

Appendix 1-B: Responses to Comments Received on the DEIS

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Letter #1 – Vicki Doyle – e-mail dated 6/14/2011				
Vicki Doyle, Town Councilwoman, Town of Amenia	<i>Request for a Saturday hearing</i>	1-1	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.	1.4.2
Letter #2 – Constance DuHamel – e-mail dated 6/17/2011				
Constance DuHamel, Wingdale Resident	<i>Request for a Saturday hearing</i>	2-1	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.	1.4.2
Letter #3 – Lorraine O'Neill – e-mail dated 6/20/2011				
Lorraine O'Neill Town Board, Town of Dover	<i>Request for a Saturday hearing</i>	3-1	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.	1.4.2
Letter #4 – Sibyll Gilbert – e-mail dated 6/23/2011				
Sibyll Gilbert, Oblong Land Conservancy	<i>Request for a Saturday hearing</i>	4-1	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.	1.4.2

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Letter #5 – Peter Rostenberg – e-mail dated 6/24/2011				
Peter Rostenberg, Sherman, CT Resident	<i>Request for a Saturday hearing</i>	5-1	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.	1.4.2
Peter Rostenberg, Sherman, CT Resident	I draw your attention to the fact that the Swamp River aquifer flows to Connecticut.	5-2	The Swamp River flows in a northerly direction from the Town of Pawling, New York to the Town of Dover, NY where it empties into the Ten Mile River. From this confluence, the Ten Mile River flows southerly and easterly to the Housatonic River in the State of Connecticut. Project studies have been conducted to assure that no impact to those downstream will occur, whether in New York or Connecticut.	5.3.2
Peter Rostenberg, Sherman, CT Resident	...the prevailing winds that blow over CVE [<i>Cricket Valley Energy</i>] pass into Connecticut.	5-3	Air impact analyses conducted for the Project have included consideration of impact potential throughout the regional airshed, including Connecticut. Existing Connecticut emissions data were incorporated into the air modeling through required consultation with the Connecticut Department of Environmental Protection as an element of the air modeling protocol.	4.3
Letter #6 – Mike Purcell – e-mail dated 6/27/2011				
Mike Purcell, Pawling Resident	<i>Request for a Saturday hearing</i>	6-1	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.	1.4.2

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Mike Purcell, Pawling Resident	...the Great Swamp has an almost daily occurrence of fog rising from the wetlands in the dawn hours. The fog rises above the elevation of the 2 stacks that Cricket Valley is proposing. Emissions of NO _x combined with water vapor is the main ingredient for smog. Smog is the leading cause of acute and chronic respiratory problems, especially in children and those experiencing respiratory difficulties.	6-2	Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) and Section 4.3.4.1 Additional Impact Analysis (Photochemical Ozone Formation). Smog (ozone) forms in the atmosphere as a chemical reaction involving NO _x , and VOC in the presence of strong sunlight. It is a regional pollutant in that NO _x and VOC emissions that influence ozone concentrations in Dover are emitted from sources well upwind of the area. Conversely, NO _x and VOC emissions in Dover will influence ozone formation well downwind. Because the exhaust plume is very buoyant due to its temperature, it will quickly rise above any fog in the area (even fog above stack height). To mitigate for its NO _x and VOC emissions, in addition to applying LAER technology for NO _x and VOC emissions, the Project has secured offsets of these pollutants equal to 115 percent of its maximum permitted annual emissions from locations determined by NYSDEC and USEPA to contribute to ozone levels in Dutchess County. In addition, by economically displacing older, higher emitting generators in the region, the Project will further reduce regional emissions of ozone precursors. Note that three stacks, not two, are associated with the proposed Project.	4.3.3.3
Mike Purcell, Pawling Resident	The presence of this naturally recurring phenomena of the Great Swamp Critical Environmental Area [<i>fog rising from the wetlands</i>] has not been addressed in the Cricket Valley Energy Documents and poses significant adverse impacts to	6-3	In accordance with the New York State Acid Deposition Control Act, a “Source Specific Acidic Deposition Impacts” analysis was conducted to provide quantification of the Project’s contribution to the New York State total deposition of sulfates and nitrates at 18 defined receptors in New York State, New England, and Canada. See Section 4.3.4 – Additional Impact Analysis for further information.	4.3.4

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	water resources and the calcareous wetland ecology of the Harlem Valley. Calcareous wetlands are dependent on low NO _x volumes to maintain the fragile ecosystems that are common here and rare statewide.		The DEIS included analyses of impacts of Project emissions on sensitive vegetation and soils as well as contributions to acid deposition and ambient concentrations of nitrogen dioxide (NO ₂). The analyses concluded that the Project's impacts would not have a significant impact on sensitive natural resources.	
Letter #7 – Tara Shoureck – e-mail dated 6/27/2011				
Tara Shoureck, Wingdale Resident	<i>Request for a Saturday hearing</i>	7-1	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.	1.4.2
	...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	1.4.2

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			via advertisements, postcard mailings, road signs, press releases, and announcements on the Cricket Valley Energy website.	
Letter #8 – Sybill Gilbert – e-mail dated 6/28/2011				
Sibyll Gilbert, Oblong Land Conservancy	<i>Request for Saturday hearing and concern about public notification</i>	8-1	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.	1.4.2
Letter #9 – Tonia Shoumatoff and Elaine LaBella, Housatonic Valley Association – letter dated 6/28/2011				
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	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.	1.4.8

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	site to the west of the Metro North railroad tracks.			
Tonia Shoumatoff and Elaine LaBella, Housatonic Valley Association	<p>Thus far, the applicant has relied upon climatological data, particularly wind measurements, obtained from the Poughkeepsie Airport for air quality modeling.</p> <p>Specific air dispersion models should be developed using on-site meteorological data to ensure that the dispersion modeling will indicate compliance with all state and federal requirements. The project site is within a valley that is topographically complex and may be subject to downwash from the exhaust stacks that would produce locally high concentrations of pollutants.</p>	9-2	Anemometer data from the Dutchess County Airport (Wappinger Falls) were selected for use in the Air Quality Modeling Protocol, which was reviewed and approved by USEPA and NYSDEC, because those data were collected at a location in a similarly oriented north-south valley that closely matches the degree of terrain channeling that the Project's plumes will experience, given their height. The modeling analysis directly accounts for the terrain around the Project site. While complex terrain exists west and east of the site, none of these terrain features are close enough to the stack to induce downwash of the exhaust plume. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography, Stack Height and Configuration) for further details.	4.3.3.1
Tonia Shoumatoff and Elaine LaBella, Housatonic Valley Association	HVA is pleased that the project will incorporate several water conservation measures to minimize water use during construction and operation of the facility. The project will rely on groundwater wells for process and domestic uses. During the pump testing, two existing wells at Dover Knolls as well as many neighboring properties were	9-3	<p>The importance of studying the cumulative impact of the Project with other proposed uses in the Town of Dover and the greater region is acknowledged. With these concerns in mind, the Project's Site Water Budget Report, included as Appendix 5-C to the DEIS, considered other proposed projects under review, including the Knolls of Dover development.</p> <p>The section of the Swamp River abutting the Property has been identified by stream gauging to experience the most robust stream gain of the entire river (DEIS Appendix 5-</p>	5.3

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	<p>monitored. The DEIS indicated that the water withdrawals for the proposed facility should not adversely impact neighboring wells. However, additional wells will be necessary to serve the new residences and commercial properties at Dover Knolls. These future wells were not considered in the DEIS.</p>		<p>C). The Site Water Budget Report concludes that, due to this advantageous location within the watershed, the Property is fully capable of supporting the Project's proposed average water consumption under both average and drought conditions (DEIS Appendix 5-C). It should be noted that this conclusion is conservative, as it does not take into consideration the 3.4-acre rooftop rainwater capture system which will supplement the water budget by an annual average of more than 7 gpm (DEIS Appendix 5-C).</p> <p>As concluded in the Site Water Budget Report, under both average and drought conditions, significant flow capacity remains available for other projects currently under review by the Town of Dover. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.</p> <p>Additionally, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During public meetings with local residents and local environmental groups, attendees 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.</p>	

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Tonia Shoumatoff and Elaine LaBella, Housatonic Valley Association	HVA requests that the DEIS include a regional evaluation of the cumulative impact of the groundwater needs of this project, Dover Knolls and all other large developments within the Ten Mile River watershed either under construction or currently going through the local approval process.	9-4	<p>The importance of studying the cumulative impact of its facility with other proposed uses in the Town of Dover and the Harlem Valley is acknowledged. With these concerns in mind, the Project’s Site Water Budget Report (DEIS Appendix 5-C) was commissioned to specifically analyze whether CVE’s water consumption, in conjunction with other proposed projects in the area, will be sustainable. Chazen, 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 and that there will be no permanent off-site drawdown effects on the aquifer. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.</p> <p>Additionally, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During public meetings with local residents and local environmental groups, attendees concluded that the Route 22 bridge, where a USGS stream gauging station had been previously sited, would be the most advantageous location for gauging to occur.</p>	5.3.2
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 (www.cricketvalley.com), 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.	1.4.1

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Letter #10 – Tara Shoureck – letter dated 6/28/2011				
Tara Shoureck, Wingdale Resident	We already live in a most polluted part of the country, and the topography of the valley adds to this. After all, what goes up, must come down, and where better to settle than in a valley?	10-1	The Project will be among the lowest emitting power plants of its kind constructed to date. The Project stacks are designed so that emissions are exhausted at sufficient height so that air quality impacts are insignificant anywhere in the valley. The Project plume will be buoyant under all atmospheric conditions and the air quality analysis, approved and reviewed by NYSDEC and USEPA, concurs with these findings. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) for further detail.	4.3.3.1
Tara Shoureck, Wingdale Resident	Sulfur dioxide (SO ₂) will be a by-product of this plant. In both high and low concentrations, it is linked to respiratory problems, especially in those individuals with asthma or other lung related illnesses.	10-2	By exclusively using high quality natural gas, which contains only trace amounts of sulfur (fractional compared to coal or oil fuels), in the Project's turbines, SO ₂ emissions are minimized due to the very low sulfur content of this clean-burning fuel. The air modeling dispersion 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 (NAAQS) and New York Ambient Air Quality Standards (NYAAQS) 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. These include the recently released, most stringent	4.3.3.3

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			standards for SO ₂ , for which Project impacts were determined to be insignificant.	
Tara Shoureck, Wingdale Resident	No matter how 'clean' this plant will be, it still will be a major source of pollution.	10-3	While the proposed Project is classified as a major source, the DEIS has demonstrated that the Project will comply with NAAQS and NYAAQS and will not appreciably degrade air quality from current levels. In addition, it will displace the operation of older, higher emitting units in the region, reducing emissions significantly, and having a net positive effect on air quality.	4.3
Tara Shoureck, Wingdale Resident	Nitrogen dioxide (NO ₂) will also be released by this plant, another source of respiratory distress. This will be released into the air from the stacks at a continuous 24/7 rate for the life of the plant. People exposed to the two said pollutants [SO ₂ and NO ₂] are told to 'limit their outdoor activity' on particularly high concentrations days. Well, depending on which direction the wind will be blowing, that will affect not only Dover, but the surrounding towns of Pawling, Millbrook, towns in nearby CT, and places further away. I guess we all will have to stay inside – try telling that to your kids!	10-4	Air impact analyses conducted for the Project have demonstrated that maximum predicted impacts would fully comply with NAAQS and NYAAQS which have been established to protect the most sensitive individuals. These analyses included consideration of impact potential throughout the airshed, whether north, south, east, or west, and concluded that impacts from the plant will be negligible. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex and Section 4.3.4.1 – Photochemical Ozone Formation for more information.	4.3.3.3 4.3.4.1

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Tara Shoureck, Wingdale Resident	I was told by a Cricket Valley rep that 'clustering' the stacks will reduce emissions by about 40%. I researched this, and found clustering will force the debris plume up higher, where wind speeds are stronger. It will disperse the emissions further away on a strong wind day; it does nothing to reduce pollution.	10-5	Stringent pollution control measures will be incorporated in the Project design to meet LAER/BACT as applicable and as described in Section 4.3 of the DEIS. The three stacks will be clustered together to allow more dispersion of emissions before they reach ground level, which results in approximately 40 percent lower ambient air quality impacts than if the stacks were not co-located. This increased dispersion occurs by effectively combining the exhaust flow rate of individual plumes, which increases the plume height and subsequent dispersion. This technique adds considerable cost to the Project, but results in lower ambient air quality impacts. As demonstrated by the interactive air modeling used to show compliance in the Air Permit Application and in Section 4.5 of the DEIS, the Project will comply with air quality standards established by USEPA and NYSDEC.	4.3.2
Tara Shoureck, Wingdale Resident	Which plants <i>[will be displaced]</i> and where are they located? ...Dispatch analysis presumes oil and coal are more expensive; natural gas will become more expensive due to increased demand.	10-6	A summary of the results of the emissions displacement analysis are provided in Section 4.3.6. The emissions displacement analysis, provided as Appendix 1-A of the DEIS, predicts displacement of emissions by modeling the New York Independent System Operator's (NYISO) dispatch of power plants according to projected electricity demand and fuel prices. The specific power plants that are "displaced" by the Project vary hour-by-hour throughout each projection year. Fuel price forecasts are documented in Appendix 1-A of the DEIS, and directly take into account expected future changes in demand for all fuels resulting from a wide range of factors. The proposed Project is forecast to displace operation of a number of sources that may use cheaper (and higher emitting) fuels because of its superior efficiency (more	4.3.6

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			electricity generated with less fuel).	
Tara Shoureck, Wingdale Resident	<p>[<i>Ammonia storage</i>] is the equivalent of two swimming pools with the dimensions of 20' x 40'. That's a lot of ammonia!</p> <p>I find it interesting that the solution will be 19%, as I did a little research into this chemical. At 20%, storage of this substance is subject to stringent requirements under the Clean Air Act. While I'm sure CVE will do it's best to avoid an accident, they do occur.</p>	10-7	<p>An impact analysis specific to aqueous ammonia has been provided in Section 4.6.3 of the DEIS and explained further below in Section 4.3.4.4 – Additional Impact Analysis (Aqueous Ammonia). CVE has elected to utilize aqueous ammonia at a concentration of 19 percent. While the regulatory threshold for ammonia under the accidental release provisions of the Clean Air Act is 20 percent, the Project has adopted the same level of protection (secondary containment) and has performed the same accidental consequence analysis as would be required were the ammonia at greater concentrations.</p>	4.3.4.4
Tara Shoureck, Wingdale Resident	<p>...water is of concern as well. The nearby Great Swamp, and our town's drinking water supply will be affected one way or another. Weather is dynamic, and right now we are experiencing great rainfall and had a record setting winter snowfall in this area of the country. We also have had periods of drought as well. The tremendous amounts of water that will be needed to run this plant has got to have some impact on the Town of Dover, and when we potentially pollute our</p>	10-8	<p>The importance of the Great Swamp, the Swamp River and the Harlem Valley watershed to the community has been recognized throughout the Project review process. Since its first Town Meeting in April 2009, the Project has made considerable efforts to re-engineer its facility to minimize water use, including the addition of a Zero Liquid Discharge system to internally recycle water, and a rooftop rainwater capture system to supplement the water supply. Through these efforts, the Project will be one of the most water-efficient power plants in the region.</p> <p>To ensure that the town's drinking water supply will not be affected, a long-term pump test program was developed and approved by NYSDEC (see DEIS Section 5.4.4 for a detailed discussion of the pump test and approved</p>	5.3

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	water, we also pollute ourselves.		protocol). This pump test was designed to monitor neighboring wells, adjacent wetlands, and the Swamp River to ensure the Project's water consumption would have no adverse impact. As discussed in DEIS Section 5.4.4.5, the Project's main well can be operated indefinitely at its design rate and, when tested at maximum water needs (120 gpm), it did not produce any discernible effects on any of the monitored off-site private wells, nor any of the on-site wetlands. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.	
Tara Shoureck, Wingdale Resident	At best, these [<i>jobs</i>] are going to be what I view as 'long term temp jobs'. Why? Because the plant will have an expiration date when it no longer will be online, and the few technical jobs it will create will disappear as well.	10-9	The Project has a projected "lifespan" of at least 30 years, although it is common for such power plants to receive improvements and approvals that extend their life still further. Employment provided by a facility that plans to operate for 30+ years is not considered temporary.	6.3.7
Tara Shoureck, Wingdale Resident	As far as construction jobs go, I am no expert, but big jobs of this nature tend to go to unions. So, if you are a member of a particular union that gets this contract, you will have employment for a few years. Again, a temp job to a particular union, as all these jobs are.	10-10	All construction-related jobs are temporary by nature, with workers (union or not) completing one assignment then moving on to the next. This Project provides a three-year construction cycle as a platform for local employment, some of which will require skilled trade workers. Throughout the construction period, a significant secondary job effect (for example, security, food service, mining, construction supplies) occurs that would be unrelated to whether union labor is employed.	6.3.7

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Tara Shoureck, Wingdale Resident	<p>[Route 22] is a single lane road. It virtually closes down when something happens...</p> <p>...“What if this was a real emergency”, such as the power plant explosion that occurred in Middletown, CT, in Feb. 2010. That occurred at a similar type of plant to the proposed Cricket Valley plant. There were deaths, and people for miles around heard and felt the explosion. Human error of some sort was to blame, and since we are all human, this can occur to anyone of us...What if something during construction were to go wrong and this plant goes “KA-BOOM!!” Children in these schools [<i>Dover Middle/HS, Wingdale Elementary, Dover Elementary</i>] would most definitely be affected, parents both at home and at work would be frantic.</p>	10-11	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, NYSDOT, and other emergency response providers.	6.2.7 6.3.3
Tara Shoureck, Wingdale Resident	Never mind the worst case scenario of an accident, the daily operations of this plant will affect these children [<i>at the school</i>], many of whom suffer with asthma or other respiratory distress. I	10-12	CVE has carefully considered the impact of the Project on all individuals, with particular focus on sensitive individuals and the school. The Project has incorporated LAER/BACT technology and will be among the lowest emitting power plants of its kind constructed to date. Comprehensive air quality modeling analyses reviewed	4.3.3.3

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	know, because I am a parent of a child with bad allergies and asthma, and spend many a sleepless night trying to get her comfortable so she can sleep.		and approved by USEPA and NYSDEC have demonstrated that the Project will fully comply with NAAQS/NYAAQS. NAAQS and NYAAQS were established to protect the health of the most sensitive populations, such as those with asthma and emphysema. CVE's air modeling results, reviewed and approved by NYSDEC and USEPA, show that impacts are insignificant and will not adversely impact those with asthma or other respiratory conditions. Additionally, by displacing the operation of older, higher emitting generators, regional emissions will decrease. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) for more information.	
Letter #11 – Venna Curro – e-mail dated 7/5/2011				
Venna Curro, Wingdale Resident	Environmentally, approving this project will hinder the quality of life as we know it. Our water and air quality will be much more polluted. The noise level will be intrusive.	11-1	CVE's air modeling results, reviewed and approved by NYSDEC and USEPA, show that the Project will not cause or significantly contribute to violations of ambient air quality standards that have been set to protect the health of the most sensitive individuals such as those with asthma and emphysema. Additionally, the Project has demonstrated that its maximum air quality impacts will not appreciably degrade air quality from levels that currently meet standards. Finally, by displacing the operation of older, higher emitting generators, regional emissions will decrease. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) for more information.	4.3.3.3 5.3.1

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			To ensure that sensitive water resources, such as neighboring wells, wetlands, or the Swamp River will not be affected by the Project's water consumption, a long-term pump test program was developed and approved by NYSDEC (see DEIS Section 5.4.4 for a detailed discussion of the pump test and approved protocol). The Project has also included a Zero Liquid Discharge system so that no process wastewater will be discharged from the site into nearby surface waters. In addition, a SWPPP utilizing Best Management Practices, including state-of-the-art bioretention facilities, will ensure that receiving waters will not be adversely impacted by stormwater from the Project site. Finally, restoration of wetlands on the Project site that have been significantly degraded by past industrial activities will improve water quality.	
Venna Curro, Wingdale Resident	Natural Gas prices will cost more because of the demand [<i>the project</i>] 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. ¹ No material impact to the price of natural gas is anticipated.	1.4.6

¹ Energy Information Administration, New York Natural Gas Consumption by End Use – 2011, Available at: http://www.eia.gov/dnav/ng/ng_cons_sum_dc_u_sny_a.htm

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Venna Curro, 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.	1.4.1
Venna Curro, 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.	1.4.4
Letter #12 – Oblong Land Conservancy – letter dated 7/9/2011				
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	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.	1.4.3

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	formation, and the benefits that will accrue locally as opposed to regionally from the construction and operation of the plant.		<p>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.^{1,5}</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>	
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	12-2	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.CVE has proposed to leave all property west of the railroad track (79 acres) in its natural state through incorporation of a conservation easement. In addition, the 57-acre former Rasco parcel, following use of	1.4.8 2.3

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	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.		a portion of this area during the construction period, is not planned for any future Project use. Detailed investigation regarding site conditions has occurred, as discussed in Section 2.2.1 of the DEIS, and clean-up and remediation efforts are further discussed in Section 2.3.4 of the FEIS.	
C.L.J. Wood, Oblong Land Conservancy	This is a subject that is complex at best and highly technical and as the DEIS notes the project will be a new major source of air emissions. As laymen it seems to us as though the air quality modeling is based upon data obtained from Poughkeepsie Airport. Admittedly adjustments have been made for the change in topography and ground cover but we are concerned that this modeling may not properly represent conditions in the Project Development Area. For example, the Harlem Valley is frequently subject to air inversions, with the Village of Pawling being located at the lowest elevation. We believe that air dispersion models must be developed based upon local conditions.	12-3	Anemometer data from the Dutchess County Airport (Wappinger Falls) were selected for use in the Air Quality Modeling Protocol, which was approved by USEPA and NYSDEC, because those data were collected at a location in a similarly oriented north-south valley that closely matches the degree of terrain channeling that the Project's plumes will experience, given their height. The meteorological data used in the modeling represents five years of hourly observations. Within this data set are numerous periods of calm to near calm conditions with thermal inversions. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) for more information. CVE's air modeling results, carefully reviewed and approved by NYSDEC and USEPA, show that the Project will not cause or significantly contribute to violations of ambient air quality standards.	4.3.3.1
C.L.J. Wood, Oblong Land Conservancy	...we believe that a specialist air quality firm must be engaged by the Town of Dover to review the	12-4	In addition to extensive review of the air quality analyses by USEPA and NYSDEC meteorologists, comments were received from the Town of Dover's third party consultant	4.3

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	DEIS and make recommendations thereon.		on the DEIS, including air quality comments from the consultant's air quality expert. Those comments are addressed in this Final Environmental Impact Statement (FEIS). The Town of Dover has also hired an independent air modeling expert, funded by CVE, to assist in the review of the Project by the Town Board.	
C.L.J. Wood, Oblong Land Conservancy	The project incorporates 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 that is a finite resource. The Swamp River is also 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 it prudent to look at water resources on a regional basis and consider 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.	12-5	<p>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, and that there will be no permanent off-site drawdown effects on the aquifer. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.</p> <p>The Project includes a Zero Liquid Discharge system so that no process wastewater will be discharged from the site into nearby surface waters. In addition, a SWPPP utilizing Best Management Practices, including state-of-the-art bio-retention facilities, will ensure that receiving waters will not be adversely impacted by stormwater from the Project Development Area, former Rasco parcel, or remote Laydown Site. Finally, restoration of wetlands on the Property, including the former Rasco parcel, that have</p>	5.3

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			<p>been significantly degraded by past industrial activities will improve water quality.</p> <p>Additionally, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During public meetings with local residents and local environmental groups, attendees concluded that the Route 22 bridge, where a USGS stream gauging station had been previously sited, would be the most advantageous location for gauging to occur.</p>	
C.L.J. Wood, Oblong Land Conservancy	<p>Given the critical importance of this resource it would be prudent to examine the practicality of crafting and implementing a permanent monitoring regime so that the town is forewarned of changes in aquifer levels and water quality. Such a regime should be coupled with the requirement on the part of CVE to change its operating model to maintain a certain level of resource availability. In order to guarantee adequate groundwater supplies for neighboring residents, and unlimited supplies to sensitive resources like the several fens in the area and the wetlands and the Swamp River, this is a measure that would help ensure protection of these water</p>	12-6	<p>As discussed in Section 5 of the DEIS, the Project's maximum withdrawal of water would have a negligible effect on groundwater supplies for neighboring residents as well as on-site and nearby wetlands or Swamp River resources. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.</p> <p>Additionally, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During meetings with local residents and local environmental groups, attendees concluded that the Route 22 bridge, where a USGS stream gauging station had been previously sited, would be the most advantageous location for gauging to occur.</p>	5.3.2

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	resources.			
	<p>...the project is expected to comply with the most restrictive night time sound level limit of the Town of Dover Zoning Code at the north and east property lines. The west property lines abutting the Metro-North rail line and the southern proposed property line abutting other industrially zoned property are expected to be non-compliant. This is not anticipated to be problematic since these properties are not likely to be occupied by noise-sensitive uses.</p> <p>We cannot support the view that exceeding the Town of Dover's noise limits is acceptable under any conditions irrespective of whether adjacent land uses are noise sensitive or not. Sound travels and there is no way to tell in advance what, in fact, the impact of this new source of sound will be.</p> <p>Notwithstanding the modeling that has been undertaken we retain considerable reservations about the introduction of a new and</p>	12-7	<p>See Section 6.3.4 for a discussion of zoning compatibility, given the addition of site acreage to the south. With the addition of the former Rasco parcel, the Project is now expected to comply with the most restrictive night-time sound level limit (50 dBA) of the Town of Dover Zoning noise standards at the north, south and east property lines, which are the three property lines nearest to residential receptors.</p> <p>The manner in which sound travels is reflected in the CadnaA modeling completed for the Project. As can be seen in Figure 6-3, predicted sound levels comply with and are significantly quieter than Town of Dover Zoning Noise Standards at the westernmost Property boundary. However, at the western property line of the Project Development Area, the Metro-North rail line extends through a narrow strip of land, where the Project's sound levels are predicted to exceed this standard. Since the Metro-North railroad line is not a noise-sensitive receptor, this will not result in either a public or private nuisance. As previously noted, at the westerly boundaries of that property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards.</p>	6.3.4

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	continuous source of sound in a substantially rural area. In these circumstances the project should be required to comply with all existing sound regulations.			
	...a permanent sound monitoring regime along the lines of that proposed for the water resources, and accompanied by the requirement for remediation in the event of significant noise impacts should be a requirement.	12-8	Permanent sound monitoring is not proposed for the Project. However, as described in Section 6.3.4.4 of the FEIS, the construction management firm will be contractually obligated to meet the Town of Dover noise standards and is required to include a “noise guarantee” in their obligations for construction of the plant. This will include baseline monitoring during commissioning and start-up of the plant to confirm compliance with the noise standards. These measurements and associated report will be conducted by a third party licensed acoustical engineer in accordance with industry practices and any applicable state and local regulatory requirements. Should noise issues arise, CVE will work closely with the town to resolve them.	6.3.4
Letter #13 – Dover Union Free School District – 7/13/2011				
Michael Tierney, Dover Union Free School District	On most school mornings, there is a backup of cars entering the Dover Middle/High School complex, typically heading north on Route 22. An increase in the number of cars driving south from 7 am to 8 am would add to this problem.	13-1	With the addition of the former Rasco parcel, CVE will be able to accommodate the majority of construction worker parking on the site itself, reducing the volume of workers passing the Dover Middle/High School complex on Route 22. With the inclusion of 650 parking spots on the Property, it is expected that overflow parking at the remote Laydown Site will only be required during the approximate 5-month peak construction period. Temporary measures such as roadway widening and a temporary traffic signal at the Project driveway will be	6.3.3

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			determined through consultation with NYSDOT. CVE will work closely with the Town of Dover and the Dover Union Free School District to mitigate traffic impacts, and could, for example, adjust the construction workday to reduce potential conflicts, if warranted. If so, manual traffic control would be implemented to facilitate the movement of non-Project traffic on Route 22.	
Michael Tierney, Dover Union Free School District	We must also emphasize that this project should not impact the positive and consistent air quality that is currently intact at the school complex. We have hundreds of students inside the buildings and on school grounds; therefore, having consistently positive air quality is essential. We need assurances that the air quality will remain at stable, healthy levels, not affected by wind changes or smoke stack emissions.	13-2	The school complex was specifically considered in the modeling analysis as a sensitive location. The modeling analysis which was thoroughly reviewed and approved by USEPA and NYSDEC demonstrated that impacts even to the most vulnerable populations, those with asthma or emphysema will be insignificant at this location, and at all locations within the valley. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex). CVE is in discussion with the Town of Dover regarding a number of areas of interest, including potential monitoring at the schools; while not necessary for confirming the Project's compliance with stringent air quality standards, the town may decide through its local review process that this type of activity should be a component of the community benefit package.	4.3.3.3
Michael Tierney, Dover Union Free School District	...it is also necessary that noise from the plant have no impact on the school complex. We want assurances that during the plant construction and operation, the noise would have no effect on our ability to provide a quality	13-3	The normal operation of the Project will have no noise impact on the school complex, either indoors or out. As described in Section 6.3.4.5, the Dover Middle/High School complex is located approximately 4,000 feet from the main power block. Sound levels at that distance are projected to be 35 dBA (as shown in Figure 6-3) at the <i>exterior</i> of the nearest building. Inside the buildings,	6.3.4

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	education, both inside and outside of our schools.		<p>Project sound levels would be reduced still further. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be a sound level increase of approximately 1 dBA, which is a negligible increase.</p> <p>Similarly, due to the great distance between the Project site and the school complex, construction-related sound impacts are expect to be minimal (less than 45 dBA during the loudest of construction events). It should be noted that this estimate is conservative both because the loudest construction events will not occur continuously at the site and because it does not take into account the shielding effects from buildings, vegetation, earth contours, or atmospheric absorption.</p>	
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.	1.4.7
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	13-5	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.	1.4.7

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	resources to develop these important plans that are necessary when being in close proximity to a power plant.			
Letter #14 – United States Department of the Interior – letter dated 7/19/2011				
David Stilwell, United States Department of the Interior, Fish and Wildlife Service	We understand that the U.S. Army Corps of Engineers is involved through authorizations under Section 404 of the Clean Water Act. Federal agencies have responsibilities under Section 7(a)(2) of the ESA [<i>Endangered Species Act</i>] to consult with the Service regarding projects that may adversely affect Federally-listed species or "critical habitat," and confer with the Service regarding projects that may adversely affect Federally-proposed species or proposed "critical habitat."	14-1	In addition to CVE's direct consultation with the United States Fish and Wildlife Service (USFWS) and NYSDEC's Division of Fish and Wildlife Natural Heritage Program to identify potential species issues for the Project, the USACE has also engaged in consultation with USFWS as a part of its nationwide permit review process. The USACE is coordinating its review of the Project with the USFWS pursuant to Section 7(a) (2) of the ESA.	3.3.2
David Stilwell, United States Department of the Interior, Fish and Wildlife Service	In our September 21, 2009, letter, we agreed that no suitable habitat was found within the property limits, and stated that the focus of an effects analysis should be indirect effects to bog turtles and habitat in wetland DP-22. The effects analysis (one paragraph) provided on page 3-29 is	14-2	Additional detail with regard to habitat proximity is addressed in Section 3.3.2.1, while the potential for indirect effects is addressed in Section 3.3.3.1. Based on the information provided in those sections, as well as inclusion of additional measures designed to minimize and/or avoid a taking, direct and indirect effect to bog turtles is not anticipated to occur from direct takings, habitat loss or degradation, fragmentation or interruption of dispersal routes. Following completion of construction	3.3.2.1 3.3.3.1

