

Response to Comments on Scope of Work

A. INTRODUCTION

On November 18, 2004, the Long Island Power Authority (LIPA), as lead agency, issued a draft scope of work pursuant to 6 NYCRR Part 617 for the proposed Caithness Bellport Energy Center to be located in the Town of Brookhaven's North Bellport Empire Development Zone. The project would consist of an approximately 350 megawatts (MW) combined cycle power plant with state-of-the-art emissions controls and would be fueled primarily by natural gas. A public hearing on the draft scope of work was held at 3:00 PM and 7:00 PM on Wednesday January 5, 2005 at Bellport Middle School Auditorium, 35 Kreamer Street, Bellport, New York 11713. In addition, LIPA held the public comment period open through January 12, 2005 to receive written comments.

LIPA heard seven oral comments from the public and received six written comments. All persons who commented are listed in Section C and referenced as appropriate under each summary of comments. The following is a summary of the comments received, and responses to those comments.

B. COMMENTS AND RESPONSES

PROJECT PURPOSE AND NEED

Comment 1: I represent over 60,000 construction workers who reside in both Nassau and Suffolk Counties. Over 10,000 of those members live in the Town of Brookhaven. Our members and their families are not only interested in the jobs that this proposed project will offer them, which is near their homes, but our members are concerned that there be a reliable clean source of electricity on Long Island now and in the future.....We urge you to approve this facility and help keep our workers employed. (Kennedy)

Response: Comment Noted.

Comment 2: As a resident of the area, we are not opposed to construction of a plant at the site. We are concerned about the scope of the site and the location on the site itself. (Knapp) I would like to know why did LIPA choose to put this plant in Bellport. (Webb)

Response: The criteria evaluated under the RFP process the resulted in the selection of the Caithness Bellport project and site will be addressed in the DEIS. The project

impacts on surrounding land uses, communities, and land buffers will also be analyzed.

Comment 3: How much is this power plant going to cost the ratepayers? (Webb)

Response: The discussion of the LIPA selection process to be included within the DEIS will address ratepayer impacts.

Comment 4: What about the cost of this plant? ...We also as ratepayers have to be concerned with the long-term effect on our rates and whether or not this would be in our interest, not only in safety, but also in terms of cost. ...the cost of the plant or the life of the plant because there has to be a return on investment. I mean are we going to be revisiting this thing in five years, ten years? (Xenakis)

Response: See response to prior comment.

Comment 5: We need more energy here on Long Island. It's going to cost us [more] to buy energy out on the market and be held hostage to other states or areas outside than if we generate it here on-Island where we have more control over it. (Grossman)

Response: Comment Noted. The need for energy on Long Island will be discussed in the DEIS.

Comment 6: The plant's size is 300 MW; the EIS should address why this size was chosen and if it will allow an older plant to be taken off line producing a net improvement in air quality or if older plants will stay on line and the pollutants from the proposed plant will be added to existing pollutant loads. (Town of Brookhaven)

Response: The discussion of the LIPA selection process to be included within the DEIS will address the project size and the potential for displacement of existing, older plants and associated air quality impacts that may occur as a result of the project.

DESCRIPTION OF PROPOSED ACTION

Comment 7: Speaking to the special permit process, where are we in that process? (Malone)

Response: The DEIS will provide information relative to local permitting requirements and the status of project permitting efforts to date.

Comment 8: How are they going to secure this plant from outside threats? (Xenakis)

Response: The DEIS will address proposed security measures to be implemented during both project construction and operation. The Project Description section of the SEQRA Scope of Work has been modified to reflect this comment.

Comment 9: Spill Prevention and Control Plan: Installation of the 750,000 gallon oil storage tank will require the facility to obtain a Major Oil Storage Facility (MOSF) license pursuant to Article 12 of the Navigation law, section 174 (licenses), 6 NYCRR Part 610 and 17 NYCRR Part 30 & 32. (NYSDEC)

Response: Comment Noted. The summary of discretionary approvals of the involved and interested agencies in the Scope of Work has been revised to reflect this comment.

Comment 10: The Scope of Work document states that the plant will seek New York State Public Service Commission (NYSPSC) Lightened Regulation Approval. The EIS should indicate in detail what this means. (Town of Brookhaven)

Response: The DEIS will explain the purpose of obtaining NYSPSC Lightened Regulation Approval in relation to the project.

