

STATE OF NEW YORK

**BOARD ON ELECTRIC GENERATING SITING AND THE
ENVIRONMENT**

CASE No. 01-F-1276

**COMMENTS TO THE
PRELIMINARY SCOPING STATEMENT
OF TRANSGAS ENERGY SYSTEMS ("TGE")**

ON BEHALF OF

BROOKLYN COMMUNITY BOARD ONE

AND

**THE GREENPOINT WILLIAMBURG WATERFRONT
TASK FORCE**

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INTRODUCTION

Pursuant to Article X of the Public Service Law and implementing regulations, the Community Board One and the Greenpoint Williamsburg Waterfront Task Force¹, a coalition of 40 Brooklyn community organizations, (hereinafter collectively “Task Force”), respectfully submit the following comments on the Preliminary Scoping Statement (“PSS”) of the proposed 1,100 megawatt (Mw) TransGas Energy generation project for the East River waterfront.

The filing of the PSS triggers the duty on the part of the Applicant to initiate formal consultation with involved agencies and the public. PSL §163 (3),(4). The purpose of the Task Force comments submitted herein is to put the Applicant and involved agencies on notice as to what the community regards as the fundamental gaps in TransGas Energy’s identification of, and program to assess the economic, environmental, and social issues that arise in connection with the project. These central issues must be fairly, objectively, and comprehensively addressed in determining whether the project is in the public interest. PSL § 168 (2)(e).

For the reasons set forth in detail below, TransGas Energy’s PSS is deeply flawed. Indeed, the PSS is replete with self-serving, inaccurate, incomplete and misleading narrative regarding the compatibility of the project with existing and planned land uses. The PSS’s unsupported preliminary assessment and planned program of study only adds to the Task Force’s profound anxiety over the siting of a major new generating facility in New York City’s most vital and rapidly developing waterfront community.

Moreover, the scope of the project, as well as the definition of key project parameters, is unacceptably ambiguous. Major uncertainties surround such project assumptions as:

The potential for steam sales to Con Edison. The Applicant must expeditiously resolve whether this is a realistic possibility or mere wishful thinking. If the former, it is incumbent upon TransGas Energy to analyze the environmental impacts of the necessary steam connection buried in the East River between Brooklyn and Manhattan and other reasonably related structures, as well as a program to mitigate expected environmental impacts. If the latter, the purported environmental benefits of steam sales should be dismissed as remote speculative and uncertain.

The reuse of non-potable water by treating the wastewater effluent from the Newton Creek Water Pollution Control plant. Again, TransGas Energy has provided scant information for this to be taken as a serious option. Unless and until this option is

¹ The Greenpoint-Williamsburg Waterfront Task Force is led by the following organizations: Greenpoint Waterfront Association for Parks and Planning (“GWAPP”) and Neighbors Against Garbage (“NAG”).

integrated into the design of the plant the Commission should disregard any claimed environmental advantage.

Interconnection to transmission system, gas pipelines and other off-site impacts. The PSS fails to fully detail and sufficient of environmental impacts associated with the delivery of natural gas or reinforcement of the transmission network that will result from this project.

Backup fuel. The PSS is completely non-committal regarding the use of, and air quality impacts, associated with backup fuel oil.

Cumulative impacts. The applicant fails to address the need for fair share based upon area's existing footprint for permitted and planned generation facilities and numerous other municipal and state permitted uses.

Further, as pointed out in the following sections, the PSS and supporting stipulations do not comport with the program of studies directed in more recent Article X filings. In particular, the proposed analyses for air quality, land use, socio-economics, aesthetics and visual resources and noise fail to reflect the latest Commission thinking on the state of the art in environmental impact review.

Finally, the Task Force regards the specification of the “no action” alternative and its juxtaposition to the proposed project as critical to this proceeding. This analysis should, address, with significant input from community stakeholders, the possible future development of the site and surrounding area if the Siting Board rejects the proposed facility. The study must include local land use, environmental and socio-economic implications of the no build scenario should be included. The Task Force believes that this study will establish that the project is incompatible with the intended land use for the site.

The Task Force's comments should not be construed in any way suggesting that it supports or believes in the viability of TGE's proposed facility. Notwithstanding, the Task Force has tried to objectively comment on the PSS and the proposed studies in order to ensure the development of a thorough and accurate record for the Siting Board's consideration.

COMMENTS ON THE PRELIMINARY SCOPING STUDY (PSS)

PSS SECTION 1.0 - SUMMARY AND INTRODUCTION

Section 1.3 Purpose of this Statement – Page 1-4

As indicated in the introduction and explained herein, the PSS does not fully comply with the Siting Board regulations:

- The description of the proposed facility is vague and superficial with regards to the steam sendout and other aspects of the proposal. PSL § 163.1(a), 16 NYCRR § 1000.4(c)(2)(i).
- The "environmental setting" of the project has not included off-site locations impacted by this facility, despite the fact that off-site actions would be required. PSL § 163.1(a), 16 NYCRR § 1000.4(c)(1).
- Significant issues raised by the public were mischaracterized. 16 NYCRR § 1000.4(c)(2)(vi).
- The proposed analysis of "reasonable alternatives" is inadequate. PSL § 163(e), 16 NYCRR § 1000.4(c)(2)(v).
- The PSS only discusses potential positive impacts not negative impacts and does not mention off-site impacts. Neither the potentially significant adverse impacts identified by the public nor the environmental setting that would be affected were discussed. PSL § 163.1(b), 16 NYCRR § 1000.4(c)(2)(ii).
- The discussion of the proposed study program is lacking. PSL § 163.1(c), 16 NYCRR § 1000.4(c)(2)(iii). The stipulations are incomplete (Appendix B).
- The discussion of measures proposed to minimize environmental impacts and "an initial identification of mitigation measures" is missing for several aspects of the project. PSL § 163.1(d), 16 NYCRR § 1000.4(c)(2)(ii).

PSS SECTION 2.0 - PROJECT DESCRIPTION

Section 2.2.1 The Site - Page 2-1

The Applicant proposes to place a large generating facility on a nine acre site. Artists illustrations show that the completed facility will practically cover the entire site. It

seems unlikely that the site is large enough. Further, it is inadequate for off street parking for construction workers or to accommodate the lay down areas required during construction.

The application should show the location of all primary and ancillary facilities, off site lay down areas and off site parking and should discuss the noise and traffic impacts of these off site facilities. The Task Force will propose modifications to the noise and transportation stipulations to reflect these comments.

The PSS presents the site as part of a waterfront dominated by industrial, manufacturing, and infrastructure uses. This is inaccurate. The closest active industrial or manufacturing use is the NYPA plant and Domino Sugar some 8 blocks to the south. The site immediately to the south of the proposed site is a document storage facility, (not manufacturing), and directly below that a DOS garbage truck facility already scheduled to be moved. Directly to the south of these facilities are four blocks of waterfront property that NYS and NYU have begun to redevelop into athletic fields. The NY 2012 Olympic Organizing Committee has slated this site for volleyball and archery competitions The USA Waste owns the only remaining property to the south, which is currently on the market for sale. To the north is the Bushwick Creek Inlet a waterfront area proposed for open space acquisition by NYS. Directly across the Bushwick Creek Inlet are several small properties consisting of mainly warehouse facilities, and the Chimento Trucking property, (owned by the City of New York), recommended in the Greenpoint 197a plan to become a museum commemorating the site of the construction and launching of the Civil War Ironclad Monitor ("Monitor Site") and a public park. North of that is a large four-block parcel that has been purchased by a residential developer. The nearest active manufacturing or industrial use lies beyond a two-block waterfront parcel owned by the NYC Department of Parks and Recreation.