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	insufficient. For example, additional information should be provided on the proximity of proposed activities to bog turtle habitat. Depending on the proximity, protective fencing and preconstruction turtle surveys by permitted biologists may be needed.		and site clean-up, habitat creation and land preservation activities will provide a net benefit to the species.	
David Stilwell, United States Department of the Interior, Fish and Wildlife Service	A summary of the groundwater withdrawal information provided in Section 5 should be provided in this section with a rationale for the conclusion that "withdrawals will not have an appreciable effect on the hydrology of onsite or offsite wetlands, or the Swamp River."	14-3	A summary of groundwater studies is outlined in Section 3.3.3.1.1 as a part of the discussion on the potential for indirect effects.	3.3.3.1.1
David Stilwell, United States Department of the Interior, Fish and Wildlife Service	The same recommendation applies to the stormwater management plan. A summary is needed regarding how that will avoid changes in surface water quality or quantity to offsite wetlands.	14-4	Section 3.3.3.1.2 includes a summary of the stormwater management plan as an important context for consideration of potential indirect effects.	3.3.3.1.2
David Stilwell, United States Department of the Interior, Fish and Wildlife Service	We previously provided ARCADIS with a list (although not exhaustive) of potential impacts to bog turtles to consider in our July 20, 2009, letter, and expected to see an analysis addressing these	14-5	A more detailed treatment of the potential for impacts to bog turtles, including additional measures designed to minimize and/or avoid a taking, is provided in Section 3.3.3.1.	3.3.3.1

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	items.			
David Stilwell, United States Department of the Interior, Fish and Wildlife Service	The project sponsor should obtain current location information for this species from the NYSDEC. This section does not address any potential indirect effects to New England cottontail from habitat impacts.	14-6	Field surveys were completed for the former Rasco parcel and at the remote Laydown site (Section 3.3.2.3). Surveys of the Project Development Area were previously reported in the DEIS. Potential indirect effects associated with the New England cottontail for these areas are discussed in Section 3.3.3.2.	3.3.2.3 3.3.3.2
David Stilwell, United States Department of the Interior, Fish and Wildlife Service	As stated in our September 21, 2009, letter, without any additional site-specific bat studies, it is reasonable to assume that Indiana bats are using the project area given its location and natural features of the site. Therefore, similar to the bog turtle, the next step is to determine the potential impacts to this species. We provided comments and recommendations on what to consider in this analysis in our letter and our comments were not addressed in the DEIS.	14-7	Additional field surveys were completed for the Project Development Area, as well as the former Rasco parcel and at the remote Laydown Site, as documented in Section 3.3.2.4. A discussion of potential impact to Indiana bats following the USFWS' recommendation is provided in Section 3.3.3.3.	3.3.2.4 3.3.3.3
David Stilwell, United States Department of the Interior, Fish and Wildlife Service	Page 3-37 [<i>of the DEIS</i>] accurately states that ARCADIS coordinated with the Service regarding this site in July 2010. On August 5, 2010, the Service sent ARCADIS our standard FAX with directions to use our website	14-8	Information regarding potential issues and impacts associated with the Indiana bat at the areas to be disturbed for the Project, including the remote Laydown Site are addressed in Section 3.3.3.3.	3.3.3.3

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	for county-based species lists. The DEIS addresses several species that may occur at the site. However, for some reason, the Indiana bat was not addressed. This will need to be completed.			
David Stilwell, United States Department of the Interior, Fish and Wildlife	The final sentence [of DEIS Section 3.2.6.2.2] states that "while portions of the Laydown Site are bordered by perennial emergent wetlands, these habitat were dominated by vegetated overstories or invasive species, and are not considered to be suitable habitat for the bog turtle." Please note that many (if not most or all) bog turtle sites have invasive species to various degrees. If any of the wetlands may be impacted (directly or indirectly) by work at the Laydown Site, Phase I bog turtle surveys should be conducted by a qualified bog turtle surveyor.	14-9	Phase I bog turtle surveys have been completed for the remote Laydown Site and the former Rasco parcel, and a greater than 300-foot buffer maintained around potentially suitable bog turtle habitat. The results of the survey are provided in Section 3.3.2.1 and Appendix 3-B.	3.3.2.1
David Stilwell, United States Department of the Interior, Fish and Wildlife	Similar to the project site, the project sponsor should obtain current location information for this species from the NYSDEC. This section [Section 3.2.6.2.3 of the DEIS] does not address any	14-10	The New England cottontail is known to occur approximately 2.3 miles to the east of the Project Development Area and 3 miles southeast of the remote Laydown Site. Field surveys were completed for the former Rasco parcel and at the remote Laydown Site, as outlined in Section 3.3.2.3 of the FEIS. Potential direct	3.3.2.3 3.3.3.2

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	potential indirect effects to New England cottontail from habitat impacts.		and indirect impacts to New England cottontails are discussed in Section 3.3.3.2 of the FEIS.	
David Stilwell, United States Department of the Interior, Fish and Wildlife	<p>As discussed above, the DEIS lacks a real analysis of potential impacts to Federally-listed or candidate species at this time. Page 3-48 states that "seasonal restrictions on clearing will be imposed to avoid potential impact to Indiana bat habitat," As you are aware, seasonal restrictions on clearing are intended to avoid direct impacts to the bats themselves. Clearing the trees may be an impact to habitat (and therefore result in indirect effects to Indiana bats); however, we consider the amount of habitat and the landscape context in which the clearing is conducted.</p> <p>We have the same comments on the Bog turtle analysis on page 3-38 as we provided for Section 3.2.5.1.7.</p>	14-11	<p>Please refer to response to previous comments on protected species as well as Section 3.4 of the DEIS. With respect to the amount of habitat to be cleared and the landscape context in which the clearing is conducted, CVE has made significant efforts to select a Project location, layout and design that minimize unnecessary impacts to both protected and non-protected species habitat. Various layout alternatives for the main CVE Project Development Area, as well as the former Rasco parcel laydown/parking site, have been evaluated to select the most practicable and least damaging Project alternative.</p> <p>With respect to the Indiana bat, as further discussed in Section 3.3.3.3, vegetation clearing proposed in the Project Development Area is insignificant given the footprint of the Project. Activities proposed within the former Rasco parcel are generally limited to locations where prior disturbance has occurred, and the tree clearing proposed does not represent significant habitat impairment for the Indiana bat. Impacts on the remote Laydown Site are temporary and insignificant in nature. The temporary use of the remote Laydown Site, which is presently an active agricultural field, will not involve tree clearing other than in a small area adjacent to Route 22 to provide access. The remote Laydown Site will be restored to its current use upon completion of construction.</p>	<p>3.4 3.3.3.3 3.3.3.1</p>

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			<p>The potential for direct and indirect impacts to bog turtles have also been minimized by avoiding direct disturbance of potentially suitable habitat, maintaining appropriate buffers where possible, and addressing hydrologic and water quality concerns.</p> <p>Areas that are disturbed on the Project Development Area will be replanted and restored including wetlands and wetlands buffer; other areas will be given the opportunity to revegetate through natural recruitment following stabilization and/or use of temporary species planted/seeded. Bioretention basins will collect and treat all stormwater runoff and there will be no direct discharge to area wetlands or surface waters. Groundwater use will not affect on-site or off-site hydrology and especially, off-site bog turtle habitat. Additional information is provided in Section 3.3.3.1.</p> <p>As to the landscape context of impacts, the Project Development Area is adjacent to the Great Swamp and Swamp River; all of the property west of the railroad track (79 acres) will remain in its current state, with existing ecosystems preserved. The Project Development Area has a long history of disturbance and the surrounding environment shows signs of ecological stress. The Project's landscape context is a disturbed industrial area with an active high speed rail line to the west, a main north-south state road to the east, a high voltage electric transmission easement to the north, and a former petroleum contaminated soil recycling property to the south. None of the habitat features within areas to be</p>	

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			cleared on the site are unique within this context; better quality and quantity habitat can be found in abundance in the surrounding landscape. Lastly, areas of industrial fill and contamination on the Project Development Area and former Rasco parcel will be addressed; the extent to which these materials have adversely affected protected or non-protected species on or off the site is unknown. However, restoration of the site will certainly benefit the broader landscape context within which the facility will be located. The overall indirect effect on protected species will be positive with the Project in place.	
David Stilwell, United States Department of the Interior, Fish and Wildlife	As a reminder, the most recent compilation of Federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that the project sponsor check our website every 90 days from the date of this letter to ensure that the listed species presence/absence information for the proposed project is current.	14-12	CVE has continued to monitor the website on a regular basis. Information on the Service's website as of 7/5/2012 lists the following species for Dutchess County: bog turtle (<i>Glyptemys muhlenbergii</i>), Threatened status; Indiana bat (<i>Myotis sodalis</i>), Endangered status; New England cottontail (<i>Sylvilagus transitionalis</i>), Candidate status; and dwarf wedgemussel (<i>Alasmidonta heterodon</i>), Endangered status. Each of these species has been addressed, with the exception of the dwarf wedgemussel. Because no work is proposed in water bodies, and the 1993 Dwarf Wedgemussel Recovery Plan indicates this water-based species has populations in Ulster, Sullivan and Orange counties, the listed water species has not been studied.	3.3.3

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Letter #15 – Mark Chipkin, Chairman, Pawling Nature Reserve Management Committee – e-mail dated 7/25/2011				
Mark Chipkin, Pawling Nature Reserve Management Committee	<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>	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 & 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>	1.4.2

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Mark Chipkin, Pawling Nature Reserve Management Committee	The adding of pollutants to our stagnant air mass here in the valley will affect the health of all our residents and flora and fauna.	15-2	See Section 4.3.3.1 – Meteorology and Topography and Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex). As discussed in those sections, modeling inputs were carefully selected to reflect site conditions, and modeling results demonstrate that the Project is consistent with NAAQS and NYAAQS requirements that have been established to be protective of public health and welfare, including consideration of flora and fauna. In addition, PSD requirements include an analysis of potential impacts to sensitive vegetation and protected species. As documented in the DEIS, the Project's air emissions will not have a significant adverse effect on health of residents, flora or fauna.	4.3.3.1 4.3.3.3
Letter #16 – John Fila – e-mail dated 7/26/2011				
John Fila, Former Town of Dover Planning Board Member	<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>	16-1	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 & 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	1.4.2

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			<p>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>	
Letter #17 – Janet Pickering – e-mail dated 7/26/2011				
Janet Pickering, Dover Resident	<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>	17-1	<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 & 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</p>	1.4.2

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			<p>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>	
Letter #18 – Joanne Otero – e-mail dated 7/26/2011				
Joanne Otero, Wingdale Resident	<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>	18-1	<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 & 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.</p>	1.4.2

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			<p>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>	
Joanne Otero, Wingdale Resident	...a 1000 megawatt power plant in our valley ..., combined with an environment more humid than the sites used to collect data (Poughkeepsie Airport,) will have a negative impact on our kids just 1000 yards north of the site.	18-2	<p>As reported in Section 4.2 of the DEIS, temperature and precipitation data for the Project Development Area were obtained from the Cary Institute in Millbrook, about 11 miles from the Project site. Wind speed and direction data were obtained from the National Weather Service station at the airport, as carefully reviewed and approved by USEPA and NYSDEC. Relative humidity is not a dispersion model input. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) for additional information.</p> <p>The school complex was specifically considered in the modeling analysis. The modeling analysis which was thoroughly reviewed and approved by USEPA and NYSDEC demonstrated that impacts will be insignificant at this location, and at all locations within the valley. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex).</p>	4.3.3.1 4.3.3.3

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Joanne Otero, Wingdale Resident	...there is some question as to whether or not NYS even needs this plant.	18-3	<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.</p> <p>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.^{1,5}</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</p>	1.4.3

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			the continued operation of various existing power plants.	
Letter #19 – Mike Purcell – e-mail dated 7/24/2011				
Michael Purcell, Pawling Resident	A clarification should be made as the CVE Draft EIS also states that emissions plume would be 500 feet above the ground and not pose a threat to the surrounding topography based on data from Dutchess County Airport. The Dutchess County Airport has significantly lower elevations than the Harlem Valley.	19-1	Anemometer data from the Dutchess County airport were selected for use in the Air Quality Modeling Protocol, which was thoroughly reviewed and approved by USEPA and NYSDEC, because those data were collected at a location in a similarly oriented north-south valley that closely matches the degree of terrain channeling that the Project’s plumes will experience, given their height. Model inputs included site-specific elevations of the terrain surrounding the Project site as well as surface roughness and other related parameters based on site-specific conditions. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) for more information.	4.3.3.1
Michael Purcell, Pawling Resident	The CVE DEIS does not include data or supporting documentation that the temperature inversions will not occur in the Harlem Valley or that surrounding slopes will not be impacted by emissions. The Dutchess County NRI [<i>Natural Resource Inventory</i>] may be a useful guidance document for CVE planners.	19-2	The meteorological data used in the modeling represents five years of hourly observation data. Within this data set are numerous periods of calm to near calm conditions with thermal inversions. The modeling analysis also directly takes the surrounding terrain into account. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) for further information.	4.3.3.1
Michael Purcell, Pawling Resident	Given the geography of the Harlem Valley and the height of the proposed emission stacks there seems to be a potential for NO _x emissions to be adsorbed by	19-3	In accordance with the New York State Acid Deposition Control Act, a “Source Specific Acidic Deposition Impacts” analysis was conducted to provide quantification of the Project’s contribution to the New York State total deposition of sulfates and nitrates at 18 defined receptors	4.3.4.2

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	<p>water vapor and the forested slopes adding additional nitrogen to the Swamp River and larger Ten Mile River watersheds...</p> <p>...Fog rises in the bottom of the Great Swamp Watershed just before sunrise and bit after sunrise on an almost daily basis. Further studies should be conducted by CVE to assess the amount of NO_x emissions that will adhere to water vapor and naturally occurring fog in the Swamp River Watershed.</p>		<p>in New York State, New England, and Canada. Contributions to nitric acid deposition by the Project will be negligible.</p> <p>See Section 4.3.4.2 – Additional Impact Analysis (Acid and Nitrogen Deposition) below for further information. See response to Comment No. 6-2 for further information on Harlem Valley fog conditions.</p>	
Michael Purcell, Pawling Resident	<p>BACT, RACT and NO_x Budget Trading Program technologies while better than ever still do not eliminate point source emissions and in fact are introducing new point sources to an area that is currently without point source emissions.</p>	19-4	<p>While the Project will represent a new point source of emissions, it will offset 115 percent of its maximum permitted annual NO_x and VOC emissions through purchase of emissions reduction credits. Further, as demonstrated by the displacement analysis in Appendix 1-A of the DEIS (and summarized in Section 4.3.6), it will result in a significant net reduction in regional air pollutant emissions over and above the direct offsets through displacement of the operation of existing less efficient and higher emitting power plants. The cumulative air quality modeling analysis included maximum permitted emissions from existing point sources in the valley and demonstrated that the Project's maximum permitted emissions, in combination with other existing sources and existing background air quality levels, will comply with NAAQS and NYAAQS set to be protective of the health of the most</p>	4.3.6

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			sensitive individuals.	
Michael Purcell, Pawling Resident	The Harlem Valley's topographic and precipitation data are different from the source used for air modeling. Other than the data supplied by Dutchess County Airport I do not see mention of the Harlem Valley's unique topographic features in CVE documents. In a report prepared by Chazen Companies in April 2006...USGS mean precipitation data shows an average 46 – 48" of precipitation within the Harlem Valley and along the eastern ridges of the Ten Mile River Watershed east of the project site compared to 40" annual for the Dutchess County Airport site. From personal observation working along the eastern ridges the air temperature is generally 3 – 8 degrees F cooler at the higher elevations. Summer rain events frequently form along the eastern ridges and sloughs of the Harlem Valley, this may account for the increased annual precipitation rates. Perhaps this was overlooked in the PSD air permit application and remains an	19-5	As reported in Section 4.2 of the DEIS, temperature and precipitation data for the Project Development Area were obtained within the Harlem Valley, from the Cary Institute in Millbrook, about 11 miles from the Project site. Precipitation was shown to average 44.4 inches annually. Note that precipitation amounts are not specific air quality dispersion model inputs rather, the precipitation data is used to characterize the site area's climatological setting. Harlem Valley's unique topography was specifically incorporated into the modeling receptor grid that extended out to 8 kilometers, with the actual elevation of each of the 1,710 modeled receptor points input, along with surface roughness parameters based on local land use distribution characteristics.	4.3.3.1

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	unknown variable.			
Michael Purcell, Pawling Resident	Monitoring the prevailing winds and northerly downdrafts in the Harlem Valley air shed at the valley's higher elevations should be a CVE priority to protect air and water quality within the Swamp River and Ten Mile River watershed.	19-6	<p>The modeling analyses included in the DEIS demonstrate that emissions from the Project will not have a significant impact on air or water quality at any elevation in the Harlem Valley or beyond. Prevailing wind effects were taken into account in these analyses.</p> <p>By not having a significant impact on either air quality or acid deposition, the Project will not significantly contribute to indirect sources of water pollution. In fact, because the Project will result in lower regional emissions, it will contribute to reducing these indirect impacts.</p>	4.3 5.3
Michael Purcell, Pawling Resident	The project site is located in the valley bottom of a NYSDEC Important Biodiversity Area. Migratory birds should be monitored for impacts related to plume velocities and stack heights, the Great Swamp Critical Environmental Area and NYS Wetland DP-22 are noted for supporting species of birds that are breeding, rare and of species special concern in New York State.	19-7	Migratory bird collisions with stacks or interactions with plumes are rare events and do not have an appreciable impact on bird migration or populations. In addition, CVE has reviewed and evaluated USFWS guidance on towers, which – although not directly applicable to this type of facility – provides conceptual information illustrating ways in which the Project design minimizes potential effect to migratory birds. For example, CVE has clustered the three stacks together which will minimize the potential for bird strikes as they migrate in broad fronts through the area. In most weather conditions, avian avoidance behavior tends to be very strong; CVE is also working with the Federal Aviation Administration (FAA) to minimize navigation lighting requirements to the extent possible to provide for safety while reducing the possibility of inadvertently attracting birds under inclement weather conditions. The full discussion can be found in Section 3.3.4 of the FEIS.	3.3.4

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Michael Purcell, Pawling Resident	<p>Quoted from CVE DEIS: “Local impacts from acid precipitation formed due to the project are highly unlikely because the processes that convert SO₂ and NO_x gases into their acid counterparts can take several days. During this time, the pollutants would have traveled hundreds of miles from the original source. Thus, the emissions from the project would have little or no contribution to the acidity of the precipitation that falls on the surrounding area. Furthermore impacts at greater distances would be negligible due to the wide dispersion of these gases.”</p> <p>The CVE DEIS does not offer any data to support this statement, in fact it seems to go counter to research at Hubbard Brook Field Station in New Hampshire that reports that NO_x emissions to the atmosphere have been increasing for the last 50 years and recorded for the last 30 (Bio-Science April 2003, Driscoll et al).</p> <p>Nitrogen pollution from point</p>	19-8	<p>In accordance with the New York State Acid Deposition Control Act, a “Source Specific Acidic Deposition Impacts” analysis was conducted to provide quantification of the Project’s contribution to the New York State total deposition of sulfates and nitrates at 18 defined receptors in New York State, New England, and Canada. See Section 4.3.4.2 – Additional Impact Analysis (Acid and Nitrogen Deposition) for further information. By obtaining direct NO_x emissions offsets in quantities exceeding the Project’s maximum permitted emissions and further displacing the operation of existing less efficient and higher emitting units, the Project will result in a significant net reduction in regional NO_x emissions, which will in turn translate to a reduction in nitrogen deposition region wide, including Long Island Sound. The acid deposition analysis in the DEIS is not counter to the Hubbard Brook research. Regional historical increases in NO_x emissions represented as reflected in the Hubbard Brook research provide an important context for the regulatory programs the Project complies with through its stringent pollution control measures and offsets.</p>	4.3.4.2

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	sources in the northeastern United States is well documented as the leading cause of nitrogen loading in Long Island Sound and a major contributor to smog. Emissions from gas fired power plants account for 25 – 50% of nitrogen point source pollution. Emissions of NO _x can convert quickly to other forms of Nitrogen once sunlight is introduced. Nitrogen does not readily readsorb into the landscape but is documented as readily adsorbing into aquatic environments, headwaters of watersheds and contributing to the eutrophication of Long Island Sound. Soils in the surrounding higher elevations could be assessed for their Effective Cation Exchange Capacity (NRCS Web Soil Survey).			
Michael Purcell, Pawling Resident	The American Lung Association report from summer 2010 rated Dutchess County air quality with an “F” for Dutchess County as a result of smog during the smog season. CVE could help mitigate NO _x emissions and other point source pollutants by taking full	19-9	The Project will result in a significant net reduction in regional NO _x emissions through displacement of emissions from less efficient units and direct offsets. CVE considered adding solar panels to its approximately 3 acres of roof, but given the low efficiencies of solar arrays at northern latitudes, CVE has instead elected to incorporate a rooftop rainwater capture system into the Project to help supplement the water supply (see Section	4.3.6

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	<p>advantage of the site's south facing facades. The CVE project documents depict south facing building facades covered in metal siding. These surfaces could readily accept solar pv arrays as a means to produce non polluting energy to the electrical grid.</p>		<p>5.4.4.6.3 of the DEIS). CVE is considering all reasonable opportunities to incorporate on-site renewable energy, such as solar photovoltaic panels on the Project roofs.</p>	
<p>Michael Purcell, Pawling Resident</p>	<p>The Dover Middle and High School campus would be a good candidate for an air quality monitoring station.</p>	<p>19-10</p>	<p>As discussed in more detail in Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex), Project air quality impacts at the Dover Middle and High School complex will be negligible. The Project has funded independent review of these modeling studies on behalf of the Town of Dover.</p> <p>Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken. Any and all such upset events are recorded and reported to NYSDEC.</p> <p>CVE is in discussion with the Town of Dover regarding a number of areas of interest, including potential monitoring at the schools; while not necessary for confirming the Project's compliance with stringent air quality standards, the town may decide through its local review process that this type of activity should be a component of the community benefit package.</p>	<p>4.3.3.3</p>

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Michael Purcell, Pawling Resident	...Additional studies should be completed and funded through escrow of the applicant to establish topographic...and air quality baseline data as a first step towards mitigating potential environmental impacts from the Cricket Valley power plant.	19-11	See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography; Air Quality, Public Health, and the School Complex). Detailed local topographic information and appropriate air quality baseline data were used in the Project analyses. The air quality modeling analyses were reviewed and approved by USEPA and NYSDEC. In addition, the Project funded independent review of the modeling studies on behalf of the Town of Dover.	4.3.3.3
Letter #20 – U.S. EPA – letter dated 7/29/2011				
Steven Riva, United States Environmental Protection Agency	Although not listed in the application or the draft PSD permit, PM is a PSD-affected pollutant, regulated under 6NYCRR Part 231, in addition to PM ₁₀ and PM _{2.5} . Therefore emissions of PM should be addressed in the PSD application, and emission limits for PM should be added for all the PSD-affected emissions units that emit PM, as necessary.	20-1	See Section 4.3.1.3 – Regulatory Updates and Discussion (PSD Permit). As discussed in Section 4.1 of the DEIS, the Project has the potential to emit PM ₁₀ and PM _{2.5} . PM emitted from combustion turbines was conservatively assumed to be 100 percent PM _{2.5} , which is actually a subset of total particulate matter. Therefore, estimated emissions and associated modeling results for PM _{2.5} would also apply to PM and PM ₁₀ .	4.3.1.3
Steven Riva, United States Environmental Protection Agency	Although the facility is subject to PSD for GHG as discussed in the April 2011 DEIS, the draft permit does not contain GHG emission limits or specify efficiency design parameters for the combustion turbines (i.e. the units that will emit the largest amount of GHG). Note	20-2	See Section 4.3.1.3 – Regulatory Updates and Discussion (PSD Permit). The NYSDEC has incorporated GHG permit conditions into the revised draft PSD permit.	4.3.1.3

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	<p>that we agree that the efficiency of the selected combustion turbines is at a level that meets BACT for this proposed source....We recommend that GHG BACT limits and conditions proposed in the DEIS be incorporated into the final permit for CVE...</p> <p>a) Each of the three GE 7FA.05 combustion turbines shall have a thermal efficiency of 57.4 percent (<i>Lower Heating Value – LHV</i>) at <i>International Organization for Standards (ISO)</i> conditions with no duct firing. In addition, the GHG BACT limit for each combustion turbine shall be a heat rate of no greater than 7,605 <i>British thermal units per kilowatt-hour (Btu/kW-hr)</i> at ISO conditions with no duct firing (based on net output).</p> <p>b) Total annual <i>carbon dioxide equivalent (CO₂e)</i> emissions from the three combined cycle units shall not exceed 3,576,943 tons per rolling 12-month period. Each combustion turbine shall install a <i>carbon dioxide (CO₂)</i></p>			

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	<p>continuous emissions monitoring system (CEMS), or alternative method as specified under 40 CFR 75, to demonstrate compliance with this combined limit.</p> <p>c) Total CO₂e emissions from the auxiliary boiler shall not exceed 15,887 tons per rolling 12-month period. The CO₂ emissions from this unit shall be monitored through fuel usage.</p> <p>d) Total CO₂e emissions from the emergency fire pump shall not exceed 114 tons per rolling 12-month period. The CO₂ emissions from this unit shall be monitored through fuel usage.</p> <p>e) Total CO₂e emissions from the four black start generators shall not exceed 4,822 tons per rolling 12-month period. The CO₂ emissions from these units shall be monitored through fuel usage.</p>			

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Letter # 21 – Anne McCabe – e-mail dated 7/31/2011				
Anne 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.	1.4.6
Letter #22 – Catherine Sebastian – e-mail dated 8/1/2011				
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.	1.4.6
Letter #23 – Evelyn and Joseph Chiarito – letter dated 8/1/2011				
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	The 1999 Chazen Companies study of the Harlem Valley aquifer indicates that the Harlem Valley towns from Amenia to Patterson all share the same aquifer, which provides water for 20,000 people. Draw-down on this aquifer by the Dover Knolls complex (1,376 units), other recently approved and proposed housing developments, existing homeowners, adjacent Dover High school, Wingdale Elementary and Dover Elementary schools, and Cricket Valley Energy (all high volume	23-1	The importance of studying the cumulative impact of the Project with other proposed uses in the Town of Dover and the Harlem Valley is acknowledged. With these concerns in mind, 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, will be sustainable. Chazen, 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 and that there will be no permanent off-site drawdown effects on the aquifer. To ensure that the town's drinking water supply will not be affected, a long-term pump test program was developed	5.3.3

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	water users) should be evaluated. It is all the same aquifer.		<p>and approved by the NYSDEC (see DEIS Section 5.4.4 for a detailed discussion of the pump test and approved protocol). As discussed in DEIS Section 5.4.4.5, the Project's main well can be operated indefinitely at its design rate and, when tested at maximum water needs (120 gpm), it did not produce any discernible effects on any of the monitored off-site private wells, nor any of the on-site wetlands. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.</p> <p>Additionally, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During meetings with local residents and local environmental groups, attendees concluded that the Route 22 bridge, where a USGS stream gauging station had been previously sited, would be the most advantageous location for gauging to occur.</p>	
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Also, what will be the effect [<i>of the water being withdrawn from the aquifer</i>] on the adjacent Great Swamp (DP-22) and its sensitive habitats and ecological preserves such as the Mostachetti-Slocum Preserve and Carruth Preserves held by the Oblong Land Conservancy as well as Nature Conservancy Nellie Hill Preserve and Perry Preserve?	23-2	<p>To ensure that the sensitive water uses will not be affected by the Project's water consumption, a long-term pump test program was developed and approved by NYSDEC (see DEIS Section 5.4.4 for a detailed discussion of the pump test and approved protocol).</p> <p>As discussed in DEIS Section 5.4.4.2, given the Project's proximate location to the Swamp River and its associated wetlands, including the adjacent Carruth Preserve, it was important to demonstrate that Project water withdrawal would not have an adverse impact on the system of wetlands associated with the Swamp River</p>	5.3.2

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			(i.e., DP-22). A series of temporary piezometers were installed to record water level changes in the wetlands and Swamp River before, during and after the pump test. The results of this monitoring is included in Appendix 5-E of the DEIS, which concludes that the Project's proposed maximum water withdrawal will not have any discernible impact to the Swamp River and adjacent wetlands.	
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Some method of monitoring aquifer depletion should be put in place and maintained by the applicant.	23-3	The anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand. In addition, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During meetings with local residents and local environmental groups, attendees concluded that the Route 22 bridge, where a USGS stream gauging station had been previously sited, would be the most advantageous location for gauging to occur.	5.3.3
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	The DEIS should evaluate the cumulative impact on regional groundwater.	23-4	The Project's Site Water Budget Report (DEIS Appendix 5-C), was commissioned to specifically analyze whether the Project's groundwater consumption, in conjunction with other proposed projects in the area, will be sustainable. Chazen, 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, and that there will be no permanent off-site drawdown effects on the aquifer.	5.3.2
Evelyn Chiarito and Joseph Chiarito,	I realize that Cricket Valley will clean up the site but am	23-5	CVE has drilled six separate on-site wells, with depths ranging from 600 to 1,000 feet deep. During the long-	2.3 5.3

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Dover Plains Residents	wondering if aquifer draw-down can also cause deep well contamination to be drawn up into the water supply?		<p>term pumping test, which concluded that there would be no discernible drawdown effects, the water quality of the Project wells was tested by a Dutchess County Department of Health (DCDOH) listed laboratory.</p> <p>The laboratory assessment of the existing water thresholds indicated that the water was potable, although some wells did contain “total coliform,” which is a group of naturally occurring bacteria. The coliform will be treated by the Project’s potable water system, as required by DCDOH drinking water requirements.</p> <p>With these water quality results in mind, CVE does not believe there is any “deep well contamination” beneath or surrounding the CVE Property. In addition, the Phase II ESA tested groundwater from an existing array of NYSDEC monitoring wells installed downgradient from the site, adjacent to the Metro-North rail line. Laboratory analysis of samples from these wells – discussed in greater detail in Section 2.3.2 of the FEIS – supports the conclusion that the Project’s groundwater withdrawal wells will not encounter significantly contaminated groundwater. The analysis does not indicate contamination in the surrounding water supply that could be impacted by the Project’s water withdrawal. In addition, the Project will discharge no process waste water, and will implement a SPCC and SPR. As a result, the Project will not be a source of contamination for water supply.</p>	

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Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	The American Lung Association of New York State rates our air quality in Dutchess Co. as an “F”... I am astounded that our air quality comparison is from Poughkeepsie (airport) area.	23-6	Anemometer data from the National Weather Service station at Dutchess County airport were selected for use in the Air Quality Modeling Protocol, which was carefully considered and approved by USEPA and NYSDEC, because those data were collected at a location in a similarly oriented north-south valley that closely matches the degree of terrain channeling that the Project’s plumes will experience, given their height. Existing ambient air quality data were obtained from a network of air quality monitors surrounding the site that is operated by NYSDEC and the Connecticut Department of Environmental Protection. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography).	4.3.3.1
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	In our very narrow valley, we have numerous quarrying (blasting) and mining operations with unknown emissions from their operations, related heavy trucking, processing machinery, and Rasco Materials (a petroleum contaminated soil processor), all of which affect our air quality. Cricket Valley construction, commuting construction crews, trucks and equipment will add to existing air pollution.	23-7	Construction related impacts are discussed in detail in Section 4.3.5 – Construction-Related Impacts. In addition, CVE has optioned the former Rasco parcel to eliminate any emissions from that source and reduce the need for off-site parking and its associated travel.	4.3.5

