

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
1	2/26/2019	Laura Burkhardt	1	Project Need	8	8	The scoping document should include the New York Independent System Operator (NYISO) report issued December 13, 2017, [1] as an exhibit and address the following issues in relation to the Danskammer proposal. The NYSIO assessment referenced above mentions three major generation facilities currently under construction that were included in the base case for the assessment (Bayonne Energy Center II Uprate, CPV Valley Energy Center, and Cricket Valley Energy Center). But nowhere in the assessment does it mention a full-time operational Danskammer plant being needed as a generation facility, even with the closing of Indian Point. The Scoping document should require a study/assessment (and/or exhibits) to verify its claim that the new Danskammer plant is needed; this claim should not be based solely on the profit motive for the investors.	The Article 10 Application as a whole will describe the purposes and public need of the repowering project. Application Exhibit 8, Electric System Production Modeling, will provide an analysis of the estimated average annual and monthly production output of the facility, after consideration of existing facilities, which will require review and assessment of all relevant studies, including any relevant studies performed by the New York Independent System Operator.
2	2/26/2019	Laura Burkhardt	2	Project Need	8	8	The NYSIO assessment referenced above does not take into account the 150 MW demand reduction achieved by Con Edison as a result of the PSC order issued under Case 12-E-0503. This order specified that the plan should consider, among other things, distributed renewable generation, demand response, and combined heat and power projects.[2] Con Ed's plan called for 100 MW of permanent demand reduction through energy efficiency and demand reduction (EE/DR) and an additional 25 MW through combined heat and power. Through Quarter One of 2018, committed and achieved EE/DR and CHP projects in the plan account for approximately 151.5 MW, which significantly exceeds the 125 MW program goal.[3] The Scoping document should require a study/assessment (and/or exhibits) to address how these demand reductions affect the need for the new Danskammer plant.	The Article 10 Application as a whole will describe the purposes of and public need for the repowering project. The analysis in Application Exhibit 8, Electric System Production Modeling, will consider the relevant existing conditions, or the base case at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation, including any relevant distributed generation, demand response or combined heat and power projects.
3	2/26/2019	Laura Burkhardt	3	Project Need	8	8	The NYISO assessment referenced above does not take into account the AC transmission upgrades ordered under PSC Case 12-T-0502 to provide additional transmission capacity to move power from upstate to downstate.[4] The proposed improvements to UPNY/SENY (a collection of transmission lines on which power flows from Upstate New York to Southeast New York) must provide a minimum 900 MW increase to the UPNY/SENY interface transfer capability.[5] The in-service date for the selected projects is April 2023.[6] The Scoping document should require a study/assessment (and/or exhibits) to address how these transmission improvements affect the need for the new Danskammer plant.	The Article 10 Application as a whole will describe the purposes and public need of the repowering project. The analysis in Application Exhibit 8, Electric System Production Modeling, will consider the relevant existing, or base case, conditions at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation, including any relevant transmission improvements.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
4	2/26/2019	Laura Burkhardt	4	Project Need	8	8	The NYISO assessment referenced above does not take into account a reduction of 5,000 MW in peak demand from 2008 to 2017; the NYISO attributes this reduction to solar energy and energy efficiency.[7] Additionally, in December 2018 the Public Service Commission (PSC) approved an order to scale up energy efficiency in homes and businesses by 3% [8]. The Scoping document should require a study/assessment (and/or exhibits) of how this increase in energy efficiency affects the need for the new Danskammer plant.	The Article 10 Application as a whole will describe the purposes of and public need for the repowering project. The analysis in Application Exhibit 8, Electric System Production Modeling, will consider the relevant existing, or base case, conditions at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation.
5	2/26/2019	Laura Burkhardt	5	Project Need	8	8	The NYISO assessment referenced above does not mention the Hudson Transmission Partners Cable. This cable, referred to as the Hudson Project or HTP, is a 660 MW electric transmission link between New York City and PJM Interconnection in Ridgefield, NJ. Its main purpose is to provide a new source of electric power for the New York City customers of the New York Power Authority (NYPA).[9] NYPA contracts for 87 percent of HTP's transmission capacity, or up to 575 MW.[10] This line has underperformed since it opened in 2013; in May 2015 New York reported the line did not deliver electricity 73.6 percent of the time between April 2014 and April 2015. For roughly 24 percent of the time it delivered less than 99 MW.[11] So several hundred additional MW could be available from this line using existing generation facilities. The Scoping document should require a study/assessment (and/or exhibits) of how this additional electricity available from Hudson Transmission affects the need for the new Danskammer plant.	The Article 10 Application as a whole will describe the purposes of and public need for the repowering project. The analysis in Application Exhibit 8, Electric System Production Modeling, conditions at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation, including any relevant transmission capacity.
6	2/26/2019	Laura Burkhardt	6	Project Need	8	8	In the Conclusions section the NYISO assessment referenced above states "In the absence of the expected new generation facilities currently under construction, resource needs ... would need to be met by one or more types of solutions including generation, transmission, energy efficiency, and demand response measures. From References 2-11 cited above, it appears that several of these types of solutions are already on the way to being completed. The Scoping document should require that this information regarding completed or soon-to-be completed solutions be incorporated into the explanation for the claim that the new Danskammer plant is needed.	The Article 10 Application as a whole will describe the purposes and public need of the repowering project. The analysis in Application Exhibit 8, Electric System Production Modeling, will consider the relevant existing, or base case, conditions at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
7	2/26/2019	Laura Burkhardt	7	Project Need	8	8	It is important to know the amount of electricity that Indian Point actually put into the New York State grid over at least the past 10 years (i.e., at least from 2008 onward). Although Indian Point's two operating reactors can generate about 2000 MW of electricity, the amount of its electricity that goes into the New York State grid is considerably less than this; therefore the amount of energy that must be replaced in New York State is less than 2000 MW. As you undoubtedly know, Entergy decided to close Indian Point because it was not profitable – it could not sell enough of its electricity. The amount of electricity that Indian Point put into the grid should include both contracted amounts and amounts sold through the NYISO auctions. The Scoping document should require that these figures be obtained (from NYISO or elsewhere) and included in the explanation of why more generation capability (and therefore the new Danskammer plant) is needed in the Lower Hudson Valley.	The Article 10 Application as a whole will describe the purposes of and public need for the repowering project. The analysis in Application Exhibit 8, Electric System Production Modeling, will consider the relevant existing, or base case, conditions at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation.
8	2/28/2019	Ulster County Environmental Management Council	1	Exposure of Danskammer Site to expected sea level rise of the Hudson River	1.7.5	15	The documents offered by Danskammer Energy fail to address or consider the risks due to sea level rise, storm surge, and flooding. FEMA flood maps are an inadequate measure of sea level rise. Danskammer Energy has not recognized the risk inherent of the sea level rise and storm surges in its planning for the Danskammer site. Full consideration and assessment of sea level rise should be included in its Article 10 Application.	The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed facility in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.
9	2/28/2019	Ulster County Environmental Management Council	2	Storage Tanks	3.2.3	15	Section 3.2.3 of the PSS, titled, "Potentially Significant Adverse Impacts and Information Required for Evaluation," states, "It is expected that some hazardous materials such as ultra-low sulfur diesel fuel, lubrication oil, and natural gas will be required for construction and operation of the Project. Release of these substances into the environment can pose a threat to public health and safety." But this section does not include a discussion about dismantling of the existing fuel tank and disposal of up to 610,000 gallons of fuel oil. The plans to remove the existing fuel tank need to be explicitly included in the Article 10 Application.	The Article 10 Application, particularly Exhibit 15, Public Health and Safety, will provide a discussion of the manner in which waste will be collected, storage and disposed. This analysis will include any decommissioning of existing storage tanks.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
10	2/28/2019	Ulster County Environmental Management Council	3	Dismantling of existing fuel oil tanks	3.2.3	15	Based on similarly sized generators, Danskammer might need on-site storage for up to a million gallons of diesel to satisfy NYISO's dual fuel requirements. The Preliminary Scoping Statement recognizes the need for alternative fuel storage, however, the PSS does not identify its location nor capacity. A site plan for fuel storage and a discussion of the resiliency of this storage in anticipation of flooding, sea level rise, and storm surges needs to be included in the Article 10 Application.	The location of any new fuel storage tank(s) will be provided in Application Exhibit 11, Preliminary Design Drawings. Application Exhibit 15, Public Health and Safety, will describe the location of the Project facility, including any new storage tank(s), in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.
11	3/14/2019	Doreen Tiganelli	1	Document Formatting	4.2.1	NA	Table of Contents contains a typo in 4.2.1 "No Action Alternative" and is repeated in Section 4.2, Alternatives to be Evaluated, 4.2.1 No Action Alternative".	Comment noted.
12	3/14/2019	Doreen Tiganelli	2	Socioeconomic Impacts	1.2	27	1.2 Brief Description of the Proposed Project states the project will "provide numerous jobs during the construction period". It is unclear how many of those "numerous" construction jobs will actually be filled by local residents. Such construction projects are often contracted out to non-local companies resulting in local residents experiencing the negative impacts and none of the supposed benefits.	An estimate of the Project's anticipated average and peak construction workforce will be provided in Application Exhibit 27, Socioeconomic Effects. Exhibit 27 will also provide Danskammer's projections as to the number of these jobs that will be from the region. As stated in Section 5.2.2(F) of the PSS, Danskammer will strive to hire as many local employees to fill those anticipated construction jobs as possible.
13	3/14/2019	Doreen Tiganelli	3	Air Emissions	1.3	17	1.3 Project Purpose and Benefits states new plant emissions on a per megawatt-hour basis "could be" over 40% lower than the existing plant and carbon emissions "could be" as low as 50% of recently proposed NYS Department of Environmental Conservation limits for existing power plants. Aside from the nebulous "could be" claims, it is unclear if there will be an overall increase in emissions from the new plant with its expanded run time.	Application Exhibit 17, Air Emissions, will provide an analysis that includes estimates of the anticipated air emissions from the Project. Application Exhibit 8, Electric System Production Modeling, will also provide estimates of statewide levels of SO2, NOx and CO2 emissions, both with, and without the proposed Project.
14	3/14/2019	Doreen Tiganelli	4	Land Use	1.6	4	1.6 Overview of Environmental Setting appears to be misleading when it refers to a "scattering" of residential buildings within a mile of the site as there are numerous single-family houses along River Road as well as Old Post Road.	Comment noted. Danskammer will review the number of residential homes and businesses within one mile of the proposed Project facilities for purposes of evaluating the Project's compatibility with existing land uses in the vicinity of the Project site. Other studies and analyses to be performed and included in the Article 10 Application will assess impacts on residences located within a certain distance from the Project, including but not limited to those to be included in Application Exhibit 19, Noise and Vibration, and Exhibit 24, Visual Impacts.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
15	3/14/2019	Doreen Tiganelli	5	Terrestrial Ecology and Wetlands	1.7.5	22	1.7.5 Environment, states "The Project facility's footprint has been developed to avoid impacts to wetland areas to the greatest extent practicable" but it is unclear what the impacts might be. A table identifying aquatic resources and size of temporary and permanent impacts to wetlands, wetland buffers, streams and stream buffers should be added.	Application Exhibit 22, Terrestrial Ecology and Wetlands, will provide a map showing delineated wetland boundaries as well as a quantification of the temporary and permanent impacts, if any, to such wetlands and their regulated adjacent areas. Application Exhibit 23, Water Resources and Aquatic Ecology, will similarly map surface waters in the immediate vicinity of the Project and provide an analysis of any impact from the Project to such features.
16	3/14/2019	Doreen Tiganelli	6	Socioeconomic Impacts	2.1	27	2.1 Introduction states the new plant will provide "tax benefits into the future". While tax revenue is often touted when a project is proposed, it is highly likely that the company will, sometime in the future, seek a tax certiorari which, if successful, lowers taxes paid by the company, resulting in a higher tax rate for residents of the town and school district, such as was the case with the existing plant.	As stated in Section 5.2.2(H) of the PSS, Danskammer anticipates entering into a Payment in Lieu of Taxes Agreement with the Orange County Industrial Development Authority for the Project, as it has done for the existing plant, and under which it would pay an agreed upon amount of tax payments each year, over a specified period of years, to each of the applicable taxing jurisdictions. Application Exhibit 27, Socioeconomic Effects, will contain a full assessment of the direct and indirect social and economic effects during construction and operation of the Project.
17	3/14/2019	Doreen Tiganelli	7	Federal Permitting	3.7.2	33	3.7.2, B. AQUATIC AND WETLAND COMMUNITIES, Quarry Pond. The USACE has not been formally consulted yet the statement is made that two ponds "are likely not" under the jurisdiction of the USACE. A jurisdictional determination by the USACE is necessary.	Comment noted. Danskammer intends to consult with the USACE regarding the existence of jurisdictional wetlands on the Project site. Application Exhibit 33, Other Applications and Filings, will include all such consultation as of the date of the filing of the Application.
18	3/14/2019	Doreen Tiganelli	8	Federal Permitting	3.7.2	33	3.7.2, B. AQUATIC AND WETLAND COMMUNITIES, Ditch/artificial intermittent stream, states "A small ephemeral stream flows southeast along the western boundary of the Project site before emptying into the Hudson River". It is possible that this stream is a federal wetland regulated by the USACE and should be included in a USACE jurisdictional determination/	See response to Doreen Tiganelli Comment No. 7.
19	3/14/2019	Doreen Tiganelli	9	Federal Permitting	3.7.2	33	3.7.2, C. WETLAND RESOURCES, USACE Waters and Wetlands, references "two quarry ponds on-site". As previously stated, a jurisdictional determination by the USACE is necessary.	See response to Doreen Tiganelli Comment No. 7.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
20	3/14/2019	Doreen Tiganelli	10	RTE Species	3.7.2	22	3.7.2, D. RARE SPECIES AND OTHER WILDLIFE references November 2018 site visit. Mapping of plant and animal life should take place over a range of seasons at optimal times, in the field.	In addition to the November 2018 site visit, Danskammer plans to conduct a second site visit in 2019. Application Exhibit 22, Terrestrial Ecology and Wetlands, will provide a discussion of all of the surveys performed and data collected at the Project site. Survey and data collection methodology will adhere to applicable NYS Department of Environmental Conservation regulations and guidance and standard best practices.
21	3/14/2019	Doreen Tiganelli	11	RTE Species	3.7.2	22	3.7.2 , D. RARE SPECIES AND OTHER WILDLIFE, Indiana Bat, states there should be no impacts to bats as tree-clearing will occur during winter months. This does not address the long-term impacts of habitat loss and its effect on Indiana bat population which exhibits roost site fidelity.	Danskammer will consult with appropriate federal and state wildlife agencies regarding this species and present the results in Application Exhibit 22, Terrestrial Ecology and Wetlands. Exhibit 22 will include a full assessment of the impacts of the Project on wildlife and vegetation (terrestrial ecology), including potential loss of habitat and roosting, if any, with respect to any identified rare, threatened or endangered species of wildlife.
22	3/14/2019	Doreen Tiganelli	12	RTE Species	3.7.2	22	3.7.2 , D. RARE SPECIES AND OTHER WILDLIFE, Northern Long-eared Bat, states there should be no impacts to bats as tree-clearing will occur during winter months but this does not address the long-term impacts of habitat loss.	Danskammer will consult with appropriate federal and state wildlife agencies regarding this species and present the results in Application Exhibit 22, Terrestrial Ecology and Wetlands, which will include a full assessment of the impacts of the Project on wildlife and vegetation (terrestrial ecology), including potential loss of habitat, if any, with respect to any identified rare, threatened or endangered species of wildlife.
23	3/14/2019	Doreen Tiganelli	12	Traffic and Transportation	3.10.3	25	3.10.3 Potentially Significant Adverse Impacts A. DURING CONSTRUCTION , states "Access to the site will be from River Road onto Danskammer Road". River Road is a residential road that all trucks must travel on to access the project site. While 9W and I-84 are included in Table 3.10-1. Traffic Volumes Annual Average Daily Traffic (AADT), it is unacceptable that River Road is not. River Road - not including the section of River Road south of the project site that is restricted to truck traffic (see 3.10.2 Existing Conditions A. Roadway Network) - must be included in Table 3.10-1 so an accurate assessment of impacts to residents during this 30 month project can be made.	The comment references Sections 3.10.2 and 3.10.3 of the PSS. As stated in Section 3.10.4 of the PSS, Danskammer intends to complete traffic counts at two locations along River Road and will present the results of this study in Application Exhibit 25, Effect on Transportation, which will include a full assessment of the Project's potential impacts on traffic and transportation.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
24	3/14/2019	New York Public Interest Research Group	1	Alternatives	1.1	9	In the introduction of the PSS, section 1.1, Danskammer mentions "renewable energy" as a portion of the \$15 billion they have made in energy investments. If Danskammer has the capacity and knowledge to generate clean, green renewable energy, they should be sent back to the drawing board and re-submit a proposal that does exactly this, similar to what recently happened with Glidepath in the Town of Ulster.	Consistent with the Siting Board regulations at 16 NYCRR § 1001.9(g), the alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, reasonable renewable energy supply source alternatives that are feasible, considering Danskammer' s objectives and capabilities as a private facility applicant. Additionally, Danskammer need not consider alternatives on sites that it does not own or control (16 NYCRR § 1001.9(a)). Danskammer will evaluate any reasonable renewable energy supply source alternatives in Exhibit 9 using the criteria set forth in Siting Board regulations at 16 NYCRR § 1001.9(h).
25	3/14/2019	New York Public Interest Research Group	2	Consistency with Energy Planning Objectives	1.4	10	In 1.4.1 of the PSS, Danskammer discusses New York's energy plan. They claim "Power sources, such as wind and solar facilities, do not produce power 24 hours a day and therefore cannot be relied upon to fully meet demand when demand spikes." They accuse New York of being ambitious, but the reality is that Danskammer has to be more innovative. Again, to cite Glidepath in the Town of Ulster, battery storage solves the problem that Danskammer mentions here. Technology is readily available to make wind and solar reliable twenty-four hours a day. If Danskammer refuses to join the twenty first century energy revolution because they can make more of a profit off of fossil fuels that destroy our planet, then that should fall on them, not the general public. Further in this section, they tout that this project will produce 50% of the NY DEC recently proposed carbon emission limits. Governor Cuomo just proposed for New York's electrical system to be 100% carbon neutral by 2040, which is roughly half of the amount of time that Danskammer is seeking permission to operate. The project does the exact opposite of their claim to help New York achieve their carbon reduction and renewable energy goals.	Danskammer notes that a portion of this comment contains the commenter's opinion on the Project rather than comments on the PSS, and therefore, it will not respond to that portion of the comment. The Article 10 Application as a whole will describe the purposes of and public need for the repowering Project. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development and contribute to a reduction in air emissions Statewide.
26	3/14/2019	New York Public Interest Research Group	3	Consistency with Energy Planning Objectives	2.16	10	Section 2.16 of the PSS states that "The Project has an estimated useful economic life of approximately 30 years, at which time the Project will be decommissioned or repowered." Operating a fracked gas/diesel plant until 2053 clearly contradicts Governor Cuomo's proposed Green New Deal (GND), mandating 100% clean power by 2040. Is it still usefully economic if operations are seized in 2040?	The Article 10 Application as a whole will describe the purposes of and public need for the repowering Project. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project, including its anticipated future operations, is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
27	3/14/2019	New York Public Interest Research Group	4	Alternatives	2.13	9	The PSS goes on to propose using diesel fuel as a backup power source for 720 hours per year in Section 2.13. 2.7. Regardless of how methane, or fracked gas, may be defined under New York State definition of clean power, diesel will certainly not fit this requirement. Burning diesel contributes to poor air quality which will pose health risks to surrounding community members, but storage is also something to consider.	As set forth in Section 2.7 of the PSS, diesel fuel would only be utilized as necessary for emergency and reliability reasons, when the proposed facility's primary fuel source is unavailable. Providing back-up fuel capability maintains the electrical grid's reliability if natural gas supplies are disrupted or needed to meet residential heating or other demands. Danskammer has proposed to model diesel fuel use for up to 720 hours per year as is standard for these type of facilities, however such period would be considered the outer limit as to what might be utilized, and again, such back-up fuel would only be utilized in cases of emergency or for reliability reasons. The alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, the reasonable renewable energy supply source alternatives that are feasible, considering Danskammer' s objectives and capabilities as a private facility applicant.
28	3/14/2019	New York Public Interest Research Group	5	Backup Fuel	3.2.3	37	In addition, on-site diesel storage poses the risk of a spill, which could lead to the contamination of the Hudson River, surrounding groundwater and surface water, which will ultimately make its way to our municipal drinking water systems. Over 600,000 gallons of diesel would be stored on site. Fuel spills large enough, end up stressing municipal water infrastructure systems, and the public ends up paying for maintaining these systems. Newburgh is currently facing a water crisis, we do not need to further jeopardize public health and access to fresh water.	As set forth in Section 2.7 of the PSS, the current Project design includes on-site fuel storage to be used only as needed for emergency or reliability reasons. Application Exhibit 37, Back-up Fuel, will provide a thorough description, consistent with NYS Department of Environmental Conservation requirements, of the secondary containment structures proposed to be constructed around back-up fuel tank(s) as well as any off loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills. Also, as stated in Section 3.2.3 of the PSS, the Project will have a "Spill Prevention, Control and Countermeasure Plan."



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
29	3/14/2019	New York Public Interest Research Group	6	Air Emissions	3.2.2	17	In Section 3.2.2, Danskammer works to validate the fact that they will be in compliance with New York State Department of Environmental Conservation ("NYS Department of Environmental Conservation") as well as other applicable federal, state and local approvals and licenses required to operate the facility including a State Pollutant Discharge Elimination System ("SPDES") permit and a NYS Department of Environmental Conservation Major Oil Storage Facility ("MOSF") License due to the fact that they already hold a valid Title V operating air permit and these other permits, as the existing facility already operates as an electric generating station. The existing facility will increase emissions overall and currently does not burn diesel as a backup fuel, therefore, their current Title V permit and other permits will no longer be valid under the proposed expansion. Danskammer needs to re-apply for their Title V and all other permits for approval of the Project. In addition, 3.2.2, which addresses Existing Public Health and Safety Characteristics, will need to be updated to include an independent study regarding the Project's contribution to climate change, and the impact it will have on public health and safety, as both methane leakage and the burning of diesel are major contributors to the warming of the planet.	Application Exhibit 17, Air Emissions, will provide an evaluation of the Project's compliance with applicable federal, state, and local laws and regulations regarding air emissions, including but not limited to an analysis of the impact of the Project on air quality in terms of air pollutant concentrations at certain receptor points and the Project's potential impact on greenhouse gas emissions, using the procedures outlined in the July 15, 2009 Draft NYS Department of Environmental Conservation Commissioner's Policy. Application Exhibit 16, Pollution Control Facilities, will contain copies of applications for permits to be issued by the NYS Department of Environmental Conservation, including the Title V air permit, as well as a representation of proposed handling, storage and disposal of all fuel waste byproducts as a result of construction and operation of the facility. Application Exhibit 7, Natural Gas Power Facilities, and Exhibit 36, Gas Interconnection, will further describe the Project's natural gas facilities and gas interconnection.
30	3/14/2019	New York Public Interest Research Group	7	Greenhouse Gases	3.3.1.4	17	The last section NYPIRG would like to address is 3.3.1.4, Green House Gas (GHG) Emissions. Danskammer will continue to import fracked gas from out of state to generate electricity. Fracked gas contains methane (CH4), which is roughly thirty times more potent than Carbon Dioxide (CO2) as a heat trapping gas. Section 3.3.1.4 doesn't recognize CH4 as a GHG, although "natural" gas contains CH4, and will be the primary source of conducting electricity for the Project. CH4 leaks during the mining process, the transportation process and on site. Before Danskammer files their Article 10 application, they need to address CH4 as a GHG, and they need to be required to submit to you a peer-reviewed study that cites how much CH4 will leak into the atmosphere during the mining, transportation and on-site generating processes, and how much of an impact it will have in accelerating climate change.	As explained in Section 2.7 of the PSS, the proposed Project will use the existing natural gas transmission system for the delivery of natural gas. Application Exhibit 7, Natural Gas Power Facilities, and Exhibit 36, Gas Interconnection, will further describe the Project's natural gas facilities and gas interconnection. The analysis in Application Exhibit 17, Air Emissions, will also provide an analysis of the impact of the Project's operations on greenhouse gas emissions, among other things.
31	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	1	Traffic and Transportation	3.10	25	A description of the rail use by the existing facility and use by the proposed project should be provided in Exhibit 25 of the Article 10.	Comment noted. Application Exhibit 25, Effect on Transportation, will include this information.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
32	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	2	Traffic and Transportation	3.10	25	The existing number of employees and traffic generated by the facility should be determined and used for comparison to the proposed project, identifying the volume of trips and hourly distribution.	Comment noted. As required under 16 NYCRR § 1001.25(b), in Application Exhibit 25, Effect on Transportation, Danskammer will provide a description of pre-construction characteristics of the roadways, including existing number of employees using the roadways and traffic generated by the same.
33	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	3	Traffic and Transportation	3.10	25	The Town of Newburgh Planning Board should be contacted to identify any other pending or projects under construction to be considered in the future traffic analysis of the project.	Comment noted. Danskammer will contact the Town of Newburgh Planning Board to identify any other pending or projects under construction to be considered in the future traffic analysis of the project. The results of this consultation will be included in Application Exhibit 25, Effect on Transportation.
34	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	4	Traffic and Transportation	3.10	25	The project appears to have access through the Roseton Generating Station via Danskammer Road. Clarification of which end of Danskammer Road will be used by employees, deliveries, and construction should be provided.	Comment noted. Application Exhibit 25, Effect on Transportation, will provide information on which end of Danskammer Road will be used by employees, deliveries, and construction.
35	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	5	Traffic and Transportation	3.10	25	A 24-hour count including vehicle classification of River Road should be provided.	A 24-hour count including vehicle classification of River Road will be provided and presented in Application Exhibit 25, Effect on Transportation.
36	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	6	Traffic and Transportation	3.10	25	Trip generation estimates for the project should break down expected deliveries by type or product, employee trips, identifying any shift changes on a day to day basis. How many truck loads of fuel oil and diesel are necessary to stockpile the reserves at plant start up? How many loads are necessary on daily or weekly basis to maintain the stockpile?	Comment noted. As required under 16 NYCRR § 1001.25(c), in Application Exhibit 25, Effect on Transportation, Danskammer will provide an estimate of the trip generation characteristics of the facility during construction. This analysis will include information listed specifically in 16 NYCRR § 1001.25(c)(1) through c(4).
37	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	7	Traffic and Transportation	3.10	25	Trip generation for construction periods should include an estimate of hourly and daily trucks used if fill is necessary; typical workdays, number of employees, shifts, and any concentrated construction periods (i.e. delivery of concrete for foundations). Will workers depart the site for lunch? Will food trucks arrive to serve the construction site?	Comment noted. As required under 16 NYCRR § 1001.25(c), in Application Exhibit 25, Effect on Transportation, Danskammer will provide an estimate of the trip generation characteristics of the facility during construction. This analysis will include information listed specifically in 16 NYCRR § 1001.25(c)(1) through c(4).
38	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	8	Traffic and Transportation	3.10	25	Exhibit 25 should include a description of any overweight/height deliveries of machinery or operating equipment, proposed delivery routes, and traffic mitigation.	Comment noted. As required under 16 NYCRR § 1001.25(d)(3), Application Exhibit 25, Effect on Transportation, will provide an assessment of over-size and over-weight deliveries.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
39	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	9	Traffic and Transportation	3.10	25	The potential need (or lack of) to signalize the intersection of Route 9W and Old Post Road should be included.	Comment noted. Danskammer will consult with NYS Department of Transportation and appropriate local officials about the potential need to signalize the intersection of Route 9W and Old Post Road.
40	3/15/2019	Creighton Manning on Behalf of Town of Newburgh	10	Traffic and Transportation	3.10	25	The sight distances at the project's site driveways with River Road should be identified and mitigating measures discussed.	Comment noted. As required under 16 NYCRR § 1001.25(d), Application Exhibit 25, Effect on Transportation, will provide an assessment of the site driveway distances on River Road.
41	3/15/2019	EA Engineering, P.C. on Behalf of Town of Newburgh	1	Air Emissions	2.5	17	Section 2.5 states that the ammonia slip resulting from ammonia injection upstream of the catalyst bed to control NOx emissions will be calculated or monitored along with the continuous monitoring of NOx and CO exiting the stack. Paragraph 3.3.4 (page 3-53) also references ammonia emissions; however, unlike the other pollutants (e.g. NOx, CO), there is no mention of monitoring or a means to control the ammonia emission to less than the stated 5 ppm.	The appropriate ammonia slip emissions limit and monitoring requirements for ammonia slip will be included in the Title V air operating permit for the proposed Project facility. Application Exhibit 17, Air Emissions, will provide an analysis that includes estimates of the anticipated ammonia slip emissions from the Project.
42	3/15/2019	EA Engineering, P.C. on Behalf of Town of Newburgh	2	Storage Tanks	2.5	17	Although bulk storage of the 19% aqueous ammonia to be used in the SCR is not subject to regulation under EPA's accidental release program at 40 CFR Part 68, the potential offsite consequences of an accidental release of ammonia needs to be assessed early in the project design phase to enable inclusion of appropriate passive mitigation features and other measures to prevent adverse offsite impacts from an accidental release.	Application Exhibit 17, Air Emissions, will provide an offsite consequence analysis for any ammonia that will be stored onsite, including an analysis of an accidental worst-case release scenario for ammonia. Exhibit 17 will also provide details on the maximum amount of ammonia that will be stored onsite and will identify those regulations applicable to the ammonia storage system.
43	3/15/2019	EA Engineering, P.C. on Behalf of Town of Newburgh	3	Air Emissions	2.5	17	The PSS is ambiguous with respect to the use of an oxidation catalyst to reduce carbon monoxide emissions. Section 2.5 (page 2-12) states that carbon monoxide emissions will be reduced using an oxidation catalyst. However, paragraph 3.3.4 (page 3-52) states that the results of a BACT analysis "may result in an oxidation catalyst for the Project."	Application Exhibit 17, Air Emissions, will provide an analysis that is consistent with NYS Department of Environmental Conservation and U.S. EPA regulatory requirements. This analysis will include estimates of the anticipated carbon monoxide emissions from the proposed Project and an assessment of necessary air pollution control technologies, including an oxidation catalyst.
44	3/15/2019	EA Engineering, P.C. on Behalf of Town of Newburgh	4	Air Emissions	3.3.2	17	The PSS identifies potential sources of ambient air quality monitoring data as being the nearest representative monitor (see Paragraph 3.3.2.1, page 3-22 through 3-26 and Table 3.3-1). A discussion of the selection criteria for each ambient air quality monitor should be included.	Application Exhibit 17, Air Emissions, will provide a discussion of the existing background ambient air quality that is representative of the Project location. See also Response to NYS Department of Environmental Conservation Comment No. 3.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
45	3/15/2019	EA Engineering, P.C. on Behalf of Town of Newburgh	5	Noise and Vibration	3.4.4	19	Section 3.4.4 states that to (sic) noise generated during construction and operation are potential sources of adverse offsite impacts. Commissioning and start-up activities, although temporary, also have the potential to cause adverse offsite noise impacts and the project plan should address mitigation of these impacts.	The Noise Impact Analysis in Application Exhibit 19, Noise and Vibration, will consider noise impacts associated with the construction, commissioning and start-up activities. To the extent indicated by the analysis, reasonable noise abatement measures will be identified and evaluated.
46	3/15/2019	EA Engineering, P.C. on Behalf of Town of Newburgh	6	Noise and Vibration	3.4.4	19	The air-cooled condenser and fin-fan cooler (auxiliary cooling system) have the potential to be significant sources of off-site noise impacts when the plant is operating in other than the normal design generating mode, such as when the steam turbine generator is being bypassed and high- pressure steam is flowing directly from the HRSG to the ACC. Mitigation of these impacts should be addressed in the project plan.	Comment noted. The Noise Impact Analysis provided in Application Exhibit 19, Noise and Vibration, will thoroughly assess the off-site noise impacts associated with the Project facility, both when operating in normal and other than normal design mode. Exhibit 19 will consider the fin-fan cooler noise and the transient noise associated with the ACC steam duct that occurs during start-up/bypass. To the extent indicated by the analysis, reasonable noise abatement measures will be identified and evaluated.
47	3/15/2019	MHE on Behalf of Town of Newburgh	1	Document Formatting	1.1	Multiple	While a table 1.1-1 cross reference table is provided. To ease in review exhibits should be labeled with their name throughout the document, such that reference to table 1.1-1 is not required each time an exhibit is referenced.	Comment noted. Each exhibit in the Article 10 Application will have its name in the footer for ease of reference.
48	3/15/2019	MHE on Behalf of Town of Newburgh	2	Facility Capacity	2.1	Multiple	Reference to the facility being a 536 megawatt facility capable of producing 600 megawatts appears throughout the document. It is unclear how the amount of energy produced will be regulated and controlled. This could impact air resources, noise and other environmental considerations. Reference to how various studies will be modeled and at which production capacity they will be modeled at should be identified	For each modeling study completed, including air resources, noise and other environmental considerations, the underlying assumptions such as assumed energy production will be provided.
49	3/15/2019	MHE on Behalf of Town of Newburgh	3	Decommissioning and Site Restoration	2.16	29	References in the document identify the project as a re-powering of the Danskammer Generating Station. Upon completion of the construction of a new power generating station the former power generating station is identified to be de-commissioned. The de-commissioning of the existing facility appears to be deferred to a later process. Regulatory agencies involved in the de-commissioning/removal of previous facilities should be identified. Assurances to regulatory agencies and host community as to the complete de-commissioning removal and remediation of any impacts associated with the facility should be addressed. It appears that the Article 10 proceeding is being utilized to segment review and approval of the de-commissioning of the existing plant.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. Application Exhibit 11, Preliminary Design Drawings, will include site plans that will show site reconfiguration after the Project is constructed and on-line.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
50	3/15/2019	MHE on Behalf of Town of Newburgh	4	Storage Tanks	2.7	37	The document does not identify the size of the back up ultra low sulphur diesel fuel storage tank to be utilized on the site for up to thirty days a year as a back up fuel.	Application Exhibit 37, Back-up Fuel, will provide a description of all onsite fuel storage facilities including the storage capacity of any storage tanks.
51	3/15/2019	MHE on Behalf of Town of Newburgh	5	Storage Tanks	2.4.1	3, 11, 17	The location of the 30,000 gallon 19% ammonia tank should be discussed. How this tank will be supplied, how often deliveries are made and how safe transport and handling of this project will be undertaken should be further expanded .	The location of any new storage tanks will be provided in Application Exhibit 11, Preliminary Design Drawings, and Application Exhibit 3, Location of Facilities. Application Exhibit 25, Effects on Transportation, will provide an identification of approach and departure routes to and from the Project site for the safe transport of such ammonia out to a 5-mile radius. Application Exhibit 17, Air Emissions, will provide an offsite consequence analysis for any ammonia that shall be stored onsite, including an analysis of an accidental release scenario for ammonia.
52	3/15/2019	MHE on Behalf of Town of Newburgh	6	Air Emissions	2.5	17	The document identifies "emissions from the project on a per megawatt hour basis, could be over 40% lower than the existing station and carbon emissions from the project could be as low as 50% of recently proposed limits by NYS Department of Environmental Conservation for existing power plants." The document should identify the amount of time the existing Danskammer facility has operated over the last several years for a comparison basis on total pollutant and carbon emissions from the project can be reasonably compared to the existing facility.	Application Exhibit 17, Air Emissions, will provide an analysis that includes estimates of the anticipated air emissions from the Project. Application Exhibit 8, Electric System Production Modeling, will also provide estimates of statewide levels of SO <sub>2</sub> , NO <sub>x</sub> and CO <sub>2</sub> emissions, both with, and without the proposed Project.
53	3/15/2019	MHE on Behalf of Town of Newburgh	7	Black Start	1.7.5	5	Potential for alternative generation, page 1-23 identifies "Danskammer Energy is also evaluating the potential for incorporating Black Start Capability as part of the project". This terminology should be further clarified as to the definition and impacts regarding Black Start Capability.	Comment noted. If Black Start Capability is proposed to be provided as a benefit to the project, Application Exhibit 5, Electric System Effects, will provide a thorough description of this technology.
54	3/15/2019	MHE on Behalf of Town of Newburgh	8	Visual Impacts	1.7.5	24	Page 1-25 Potential Visual Impacts identifies "with regard to visual impacts associated with the project, the final height of the proposed stacks for the project is dependent upon air quality modeling.... "a discussion of how potential visual impacts will be addressed in exhibit 24 of the Article 10 application is provided in Section 3.9, Visual Impacts". It is unclear from a review of the document when stack heights will be determined in conjunction with visual impact assessments. In addition to the height of the stack the visual impacts of an exhaust plume must be evaluated in each of these sections of the document.	Application Exhibit 24, Visual Impacts, will provide an analysis of the Project's operational characteristics including the visibility of plumes from the exhaust stacks.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
55	3/15/2019	MHE on Behalf of Town of Newburgh	9	Noise and Vibration	1.7.5	19	Potential Noise Impacts, page 1-25 identifies that potential noise impacts to nearby residents and businesses will be analyzed in Exhibit 19 of the Article 10 application. The height of the air cooled and fan cooled condensers must be taken into consideration for any noise analysis. Noise emitted from elevated equipment on the site may not be recorded by on site noise monitoring equipment located at ground level. Impacts to noise analysis based on equipment height and topography to the west must be thoroughly evaluated.	Comment noted. To the extent consistent with the requirements of 16 NYCRR § 1001.19, and as appropriate, the Noise Impact Analysis in Application Exhibit 19, Noise and Vibration, will take in account the factors noted in this comment. The noise model for the plant will recreate the facility in three dimensions so that elevated noise sources, such as the ACC fans or stack, will be represented realistically with respect to the Project surroundings and topography.
56	3/15/2019	MHE on Behalf of Town of Newburgh	10	Decommissioning and Site Restoration	1.7.5	29	De-commissioning of existing facility Page 1-26 identifies that once the project is fully operational, existing generation equipment at this station will be de-commissioned. Danskammer Energy will consider options for the existing plant building structure and other existing plant equipment and structures at a later date outside of this Article 10 proceeding. This process should be further described, the Town of Newburgh Code Enforcement Department, Planning Department and other Town agencies would be involved in any de-commissioning, demolition, infrastructure termination and other such activities. Time frames on when this activity will occur and the ultimate use/ change of use of any of the facilities is subject to review and approval by various Town of Newburgh agencies and will require a separate State Environmental Quality Review Act review.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. Application Exhibit 11, Preliminary Design Drawings, will include site plans that will show site reconfiguration after the Project is constructed and on-line. It is anticipated that Danskammer would consult with key stakeholders such as the Town of Newburgh as to decommissioning of the existing facilities.
57	3/15/2019	MHE on Behalf of Town of Newburgh	11	Public Health and Safety	1.7.5	11, 15	Safety, page 1-26 identifies that existing natural gas and electrical infrastructure will be utilized resulting in no increase risk proposed by the project with respect to natural gas pipe line leaking resulting from train derailment on Danskammer owned property or other causes off site. The location of natural gas lines serving the site should be identified in the documents in relation to the railroad infrastructure crossing the Danskammer site. Long term safety with regard to sighting of the plant in the vicinity of the very active railroad line should be further addressed.	The location of utilities, including natural gas pipelines, will be provided in Application Exhibit 11, Preliminary Design Drawings, and Application Exhibit 3, Location of Facilities. Application Exhibit 15, Public Health and Safety, will discuss potential safety impacts associated with the Project with reference to the existing plant, which has operated without any significant railway incidents.
58	3/15/2019	MHE on Behalf of Town of Newburgh	12	Landfill	1.7.5	4	Land Fill, page 1-26 appears to discuss the land fill as if it is still receiving coal combustion by-products and other waste that were generated by prior use of coal combustion at the existing station. It is unclear if the Landfill continues to actively receive these products from waste generated on the site.	Application Exhibit 4, Land Use, will describe the current use of the landfill as well as anticipated future steps. The landfill is not within the Project site and its operation is not subject to this proceeding.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
59	3/15/2019	MHE on Behalf of Town of Newburgh	13	Decommissioning and Site Restoration	2.1	29	Section 2.1, Introduction, second paragraph continues to identify that "once the Danskammer Energy is fully operational, existing generation equipment at the station will be de-commissioned". The facilities to be de-commissioned and removed should be specifically identified. Are existing stacks, buildings and other infrastructure proposed to be removed from the site. These existing facilities must be addressed and potential visual assessments performed until such time as they are scheduled to be removed.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. Application Exhibit 11, Preliminary Design Drawings, will include site plans that will show site reconfiguration after the Project is constructed and on-line.
60	3/15/2019	MHE on Behalf of Town of Newburgh	14	Property Boundaries	2.1	13	The Danskammer owned properties consists of approximately 180 acres. The specific Sections/Blocks/Lots owned and controlled by Danskammer Energy should be identified in the document.	Application Exhibit 13, Real Property, will provide mapping of the relevant property boundaries of the Project site, with tax map sheet, block and lot numbers, as well as the owner of record of all parcels included in the Project site and all adjacent properties.
61	3/15/2019	MHE on Behalf of Town of Newburgh	15	Water Supply	2.6.1	38	Water Supply should be further expanded to identify the hydrant flow test information including the water supply identified during such hydrant flow tests. Back flow prevention must meet Town of Newburgh back flow cross connect program and is required to receive approval from the Orange County Department of Health with annual testing of said devices required. This section continues to identify that on site de-mineralized water storage is incorporated into the design which provides ability to dampen day to day variations in water supply. Cross connections issues must be addressed during design of all on-site facilities to prevent any potential cross connection contamination between water sources utilized. Existing Danskammer Energy Facility water use records should be incorporated to identify potential increased impacts to the Town of Newburgh infrastructure.	Comment noted. Application Exhibit 38, Water Interconnection, will provide a detailed description of the proposed water interconnection and the potential impacts to the existing systems, if any. Danskammer will work with the Town of Newburgh to identify the information necessary to complete Exhibit 38.
62	3/15/2019	MHE on Behalf of Town of Newburgh	16	Backup Fuel	2.7	37	Fuel Supply and Sufficiency of on-site fuel storage capacity should be expanded to identify the size of the diesel fuel tank proposed to provide the five day storage. In addition the traffic portions of the document should address truck traffic associated with the continuous 720 hour supply of diesel fuel to the facility.	Application Exhibit 37, Back-up Fuel, will provide a description of all onsite fuel storage facilities including the storage capacity of any diesel fuel storage tanks. Application Exhibit 25, Transportation, will provide an assessment of the adequacy of the road system to accommodate projected traffic related to the operation of the facility. The current Project design includes on-site fuel storage to be used only as needed for emergency or reliability reasons; it is therefore anticipated that fuel deliveries will be infrequent.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
63	3/15/2019	MHE on Behalf of Town of Newburgh	17	Safety and Security	2.11	18	Safety and Security should address the needs of the Jurisdictional Fire Department for access during emergencies utilizing proprietary lock boxes.	Comment noted. Danskammer will provide a copy of its preliminary safety response plan(s) to jurisdictional emergency first responders for review and comment. These comments will in turn be provided in Application Exhibit 18, Safety and Security.
64	3/15/2019	MHE on Behalf of Town of Newburgh	18	Decommissioning and Site Restoration	2.16	29	Section 2.160 Commissioning and Site Restoration, will the Article 10 proceeding require financial security for decommissioning of the proposed facility upon the facility being shut down or reaching its useful life and for the removal of the existing Danskammer facility.	Application Exhibit 29, Site Restoration and Decommissioning, will include a discussion of how decommissioning of the proposed Project, and restoration of the Project site, will be funded.
65	3/15/2019	MHE on Behalf of Town of Newburgh	19	Zoning	3.1.2	31	Page 3.2B Zoning identifies that the proposed project will not comply with the Town of Newburgh's underlying bulk requirements for the IB Zone for minimum lot area, minimum lot width, allowable maximum buildable coverage, maximum surface coverage, rear yard setback, side yard setback. In addition to the above the stack height may be greater than 100 feet. An evaluation of the entire site and all properties owned by the Danskammer Energy Facility should be undertaken to determine if some or all of these zoning deficiencies can be eliminated. Buildings and facilities within existing building footprint may eliminate the need for zoning relief.	Comment noted. Application Exhibit 31, Local Laws and Ordinances, will identify all applicable local substantive requirements and provide an analysis of all those local substantive requirements that Danskammer considers to be unreasonably burdensome in view of the existing technology, costs to consumers, or the needs of consumers. Danskammer anticipates consultation with the Town of Newburgh as part of this process.
66	3/15/2019	MHE on Behalf of Town of Newburgh	20	Consistency with Comprehensive Plan	3.1.2	4	Page 3-5 Town of Newburgh Comprehensive Plan, this section should be further expanded to address the infrastructure, utility transportation and planning and zoning measures identified in the town's comprehensive plan. The last paragraph states "the project is consistent with the Town of Newburgh's Comprehensive Plan, which would have considered the existing plant and its analysis". This is a conclusionary statement with no supporting backup documentation as to the sites relation to the Comprehensive Plan. An existing facility is not the same as a proposed facility to be constructed on a similar site.	Application Exhibit 4, Land Use, will provide a detailed discussion as to whether the proposed Project is consistent with the Town of Newburgh Comprehensive Plan.
67	3/15/2019	MHE on Behalf of Town of Newburgh	21	Consistency with Comprehensive Plan	3.1.2	4	Page 3-7 Orange County Comprehensive Plan identifies the project site as located in a priority growth area located along the County's northeast border where growth has already occurred along the shores of the Hudson River in proximity to 1-87. It is believed this reference should be 1-84.	Comment noted. Danskammer employed I-87 as a reference as it most closely paralleled the Hudson River but will consider this comment and address it in Application Exhibit 4, Land Use.



