

Received @ NETL
opened 2/8/06

February 2, 2006

Ms. Janice Bell
National Energy Technology Laboratory
US Department of Energy
PO Box 10940
Pittsburgh, PA 15236

Dear Ms. Bell:

The following issues are offered in response to the November 2005 request for comments on the Draft Environmental Impact Statement (EIS) for the Gilberton coal-to-clean-fuels and power project (DOE/EIS-0357) as published in the *Federal Register*.

The scope of these comments will address the potential environmental impact from cost-shared funding for construction and operation of the above referenced facilities with emphasis on a no-action alternative (DOE would not provide cost-shared funding) in which the proposed facilities would not be built or operated. The Department is strongly urged to consider this alternative and not lend its support to this project for the following reasons noted below. Additionally, the discrepancies raised at the public input hearings on January 9 and 10, 2006, in Schuylkill County, PA should be stricken from the record and not included in the evaluation of this project, as further discussed below. Concern is noted also for the role of the "independent" regulatory oversight lacking by the PA Department of Environmental Protection in this project, through their outright disregard for regulations entrusted to their agency.

} 31-1
} 31-2

An appropriate review process needs to be undertaken prior to this demonstration phase and operation to establish accurate regulations and proper enforcement of potential violations to reflect this "new" industry and allow for public input as required by law.

General Environmental Impact:

The Department of Energy's (DOE or Department) EIS notes that "the proposed facilities would be capable of using a blend of feedstock containing up to 25% petroleum coke, although no petroleum coke would be used during the demonstration period and its use during commercial operation following the demonstration period is uncertain."

A demonstration of a product should accurately reflect operating parameters. If the option to utilize petroleum coke in the future is presented, that option should be evaluated during the demonstration to accurately reflect emissions potential

} 31-3

and proper permitting levels. Compliance should be ensured for monitoring not to exceed that level if it would be in violation of any existing air or water quality permit levels. } 31-3

The net efficiency of this facility is noted to “be about 45%, compared to an efficiency of about 33% for traditional coal-fired power plant and about 40% for a state-of-the-art integrated gasification combined cycle power plant.” Yet, this project is considered demonstrative in nature and net efficiencies have yet to be determined due to variances in the feedstock (both from traditional culm and/or with the potential use of petroleum coke noted above). Traditional culm yields high amounts of waste to obtain a reasonable Btu value from that “waste product”. Additionally noted in the EIS is that the “use of anthracite culm would reduce waste disposal from operating mines... *et al*”. The Department is encouraged to quantify the term “operating mines” to determine this actual reduction by location, annual yield, etc. } 31-4

Concern remains that WMPI PTY, LLC and its project partners’ proposed alternatives were found not to be reasonable alternatives or seriously considered other sites to locate/host the proposed project and that the Department has accepted this alternative without questioning the justification of these rejections or the explanation for those rejections. } 31-5

Potential Impacts:

The Department is urged to respond to the following questions and considerations prior to issuing its final recommendation.

Land Use & Aesthetics:

Have adequate reclamation plans been submitted to, and approved by any federal or state regulatory body, including the use of any questionable materials (ash, sludge, toxic materials, heavy metal compounds, etc) for use as fill or reclamation agents with respect to ground water quality below the reclamation site(s)? } 31-6

The EIS notes there are “conspicuously marked industrial structures” near the proposed location. The other “industrial structures” are solely the workings of one specific industry and the same owner(s) as this project. Who has determined that the aesthetic character of the area would not be degraded - the Department or the landowner? } 31-7

Air Quality:

Five new stacks, in addition to two existing stacks are noted as “primary” discharge points in the EIS. The Department must realize that numerous other similar stacks from other power producers are also located within a small footprint (less than 3 air miles) of the proposed facilities. Has the Department evaluated this project for the quantity of discharge at secondary points and how the total compliment of this footprint will impact on existing air quality reporting? } 31-8
 } 31-9

The Department should request copies of any and all air monitoring source point stations located in the vicinity to first determine whether an adequate number of air monitoring stations are properly operating, but also to assess the location for potential air quality increases caused by this new project. Air monitoring stations should be placed in "down-wind" areas (as best defined by meteorological data) from this proposed project for accurate monitoring. The EIS reference to computer based air dispersion models does not cite the source of the research (manufacturer or administrator). Has the Department verified that this information is correct through its own independent modeling of this project?

31-10

31-11

Maximum concentration for all pollutants at the top of Locust and Broad Mountains, in addition to other related monitoring locations, should also include other air quality permit holders in this vicinity, and actual emissions data as those plants have been operating approximately 20 years and data benchmarks should be well established.