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Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Yes, gas is “clean-er” than oil but a gas power plant still pumps out millions of tons of CO ₂ , smog producing chemicals, and toxins directly into the air we breathe and will increase the already high pollution in our small narrow valley. None of these cumulative air emissions have ever been evaluated but we are proposing adding more without any reliable benchmark. It seems to me that we should know what we have before we project what we may/will have. It reminds me of what has happened in poor communities in the Bronx and New York City and the resulting health problems and high asthmatic rates among the children of those communities. Our narrow Harlem Valley is subject to frequent air inversions, a fact which local hang-gliders have also long reported and which any person living here can attest to and clearly see for themselves.	23-8	<p>The Project will be one of the most efficient and lowest emitting fossil-fuel-fired power plant ever constructed. The modeling analysis included a cumulative impact analysis that accounted for maximum permitted emissions from other emission sources and existing ambient air quality levels. The modeling also directly accounted for periods of thermal inversion and the unique topography of the valley. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) for further information. The results of the modeling analyses, which were thoroughly reviewed and approved by USEPA and NYSDEC, demonstrate that the Project will fully comply with NAAQS and NYAAQS that were established to protect the health of the most sensitive individuals, including asthmatics. In addition, it will displace the operation of older, higher emitting power plants resulting in a region-wide reduction in emissions.</p> <p>In addition, see Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) and Section 4.3.6 – Emissions Displacement for a discussion of cumulative impacts.</p>	4.3.3.1

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Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Air quality monitoring equipment should be installed at the Dover High School for a sufficient period of time to provide a reliable air quality benchmark to avoid putting our children at higher risk for lung and other poor air-quality related diseases as well as to comply with all state and federal requirements.	23-9	As discussed in more detail in Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex), Project air quality impacts at the Dover Middle and High School complex will be negligible. Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken. CVE is in discussion with the Town of Dover regarding a number of areas of interest, including potential monitoring at the schools; while not necessary for confirming the Project's compliance with stringent air quality standards, the town may decide through its local review process that this type of activity should be a component of the community benefit package.	4.3.3.3
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Because air quality is such an important and serious health impacting issue, the Dover Town Board must hire an independent air quality specialist expert to review and evaluate the DEIS and make recommendations. However, the Town of Dover is a poor community without extra monies to spend on experts (likely one of the reasons that Dover was chosen for this project), I request that Cricket Valley fund	23-10	Air quality is acknowledged as a significant issue to be evaluated for the Project. Most recently, the Town of Dover has hired an additional air quality expert, funded by CVE, to assist the Town Board in its review of the Project. Air quality issues have also undergone considerable independent scrutiny prior to this assessment. The air quality modeling analyses were reviewed by USEPA and NYSDEC air quality staff, beginning with the modeling protocol. Comments were received from the agencies at several points in the process as provided in Appendix 4-A. In addition, comments were received from the Town of Dover's third party consultant (AKRF) on the DEIS, including air quality comments from the consultant's air quality expert. Those comments are addressed in this	4.3.3.3

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	this expense.		FEIS. The results of the air quality modeling analyses indicate compliance with standards designed to protect the health of the most sensitive members of our population. Any community benefit package would not be in place of ensuring Project impacts were minimized and not a threat to public health.	
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." As has always been Advanced Power's policy, all cleaning of pipes will be performed with inert gases or compressed air, which is consistent with the new NFPA standards. The plant at Middletown did not use inert gases for purging. 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 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 local officials. The plant will be equipped with on-site fire protection systems which will be fully	1.4.7 6.2.7

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			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 place.	
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Noise is already an issue. At the last Town Board meeting, folks living on adjacent Chipewalla Rd. complain that they constantly hear the back-up beeps from Rasco Materials on the same site, and are greatly concerned about the noise they will have from Cricket Valley both from construction and when operational. It appears that Cricket Valley will exceed the noise ordinance. After all, this is a narrow valley where noise carries and echoes from the surrounding hills.	23-12	<p>Beeping associated with back-up signals is designed to be clearly heard; however, Rasco materials will no longer operate at the former Rasco parcel. The proposed Project layout is intended to minimize the need for backing once the facility is operational (see Appendix 6-F of the FEIS for drawings reflecting plans for internal traffic flow). However, there could be some occasional backing of larger vehicles during the construction period, and less frequently, during operation. This type of activity will be limited to daytime.</p> <p>In determining sound level compliance, the specifics of the site's topography and ground cover were incorporated into modeling. Estimates of operational sound levels produced by the Project were calculated using CadnaA environmental sound modeling software (Version 3.7.123 DataKustic GmbH). The CadnaA sound modeling software uses algorithms and procedures described in International Standards Organization (ISO) 9613-2, which provides estimates of sound levels for meteorological conditions that are favorable for the propagation of sound</p>	6.3.4

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			(downwind with a wind speed of 1-5 meters/second). Although the Project will still request a zoning amendment for sound levels to the west, as discussed in Section 6.3.4.2, this is only due to Metro-North’s narrow railroad parcel that traverses the Property. Compliance is achieved in all other compass directions.	
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.	1.4.6
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,	1.4.8

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			<p>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.</p> <p>Potential Project impacts have been carefully assessed, and compliance demonstrated with applicable environmental standards.</p>	
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.	1.4.1

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Letter #24 – Joel Tyner – e-mail dated 8/1/2011				
Joel Tyner, Dutchess County Legislature	<p>...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?</p> <p>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 –</p> <p>Yes, all of this is pertinent to the plant proposed for Dover – because it's to be fired by “natural gas” (with good possibility much of that natural gas coming from fracking—over my dead body!”</p>	24-1	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.	1.4.6
Joel Tyner, Dutchess County Legislature	<p>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?</p> <p>Fact: Dr. Richard Perez of SUNY-</p>	24-2	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	1.4.4

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	<p>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.</p> <p>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–</p>		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	<p>Fact: This April Dutchess County earned an "F" for ozone pollution for literally the third year in a row, with 15 orange days for ozone pollution, one more day than in 2010, according to the American Lung Association of New York State...</p> <p>Fact: Dutchess County was one of only two counties in the state whose number of high ozone</p>	24-3	We note these statistics concerning air quality in Dutchess County, as an important context to the regulatory programs with which the Project has demonstrated compliance. The air dispersion modeling analysis demonstrated that the proposed Project, taking existing air quality levels and the contributions of other sources into account, will neither cause nor significantly contribute to any violation of the NAAQS or NYAAQS 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.	4.3.3.3

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	<p>days increased when compared to last year, according to the American Lung Association of New York State, and there are over 35,000 Dutchess residents with asthma, bronchitis, or emphysema, according to the American Lung Association of New York State...</p> <p>Fact: Dutchess County's average hourly concentration of ozone is actually quite a bit higher than even that of New York City's, according to a recent study conducted at the Cary Institute of Ecosystem Studies by Dr. Clive Jones, Jillian Gregg, and Todd Dawson that was reported July 10, 2003 in the New York Times and in the Poughkeepsie Journal as well...</p>		<p>Because the Project area, like all of the Northeast U.S., is classified as a non-attainment area for ozone, the Project has secured emissions offsets of NO_x and VOC, precursor pollutants to ozone formation, equaling 115 percent of the Project's maximum potential annual emissions. Additionally, by displacing the operation of older, higher emitting generators, regional emissions of all pollutants and GHGs, including ozone precursors, will decrease. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) for more information.</p>	
Joel Tyner, Dutchess County Legislature	<p><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</i></p>	24-4	<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.</p>	1.4.3

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	Point shuts down?		<p>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.^{1,5}</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>	
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	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.	1.4.3

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	believe that we need to see more conservation, efficiency and the use of renewable resources before building new power plants.”			
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.	1.4.1
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. 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.</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 NYSPSC 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). NYSPSC has, in several recent orders, ^{1,5} 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	1.4.2 1.4.3

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			<p>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> <p>The need for power is addressed in Sections 1.3.1 and 1.4.3 of the FEIS.</p> <p>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).</p> <p>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</p>	

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			impacts related to air quality.	
Joel Tyner, Dutchess County Legislature	Constance I. DuHamel, cofounder of the Coalition for the Responsible Growth of Dover, is focusing, in part, on how much more polluted the air will be in the area with a new power plant on line, “taking into consideration the relatively poor air quality we are reported to have already.”	24-8	The air dispersion modeling analysis demonstrated that the proposed Project, taking existing air quality levels and the contributions of other sources into account, will neither cause nor significantly contribute to any violation of the NAAQS or NYAAQS 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. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex).	4.3.3.3
Joel Tyner, Dutchess County Legislature	She rightly calls on environmental officials to be continually mindful of the cumulative impact of the site's presence, not just governmental thresholds for the harmful chemicals coming from the emissions of this particular plant.	24-9	See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex). Potential environmental impacts evaluated in the DEIS included impacts to earth resources, natural resources, water resources, land use, viewsheds, traffic, and noise levels in addition to air quality. Many of these topics incorporated specific information regarding existing and proposed projects within the local community. When considering cumulative effects for air quality, specific requirements exist that extend beyond the potential local contributors, acknowledging the regional influence of emission sources. Therefore, as outlined in Section 4.3.3.3, CVE incorporated contributing sources within a broad region of New York State, as well as from portions of Connecticut and Massachusetts.	4.3.3.3

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Joel Tyner, Dutchess County Legislature	She also proposes Cricket Valley Energy pay for an air-quality monitoring station, to be located nearby on the grounds of the Dover middle and high schools, with the data collected independently and submitted to the EPA. The plant is about a mile from the school, and DuHamel notes there are times of year when children play outside using school facilities.	24-10	<p>A discussion of an air monitoring station at the Dover Middle/High School campus is included below in Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex). Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken.</p> <p>CVE is in discussion with the Town of Dover regarding a number of areas of interest, including potential monitoring at the schools; while not necessary for confirming the Project's compliance with stringent air quality standards, the town may decide through its local review process that this type of activity should be a component of the community benefit package.</p>	4.3.3.3
Letter #25 – Mark Chipkin – e-mail dated 8/1/2011				
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	<p>The need for power is addressed in Sections 1.3.1 and 1.4.3 of the FEIS.</p> <p>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).</p> <p>CVE provided funding to the town of Dover to allow for</p>	1.4.2

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			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	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. The Town of Dover Town Board will have an integral role in the approval of the Project through the granting of a Special Permit.	1.4.2
Mark Chipkin, Pawling Resident	The Cricket Valley Power Plant ...will remove clean water from our aquifer, and in exchange they will add air, visual and noise pollutants to our environment. This will increase the health risks to residents, many of whom have moved to the Dover Region to avoid city pollutants.	25-3	The air dispersion modeling analysis demonstrated that the proposed Project, taking existing air quality levels and the contributions of other sources into account, will neither cause nor significantly contribute to any violation of the NAAQS or NYAAQS 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. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex). See Section 5.4.4.4 and Appendix 5-C of the DEIS for a discussion confirming that the level of water use proposed will not have a discernible effect on aquifer water	4.3.3.3 5.4.4.4 6.3.2 6.3.4

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			<p>availability. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand. Sections 4 and 6 of the DEIS and this FEIS address potential impacts to air quality, visual resources and aesthetics, and noise.</p> <p>As detailed in Section 6.2 of the DEIS, the Project will add a new visual element to the landscape. Given the design attributes of the Project, the natural buffer of its surroundings, the context and number of viewers, the duration of the view, the degree of discernible detail, and the scenic value of the setting, the visual of this impact is assessed in that section of the DEIS as minimal.</p> <p>Careful evaluation of Project sound levels, addition of extensive sound mitigation (as discussed in Section 6.4.3.3.2 of the DEIS), thorough compliance demonstration (as described in Section 6.3.4.4 of the FEIS), and a commitment to address any potential future complaints safeguard against community impacts associated with Project noise.</p>	
Mark Chipkin, Pawling Resident	Due to the stagnant nature of the air in the Harlem Valley Region, this is particularly true.	25-4	The meteorological data used in the modeling analysis included five years of hourly observations. This data set included numerous periods of calm and near calm conditions. During these “stagnant” conditions, air quality impacts to locations in the valley were demonstrated to be negligible. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) for further information.	4.3.3.1

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Mark Chipkin, Pawling Resident	No exception to decibel levels should be considered.	25-5	The town will evaluate compliance with its ordinance and consideration of a zoning code amendment. With the addition of the former Rasco parcel, the sole remaining projected exceedance occurs on a property line that is not occupied by a noise-sensitive receptor (rather, the Metro-North railroad creates a significant amount of sound as it travels along the rail corridor). In addition, CVE will own approximately 1,000 feet of additional property on the other side of the railroad line. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on the other side of this receptor, this will not result in either a public or private nuisance. At the westerly boundaries of that property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards. For these reasons CVE believes an exception should be granted.	6.3.4
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	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.	1.4.3
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	25-7	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: · CVE has made considerable efforts to refine the	1.4.8 4.3 4.3.7 5.3.3

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	<p>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.</p>		<p>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.</p> <ul style="list-style-type: none"> · 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. · CVE continues to support the advancement of Dover’s youth through a scholarship, awarded annually to a graduating Dover High School Senior. · 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. · 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). · The Project will remediate an abandoned industrial site, including restoration of previously impacted wetlands on the site. <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</p>	

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			negotiated with the Town of Dover.	
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?...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	<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 to the Commission for a CPCN pursuant to Section 68 of the PSL.</p> <p>NYSPSC has, in several recent orders,^{1,5} 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</p>	1.4.1 1.4.3

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			<p>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 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.</p>	

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Mark Chipkin, Pawling Resident	<p>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 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>	25-9	<p>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.</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>	1.4.4
Mark Chipkin, Pawling Resident	<p>It was unclear as to whether bog turtles and rattlesnakes are on this site and how they would be protected.</p>	25-10	<p>An update of the bog turtle and rattlesnake surveys with additional data is discussed in Section 3.3.2 to reflect the increase in site size. No rattlesnake dens are located on the site, although snakes may traverse the area. No development is proposed within potentially suitable bog turtle habitat, and no bog turtles were found in follow-up surveys.</p>	3.3.2
Mark Chipkin, Pawling Resident	<p>Jobs in the community in exchange for polluted air for everyone else, is not acceptable.</p>	25-11	<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</p>	1.4.8 4.3.3.3 6.3.7

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			<p>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 of NO_x and VOC. 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 NAAQS or NYAAQS 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.</p> <p>The Project has been carefully designed with extensive pollution control technology and low emissions, demonstrating compliance with National Ambient Air Quality Standards. As discussed in Section 4 of the DEIS and FEIS, the Project is predicted to create a net air quality benefit in the New York region. As a result, the Project represents a low impact project that also brings the benefit of jobs into the local community.</p>	
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	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.	1.4.7

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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	<p>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.</p> <p>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.</p> <p>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 Adjacent Areas, and preserve 79 acres of land bordering the Swamp River, all of which provides a significant environmental benefit.</p>	1.4.2
Letter #26 – George Quasha – e-mail dated 8/1/2011				
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.	1.4.1

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Letter #27 – Mike Purcell – e-mail dated 8/2/2011				
Mike Purcell, Pawling Resident;	<i>Request for a Saturday hearing</i>	27-1	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.	1.4.2
Mike Purcell, Pawling Resident	...the Great Swamp has an almost daily occurrence of fog rising from the wetlands in the dawn hours. The fog rises above the elevation of the 2 stacks that Cricket Valley is proposing...The presence of this naturally recurring phenomena of the Great Swamp Critical Environmental Area has not been addressed in the Cricket Valley Energy Documents and poses significant adverse impacts to water resources and the calcareous wetland ecology of the Harlem Valley. Calcareous wetlands are dependent on low NO _x volumes to maintain the fragile ecosystems that are common here and rare statewide...	27-2	As discussed in Section 4.3.4, because the exhaust plume is very buoyant due to its temperature, it will quickly rise above any fog in the area (even fog above stack height). The presence of thermal inversions and ground fog was adequately represented in the meteorological data used in the modeling analyses. The DEIS also included analyses of impacts of Project emissions on sensitive vegetation and soils as well as contributions to acid deposition and ambient concentrations of nitrogen dioxide (NO ₂). The analyses concluded that the Project's impacts would not have a significant impact on sensitive natural resources. Note that three stacks, not two, are associated with the proposed Project.	4.3.4

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Letter #28 – State of New York Department of Public Service – letter dated 8/4/2011				
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	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.	1.4.3
Christina Palmero, State of New York Department of Public Service	...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	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 (http://www.dps.ny.gov) 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. 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 ₂), NO _x and particulate matter including fine particulates	1.4.1

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			<p>(PM_{2.5}). 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>	
Christina Palmero, State of New York Department of Public Service	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</p>	1.4.1

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			be part of the ongoing Class Year 2011 Facilities Study.	
Christina Palmero, State of New York Department of Public Service	The EPA has recently promulgated new standards relating to the emission of Nitrous Oxides and Sulfur Oxide compounds into the environment. The applicants should describe how the low-NO _x auxiliary boiler could meet these emission standards and whether significant equipment changes would be required to meet them in the future.	28-4	The auxiliary boiler meets all USEPA emissions standards, and no future changes to this equipment are anticipated to be necessary.	4.3
Christina Palmero, State of New York Department of Public Service	Section 2.1 "Applicable Laws, Regulations and Policies" includes "National building code addresses the construction of structures in certain seismic zones and draft seismic provisions have been prepared to support the New York State Uniform Fire Prevention and Building Code"...Please note that Section 1613 of 2010 NY State Building Code required seismic design standards.	28-5	This comment is noted. The Engineering, Procurement and Construction (EPC) Contractor will adhere to all applicable New York State Building Codes, including seismic design standards, as the Project is designed and constructed.	2.3
Christina Palmero, State of New York Department of Public	Staff of the NYS Department of Public Service will review CVE's petition to the Public Service Commission (when filed) for an	28-6	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	1.4.1

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Service	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.		required information through that review process.	
Letter #29 – David Roberts – letter dated 8/4/2011				
David Roberts, Pawling Resident	Viewshed analysis shows that the plant is plainly visible from the library at Dover Junior – Senior High School.	29-1	Visual simulations were not completed from the interior of any buildings. The simulations provided in Section 6.2.4 of the DEIS, which includes the Dover Middle School – High School complex were taken from outdoor locations representative of a “worst case” view (see DEIS Figure 6.2-10). It is possible that views of the facility will be seen from locations other than those for which specific simulations were prepared, although as evident from DEIS Figure 6.2-10, the school grounds are well-screened by vegetation.	6.3.2

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David Roberts, Pawling Resident	Prevailing winds will bring particulate matter directly over the school's athletic fields and track facility. Pediatric asthma studies indicate negative health effects from stagnant atmospheric inversions in our areas. There are also several summer camps in Lake Ellis region just east of the school property that are dealing with children with these problems.	29-2	The air quality modeling analysis included consideration of prevailing winds under a variety of meteorological conditions, including periods of thermal inversions. Impacts to the school under all conditions have been demonstrated to be negligible, and are significantly below standards that have been adopted to protect the health of the most sensitive individuals. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) and Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) for further information.	4.3.3.1 4.3.3.3
David Roberts, Pawling Resident	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.	29-3	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.	1.4.4

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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.	1.4.1
Letter #30 – Sierra Club – letter dated 8/4/2011				
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	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.	1.4.6

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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.	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.	1.4.3
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	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.	1.4.6
Jurgen Wekerle, Sierra Club, Atlantic Chapter	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	30-4	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	1.4.3

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	<p>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.</p> <p>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.</p>		<p>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.</p> <p>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).</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 CO₂, 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</p>	

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			<p>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,^{1,5} 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</p>	

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			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.	
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	<p>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.</p> <p>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.</p>	1.4.3
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 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	1.4.3

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			<p>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.</p> <p>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.</p>	
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 customers...How will all that new supply capacity affect CVE, and how will CVE impact the pending competing proposals? NYISO data clearly confirms that not one of the above noted proposals, including CVE, is needed.	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 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.	1.4.3
Jurgen Wekerle, Sierra Club, Atlantic Chapter	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	30-8	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	1.4.4

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	<p>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> <p><i>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:</i></p> <ul style="list-style-type: none"> · <i>Upgrades to the power grid</i> · <i>Demand-side management strategies</i> · <i>Time-of-day price metering</i> · <i>Unused reserve capacity at existing power plants</i> · <i>A New York City regulation that requires ability to produce 80 percent of peak load from generation located within the city limits</i> · <i>NYSERDA programs</i> · <i>Reduced power demand due to improved building</i> 		<p>detailed discussion of Alternatives is provided as Section 7 of the DEIS.</p>	

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	<p><i>construction codes and code enforcement</i></p> <ul style="list-style-type: none"> · <i>Weatherization and energy efficiency programs associated with the '09 American Recovery and Reinvestment Act funding</i> · <i>Solar energy projects</i> · <i>The LIDAR project, "Remote Net-Metering" legislation and the proposed "Feed-in Tariff" legislation</i> <p><i>Decentralized, land-based and off-shore wind power proposed for Long Island and the New Jersey coastline</i></p>			
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,	30-9	<p>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.</p> <p>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.</p>	1.4.1

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	etc. The CVE site qualifies for Superfund monies, and also an extra bonus for being an energy company located on a Superfund site.			
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.	1.4.1
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.	1.4.3

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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	<p>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.</p> <p>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.</p>	1.4.3
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	30-13	<p>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.</p> <p>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</p>	1.4.3

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	merchants have I the event of default and bankruptcy? How would town, county and school district property taxes be affected?		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.	1.4.3
Letter #31 – Tamara Wade – letter dated 8/4/2011				
Tamara Wade, Wingdale Resident	I maintain that we must have <i>[air quality]</i> data collected here, best locations being at our high school and elementary schools as it has been stated that the further away emissions travel the more hazardous they become as they combine with other particulates. We should also be concerned with data regarding surrounding townships, as our air is also their air.	31-1	The air quality impact modeling considered impacts to the local community and surrounding townships utilizing individual air quality monitoring data from a number of locations surrounding the Project site. Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) for further information.	4.3.3.3

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Tamara Wade, Wingdale Resident	Methane will be inevitably released along with NO _x and VOC's in an area where ground level ozone is already a problem.	31-2	Methane is not photochemically reactive, which means that it does not react to form ozone and is not a contributor to smog. Potential Project contributions to VOC and NO _x , ozone precursors, are addressed through emission offset requirements, as discussed in Section 4.1 of the DEIS. As Dover's air quality is strongly influenced by regional emissions, the Project will further reduce emission of ozone causing pollutants by displacing the operation of older, higher emitting generators in the region, as well as by directly offsetting 115 percent of the Project's maximum permitted annual emissions.	4.3.6
Tamara Wade, Wingdale Resident	I am concerned about the issue of carbon capture and insufficient usable technology. We surely should have a low to no impact means for this capture as we create these new burning plants. The talk of carbon capture by means of pumping emissions into our earth is absurd, how is this not a process that stands to contaminate soil and water? When the Federal Government seeks to retrofit gas fired plants with this technology in the future are we up against another environmental dilemma in Dover? For a world that speaks of global warming and the need to cease emissions by 2050 it does seem we are jumping from the fire into	31-3	The issue of carbon capture and sequestration (CCS) is discussed in Section 4.3.7 – Greenhouse Gases. CCS is not considered a viable control technology for the Project. The Project will represent the lowest greenhouse gas emitting facility of its kind ever constructed. Further, it will displace the operation of older, less efficient generators resulting in a net reduction in regional emissions of greenhouse gases.	4.3.7

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	the frying pan.			
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	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.	1.4.2
Tamara Wade, Wingdale Resident	What course of timely and remedial action will we be able to take in the event anyone suffers declined health as a result of emissions.	31-5	The air dispersion modeling analysis demonstrated that the proposed Project, taking existing air quality levels and the contributions of other sources into account, will neither cause nor significantly contribute to any violation of the NAAQS or NYAAQS 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. Continuous monitoring will ensure compliance with emission commitments.	4.3.3
Tamara Wade, Wingdale Resident	While CVE states that they will not be releasing contaminated water back into the environment do the emissions of the facility not create air pollution to our air which in turn contaminate ground water and ridge waters that inevitably return to our water supply? I think it would be best to have continual monitoring of the aquifer and nearby residential	31-6	By not having a significant impact on either air quality or acid deposition, the Project will not significantly contribute to indirect sources of water pollution. In fact, because the Project will result in lower regional emissions, it will contribute to reducing these indirect impacts. CVE will monitor the water quality in its systems, and will monitor and report usage to NYSDEC consistent with anticipated permitting requirements. In addition, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During	5.3.3

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	wells in conjunction with random testing of wells throughout Dover in the event that permitting is granted, performed by experts of the Town Boards choice, at the expense of CVE.		meetings with local residents and local environmental groups, attendees concluded that the Route 22 bridge, where a USGS stream gauging station had been previously sited, would be the most advantageous location for gauging to occur.	
Tamara Wade, Wingdale Resident	I am concerned about future diminished water supply from being over drawn particularly in times of drought. How does drawing from below bedrock not affect main aquifer? ...If water volume is removed below, will the water above not seep to fill that void?	31-7	<p>As discussed in DEIS Section 5.4.4.4, review of the Property's topographic setting suggests that groundwater recharged on higher elevation lands northeast of the Property may be expected to migrate naturally toward and under the Property, contributing to available groundwater resources available to CVE (see DEIS Figure 5-2). The pumping test results discussed in detail in DEIS Sections 5.4.4.2 and 5.4.4.3 indicate that site pumping from the deep aquifer does not draw down groundwater from the shallow aquifer.</p> <p>The section of the Swamp River abutting the CVE Property has been identified by stream gauging to experience the most robust stream gain of the entire river. The <i>Site Water Budget Report</i> (DEIS Appendix 5-C) concludes that, due to this advantageous location within the watershed, the Property is fully capable of supporting the Project's proposed average water consumption under both average and drought conditions, with no permanent off-site drawdown impacts of any type. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.</p>	5.3

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Tamara Wade, Wingdale Resident	I feel this concern [<i>water use</i>] would be best mitigated by mandating that CVE provides adequate storage tanks on site, purchases and transports the majority of water necessary for operations thereby generating business and employment, and sparing our aquifer for life sustaining purposes.	31-8	On-site water storage tanks, described in Section 1.3.6 of the DEIS are proposed to allow for appropriate water management. Use of an off-site water supply transported to the Project would not eliminate the need for careful evaluation of potential impact to other users, no matter where the water source. Such an analysis has been completed for the Swamp River watershed and, as discussed in Appendix 5-C of the DEIS, careful consideration of Project water needs, as well as regional and cumulative effect, indicate that Project water withdrawal needs are locally sustainable and that there will be no permanent off-site drawdown effects on the aquifer.	5.3
Tamara Wade, Wingdale Resident	Perhaps they might purchase seawater from our rising seas that are said to be due to global warming, from fossil fuel burning emissions. Then they could employ more people to desalinate the water, and perhaps utilize the salt in the event there is increased need of de-icing the roads when heat generated by the facility causes vapors that could potentially create fog and ice on nearby roads.	31-9	As noted above, the environmental and community impact associated with transporting water from off-site sources would be significant. Additional water supplies are also not needed for this Project, given the relatively small volume of water that will be needed and the results of studies that indicate that Project water withdrawal needs are locally sustainable (see Appendix 5-C of the DEIS for Site Water Budget Report). The importance of the Harlem Valley watershed is acknowledged. Since the Project's first Town Meeting in April 2009, CVE has made considerable efforts to re-engineer its facility to minimize water use, including the addition of a Zero Liquid Discharge system to internally recycle water, and a rooftop rainwater capture system to supplement the water supply. Through these efforts, the Project will be one of the most water-efficient power plants in the region.	5.3

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Tamara Wade, Wingdale Resident	They might also consider permanent fog lights along Route 22 and Cricket Hill in the event that fog is a problem in the cold months.	31-10	Roadway fogging and icing impacts are sometimes associated with wet cooling towers at similar types of plants. Because the CVE Project will utilize air cooling, these issues will not occur.	4.3
Tamara Wade, Wingdale Resident	Will there be an ongoing disruption of habitat in the wetland and do we stand to further contaminate it?	31-11	As noted in Section 3.3.1 of the DEIS, a total of only 0.28 acre of wetland (of which 0.08 acre is located in NYSDEC- or USACE-jurisdictional wetlands) and 0.8 acre of Adjacent Area will be permanently lost and 1.5 acres of non-jurisdictional forested wetland will be converted into maintained shrub/scrub wetland, to accommodate the new overhead utility lines. In addition to site clean-up, which will improve site conditions, CVE will restore 0.6 acre of previously degraded wetland and 2.4 acres of Adjacent Area, and create 0.08 acre of new wetland. By removing existing industrial debris currently located in and around wetland areas on the site, restoring previously degraded wetlands and improving upland areas adjacent to wetlands, these habitat areas will be greatly improved by the Project. In addition, approximately 1.8 acres of Adjacent Area between the proposed limits of construction and Wetland 2 will be selectively planted with trees and shrub species to increase the density of vegetation. Bioretention basin outlets will be stabilized and planted with native grasses and ground cover plants. A box culvert design consisting of erosion control matting seeded with a conservation mix and planted with shrubs transitioning to a naturally designed revetment consisting of logs and rootwads (tree trunk with roots attached) to be secured with boulders will also be installed.	3.3.1

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Tamara Wade, Wingdale Resident	I am concerned for those of our residents who live near the facility in regards to disturbance from noise during the construction phase and during operational period. As nuisance from noise can create agitation and sleep deprivation, a very serious problem and being in a valley will exacerbate that problem. CVE has asked for a variance to be allowed to exceed 60 db toward railroad.	31-12	<p>No loud nighttime operations are anticipated once the facility is operational. The Project will comply with the Town of Dover nighttime noise standard (50 dBA) at all residential property lines, where sleep interference could occur.</p> <p>During construction, the majority of louder activities will occur during the day. Infrequently, some limited construction activities will be required to occur at night. For example:</p> <ul style="list-style-type: none"> • Concrete pours, which must be continuous for structural integrity, and which would not be anticipated to be particularly noisy; • Transfer of materials from the remote Laydown Site to the Project Development Area, timed to avoid the evening commuter period and no later than 9:00 p.m., which would involve trucking noise; • Hauling of heavy loads (such as the turbines), which per NYSDOT regulation must occur during late night hours to minimize effect on existing roadway use; and <p>Construction finish work, as necessary, during later construction phases, which would predominantly occur indoor and would therefore not produce significant noise levels.</p>	6.3.4

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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	<p>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.</p> <p>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.</p> <p>As discussed 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 occur offsite, and no impact to any offsite location, including the rail line, would occur.</p>	1.4.7 4.3.4.4
Tamara Wade, Wingdale Resident	<p>A total of 30 permanent highly skilled jobs with a goal of taking coal burning power plants off line, and the employees along with it. JOB CREATION? Really?</p> <p>Up to 780 temporary jobs over the course of three years (many of which will come from Dutchess county) with Dover bearing the brunt (many of which) speaks</p>	31-14	<p>The Project fulfills a need for additional electric generation and will create over 1,000 worker-years of construction employment, 25 to 30 permanent high-paying professional jobs and will generate 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. CVE will continue to coordinate with local emergency service providers to verify that adequate resources are in place. It is not anticipated that any major additional resources will be required.</p> <p>The specific location from which construction workers will</p>	6.3.7