The PSS also incorrectly states that the site "is in a portion of the waterfront that is as distant from primarily residential blocks of both Greenpoint and Williamsburg as the East River waterfront allows - approximately 1,000 feet in all directions." There is active residential occupation in buildings as close as 30 feet from the site, (the NE corner of North 13th Street), another 350 feet from the site, (the SE corner of North 11th street), and several blocks of live/work lofts 500 feet from the site (From North 12th street south past North 9th). These situation is considered by the City as Non-Conforming Use residences, but some are covered by the NYC Loft Law, even though the zoning is M-1 or Mixed Use.²

² A map showing the site and surrounding properties is included in GWAPP's Preliminary Report on the Clean Point Energy, LLC (prior name of the project), Proposal for the Bayside Site on the East River Waterfront, June 2001, at 37. This document has been distributed by GWAPP to the Applicant, the PSC and other interested parties. It is available (without the maps) at <http://www.gwapp.org/>

It is the Task Force's contention the proposed project will halt the mixed-use development of this large area of the North Brooklyn Waterfront and become a city wide visible symbol associating negative connotation for the Greenpoint/Williamsburg Communities.

Section 2.2.2 The Greenpoint and Williamsburg Communities – Page 2-3

The PSS characterizes the Greenpoint-Williamsburg ("GP/W") neighborhoods as a mix of industrial and residential uses. This is not exact as it ignores light manufacturing established in the area around the site. Indeed, local plans indicate heavy industrial facilities are inappropriate for this site. There is tremendous pressure to increase the housing supply and related support businesses, as well as open space and parklands.

For these reasons, Community Board One's recommended plans for Greenpoint and Williamsburg ("197-a plans") place priorities upon increasing affordable low-rise housing stock, waterfront access for residents, and environmental quality. The Greenpoint 197a plan also calls for new market rate housing, north of this site at the Greenpoint Terminal Market site. This site, already purchased by a residential developer, will become less desirable for market rate housing with the proposed power plant clearly visible to the south.

It seems highly unlikely the application would be able to demonstrate consistency with City regulations, performance standards and the City, the Borough and community planning documents. Moreover, the Borough, the Community Board and elected representatives throughout the area have expressed their opposition to this project.

Section 2.3.4 Water and Wastewater – Page 2-8

Wastewater flows presents a problem for TGE's proposal in this site. Wastewater flows would be discharged into the site's existing sewer connection or by a separate line to the Newtown Creek WPCP. In page 2-8 TGE states that the site is presently connected to the sewer system and the alternative to building a new sewer is not being explored. These communities are already subject to serious flooding problems. Any increase in wastewater discharged into the sewer system adds to this problem. This problem needs to be addressed.

Wastewater flows generated by the Project of 500,000 gallons per day should also be studied in the context of the several thousands of new housing units that will be added to the GP/W communities in the coming years by the conversion of existing manufacturing buildings to residential and the proposed developments at the GTM and Greenpoint Lumber Exchange sites. The stipulation should reflect this concern.

Section 2.3.5 Safety and Protection Systems – Page 2-9

The Task Force proposes a new stipulation (Stipulation 13) dealing with these issues. A safety study should determine if the site offers the proper conditions for security under the current circumstances. The safety and emergency response plans for the facility require the input of the GP/W community. Thus, the new stipulations should take into account concerns of the U.S. Coast Guard, the NYS Police, the NYC Police Department, GP/W local authorities and local organizations. TGE should also be required to study an emergency evacuation plan. In light of the security measures likely to be required for this facility at this site, the project can no longer seriously offer waterfront access along North 12th Street. A generation project at this site simply curtails waterfront access and is incompatible with State Coastal Management Policies.

Section 2.3.9 Waste Generation and Disposal - Page 2-10

The project should include information on the hazardous waste resulting from the clean up of the site, and how TGE will study the appropriate management of solid and hazardous waste during construction and operation of the proposed project. Stipulations should develop how to undertake these studies. See Section 9.6 of the PSS.

Section 2.3.10 Project Operation – Page 2-11

A generation project at this site would not generate jobs for the community. The operational labor force is presently estimated to consist of approximately 40 full-time employees. Any light manufacturing use, supported by the community in the Williamsburg 197a plan, would generate far more jobs. This concern has to be reflected in the socio-economic studies and the “no action” scenario.

PSS SECTION 3.0 - ENERGY PLANNING

Section 3.1.4 Construction and Operation in the Public Interest - Page 3-2

TGE states that it will submit the results of a detailed system production cost analysis but does not state which model or data base it proposes to use. The selection of a data base can introduce considerable uncertainty into the model results not only, as TGE acknowledges, because the future generating stock is uncertain, but also because potential competitors are unlikely to reveal anticipated running costs. TGE should provide, in its application, a complete description and justification of the data base used in its production cost runs and a full discussion of the uncertainties inherent in the data bases and model output.

Section 3.2 No Action Alternative - Page 3-3

A clear and unbiased definition of the “no action alternative” is a key factor in evaluating the environmental impacts of a proposed action. For any given proposed

action there are likely to be several ways to define the no action alternative and alternative definitions may affect the types of environmental studies and analyses undertaken and thus the details of the stipulations under consideration.

In this section of the PSS, TGE mentions the “no action alternative” in general without defining a specific “no action alternative” for the proposed action. The Task Force requests that TGE provide the parties with a specific definition of the “no action alternative” that TGE proposes to use in its application. As indicated earlier, stipulations should be added to include local land use, environmental and socio-economic implications of the no build scenario. In fact, most stipulations should include the "no action alternative".

Section 3.3 Cooling Technology Alternatives – Page 3-3

The Task Force agrees that a comparison of cooling system alternatives should be included in the application. However, we disagree with TGE’s proposal to give only “qualitative consideration” to the potential impacts listed at the bottom of page 3-3 and the top of page 3-4. The application should include quantitative comparisons of the cooling alternatives with regards to land requirements, physical dimensions, visual plume, water demand and consumptive water losses, incremental water discharge, thermal discharge, noise, and effect of project efficiency and derating. Useful quantitative engineering comparisons specific to this project could be made without detailed design of the cooling alternatives. The cooling alternatives study submitted by the Applicant in the Bethlehem Energy Center ("BEC") case is a good example of the type of analysis that should provide TGE.³

The proposal incorrectly states several cooling technologies are feasible for this site. As DEC Commissioner has indicated a once-through cooling system should not be considered for a new facility. The discussion of cooling alternatives should include an analysis of alternate air cooled condenser designs. Modifying engineering design factors such as: design temperature; number and size of cells; number, diameter and tip speed of fans; and, condenser height can, within limits, change both the performance of the power plant and environmental impacts such as noise, visual impact, and the amount of the site covered by the cooling system footprint.

TGE should propose a draft stipulation for review by the parties that details the types of qualitative and quantitative information on cooling system alternatives that will be included in the application. The BEC cooling system study is recommended as a model for this stipulation.