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
68	3/15/2019	MHE on Behalf of Town of Newburgh	22	Safety and Security	3.1.2	Multiple	Table 3.1-1 Districts and Service Providers, Fire Districts. The project is located in the Middlehope Fire District, which should be appropriately identified. The Newburgh Fire Department is listed under the Fire District which is not the Jurisdictional Response Agency for the project site. The Newburgh Fire Department is not a District as it is a City Fire Department whose jurisdiction is located several miles south of the proposed facility. Police provider is identified as the Orange County Sherriff's Department and the New York State Police, while the primary police agency servicing the project site is the Town of Newburgh Police Department and should be identified as such.	Comment noted and the Article 10 Application will reflect this information as appropriate.
69	3/15/2019	MHE on Behalf of Town of Newburgh	23	Traffic and Transportation	3.1.3	25	Page 3-10, Temporary Construction Impacts are identified "as increased ambient noise and traffic levels from construction vehicles may be experienced in nearby neighborhoods, however these potential impacts will be temporary in nature and are not expected to be significant". Access to the site is via town roadways, delivery of equipment and materials to the site as well as access for construction workers may have a significant impact on area traffic patterns while these are identified as temporary in nature they will occur over an extended period of time during the construction phase of the project. Sufficient traffic control measures access points, parking and lay down areas must be identified. Off-site parking may be required for construction workers to mitigate impacts on local traffic patterns.	Application Exhibit 25, Effect on Transportation, will include a full assessment of the Project's potential impacts on traffic and transportation during construction and operation.
70	3/15/2019	MHE on Behalf of Town of Newburgh	24	Landfill	3.2.2	4	Section 3.2.2, Existing Public Health and Safety Characteristics, page 3-14, discusses the on site solid waste facility. Once again it appears that the on-site solid waste facility is currently utilized "exclusively to receive the coal combustion by-products and other facility wastes that were generated by the prior use of a coal combustion at the existing facility. It is unclear if these products continue to exist on the site or have been appropriately addressed in a solid waste facility.	Application Exhibit 4, Land Use, will describe the current use of the landfill as well as anticipated future steps. The landfill is not within the Project site and its operation is not subject to this proceeding.
71	3/15/2019	MHE on Behalf of Town of Newburgh	25	Noise and Vibration	3.4.1	19	Section 3.4.1, Noise and Vibration Introduction, page 3-55 identifies the proposed project will consist of a combined cycle facility (1G, H, or J-Class Combustion Turbine). Previous references in the document identified that it would be a J Class Combustion Turbine.	Comment noted. Application Exhibit 19, Noise and Vibration, will detail the specific equipment models and configurations proposed for the Project as part of its noise impact analysis.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
72	3/15/2019	MHE on Behalf of Town of Newburgh	26	Noise and Vibration	3.6.4	19	Section 3.6.4, Extent and Quality of Information required for Evaluation, page 3-84 " if blasting is required, a preliminary plan will be presented that conforms to applicable regulations. Further detail regarding potential blasting impacts and mitigation including noise, vibration and safety concerns must be developed. Compliance with applicable State, Local and Federal regulations should be documented. Protection of existing facilities should be of paramount importance based on the location of active rail lines in close vicinity to the proposed project site. This section goes on to identify that if pile driving is required a preliminary description of the number and length of piles to be driven as well as construction details, impacts to surrounding properties and structures, potential mitigation measures will be provided. Pile driving has significant noise and vibration issues associated with ii. Detailed mitigation measures, should pile driving be required must be identified in the document. Continuous noise occurring during pile driving can cause significant noise impacts in the project area.	Comment noted. The Noise Impact Analysis in Application Exhibit 19, Noise and Vibration, will consider noise impacts associated with the construction activities, including any blasting and pile driving. To the extent indicated by the analysis, reasonable noise abatement measures will be identified and evaluated.
73	3/15/2019	MHE on Behalf of Town of Newburgh	27	RTE Species	3.7	22	Page 3-94, Indiana and Long Eared Bat discussion identifies that all tree clearing will occur during winter months. The time frame, in accordance with US Fish and Wildlife guidelines should be identified in the document.	In developing Application Exhibit 22, Terrestrial Ecology and Wetlands, Danskammer will identify State and Federal endangered or threatened species and identify avoidance, minimization or mitigation measures. The specific months associated with the construction window discussed in the PSS will be provided.
74	3/15/2019	MHE on Behalf of Town of Newburgh	28	RTE Species	3.7	22	Page 3-95 regarding impacts to Bald Eagles. The project site is utilized as an important winter habitat for Bald Eagles. Numerous Bald Eagles are known to occur in the immediate vicinity of the project site in the winter, as well as the summer use of the site by an identified nest within one mile of the project.	In developing Application Exhibit 22, Terrestrial Ecology and Wetlands, Danskammer will consult with State and Federal wildlife agencies to identify avoidance, minimization or mitigation measures with respect to bald eagles in the vicinity of the Project.
75	3/15/2019	MHE on Behalf of Town of Newburgh	29	Stormwater	3.8.5	31, 32	The Town of Newburgh is a regulated municipal separate storm sewer system community. The Town of Newburgh has jurisdictional authority over construction projects located within the municipal boundaries under its MS4 Permit. The Town of Newburgh has its own Stormwater Management regulations within the code of the Town of Newburgh. This section should identify which agency or entity will regulate the stormwater discharge from construction activity as well as any Multi-Sector General Permit or site specific Stormwater Discharge permits existing and proposed for the site.	Comment noted.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
76	3/15/2019	MHE on Behalf of Town of Newburgh	30	Stormwater	3.8.5	23	Stormwater Management should address issues regarding compliance with re- development standards if applicable. Green infrastructure and run off reduction design requirements must be incorporated into the Stormwater Management Plan. Review and approval of the SWPPP by appropriate jurisdictional agencies must be evaluated.	Comment noted. Danskammer concurs that the preliminary SWPPP would include post construction erosion and sediment control practices that will be utilized to manage stormwater run-off, including appropriate green infrastructure and run-off reduction design. A copy of the preliminary SWPPP will be provide in the Application Exhibit 23, Water Resources and Aquatic Ecology, thereby providing all stakeholders with the opportunity to review it.
77	3/15/2019	MHE on Behalf of Town of Newburgh	31	Dredging	3.8.9	23	Section 3.8.9, Work in Navigable Waters. This section identifies that dredging work within the Hudson River may be required as part of the project. This dredging work is identified to support delivery of new equipment or materials to the site. Work within the Hudson River is under the jurisdiction of the NYS Department of Environmental Conservation as well as the Army Corps of Engineers. The extent of any dredging or in river work must be specifically identified in order to evaluate impacts and permit requirements. Disposal of dredge material, water quality impacts during construction and potential impacts to threatened or endangered species as well as impacts to Essential Fish Habitat must be addressed should dredging be proposed.	Application Exhibit 25, Transportation, will describe the proposed methods by which materials will be transported to the site for the construction, operation, and maintenance of the Project, including whether such methods would include barge transportation on the Hudson River, whether dredging would be required to facilitate the use of such barges and the extent of such dredging. If dredging would be required to facilitate the use of barge transportation, Application Exhibit 23, Water Resources and Aquatic Ecology, will describe the potential effects of such dredging on aquatic species.
78	3/15/2019	MHE on Behalf of Town of Newburgh	32	Visual Impacts	3.9	24	The visual resources discussed appear to center the visual evaluation on the proposed power plant structures, stack and associated buildings. Visual assessments should include studies regarding any visible plumes emanating from the proposed structure, the height of these plumes may cause visual impacts significantly further than those in the areas where the buildings are visible.	Application Exhibit 24, Visual Impacts, will provide an analysis of the Project's operational characteristics including the visibility of plumes from the exhaust stacks.
79	3/15/2019	MHE on Behalf of Town of Newburgh	33	Traffic and Transportation	3.10.2	25	Page 3-130, Identifies that Danskammer Road, River Road, Old Post Road, Cortland Drive, Morris Drive and Oak Street are all under the jurisdiction of Orange County and all have a speed limit of 30 MPH. The reference roads are owned, maintained and operated by the Town of Newburgh, not the County of Orange.	Comment noted. Application Exhibit 25, Effect on Transportation, will amend this statement.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
80	3/15/2019	MHE on Behalf of Town of Newburgh	34	Traffic and Transportation	3.10.3	25	This Section identifies a thirty month time frame for construction. Access to the site via River Road is the sole access point for all materials, equipment and construction workers. Impacts to existing traffic patterns, emergency services providers and nearby roadways are a significant concern of the Town of Newburgh. This section goes on to identify "it is projected that project related traffic during construction would use regional roadways (i.e., Route 9W and Route 84) to access the project area. Impacts to local roadways must be addressed.	Comment noted. Application Exhibit 25, Effect on Transportation, will contain a detailed analysis and evaluation of the traffic and transportation impacts during construction of the proposed Project, including impacts to local roadways.
81	3/15/2019	MHE on Behalf of Town of Newburgh	35	Traffic and Transportation	3.10.3	25	Traffic Study does not address fuel delivery during periods when the facility may use diesel fuel as its back up power supply. Any Traffic Study performed must be performed with the fuel delivery method identified and incorporated into the Traffic Study.	Application Exhibit 25, Effect on Transportation, will contain a detailed analysis and evaluation of the traffic and transportation impacts during construction of the proposed Project, including fuel delivery. The current Project design includes on-site fuel storage to be used only as needed for emergency or reliability reasons so it is anticipated that fuel deliveries will be infrequent.
82	3/15/2019	MHE on Behalf of Town of Newburgh	36	Recreation	3.12.3	4	Page 3-145 identifies Mill Creek Golf Club as a Nine Hole Golf Course with a 22 tee driving range. This facility has been closed for many years.	Comment noted. This update will be reflected in the Application Exhibit 4, Land Use, and Application Exhibit 24, Visual Impacts.
83	3/15/2019	MHE on Behalf of Town of Newburgh	37	Safety and Security	5.2.2	18	Construction and Operational Impacts of Municipal Public Authority and Utility Services. This section does not identify the Town of Newburgh Police as the jurisdictional law enforcement agency.	Comment noted. Danskammer will provide a copy of their preliminary safety response plan(s) to jurisdictional emergency first responders, including the Town of Newburgh Police, for review and comment. These comments will in turn be provided in Application Exhibit 18, Safety and Security.
84	3/15/2019	MHE on Behalf of Town of Newburgh	38	Stormwater	6.12	23	Section 6-12, Stormwater Pollution Prevention Plan identifies that the construction contractor will be responsible for preparation and implementation of a Stormwater Pollution Prevention Plan. Previous sections of the document identify that this will be submitted as part of the application. This section should identify requirements for re-development sites, green infrastructure and runoff reduction practices to be utilized. In addition Best Management Practices should be incorporated into the SWPPP to prevent turbid discharges off site or water quantity or quality impacts.	Comment noted. Danskammer will submit a preliminary Stormwater Pollution Prevention Plan (SWPPP) as part of Application Exhibit 23, Water Resources and Aquatic Ecology, which will include, among other elements, appropriate green infrastructure and run-off reduction practices. The contractor will be responsible for preparing, submitting and implementing the final SWPPP, which will be no less stringent than the preliminary SWPPP.
85	3/15/2019	MHE on Behalf of Town of Newburgh	39	Local Laws	6.5.1	31	Orange County, page 6-17. This section identifies a work permit required for county roadways. While County DPW Work Permit would be required for any work on a County roadway, no County roadways exist within the vicinity of the project.	Comment noted. Danskammer will update this information as part of the Application Exhibit 31, Local Laws and Ordinances.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
86	3/15/2019	MHE on Behalf of Town of Newburgh	40	Wastewater Interconnection	6.5.1	39	Orange County B, Application for Sewer Construction Repair. This section identifies that Orange County DPW has identified standard details and sewer specifications in accordance with Orange County Sewer Use Law. These specifications only pertain to Orange County Sewer District #1. No portion of Orange County Sewer District #1 is located within the Town of Newburgh.	Comment noted. Danskammer will update this information as part of the Application Exhibit 39, Wastewater Interconnection.
87	3/15/2019	MHE on Behalf of Town of Newburgh	41	Zoning	6.5.2	31	The Town of Newburgh as host community requests that the portions of the Town of Newburgh Town Code that are not complied with be expressly identified in the document. The Town of Newburgh as host community requests that the Applicants address each of the non-compliant issues early in the procedure for review and evaluation.	Application Exhibit 31, Local Laws and Ordinances, will identify all applicable local substantive requirements and provide and analysis of those local substantive requirements that the Danskammer considers to be unreasonably burdensome in view of the existing technology, costs to consumers, or the needs of consumers. Danskammer anticipates consultation with the Town of Newburgh as part of this process.
88	3/20/2019	National Oceanic and Atmospheric Administration	1	RTE Species	3.8	23	There is not enough information in the Preliminary Scoping Statement for us to identify all the activities that would be associated with the proposed project, and the effect of those to shortnose sturgeon and the New York Bight DPS of Atlantic sturgeon. We recommend that Danskammer Energy, LLC consider effects to shortnose sturgeon and New York Bight DPS of Atlantic sturgeon from each of the activities associated with construction, operation, and maintenance of a new generating station, and the decommissioning of the existing station including disposition of existing waste materials.	Comment noted. Application Exhibit 23, Water Resources and Aquatic Ecology, will provide an analysis of any impact from the Project's construction, operation and maintenance to the Atlantic sturgeon and shortnose sturgeon.
89	3/20/2019	National Oceanic and Atmospheric Administration	2	RTE Species	2.6	23	The PSS describes that the proposed combined cycle facility's water supply demand could range from approximately 50 gallons per minute (gpm) to up to 1,300 gpm although up to 135 gpm is considered the typical upward limit when firing natural gas as the fuel. The PSS goes on to state that water to support the proposed new generating station will be obtained from the Town of Newburgh distribution system through existing metered connections with the potential for additional metered connections as needed. If additional connections are needed for the new generating station or the Town of Newburgh needs to withdraw more water in order to meet the needs of the new generating station, then we would likely consider those water withdrawal activities to be directly related to the construction, operation, and maintenance of the new generating station. Therefore, Danskammer Energy, LLC should consider the effects of those activities to shortnose sturgeon and Atlantic sturgeon, including take of the sturgeon species that could occur through the Town of Newburgh water withdrawal system.	Application Exhibit 38, Water Interconnection, will provide estimates of current versus proposed water use as well as an evaluation of the impact of the Project, if any, on the available capacity of the existing water supply source. Application Exhibit 23, Water Resources and Aquatic Ecology, will describe the effects of water usage by the Project facility, if any, on shortnose sturgeon and Atlantic sturgeon, including any take of those species.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
90	3/20/2019	National Oceanic and Atmospheric Administration	3	RTE Species	3.2	23	Newburgh Bay is known habitat for both sturgeon species and designated critical habitat for the New York Bight DPS of Atlantic sturgeon. For example, the capture of juvenile sturgeon in association with soft-bottom substrate habitat within the bay suggests this area is an important foraging area for juvenile sturgeon. We recommend that Danskammer Energy, LLC consider the effects to this habitat from construction activities as well as from waste materials currently on site, including effects that might occur if the waste containment was breached and entered the river. This analysis should take into consideration effects to sturgeon and their habitat.	Application Exhibit 37, Back-up Fuel, will provide a thorough description, consistent with NYS Department of Environmental Conservation requirements, of the secondary containment structures proposed to be constructed around back-up fuel tank(s) as well as any off loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills. Also, as stated in Section 3.2.3 of the PSS, the Project will have a "Spill Prevention, Control and Countermeasure Plan."
91	3/20/2019	National Oceanic and Atmospheric Administration	4	RTE Species	3.10	23	Vessel strikes are a known threat to Atlantic and shortnose sturgeon. Given that adult shortnose and New York Bight DPS Atlantic sturgeon use of the river in the vicinity of the Danskammer property, Danskammer Energy, LLC should consider the effects of vessel traffic associated with the project (including decommissioning of the existing generating station) to these species. In addition, Atlantic sturgeon belonging to the other four ESA-listed DPSs are known to occur in higher saline water of the Hudson River estuary downriver of the Danskammer property. Therefore, effects to these other DPSs as a result of vessel traffic associated with the project should be considered.	Application Exhibit 25, Transportation, will describe the proposed methods by which materials will be transported to the site for the construction, operation, and maintenance of the Project, including whether such methods would include barge or other transportation on the Hudson River. If such transportation is to occur, Application Exhibit 23, Water Resources and Aquatic Ecology, will examine the potential effects of such transportation on aquatic species.
92	3/20/2019	National Oceanic and Atmospheric Administration	5	RTE Species	1.7.5	23	The statement "The Project facility's footprint has been developed to avoid impacts to wetland areas to the greatest extent practicable." is subjective and should be better explained or detailed with respect to effects to the Hudson River and Newburgh Bay, in particular.	The alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, alternative locations within the Project site for the location of facilities and demonstrate that wetland impacts have been avoided to the greatest extent practicable.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
93	3/20/2019	National Oceanic and Atmospheric Administration	6	RTE Species	2.16	23	The statement "Once the Project is fully operational, existing generation equipment at the Station will be decommissioned. Danskammer Energy will consider options for the existing plant building structure and other existing plant equipment and structures at a later date, outside of this Article 10 proceeding" does not inform the likely effects of decommissioning to shortnose and Atlantic sturgeon. We see decommissioning the existing generating station as an interrelated activity to the construction, operation, and maintenance of a new generating station. However, if information for decommissioning is provided as a separate action, we recommend that Danskammer Energy, LLC seek technical assistance from us for the likely effects of the activity to shortnose and Atlantic sturgeon.	Comment noted. The decommissioning of the existing generation equipment is not expected to have any impacts on resources as it will largely be completed inside the existing plant. Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipments that will not be demolished, removed or rehabilitated. Application Exhibit 11, Preliminary Design Drawings, will include site plans that will show site reconfiguration after the Project is constructed and on-line. It is anticipated that Danskammer would consult with key stakeholders such as the Town of Newburgh as to decommissioning of the existing facilities.
94	3/20/2019	National Oceanic and Atmospheric Administration	7	RTE Species	2.1	23	The statement "The potential need for transmission system improvements to accommodate the repowering project will be determined as part of the System Reliability Impact Study ("SRIS") discussed in Section 7.0 of this Preliminary Scoping Statement ("PSS)" also suggests that changes to the transmission system may occur as a result of construction and operation of a new generating station. Transmission system changes (e.g., installation of equipment that affects the Hudson River substrate) may affect the sturgeon species, depending on where activities take place. We recommend that Danskammer Energy, LLC seek technical assistance from us for the likely effects of any transmission system improvements.	Application Exhibit 23, Water Resources and Aquatic Ecology, will provide an analysis of any impact from the Project's construction, operation and maintenance to the Atlantic sturgeon and shortnose sturgeon, including effects related to transmission system changes, if any.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
95	3/25/2019	Diane Paolo	1	Alternatives	4	9	The PSS should require more alternatives to be studied [and] it should include a decision matrix for comparing alternatives.	Comment noted. Danskammer is a private facility applicant within the meaning of 16 NYCRR § 1000.2(ae) and, therefore, need only identify alternative locations owned or under option to it or an affiliate. As to alternative reasonable renewable energy resources, Danskammer, as a private facility applicant, need only consider such alternatives that are feasible, considering its objectives and capabilities as project sponsor. Danskammer will consider presenting its analysis in the form of a decision matrix if it facilitates a better understanding of the evaluation process. A decision matrix is not a requirement under the Siting Board regulations pertaining to the evaluation of alternatives, namely 16 NYCRR § 10001.9.
96	3/25/2019	Diane Paolo	2	Alternatives	4	9	The PSS should require a study/assessment of these additional alternatives to a gas fired plant: a) solar field; b) solar field with solar canopies; c) wind farm offshore and on land; d) battery storage; e) solar field combined with battery storage; h) solar field with solar canopies combined with battery storage. For battery storage "[T]he scoping documents should include finding about the various technologies for battery storage and document the cost availability of each one."	Consistent with the Siting Board regulations at 16 NYCRR § 1001.9(g), the alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, reasonable renewable energy supply source alternatives that are feasible, considering Danskammer's objectives and capabilities as a private facility applicant. Additionally, Danskammer need not consider alternatives on sites that it does not own or control (16 NYCRR § 1001.9(a)). Danskammer will evaluate any reasonable renewable energy supply source alternatives identified in Application Exhibit 9, Alternatives, using the criteria set forth in Siting Board regulations at 16 NYCRR § 1001.9(h).



