

September 12, 2016

Submitted for the public record to: NewMarketProject@dec.ny.gov

Basil Seggos, Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, NY 12233

RE: Dominion New Market Project Air Permits

These comments, submitted on behalf of Otsego 2000, Mohawk Valley Keeper, Madison County Neighbors for Environmental Preservation, and Mothers Out Front, request that the New York State Department of Environmental Conservation (DEC or the Department) deny air permits for the Dominion New Market Project. Each signatory organization represents individuals who are adversely impacted. In addition, 90 supporting organizations have joined in support of these comments.

As proposed, Dominion's "New Market Project" would enable the transport of 112,000 Dekatherms of additional gas daily (over 100 million cubic feet per day) from the fracking regions of Pennsylvania, West Virginia, and Ohio through the company's existing 200-mile-long, 50-year old pipeline, from the southern border of New York to Schenectady. A connection would also be built between the Dominion and Iroquois pipelines which cross in Minden, New York. To accommodate the increased capacity, the project requires new or modified facilities in six counties including new compressor stations in Horseheads (Chemung County) and Sheds (Madison County), and significant expansion of an existing compressor station in Brookman Corners (Montgomery County).

The Department has incorrectly determined that the federal Natural Gas Act (NGA) preempts its authority to review this project under SEQRA, and has incorrectly designated the permits as SEQRA Type II actions. However, State review under the Clean Air Act (CAA) and the Clean Water Act (CWA) is not preempted by the NGA; in fact the NGA expressly exempts the CAA and CWA from its terms. This includes the preemption provisions. Further, the project as a whole constitutes a significant action under SEQRA. While individual facilities might not meet the "major source" definition under the CAA, if considered together they would be a major source. Since the air permits are linked, it is appropriate to consider the entire project for the purpose of determining significance and evaluating cumulative impacts. Dominion has also agreed to be governed by State law, and has fully participated in the SEQRA process at the local level. The Department should therefore not have abandoned its authority. It should have assumed lead agency status because it is the only agency that could review the entire project.

Further, DEC guidelines require consideration of climate change in its decision-making. According to Dominion's applications, the new and expanded compressor stations would pump over 200,000 tons of greenhouse gas emissions into the air each year. However, more than 2,000,000 tons of additional carbon dioxide would be generated annually by burning all of the extra gas to be carried in the pipeline. If fugitive methane emissions associated with extraction, processing, and delivery are taken into account, those climate impacts more than double. Current research suggests that as much as 12 percent of all methane from shale gas production may be lost to the atmosphere. It is also known that, pound for pound, methane is 86 times more potent than carbon dioxide as a driver of climate change over twenty years. These facts spell disaster unless action is immediately taken to reduce our dependency on natural gas. DEC will not be able to meet its greenhouse gas reduction goals if it approves projects that pump more carbon into the air.

The Public Trust Doctrine also makes it clear that the State has a crucial role in protecting air as a public trust resource. The role of the State in managing this resource is that of trustee for the benefit of present and future generations.

A growing body of research shows that federal air quality regulations do not adequately protect the public from the negative health impacts of gas infrastructure. Significant acute and chronic health problems are experienced by people living or working near compressor stations due to elevated levels of volatile organic compounds (VOCs), nitrogen oxides (NOx), carbon monoxide (CO), formaldehyde, ground-level ozone, particulate matter and other hazardous air pollutants. Exposure to these chemicals can cause cardiovascular, respiratory, and neurological damage, birth defects, cancer, leukemia, infertility, burning of lungs, eyes, and throat, muscle pain, mental impairment, headaches, and a host of other ailments.

The existing regulatory process fails to protect the public from exposure to episodic emissions. At a compressor station, these occur during blowdowns, start-ups/shut-downs, and at other scheduled or unscheduled events. Current regulations which require testing only once every year or two are woefully inadequate and incapable of documenting, much less controlling, emission spikes that pose a serious threat to the surrounding community.

As proposed, each of the new compressor stations in Horseheads and Sheds would use a Taurus 70 turbine to produce approximately 11,000 horsepower of compression. As such, they would each be about as large as the Minisink compressor station in Orange County, NY where residents (including children) frequently experience symptoms of exposure including headaches, nosebleeds, and rashes.

