



March 22, 2018

Town of Ulster Town Board  
ATTN: Supervisor James E. Quigley, III  
1 Town Hall Drive  
Lake Katrine NY 12449

**Re: Scoping Comments for Lincoln Park Grid Support Center Draft  
Environmental Impact Statement (DEIS)**

Dear Town of Ulster Town Board:

Please accept these comments on behalf of Catskill Mountainkeeper regarding the Proposed Final Scope of the Draft Environmental Impact Statement (DEIS) for Lincoln Park Grid Support Center, a grid support center and natural gas-fired power plant in the Town of Ulster (the "Project").

Catskill Mountainkeeper is a registered 501(c)(3) non-profit organization that advocates for the Catskills region. CMK works with and represents a network of concerned citizens in the area surrounding the proposed project. Catskill Mountainkeeper has joined in comments being submitted by a coalition of organizations, including Scenic Hudson, Riverkeeper, and Kingston Citizens. We offer and highlight here specific comments on sections of the proposed Scope.

**A. AIR QUALITY**

The purpose of the Project is to provide grid support from 20MW battery storage and when necessary, to generate electricity, primarily from the combustion of natural gas (methane), with on-site diesel fuel as a back-up, when gas supply might be disrupted. Combustion of natural gas or diesel fuel will result in emissions of carbon dioxide, carbon monoxide, nitrogen oxides, and sulfur, in addition to leakage of methane and related hydrocarbon gases. The proposed project may only run a few days a year as a "peaker" plant, generating new energy to provide to the grid, yet it is possible it could run much more often, depending on demand, as it will be available to the grid 24 hours a day. Therefore, the final scope should include an analysis of the maximum potential emissions from the combustion of natural gas and on-site diesel, including impacts on the surrounding population and environment.

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In addition to requiring NYSDEC monitoring data for the most recent five-year period and compliance with specific, applicable emission limits, work practices, monitoring, recordkeeping, and reporting requirements, which primarily address allowable regional emissions, the final scope should require site-specific topographical and meteorological data and modeling of local, neighborhood-level emissions. The final scope should require identification of all potential human receptors that may inhale toxic exhaust emissions from the Lincoln Park stack under worst case weather conditions (e.g., temperature inversions).

Further, the final scope should identify all potential adverse health impacts on nearby residents. This health impact analysis must include an evaluation of potentially affected residents to determine if and how many people fall within vulnerable populations, such as ill, elderly, young and pregnant individuals, who have an increased risk from environmental contaminants. To fully evaluate the environmental impacts of the Project, the potential human health impacts and air quality concerns must be addressed comprehensively. The final scope should require assessment of baseline health of all surrounding residents, include a baseline screening of pulmonary function.

Additional baseline studies of air quality and additional mitigation measures must also be added to the final scope. These studies and mitigation measures should include the use of portable measures of primary and secondary large, fine, and ultrafine particulate matter (such as Speck monitors) to establish baseline levels of exposure, provide continuous air monitoring, and determine periods of increased emissions (spikes). Nearby homes that are at risk of air contamination should also have the option of having high-efficiency particulate air filters (HEPA filters) installed by the applicant prior to construction and operation at the site.

In addition, in order to evaluate potential air contamination from radon, a radioactive gas that can be elevated in some sources of methane, such as that obtained by hydrofracturing techniques in the Marcellus Shale, the final scope should include a description of the proposed source(s) of natural gas. The scope should require radon measurements prior to and at least annually if engines using natural gas from Marcellus Shale regions may be utilized at the site.

Given the siting of this facility within a residential community, the final scope should identify industry best practices that can minimize or eliminate risks of toxic air contamination from natural gas and diesel-fired reciprocating engines, including but not limited to the following<sup>1</sup>:

1. Installation and use of Lowest Achievable Emissions Rate (LAER) technology;
2. Inclusion of non-combustion emission sources and emission sources currently considered "exempt" within the DEC regulatory framework;

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<sup>1</sup>Adapted from the United States Environmental Protection Agency's Control Technique Guidelines and the Recommended Technologies of the EPA's Natural Gas STAR Program. (Accessed online 3/22/2018 at <https://www.epa.gov/sites/production/files/2016-10/documents/fact-sheet-2016-oil-and-gas-ctg.pdf> and <https://www.epa.gov/natural-gas-star-program/recommended-technologies-reduce-methane-emissions>)

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3. Installation and use of specific emission control technology, identified through the federal National Gas STAR Program and elsewhere, including but not limited to:
  - Automatic air to fuel ratio (AFR) controls
  - Oxidation catalysts and selective catalytic reduction (SCR) on exhaust stacks
  - Vapor recovery technology, if applicable
  - Low emission combustion (LEC)
  - SCONO<sub>x</sub> or equivalent technology
  - Post-combustion particulate matter controls such as electrostatic precipitators, baghouses, and scrubbers
  - Interior and exterior corrosion protection, such as plastic enamel sprays
4. Implementation of practices, identified through the National Gas STAR program and elsewhere, to reduce natural gas leakage;
5. Installation and use of equipment at the stack, fence line, and within nearby communities to provide continuous monitoring of pollutants including toxic chemicals, criteria pollutants, ultra-fine particulate matter, individual VOCs, as well as methane in real time, with such data made readily available to the public, such as by online access;
6. Onsite verification of compliance with regulatory requirements and permit conditions by independent registered inspectors through scheduled and random visits;
7. Rigorous quarterly inspection by independent registered personnel with regular reports submitted to the DEC and made available to the public to detect and ensure timely elimination of natural gas leaks using comprehensive detection methods such as aerial and ground-level laser methane assessment and infrared cameras, as well as real-time monitoring with Fourier Transform Infrared (FTIR) spectroscopy and other remote sensing;
8. Suspension of use of reciprocating engines when weather conditions would increase exposure to air pollutants;
9. Timely replacement or retrofit of equipment and update of site practices to ensure compliance with current regulatory requirements and best management practices;
10. Chain of custody records and tracking for all industrial waste removed from the site;
11. Strict enforcement of all best management practices and protocols to ensure protection of public health, safety, and the environment.