Section 3.5.1 Primary Fuel - Page 3-4

³ Case 97-F-2162

The Applicant proposes to use 200,000 DTH of natural gas per day. See page 5-1. TGE essentially asserts that adequate supply will be available and does not propose any specific analysis of availability. However, the Applicant should conduct an analysis of the availability of such supply for the life of the project that includes existing and future users, including the increased gas usage associated with recently certified Article X power plants (e.g., Con Edison, Keyspan) and other proposed Article X power plants, as well as the restarted the Hudson Avenue Station, the permitted 79.9 Mw barge plant for the Brooklyn Navy Yard and New York Power Authority mini-generators and non-major generating facilities in the area. Stipulations should reflect studies in the context of diversity, price and reliability.

Section 3.5.2 Backup Fuel – Page 3-4

TGE has not specified the estimated time and consumption of the backup fuel. These aspects of the project need to be determined prior to undertaking any environmental impact study. In addition, TGE should evaluate both types of backup fuel - the currently available 0.05% sulfur oil and the as yet unavailable 0.005% sulfur oil.

The Applicant proposes to use natural gas and asserts that it will use oil only as a backup fuel. In fact, oil will be used not merely for emergency circumstances, but for all conditions during which gas is unavailable. These circumstances could be market-based when the price of gas exceeds oil during the winter season. The total emission of pollutants and their air quality impacts are directly related to fuels that will be used at the proposed facility. Specifically, because the combustion of oil will produce greater total pollutants than natural gas, the total amount and period of the use of oil is critical to an accurate analysis of the impact of the project.

The Applicant's analysis of air quality impacts should be first premised on TGE specifying the periods during which oil will be used. Specifically, TGE should establish what circumstances will be deemed to be interruptible for the project. The air quality analysis must be based on the maximum period of oil usage.

Section 3.6 Peaking Capability – Page 3-5

Another undefined issue of the proposal is the "peaking capability". TGE has stated in page 3-5 that the project "can also be designed with additional peaking capacity above its base output." Either TGE is proposing peaking capability or it is not. The decision has an important effect on the scope of the environmental studies required for this proposal. TGE indicates this feature will be considered in the application. However, this should be defined at an earlier stage to develop stipulations on this aspect of the project. See comments to Section 7.3.1.

PSS SECTION 4.0 - PUBLIC INVOLVEMENT PROGRAM

Section 4.1 Community Involvement Process – Page 4-1

TGE's plan for involving the community lacks validity in all respects. During TGE's pre-application phase the PIP has not adequately engaged key stakeholders. Earlier contacts with the community have been misleading and confusing. TGE acknowledges they have stirred up a certain amount of controversy. The PIP program has failed to comply with the guidelines circulated by DPS regarding specific components of the program (stakeholder identification, meetings, educational materials, media outreach, public notification, etc.). Most important TGE has demonstrated a total lack of familiarity with New York City and this area of Brooklyn. GWAPP's Preliminary Report on the Clean Point Energy, LLC (prior name of the project), Proposal for the Bayside Site on the East River Waterfront, June 2001, illustrates the Applicant had information at hand to address the public's input on many of the issues expected in a PSS but has failed to do so. See footnote 2.

TGE has failed to identify appropriate individuals and organizations for targeted outreach activities. To date, TGE has not contacted at least half of the civic organizations within 10 blocks of Kent Avenue. To cite just some of the groups, TGE has never contacted neither Stop the Barge or Williamsburg Watch who were both at the Borough President's meeting in June, 2001. More importantly, these organizations received a PSS for comments. The flaws of the PIP are explained in detail in Attachment A. The Task Force requires monthly updates on the consultation process and the PIP. This information TGE should be presented in the format used in Table 4-1.

PSS SECTION 5.0 - FUEL SUPPLY AND DELIVERY

Section 5.1.2 Gas Delivery and Section 5.2 Information Requirements and Methodology – Page 5-1 and 5-2

On page 5-1, TGE states that system reinforcements of the local distribution network are anticipated and that Key Span is commencing studies to determine what upgrades are required. On page 5-2, TGE discusses an interconnection study to be undertaken by Key Span that will, among other things, address the pipeline route and various on and off-site facilities required for the delivery of gas or the reinforcement of the KeySpan system. It is not clear if two separate studies are intended. In any event, the studies should address, and the application should report, the environmental impacts of any pipeline, system upgrades or ancillary structures or equipment required as a result of the construction and operation of the proposed facility.

PSS SECTION 6.0 - ELECTRIC TRANSMISSION AND STEAM**Section 6.2 Proposed Steam Sendout – Page 6-1**

A major topic not adequately discussed in the PSS is the company's plan to sell steam to the Con Edison Steam System. The PSS provides very little information on the aquatic and water quality impacts of a cross-river link to the Con Edison system or the on-shore impacts of construction activities or on-shore facilities at either end of the crossing.

In prior Article X cases the Chairman of the Siting Board has ruled that an Applicant must provide sufficient information on pipelines or transmission leads that will be constructed as a result of an Article X facility to include the impacts of the associated facility in the Siting Boards required findings on the environmental impacts of the facility. This is true even if the pipeline or transmission line is subject to other subsequent licensing and review proceedings. The proposed application cannot be judged complete without a substantial amount of information on the impacts of the steam line.

In addition, the PSS fails to address how the Applicant's plans interact with Con Edison's plans for its steam system. Con Edison intends to retire its Waterside Steam Plant, enlarge steam generating capacity at the East River Plant and construct new steam lines north from the East River plant to reinforce transfer capabilities between parts of its system. The application should address the following questions:

- Are the Applicants plan's contingent on any or all of Con Edison's plans coming to fruition?
- Would construction of the cross-river steam line require Con Edison to increase the size of its planned new steam connections, or make other changes in its system?
- Does TGE intend to seek other industrial or commercial steam hosts in the vicinity of the TransGas site?

In like manner, the application should provide information on the environmental impacts of off-site water, fuel and electric transmission interconnects and on any off site reinforcements of electric, water or fuel infrastructure that must be undertaken as a consequence of construction of the TGE facility.

The Applicant should propose an additional stipulation that will detail the environmental studies it will undertake of the impacts of off-site interconnects and system improvements. See proposed stipulation 15.

Section 6.4 Electric and Magnetic Fields – Page 6-2

This area has had problems with EMF's already, particularly in South

Williamsburg. Thus, the proposal requires a separate study on EMF's in the whole area pursuant to the PSC's established guidelines. Stipulation 3 should be redeveloped further to reflect this situation.

PSS SECTION 7.0 - AIR QUALITY AND METEOROLOGY

Section 7.3.1 National and New York Ambient Air Quality Standards - Page 7-5

The PSS notes that the members of the Greenpoint and Williamsburg Communities have frequently raised serious concern regarding the emission and impact of fine particulates – PM 2.5. Moreover, the PSS represents that the “Project will minimize its contribution to the formation of PM 2.5 by minimizing the emission of its regulated precursors – NOX, SO2 and VOC – as well as through its combustion of clean natural gas and the reduction in PM and PM-10 that it accomplishes.” PSS Pg. 2-8. The PSS also claims that regional reductions in PM 2.5 by its use of NOx and VOC emission credits.

The PSS implies that PM 2.5 is exclusively is produced from the secondary formation in the atmosphere and that there is no PM 2.5 emissions from the combustion of natural gas and oil. In fact, both natural gas and oil produce PM 2.5 emissions. Of the total particulates produced from the combustion of natural gas, the range of PM 2.5 is between 70 and 80 %, of which a portion is condensable particulates that quickly become solid upon emission from stacks. It is important to note condensable particulates are merely particulates that are in the gaseous phase and quickly takes on the solid form upon being emitted from a stack. This is distinguished from secondary particulate formation of precursor pollutants (e.g., NOx, VOC), which results from an atmospheric reaction of precursor pollutants to form particulates.

