ( <a href="http://www.cricketvalley.com">www.cricketvalley.com</a> ) through which it created an "Ask Cricket Valley" webpage, specifically designed to answer frequently asked questions and guide the public to answers within the DEIS.
Chris Wood, Pawling Resident, Oblong Land Conservancy	Long-term availability and costs of the gas used to power it, leakage, if any, with the issue of hydrofracking in the marcellus shale formation...	T3-18	CVE will be relying upon the general flow of natural gas from many sources within the interstate pipeline transportation system. The Project cannot influence, nor can it distinguish between the sources of natural gas in the interstate pipeline system. The demand of this one project is not sufficient to drive the need for new sources of natural gas supply.
Tyler Davis, Dover Plains	...I'm a big proponent of natural gas, I think it's a much better alternative than oil, but	T3-30	The commenter's sentiment is noted; however, CVE is a wholesale generator of electricity, which it will produce and sell in the electric markets

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-7: Responses to Comments Regarding Project Fuel Source**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Resident	what can we do to have the gas infrastructure placed...along Route 22 to the future Dover Knolls, Dover Plains? ...		administered by NYISO. The Project will purchase natural gas from the nearby Iroquois pipeline, but it is not licensed to supply natural gas to others, a service that can only be provided by the area's franchised local gas utility, NYSEG.
Tyler Davis, Dover Plains Resident	Also, the idea of a compressed natural gas power station like to fuel your vehicles, I think in the future we're gonna see -- you know, gas prices are already very high -- here in Dover, we must drive everywhere, so we could go off a lot of money on fuel, you know, could that be incorporated into the design?	T3-31	CVE will be relying upon the general flow of natural gas from many sources within the interstate pipeline transportation system. The Project cannot influence, nor can it distinguish between the sources of natural gas in the interstate pipeline system. The demand of this one Project is not sufficient to drive the need for new sources of natural gas supply.  The Project will purchase natural gas from the nearby Iroquois pipeline, but it is not licensed to supply natural gas to others, a service that can only be provided by the area's local franchised gas utility.
Ross Cardwell, Wingdale Resident	I've heard some really horrible stories about some of the potential problems relating to this process. It's called fracking, that I know absolutely nothing about, to tell you up-front.	T3-51	

#### 1.4.7 Project Safety

Combined cycle electric generating plants have excellent safety records and safety features and programs will be integrated into the Project. CVE will be required to follow all applicable federal, state and local codes and standards. In addition to incorporating advanced safety technology, CVE will coordinate its safety plans for the facility with local emergency agencies and the J.H. Ketcham Hose Company. Using the latest technology in controls and fire protection/detection, the Project will be one of the safest electric generating facilities in New York State.

All equipment with the potential for fire or explosion will be located central to the site to allow for maximum buffer from the property lines in the event of an accident. In addition, these facilities will be built with blast walls to contain and direct any blast. In response to the Middletown, Connecticut accident, the NFPA has issued new standards for purging natural gas pipes following construction. All cleaning of pipes will be performed with inert gases or compressed air, which is consistent with the new NFPA standards.

The Project will include comprehensive on-site systems for fire emergencies. Fire protection systems will comply with all applicable NFPA standards and recommended practices, as well as state and local codes. The fire protection systems will be designed and implemented by a qualified fire protection engineer, and reviewed by applicable federal, state, or local authorizes. The systems will be designed to be automated, with the assumption that facility personnel will have minimal involvement for fire response. CVE representatives have and will continue to coordinate with J.H. Ketcham Hose Company officials to ensure adequate resources are in place.

An Emergency Response Plan will be prepared prior to construction mobilization and will be designed and written to assist the facility's management, employees and outside responding agencies through emergency response actions at the facility. The plan will be developed in consultation with town officials and local emergency responders, to address different types of potential emergencies; emergency resources (equipment or personnel); levels of emergency response; principles to be applied during a response; detailed measures for initial response, containment, rescue, first aid and evacuation; termination of an emergency; notification procedures; drills and training; and the process for updating and modifying emergency procedures.

## Final Environmental Impact Statement

Cricket Valley Energy Project – Dover, NY

Prior to mobilization for the construction phase of the Project, CVE and its primary contractor will conduct the following activities as a component of Emergency Response Plan development:

- Interview occupational medical clinics within the Dover vicinity to select the one deemed best suited based upon location, quality of care and commitment to injury management principles.
- Work closely with all local providers of emergency medical response (including the J.H. Ketcham Hose Company) to assess response times and capabilities of each responder. The assessment will include capabilities to rescue from heights. Cranes and aerial lifts would be provided during construction if such capabilities are not in place.
- Survey area hospitals to verify services and other details as an occupational health safeguard. The location of the nearest trauma center will also be verified.
- Conduct a site visit with local law enforcement agencies to formally initiate the construction process and familiarize local authorities with the schedule, planned activities, and other relevant details.