Comment 11: Fuel Supply, Natural Gas: Certainly LIPA, as well as NYSDEC, NYSPSC and other Involved Agencies, would agree that the magnitude of each of the 3 natural multi-mile pipeline configurations is so significant that it is inconceivable to imagine anything less than a full SEQRA EIS review for this proposed action too. ...SEQRA... is very clear on the specific matter of project segmentation. So...a review process and timing must be performed simultaneously and not sequentially with LIPA's herein proposed EIS action on the subject project. (Marchmont)

Response: The draft Scope of Work indicates that the natural gas lateral, or the other fuel supply alternatives, would be developed by an entity other than LIPA or Caithness Bellport, LLC, and would require either NYSPSC (Article VII of the Public Service Law, which while exempt from SEQRA, entails a full environmental review) or the Federal Energy Regulatory Commission (FERC) approval, which would require a review under the National Environmental Policy Act (NEPA). Any of the three fuel supply alternatives would therefore go through its own full, separate approval process. Nevertheless, as stated in the Scope of Work, the DEIS will include an analysis of impacts associated with the Project's connection to the various fuel supply alternatives.

Comment 12: Involved and Interested Agencies, FAA: The Draft is silent on FAA as an Involved and Interested Agency and its jurisdiction over the proposed 185' tall stack and its close proximity to an existing heliport. (Marchmont)

Response: The proposed stack height is below 200 feet, and as a consequence, does not require a FAA Notice of Proposed Construction or Alteration. The DEIS will assess potential impacts to aviation resulting from the development of the project.

Comment 13: Involved and Interested Agencies, Suffolk County Planning Commission: Given the proposed action's proximity to the LIRR, as well as developed and undeveloped real estate and roads owned by Suffolk County, the County Planning Commission would have more than an "Advisory Role" participation in the SEQRA EIS review for this proposed action. (Marchmont)

Response: Comment Noted. The Suffolk County Planning Commission has been informed of the project.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 14: Land Use, Primary Study Area: The DEIS should provide a description of the plans for the remaining 81 acres of the site that will not be directly utilized by the project. This description should indicate how much area will remain as a permanent dedicated buffer, and include any plans for expansion of the facility or subdivision to allow for additional uses. (NYSDEC)

Response: There are no current plans to develop the portions of the site that would remain undisturbed following development of the proposed facility. Further, there are no current plans or commitments by LIPA to select Caithness Bellport or the site for any future on-island generation project. In the event that plans for generation or other uses are proposed for the remaining 81 acres, those proposals would undergo their own environmental review.

Comment 15: Clearly, that parcel of land is a large parcel, which leads me to believe that as the energy requirements grow on Long Island, that plant is going to grow. Absolutely. Their graph is indicating that. Common sense should indicate that. So we need to know, if they're locked into this parcel, they're automatically selected as the vendor of choice to go further. (Xenakis)

Response: See prior response.

Comment 16: My development is approximately 5000 feet away from the plant location. So that is a major concern to the community. (Knapp)

Response: As discussed in the project's Scope of Work, the DEIS will include an assessment of the compatibility of the project with existing and proposed land uses within one mile of the project site. See the Land Use section of the Scope of Work.

Comment 17: I know that within a half-mile of that location there's a day care center right on Silver Road, on 101 and there are various plants and other facilities in that area that are affected.... Even though there are no residences within the area, there are a lot of people who will be affected within a half-mile of that area, not just the industrial zone on Old Dock Road. (Xenakis)

Response: As discussed in the project's Scope of Work, the DEIS will include an assessment of the compatibility of the project with existing and proposed land uses within one mile of the project site. See the Land Use section of the Scope of Work.

Comment 18: We see the location as appropriate because it's in a commercial area. (Grossman)

Response: Comment Noted.

Comment 19: I have no problem at all with the fact that there will be a power plant located nearby the school because, frankly, the impacts are temporary in terms of the construction itself. (Grossman)

Response: Comment Noted.