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	about County not Dover. Where will the other percentage come from? And how fortunate that they will not have to live here when the product of their employment is complete. What about those who do not stand to profit by means of employment or bid winning? Again does ANY financial gain make jeopardizing health acceptable?		<p>come cannot be known at this time. However, the DEIS, in Section 6.7.3.1.3, outlines the workforce availability in the general area, concluding that approximately 90 percent of the required construction labor force could be filled by the local labor market. For the many workers in the area who focus on construction activity, this Project has the potential to provide a significant benefit.</p> <p>As discussed in the DEIS and this FEIS, the Project does not present significant negative health impacts, and is projected to have positive environmental and community impacts, for example, related to air quality. Compliance with environmental and community standards has been demonstrated for the Project across the range of evaluated issues.</p>	
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	31-15	<p>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.</p> <p>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.</p>	1.4.7

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	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.”			
Tamara Wade, Wingdale Resident	I don't believe our (volunteer) Fire Department will have the capacity to respond to a catastrophic event at the plant in a time frame necessary. CVE states that they will be working closely with our local Fire Dept. Does this mean they will furnish the Departments with equipment, training and (PAID) manpower, in order to effect quick response and increased safety of our firemen and those they stand to protect? A volunteer based fire department is not going to cut it! they need full time paid firemen that CVE should be paying for as well as increasing their capacity by means of training and equipment.	31-16	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. In addition, a detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) 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. The 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 place.	6.3.6

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Tamara Wade, Wingdale Resident	With Dover Knolls being a much needed opportunity for the growth of Dover, what negative impact would a power plant have on Dover Knolls ability to sell properties, ranging from low income to high end at the prices necessary to meet their required profit? What study has been done to gather data regarding impact to property values be it residential or commercial. Most of us cannot afford to lose any more value in an already depressed real estate market. And many of us have invested great amounts of money into our real estate that we may not see the return on. According to the study, <i>The Effect of Power Plants on Local Housing Values and Rents</i> by Lucas W. Davis there may be substantial impact.	31-17	<p>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.</p> <p>As noted in Section 6.3.7.2, actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. Research regarding property values has not been conclusive because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.</p> <p>It is important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE's PILOT agreement will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p>	6.3.6

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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 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.	31-18	<p>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.</p> <p>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 natural gas by the Knolls of Dover development.</p>	1.4.6
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	31-19	<p>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.</p> <p>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.</p>	1.4.1

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	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.			
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	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 taxing jurisdictions are only positively affected. 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	1.4.3 1.4.8 6.3.7

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	<p>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>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> <p>In addition to its careful design, 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 a PILOT agreement and Community Benefits Package.</p> <p>The Town of Dover Town Board and Dover Union Free School District are leading negotiations on behalf of the Town and have hired a third-party independent consultant, paid for by CVE, to guide the Town through the process. All parties, including CVE, will work to ensure any negotiated tax agreement and Community Benefits Package does not impact state or federal funding</p>	

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			<p>to the school district.</p> <p>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.</p>	
Tamara Wade, Wingdale Resident	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.	31-21	<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. It is recognized that the Project needs to be the right fit for Dover and the surrounding communities.</p> <p>The Project will be more efficient and lower emitting than even the cleanest existing fossil fuel-fired power plants in New York. CVE continues to make adjustments to the Project to incorporate low impact design to minimize its</p>	4.3.3.1 4.3.3.3 5.3.2

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			<p>impact on the community, whether related to air, water, land use, natural resources, noise, traffic, visual or community character. With respect to location in the valley and in proximity to schools and residences, see Sections 4.3.3.1 and 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography; Air Quality, Public Health, and the School Complex).</p> <p>CVE has worked closely with The Chazen Companies to assess potential impacts to the aquifer and wetlands. The Chazen Companies, which has been involved in Harlem Valley watershed investigations since 1997, has demonstrated through a robust pump test and monitoring program, as detailed in Sections 5.4.4.2 and 5.4.4.3 of the DEIS, that no significant impact to the aquifer or wetlands will result from Project water use.</p>	
Letter #32 – AKRF – letter dated 8/5/2011				
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 page1-34 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 for the lot line change.	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.	1.4.1

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Graham Trelstad, AKRF	It is noted that the project site is located within the Mica Products Critical Environmental Area (CEA). A map and the reasoning behind this designation should be provided. Will this designation be removed once the area is cleared of the former Mica Products facility?	32-2	<p>The Dutchess County Environmental Management Council's "Closed Landfill Committee," at a May 8, 1985 hearing, proposed that the Mica Products site be added to a list of CEAs. The purpose of adding the site to this list would be to ensure environmental and health risks were fully evaluated before the site was altered. According to NYSDEC records, the CEA designation became effective in September 1985 (see the reference to "Mica Products (inactive) landfill" listed on NYSDEC's list of CEAs in Dutchess County at http://www.dec.ny.gov/permits/25113.html).</p> <p>A Phase II ESA to investigate environmental conditions was conducted beginning in 1989. The results of this investigation, as noted in Section 2.3 of the FEIS, found that no extensive contamination from the previous operations existed at the site, and recommended that the site be delisted from the Inactive Hazardous Waste Disposal Sites registry and properly closed as a non-hazardous industrial landfill under the guidance of NYSDEC. NYSDEC concurred and the site was delisted in November 1991. Following proposed site clean-up activities associated with the Project, it may be appropriate to petition the Dutchess County Legislature to confirm that the Property does not have a CEA designation, or remove its CEA designation, whichever is more appropriate.</p>	2.3

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Graham Trelstad, AKRF	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.	1.4.1
Graham Trelstad, AKRF	Page 10 states that, “Approximately 4.8 acres of forested habitat will be cleared permanently as part of project construction. Approximately 6.3 acres of forested habitat will be altered permanently and converted to scrub/shrub or bioretention pond habitat, resulting in a greater diversity of habitat.” The use of the phrase “greater diversity of habitat” implies a beneficial change to the project site and seeks to minimize the impact of the loss of 11.1 acres of forested habitat. However, the conversion of forested land to scrub/shrub or bioretention pond habitat is not necessarily better. It is simply a change that may or may not have an	32-4	<p>A significant benefit of this Project with regard to habitat is the ability of the Project to utilize previously developed and disturbed land, while restoring degraded land and preserving a significant amount of higher quality habitat (approximately 79 acres proximate to the Swamp River plus approximately 44 acres of the former Rasco parcel).</p> <p>Some clearing and conversion of vegetation is proposed, as detailed in Section 3.3.2 of the DEIS. In addition to the clearing identified in the DEIS, the clean-up and temporary construction use of 13 acres of the of the former Rasco parcel includes clearing of approximately 2 forested acres.</p> <p>The specific areas of clearing were identified so that impact could be considered. The impact of changes to habitat type varies by species. For certain species, for example, the New England cottontail, conversion of forest to scrub/shrub is a considerable benefit. For other species, more wooded habitat may be more beneficial. However, the discussion of a “greater diversity of habitat” and the potential beneficial change associated with that</p>	3.3.2

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	environmental impact. The DEIS should identify whether the loss of this forested habitat is considered an impact.		refers to the fact that creation of “edge” between different habitat types affords species with good habitat diversity that can benefit a number of species.	
Graham Trelstad, AKRF	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 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	32-5	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.	1.4.3

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	existing facilities or would it meet projected demand?			
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. See Section 2.3.1 of the FEIS for a discussion of the Phase I ESA addressing the former Rasco parcel. Related uses were also considered in the scope for the Phase II ESA completed for the Property (discussed in Section 2.3.2 of the FEIS). As of March 2012, RASCO Materials no longer operates at the Property.	1.4.1 2.3
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.	1.4.1 2.3

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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	<p>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.</p> <p>The proposed use of the remote Laydown Site is temporary in nature. During the time it is in use, the site itself will visually change. However, trees lining Route 22 and the lack of taller stored items at the site will screen views from offsite locations. Following construction, the site will be restored. No permanent change in site conditions is anticipated, and no significant impact to community character will result.</p>	1.4.1 6.3.2
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</p>	1.4.1 6.3.2

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			<p>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>	
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	<p>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. See Section 4.3.4.4 – Additional Impact Analysis (Aqueous Ammonia) for more detail.</p>	1.4.1 4.3.4.4

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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.	1.4.1
Graham Trelstad, AKRF	This section discusses the Phase 1 Environmental Site Assessment of the on-site buildings. The use of Building E by Rasco Materials for the storage of cold mix asphalt (the soil piles noted on page 2-4) should also be identified. As such, this building should also be inspected for petroleum contamination.	32-12	See Section 2.3.1 of the FEIS for a discussion of the Phase I ESA addressing the former Rasco parcel. Related uses were also considered in the scope for the Phase II ESA completed for the Property (discussed in Section 2.3.2 of the FEIS). Inspection for petroleum contamination was specifically considered during the Phase II ESA analysis.	2.3
Graham Trelstad, AKRF	Page 2-10 notes that Rasco Materials, LLC (formerly TT Materials Corporation), is located on an adjacent parcel owned by Howlands Lake Partners south of the Project Development Area. It should also be noted that Rasco Materials has historically used the Project Site for storage.	32-13	Former materials storage, both on the former Rasco parcel and the Project Development Area, has been considered in assessing current Property conditions.	2.3

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Graham Trelstad, AKRF	As mitigation for potential natural resource impacts of the proposed project, continued monitoring of the Great Swamp water quality should be considered. In particular, the Great Swamp should be monitored for potential acid rain and [<i>nitrogen oxide</i>] NO _x impacts.	32-14	<p>Protection of the Swamp River and the Great Swamp CEA has been a priority throughout design of the Project, including through careful study of the potential impact of water use. Impacts to water quality from stormwater runoff were thoroughly addressed in Section 5.6.4 of the DEIS, while acid rain and nitrogen oxide impacts were addressed in Section 4.5.7 of the DEIS. In addition, the Project will restore previously impacted wetlands that currently drain to the Swamp River and remediate upland areas adjacent to them.</p> <p>Further, the Project has committed to preservation of the 79-acre portion of the Property west of the railroad track which abuts the Swamp River. Given the lack of impact potential of the Project, the benefit to the Swamp River CEA resulting from site remediation and restoration, and the preservation of wetland areas currently bordering the Swamp River, an overall benefit to the Great Swamp is anticipated to result from the Project.</p> <p>Continuous emissions monitoring of the Project will confirm compliance with proposed emissions levels. Additionally, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During public meetings with local residents and local environmental groups, attendees 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.</p>	3.3 4.5.7 5.6.4

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Graham Trelstad, AKRF	Overall, the air quality chapter presents a comprehensive assessment of the potential air quality impacts for the proposed project. The analysis was performed based on applicable air quality regulations, and followed applicable air modeling guidance. The project applicant coordinated extensively with both EPA and NYSDEC, and as discussed in the DEIS, prepared a modeling protocol which was reviewed by each of these agencies. However, the data used as the basis for the air quality modeling was not specific to the local topographic and climatic conditions of the project site and Town of Dover. A separate analysis should be conducted that uses actual meteorological measurements, air quality levels, and topographic conditions for the project site and Town of Dover.	32-15	Anemometer data from the Dutchess County airport were selected for use in the Air Quality Modeling Protocol, which was approved by USEPA and NYSDEC, because those data were collected at a location in a similarly oriented north-south valley that closely matches the degree of terrain channeling that the Project's plumes will experience, given their height. For the air dispersion modeling analysis, a receptor grid consisting of 1,710 receptors contained within five nested (overlapping) Cartesian grids was used out to a distance of 8 kilometers (km) from the stacks. Topographic (terrain) conditions therefore reflect the actual elevations of each of the 1,710 receptor locations input into the model and the surface roughness and other similar parameters input to the model reflect specific local conditions. In addition, the air quality modeling analysis reflects existing ambient air quality as measured from a network of monitors surrounding the Project site that are operated by NYSDEC and the Connecticut Department of Environmental Protection. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration for additional information (Air Quality, Public Health, and the School Complex).	4.3.3.3
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 has been updated to address this requirement.	1.4.1

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Graham Trelstad, AKRF	Page 4-1 — The proposed project will be subject to the new Cross-State Air Pollution Rule (CSAPR) published on July 6, 2011, in response to the remanded <i>Clean Air Interstate Rule (CAIR)</i> Federal Implementation Plans (FIPs). The new CSAPR will require emission reductions beyond those originally required by CAIR through additional air pollution reductions from power plants beginning in 2012. In addition, the proposed project will be subject to the GHG reporting rule under 40 CFR Part 98.	32-17	See Section 4.3.1.1 – Regulatory Updates and Discussion (Cross-State Air Pollution Rule) for a discussion of the Cross-State Air Pollution Rule (CSAPR).	4.3.1.1
Graham Trelstad, AKRF	Page 4-2 — In Table 4.1, the National Ambient Air Quality Standard (NAAQS) shown for lead is the previous standard, which has been superseded, effective Jan. 12, 2009 by a 3-month concentration of 0.15 micrograms per cubic meter. In addition, the 24-hour and 3-hour SO ₂ NAAQS are identified; however, these standards were replaced by the 1-hour SO ₂ standard, effective April, 12, 2010. The table should include a footnote to reflect the changes to	32-18	An updated table is provided in Section 4.3.1.4 – Regulatory Updates and Discussion (Miscellaneous Regulatory Updates). Although at the time the 1-hour SO ₂ NAAQS was adopted, the 3-hour and 24-hour standards were revoked, these averaging periods remain as NYAAQS.	4.3.1.4

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	the NAAQS. In addition, since the air quality analysis includes an analysis of these averaging periods, the DEIS should explain why these analyses were undertaken.			
Graham Trelstad, AKRF	Page 4-6, second bullet – The GHG threshold under the Tailoring Rule for new projects is 100,000 <i>tons per year</i> (tpy), not 75,000 tpy.	32-19	See Section 4.3.1.4 – Regulatory Updates and Discussion (Miscellaneous Regulatory Updates); the 100,000 tpy threshold, which became effective July 1, 2011, is now referenced. At the time of the DEIS, the threshold was 75,000 tpy.	4.3.1.4
Graham Trelstad, AKRF	Page 4-10, Section 4.1.2.4 – The discussion of endangered species should reference the Natural Resources chapter.	32-20	See FEIS Section 4.3.1.4 – Regulatory Updates and Discussion (Miscellaneous Regulatory Updates), where discussion of the Endangered Species Act regarding air quality issues and a cross-reference to Section 3 – Natural Resources are included. Section 4.1.2.4 of the DEIS also references Appendix 4-A of the DEIS that provides copies of the relevant correspondence.	3.3 4.3.1.4
Graham Trelstad, AKRF	Page 4-16 — Also applicable to PM limits in 227-1 per the latest PM <i>State Implementation Plan</i> (SIP) (not specified in the regulation). PM limited to 0.1 <i>pounds per million British thermal units</i> (lbs/MMBtu).	32-21	This regulation is addressed in Section 4.3.1.4 – Regulatory Updates and Discussion (Miscellaneous Regulatory Updates).	4.3.1.4
Graham Trelstad, AKRF	Page 4-29, Section 4.3.3.1 — The LAER analysis for the combustion turbines and duct burners should include a discussion of the commercially available and	32-22	See Section 4.3.2.2 – Control Technology Assessment (NO _x Emissions) where a discussion of NO _x emissions controls, including SCONO _x , is included.	4.3.2.2

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	emerging alternate technologies for NO _x emissions control. This should include a discussion of the SCONO _x technology, which has been installed in at least some operating power plants.			
Graham Trelstad, AKRF	Page 4-31, Section 4.3.3.2 — The DEIS should clarify whether the NO _x LAER determination for the auxiliary boiler is based on the use of ultra low NO _x burner technology. This would seem to be the case since the proposed limit of 0.011 lb/MMBtu is identical to the Caithness Energy Project, which utilized this technology.	32-23	BACT/LAER for the auxiliary boiler was determined to be 0.011 pounds per million British thermal units (lb/MMBtu) of NO _x . This assumes the use of ultra low NO _x burner technology.	4.3
Graham Trelstad, AKRF	Page 4-36, Section 4.3.5.1 — The DEIS states that an oxidation catalyst for control of CO emissions from the auxiliary boiler is not considered cost effective. Supporting information should be provided to substantiate this, such as the estimated cost per ton of CO removed.	32-24	BACT is defined as the optimum level of control applied to pollutant emissions based upon consideration of energy, environmental, and economic factors. As such, the cost of control is an integral part of a BACT analysis. It was determined that use of an oxidation catalyst to control CO emissions from the auxiliary boiler is not considered cost effective, based on standard regulatory guidance. Section 4.3.2.1 – Control Technology Assessment (CO Emissions) provides further detail on this assessment.	4.3.2.1
Graham Trelstad, AKRF	Page 4-59, Fourth Paragraph – Table 4-18 should be referenced as Table 4-19.	32-25	This typographical error is noted.	4.3

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Graham Trelstad, AKRF	Page 4-61 – The referenced regulatory guidance used for the air quality impact analysis does not include the EPA guidance for 1-hour NO ₂ , dated March 1, 2011. It does appear that the analysis utilized the recommendations in this memorandum; however, this should be confirmed, and the memorandum should be properly referenced.	32-26	See Section 4.3.3.5 – Dispersion Modeling and Compliance Demonstration (NO ₂ Modeling). Note that completion of the modeling preceded the March 2011 memorandum, and was more conservative than current guidance. Close consultation and guidance was received on the modeling from both NYSDEC and USEPA.	4.3.3.5
Graham Trelstad, AKRF	Page 4-85 – The most recent NYSDEC short-term and annual guideline concentrations were published in October 2010. Table 4-30 should be revised as necessary to reflect any updated guideline concentrations.	32-27	The air permit application was submitted in March 2010, before these new concentrations were published and the table had not been updated for the DEIS. Tables 4-30 and 4-31 have been updated to reflect the most current NYSDEC guideline concentrations. These tables are provided in Section 4.3.1.4 – Regulatory Updates and Discussion (Miscellaneous Regulatory Updates).	4.3.1.4
Graham Trelstad, AKRF	The DEIS air quality analysis does not address the NYSDEC guidance document CP-33, Assessing and Mitigating Impacts of Fine Particulate Matter. Since the proposed project would emit greater than 15 tons per year of PM ₁₀ , it is potentially subject to this policy.	32-28	See Section 4.3.1.2 – Regulatory Updates and Discussion (Fine Particulate Matter). Note that NYSDEC Guidance Document CP-33 was intended as interim guidance until the PM _{2.5} NAAQS had been fully implemented, which has since occurred. Therefore, this guidance document has been superseded by federal regulations and USEPA modeling guidance.	4.3.1.2

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Graham Trelstad, AKRF	The DEIS presents a plume visibility analysis in accordance with appropriate Prevention of Significant Deterioration (PSD) procedures to assess potential visibility impacts on state managed parks. An assessment was performed to evaluate the potential for a visible condensed water plume at two locations in the immediate vicinity of the proposed facility and is contained in Section 6.2, “Visual Resources and Aesthetics” instead of Section 4, “Air Resources.”	32-29	<p>See Section 4.3.4.3 – Additional Impact Analysis (Plume Visibility). A visible water vapor plume is not an air quality consideration, but rather is an aesthetic issue. As such, it was included in the Visual Resources section of the DEIS (Section 6.2). An air quality consideration relative to plume visibility is the assessment of the potential for “plume blight” on certain public lands as measured by brightness and contrast (color shift) that could be caused by emissions in a project’s plume. The analysis in Section 4.5.6 evaluates that plume-related air quality issue and determines that the Project will not have noticeable plume impacts at the nearest state park.</p> <p>Section 6.2 focuses on the potential for local community visual change, including that associated with a visible water vapor plume. Representation of this potential element of the Project’s visibility is an important aspect to include in the overall visual impact assessment in Section 6.2. “Visibility” for Class I areas is defined through the application of specific air quality standards that address non-water vapor visible plume, which is why that information is presented in Section 4 of the DEIS.</p>	4.3.4.3 6.3.2
Graham Trelstad, AKRF	There is EPA guidance for dealing with modeling terrain effects due to the possibility of plume downwash caused by nearby elevated terrain. The Good Engineering Practice (GEP) stack height analysis should account for elevated terrain in the vicinity of the	32-30	See Section 4.3.3.2 – Dispersion Modeling and Compliance Demonstration (Stack Height and Configuration). The CVE Project is located more than 800 meters from the nearest terrain obstacles. Based on USEPA guidance relating to “terrain induced downwash,” this terrain is too far from the stacks to induce downwash.	4.3.3.2

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	project site, and the DEIS should be revised to include the findings of the study of terrain in the area.			
Graham Trelstad, AKRF	Given the scale of the proposed project, and its proximity to a public school, it would be appropriate to locate a new air quality monitoring station in the Town of Dover, in a location such as the Dover Middle/High School property. NYSDEC may consider this an opportunity to collaborate with the Dover Middle/High School teachers and students in conducting on-going monitoring as part of a science curriculum.	32-31	See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex). Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken. CVE views the presence of the Project and its staff as an opportunity to collaborate with the school and its teaching staff with respect to the science curriculum.	4.3.3.3
Graham Trelstad, AKRF	Additional mitigation for anticipated air quality impacts should be provided locally. Mitigation could include additional tree planting and/or the permanent preservation of more open space. Cricket Valley Energy should consider establishment of a fund for implementation of habitat restoration, alternative fuel or energy conservation projects, or	32-32	In addition to offsetting 115 percent of the Project's maximum annual NO _x and VOC emissions through direct offsets and displacing emissions from less efficient units resulting in a net regional reduction in GHG and criteria pollutant emissions, CVE will preserve 79 acres of wooded lands bordering the Swamp River. The Project will also remediate an abandoned industrial site, including restoration of wetlands that were severely degraded as a result of historical industrial activity on the site, as well as enhancement of upland adjacent area surrounding the wetlands.	4.3.6

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	other mitigation measures within the Town over the life-span of the facility.			
Graham Trelstad, AKRF	Page 5-19 discusses the use of treated effluent to meet all or a portion of the project's water needs. The possibility of using effluent from the Knolls of Dover project is mentioned but dismissed because of its stage in the approvals process. However, since the Knolls of Dover project is now further along in the process, the use of its wastewater should be reconsidered.	32-33	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.	5.3.4
Graham Trelstad, AKRF	It is noted that the proposed project would have a minor impact on a well on Cricket Hill Road. Portions of Cricket Hill Road have a perched water table that causes flooding and septic system problems with residences. Will the proposed project have any impact on the perched water table of Cricket Hill Road?	32-34	Perched water is found where low-permeability geologic horizons delay recharge to deeper groundwater horizons. It occurs where a water table is isolated from the regional aquifer by an impervious boundary, such as un-fractured rock or a low permeability formation such as a clay layer. As the commenter asserts, this condition exists for some residences atop Cricket Hill. Two of these residences (Mills and Nast) were monitored as part of the long term pumping test (DEIS Appendix 5-E) and, as expected due to the perched nature of the water table, there was no discernible impact. The long-term pumping test – conservatively pumping at twice the maximum summer demand (120 gpm) – indicated that use of a series of back-up wells at levels	5.3

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			greater than the anticipated demand could have a minor impact on three off-site wells, including one well at the corner of Route 22 and Cricket Hill Road. This residence is located approximately 1 mile north of the Cricket Hill residences affected by the perched water table. Because this test, which modeled an exaggerated Project water demand, revealed only minor impacts, the Project's operation under a realistic range of circumstances is not anticipated to have a discernible impact on offsite wells.	
Graham Trelstad, AKRF	The proposed project would have a minor impact on three off-site wells during emergency conditions. Mitigation for these off-site properties should be considered.	32-35	<p>The Project's primary well has been shown to have no discernible impact on any of the off-site wells monitored during the long-term pumping test (see DEIS Section 5.4.4.5). In the event of an emergency, a series of back-up wells could be utilized to support Project water demand. The long-term pumping test – conservatively pumping at twice the maximum summer demand – indicated that use of this series of back-up wells at levels greater than the anticipated demand could have a minor impact on three off-site wells. Because this test, which modeled an exaggerated Project water demand, revealed only minor impacts, the Project's operation under a realistic range of circumstances is not anticipated to have a discernible impact on offsite wells. During a short-term emergency, the facility could rely upon its one million gallon storage tank for water demand while pumping the backup wells at a much lower rate.</p> <p>The facility could also reduce water use during the summer months by reducing inlet evaporative cooling to the gas turbines and reducing plant output capability. This will effectively reduce water consumption to the</p>	5.3

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			winter level of approximately 11.5 gpm. At this use level, the plant is able to operate for more than 56 days on water stored in the storage tanks maintaining 318,360 gallons for fire suppression. In the unlikely event that an interruption extends beyond 56 days, the facility can bring in additional water supplies by tanker truck. Minimum consumption rates can be met with no more than two 8,000 gallon trucks per day supplying water to the facility.	
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	CVE has now obtained an option to purchase the former Rasco parcel. RASCO Materials LLC is no longer operating at this location. As discussed in Section 1.2 and 6.1 of the FEIS, the former Rasco property is now encompassed in the overall Property.	1.4.1 6.3.1
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. As noted in Section 6.1 of the FEIS, CVE has now obtained an option to purchase the former Rasco parcel. The Rasco project, therefore, is no longer proposed at this site and no driveway sharing will occur. The former use of the site has been incorporated into evaluations of site conditions addressed in Section 2 of the FEIS.	1.4.1 6.3.1
Graham Trelstad, AKRF	Page 6-5 states that, "CVE will propose to the Town of Dover a lot line adjustment to straighten the boundary line between the CVE Property and the property	32-38	This subdivision will no longer be necessary, as CVE has obtained an option to purchase the former Rasco parcel.	6.3.1

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	to the South, where the Rasco Materials facility is located, in order to maintain the existing drainage swale for the CVE stormwater plan and to help incorporate a plant loop road within the proposed CVE facility fence line." This "lot line adjustment" is considered a subdivision application under the Town of Dover Zoning Code and should be noted as such in the DEIS.			
Graham Trelstad, AKRF	Page 6-6 states that, "Once CVE purchases the land under option and the lot line adjustment has been approved, all leases on the CVE property would be terminated and any tenants would vacate the CVE site." The displacement of any businesses, including the portion of Rasco Materials operation that uses the project site, should be noted in the DEIS. Would Rasco continue to use the site to the south and would relocation of material stockpiles from the CVE property require Rasco to request a Site Plan amendment	32-39	Rasco will no longer operate at the site, and the subdivision of the larger property is no longer proposed.	6.3.1

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	from the Town of Dover? Would the reconfigured Rasco property have sufficient room to allow Rasco to continue its operations?			
Graham Trelstad, AKRF	Page 6-6 incorrectly states that, "The Project Development Area includes no zoning overlay districts." In fact, the Floodplain Overlay District extends onto the Project Development Area. A portion of the building footprint may fall within the Floodplain Overlay District. As such, the project will need to comply with the requirements of §145-13 "Floodplain Overlay District" of the Town Code.	32-40	<p>The small portion of designated flood plain located east of the railroad tracks is within Wetland 2, where only a very small finger of marginal wetland (0.05 acres) will be altered and replicated on a 1:1 basis. 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.</p> <p>It should be noted that the existing Floodplain Overlay District map noted by the commenter is based upon a Federal Emergency Management Act (FEMA) Flood Insurance Rate Map from August 1984. FEMA has since updated its Flood Insurance Rate Maps and the 100-year flood zone no longer extends east of the Metro-North rail line within Wetland 2. 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. The revised plan has been used as a basis for the preliminary Stormwater Pollution Prevention Plans (SWPPPs) described in Section 5 of the FEIS. The preliminary SWPPPs will be the subject of review as part of the Project's Chapter 65 permit (Erosion and Sediment Control) with the Town of Dover.</p>	6.3.1

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Graham Trelstad, AKRF	Page 6-6 states that "CVE will work closely with town officials to determine how best to evaluate planning and zoning requirements" for the temporary laydown site. The permits and approvals required for this temporary use should be stated in the DEIS.	32-41	<p>As listed in Table 1-1 of the FEIS, the following permits are required from the Town of Dover:</p> <ul style="list-style-type: none"> · Special Permit/Site Plan Review (Town Board), which will address issues such as stormwater, layout, grading, erosion and sediment control, lighting and landscaping, including restoration of temporary use areas · Fire Prevention Permits (Town Board) · Use of Explosives (Town Board) · Erosion/Sediment Control (Planning Board) · Zoning law amendment (Zoning Board) · Design Review (Architectural Review Board) · Building/Occupancy Permits (Building Inspector) <p>The temporary uses proposed on the former Rasco parcel and the remote Laydown Site will be included in the Special Permit/Site Plan Review submittal to confirm these uses adhere to requirements of the Dover Zoning Code. Section 145-10(B) of the Zoning Code provides that any use not enumerated as a principle use and not prohibited by Section 145-10(C) may be permitted by Special Permit. Through the Project's Special Permit/Site Plan Review process, a demonstration of consistency will be made with environmental standards set forth at Section 145-40 and the criteria stated in Section 145-63 of the Zoning Code.</p>	6.3.1

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Graham Trelstad, AKRF	Table 6.1-2, "Cricket Valley Energy Consistency with Zoning Dimensional Requirements" should include the height of the proposed building exclusive of the proposed stacks. It is unclear if the building alone would be 113 feet.	32-42	Heights of all major buildings and structures are provided in Section 1.5.1.2 of the DEIS. The tallest building/structure and equipment (excluding the stacks) is 113 feet.	6.3.1
Graham Trelstad, AKRF	The paragraph at the bottom of page 6-11, which describes the height variance required, should be clarified to explain how tall the building versus the smokestacks would be.	32-43	The referenced paragraph is discussing the buildings only, the tallest of which are 113 feet. The stacks will be 282.5 feet tall.	6.3.1
Graham Trelstad, AKRF	Pages 6-12 states that, "The grant of the variance to CVE will allow the elimination of the current grandfathered, pre-existing, nonconforming uses (i.e., the partially destroyed buildings) on the CVE site." This statement is not entirely accurate. These buildings were constructed prior to the adoption of the current Zoning Code, which means that there may be some pre-existing non-conforming setbacks, heights, or other structural or lot requirements. However, §145-	32-44	Irrespective of the legal status of the existing buildings, the proposed Project will remove the existing dilapidated structures and replace them with the structures identified, following receipt of applicable variances and other approvals. The removal of the existing nonconforming structures will reduce the overall zoning nonconformities on the Property by permitting construction of buildings that are more in conformance with the Town of Dover Zoning Code than the existing structures.	6.3.1

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	24 of the Code would preclude any non-conforming uses from re-establishing; and any light industrial uses would be permitted to continue under a Special Permit by the Planning Board.			
Graham Trelstad, AKRF	The DEIS should further discuss the potential community character impacts of the proposed Laydown Site. Although this is a temporary use of the site, it involves disturbance to a prominent landmark that was memorialized in the Asher B. Durand painting “Dover Plains.” Plans for maintaining and reestablishing the agricultural use of the site and its presence in this viewshed should be described.	32-45	Section 6.3.1.2 of the DEIS provides additional narrative describing the temporary use of the remote Laydown Site. Given the manner in which the 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 following its restoration post-construction.	6.3.1
Graham Trelstad, AKRF	The DEIS should include a discussion of potential impacts to property values surrounding the facility. Specific data and analysis from areas surrounding existing electric generating facilities should be presented as evidence.	32-46	As discussed in Section 6.3.7.2 of the FEIS, a study conducted by the Public Service Commission of Wisconsin indicates, “actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. The research has not been conclusive because of the difficulty researchers have of	6.3.1 6.3.7

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			<p>accounting for all of the variables. The few studies done to date have not shown a clear, consistent correlation between power plant location and reduced property values.”</p> <p>It is important to note that property values are driven 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 the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p>	
Graham Trelstad, AKRF	Page 6-22 describes the project site lighting. Visual photo-simulations of the project at night from off-site sensitive receptors should be provided.	32-47	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. Other lighting will be directed downwards and would not result in nighttime off-site visibility of the facility. Although nighttime simulations have not been completed, additional discussion of nighttime visibility is included in Section 6.3.2 of the FEIS.	6.3.2