At Brookman Corners, the impacts would be even more severe due to the set of equipment that Dominion plans to install. As proposed, the station would expand to 18,500 horsepower with four compressors--four smokestacks producing about 100,000 tons per year of greenhouse gas emissions. This is about twice the climate impact of Horseheads or Sheds. However the level of pollutants harmful to human health would be several times worse, largely due to the use of reciprocating engines compressors to transfer gas onto the Iroquois pipeline. Because reciprocating engines use older piston/cylinder technology, they are notoriously leaky, resulting in the continuous escape of fugitive emissions--raw methane and VOCs--into the atmosphere. They are also less effective than turbines at propelling combustion emissions into the atmosphere. As proposed, the draft permit for Brookman Corners would also allow weaker protection against NOx than at the other sites and not require an oxidation catalyst of its existing turbine for two years.

Topography and local meteorology are also significant factors that control or limit the dispersion of emissions, which the permit applications ignore. In fact, all three compressor stations are located in valleys where temperature inversions occur. For example, the Brookman Corners compressor station is located next to the Otsquago Creek at the bottom of a valley where nighttime and early morning inversions are common and likely to trap high concentrations of pollutants close to the surface.

Dominion's modeling is highly questionable since it used ambient wind and background concentration data from sites far from its project. For Brookman Corners, Dominion used surface data from an airport in Rome, New York and upper air data from Albany. At Sheds, Dominion used surface data from Syracuse and upper air data from Buffalo. At Horseheads, surface data came from Elmira and upper air data from Buffalo. This suggests the "cherry picking" of data to obtain desired results.

Dominion has also failed to identify impacted residents. Specifically the proposed compressor stations in Horseheads and Sheds would operate in close proximity to many homes not included in information provided to the DEC. Many children, two daycares and homes for the disabled are located very close to

the proposed Horseheads site. A 2015 map provided by Dominion depicts only 10 residences in an area where there are nearly 60. At least 11 homes were similarly excluded by Dominion for the proposed compressor station in Sheds. This could impact criteria thresholds upon which Dominion's modeling is based.

The Amish and Mennonite residents of upstate New York are another vulnerable community. Devoted by religion and culture to traditional agrarian practices, Amish and Mennonite families often spend their entire lives in a single area. Every breath they take and almost every bite of food they consume comes from the air and land immediately around them. As such, they are particularly vulnerable to airborne pollutants, as well as those that can impact soil or crops. Due to their traditional ways, many Amish and Mennonite families also do not receive regular modern medical services. Since Amish women usually spend their time within a very limited radius, these conditions, compound the risk of in-utero exposure and permanent, congenital harm. We believe that the above factors raise Environmental Justice concerns which must be addressed.

Finally, it has recently come to our attention that Dominion may have failed to identify all emissions sources. According to information recently submitted to the town of Minden, the company plans to install micro-turbines at Brookman Corners for electricity generation which could produce thousands of tons of additional greenhouse gas emissions annually, along with other pollutants not disclosed to DEC. If true, this would be a major omission, increasing total greenhouse gases to well over 100,000 tons per year.

We emphasize that the organizations providing comments maintain that the air emissions permits for this project must be denied because the applications are incomplete, are not supported by appropriate modeling, and because the project exacerbates climate change. If the Department nevertheless intends to issue permits, significant mitigation must be imposed to reduce impacts, including but not limited to oxidation catalysts on all exhaust stacks, SoLoNOx emission control on all turbines, and vapor recovery on reciprocating engines. DEC should also require continuous stack and fence line monitoring of pollutants at each facility as part of a genuine commitment to compliance and gaining a better understanding of actual exposure.

Otsego 2000, Mohawk Valley Keeper, Madison County Neighbors for Environmental Preservation, and Mothers Out Front urge DEC to deny all three permits and steer New York toward a better future.