During construction, there will be continuous, on-site security staff to secure the site and construction materials. Police service may be needed for limited traffic control during construction, and will be compensated; thereby, not incurring additional operating or infrastructure costs. The Emergency Response Plan utilized during construction will be modified to reflect operational conditions, and similar detailed review of procedures and resources will occur to ensure appropriate measures are in place.

During operations, the Project will maintain a 24-hour, on-site staff. The operating staff will utilize security monitoring systems, complete perimeter fencing, electronic badged gates and doors, inspections, and other procedures to secure the site. Any increase in demand for police services during Project operation is expected to be minimal. Because the Project will not result in a significant population increase, no significant increase in use of the existing fire or emergency medical services is expected. A plan illustrating internal traffic circulation allowing for emergency and other vehicle access within the Project layout is provided in Appendix 6-E.

Table 1-8 provides responses to comments received with regard to Project safety.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-8: Response to Comments Regarding Project Safety</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Michael Tierney, Dover Union Free School District	In the event of a safety concern, plans must be in place to notify the District and parents, and evacuate and transport students (especially with regard to a prolonged closure of Route 22).	13-4	A detailed emergency response plan will be developed by CVE in consultation with appropriate town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers.
Michael Tierney, Dover Union Free School District	Finally, a plan for the prolonged closure of school, due to a plant safety issue, must also be in place. This extensive planning for crisis management, including communications and evacuation procedures, should not be the District's responsibility. The District does not have the time or resources to develop these important plans that are necessary when being in close proximity to a power plant.	13-5	
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	We need to be sure that our small rural fire company is equipped to handle accidents. We recall the huge explosion and tragedy at the Middletown, Ct. gas fired power plant. Safety is critical especially since the facility is close to the Dover High School and Wingdale Elementary School and residential communities, as well as Con Ed transmission lines and Iroquois gas transmission line. How will Cricket Valley be prepared to handle such a situation?	23-11	At the Middletown, Connecticut project, natural gas was used to purge pipes, contributing to the explosion at that facility. In response to the Middletown, Connecticut accident, the NFPA has issued its new standard NFPA 56 (PS) "Standard for Fire and Explosion Prevention During Cleaning and Purging of Flammable Gas Pipeline Systems." All cleaning of pipes will be performed with inert gases or compressed air, which is consistent with Advanced Power's policy and the new NFPA standards. The plant at Middletown did not use inert gases for purging.  A detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) will be developed in consultation with appropriate Town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers. The



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-8: Response to Comments Regarding Project Safety**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Mark Chipkin, Pawling Resident	Has Cricket Valley explained how they would avoid a deadly situation similar to the explosion at a Middletown CT plant?	25-12	plant will be equipped with on-site fire protection systems which will be fully automated to provide alarm, detection, and suppression capability for all occupied spaces and hazard areas, with the assumption that facility personnel will have minimum involvement for fire response. CVE will work cooperatively with the J.H. Ketcham Hose Company in the planning for and response to emergency situations, should they arise. CVE representatives have coordinated, and will continue to coordinate, with J.H. Ketcham Hose Company officials to ensure adequate resources are placed. In response to the Middletown accident, the NFPA has issued new standards for purging natural gas pipes following construction. All cleaning of pipes will be performed with inert gases or compressed air, which is consistent with the new NFPA standards. The Middletown plant did not use inert gases to purge pipes.
Tamara Wade, Wingdale Resident	I am concerned about the potential for derailment near the facility however unlikely it may be and the use of 19% aqueous ammonia. I am also concerned about the safety of passengers on Metro North in the event of a catastrophic explosion, which CVE states would not be severe and is unlikely due to the cautious measures they take. One must always assume technological and human error can occur, for instance Three Mile Island, in its time a “state of the art” facility with highly skilled employees, an excellent example of human error.	31-13	The 19 percent aqueous ammonia will be delivered to the site by specialized tanker trucks approved for transport of this material. No aqueous ammonia will be delivered to the project by rail. All equipment with the remote potential for fire or explosion will be located central to the site to allow for maximum buffer from the property lines in the event of an accident. In addition, these facilities will be built with blast walls to contain and direct any blast. In Section 4.6.3 of the DEIS, CVE modeled the consequences of a worst-case release of ammonia assuming a complete failure of the onsite ammonia tanks and instantaneous release of 100 percent of the ammonia stored onsite. See Section 4.3.4.4 – Additional Impact Analysis (Aqueous Ammonia). Even under this highly unlikely scenario, no dangerous concentrations of emissions would result off of the Property, and no impact to any offsite location, including the rail line, would occur.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-8: Response to Comments Regarding Project Safety**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Tamara Wade, Wingdale Resident	I am deeply concerned about the possibility of explosion and fire, resulting in possible implosions of windows of nearby residences, train and vehicles passing by, particularly school buses. I am concerned about the resulting structural integrity of CVE, local residences, their water wells and the Iroquois Pipeline. What will the air and water quality issues and health risk assessments be as a result of explosion and fire? I imagine those emissions would be quite severe, particularly with schools and residences, aquifer and wetlands so close in proximity. Despite Advanced Power upholding that such events are unlikely or would be very mild in nature, one must realize (again) that technological and human error DO occur even in the best of the best. At one time Three Mile Island, and Indian Point were "state of the art."	31-15	The Project will be designed and built to meet or exceed the requirements of federal, New York State and local building codes. All equipment with the remote potential for fire or explosion will be located central to the site to allow for maximum buffer from the property lines in the event of an accident. In addition, these facilities will be built with blast walls to contain and direct any blast.  A detailed emergency response plan addressing these concerns will be developed with the appropriate Town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers.
Ryan Courtien, Town Supervisor, Town of Dover	1-17: How will ammonia be delivered to the site? How often?	37-50	The 19 percent aqueous ammonia will be delivered to the site by specialized tanker trucks approved for transport of this material. It is anticipated that there will be 15 truck deliveries per month.
Ryan Courtien, Town Supervisor, Town of Dover	1-18: The risks of using hydrogen gas for cooling need to be explained.	37-51	The Project will utilize hydrogen-cooled generators to increase the efficiency of the power plant. Hydrogen-cooled generation have been widely used and safely operated in the power generation industry for many years and are designed so that hydrogen cannot escape into the atmosphere and cause a hazardous environment (hydrogen, when mixed