31-12

Although noted in the EIS that the stack VOC and NOx emissions would be less than 0.4% and 1.0% respectively, of the county's inventories, has the Department actually quantified the total limits from this "small percentage increase" to ascertain the overall air quality in that location? The Department notes in its EIS that the magnitude of the degradation can not be quantified. This lack of quantification may be due to the lack of proper and consistently operating air quality monitoring stations around this location.

31-13

31-14

Wet scrubbing followed by acid gas removal is noted as the hazardous air pollutant cleaning method, but the quantity estimates of the proposed facilities emission is currently unavailable, according to the EIS. The Department should ascertain the true value of these emissions prior to granting the request for shared-cost of this project. How was an air permit through New Source Review approved by either the state or federal regulatory bodies if these emissions calculations were not available? The Department should be aware of the fact that wet scrubbing also entails a waste by-product of this "scrubbing" method that requires proper discharge and disposal. If this demonstration does not comply with existing regulations, new regulations should be promulgated that allow for the necessary public input into that process.

31-15

31-16

31-17

Noting global CO₂ emissions in this EIS does not focus on the actual CO₂ limits established by regulation for this particular area. The entire US is responsible for 28% of global CO₂ emissions, yet this one facility, as a demonstration, is anticipated to be 0.003% of all global emissions. The EIS states that increases in CO₂ emissions "would be large in terms of number of tons per year." Will the Department quantify those tons in respect to the local (and not the global, worldwide) environment to ensure compliance?

31-18

Geology:
The Department should quantify actual releases to the environment if the

31-19

potential rupture of a product transfer line and related materials should occur on a given day. The analogous relationship to a gasoline truck as described in the EIS does not accurately reflect volumetric measures of a 5,000 barrel of liquid fuel per day operation. 31-19

Have local emergency responders (including HazMat personnel) been advised of, or trained to react to such a rupture and what is the estimated duration of such an event? Are such certified personnel established in the vicinity to properly respond in a timely manner? 31-20

Water Resources:

Of vast and primary concern is the adequacy of water resources in this proposed location. "Upstream" hydrological studies need to be assessed by the Department on the entire Mahanoy, Shenandoah, and Gilberton watersheds and not just at a specific discharge point (creek) to determine adequate daily flows and acceptable permitting levels. Has this been performed and analyzed to comply with all appropriate, existing regulations? 31-21

No data was provided on actual estimated water usage for these facilities, or potential discharge pollutants from this source point. Sulfate concentrations are not described with regard to human ingestion or consumption, only in regards to aquatic habitat. The Department needs to evaluate the true effects to human life from both an adequacy and quality perspective. 31-22

Flood Plain & Wetland:

Referencing the above potential rupture and spill, has the Department evaluated a potential spill's impact on wetlands with regard to the 5,000 barrel a day production limit? 31-23

Ecological Resources:

Within one air mile of the proposed project lies two state parks entrusted with the protection of natural species and wildlife resources. Resource management plans for these protected, recreational areas describe vulnerable species. Has the Department evaluated any potential disruption to such species from this project? 31-24

Social & Economic Resources:

At the Public Input Hearing held in Shenandoah, on January 9, 2006, the January 10, 2006, Republican & Herald, the primary local print media serving the area note Ms Janice Bell of the DOE stated, "We have to keep the comments to the Environmental Impact Study" Bell stressed. "That's what's critical to the Department of Energy." Yet, on January 11, 2006, the same news media inferred that Ms Bell allowed comments regarding other general construction projects in the vicinity (High Ridge on 81 Business Park) and reference to illegal alien workers to be entered into the Record of this Proceeding. While commending Ms Bell in keeping the focus to the EIS as appropriate, the 31-25

Department is urged to remove references from the January 10, 2006 Pottsville public hearing to be stricken from the record as they pertain to job creation, economic development and labor relations and not environmental impacts. } 31-25

Environmental Justice areas are of grave concern as to the impact on minority populations housed at the nearby Mahanoy and Frackville State Correctional Institute facilities. These inmates will be potentially exposed to even greater concentrations of pollutants than other residents due to their confinement and proximity to this proposed facility. } 31-26

Furthermore, the poverty level of Schuylkill County's population, which exceeds both PA and US levels, does not allow for the proper financial and educational opportunities necessary to oppose this project. This population is moreover, a high elderly community who would not necessarily gain from the job creation and purported economic benefits of these facilities. The Department is urged to consider this demographical factor strongly in its consideration of rejecting the cost-sharing of this project. } 31-27

The assumed transportation of the workers describes access points at Frackville in the EIS. This assumption implies that local workers would not be utilized from the immediate vicinity, but potentially from within (southern points) or outside of the county, thus minimizing or negating any potential job creation "benefits" to the immediate population. } 31-28

