

From: Joel Tyner <joeltyner@earthlink.net>

To: <deprmt@gw.dec.state.ny.us>

Date: 8/1/2011 3:36 PM

Subject: Mr. Tomasik (Stephen)-- I represent Clinton and Rhinebeck in Dutchess County Legislature-- comments here re: 1000-Megawatt power plant for Dover...

Mr. Stephen M. Tomasik, Project Manager
NYS Dept. of Environmental Conservation
Division of Environmental Permits
625 Broadway - 4th Fl.
Albany, NY 12233-1750

Mr. Tomasik (Stephen):

I am in my fourth term serving the towns of Clinton and Rhinebeck in the Dutchess County Legislature; chief among my concerns regarding the proposed 1000-Megawatt "natural gas" power plant for Dover is this-- 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?

Note-- the fact is that frackable Utica shale is right here in Rhinebeck, Red Hook, Hyde Park, and Poughkeepsie; see:

<http://www.chemungcounty.com/usr/ACNE/Utica%20Shale%20Fairway%20in%20NYS.jpg>
(even the City of Buffalo passed a resolution against fracking of Utica shale there; folks all over NYS aren't just concerned about Marcellus shale; we're also concerned about polluting impacts of fracking Utica shale).

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?

<http://www.publicbroadcasting.net/wamc/news.newsmain/article/0/0/1833568/WAMC.New.England.News/Vermont's.Largest.Solar.Farm.Commissioned.With.I-Phone.> \

Even the Greene County Industrial Development Agency is welcoming a solar farm there

<http://greeneida.com/2010/04/greene-ida-and-cornerstone-partner-on-solar-farm/> .

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--

<http://www.naturalgaswatch.org/?p=381> -- and recent NYTimes article on how fracking is Wall Street "Ponzi scheme"-- "Insiders Sound an Alarm Amid a Natural Gas Rush"--

<http://www.nytimes.com/2011/06/26/us/26gas.html> -- and-- more NY'ers against fracking than for it(!):

http://www.whcu870.com/content_page.php?contentType=4&contentId=8182728&fGId=38413&fGCTId=47&tempId=36927&tId=1&gId=554 (Marist/YNN and Siena polls show more of us against than for it):

http://www.huffingtonpost.com/2011/07/15/new-york-gas-drilling-rul_n_900011.html .

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!).

Fact: Dr. Richard Perez of SUNY-Albany has conclusively proven that ALL of NYS's energy needs could be met completely by solar energy alone-- by covering 0.75% of NY's surface with photovoltaics:

<http://www.asrc.cestm.albany.edu/perez/publications/Other%20Papers%20and%20Applications/Is%20there%20really%20enough%20sun-07.pdf> .

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-- <http://votesolar.org/new-york-solar-jobs-act-of-2011/> .

My point?...This-- Dutchess does not need the Dover plant for energy, jobs, or power.

Please also do take into consideration the information here below from Constance du Hamel, Robert Herzog, Mike Purcell, The Oblong Land Conservancy, The Pawling Press, Stephen Kaye, and the Housatonic Valley Association.

What happens in Dover doesn't stay in Dover-- it affects all of us here in Dutchess and across the Hudson Valley.

DuHamel and others justifiably share their concerns re: more air pollution from plant here in Dutchess; take note of these three crucial facts:

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.

[http://www.midhudsonnews.com/News/2011/April/27/HV_air_ALA-27Apr11.html]

Fact: Dutchess County was one of only two counties in the state whose number of high ozone 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.

[<http://www.ALANY.org>]

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.

[<http://www.CaryInstitute.org>]

Three guesses-- that the air pollution/emissions from this proposed "natural gas" power plant won't smell like roses...

Joel Tyner

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Host, "Common Sense", Saturdays 8-10 am on WHVW 950 AM

From GrowSmartDover.org...