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Graham Trelstad, AKRF	It is noted that the proposed project will be visible from a number of locations, including Cricket Hill Road, Route 22, the Knolls of Dover, and the Dover Middle/High School. Although mere visibility does not constitute an impact, it will be substantially more visible than the existing smokestacks and water tower. A full-day crane or balloon test should be scheduled with sufficient public notice to allow local officials and residents to witness the test.	32-48	The proposed stacks will be taller than the stack and water tower features currently located at the site, as noted in Section 6.2.5.5 of the DEIS. Although physical field representations of future structures have been used, they have significant limitations that tend to outweigh their benefit. Balloon tests can frequently be compromised, as weather and atmospheric conditions are rarely calm enough to assure the balloon stays at the desired height for viewing purposes. The use of cranes does not have this issue, but poses a significantly greater cost and logistical challenge. The technology used to represent future views relies on computer simulations, which have been demonstrated to accurately represent the potential for visual change (for example, Cape Wind 2011). CVE will continue working with the town, through its Special Permit process, to consider local views of potential concern as the town develops its findings in support of the local review process.	6.3.2
Graham Trelstad, AKRF	Page 6-29 states that the modeling does not indicate that the Appalachian Trail falls within areas from which the project is anticipated to be visible. However, Figure 6.2-1 highlights several portions of the trail in yellow, which denotes potential visibility. The potential views from the Appalachian Trail should be further assessed.	32-49	Based on the indication of potential views from the Appalachian Trail, a CVE representative has evaluated the portions of the Appalachian Trail that extend through the Project area on several occasions. Even under clear visibility weather and leaf-off conditions, views of the Property from nearly all segments of the trail are well-screened by vegetation. However, CVE has identified one location, on Ten Mile Hill, from which the existing stacks can be seen. At 3.5 miles distant, views of the facility are not expected to be intrusive, and are likely to be screened during leaf-on conditions.	6.3.2

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Graham Trelstad, AKRF	A photo-simulation of the views of the project site from the Swamp River should be provided. This resource is enjoyed by many members of the public, and the potential impacts should be evaluated from a natural resource as well as community character/visual impact perspective.	32-50	Approximately 500 – 1,000 feet of forest, as well as the active Metro-North railroad line, separate the Swamp River from the proposed Project. The dense vegetation and slightly lower topography of the Swamp River relative to the site would prevent any but the smallest of glimpses of the facility. Public enjoyment of the Swamp River is anticipated to continue, and aspects of the Project (such as the site clean-up) are anticipated to enhance the long-term quality of that enjoyment.	6.3.2
Graham Trelstad, AKRF	Section 6.3.2.4 School Bus Routes and Schedules should more fully describe how potential conflicts with construction vehicles and school traffic would be managed or avoided.	32-51	A detailed list of School Bus Routes with “Start” and “Arrival” times was included in Appendix 6-B of the DEIS. School bus arrivals are estimated to occur between 7:05 – 7:10 a.m. each morning. CVE will work closely with the Town of Dover and the Dover Union Free School District to mitigate traffic impacts, and could, for example, adjust the construction work day to reduce potential conflicts. Since the construction work day will end at 4:00 p.m., afternoon construction traffic is not expected to conflict with the school bus schedule.	6.3.3
Graham Trelstad, AKRF	The DEIS should analyze the potential impacts of this zoning amendment on other qualifying properties in the Town of Dover. While the project site is buffered by project owned land to the west, and other industrial properties to the south, there may be other M zoned properties in the Town that do not have a sufficient	32-52	The proposed zoning amendment, as drafted, would apply only to railroad properties abutting Manufacturing (M)-zoned property. There are three such parcels in Dover to which this amendment may apply as written: (1) the 193-acre CVE Property located at 2241 Route 22; (2) the 97-acre Palumbo Block Co. property located at 365 Dover Furnace Rd; and (3) the 42-acre Pegasus Farms property located at 2699 Route 22.	6.3.4

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	off-site buffer to protect nearby residences and sensitive receptors.			
Graham Trelstad, AKRF	The applicant should consider other alternatives for mitigating the noise on their property. For example, the Rasco Materials property and the property to the south of that parcel are owned by Howlands Lake Partners, LLC, which is the same entity that currently owns the project site. If the applicant were to purchase additional property to the south, and merge the parcels into one, they would be able to meet the Town of Dover noise regulations at the southern property line. As demonstrated by the DEIS, the noise levels to the south sufficiently dissipate before they reach the residential properties on North Chippawalla Road.	32-53	CVE has entered into an option to purchase the former Rasco parcel. Compliance with town standards can now be demonstrated in that compass direction, as detailed in Section 6.2.4 of the FEIS.	6.3.4
Graham Trelstad, AKRF	A request was made at the public hearing to demonstrate the proposed noise levels on the project site. Similar to a balloon test to demonstrate the visibility of a project, noise	32-54	As discussed in Section 6.3.4.4, sound impacts produced by the proposed Project will be the cumulative result of a wide range of sources that are distributed over the entire Project site. Some of these sources will be relatively small point sources (e.g., the discharge of the exhaust stacks, or transformers), and some of these sources will	6.3.4

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	should be produced on the project site for a set period of time that would replicate the anticipated noise levels of the project. The noise test should be noticed in local newspapers, on the Town's website, and on signs along Route 22.		<p>be large area sources (e.g., the array of air cooled condensers along the railroad Property line). There is no practical means to effectively simulate this diverse range of sound sources such that an observer would be able to experience a realistic replication of sound impacts that will occur when the Project is actually operating.</p> <p>An experience of potential Project sound would be better found at an existing plant of similar size and technology. CVE representatives would be happy to facilitate a site visit for Town of Dover officials and interested parties.</p>	
Graham Trelstad, AKRF	As part of its review of the proposed project, did the NYS OPRHP conduct any on-site reviews of the project? While the project site buildings are in substantial decline, they do represent a period of Dover's industrial history and have connections to a significant wartime effort. Certain building elements may warrant further study and documentation prior to demolition.	32-55	To CVE's knowledge, OPRHP has not conducted on-site reviews for the Project. However, photographs and descriptions of the existing site buildings were provided (as illustrated in the correspondence dated August 13, 2009 provided in Appendix 6-G of the DEIS). The former industrial uses since 1942 and other characteristics were known as a context for OPRHP's correspondence.	6.3.6
Graham Trelstad, AKRF	The DEIS states that the proposed project will seek economic development assistance through the Dutchess County Industrial Development Agency (IDA),	32-56	While the proposed PILOT agreement will be coordinated through the Dutchess County IDA, the Town of Dover and Dover Union Free School District are working together to negotiate the final payment and structure on behalf of the residents of Dover.	6.3.7

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	which would exempt the property from real property taxes. However, to ensure that the local community receives economics benefits from the project, IDAs are authorized to negotiate a payment in lieu of taxes (PILOT) agreement. The Town of Dover and the Dover Union Free School District should be directly involved in establishing an appropriate PILOT agreement for the project.			
Graham Trelstad, AKRF	In the analysis of potential impacts to local fire and emergency service providers (Section 6.7.3.3.2), the DEIS indicates that a "Comprehensive Site and Safety Plan (CCSP)" would be prepared in the future to ensure proper training and safety of local emergency service providers entering the site. The CCSP should be developed now and should include identification of the types and intensities of potential emergency situations that may arise at the facility. Only after the CCSP has been reviewed in	32-57	<p>The 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 place.</p> <p>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. In addition, a detailed Emergency Response Plan (as discussed in Section 6.2.7 of the FEIS) will be</p>	6.3.7

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	cooperation with the J.H. Ketcham Hose Company can it be determined whether J.H. Ketcham has the equipment and resources to respond to an emergency situation.		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.	
Graham Trelstad, AKRF	The J.H. Ketcham Hose Company currently has a 75-foot aerial ladder truck. The fire department should be consulted as to whether this would be sufficient to service a 113 foot tall building. As mitigation for the proposed project, additional fire equipment may be necessary.	32-58	CVE has consulted with J.H. Ketcham Hose Company representatives regarding access and turning requirements for its fire equipment and has designed internal traffic plans to meet the requirements of a 75-foot ladder truck (Appendix 6-F of the FEIS). Although some Project structures will be taller than 75 feet, these structures are not occupied and access by facility personnel is limited at those heights. Since the 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, additional fire vehicles would not be required. CVE will coordinate any additional training and personnel apparatus with the J.H. Ketcham Hose Company.	6.3.7
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	1.4.4 5.3.4

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			<p>water source in the future.</p> <p>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.</p>	
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	<p>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 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>	1.4.4
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 irretrievable commitment of resources.	1.4.1
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	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.	1.4.1

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	generate growth.			
Graham Trelstad, AKRF	The dispatch analysis, and any other relevant data, should be used to enhance the argument that the proposed project would displace older facilities.	32-63	The <i>Security-Constrained Economic Dispatch Analysis</i> , Appendix 1-A to the DEIS, projects the Project's impacts on emissions of CO ₂ , 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.	1.4.3
Graham Trelstad, AKRF	[<i>Stormwater management plan information provided in Appendix 5-A and 5-B is summarized and noted as adequate.</i>] No design plans and details were provided with the DEIS. The reports in Appendix 5-A and Appendix 5-B are sufficient for DEIS level in that they provide the necessary building blocks to develop storm water control and treatment, and erosion and sediment control plans which would meet the town requirements for limiting the impact runoff from the project will have on the town. When a chapter 65 permit is prepared site-specific details and practices should be provided.	32-64	See Section 5.3.1 for an update of the stormwater management plans. Preliminary SWPPPs have been developed to address the temporary use of the former Rasco parcel (Appendix 5-A of the FEIS) and remote Laydown Site (Appendix 5-B of the FEIS) during the construction period. These preliminary SWPPPs provide additional design details to support the Project's application for a Chapter 65 permit (Erosion and Sediment Control) to the Town of Dover.	5.3.1

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Letter #33 – Entergy – letter dated 8/5/2011				
T. Michael Twomey, Entergy	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.	33-1	<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 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</p>	1.4.8

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			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.	
T. Michael Twomey, Entergy	<p>...The DEIS reports that the piezometers showed "no observable impact to the monitored water levels due to the pumping test..."</p> <p>To the contrary, the Site Water Budget Report included in the DEIS states that "the proposed project withdraws groundwater from aquifers which otherwise naturally support baseflow entering the Swamp River" and notes the pump test shows that, because the primary water source (Well 4) "draws water from such deep portions of the aquifer, there is a considerable delay, measured at least in days and likely measured in weeks, between when a peak pumping rate begins and when associated flow reductions could begin to reduce aquifer outflow</p>	33-2	<p>As discussed in Section 5.3.2 of the FEIS and confirmed by the wetland monitoring described in DEIS Section 5.4.4.2, alteration of the wetlands is not anticipated due to Project water use. Section 5.3.2 explains that groundwater level fluctuations observed during the pump tests were determined to be independent of the pump tests, indicating that the Project's proposed water use, even at the elevated rates of the pump tests, would not have a significant adverse impact on groundwater. Additional information summarizing the pump test is provided in Section 3.3.3.1 of the FEIS.</p> <p>The testing referenced in Comment 33-2 refers to the 72-hour long-term pump test discussed in DEIS Section 5.4.4.4 (and Section 3.3.3.1 of the FEIS). Although the Project's supply wells are not public water supply wells, the New York State Pumping Test Guidelines (Appendix 10 Technical and Operational Guidance Series 3.2.1) for public water supply wells were used as the standard. Based upon these guidelines, a pump test protocol was developed and the test was conducted for 72 hours, after aquifer stabilization, to obtain a meaningful, measurable response. The test charts for the wetland test points</p>	5.3.2 3.3.3.1

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	<p>rates entering the Swamp River.”... Thus, the Water Budget Report acknowledges that there is indeed a measurable, though delayed, impact of pumping from the Project’s primary water well in the deep bedrock aquifer and indicates that the tests performed likely do not indicate the true extent of groundwater impact. As a result, the withdrawal of 15 million gallons per year from the Swamp River groundwater recharge area could potentially adversely affect the Great Swamp and the Swamp River, particularly during the dry summer season, when the plant could be withdrawing up to 87,000 gallons per day from the watershed. Such a loss of water input could reduce the flow of the Swamp River and adversely affect the Group Swamp and its riparian habitats.</p>		<p>located in Wetlands 4 and 5, namely PZ5a/ PZ5b Surface and PZ6 Shallow/PZ6 Surface, can be found in DEIS Appendix 5-E, Figures 35 and 36, and are included in the FEIS as Figure 5-3.</p> <p>Review of the test chart for “PZ6 Shallow/PZ6 Surface” shows no hydraulic influence that can be attributed to the pumping test. The other chart (“PZ5a/PZ5b Surface”), however, shows a water level decline in both points starting about 24 hours after the start of the first 72-hour pumping test on Well 4. The total recorded water level decline is about 0.1 foot over the duration of the first 72-hour test period and an additional 0.1 foot for the second 72-hour set of tests.</p> <p>A cursory review of this chart without considering the Site Water Budget Report (DEIS Appendix 5-C) and the combined relationship of both to the Swamp River, might lead to an impression of a connection between the pumping tests and groundwater level. However, when the pumping tests and Site Water Budget Report are viewed together, it is clear that this is not the case, as discussed in FEIS Section 5.3.2.</p> <p>The Site Water Budget Report (DEIS Appendix 5-C) documented that the aquifer formation near the Project site supports a significant share of groundwater discharging naturally into the Swamp River. The discharge quantity was shown to be significantly greater than the quantity of water consumed by the proposed Project such that the Project impact is judged to be</p>	

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			<p>minimal to stream or wetland environments.</p> <p>This is also consistent with the Site Water Budget Report which documented that the aquifer formation near the Property supports a significant share of groundwater discharging naturally into the Swamp River. The discharge quantity was shown to be significantly greater than the quantity of water consumed by the proposed Project. Project impacts on the local hydrogeologic environment are therefore judged to be insignificant, and the Project will have no impact on site wetland ecological viability, just as the Well Pump Test recorded no measureable impacts in the test piezometers.</p>	
T. Michael Twomey, Entergy	In particular, the reduced water flow could adversely impact Wetlands 4 and 5, which, as noted, are within the Great Swamp. According to the Site Water Budget Report, the pumping test revealed a similar delayed effect on the Wetlands 4 and 5 located to the west of the railroad tracks. These 45 acres of wetlands also could be permanently damaged or lost by the reduction in groundwater recharge caused by the plant's operation...Although no actual digging, filling, excavating, grading or dredging will occur in these wetlands, a loss of water	33-3	<p>Alteration of the wetlands is not anticipated as a result of Project water use, as discussed in FEIS Sections 3.3.3.1 and 5.3.2.</p> <p>As summarized in the Site Water Budget Report (DEIS Appendix 5-C), groundwater volumes entering the riparian corridor (e.g., Swamp River and associated wetlands) near the Project site exceed the Project's proposed maximum water demand even during drought periods, ensuring that Wetlands 4 and 5 should not suffer a loss of available groundwater. The variations in water level noted by the commenter do not correlate to the testing periods and did not meaningfully dewater the wetlands, so the relationship is neither significant to wetland functions nor related to pumping of the Project water well.</p>	3.3.3.1 5.3.2

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	input which could change the functions and values of the wetland constitutes a direct impact which must be considered in the SEQRA review process.			
T. Michael Twomey, Entergy	In addition, Wetlands 4 and 5, if connected to a navigable water way (<i>i.e.</i> , waters of the United States), would be subject to federal regulation under Section 404 of the Clean Water Act ("CWA") (33 U.S.C. § 1344) and the federal "no net loss" of wetlands policy. ³ These wetlands were not included in the United States Army Corps of Engineers ("USACE") jurisdictional review of the Project's wetlands, reportedly because no project work is proposed in this area... Nonetheless, Wetlands 4 and 5 assuredly would fall under federal jurisdiction as they are directly adjacent to the Swamp River, a navigable water way. The DEIS concedes as much in acknowledging that Wetland 2 is subject to USACE jurisdiction because it is hydrologically connected to Wetlands 4 and 5. Because these wetlands might be adversely impacted (<i>i.e.</i> ,	33-4	It is agreed that Wetlands 4 and 5 would be considered jurisdictional under Section 404 of the Clean Water Act. As discussed in Sections 3.3.3.1 and 5.3.2 of the FEIS, 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, DEIS Appendix 5-E, and discussed further below in Section 5.3.2. Even if that were not the case, Section 404 of the Clean Water Act regulates the discharge of fill to waters of the U.S., including jurisdictional wetlands, not alteration of wetland hydrology from groundwater withdrawals. No such activity is planned within Wetlands 4 and 5 and, therefore, no permit is required.	3.3.3.1 5.3.2

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	permanently altered or lost) due to the Project's withdrawal of water, they are subject to federal permitting under CWA § 404. As such, any wetlands mitigation plan for the Project to satisfy the federal no-net-loss policy must include potential impacts to these two wetlands. These deficiencies should be adequately considered and remedied.			
T. Michael Twomey, Entergy	Based on its assertion that the groundwater withdrawals will have no effect on the Great Swamp, or the Swamp River, the DEIS also concludes that potential indirect impacts on the bog turtle will be insignificant. See DEIS, p. 5-1. However, as discussed above, the DEIS's assertion that the groundwater withdrawals will have no impact on Wetlands 4 and 5 west of the railroad track has not been clearly demonstrated. The reduction of water flowing into the Great Swamp could destroy important habitat for the bog turtle, necessitating appropriate action under the federal and/or	33-5	<p>Additional discussion of the potential for indirect impact to the bog turtle is provided in Section 3.3.3.1 of the FEIS. No direct or indirect impact to this species is anticipated.</p> <p>In addition to CVE's direct consultation with the USFWS and NYSDEC's Division of Fish and Wildlife Natural Heritage Program to identify potential species issues for the Project, the USACE has also engaged in consultation with USFWS as a part of its nationwide permit review process. The USACE is coordinating its review of the Project with the USFWS pursuant to Section 7(a) (2) of the ESA.</p> <p>Additional detail with regard to habitat proximity is addressed in Section 3.3.2.1, while the potential for indirect effects is addressed in Section 3.3.3.1. Based on the information provided in those sections, as well as inclusion of additional measures designed to minimize and/or avoid taking, it has been determined that the</p>	3.3.3.1 3.3.2.1 5.3.2

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	state Endangered Species Acts. Therefore, FWS must be informed of the Project's potential to impact the Great Swamp and a full consultation pursuant to Section 7 of the Endangered Species Act must be undertaken to ascertain the impacts on the bog turtle.		<p>potential for direct and indirect effect to bog turtles will not occur from direct takings, habitat loss or degradation, fragmentation or interruption of dispersal routes. Following completion of construction and site clean-up, habitat creation and land preservation activities will provide a net benefit to the species.</p> <p>As discussed in Section 5.3.2, alteration of the wetlands is not anticipated due to Project water use, as confirmed by a long-term pump test of the Project's wells and associated wetland monitoring described in DEIS Section 5.4.4.2, DEIS Appendix 5-E, and discussed further below in Section 5.3.2. No significant change in hydrology is proposed. CVE also consulted with the USFWS regarding the bog turtle and other species, providing information regarding pump test data. As outlined in Section 3 of the FEIS, no impact to bog turtles or their habitat is anticipated.</p>	
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	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</p>	1.4.1

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	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 "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.		<p>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.</p> <p>In fact, the Dover Master Plan specifically identifies this particular location as appropriate to maintain an industrial designation, referencing the site locations as the "Mica plant."</p> <p>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.</p>	
T. Michael Twomey, Entergy	The Proposed Site is Extensively Contaminated and Poses a Serious Risk of Releases to the Environment, Necessitating a Comprehensive Site Assessment...the DEIS summarizes prior Project site investigations, which number only three, with the most recent dating to 1995 – sixteen (16)	33-7	As described in Section 2.2.1 of the DEIS, the former investigations at the site, evaluated previously by NYSDEC, were included among information reviewed in developing the scope for the Phase II ESA investigation that was planned. ARCADIS assembled a scope of work that identified areas of concern (AOCs) based on all available historical knowledge; the scope of work was then presented to NYSDEC. The scope of work was revised to reflect NYSDEC comments. ARCADIS then executed the scope of work, which addressed potential	2.3

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	years ago. The final reports of these investigations are not provided in the Appendix to the DEIS, and, therefore, it is not possible to compare their scope to the apparently comprehensive and ubiquitous evidence of releases around the Site. These reports must be made available for public review as part of the DEIS in order to allow the public to assess the accuracy of the DEIS representations.		<p>release areas across the entire Property. The sampling program included soil, various waste materials, groundwater and surface water.</p> <p>The Phase II ESA has now been completed and results are discussed in Section 2.3.2 of the FEIS. The results have been analyzed in the context of previous investigations as well. As discussed in Section 2.3.2, data from the comprehensive analysis of soil, groundwater and surface water show that the Property is not “extensively contaminated.” In summary, the Phase II ESA identified only three release areas where limited excavation was needed to remove contaminated soil in which certain pollutant concentrations exceeded “industrial criteria, restricted use” (ICRU) levels. At these three areas, a limited amount of soil will be excavated for off-site disposal at a permitted facility. Elsewhere on the site, soil with pollutant concentrations that exceed the “unrestricted use” (URU) levels, but are less than the ICRU, will be amenable to a BUD, and therefore left in place or re-used during site redevelopment. Furthermore, redevelopment plans will include protocols to address unanticipated soil and groundwater contamination under buildings and other permanent structures subject to demolition.</p>	
T. Michael Twomey, Entergy	Phase II Investigation, Mica Products Corporation (1991) – The summary of this report does not provide a description of the areas investigated, the number of soil and/or groundwater samples collected, or the scope and extent	33-8	<p>NYSDEC has full access to the historical Phase II ESA reports as CVE has worked with the state to develop an appropriate plan of study and site restoration. CVE cannot defend or expand upon conclusions reached in those reports, as they were completed by others.</p> <p>However, as noted in Section 2.2.1 of the DEIS, additional</p>	2.3

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	<p>of identified contamination. See DEIS, pp. 2-7, 8. The study appears to be limited in its scope to the activities of the Mica Products Corporation, rather than a more comprehensive assessment of the Site as a whole, and apparently found at least "[t]wo areas, believed to be isolated and not indicative of widespread impacts, ... to have low-level volatile and semi-volatile contaminants in soil, probably due to a minor source of tar or residual petroleum product." DEIS, p. 2-8. There is no discussion as to why these were "believed" to be isolated instances of contaminants. Further investigation of documented contamination to identify its full scope and extent is the norm. Apparently, this report recommended that the investigated area be "closed as a nonhazardous industrial landfill" and that "[c]losure would then prevent the continued leaching of metals and other products to the groundwater and adjacent surface waters." <i>Id</i> Given the</p>		<p>investigation was planned at a later stage of Project development. The Phase II investigation work has now been completed (working with NYSDEC to develop a scope of work for the Phase II ESA to appropriately characterize site conditions given the known historical information) and is described in Section 2.3.2 of the FEIS.</p> <p>As noted by the commenter, it does not appear that previous "closure" activities occurred at the Property. However, RASCO Materials has implemented certain closure tasks at the former Rasco parcel, as discussed in FEIS Section 2.3.1.3. Should this Project go forward, it would provide a significant benefit to the local community and environment by incorporating clean-up and restoration activities in its construction.</p>	

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	state of the Site as currently characterized, it would appear that no efforts to close the Project site as recommended were actually undertaken, implying that these areas remained opened for an additional 20 years (and counting). Certainly, there is no evidence of closure in conformity with applicable New York law relating to solid (or potentially hazardous) waste landfills. These deficiencies must be remedied.			
T. Michael Twomey, Entergy	Waste Characterization Report (1994) – The summary of this report indicates that twenty-one soil samples were collected from four specific waste disposal areas. See DEIS, p. 2-8. It does not indicate how large these areas were, how many waste disposal areas went uninvestigated on the Site or how representative these four areas are as compared to the Site as a whole. "A composite sample of the disposal areas did not indicate hazardous waste thresholds were exceeded," <i>Id</i> , but the more relevant question is	33-9	CVE has worked with NYSDEC, based on knowledge available from former reports and on best professional practices, to develop the scope for the Phase II ESA discussed in Section 2.3.2 of the FEIS. Confirming the absence of hazardous wastes at the Property, including the waste disposal areas, was an important element of that program.	2.3

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	not addressed – whether any of the waste disposal areas themselves contained hazardous wastes.			
T. Michael Twomey, Entergy	Waste Characterization Report (1994) – This report also discusses the "white chalky material" identified earlier, but inexplicably does not identify what it is. <i>Id.</i> These deficiencies must be remedied.	33-10	<p>CVE cannot defend or expand upon conclusions reached in those reports, as they were completed by others. However, the Phase II ESA discussed in Section 2.3.2 of the FEIS has been completed to provide CVE with information about Property conditions in order to inform construction and restoration activities.</p> <p>Note, however, the “white chalky material” is slag from the former magnesium extraction and refining process, which extracted magnesium from locally mined limestone, dolomite and marble. As such, it is inert, as confirmed by Phase II ESA testing.</p>	2.3
T. Michael Twomey, Entergy	Mid-Hudson Recycling Park Subsurface Investigation (1995) – This investigation appears to be even more narrow in scope than the 1994 waste characterization, limited to "a subset of the entire parcel" that did not encompass the four waste disposal areas discussed above. DEIS, p. 2-8. It involved soil samples from only six locations on the Site and found polychlorinated biphenyls ("PCBs") in one of the six reviewed locations. <i>Id.</i>	33-11	<p>CVE cannot defend or expand upon conclusions reached in those reports, as they were completed by others. However, the Phase II ESA discussed in Section 2.3.2 of the FEIS has been completed to provide CVE with information about Property conditions in order to inform construction and restoration activities.</p> <p>As noted by the commenter, it does not appear that previous “closure” activities occurred at the site, though RASCO Materials is implementing certain closure tasks at the former Rasco parcel, as discussed in FEIS Section 2.3.1.3. Should this Project go forward, it provides a significant benefit to the local community and environment by incorporating clean-up and restoration activities in its construction.</p>	2.3

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	No remedial actions appear to have been taken as a result of any of these investigations. In fact, the 1995 Mid-Hudson Recycling Park report indicated that "no action had commenced regarding closure of the waste piles previously studied." <i>Id.</i> These deficiencies must be remedied.			
T. Michael Twomey, Entergy	In short, the historic reports are of apparently limited scope, may not be representative of other Site conditions, document releases and threats of further releases to the environment, and evidently resulted in no cleanup of the Site. As of 1995, little was known about the environmental condition of the entire Site now proposed for redevelopment, and an additional fourteen (14) years passed before the next environmental reports were prepared which, as discussed below, are even more limited in their scope and therefore even less likely to address the fundamental question of the scope and extent of	33-12	As discussed in Section 2.2.1.4 of the DEIS, CVE had intended to complete additional investigation at the site at a later stage of development. This has now been completed, and is discussed in Section 2.3.2 of the FEIS. Should this Project go forward, it provides a significant benefit to the local community and environment by incorporating clean-up and restoration activities in its construction, as described in Section 2.3.4 of the FEIS. In terms of soil remediation, CVE will prepare a RAP that will be subject to NYSDEC review and approval. The essential components of the RAP are (1) excavation and off-site disposal of soil in which pollutant concentrations exceed the ICRU; (2) on-site re-use of soil in which pollutant concentrations exceed the URU, but are less than the ICRU, subject to a BUD approved by NYSDEC, and (3) closure in place of four existing solid waste disposal areas (W-1, 2, 3 and 4), subject to on-site re-use as feasible, removal of bulky waste from Mica Products, and stabilization of the remaining materials.	2.3

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	contamination, and therefore, what potential site development can and should occur, and under what remediation framework.			
T. Michael Twomey, Entergy	According to §2.2.1.4 of the DEIS, ARCADIS conducted a Phase I Environmental Site Assessment for the Site in 2009. The report also is not provided in the Appendices to the DEIS, an omission that must be rectified for the reasons stated in the preceding paragraph.	33-13	Applicable details of the Phase I ESA are summarized in the DEIS text (Section 2.2.1.4). The RECs identified in this report were used as a basis for developing the scope for the Phase II ESA investigation, which has since been completed. Results are discussed in Section 2.3.2 of the FEIS.	2.3
T. Michael Twomey, Entergy	The summary of this report documents several identified Recognized Environmental Conditions ("RECs") on the basis of the observed Site conditions and historic investigations summarized above. Yet, despite the passage of 14 years since the prior, limited investigation, and no apparent information whatsoever on the soil and groundwater conditions throughout the Site, it was decided that only one sample of material would be collected for testing, and that no further characterization of the Site was	33-14	The material sampling referenced as completed in Section 2.2.1.4 of the DEIS was only intended as a spot sample to screen the "sawdust type material" during early site development activities. Comprehensive Phase II ESA activities to confirm site conditions were planned at a later development phase. These investigations have now been completed and are discussed in Section 2.3.2 of the FEIS.	2.3

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	necessary. The material collected was "the sawdust type material" and contained elevated levels of acetone, ascribed to what "may be a false positive" lab result. DEIS, p. 2-11. The entire Phase I report must be provided to allow review of its adequacy.			
T. Michael Twomey, Entergy	Blasting would likely result in new fissures being created in the bedrock, creating new migration pathways for releases to the environment that may threaten groundwater, wetland areas, or the surface waters of the Great Swamp. Without a full understanding of current Site conditions, it is not possible to evaluate the wisdom of blasting or its inherent risk to the environment where, as here, the Site has been a dumping ground for decades.	33-15	Current Property conditions have been characterized through the Phase II ESA discussed in Section 2.3.2 of the FEIS. A restoration and cleanup plan will be completed as part of the construction activities. The site clearing and contaminated material removal described in Section 2.3.4 will take place prior to any blasting, and will ensure that environmental risks are appropriately mitigated such that there will be no threat to groundwater. In addition, if required, blasting is not anticipated to create new migratory pathways that would threaten groundwater since it will occur after removal of the limited areas of soil contamination as well as the debris from the former industrial operations, no significant soil contamination will exist on the Property.	2.3
T. Michael Twomey, Entergy	...the environmental conditions at the Site have not been characterized sufficiently. In order to protect against the exacerbation of known releases and the prevention of new	33-16	Current conditions – considering the entire and expanded Property – have been adequately characterized through the Phase II ESA discussed in Section 2.3.2 of the FEIS. The assessment included soils, groundwater, surface water, and sediment testing, and the results were considered in developing a plan for site clearing and	2.3

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	releases to the environment during Site disturbance activities, a comprehensive Site assessment is required and must include soil, groundwater, surface water and sediment testing throughout the Site. The investigation should not be limited to the area of potential development but, in light of the documented dumping and impacts to forested and wetland areas, should extend throughout the Site.		contaminated material removal, described in Section 2.3.4 of the FEIS, which will be implemented at the start of Project construction.	
T. Michael Twomey, Entergy	At the Project site, a survey of both the bog turtle and timber rattlesnake was conducted during a three-day period in June 2009. Cumulatively, observation occurred for only a few hours in each of the five wetland areas identified on the Project site. The laydown area was surveyed on only one day, December 9, 2010. Considering the presence of suitable habitat surrounding the area and the potential for the Project Site and laydown to serve as a travel corridor for the bog turtle and the timber rattlesnake, a more thorough	33-17	Surveys were conducted by USFWS-recognized qualified biologists using protocols consistent with accepted and state-of-the-practice ecological standards. Survey information has also been reviewed by both USFWS and NYSDEC, whose comments have been considered in Project refinements and mitigation approaches. Note that additional surveys have been conducted, as outlined in Section 3.3.2, that continue to confirm the area's characteristics.	3.3.2