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-8: Response to Comments Regarding Project Safety**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
			<p>with air, poses a combustion risk). As a safety precaution, the generators would only use high-purity hydrogen (&gt;99% hydrogen). In addition, the generators' stators are designed for maximum safety and are strong enough to limit the effects of a combustion event to only the generator casing and enclosed parts.</p> <p>The hydrogen mobile storage area and system will be designed in accordance with the most stringent NFPA 50A requirements pertaining to hydrogen storage systems, in addition to any local building codes. The storage area and system will be protected by a fence and concrete bollards and will be located so that it is accessible to delivery equipment and sufficiently distant from transmission lines, buildings, ventilation or air intakes, and property lines. Testing of the piping, tubing, and fittings after installation shall be performed and proven gastight at maximum pressure. In addition, electric power, lighting, and controls shall be designed to prevent any potential electrical ignition sources.</p> <p>The hydrogen storage facility will include emergency isolation valves, and will require annual inspection and maintenance by a qualified representative of the equipment owner.</p>
Ryan Courtien, Town Supervisor, Town of Dover	1-18: More detail is needed for purging of hydrogen gas.	37-52	All cleaning of pipes will be performed with inert gases such as nitrogen or compressed air. No hydrogen or natural gas cleaning will occur per the new NFPA standards. Additional detail on cleaning procedures will be detailed in the Project's Emergency Response Plan, which will be submitted to the Town of Dover.
Ryan Courtien, Town Supervisor, Town of Dover	1-32: A comprehensive list of natural gas power plant construction and operation accidents involving natural gas needs to be provided describing the nature of the accident, what when wrong and why it won't happen at CVE.	37-60	All cleaning of pipes will be performed with inert gases or compressed air. No natural gas will be used to clean pipe per Advanced Power's policy and the new NFP standards. Construction accidents related to the purging of natural gas have been studied in detail by the U.S. Chemical Safety Board. As reported in their 2010 recommendations following the Kleen Energy accident, there have been three such incidents in the past