[also see: <http://growsmartdover.org/citizen-drops-bomb-on-cricket-valley-deis/#more-1441>]

CVE DEIS Public Comments, accepted thru August 1, 2011

- Cricket Valley Energy DEIS Public Comments from DuHamel, Constance, July 9, 2010

[http://growsmartdover.org/wp/wp-content/uploads/2011_6_28_CVE_DEIS_com_duhamel.pdf]

- Cricket Valley Energy DEIS Public Comments from Herzog, Robert, July 9, 2010

[http://growsmartdover.org/wp/wp-content/uploads/2011_6_28_CVE_DEIS_com_herzog1.pdf]

- Cricket Valley Energy DEIS Public Comments from Housatonic Valley Association, June 28, 2010

[http://growsmartdover.org/wp/wp-content/uploads/2011_6_28_CVE_DEIS_com_HVA.pdf]

- Cricket Valley Energy DEIS Public Comments from Oblong Land Conservancy, July 9, 2010

[http://growsmartdover.org/wp/wp-content/uploads/2011_7_6_oblong_CV_com.pdf]

- Cricket Valley Energy DEIS Public Comments from Purcell, Michael, July 9, 2010

[http://growsmartdover.org/wp/wp-content/uploads/2011_7_01_CVE_DEIS_com_purcell.pdf%22]

More from <http://www.GrowSmartDover.org> ...

Is Cricket Valley Energy needed, even if Indian Point shuts down?

[Robert Herzog's comments answer this question:

http://growsmartdover.org/wp/wp-content/uploads/2011_6_28_CVE_DEIS_com_herzog1.pdf.]

Their answer isŠ no. 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." The NYISO 2010 report extends the period of reliability even further, to 2020. It might be more, but that 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 2021. 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.

More from <http://www.GrowSmartDover.org> ...

American Lung Association New York's position on building new power plants

July 10, 2011

In a letter addressed to Constance DuHamel on July 12, 2011, Michael Seilback, Communications Director of the American Lung Association in New York, states, "[O]ur public policy agenda declares that we believe that we need to see more conservation, efficiency and the use of renewable resources before building new power plants."

For questions about how ALANY "supports an aggressive advocacy program which influences government, corporate and community policies, regulations and statutes, and advances lung health across New York State," please contact:

Michael Seilback
American Lung Association in New York
631-265-3848?16
mseilback@alany.org
www.alany.org

ALANY's Hudson Valley Asthma Coalition (HVAC) is a program of the American Lung Association in New York is funded by the NYS Department of Health and the national American Lung Association. For information, please contact:

Jacqueline Rubino
914-347-2094, ext 20
jrubino@alany.org
www.hudsonvalleyasthma.org

237 Mamaroneck Ave, Suite 205
White Plains, NY 10605

More from <http://www.GrowSmartDover.org> ...

Citizen drops bomb on Cricket Valley DEIS

July 14, 2011
Millbrook Independent
By Stephen Kaye

A Dover resident raised new issues that cast doubt on several assumptions critical to the proposed Cricket Valley Energy plant last Saturday at the final public session on the DEIS. Written comments were read into the record by Constance du Hamel of behalf of Robert M. Herzog who could not be present. Those comments went to the heart of the economics of the plant and raised a serious question about noise levels.

Herzog, who has a house around 1.5 miles from the site, was Director of the Energy Office of New York City and was involved in power plant sitings and energy distribution. He questioned whether the 1000 megawatts of the Cricket Valley Energy plant would be needed. He cited published reports of the New York Independent Service Operator, known as NYISO, that says energy consumption in the NY metropolitan area is not expected to exceed the modest increase in supply that is already expected.

He also challenged the assumption expressed in the DEIS that newer and less polluting plants are preferred when distribution decisions are made. He said the distribution decisions are made by NYISO on the basis of costs. A coal fired plant using low cost fuel that is older and therefore has a depreciated basis for establishing costs will generate energy that costs less than a plant using cleaner but more expensive fuel but with a higher amortization schedule. Cricket Valley's DEIS assumed that its power would be preferred over power generated by old coal fired plants.