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
97	3/28/2019	Food & Water Watch	1	Consistency with Energy Planning Objectives	1.4	10	The State Energy Plan mandates a 40 percent reduction in greenhouse gas emissions from 1990 levels by 2030. The scoping document suggests that to achieve this, "the state's fleet of generators must become more efficient," and it makes the preposterous claim that this will help New York State achieve its 2010 greenhouse reduction and renewable energy goals by 2030.	Danskammer notes that a portion of this comment contains the commenter's opinions on the Project rather than comments on the PSS, and therefore, it will not respond to that portion of the comment. The Article 10 Application as a whole will describe the purposes of and public need for the repowering Project. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the Project will contribute to a reduction in air emissions Statewide. Furthermore, Danskammer notes that only those statements that have directly referenced the PSS are included in this response summary, but that all of the commenter's comments will be reviewed in developing the Article 10 Application.
98	3/28/2019	Food & Water Watch	2	Socioeconomic Impacts	5.2	27	The Danskammer Energy Project's scoping document claims the facility will create numerous jobs and "provide property tax and other benefits to the local community." In reality, natural gas development has not been the sure-fire job engine that the industry and its supporters contend. Rather, the future of energy jobs in New York lies in clean, renewable power like solar and wind energy, as well as energy efficiency manufacturing and installation. While the fossil fuel industry claims that shifting to renewable energy would cost jobs and hurt the economy, the reality is that 12 times more New Yorkers already work in the renewable energy and energy efficiency sectors (over 125,000 jobs) than in fossil fuels (about 10,600 jobs) according to Department of Energy data.	Danskammer notes that portions of this comment contain the commenter's opinions on renewable energy and the energy industry rather than comments on the PSS, and therefore, it will not respond to those portions of the comment. An estimate of the Project's anticipated average and peak construction workforce will be provided in Application Exhibit 27, Socioeconomic Effects. This section will also provide the Danskammer's projections as to the number of these jobs that will be from the region.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
99	3/28/2019	Food & Water Watch	3	Environmental Justice	5.3	28	Furthermore, toxic emissions from industrial facilities and power plants also impose an unequal pollution burden on disadvantaged communities. The Danskammer Energy Center would follow this unfortunate trend and, as the scoping document points out, is located near five environmental justice communities.	Danskammer notes that portions of this comment contains the commenter's opinions rather than comments on the PSS for this Project, and therefore, it will not respond to those portions of the comment. Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with NYS Department of Environmental Conservation Part 487 regulations and after consultation with NYS Department of Environmental Conservation. The environmental justice analysis will include estimates of the anticipated air impacts from the facility on the identified environmental justice communities. The relevant environmental justice communities will be identified as part of the comprehensive analysis. The environmental justice analysis will determine whether the operation of the Danskammer Energy Center would have the potential for a significant adverse or disproportionate effect on an environmental justice community.
100	3/28/2019	Food & Water Watch	4	Environmental Justice	5.3	28	The scoping document defines environmental justice areas as an area in which at least 51.1 percent of an urban population are people of color, at least 33.8 percent of a rural population are people of color, or 23.59 percent or more of the population sit below the federal poverty level. Based on this data, the following environmental communities have been found to reside within the impact study area (ISA) surrounding the plant: City of Newburgh, City of Beacon, Town of Fishkill, Town of Newburgh and Town of Plattekill.	See response to Food & Water Watch Comment No. 3.
101	3/28/2019	Food & Water Watch	5	Environmental Justice	5.3	28	The scoping document claims that Danskammer Energy Project will conduct an analysis "to determine whether the construction and operation of the proposed Project would have a significant adverse and disproportionate effect on an EJ area." If done properly, the findings should yield no-brainer results, illustrating that the communities will be burdened by air pollution problems.	Danskammer notes that portions of this comment contains the commenter's opinions rather than comments on the PSS for this Project, and therefore, it will not respond to those portions of the comment. See response to Food & Water Watch Comment No. 3.
102	3/28/2019	Frank Muthig	1	Landfill	1.7.5	4	On the site Today There is a huge mountain of solid waste fly ash which is not self contained with several random spots on the site that contains many toxic chemicals and heavy metals that include lead, cadmium, chromium, arsenic, mercury, boron, molybdenum, thallium and silica.	Application Exhibit 4, Land Use, will describe the current use of the landfill as well as anticipated future steps. The landfill is not within the Project site, and its operation is not subject to this Article 10 proceeding.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
103	3/28/2019	Frank Muthig	2	Air Emissions	3.3	17	As a follow up and before the new plant could be taking into consideration, will historical and long term research data profiling air emissions be utilized from this generating facilities with a complete environmental impact statement that includes why on the west of the present plant there are several trees that have already become defoliated.	Comment noted. Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the Project and its impacts, including any potential impacts to ambient air quality.
104	3/28/2019	Frank Muthig	3	Exposure of Danskammer Site to expected sea level rise of the Hudson River	1.7.5	15	Lastly Since Danskammer was formerly declared inoperable do to river flooding. What type of engineering and precautions will be utilized to prevent this from happening in the future?	The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed facility in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.
105	3/28/2019	Orange County Residents Against Pilgrim Pipelines	1	Consistency with Energy Planning Objectives	1.4	10	This project does not support the Governor's "Reforming Energy Vision", that requires 70% of electric energy be produced by renewable sources by 2030.	The Article 10 Application as a whole will describe the purposes of and public need for the repowering Project. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development.
106	3/28/2019	Orange County Residents Against Pilgrim Pipelines	2	Decommissioning and Site Restoration	2.1	29	Accordingly, please specify which portions of the current plant will be dismantled, relative to new construction and what time period is forecast to get the new plant "operational" and if the two plants would actually run simultaneously.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. The proposed Project will not be commercially operational until the existing plant is no longer operational.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
107	3/28/2019	Orange County Residents Against Pilgrim Pipelines	3	Air Emissions	3.3	17	Additionally, please calculate the cumulative total emissions of the project with emissions from Roseton Generating facility and other major nearby sources.	Application Exhibit 17, Air Emissions, will provide a cumulative air quality impact assessment per NYS Department of Environmental Conservation and U.S. EPA air quality regulations. The emissions from the Roseton Generating Station will be included in the cumulative air quality assessment to the extent required by applicable state and federal air regulations.
108	3/28/2019	Orange County Residents Against Pilgrim Pipelines	4	Water Supply	2.6.1	38	Please quantify the water needs of the current plant, and compare to needs for the proposed plant, with projected daily and averaged yearly requirements. Include also the water needed for fire suppression and the location of the water lines.	Application Exhibit 38, Water Interconnection, will provide a detailed description of the proposed water interconnection and the potential impacts to the existing systems, if any. This analysis will include an estimate of key metrics (including, but not limited to, hourly and daily peak, hourly and daily average water supply needs, power production and domestic water use with daily, monthly and annual totals).
109	3/28/2019	Orange County Residents Against Pilgrim Pipelines	5	Decommissioning and Site Restoration	2.1	29	How will the current inlet with river water be diverted away from the existing intake. Describe.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipments that will not be demolished, removed or rehabilitated.
110	3/28/2019	Orange County Residents Against Pilgrim Pipelines	6	Project Description	2.1	2	Please describe the infrastructure needed to air cool the proposed plant, and how this would affect the exterior and interior air temperature adjacent to and in the plant. What fuel source would power this system. What volumes of air would be required. Show the location of the needed fans.	Application Exhibit 2, Overview and Public Involvement, will provide a description of the major components of the proposed Project facility, including the air cooling facilities and a description of how they will operate. In Application Exhibit 11, Preliminary Design Drawings, Danskammer will provide preliminary design drawings showing all of the items required by 16 NYCRR § 1001.11 of the Siting Board regulations, including a site plan showing all buildings, structures, driveways, parking areas, emergency access lanes, sidewalks, access ways and other improvements at the Project site. Danskammer anticipates any changes to air temperature at the plant or the surrounding areas to the plant will be negligible.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
111	3/28/2019	Orange County Residents Against Pilgrim Pipelines	7	Backup Fuel	2.3	37	Your draft scope asks permission to use fuel oil for up to 720 hours per year. This equates to 30 twenty-four- hour days. Why is this needed? How will this affect the level of pollutants that are emitted overall. Indicate if the current oil tanks will be used and describe their condition, and map their location.	As set forth in Section 2.7 of the PSS, the current Project design includes on-site fuel storage to be used only as needed for emergency or reliability reasons. Application Exhibit 37, Back-up Fuel, will provide a description of the current and proposed oil storage tanks. Application Exhibit 11, Preliminary Drawings, will map the location of these tanks. Application Exhibit 17, Air Emissions, will model existing and proposed air emissions.
112	3/28/2019	Orange County Residents Against Pilgrim Pipelines	8	Traffic and Transportation	2.3	25	Please quantify how much oil and/or gas energy will be expended to construct the new facility. Discuss the level and type of traffic that will be generated during construction, and time frame to completion.	Application Exhibit 25, Effect on Transportation, will provide estimates of the number and frequency of vehicle trips during construction, including time of day and day of week arrival and departure distribution, by size, weight and type of vehicle.
113	3/28/2019	Orange County Residents Against Pilgrim Pipelines	9	Project Description	NA	2	Please justify your use of the term "state of the art", as it applies to your proposed new facility. How does the technology compare, on air emissions, for example, with renewable generation sources.	In Application Exhibit 2, Overview and Public Involvement, Danskammer will describe why the selected technology for the proposed Project is considered "state-of-the-art" for this generation type.
114	3/28/2019	Orange County Residents Against Pilgrim Pipelines	10	Traffic and Transportation	2.3	25	Further, quantify pollution generated by traffic and equipment during the construction phase, including gas line connections.	As required under 16 NYCRR § 1001.25(c) of the Siting Board regulations, Application Exhibit 25, Effect on Transportation, will provide estimates of the number and frequency of vehicle trips during construction, including time of day and day of week arrival and departure distribution, by size, weight and type of vehicle. Danskammer would also note that "new" gas line connections will be limited to a small length of gas interconnection in the immediate area near the Project facility and, thus, any analysis of the existing gas line (which services multiple residential and business interests) is outside the scope of this proceeding.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
115	3/28/2019	Orange County Residents Against Pilgrim Pipelines	11	Socioeconomic Impacts	5.2	27	List the subcontractors that will be utilized.	An estimate of the Project's anticipated average and peak construction workforce will be provided in Application Exhibit 27, Socioeconomic Effects. This section will also provide the Danskammer's projections as to the number of these jobs that will be from the region. As stated in Section 5.2.2(F) of the PSS, Danskammer will strive to hire as many local employees as possible to fill those anticipated construction jobs. Danskammer will not be in a position to identify and enter into contracts with specific subcontractors prior to the submission of the Article 10 Application.
116	3/28/2019	Orange County Residents Against Pilgrim Pipelines	12	Noise and Vibration	3.4	19	Please describe noise levels generated during operation of current plant, in terms of decibel level. Have there been mitigation strategies? Level of success?	The noise levels of the current Danskammer plant were measured during part of the background surveys, as part of the evaluation of pre-construction baseline noise conditions, and those levels will be discussed in the Noise Impact Analysis in Application Exhibit 19, Noise and Vibration.
117	3/28/2019	Orange County Residents Against Pilgrim Pipelines	13	Noise and Vibration	3.4	19	Describe noise levels produced by the proposed new facility, and potential mitigation. Also, the company must study the cumulative noise levels from their own and the adjacent Roseton facility.	The Noise Impact Analysis set forth in Application Exhibit 19, Noise and Vibration, will identify and evaluate any potential noise impacts of the proposed Project facility and will further identify and evaluate any appropriate mitigation measures. This study will consider noise levels from the existing Danskammer plant and the Roseton facility. The noise levels of the existing Danskammer plant were measured during part of the background surveys, as part of the evaluation of pre-construction baseline noise conditions, and those levels will be discussed in the Noise Impact Analysis. Also, as indicated in the PSS, as part of the surveys evaluating the existing background noise levels, a sound monitor was also set up near the Roseton facility. Accordingly, the sound emissions from the Roseton facility will be measured and will be discussed in Exhibit 19.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
118	3/28/2019	Orange County Residents Against Pilgrim Pipelines	14	Exposure of Danskammer Site to expected sea level rise of the Hudson River	1.7.5	15	At a recent Q and A held in Newburgh Town Hall (1/28/19), Danskammer CEO Bill Reid, responding to a question about plant flooding, said, "the [new] plant was moved to higher ground well out of the flood plain." In the studies there needs to be a current and authentic map of the flood plain superimposed over the site plans, and a detailed description of how Danskammer Energy LLC can avoid flooding. Beyond this, it is imperative to show and discuss projected sea level rise due to global warming and its impacts on the project using authoritative sources from climate science. The Hudson is an estuary and is tidal certainly as far north as Danskammer. The company must detail their fiscal strategies, including escrow or other funds, to cope with potential storm surge, the resulting destruction and compensation issues. Or should we expect the company would seek bankruptcy protection, leaving the surrounding towns to "pick up the pieces"?	The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed Project facility in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines. In conducting this analysis, Danskammer will utilize not only publicly available FEMA floodplain mapping, but also surveys of flood plain areas and elevations within the Project site conducted by qualified surveyors using current information. Application Exhibit 29, Site Restoration and Decommissioning, shall contain a plan for the decommissioning and restoration of the Project site, should it become necessary, including how such decommissioning and restoration shall be funded.
119	3/28/2019	Orange County Residents Against Pilgrim Pipelines	15	Landfill	1.7.5	4	The legacy of years burning coal, from the 1950's to 2012, is evident in a 30-acre toxic site with fly ash and bottom ash. Danskammer is one of many old coal facilities that has reported exceedances of either federal health standards or state groundwater criteria. Of the nine tax parcels that comprise Danskammer, one is the landfill. The company could conceivably sell this parcel. Over the years the landfill has expanded, gobbling up adjacent homes and lands, spreading the gray dust everywhere. We were shown how the dust had eaten away the paint on a car. There have not been any longitudinal health studies in adjacent neighborhoods. Currently, coverage of the site is only partial and there are two associated settling ponds, as well as test wells. We are seeing an ongoing, unresolved and threatening situation affecting human health and the environment At this point the company is collecting leachate and providing the NYS DEC with reports. They have not agreed to sign a "Consent Agreement". The company has an obligation, as the owner, to describe what actions they plan moving forward, in concert with the DEC. All relevant reports and studies must be made publically available and easily accessible.	The Application Exhibit 4, Land Use, will describe the current use of the landfill as well as anticipated future steps. The landfill is not within the Project site, and its operation is not subject to this Article 10 proceeding.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
120	3/28/2019	Orange County Residents Against Pilgrim Pipelines	16	Public Health and Safety	1.7.5	15, 37	A gas pipeline, which crosses the river and surfaces next to the existing plant, could leak or explode, onsite or in the river. The current and planned oil storage tanks, could leak and possibly cause pollution to the river. The trains traveling on rail next to the plant, could derail and potentially spill toxic substances or gases. The gas line supplying the plant from west of the tracks could also leak or explode. In a severe storm or rain event, leachate from the coal ash could pollute the river. Construction and/or plant workers could suffer injury or death with any of these scenarios, as could first responders. The company must analyze these potential dangers and develop a detailed plan for financing and response to such emergencies. This should include prompt and effective notification to fire and other departments and emergency personnel.	Application Exhibit 15, Public Health and Safety, will discuss potential health and safety impacts associated with the Project. Application Exhibit 37, Back-up Fuel, will provide a thorough description, consistent with NYS Department of Environmental Conservation requirements, of the secondary containment structures proposed to be constructed around back-up fuel tank(s) as well as any off loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills. Also, as stated in Section 3.2.3 of the PSS, the Project will have a "Spill Prevention, Control and Countermeasure Plan."
121	3/28/2019	Orange County Residents Against Pilgrim Pipelines	17	Alternatives	4	9	The study of alternatives must include the environmental risks associated with each. Also the pollution potential of each, and, importantly, their conformity with New York's Green Energy Goals. In addition, each alternative should be rated on its health risks to surrounding neighborhoods and communities, and resultant dollar costs.	Comment noted. As required by Article 10 regulations of the Siting Board (16 NYCRR § 1001.9(h)), for each reasonable and as applicable, feasible, alternative identified and described in Application Exhibit 9, Alternatives, Danskammer will provide an evaluation of the comparative advantages and disadvantages of the proposed Project and such alternatives, employing the criteria listed under 16 NYCRR § 1001.9(h). The listed criteria include, among other things, environmental impacts (including an assessment of global change impacts), public health considerations, reliability and electric system effects, and engineering feasibility. In undertaking that comparative analysis, Danskammer will specify, where appropriate, the individual considerations for each category (e.g. engineering feasibility, environmental impacts, etc.).



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
122	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	1	Consistency with Energy Planning Objectives	1.4	10	The construction of a new 636 MW gas plant is flatly incompatible with the state's shift to clean energy. By replacing a rarely used peaker plant with a baseload gas plant, the project would increase fossil-based generation at a time when the state must swiftly move to decrease such generation and increase renewables in order meet state mandates. In an attempt to claim otherwise, Danskammer falls back on its framing of the new plant as a replacement for an older, less-efficient gas plant. PSS at 1-12 – 1-13 (claiming that the “Project will displace higher-emitting . . . generation”). As noted above, the project is poised to increase—not decrease— emissions at Danskammer. If the Company claims otherwise, it must substantiate those claims with detailed modeling both as to emissions onsite and the purported displacement of higher- emitting generation overall.	Danskammer notes that portions of this comment contain the commenter's opinions on the Project rather than comments on the PSS, and therefore, Danskammer will not respond to those portions of the comment. Multiple exhibits to the Article 10 Application will address the issues raised by this comment. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development and contribute to a reduction in air emissions Statewide. Application Exhibit 17, Air Emissions, will provide an analysis that includes estimates of the anticipated air emissions from the Project. Application Exhibit 8, Electric System Production Modeling, will also provide estimates of statewide levels of SO2, NOx and CO2 emissions, both with, and without the proposed Project.
123	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	2	Air Emissions	1.4	10	Danskammer likewise asserts, again without proof, that “[c]arbon emissions from the project could be as low as 50% of . . . recently proposed limits for existing power plants.” PSS at 1-12. To make this claim, Danskammer must present a comprehensive description of plant specifications, including the plant's potential to emit greenhouse gases. However, even taking the Company at its word, emissions below the maximum permitted levels for the existing fleet in no way equate to the reduction—let alone the elimination—of emissions in total as required by state energy policies.	Danskammer notes that portions of this comment contain the commenter's opinions on the Project rather than comments on the PSS, and therefore, Danskammer will not respond to those portions of the comment. Multiple exhibits to the Article 10 Application will address the issues raised by this comment. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the Project will contribute to a reduction in air emissions Statewide. Application Exhibit 17, Air Emissions, will provide an evaluation of the Project's compliance with applicable federal, state, and local laws and regulations regarding air emissions, including but not limited to the Project's potential impact on greenhouse gas emissions, using the procedures outlined in the July 15, 2009 Draft NYS Department of Environmental Conservation Commissioner's Policy. Application Exhibit 8, Electric System Production Modeling, will also provide estimates of statewide levels of SO2, NOx and CO2 emissions, both with, and without the proposed Project.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
124	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	3	Consistency with Energy Planning Objectives	1.4	10	Danskammer also claims that the proposed plant's flexibility in dispatch will support the integration of renewable energy into the electric grid. Here too, the Company's claims are unsubstantiated. Danskammer provides no demonstration that new gas generation of any degree—let alone on the scale Danskammer envisions—is required if the grid is to accommodate increased renewable generation. Nor does Danskammer provide any evidence indicating that the significant new gas generation it is proposing would not serve to crowd renewables out of the grid, and/or that energy storage projects would not provide a cleaner, lower cost, and more effective means for integrating renewables into the grid. Further, although the Company envisions a 30 year life for its proposed gas plant, it makes no attempt to explain how that operating life squares with a conversion to 100% clean power in approximately 20 years.	Danskammer notes that portions of this comment contain the commenter's mere opinions on the Project rather than comments on the PSS, and therefore, Danskammer will not respond to those portions of the comment. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project, including its anticipated future operations, is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development.
125	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	4	Consistency with Energy Planning Objectives	1.4	10	Significantly, Danskammer's proposal is the latest of several regional fossil gas plant proposals. The 680 MW CPV Valley Energy Center—like Danskammer, located in Orange County—commenced operations in 2018. <sup>8</sup> The 1,100 MW Cricket Valley Energy Center is now under construction in neighboring Dutchess County. North Bergen Liberty Generating, LLC has proposed to locate a new 1,200 MW fossil gas plant in North Bergen, NJ. Although located in New Jersey, the plant is intended to deliver electricity to New York. <sup>11</sup> There is also a pending proposal to construct a 750 MW gas plant on Long Island. Given the significant number of gas projects recently constructed or already under consideration, Danskammer must demonstrate how yet another gas plant is somehow consistent with state energy policies.	The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project, including its anticipated future operations, is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
126	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	5	Alternatives	4	9	To justify the grant of a Certificate in this Article 10 proceeding, Danskammer must clearly demonstrate the public need for a new gas plant. The Company cannot show that its proposal is in the public interest if it cannot demonstrate a need for the new gas plant. Danskammer must determine whether increased generation capacity is needed and if so, how much. It must also determine whether any such need is best met with new fossil fuel generation—as Danskammer proposes—or whether non-combustion alternatives (i.e., wind, solar, storage, efficiency, and demand response) would most suitably meet that need in line with the state’s energy policies. Danskammer must conduct a vigorous alternatives analysis aimed at making these determinations and evaluating which option is best suited to promote the public health and welfare.	The Article 10 Application as a whole will describe the purposes and public need of the repowering project. The analysis in Application Exhibit 8, Electric System Production Modeling, will consider the relevant existing conditions, or the base case at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation, including any relevant distributed generation, demand response or combined heat and power projects. The alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, the reasonable renewable energy supply source alternatives that are feasible, considering Danskammer’s objectives and capabilities as a private facility applicant. Danskammer will evaluate these alternatives in Application Exhibit 9, Alternatives, using the criteria set forth in Siting Board regulations under 16 NYCRR § 1001.9(h).
127	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	6	Project Need	4	9	To implement the Clean Energy Standard, New York has worked to offset traditional fossil fuel projects—like the facility proposed here—with alternative projects utilizing clean energy, energy efficiency, and energy storage. The State’s 2017 Renewable Energy Standard Solicitation resulted in 26 agreements to develop nearly 1,400 MW of clean energy capacity (operational by 2022). The 2018 Solicitation led to 20 agreements to develop 1,654 MW of clean energy and 45 MW of storage (operational by 2023). The State will issue its 2019 Solicitation in April 2019. Further, Governor Cuomo has announced goals to install 3,000 MWs of solar capacity by 2023 and develop up to 2.4 gigawatts of offshore wind capacity by 2030. 2017 Biennial Report at 14-15. As noted above, the State has also established a statewide energy storage goal of up to 3,000 MW by 2030. That storage goal is supported by an energy storage deployment policy that “will realize 1,500 MW of installed qualified energy storage systems by 2025.16 Danskammer must assess whether these and other clean energy projects under development sufficiently address state energy needs.	The Article 10 Application as a whole will describe the purposes of and public need for the repowering project. The analysis in Application Exhibit 8, Electric System Production Modeling, will consider the relevant existing, or base case, conditions at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
128	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	7	Alternatives	4	8	In particular, Danskammer must conduct a robust “no action” analysis. 16 NYCRR § 1001.9(f). The PSS merely states that “the alternatives analysis set forth in Exhibit 9 will evaluate the compatibility of the ‘no-action’ alternative with the competitive market of NYISO, future retirements, and the environmental objectives of the State of New York and the local community.” PSS at 4-2. In line with the requirement to demonstrate consistency with the State Energy Plan and the public interest, the no action analysis should analyze statewide emissions and model renewable generation uptake both with and without the proposed plant. To the extent Danskammer demonstrates a need for increased generation capacity, the no action analysis should assess whether that need would otherwise be met by either the many announced renewable installations to date or any additional renewable generation, demand side resources, or storage anticipated in the absence of the proposed plant. This analysis would build on the electric system production modeling required by 16 NYCRR §1001.8; see PSS at 8-1 – 8-2.	The Article 10 Application as a whole will describe the purposes and public need of the repowering project. The analysis in Exhibit 8, Electric System Production Modeling, of the Application will consider the relevant existing conditions, or the base case at the time the new facility is expected to commence operations, based on a data set developed in consultation with the NYS Department of Public Service and the NYS Department of Environmental Conservation, including any relevant distributed generation, demand response or combined heat and power projects. Such analysis will support Exhibit 10, Consistency with Energy Planning Objectives. Moreover, Exhibit 9, Alternatives, will comply with applicable requirements under 16 NYCRR § 1001.9(f).
129	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	8	Alternatives	4	9	The no action analysis must not assume the continued operation of the existing Danskammer plant because, as stated above, that plant is near or at the end of its useful life. The PSS indicates that the no action alternative will “assume[] that . . . the existing facility will continue to operate in its current manner or in a revised operating mode as dictated by market demand.” PSS at 4-2. However, as noted above, Danskammer appears to concede that the existing plant will retire in the near future regardless of whether its proposed plant moves forward. Id. at 4-2 – 4-3 (“[T]he Project’s anticipated benefits, when compared against the ‘no- action’ alternative include . . . continued property tax payments and related community benefits . . .”). While Danskammer may find it useful to evaluate whether “the existing Station is suitable for coordination with a market that is seeking to add a significant increase in renewable resources,” id. at 4-2, that suitability—or lack thereof—does not subsume the no action analysis.	The existing Danskammer Station has continued useful life, and Danskammer intends to continue operations at the existing facility should the proposed Project not go forward. As such, it is appropriate that the no action alternative assume the continued operation of the existing facility. The statement “continued tax payments and related community benefits” was not intended to suggest that the shut down of the existing facility was imminent.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
130	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	9	Alternatives	4	9	The alternatives analysis must also consider a range of technology alternatives. Although the PSS states that Danskammer will address “using various technologies and sizes of equipment,” it does not provide a clear statement of the specific alternatives under consideration. Id. at 4-1. The Company must assess the use of varying gas plant sizes and configurations. The proposed 636 MW plant is a large facility. Danskammer must assess the smallest facility sufficient to meet any demonstrated need for additional generation and, if opting to move forward with the large plant proposal, explain why the smaller facility does not better comport with state energy policies and the public interest.	Consistent with Siting Board Regulations at 16 NYCRR § 1001.9(c)(3), Danskammer will describe and evaluate in Application Exhibit 9, Alternatives, reasonable alternatives to the proposed Project facility, including alternatives relating to scale or magnitude of the facility.
131	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	10	Alternatives	4	9	Danskammer must also assess the potential for onsite storage in place of the proposed gas plant. See id. § 1001.9(c)(2). The Company champions its proposed gas plant as consistent with the State Energy Plan because it will support the integration of a larger share of renewable energy sources into the electric grid. PSS at 1-12 – 1-13, 1-23. However, New York has recognized that energy storage is uniquely suited to address the needs of an energy system with high levels of renewable generation and is developing an energy storage roadmap to help meet the Clean Energy Standard mandates. 2015 State Energy Plan, Vol. 1, at 39 (“Energy storage technology will play a critical role in the REV energy future by helping to improve reliability, reducing peak load, and enabling greater integration of intermittent renewable resources such as solar and wind.”); 2017 Biennial Report at 85, 87. Storage is also a job creator: New York expects jobs in the state’s storage sector to increase four- to seven-fold by 2027. 2017 Biennial Report at 87.	The alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other reasonable energy supply source alternatives, that are feasible, considering Danskammer’s objectives and capabilities as a private facility applicant. Consistent with the Siting Board regulations at 16 NYCRR § 1001.9(g)(h), Danskammer will also discuss the comparative advantages and disadvantages of the proposed Project facility and the alternatives considering a number of criteria, including, among others, economic considerations, such as number of long term jobs generated.
132	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	11	Alternatives	4	9	The regulations implementing Article 10 permit private facility applicants to limit their description and evaluation of alternative locations to parcels “owned by, or under option to, such private facility applicant or its affiliates.” 16 NYCRR §§ 1000.5(l)(2)(x), 1001.9(a). Danskammer indicates that “[n]o such alternative location sites exist.” PSS at 4-1. We ask that Danskammer confirm that no lands in New York other than the Danskammer site are owned by, or under option to, Danskammer or its affiliates—including its parent company Tiger Infrastructure. Alternatively, Danskammer must disclose such lands and explain why they do not present a better option for the development of alternatives to the proposed gas plant.	Danskammer is a private facility applicant within the meaning of 16 NYCRR § 1000.2(ae) and, therefore, need only identify alternative locations owned or under option to it or an affiliate. As to alternative reasonable renewable energy resources, Danskammer, as a private facility applicant, need only consider such alternatives that are feasible, considering its objectives and capabilities as project sponsor. Neither Danskammer nor any affiliate owns, or has options to purchase, any property suitable for the Project in New York other than the ±180 contiguous acres in the Town of Newburgh identified in Section 1.5 of the PSS.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
133	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	12	Air Emissions	3.3	17	The PSS provides a preliminary description of several air quality analyses to be included in Exhibit 17 of the Article 10 Application. PSS at 3-17 – 3-55; see also id. at 5-17 – 5-18. Danskammer’s description reveals several deficiencies that must be addressed if the Article 10 Application is to provide a sufficient examination of air impacts. First and foremost, the proposed plant must be assessed as a new facility generating entirely new air emissions. As stated in Sections I & III above, the existing plant is at or near the end of its useful life. It rarely runs and appears likely to retire in the near future. As such, it is inappropriate to use existing emissions as a baseline, considering only the potential for proposed plant emissions beyond that point. See id. at 3-51 (“The change in site-wide annual emissions will be based on the emissions from the Project minus the actual historical emissions from the existing generating units.”). Danskammer must provide an assessment of the proposed plant’s emissions in toto, divorced from any comparison with existing plant emissions.	Consistent with governing state and federal regulations, Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the proposed Project facility, including any potential impacts on ambient air quality.
134	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	13	Air Emissions	3.3	17	To the extent Danskammer thereafter conducts a secondary analysis comparing existing vs. proposed plant emissions, it would most accurately do so by comparing the existing plant’s 3-year actual emissions to the proposed plant’s potential to emit. Cf. 16 NYCRR § 1001.41. The comparison of actual to potential emissions is necessary to account for the difference between the existing plant’s operation as a rarely-used peaker unit and Danskammer’s intended operation of the proposed plant as a baseload facility.	Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the proposed Project facility, including any potential impacts on ambient air quality. The NYS Department of Environmental Conservation air permit application will include a thorough assessment of the existing Danskammer Generating Station emissions and the Project’s potential emissions per NYS Department of Environmental Conservation and U.S. EPA New Source Review (NSR) air quality regulations.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
135	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	14	Air Emissions	3.3	17	Danskammer indicates that subject to the New York State Department of Environmental Conservation's ("NYS Department of Environmental Conservation") discretion, the Company's planned cumulative impact analysis of air quality "may also include an air emission source located contiguous to the Project and for which the necessary emissions data is reasonably available and acceptable to NYS Department of Environmental Conservation." PSS at 5-18; see 6 NYCRR § 487.7(d)(5). Presumably, this refers to the Roseton Generation Station sited adjacent to the Danskammer site. PSS at 1-14. The PSS does not clarify whether or not Danskammer considers Roseton separately subject to inclusion in the cumulative impact analysis under 6 NYCRR § 487.7(d)(4) ("any other permitted stationary source located within the EJIA that emits an air pollutant in an amount at or above the significant project thresholds . . ."). Any air dispersion modeling performed to assess area air quality impacts must necessarily incorporate emissions from other nearby sources of significant air pollution—including, but not limited to the Roseton Plant. Specifically, the emissions of the proposed plant should be modeled both separately and in combination with the other large area sources, with modeled emissions then added to a reasonably derived measure of background concentrations. See 6 NYCRR § 487.7(e). The use of a background concentration alone does not suffice to account for emissions from Roseton and other large nearby sources of air pollution.	See response to Earthjustice Comment No. 13. In addition, the emissions from the Roseton Generating Station will be included in the cumulative air quality assessment to the extent required by applicable state and federal air regulations.
136	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	15	Air Emissions	3.3	17	With regard to greenhouse gas emissions, the Company indicates that it will "quantify direct and indirect carbon dioxide ('CO2') emissions from the Project during construction and operation", "provide a comparison of annual and total Project lifetime CO2 emissions to other sources of existing power generation," and address mitigation options. PSS at 3-22. Danskammer must also quantify the emissions of other greenhouse gases beyond carbon dioxide, including methane ("CH4") emissions. Specifically, the Company's analysis should address the full life cycle of greenhouse gas emissions inherent to operation of a large gas plant, from fossil gas extraction through to electric generation itself. Further, the Company must compare the annual and total emissions of the proposed plant to those of all project alternatives, not merely to "other sources of existing power generation."	As explained in Section 2.7 of the PSS, the proposed Project will use the existing natural gas transmission system for the delivery of natural gas. Application Exhibit 7, Natural Gas Power Facilities, and Exhibit 36, Gas Interconnection, will further describe the Project's natural gas facilities and gas interconnection. The analysis in Application Exhibit 17, Air Emissions, will also provide an analysis of any potential impact of the Project's operations on greenhouse gas emissions, among other things.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
137	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	16	Air Emissions	3.3	17	Finally, the PSS indicates that Danskammer's modeling will utilize meteorological data sets from Orange County Airport in Montgomery, New York and the Albany International Airport in Albany, New York. Id. at 3-19, 3-26, 3-54 (16 and 82 miles, respectively, from the project site). Danskammer must further justify its choice of those data sets and in particular explain why those data sets are more suitable than data sets from other, closer airports. See id. at 3-131 (Stewart International Airport and Hudson Valley Regional Airport are only 8 and 5 miles, respectively, from the project site).	Comment noted. Danskammer will use meteorological data from Hudson Valley Regional Airport for the air quality assessment that will be provided in Application Exhibit 17, Air Emissions.
138	3/29/2019	Earthjustice on behalf of Sierra Club and Orange County Residents Against Pilgrim Pipelines	17	Exposure of Danskammer Site to expected sea level rise of the Hudson River	1.7.5	15	Danskammer must assess the site's susceptibility to flooding using up-to-date information reflecting the reality of climate change. Danskammer claims that its project is consistent with state coastal management policies because the project will be located outside of the 100-year flood zone and on the edge of the 500-year flood zone. Id. at 6-27. To make these claims, the Company relies on flood maps from 2009. Id. Yet Danskammer in no way demonstrates that the 2009 maps reflect current predictions of sea level rise and the increase in extreme weather events as a result of climate change. Significantly, the 2009 map predates Hurricane Sandy (2012), which flooded the Danskammer site—substantially damaging the existing plant and forcing a two-year shutdown. <sup>21</sup> Danskammer must undertake a thorough analysis of the site's susceptibility to flooding—using current information—in order to substantiate its claims that proposed plant is appropriately sited and not at risk of flooding.	The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed facility in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines. In conducting this analysis, Danskammer will utilize not only publicly available FEMA flood plain mapping, but also surveys of flood plain areas and elevations within the Project site conducted by qualified surveyors using current information.
139	3/29/2019	Kieran Conroy	1	Tribal Consultation	1.7.5	20	What specific tribal nations have you identified and will your consultation invite participation of tribal representatives with ancestry in our region during the archaeological assessment, to account for unique expertise within their community on what constitutes a sensitive sacred, archeologically significant or likely burial site? Tribal perspectives must be included, not merely state officials with little connection to their history and land use knowledge.	At this time, Danskammer has not identified any specific tribal nations that are historically connected to the Project site. As indicated in the PSS, Danskammer intends to follow the Office of Parks, Recreation, and Historic Preservation (OPRHP) and Federal agency guidelines (including the Bureau of Indian Affairs) for tribal consultation, as appropriate. The results of this consultation will be provided in the Application Exhibit 20, Cultural Resources. If any specific tribal nations are identified, Danskammer will contact the tribal representatives, and will also include the tribal organizations contacted in an updated Stakeholder List.