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-8: Response to Comments Regarding Project Safety</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
			decade (Middletown, Connecticut; Fairfield, California; and Lorain, Ohio). For more information see: <a href="http://www.csb.gov/assets/document/KleenUrgentRec.pdf">http://www.csb.gov/assets/document/KleenUrgentRec.pdf</a> .
Ryan Courtien, Town Supervisor, Town of Dover	1-32: A detailed plan taking into account all possible ems and fire incidents, with appropriate responses, needs to be in place for both construction and operation.	37-61	A detailed Emergency Response Plan will be developed in consultation with appropriate Town of Dover entities, including school, fire, emergency response and responsible town officials.
Cristina Bleakley, Dover Resident	Is having the railroad so close do the plant a disaster waiting to happen?	40-4	The detailed design of the plant will continue to take into account the proximity of the railroad. All safety requirements of state, federal, and local regulations including those of the Metro-North railroad will be part of the design. There are numerous rail lines that lie adjacent to power plant projects. The Roseton and Danskammer plants in Newburgh are nearby examples.
Cristina Bleakley, Dover Resident	...Is [the plant] it safe? After the plant is in operation is not much we can do. Therefore we must concentrate now and we must make sure we don't make a choice without making sure it is best choice for us. All Dover residents have the right to live in a safe environment.	40-6	The Project will be designed and built to meet or exceed the requirements of Federal, New York State and local building codes. All equipment with the remote potential for fire or explosion will be located central to the site to allow for maximum buffer from the property lines in the event of an accident. In addition, these facilities will be built with blast walls to contain and direct any blast.  A detailed emergency response plan will be developed in consultation with the appropriate Town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers.
Alan Surman, Dutchess County Legislator	I would like to see some consideration, for example, where the walls are built strong enough on the east side so if we ever, God forbid, have a disaster, the blast will be directed up or at least away from Metro-North and Route 22.	T1-2	All equipment with the remote potential for fire or explosion will be located central to the site to allow for maximum buffer from the property lines in the event of an accident. In addition, these facilities will be built with blast walls to contain and direct any blast.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-8: Response to Comments Regarding Project Safety**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Alan Surman, Dutchess County Legislator	I would also like to see -- I know these folks do carry insurance -- but, perhaps, some kind of a fund should be put aside, potentially, for window breakage within a few miles, if they do have a mishap there, and potential compensation for landowners immediately around the site, if they have some downturn in their property values based on this plant.	T1-6	The Project will carry substantial insurance to cover the cost of any damage associated with a Project incident.
Cate Wilson, Wingdale Resident	In the executive summary, it talks about the area of primary impact, which I think has been designated as a one-mile zone from the projected project and one-mile radius around. Our property is actually well within that zone, I believe.	T2-3	A 1-mile radius is a typical planning standard to describe a site's setting from a land use and natural features perspective. It is not intended to represent a specific "area of impact."  The area of primary impact for this Project is the 57-acre Project Development Area. The regulations for notification during any construction-related blasting occurring on the site require a notice to everyone within a zone of a 1,000-foot radius area. The notification plan will notify all property owners abutting the Property, which will include the commenter's property.
Cristina Bleakley, Dover Resident	And the other question I have is concerning the emergency. I know that they... will have some kind of emergency system in case of emergency. Are the schools being trained on how to act in the case of emergency?	T2-12	A detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) will be developed in consultation with the appropriate Town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-8: Response to Comments Regarding Project Safety**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Alan Surman, Dutchess County Legislator	...I've told them that I was guardedly in favor of this. I'm more worried about the explosive nature of natural gas. But even if we had a total disaster and even if this plant were to blow sky-high, you put out the fire and a couple of days later the event is done... we're not talking about any other serious consequences, so it's a short-term event that we can deal with.	T3-40	The commenter is correct that the Project incorporates substantial design measures to prevent and contain catastrophic events, including structural features as well as other emergency response equipment and procedures that keep the facility self contained.
Alan Surman, Dutchess County Legislator	If these folks have learned by the Kleen Energy Project in Connecticut, then they'll do special procedures for purging the lines and whatever and we'll have a better plant in that regard.	T3-41	All purging of pipes will be performed with inert gases or compressed air. No natural gas purges will occur per Advanced Power's policy and the new NFPA standards.
Ross Cardwell, Wingdale Resident	But if there's a remote possibility of any kind of explosion, whether or not it's subterranean or whether or not it's in my kitchen sink when I turn on the faucet, is of major concern to me and my family.	T3-52	In response to the Middletown, Connecticut accident, the NFPA has issued new standards for purging natural gas pipes following construction. All cleaning of pipes will be performed with inert gases or compressed air, which is consistent with the new NFPA standards.  A detailed Emergency Response Plan will be developed in consultation with appropriate town officials, including the Town Board, Dover Union Free School District, J.H. Ketcham Hose Company, and other emergency response providers.

#### 1.4.8 Project Benefits

The Project fulfills a stated need and has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional adjacent area, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment, 25 to 30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other economic benefits. Due to the nature of the Project, it will not place any burden on the community for additional infrastructure or services. A full discussion of the economic benefits of the Project can be found in Section 6.7 of the DEIS.

These contributions are in no way considered to be a replacement for good environmental stewardship. The CVE Project has demonstrated a commitment to such stewardship, reducing its environmental impacts and giving back to the community through a wide variety of community outreach efforts (such as Advisory Working Groups, Open Houses, and newsletters). Project design refinements and potential community benefits have resulted from these discussions; these conversations continue as CVE works with the Town of Dover Board to discuss components of a formal community benefits package. In addition, CVE continues to support the advancement of Dover's youth through a scholarship, awarded annually to a graduating Dover High School Senior pursuing an advanced degree in engineering or environmental science. Once a tax agreement has been finalized, the town officials will be free to determine how best to apply the additional funds they will receive.