Increased traffic, both from worker vehicles and from supply transport needs to be factored into the overall environmental evaluation with respect to air and water quality issues. Rail shipment also poses potential risks to the population through increased potential for hazardous spills or releases. Previous comments above questioned the management of such an event. Also, what details regarding the quality of such rail facilities have been analyzed to ensure compliance with Rail Safety Regulations? } 31-29
} 31-30

Waste Management:

If, as posed in the EIS, "fine solids or sludges fail to meet criteria for land application, the PA Department of Environmental Protection (DEP) would provide clearance." } 31-31

The EIS does not state that the Department of Environmental Protection will provide its statutory oversight and propose regulations to address this issue, instead it infers an automatic "special clearance." Why is this facility receiving "special" treatment that usurps the laws governing this Commonwealth and all other industrial waste producers? }

Admittedly, the PA Department of Environmental Protection is not an "independent" reviewing and regulatory body with regards to this issue. Details are provided below in support of this statement.

“Solid waste and by products are expected not to be hazardous” according to the EIS which implies that it has not been determined whether or not this will be hazardous. The Department is urged to review the solid waste process and ensure compliance with existing regulations or establish new regulations which allow for public input specific to this new “industry”.

31-32

Management of liquid waste streams needs to ensure full compliance with applicable federal regulations for treatment and disposal prior to any potential discharge (including spills, ruptures, etc) into a watershed where human consumption is probable.

Odor impacts should be addressed through air quality regulations specific to this demonstration project and future industry. Limited visibility issues from cooling tower evaporate on Interstate 81, already a high-risk travel corridor during storms/fog situations, will not be solved by the use of “flashing lights”. Care must be taken to ensure all motorists will not be adversely impacted by diminished safety conditions created from this proposed demonstration project

31-33

31-34

Potential explosions in oil-water separation units should mandate nitrogen gas blankets over these units through regulations. Again, the Department should review the impact and duration of such a potential event and the responding criteria described above to ensure regulations and HazMat staffing in the vicinity are all encompassing to deal with such a situation. If existing regulations are not sufficient, new ones specific to this potential project should be promulgated.

31-35

Health & Human Safety:

This criteria should be strongly weighted by the Department and verified to be in compliance with existing environmental and health & human services regulations, at a minimum.

Catastrophic incident evaluations should include the Federal Homeland Security requirements for vulnerability assessments to evaluate potential impacts upon a terrorist attack. If this project is promoting the goals of energy independence from foreign sources and would have potential impact to affect that goal, it should be rated with a high enough priority to garner such a review.

31-36

Data to support the 10,000 and 100,000 year events should be independently verified by the Department.

31-37

Noise:

This section of the EIS notes the nearest residence is located at 3,600 feet southeast of the proposed plant., In addition, the Department should consider the weighted cumulative values of all these issues noted above as it would impact on this residence.

31-38

The need for truly “Independent” review of this project:

Press releases available on the PA Department of Environmental Protection and PA Governor Ed Rendell’s websites note several “endorsements” of this project through the “PA EDGE” program - PA Energy Deployment for a Growing Economy. PA EDGE offers various financial and regulatory incentives to this project.

The Department should keep cognizant in this review process of the fact that this demonstration project and has not yet been fully funded (due to the Department’s cost-shared funding), yet the PA DEP and Governor Rendell are treating this project as a “done deal” and overstepping their PA Constitutional mandate and legislatively create regulatory authority “To protect and improve the quality of the air, water and environment for the health and safety of the citizens of the Commonwealth...*et al*”

The PA EDGE program, by the websites’ citations, note the program “permits synthetic gas producers to operate without the burden of utility regulation when they serve and sell to limited purchasers such as chemical, manufacturing, or industrial facilities. Without such distinction, the producers would face a host of complex and costly regulations that are necessary when a company sells to the public”.

However, while your organization is evaluating the Environmental Impact of this project as required by federal regulations, it is apparent that state regulations will or may not apply. PA Department of Environmental Protection Secretary Kathleen McGinty and Governor Rendell have assisted in securing funding for this project - directly through PA DEP loans, grants and incentives and have also publicly found purchasers with long term commitments to a demonstration project not yet approved by the Department of Energy, (nor required by their own admission) or subjected to state regulations.

More to the point, on January 19, 2006, Secretary McGinty presided over a PA EDGE Background Briefing (attached) that describes regulatory incentives offered to this project not approved by the PA Legislature or federal government regulations for priority permitting, temporary restrictions on meeting air quality compliance, and other issues of blatant violation of the agency’s “independent” oversight.

31-39

For these above stated reasons, the Department is implored to reject funding of this project and is obligated to enact your authority to ensure Pennsylvania’s environment and citizens are protected.