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
140	3/29/2019	Kieran Conroy	2	Tribal Consultation	1.7.5	20	Will your assessment include diligent outreach to federally recognized tribes as well as state recognized tribal communities with a strong connection to the region? Bear in mind tribes displaced to other states still have rights that must be respected in their ancestral homelands. State Recognized tribal communities are still recognized as legitimate Native Americans with specific rights and legal claims. You should also look to local urban and regional listings tracked by the Bureau of Indian Affairs and Census Bureau, which maintains regions of statistically significant Native American population outside of established reservation and may contain many living descendants and organizations that represent their interest.	See response to Kieran Conroy Comment No. 1.
141	3/29/2019	Kieran Conroy	3	Tribal Consultation	1.7.5	20	Danskammer is recorded as receiving its name from a famous sighting of a Native American ceremonial dance observed by Henry Hudson from the river and local historians have documented it as a meeting place, possibly from tribes on both sides of the river. (two sources for this are Native New Yorkers, by Evan Pritchard and an older text Indian Tribes of Hudson's River to 1700 (by E.M. Ruttenber, Vol 1-2) The latter is a somewhat antiquated text in its language but contains firsthand accounts from Henry Hudson and others specific to ceremonies at the Danskammer site and local Orange County tribal communities).	Comment noted.
142	3/29/2019	Kieran Conroy	4	Tribal Consultation	1.7.5	20	Federally recognized tribes which might have connection to the area include the Stockbridge-Munsee tribe of Wisconsin, who include Wappinger descendants from this region of the Hudson River. ( <a href="https://www.mohican.com">https://www.mohican.com</a> )	Comment noted.
143	3/29/2019	Kieran Conroy	5	Tribal Consultation	1.7.5	20	There are also two important state recognized tribal communities with ancestry and historic presence on both sides of the Hudson river. -The Ramapough Lenape Nation of New Jersey include significant members with ancestry in Munsee/Waoraneck groups of Orange County, and many of their tribal members continue to live in Bergen, Rockland and Orange counties. Contacts: Chief Dwaine Perry (lunaape1@gmail.com) Floyd Little Sun Hicks-Tribal council representative for Orange County families ((914) 584-6207) <a href="https://www.ramapoughlenapenation.org">https://www.ramapoughlenapenation.org</a> - Another Connecticut state recognized tribe, the Schaghticoke maintain connections to lands and gravesites in our part of the Hudson River too, having documented ancestral lands in both states. Chief Hawk Storm is a local lineal descendent and representative of the tribe with ties to our region. Chief Hawk Storm-(sfn.tribal.email@gmail.com) <a href="https://schaghticokefirstnations.org/">https://schaghticokefirstnations.org/</a>	Comment noted.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
144	3/29/2019	New York Communities for Change, Food & Water Watch, Mothers Out Front, Orange Residents Against Pilgrim Pipelines and Sane Energy Project	1	Environmental Justice	5.3	28	In its application, Danskammer does not fully detail the methodology of its identification of the EJ tracts. It is extremely difficult to identify which census tracts are in their framework or how that framework is derived. Their analysis finds what seem to be 13 EJ tracts. Mr. Metts' analysis, which relies on 2012-2015 census data, finds 19 EJ eligible tracts, which is a 37.5% increase in the number of tracts identified. These results appear to match the analysis available at EJSCREEN at EPA, while Danskammer's does not appear to do so.	Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations. The environmental justice evaluation will be based on the 2010 Decennial Census Data and the 2011-2016 American Community Survey Data.
145	3/29/2019	New York Communities for Change, Food & Water Watch, Mothers Out Front, Orange Residents Against Pilgrim Pipelines and Sane Energy Project	2	Environmental Justice	5.3	28	Danskammer also misses critical facts. The Downstate Correctional Facility, which has a significant EJ population, should be put into the analysis. In addition, the intersecting census tract is an EJ tract. Moreover, Danskammer's 'comparison area' breaks apart the urban centers important for the region in a manner that does not appear to be supportable. To be specific, a more typical and logical analysis would cover the census tracts within the 4 intersecting counties as the comparison area. The state could and should also be used as a comparison area. These two geographies are a more reasonable and clear EJ designation method.	Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations and the NYS Department of Health "Updated Guidance for Health Data Review and Analysis Relating to NYS Department of Environmental Conservation Environmental Justice Requirements for CP-29 and 6 NYCRR Part 487" (NYSDOH, 2017). Per the NYS Department of Health guidance, the environmental justice analysis will include an evaluation of asthma emergency department visits, cancer incidence rates for four sites, and low birth weights by ZIP code for the ISA and CAs. The CAs will include Orange County, NYS excluding NYC, an area with ZIP codes of the same population density from the same local area, and zip codes within a 5-10 mile radius of the ISA. The inclusion of the Downstate Correctional Facility as an environmental justice community will be assessed in accordance with the NYS Department of Environmental Conservation Part 487 requirements.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
146	3/29/2019	New York Communities for Change, Food & Water Watch, Mothers Out Front, Orange Residents Against Pilgrim Pipelines and Sane Energy Project	3	Environmental Justice	5.3	28	Apart from whatever methodology Danskammer is proposing, the boundary the applicant draws excludes EJ areas, including the City of Newburgh and, directly across the Hudson River, Fishkill. Beacon, slightly to the South of the site, is also excluded.	Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations. The proposed impact study area (ISA) of 5 miles from the Project is consistent with the NYS Department of Environmental Conservation's definition of impact study area for an environmental justice analysis as provided in Section 487.4 of the NYS Department of Environmental Conservation Part 487 regulations. Per this regulation, the radius of the ISA is based on site-specific factors, including the nature, scope and magnitude of the significant environmental impacts, the projected range of those impacts on various environmental resources, and the geography of the area surrounding the location of the proposed Project. Exhibit 28 will detail the projected range, scope, and magnitude of environmental impacts from the Project. The environmental justice analysis will include locations from 5-10 miles from the proposed Project as defined by the NYS Department of Environmental Conservation Part 487 requirements for the Comparison Area (CA). The ISA will include the City of Beacon and the Town of Fishkill. The ISA combined with the CA includes the entire City of Newburgh.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
147	3/29/2019	New York Communities for Change, Food & Water Watch, Mothers Out Front, Orange Residents Against Pilgrim Pipelines and Sane Energy Project	4	Consistency with Energy Planning Objectives	1.4	10	As described in our previous comments, the proposal is wholly incompatible with the State's current Clean Energy Standard and Energy Plan because it creates a large new source of climate pollution that would frustrate the State's attempts to transition to a minimum 50% renewable grid by 2030 and carbon-free electricity by 2040, as the Governor has articulated. Also as previously described, the application does not appear to assign much importance or propose deep analysis of the proposed fracked gas plant's climate impacts.	Danskammer notes that portions of this comment contain the commenter's opinions on the Project rather than comments on the PSS, and therefore, Danskammer will not respond to those portions of the comment. Multiple exhibits to the Article 10 Application will address the issues raised by this comment. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan. Application Exhibit 17, Air Emissions, will provide an evaluation of the Project's compliance with applicable federal, state, and local laws and regulations regarding air emissions, including but not limited to the Project's potential impact on greenhouse gas emissions, using the procedures outlined in the July 15, 2009 Draft NYS Department of Environmental Conservation Commissioner's Policy. Application Exhibit 8, Electric System Production Modeling, will also provide estimates of statewide levels of SO <sub>2</sub> , NO <sub>x</sub> and CO <sub>2</sub> emissions, both with, and without the proposed Project.
148	3/29/2019	New York Communities for Change, Food & Water Watch, Mothers Out Front, Orange Residents Against Pilgrim Pipelines and Sane Energy Project	5	Air Emissions	2.5	17	We are also troubled by the apparent omission of methane impacts. The applicant's proposal minimizes its massive climate impacts, relegating a central concern for the State and the public to superficial mentions buried in the application. We do not read this proposal as containing any serious mention or analytical concern over the methane impacts of the plant. We believe this is also not coincidental, as recent studies show that methane, which is approximately 100x more potent as a greenhouse gas than carbon, leaks at a substantially higher rate than the gas industry averred. For example, Cornell scientist Robert Howarth's studies show that on a life cycle basis, fracked gas, which will power this plant, is worse than coal. Even an industry-funded study conducted jointly with the Environmental Defense Fund showed that methane leaks are much higher than previously estimated. Incorporation of these studies into any analysis is vital. The State should insist on a proper life-cycle analysis of the plants impacts including the impact of methane leaks in the process of extracting, refining and transporting the gas, which will presumably be almost entirely fracked shale gas, to the facility. We note that New York banned fracking and do not believe that it is consistent with state policy to import fracked gas.	As explained in Section 2.7 of the PSS, the proposed Project will use the existing natural gas transmission system for the delivery of natural gas. Application Exhibit 7, Natural Gas Power Facilities, and Exhibit 36, Gas Interconnection, will further describe the Project's natural gas facilities and gas interconnection. The analysis in Application Exhibit 17, Air Emissions, will also provide an analysis of any potential impact of the Project's operations on greenhouse gas emissions.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
149	3/29/2019	NYS Department of Environmental Conservation	1	Consistency with Energy Planning Objectives	1.4	10	The applicant should evaluate whether the repowered facility conflicts with New York’s short and long term GHG reduction and clean energy goals. As a baseload facility using natural gas, the more efficient repowered facility will likely operate more than the existing Danskammer facility, so the total annual emissions of the repowered facility may be greater than those of the existing facility.	Multiple exhibits to the Article 10 Application will address these issues. The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development and contribute to a reduction in air emissions Statewide. Application Exhibit 17, Air Emissions, will provide an analysis that includes estimates of the anticipated air emissions from the Project. Application Exhibit 8, Electric System Production Modeling, will also provide estimates of statewide levels of SO2, NOx and CO2 emissions, both with, and without the proposed Project.
150	3/29/2019	NYS Department of Environmental Conservation	2	Consistency with Energy Planning Objectives	1.4	10	The applicant should evaluate how its proposal to use natural gas for the repowered facility is consistent with clean energy development and State goals, as well as discuss its plan for carbon dioxide sequestration in the future.	The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development and contribute to a reduction in air emissions Statewide.
151	3/29/2019	NYS Department of Environmental Conservation	3	Air Emissions	3.3	17	These sections of the PSS present information pertaining to the analyses to be performed by the applicant and contained in the Article 10 application, including the identification of any potentially significant adverse impacts to the environment such as, among others, air resources. While the PSS provides some details that are typically provided at the modeling protocol stage, the applicant will still be required to submit a detailed modeling protocol (which it has acknowledged in Section 3.3), for review and approval by DEC staff prior to actually performing the modeling.	Comment noted. The NYS Department of Environmental Conservation air permit application for the Project will include an ambient air quality modeling protocol that will be submitted to the NYS Department of Environmental Conservation for approval prior to the Article 10 application submittal.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
152	3/29/2019	NYS Department of Environmental Conservation	4	Air Emissions	3.3	17	Choice of meteorological data site for dispersion modeling: The applicant noted its intent to use surface meteorological data from the Orange County Airport (MGJ) in Montgomery, which is located approximately 16 miles southwest of the proposed facility. DEC staff, instead, recommend the use of data from Hudson Valley Regional Airport (POU), which is located approximately 5.5 miles northeast of the proposed facility. This airport was previously known as Dutchess County Airport, and is located in the Town of Wappinger. Not only is POU closer to the facility than MGJ, but in DEC staff's judgment its location is more representative of dispersion conditions found at the proposed facility site. Both sites are located in the immediate Hudson Valley: POU is at 49.8m elevation, compared to the proposed facility site which is near sea level. By contrast, MGJ is located outside of the immediate valley area and at an elevation of 111.3m. If the applicant has sufficient reasoning to justify the continued use of MGJ data going forward, this information should be provided to DEC staff for its review and evaluation.	Danskammer concurs with NYS Department of Environmental Conservation's recommendation and will use meteorological data from Hudson Valley Regional Airport for the Article 10 air quality assessment provided in Application Exhibit 17, Air Emissions.
153	3/29/2019	NYS Department of Environmental Conservation	5	Air Emissions	3.3	17	The PSS does not mention consideration of secondarily-formed PM2.5 (additional particulate matter that forms from the gaseous emissions after emission). This information may be necessary as part of the applicant's PM2.5 impact analysis, depending on projected emissions.	Danskammer proposes to use the current U.S. EPA "Modeling Emissions Rates for Precursors" (MERPs) guidance for including secondarily-formed PM2.5 in the air quality assessment to be provided in Application Exhibit 17, Air Emissions.
154	3/29/2019	NYS Department of Environmental Conservation	6	RTE Species	3.7	22	DEC's own jurisdictional review indicates that as many as four bald eagle nests are located within one mile of the Project site. This information should be reflected in the application.	Comment noted. In developing Application Exhibit 22, Terrestrial Ecology and Wetlands, Danskammer will consult with state and federal wildlife agencies to identify appropriate avoidance, minimization or mitigation measures with respect to bald eagles in the vicinity of the Project.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
155	3/29/2019	NYS Department of Environmental Conservation	7	Dredging	3.8.9	23	<p>This section of the PSS notes that limited dredging or other work in navigable waters (i.e. Hudson River) may be required to support the delivery of new equipment or materials to the Project site, and that plans and contingency provisions will be presented to address the potential for fuel oil spill related to the removal of any fuel oil transfer equipment from the in-water location. The application should fully evaluate and address the impacts associated with any dredging that might occur including, but not limited to, impacts on aquatic resources, including fisheries and vegetation, evaluation of the dredged material for contaminants, and a discussion and plan for the proper disposal of the dredged material. Further, the application should address any temporary or permanent shoreline or docking modifications that may be necessary to either deliver new equipment or remove old equipment at the Project site.</p>	<p>Application Exhibit 25, Transportation, will describe the proposed methods by which materials will be transported to the Project site for the construction, operation, and maintenance of the Project. This discussion will identify whether such methods will include transportation by barge on the Hudson River and if so, whether temporary or permanent shoreline or docking modifications would be required, whether dredging would be required to facilitate the use of such barges, and the extent of any necessary dredging. If it is anticipated that materials will be transported to the Project site by barge on the Hudson River, Application Exhibit 23, Water Resources and Aquatic Ecology, will fully evaluate and address any impacts associated with such activity on aquatic species, including any impacts related to shoreline modifications and/or dredging, and will identify any appropriate avoidance, minimization or mitigation measures.</p>
156	3/29/2019	NYS Department of Environmental Conservation	8	Environmental Justice	5.3	28	<p>This section of the PSS acknowledges DEC's regulation setting forth the requirements for analyzing environmental justice issues in conjunction with the proposed Project, namely, 6 NYCRR Part 487 – Analyzing Environmental Justice Issues in Siting of Major Electric Generating Facilities Pursuant to Public Service Law Article 10 (Part 487). Pursuant to Part 487, a one-half mile radius around the proposed location of the Project is the minimum impact study area required, but shall be increased based on site-specific factors including, among others, the scope and magnitude of environmental impacts. See 6 NYCRR §487.4(b).                      Moreover, for proposed facilities that are also air emission sources, such as the Project here, Part 487 requires a cumulative impact analysis. See 6 NYCRR §487.7(a). The cumulative impact analysis must consider the largest of several distances, including the distance to the furthest receptor location of maximum impact for any relevant air pollutants. Id. at §487.7(b). Accordingly, the applicant may be required to consider an impact study area larger than a one-half mile radius around the facility, particularly due to the fact that the Project would be an air emission source.                      Finally, the applicant should utilize 2000 Census Bureau and 2011-2016 American Community Survey data for the Environmental Justice evaluation in its application (both are available from the Census Bureau's website).</p>	<p>Comment noted. Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations and after consultation with NYS Department of Environmental Conservation. The environmental justice analysis will include an analysis of the anticipated cumulative air impacts from the facility on the identified environmental justice communities. As stated in the PSS, Danskammer has proposed utilizing an impact study area (ISA) equal to a five mile surrounding the location of the Project, which is well beyond the minimum one-half mile radius set forth in the regulations.                       The environmental justice evaluation will be based on the 2010 Decennial Census Data and the 2011-2016 American Community Survey Data. The 2010 Decennial Census is more recent than the suggested 2000 Decennial Census and is consistent with the data requirements of the NYS Department of Health "Updated Guidance for Health Data Review and Analysis Relating to NYS Department of Environmental Conservation Environmental Justice Requirements for CP-29 and 6 NYCRR Part 487" (NYSDOH, 2017).</p>

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
157	3/29/2019	NYS Department of Health	1	Public Health and Safety	3.1.3	15	Section 3.1.3 indicates that construction impacts will be temporary in nature and not expected to be significant. 16 NYCRR § 1001.15 requires that the potential short- and long-term public health and safety impacts associated with construction and operation of the facility be identified, described, discussed, and monitored, as necessary, for all receptors (including residences) and other receptors such as commercial and public spaces and/or medical facilities, etc.). The impacts associated with construction of the facility need to be evaluated and presented in the application.	Comment noted. Application Exhibit 15, Public Health and Safety, will discuss the information presented in this comment.
158	3/29/2019	NYS Department of Health	2	Public Health and Safety	3.2.3	15	Section 3.2.3 lists the resources to be evaluated in the application. The application should consider if there are any landslide hazard areas on-site to be evaluated.	Comment noted. Application Exhibit 15, Public Health and Safety, will discuss the information presented in this comment.
159	3/29/2019	NYS Department of Health	3	Air Emissions	3.3	17	Section 3.3 of the PSS indicates that Exhibit 17 of the application will examine the potential impacts for US Environmental Protection Agency's criteria pollutants, NYS Department of Environmental Conservation (NYS Department of Environmental Conservation)-regulated pollutants, and non-criteria pollutants on air resources in the study area. NYSDOH also requests that the air resource assessment in Exhibit 17 includes an evaluation of any potential health impacts associated with short-term exposures to respiratory irritants emissions. Increased emissions during facility start-ups, shut-downs and pollution control by-pass conditions should also be presented in the application.	Application Exhibit 17, Air Emissions, will provide an evaluation of the Project's compliance with applicable federal, state, and local laws and regulations regarding air emissions, including but not limited to an analysis of the impact of the Project on air quality in terms of air pollutant concentrations at certain receptor points and the Project's potential impact on greenhouse gas emissions, using the procedures outlined in the July 15, 2009 Draft NYS Department of Environmental Conservation Commissioner's Policy. To the extent that the analysis proposed does not include the evaluations requested in this comment, Danskammer can discuss, during the Stipulations process, with those parties participating, whether it is reasonable and feasible to perform any additional evaluations not already required by applicable law.



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
160	3/29/2019	NYS Department of Health	4	Noise and Vibration	3.4	19	Section 3.4 (Noise and Vibration) of the PSS indicates that Exhibit 19 of the application will include a noise impact assessment for construction and operation of the facility at potentially sensitive noise receptors. The applicant will compare predicted noise impacts to local noise standards for the Town of Newburgh and by applying NYS DEC's Program Policy Memorandum "Assessing and Mitigating Noise Impacts (NYS Department of Environmental Conservation, 2001). In addition to maps of predicted noise impacts and the noise descriptors required by 16 NYCRR § 1001.19, the NYSDOH requests tabular noise modeling results inclusive of annual maximum daytime (L16day), annual maximum night (L8night) and annual logarithmic average nighttime (Leqnight) noise levels that can be directly compared to World Health Organization guidelines (WHO, 1999; 2009) to evaluate potential sleep disturbance and annoyance. Please consider the comments above and modify the PSS accordingly.	Comment noted. The referenced guidance documents will be considered in the preparation of the Noise Impact Analysis set forth in Application Exhibit 19, Noise and Vibration. Danskammer notes that the sound emissions from the Project facility when in normal operation will be invariant at any given receptor location. Consequently, the predicted performance will be the same whether it is day or night and irrespective of any time frame. Only the background existing noise level will change.
161	3/29/2019	NYS Department of Health	5	Blasting	3.4	21	16 NYCRR § 1001.21(j) requires the application to include an assessment of potential impacts of blasting to environmental features, above- and below-ground structures, including pipelines and wells. Although the PSS indicates that if blasting is required, a preliminary plan will be presented that conforms to applicable regulations, this section does not indicate whether this plan will assess potential impacts to the existing gas on-site pipeline or any wells. Please modify the PSS accordingly.	Comment noted. Any preliminary blasting plan presented in Application Exhibit 21, Geology, Seismology and Soils of the Article 10 Application will include an assessment of the potential impacts of blasting to above- and below-ground structures, such as pipelines and wells.
162	3/29/2019	NYS Department of Health	6	Environmental Justice	5.3	28	Section 5.3 of the PSS describes the applicant's proposed analysis to determine whether construction and operation of the proposed project would have a significant adverse and disproportionate effect on potential environmental justice areas in accordance with Department of Public Service (16 NYCRR § 1001) and Department of Environmental Conservation (6 NYCRR Part 487) regulations. The proposed approach presented in the PSS generally follows NYS Department of Health "Updated Guidance for Health Data Review and Analysis Relating to NYS Department of Environmental Conservation Environmental Justice Requirements for CP-29 and 6 NYCRR Part 487" (NYSDOH, 2017) with some exceptions. The PSS indicates that an assessment will be prepared from available public health outcome data for asthma and cancer. NYSDOH's Guidance specifically calls for an evaluation of asthma emergency department visits, cancer incidence for four sites, and low birth weight by ZIP code and presents the methodology to present these data for the Impact Study Area (ISA) and four Comparison Areas (CAs).	Comment noted. The NYS Department of Health "Updated Guidance for Health Data Review and Analysis Relating to NYS Department of Environmental Conservation Environmental Justice Requirements for CP-29 and 6 NYCRR Part 487" (NYSDOH, 2017) will be utilized in the Application Exhibit 28, Environmental Justice, analysis. The environmental justice analysis will include an evaluation of asthma emergency department visits, cancer incidence rates for four sites, and low birth weights by ZIP code for the ISA and CAs.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
163	3/29/2019	NYS Department of Health	7	Environmental Justice	5.3	28	<p>Additionally, the selection of the comparison area is not consistent with NYSDOH's guidance. The PSS indicates that the ISA is defined as a five-mile radius around the facility and the CAs are defined as a five-mile radius beyond the ISA and Orange County. NYSDOH's guidance directs the applicant to ZIP code level health data so the ISAs and CAs should be defined by applicable ZIP codes (e.g., the ZIP codes within 5-miles approximates ISA boundaries). Although the PSS currently states the CAs will include the five miles surrounding the ISA and Orange County, the PSS does not include all the CAs, including ZIP code based CAs, recommended in NYSDOH guidance. Selected CAs should include:</p> <ul style="list-style-type: none"> <li>•The county in which the facility is located</li> <li>•A large regional area, in this case NYS excluding NYC</li> <li>•An area with ZIP codes of the same population density from the same local area</li> <li>•A comparison made up of ZIP codes surrounding the ISA</li> </ul>	Comment noted. See response to NYS Department of Health Comment No. 6. The CAs will include Orange County, NYS excluding NYC, an area with ZIP codes of the same population density from the same local area and ZIP codes within a 5-10 mile radius of the ISA.
164	3/29/2019	NYS Department of Health	8	Environmental Justice	5.3	28	<p>In Section 5.3.4, the PSS describes the cumulative impact analysis of air quality to be conducted in Exhibit 28 which will include impacts from the Danskammer facility, reasonably available background air quality, and other existing air emission sources. The applicant will examine the air impacts associated with emissions from the Danskammer facility for criteria pollutants (except for ozone), mercury and heavy metals, and several air toxics. Danskammer will examine its project impacts combined with other Article 10 facilities, other permitted major stationary sources that have yet to commence operations, and any other permitted major source whose emissions meet or exceed the "significant project thresholds" in NYS Department of Environmental Conservation regulation (6NYCRR, Part 231) within the "Environmental Justice Air Impact Area" plus six miles.</p>	Comment noted. Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations and after consultation with NYS Department of Environmental Conservation, and will include an analysis of the anticipated cumulative air impacts on the identified environmental justice communities in accordance with those regulations and NYS Department of Environmental Conservation guidance.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
165	3/29/2019	NYS Department of Health	9	Environmental Justice	5.3	28	The applicant should conduct a screening analysis to determine which non-criteria pollutants to include in the cumulative impact analysis above. The screening analysis should follow NYS Department of Environmental Conservation guidance for modelling maximum facility impacts in the ISA of all relevant non-criteria pollutants to determine if any exceed either 10% the NYS Department of Environmental Conservation Annual Guideline Concentration (AGC) if based on noncancer effects or 100% of the AGC if based on one-in-one million cancer risk. This screening can be used to reduce the number of chemicals included in the cumulative analysis in direct consultation with NYSDOH and NYS Department of Environmental Conservation. NYSDOH reserves the right to provide an alternative toxicity value, if warranted, such as when a pollutant's AGC is based on the one- in-one million cancer risk but exceeds 10% of a NYSDOH-recommended noncancer health- based guideline.	Comment noted. Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations and after consultation with NYS Department of Environmental Conservation, which will include estimates of the anticipated cumulative air impacts from the facility on the identified environmental justice communities. Danskammer will conduct a screening air quality analysis that will be detailed in Application Exhibit 17, Air Emissions, and which will follow NYS Department of Environmental Conservation guidance for criteria air pollutant impacts and modeling maximum facility impacts in the ISA of all relevant non-criteria pollutants to determine if any exceed either 10% of the NYS Department of Environmental Conservation Annual Guideline Concentration (AGC) if based on noncancer effects or 100% of the AGC if based on one-in-one million cancer risk. This screening will be used to determine the appropriate number of chemicals included in the cumulative impact analysis and will be conducted after consultation with NYS Department of Environmental Conservation and NYSDOH.
166	3/29/2019	NYS Department of Health	10	Electric and Magnetic Fields	9	35	Although Section 9.0 of the PSS indicates that Exhibit 35 of the application will include a complete analysis of electric and magnetic fields as required by 16 NYCRR § 1001.35, the PSS does not provide enough details to determine whether the calculation tables and field strengths graphs will meet all the proscriptive requirements in 16 NYCRR § 1001.35(d)(1)-(6). Please update the PSS accordingly.	Comment noted. The calculation tables and field strengths graphs provided in Application Exhibit 36, Electric and Magnetic Fields, will meet all the proscriptive requirements in 16 NYCRR §§ 1001.35(d)(1)-(6) of the Siting Board regulations.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
167	3/29/2019	NYS Department of Public Service	1	General Comments	NA	NA	<p>1.In addition to the specific comments on many topics below, DPS Staff advises that the Application must also contain all of the informational requirements included in 16 NYCRR §1001.1 et seq.</p> <p>2.Terminology used in Pre-Application and future Application phases should be standardized.</p> <p>3.The Application should provide a list of acronyms as an appendix to the Table of Contents.</p> <p>4.The Application should be carefully reviewed to ensure that all reference citations within the body of any exhibit are fully cited at the relevant list of reference documents. (Note: The PSS document is missing some referenced documents.)</p> <p>5.The PIP abbreviation on page x should be Public Involvement Program Plan.</p> <p>6.The Applicant should include the case number on all pages of documents submitted for this proposed project.</p>	Comments noted.
168	3/29/2019	NYS Department of Public Service	2	Proof of Service	Cover Letter	NA	The February 8, 2019 cover letter for the Preliminary Scoping Statement (PSS) did not indicate that a copy of the filing Notice was served on parties to the proceeding.	Danskammer served the PSS Notice on the stakeholders required by 16 NYCRR § 1000.5(e) as well as those listed on the Stakeholder List from Danskammer Energy's Public Involvement Program plan, as updated. The Affidavit of Service for these stakeholders was attached as Attachment 3 to the cover letter.
169	3/29/2019	NYS Department of Public Service	3	Project Information	1.1	1	This exhibit should contain contact information for the Applicant, including name, address, telephone number, e-mail address, and website address. DPS Staff recommends including the local telephone number established for the Project, as well as the location of the local office being opened in the Project area.	Comment noted. Danskammer will provide this information in Application Exhibit 1, General Requirements.
170	3/29/2019	NYS Department of Public Service	4	Public Outreach	1.7	2	In Section 1.7.1 Planning and Pre-Application Phase, the Applicant indicates that it will focus its communications on certain stakeholder groups. DPS Staff recommends including the "utilities" stakeholder group in this list.	Comment noted.
171	3/29/2019	NYS Department of Public Service	5	Socioeconomic Impacts	5.2	27	All mentions of specific models should be removed.	Comment noted. Danskammer understands that the specific model will be based on consultation with NYS Department of Public Service staff.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
172	3/29/2019	NYS Department of Public Service	5	Public Outreach	1.7	2	This section notes that the Applicant held four open houses in December 2018. The description of the open house events should include additional details such as how and when stakeholders and the public were notified of the events, how many people attended, and reference copies of the event notice, invitations, and distribution lists that are included in Appendix A. In addition, issues and/or concerns raised at the public events like the open houses and stakeholder meetings should be summarized and documented in the Meeting Log.	Comment noted. Danskammer will provide this information in Application Exhibit 2, Overview and Public Involvement.
173	3/29/2019	NYS Department of Public Service	6	Socioeconomic Impacts	5.2	27	With reference to Sections 5.2.2.B – Direct Effects and 5.2.2.D – Post- Construction Direct Effects, the Applicant should rely as much as possible on actual budgeted estimates associated with the Project.	Comment noted. This information will be included in Application Exhibit 28, Environmental Justice.
174	3/29/2019	NYS Department of Public Service	6	Public Outreach	1.7	2	Table 1.7-1 should be renamed to clarify that the table includes outreach during the pre-application phase only. In addition, the Applicant should clarify whether the Table includes all outreach activities conducted regarding the filing of the PSS, i.e., service to statutory parties, notice to stakeholder list, and publication in local papers.	Comment noted. Application Exhibit 2, Overview and Public Involvement, will provide a full description regarding the outreach activities conducted during the pre-application phase including the dates for each stakeholder outreach activity.
175	3/29/2019	NYS Department of Public Service	7	Socioeconomic Impacts	5.2	27	With reference to Sections 5.2.2.C – Indirect and Induced Effects and 5.2.2.E – Post Construction Secondary Employment Effects, a range of estimates should be presented to reflect the uncertainty associated with multiplier-based secondary impacts.	Comment noted. This information will be included in Application Exhibit 28, Environmental Justice.
176	3/29/2019	NYS Department of Public Service	7	Public Outreach	1.7	2	Section 1.7.1.3 describes the outreach materials and activities developed as part of the PIP. However, it does not include the status of the local office, which was planned for late 2018/early 2019. In addition, the Project website should be updated: the “Intervenor Funding” link goes to a page entitled “Project Benefits and Need.” A new link should be created for the benefits page and a new page created for the intervenor funding information. Lastly, this section should note actions taken to address language access issues and environmental justice communities.	Comment noted. Application Exhibit 2, Overview and Public Involvement, will provide a full description regarding the outreach activities conducted during the pre-application phase, including the date when the local office was opened, its location and the hours during which it is open for public access. Exhibit 2 will also detail the efforts that Danskammer has taken, and will take, to address language access issues and provide outreach to environmental justice areas within the Public Involvement Program Plan’s three-mile study area. The Project website links have been corrected.
177	3/29/2019	NYS Department of Public Service	8	Traffic and Transportation	3.1	25	With reference to 16 NYCRR §1001.25(d)(2) & (3), it is noted on page 3- 129 that Exhibit 25 will include an evaluation of the adequacy of the road system to accommodate the project during construction of the Project. In addition to roads and bridges along Project routes, DPS Staff advises that the Application should include analyses of existing culverts along Project haul routes.	Comment noted. To the extent practicable, this information will be provided in the Application Exhibit 25, Effect on Transportation. Danskammer will also consult on this issue with the NYS Department of Transportation to develop the information necessary for this analysis.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
178	3/29/2019	NYS Department of Public Service	8	Public Outreach	1.7	2	In Section 1.7.3 Application and Certification Phase, DPS Staff recommends that the Applicant describe public involvement activities regarding the filing of the Project Application, e.g., service of the application and mailing notice of the submittal to the updated stakeholders list, including adjacent landowners and additional addresses received through public outreach. The notice will include information on the Project generally and the Article 10 Application specifically. A copy of the mailing list and documentation indicating the dates and mailings that were made should be provided to the Secretary. The Application should include the updated stakeholder list.	Comment noted. Application Exhibit 2, Overview and Public Involvement, will provide all of the information indicated in this comment, with the exception that Danskammer cannot provide a complete mailing list for the mailing of the open house invitations because such mailing was performed through a private vendor whose mailing list is proprietary. As was noted in the Affidavit of Service that was included in the PSS, and as will be described in Exhibit 2, the open house invitations were mailed on December 3, 2018 to 7,287 addresses through such private vendor, and were personally mailed to 2 addresses, together comprising all physical mailing addresses within the Public Involvement Program Plan's three-mile study area as well as all addresses on the Stakeholder List at that time.
179	3/29/2019	NYS Department of Public Service	9	Traffic and Transportation	3.1	25	With reference to 16 NYCRR §1001.25(d)(3), DPS Staff recommends that the Application include a detailed description for major deliveries such as transformers, turbines, etc. In addition to the requirements of this regulation, this section should describe times of the day that such deliveries are to take place, and an explanation of any required roadway improvements and any proposed maintenance and protection of traffic (MPT) measures for major deliveries. DPS Staff advises that preliminary MPT plans regarding major deliveries should be included in the Application, if available at that time.	Comment noted. Danskammer proposes to discuss this request during the Stipulations process.
180	3/29/2019	NYS Department of Public Service	9	Public Outreach	1.7	2	Section 1.7.5 notes that significant issues were raised during outreach and consultations. DPS Staff notes that this Exhibit also must summarize any changes to the Project made as a result of public input. In addition, the issues listed in this section include "tribal consultation." DPS Staff advises that any tribal organization contacted as part of the Project be included in the stakeholder list.	Comment noted. Application Exhibit 2, Overview and Public Involvement, will provide the information indicated in this comment, and the Stakeholder List will be updated to include any tribal organization contacted as part of the Project outreach or studies.
181	3/29/2019	NYS Department of Public Service	10	Traffic and Transportation	3.1	25	Pursuant to 16 NYCRR §1001.25(d)(5), DPS Staff advises that, in addition to providing descriptions of all road use agreements between the Applicant and landowners, municipalities, or other entities, copies of preliminary agreements (or sample agreements) should be included as attachments to the Application. If road use agreements are not planned, the Applicant should explain how it will address potential repair of local roads damaged by heavy equipment or construction activities during Facility construction or operation.	Comment noted. As required under 16 NYCRR § 1001.25(d)(5), Application Exhibit 25, Effect on Transportation, will provide a description of all road use and restoration agreements. Danskammer will provide copies of agreements that are available at the time of the submission of the application.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
182	3/29/2019	NYS Department of Public Service	11	Environmental Justice	5.3	28	DPS Staff recommends the Applicant include a description of outreach efforts, if any, targeted towards the identified environmental justice communities.	Comment noted. Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations, which will include a summary of the public outreach efforts within the identified environmental justice communities.
183	3/29/2019	NYS Department of Public Service	10	Decommissioning and Site Restoration	1.7	29	Page 1-26 of the PSS states that: "[O]nce the Project is fully operational, existing generation equipment will be decommissioned. Danskammer Energy will consider options for the existing plant building structure and other existing plant equipment and structures at a later date, outside of this Article 10 proceeding." However, it is suggested throughout the document that certain notifications and permitting may or will be required regarding demolition or renovation. For example, Table 6.2-1 "Summary of Anticipated Major Environmental Permits and Approvals/Involved Agencies" notes that per the US Environmental Protection Agency (USEPA), "appropriate state agencies (including the New York State Department of Labor, Asbestos Control Bureau as indicated on page 6-9) must be notified of any demolition or renovation project involving asbestos removal at least 10 working days prior to the beginning of project." Additionally, this Table notes the following requirement of Orange County Department of Health: "certification of rodent-free inspection is required prior to demolition of all residential, commercial, and industrial buildings." Furthermore, it is noted in the document that: "[i]f a structure is scheduled for demolition, proper extermination is required prior to the demolition," followed by a post extermination inspection by the Orange County Commissioner of Health or his/her designee prior to demolition. In reference to potential demolition and/or rehabilitation of existing facilities prior to and after construction of the Project, DPS Staff recommends that the Application include the following: a.A description of all structures, buildings, and equipment that will need to be demolished, removed, or rehabilitated prior to construction of the new Facility; b.Site plans should be included in Exhibit 11 (as detailed below) showing new facility locations as well as sites to be demolished or modified after the new Facility is on-line.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. Application Exhibit 11, Preliminary Design Drawings, will include site plans that will show site reconfiguration after the Project is constructed and on-line.
184	3/29/2019	NYS Department of Public Service	11	Decommissioning and Site Restoration	1.7	29	Exhibit 29 should include a detailed discussion regarding potential options under consideration, such as site restoration or repurposing of existing buildings, for features associated with the existing plant.	See response to DPS Comment No. 10.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
185	3/29/2019	NYS Department of Public Service	12	Project Description	2.1	3	The description of the site and location on map Figure 1.2-1 and 1.2-2 should identify all municipalities within the study area.	Maps and drawings provided in Application Exhibit 3, Location of Facilities, will show the location of the proposed Project in relation to municipalities within the relevant study areas based on the requirement of 16 NYCRR § 1001.3(a)(5) of the Siting Board regulations. While the Project is located within an urbanized area which requires a study area of one mile under Section 1001.3, the relevant "study area" for a specific resource is defined by the specific requirements of the individual studies required to address the requirements of Article 10. Exhibit 3 will include maps showing study areas of one, three and five miles from the property boundaries of the Project site and interconnections.
186	3/29/2019	NYS Department of Public Service	13	Alternatives	4	9	The Application should address what, if any, consideration was given to including ancillary battery storage facilities in Facility design and address the potential location and extent of such storage facilities, as applicable.	Comment noted. The alternatives analysis in Application Exhibit 9, Alternatives, will provide this information. Danskammer will evaluate this alternative in accordance with 16 NYCRR § 1001.9(g), considering its objectives and capabilities as a private facility applicant, and will evaluate this alternative pursuant to the criteria set forth in 16 NYCRR § 1001.9(h).
187	3/29/2019	NYS Department of Public Service	13	Project Description	2.1	3	The topographic maps specified in this section should be reproduced at 1:24,000 scale. Facility locations should be clearly visible and should allow discernment of municipal boundaries, as required by 16 NYCRR §1001.3(b).	Comment noted.
188	3/29/2019	NYS Department of Public Service	14	Exposure of Danskammer Site to expected sea level rise of the Hudson River	4	9	Alternative design considerations that achieve higher levels of Project resiliency in terms of rising sea levels, storm surges, and increased flood elevations should be presented in the Application.	The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 9, Alternatives, will present alternative design considerations that achieve higher levels of Project resiliency in terms of rising sea levels, storm surges, and increased flood elevations
189	3/29/2019	NYS Department of Public Service	14	Project Description	2.1	3	The location of existing facilities that will serve the proposed Facility, including location of fuel gas transmission line, electric transmission line, water supply line(s), and wastewater conveyance lines should be indicated on maps and plan figures.	Application Exhibit 3, Location of Facilities, will provide the location of existing utilities that will serve the proposed Project, including electric transmission lines, water supply line(s) and wastewater conveyance line(s).