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	survey should be conducted, over a more extended time frame, to determine whether either species uses the Project Site as a travel corridor.			
T. Michael Twomey, Entergy	... the Applicant has failed to conduct any mist netting to determine the presence of the Indiana bat on the Project site. The Project should not move forward until the Applicant has conducted the recommended mist netting. Potential impacts on the endangered Indiana bat cannot be fully evaluated until the presence of the Indiana bat is determined.	33-18	No mist netting is planned for the Project (see the September 21, 2009 correspondence from USFWS provided in 4-A of the DEIS which concurs that mist netting was not warranted). No suitable roost trees will be removed from the site within the summer roosting season. Additional field surveys were completed for the Project Development Area, as well as also completed for the former Rasco parcel and at the Laydown Site. No significant potential for direct or indirect effect to the Indiana bat – which could be present in the general area – is anticipated, as is addressed further in Section 3.3.3.3 of the FEIS.	3.3.3.3
T. Michael Twomey, Entergy	As discussed above regarding potential impacts to bog turtle habitat in the Great Swamp, the DEIS inappropriately limits the analysis of impacts to protected species by failing to analyze impacts from habitat modification of the surrounding area. Both New York and federal law protect the habitat of protected species and consider certain modifications to habitat to be a "taking," that is either	33-19	Section 3.2.4 of the DEIS evaluated general habitat characteristics of the Property, and Section 3.2.5 of the DEIS considered a range of potential protected species, including discussion of surveys conducted for the timber rattlesnake and bog turtle, as well as habitat evaluations for the New England cottontail and Indiana bat. The potential for impact to species was addressed in Section 3.3.3 of the DEIS. Additional field surveys have been completed to include the former Rasco parcel and at the Laydown Site, as addressed in Section 3.3.2 of the FEIS. Additional discussion of potential direct and indirect species effect is provided in Section 3.3.3 of the FEIS.	3.3.2 3.3.3

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	prohibited outright or, at a minimum, requires mitigation. The bog turtle, timber rattlesnake, New England cottontail, and Indiana bat have all been observed in the vicinity of the Project. See DEIS, sect. 3.2.5. The DEIS must include a more detailed analysis of potential impacts to protected species from habitat modification of the surrounding area.			
T. Michael Twomey, Entergy	<p>While the Applicant has conducted an evaluation and analysis of potential impacts to protected species due to construction of the Project, there is no analysis of potential impacts due to plant operations. The Project will be the source of new and <u>continuous</u> droning noise within this rural area that is home to numerous protected species. Yet, the DEIS contains only one conclusory sentence regarding potential operational noise impacts to protected species.</p> <p>Operation of the project will result in a minor long-term increase of ambient noise</p>	33-20	Additional discussion of potential operational impacts to species due to the Project is provided in Section 3 of the FEIS. While protected species have not been found on the Property, bog turtle and timber rattlesnake are known to occur in the vicinity of the Property. It should be noted that adjacent habitat where these species could possibly occur is proximate to an active commuter rail, a shooting club, and multiple quarry operations whose sound levels exceed that of the Project. Further discussion on potential impacts to species due to Project sound levels is provided in Section 6.4.3.6 of the FEIS.	6.3.4

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	<p>levels in the vicinity, which is not expected to significantly alter wildlife behavior.</p> <p>DEIS, p. 3-48 to 3-49. There is no analysis or support given for this conclusion. There is no indication that the Applicant evaluated how wildlife behavior is generally affected by equivalent increases in ambient noise levels. While protected species have not been identified as currently occurring on the Project site (which may be a reflection of inadequate habitat and species surveys), sound impacts are not site-limited and, therefore, may affect protected species living in the Project vicinity. The Applicant should conduct an analysis of potential operational sound impacts to protected species within the Project's vicinity.</p>			

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T. Michael Twomey, Entergy	An analysis of potential construction-related noise impacts also is missing. Rock splitting, blasting, pile-driving, along with the two to three week period of "steam blows" are just a few of the many anticipated noise events associated with Project construction. Some of the equipment and construction procedures are reported to cause an estimated L_{max} at 50 feet over 100 dB. See DEIS, Appendix 6-E. The Applicant must evaluate the potential impacts of these noise events on protected species in the surrounding area.	33-21	<p>Estimates for Project related construction sound levels were included in the DEIS within Section 6.4.3.2 and Table 6.4-2. "Worst case" estimates of construction sound levels at off-site receptors are 61 dBA or lower. It should be noted that the estimates provided in Table 6.4-2 are conservative, as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.</p> <p>Construction activities which produce significant noise levels, such as excavation or commissioning, will be limited to daylight hours when background sound in the surrounding area increases significantly due to traffic activity on Route 22. Construction-related sound at more distant residential properties, as well as the Dover Middle/High School complex is expected to be consistent with typical daytime background sounds.</p> <p>Further discussion on potential impacts to species due to Project sound levels is provided in Section 6.4.3.6.</p>	6.3.4
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	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.	1.4.4

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	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).			
T. Michael Twomey, Entergy	...the available Federal Emergency Management Agency (“FEMA”) Flood Insurance Rate Maps...indicate that a portion of the Property, located east of the railroad where construction is proposed, is in fact located within the Floodplain Overlay District...Thus, compensatory flood areas may be required to prevent adverse effects on nearby property owners. Town of Dover Code §81-12, and applicable construction standards must be adhered to protect the construction from flood damage.	33-23	<p>The Town of Dover Town Board approved a revised Federal Emergency Management Act (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.</p> <p>The small portion of designated flood plain located east of the railroad tracks is within Wetland 2, where only a very small finger of marginal wetland (0.05 acres) will be altered and replicated on a 1:1 basis. 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.</p>	3.3 5.3 6.3.1

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			The revised plan has been used as a basis for the preliminary SWPPPs described in Section 5. The preliminary SWPPPs will be the subject of review as part of the Project's Chapter 65 permit (Erosion and Sediment Control) with the Town of Dover.	
T. Michael Twomey, Entergy	<p>The DEIS states that a large power plant located within the M District is allowed by special permit issued by the Town Board...In fact, "heavy industry" is a prohibited use in an M District, and any fair reading of the phrase, "heavy industry" includes a power plant of the scale proposed by the Project...</p> <p>Even if the Applicant could show that the Project should not be treated as "heavy industry," there are other reasons why the use is currently prohibited in the M District. In particular, the Town of Dover Zoning Code states: "Any use, whether or not listed in the Use Table, is prohibited if it does not satisfy the standards and criteria in §§ 145-40 and 145-63." Town of Dover Code § 145-10(C). By</p>	33-24	<p>A discussion of the Project's compliance with the Town of Dover's Master Plan and Zoning Code is included in Section 6.3.1 of the FEIS.</p> <p>Section 145-74 of the Town Code defines "Heavy Industry" as the "Manufacture, assembly, treatment, processing, or packaging of products in a manner that emits or is likely to emit objectionable levels of smoke, noise, dust, odor, glare, water pollution, or vibration beyond the property boundaries."</p> <p>The Project will generate electricity in accordance with New York law and in compliance with all permits issued by NYSDEC. With addition of the former Rasco parcel to the Property, the Project will operate in a manner that will not emit objectionable levels of these items beyond the Property boundaries, with the exception of noise along the Metro-North railroad line. Since the Metro-North railroad line is a narrow strip of land extending through the Property, with CVE owning the land to the west of that receptor, and is not a noise-sensitive receptor, this will not result in either a public or private nuisance. At the westerly boundaries of the Property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards. The Project will demonstrate compliance with the Major Project Criteria identified in</p>	6.3.1

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	the Applicant's own explanation (see Section 6, below), the noise standards of § 145-40 will be exceeded by the Project... This prohibited status may be remedied if the Town of Dover Zoning Code is amended, or a use variance is granted by the Town of Dover Zoning Board of Appeals... We are concerned that a variance may not be granted, e.g., because (a) there are other permitted uses that could be made of this land; (b) there is no clear financial hardship to this Applicant that has not been self-created; and (c) the Project, if authorized, may well alter the essential rural character of this neighborhood and the Town of Dover.		Section 145-63 (B) of the Town Code as a part of its Special Permit Application review process.	
T. Michael Twomey, Entergy	...the DEIS ignores the Project's three proposed 282.5 foot tall emission control stacks, and whether structures of such height may be reconciled with the purpose and intent of the Town of Dover Zoning Code. There is a 35 foot height limit in the M District. Town of Dover Code, §	33-25	As discussed in Section 6.1.4 of the DEIS, the three proposed 282.5-foot stacks are considered by CVE to be "chimneys" and would therefore be exempt from height requirements per Section 145-30(D)(1) of the Zoning Code. Section 145-73 of the Zoning Code explains that all words used in Chapter 145 "shall carry their customary meanings." Reference to a common definition is	6.3.1

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	145-11(B). Exceptions to the height limitation are set forth at § 145-30D, and include "chimneys," a term that, although not defined, is not readily interpreted to include industrial emission control stacks on the scale proposed for the Project. No other exemptions appear to apply. Town of Dover Code, § 145-30(D). Therefore, the 282.5 foot emission control stacks arguably do not comply with the Town of Dover Zoning Code. Similarly, the Project would have four additional structures ranging in size from 50 feet to 113 feet tall that arguably do not comply with the height limitation. See DEIS, p. 1-12.		<p>appropriate since the Zoning Code does not define "chimney." Merriam-Webster's Dictionary provides the following definition of "chimney:" "A vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke; especially the part of such a structure extending above a roof."²</p> <p>The common definition of chimney, therefore, includes the stacks proposed by CVE since the stacks are flues (i.e., chimneys), which will conduct the Project's emissions to the atmosphere as will be permitted by the NYSDEC air permit. This use of this term to reflect generating facility stacks has been applied in other analogous situations.</p> <p>All structures that exceed the Zoning Code's applicable height limitations will be addressed as part of the Project's Special Permit Application.</p>	
T. Michael Twomey, Entergy	...the Applicant asks the Town to amend its laws to increase the noise limit by ten decibels (from 50 to 60 dB) for M zoning districts. See DEIS, p. 6-91.	33-26	With the addition of the former Rasco parcel to the Property, the Project is expected to comply with the most restrictive night-time sound level limit (50 dBA) of the Town of Dover Zoning Noise Standards at the north, south and east Property lines – which are the Property	6.3.1 6.3.4

² <http://www.merriamwebster.com/dictionary/chimney>

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	<p>Although the DEIS characterizes this as a "slight adjustment" (see DEIS, p. 6-10), a 10 dB increase would permit the facility, as well as any other facilities located in an M-zoned area, to emit nighttime noises that are ten times louder than currently allowed... As set forth in the Town of Dover Noise Ordinance, "noise shall be prohibited when it is of such character, intensity and duration or of any type or volume that a reasonable person would not tolerate under the circumstances and that is detrimental to the life, health or welfare of any individual or would cause or create a risk of public inconvenience, annoyance or alarm." Town of Dover Code § 107-3(A). Noise of this character, intensity and duration is likely to be the case over both the three-year construction period for the proposed Project, and during its operation thereafter.</p>		<p>lines in the direction of the nearest residential receptors.</p> <p>The Project's sound levels will also comply with the noise standards at its westernmost boundary. However, a narrow strip of land owned by the Metro-North railroad line extends through the Property, and sound levels are predicted to exceed the noise standard at the railroad line. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on either side of this receptor, this will not result in either a public or private nuisance. CVE is requesting an amendment to the Town of Dover Zoning Code so as to permit the anticipated noise levels and allow this economically beneficial use without negatively impacting community character and residential uses.</p> <p>Estimates of operational sound levels produced by the Project were calculated using industry standard, CadnaA environmental sound modeling software (Version 3.7.123 DataKustic GmbH). The CadnaA sound modeling software uses algorithms and procedures described in International Standard ISO 9613-2:1996 "Acoustics- Attenuation of sound during propagation outdoors – Part 2: General method of calculation." The methodology described in this standard provides estimates of A-weighted sound levels for meteorological conditions that are favorable for the propagation of sound (downwind with a wind speed of 1-5 meters/second).</p> <p>Estimates for Project related construction sound levels were included in the DEIS within Table 6.4-2 of the DEIS. "Worst case" estimates of construction sound levels at off-</p>	

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			<p>site receptors are 61 dBA or lower. It should be noted that the estimates provided in Table 6.4-2 are conservative as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.</p> <p>Construction activities which produce significant noise levels, such as excavation or commissioning, will be limited to daylight hours when background sound in the surrounding area increases significantly due to traffic activity on Route 22. Construction-related sound at more distant residential properties, as well as the Dover Middle/High School complex is expected to be consistent with typical daytime background sounds.</p> <p>The status of the Project's need for a zoning code amendment for the town's noise standards is discussed in Section 6.3.4.2.</p>	
T. Michael Twomey, Entergy	Except for <i>lead</i> (Pb), all of these <i>[criteria]</i> pollutants exceed federal major source emission thresholds and significance levels. Id. Because of New York's non-attainment status for several criteria air contaminants (see http://www.epa.gov/oar/oaqps/greenbk/anc13.html) and the Project's GHG emissions, which cannot be reconciled with New York's	33-27	The Project will represent the lowest emitting fossil-fuel-fired power plant of its kind ever constructed. In addition, the Project will directly offset 115 percent of its maximum permitted annual emissions of NO _x and VOC, precursors to ozone, the only pollutant for which the site is not in attainment of the NAAQS. 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	4.3.6

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	air quality goals when lower sources of emissions are available and can be constructed, the Project's operations merit careful scrutiny.		objectives. Project operations will be scrutinized closely by NYSDEC and USEPA through the use of continuous emissions monitoring.	
T. Michael Twomey, Entergy	Furthermore, under the U.S. Environmental Protection Agency's (EPA) recently finalized Cross-State Air Pollution Rule ("CSAPR"), New York State will be required to achieve substantial reductions in seasonal NO _x (a precursor to ozone) emission levels by 2012. This statewide emissions reduction requirement is expected to be difficult to satisfy. Where building a facility such as the proposed Project, which has the potential to emit 280 tpy of NO _x , will make it harder for the State to meet its mandatory Federal air pollutant emission reductions when other lower sources of emissions can be options, it is imperative that the facility's potential environmental impacts over and above air pollution be very carefully evaluated.	33-28	See Section 4.3.1.1 – Regulatory Updates and Discussion (Cross-State Air Pollution Rule). The Project will not only directly offset 115 % of its annual NO _x emissions from in-state sources, it will displace emissions from existing less efficient units resulting in a significant reduction in regional NO _x emissions thereby positively contributing to New York's compliance with the NO _x emissions reductions sought by the CSAPR program. Note that the full range of potential environmental impacts was carefully evaluated in the DEIS.	4.3.1.1

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T. Michael Twomey, Entergy	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 established that this standard is met, a deficiency that must be remedied.	33-29	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; (3) Stabilize energy costs and improve economic competitiveness; (4) 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.	1.4.3
Letter #34 – Friends of the Great Swamp – letter dated 8/5/2011				
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"> · Site conditions and the need for cleanup considered surrounding land uses; · Air modeling utilized regional background quality information as well as including cumulative modeling incorporating appropriate sources within New York, Connecticut and Massachusetts; · The potential for groundwater supply impact considered surrounding wells, including potential 	1.4.5

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			<p>future projects such as the Knolls of Dover; and</p> <ul style="list-style-type: none"> 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. <p>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.</p>	
James Utter, Friends of the Great Swamp	...we applaud CVE for changing their cooling system from a water-based system to an air-cooled system. Collection of water from rooftops of CVE buildings is also a positive step towards reducing the hydrologic impact of the plant. ...we request that CVE agree to fund flow-gauge monitoring of the Swamp River, above and below the site, as well as piezometric monitoring of	34-2	<p>We note the Commenter's recognition of the Project's shift to an air-cooled system to reduce water use and its development of a rainwater collection system to supplement its water resources. In addition to these efforts, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River. During a series of public meetings with local residents and environmental groups, attendees concluded that the Route 22 bridge, where a USGS stream gauging station had been previously sited, is the most suitable location.</p> <p>It should be noted that comprehensive hydrological studies, including a long-term pump test, were undertaken</p>	5.3.3

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	groundwater levels in three representative off-site wetlands. If stream flows are significantly reduced by the plant, or if groundwater levels in the wetlands are drawn down significantly, plant operations must then be adjusted to reduce the impact to acceptable levels.		that demonstrate that the Project will not discernibly affect stream flow or wetland hydrology, even under drought conditions. Anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.	
James Utter, Friends of the Great Swamp	The DEIS also addresses the possibility of CVE using treated effluent from Dover Knolls to reduce or eliminate water withdrawal from the aquifer, if DK is approved. The cost of establishing this system is the responsibility of DK and the reduction in water withdrawn by CVE could partially mitigate the large amount of water DK projects withdrawing from the aquifer.	34-3	As discussed in 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.	5.3.4
James Utter, Friends of the Great Swamp	Water quality could be affected by waste water discharges into the Swamp River, or indirectly from pollutants released into the air that settle out onto the land or water. CVE responded to the first of these by adopting Zero Liquid Discharge technology in	34-4	As noted in the comment, no wastewater discharges are proposed, other than the discharge of sanitary waste through an on-site septic system. So there will be no direct discharges to the Swamp River. Because the Project will not have a significant impact on either air quality or acid deposition, it will not significantly contribute to indirect sources of water pollution. Since the Project will result in lower regional emissions, it will	5.3.1

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	the current plan. If this system works as described, pollutant discharges would not appear to be an issue.		contribute to reducing these indirect impacts.	
James Utter, Friends of the Great Swamp	Indirect sources of water pollution may be more difficult to address and are directly related to the Air Quality issues.	34-5	Because the Project will not have a significant impact on either air quality or acid deposition, it will not significantly contribute to indirect sources of water pollution. Since the Project will result in lower regional emissions, it will contribute to reducing these indirect impacts.	4.3 5.3.1
James Utter, Friends of the Great Swamp	One of the major groups of pollutants is the nitrogen oxides. These are converted into nitric acid when dissolved in water droplets and further acidify precipitation which then reduces buffering capacity of soils and changes other soil processes. Nitrogen oxides also reach the soil surface in other ways and produces nitrogen enrichment which has been shown to change soil chemistry and have significant effects on soil ecosystems. The calcareous systems of the Great Swamp and the Swamp River are especially vulnerable to acidification and nitrogen enrichment; the greatest impact is likely to be seen in the	34-6	In accordance with the New York State Acid Deposition Control Act, a “Source Specific Acidic Deposition Impacts” analysis was conducted to provide quantification of the Project’s contribution to the New York State total deposition of sulfates and nitrates at 18 defined receptors in New York State, New England, and Canada. The DEIS also included analyses of impacts of Project emissions on sensitive vegetation and soils as well as contributions to acid deposition and ambient concentrations of NO ₂ . The analyses concluded that the Project would not have a significant impact on sensitive natural resources. Local impacts from acid precipitation formed due to the Project are highly unlikely because the processes that convert SO ₂ and NO _x gases into their acid counterparts can take several days. During this time, the pollutants would have traveled hundreds of miles from the original source. Thus, the emissions from the Project would have little or no contribution to the acidity of the precipitation that falls on the surrounding area, therefore the impacts would be negligible.	3.3.1 4.3.4.2

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	calcareous fens, home to many of our rare species.		In addition, the Project will directly offset 115 percent of its NO _x emissions, and it will further reduce regional NO _x emissions by displacing the operation of existing less efficient generation. This will help reduce regional nitrogen and nitric acid deposition. See also Section 4.3.4.2 – Additional Impact Analysis (Acid and Nitrogen Deposition).	
James Utter, Friends of the Great Swamp	Because the proposed CVE plant is in the Harlem Valley depression, it is subject to reduced air mixing and increased fog formation, both of which increase the impacts of air pollution. This specific location also has a special challenge since the Dover Junior and Senior High Schools are on the eastern slope of this valley.	34-7	The meteorological data used in the modeling represents five years of hourly observations. Within this data set are numerous periods of calm to near calm conditions with thermal inversions and associated ground fog. The modeling analysis also directly takes the surrounding terrain into account. Under these conditions, impacts to the schools were determined to be negligible. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) and Section 4.3.3.3 – Air Quality, Public Health and the School Complex.	4.3.3.1 4.3.3.3
James Utter, Friends of the Great Swamp	Air pollution seems to be a most critical remaining issue. Therefore, we recommend that all available technology be utilized to minimize the amount of air pollution released and that air quality specialists be consulted to ascertain that a safe level is achieved. Furthermore, we urge CVE to establish and maintain an air quality monitoring system which	34-8	Stringent pollution control measures will be incorporated in the Project design to meet LAER/BACT as applicable and as described in Section 4.3 of the DEIS. The Project will comply with air quality standards established by the USEPA and NYSDEC to protect public health. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) for additional information. In addition, once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately	4.3.3.3

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	includes a station at the Dover High School, to provide continuing information on the ambient levels of major air pollutants and that plant operations be adjusted whenever safe limits are exceeded.		be detected and appropriate measures, including plant shut-down, would be taken.	
James Utter, Friends of the Great Swamp	Given the nature of the proposed site, a past industrial operation that has left the land with hazardous waste, the planned remediation and partial restoration of the unbuilt land, are expected to improve this habitat, while no known rare species are located on the development site. Potential negative effects to the ecology, wildlife and rare species would result from indirect impacts, specifically on changes in the hydrology and pollution levels as addressed above. Since the system includes at least one federally listed species, the significance of such indirect effects cannot be understated.	34-9	We agree that the Project has great potential to improve site conditions and adjacent habitat. Additional information regarding potential indirect effects to species is provided in Section 3.3.3 of the FEIS.	3.3.3

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Letter #35 – John Fila – letter dated 8/5/2011				
John Fila, Wingdale Resident	The almost certainty of altering the micro-climate here in the valley. As you know, the proposed site in Dover is in a valley portion of the Taconic mountains. A valley such as this, depending on uncontrollable atmospheric conditions and geological features can have a micro-climate imposed on it. This condition may be negatively impacted by a temperature inversion or by blocking out sunlight, both of which are possible effects of this facility. The residents of Dover exist in this micro-climate, not at the Poughkeepsie airport- which was used in the applicant’s study.	35-1	Anemometer data from the Dutchess County airport were selected for use in the Air Quality Modeling Protocol, which was thoroughly reviewed and approved by USEPA and NYSDEC, because those data were collected at a location in a similarly oriented north-south valley that closely matches the degree of terrain channeling that the Project’s plumes will experience, given their height. Five years of hourly meteorological data were used in the modeling, including numerous hour of calm to near calm winds and thermal inversions. For the air dispersion modeling analysis, a receptor grid consisting of 1,710 receptors contained within five nested (overlapping) Cartesian grids was used out to a distance of 8 km from the stacks. Topographic (terrain) conditions therefore reflect the actual elevations of each of the 1,710 receptor locations input into the model and the surface roughness and other similar parameters input to the model reflect specific local conditions. Impacts to receptors in the valley under these conditions have been demonstrated to be negligible. Further, the frequency and extent of water vapor plumes will not be sufficient to block out sunlight. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography).	4.3.3.1
John Fila, Wingdale Resident	The conclusions as presented in the DEIS are based on an incomplete, therefore inaccurate, analysis, using a limited number of locations. A very similar, if not	35-2	Each project is located within a different environmental setting and context. The Athens facility, located near the Hudson River and within elevated, flatter, and less screened terrain, would not have the same visual buffering effect as the CVE Project. The simulations	6.3.2

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	identical facility is located in the town of Athens NY. The views in that area are dominated by the stacks and cooling towers of that plant.		provided present a range of representative views that indicate the anticipated visual change. As discussed in Section 6.4 of the DEIS, none of the range of potential views is anticipated to have a significant effect.	
John Fila, Wingdale Resident	The depletion or adverse impact on the primary aquifer in our area- and beyond- may be of critical importance – and a pivotal factor. The aforementioned Athens plant uses water from the Hudson river. Presumably there was a need for a significant quantity of cooling water. A need which simply could not be met using the local groundwater supply.	35-3	The installation of air cooling, a Zero Liquid Discharge system, and rooftop rainwater capture will reduce water use considerably (more than 98 percent compared with an equivalent wet-cooled facility), and the Project’s resulting water demand is therefore compatible with the aquifer’s water budget. These findings are confirmed by the analyses documented in DEIS Appendix 5-E: Well Test Report and supported in DEIS Appendix 5-C: Site Water Budget Report.	5.3
John Fila, Wingdale Resident	In addition, the cumulative impact must be considered, including aquifer use by the nearby Dover Knolls development, at full build-out, as well as provisions projecting long term growth in the area. All, in a worst case scenario i.e. drought conditions.	35-4	The importance of studying the cumulative impact of the Project with other proposed uses in the Town of Dover and the Harlem Valley is acknowledged. With these concerns in mind, 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. Chazen, which has been involved in Harlem Valley watershed investigations since 1997, was chosen based on their knowledge and expertise of Harlem Valley hydrogeology. As concluded in the Site Water Budget Report, the Project water withdrawal needs are locally sustainable, there will be no permanent off-site drawdown	5.3

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			<p>effects on the aquifer, and significant flow capacity remains available for other projects currently under review by the Town of Dover, even during very dry or drought conditions (see DEIS Appendix 5-C).</p> <p>In addition, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River.</p>	
John Fila, Wingdale Resident	<p>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</p>	35-5	<p>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).</p> <p>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.</p>	1.4.2

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	<p>department's team with whatever outside expertise is needed, is a given.</p> <p>I believe you have the authority to direct the applicant to fund this independent analysis through its escrow account so there should be no cost to the taxpayer.</p>			
Letter #36 – Oblong Conservancy – letter dated 8/5/2011				
Sibyll Gilbert, Oblong Land Conservancy	The Housatonic Valley Association (HVA), has requested that monitoring stations be established to detect declining water levels, so that appropriate action can be taken when levels fall below established parameters. The Oblong Land Conservancy supports that request.	36-1	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 USGS stream gauging station had been previously sited, is the most appropriate location for the gauging station. Note that anticipated NYSDEC permitting requirements will formalize reporting obligations to verify that Project water usage is consistent with the assessed demand.	5.3.3
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	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.	1.4.8

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	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.			
Sibyll Gilbert, Oblong Land Conservancy	<p>The height of the proposed stacks remains an issue. As you know, The Great Swamp has been recognized as a flyway for migrating birds. Our populations of neo-tropical migrating birds has been estimated to be in decline at the rate of about 7% each year. That is unsustainable. Many of our once common species are headed for extinction, and within a few short years. The Great Swamp is also officially recognized as an “Important Bird Area in New York State (IBA).</p> <p>That said, I attach a copy of “Tower Recommendations and Guidelines,” proposed by the Fish and Wildlife Coordination Act. The stack proposed by CVE exceeds the 199 foot above ground level rule, and would have the same impact as</p>	36-3	<p>Stack height has been carefully selected for the Project to be the minimum necessary for the dispersion of emissions. Migratory bird collisions with stacks or interactions with plumes are rare events and do not have an appreciable impact on bird migration or populations. In addition, CVE has reviewed and evaluated the USFWS guidance on towers, which – although not directly applicable to this type of facility – provides conceptual information illustrating ways in which the Project design minimizes potential effect to migratory birds. For example, CVE has clustered the three stacks together which will minimize the potential for bird strikes as they migrate in broad fronts through the area. In most weather conditions, avian avoidance behavior tends to be very strong.</p> <p>CVE is also working with the FAA to minimize navigation lighting requirements to the extent possible to provide for safety while reducing the possibility of inadvertently attracting birds under inclement weather conditions. The full discussion can be found in Section 3.3.4 of the FEIS.</p>	3.3.4

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	communications transmission towers.			
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.	1.4.1
Letter #37 – Town of Dover, New York – letter dated 8/5/2011				
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.	1.4.1
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.	1.4.8

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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.	1.4.6
Ryan Courtien, Town Supervisor, Town of Dover	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	1.4.3

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			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	ES-4: “ensuring that no process wastewater will be discharge.” Is it possible for wastewater to be discharged?	37-5	No wastewater discharges are proposed for the operation of the Project, other than the discharge of sanitary waste through an on-site septic system as described in Section 5.5.4 of the DEIS.	5.3.1
Ryan Courtien, Town Supervisor, Town of Dover	ES-8: While a Waste Characterization Report “did not indicate that hazardous waste thresholds were exceeded” Implication is that there is hazardous waste; was any hazardous waste found? If so, what?	37-6	Site conditions have been characterized through the Phase II ESA discussed in Section 2.3.2 of the FEIS. As discussed in that section, only three, relatively small areas were identified where substances exceed regulatory levels suitable for industrial sites and, thus, will require removal. CVE will propose a RAP to NYSDEC for the agency’s approval, in conjunction with a request for a BUD, as described above for Comment No. 33-12. The essential components of the RAP are (1) excavation and off-site disposal of soil in which pollutant concentrations exceed the ICRU; (2) on-site re-use of soil in which pollutant concentrations exceed the URU, but are less than the ICRU, subject to a BUD approved by NYSDEC; and (3) closure in place of four existing solid waste disposal areas (W-1, 2, 3 and 4), subject to on-site re-use as feasible, removal of bulky waste from Mica Products, and stabilization of the remaining material.	2.3

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Ryan Courtien, Town Supervisor, Town of Dover	ES-8: How will the tire crumb material, fire bricks and PCBs be removed?	37-7	A discussion of plans for demolition and cleanup at the Property is provided in Section 2.3.4 of the FEIS. No need for PCB removal was identified through Phase II ESA investigations as there were no materials impacted by PCBs. Before the start of below-grade preparation, all surface cover materials, including topsoil, will be removed and screened to remove crumb rubber and other waste materials. In general, CVE will apply for beneficial reuse of clean materials, such as fire brick, as on-site fill material to the extent applicable and allowed by local officials.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	ES-10: Further explain how a bioretention pond is a habitat.	37-8	<p>Habitat may be natural or created, as species tend to take advantage of any potential location with suitable (or even marginal) characteristics.</p> <p>The primary bioretention pond will be located within the Project's fenced area, while other, smaller bioretention areas will be located outside of Project fencing for greater accessibility. Bio-retention systems are made of several layers, including a gravel bed at the base (incorporating a perforated drain system to remove excess water), a layer of porous soil, a layer of mulch, and a top layer planted with native vegetation. Bio-retention areas temporarily store runoff and drain within 48 hours.</p> <p>Design of the system follows low impact guidance (Low Impact Development Center, Inc. 1999 – 2008) intended to result in a stormwater management system that incorporates vegetation that not only provides for nutrient uptake, but also habitat for birds and butterflies. Each bioretention cell is intended to support the hydrologic cycle, nonpoint pollutant treatment, resource</p>	3.2

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			conservation, habitat creation, nutrient cycles, soil chemistry, horticulture, landscape architecture and ecology, thereby exhibiting a multitude of potential benefits (Winogradoff and Coffman, 1999).	
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.	1.4.1
Ryan Courtien, Town Supervisor, Town of Dover	ES-12: “Higher emitting” or “Higher GHG emitting”? The term “higher emitting” needs to be better explained.	37-10	The Project will displace the operation of existing less efficient units that emit more GHGs and criteria pollutants per unit of energy generated.	4.3.7
Ryan Courtien, Town Supervisor, Town of Dover	ES-14: “generate tax revenues for the town.” Add “county and school district.” to the end of the sentence.	37-11	As discussed in Section 6.3.7.3 of the FEIS, it is true that Dutchess County and the Dover Union Free School District will benefit from Project tax revenues.	6.3.7
Ryan Courtien, Town Supervisor, Town of Dover	ES-14: While it is stated and mapped in Section 6 where the project will be visible, there should be more brought forward to the Executive Summary.	37-12	We understand that some may only review the Executive Summary of the DEIS, but would encourage anyone with a particular interest in a given topic to read the more detailed section as well. With the commenter’s concerns in mind, CVE has created an “Ask Cricket Valley” webpage on the Project website (www.cricketvalley.com) specifically designed to answer frequently asked questions and guide the public to answers within the DEIS. A link to DEIS Figure 6.2-2, showing potentially visible areas, is included on this website.	6.3.2

