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September 9, 2012

Sent via email to deprmt@gw.dec.state.ny.us

Christopher M Hogan
NYSDEC Headquarters
625 Broadway
Albany, NY 12233
(518)402-9167

Re: Air Permits for **Applicant:** Competitive Power Ventures Inc
50 Braintree Hill Office Park
Suite 300
Braintree, MA 02184

Facility: CPV Valley Energy Center
Us Rte 6 @ St Rte 17M
Middletown, NY

Application ID:3-3356-00136/00004

Dear Mr. Hogan,

We are writing to express concerns related to the air permit for this facility, particularly the failure to address hazardous air pollutants or HAPs. Ordinarily a permit for a natural gas fired generation facility is viewed as having lower air quality impacts than other fuels. However, the State of New York is now embarking on plans for high volume hydraulic fracturing in the Southern Tier of the state and the gas recovered will be conveyed via the Millennium Pipeline Project to Competitive Power Ventures, Inc. generation facility.

At this point in time there are no final documents for hydraulic fracturing including a Final EIS and final regulations. There has been no information forthcoming regarding the requirements related to the quality and purity of the natural gas that will actually be delivered to pipelines from drilling and fracking activities.

There are only 2 pieces of information that we are currently sure of:

1) Large quantities of toxic chemicals will be injected underground as part of the drilling and fracturing process

2) Shale formations contain a number of toxic metals and radioactive elements.

So-called natural gas has the potential to be contaminated by the shale itself as well as by the deliberate addition of toxic chemicals.

We think it is reasonable for DEC to expect that major facilities operating with natural gas from these operations will not be equivalent to the natural gas we are familiar with. We think DEC when it is permitting major facilities must make sure that the total composition of gas arriving at the facility is both well-known and consistent over time. This can only happen if frequent testing of the gas occurs.

We note that the Agency has made provision for an oxidizer for VOCs, however, we will need a better understanding of the total quantity of VOCs that are emitted from the stacks, as well as thorough emissions testing for the presence of hazardous air pollutants.

HAP emissions testing should include at a minimum: arsenic, mercury, chromium, lead, nickel, and radiation-- alpha, beta and gamma-- as well as a full suite of organic chemical hazardous air pollutants.

We expect that DEC will address HAPs in this state facility permit. If not addressed, this issue will be addressed once a Title V permit is applied for -- if not by DEC, then by EPA. Major facilities with the potential to emit HAPs over major source thresholds will have to demonstrate that their emissions do not make them a major source.

Thank you for your attention.

Sincerely,

A handwritten signature in black ink that reads "Barbara J. Warren". The signature is written in a cursive, flowing style.

Barbara J. Warren
Executive Director

cc. Commissioner Joseph Martens
Tom Gentile