Herzog said NYISO will take power from hydro, nuclear and coal first because that energy is cheaper than gas.

Herzog also addressed the possibility of both Indian Point plants closing as is being urged by Governor Cuomo and an active citizens lobby. Even then, there are alternatives available that might be cheaper than using a gas fired plant in Dover. He said there are two new plants that are on cue ahead of Cricket Valley, one in Queens and another in Bayonne, N.J. Both have location advantages since the power grid from the Harlem Valley would run through Westchester where the grid "is congested" while the other two are within the area of heavy use. There is also hydro and wind power coming on line in Quebec and a proposal for bringing that power to NYC via an underwater cable to run down Lake Champlain and the Hudson.

Before Cricket Valley could be built it would need a green light from NYISO. Investors and lenders would need that green light.

Herzog questions the DEIS statement that the new plant would improve air quality because the more polluting plants would shut down. If the more polluting plants produced cheaper energy, they would not be shut down, so there would be no net gain. Absent the shutdown of older plants, the CO2 in the NY power pool would increase 2 % if Cricket Valley is built.

"DEC as lead agency with the mandate to protect our environment has the legal responsibility to consider the NYISO's 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," says Herzog in his written statement.

After making a strong argument that the Cricket Valley DEIS errs in its claims as to economic need and its air pollution claims, Herzog then raised the noise issue that he says is significant. The DEIS says the average noise level will be no louder than 50db meaning that sometimes it will be more and sometimes less. He cites the World Health organization that says "environmental noise above 40-50db Leq is likely to lead to significant annoyance; outdoor levels of 40-60db may disturb sleep."

The plant is within 1000 feet of the Dover Plains High School. Herzog says the ambient noise levels will penetrate into the classroom and interfere with the learning of students.

He also says that the plant's noise level will exceed that permitted by the town of Dover's zoning law and that a waiver will be necessary for the plant to operate. Herzog asks that the waiver not be granted.

Herzog questioned the bias of those who conducted Cricket Valley's DEIS studies.

"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 so."

Neither the DEC nor Cricket Valley commented on Herzog's statement at the hearing on Saturday. Because Herzog's comments are now part of the record, the DEC as lead agency is obligated to consider them. Herzog recognized that one approach might be to require new studies on the points he raised. He asked that Cricket Valley pay for those studies, but the choice of who would write them should be the town's. This comment was repeated by other speakers at the public comment session.

Herzog's comments were "like dropping a bomb" said Stancy duHammel who has been following the process as resident of Wingdale and member of FROGs and other local groups. "These points go to the heart of the matter. If there's no market, this plant won't happen. With its

282 foot stacks, this plant no longer looks so good." DuHamel also noted that no comments were submitted on behalf of the town on the scoping session and that the town had not engaged specialists to assist them in assessing or commenting on the Cricket Valley DEIS.

More from <http://www.GrowSmartDover.org> ...

Economic Development

July 15, 2011

Pawling Press

From the Editor's desk

It all seems to be happening in Dover. But all is not gold that glitters.

There are a couple of mammoth projects underway in Dover. The first is Dover Knolls (DK) and this involves the redevelopment of the now unoccupied Harlem Valley Psychiatric Center. The second involves the construction of a 1,000 megawatt power plant just south of the Dover Middle and High School campus at the Mid-Hudson Recycling Center, an old industrial site. DK is largely through the permitting process but the power plant is not.

The two developments are of fundamentally different characters but both are adjacent to Route 22 and the Swamp River, the slow-moving central artery of the northern reaches of the Great Swamp, an important wetland. They also both sit atop the single source aquifer that the communities in the Harlem Valley rely upon for their water supply. Demolition of the first buildings at DK has taken place and we await further developments. The power plant, known as Cricket Valley Energy (CVE), is still in the SEQRA (State Environmental Quality Review) process but construction could start in 2012 assuming all the regulatory matters are put to bed in a timely way.