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
190	3/29/2019	NYS Department of Public Service	15	Project Description	2.1	23	DPS Staff requests that the location mapping include a separate figure representing the Facility location on National Oceanographic and Atmospheric Administration Navigation Charts for the Study Area, reproduced at original or enlarged scale.	Application Exhibit 3, Location of Facilities, will provide a NOAA Navigation chart. The precise length of the Hudson River encompassed by this chart as well as its scale can be further refined during the Stipulations process.
191	3/29/2019	NYS Department of Public Service	16	Project Description	2.1	13	Discussion of showings for Application Exhibit 13 in this section, regarding property interests, should include details of access rights and restrictions for crossing the CSX railroad corridor.	Application Exhibit 13, Real Property, will including a discussion of access rights and restrictions associated with the CSX railroad corridor, if any.
192	3/29/2019	NYS Department of Public Service	17	Project Description	2.4	11	DPS Staff requests that the Applicant provide four, full-size copies of the preliminary design drawing set (utilizing a common engineering scale) at the time of Application submittal. DPS Staff recommends a scale of 1"=100' or greater for all site plans and other required drawings associated with §1001.11. Additionally, DPS Staff will request that the Applicant provide with the Application a thumb-drive containing AutoCAD drawings.	Danskammer will provide these copies as well as the electronic AutoCAD drawings, although Danskammer will likely request confidential treatment for certain information in accordance with NYS Public Service Commission regulations. Danskammer notes DPS Staff recommendation on scale of the preliminary site drawings and will evaluate it in terms of conveying information in accordance with best engineering practices.
193	3/29/2019	NYS Department of Public Service	18	Project Description	2.4	11	DPS Staff recommends that the Applicant provide a completed DPS Attachment 1, "Map Sizes and Scales" sheet, in the response to PSS comments, regarding approximations of drawing scales to be used for Application content. This attachment contains a list of typical generation plant drawings and includes headings for anticipated corresponding extent limits, scales, and proposed drawing paper sizes.	Danskammer will accept the map specifications provided in the NYS Department of Public Service comments, although the scales for the some maps may need to be adjusted based on actual data.
194	3/29/2019	NYS Department of Public Service	19	Project Description	2.4	11	DPS Staff advises that the existing electric transmission lines owned by Central Hudson Gas and Electric and NYPA and any other known existing electric and natural gas pipelines and associated rights-of-way within the Project area should be shown on the site plans. Also, these plans should provide indication of property lines and any local setback requirements (shown as lines offset from property boundaries).	Application Exhibit 11, Preliminary Design Drawings, and Application Exhibit 3, Location of the Facilities, will provide the location of existing utilities including electric transmission lines and gas pipelines, as well as their associated rights-of way. Exhibit 11 will also provide mapping showing existing property lines and local setback requirements. Application Exhibit 31, Local Laws and Ordinances, will describe in further detail the local setback requirements.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
195	3/29/2019	NYS Department of Public Service	20	Project Description	2.4	11	It is noted on page 2-12, that Exhibit 11 of the Article 10 Application will include preliminary drawings, including the proposed site plan, layout, and other features listed at this section. In addition to the drawings listed on page 2-12, DPS Staff recommends that the Application include Floor and Roof plans for all proposed buildings associated with the Project. The floor plans should exhibit all features to be located on each building floor that may include enclosures, generator equipment, crane installations, etc.	In accordance with 16 NYCRR § 1001.11(f) of the Siting Board regulations, Application Exhibit 11, Preliminary Design Drawings, will provide architectural drawings that will include building and structure arrangements and exterior elevations for all such building and structures, including the length, width, height, material of construction, color and finish of all buildings, structures and fixed equipment. These drawings showing the exterior of the buildings will include the roof plan. Danskammer will provide a drawing showing the preliminary layout of equipment that will be located within the steam turbine generator enclosure, although the location of individual components may shift over time.
196	3/29/2019	NYS Department of Public Service	21	Project Description	2.4	11	DPS Staff advises that site plans submitted with the Application should include outlines of all ancillary equipment located within the Project site, such as those features listed on page 2-6, as well as any other proposed ancillary features associated with the Facility.	Comment noted. This information will be provided in Application Exhibit 11, Preliminary Design Drawings.
197	3/29/2019	NYS Department of Public Service	22	Project Description	2.4	11	Referring to buildings and structures of the existing plant, DPS Staff advises that Exhibit 11 should include site plans that show locations of features to be demolished and any major modifications to existing buildings and structures in the Project Area.	Comment noted. This information will be provided in Application Exhibit 11, Preliminary Design Drawings. The details of any demolition activities will also be provided in Application Exhibit 29, Site Restoration and Decommissioning.
198	3/29/2019	NYS Department of Public Service	23	Project Description	2.4	11	Page 2-12 states that grading and erosion control plans will be included in the Application submittal. It should be noted that pursuant to 16 NYCRR §1001.21(b), existing and proposed contours must be shown at two-foot intervals.	Comment noted. This information will be provided in Application Exhibit 11, Preliminary Design Drawings, and Application Exhibit 21, Geology, Seismology and Soils.
199	3/29/2019	NYS Department of Public Service	24	Project Description	2.4	11	The PSS notes that architectural drawings provided will include buildings and structure arrangements and elevations. DPS Staff recommends that the Application also should include elevation plans associated with major generating equipment such as combustion turbine/generator set, heat recovery steam generator and exhaust stack, steam turbine/generator set, air cooled condenser, fin-fan cooler, auxiliary boiler, substation/switchyard equipment, any support systems and equipment (such as those items listed on page 2-8 of the PSS), and any ancillary equipment (such as those features listed on page 2-6 of the PSS).	Comment noted. This information will be provided in Application Exhibit 11, Preliminary Design Drawings, and will also support the discussion provided in Application Exhibit 15, Public Health and Safety, regarding the potential risk of flooding.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
200	3/29/2019	NYS Department of Public Service	25	Project Description	2.4	11	The Application should address additional details, as required by 16 NYCRR §1001.11(f) and (g), including design and architectural drawings of perimeter fencing options, access road gates, and identification signs, including references to any local design requirements or standards that may be applicable.	Comment noted. This information will be provided in Application Exhibit 11, Preliminary Design Drawings.
201	3/29/2019	NYS Department of Public Service	26	Exposure of Danskammer Site to expected sea level rise of the Hudson River	2.4	11	It is noted in the PSS that the Project site will be designed to withstand a storm based on the 500-year return period. Furthermore, the PSS indicates that the Project will incorporate design features (such as raising grade levels for proposed equipment through placement of fill or raised foundations) to protect new facilities. DPS Staff advises that details of storm protective features proposed for the Project (such as raised foundations) along with reference to code and criteria should be included in Exhibit 11(f) of the Application.	Comment noted. The details of any proposed storm protective measures will be included in Application Exhibit 11, Preliminary Design Drawings.
202	3/29/2019	NYS Department of Public Service	27	Wastewater Interconnection	2.6	39	The Application should also include a description of methods for handling and disposing of any wastewater generated during Project construction.	Comment noted. This information will be provided in Application Exhibit 39, Wastewater Interconnection.
203	3/29/2019	NYS Department of Public Service	28	Electric System Effects	2.10	5	Pursuant to 16 NYCRR §1001.5(a), DPS Staff requests the Applicant provide the System Reliability Impact Study (SRIS) conducted by the New York Independent System Operator, Inc. The study shall include flows expected under normal, peak and emergency conditions and also include the effects on the stability of the interconnected system.	Comment noted. As required under 16 NYCRR § 1000.5, the System Reliability Impact Study (SRIS) will be conducted in accordance with Attachment X of the New York Independent System Operator (NYISO)'s Open Access Transmission Tariff (OATT) to evaluate the impact of the proposed repowering Project on the reliability of the New York State Transmission System. The SRIS will be presented confidentially in Application Exhibit 5, Electric System Effects.
204	3/29/2019	NYS Department of Public Service	29	Safety and Security	2.11	18	The description of "normal plant lighting" and municipal exterior lighting requirements should indicate that final lighting design will be subject to a lighting design plan to be based on a study of illumination levels needed for safe working conditions and avoiding offsite lighting impacts.	Comment noted. Application Exhibit 18, Safety and Security, will include this information.
205	3/29/2019	NYS Department of Public Service	30	Safety and Security	2.11	18	The components of the safety security plan should include specific protocols for notifying different members of the public (e.g., emergency responders, host and adjacent landowners, utilities, environmental agencies, etc.) in the event of an emergency.	Comment noted. Application Exhibit 18, Safety and Security, will include this information.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
206	3/29/2019	NYS Department of Public Service	31	Safety and Security	2.11	18	The Applicant states it will provide a copy of the plan to local first responders. DPS Staff recommends identifying the first responders/emergency services that will be consulted during the development of the safety security plan and which the Applicant will provide with a final copy of the plan.	Comment noted. Danskammer will consult with, and provide its plan, to those local first responders identified in the revised PIP Plan, which incorporated the emergency responders recommended by DPS Staff in its comments on the initial PIP Plan, and as such list may be further updated through consultation with stakeholders.
207	3/29/2019	NYS Department of Public Service	32	Construction	2.14	12	Page 2-22 of the PSS notes that “[E]xhibit 12 will also provide preliminary design, location and construction controls to avoid interference with existing utility and distribution systems. These plans and descriptions will indicate the locations and typical separations of proposed facilities from existing electric, gas, and communications infrastructure and any measures to minimize interference where avoidance cannot be reasonably achieved.” DPS Staff advises that the Applicant should consult with existing utility owners regarding the above installations and report on these consultations in this section of the Application.	Comment noted. Application Exhibit 12, Construction, will provide a discussion of consultation with existing utility owners regarding the Project to avoid interference with existing utility and distribution systems.
208	3/29/2019	NYS Department of Public Service	33	Construction	2.14	12	DPS Staff also recommends that the Application include any utility owner criteria regarding crossing of or installations nearby existing utilities. DPS Staff advises that any specific utility owner criteria be presented in the Application including descriptions of potential studies to be performed (along with an indication of timing), specific separation requirements or recommendations of utility owners (including electric, communications facilities, and gas pipeline owners) and descriptions and typical details of any protective separation criteria, design measures and features to be applied in close proximity to existing utilities.	Comment noted. Application Exhibit 12, Construction, will provide a summary of any utility owner feedback with regard to crossing of or installation nearby existing utilities, and any utility owner criteria provided, including the specific information presented in this comment.
209	3/29/2019	NYS Department of Public Service	34	Construction	2.14	12, 19	The Applicant refers to Complaint Resolution Protocols in Sections 2.14, 3.4.5, and 3.4.6 that will be included in Exhibits 12 and 19 of the Application. The Applicant should clarify whether there will be separate procedures for different portions of the Project or one set of procedures to resolve all complaints. The Complaint Resolution Plan should include steps for informing the public about the complaint plan and the process to file a complaint (i.e., written, electronic, and oral). This Plan should describe the complaint process from time of receipt, verification, resolution development, implementation, and confirmation of resolution, including anticipated timeframes and actions the Applicant will take if the complaint remains unresolved after these steps are taken. The Applicant will maintain a complaint log listing all complaints and resolutions during construction and operations of the Project and the Plan will include a procedure for review and transmittal of the complaint log to DPS Staff.	Comment noted. The Complaint Resolution Plan, as referenced in Application Exhibit 12, Construction, and Application Exhibit 19, Noise and Vibration, will address the specific concerns raised in this comment.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
210	3/29/2019	NYS Department of Public Service	35	Construction	2.14	12	DPS Staff recommends that this section include information about when and how the Applicant will communicate with Stakeholders about construction activities, schedule, and applicable safety and security measures.	Comment noted. In Application Exhibit 2, Overview and Public Involvement, and/or Application Exhibit 12, Construction, Danskammer will provide information about its communications with the appropriate stakeholders regarding the information presented in this comment.
211	3/29/2019	NYS Department of Public Service	36	Decommissioning and Site Restoration	2.16	29	The Decommissioning and Restoration Plan should include methods and schedule for notifying towns and landowners prior to start of decommissioning and site restoration activities. The Applicant should also provide a description of proposed decommissioning activities and schedule for completion of these activities.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. As appropriate, this discussion will include an anticipated schedule for such activities.
212	3/29/2019	NYS Department of Public Service	37	Decommissioning and Site Restoration	2.16	29	In addition to the requirements of 16 NYCRR §1001.29, DPS Staff advises that the Application also should include the following information: a. Justification for the proposed type of financial assurance that will be provided for decommissioning and site restoration. The justification should include a brief description of potential financial assurance options and an explanation as to why the Applicant believes its proposed instrument is more appropriate than other listed options. b. A detailed estimate to support the proposed decommissioning and site restoration funding upon the cessation of the Facility, based on the Project design, proposed equipment and features of the plant, and actual decommissioning costs from other similar facilities.	Application Exhibit 29, Site Restoration and Decommissioning, will include a discussion of how decommissioning of the proposed Project, and restoration of the Project site, will be funded. This discussion will include an estimate of the overall costs associated with these activities and a justification as to why the proposed financial instrument is appropriate compared to alternative options.
213	3/29/2019	NYS Department of Public Service	38	Local Laws	3.1	4	In subsection 3.1.2 Existing Conditions; B. Zoning, DPS Staff requests that the Application include an Appendix providing the full text, with attachments, tables, maps (e.g., FEMA Flood Hazard Mapping), references, and associated documents comprising the Zoning Code of the Town of Newburgh.	Comment noted. This information will be provided in Application Exhibit 31, Local Laws and Ordinances.
214	3/29/2019	NYS Department of Public Service	39	Local Laws	3.1	4	DPS Staff requests that the Application include relevant portions of the Orange County laws and codes that may be applicable to the proposed construction and operation of the Facilities.	Comment noted. This information will be provided in Application Exhibit 31, Local Laws and Ordinances.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
215	3/29/2019	NYS Department of Public Service	40	Local Laws	6	31	With respect to the list of applicable local ordinances and laws of a procedural nature and list of applicable local ordinances and laws of a substantive nature, required by 16 NYCRR §1001.31(a) and (d), DPS Staff requests that complete copies of all Facility Area local laws and ordinances and other applicable provisions be provided as soon as possible for review and development of the scope and stipulations.	The requested local laws are being provided electronically with these responses, and will be available on the Siting Board's DMM under Case 18-F-0325.
216	3/29/2019	NYS Department of Public Service	40	Land Use	3.1	4	DPS Staff requests that the Applicant specify the land use classification scheme that will be used to report and assess study area current land uses. Furthermore, DPS Staff requests that Hudson River uses in the study area be described, assessed, and represented.	Danskammer will specify the land use classification scheme according to the "Property Class" field in available tax maps. That field is based on the land use code established by the NYS Department of Taxation and Finance, Division of New York Office of Real Property Services. Danskammer will describe and assess the Hudson River uses in the study area.
217	3/29/2019	NYS Department of Public Service	41	Noise and Vibration	3.2	15	DPS Staff requests that the evaluation of relevant publications which discuss potential health effects from noise be included in the Application. At a minimum, this should include review of the following references: i.Guidelines for Community Noise WHO (1999); ii.Night Noise Guidelines for Europe, WHO 2009; iii.Environmental Noise Guidelines, WHO 2018; iv.Annex D of ANSI standard S12.9 -2005/Part 4 (Sounds with strong low-frequency content) for minimization of annoyance from low frequency sounds.	Comment noted. These references will be reviewed and considered in the evaluation conducted in Application Exhibit 15, Public Health and Safety, and will also be discussed in Application Exhibit 18, Noise and Vibration.
218	3/29/2019	NYS Department of Public Service	42	Public Health and Safety	3.2	15	DPS Staff advises that the Application should specify in detail how wastes will be disposed of and treated, and should not rely on the general statement in the PSS that "disposal and treatment of wastes will be done, at a minimum, in a manner consistent with that of the existing facility operations" (PSS, pp. 3-15).	Comment noted. This information will be provided in Application Exhibit 15, Public Health and Safety.
219	3/29/2019	NYS Department of Public Service	43	Noise and Vibration	3.2	19	The Scope should explain how the cumulative effects from the proposed Project will be evaluated in conjunction with other existing noise sources in the vicinity.	Comment noted. Application Exhibit 19, Noise and Vibration, will provide this information.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
220	3/29/2019	NYS Department of Public Service	44	Noise and Vibration	3.4	19	Section 3.4.3 "Applicable Noise Ordinances and Regulations and Acoustical Design Goal" proposes the use of the New York State Department of Environmental Conservation (NYS Department of Environmental Conservation) Noise Policy, the "Town of Newburg Noise and Illumination Control Law" and the requirements of 16 NYCRR §1001.19, whichever is more restrictive, as the basis for determining a design goal for the project. DPS Staff proposes consideration of: a.WHO-1999, WHO-2009, and WHO-2018 noise guidelines for evaluation of potential health impacts from noise. b.Annex D of ANSI Standard S12.9 -2005/Part 4 (Sounds with strong low-frequency content) for minimization of annoyance from low frequency sounds; c.Methodologies to assess community complaint potential, as required by 16 NYCRR §1001.19(k), that are based on the study of the correlation between acoustical parameters and community noise reaction or percentages of annoyance for documented power plant cases.	Comment noted. These references, methodologies, and guidelines will be considered in the design of the Project facility, discussed in Application Exhibit 19, Noise and Vibration, and will be taken into account in the Noise Impact Analysis.
221	3/29/2019	NYS Department of Public Service	45	Noise and Vibration	3.4	19	Section 3.4.4 entitled "Potentially Significant Adverse Impacts" states: "A detailed sound modeling and mitigation analysis will be conducted such that Project-related operational sound levels are reduced to the greatest extent practical. This detailed sound modeling will be included in Exhibit 19 of the Article 10 Application." DPS Staff recommends discussing the details for computer noise modeling during the stipulations phase.	Comment noted. Danskammer currently plans to use the state-of-the-art modeling software (Cadna/A®) with inputs derived from first-hand field measurements of similar or identical equipment in actual operation made by an acoustical engineer.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
222	3/29/2019	NYS Department of Public Service	46	Noise and Vibration	3.4	19	<p>Section 3.4.5 entitled, "Extent and Quality of Information Required for Evaluation," states: "Two surveys of existing background sound levels will be undertaken to evaluate the possibility of seasonal variation, one in the summertime and one in the wintertime."</p> <p>a.DPS Staff recommends including in the scope, and discussing during the stipulation process, the protocols for determination of preconstruction ambient sound levels and the procedures for processing the information collected to calculate the noise levels required by 16 NYCRR §1001.19(f).</p> <p>b.The protocol should include details of the noise descriptors to be collected, the range of frequencies to be evaluated, sound level meter specifications, duration and timing for collections, methods for obtaining weather information, and weather conditions to be excluded, among other items.</p> <p>c.With respect to the evaluation of construction noise, the PSS proposes the use of the RCNM 1.1 construction model. DPS-Staff advises that 16 NYCRR §1001.19(c) requires evaluation of construction noise using computer noise modeling.</p> <p>d.The PSS should specify the proposed method for identification of prominent tones and range of frequencies to be evaluated.</p>	<p>Comment noted. The Noise Impact Analysis will tabulate the various statistical sound levels for different times of day and different seasons per 16 NYCRR § 1001.19(f). Currently, Danskammer plans to exclude the data collected during periods of precipitation and high winds per applicable standards. Moreover, construction sound levels do not lend themselves to precise quantification, prediction or contour mapping. Maximum likely levels for the various major construction phases will be conservatively calculated from FHWA 50 ft. data, or similar, and projected to the design points for evaluation of any potential impacts.</p>
223	3/29/2019	NYS Department of Public Service	47	Geology, Seismology and Soils	3.6	21	<p>With respect to Section 3.6.2 Existing Setting, the Project Area overlies mapped carbonate karst areas. The Application should evaluate potential impacts of karst features on foundation design and Facility construction. Any karst features observed during preliminary geotechnical investigations performed prior to filing the Application should be described. If blasting and/or pile driving will be required, the Application should assess potential impacts on existing karst features.</p>	<p>Comment noted. This information will be provided in Application Exhibit 21, Geology, Seismology, and Soils.</p>
224	3/29/2019	NYS Department of Public Service	48	Geology, Seismology and Soils	3.6	21	<p>DPS Staff advises that a blasting plan, if prepared, include procedures and timeframes for notifying host communities and property owners within one-half mile radius of the blasting site. Further, the Application should describe measures to prevent impacts to pipelines and other existing utility infrastructure during blasting operations.</p>	<p>Comment noted. This information will be provided in Application Exhibit 21, Geology, Seismology, and Soils.</p>
225	3/29/2019	NYS Department of Public Service	49	Geology, Seismology and Soils	3.6	21	<p>With respect to Section 3.6.5 Avoidance and Minimization to Adverse Impacts, the Application should identify locations of known or suspected soil contamination within the Facility site. This should include identification of locations of existing underground and aboveground storage tanks, fuel and chemical storage areas, waste storage areas, and known spill locations. The Application should describe methods for managing contaminated soils and minimizing risks of transport of contaminants.</p>	<p>Comment noted. This information will be provided in Application Exhibit 21, Geology, Seismology, and Soils.</p>



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
226	3/29/2019	NYS Department of Public Service	50	Water Resources and Aquatic Ecology	3.8	23	With respect to Section 3.8.2 Surface Water Resources, if surface water withdrawal from the Hudson River will be required for Facility operation, the Application should include an analysis of potential impacts during peak usage on the Poughkeepsie Townwide Water District, located within one mile northeast of the Project location. DPS Staff advises that the Chelsea Pumping Station Water Intake is located approximately one mile southeast of the Project location. The Chelsea Pumping Station Water Intake was historically used to serve as an emergency water supply for New York City during drought conditions. The Application should address potential impacts of Facility operation on potential future usage of this intake.	It is not presently anticipated that surface water withdrawal from the Hudson River will be required for the Project facility construction and operation, although water may be withdrawn if there is a need for fire suppression. If surface water from the Hudson River is required for the operation of the Project, Application Exhibit 23, Water Resources and Aquatic Ecology, will describe the potential effects of such withdrawal on nearby water systems, including the Poughkeepsie Townwide Water District and the Chelsea Pumping Station Water Intake, as identified in the comment.
227	3/29/2019	NYS Department of Public Service	51	Water Resources and Aquatic Ecology	3.8	23	The Application should describe any potential temporary impacts to both the Poughkeepsie Townwide Water District and the Chelsea Pumping Station Water Intake during construction, particularly from temporary increases to turbidity during dredging operations.	If dredging would be required to facilitate the use of barge transportation, Application Exhibit 23, Water Resources and Aquatic Ecology, will describe the potential effects of such dredging on aquatic species and water resources, including nearby intake systems.
228	3/29/2019	NYS Department of Public Service	52	Water Resources and Aquatic Ecology	3.8	23	With respect to Section 3.8.9 Work in Navigable Waters, if dredging within the Hudson River is proposed to support delivery of equipment and materials to the site, the Application should include an estimate of the volume of sediment to be dredged and fill materials to be imported.	Comment noted. If dredging will be required to facilitate the use of barge transportation, Application Exhibit 23, Water Resources and Aquatic Ecology, will provide an estimate of the volume of sediment to be dredged and fill materials to be imported.
229	3/29/2019	NYS Department of Public Service	53	Water Resources and Aquatic Ecology	3.8	23	If a cofferdam will be constructed for dredging operations, the Application should include a drawing showing the dimensions and design specifications.	Comment noted. If a cofferdam or cofferdams will be required to facilitate any necessary dredging operations, Application Exhibit 23, Water Resources and Aquatic Ecology, will provide a drawing showing dimension and design specifications.
230	3/29/2019	NYS Department of Public Service	54	Water Resources and Aquatic Ecology	3.8	23	The Application should describe methods for minimizing the spread of aquatic invasive species during dredging, and assess potential temporary impacts to water quality and aquatic species and habitats during dredging operations.	If dredging will be required to facilitate the use of barge transportation, Application Exhibit 23, Water Resources and Aquatic Ecology, will describe the potential effects of such dredging on aquatic species and water resources, as well as provide specific mitigation measures that will be taken, as appropriate and necessary, to minimize the spread of aquatic invasive species.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
231	3/29/2019	NYS Department of Public Service	55	Visual Impacts	3.9	24	DPS Staff requests that the developer provide an enlarged and legible version of PSS Figure 3.9-1 with its Response to PSS Comments. Most of the text on the map included in the PSS cannot be read, including the legend. DPS Staff will have further comments on the visual resources assessment following review of a legible Figure 3.9-1.	A large and legible version of PSS Figure 3.9-1 is provided with these comments.
232	3/29/2019	NYS Department of Public Service	56	Water Resources and Aquatic Ecology	3.8	23	DPS Staff requests that Submerged Aquatic Vegetation (SAV) beds in nearshore areas that may be required for construction access or dredging be surveyed and mapped in the Study Area, including mapping the extent of invasive species.	If dredging or other activities in the Hudson River related to construction access would be required to facilitate the development of the Project, Application Exhibit 23, Water Resources and Aquatic Ecology, will survey for the presence of Submerged Aquatic Vegetation in the immediate vicinity of any construction-related activities. This survey will include mapping of aquatic invasive species in this same study area and will identify and evaluate any potential impacts to these SAV resources, and identify and evaluate any appropriate avoidance, minimization or mitigation measures. This information will be provided in Application Exhibit 23, Water Resources and Aquatic Ecology.
233	3/29/2019	NYS Department of Public Service	57	Visual Impacts	3.9	24	2.With reference to Section 3.9.4 Extent and Quality of Information Required for Evaluation – Stakeholder Outreach: a.DPS Staff advises that NYS Department of State Coastal Consistency Review staff should be consulted in determining appropriate visual resources for evaluation; b.DPS Staff advises that a full photo-log of views to the Facility Site from various landscape locations should be included in the outreach materials provided to visual stakeholders. c. Recommended viewpoint locations should represent the full range of Landscape Similarity Zones; distance zones; elevations and directions of view of the Facility site. DPS Staff recommends that this Exhibit document the identification of and outreach to visual stakeholders pursuant to 16 NYCRR §1001.24(b)(4). Any visual stakeholders identified through the Viewpoint Selection process should be added to the master stakeholder list. In addition, the Applicant should describe how comments will be gathered and incorporated into the final visual impact report. DPS Staff recommends that the Applicant consider hosting an in-person meeting of the visual stakeholders during the viewshed analysis process.	Comments noted. For Application Exhibit 24, Visual Impacts, a) NYS Department of State Coastal Consistency Review staff will be added to the list of stakeholders and will be consulted to determine appropriate visual resources for pre-application studies, b) viewpoint locations will include Project Landscape Similarity and Distance Zones, c) visual stakeholders identified in viewpoint selection process will be added to master stakeholder list, and d) documentation of outreach procedures will be provided. Outreach will generally consist of providing an interim report to stakeholders that will include viewshed analysis, photolog, viewpoint locations, and a table of visual receptors in the Project area with a brief discussion on the findings. A request for comments will be initiated and an opportunity will be provided to suggest viewpoint locations or addition of a visual resource that would warrant further consideration. Danskammer will consider hosting a meeting for those stakeholders who have engaged in the viewshed analysis process.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
234	3/29/2019	NYS Department of Public Service	58	Water Resources and Aquatic Ecology	3.8	23	Part A of this Section [3.8.11] indicates that groundwater maps will be developed using information gathered through outreach. The Applicant should provide more details about the outreach methods (e.g., surveys) that will be used to identify groundwater well locations. Outreach materials should include a summary of the Project, contact information, and a description of where the well owner can get more information about the Project (i.e., Project website, document repositories, etc.). DPS Staff recommends that the stakeholder list be updated to include landowners who respond to the outreach efforts.	Application Exhibit 23, Water Resources and Aquatic Ecology, will detail the survey protocol undertaken to identify groundwater resources in the area of influence of the Project. Danskammer will invite any private well owners who respond to such outreach efforts to receive Project updates.
235	3/29/2019	NYS Department of Public Service	59	Visual Impacts	3.9	24	Project Facility Lighting design should be based on a lighting assessment with exterior lighting requirements to be based on a study of illumination levels needed for safe working conditions and avoiding offsite lighting impacts.	Comment noted. Danskammer concurs that the lighting design, which will be described in Application Exhibit 18, Safety and Security, and in Application Exhibit 24, Visual Impacts, will consider how to address work-site safety requirements as well as avoid or minimize off-site light trespass.
236	3/29/2019	NYS Department of Public Service	60	Visual Impacts	3.9	24	The operational effects assessment should include consideration of visible stack plume, including estimates of plume extent and height, duration and expected conditions and periods of time that visible plumes will be created. Evaluation of mitigation measures should be specified in the scope of studies.	Application Exhibit 24, Visual Impacts, will consider the visible stack plume based on the estimated stack height, duration, and conditions where visible plumes will be created. Mitigation measures will be discussed in this same exhibit.
237	3/29/2019	NYS Department of Public Service	61	Visual Impacts	3.9	24	DPS Staff advises that the Hudson Highlands SASS district will be included within the Visual Study Area regardless of the distance from the Facility Site.	Comment noted. As noted in the PSS, Danskammer had included a portion of the Hudson Highlands SASS in the Visual Study Area. Danskammer will revise the Visual Study Area to include the entire Hudson Highlands SASS.
238	3/29/2019	NYS Department of Public Service	62	State Laws	6	32	Section 6.2 Table 6.2-1 should be amended to address the requirement that the Siting Board implement Title 19, Department of State, Chapter XIII Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Part 600 (19 NYCRR §600).	Comment noted. Application Exhibit 32, State Laws and Regulations, will confirm that the Siting Board will implement Title 19, Department of State, Chapter XIII Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Part 600 (19 NYCRR § 600).
239	3/29/2019	NYS Department of Public Service	63	State Laws	6	32	Section 6.4.1 should be amended to address the requirement that the Siting Board implement Title 19, Department of State, Chapter XIII Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Part 600 (19 NYCRR §600).	Comment noted. Application Exhibit 32, State Laws and Regulations, will confirm that the Siting Board will implement Title 19, Department of State, Chapter XIII Waterfront Revitalization of Coastal Areas and Inland Waterways Act, Part 600 (19 NYCRR § 600).