Comment 20: In addition to the concerns of this project, if it were completed, are concerns of future uses of the land surrounding this plant. It seems very unlikely to me that any of the Empire Zone land in close proximity to the proposed plant would be used for commercial or residential purposes, therefore leaving a very high potential for more industrial construction in the immediate area which would further impact both the environment and the property values in the surrounding neighborhoods. If this land was instead used to provide companies' incentives to stay and keep jobs on Long Island, it would be much more beneficial to the community by providing many more long term jobs than the 22 the power plant would bring. (DeLillo)

Response: The Brookhaven Empire Development Zone extends well beyond the boundary of the project site and comprises a significant portion of the project's primary study area (i.e., 1-mile radius from project site). As indicated above, the DEIS will include an assessment of the compatibility of the project with existing and proposed land uses within one mile of the project site. Further, in accordance with the project's Scope of Work, the DEIS will include a map and a discussion of the Brookhaven Empire Zone and the project's relationship to and/or potential impacts on these designated areas. See the Public Policy portion of the Land Use section of the Scope of Work.

Comment 21: Land Use: [Assess whether] the proposed action is subject to the State's Wild, Scenic and Recreational Rivers permitting program, given the proximity of the proposed Site to the Carman River Lower Lake. (Marchmont)

Response: In accordance with the Scope of Work the DEIS will include a map of Wild, Scenic and Recreation Corridors within two-miles of the project site. The project's relationship to and/or potential impacts on Wild, Scenic and

Recreation Corridors within the study area will be evaluated. See the Public Policy portion of the Land Use section of the Scope of Work.

COMMUNITY FACILITIES

Comment 22: There is a school that will be located directly across the street from the plant. There's a church also. So we have to look at the community aspects as well. (Knapp)

Response: As discussed in the project's Scope of Work, the DEIS will evaluate the effect on community facilities within one-mile of the project site due to the development of the proposed project (see Community Facilities section of the Scope of Work). Further, the DEIS will include an assessment of the compatibility of the project with existing and proposed land uses within one mile of the project site. See the Land Use section of the Scope of Work.

Comment 23: You stated that "you would identify and quantify local community service providers that are currently responsible for providing services to the project site. These services include emergency service, including police protection, fire, and emergency medical." A community meeting was held at the Alliance office on December 15th where I announced the January 5th hearing and the police (Lt. Bloomberg) who work in the Bellport area, was not aware of the project. (Martin)

Response: The DEIS will provide an assessment of potential impact to local community service providers in accordance with the Scope of Work. See the Community Facilities section of the Scope of Work.

VISUAL RESOURCES

Comment 24: The viewshed analysis should contain a section on required night lighting, the lighting which is planned, and mitigating measures for light impacts. (Town of Brookhaven)

Response: Lighting impacts on the viewshed will be addressed in the DEIS. See the Visual Resources section of the Scope of Work.

Comment 25: On the 96-acre site that the plant is being built on, [it] is being built on the southeast corner where it and the 185-foot smokestack will be closest to residents' homes. If this must be built at this location, why can't the stack be closest to the Long Island Expressway on the northern part of the site and farthest away from homes? (Filiberto)

Response: Initial air quality studies conducted by Caithness Bellport have resulted in a reduction in the proposed stack height. Air quality dispersion modeling indicates

that a stack height of 170 feet, rather than the previously proposed 185 feet, is sufficient to yield insignificant air quality impacts. The potential air quality and visual impacts of the facility stack on the surrounding communities will be addressed in the DEIS. As well, the proposed facility location on the 96-acre project parcel will be addressed.

SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Comment 26: How is this plant going to benefit the community? (Webb)

Response: The DEIS will discuss the socioeconomic effects of the project. See the Socioeconomics and Environmental Justice Sections of the Scope of Work.

Comment 27: What about the benefits to the residents themselves? ...Roughly how much money you're talking about that's going to be going to the school district? (Webb)

Response: The DEIS will discuss the socioeconomic effects of the project, including potential economic benefits and cost impacts to the Town of Brookhaven, Suffolk County, and any other affected public authority. Potential benefits to local agencies, such as the school district, will be discussed, including revenue from property taxes. See the Socioeconomics and Environmental Justice Sections of the Scope of Work.