Beyond mere representations, the Applicant fails to specify the manner in which it will conduct an analysis to support these representations. The applicant should perform PM 2.5 analysis that, at a minimum includes the following:

- Analysis of PM 2.5 particulates from the combustion of natural gas and oil, including condensable particulates.
- Analysis of secondary PM formation associated with the emission of NOx, VOC and Ammonia slip from the SCR system.
- Dispersion and impact analysis of total PM 2.5 associated with the project.

TGE proposed project will be a major source for hazardous air pollutants (HAPs) under the Clean Air Act. TGE should conduct an analysis of control technologies that would achieve HAPs control greater than the technology through a Case-by-Case MACT analysis. The Applicant should conduct an analysis of design and operational alternatives

to reduce HAPs emissions from the stack and fugitive emissions. This analysis should factor technical feasibility, cost and increase HAPs removal.

The cumulative impacts analysis should include existing sources within 5 miles of the proposed site. In addition, it must include the proposed emissions from recently certified Article X power plants (e.g., Con Edison, Keyspan) and other proposed Article X power plants, as well as that from the proposed restarting of the Hudson Avenue Station, the 79.9 Mw barge permitted for the Navy Yard, the New York Power Authority mini-generators and the non-major energy facilities in the area.

The Applicant should conduct an analysis (e.g., PROMOD) of the potential for displacement of older, less efficient and more polluting plants by the Project and the local air quality impacts, during base-load and peak-load conditions. Such analysis should specify the location of all power plants that would be displaced and the level of displacement. This analysis should incorporate recent load growth (e.g., over the last 10 years), as well as reduced load reduction associated with recent NYS commitments on load reduction measures. This analysis should include certified Article X power plants (e.g., Con Edison, Keyspan) and other proposed Article X power plants, as well as that from the proposed restarting of the Hudson Avenue Station, the 79.9 Mw barge permitted for the Navy Yard, the New York Power Authority mini-generators and the non-major energy facilities in the area.

The Applicant should also provide an analysis of the air emissions during start-up, and the projected number of start-up events on an annual basis. If the Applicant expects to operate the CTGs independently, such analysis should include analysis of the start up of each CTG and projected number of start-up events for each CTG.

The air quality issues associated with sources other than combustion sources, including the discharge of ammonia from storage tank loading/unloading operations, must be evaluated. This analysis should consist of an analysis of total ammonia slip associated with the SCR control technology and impacts of the ammonia in the atmosphere including secondary particulate formation.

The Applicant proposes the inclusion of peaking capability by using duct firing in the HRSG. Duct firing is highly inefficient and produces significantly more pollution per energy produced than the base-loading components of the proposed project. The Applicant should conduct an analysis of the air quality impacts (e.g., particulates, VOCs) associated with duct burners. This analysis should include a comparison of particulate and VOCs emissions with and without the duct burners based on fuel combustion and electricity produced.

Section 7.3.4 Air Quality Modeling - Page 7-8

TGE proposes that a single stack height, based on good engineering practice, be used as the basis for the air dispersion modeling. Since stack height affects visual impacts and

airline safety as well as pollutant dispersion, the good engineering practice height may not be the optimum height for the stack. The Task Force requests that the Applicant run the models using alternate stack heights to be determined after consultation with the Task Force and the regulatory staff listed in this section of the PSS.

We also recommend that the selection of receptor points be coordinated with the comprehensive analysis of impacts on neighborhoods and community resources (see our comments on section 9.0)

Section 7.3.5 Environmental Justice – Page 7-8

The EPA allows considerable latitude in the selection of “Communities of Interest” and “Reference Communities” for the purposes of environmental justice analysis. The selection of these communities can affect the outcome of the analysis. Since the Task Force represents communities near the plant, we request that TGE must consult with the Task Force on the definition of these communities before the environmental justice study is undertaken. These studies should be presented in GIS format.

The environmental justice analysis should not merely be an analysis of a selected radius surrounding the project site. Such analysis will result in missing concentrations of sub-populations of minority and low-income residents. A legitimate analysis of environmental justice should be based on the identification of sub-populations (or pockets) of minority and low-income residents of Williamsburg and Greenpoint, and their proximity to the proposed site.

At a minimum, an environmental justice air quality analysis should be conducted that consists of the following factors:

- All air emissions from the plant;
- All existing air emissions from other power generating and other municipal and state permitted facilities in the area;
- Populations and sub-populations in the area and include an analysis of the radius of particulate dispersion (PM 10 and PM 2.5);
- For such populations and sub-populations, an analysis of the percentage of minority and low-income residents; and
- An analysis of the percentage of the population and sub-populations that suffers from incidence of asthma based on NYS Department of Health data and local health departments data, if available.

Section 7.3.12 Stack Plume Visibility – Page 7-11

The stack plume visibility analysis should specify operating conditions likely

to affect plume visibility (for example: operation of the SCR during oil firing, steam or water injection for peaking operation), estimate the frequency that the plant will be operated in each mode and analyze the impact of each relevant mode of operation on plume size and frequency.

In addition, the Applicant should conduct visual analysis of all steam/vapor plumes from the project, including from the dry cooling system. This analysis should include the potential visual impact of secondary particulate formation associated with ammonia slip.

PSS SECTION 8.0 - ARCHEOLOGICAL & ARCHITECTURAL

Section 8.2.2 Historic or Landmark Sites within One-Half Mile – Page 8-1

TGE should study the impact of this project on the “Monitor Site”. The majority of the original Continental Iron Works shipyard is still open space. It is currently owned by the City of New York and leased to a trucking company. There exists a possibility to recreate the atmosphere and environment on the “Monitor Site” similar to its original conditions. See comments for Section 2.1.1.

Section 8.3.1 Archeological Reconnaissance Survey - Page 8-4

The East River and Bushwick Inlet have a long maritime history. The Monitor was built across the Inlet from the site. The Archeological Reconnaissance Survey and the Unanticipated Discovery Plan should cover underwater portions of the site which might be disturbed by repair of barge facilities or other construction.

Section 8.3.2 Architectural Survey – Page 8-4

TGE rightly observes that buildings are the “fundamental obstruction to views in the study area”. Since buildings are less permanent than terrain, views from historic buildings could change dramatically in the future. As discussed in the Task Force’s comments on section 10 - Urban Design and Visual Impacts, the Applicant should consider the potential effects of planned land use changes (such as the development of a park at the East District Terminal Property by the NYS and NYU) on viewsheds.

PSS SECTION 9.0 - LAND USE

Section 9.1 Introduction – Page 9-1

The Task Force regards this section of the application as critically important to insuring that issues of concern to the Williamsburg and Greenpoint communities are adequately addressed. We have two major concerns about the organization and

general thrust of this section of the PSS, which should be rectified in the application.