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
240	3/29/2019	NYS Department of Public Service	64	State Laws	6	32	Section 6.4.6 should be revised to indicate that a "Determination of No Effect" by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) is not a requirement for issuance of an Article 10 Certificate. Appropriate findings regarding cultural resources impacts and plans for avoidance, minimization, and mitigation, including potential offset measures, will be addressed by the Siting Board.	Comment noted.
241	3/29/2019	NYS Department of Transportation	1	Traffic and Transportation	3.10	25	It is anticipated that a Special Hauling permit will be required. NYSDOT requests a Route Survey be provided. Please include current pavement, culvert and bridge conditions and potential impacts to each during the construction phase of this project. NYSDOT maintains that the current conditions be preserved .	Comment noted. Danskammer proposes to discuss this request during the Stipulations process, as this information is generally provided at a later stage in the process, but prior to construction.
242	3/29/2019	NYS Department of Transportation	2	Traffic and Transportation	3.10	25	A Highway Work Permit (HWP) may be required as part of the proposed action depending on the Work Zone control needs and traffic flow changes.	Comment noted.
243	3/29/2019	NYS Department of Transportation	3	Traffic and Transportation	3.10	25	Depending upon the size of the proposed improvement or impact to the NYSDOT Right-of-Way, additional engineering details may be required. These details may include, a Traffic Impact/Accident Study, SYNCHRO analysis for all affected highways/intersections, Site Plan (SP), Accident Countermeasures/Mitigation, Highway Improvement Plan (HIP), and/or other submissions as directed by the Permit Engineer.	Comment noted.
244	3/29/2019	NYS Department of Transportation	4	Traffic and Transportation	3.10	25	Lead Agency approval under SEQRA is required in advance of permitting. NYSDOT will remain involved in the SEQRA review process. For our records please submit a Lead Agency Designation.	Article 10 establishes, through the Siting Board, a single forum to evaluate the environmental impacts of a proposed electric generating facility, among other things. Accordingly, the Article 10 process supplants SEQRA with its own environmental review process, and there is no need for a SEQRA lead agency designation. The Siting Board serves in the role that the lead agency would serve if SEQRA did apply. However, as noted in the above responses to NYS Department of Transportation's comments, Danskammer will consult with NYS Department of Transportation in terms of the state permits that may be needed for the Project, including a Special Hauling Permit, as well as a Highway Work Permit.
245	3/29/2019	NYS Department of Transportation	5	Traffic and Transportation	3.10	25	Please be advised that there is significant congestion daily on Route 9W in the area of 1-84 north to Fostertown Road and Fostertown Road to Old Post Road.	Comment noted.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
246	3/29/2019	NYS Department of Transportation	6	Traffic and Transportation	3.10	25	Please submit subsequent plans and documents for this project as well as those for any future development proposal in DIGITAL (.pdf) FORMAT or CD, DVD or Thumb drive. Email correspondence can be sent to dot.sm.r08.HWPpermits@dot.ny.gov.	Comment noted. Danskammer will follow the procedures requested by NYS Department of Transportation when submitting documents with such agency.
247	3/29/2019	Sandra Kissam	1	Socioeconomic Impacts	5.2	27	In the PSS, Danskammer provides no guarantee that the company will hire any local community residents for this project: stating that Danskammer will only hire local employees “to the extent possible.” (PSS p. 5-4). Danskammer should provide a detailed description of how the company will identify and qualify local residents for all positions, especially the highest-paid positions. Danskammer should also work with local unions to set up programs to provide apprenticeships onsite.	An estimate of the Project's anticipated average and peak construction workforce will be provided in Application Exhibit 27, Socioeconomic Effects. This section will also provide Danskammer's projections as to the number of these jobs that will be from the region. Danskammer has been engaged in discussions with the local labor unions, who actively support the Project, and will consult with them on how best to work with them going forward. As an example, on March 25, 2019, Danskammer and the Hudson Valley Building and Construction Trades Council entered into a Memorandum of Understanding regarding the negotiation of a Project Labor Agreement for the construction of the proposed facility, including possible apprenticeships onsite once the Article 10 Certificate is granted.
248	3/29/2019	Sandra Kissam	2	Socioeconomic Impacts	5.2	27	In the PSS, Danskammer also speculates that the company is “likely” to purchase materials like concrete, gravel, and rebar in Orange County. (PSS, 5-3) Danskammer must provide more information about specifically what materials will be purchased, and whether they will be purchased from local companies.	An estimate of the Project's project costs, including construction supplies, will be provided in Application Exhibit 14, Costs of Facilities. Danskammer will work with local suppliers to the extent practical, but Danskammer will not be in a position to specifically identify and enter into contracts with specific suppliers until after the completion of the Article 10 review process and its final design for the Project.
249	3/29/2019	Sandra Kissam	3	Socioeconomic Impacts	5.2	27	Furthermore, it appears many of the jobs will exist for less than 3 years and the number of long term jobs would be well under “hundreds of jobs”.	As stated in the PSS, the Project would generate numerous construction jobs and will also retain many permanent operations jobs. Application Exhibit 27, Socioeconomic Effects, will provide an estimate of direct and indirect jobs generated during the construction and operation of the Project.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
250	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	1	Project Description	1.2	11	Figure 1.2-3 (Preliminary Project Area) illustrates that the proposed Project will be located in the southwest corner of the 45-acre project site. The Application should make note of any other proposed changes that may impact other areas of the delineated "preliminary project area" beyond the 45 acre footprint, and indicate such on Figure 1.2-3.	Application Exhibit 11, Preliminary Design Drawings, will show the location of existing and proposed buildings, structures, and other improvements within the Project site and off-site. The maps, drawings and written descriptions provided in Application Exhibit 3, Location of the Facilities, will also show the proposed location of the Project's generating facility and interconnections and all ancillary features, located both on the Project site and off the Project site, if any.
251	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	2	Backup Fuel	1.2	37	This section states that the Project will include storage of approximately 5 days of ULSD fuel. The Applicant should specifically state approximately how many gallons of ULSD it anticipates would be stored on site. Based on other similar facilities, it is likely nearly three million gallons of ULSD will need to be stored at the facility site, which would pose a significant threat to the Hudson River in the case of an accidental release.	Application Exhibit 37, Back-up Fuel, will provide a description of the current and proposed oil storage tanks. Exhibit 37 will also provide a thorough description, consistent with NYS Department of Environmental Conservation requirements, of the secondary containment structures proposed to be constructed around back-up fuel tank(s) as well as any off loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills.
252	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	3	Consistency with Energy Planning Objectives	1.4	10	The Applicant claims that due to the intermittent nature of renewable generation, its baseload fossil fuel facility is required to maintain reliability. The Applicant must evaluate this claim in the context of New York's aggressive mandates for energy storage, which were implemented specifically to address concerns about the intermittency of renewable generation as well as move away from fossil fuel peaker plants.	The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development.
253	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	4	Project Description	1.5	13	The boundary of the entire 180-acre Danskammer-owned property should be indicated on Figure 1.2-3 or on a different map at an appropriate scale, and the map should also identify the adjacent property owners. Further, the manmade features described in this section of the PSS should also be identified on this map, such as the Tilcon Materials Inc. quarry, Riverview Power, LLC's Roseton Generating Station, the CSX Transportation ("CSX") railroad tracks that transect the eastern portion of the Project site (west of the plant), the single story house to the west of the project site, Central Hudson Gas & Electric lands, the two active wastewater treatment facilities, the coal ash landfill, and the sewage treatment facility.	Application Exhibit 13, Real Property, will provide mapping of the relevant property boundaries of the Project site, with tax map sheet, block and lot numbers, as well as the owner of record of all parcels included in the Project site and all adjacent properties.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
254	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	5	Alternatives	2.3	9	On page 2-5 of the PSS, the Applicant states that the proposed combined cycle configuration of the Project "is currently still under evaluation." The Applicant should clarify what different configurations it is considering.	The alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe different technologies considered for the Project.
255	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	6	Project Description	2.3	11	The location of the proposed ancillary equipment and buildings listed on page 2-6 of the PS should be identified on Figure 2.1-1, such as the process makeup water treatment and demineralization equipment, the up to 3-million gallon demineralized water storage tank(s), the natural gas metering and compression equipment, the Control Room and Administration Building, and the aqueous ammonia unloading and storage equipment.	See previous response to Scenic Hudson, et al. Comment No. 1.
256	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	7	Water Supply	2.6	38	The Applicant states that it anticipates that water to support the Project's operations will be obtained from the Town of Newburgh water supply. The typical estimated process water demand is reported as being between 50 to 135 gallons per minute ("gpm"). When the facility is operated using ULSD as the back-up fuel, maximum water needs could be as high as 1,300 gpm or 1.87 million gallons per day ("mgd"). The Article 10 application should include supporting data and calculations for all existing and proposed average and maximum day demand water supply design flow estimates (i.e., process water streams, potable water, fire flow, etc.).	Comment noted. Application Exhibit 38, Water Interconnection, will provide an assessment of the available capacity of the water supply source compared to the water use needs of the proposed facility. This analysis will consider various operating scenarios.
257	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	8	Water Supply	2.6	38	The current capacity of the Town of Newburgh's water supply is 9.2 MGD. Therefore, the Project could use up to 20% of the entire water supply of the Town. There should be analysis and evidence that the existing water distribution system is adequate for the proposed Project's maximum water supply demand under the various operating scenarios (i.e., normal, "back-up fuel", fire flow).	Comment noted. See response to Scenic Hudson et al. Comment No. 7.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
258	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	9	Water Supply	2.6	38	The Application should quantify the volume of water that will be required based on the frequency and duration of the worst-case "back-up fuel" scenario described in the PSS and should fully explore the water demand required during this time as a worst-case scenario in the water assessment for the project (i.e., maximum demand of 1,300 gpm). Exhibit 38 should also include potential increases in drought frequency and intensity due to climate change when considering available water sources for the facility, as the future safe yield of the Town's water supply could be reduced.	Application Exhibit 38, Water Interconnection, will provide an assessment of the available capacity of the water supply source compared to the water use needs of the proposed Project facility. This analysis will consider various operating scenarios and both normal and drought periods.
259	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	10	Water Supply	2.6	38	The Applicant should also provide details of the existing water supply infrastructure and any necessary modifications or additional infrastructure. The Application should also include correspondence with the Town of Newburgh Water Department to clearly demonstrate that the existing municipal supply will support the significant water supply demands required by the proposed project.	Comment noted. Application Exhibit 38, Water Interconnection, will provide a detailed description of the proposed water interconnection and the potential impacts to the existing systems, if any. Exhibit 38 will also provide the information required by the Siting Board Regulations at 16 NYCRR § 1001.38(g), including, without limitation, descriptions of the status of any negotiations with the Town of Newburgh and copies of any agreements with the Town.
260	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	11	Wastewater Interconnection	2.6	39	The application should specify the permitted capacity for wastewater discharge based on the existing SPDES permit and also indicate the permitted wastewater type (i.e., process, sanitary and intermingled). The applicant should also include details of the proposed modifications to the wastewater collection, storage and discharge infrastructure for all wastewater streams.	Application Exhibit 39, Wastewater Interconnection, will provide details of the Project's wastewater generation and disposal needs in a manner that distinguishes between sanitary wastewater, process wastewater, and intermingled sanitary and process wastewater, as well as the existing and proposed infrastructure. Exhibit 39 will describe the requirements and restrictions of the existing SPDES permit but Danskammer reserves the right to apply for a new SPDES permit.
261	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	12	Water Resources and Aquatic Ecology	2.6	38	According to the PSS, the Project will eliminate the use of a once-through cooling system and associated water withdrawal from the Hudson River. The Article 10 application should clarify whether there will be any future water withdrawal required from the Hudson River, and if so, provide an estimated volume of river water that will be required.	It is not presently anticipated that the Project will necessitate water withdrawal from the Hudson River except potentially for fire suppression systems. If it is determined that surface water from the Hudson River is required for the operation of the Project, Application Exhibit 38, Water Interconnection, will provide an estimate as to the volume of water required.



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
262	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	13	Backup Fuel	2.7	37	The PSS states that ULSD will be used for up to 720 hours per year as a back-up fuel, if needed for emergency and reliability reasons. The application should specify what types of "emergency and reliability reasons" may require use of ULSD and a supported estimate of how often these conditions are likely to occur. 720 hours per year is equivalent to 30 days, or just over 8% of the time annually. Notably, 720 hours per year significantly exceeds the total annual operating time of the existing plant during the past several years.	Application Exhibit 37, Back-up Fuel, will provide a description of the current and proposed oil storage tanks. Exhibit 37 will also provide specific examples of the types of emergency or reliability reasons for which the back-up fuel would be necessary.
263	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	14	Backup Fuel	2.7	37	Up to 5-days of ULSD is anticipated to be stored onsite, according to the PSS. The Applicant should specify how many gallons of ULSD could be stored onsite. Based on data from similar projects recently constructed, it is likely nearly three million gallons of ULSD could be stored on site. The PSS states that the existing facility only has the capacity to store up to approximately 610,000 gallons of fuel oil, far less than is proposed for the new facility. If an accidental release were to occur, this enormous volume of fuel oil would pose a serious threat to the Hudson River and the ecology of the site.	Application Exhibit 37, Back-up Fuel, will provide a thorough description, consistent with NYS Department of Environmental Conservation requirements, of the secondary containment structures proposed to be constructed around back-up fuel tank(s) as well as any off loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills. Also, as stated in Section 3.2.3 of the PSS, the Project will have a "Spill Prevention, Control and Countermeasure Plan."
264	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	15	Decommissioning and Site Restoration	2.16	29	The PSS states that Danskammer Energy will not consider options for the existing plant building infrastructure and structures outside of the Article 10 proceeding. Whether and how the existing facilities are used, demolished or modified has serious implications for the environment and visual impacts. While there may be permits required for this process outside of Article 10, the applicant's plans, and an evaluation of the environmental, visual, socioeconomic, etc. impacts that could potentially result, should be part of the Article 10 application.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. If any existing buildings or structures will remain on the Project site after construction of the Project, they will be considered as part of the visual impact analysis, as appropriate, which will be set forth in Application Exhibit 24, Visual Impacts.
265	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	16	Decommissioning and Site Restoration	2.16	29	The Applicant should also put forth financial surety for decommissioning and restoration as a condition of its Article 10 certificate.	Application Exhibit 29, Site Restoration and Decommissioning, will include a discussion of how decommissioning of the proposed Project, and restoration of the Project site, will be funded.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
266	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	17	Exposure of Danskammer Site to expected sea level rise of the Hudson River	3.1	15	The Application must address the facility's vulnerability to both inundation from sea level rise and increased flooding, taking into account the New York State Department of Environmental Conservation's ("DEC's") official sea level rise projections for the Hudson River, codified at 6 NYCRR Part 490 pursuant to the Climate Risk and Resiliency Act ("CRRRA"). The CRRRA requires applicants for permits or funding in a number of specified permitting and funding programs to demonstrate that future physical climate risk due to sea-level rise, storm surge and flooding have been considered, and that these factors be incorporated into certain facility-siting regulations. DEC has promulgated scientifically based projections of sea-level rise for multiple scenarios into regulation. For the Hudson River at Newburgh, the "high" estimate of sea level rise is anticipated to be 30 inches in 2050 and 50 inches in 2080. The PSS states that the Project is anticipated to have a useful life of 30 years, through approximately 2055—however, the current plant is over 60 years old and therefore it is quite possible that the Project could operate into the 2080s.	The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed facility in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.
267	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	18	Exposure of Danskammer Site to expected sea level rise of the Hudson River	3.1	15	The PSS all but ignores the serious issue of sea level rise and it must be fully evaluated in the Application. Specifically, the Application should include a map that depicts the limits of the 100- and 500-year floodplain, as they exist today and projected 30 years into the future using DEC's sea level rise projections, and the corresponding flood plain elevations. The map should also identify the location of all infrastructure that exists within the floodplain limits, and within the risk area from high sea level rise as defined by CRRRA over the possible life of the project. In addition, the application should provide information regarding the location and details of flood- resistant design elements for each component (e.g., emergency pump, wave action buffers, levels of proposed platforms and diking, as well as facility foundations, etc.).	See response to Scenic Hudson et al. Comment No. 17.
268	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	19	Exposure of Danskammer Site to expected sea level rise of the Hudson River	3.1	15	The Applicant should also demonstrate how current and future flood protection measures are capable of protecting against potential inundation of the Project site during tropical storms and hurricanes using the National Oceanic and Atmospheric Administration's ("NOAA's") "Sea, Lake and Overland Surges from Hurricanes" ("SLOSH") model. The Applicant should also demonstrate consideration of how sea level rise, storm surge and flooding from rainfall may interact and compound in the future to worsen flood conditions (including using mapping tools such as the Hudson River Flood Impact Decision Support System), and how potential impacts will be addressed.	The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed facility in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
269	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	20	Land Use	3.1	4	The Article 10 application should include all maps, assessments and descriptions per the requirements of 16 NYCRR 1001.4. The PSS also must clearly identify the study area in accordance with the provisions of 16 NYCRR 1000.2. The Applicant proposes a 1-mile Land Use Study Area in the PSS. Specifically, 16 NYCRR 100.2 states that for large facilities, the study area shall generally include the area within a radius of at least five miles from all generating facility components, interconnections and related facilities and alternative location sites. Given the size of the proposed Project, the scope of potential impacts and the demonstrated depth of public interest, a 1-mile Land Use Study Area is insufficient.	Danskammer has proposed a one-mile land use study area consistent with 16 NYCRR § 1000.2 because it is repowering project of an existing facility located in an urbanized area. Danskammer does not propose to change the current land use of the Project site.
270	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	21	Local Laws	3.1	31, 4	The Article 10 application should discuss correspondence and outcomes of conversations with the Town of Newburgh Planning Board regarding the zoning requirements for bulk use in relation to waiving the requirements of the local zoning code. The PSS states that the project is “consistent with the Town of Newburgh’s Comprehensive Plan”. The application should include specific details of how the new plant is consistent with the Comprehensive Plan.	Application Exhibit 31, Local Laws and Ordinances, will include a discussion of consultation with local officials regarding the local law requirements, including the zoning code and bulk use requirements. Application Exhibit 4, Land Use, will provide a detailed discussion as to whether the proposed Project is consistent with the Town of Newburgh Comprehensive Plan.
271	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	22	Public Health and Safety	3.2	15	The PSS notes that hazardous materials such as ULSD, lubrication oil and natural gas will be required for construction and operation of the Project, and that releases of these substances into the environment can pose a threat to public health and safety. The application should describe in detail the potential impacts that could result if a worst-case scenario discharge of any of these hazardous materials occurs, including acute and chronic health impacts and emergency service impacts.	Comment noted. Application Exhibit 15, Public Health and Safety, will include a discussion of these issues.
272	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	23	Air Emissions	3.3	17	The Applicant claims in the PSS that “emissions from the Project on a per megawatt-hour basis could be over 40% lower than the existing Station.” Any emissions comparison between the existing and new generating facilities should be on a total annual basis, and on other appropriately averaged time periods, rather than “per megawatt-hour” in order to determine the true air quality and climate change impacts of replacing a peaker plant that runs very little (according to the Applicant, approximately 2-3% of the time in recent years) with a baseload plant that will run nearly all the time. Even if the Applicant’s claim that emissions could be 40% lower on a per MWh basis is proven correct, because the new facility will run approximately 25 times more often, emissions on a total basis could be ten times more than those from the existing facility.	Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the proposed Project facility and its impacts, including the potential impacts on ambient air quality. The NYS Department of Environmental Conservation air permit application will include an assessment of the existing facility and the proposed Project facility on an annual basis.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
273	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	24	Air Emissions	3.3	17	Further, the baseline condition for comparison should assume that the existing plant would no longer be in operation and no longer emitting air pollution at all after 2023 under newly proposed regulations. In February 2019, the DEC announced new proposed regulations affecting peaker plants like the existing Danskammer facility meant to phase out the dirtiest power plants that operate on peak electricity days.	Danskammer notes that the proposed rulemaking applies to "simple cycle and regenerative combustion turbines." These regulations, if promulgated, will therefore not apply to the existing facility because it utilizes boilers.
274	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	25	Air Emissions	3.3	17	In addition to excluding the existing Danskammer facility from comparison to the proposed Project, the Prevention of Significant Deterioration ("PSD") "netting analysis" should be conducted in the context of DEC's proposed NOx rules. Specifically, the PSS states that the netting analysis will establish the difference in emissions from the new unit and the emissions from the older units that will be retired upon construction of the Project. According to DEC's expectations, the vast majority of older, single-cycle facilities will retire by 2025 as a result of its proposed rule—completely independently of operation of the proposed Project. Therefore, the "baseline" condition in the netting analysis should be that these existing plants have already retired, whether or not the proposed Project is built.	The emissions netting analysis will be prepared in accordance with 6 NYCRR Part 231 (NSR regulation). NYS Department of Environmental Conservation will provide review and oversight to ensure the emissions netting is conducted appropriately.
275	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	26	Air Emissions	3.3	17	As acknowledged by the Applicant, to determine National Ambient Air Quality Standards ("NAAQS") compliance for pollutants with concentrations greater than the Significant Impact Levels ("SILs"), a cumulative impacts analysis will be required..... Per DEC Guidelines, it is "the applicant's responsibility to assure that a valid inventory is used in the modeling analysis, but it is ultimately the permitting agency's (DEC) decision as to the final setoff sources to be models for NAAQS compliance.".... In addition, "[i]t will be necessary to include in the NAAQS inventory those sources which have received PSD permits but have not yet not begun to operate, as well as any complete PSD applications for which a permit has not yet been issued." Therefore, we urge the Applicant and DEC to include both the CPV Valley Energy Center located in Wawayanda, NY, and the Cricket Valley Energy Center located in Dover, NY, which is permitted an under construction, in any cumulative impacts analysis as they are located well within what is likely to be the [Significant Impact Area] SIA for the repowered Danskammer plant plus an annular area extending 50 kilometers beyond it (both facilities are in fact located approximately 50 km from the proposed repowered Danskammer project area, not even taking into consideration a SIA).	The cumulative air quality impact analysis will include a major source inventory which will be developed in coordination with NYS Department of Environmental Conservation and U.S. EPA guidance and regulations. The major source inventory that will be used requires the approval of NYS Department of Environmental Conservation as part of the air permit application process.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
276	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	27	Greenhouse Gases	3.3.1.4	17	We appreciate that the Applicant intends to evaluate the Project's potential impact on climate change consistent with the DEC Draft Commissioner's Policy "Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements". When comparing the annual and total lifetime Project carbon dioxide ("CO2") emissions to other sources of power generation, it is essential that the Application include comparison with large-scale renewable resources, including large-scale solar, offshore wind and terrestrial wind. The Applicant should evaluate these resources in combination with energy storage and should also evaluate standalone energy storage facilities.	Application Exhibit 17, Air Emissions, will provide an analysis of the potential impact of the Project's operations on greenhouse gas emissions, among other things. Consistent with the Siting Board Regulations at 16 NYCRR § 1001.9 (g) and (h), Application Exhibit 9, Alternatives, will identify, describe and evaluate, among other alternatives, reasonable renewable energy supply source alternatives, considering Danskammer's objectives and capabilities as a private facility applicant and considering sites owned by or under the control of Danskammer or its affiliates.
277	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	28	Greenhouse Gases	3.3.1.4	17	The Application should include in-depth analysis of how the Project would impact New York State's greenhouse gas emissions levels in light of the mandated dramatic increase in renewable resources (50% of all electricity generation by 2030, 80% by 2050) and improvements in energy efficiency. A comparison of a future scenario with the proposed Project and without, with the expected levels of renewable energy resources achieved, should be conducted. The greenhouse gas emissions analysis should include an evaluation of the Project's impact on greenhouse gas emissions at a local, regional and statewide level.	Danskammer will conduct numerous studies and analyses addressed to these issues for inclusion in the Article 10 Application. Application Exhibit 17, Air Emissions, for example, will provide an evaluation of the Project's compliance with applicable federal, state, and local laws and regulations regarding air emissions, including but not limited to the Project's potential impact on greenhouse gas emissions, using the procedures outlined in the July 15, 2009 Draft NYS Department of Environmental Conservation Commissioner's Policy. Also, the analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will consider the potential impact of the proposed Project facility on any energy policy or long range energy planning objective or strategy contained in the most recent State Energy Plan. Consistent with the Siting Board Regulations at 16 NYCRR § 1001.9 (g) and (h), Exhibit 9, Alternatives, will identify, describe, and evaluate, among other alternatives, reasonable renewable energy supply source alternatives that are feasible, considering Danskammer's objectives and capabilities as a private facility applicant and considering sites owned by or under Danskammer's control.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
278	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	29	Air Emissions	3.3	17	In general, all air emissions modeling should include an in-depth analysis of the proposed Project's impact on air quality at a local, regional and statewide level. Potential local impacts of increased air pollution should not be dismissed in favor of looking at emissions only on a statewide scale.	Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the proposed Project facility and its local, regional and statewide impacts, including any potential impacts on ambient air quality. The analysis will be conducted utilizing appropriate U.S. EPA and NYS Department of Environmental Conservation air quality assessment methodology. The air quality modeling analysis will include thousands of site-specific locations around the proposed Project facility that will be assessed at worst-case conditions for over 40,000 hours of meteorological conditions.
279	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	30	Air Emissions	3.3	17	In addition to New Source Performance Standards ("NSPS") Subparts KKKK and TTTT, Subparts IIII and JJJJ will likely be applicable for subject fire pumps and additional ancillary stationary source generating equipment (emergency generators, etc.), with the actual applicability of the Subpart to be determined based on the unit specifications. The air quality review should address these additional sources.	Comment noted. Application Exhibit 17, Air Emissions, will address the emissions of ancillary equipment at the proposed Project facility pursuant to applicable regulations.
280	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	31	Air Emissions	3.3	17	The discussion of the "Cross State Air Pollution Rule" and "Regional Carbon Dioxide Budget Trading Program" should clarify what is required by these rules relative to the proposed Project.	Application Exhibit 17, Air Emissions, will clearly discuss the applicability of certain federal and New York State air quality regulations, including the "Cross State Air Pollution Rule" and the Regional Carbon Dioxide Budget Trading Program Regulations.
281	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	32	Air Emissions	3.3	17	On page 3-49, the PSS states that there may be "de minimis" risk of potential impacts to the public that would "trigger[ing] no more than minimal requirements under 40 CFR Part 68. The Application should specifically state the de minimis impacts that would trigger 40 CFR Part 68.	Application Exhibit 17, Air Emissions, will specifically state the de minimis impacts that would trigger 40 CFR Part 68 (Chemical Accident Prevention Provisions) also known as USEPA Risk Management Program.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
282	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	33	Noise and Vibration	3.4	19	In Figure 3.4-1 of the PSS, design point DP-3 appears to be located immediately next to an electrical substation or similar facility that could incorrectly represent existing sound levels at residential locations in this area when background sound level monitoring is conducted at this point. Therefore, design point DP-3 should be located further away from this potential noise source. Similarly, design point DP-4 appears to be located next to train tracks that could incorrectly represent existing sound levels at residential locations in this area when background sound level monitoring is conducted at this point. DP-4 should be moved further away from this potential noise source. In addition, receptor locations with a direct line of site to the proposed facility should also be included in the assessment.	The electrical substation adjacent to DP-3 is a switching substation that does not contain any transformers or other noise generating equipment. It was completely inaudible whenever test personnel were present at this design point. DP-4 is about 100 ft. from a home with a direct line of sight to the existing Danskammer plant across the river. All of the homes in this area experience frequent train noise. Each train pass at this location was observed to be remarkably short in duration - roughly lasting 20 seconds from first to last audibility; consequently, any effect from train noise will be filtered out in the L90(10 min) statistical sound level that will be used as a design basis in the Noise Impact Analysis per 16 NYCRR § 1001.19(f).
283	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	34	Noise and Vibration	3.4	19	The Applicant proposes to use ISO standard day conditions of 59 degrees Fahrenheit and 70% relative humidity as assumed conditions for the computer sound modeling. However, these values would not be representative of wintertime and summertime conditions when operations of the proposed Project would be most significant. The noise assessments should also be conducted for both daytime and nighttime periods to determine potential impacts. This should include daytime and nighttime monitoring of existing conditions.	Comment noted. In addition to the ISO standard day conditions for the modeling presented in Application Exhibit 19, Noise and Vibration, Danskammer will evaluate typical temperature and humidity conditions for summertime and wintertime to determine if the predicted receptor levels vary to any meaningful extent.
284	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	35	Noise and Vibration	3.4	19	For the purpose of determining compliance with the Town of Newburgh noise ordinance, the maximum sound pressure levels should be used, as required by the ordinance.	The sound emissions from the Project during normal operation will be constant and invariant and the goal will be to maintain similar sound levels during transient operation. Thus, the overall predicted level will be a single value as opposed to an average with peak excursions. Based on available information, Danskammer believes that it is highly unlikely that the Town's most restrictive nighttime limit of 56 dBA will be included in the design, because a much lower ambient-based design goal is anticipated. However, this comparison will be provided in Application Exhibit 19, Noise and Vibration.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
285	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	36	Terrestrial Ecology and Wetlands	3.7	22	As noted on page 3-86 of the PSS, TRC ecologists conducted a site reconnaissance on November 28, 2018 for the purpose of observing and identifying the terrestrial communities at the Project site. However, November 28th is considered to be outside of the growing season and, therefore, the observations made by TRC ecologists may not represent a full assessment of the plant community at the Project site. TRC should conduct a follow-up survey during the growing season and this updated information should be included in Exhibit 22 of the Article 10 application. TRC should also prepare a map that documents the plant/ecological communities present on site for inclusion in Exhibit 22 of the application.	Comment noted. Danskammer will conduct a field visit during the growing season and provide the results of this survey in Application Exhibit 22, Terrestrial Ecology and Wetlands. Consistent with the Siting Board Regulations at 16 NYCRR § 1001.22(b), Danskammer will include a mapped depiction of the vegetation areas showing areas to be removed or disturbed.
286	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	37	Invasive Species	3.7	22	The PSS indicates that “patches” of non-native plant species were identified at the site in the form of successional northern hardwoods. The Applicant should specify whether this cover type will be taken into consideration for future site plan development (i.e., removal, prevention of spread). The Applicant should also state whether native plant species are present in the successional northern hardwood sections and if so, whether the native plant species will be preserved.	Application Exhibit 22, Terrestrial Ecology and Wetlands, will provide a discussion of how any native and non-native plant species, including the northern hardwoods identified in the PSS, will be addressed during the construction and operation of the Project.
287	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	38	Decommissioning and Site Restoration	3.7	29	On page 3-90 of the PSS, it states that the 450-foot long and 34-foot wide intake canal present at the site will no longer be functional once the new facility is operating, and that the project will not impact this structure. Because the canal will no longer be needed, the Applicant should consider removing the intake canal structure to restore the impacted portion of the river to previous natural conditions.	Danskammer Energy has not made a decision on how to address the existing intake canal at this time. However, while the intake structure is not natural, it has been in place for a sufficient period that it may provide beneficial functions that should be considered. Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipments that will not be demolished, removed or rehabilitated.