Comment 28: Who is deciding the question of whether this is an environmental justice area or not? (Malone)

Response: The DEIS will address environmental justice issues. The methodology used in preparing the environmental justice analysis will be based upon the NYSDEC Environmental Justice Policy (CP-29, Environmental Justice and Permitting, Mar. 19. 2003). This policy, which is consistent with federal guidance documents prepared by the United States Environmental Protection Agency (Interim Environmental Justice Policy, U.S. EPA Region 2, December 2000) for use in preparing a NEPA environmental justice analysis.

Comment 29: I'd like to know what tax abatements [the project is] getting. (Xenakis)

Response: The DEIS will discuss the socioeconomic effects of the project, including local tax benefits and abatements.

Comment 30: Operating engineers are going to be the permanent employees [at the project]. So this trickle-down effect about the economy, that's only for construction workers who are not from this area. (Xenakis)

Response: The DEIS will discuss the socioeconomic effects of the project, including those associated with the construction and operation workforce. See the Socioeconomics and Environmental Justice Sections of the Scope of Work.

Comment 31: I'm here to affirm that the South Country School Board indeed does support this project. One of the primary reasons is cost, the cost from the standpoint of how much cost/benefit there would be for the school district. ... what would be the kind of construction project that would bring in the most in tax dollars from a revenue standpoint and not increase the school population by one kid. Well, a power plant is probably it. So we see a tremendous benefit to the school district from that standpoint. Take a look at all the school districts across Long Island that have the highest performance. Those are the school districts that have a large industrial tax base. And oftentimes those are ones with power plants like Port Jefferson or Northport or districts like that. Take a look at the Hauppauge School District, which has a large industrial park. Those are the ones, they benefit because the burden is off of the residential taxpayer and it's on an industrial tax base. (Grossman)

Response: Comment Noted.

Comment 32: How does this plant affect the resale values of our homes? (Grierkey)

Response: The Scope of Work has been revised to address this issue on a macro level. A general discussion of the effect of power plants on surrounding property values will be included in the DEIS. See the Socioeconomics and Environmental Justice section of the Scope of Work.

Comment 33: I was pleased to read that "under socioeconomic and environmental justice, it was stated that potential project [impact] on low income and minority population[s] will also be addressed as part of an Environmental Justice Analysis." (Martin)

Response: Comment Noted.

Comment 34: The economic impact, through the loss of 96 acres, on local property tax revenue and associated local job opportunities to the proposed action versus the economic impact derived from alternative development of this Empire Development Zone parcel must be examined. (Marchmont)

Response: In accordance with the scope of work the DEIS will include a map of the Brookhaven Empire Zone. The project's relationship to and/or potential impacts on the Empire Zone will be evaluated. See the Public Policy portion of Land Use section of the Scope of Work.

Comment 35: Our concerns are many including health, environmental and our resale value. (Filiberto)

Response: The DEIS will address these three topics.

TRAFFIC AND TRANSPORTATION

Comment 36: Who is conducting the traffic study and analysis? (Malone)

Response: As is normal practice, the Applicant (i.e., Caithness Bellport) is preparing the traffic impact study for the project under the direction of LIPA as lead agency. The Town of Brookhaven Division of Traffic Safety and Suffolk County Department of Public Works have also been consulted regarding the scope and extent of the traffic study. After LIPA has reviewed and approved the studies prepared by the Applicant, LIPA will prepare and issue the DEIS for public review and comment.

AIR QUALITY

Comment 37: What types of pollutants [are] going to be emitting into the air? All power plants emit some type of pollutants. (Webb)

Response: The DEIS will discuss the types of pollutants potentially emitted and evaluate the potential impact of facility emissions. See the Air Quality Section of the Scope of Work.

Comment 38: As far as the cleanliness of the plant, they've talked about, well, when they have to, they are going to go over to oil versus gas. Well then we don't get any benefits of clean air when they go over to the oil. So I would like to know how often they plan to run on oil because it negates all the statements made about natural gas. (Xenakis)

Response: The DEIS will discuss and evaluate the potential impact of facility emissions, including those associated with operation on low sulfur distillate fuel (oil). See the Air Quality Section of the Scope of Work.