Table 1-9 outlines responses to comments regarding Project benefits.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-9: Responses to Comments Regarding Project Benefits**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Tonia Shoumatoff and Elaine LaBella, Housatonic Valley Association	HVA is pleased that Cricket Valley Energy, the Oblong Land Conservancy and the Friends of the Great Swamp have begun exploring ways to permanently conserve the portion of the project site to the west of the Metro North railroad tracks.	9-1	Restoration of the Project site and conservation of the 79-acre portion of the Property located west of the Metro-North rail road track are significant benefits associated with the Project.
C.L.J. Wood, Oblong Land Conservancy	...We are very pleased to note that the proposal will conserve some 74 acres in a sensitive area adjacent to the Swamp River and our own "Curruth Preserve," and will provide for some remediation of formerly degraded wetlands. It will also clean-up an old industrial area that is a blight upon the landscape and in so doing will set a new standard for developments in the immediate area.	12-2	
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Cricket Valley will not provide power for this community or more inexpensive power anywhere else. It may also receive so many tax breaks that it will not bring many economic benefits...Any community benefit may also be offset by the need for emergency and fire services, road maintenance all funded by the taxpayer as well as increased air pollution, community health issues, decreased water availability and/or contaminated aquifer.	23-14	As detailed in Section 1 of the DEIS and further supported in Section 1 of this FEIS, the Project will be privately funded, and will generate substantial tax revenue to the benefit of the local community. While the Project is a wholesale generator, and cannot sell electricity directly to the community, the Project's more efficient technology will help displace the operation of existing, less efficient plants, yielding substantial cost savings. These savings were quantified in the economic dispatch analysis provided in Appendix 1-A of the DEIS, which projects potential aggregate production cost savings of \$241 million in New York State between 2015 and 2020. The Project fulfills a stated need and has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated,



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-9: Responses to Comments Regarding Project Benefits**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Mark Chipkin, Pawling Resident	Cricket Valley can do so much more to give to the Dover Community: new acreage of trees and parks can be purchased, trees can be planted to offset the carbon dioxide and other greenhouse gases that will be pumped daily into our air, a plant can be built to remove toxins from existing water ways and the aquifers. Air pollution monitoring systems, educational scholarships and the support of local land acquisition and environmental programs are some possible examples of appropriate give backs to our community.	25-7	restoring degraded wetlands and jurisdictional adjacent area, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment (the hardest hit economic group in New York State), 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other economic benefits. Due to the nature of the Project, it will not place any burden on the community for additional infrastructure or services. A full discussion of the economic benefits of the Project can be found in Section 6.7 of the DEIS.  Potential Project impacts have been carefully assessed, and compliance demonstrated with applicable environmental standards.  CVE has engaged in a wide variety of community outreach efforts (such as Advisory Working Groups, Open Houses, and newsletters) to share Project information and listen to concerns and priorities of the Dover community and its neighbors.  Project design refinements and potential community benefits have resulted from these discussions. For instance: <ul style="list-style-type: none"> <li>• CVE has made considerable efforts to refine the proposed facility design to minimize water use, maximize water recycling and eliminate the need for process wastewater discharge, all of which are a financial commitment to good stewardship.</li> <li>• CVE has been working with local land acquisition groups, including the Oblong Land Conservancy, to place the land west of the Metro-North rail line (approximately 79 acres) into permanent conservation.</li> <li>• CVE continues to support the advancement of Dover's youth through a scholarship, awarded annually to a graduating Dover High School</li> </ul>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-9: Responses to Comments Regarding Project Benefits</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Mark Chipkin, Pawling Resident	Jobs in the community in exchange for polluted air for everyone else, is not acceptable.	25-11	<p>Senior.</p> <ul style="list-style-type: none"> <li>• CVE will monitor and report water usage to NYSDEC, consistent with anticipated permitting requirements, and has committed to install a stream gauging station to monitor flow downstream of the Project on the Swamp River.</li> <li>• The Project will displace the operation of older, less efficient power plants resulting in a net decrease in greenhouse gas emissions (see Appendix 1-A in the DEIS).</li> <li>• The Project will remediate an abandoned industrial site, including restoration of previously impacted wetlands on the site.</li> </ul> <p>Other community benefits are also proposed that are not specifically integrated into the Project's siting and design. These will be part of a Community Benefits Package to be negotiated with the Town of Dover.</p> <p>CVE has conducted a wide variety of community outreach efforts. Project design refinements and potential community benefits have resulted from these discussions. For example, CVE has been working with local land acquisition groups, including the Oblong Land Conservancy, to place the land west of the Metro-North rail line, approximately 79 acres, into permanent conservation.</p> <p>The Project provides for jobs and other community benefits while complying with stringent air quality standards and improving regional air quality through displacement of the operation of older, less efficient and higher emitting power plants, as well as the purchase of direct emissions offsets equal to 115 percent of the Project's maximum permitted annual emissions. Further, the air dispersion modeling analysis demonstrated that the proposed Project, taking existing air quality levels and the contributions of other sources into account, will fully comply with the National Ambient Air Quality Standards or New York Ambient Air Quality</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