- The Land Use Section of the PSS does not adequately reflect the rapidly changing nature of these communities. The Williamsburg and Greenpoint communities are among the most rapidly changing communities in the City. Since the TGE project, if built, will be in place for many years, it is important to consider how these communities have changed in recent decades and how, in the absence of the TGE project, they are likely to develop in the future. The Land Use Section of the application should describe changes in community land use, economic base, housing stock, income and demographics over the last two decades and discusses current trends and likely future changes.
- The Land Use Section of the PSS does not adequately reflect the cumulative nature of multiple project impacts on neighborhoods and important community resources. Individual neighborhoods and community resources (parks, museums, historic sites, schools, etc.) may experience multiple localized impacts (noise, traffic increases, visual impacts, localized air quality impacts, etc.) from the project. To the extent that these impacts are discussed in separate sections of the report and to the extent that each section uses different geographic reference points, the cumulative local impacts of the project are obscured.

The Task Force recommends that:

- The Applicant, in consultation with the Task Force, the DPS and DEC identify specific neighborhoods and community resources likely to experience multiple localized impacts.
- The Land Use Section of the application include a summary of the land use, visual, noise, traffic and air quality impacts of the project on each of the identified neighborhoods and community resources. These studies should be presented in GIS format.

Section 9.1.1 Planning Programs - Page 9-1

As discussed above, the Williamsburg and Greenpoint communities are among the most rapidly changing communities in the City. It is possible that some older planning and zoning documents may not reflect recent developments. It would be useful if this section of the application included a table showing the date each cited plan or zoning ordinance was adopted or revised and indicating what plans or ordinances are in the process of being updated.

The Applicant should identify any planned changes in land uses likely to remove visual screening or otherwise modify the visual impact of the facility. To that end, the

Applicant's land use analysis should be coordinated with its visual and historic resource analyses.

The stipulations should include “The New Waterfront Revitalization Program, A proposed 197a plan” published by the NYC Department of City Planning and adopted by the New York City Council in 1999.

Section 9.2.1 Waterfront Access and Industry – Page 9-2

The proposed “pedestrian bridge” spanning the mouth of the Bushwick Inlet would be an impediment to the recreational boating use and marina proposed in both the Greenpoint and Williamsburg 197a plans.

Section 9.2.3 Consistency with Coastal Policies - Page 9-4

TGE states that “The Project is an industrial use that is both water-dependent and water-related.” While this may have been true of an earlier generation of steam electric power plants, which required large volumes of water for condenser cooling, it is not true of the facility proposed by TGE. Since the facility, as proposed would utilize air cooled condensers, with modest make-up water requirements supplied by the municipal water system or an alternative on-shore source, there is no need for the plant to be situated near a large water body. In addition, as designed, the plant’s primary fuel and secondary fuels would be delivered by pipeline. Barge access is only a construction convenience and as a back-up delivery system for the secondary fuel. The Task Force notes that a number of similar combined cycle plants have been proposed for construction in New York State at sites that are far removed from significant water bodies.

The stipulations should also include an analysis of the policies put forth in “The New Waterfront Revitalization Program, A proposed 197a plan” published by the NYC Department of City Planning, adopted by the City Council in 1999. This document further defines “Significant Maritime and Industrial Areas” (“SMIAs”) and encourages new water-dependent and industrial uses to be located within those SMIA’s. Regarding locating such uses outside SMIA’s, section 2.0 reads, “Outside the SMIA’s, determination of the suitability of an area for working waterfront uses will depend on the compatibility of these uses with surrounding uses and natural features, and an evaluation of the area’s long-term best use..” Further, section 2.2 item A includes the following criteria for new industrial uses outside SMIA’s: “Criteria to determine areas appropriate for working waterfront uses outside the Significant Maritime and Industrial Areas include: ...adequate and appropriate buffering from surrounding residents; and existing development patterns.” From the outset the project is inconsistent with many of the policies set forth in this plan, such as:

- Encourage new water-dependent and industrial uses to be located within Significant Maritime and Industrial Use Areas: The proposed project is not located within an SMIA as designated by the New Waterfront

Revitalization Program.

- Outside the SMIA's, determination of the suitability of an area for working waterfront uses will depend on the compatibility of these uses with surrounding uses: The proposed project is not compatible with the surrounding uses of residential, open space, light industry and recreational uses.
- Outside the SMIA's, determination of the suitability of an area for working waterfront uses will depend on the compatibility of these uses with the area's long-term best use: The proposed project would be incompatible with the area's long-term best use which is open space, housing, light industry and recreation.
- Criteria to determine areas appropriate for working waterfront uses outside the SMIA's include adequate and appropriate buffering from surrounding residential areas: The project as planned would provide no buffer from the residential occupancy directly across the street at N13th Street, little buffering from the property at N11th, little buffering from planned residential development both 2 blocks to the north and south, and little from other residential locations to the north and north-east.
- Criteria to determine areas appropriate for working waterfront uses outside the SMIA's include compatibility with existing development patterns: The proposed project is contrary to existing development patterns. Existing development patterns, witnessed by local and city sponsored planning studies, zoning variances, zoning remapping and recent sales of property, include no new heavy manufacturing or heavy industrial uses.

The proposed project is also incompatible with other coastal policies mentioned in the PSS:

- Support and facilitate commercial and residential redevelopment in areas well-suited to such development: TGE assumes the project would not interfere with commercial or residential redevelopment and that the site is not proposed for rezoning. This is not true. The project will interfere with residential development as, by its very nature, it will discourage home buyers and renters new to the neighborhood from moving to the prime sites nearby, such as the GTM site, along with the related commercial support businesses. The GTM site will offer some 1,200 new residential units. Those units will have a full, direct view of the proposed project as there are only a few single story buildings between the two sites. In addition, a large development to the South on

Kent Avenue faces the same problems. The conditions for attracting development to Greenpoint have been slowly nurtured for a long period of time. This project would likely halt that development.

- Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation: TGE states that the project is an industrial use that is both water-dependent and water-related. As indicated earlier, this is simply untrue.
- Promote use of New York City's waterways for commercial and recreation boating and water-dependent transportation centers: TGE states the Project does not interfere with this policy. This is also incorrect. Both the Williamsburg and Greenpoint 197a plans propose recreational boating activities in the Bushwick Creek Inlet.
- Minimize environmental degradation from solid waste and hazardous substances: TGE states the project would undertake extensive remediation of existing, recognized environmental conditions. However, remediation of the site would take place anyway upon the sale of the property due to the Stipulation between DEC and Texaco Refining & Marketing Inc. regarding Spill # 9804544 dated July, 1988, pursuant to Section 17-0303 of the Environmental Conservation Law & Section 176 of Navigation Law.
- Provide public access to and along New York City's coastal waters: Waterfront access suggested in the PSS is unlikely for security reasons. The Bushwick Creek Inlet is being placed on the New York State Open Space Acquisition List and the Trust For Public Land is working to secure it for use by the public. North 12th Street is a mapped New York City Street. Access to the water at the street end is possible without this project.
- Protect scenic resources that contribute to the visual quality of the New York City coastal area: In this particular case, scenic resources adversely impacted include the views of and from Manhattan.
- Protect, preserve and enhance resources significant to the historical, archaeological and cultural legacy of the New York City coastal area: The proposed project would have a significant negative affect on a significant historic site of national significance immediately adjacent to the north the site of the construction and launch of the Civil War Ironclad Monitor. When built, the surrounding environs on the direct waterfront were primarily open-air ship yards. There are plans underway to designate the original construction yard of the boat's builder, Continental Iron Works, (now occupied by the Continental or "Chimento"

Trucking yard), as a National Park Service Site including a museum and marina. The overwhelming size of the proposed project, as well as the shadow it will cast across the original launch site, will forever destroy the character and scale of the Continental Iron Works site.