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
288	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	39	RTE Species	3.7	22	In determining potential impacts to bald eagles, the Applicant should refer to DEC's Conservation Plan for Bald Eagles in New York State, specifically the recommended buffer distances from nests for activities such as construction, blasting and other "extremely loud noises". The Applicant should also consult with the DEC and/or NYS Natural Heritage Program on nest location and potential impacts to nesting and other eagle behaviors. The Hudson River adjacent to the Project site is in the Audubon-designated Lower Hudson River Important Bird Area due to the eagle population in this area.	In developing Application Exhibit 22, Terrestrial Ecology and Wetlands, Danskammer will consult with state and federal wildlife agencies to identify appropriate avoidance, minimization or mitigation measures with respect to bald eagles in the vicinity of the Project.
289	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	40	Terrestrial Ecology and Wetlands	3.7	22	The PSS states that a formal wetland delineation of the Project site will be conducted during the growing season, and the information will be presented in Exhibit 22 of the Article 10 application. Based on the findings of the wetland delineation, a map showing the wetland boundary should be produced and included in Exhibit 22.	Comment noted. Application Exhibit 22, Terrestrial Ecology and Wetlands, will update the wetland delineation map as necessary based on the results of the 2019 delineation.
290	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	41	Terrestrial Ecology and Wetlands	3.7	22	On page 3-91 of the PSS, there is discussion regarding a floodplain forest, and a subsequent discussion of a wetland under the USACE Waters and Wetlands subheading on page 3-92 of the PSS. It is unclear whether these are the same wetland resource, and this should be clarified. The Article 10 application should also include a site plan that depicts the location of the new proposed structures in relation to the delineated wetland resources.	Application Exhibit 22, Terrestrial Ecology and Wetlands, will provide mapping of all proposed structures in relation to delineated wetland resources.
291	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	42	RTE Species	3.7	22	In the discussion of federally listed endangered and threatened species on page 3-94 of the PSS, reference is made to the United States Fish and Wildlife Service ("FWS") online resource titled Information Planning and Conservation System ("IPAC"). Please note that the correct database identifier is FWS Information Planning and Consultation System. The Applicant should re-query the IPAC database during the final planning stages of the Project and as close to final permit decisions as possible, as the database is continually updated and species may be added or removed from consideration for the Project site.	Comment noted.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
292	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	43	RTE Species	3.7	22	The PSS claims that there should be no impacts to the endangered Indiana and threatened northern long-eared bat species because all tree clearing will occur during the winter months. This statement is misleading. While tree clearing is recommended to occur during the conservation cutting window—DEC prefers November 1-March 31, while the bats are in hibernation—the removal of trees will still eliminate a suitable roosting habitat for the bats and have an impact on the species. This is especially likely given that a known population of Indiana bats has been reported in the area by the NYS Natural Heritage Program.	Application Exhibit 22, Terrestrial Ecology and Wetlands, Danskammer will identify and evaluate the impact of the Project, if any, to state and federal endangered or threatened species. Danskammer will also identify any appropriate avoidance, minimization or mitigation measures. The specific months associated with the construction window will be provided in Exhibit 22. Based on the overall setting of the Project area and likely volume of clearing that would be necessary, Danskammer presently anticipates that the Project is unlikely to have a significant adverse impacts on the Indiana and northern long-eared bat species.
293	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	44	RTE Species	3.7	22	The PSS states that there should be no impact to the federally threatened and New York State-endangered small whorled pogonia. Further documentation of the forested understory area at the Project site, which should include a site visit during the growing season, is necessary before making this determination, as the presence of this species has been documented in nearby areas.	In preparing Application Exhibit 22, Terrestrial Ecology and Wetlands, Danskammer will conduct a survey for this species. Danskammer notes that the species does not appear on the New York Natural Heritage Program report submitted with the PSS.
294	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	45	Water Resources and Aquatic Ecology	3.8	23	We agree with the Applicant's statements that the elimination of the current once-through cooling process will represent an improvement over existing operations, as it would eliminate the risk of entrainment and impingement of aquatic life and heated discharges. However, the Applicant's conclusion on pages 3-103-104 of the PSS that "any potential impact to Hudson River water quality, along with any potential to adversely aquatic resources, will be eliminated by the proposed Project" is unsupported and should be deleted. Several of the significant potential impacts to the Hudson River are discussed further below. In addition, the Application should discuss plans for further habitat restoration and improvement at the Project site once the water intakes are removed.	Application Exhibit 23, Water Resources and Aquatic Ecology, will provide an analysis of the impact of the construction and operation of the Project facility on water resources and aquatic species.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
295	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	46	Water Resources and Aquatic Ecology	3.8	37	The potential impacts to surface and groundwater in case of spills into the Hudson River of ULSD, or any other hazardous materials used during construction and operation of the project, must be considered. In light of the fact that very large amounts of ULSD (potentially nearly three million gallons) and significant amounts of aqueous ammonia (30,000 gallons) will be stored onsite, the impacts of worst-case discharges to the Hudson must be fully evaluated in the Application. This evaluation should include potential discharges or contaminant releases associated with any potential barge activity (transport, construction or dredging). If dredging is to occur, potential impacts from release of contaminants in riverbed sediments should also be evaluated.	Application Exhibit 37, Back-up Fuel, will provide a thorough description, consistent with NYS Department of Environmental Conservation requirements, of the secondary containment structures proposed to be constructed around back-up fuel tank(s) as well as any off loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills. Also, as stated in Section 3.2.3 of the PSS, the Project will have a "Spill Prevention, Control and Countermeasure Plan." Application Exhibit 17, Air Emissions, will provide an offsite consequence analysis for any ammonia that shall be stored onsite, including an analysis of an accidental release scenario for ammonia.
296	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	47	Water Resources and Aquatic Ecology	3.8	23	There is also potential for impacts to submerged aquatic vegetation ("SAV") beds. In the recent past, several SAV beds were documented in the vicinity of the Project site. The current status and location of SAV beds around the Project site should be assessed, and potential impacts to SAV beds from construction and cargo barges, dredging activities and potential spills should be evaluated in relation to the current status and condition of SAV beds.	Application Exhibit 25, Transportation, will describe the proposed methods by which materials will be transported to the Project site for the construction, operation, and maintenance of the Project. This discussion will identify whether such methods will include transportation by barge on the Hudson River and if so, whether temporary or permanent shoreline or docking modifications would be required, whether dredging would be required to facilitate the use of such barges, and the extent of any necessary dredging. If it is anticipated that materials will be transported to the Project site by barge on the Hudson River, Application Exhibit 23, Water Resources and Aquatic Ecology, will fully evaluate and address any impacts associated with such activity on aquatic species, including any impacts related to shoreline modifications and/or dredging, and will identify any appropriate avoidance, minimization or mitigation measures.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
297	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	48	Stormwater	3.8	23	In addition to a Stormwater Pollution Prevention Plan ("SWPPP") for the proposed Project, the Article 10 application should include an Erosion and Sediment Control ("ESC") Plan that depicts the area of disturbance and any new impervious areas, along with the proposed ESC practices for the site. The ESC Plan should include a figure that depicts the existing stormwater drainage system at the site and any proposed modifications, and also include calculations to demonstrate the capacity of the existing drainage system to manage runoff from proposed new impervious areas.	Comment noted. To the extent not covered by the SWPPP, Application Exhibit 23, Water Resources and Aquatic Ecology, will provide a preliminary Erosion and Sediment Control Plan that conforms with the most current version of the New York State Standards and Specifications for Erosion and Sediment Control (updated November 2016).
298	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	49	Stormwater	3.8	23	The SWPPP should also include hydrologic/hydraulic calculations and/or model output for reduction the 1, 10 and 100-year frequency storm to pre-developed flows, as appropriate. The SWPPP should also include calculations of water quality volume to be treated in accordance with the current version of the DEC Stormwater Design Manual. The Article 10 Application should also include details of the required maintenance for stormwater management practices in accordance with the DEC Guidelines for Maintenance, including activity, frequency and responsible party.	Danskammer will submit a preliminary SWPPP as part of the Application Exhibit 23, Water Resources and Aquatic Ecology, which will be consistent with existing New York State regulations and guidance, including the NYS Department of Environmental Conservation Stormwater Design Manual.
299	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	50	Storage Tanks	3.8	37	As stated in the PSS, the proposed Project will have petroleum and chemical bulk aboveground storage subject to DEC and U.S. EPA requirements. It should be noted that not only is secondary containment required for the bulk storage containers, but containment is also required for product transfers per DEC Chemical Bulk Storage Regulations and U.S. EPA Spill Prevention Control and Countermeasures ("SPCC") regulations. Further, SPCC and SPR Plans must be certified by a New York State Licensed Professional Engineer. Table 6.2-1 should also include the appropriate petroleum bulk storage requirements from DEC and U.S. EPA.	Comment noted. Application Exhibit 37, Back-up Fuel, will provide a thorough description, consistent with NYS Department of Environmental Conservation requirements, of the secondary containment structures proposed to be constructed around back-up fuel tank(s) as well as any off loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills. Also, as stated in Section 3.2.3 of the PSS, the Project will have a "Spill Prevention, Control and Countermeasure Plan."
300	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	51	RTE Species	3.8	23	The PSS states that no impact to the dwarf wedgemussel is expected, but there is no information or justification presented in the PSS to support this conclusion. Unless information is included in the Application to support this statement, it should be removed.	Comment noted.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
301	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	52	Water Resources and Aquatic Ecology	3.8	23	The PSS discussed the potential for the Applicant to use barges to bring equipment to the site, and to make temporary improvements to the shoreline. If the Applicant decides to use barges, perform any dredging and/or implement any shoreline improvements, a full analysis of the potential impacts of these actions to endangered sturgeon species should be provided. In addition, abandonment of the intake canal could potentially result in impacts to sturgeon species, and this should be discussed in the Application.	Application Exhibit 25, Transportation, will describe the proposed methods by which materials will be transported to the Project site for the construction, operation, and maintenance of the Project. This discussion will identify whether such methods will include transportation by barge on the Hudson River and if so, whether temporary or permanent shoreline or docking modifications would be required, whether dredging would be required to facilitate the use of such barges, and the extent of any necessary dredging. If it is anticipated that materials will be transported to the Project site by barge on the Hudson River, Application Exhibit 23, Water Resources and Aquatic Ecology, will fully evaluate and address any impacts associated with such activity on aquatic species, including any impacts related to shoreline modifications and/or dredging, and will identify any appropriate avoidance, minimization or mitigation measures.
302	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	53	Water Resources and Aquatic Ecology	3.8	23	More details regarding the proposed work to be performed in navigable waters should be provided in the PSS. Specifically, although Subsection 3.8.9 indicates that all of the details regarding the proposed dredging operation will be included in the Article 10 application, there is no information presented in the PSS that addresses the potential impacts of the proposed dredging operation on vulnerable aquatic species—particularly endangered sturgeon species— and the overall ecology of the Hudson River.	See response to Scenic Hudson et al. Comment No. 52.
303	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	54	Visual Impacts	3.9	24	We appreciate that the Applicant has committed in the PSS to engaging in a stakeholder process to identify potential visual receptors and look forward to participating. The PSS should specify the methodologies and procedures that will be adhered to in the performance of the Visual Impact Assessment (“VIA”). Specifically, the procedures used for the VIA study should be consistent with the methodologies developed by state and federal agencies, including the U.S. Department of the Interior, Bureau of Land Management (1980), U.S. Department of Agriculture, National Forest Service (1974) and NYS Department of Environmental Conservation (2000). The components of the VIA should include identification of visually sensitive resources, viewshed mapping, confirmatory visual assessment fieldwork, visual simulations (photographic overlays), and proposed visual impact mitigation.	Comment noted. Application Exhibit 24, Visual Impacts, will provide a VIA that is consistent with existing state regulations and guidance, including consultations. Consistent with the Siting Board regulations at 16 NYCRR § 1001.24(b)(4), Danskammer will confer with municipal planning representatives, NYS Department of Public Service, NYS Department of Environmental Conservation and NYS Office of Parks, Recreation and Historic Preservation in the selection of important and representative viewpoints.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
304	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	55	Visual Impacts	3.9	24, 29	The PSS implies that because the proposed Project “can be viewed as a continuation of current land use in this area”, the Project will not result in a significant change in the visual environment. The PSS should specifically state that while some of the infrastructure associated with the existing plant is expected to be decommissioned, the majority of structures currently on the Project site will remain after the proposed Project is operational. Therefore, the proposed Project would have an additive visual impact rather than a continuation of the status quo.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipments that will not be demolished, removed or rehabilitated. The Visual Impact Analysis (VIA) included in Application Exhibit 24, Visual Impacts, will be based on the structures in place after the Project is constructed and on-line.
305	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	56	Alternatives	4	9	Section 4 of the PSS states that the Applicant will evaluate alternative technology providers, sizes of equipment and configurations; alternative locations, layout, and providers; and alternative points of electrical interconnection and voltages, in addition to the No Action alternative. The PSS states that the No Action alternative assumes that the existing facility will continue to operate in its current manner or as the market demands. The No Action alternative should be evaluated in light of the fact that it is extremely likely that the existing facility will be retired by 2025 due to DEC’s proposed NOx regulations, regardless of whether the proposed Project is built. Therefore, the No Action alternative should assume a scenario where no Danskammer facility is operating, not one where the existing facility continues to operate. Therefore, a comparison of the existing facility and proposed Project is inappropriate as part of the evaluation of the No Action alternative.	As previously discussed, the proposed NYS Department of Environmental Conservation regulations would not apply to the existing or proposed facilities.
306	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	57	Alternatives	4	9	In addition, the evaluation of alternative technologies should include energy storage as well as renewable energy facilities. All renewable energy alternatives evaluated should consider a scenario where the renewable resource is paired with an energy storage facility. In addition, an energy storage facility should be evaluated as a standalone alternative.	Consistent with the Siting Board regulations at 16 NYCRR § 1001.9(g), the alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, reasonable renewable energy supply source alternatives and ancillary battery storage options that are feasible, considering Danskammer’s objectives and capabilities as a private facility applicant. Danskammer will evaluate any reasonable renewable energy supply source alternatives identified in Exhibit 9 using the criteria set forth in Siting Board Regulation 16 NYCRR § 1001.9(h).

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
307	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	58	Environmental Justice	5.3	28	Pursuant to 6 NYCRR Part 487, the Applicant must determine the appropriate impact study area ("ISA") as part of its Environmental Justice ("EJ") analysis. Part 487 defines the ISA as the geographic area around the located of the proposed Project facility in which the population is likely to be impacted by at least one potentially significant adverse environmental impact resulting from the construction and/or operation of the proposed Project facility that is different in type, scope or magnitude compared to the population located in the broader geographic area surrounding the proposed Project facility. The Applicant proposes to use an ISA of 5 miles. An ISA of 10 miles is more appropriate for the proposed Project and the Applicant should adopt a 10-mile ISA, or at the very least, include the entire City of Newburgh within its ISA.	Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations. The proposed impact study area (ISA) of 5 miles from the Project is consistent with the NYS Department of Environmental Conservation's definition of impact study area for an environmental justice analysis as provided in Section 487.4 of the NYS Department of Environmental Conservation Part 487 regulations. Per this regulation, the radius of the ISA is based on site-specific factors, including the nature, scope and magnitude of the significant environmental impacts, the projected range of those impacts on various environmental resources, and the geography of the area surrounding the location of the proposed Project. Exhibit 28 will detail the projected range, scope, and magnitude of environmental impacts from the Project. The environmental justice analysis will include locations from 5-10 miles from the proposed Project as defined by the NYS Department of Environmental Conservation Part 487 requirements for the Comparison Area (CA). The ISA will include the City of Beacon and the Town of Fishkill. The ISA combined with the CA includes the entire City of Newburgh.
308	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	59	Environmental Justice	5.3	28	The City of Newburgh is located approximately five miles from the Project site, and is bordered by the Town of Newburgh, the host community for the Project. A portion of the City of Newburgh lies within the proposed 5 mile ISA, but the majority of the City is just outside the 5- mile boundary. The City as a whole is likely to experience disproportionate and adverse environmental impacts from the proposed Project, and therefore should be included in the ISA.	See response to Scenic Hudson et al. Comment No. 59.
309	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	60	Environmental Justice	5.3	28	In addition, as part of the air quality cumulative impact analysis required by Part 487, the Applicant proposes in the PSS to perform such a cumulative impact analysis within a radius of 10 miles of the Project , in combination with any additional existing or purposed major sources within 16 miles. There is no reason to exclude EJ communities between 5 and 10 miles from the proposed Project from the ISA when the Applicant will include them in the EJ Air Impact Area ("EJAIA") for purposes of the cumulative air impact analysis.	Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations, which will include an analysis of the anticipated cumulative air impacts on identified environmental justice communities. In accordance with the NYS Department of Environmental Conservation Part 474 regulations, the ISA and the EJAIA are based on different criteria for determining the extent of the areas.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Comment	Corresponding PSS Section	Corresponding Article 10 Exhibit	Response
310	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	61	Local Laws	6.2	31	Table 6.5-2 (Summary of Town of Newburgh Use and Bulk Requirements for I-District) that appears on page 6-23 of the PSS should include a column that lists the dimensions of the proposed Project for comparison to the Town of Newburgh Use and Bulk requirements for the I- District.	Application Exhibit 31, Local Laws and Ordinances, will include relevant portions (including full text and associated documentation) of the Zoning Code of the Town of Newburgh that may be applicable to the proposed construction and operation of the Project
311	3/29/2019	Scenic Hudson, Inc., City of Newburgh, Riverkeeper, Inc., Natural Resources Defense Council and Hudson River Sloop Clearwater	62	Local Laws	6.2	31	The PSS should include a summary of the local procedural requirements that will not be met by the proposed project. In addition, the PSS should include back-up supporting documentation for variations from the Town's applicable standards for the proposed Project (e.g., stack height) and an explanation of why it believes that complying with the Town's standards would be "unreasonably burdensome" and justify a waiver of local laws pursuant to 16 NYCRR 1000.5(l)(5). The PSS should also include correspondence with the Town of Newburgh Code Enforcement Officer related to issues/concerns and/or recognition of the Proposed Projects variation from the Town's zoning requirements.	Application Exhibit 31, Local Laws and Ordinances, will include a list of substantive local requirements that Danskammer is requesting that the Siting Board elect to not apply because they are unreasonably burdensome in view of the existing technology or the needs of, or costs to, ratepayers. Exhibit 31 will also include a discussion of consultation completed with local officials regarding the local requirements.
312	3/29/2019	Sheila Conroy	1	Applicant Information	1	12	Scope document should identify all of these power generation facilities, when built, capacity and type of power generation in order fully see the history and experience of this entity in the energy field. (Appendix A only lists the 4 states where the plants are located but has no descriptive information).	Application Exhibit 1, General Requirements, will provide a brief summary description of Danskammer's relevant background and experience in owning and operating the type of generating facility proposed as part of the Project.
313	3/29/2019	Sheila Conroy	2	Applicant Information	1	12	Scope document should also list any and all violations of these above noted facilities for the past 10 years in order to fully examine this entity's experience and record in operating power plants. All fines, consent orders or legal actions should be included in this listing, including any and all open or outstanding cases and unsettled violations.	See response to Sheila Conroy Comment No. 2.
314	3/29/2019	Sheila Conroy	3	Storage Tanks	1.2	11, 37	Scope document should identify how and where diesel fuel will be stored on-site as well as quantity (gallons) (Page 2-16 How many gallons is a 5-day supply?)	The location of any new storage tanks will be provided in Application Exhibit 11, Preliminary Design Drawings, and Application Exhibit 3, Location of Facilities. Application Exhibit 37, Back-up Fuel, will provide a description of all onsite fuel storage facilities, including the storage capacity of any storage tanks.



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
315	3/29/2019	Sheila Conroy	4	Air Emissions	1.2	17	Scope document should identify and evaluate all emission releases from diesel fuel usage (which will be different than for natural gas) under the worst case scenario such as continuous diesel fuel usage for 30 days and use of diesel fuel during worst case scenario weather conditions such as high humidity/heat/ozone days. A chart should be created using these different worst case scenarios.	Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the proposed Project facility, including any potential impacts to air quality from the proposed Project facility emissions while operating on: (1) natural gas for the full year; (2) continuous use of ultra low sulfur diesel fuel (as ULSD) for 30 days during the year; and (3) during the worst case air quality impact meteorological conditions per NYS Department of Environmental Conservation and U.S. EPA air quality regulations and guidance.
316	3/29/2019	Sheila Conroy	5	Consistency with Energy Planning Objectives	1.4	10	The statements on these pages justifying the approval of this plant seem to directly contradict the stated goal of NYS regarding reduction of emissions of Green House Gases from fossil fuel plants as well as delaying the goal of 50% of NYS energy coming from renewables by 2030. It would seem that this plant would compete with and even delay these goals. Scoping document should require a more clear explanation than is currently written. How specifically will this gas operated generating plant help the State reach its goals for use of renewable energy instead of fossil fuels?	The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development and contribute to a reduction in air emissions Statewide.
317	3/29/2019	Sheila Conroy	6	Consistency with Energy Planning Objectives	1.4	10	Scope document should clearly show how this plant will achieve the State's stated goals. From some of the document statements, it appears that one justification of this plant is that it will force the closure of less efficient fossil fuel plants. However, this is still a fossil fuel plant and not a renewable facility.	See response to Sheila Conroy Comment No. 6.
318	3/29/2019	Sheila Conroy	7	Air Emissions	1.3	17	Contradictory statement from document: "Emissions from the Project on a per megawatt-hour basis could (my emphasis) be over 40% lower than the existing station and carbon emissions from the Project could (my emphasis) be as low as 50% of recently proposed limits by the New York State Department of Environmental Conservation...for existing power plants." On the surface this sounds good, but it needs clarification in 2 ways. Is the comparison to the "existing station" referring to when the plant operated as a coal burning facility or does it refer to now? The document should clarify the above sentence and use of the word "could". Are these possible percentages if the plant ran at optimum efficiency? Are these realistic percentages for the operation of this plant? The sentence does not state that this Project will or can achieve these reductions, only that it could.	Application Exhibit 17, Air Emissions, will provide a thorough and clear assessment of the potential air emissions from the proposed Project facility, including any potential impacts on ambient air quality. The Article 10 Application and the NYS Department of Environmental Conservation air permit application will also include an assessment of the existing Danskammer Generating Station baseline emissions per NYS Department of Environmental Conservation and U.E. EPA New Source Review (NSR) air quality regulations.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
319	3/29/2019	Sheila Conroy	8	Consistency with Energy Planning Objectives	NA	10	At meetings Danskammer Energy has stated this this plant would be a "bridge fuel or transition fuel plant". The scope document should define and/or explain what the company means by this statement/description. Under whose or what definitions is natural gas a bridge or transition fuel?	The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan. As stated in the PSS, the Project will be designed to provide the quick-ramping and fast-start capability that will be needed as more and more renewable resources are interconnected to the State's electrical grid, and this will be described in more detail in Exhibit 10.
320	3/29/2019	Sheila Conroy	9	Exposure of Danskammer Site to expected sea level rise of the Hudson River	1.7.5	15	It is strongly urged that visuals be used to demonstrate the effects of rising water levels due to anticipated climate change in regards to this site and the siting of new buildings as well as showing existing structures that Danskammer Energy intends to use or repurpose. These visuals should show the current elevations and projected raised structure elevations under a range of storm and floodwater scenarios including 50 year, 100 year, 200 and 500 year flood/storm projections. This is necessary given the recent history of more frequent and destructive storm patterns.	Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed Project in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.
321	3/29/2019	Sheila Conroy	10	Socioeconomic Impacts	1.7.5	27	The Draft Scoping document states the plant will seek in-lieu-of taxes agreement. The intended arrangements should be spelled out in terms of how much reduction in taxes is being sought and for what time frame ( a range of high to low that they intend to request). While Danskammer cannot predict what will be approved, it should openly state what they intend to seek. The true cost of this intended agreement must be factored into the reduction of taxes to be received by the host municipalities and school districts over the duration of the intended agreement.	As stated in Section 5.2.2(H) of the PSS, Danskammer anticipates entering into a Payment in Lieu of Taxes Agreement with the Orange County Industrial Development Authority for the Project, as it has done for the existing plant, and under which it would pay an agreed upon amount of tax payments each year, over a specified period of years, to each of the impacted taxing jurisdictions. Application Exhibit 27, Socioeconomic Effects, will contain a full assessment of the direct and indirect social and economic effects during construction and operation of the Project, including the tax revenues (including payments in lieu of taxes and other taxes and charges) that will result from the construction and operation of the Project.
322	3/29/2019	Sheila Conroy	11	Socioeconomic Impacts	1.7.5	27	Any other tax reductions such as for construction costs or any other fees should be listed and factored into the total economic analysis.	See response to Sheila Conroy Comment No. 10.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
323	3/29/2019	Sheila Conroy	12	Socioeconomic Impacts	1.7.5	27	The Scoping Document should list any IDA benefits or public future monetary assistance that will be sought at the start or throughout the construction/operation	Application Exhibit 27, Socioeconomic Effects, will contain a full assessment of the direct and indirect social and economic effects during construction and operation of the Project, including the tax revenues (including payments in lieu of taxes and other taxes and charges) that will result from the construction and operation of the Project, and any other benefits or assistance provided by the Orange County Industrial Development Agency.
324	3/29/2019	Sheila Conroy	13	Visual Impacts	1.7.5	24	Scoping document indicates that the actual dimensions of the smoke stack will not be known until modeling is done. In the absence of accurate figures, the study should include a range of possibilities from lowest to highest. Page 2-11 lists heights of 150 to 200 feet--- should confirm if maximum height would be 200 feet or could it be more, theoretically?	Comment noted. Danskammer will provide the actual height of the smoke stack in the Article 10 Application.
325	3/29/2019	Sheila Conroy	14	Environmental Justice	1.7.5	28	Scoping document should indicate that a full range of mitigations for the above [Environmental Justice] impacts will be examined. These should be listed and studied.	Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations. In the event that the evaluation indicates that the proposed Project is likely to result in or contribute to any significant and adverse disproportionate environmental impact in the Impact Study Area that cannot be avoided or appropriately minimized, Danskammer will identify the specific mitigation measures for such impact.
326	3/29/2019	Sheila Conroy	15	Decommissioning and Site Restoration	1.7.5	29	Scoping document should include whether there are any hazardous materials that would be disturbed or emitted during decommissioning either from structures or from ground contamination. (asbestos would be one, but not the only example).	Application Exhibit 29, Site Restoration and Decommissioning, will, among other things, describe the hazardous conditions associated with the areas where decommissioning will occur and how these risks will be addressed.
327	3/29/2019	Sheila Conroy	16	Decommissioning and Site Restoration	1.7.5	29	If such hazards exist on site, the Scoping document should list and map their locations and provide detailed descriptions of how hazardous materials will be safely handled during decommissioning and how and where they will be properly disposed of.	Comment noted. See response to Sheila Conroy Comment No. 16.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
328	3/29/2019	Sheila Conroy	17	Decommissioning and Site Restoration	1.7.5	29	Page 2-22 makes a general statement about a plan and actual decommissioning occurring after this approval process is completed. However, the Scoping Document should require some process where there is oversight and supervision of this plan. Who would approve it? Who would inspect and oversee that it is being done properly? The Draft Scope is too vague on this important issue.	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, including performance criteria for such activities. Those activities, if approved as part of the Project, will be governed by the Article 10 Certificate and EM&CP, with oversight by the Siting Board and DPS Staff. Exhibit 29 will also include a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. Any future actions that Danskammer may take, or propose to take, with respect to existing buildings, structures and equipment not being demolished, removed or rehabilitated as part of the Project would be subject to the approval and oversight of those governmental entities having jurisdiction over such future actions.
329	3/29/2019	Sheila Conroy	18	Decommissioning and Site Restoration	1.7.5	29	Scoping document should include what will happen to the existing rail siding that runs onto the property once decommissioning and construction is completed. Will this remain; and if so, what will it be used for?	Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated. Application Exhibit 11, Preliminary Design Drawings, will include site plans that will show site reconfiguration after the Project is constructed and on-line.
330	3/29/2019	Sheila Conroy	19	Tribal Consultation	1.7.5	20	Every effort should be made to contact the Native peoples who once occupied or were connected to this area in order to ensure there is no disturbance of sacred sites.	Comment noted.
331	3/29/2019	Sheila Conroy	20	Landfill	1.7.5	4	The scoping document should provide for information regarding this landfill, especially in terms of what the DEC is requiring for its proper monitoring. Given the many hazards of coal ash storage and the large size of this onsite landfill (approximately 30 acres), a detailed description of current and future monitoring and safety measures should be spelled out.	Application Exhibit 4, Land Use, will describe the current use of the landfill as well as anticipated future steps. The landfill is not within the Project site, and its operation is not subject to this proceeding.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
332	3/29/2019	Sheila Conroy	21	Landfill	1.7.5	4	A letter from the agency supervising the monitoring and final capping or whatever solution is approved (I believe it may be the DEC) should be included in the final environmental study and before any approval is given.	See response to Sheila Conroy Comment No. 20.
333	3/29/2019	Sheila Conroy	22	Public Outreach	1.7	2	I would respectfully urge the company to select dates for public meetings that are not close to times of religious observances. December 17 and 18 were very close to Christmas and a time when some people, including myself, were unable to attend due to family commitments.	Comment noted.
334	3/29/2019	Sheila Conroy	23	Public Outreach	1.7	2	While it is true that the siting board meets in Albany, it is hoped that at least one evidentiary hearing would be held closer to the physical plant location in order to hear from local groups or people who would be most affected by this plant. Albany is over a 2 hour drive each way and would require people to commit to a full day there. Certainly a place, at least mid-way between Albany and Newburgh could be selected, if the company truly wants to be sensitive to local input.	Comment noted. Danskammer supports holding Public Statement Hearings and any evidentiary hearings in or near to the Town of Newburgh. The location of such hearings, however, will ultimately be determined by the presiding examiners (Administrative Law Judges Belsito and Caruso) assigned to the matter.
335	3/29/2019	Sheila Conroy	24	Alternatives	2.1	9	This page states that the proposed plant emissions will be "...40% per megawatt hour lower " than the existing plant and "...as low as 50% of recently proposed limits ..." by the DE Cfor existing power plants. This is less impressive when one considers that the existing facility was an antiquated and dirty coal burning plant. Instead the Scoping Document should require that the emission analysis compare the proposed gas fired plant to renewable energy plants which is the stated goal of NYS energy policy. While it is clear that the plant owners wish to pursue natural (fracked gas) as the energy source, renewables must be considered even if this site cannot accommodate renewables easily or at all	Consistent with the Siting Board regulations at 16 NYCRR § 1001.9(g), the alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, reasonable renewable energy supply source alternatives that are feasible, considering Danskammer' s objectives and capabilities as a private facility applicant. Danskammer will evaluate any reasonable renewable energy supply source alternatives identified in Exhibit 9 using the criteria set forth in Siting Board regulations at 16 NYCRR § 1001.9(h).
336	3/29/2019	Sheila Conroy	25	Air Emissions	2.5	17	Emission analysis should also require examining the emissions from the production of the natural gas being used, i.e. fracked gas. This analysis cannot be ignored because the production of fracked gas creates far more emissions than other power sources,, such as renewables. This is a vital consideration for 2 reasons: (1) NYS has banned drilling for fracked gas so analysis of emissions for its production needs to be considered since it goes against NYS's ban; (2) this plant's use of fracked natural gas also goes against NYS's stated goals of 2030 and 2040 for renewable energy.	As explained in Section 2.7 of the PSS, the proposed Project will use the existing natural gas transmission system for the delivery of natural gas. Application Exhibit 7, Natural Gas Power Facilities, and Application Exhibit 36, Gas Interconnection, will further describe the Project's natural gas facilities and gas interconnection. The analysis in Application Exhibit 17, Air Emissions, will also provide an analysis of the potential impact of the Project's operations on greenhouse gas emissions, among other things.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
337	3/29/2019	Sheila Conroy	26	Consistency with Energy Planning Objectives	1.4	10	The Scoping document should require a discussion of what happens to this plant in 2030 and 2040 when it will not meet the State's renewal energy goals? Since the plant will only be approximately 7 to 8 years old by 2030, and expended a great deal of money to be built, will the operators seek waivers to continue operating without meeting the State's energy goals? If so, it would seem counter-productive to approve this plant.	The analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will demonstrate how the proposed Project, including its anticipated future operation, is consistent with the energy policies and long range energy planning objectives and strategies contained in the most recent State Energy Plan, including how the proposed Project will support renewable energy development.
338	3/29/2019	Sheila Conroy	27	Alternatives	4.3	9	In performing the many analysis that have bullet points on Page 4.5, there should not be responses to the effect that since renewable energy sources will not work on this site due to size limitations, there is no way to do comparisons. Comparisons should be done as if solar and wind could be utilized. The technology of these areas is expanding so rapidly that more options may be available. While this cannot be factored in now, the existing technology can be analyzed and compared to gas as the energy source.	The alternatives analysis in Application Exhibit 9, Alternatives, can only consider available technologies. Consistent with the Siting Board regulations at 16 NYCRR § 1001.9(g), the alternatives analysis in Exhibit 9 will identify and describe, among other alternatives, reasonable renewable energy supply source alternatives that are feasible, considering Danskammer's objectives and capabilities as a private facility applicant. Danskammer will evaluate any reasonable renewable energy supply source alternatives identified in Exhibit 9 using the criteria set forth in Siting Board regulation at 16 NYCRR § 1001.9(h).
339	3/29/2019	Sheila Conroy	28	Project Description	4.3	29	If Danskammer claims that it might consider some renewable sources for this site in the future, definite minimums for how much energy will be produced from renewables and on what time table.	Application Exhibit 29, Site Restoration and Decommissioning, will include a discussion of potential options under consideration for existing buildings, structures and equipment that will not be demolished, removed or rehabilitated, and this may also include a discussion of potential future uses of the Project site not utilized for the Project, including potential renewable energy options. However, it should be noted that any such future potential options are not currently planned nor should they be considered as part of the proposed Project subject to this Article 10 proceeding.
340	3/29/2019	Sheila Conroy	29	Decommissioning and Site Restoration	2.4	11, 29	This page discusses what is currently on the site (map accompanies description) The Scoping Document should require that all structures that are to be demolished or removed be shown with a description of how they will be removed. For example, what will happen to the No. 6 oil above ground storage tank? A clearly labeled before and after map would be helpful along with detailed descriptions of how and when structures of all kinds will be safely decommissioned or demolished.	Application Exhibit 11, Preliminary Design Drawings, will include site plans that will show site reconfiguration after the Project is constructed and on-line. A description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project will be provided in Application Exhibit 29, Site Restoration and Decommissioning.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
341	3/29/2019	Sheila Conroy	30	Alternatives	2.5	9, 17	The Scoping Document should require analysis of various air quality control systems for this type of plant, including the most effective and efficient regardless of cost. (This has been an issue in the past when company's did not wish to spend the money for higher standard systems, arguing they were not cost effective for the company). While Danskammer may prefer a certain type of system, other more effective systems, regardless of cost, should also be considered and analyzed. Is there a system that removes more emissions from the air than the one being proposed?	Danskammer notes that portions of this comment contain the commenter's opinions on other unrelated projects, and not comments on the PSS, and therefore, Danskammer will not respond to those portions of the comment. The alternatives analysis in Application Exhibit 9, Alternatives will identify and describe different technologies considered for the Project, including air quality control systems. Application Exhibit 17, Air Emissions, will compare the expected air emissions from the proposed design for the Project against relevant state and federal standards.
342	3/29/2019	Sheila Conroy	31	Air Emissions	2.8	17	These pages discuss the use of ammonia in the air quality control system. The Scoping Document should list the maximum amount of ammonia to be stored on the site, where it will be stored and how it will stored per State safety requirements.	Application Exhibit 17, Air Emissions, will provide details on the maximum amount of ammonia that will be stored onsite and will identify those regulations applicable to the ammonia storage system. Exhibit 17 will also provide an offsite consequence analysis for ammonia stored onsite, including an analysis of an accidental worst-case release scenario.
343	3/29/2019	Sheila Conroy	32	Air Emissions	2.8	17	Will there be some type of monitoring and alarm system for onsite ammonia storage?	Danskammer has not yet designed the 19% aqueous ammonia storage system for the Project. While there are presently no federal or New York State requirements for monitoring or other alarms for the storage of ammonia, Danskammer will consider including a monitoring/alarm system in the storage system design.
344	3/29/2019	Sheila Conroy	33	Air Emissions	2.8	17	The preliminary document states that a method or system will be created to monitor or calculate the "ammonia slip". When will this be presented and who will approve it?	Danskammer will include the calculations for the ammonia slip emissions in the NYS Department of Environmental Conservation air quality permit application. The engineering design of the Project will include emissions monitoring for the ammonia slip, which will be approved by NYS Department of Environmental Conservation.
345	3/29/2019	Sheila Conroy	34	Safety and Security	2.12	18	While the Scoping Documents discusses an onsite fire brigade and working with local fire departments, it should also provide information regarding any on site joint training with local fire departments and how an emergency situation would be coordinated between the plant brigade and off site local departments.	Comment noted. Application Exhibit 18, Safety and Security, will include this information.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
346	3/29/2019	Sheila Conroy	35	Safety and Security	2.12	18	Will there be a yearly drill involving police, fire departments and ambulance corps?	Danskammer will consult on this issue with local first responders / emergency services, as initially identified in the PIP process and subsequently updated, to determine their emergency preparedness program. It is expected that this consultation will be informed by the existing safety program at the current facility, given the similarities between the existing and proposed Project facilities and operations. The outcome of these consultations will be included in Application Exhibit 18, Safety and Security.
347	3/29/2019	Sheila Conroy	36	Local, State Laws	6	31, 32	In Section 6 of the Scoping Document there is a lengthy list of approvals, variances and permits needed for this project and who is the approving agency. This list should be amended if any additional approvals, etc. are found to be needed during the review process. (The lengthy list further back in this document is appreciated).	Comment noted.
348	3/29/2019	Sheila Conroy	37	Exposure of Danskammer Site to expected sea level rise of the Hudson River	3.1	15	Given that the facility was flooded during Super storm Sandy in 2012, the Scoping Document should specifically state how far the planned facility is from the 100 and 500 year official flood plain. How many feet from each or inside of those flood plain designations is each of the existing and new structures? The existing Scope says flooding will be minimized or eliminated by raising the building elevation, but the public will not know how helpful that is unless it knows how high land to be built on is in relation to the designated flood plain area.	The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed Project facility in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.
349	3/29/2019	Sheila Conroy	38	Exposure of Danskammer Site to expected sea level rise of the Hudson River	3.1	15	It has been explained that there was remedial action taken to reduce the risk of flooding after Super Storm Sandy damaged the plant. That corrective action appears to be installation of rocks/stones contained in an enmeshed material that creates a type of retaining wall to keep out storm surges. Is this a successful long term solution or are there other plans to protect the site from another storm/flooding/surge event which forecasters predict will occur more frequently and with more severity due to climate change. Will this "structure" actually be able to withstand high winds and strong water surges?	See response to Sheila Conroy Comment No. 38.