<b>Table 1-9: Responses to Comments Regarding Project Benefits</b>			
<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Tamara Wade, Wingdale Resident	The greatest beneficiary is Advanced Powers, then, whoever is the owner of the facility there after, Dover is very last on that list. Will our schools stand to lose any state funds as a result of receiving payoffs, or contributions from CVE? Some residents of Dover are under the assumption that their property and school taxes will be lowered as a result of CVE, is that so? And is the financial payoff or gain a wise trade for accepting declined health of our environment and all that live within it? I would rather pay my taxes and not pollute the environment. Some believe those of us with concerns do not like progress, On my list of hopes for progress in this town, never was a power plant one of them. Is revenue generation truly progress when ozone producing smog, and water contamination or depletion is the price? Since when has anyone ever needed to receive a payoff to accept something truly worthwhile? With the question of need on the table, and the reports that state even without Indian Point we already have sufficient power production, a bargain is no bargain if you don't need it.	31-20	Standards which have been established by the USEPA and NYSDEC, respectively, to ensure the protection of the health of the most sensitive segments of the population.  The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will also provide a long-term revenue source for the Dover Union Free School District, the Town of Dover and Dutchess County through contributions to the tax base. The Project is currently in discussions with the Town and the School District to ensure these taxing jurisdictions are only positively affected.  These contributions are in no way considered to be a replacement for good environmental stewardship. The CVE Project has demonstrated a commitment to such stewardship, reducing its environmental impacts and giving back to the community through a wide variety of community outreach efforts (such as Advisory Working Groups, Open Houses, and newsletters). Project design refinements and potential community benefits have resulted from these discussions; these conversations continue as CVE works with the Town of Dover Board to discuss components of a formal community benefits package. For example, CVE has been working with local land acquisition groups, including the Oblong Land Conservancy, to place the land west of the Metro-North rail line, approximately 79 acres, into permanent conservation. In addition, CVE continues to support the advancement of Dover's youth through a scholarship, awarded annually to a graduating Dover High School Senior pursuing an advanced degree in engineering or environmental science.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-9: Responses to Comments Regarding Project Benefits**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
<p>Tamara Wade, Wingdale Resident</p>	<p>As for location I am certain it is ideal for the needs of Advanced Power's Cricket Valley Energy project. However, we need to prove that it is a wise location with regard to being in a stagnant valley, within proximity to Schools, residential property, aquifer, wetlands, and railroad.</p>	<p>31-21</p>	<p>The Project fulfills a stated need and has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional adjacent area, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment (the hardest hit economic group in New York State), 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other economic benefits.</p> <p>Potential Project impacts have been carefully assessed, and compliance demonstrated with applicable environmental standards.</p>
<p>T. Michael Twomey, Energy</p>	<p>There is no clear basis in the DEIS for concluding that, in the context of New York's current generation source mix, the Project will advance New York's electric system, air quality and climate change goals, or be constructed and operated in reasonable conformity with New York environmental requirements. There is likewise no basis in the DEIS for concluding that the Project's disruption to community character, whether based on height, sound or the impacts to the Great Swamp watershed, are offset by the prospect of socio-economic or employment benefits to the region...</p>	<p>33-1</p>	<p>As detailed in Section 1 of the DEIS and further supported in Section 1 of this FEIS, there is a clear and stated need for the Project within the proposed Project timeline. The Project will be privately funded, and will generate substantial tax revenue to the benefit of the local community.</p> <p>As discussed in Section 1.4.3 of the FEIS, CVE has articulated a basis for an environmental, reliability and economic need for the Project, which the NYSpsc will consider as part of its independent determination on CVE's application for a CPCN pursuant to Section 68 of the PSL. In addition, the Project has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional Adjacent Area, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment (the hardest hit economic group in New York State), 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other</p>

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

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<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
			<p>economic benefits.</p> <p>Potential Project impacts have been carefully assessed, and compliance demonstrated with applicable environmental standards. As discussed in FEIS Section 4.3.1.1, the Project will represent the lowest emitting fossil-fueled power plant of its kind ever constructed. Further, the Project will reduce regional emissions of all air pollutants and greenhouse gases by displacing the operation of older, less efficient and higher emitting power plants in the region. Increasing baseload electric generation capacity while reducing regional emissions is completely consistent with New York's air quality and climate change goals and objectives.</p>
Sibyll Gilbert, Oblong Land Conservancy	CVE has made a commitment to permanently preserve the land in The Great Swamp, located on the western side of the MTA Tracks. Oblong would be pleased to accept these lands, subject to the Board's approval. However, as discussed with representatives of CVE previously at various meetings, we would require accessibility to these lands, and the arrangement would need to be contingent on a professionally drafted management plan, accompanied by an endowment to fund the necessary monitoring and enforcement of any liability issues.	36-2	Restoration of the Project site and conservation of the portions of the property located west of the Metro-North railroad track are significant benefits of the Project. CVE is willing to discuss the proper management and care of the land with all groups with an interest in maintaining its current character.
Ryan Courtien, Town Supervisor, Town of Dover	ES-1: "environmental benefits on a local, regional and state-wide basis." The term "environmental benefits" needs to be further explained especially local.	37-2	Environmental benefits associated with the Project are articulated in the response to Comment 23-14. Many of these – particularly the clean-up of the site and preservation of land adjacent to Swamp River – will be predominantly local benefits.