Comment 39: The plant design calls for the use of oil as fuel for up to 30 days a year. The EIS should detail the projected time of year oil will be burned as fuel and it should address pollutant loads specific to that time of year. (Town of Brookhaven)

Response: The air quality dispersion modeling analysis to be conducted by Caithness Bellport will assess potential low sulfur distillate fuel operational impacts during worst-case meteorological conditions, which could occur during anytime of the year, to ensure a conservative, worst-case analysis.

Comment 40: The Scope of Work notes that a NYSDEC Emission Inventory Development for Cumulative Air Quality Impacts will be completed “if necessary.” The Town considers the analysis necessary. (Town of Brookhaven)

Response: Based on USEPA and NYSDEC requirements, an inventory of existing major sources must be produced in order to conduct a multi-source cumulative air analysis only if the modeling results of the proposed project suggest that an exceedance of an USEPA-defined Significant Impact Level (SIL) might occur. Both USEPA and NYSDEC have approved the air modeling protocol for the proposed Caithness project. Hence, the language in the scope requires the preparation of an emissions inventory and the cumulative analysis "if necessary," meaning, that such would be necessary if the emissions concentrations of any air pollutant exceeds a SIL. Based on the modeling conducted to date, the emissions concentrations from the proposed project all appear to be well below the SILs, thus an USEPA/NYSDEC-required multi-source cumulative air analysis is not likely to be required.

Nonetheless, as part of its "hard look" review under SEQRA, LIPA does intend to conduct two cumulative air analyses: (i) a cumulative analysis of the Caithness Bellport Project and all LIPA-sponsored and constructed power plants, including those recently constructed, under construction and proposed at the time; and (ii) a cumulative analysis of any approved or pending large combustion sources within 10 miles of the project site.

Comment 41: Meteorological data from Brookhaven National Laboratory and the National Weather Service (NWS) office located at Brookhaven National Laboratory should be incorporated into the modeling of air quality and pollutant impacts. (Town of Brookhaven)

Response: As indicated in the prior response, the project’s air quality analysis would be accomplished in accordance with the project’s air quality modeling protocol that has been submitted to and approved by the NYSDEC and USEPA. Caithness Bellport has received approval from the NYSDEC and the USEPA to utilize meteorological data from Long Island MacArthur Airport NWS station, located approximately 8.5 miles from the project site. The meteorological data from MacArthur Airport contain the parameters necessary for air quality modeling. Data collected by the Upton cooperative surface station located at the Brookhaven National Labs are insufficient for air quality modeling purposes. Therefore, hourly surface data from this meteorological station were not considered for modeling of the proposed Caithness Bellport Energy Center.

Comment 42: HAP and MACT analyses should be completed for pollutants regardless of whether the plant is projected to exceed regulatory thresholds. (Town of Brookhaven)

Response: MACT (Maximum Achievable Control Technology) is an emission limitation requirement that applies to major sources of HAPs (hazardous air pollutants) – those with potential emissions of greater than 25 tons per year of total HAPs or 10 tons per year of a single HAP. Because the project emissions do not have a potential to exceed the regulatory HAP thresholds, the project is not subject to any MACT requirements. The DEIS will include a HAPs analysis in accordance with the project’s Scope of Work.

Comment 43: An analysis of whether MACT can be used to reduce the requisite stack height should be completed. (Town of Brookhaven)

Response: The air quality studies conducted by Caithness Bellport have resulted in a reduction in the proposed stack height. Air quality dispersion modeling indicates that a stack height of 170 feet, rather than the previously proposed 185 feet, is sufficient to yield insignificant air quality impacts.

Comment 44: A discussion of Long Island’s status as an EPA non-attainment area and the effect of the proposed plant on that status should be included in the EIS. (Town of Brookhaven)

Response: This will be addressed in the DEIS. See the Air Quality section of the Scope of Work.

NOISE

Comment 45: I'm somewhat familiar with this type of generating plant. There's one on the campus of Stony Brook University run by a company called Calpine. And I have a friend of mine who lives only a few blocks away from that facility. And it also is a closed system with cooling towers, closed water system as what was described here tonight. But there are numerous times when they have to vent steam and noise becomes an issue. There are also times when you have to clean the system. And that's an extremely noisy issue. (Xenakis)

Response: The Calpine Stony Brook facility is a “cogeneration facility” which supplies steam to the SUNY Stonybrook Campus while also generating electricity. As a cogeneration facility, the plant must on occasion “vent steam.” The proposed Caithness Bellport facility is a combined cycle generating facility equipped with an air-cooled condenser for heat dissipation. The Caithness Bellport facility would not operate as a cogeneration facility and would not produce steam for export. Under normal operating conditions there would be no need for the project to vent steam to the atmosphere. The DEIS will address potential noise impacts of the construction and operation of the facility.