Section 9.2.4 Local Waterfront Revitalization Plans – Page 9-6

TGE incorrectly identifies there are six waterfront plans for the area surrounding the project. There are actually 7 plans. The Applicant should also include an analysis of the policies set forth in “The New Waterfront Revitalization Program, A proposed 197a plan” published by the NYC Department of City Planning and adopted by City Council in 1999. TGE also incorrectly indicates that the Greenpoint 197-a plan recommends six sub-areas of the neighborhood to be rezoned, but not including the project site or any abutting parcel. In fact, the Greenpoint plan makes no recommendations for the project site as it is covered in the Williamsburg 197a plan

Modifications made to the Williamsburg 197a plan dated January 17, 2001, read in pertinent part as follows: “Extend Subarea 7 up to N14th Street to include the entire M3-1 district north of the BEDT site. Rezone blocks occupied primarily by light manufacturing uses to M-1...” “The industrial retention principle central to this plan favors high performance light manufacturing uses that are less burdensome to the growing upland communities over heavy manufacturing.” Modifications made on January 26, 2001, read in pertinent part: “Examine the entire M3 district between N14th street and Broadway to determine the nature and level of industrial activity in the area. Rezone, where appropriate, to permit high performance light manufacturing, contextual medium density residential, medium density commercial, and mixed use....”

Moreover, the existing Bayside Oil Terminal parcel has been considered for rezoning. The New York City Comprehensive Waterfront Plan (NYC DCP 92-97) in Summary of Recommendations for Reach 14 item # 18 recommends an M-1 buffer Zone to the north of Eastern District Terminal Site as well, item # 17 recommends an M-1 buffer Zone to the south of the GTM site. It should be noted this plan was prepared 9 years ago, conditions and assumptions underlying those plans have now changed significantly. These changes have been clearly reflected in the meetings held with the Department of City Planning in the review period for the Greenpoint and Williamsburg 197a plans over the past 12 months. During those sessions, the Department of City Planning has consistently encouraged rezoning of the majority of the waterfront to residential with some mixed use and light manufacturing.

TGE also incorrectly states that the Project site is identified as a waterfront manufacturing zoning district. Under “Reach 14: Brooklyn Upper Bay: Summary of Recommendations: Working Waterfront. The Project site is not listed as one for further or future maritime industrial use. See also Map A. 14.

Section 9.2.4.2 Plan for the Brooklyn Waterfront – Page 9-8

TGE relies on the Plan for the Brooklyn Waterfront, to indicate it does not recommend rezoning the project site. However, this plan is now 7 years old. Conditions on the waterfront, most notably the number of industrial business and jobs cited in the document, have changed radically. Moreover, the Task Force believes this plan has been supplemented by the Waterfront Revitalization Program discussed above.

Section 9.3 Open Space and Recreation - Page 9-10

Article X requires an analysis of impacts to recreational areas, as well as alternative use of the proposed site for recreational uses. Brooklyn and particularly the communities of Greenpoint and Williamsburg have one of the lowest ratios of open space in New York State. The analysis of the project should include the impact of the project on this inequity and on the specific proposed future open space - such as those set for the in the Greenpoint and Williamsburg 197-a plans. The Applicant's analysis should be limited to existing open space/recreation areas. Such analysis should examine the alternative use of the project site for recreational uses. Separately, adjacent sites which have the potential for open space and recreational uses should be analyzed for the decreased open space, recreational and ecological value due to the proximity to a power plant. This analysis should include plans by NYS and NYU to construct an athletic/park complex two blocks to the south of the proposed facility and at the "Monitor Site".

Section 9.3.3 Additional Populations - Page 9-11

The study area is too limited. It should be extended to at least one-mile radii.

Section 9.4 Land Use Character and Neighborhood Character – Page 9-11

As discussed in our comments (above) on section 9.1 of the PSS, the Applicant should consult with the Task Force, and DPS and DEC Staff to identify specific neighborhoods and community resources for focused analysis of multiple project impacts. The one-mile area is too limited considering off-site impacts and the character of the community. It should be extended at least two miles.

Section 9.5.1 New York City Zoning Resolution – Page 9-12

Based upon the artist rendering contained in the PSS, the statement regarding the compliance with the maximum Floor Area Ratio may not be accurate. The project appears to cover the majority of the site. The total sum of the area of each enclosed floor may exceed the allowable FAR.

Section 9.7 Decommissioning and Restoration

Because the project site is a contaminated site and the cleanup of such will likely require an engineering/institutional control, the Applicant must include the long-term

monitoring/maintenance requirements as part of its financial analysis

PSS SECTION 10.0 - URBAN DESIGN AND VISUAL RESOURCES

Section 10.2 Existing Urban Setting – Page 10-1

Several of the statements in this section are untrue. The Keyspan natural gas storage tanks have been demolished. The Greenpoint Lumber Exchange has ceased operation and is being sold to a residential developer. The sugar refinery and nearest oil storage tanks are 8 blocks to the south. See comments to Section 2.2.1.

Section 10.3 - Information Requirements and Methodology - Page 10-1

The PSS does not discuss the “methodology which will be used to assess potential visual impacts resulting from the construction and operation of the Project” except by reference to a CEQR technical manual and a NYS DEC policy memorandum - neither of which has been provided to the parties. The summary discussions of these documents in Sections 10.3.1 and 10.3.2 provides no specific information on the type of study which the Applicant will undertake to assess the visibility of the facility. For example, the Applicant does not state whether a digital viewshed simulation will be prepared and if the Applicant intends plan to fly a balloon or erect a crane at the proposed stack height to verify the viewshed. TGE should provide to the parties, for comment, a description of the proposed methodology for determining the areas from which the facility will be visible. If a balloon or crane is used for viewshed verification, interested parties should be notified in advance of the date of the verification.

Section 10.3.2 NYSDEC Visual Resources Policy- Page 10-2

Properties eligible for listing on the National or State Register of Historic Places should include the adjacent site of the construction and launching of the Civil War ironclad “Monitor”

Section 10.3.3 Renderings - Page 10-3

As discussed in the Task Force’s comments on section 7.3.12, the size and frequency of stack plumes may depend on plant operating mode as well as meteorological conditions. The renderings should include depictions of the “worst case” plume under the combination of operating mode and weather most favorable for forming large and visible plumes.

As discussed in the Task Force’s comments on Section 9.1, land use, visual impact, noise, air quality and traffic impact analyses should be coordinated in order to

facilitate a comprehensive analysis of the impacts of the facility on key neighborhoods and community resources. This information should be presented in GIS format. The Task Force, and other interested parties, should be consulted on the selection of locations used for simulated views of the facility to insure adequate coverage of these neighborhoods and community resources.

As appropriate (see comments on section 10.4 below) the Applicant should prepare visual simulations showing facility changes (stack height, cooling system design or location) intended to mitigate visual impacts.

Section 10.4 Initial Impact Assessment and Mitigation - Page 10-3

The plant's exhaust stacks are likely to be the most visible part of the plant in distant views, while the massive air cooled condensers are likely to dominate near field views of the facility. As discussed in our comments on sections 3.3 and 7.3.4, the height of the plant, exhaust stacks and the type and design specifics of the plant's condenser cooling system could significantly affect a variety of environmental impacts, including plant visibility. The application should include a discussion of the potential for mitigating visual impacts through changes in stack height and cooling system design. If such modifications are feasible, and after consultation with the Task Force and other interested parties, the Applicant should prepare renderings of the facility showing stack or cooling system modifications designed to mitigate visual impacts.