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-9: Responses to Comments Regarding Project Benefits**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Stephen and Cate Wilson, Wingdale Residents	The DEIS makes no accommodation for unexpected adverse impacts...The DEC should require CVE to set aside funds sufficient for any reparations as a contingency against any and all possible failures and damaging effects that they have not foreseen...the local community will bear the brunt of any difficulties and any adverse Impacts that result from this project, despite the fact that we will gain very little from the plant in operation: a job count of only 25-30, most of which will be technical and may well be imported; a tax revenue base of only \$1MM or so, which is extraordinarily low given the \$1BN facility cost and potential revenue to be generated by plant operations; it is not even clear that we will benefit from improved, lower cost electrical supply.	38-10	Detailed impact evaluations have been conducted, considering various potential worst case scenarios, and best management plans will be developed to address other potential incident management. Best management practices and compliance monitoring will continue throughout the operational life of the Project.  CVE will create over 1,000 worker-years of construction employment (the hardest hit economic group in New York State), 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other economic benefits.
Stephen and Cate Wilson, Wingdale Residents	..By anyone's standard, a power plant located virtually next door [to our property] will not improve its value to us or to someone who might buy it. Although the DEC may consider property value to be outside its purview, we ask that you do carefully consider the negative perceptions of real environment that will result from developing a power plant in such a beautiful, largely rural	38-11	The Project has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional Adjacent Area, and preserving in perpetuity 79 acres of land along the Swamp River. The Project is also proposed in a location intended for industrial economic development that is visually well-buffered from the local community.  According to a study conducted by the Public Service Commission of Wisconsin, "actual property value is comprised of an often complex set of

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-9: Responses to Comments Regarding Project Benefits**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
	<p>area. Consider requiring compensation from CVE for losses in local property value as part of an overall contingency fund.</p>		<p>desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and local amenities. The research has not been conclusive because of the difficulty researchers have of accounting for all the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.<sup>12</sup></p> <p>It is important to note that property values are affected by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE's PILOT will provide substantial revenues to the Town of Dover and Dover Union Free School District which can be used for improved town/school facilities, expanded community services, and/or lower taxes. A community benefits package will also be negotiated with the Town of Dover that can also contribute to local improvements. No contingency funds are proposed to be established.</p>
Cristina Bleakley, Dover Resident	<p>Cricket Valley mentioned they will result in 25-30 permanent jobs. Is it sufficient to have this plant and its impact in Dover just to guarantee 25-30 jobs? Is the risk worth?</p>	40-5	<p>The Project fulfills a stated need and has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an inactive abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and jurisdictional adjacent area, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment (the hardest hit economic group in New York State), 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the</p>

<sup>12</sup> See: Environmental Impacts of Power Plants, Public Service Commission of Wisconsin, at pg. 12 – available at <http://psc.wi.gov/theibrary/publications/electric/electric15.pdf>



**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-9: Responses to Comments Regarding Project Benefits**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Constance DuHamel, Wingdale Resident	That Cricket Valley Energy provide for and initially fund the operation of an asthma clinic for the people of the Harlem Valley.	41-7	town, county, school district and state along with millions of dollars in secondary employment and other economic benefits. The Project has been demonstrated to comply with National Ambient Air Quality Standards, established to be protective of the most sensitive members of the population, including those with asthma. As such, the Project will not contribute to an increased risk for respiratory diseases such as asthma.
Constance DuHamel, Wingdale Resident	That Cricket Valley Energy fund a scholarship program open to all qualifying graduating seniors of the Dover High School.  While one has been proposed for students to study engineering at the college level, this program should be open to all graduating seniors, and for any area of study, whether it be at the trade level or the college level, and for a variety of areas of study. Funds for the scholarships should be endowed up front, and be administered during the useful life of the project, estimated to be 40 years. They might be called "The Useful Life Scholarships," for all our children should have useful lives, and all will be negatively impacted by the pollutants introduced to Dover, not just those higher achieving students who are directed towards engineering.	41-8	CVE continues to support the advancement of Dover's youth through a scholarship, awarded annually to a graduating Dover High School Senior pursuing an advanced degree in engineering or environmental science. The Project provided a scholarship in 2011 and will continue that program in 2012 and beyond. The Project will work with the school to develop and sponsor programs that the school and town determine are appropriate for funds from the tax agreement or community benefits package.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-9: Responses to Comments Regarding Project Benefits**