Sincerely,

THE UNDERSIGNED ORGANIZATIONS

CC: The Honorable Governor Andrew M. Cuomo
Eric T. Schneiderman, NYS Attorney General
Thomas P. DiNapoli, NYS Comptroller
Christopher Hogan, DEC Division of Environmental Permits

Otsego 2000, Inc.
Nicole Dillingham, Board President
Cooperstown, NY

Mohawk Valley Keeper
John Valentine, Founder
Ft. Plain, NY

Madison County Neighbors for Preservation
Ruthanne Stone, Co-chair
Georgetown, NY

Mothers Out Front
Neely Kelley, New York State Lead Organizer
Cambridge, MA

350 Brooklyn
Mimi Bluestone, Co-coordinator
Brooklyn, NY

Advocates for Cherry Valley
Lynn Ellen Marsh, President
Cherry Valley, NY

Advocates for Morris
Maureen Dill, Facilitator
Morris, NY

Advocates for Springfield
Tara Sumner, Vice President
Springfield Center, NY

All Our Energy
George Povall, President
Point Lookout, NY

Andes Works!
Mark Ohe, Founding Member
Andes, NY

Berks Gas Truth
Karen Feridun, Founder
Kutztown, PA

Bethlehem Ecodefense
Grace Nichols, Founder
Singerlands, NY

Beyond Extreme Energy
Suzy Winkler, Committee Member
Burlington, NY

Breathe Easy Susquehanna County
Rebecca Roter, Chairperson

Brooklyn For Peace
Charlotte Phillips, M.D., Chairperson
Brooklyn, NY

Campaign for Renewable Energy
Brian Eden, Vice Chair
Ithaca, NY

Center for Sustainable Rural Communities
Louise Johnson, Board Member
Cobleskill, NY

Chenango Community Action for Renewable Energy (C-CARE)
Kenneth Fogarty, Chairman
Guilford, NY

Chenango, Delaware, Otsego Gas Drilling Opposition Group (Chenango CDOG)
Dr. Katharine Dawson, Member
Guilford, NY

Chris Dennis Environment Foundation
John V. Dennis, President
Ithaca, NY

Citizens Energy and Economics Council of Delaware County (CEEC)
Joan Tubridy, Secretary
Delhi, NY

Citizens For Water
Joe Levine, Director
New York, NY

Coalition Against the Rockaway Pipeline
Maureen Healy, Co-coordinator
Brooklyn, NY

Coalition to Protect New York
Maura Stephens, Founding Member
Spencer, NY

Committee to Preserve the Finger Lakes
Peter Gamba, Founding Member
Penn Yan, NY

Community Research
Greg Smith, Co-director
College Park, MD

Complete It Cuomo
Christine Macpherson, Founder
Averill Park, NY

Compressor FREE Veteran
Linda Finch, Chairperson
Horseheads, NY

Concerned Burlington Neighbors
Florence Carnahan, Co-founder
Burlington, NY

Concerned Citizens of Otego
Stuart Anderson, Organizer
Otego, NY

Concerned Edmeston Neighbors
Kathy Mechan, Founder
Edmeston, NY

Concerned Residents of Madison County
Cheryl M. Cary, Representative
Canastota, NY

Concerned Residents of Oxford
Trellan Smith, Co-founder
Oxford, NY

Creating A Culture of Peace
Elliott Adams, Chair
Sharon Springs, NY

Croton Climate Initiative
Lisa Moor, Director
Croton, NY

Damascus Citizens for Sustainability
B. Arrindell, Director
Narrowsburg, NY

Deep Green Resistance New York
Michael G. Bucci, Chapter Project Coordinator
New York, NY

Delaware Action Group
Carole Marner, Member, Executive Council
Franklin, NY

Delaware-Otsego Audubon Soc., Inc.
Andrew Mason, Co-president
Oneonta, NY

Dryden Resource Awareness Coalition (DRAC)
Judith Pierpont, Founding Member
Freeville, NY

Elmirans and Friends Against Fracking
Doug Couchon, Co-founder
Elmira, NY

Enfield Neighbors for Safe Air and Water
Laurie Roe, Member
Enfield, NY

Food & Water Watch, New York
Alex Beauchamp, Northeast Regional Director
Brooklyn, NY