The visual impact assessment should include a discussion of night time visual impacts from plant lighting including stack lighting required by the FAA.

As discussed in comments on sections 8.3.2 and 9.2.3, in an urban environment it is likely that some visually sensitive resources are screened from the site by buildings, rather than terrain. The Applicant should assess whether or not views of the facility would be significantly affected by planned changes in land use (the development of parks at the Brooklyn East District Terminal and "Monitor Site" for example). In exceptional cases (where a highly important resource is screened by a single abandoned building for example), it may be appropriate to analyze the visual impact of removing the screening structure, even if there are no current plans to do so.

PSS SECTION 11.0 - NOISE

Section 11.3.1. Input Data and Propagation Model - Page 11-2

The noise analysis should be based on prospective uses in proximity to site – especially recreational/open space and residential uses identified in local plans (i.e., the 197-a plans).

Section 11.4.1 - Construction Noise – Page 11-3

As discussed in our comments on section 2 of the PSS, the application should identify the location of any off-site lay down areas. The noise impacts of activities at off-site lay down areas and parking lots should be analyzed and presented in the application.

Where estimated construction sounds levels are expected to exceed the existing background sound level by more than 10 dBA, the Applicant should establish and implement a mitigation plan to minimize such exceedances.

The Applicant should also analyze noise mitigation measures during construction, including, the use of muffler systems on its construction equipment and construction schedules developed in consultation with the community to minimize noise impacts.

Section 11.4.2 - Operation Noise – Page 11-3

- Noise levels in different operating modes - The application should discuss differences in any of noise levels produced during different operation modes (duct firing, steam injection for peaking, etc.).
- Mitigation - The application should discuss feasible methods of mitigating operating noise. Since operation of air cooled condenser fans is apt to produce significant noise impacts, the application should discuss condenser noise mitigation measures such as changing: the design temperature of the condensers; the size or number of cells; the location of the condensers; or, the size, number or tip speed of fans. If feasible noise mitigation measures would significantly change the size or appearance of the air cooled condensers, the visual impact of such changes should be discussed in the Visual Resources section of the application.

PSS SECTION 12.0 - SOCIO-ECONOMICS**Section 12.2.1 Community - Page 12-1**

This section implies that at least part of the analysis of socio-economic impacts will focus on impacts in Community District One, rather than the city as a whole. However, the PSS is very vague as to what specific types of impacts will be studied at a community, rather than a city-wide, level and what data and methodologies will be used to assess community level impacts. Stipulation 7 makes no mention of any socio-economic impact analysis at the community level.

The Applicant should conduct a preliminary assessment of the data and methodologies available for analyzing the socio-economic impacts of the project on Williamsburg and Greenpoint and prepare for comment by interested parties a proposal for community level analysis of socioeconomic impacts. These studies should be

presented in GIS format.

Such socio-economic study should compare the proposed economic benefits with those that would exist if the property were converted to M-1 “light industrial” uses similar to others in the area. Study should assume construction of new buildings to the maximum allowed F.A.R. for an M-1 zone, and assume maximum occupancy by companies ranging from 5,000sf to 15,000sf. This study should also take into account the socio-economic impacts if the proposed facility halts proposed residential development in the area.

PSS SECTION 13.0 - TRAFFIC AND TRANSPORTATION

Section 13.2.1 - Data Collection and Analysis – Page 13-1

This section of the PSS includes a list of seven streets and five study intersections for which data will be collected and for which impact analyses will be conducted. However, the PSS does not include any explanation of why those streets and intersections were selected for study. The Applicant should provide the parties with the data and analyses it used to conclude that these intersections, and only these intersections should be studied. Parties should be given an opportunity to review and comment on this material before the Applicant makes a final selection of study intersections.

PSS SECTION 14.0 - SOILS GEOLOGY AND SEISMOLOGY

No comments at this time.

PSS SECTION 15.0 - WATER RESOURCES

No comments at this time.

PSS SECTION 16.0 - CUMULATIVE IMPACTS

Information to be Used in Cumulative Impact Study - Page 16-1

As the Task Force understands this section of the PSS, TGE proposes to analyze the cumulative impact of its proposed facility, NYPA peaking plants and proposed power plants for which an Article X application has been submitted to the Siting Board and certified by the Chairman of the Board as being complete and in compliance with Article X regulations and any applicable stipulations. However, a large number of plants have been proposed under Article X and the status of these proposals changes frequently. It is

unclear how TGE's proposed studies would deal with the dynamic nature of Article X. Does TGE propose to limit the study of cumulative impacts to Article X cases that have been docketed on the day stipulation 12 is signed? Conversely, is TGE proposing to include information filed with the Siting Board the day before TGE files its application?

The Task Force believes that it is important that the Siting Board be provided with the most current information available on the cumulative impacts of proposed generation facilities. We propose a two step process:

TGE should include in its application a cumulative impact analysis which includes all relevant information which was publicly available thirty days prior to the submission of its application on all Article X application which had been filed (whether or not docketed) within 60 days prior to the filing of the TGE application.

TGE should commit to preparing a supplement to the cumulative impact analysis which will update cumulative analysis to reflect developments in other Article X cases. The date for submittal of the supplement should be set by the presiding examiner at the time a hearing schedule is established. Thus, this important aspect of the stipulations should be developed further. This information should be presented in GIS format.

The Task Force notes that in 1991, DEC declared Greenpoint/Williamsburg the most polluted community district [4.8 sq miles] in the United States. Because of this they established an Environmental Benefits Fund Project to fight the existing burdens, and to gather City, State and Federal data to aid in changing the community. DEC & DEP were clear sponsors and facilitators of this project.

COMMENTS ON PROPOSED STIPULATIONS

Stipulation No.1 - Air Quality and Meteorology

Section 2(e) and 2(h):

As discussed in the Task Force comments on PSS sections 7.3.12 and 10.4, the optimum stack height to mitigate visual and other impacts is likely to become an issue in this case. This stipulation should be modified to provide for one or more additional runs of the dispersion model at alternate stack heights if necessary to evaluate the air quality impacts of measures proposed to mitigate visual impacts. The Task Force envisions that such additional modeling, if necessary, would take place during the discovery period and after consultation with interested parties.

As discussed in comments on PSS sections 7.3.4, 9.1 and 9.4, the Task Force believes that it is desirable to coordinate the analysis of various environmental impacts, including localized concentration of air pollutants, likely to affect specified neighborhoods and community resources in Williamsburg and Greenpoint. These neighborhoods and community resources would be specified after consultation with the Task Force and other interested parties. The stipulation should specify that, to the extent practicable, dispersion modeling results should report impacts at receptor points associated with these neighborhoods and resources.

Section 4 - Stack Plume visibility:

The visibility analysis shall consider the effects of both operating modes and weather on stack plume visibility.

Stipulation No.2 - Cultural Resources

Sections 1 (a) and 3:

As discussed in the Task Force's comments on PSS section the Archeological reconnaissance and unexpected discovery plan should include an assessment of the likelihood of encountering submarine artifacts and a plan for assessing submarine artifacts if encountered.

Section 4 (c):

As discussed in the Task Force's comments on PSS sections 8.3.2 and 10.4 the analysis of impacts should consider the impact of planned changes in land use on the visibility of the facility from historic resources, including the "Monitor Site".