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Ryan Courtien, Town Supervisor, Town of Dover	ES-14: What are the “areas of visual importance?” Is there a standard list or criteria used in determining this?	37-13	The “areas of visual importance” noted in the DEIS Executive Summary on page ES-14 reference the aesthetic resources outlined in Section 6.2.4.1 of the DEIS. This includes an evaluation in accordance with NYSDEC’s Visual Impact Assessment Policy, which provides a standard list of specific state and federal resources for consideration. It also includes a discussion (Section 6.2.4.1.2 of the DEIS) of potential local resources, drawing upon the Dover Master Plan, consultation with the Town Supervisor, and soliciting public comment through review of scoping documents and other public meetings.	6.3.2
Ryan Courtien, Town Supervisor, Town of Dover	ES-15: Change to “coordination with town, school and state highway officials.”	37-14	CVE will consult with all three entities.	6.3.3
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.	1.4.1
Ryan Courtien, Town Supervisor, Town of Dover	ES-17: In the Unanticipated Discoveries Plan, who would be notified in case of an event?	37-16	As discussed in Section 6.6.4 of the DEIS and in the Unanticipated Discoveries Plan provided in Appendix 6-G of the DEIS, OPRHP would be notified, and the New York State Police would be notified, if appropriate.	6.3.6

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Ryan Courtien, Town Supervisor, Town of Dover	ES-17: CVE requested a similar review from OPRHP or was the request made in the opposite direction?	37-17	CVE actively requested review from OPRHP for the Project Development Area, the remote Laydown Site and the former Rasco parcel in the form of correspondence provided in Appendix 6-G of the DEIS and Appendix 6-E of the FEIS).	6.3.6
Ryan Courtien, Town Supervisor, Town of Dover	ES-18: “The project will not impact existing local fire, police or emergency protection services.” How true is that statement? If one construction worker is injured, then there is an impact however small.	37-18	The facility will incorporate specialized fire protection systems and response procedures designed specifically for electric generating facilities. In addition, safety and security measures and procedures will be implemented to protect the public and employees. There will be limited community impact on such services above and beyond what any use within the community might occasionally require. As detailed in Section 6.2.7 of the FEIS, CVE and its primary contractor will coordinate with appropriate emergency officials to ensure adequate protection services are in place.	6.3.7
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.	1.4.4
Ryan Courtien, Town Supervisor, Town of Dover	ES-22: What is the plan for disposal of demolition debris?	37-20	A discussion of plans for demolition and cleanup at the Property is provided in Section 2.3.4 of the FEIS. In general, CVE will apply for beneficial reuse of clean materials as on-site fill material to the extent applicable and allowed by local officials. In addition to the detail provided in Section 2.3.4, a detailed Demolition Plan and Demolition Permit Application will be submitted to the	2.3

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			Town of Dover per Chapter 145-65 (B)18 of the Town of Dover Zoning Code.	
Ryan Courtien, Town Supervisor, Town of Dover	ES-22: What is the plan for disposal of crystal solids?	37-21	The crystal solids are the result of the Zero Liquid Discharge system described in Section 5.5.3 of the DEIS. As detailed in that section, CVE has identified two potential options for handling the crystal solids: either transport of the material to a licensed third party for use as a marketable by-product, such as road salt, or transport of the material to a licensed off-site solid waste management facility.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	What are the type and locations of emissions offsets?	37-22	VOC offsets were obtained from the shutdown of a 3M facility upwind of the Project site in Pennsylvania and NO _x offsets were from shutdowns of various New York State facilities. The offsets were approved by the NYSDEC as directly contributing to ozone formation in Dutchess County.	4.3.6
Ryan Courtien, Town Supervisor, Town of Dover	Will there be any elevation in noise levels within a train passing the project site during construction/operation?	37-23	Passengers on Metro-North commuter trains will not experience elevated levels of noise as the result of the Project. The trains traverse the CVE Property at up to 70 miles per hour and the train's own noise levels at this speed, as well as its closed windows will prevent any noticeable elevation in noise levels experienced by passengers.	6.3.4
Ryan Courtien, Town Supervisor, Town of Dover	There needs to be an air monitor in the Town, the best place for this would be the Dover Middle / High School due to its central location, proximity to the proposed plant and possible educational benefits.	37-24	As discussed in more detail in Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex), Project air quality impacts at the Dover Middle and High School complex will be negligible. Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant	4.3.3.3

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			<p>upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken.</p> <p>CVE is in discussion with the Town of Dover regarding a number of areas of interest, including potential monitoring at the schools; while not necessary for confirming the Project's compliance with stringent air quality standards, the town may decide through its local review process that this type of activity should be a component of the community benefit package.</p>	
Ryan Courtien, Town Supervisor, Town of Dover	A publicized Balloon Test for Stack Height needs to take place so everyone can get a sense of what the proposed 282.5 foot high stacks will look like. This test should be coordinated with the Town of Dover Town Government.	37-25	<p>Although physical field representations of future structures have been used, they have significant limitations that tend to outweigh their benefit. Balloon tests can frequently be compromised, as weather and atmospheric conditions are rarely calm enough to assure the balloon stays at the desired height for viewing purposes. The technology used to represent future views relies on computer simulations, which have been demonstrated to accurately represent the potential for visual change (for example, Cape Wind 2011).</p> <p>CVE will continue working with the town, through its Special Permit process, to consider local views of potential concern as the town develops its findings to support the local review process.</p>	6.3.2
Ryan Courtien, Town Supervisor, Town of Dover	A publicized Noise Test to see actual effects of expected for noise levels. This test should be coordinated with the Town of	37-26	As noted in Section 6.3.4.4, sound impacts produced by the proposed Project will be the cumulative result of a wide range of sources that are distributed over the entire Project Development Area. Some of these sources will be	6.3.4

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	Dover Town Government.		<p>relatively small point sources (e.g., the discharge of the exhaust stacks, or transformers), and some of these sources will be large area sources (e.g., the array of air cooled condensers along the railroad Property line). There is no practical means to effectively simulate this diverse range of sound sources such that an observer would be able to experience a realistic replication of sound impacts that will occur when the Project is actually operating.</p> <p>An experience of potential Project sound would be better found at an existing plant of similar size and technology. CVE representatives would be happy to facilitate a site visit for Town of Dover officials and interested parties.</p>	
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-2: RC does not mean recreation; it means resource conservation.	37-27	Thank you for noting this typographical error. This typographical error is noted. Table 6.1-1 of the DEIS correctly notes the designation.	1.4.1 6.3.1
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-4: No longer TT Materials; is now RASCO.	37-28	CVE has signed an option to purchase the former Rasco parcel, therefore, prior occupancy will be relevant only for assessment of site conditions described in Section 2 of the FEIS. As noted above, the expansion of the Project site has eliminated this additional use.	1.4.1 6.3.1
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.	1.4.1

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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	<p>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.</p> <p>The shapes (including the circles) are all representational of various equipment elements, with the circles indicating nodes where each of the three units connect 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.</p>	1.4.1
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 secured with 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.	1.4.1 5.3

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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.	1.4.1
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.	1.4.1
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.	1.4.1
Ryan Courtien, Town Supervisor, Town of Dover	Figure 1-11: How does the Rooftop Rain Capture system handle snow; especially a lot of snow like we saw in Winter 2011?	37-35	The rooftop rainwater capture system, described in Section 5.4.4.6.3 of the DEIS, will capture snow as it melts.	5.3

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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.	1.4.1
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.	1.4.3
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	<p>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.</p> <p>The <i>Security-Constrained Economic Dispatch Analysis</i> (DEIS Appendix 1-A) forecasts decreases in both service costs, <u>and</u> emissions of NO_x, SO₂, and CO₂ under various scenarios. The Dispatch Analysis projects annual reductions in load-weighted costs to serve the New York Pool of up to \$275 million; annual NO_x reductions in the New York Pool of up to 618 tons; annual SO₂ reductions in the New York Pool of up to 1,082 tons; as well as a decrease in total annual emissions of CO₂. The Dispatch Analysis was performed using industry standard modeling programs (i.e., MAPS). The Dispatch Analysis also describes the methodologies and assumptions underlying</p>	1.4.3 4.3

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			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.	1.4.3
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.	1.4.3
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.	1.4.1
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.	1.4.1 4.3.3.2
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.	1.4.1
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.	1.4.1

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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.	1.4.4
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 business, no secondary driveway is proposed for use during construction or operation.	1.3.6
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.	1.4.4
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?	37-48	No design alternative for this type of Project that would not exceed this height limitation is possible.	1.4.4
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.	1.4.1 4.3.4.3
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.	1.4.1 1.4.7
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 generators have been widely used and safely	1.4.7

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Dover			<p>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 with air, poses a combustion risk). As a safety precaution, the generators would only use high-purity hydrogen (>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>	

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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.	1.4.1 1.4.7
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.	1.4.1
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.	1.4.1
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.	1.4.1
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.	1.4.1

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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.	1.4.1
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.	1.4.6
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.	1.4.6

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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 went 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 decade (Middletown, Connecticut; Fairfield, California; and Lorain, Ohio). For more information see: http://www.csb.gov/assets/document/KleenUrgentRec.pdf .	1.4.7
Ryan Courtien, Town Supervisor, Town of Dover	1-32: A detailed plan taking into account all possible emergency 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.	1.4.7
Ryan Courtien, Town Supervisor, Town of Dover	2-1: Erosion and Sediment Control will be handled by the Planning Board, not the Town Board.	37-62	This comment is noted. The Project's Chapter 65 permit for Erosion and Sediment Control will be initiated with the Town of Dover Planning Board.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-2: It is not possible for there to be a "majority of the main building site".	37-63	Section 2.2.1 of the DEIS states: "... at which time a fire destroyed the majority of the main site building..." Although the primary building on the site (called "the main site building" in the FEIS) remains standing, it was significantly damaged by fire.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-4: It should be noted that Building E is the building designated for use by RASCO for temporary storage of post-	37-64	With CVE's acquisition of an option to purchase the former Rasco parcel, this use will be discontinued. This former use was considered in developing the work plan for the Phase II ESA discussed in Section 2.3.2 of the	2.3

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	process materials.		FEIS.	
Ryan Courtien, Town Supervisor, Town of Dover	2-8: How is identifying the color of materials (grey, brown, white, green/gray) the same as identifying the material type?	37-65	CVE cannot defend or expand upon information in historical site investigations, as they were completed by others. That said, ARCADIS examined the same waste piles as described in the earlier reports. In particular, the 1994 Advanced Cleanup Technologies (ACT) report classified the waste piles into four categories based upon two characteristics observed during field sampling: color and particle size (silt, sand, gravel, etc.). ACT then tested representative samples of each waste for relevant parameters. The most recent Phase II ESA has confirmed the ACT field observations and categories of waste, as well as their conclusion that the materials are not a hazardous waste.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-9: The site has crumb rubber scattered around. How will this material be removed from the site?	37-66	A discussion of plans for demolition and cleanup at the Property is provided in Section 2.3.4 of the FEIS and will be included in a Demolition Plan and Demolition Permit Application to the Town of Dover.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-10: What is the plan for the removal of waste piles and does this plan for removal depend upon the composition of the waste piles?	37-67	The composition of waste piles does influence the site restoration strategy. A discussion of plans for demolition and cleanup at the Property is provided in Section 2.3.4 of the FEIS. Because the waste piles were determined to be inert and non-hazardous material, they will be considered for on-site reuse as structural fill or will be stabilized and closed in place.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-10: RASCO should not be listed as an inactive solid waste facility.	37-68	The discussion in Section 2.2.1.4 of the DEIS where this terminology is referenced is simply reporting the way in which the RASCO Materials facility was listed in government file searches completed for the Phase I ESA (ARCADIS 2009). RASCO Materials is no longer	2.3

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			operating at the Property.	
Ryan Courtien, Town Supervisor, Town of Dover	2-20: Lead and asbestos needs to be removed from the building before demolition. The demolition of the building, with these hazardous materials still in place, using machinery will pollute the air and/or ground.	37-69	A detailed pre-demolition survey has been completed for the Property as detailed in Section 2.3.3 of the FEIS. In total, 19 separate structures were analyzed for asbestos containing material (ACM) and lead-based paints (LBP) – and estimated quantities, location, condition, and friability have been recorded. A discussion of plans for demolition and cleanup of these materials is detailed in Section 2.3.4.2. CVE understands that the Demolition Permit required by the Town of Dover may not be issued until a report has been submitted indicating the buildings are free of hazardous materials.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-20: Removal of hazardous materials should be made clearer. All hazardous material needs to be removed from the site. It seems that what is being asked is an exemption from removal of hazardous material from the building before removing it from the site.	37-70	A discussion of plans for demolition and cleanup at the Property is provided in Section 2.3.4 of the FEIS. In general, building demolition material will be segregated to remove and dispose of any hazardous materials as described in Section 2.3.4.2. CVE understands that the Demolition Permit required by the Town of Dover may not be issued until a report has been submitted indicating the buildings are free of hazardous materials. In addition, the three areas identified with pollutant levels exceeding those suitable for an industrial site such as the Project will be excavated and disposed of at a suitable off-site disposal facility.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-22: Is there any material that is anticipated to be left behind or is all material being removed?	37-71	A discussion of plans for demolition and cleanup at the Property is provided in Section 2.3.4 of the FEIS. The intent is to remove all solid waste material such as miscellaneous trash, Formica debris, and building materials, with the exception of the inert waste piles (e.g., limestone slag) and inert building materials (e.g., concrete	2.3

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			and brick), which, if approved for beneficial reuse, will be used for construction or graded and stabilized in other locations within the work area.	
Ryan Courtien, Town Supervisor, Town of Dover	2-22: Areas of topsoil contain scattered crumb rubber which would need to be sorted out if the top soil is to be reused or the topsoil would need to be removed if the rubber cannot be sorted or if the soil has been contaminated by the rubber.	37-72	A discussion of plans for demolition and cleanup at the Property is provided in Section 2.3.4 of the FEIS. Miscellaneous waste, such as the crumb rubber and Formica debris, will be separated from soils and disposed of as solid waste at a licensed landfill.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-24: The comprehensive public outreach plan <i>[for potential blasting work]</i> should include signs on Route 22.	37-73	It is anticipated that signs will be posted on Route 22 during the construction period when blasting may occur at the Property. In addition to Route 22 signage, blasting notifications will follow the guidance of Chapter 69 of the Town of Dover Town Code.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-26: Who will receive the results of the seismograph readings after blasting has occurred?	37-74	The seismograph readings will be retained by the blasting contractor for use in any potential post-blast inspections as described in Section 2.3.3 of the DEIS.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-26: The radius for notification should increase to a half mile because of the noise disturbance that will come from blasting.	37-75	Chapter 69-13 of the Town of Dover Town Code requires that adjacent landowners within 300 feet of the blast site be notified within 24 hours of blasting. CVE has committed to notify homeowners within 1,000 feet of the blasting site 5 business days prior to blasting as detailed in Section 2.3.3 of the DEIS. CVE will work with the Town of Dover if a more comprehensive outreach plan is required.	2.3

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Ryan Courtien, Town Supervisor, Town of Dover	2-29: A detailed map of the laydown site and access to Route 22 needs to be provided.	37-76	A more detailed design of the remote Laydown Site use, including its access from Route 22, has been included in the preliminary SWPPP developed for that location (Appendix 5-C of the FEIS). These plans will also be provided as an update to the Project's application for a Special Permit and Site Plan review.	2.3
Ryan Courtien, Town Supervisor, Town of Dover	2-33: The permanent sediment and stormwater control measures should be included on all slopes 20% or greater.	37-77	The preliminary SWPPPs, included as Appendix 5-A of the DEIS (Project Development Area), and Appendix 5-A (former Rasco parcel) and 5-B (remote Laydown Site) to this FEIS, have been designed to meet the latest New York State requirements as outlined in the New York State Stormwater Management Design Manual, August 2010. This includes temporary erosion and sediment control measures, such as an erosion control blanket, on slopes between 15 – 30 percent and permanent erosion and sediment control measures, such as permanent turf reinforcement mats on slopes 30 percent or greater. The preliminary SWPPPs will be used to guide the Project's Section 65 permit application (Erosion and Sediment Control) with the Town of Dover.	2.3 5.3.1
Ryan Courtien, Town Supervisor, Town of Dover	3-3: Is there any belief that a take or taking of an endangered or threatened species will occur?	37-78	Based upon the characteristics of the site habitat and the Project, it is not expected that a taking would occur of an endangered or threatened species. Detailed information on direct and indirect impacts to endangered or threatened species is included as Section 3.3.3.	3.3.3
Ryan Courtien, Town Supervisor, Town of Dover	3-3: Property sits in relative isolation? Relative to what?	37-79	The site is characterized in Section 3.2.1 of the DEIS as in "relative isolation, with vegetation and topography that provide a natural buffer for visual and aesthetic impacts." The intent of the descriptor was to indicate that the site is separated from other developed land uses by vegetation,	3.3.1

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			distance and topography.	
Ryan Courtien, Town Supervisor, Town of Dover	Appendix 4A: Table 2: Why is ambient temperature in Fahrenheit and Stack Temperature in Kelvin? One temperature scale should be used.	37-80	Ambient air temperature, as relates to combustion turbine operating conditions, is commonly presented in units of degrees Fahrenheit (°F). Conversely, dispersion modeling commonly uses metric inputs, consistent with the data input requirements of USEPA air quality models. For this reason, stack temperature, which is used as an input for the dispersion modeling analysis, is presented in degrees Kelvin (K).	4.3.3.2
Ryan Courtien, Town Supervisor, Town of Dover	Appendix 4A: Table 2: Units such as “m/s” and “g/s” (presumably meters per second and grams per second respectively) should be noted as to their meaning.	37-81	Meters per second (m/s) and grams per second (g/s) are used as inputs for the dispersion modeling analysis. All units referred to in the section are defined in the list of acronyms and abbreviations.	4.3.3
Ryan Courtien, Town Supervisor, Town of Dover	Appendix 4A: Table 2: In Table 1, emissions are in lb/hr and in Table 2 they are g/s. This lack of consistency in units only serves to confuse the public.	37-82	Table 1 of Appendix 4-A of the DEIS provides emission rates used for determining regulatory applicability. Regulatory applicability thresholds are commonly expressed in English units such as pounds per hour (lb/hr) or tons per year (tpy). For this reason, emissions in Appendix 4-A, Table 1 of the DEIS are expressed in English units. Appendix 4-A, Table 2 of the DEIS provides information used in the dispersion modeling analysis. Inputs for dispersion modeling are commonly expressed in metric units. For this reason, emission rates in Table 2 are provided in g/s.	4.3.6
Ryan Courtien, Town Supervisor, Town of Dover	Figure 4-5: Site Elevations is deceptive as it does not show the true height of the stacks.	37-83	This drawing convention is typical where one element of a drawing would otherwise extend outside of the printable area. Note that all plant renderings and analyses included as part of Section 6.2 – Visual Resources and Aesthetics are visually representative of true stack height.	4.3.3.2

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Ryan Courtien, Town Supervisor, Town of Dover	Figure 4-6: Comparisons of CO ₂ is too basic comparing this project to all power plants as an average. This bar graph should be broken out into all other power sources (other natural gas, coal, oil, nuclear, hydro, solar, wind, etc.) knowing that some bars would be zero and Cricket Valley would fall somewhere in between.	37-84	Table 4-35 of the DEIS compares carbon dioxide (CO ₂) emission rates for the proposed Project with a range of alternate fuels and technologies. As noted, wind, solar and nuclear technologies do not directly emit CO ₂ . For all other fuels and technologies, the proposed Project emits less CO ₂ per megawatt-hour of energy produced.	4.3.2.1
Ryan Courtien, Town Supervisor, Town of Dover	The Town of Dover Town Board has provided comments through our regular consultants on Section 4 and will be hiring an independent consultant to give further comment in the coming months.	37-85	The Town of Dover has hired an additional air quality expert, funded by CVE, to assist the Town Board in their review of the Project.	4.3
Ryan Courtien, Town Supervisor, Town of Dover	Appendix 6C – Lighting Study should include nighttime renderings of the plant from several locations around town including the Dover Middle / High School, looking south from Dover Furnace, looking north from Chippawalla Road, looking west from Cricket Hill and looking southeast from Ridge Road.	37-86	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. Other lighting will be directed downwards and would not result in nighttime off-site visibility of the facility. Although nighttime simulations have not been completed, additional discussion of nighttime visibility is included in Section 6.3.2.	6.3.2

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Letter #38 – Stephen and Cate Wilson – letter dated 8/5/2011				
Stephen and Cate Wilson, Wingdale Residents	The environment here in our area is one that we consider to be clean and quiet – a place to live, work and retire, where we can pursue activities such as gardening, camping, swimming, and outdoor living in general. The prospect and ultimate advent of a large scale (and potentially unnecessary) power plant in close proximity is not conducive to any of these pursuits for many reasons.	38-1	The proposed Project will meet strict requirements, including for emissions and noise, and will not involve any wastewater discharge. It is proposed to be built on an approximately 30 acre footprint located within a 193.5 acre Property (57 acres of which is the Project Development Area). Given the Project’s characteristics and buffering, there is no reason why activities such as gardening, camping, swimming, and general outdoor living cannot continue to be enjoyed.	6.3.1
Stephen and Cate Wilson, Wingdale Residents	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.	1.4.2
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 considered reliable in	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 considered to accurately represent the potential for	1.4.1

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	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>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>	
Stephen and Cate Wilson, Wingdale Residents	CVE claims their plant would be the cleanest in the state – by U.S. regulation they must meet the lowest demonstrated rates of emissions. This isn't saying much given that the lowest rates are likely from inefficient older plants and that many of the government studies used as basis points have not been updated since the early part of this century. The standard should be set against current and local area	38-4	The air dispersion modeling presented in the DEIS took into account existing air quality levels and the contributions of other sources within the region. As noted, the proposed Project will be more efficient and lower emitting than even the cleanest existing fossil fuel-fired power plants in New York. For example, CO ₂ permit levels proposed for the Project represent the lowest levels ever issued for a power plant in the U.S. These comparisons include fossil fuel-fired power plants that were permitted within the last few years and projects which began operations in 2010 and 2011.	4.3.3

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	measurements within Dover specifically.			
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	<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. For example:</p> <ul style="list-style-type: none"> · Site conditions and the need for cleanup considered surrounding land uses; · Air modeling utilized regional background quality information as well as including cumulative modeling incorporating appropriate sources within New York, Connecticut and Massachusetts; · The potential for groundwater supply impact considered surrounding wells, including potential future projects such as the Knolls of Dover; and · 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. <p>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</p>	1.4.5

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			in Project refinements to help mitigate impacts to Dover and the surrounding communities.	
Stephen and Cate Wilson, Wingdale Residents	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.	38-6	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.	1.4.1
Stephen and Cate Wilson, Wingdale Residents	Noise, traffic and air pollution are of considerably greater concern during the lengthy construction period required to build the plant if it is approved. The DEIS again discusses sound, traffic and air impacts upon "the more distant residential properties", but does not specifically address impacts on locations in immediate proximity. Not only our home,	38-7	The Project will utilize construction Best Management Practices (BMPs) to control air emissions such as dust, applying water or wetting agents to exposed and dry soils when necessary. In addition, demolition procedures will be strictly monitored to ensure fugitive dust is controlled. See Section 4.3.5 – Construction-Related Impacts for a discussion of impacts on surrounding properties related to construction. Traffic impacts during construction will be greater than the negligible traffic during operation. Traffic impacts were thoroughly analyzed as part of the Project's traffic analysis (DEIS Section 6.3) and reassessed in the FEIS to reflect	4.3.5 6.3.3 6.3.4

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	but others and the Dover Middle School and High School locations will be impacted by this for three or more years if the project does not complete on schedule.		<p>the addition of the former Rasco parcel for construction laydown and parking (Appendix 6-C of the FEIS). The revised construction parking has significantly improved conditions during the peak construction period at locations including at the school complex. Impacts during peak commuting hours at the Project access drive show a failing LOS F if additional measures were not incorporated. Measures will be incorporated, through consultation with NYSDOT and the town to maintain acceptable traffic operation even during peak commuting and construction periods at the Property access. In addition, CVE will continue to consult with the town, school and state highway officials to limit disruption to daily traffic to the greatest extent possible during the construction period.</p> <p>Estimates for Project-related construction sound levels were included in Table 6.4-2 of the DEIS. A receptor on N. Chippawalla Road was included in this analysis and construction sound impacts are estimated to be between 45 and 55 dBA at this location. It should be noted that this estimate is conservative, as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.</p> <p>The 45-55 dBA levels at this location are consistent with existing outdoor daytime background sound levels measured during the baseline sound study. They are also consistent with the Town of Dover daytime noise</p>	

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			standards of 60 dBA at the Property boundary. Note that sound levels at locations indoors would be even lower. Although buildings vary in construction (and, therefore, sound attenuation), the USEPA has determined that on average (in both cold and warm climates) sound levels are reduced by 15 decibels (dB) when indoors with the windows open, and by 25 dB when indoors with windows shut (USEPA 1978). At the school complex, sound produced by the construction and operation of the power plant will likely be unnoticed (outdoors or indoors), and will have no adverse impact on students or faculty.	
Stephen and Cate Wilson, Wingdale Residents	The DEIS does not address issues related prolonged exposure to the admittedly excessive noise and air pollution that will result from the construction process. Three years is a long time to suffer 50-70db sound levels, even if they are intermittent.	38-8	Construction-related sound levels will be temporary and limited to daytime hours. As noted in the comment above, the 45-55 dBA construction-related sound levels expected to occur on N. Chippawalla Road are consistent with existing outdoor daytime background sound levels measured during the baseline sound study. They are also consistent with the Town of Dover daytime noise standards of 60 dBA at the Property boundary. Sound levels indoors would be reduced by 10-15 dBA (open windows) and 20-30 dBA (closed windows).	6.3.4
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 and independent and unbiased expert of the Dover Town's choosing can complete an assessment of the potential	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.	1.4.2

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	impacts.			
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 <i>any</i> 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.	1.4.8
Stephen and Cate Wilson, Wingdale	..By anyone's standard, a power plant located virtually	38-11	The Project has a net positive impact on the environment, reducing regional emissions, cleaning up and restoring an	1.4.8

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Residents	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 <u>perceptions</u> of real environment that will result from developing a power plant in such a beautiful, largely rural area. Consider requiring compensation from CVE for losses in local property value as part of an overall contingency fund.		<p>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.</p> <p>According to a study conducted by the Public Service Commission of Wisconsin, "actual property value is comprised of an often complex set of 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."³</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</p>	

³ See: Environmental Impacts of Power Plants, Public Service Commission of Wisconsin, at pg. 12 – available at http://psc.wi.gov/the_library/publications/electric/electric15.pdf

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			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.	
Letter #39 – Susan Holland – e-mail dated 8/5/2011				
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 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.	39-1	<p>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 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 NYSPSC; that process will ensure that the Project is in the public interest. A Petition was submitted to the NYSPSC 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</p>	1.4.3 4.4

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			<p>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 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>	
Letter #40 – Cristina Bleakley – letter dated 8/25/2011				
Cristina Bleakley, Dover Resident	First off all, we must ask ourselves do we need this huge plant in Dover? Do we need it anyplace else?	40-1	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 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.	1.4.3
Cristina Bleakley, Dover Resident	What impact will this enormous plant have in Dover and surrounding areas, especially when we live in a valley and our air is already so poor? I think it is imperative to have an outside company do all the studies here	40-2	The air quality modeling analyses were thoroughly reviewed by USEPA and NYSDEC air quality staff, beginning with the modeling protocol. Comments were received from the agencies at several points in the process as provided in Appendix 4-A of the DEIS. In addition, comments were received from the Town of Dover's third party consultants on the DEIS, including air	4.3.3.3

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	in Dover so we can better understand the impact this plant will have in our air.		quality comments from the Town Planner's air quality expert (AKRF). Those comments are addressed in this FEIS. The Town of Dover has also hired an additional air quality expert, funded by CVE, to assist the Town Board in their review of the Project.	
Cristina Bleakley, Dover Resident	How the Great Swamp is going to be affected by this plant? Was the study made by Cricket Valley a true reading of how our resources will be affected and what is the long time effect?	40-3	<p>The importance of the Great Swamp, the Swamp River and the Harlem Valley watershed to the community is acknowledged. Since its first Town Meeting in April 2009, and with input from community residents and members of local environmental groups, CVE has made considerable efforts to re-engineer the Project to minimize water use and to eliminate process wastewater discharge, including the addition of a Zero Liquid Discharge system to internally recycle water, and a rooftop rainwater capture system to supplement the water supply. Through these efforts, the Project will be one of the most water-efficient power plants of its type.</p> <p>To ensure that the town's drinking water supply will not be affected, a long-term pump test program was developed and approved by the NYSDEC (see Section 5.4.4 of the DEIS for a detailed discussion of the pump test and approved protocol). This pump test was designed to monitor neighboring wells, adjacent wetlands, and the Swamp River to ensure the Project's water consumption would have no adverse impact. As discussed in Section 5.4.4.5 of the DEIS, the Project's main well can be operated indefinitely at its design rate, and when tested at the Project's projected maximum water needs (120 gallons per minute [gpm]), it did not produce any discernible effects on any of the monitored off-site private</p>	3.3.5 5.3.2

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			<p>wells, nor any of the on-site wetlands. Note that anticipated NYSDEC permitting requirements will formalize monitoring and reporting obligations to verify that Project water usage is consistent with the assessed demand.</p> <p>Additionally, CVE has committed to install a stream gauging station downstream of the Project on the Swamp River to monitor flow. During public meetings with local residents and local environmental groups, attendees concluded that the Route 22 bridge, where a USGS stream gauging station had been previously sited, would be the most advantageous location for gauging to occur.</p>	
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.	1.4.7
Cristina Bleakley, Dover Resident	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?	40-5	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	1.4.8

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			along with millions of dollars in secondary employment and other economic benefits.	
Cristina Bleakley, Dover Resident	How much noise is this plant will generate? Is 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	<p>CVE has incorporated significant mitigation measures to reduce noise, including obtaining an option to purchase additional property to increase the buffer from other land uses. As noted in Section 6.3.4.4, predicted compliance with the Town of Dover noise standards will be confirmed by the construction management firm prior to operation.</p> <p>Following commencement of operation, any noise complaints would be addressed by CVE, coordinating with the town and Town Code Enforcement Officer to identify a root cause. The Code Enforcement Officer has the authority to enforce the town noise ordinance and prevent, restrain, correct or abate any violation of Chapter 107-6 of the Dover Town Code.</p> <p>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.</p>	1.4.7 6.3.4
Cristina Bleakley, Dover Resident	How is our traffic going to be affected? The proposed site for parking is across street from my house and believe me when I purchase my home nowhere in my dreams was a plant nor a parking that accommodate over 800 vehicle. I bought my house in	40-7	With the addition of the former Rasco parcel to the Property, CVE expects use of the remote Laydown Site for parking to be much less extensive. It is anticipated that the former Rasco parcel can accommodate approximately 580 construction worker vehicles. During the five months of peak construction, anticipated to occur in mid-2014, overflow parking of approximately 95 vehicles may be required at the remote Laydown Site.	6.3.3