INFRASTRUCTURE

Comment 46: What corrosive acids and hazardous materials are going to be kept on the site besides oil. (Xenakis)

Response: The DEIS will document the hazardous materials and chemicals to be used and stored at the project site. See the Infrastructure section of the Scope of Work.

Comment 47: Infrastructure, Water Supply: The actual values for water supply requirements should be provided in both the Scoping document and DEIS. The DEIS should fully describe and explore methods to reduce water use including various equipment alternatives. (NYSDEC)

Response: The DEIS will provide information relative to the facility's water supply requirements and will evaluate methods to reduce water use, including various equipment alternatives.

Comment 48: Spill Prevention and Control Plan: The Draft scope correctly indicates that components of the project (i.e., ammonia storage system and petroleum storage facilities) will require registration/licensing under the Chemical Bulk Storage Regulations (CBS) and the Petroleum Bulk Storage Regulations. The registrations and licenses must be obtained prior to operation of the new equipment. (NYSDEC)

Response: Comment Noted.

Comment 49: Spill Prevention and Control Plan: The DEIS should include a description of any fuel and lube oil storage tanks, any chemical storage tanks, and a description of the proposed secondary containment structures to be constructed around the tanks and off loading areas. Clarification at an early stage in the project's development is advisable in order for the facility to be constructed in compliance with the applicable regulations. (NYSDEC)

Response: Comment Noted. The DEIS will provide a description of any fuel and lube oil storage tanks, any chemical storage tanks, and a description of the proposed secondary containment structures to be constructed around the tanks and off loading areas. See the Infrastructure section of the Scope of Work.

Comment 50: Spill Prevention and Control Plan: The components of the ammonia storage system (tank, transfer area, and ammonia skid) as well as the piping from the tank to the skid and from the transfer area to the tank must all comply with the applicable portions of the NYS CBS Regs--6 NYCRR Parts 596 through Part 599 inclusive. (NYSDEC)

Response: Comment Noted.

Comment 51: Spill Prevention and Control Plan: Although the Scope and DEIS do not need to include the actual design plans, please be aware that the Bulk Storage Supervisor for Region 1 can be contacted at the appropriate time and can provide comments on the design plans prior to commencement of construction so that any required changes can be made. If you have any questions regarding the requirements of the Bulk Storage Regulations, you can visit our website at: <http://www.dec.state.ny.us/website/der/bulkstor/> (NYSDEC)

Response: Comment Noted.

Comment 52: The EIS should contain a statement regarding the environmental impacts of gas extraction and transport as a part of the impact analysis. (Town of Brookhaven)

Response: The issues raised in the comment are outside the scope of the project DEIS. The DEIS will address potential impacts on the Long Island energy supply system. As noted above, the environmental impacts of any new fuel supply system will be separately addressed.

Comment 53: Fuel Supply, Fuel Oil: The Draft is silent on and therefore, needs to include, the following in connection with the intended fuel oil use:

1) The subject project's impact on the consumption of fuel oil on LI, Suffolk County and, in particular, the local Bellport, Gordon Heights, Medford and Yaphank communities. Home heating oil low supplies, critical demand and prices are already routine news events each winter.

2) The instantaneous quantity of fuel oil, required to meet the proposed project's peak hourly and daily demand, warrants an extended (Fuel Oil Terminal-to-Project, not just a local), Traffic Impact Analysis involving the trucking fleet required to meet this demand. (Marchmont)

Response: In accordance with the Scope of Work, the DEIS will address potential impacts on the energy supply system. See Energy under the Infrastructure section of the Scope of Work. The project will primarily operate on natural gas; accordingly, an extended terminal-to-project traffic impact assessment associated with the delivery of low sulfur distillate fuel to the project site is not warranted.