Stipulation No. 3 - Electric Transmission Facilities

No Comment at this time.

Stipulation No.4 - Project and Fuel Reliability and Mitigation Alternatives

No Comments at this time.

Stipulation No.5 - Land Uses and Local Laws

Section 2:

As discussed in the Task Force's comments on PSS sections 9.1 and 9.4, three new parts should be added to this stipulation:

- The application to be submitted will include a description of recent trends in land use, economic base, demographics and income in the Greenpoint and Williamsburg communities
- In consultation with the Task Force, DPS and DEC and other interested parties, the Applicant will identify key neighborhoods and community resources likely to be affected by multiple project impacts (traffic, air quality, noise, visual impacts, etc.).
- For each key neighborhood or community resource identified, the application to be submitted will include a summary (based on studies conducted subject to other stipulations) of all localized project impacts affecting that neighborhood or community resource. Based on this summary, a qualitative assessment of the compatibility of the Project with each specified neighborhood or community resource will be provided.

Section 4:

As discussed in our comments on section 9.1.1 of the PSS, the application should include a table showing the date of each plan cited and whether or not the plan is under revision or scheduled for revision and the compatibility of the project with those plans.

Stipulation No.6 - Noise

Section 1 -

- **Off- site lay down areas** - As discussed in The Task Force's comments on PSS section 11.4.1, This section of the stipulation should indicate that the location of all off-site lay down areas and construction parking lots. Subsequent sections of this stipulation should be modified to include an evaluation of the noise impacts of activities at off-

site lay down areas and parking lots.

- **Coordination with Land Use Analysis of Key Neighborhoods and Community Resources.** - As discussed in The Task Force's comments on PSS section 9.1 and 9.4, it is desirable to coordinate the evaluation of various project impacts on key neighborhoods and community resources. This stipulation should be modified to indicate that all key neighborhoods and community resources within the area of potential noise impact will be identified on the map and evaluated as noise receptors.

Stipulation No.7 - Socioeconomics

As discussed in the Task Force's comments on PSS section 12.2.1, this stipulation should be modified to clearly indicate which socioeconomic impacts will be studied and reported at a community rather than a city-wide basis. These studies should be presented in GIS format.

Stipulation No.8 - Soils, Geology and Seismology

No comment at this time.

Stipulation No.9- Traffic and Transportation

Section 2:

As discussed in the Task Force's comments on PSS section 13.2.1, the Applicant has identified seven roadways and five intersections for study but has not explained how it concluded that these were the appropriate roadways and intersections for study. Before finalizing this stipulation, TGE should provide interested parties with a brief analysis showing why these roadways and intersections, and no others, should be evaluated in the traffic study. TGE should consult with the Task Force on the methodology for these studies.

Stipulation No.10 - Aesthetics and Visual Resources

Section 2(h):

As discussed in the Task Force's comments on PSS section 10.3.3, in addition to the proposed analysis of expected warm and cold season stack plumes, the application should contain an analysis of worst case stack plumes.

Section 2(i):

As discussed in the Task Force's comments on PSS section 10.43, the

mitigation measures addressed should include lowered stack heights and as discussed in the Task Force's comments on PSS section 3.3, reductions in the height or bulk of the air cooled condensers.

Section 4(a):

- **Methodology** - As discussed in the Task Force's comments on PSS section 10.3 this section of the stipulation should include a much more complete description of the methodology that TGE will use to prepare and verify the viewshed map.
- **Viewshed** - The Task Force believes that it is inappropriate to limit the viewshed study area to one mile particularly given the sites location on the water. The stipulation should extend the viewshed study area to three miles.
- **Coordination with other studies** - As discussed in the Task Force's comments on PSS sections 9.1 and 10.3.3 and stipulation 5 section 2, the Task Force believes that it is important to coordinate those portions of the Applicants studies that deal with impacts likely to affect key neighborhoods and community resources. The stipulation should state that key neighborhood and community resources will be shown on the viewshed map and evaluated in the field. Photographs should be taken from these locations to document existing views towards the project.
- **Planned Land Use Changes** - As discussed in the Task Force's comments on PSS section 10.4, the stipulation should commit the Applicant to reviewing planned land use changes to determine if the removal of structures currently screening visually sensitive resources is planned or reasonably foreseeable. If so, the application should address the impact of such changes on the view of the facility.

Additional Section to be added to stipulation:

Section 5 of the stipulation implies that the Applicant will prepare visual simulations. However, at no point does the stipulation explicitly state that simulations will be prepared or describe the methodology which will be used to prepare these simulations. A new section should be added before section 5 to correct this oversight.

As discussed in the Task Force's comments on PSS section 10.4, in addition to the simulations prepared for the application, TGE should commit itself to preparing additional simulations, after consultation with the parties, if visual mitigation alternatives not currently under consideration emerge during the Article X proceedings.

Section 5:

The Task Force should be added to the list of parties consulted about the selection of visual simulation locations.

Stipulation No.11 - Water Resources

The Task Force proposes a new paragraph in the stipulations to address the impact of the proposed project on the flooding problems in the area.

Stipulation No.12 Cumulative Impacts**Inconsistency with PSS section 16.0/Quantification of Impacts:**

Paragraph 1 of Stipulation 12 states that (with the exception of air quality, electric transmission, fuel availability and production modeling studies detailed in stipulations 1,3 and 4) the study of cumulative impacts will be “qualitative in character”. However section 16.0 of the PSS clearly anticipates that some water quality impacts (consumptive water use and supply and waste water discharge to municipal treatment plants) will be quantified. This section of the PSS also implies that cumulative noise and traffic impacts will be quantified.

While not discussed in PSS section 16.0, the Task Force believes that it would also be feasible and desirable to quantify the cumulative land use and socioeconomic impacts of multiple projects in the same area.

Stipulation 12 should be modified to indicate that the cumulative impact study will be “quantitative in all cases where a significant impact can be reasonably anticipated and where data for a quantitative analysis is available.”

Impacts omitted from Consideration:

Paragraph 1 of stipulation 12 includes a list of topics to be considered in the cumulative impact analysis. The Task Force believes that this list is incomplete. The Applicant proposes to limit the analysis of cumulative visual impacts to historic resources. The Task Force believes that the study of cumulative visual impacts should be extended to include other visually sensitive areas identified in Stipulation 10. The list of topics to be considered in the analysis should be expanded to include socioeconomic impacts, and the environmental impacts of gas, electric and steam transmission and ancillary facilities which must be constructed or upgraded as a result of the construction of multiple power plants.

Additional Stipulations Required**Stipulation No.13 - Safety and Protection Systems**

As mentioned in the Task Force's comments to the PSS Section 2.3.5. a new stipulation is required to address if the site offers proper security conditions for energy generation under the present conditions.

Stipulation No. 14 - Cooling Technology Alternatives

As discussed in The Task Force's comments on PSS section 3.3, TGE should prepare a stipulation which details that studies it will conduct of cooling technology alternatives and the material on cooling technology alternatives to be included in the application.

Stipulation No. 15 - Environmental Impacts of Off-site Interconnects and System Reinforcements

As discussed in The Task Force's comments on PSS section 6.0, the Applicant should prepare a stipulation which details the studies it will undertake of the environmental impacts of the proposed cross river steam line and of other off-site gas, oil, water, sewer and electric interconnects and of any off-site reinforcements of the steam, water, gas, oil, water or sewage systems required as a consequence of the construction of the proposed facility.