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
350	3/29/2019	Sheila Conroy	39	Water Resources and Aquatic Ecology	3.8.1	23	The Scoping document should discuss/describe the Project's location and operation near 2 of the designated coastal areas and indicate any special requirements to protect this area?	Application Exhibit 23, Water Resources and Aquatic Ecology, will show the mapped locations of any Significant Coastal Fish and Wildlife Habitats and will identify and evaluate any potential impacts on these resource areas. Avoidance, minimization and mitigation measures, if appropriate, will be identified and evaluated.
351	3/29/2019	Sheila Conroy	41	Air Emissions	3.3	17	3 of the 5 monitors of specific emissions (for sulfur dioxide, inhalable particulates, and carbon monoxide) are so distant that it would seem they are not useful in measuring levels as related to this project. Are there portable monitors or some other method that would yield more accurate and realistic numbers? Can more local data be calculated into a model in order to give more realistic information?	Application Exhibit 17, Air Emissions, will provide a discussion of the existing background ambient air quality that is representative of the Project location. The monitoring location and the data used to determine the background air quality will require approval by the NYS Department of Environmental Conservation and as part of the NYS Department of Environmental Conservation air permit Application.
352	3/29/2019	Sheila Conroy	42	Air Emissions	3.3	17	If only modeling can be used for calculations for 3 of the 5 above emission due to the distance of monitoring equipment, what is the reliability/accuracy of such models, especially accounting for any and all unique atmospheric conditions that exist at this site?	Air quality modeling will not be used to determine the representative background concentration of pollutants. Please see Response to Comment No. Sheila Conroy Comment No. 41.
353	3/29/2019	Sheila Conroy	43	Air Emissions	3.3	17	Scoping document should give more details about its request for an exemption from preconstruction air quality monitoring --what is the alternate location (s) that will be used for this information? What is its degree of accuracy/reliability?	Danskammer will follow the requirements set forth in 40 CFR 52.21(m)(1) and 40 CFR 51.166(m)(1) to establish existing air quality in the vicinity of the Project. This can be accomplished by appropriately placing new ambient monitors and collecting at least 1 year of data or by demonstrating that existing air quality can be characterized using monitors already deployed in other locations that are reasonably representative of the air quality in the location of the Project. The monitoring location(s) and the data used to determine the background air quality will require approval by NYS Department of Environmental Conservation as part of the NYS Department of Environmental Conservation Air Permit Application.
354	3/29/2019	Sheila Conroy	44	Air Emissions	3.3	17	Scoping document should address reliability of ammonia system to reduce emission in regards to break downs or failure to meet the required emission levels. How is this monitored?	Danskammer proposes to use a Selective Catalytic System (SCR) system with ammonia injection to reduce the exhaust emissions of NOx from the proposed Project facility. The Title V air operating permit for the Project will contain the enforceable compliance requirements to monitor the SCR control system and the NOx emissions from the proposed Project

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
355	3/29/2019	Sheila Conroy	45	Air Emissions	3.3	17	Is there a backup system if the primary emission treatment system fails for some reason?	See response to Sheila Conroy Comment No. 45.
356	3/29/2019	Sheila Conroy	46	Air Emissions	3.3	17	Are there other methods of treatment that do not use ammonia?	There are no other practical NOx emissions control systems that do not use ammonia. The ammonia used can be either anhydrous ammonia or urea (an ammonia salt).
357	3/29/2019	Sheila Conroy	47	Noise and Vibration	3.4	19	Quote from document: "The rather significant topography surrounding the site will be built into the 3-dimensional noise level." It is good that this has been noted so that as many "significant" topographic features are included. The Scope Document should list these features so that everyone knows what they are. This will make the analysis more transparent and verifiable.	Comment noted. This information will be provided in Application Exhibit 19, Noise and Vibration. It should be noted, however, that there are no specific topographical features to list; the intent is simply to recreate the slopes on either side of the river per current contour maps/data.
358	3/29/2019	Sheila Conroy	48	Noise and Vibration	3.4	19	Also on this page is a statement that "...mitigation measures as such as (as) use of silencers for flow-down venting will be considered." It is good that one example of possible mitigations measures is noted. It should be required that all reasonable mitigations measures/devises, regardless of cost, be considered in response to noise level studies.	In Application Exhibit 19, Noise and Vibration, as indicated necessary by the results of the Noise Impact Analysis, Danskammer will identify and discuss all proposed practicable and reasonable mitigation measures as required under 16 NYCRR §§ 1001.19(i) and (k).
359	3/29/2019	Sheila Conroy	49	Noise and Vibration	3.4	19	The list of variables to be studied for noise impacts is diverse, responsive to different seasons, hours and various anticipated noises potentially coming from the site. One point of clarification: the list does not include noises for the demolition of on-site structures. If this is to be included under the construction phrase, it should be included in the construction/demolition phases.	Comment noted. The Noise Impact Analysis in Application Exhibit 19, Noise and Vibration, will consider noise impacts associated with construction and demolition activities.
360	3/29/2019	Sheila Conroy	50	Noise and Vibration	3.4	19	Also, if construction and demolition are occurring at the same time, the accumulative impacts should be added to the above list.	Comment noted. Any potential cumulative noise impacts from simultaneous construction and demolition will be considered and estimated in Application Exhibit 19, Noise and Vibration.
361	3/29/2019	Sheila Conroy	51	Traffic and Transportation	3.4	25, 19	In discussions of mitigations regarding construction traffic, consideration was given to ideas like limitations on deliveries during peak and heavy congestion on near by roads. The same consideration should be discussed in the Scope Document regarding impacts of off site noise--- such as hours of operation to reduce impacts to surrounding community activities where applicable.	Comment noted. This information will be provided in Application Exhibit 25, Effect on Transportation, and Application Exhibit 19, Noise and Vibration.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
362	3/29/2019	Sheila Conroy	52	Decommissioning and Site Restoration	3.7	29	The preliminary scope describes this canal and its previous use for cooling purposes and states that it will no longer be needed or used for the new technology. What will happen to this abandoned area? Will any restoration work be done?	Danskammer has not made a decision on how to address the existing intake canal at this time. Application Exhibit 29, Site Restoration and Decommissioning, will provide a description of all structures, buildings, and equipment that will need to be demolished, removed or rehabilitated prior to and after construction of the Project, as well as a discussion of potential options under consideration for existing buildings, structures and equipments that will not be demolished, removed or rehabilitated.
363	3/29/2019	Sheila Conroy	53	Public Health and Safety	3.7	15	It is described that these 2 ponds were formerly used to stockpile coal and coal ash and now contain residues from that use. While it goes on to state that this water/run-off is in an impounded area, is there any risk that these residues could be transported to other locations on site or into the Hudson River if flooding occurred or are they secure from such a mishap?	Comment noted. This information will be provided in Application Exhibit 15, Public Health and Safety.
364	3/29/2019	Sheila Conroy	54	Water Resources and Aquatic Ecology	3.8.9	23	The use of construction barges, while a positive for getting large construction vehicles off local roads, could have substantial impacts on fish and other aquatic life due to the need to modify the shoreline for landings and off-loading. This needs to be carefully analyzed if such usage is being seriously considered with opportunities for input and comment from local residents and organizations such as Riverkeeper, Clearwater Sloop and Scenic Hudson who have done research and monitored the river for decades. A carefully designed plan with maximum mitigations for disturbance to aquatic life and to the shoreline needs to be developed before any barge activity occurs. Plans for restoration of disturbed areas should be designed and approved before any disturbance.	Application Exhibit 25, Transportation, will describe the proposed methods by which materials will be transported to the Project site for the construction, operation, and maintenance of the Project. This discussion will identify whether such methods will include transportation by barge on the Hudson River and if so, whether temporary or permanent shoreline or docking modifications would be required, whether dredging would be required to facilitate the use of such barges, and the extent of any necessary dredging. If it is anticipated that materials will be transported to the Project site by barge on the Hudson River, Application Exhibit 23, Water Resources and Aquatic Ecology, will fully evaluate and address any impacts associated with such activity on aquatic species, including any impacts related to shoreline modifications and/or dredging, and will identify any appropriate avoidance, minimization or mitigation measures. Any discussion in Exhibit 23 relating to anticipated shoreline modifications will include plans for post-construction restoration activities. Appropriate information and/or studies underlying the development of such plans may be discussed during the Stipulations process with those parties participating.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
365	3/29/2019	Sheila Conroy	55	Blasting	3.6	21	If blasting should be necessary, the scope document should address how and when the one residential structure that is adjacent to the site will be notified.	If it is anticipated that blasting will occur in connection with the Project, a preliminary blasting plan will be presented in Application Exhibit 21, Geology, Seismology and Soils. Any such plan will include a discussion of warning measures that will be adopted to alert neighboring properties and those in the vicinity of such blasting activities.
366	3/29/2019	Sheila Conroy	56	Landfill	3.8.4	4	This page discussed the types and frequency of groundwater sampling and monitoring, but does not spell out WHO actually does the testing of samples taken. The data is given to the DEC but who actually takes the samples and does the testing/analysis? It should be clarified that an outside lab or entity, not Danskammer, does the testing/analysis and who that entity is.	Application Exhibit 4, Land Use, will describe the current use of the landfill as well as anticipated future steps. The landfill is not within the Project site, and its operation is not subject to this proceeding. Any laboratory analysis of samples is conducted by an independent outside laboratory that is appropriately certified.
367	3/29/2019	Sheila Conroy	57	Traffic and Transportation	3,10	25	Any traffic impact studies should be required to be done when schools are open and on a regular school day schedule. Schools should be contacted to insure that those dates selected do not include teacher conference days or other modified scheduling that changes the bus schedule, timing, etc.	Comment noted. The traffic counts will be performed on typical school days for the discussion in Application Exhibit 25, Effect on Transportation.
368	3/29/2019	Sheila Conroy	58	Traffic and Transportation	3.1	25	Examination of peak times should take into consideration that Friday traffic in the area can vary significantly from other travel days.	Comment noted. Application Exhibit 25, Effect on Transportation, will analyze typical weekday traffic, including peak hours.
369	3/29/2019	Sheila Conroy	59	Socioeconomic Impacts	5.2.2	27	This section outlines studies that will be done concerning the benefits of various jobs and skill sets needed for the relatively short term construction period for this plant. It discusses the economic benefits of wages coming into the area, but it does not discuss if these jobs will go to local workers and to local union workers. It is highly unlikely that the financial plan for this plant has not examined these cost benefits. Any analysis must include if these jobs will be for existing local workers or if instead outside non-union labor workers will be brought in. It makes a big difference in the economic benefit because if outside labor is used, not all of the salaries earned remain in the area. Some is sent out to support the workers' families who live elsewhere. (see below for very recent newspaper article pertaining to this).	An estimate of the Project's anticipated average and peak construction workforce will be provided in Application Exhibit 27, Socioeconomic Effects. Exhibit 27 will also provide Danskammer's projections as to the number of these jobs that will be from the region. Danskammer has been engaged in discussions with the local labor unions, who actively support the Project, and will consult with them on how best to work with them going forward. As an example, on March 25, 2019, Danskammer and the Hudson Valley Building and Construction Trades Council entered into a Memorandum of Understanding regarding the negotiation of a Project Labor Agreement for the construction of the proposed Project facility, including possible apprenticeships onsite once the Article 10 Certificate is granted. Danskammer will not be in a position to specifically identify and hire local workers until after the completion of the Article 10 review process and its final design for the Project.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
370	3/29/2019	Sheila Conroy	60	Socioeconomic Impacts	5.2.2	27	Page 5-5 states that the Applicant will “strive” to hire local workers, which leaves considerable wiggle room. This needs to be pinned down.	As stated in Section 5.2.2(F) of the PSS, Danskammer will strive to hire as many local employees as possible to fill those anticipated construction jobs. Danskammer will not be in a position to specifically identify and hire local workers until after completion of the Article 10 review process and its final design for the Project.
371	3/29/2019	Sheila Conroy	61	Socioeconomic Impacts	5.2.2	27	The Times Herald Record of 3/28/19 (page #9) featured an article in which Danskammer agreed to hire local union workers. This is a positive step, but how binding is it? If Danskammer is allowed to do the above analysis under the assumption that it will hire local union workers, then it should be a condition of any approval that Danskammer follows through on this commitment.	An estimate of the Project's anticipated average and peak construction workforce will be provided in Application Exhibit 27, Socioeconomic Effects. Exhibit 27 will also provide the Danskammer' s projections as to the number of these jobs that will be from the region. Danskammer has been engaged in discussions with the local labor unions, who actively support the Project, and will consult with them on how best to work with them going forward. As an example, on March 25, 2019, Danskammer and the Hudson Valley Building and Construction Trades Council entered into a Memorandum of Understanding regarding the negotiation of a Project Labor Agreement for the construction of the proposed Project facility, including possible apprenticeships onsite once the Article 10 Certificate is granted.
372	3/29/2019	Sheila Conroy	62	Socioeconomic Impacts	5.2.2	27	As mentioned earlier, all financial breaks, such in-lieu-of taxes, breaks on construction taxes, abatements, etc., should be available for the public before any approval so that the true economic analysis can be examined. Length of time for agreements as well as amounts should be known by the public and municipal officials. Negotiations may be private but outcomes should be public and transparent.	Application Exhibit 27, Socioeconomic Effects, will contain a full assessment of the direct and indirect social and economic effects during construction and operation of the Project, including the tax revenues (including payments in lieu of taxes and other taxes and charges) that will result from the construction and operation of the Project and any other benefits or assistance provided by the Orange County Industrial Development Agency.
373	3/29/2019	Sheila Conroy	63	Safety and Security	5.2.2	18	The Scoping document should include a detailed analysis of existing municipal emergency equipment and staffing and what, if any, additional specialized training or equipment would be needed as a result of the plant's opening. Are the needs different with natural gas being the energy source as opposed to the previous use of coal?	Comment noted. Danskammer will consult with local emergency personnel regarding these issues. The outcome of these consultations will be included in Application Exhibit 18, Safety and Security. Danskammer would like to note that the current facility has already been using natural gas as its primary energy source since 2014.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
374	3/29/2019	Sheila Conroy	64	Socioeconomic Impacts	5.2.2	27	Page 5-7 states that the document will analyze and list the potential taxes from the various entities that have taxing authority over the plant. That analysis must include estimates of what taxes or fees would be paid with and without various abatements, in-lieu-of taxes agreements, and other financial incentives and "breaks." This is essential in light of recent news articles regarding businesses seeking extremely generous incentive deals, even after their buildings are under construction. The public has a right to a full and informed idea of financial deals. Danskammer's business plan certainly has an idea of what types of financial arrangements it will seek, for how much and for what time period.	Danskammer notes that portions of this comment contains the commenter's opinions on other building projects rather than comments on the PSS for this Project, and therefore, it will not respond to those portions of the comment. Application Exhibit 27, Socioeconomic Effects, will contain a full assessment of the direct and indirect social and economic effects during construction and operation of the Project, including the tax revenues (including payments in lieu of taxes and other taxes and charges) that will result from the construction and operation of the Project and any other benefits or assistance provided by the Orange County Industrial Development Agency.
375	3/29/2019	Sheila Conroy	65	Environmental Justice	5.3	28	(page 5-8) a ½ mile radius from the project is too limited. I agree with the suggestion in the document that the ISA should be at least a 5 miles radius. I am not sure how many any other designated Environmental Justice areas there are but this project should not do a minimal job in evaluating this issue.	Comment noted.
376	3/29/2019	Sheila Conroy	66	Environmental Justice	5.3	28	I support that the EJAIA should be a 10 mile radius. If, however, it is standard practice for this type of project to draw the radius even further out, the project sponsor should follow this recommendation. The analysis should follow not just the letter but it should follow the intent of the law governing this designation.	Comment noted. Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations.
377	3/29/2019	Sheila Conroy	67	Environmental Justice	5.3.4	28	The Scoping document should clarify for the public what is meant in Paragraph 2, lines 5-9. Quote: whereby it states: " The analysis will examine the impacts form all criteria pollutants (except for ozone, which is formed in the atmosphere by the precursor pollutants of Nox and Voccs), mercury, other heavy metals, and several non-criteria (i.e.), air toxic pollutants. This analysis will take into account emissions from the proposed project facility alone." I hope that this disclaimer is not saying that the emissions from this plant will not be factored into the ozone problems that exist in this area.	Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations and after consultation with NYS Department of Environmental Conservation. It will include estimates of the anticipated cumulative air impacts from the Project facility on the identified environmental justice communities. Danskammer will conduct a screening air quality analysis that will be detailed in Application Exhibit 17, Air Emissions, and which will follow NYS Department of Environmental Conservation guidance for criteria air pollutant impacts and modeling maximum facility impacts in the ISA of all relevant non-criteria pollutants. This screening will be conducted after consultation with NYS Department of Environmental Conservation and NYS Department of Health.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
378	3/29/2019	Sheila Conroy	68	Air Emissions	5.3.4	17	Ozone levels in the region are a problem during the hot summer months when this plant would likely be running at full capacity. Any models or analysis must take this reality into consideration by using the historical record of the past 5 hottest summers and the number of days of ozone warnings along with the actual ozone readings. Any and all contributions of emissions from this plant during those high ozone days needs to added into the accumulative impacts on air quality. While the plant may not directly create the existing ozone, its emissions added into the existing ozone levels, do need to be calculated. They certainly add to the poor air quality already affected by ozone.	Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the proposed Project facility and any related potential impacts on ambient air quality, including ozone levels. The analysis will be conducted utilizing appropriate U.S. EPA and NYS Department of Environmental Conservation air quality assessment methodology.
379	3/29/2019	Sheila Conroy	69	Air Emissions	5.3.4	17	The Times Herald Record of 3/28/19, pages 4-5 discussed problems of air quality surrounding a newly constructed natural gas power plant (CPV Plant in Waywayanda, NY). Although the plant and DEC claim that the plant's emissions are meeting the standards set by State and Federal regulations, there are concerns about possible "hot spots" around the plant that could negatively affect people's health. To quote the article: " in her letter to Seggos (DEC Commissioner), {State Senator} Metzger raised the possibility that pollutants could settle in certain areas and cause health problems, even if they are below permitted levels when they leave the two 275-foot-tall chimneys." While Danskammers chimneys will be lower, the site sits on the shore of the Hudson River and in an area that can be subject to special localized weather conditions such as mists rising off the River,etc. Any special or unique factors that could cause "hot spots" or special conditions that could trap or increase the effects of pollutants should be examined as part of the scoping document. Such site-specific conditions vary from site to site and must be taken into consideration in any air quality analysis.	Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the proposed Project facility and its impacts, including any potential impacts on ambient air quality. The analysis will be conducted utilizing appropriate U.S. EPA and NYS Department of Environmental Conservation air quality assessment methodology. The air quality modeling analysis will include thousands of site-specific locations around the proposed Project facility that will be assessed at worst-case conditions for over 40,000 hours of meteorological conditions.
380	3/29/2019	Sheila Conroy	70	Air Emissions	5.3.4	17	The scope document should provide detailed information of how frequently air quality results will be reported and to whom this date/information will be presented for oversight.	Danskammer will consult with NYS Department of Environmental Conservation to develop an approved emissions monitoring plan. The monitoring requirements will be consistent with all applicable federal and state regulatory requirements and will be included in the Title V operating permit for the proposed Project facility. The monitoring data will be provided both to NYS Department of Environmental Conservation and U.S. EPA, as required under existing regulations.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
381	3/29/2019	Sheila Conroy	71	Environmental Justice	5.3.5	28	In preparing the list of places for evaluation, the sponsor should consult municipalities, schools and local groups in order to verify that all relevant locations, especially open space areas, have been identified.	Comment noted. Application Exhibit 28, Environmental Justice, will provide a comprehensive environmental justice analysis in accordance with the NYS Department of Environmental Conservation Part 487 regulations, which will include a summary of the public outreach efforts within the identified environmental justice communities.
382	3/29/2019	Sheila Conroy	72	Air Emissions	5.3.6	17	The sources for these threshold figures should be identified. It should be verified that these are the standard thresholds used in the industry for the analysis of emissions.	The threshold values are those required by NYS Department of Environmental Conservation-promulgated regulations at 6 NYCRR § 231-13.4, Tables 4 and 6.
383	3/29/2019	Sheila Conroy	73	Methodology	Multiple	Multiple	For all models and studies that are to be used instead of on site testing, those models and studies generally used and widely accepted should be the ones selected.	Comment noted.
384	3/29/2019	Sheila Conroy	74	Multiple	Multiple	Multiple	Throughout the document, the sponsor states that they will use data from the U.S. census which is 9 years old. If there have been relevant and approved updates/studies, such as data compiled by Orange County or the City or Town of Newburgh to apply for grants/programs or to address specific issues/problems, that are more recent, consideration should be given to use these to update 2010 census data.	Danskammer has proposed to use the 2010 Decennial Census Data and the 2011-2016 American Community Survey Data.
385	3/29/2019	Sheila Conroy	75	Exposure of Danskammer Site to expected sea level rise of the Hudson River	3.9	15	I would like to make a positive comment about existing visuals already in the preliminary scope—many of the maps and diagrams are well done and very readable, very professional. The addition of visuals showing the effects of rising water levels related to climate change, recommended earlier related to page 3-4, projected on existing elevations of the plant/land would be very helpful to understand this impact. Overlays of projections of river level increases could easily be created as visual representations that are easier for the public to understand than merely verbal descriptions.	Application Exhibit 15, Public Health and Safety, will describe and map the location of the proposed Project in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.



Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
386	3/29/2019	Sheila Conroy	76	Landfill	Multiple	4	There are a number of references in the preliminary document to the large quantity (I, believe in the range of 30 acres) of coal ash that is stored on site. A thorough discussion of how the older pile has been capped/contained along with what is being considered or approved for the uncapped pile/piles should be in the document. While it is very positive that coal is no longer being used at the plant, the public needs to know what is being done to manage/handle the huge quantity of coal ash still stored there. According to "Earthjustice" quarterly magazine, Fall 2018, page 17: "Based on the industry's own data (coal industry), 96 percent of all coal ash sites tested under the new rule have contaminated groundwater with harmful levels of toxic chemicals like arsenic and boran. In total, the U.S. is home to more than 1,400 of these sites, many of them filled with millions of gallons of toxic ash". The public needs to know how the approximately 30 acres of coal ash on this site is going to be monitored and controlled, now and in the future, so as to not pollute groundwater or the Hudson River since the ash piles sit about the River with water flowing by gravity down to its shores.	Application Exhibit 4, Land Use, will describe the current use of the landfill as well as anticipated future steps. The landfill is not within the Project site, and its operation is not subject to this proceeding.
387	3/29/2019	Ulster County Environmental Management Council	4	Public Outreach	NA	NA	Danskammer Energy's initial PIP Plan of May 24, 2018 identified the following Ulster County agencies as stakeholders in the proceedings: 1) Michael P. Hein, County Executive; 2) Nina Postupack, County Clerk; and 3) Thomas Jackson, Department of Public Works. It should be noted that Michael P. Hein has been appointed by the governor to the position of commissioner of the state Office of Temporary and Disability Assistance and has resigned his position as County Executive. A special election to fill the position is scheduled for April 30, 2019, but until then, Deputy County Executive Adele Reiter will serve as county executive.	Comment noted. Danskammer will update its Stakeholder List accordingly.
388	3/10/2019	Laura Burkhardt	1	Alternatives	4	9	Although Danskammer Energy favors a gas-powered plant, the Scoping Document should require a study/assessment of these additional alternatives to a gas-fired power plant: a) solar field; b) solar field with solar canopies; c) wind farm offshore; d) wind farm on land; e) solar field and wind farm; f) battery storage; g) solar field combined with battery storage; h) solar field with solar canopies combined with battery storage; i) wind farm offshore combined with battery storage; j) wind farm on land combined with battery storage; and k) solar farm and wind farm combined with battery storage. For battery storage "[T]he required study should include an exploration of the various technologies for battery storage and document the cost and current availability of each one."	Consistent with the Siting Board regulations at 16 NYCRR § 1001.9(g), the alternatives analysis in Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, reasonable renewable energy supply source alternatives that are feasible, considering Danskammer's objectives and capabilities as a private facility applicant. Additionally, Danskammer need not consider alternatives on sites that it does not own or control (16 NYCRR § 1001.9(a)). Danskammer will evaluate any reasonable renewable energy supply source alternatives in Exhibit 9 using the criteria set forth in Siting Board Regulation at 16 NYCRR § 1001.9(h).

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
389	3/10/2019	Laura Burkhardt	2	Alternatives	4	9	<p>The Scoping Document should include the objective criteria by which each of the items listed on page 4-5 of the PSS (Items (1) through (8)) will be evaluated: a)Engineering feasibility. The Scoping Document should define “engineering feasibility” and should specify the objective criteria by which “engineering feasibility” will be evaluated; b) Reliability and electric system effects. The Scoping Document should list specific reliability and electric system effects and should specify the objective criteria by which each reliability and electric system effect will be evaluated; c) Environmental impacts. The Scoping Document should list the various environmental impacts (impacts to air, water, the Hudson River, local birds and mammals) and should specify the objective criteria by which these impacts will be evaluated; d) Economic considerations. The Scoping Document should list specific economic considerations and should specify the objective criteria by which each economic consideration will be evaluated; e) Environmental justice considerations. The Scoping Document should list specific environmental justice considerations and should specify the objective criteria by which each environmental justice consideration will be evaluated; f) Security, public safety and emergency planning considerations. The Scoping Document should list specific security, public safety and emergency planning considerations and should specify the objective criteria by which each security, public safety and/or emergency planning consideration will be evaluated; g) Public health considerations. The Scoping Document should list specific public health considerations and should specify the objective criteria by which each public health consideration will be evaluated; h) The objectives and capabilities of the applicant. The Scoping Document should define clearly who is “the applicant” in this context. The Scoping Document should list specific objectives and capabilities to be considered and should specify the objective criteria by which each objective and capability will be evaluated.</p>	<p>As required by Article 10 regulations of the Siting Board (16 NYCRR § 1001.9(h)), for each reasonable and as applicable, feasible, alternative identified and described in Application Exhibit 9, Alternatives, Danskammer will provide an evaluation of the comparative advantages and disadvantages of the proposed Project and such alternatives, employing the criteria listed under 16 NYCRR § 1001.9(h). In undertaking that comparative analysis, Danskammer will specify the individual considerations for each category (e.g. engineering feasibility, environmental impacts, etc.).</p>

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
390	3/10/2019	Laura Burkhardt	3	Alternatives	4	9	<p>The required study, referenced above, should include a comparison of the following additional factors for each alternative. For each alternative the following information should be provided: a) Estimated construction cost; Expected lifetime of the plant; Estimated amount of electricity that would be put into the grid via contracts and the NYISO auctions (1st year, 10th year, 20th year); Estimated annual operation and maintenance costs (excluding cost of fuel) (1st year, 10th year, 20th year); Estimated cost of fuel to produce electricity (i.e., natural gas, sunlight, wind)(1st year, 10th year, 20th year); Ability of the plant to withstand sea level rise and storm surges; Amount of Payments In Lieu of Taxes that would be made to Town of Newburgh, Town of Marlboro, Marlboro Central School District and Newburgh School District (amounts to be sought by Danskammer Energy, not necessarily approved)(1st year, 10th year, 20th year); Amount of greenhouse gas emissions per kilowatt hour; Number of jobs that would be created for Temporary construction jobs (1) Number of jobs requiring specialized skills for which training would not be provided, 2) Number filled by local workers, 3) Number filled by non-local workers, i.e., workers with specialized skills who move from construction site to construction site) and Permanent maintenance and operation jobs (1) Number of jobs requiring specialized skills for which training would not be provided, 2) Number filled by local workers, and 3) Number filled by non-local workers, i.e., workers with the necessary specialized skills); How well the alternative contributes to the state's energy goals and energy policies as specified in Cuomo's 2019 Executive Budget – 70% renewable grid by 2030; 100% carbon-free power by 2040. Danskammer Energy plans to operate its new proposed plant at lower cost and more efficiently. The analysis for this criteria should show whether this plan would advance New York's transition to renewable energy or would slow or hinder this transition.</p>	<p>Consistent with 16 NYCRR § 1001.9, Danskammer will consider these factors for inclusion as individual considerations in the comparative analysis discussed in the previous response, keeping in mind that it is a private facility applicant. Preliminarily, Danskammer notes the following:</p> <ol style="list-style-type: none"> <li>1. Based on an initial review, if Danskammer determines that some or any of these factors would be relevant to the analysis, Danskammer may only be able to provide a range of values, given its capabilities as a private facility applicant and the information that will be reasonably available.</li> <li>2. As part of the Article 10 process, Danskammer is not in a position to predict the cost of fuel oil at some future point at time.</li> <li>3. Danskammer cannot provide any estimated values for payments under a Payment in Lieu of Tax (PILOT) Agreement prior to the completion of negotiations with the appropriate parties.</li> </ol>
391	3/10/2019	Laura Burkhardt	4	Alternatives	4	9	<p>In addition to requiring verbal statements describing the alternatives, the Scoping Document should require a decision matrix analysis so that the alternatives can be easily and objectively compared. Such a matrix would list the options (i.e., the alternatives listed above) as columns in a table and the factors to be considered as rows. Each option/factor combination is scored, and this score is then weighted by the relative importance of the factor. Finally these scores are added to give an overall score for each option.</p>	<p>Danskammer will consider if the analysis of certain alternatives to the Project could be presented in such a manner in Application Exhibit 9, Alternatives, and if such presentation would be beneficial to understanding those alternatives identified, given such decision matrix and scoring is not a requirement under the Siting Board regulations, namely, 16 NYCRR § 1001.9. However, it should be noted that as a private facility applicant with private funding, Danskammer need only identify and describe those alternatives that could be built on sites owned by, or under the control of Danskammer and its affiliates.</p>

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
<b>PUBLIC COMMENTS RELATED TO PSS TOPICS</b>								
1A	Multiple	Multiple commentators, including comment # 379, 381, 385, 389, 391, 394, 397, 400, 404, 406, 407, 414, 418, 419, 421, 426, 429, 441, 451, 453, 455, 457, 458, 470, 477, 479, 484, 485, 486, 488, 492, 495, 507, 511, 523, 547, 548, 682, 777, 880	1	Air Emissions	3.3	17	FRESH AIR: Total air emissions must be calculated and compared to those from the existing plant, which runs much less often. Also, pollution must be evaluated at local and regional levels.	Comment noted. Application Exhibit 17, Air Emissions, will provide a thorough assessment of the potential air emissions from the Project and its impacts, including the impacts on ambient air quality.
2A	Multiple	Multiple commentators, including comment # 379, 381, 385, 389, 391, 394, 397, 400, 404, 406, 407, 414, 418, 419, 421, 426, 429, 441, 451, 453, 455, 457, 458, 470, 477, 479, 484, 485, 486, 488, 492, 495, 496, 497, 507, 511, 523, 548, 682, 777, 880	2	Greenhouse Gases	3.3.1.4	17	CLIMATE CHANGE: A greenhouse-gas emissions analysis must be conducted, in the context of NY State's goals of achieving 50% renewable energy by 2030 and being carbon-free by 2040. Also, renewable alternatives to this plant must be explored.	Comment noted. A number of studies and analyses that will be performed and included in the Article 10 Application will address these issues. Application Exhibit 17, Air Emissions, will provide an evaluation of the Project's compliance with applicable federal, state, and local laws and regulations regarding air emissions, including but not limited to the Project's potential impact on greenhouse gas emissions, using the procedures outlined in the July 15, 2009 Draft NYS Department of Environmental Conservation Commissioner's Policy. Also, the analysis in Application Exhibit 10, Consistency with Energy Planning Objectives, will consider the impact the proposed Project facility would have in relation to any other energy policy or long range energy planning objective or strategy contained in the most recent State Energy Plan. Application Exhibit 9, Alternatives, will identify and describe, among other alternatives, the renewable energy alternatives that are feasible, considering Danskammer's objectives and capabilities as a private facility applicant and considering sites owned by or under the control of Danskammer.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
3A	Multiple	Multiple commentators, including comment # 379, 381, 385, 389, 391, 394, 397, 400, 404, 406, 407, 414, 418, 419, 421, 426, 429, 441, 451, 453, 455, 457, 458, 470, 477, 479, 484, 486, 488, 492, 495, 507, 511, 512, 523, 548, 682, 777, 880	3	Visual Impacts	3.9	24	SCENIC VIEWS: The visual impacts analysis must include the new plant, the old plant (which will remain substantially intact) and the neighboring Roseton power plant.	Comment noted. Application Exhibit 24, Visual Impacts, will evaluate the potential visual impacts resulting from the proposed Project, and will contain a visual impact assessment that will include an assessment of the nature and degree of visual change to the existing conditions resulting from the construction and operation of the Project.
4A	Multiple	Multiple commentators, including comment # 379, 381, 385, 389, 391, 394, 397, 400, 404, 406, 407, 414, 418, 419, 421, 426, 429, 441, 451, 453, 455, 457, 458, 470, 477, 479, 484, 486, 488, 492, 495, 507, 511, 512, 514, 523, 547, 548, 682, 777, 880	4	Exposure of Danskammer Site to expected sea level rise of the Hudson River	1.7.5	15	RESILIENT WATERFRONTS: The application must include an analysis of all risks and vulnerabilities from sea level rise and storm surge, specifically referencing the state DEC's sea level rise projections.	Comment noted. The Article 10 Application will fully consider and assess the impacts of sea level rise, storm surge and flooding consistent with the Community Risk and Resiliency Act and all other applicable laws and guidelines. Application Exhibit 15, Public Health and Safety, will describe the location of the proposed Project facility in relation to flood hazard zones, storm surge zones, coastal erosion hazards and landslide hazards based on guidance provided by the NYS Department of Environmental Conservation, consistent with the Community Risk and Resiliency Act, and any other applicable laws or guidelines.

Danskammer Energy Responses to PSS Comments in Case 18-F-0325

No.	Date	Agency / Commenter	Comment Number (by Commenter)	Comment Category / Topic	Corresponding PSS Section	Corresponding Article 10 Exhibit	Comment	Response
5A	Multiple	Multiple commentators, including comment # 379, 381, 385, 389, 391, 394, 397, 400, 404, 406, 407, 414, 418, 419, 421, 426, 429, 441, 451, 453, 455, 457, 458, 470, 477, 479, 484, 485, 486, 488, 495, 507, 511, 523, 548, 682, 777, 880	5	Location and resiliency of alternative fuel tasks.	3.2.3	37	CLEAN WATER: Up to 1 million gallons of diesel and 30,000 gallons of aqueous ammonia will be stored on-site. The application must fully evaluate risks they pose to the river via spills and flooding.	Comment noted. Application Exhibit 37, Back-up Fuel, will provide a thorough description, consistent with NYS Department of Environmental Conservation requirements, of the secondary containment structures proposed to be constructed around back-up fuel tank(s) as well as any off loading areas and any other facilities or measures proposed to prevent, contain or clean up oil spills. Also, as stated in Section 3.2.3 of the PSS, the Project will have a "Spill Prevention, Control and Countermeasure Plan." Application Exhibit 17, Air Emissions, will provide an offsite consequence analysis for any ammonia that shall be stored onsite, including an analysis of an accidental release scenario for ammonia.
6A	2/27/2019	Nora Gallardo		Air Emissions/ Construction / Socioeconomic Effects / Alternatives	N/A	N/A	1. Regarding pollution: Describe the expected types of chemical emissions into the air, water, and ground that will occur in two years and five years from the date that Danskammer Energy LLC will operate? 2. What is the amount of pollution expected in pounds or other measurable means? 3. What is the stack output everyday, and projected per year of pollutants? 4. How many local workers, do you project, are to be hired for the construction of the new Danskammer plant? 5. How many workers will be from outside of the Hudson Valley for construction in two years? 6. How many workers will be from the Hudson Valley in ten years? 7. Will these local construction workers, in your projection, belong to a union? How many of the workers in five years will be unionized? In ten years? 8. What will be the amount of projected indoor pollution within the plant in two years and then ten years? 9. Who are the sub contractors who will build the new plant? 10. How many acres are filled with coal ash? 11. How do you project to monitor the coal ash piles in five years? Ten years? 12. What will be your projection of the economic costs to electricity consumers for the building of a 400 million plant in ten years? 13. What is your projection of what will happen to the tax credits for local schools if you go bankrupt in five, ten, and twenty years? Will this information be put into a contract with our town local boards City of Newburgh, and Town of Newburgh? 14. Which are the technological supports on hand for Danskammer to become an energy producing and storage plant for non-fossil fuel sources such as sun, water, geo thermal or/and wind energy sources? 15. Is storage of any sun or wind energy sources into batteries for nighttime energy use in your projections in five years? Ten years? Twenty years? If not why? 16. Will the cost of any destruction to the plant due to the environment destructive incident(s) to be passed onto the energy consumer?	On February 27, 2019, Ms. Gallardo served a list of questions on Danskammer and also on the Secretary. To Danskammer's knowledge, these comments have not been posted on the Siting Board's DMM system. However, out of an abundance of caution, Danskammer Energy has included them in this response. While these are in the form of questions, and not comments, and do not specifically reference the PSS, to the extent reasonable and practicable, the information requested by Ms. Gallardo will be addressed in the Article 10 Application that will be filed by Danskammer Energy and is otherwise addressed in this response document. Please see Responses to Scenic Hudson Comment Nos. 23, 45, DPS Staff Comment No. 49, Sheila Conroy Comment Nos. 12, 20, 27, 59 and 60 and Laura Burkhardt Comment No. 1.