WATER RESOURCES

Comment 54: I would like to know what effect this plant is going to have on the groundwater. (Webb)

Response: As discussed in the Scope of Work, the DEIS will evaluate potential impacts to groundwater resources. See the Water Resources section of the Scope of Work.

TERRESTRIAL ECOLOGY

Comment 55: Terrestrial Ecology, Wildlife: The Draft Scope clearly indicates that the site characterization will include an identification and delineation of any unusual habitats or natural communities which could support listed species or species of special concern. However, NYSDEC staff would request that the DEIS clearly reference the survey conducted for vernal pools/standing water to determine whether the site had suitable Tiger Salamander habitat. This description should clearly indicate which sites on the entire 96-acre site were surveyed. (NYSDEC)

Response: Comment noted. In accordance with the Scope of Work, the DEIS will include an analysis of the impact of operation of the project and interconnections on listed rare species or species of special concern, including the Tiger Salamander. The natural resources survey will include vernal pools.

CUMULATIVE IMPACTS

Comment 56: In view of the site's location downwind of numerous large combustion sources, the local large combustion source cumulative impact analysis should be expanded to a 30-mile radius. (Town of Brookhaven)

Response: LIPA has selected 10 miles as the required large source cumulative impact study as the potential for significant cumulative air quality impacts associated with operation of the project is anticipated to occur within 10-miles of the project site. Beyond 10 miles, the distribution of large source emissions are spread through a wide geographical area and the maximum concentrations from each emission source would occur very close to the source. Emission concentrations would continue to decrease with distance from the sources, so that at the distance to the next adjacent source, the concentrations would be well below USEPA defined significant impact levels and nearly immeasurable.

Comment 57: Cumulative Impact Analysis: The Draft states that "An air quality cumulative impact analysis including Caithness...and all LIPA-sponsored and -constructed power generation projects recently constructed, under construction or proposed, will be conducted." This statement appears to limit the air quality cumulative analysis to just the LIPA-sponsored projects, which does not include BEP (Brookhaven Energy Project). Consistent with SEQRA requirements, ANP believes that the air quality cumulative analysis must incorporate the potential emissions of BEP, assuming that it could be in construction in parallel and in operation at full load simultaneously with, the subject project, in accordance with the conditions in its Article X Certificate and PSD/Title V permits. (Marchmont)

Response: The Brookhaven Energy Project will be included within the cumulative air quality impact analysis to be conducted for the project in accordance with the Scope of Work.

Comment 58: Cumulative Impact Analysis: The Draft states that “A local cumulative impact analysis, including Caithness...and any approved or pending large combustion sources located within 10 miles of the proposed site, will be conducted.” It is unclear to what extent these analyses will be conducted. ANP believes that this statement should be expanded to define the affected analyses and the parameters to be used. Particularly, ANP suggests that the analyses for traffic, water supply, land use, local service providers, visual impact, environmental justice and noise must take into consideration that the two projects could be in construction in parallel and in operation at full load simultaneously. (Marchmont)

Response: A cumulative impact analyses on other technical areas, such as traffic, noise and land use, will be done for operations for other planned or proposed projects. In addition, if the construction of another project could overlap with construction of the Caithness Bellport Energy Center, a cumulative construction impact analysis will be done. The Scope of Work has been revised to reflect this comment.

OTHER ENVIRONMENTAL IMPACTS

Comment 59: Other Environmental Impacts, Decommissioning: The DEIS should provide a description of the decommissioning plan and the financial resources (i.e. bond, trust agreement, or other acceptable vehicle) available to cover the decommissioning and the restoration of any disturbed areas of the site in the event the project is abandoned, cannot be completed, or is decommissioned. (NYSDEC)

Response: The DEIS will include a general description of the decommissioning plan. The Scope of Work has been modified to reflect this requirement.

ALTERNATIVES

Comment 60: Alternative Analysis: The Alternatives section of the Draft is unclear regarding the full scope and criteria for the Alternatives Analysis required by SEQRA. The Introduction to the Draft Scope of Work (Draft) discloses that “...after a detailed review of 14 responses...to [its] RFP, LIPA selected [the] project proposed by Caithness Bellport, LLC.” Thus, all of the projects proposed to LIPA in response to the RFP may be considered Alternatives to the subject project.

