



P.O. BOX 25, GOSHEN, NY 10924-0025

June 14, 2014

Christopher M Hogan
NYSDEC Headquarters
625 Broadway
Albany, NY 12233

Re: Draft Air Permit for CPV Valley Energy Center
3-3356-00136/00001

Orange Environment, Inc. (OE or OEI) is a regional non-profit environmental organization concerned with promoting the sustainability of the Orange County region and the health of its communities. Accordingly, we offer the following comments on the proposed air permit for the CPV Valley Energy Center in Town of Wawayanda, NY:

1. Orange County is among the 10% worst US counties for emissions of nitrogen oxides, PM 2.5 and PM 10, Sulfur Dioxide and Volatile Organics; the worst 20% for worst carbon monoxide releases, and the worst 30% for ozone (8-hour, person-days in exceedance of national air quality standard). Overall air quality and exposure to ozone and PM 2.5 are average (Scorecard.org, accessed 6/11/13).
2. When compared within New York State on NAAQS emissions, Orange County is among the worst 10% for sulfur Dioxide and the worst 20% for carbon monoxide, nitrogen oxides and NOX and ozone season daily average, PM 2.5, PM 10, volatile organic compounds and voc and ozone season daily average. Exposures, however, are average or below, except for lead, where Orange County is at the top (Scorecard.org, accessed 6/11/13).
3. In 2002, Orange county ranked among the dirtiest/worst 10% of all counties in the U.S. in terms of air releases of recognized developmental and reproductive toxicants, the worst 20% for environmental cancer risk and overall air releases, and the worst 30% for air release of recognized carcinogens, for environmental non-cancer risk and for total environmental releases (Scorecard.org, accessed 6/11/13).
4. When Orange County air releases are compared to New York State as a whole, Orange County is rated in the worst 20% for total environmental releases and total air releases and for non-cancer potential environmental health impact and the worst 10% for overall cancer risk (Scorecard.org, accessed 6/11/13).

5. Using the same data set, Orange County was ranked against other US counties for air releases having identified suspected health effects. Just focusing on air releases, it ranked among the 10% worst counties for suspected cardiovascular or blood toxicants, suspected kidney toxicants and suspected reproductive toxicants; among the worst 20% for suspected immunotoxicants, suspected gastrointestinal or liver toxicants, suspected neurotoxicants, and suspected respiratory toxicants; and among the top 30% for suspected developmental toxicants, and suspected skin or sense organ toxicants; and in the top 40% for suspected carcinogens (Scorecard.org, accessed 6/11/13).

6. Levels for air releases having identified suspected health effects are elevated when compared to New York State as a whole, with Orange County ranking in the worst 10% for suspected cardiovascular and blood, kidney, gastrointestinal or liver, neurotoxicological and reproductive toxicants; the worst 20% for suspected carcinogens, immunotoxicants, respiratory toxicants and skin or sense organ toxicants; and the worst 30% for suspected endocrine toxicants (Scorecard.org, accessed 6/11/13).

7. Orange County retains its lead in New York Counties for Highest Ambient Air Concentrations of Lead, emitting eight times more lead than the next worst county and 24 times more lead than the other listed counties. It is also in the worst 10% of US counties for number of housing units with high lead hazard risk (Scorecard.org, accessed 6/11/13).

8. Overall, Orange County has 5-10 million person-days of exceedance of the NAAQS. The maximum-level Pollution Standard Index was rated unhealthy (Scorecard.org, accessed 6/11/13).

9. The air permit is mitigation not only for any gasses, chemicals or particulates released as point source or fugitive emissions from the operation and maintenance of the CPV facility, but also for the region's current background air quality. As such, given that the region is out of compliance for ozone and has been for particulate matter, the permit must be set with the highest level of sensitivity so as to not aggravate these or other NAAQS.

10. In the past, in the context of the proposal of Calpine for a similar facility in Wawayanda, OEI argued that significant cumulative air impacts would occur if that facility were permitted. In a settlement, Calpine agreed to fund a study of cumulative impacts (to be administered by OEI). If an air permit is issued for this facility, we propose that a similar requirement be made with an independent community organization in control, and that the goal be a full cumulative impact assessment should be in place by the time that the Title V permit is reviewed and will be updated subsequently at the time of review. Although no adequate cumulative impact assessment was made as part of the FEIS, we believe that the above figures taken from Scorecard represent a good approximation. We further propose that any permits issued be made more stringent because of overall cumulative air-shed emissions identified.

11. Calpine was also ready to accept community oversight as part of a party-of-interest process proposed by OEI. We would like to see similar process built into any permit

issued for CPV. The OEI community oversight process, which has been used at sites such as RSR, Nepera and the Orange County Landfill, empowers community members to meet with company and regulatory representatives on a regular basis, have access to all data regarding environmental compliance, and have the powers to demand additional monitoring, test data and mitigation, including plant shutdown with due cause.

12. Availability of natural gas is currently viewed as having escaped the Peak Gas phenomenon because of new reserves released by fracking technology. However, there is ample data to show that even this gas boom will go bust quickly and entails significant adverse environmental effects, including impacts to the air, waters and health. In issuing an Air Permit for CPV, offsets need to be structured to compensate for the upstream input impacts of the proposed plant.

13. Likewise, because gas extraction, transmission and combustion entails a significant adverse impact on the climate, up and downstream input and output must also be compensated for.

14. Because gas-fired power plants represent a significant potential for emissions, fire and explosion, all of which are air events, the Air Permit should only be issued after an independent and critical review of the potential for such release and disaster has been made for the agency. A full evacuation plan field test needs to be conducted to identify the feasibility of protecting proximate residents, workers and motorists. An evaluation of the capacity of structures within a blast radius of an explosion to shelter occupants should also be required.

15. OEI has in other cases advocated for a three-strikes-you're out policy whereby CPV would be shut down permanently after the third violation of any permit. We believe this strict standard for performance avoids relaxation in the face of the regulation and is protective of the public while giving the facility minor leeway for adjustment.

16. No backup fuel source will be permitted for the facility.

17. Off site downwind emission measurement will be collected on a continuous basis from at least four locations representing scenarios of emission transport. The permit should contain a three strike policy with regard to exceedance detection at these monitors.

18. Health data must be collected from all communities down air-shed from the facility and within a three mile circumference to serve as a baseline for comparison on a yearly basis beginning at the plant startup.

19. A bond of 100 million dollars shall be placed in escrow for the purposes of compensating members of the public harmed by acute or chronic events associated with the facility.

20. OEI believes that this facility is not required to maintain Grid capacity in the New York region. Given the adverse impacts of fracking and the urgency of greenhouse gas

reduction, we do not believe that this facility should be permitted at all. We do not believe that the town took a hard look at the potential adverse impacts and that the DEC should have served as Lead Agency for so complex a project. If an air permit is to be issued, however, we believe that the conditions stated above will provide modest help to protect the community and environment from adverse effects.

Finally, we would ask that DEC hold a full adjudicative hearing on this permit application to ensure the public a full opportunity to argue its grave concerns about the project.

Thank you for your consideration of these comments.

Sincerely,

Michael R. Edelstein, President
Orange Environment, Inc.

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