Noise impacts should be addressed separately from Air Quality impacts. Assessment of noise impact should include measures of baseline, peak, and cumulative noise levels at surrounding residential sites, with operational noise not to exceed peak and cumulative noise levels at baseline.

## **B. VISUAL IMPACTS**

The Project will require two (2) exhausts from a single stack of 80-feet or less for combustion emissions. The Project's location on a prominent ridgeline increases the visual impact of this stack on the surrounding area. A cursory viewshed analysis (based on landforms only without vegetative cover or buildings) shows that an 80-foot stack may be visible from a

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wide range of locations in the region, including the Hudson River National Landmark Historic District in Dutchess County and from the Estates District Scenic Area of Statewide Significance (“SASS”).

For this reason, the Hudson River National Landmark Historic District and SASS must be added to the existing visual inventory of the DEIS for the Project and existing views from these sites should be photographed when the applicant arranges to fly balloons at the height of the proposed stack. Assessments should be conducted in both leaf-on and leaf-off conditions.

### **C. TOWN OF ULSTER TOWN BOARD MUST CONSIDER ADDITIONAL ALTERNATIVES**

As described in the comments submitted by the coalition of organizations, the alternatives analysis is the heart of SEQRA, and section IX (“Alternatives”) of the draft scope is inadequate. New York State regulations require the lead agency to evaluate all reasonable alternatives<sup>2</sup> and “certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable.”<sup>3</sup>

The final written scope must include “the reasonable alternatives to be considered.”<sup>4</sup> The current description of alternatives only discusses the required “No Action” alternative, availability of alternative sites and alternatives site plans and facility designs. Other reasonable alternatives that must be considered include alternative technologies, uses, and scale of the proposed project.

The alternatives analysis should consider whether the stated purpose of the plant to provide frequency regulation and integration of variable renewable generation could be achieved with fewer environmental impacts by utilizing other technologies and project types, including a standalone battery storage facility and a solar facility coupled with battery storage.

The viability of these proposals should be considered in the context of New York State’s upcoming rulemaking to incentivize battery storage facilities in the state to reach the target of 1500 MW of energy storage by 2025.<sup>5</sup> For this reason, among the alternatives that must be considered is a battery-only alternative with a built in waiting period to determine whether this alternative can be supported at the regulatory level.

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<sup>2</sup> 6 NYCRR § 617.9(b)(1).

<sup>3</sup> 6 NYCRR § 617.11(d)(5).

<sup>4</sup> 6 NYCRR § 617.8(f)(5).

<sup>5</sup> “Governor Cuomo Unveils 20th Proposal of 2018 State of the State: New York’s Clean Energy Jobs and Climate Agenda.” Ny.gov, Governor’s Press Office, 2 Jan. 2018, [www.governor.ny.gov/news/governor-cuomo-unveils-20th-proposal-2018-state-state-new-yorks-clean-energy-jobs-and-climate](http://www.governor.ny.gov/news/governor-cuomo-unveils-20th-proposal-2018-state-state-new-yorks-clean-energy-jobs-and-climate).

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#### **D. STATEMENT OF NEED**

The Applicant asserts that the Project would assist in the integration of variable renewable generation from wind and solar projects and that it would provide additional services including micro-gridding and grid-restart. While the battery storage portion of the Project may enhance the ability of renewable energy to integrate with the existing grid, it is unclear whether this is necessary as nearby regional electrical grids have operated reliably historically.

Unlike the 20-megawatts of proposed battery storage, the proposed 20-megawatts of generation from natural gas (or diesel) fired engines will serve to continue use of polluting fossil fuels. The applicant's claims that the Project will promote renewable energy and micro-grids must be objectively and fully evaluated, as the Project may, in fact, prevent future renewable infrastructure by substituting for it a much less desirable capability to meet future energy demands with fossil fuel combustion.

The burden of showing the necessity of the proposed project falls upon the applicant. In this case, the necessity of the Project must be considered in the context of New York State's commitment to reduce greenhouse gas emissions by 40% below 1990 levels by 2030. A recent report has found that this commitment will be impossible to achieve with currently planned natural gas infrastructure construction.<sup>6</sup>

Thank you for your careful attention to these comments.

Sincerely,



Ramsay Adams  
Executive Director

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<sup>6</sup> "New York's Energy Crossroads: How the State's Climate Goals Clash with Natural Gas Infrastructure." Earthworks.org, Feb. 2018, <https://earthworks.org/cms/assets/uploads/2018/02/NYs-Energy-Crossroads-2018-sm.pdf>.

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