

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits

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May 2, 2024

Marc Duquette
Cricket Valley Energy Center LLC
c/o Advanced Power Services (NA), Inc
155 Federal St.
17th Floor
Boston, MA 02110

[Letter dated 5/2, received 5/21 by email f M. Higgins.](#)

RE: Second Request for Additional Information

Cricket Valley Energy Center, LLC
Title V Air Permit Renewal Application
DEC ID: 3-1326-00275/00009

Dear Mr. Duquette:

The New York State Department of Environmental Conservation (NYSDEC or the Department) continues to review the above-referenced application submitted by Tetra Tech on behalf of Cricket Valley Energy Center, LLC (CVEC or the Applicant) for the Cricket Valley Energy Center (the Facility). The Department has not yet determined that CVEC's application is complete for purposes of public review. NYSDEC requests additional information from CVEC, as outlined below, to ensure the Department has all information necessary to make findings and determinations required by law, including pursuant to the Climate Leadership and Community Protection Act, Chapter 106 of the Laws of 2019 (CLCPA or Climate Act).

Procedural Background

CVEC is a nominal net 1,000-megawatt (MW) combined-cycle electric generating facility, on a site located in Dover, Dutchess County, New York. The facility received its Air Title V Operating Permit on February 3, 2016, with subsequent modifications on March 23, 2018, and December 5, 2018, with an expiration date of February 2, 2021. The Title V Operating Permit Renewal Application was received by the Department on July 27, 2020, in accordance with Title 6 of the New York Codes, Rules and Regulations, Subpart 201 (6 NYCRR 201-6.2(a)(4)), which requires a timely renewal application be filed more than 180 days prior to expiration.

On May 22, 2022, the Department requested that CVEC submit additional information to address Section 7(2) and Section 7(3) of the Climate Act (RFAI No. 1). CVEC provided additional information on December 6, 2022 (Response to RFAI No. 1) and the Department continues to review this information.

Additional Information

Enhanced Public Participation Plan (EPPP)

Pursuant to 6 NYCRR Part 621.3(a)(3) (Uniform Procedures), an EPPP must be prepared, following the requirements identified in New York State Environmental Conservation Commissioner Policy 29, Environmental Justice and Permitting (CP-29), and submitted for Department review. Additional guidance can be found in the attached document, [2022_08_19_NYSDEC_PPP_Template](#). The Department requests that CVEC prepare and submit for Department review an EPPP.

Project Justification & Mitigation

Pursuant to CLCPA Section 7(2), if the Department determines that an action would be inconsistent with or interfere with the attainment of the Statewide GHG emission limits established in ECL Article 75, then the Department must provide a detailed statement of justification. In that situation, NYSDEC must also identify alternatives or GHG mitigation that could be required.

The Department acknowledges that CVEC (in Response to RFAI No. 1) addressed the topic of justification. However, the Department requests that CVEC prepare and submit an updated and more detailed justification for the renewal of this permit. Such justification should discuss any potential need for the facility as supported by independent third parties.

The Department also acknowledges that CVEC (in Response to RFAI No. 1) addressed the topic of mitigation. However, the response does not identify quantifiable mitigation efforts and instead includes proposals that CVEC itself acknowledges may not be feasible. The Department further requests that CVEC prepare and submit a more detailed suite of quantifiable, feasible mitigation options that can be reviewed by the Department.

It is recommended that Cricket Valley Energy Center and NYSDEC schedule a follow up call in the next couple of weeks to further discuss. Please advise of potential dates and times and we can schedule a call.

Please do not hesitate to contact me if you have any questions regarding the information requested.

Sincerely,



Michael Higgins
Section Chief,
Bureau of Energy Project Management

Attachments: 2022_08_19_NYSDEC_PPP_Template

CC: Mark Lanzafame, NYSDEC
Henry Tranes, NYSDEC
Alyssa Arket, NYSDEC