The CVE project first saw the light of day in or around May 2009 when a presentation was made by Advanced Power to the Town of Dover at the High School. The proposal was to option some 130 acres of land approximately 50 of which would be devoted to the development of the plant and the remainder would be placed into permanent conservation. The price tag was to be some \$1 billions and several hundred jobs would be created during the 3-year construction period with some 25 to 30 permanent jobs created once the plant was operational.

The permitting process for a project of this type is complex with lots of agencies involved at Federal, state and local levels. It took CVE about a year to get to the point where a Scoping Document was finalized in June 2010 and another year to produce what is known as the Draft Environmental Impact Statement (DEIS). The idea is that the public gets to participate in the process leading up to the Scoping Document which establishes the framework for the DEIS. And there was plenty of public participation given the nature of the project.

The DEIS, a monster document, was published in early June this year and the public hearings on it duly took place on June 28th last. Since this was a Tuesday there was a bit of an outcry from those who could not attend due to work schedules and eventually the New York State Department of Environmental Conservation (DEC) yielded to public pressure for a further Saturday session. That session was held on Saturday last at a packed Dover Town Hall; our page 1 article refers. Without getting bogged down in all the detail the DEC are the Lead Agency and are responsible for orchestrating the SEQRA process.

The DEC are also one of the 13 permitting agencies who will control the grant of some 30 different permits.

There were a number of people at that meeting that said they were unaware of the project until two weeks prior to the July 9th meeting. Without doubting the veracity of their claims one wonders where there have been. Over the last two years CVE have retained communication consultants to help them reach out into the community and there have been workshops, newsletters, media coverage and goodness knows what else to help draw the public into this process. We can find no fault with their outreach. However, with the best will in the world there will be the odd few folks whose address the Post Office clearly may not have.

The long and the short of it is that there are four major areas of concern that were expressed by members of the public who attended the last meeting. First, whether there is, in fact, a need for this plant. Additionally, and in no order of importance, the environmental impacts of the plant upon air quality, water resources and noise.

The need for this plant is not something that we ordinary mortals can deliberate upon. In fact the power grid demands are something that is handled by the New York Independent System Operator (NYISO). Apparently, there may be some question as to whether NYISO agrees that there is a short-term need for the power to be generated by CVE. How that gets resolved we do not know. Further, given that the power to be generated will benefit the state rather than the locals there is the question of the level of benefits that should accrue to the host community for accepting this facility.

Leaving those issues on one side, and assuming the plant proceeds, we are left with the potential environmental impacts. The plant is state-of-the-art and CVE have been responsive in designing it down to mitigate its impact on the surrounding areas. Since there is no way to tell now exactly how the plant will impact us in the areas of air, water and noise extensive modeling and testing has been done. With the best will in the world these models are necessarily complex and beyond the grasp of most of us. They are also based upon certain assumptions that may or may not bear out in practice. The problem is that once one has invested \$1 billions and the plant is up and running one's options to change things are limited.

The DEIS is prepared by CVE and it contains a wealth of detail furnished by about a dozen expert consultants in each specialized field. It is, of course, CVE's document and whilst is intended to address all matters raised in the Scoping Document one could not expect it to take the opposite side of any particular issue. This is not to infer that the document is biased but what it does call for is 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.

We might take the view that a plant some 4.5 miles north of us is too far away to be of interest. However, that is a flawed view; we draw water from the same aquifer and breathe the same air. Noise will probably not be an issue given that we are not within earshot of the plant.

The DEC is open to receiving written comments on the DEIS through August 1st and there have been requests for additional extensions of this time limit. We should interest ourselves in what is happening north of the town line.

[recall Pok. Journal editorial on all this July 8th]

Concern Swirls Over Power Plant Bid

<http://www.poughkeepsiejournal.com/article/20110708/OPINION01/107080324/Concern-swirls-over-power-plant-bid>

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."

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.

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.