Fossil Free Rhode Island
Peter Nightingale, Member
Kingston, RI

Fossil Free Tompkins
Irene Weiser, Coordinator
Brooktondale, NY

Frack Free Catskills
Mary Finneran, Representative
Cairo, NY

Franklin Treadwell Neighbors
Carole Marner, Founder/Member
Franklin, NY

Freshwater Accountability Project
Leatra Harper, Managing Director
Grand Rapids, NY

Grassroots Environmental Education
Patricia Wood, Executive Director
Port Washington, NY

The Green Resource Hub of the Finger Lakes
Maribeth Rubenstein, Board President
Ithaca, NY

Landscape Alternatives
DeLong/Marsh, Co-founders
Cherry Valley, NY

Maryland Residents Against Drilling
Kristina Fedorov, Coordinator
Maryland, NY

Middlefield Neighbors
Kelly Branigan, Founding Member
Cooperstown, NY

Milford Doers
Otto Butz, Founder
Maryland, NY

NE3
Peter Looker, Lead Coordinator
Glenville, NY

New York Climate Action Group
Judith K. Canepa, Co-founder
New York, NY

NYH2O
Buck Moorhead, Chair
New York, NY

Otsego County Conservation Association, Inc.
Danny Lapin, Environmental Planner
Cooperstown, NY

Otsego Neighbors
Julie Huntsman, Spokesperson
Fly Creek, NY

Peacemakers of Schoharie County
Wayne Stinson, Action Committee Member
Summit, NY

People of Albany United for Safe Energy (PAUSE)
Diana Wright, Facilitator
Albany, NY

People for a Healthy Environment, Inc.
Frank Potter, President Board of Directors
Big Flats, NY

People, Not Pipelines
Colleen McKinney, Founder
Sidney, NY

Pepacton Institute
Jannette Barth, Managing Director
Croton on Hudson, NY

Plan to Save the Planet
Glenn Sanders, Founding Member
Schoharie, NY

Protect Orange County
James Cromwell, Steering Committee
Westtown, NY

Residents of Crumhorn Mtn.
Otto Butz, Founder
Maryland, NY

Residents Opposing Unsafe Shale-gas Extraction (ROUSE)
Bill Podulka, Chair
Ithaca, NY

ResistSPECTRA
Courtney Williams, Coordinator
Peekskill, NY

ROAR Against Fracking
Allegra Schechter, Founder
Cherry Valley, NY

Rockaway Wildfire
Alexis Smallwood, Community Outreach Coordinator
Rockaway, NY

Safe Energy Rights Group
Nancy Vann, President
Peekskill, NY

Sane Energy Project
Kim Fraczek, Co-director
Brooklyn, NY

Save Spencer-Van Etten (Save SVE)
Paula Kaartinen, Founding Member
Spencer, NY

Shaleshock CNY
Jack Ramsden, Steering Committee
Syracuse, NY

Sharon Springs Against Hydrofracking
Lisa Zaccaglioni, Organizer
Sharon Springs, NY

Sierra Club Niagara Chapter
Pamela Hughes, Chair
Tonawanda, NY

Slate Creek Farm
Maryann Valentine, Owner
Fort Plain, NY

Solutions Grassroots Project
Bob Eklund, Regional Organizer
New Lisbon, NY

Stop the Algonquin Pipeline Expansion
Susan Van Dolsen, Co-founder
Rye, NY

Stop the Minisink Compressor Station
Pramilla Malick, Chair
Westtown, NY

Stop NY Fracked Gas Pipeline
Becky Meier, Co-founder
Canaan, NY

Sugar Shack Alliance
Cate Woolner, Facilitator
Northfield, MA

Sullivan Area Citizens for Responsible Energy Development (SACRED)
Karen London, Co-founder
Bethel, NY

Sustainable McDonough NY
Steve Ellsworth, Board Member
Oxford, NY

Sustainable Otsego
Adrian Kuzminski, Moderator
Fly Creek, NY

Sustainable Warwick
Wendy Insinger, Organizer, Infrastructure Committee
Warwick, NY

Tristates Unite for Safe Energy
Tom Denny, Co-chair
New Hampton, NY

Waterfall Unity Alliance
Dennis Higgins, Acting Secretary
Otego, NY

West Dryden Residents Against the Pipeline (WDRP)
Linda Parks, Founding Member
Freeville, NY