<b>Author</b>	<b>Summary</b>	<b>Comment Number</b>	<b>Response</b>
Constance DuHamel, Wingdale Resident	That the decommissioning of the Cricket Valley Energy facility includes removal of project-specific construction. If not, Dover will be faced with another “eyesore” to be retrofitted into our character and fiscal condition 40 years from now.	41-9	CVE anticipates preparing a decommissioning plan prior to commencement of construction. The decommissioning plan will include a discussion of the potential useful life of the facility, the salvage and recycling value, safety and the removal of potential hazardous conditions, environmental impacts, site aesthetics, and potential future use of the site.
Chris Wood, Pawling Resident, Oblong Land Conservancy	...the benefits that will accrue locally as opposed to regionally or nationally for the provision of this plant.	T3-19	Environmental benefits are articulated in the response to Comment 23-14. Many of these – particularly the clean-up of the site and preservation of land adjacent to Swamp River – will be predominantly local benefits.
Tyler Davis, Dover Plains Resident	...it seems like no matter what happens, even with the best technology available, the town of Dover will take a hit when it comes to water quality, air quality and noise, and to me, that's a problem, because it seems like we're not gonna benefit directly by anything, that there is some type of grid on a regional level, on a national level. What about us? If we're gonna have this huge thing in our town, I want something back.	T3-29	The Project will provide local and regional economic and environmental benefits by adding temporary and permanent jobs and by reusing a dilapidated industrial site in a productive and environmentally sensitive manner. The Project will provide a net benefit to regional air quality, and will not adversely affect the supply or quality of groundwater or surface waters. The Project will also provide a long-term revenue source for the Dover Union Free School District, the Town of Dover and Dutchess County through contributions to the tax base. The local community will be free to determine the appropriate use of funds resulting from the Project's tax agreement.
Ross Cardwell, Wingdale Resident]	What about the recreational facility that the children need or the new pool or the guaranteed fixed property tax, some greater benefit?	T3-50	The Project will provide a long-term revenue source for the Dover Union Free School District, the Town of Dover and Dutchess County through contributions to the tax base. The local community will be free to determine the appropriate use of funds resulting from the Project's tax agreement.

**Final Environmental  
Impact Statement**

Cricket Valley Energy Project – Dover, NY

**Table 1-9: Responses to Comments Regarding Project Benefits**

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Manna Jo Green, Rosendale Resident, Environmental Director for Hudson River Sloop Clearwater	So, better monitoring, host community benefit, I think it's great that there's closed-cycle cooling, that there's been transparency, that the wetlands are gonna be cleaned up, the landfill is gonna be cleaned up, those are all steps in the right direction, but I think you're in a good position to ask for a lot more, you know, tax stabilization is really important, but also to have some of those negative environmental impacts offset right on the site, that was a really, really great idea.	T3-62	Restoring this industrial property is a significant benefit associated with the Project, in addition to providing the other benefits discussed in response to Comment No. 23-14.
Ms. Constance DuHamel	... Capping our taxes is not good enough for polluting our air. I want to see tax reduction...	T3-88	The Project will not increase ambient air pollution, as discussed in detail in Section 4 of the DEIS and FEIS. CVE will be a significant contributor to local taxes; it will be up to the local community to determine how that contribution will be used.

## **1.5 Conclusions**

Section 1 of the FEIS explains that the Project fulfills a stated need and has a net positive impact on the environment. These positive impacts include reducing regional emissions, cleaning up and restoring an abandoned industrial site unlikely to be otherwise remediated, restoring degraded wetlands and adjacent areas, and preserving in perpetuity 79 acres of land along the Swamp River, while creating over 1,000 worker-years of construction employment (the hardest hit economic group in New York State), 25-30 permanent high-paying professional jobs and generating millions of dollars in taxes to benefit the town, county, school district and state along with millions of dollars in secondary employment and other economic benefits.

The SEQRA process is intended to carefully consider a full range of potential issues, incorporating public and agency comment into the scope of study as well as in the review process. Potential Project impacts have been carefully assessed, incorporating both regional and site-specific conditions, and compliance with applicable environmental standards has been demonstrated. Numerous working group meetings have been held to allow the community to bring local issues to CVE and to facilitate discussion of key concerns, many of which have resulted in Project refinements to help mitigate impacts to Dover and the surrounding communities. These Project refinements have continued to add to the environmental benefits that will be derived from the Project, which will be among the lowest emitting, most water efficient facilities of its type ever constructed.

## **1.6 References**

- NYISO, 2011a. *NYISO Power Trends 2011, Energizing New York's Legacy of Leadership*, New York Independent System Operator, May 23, 2011.
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