ANP respectfully requests that the detailed Alternatives Analysis for the proposed project include a review of all proposals received by LIPA in response

to its RFP especially ANP's proposed Brookhaven Energy Project, which...was among the 14 proposals that LIPA reviewed. BEP holds a State Siting Board Article X Certificate; FERC, NYSDEC, NYISO and Suffolk County approvals; a verbal PILOT agreement with the Town of Brookhaven; as well as support from the Longwood School District and local civic associations and was prepared to meet the 2007 in-service schedule imposed by the RFP.

Under the provisions of SEQRA, the Involved Agencies, Interested Parties and public-at-large interested in LIPA's proposed action are entitled to be made aware of LIPA's "detailed review" of each of the proposals submitted in response to its RFP. Such review should include their proposed locations, technologies, fuel supplies, relative environmental impacts, as well as their status and ability to meet LIPA's RFP solicitation, which specifically sought facilities that could be commercially operation in 2007 to meet LIPA's critical needs. (Marchmont)

Response: An alternatives analysis will be conducted in accordance with the Scope of Work, which requires an assessment of alternative projects considered by LIPA as part of its selection process.

Comment 61: We would appreciate it if the discussion could be opened to see if the plant could be relocated to another area or at least if there is any way to relocate the stack. (Filiberto)

Response: See above response. Other possible locations and plant layouts for the project will be discussed under Alternatives in the DEIS.

ADDITIONAL COMMENTS

Comment 62: Wouldn't it be more cost effective to try and repair some of these old power plants, let's say like the Shoreham Power Plant out there? What is LIPA's outlook for the future of supplying cheaper energy for Long Island? Every time you need and want to supply energy, are you going to build these little small plants and waste money building these little small plants every time you need one, instead of looking into the future? I thought that LIPA was trying to put this big power cable underneath the Long Island Sound to supply cable from Connecticut. I would like to know what LIPA is doing concerning that. (Webb)

Response: While these comments are outside the scope of the project DEIS, relevant information on this topic is contained in LIPA's Energy Plan, which includes consideration of the repowering of existing plants. The Energy Plan outlines the full portfolio of LIPA's future energy resources, of which this project is a significant component. It may be reviewed at: <http://www.lipower.org/projects/energyplan04.html>. Regarding the transmission cable from Connecticut, LIPA has been successful in reaching agreement with the State of Connecticut to energize the Cross Sound Cable, thus ending the lengthy controversy. The cable

is now in full operation, supplying 330 megawatts for Long Island on a regular basis.

Comment 63: I also have questions regarding who will be conducting these surveys and what surveys will be done as an ongoing process to ensure the safety of our community and what governmental agencies will be regulating the results of each of these surveys. (DeLillo)

Response: The scope of environmental studies to be completed as part of the SEQRA review is defined in the project's Scope of Work. As is normal practice, the Applicant (i.e., Caithness Bellport) is preparing the environmental studies for the project; LIPA is the lead agency in terms of SEQRA; NYSDEC, Town of Brookhaven, and Suffolk County Departments of Health Services are involved agencies. After LIPA has reviewed, analyzed, and in cases supplemented the studies prepared by the Applicant, LIPA will then prepare the DEIS. The DEIS will be made available for public review so that the public also has an opportunity to comment on the environmental studies.

C. LIST OF PERSONS COMMENTING

ORAL COMMENTS

John Kennedy, Nassau/Suffolk Building Trades Council (Kennedy)

John Knapp, Resident (Knapp)

Jimmie Webb, Resident (Webb)

Miles Malone, Resident (Malone)

Marcus Xenakis, Resident (Xenakis)

Mark Grossman, South Country Board of Education (Grossman)

Georgette Grierkey, Resident (Grierkey)

WRITTEN COMMENTS

Kevin Kispert, New York State Department of Environmental Conservation, Division of Environmental Permits (NYSDEC)

Anthony Graves, Town of Brookhaven, Department of Planning, Environment and Land Management, Division of Environmental Protection (Town of Brookhaven)

Helen Martin, Bellport Hagerman East Patchogue Alliance, Inc. (Martin)

Guy Marchmont, American National Power, Inc. for Brookhaven Energy Project (Marchmont)

Stephen and Kathleen Filiberto, Residents (Filiberto)

Stephan DeLillo, Resident (DeLillo)