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	Dover because I wanted to live in a safe and quiet environment. Will the proposed site for the parking create drivers to use side streets such as my road Sherman Hill Rd?		During this limited period where overflow parking is required, access to the remote Laydown Site will be strictly limited to the construction entrance off Route 22. There will be no access to the remote Laydown Site from either Old Route 22 or Sherman Hill Road, therefore, it is not anticipated that construction workers would utilize these roads for travel. CVE will coordinate with NYSDOT to ensure that traffic patterns are maintained.	
Cristina Bleakley, Dover Resident	Did Cricket Valley take in consideration the air quality around the parking area? How are they going to control air quality at the plant site and the parking site? How are they going to keep the dust that the traffic will create?	40-8	See Section 4.3.5 – Construction-Related Impacts. Dust control measures will be utilized at the Project Development Area and remote Laydown Site as described in Section 2.3.5 and Section 4.5.8 of the DEIS.	4.3.5
Cristina Bleakley, Dover Resident	What about property value? We must ask who wants to buy a home across the street from a power plant?	40-9	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. As discussed in Section 6.3.7.2, a study conducted by the Public Service Commission of Wisconsin indicates, “actual property value is comprised of an often complex set of desirable and undesirable factors, including proximity and quality of schools, the attractiveness of the house and yard, and access to work and to local amenities. The research has not been conclusive because of the difficulty researchers have of accounting for all of the variables. The few studies done to date have not	6.3.7

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			<p>shown a clear, consistent correlation between power plant location and reduced property values.”</p> <p>It is important to note that property values are driven by a myriad of factors which include externalities such as the quality of school systems, property taxes, and community services. CVE's PILOT agreement will provide substantial revenues to the Town of Dover and the Dover Union Free School District which can be used for improved Town/School facilities, expanded community services, and/or lower taxes.</p>	
Cristina Bleakley, Dover Resident	How will Cricket Valley provide natural gas to Dover Knolls? Is there 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).	1.4.6
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	<p>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.</p> <p>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</p>	1.4.2

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			the environmental impacts related to air quality.	
Letter #41 – Constance DuHamel – letter dated 6/28/2011				
Constance DuHamel, Wingdale Resident	For Harlem Valley and Litchfield County residents however, overall emissions reduction across the rest of New York State is not the immediate public health issue; the issue for our region is how much more polluted the air will be in eastern Dutchess, western Connecticut and the Berkshires, with the Cricket Valley Energy 1000 megawatt power plant coming on line.	41-1	<p>The cumulative air quality modeling analysis in the DEIS demonstrates that regional sources impact air quality locally. In addition, ozone, the only pollutant for which Dover is not in attainment of ambient air quality standards, is a regional pollutant. That is, the sources of emissions that have the greatest effect on ozone levels in Dover are located well upwind.</p> <p>Nevertheless, the results of the air quality dispersion modeling demonstrated that the proposed Project, taking existing air quality levels and the contributions of other sources into account, will neither cause nor significantly contribute to any violation of the NAAQS or NYAAQS either locally or regionally. Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) provides further detail.</p>	4.3.3.1
Constance DuHamel, Wingdale Resident	From that perspective, how does NYS plan to monitor the negative impact on the health of the children at the Dover Middle/High School?	41-2	As discussed further in Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) Project impacts at the Dover Middle/High School will be negligible. Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken. Emissions reports are provided to NYSDEC quarterly, summarizing the continuous emissions data. In the event that permit limits are exceeded, NYSDEC must be notified immediately.	4.3.3.3

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			CVE is in discussion with the Town of Dover regarding a number of areas of interest, including potential monitoring at the schools; while not necessary for confirming the Project's compliance with stringent air quality standards, the town may decide through its local review process that this type of activity should be a component of the community benefit package.	
Constance DuHamel, Wingdale Resident	Additionally, the measure of the impact of the proposed 1000 megawatt power plant on our region should be cumulative, taking into consideration the relatively poor air quality we are reported to have already, and the extent to which emissions will hang in the air in our valley.	41-3	The DEIS includes a cumulative air quality dispersion modeling analysis that demonstrated that the proposed Project, taking existing air quality levels and the contributions of other sources into account, will neither cause nor significantly contribute to any violation of the NAAQS or NYAAQS 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. See Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) for more detail.	4.3.3.3
Constance DuHamel, Wingdale Resident	...I propose that an air quality monitoring station be sited here, on the campus of the Dover Middle & High Schools, with the data collected by the Cary Institute of Ecosystem Studies, and submitted to the EPA. The residents of the Harlem Valley should not have to rely on the industry practice of self-monitoring, when our children's	41-4	As discussed further in Section 4.3.3.3 – Dispersion Modeling and Compliance Demonstration (Air Quality, Public Health, and the School Complex) Project impacts at the Dover Middle/High School will be negligible. Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken. Emissions reports are provided to NYSDEC quarterly, summarizing the	4.3.3.3

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	health is at stake and the industry has objectives often at odds with our own.		<p>continuous emissions data. In the event that permit limits are exceeded, NYSDEC must be notified immediately.</p> <p>CVE is in discussion with the Town of Dover regarding a number of areas of interest, including potential monitoring at the schools; while not necessary for confirming the Project's compliance with stringent air quality standards, the town may decide through its local review process that this type of activity should be a component of the community benefit package.</p>	
Constance DuHamel, Wingdale Resident	The monitoring of asbestos removal takes place out of Kingston, downwind from the project, because that was the closest monitoring station equipped to collect that data. Does that make sense to anyone here? My father died of pulmonary fibrosis. His pulmonologist, Dr, Edsel of Columbia Presbyterian, said when the World Trade Center was built, asbestos fibers were found as far north as Boston. It is in that direction the prevailing winds blow, and we want our monitoring stations in the way of the prevailing winds, when they blow.	41-5	<p>Prior to construction, existing buildings will be demolished and removed. As part of this process, building materials will be tested for asbestos containing materials and all such material will be removed by licensed asbestos removal contractors. These contractors are trained in asbestos abatement using best practices to eliminate the potential for exposure such as using appropriate containment to protect public health.</p> <p>Regulated asbestos containing material (RACM) has been identified and quantities have been estimated as part of a pre-demolition survey detailed in Section 2.3.3.1 of the FEIS. RACM must be properly removed by a licensed asbestos abatement contractor prior to renovations or demolition that would disturb the material. Federal, State and Local regulations and guidelines will be strictly adhered to when removing the RACM and the abatement program will include a certified asbestos monitor. Air sampling and analysis pursuant to ICR-56-4 will be performed at the work site as required under applicable requirements, including New York State Department of</p>	2.3 4.3.5

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			Labor (NYSDOL) Industrial Code Rule Part 56.	
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.	1.4.2

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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	The air dispersion modeling analysis demonstrated that the proposed Project, taking existing air quality levels and the contributions of other sources into account, will neither cause nor significantly contribute to any violation of the NAAQS or NYAAQS 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.	4.3.3
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	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.	1.4.8

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	achieving students who are directed towards engineering.			
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.	1.4.8
Constance DuHamel, Wingdale Resident	That the Great Swamp and the fens of the Harlem Valley be considered as Class 1 properties as defined in the Cricket Valley Energy DEIS. The National Park Service owns lands within a 100 <i>kilometer</i> (km) radius (the Appalachian Trail crosses through the Great Swamp in Pawling,) federal funding from US Fish and Wildlife were procured to assist in purchasing the Slocum-Mostachetti Preserve in the Great Swamp, and of the 100 or so fens in New York State, roughly 80% of them are in the Harlem Valley.	41-10	The unique value of the natural resources throughout the Harlem Valley is acknowledged. As a part of this Project, CVE plans to place approximately 79 acres of wetlands adjacent to the Swamp River in permanent conservation. The DEIS includes a set of air quality related value assessments in relation to PSD Class 1 Areas. These areas were designated by Congress and the analyses included in the DEIS for these areas are specific requirements of PSD permit applications. In addition, the results of the air quality, sensitive soils and vegetation, and acid deposition analyses in the DEIS indicate that the proposed Project will not adversely impact locally important natural resources.	4.3
Constance DuHamel, Wingdale Resident	As Class 1 look-alikes, Cricket Valley Energy would monitor their unique ecosystems, not necessarily before construction	41-11	As discussed on the response to Comment No. 41-10, the Project’s impacts on locally important natural resources will be negligible. CVE has agreed to sponsor a Swamp River Stream Gauging program in coordination with the	4.3

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	begins, but certainly during the three years during construction and before the project is up and running. There are many research sites already in place in the Harlem Valley, and Cricket Valley could partner with them in their studies, thereby reducing the costs of initiating a research project.		Housatonic Valley Association.	
Letter #42 – Robert Herzog – Un-dated letter received by NYSDEC following the end of the comment period on the DEIS.				
Robert Herzog, Wingdale 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</p>	42-1	<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,^{1,5} 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</p>	1.4.3

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	<p>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 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>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> <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>	

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Robert Herzog, Wingdale Resident	<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 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</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 NYSPSC will consider as part of its independent determination on CVE's application for a CPCN pursuant to Section 68 of the PSL.</p> <p>NYSPSC has, in several recent orders,^{1,5} 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 or of</p>	1.4.3

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	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...		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. These issues are further discussed in Section 1.4.3 of the FEIS.	
Robert Herzog, Wingdale Resident	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. 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 the Town of Dover. The attempt to circumvent the NYISO’s finding that there is no	42-3	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. The <i>Security-Constrained Economic Dispatch Analysis</i> (DEIS Appendix 1-A) forecasts decreases in both service costs, and emissions of NO _x , SO ₂ , and CO ₂ under various scenarios. The Dispatch Analysis forecasts annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million; annual NO _x reductions in the New York Pool of up to 618 tons; annual SO ₂ reductions in the New York Pool of up to 1,082 tons; and a slight decrease in total annual emissions of CO ₂ . See	1.4.3 4.3.6

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	<p>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);</p>		<p>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>	

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	<p>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, 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>			
Robert Herzog, Wingdale Resident	The DEIS’s own findings regarding greenhouse gas (GHG) emissions indicate how spurious the displacement argument is. According to the DEIS, the	42-4	The <i>Security-Constrained Economic Dispatch Analysis</i> , Appendix 1-A to the DEIS, forecasts the CVE Project’s impacts on emissions of CO ₂ , the primary GHG, and Section 4.6.5 of the DEIS also discusses the Project’s potential GHG emissions, consistent with the NYSDEC’s	1.4.3 4.3.1.1

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	<p>introduction of the Cricket Valley plant actually increases the production of one of the most serious of GHG, CO₂, by around 2% annually for the New York State power pool. The total impact on CO₂ 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.</p>		<p>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 CO₂ emissions from other power plants in the region, yielding a net <u>reduction</u> in regional CO₂ emissions of over 650,000 tons per year. Displacement benefits also average approximately 1,500 tons per year of NO_x and 4,300 tons per year of SO₂ 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 is 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>	

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Robert Herzog, Wingdale Resident	<p>...If the system wants displacement, then there are still better alternatives.</p> <ol style="list-style-type: none"> 1. 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. 2. 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 	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 NYSPSC will consider as part of its independent determination on CVE's application for a CPCN pursuant to Section 68 of the PSL.	1.4.4

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	<p>even a tenth of that 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. 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</p>			

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	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 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.			
Robert Herzog, Wingdale Resident	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 157 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.	1.4.3
Robert Herzog,	Over the next five years enormous strides will no doubt be made in producing energy from	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 NYSPSC will	1.4.4

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Wingdale Resident	<p>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</p>		<p>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>	

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	<p>elements of 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.”</p> <p>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, Wingdale Resident	<p>Noise is a particularly invidious pollutant. It can permeate landscapes, has different impacts depending on area topography, and once a source is permitted, nearly impossible to regulate. A local business not far from the Cricket Valley site, JTR Bus Company, must work on its buses inside its garage; when it doesn’t, the noise can be heard for miles around.</p>	42-8	<p>The Cornell study referenced by the commenter found that elevated stress levels occurred in a sample of Austrian children exposed to day-night average sound levels <u>above</u> 60 dB. As described in Section 6.4 of the DEIS, off-site CVE-related sound levels outdoors are expected to be 48 dBA at the nearest residential receptor or lower at other adjacent properties (excluding the Metro-North railroad line). These estimated levels will result in a day-night average sound level of 54 dB or lower at the nearest residential receptor, which is well below the above referenced threshold of 60 dB.</p> <p>As explained in Section 6.3.4.5, sound levels produced by</p>	6.3.4

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	Noise has the potential to devastate the character of the environment which the plant wants to inhabit. Noise is a constant irritant. The plant has described the sound coming from it as that of a light rain. That's also the sound of constant traffic. That noise will be heard constantly for substantial distances around the plant. A study by Cornell University environmental psychologists, published in the Journal of the Acoustical Society of America (Vol. 109, March 2001), found that "even the low-level but chronic noise of everyday local traffic can cause stress in children and raise blood pressure, heart rates and levels of stress hormones."		the operation of the proposed Project were evaluated at the Dover Middle/High School complex and sound levels are expected to be below 35 dBA at the <i>exterior</i> of the nearest building (see Figure 6-3 of the FEIS). Indoor sound levels would be further reduced. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be an increase of approximately 1 dBA, which is a negligible increase.	
Robert Herzog, Wingdale Resident	B. The noise levels projected for the plant will have a devastating local impact. Initially, the plant's developers claimed they would produce an average no louder than 50db – meaning that it will frequently be higher than that level. A study for the European Commission (known as RANCH)	42-9	The sound levels incorporated in the modeling will be guaranteed by equipment vendors. Through the modeling, the Project has demonstrated compliance with local standards at each of its outermost boundaries (the railroad property for which a waiver is required extends through the Property). As described in Section 6.4 of the FEIS, off-site CVE-related sound levels will be well below 60 dBA and, with the exception of the Metro-North railroad line, will be below 50 dBA even on adjacent properties	6.3.4

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	<p>investigated road traffic and aircraft noise exposures and children’s cognition and health. It found that children exposed to noise levels over 55dB(A) achieved lower scores in reading tests and the affected children will be disadvantaged in their development of speech and reading abilities as well as more general communication skills. Noise may also have effects on fetal development due to (stress) effects on expectant mothers. Environmental noise also has cognitive effects in older children and adults, due to hindering communication, as shown by studies of aggression, mental health and anxiety.</p> <p>The World Health Organization (WHO) “recognizes community noise, including traffic noise, as a serious public health problem.” There is a general consensus about the noise levels which cause health impacts:</p> <ul style="list-style-type: none"> · Environmental noise above 40–60dBA Leq is likely to 		<p>(see Figure 6-3).</p> <p>The modeled sound levels are based upon outdoor sound, which would be further reduced if a listener were inside a building. The USEPA has determined that on average (in both cold and warm climates) sound levels are reduced by 15 dB when indoors with the windows open, and by 25 dB when indoors with windows shut (USEPA 1978).</p> <p>The largest population of children and adults located in proximity to the Project is located at the Middle/High School. As detailed in Section 6.3.4.5 of the DEIS, sound levels produced by the operation of the proposed Project were evaluated at the Middle/High School complex and sound levels are expected to be below 35 dBA at the exterior of the nearest building (see Figure 6-3). As noted above, indoor sound levels would be further reduced. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be an increase of approximately 1 dBA, which is a negligible increase.</p>	

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	<p>lead to significant annoyance.</p> <ul style="list-style-type: none"> Outdoor noise levels of 40-60 DBA Leq may disturb sleep. <p>Based on their own numbers, the Cricket Valley plant will continuously exceed these levels.</p>			
Robert Herzog, Wingdale Resident	<p>Other studies have shown that sound greater than 30db can disturb sleep, and exposing students to a constant hum in that range has been demonstrated to interfere with learning, yet it now seems clear that that is precisely the impact the Cricket Valley plant will have. The Dover High School is around 1000 yards from the plant. There is no reason why the students of that school should be subject in perpetuity to the constant noise emanating from the plant, which will infiltrate their classrooms and study halls.</p> <p>The Town of Dover is being asked to sacrifice the learning environment of its most precious resource, its children and students, for the dubious</p>	42-10	As detailed in Section 6.3.4.5, sound levels produced by the operation of the proposed Project were evaluated at the Middle/High School complex and sound levels are expected to be below 35 dBA at the <i>exterior</i> of the nearest building (see Figure 6-3). Sound levels indoors at the school complex would be further reduced. When added to existing ambient conditions, which are conservatively estimated to be above 40 dBA at the school complex, the effect would be an increase of approximately 1 dBA, which is a negligible increase. No disruption in learning or sound level impact is anticipated from the Project.	6.3.4

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	distinction of building an unnecessary power plant for a system that doesn't need it.			
Robert Herzog, Wingdale Resident	<p>...CVE is admitting they will be unable to meet existing sound regulations, and proposed to get around this otherwise fatal flaw not by changing their equipment, but by petitioning for a change in the standard, as if the standard need not apply to them. They seek to get around the regulations by trying to make a case that sounds emanating from the plant will be uni-directional, magically being confined to the rail line. In reality, the sounds made by various equipment in the plant will radiate broadly, ending up in the homes of residences and other uses in the area who will have no effective protection from levels that exceed existing regulations.</p> <p>That is literally intolerable -- noise regulations were designed to protect local environments and residents. It is precisely when an entity cannot meet such regulations that they are not to be discarded, for that is when they</p>	42-11	<p>With the addition of the former Rasco parcel to the Property, the Project is expected to comply with the most restrictive night-time sound level limit (50 dBA) of the Town of Dover Zoning Noise Standards at the north, south and east Property lines – which are the Property lines in the direction of the nearest residential receptors.</p> <p>Noise modeling completed for the Project does not presume that sounds from the facility are uni-directional. Rather, the CadnaA model utilized identifies projected sound levels associated with the combination of sources in all directions. Figure 6-3 illustrates the isopleths showing the manner in which sounds generated at the Project are influenced by distance and other factors.</p> <p>As previously discussed in Section 6.4 of the DEIS, the Project's sound levels will comply with the noise standards at its westernmost boundary, thus meeting the town's standard at all Property boundaries abutting residences. However, a narrow strip of land owned by the Metro-North railroad line extends through the Property, and sound levels are predicted to exceed the noise standard at the west property line abutting the railroad line. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on either side of this receptor, this will not result in either a public or private nuisance. CVE is requesting an amendment to the Town of Dover Zoning Code so as to permit the anticipated</p>	6.3.1 6.3.4

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	<p>are most needed. CVE acknowledging they cannot and will not meet these standards, will violate them, and too bad for the locals.</p> <p>The levels of 59db the plant will be emitting, well in excess of the 50db limit, are not trivial. The EPA reports that outdoor noises in the 60db range historically generate widespread complaints and individual threats of legal action. The Town of Dover does not want to and does not need to impose this burden on its residents for years to come.</p> <p>The town has ample authority to deny the plant on the grounds of noise...</p>		<p>noise levels and the proposed economically beneficial use without negatively impacting community character and residential uses.</p> <p>It is appropriate to question and evaluate the proposed plan to understand the design sound levels. CVE has incorporated significant mitigation measures to reduce noise (as detailed in Section 6.4.3.3.2 of the DEIS), including obtaining an option to purchase additional property, the former Rasco parcel, to increase the buffer between the Project and other land uses.</p> <p>Note that the addition of the former Rasco parcel has effectively moved the southern property line of the site approximately 2,000 feet, ensuring that the Project will be in compliance with the Town of Dover noise standard at the north, east, and south property lines. As explained in Section 6.3.4.2 of the FEIS, the only exceedance is along the Metro-North railroad line. It should be noted that this property, which transects the CVE Property, is not occupied by noise-sensitive uses and CVE will own approximately 1,000 feet of additional property on the other side of the railroad line. Since the Metro-North railroad line is not a noise-sensitive receptor, and CVE will own the Property on the other side of this receptor, this will not result in either a public or private nuisance. At the westerly boundaries of the property beyond the railroad line, the Project will comply with the Town of Dover Zoning Noise Standards.</p> <p>CVE is requesting an amendment to the Town of Dover Zoning Code so as to permit the anticipated noise levels</p>	

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			<p>at the railroad line, without negatively impacting community character and residential uses. The proposed amendment remains consistent with zoning and planning requirements which protect the quality of life for non-industrial properties, including residential properties, but will permit an economically beneficial use to be developed on appropriately zoned property.</p> <p>CVE is able to demonstrate compliance with state policy and with local standards where sensitive land uses exist, and to demonstrate that sound levels from the facility will be significantly less than those state and local compliance levels at the school complex. That said, sound level impact is not influenced by compliance with standards alone, and CVE is committed to working with the town to address any noise issues that may arise during the course of Project construction or operation.</p>	
Robert Herzog, Wingdale Resident	<p>For three years construction noise levels will be substantially in excess of both regulations and generally recognized safe levels. It will occur primarily during school hours... Construction noise will approach 90db. Studies show that noise in excess of 65 db precludes a conversation. Allowing this plant to be built effectively means sacrificing several high school class years. This noise will decimate the high school learning environment. For</p>	42-12	<p>The 90 dB sound level referenced by the commenter is the expected sound level during the loudest construction event at a receptor 50 feet from the emission source (i.e., on the CVE Property). The nearest school building is approximately 4,000 feet from the Project. When the sound level is attenuated for the approximately 4,000-foot distance, construction sound levels at the school during the loudest construction event (for example, a pile driver or concrete saw, as described in Appendix E of the DEIS) are estimated at 45 dBA or lower.</p> <p>Estimates for Project-related construction sound levels were included in the DEIS within Table 6.4-2. Due to the variability of sound levels over the construction period, the</p>	6.3.4

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	what? For a plant that will never provide them or any other local resident any lasting benefit, and that has at best questionable benefits for the region. And what kind of a message will it send to the students in Dover, as to the town's priorities?		<p>analysis utilizes USEPA procedures which generalize construction noise emanating from typical, similar construction sites, and then calculates the projection of sound from the Project Development Area. "Worst case" estimates of construction sound levels at the nearest residential receptors are 61 dBA or lower. It should be noted that the estimates provided in Table 6.4-2 of the DEIS are conservative as the only attenuating mechanism considered in the analysis is divergence. Shielding effects from buildings, vegetation, earth contours, and atmospheric absorption are not included in the calculations.</p> <p>For these reason, sound produced by the construction and operation of the power plant will likely be unnoticed (outdoors or indoors) at the school complex, and will have no adverse impact on students or faculty.</p>	
Robert Herzog, Wingdale Resident	The plant operators can make whatever claims they want regarding noise, but the practical fact is, once the plant is open, there will be few ways to measure and no ways to mitigate should they exceed their noise standards. No one would close the plant down for a noise violation, the local inhabitants can complain repeatedly and nothing will ever be done...	42-13	<p>As previously noted in Section 6.3.4.4, the construction management firm will be contractually obligated to meet these noise standards and is required to include a "noise guarantee" in their obligations for construction of the plant. This will include baseline monitoring during commissioning and start-up of the plant.</p> <p>Once the facility is fully operational, CVE will measure the actual operational sound levels at the selected residents and Property lines. These measurements and associated report will be conducted by a third party licensed acoustical engineer in accordance with industry practices and any applicable state and local regulatory requirements. Following commencement of operation,</p>	6.3.4

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			noise complaints will be addressed by CVE, coordinating with the town. Once a root cause for the complaint is established, there are many approaches that can be taken to further mitigate impact. CVE has made a commitment to work with the local community to resolve complaints within that context.	
Robert Herzog, Wingdale Resident	The Analysis of alternatives is best summed up by one of the four principal reasons for rejecting other sites: <i>"None of the other sites are owned or controlled by CVE."</i> 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 complacent locality in which to build a plant with major local disruption and few local benefits, should play no role in this siting decision.	42-14	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 New York Code of Rules and Regulations (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.	1.4.4

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Robert Herzog, Wingdale Resident	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 <u>baseload</u> 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.	1.4.4
Robert Herzog, Wingdale Resident	...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	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 NYSPSC 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.	1.4.4

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	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.			
Robert Herzog, Wingdale Resident	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	<p>The Dispatch Analysis forecasts annual reductions in load-weighted costs to serve in the New York Pool of up to \$275 million; annual NO_x reductions in the New York Pool of up to 618 tons; annual SO₂ reductions in the New York Pool of up to 1,082 tons; along with a decrease in total annual emissions of CO₂. 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.</p> <p>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.</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</p>	1.4.3 6.3.7

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			<p>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>CVE will bid its power into the New York Independent System Operator (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, presented as Appendix 1-A to the DEIS, 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</p>	

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			<p>ratepayers.</p> <p>However, many local benefits will also be associated with the Project. In addition to the careful design and operation of the Project, carefully monitored to ensure compliance with all applicable environmental standards, the site reuse and clean-up provides environmental and economic benefit directly to the local community. Additional details regarding community benefits are addressed in Section 1.4.8 and Table 1-9 of the FEIS.</p>	
Robert Herzog, Wingdale Resident	<p>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 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</p>	42-18	<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>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 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 Public Service Law (PSL), Section 68 approval process.</p>	1.4.2

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	so.			
Robert Herzog, Wingdale Resident	<p>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 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</p>	42-19	<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 benefits.</p>	1.4.3

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	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.			
Robert Herzog, Dover Resident	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-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. Further, Advanced Power rapidly sold both plants once they were up and running, so they do not have to live with any	42-20	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. 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	1.4.1

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	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.		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.	
Gary Napp, EnviroMet	...on p. 23 of the Air State Facility Permit, DEC lists a heat rate of 7,605 Btu/kWh on a Lower Heating Value (LHV) basis. The applicant should confirm that this is correct and that the value is not on a Higher Heating Value (HHV) basis. In their draft EIS they had the value but did not list the basis.	RAP-1	The heat rate limit of 7,605 Btu/kWh is based on Lower Heating Value (LHV).	4.3
Suilin Chan, U.S. Environmental Protection Agency	My question is why the facility is only required to conduct a thermal efficiency test on just one of the three combustion turbines annually, and not all three. Is there a specific reason for monitoring just one of the three	RAP-2	The thermal efficiency between the three identical turbines is not expected to vary, such that annually testing one of the three on a rotating basis, ensuring that each turbine is tested once every three years, will be sufficient. The plant will also monitor and record parametric data (fuel use and electricity output) on an hourly, daily and monthly basis that would detect any abnormal degradation in heat rate.	4.3

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	turbines? Would testing one turbine per year yield sufficient and reliable data that are representative of the other 2 turbines?			
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Air quality remains a big concern for me due to the fact that we reside in a very narrow valley with large mountains surrounding us on the east and west resulting in frequent air inversions. Attached is an eye witness account from an experienced hang glider, Jim Wise, who detailed the air quality conditions and air inversions in March 1988 when at that time the Town of Dover was targeted for a burn plant. I don't think the air inversions in our valley have drastically changed or mysteriously disappeared since that time.	RAP-3	Anemometer data from the Dutchess County Airport (Wappinger Falls) were selected for use in the Air Quality Modeling Protocol, which was approved by USEPA and NYSDEC, because those data were collected at a location in a similarly oriented north-south valley that closely matches the degree of terrain channeling that the Project's plumes will experience, given their height. The meteorological data used in the modeling represents five years of hourly observations. Within this data set are numerous periods of calm to near calm conditions with thermal inversions. The modeling analysis specifically accounted for the terrain associated with the mountains on either side of the valley. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography) for more information. CVE's air modeling results, carefully reviewed and approved by NYSDEC and USEPA, show that the Project will not cause or significantly contribute to violations of ambient air quality standards.	4.3
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Dover, being a poorer and economically challenged community of Dutchess County, still appears to be targeted and attract more polluting uses. It still reminds me of what has	RAP-4	The Project site was selected to take advantage of the opportunity to restore an abandoned industrial facility to productive use in a manner consistent with the site's zoning and the community's land use planning objectives. As discussed in Section 4.5.7.3 of the DEIS, the Project will not have a significant adverse or disproportionate	4.3

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	happened in poor communities in the Bronx and New York City and the resulting health problems and high asthmatic rates among children of those communities.		impact on any economically disadvantaged (environmental justice) community. Further, the results of the modeling analyses, which were thoroughly reviewed and approved by USEPA and NYSDEC, demonstrate that the Project will fully comply with NAAQS and NYAAQS that were established to protect the health of the most sensitive individuals, including asthmatics.	
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	<p>You cannot compare air quality at Ninham Mountain in Putnam County in the Hudson Valley or Thomaston (which I never even heard of) to our small valley in Harlem Valley. We are separated by mountains and Ninham is not even near Dover. I must keep repeating Dover is in a narrow valley contained on the east and on the west by high mountains.</p> <p>You need to obtain current and accurate information as to air quality in the Harlem Valley. You need a benchmark. How can you possibly accurately evaluate and compare the air quality once the plant begins operations.</p>	RAP-5	Existing ambient air quality data were obtained from a network of air quality monitors surrounding the site that is operated by NYSDEC and the Connecticut Department of Environmental Protection (see Figure 4-3 of the DEIS). These locations and monitoring data were carefully considered by USEPA and NYSDEC when they approved the data as a conservative representation of baseline regional air quality. See Section 4.3.3.1 – Dispersion Modeling and Compliance Demonstration (Meteorology and Topography). The modeling analysis itself was based upon the topography in Dover and specifically accounted for the terrain associated with the mountains on either side of the valley and other specific land use and cover related parameters.	4.3

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Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Also, what can be done about the air quality at that time if it is shown to be drastically more polluting? It is highly unlikely that the plant will be shut down once constructed. DEC just issues permits.	RAP-6	Once operational, the Project will be equipped with continuous emissions monitors which monitor stack emissions continuously. Monitoring data are reported to NYSDEC. NYSDEC must be immediately notified in the event of any exceedance of a permitted emission limit. Any plant upset that would cause emissions to approach or exceed permitted levels would immediately be detected and appropriate measures, including plant shut-down, would be taken, as required by law.	4.3
Evelyn Chiarito and Joseph Chiarito, Dover Plains Residents	Credits from other locations that have cut down on their emissions cannot possibly reduce our more polluted air. It just doesn't make any sense. Poor air quality is such a serious health impacting issue.	RAP-7	The Project's requirement to obtain emissions offsets (Emissions Reduction Credits) relates to the nonattainment status of the entire northeast U.S. with respect to the NAAQS for ozone (smog). Smog forms in the atmosphere as a chemical reaction involving NO _x and VOC in the presence of strong sunlight. It is a regional pollutant in that NO _x and VOC emissions that influence ozone concentrations in Dover are emitted from sources well upwind of the area. Conversely, NO _x and VOC emissions in Dover will influence ozone formation well downwind. To mitigate for its NO _x and VOC emissions, in addition to applying LAER technology for NO _x and VOC emissions, the Project has secured offsets of these pollutants equal to 115 percent of its maximum permitted annual emissions from locations determined by NYSDEC and USEPA to contribute to ozone levels in Dutchess County.	4.3

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Fred Sellars, ARCADIS	<p>We have a few minor comments on the re-noticed draft air permit below.</p> <p>1. Item 21.2. Please check the CO₂ test method. Shouldn't it be Method 3A instead of Method 7E?</p> <p>2. Items 26.2, 30.2 and 31.2. The PM lbs/MMBtu values for duct firing and non-duct firing both appear as 0.006 lb/MMBtu. We believe you meant 0.005 lb/MMBtu for no duct firing and 0.006 lb/MMBtu for duct firing. The permit should also note that the lb/MMBtu values reflect Higher Heating Value (HHV) and ISO conditions.</p> <p>Item 75.2. The ammonia limit of 5 ppmvd should note that this value is @ 15% O₂.</p>	RAP-8	These comments relate to minor corrections and clarifications to specific permit language, which will be addressed by the NYSDEC in the final air permit.	4.3