31-40

No Action Alternative:

The Department is called upon to adopt the position of No Action and No cost-sharing for these facilities. CCPI project goals require the accelerated commercial deployment of advanced coal based technologies to generate clean,

reliable and affordable electricity in the US, which is very commendable and necessary at this time of escalating prices and limited supplies. As Pennsylvania is already the second largest exporter of electricity in the US, and provides a large percentage of its generation from clean, renewable and affordable electricity (as defined by the Alternative Energy Portfolio Standard Act of 2004), this goal is not necessarily needed at this time, in this location, through this project.

Through the factual data and questions posed from this EIS input process, the Department will recognize that the advancement of their goals will not be served by financing and supporting a project that places individuals and the environment at risk of unknown consequences at this time. There currently exists no advocate to protect these citizens and the environment, as demonstrated by the bias posed by the PA DEP. More data needs to be gathered and regulations promulgated prior to demonstration to ensure a safe environment for the citizens of this footprint, Schuylkill County, PA and the nation.

Thank you for this opportunity to comment on these issues and for allowing citizen input into the EIS process, through your adoption of the No Action Alternative.

Sincerely,

Coalition of Concerned Coal Region Citizens
Schuylkill County, PA

The Pennsylvania EDGE
Energy Deployment for a Growing Economy
Background Briefing
January 19, 2006

Introduction

Pennsylvania continues to be a leading manufacturer of steel, chemicals and other manufactured goods and exports more chemical products than any other state. We are interested in not only maintaining the jobs associated with these sectors but in growing them as well. Higher natural gas prices present a challenge to achieving this objective. Therefore, the Department of Environmental Protection at the personal direction of the Governor and in concert with other Commonwealth agencies including the Departments of Community and Economic Development and Banking are pursuing initiatives that will make use of alternative methane and synthesis gas to supplement natural gas as fuel feedstock for industrial uses. We aim to specifically work with industrial manufacturers on alternatives to natural gas.

The Pennsylvania EDGE

The Pennsylvania EDGE's (Energy Deployment for a Growing Economy) objective is to deploy a fleet of Advanced Coal Gasification and Liquefaction (ACGL) plants to win for Pennsylvania a unique competitive advantage: specifically, to grow and retain our manufacturing base by offering a substantially below market substitute for commodity natural gas. Prices for synthetic gas from ACGL can be achieved at approximately \$4.00 to \$5.00 per/MMBtu, contrasted with today's very high natural gas price. Today, for example, wholesale natural gas is trading at over \$8.00 per MM/Btu and earlier this past fall, it traded as high as \$14.00 per MM/Btu. EDGE also aims to enhance capacity and reliability of electricity generation.

To realize this goal, the Commonwealth will provide a series of incentives, including:

- Financial Incentives:
 - Securing long-term contracts for fuel input
 - Facilitating technology guarantees with project developers
 - Providing state volume cap authority to reduce financing costs
 - Enabling long-term contracts between ACGL plants and electricity and natural gas suppliers
 - Other financial tools, including grants, loans and loan guarantees

- Regulatory Incentives:
 - Enabling ACGL plants to supply gas to multiple industrial off-takers without being regulated as a utility
 - Defining "Lowest Achievable Emission Rate" as technology in accord with coal gasification performance specifications

- Priority permitting
- Working to secure from EPA a temporary “bye” from CAIR (Clean Air Interstate Rule) requirements for plants that will be replaced or re-powered with ACGL

The Commonwealth recently announced a path breaking agreement to purchase fuel from the first-in-the-nation coal liquefaction plant that will now be financed and built in Pennsylvania. This plant had received appreciable federal grant support and state tax credits. But, it could not be financed in the absence of long-term purchase contracts. At the same time, private sector players were reluctant to sign such agreements due to the historic price volatility of fuels. Since this waste coal derived fuel can be produced and sold substantially below market prices, the Commonwealth stepped forward and agreed to go long by agreeing to a 10-year contract. We then reached out to trucking firms, oil distributors, and manufacturers. The follow-on demand was overwhelming. The plant’s output is now fully subscribed for a decade.

Confident that synthetic gas from ACGL plants can similarly be produced substantially below market prices, the Commonwealth is interested in replicating our buyers’ consortium experience to deploy a fleet of ACGL plants. The objective would be to form a consortium of industrial off-takers, which would agree to purchase synthetic gas from these plants.

The Commonwealth’s Ask of Manufacturers

We invite manufacturers to take the lead in working with us to form this consortium to secure long-term access to cheap synthetic gas as a replacement for natural gas. We believe the price and economic certainty created by this approach will have tremendous benefit for Pennsylvania’s manufacturers, giving them a competitive edge over producers in other states and countries.

We look forward to working with you on this important initiative.

Coalition of Concerned Coal Region Citizens, Schuylkill County (31)

Comment 31-1

“The Department is strongly urged to consider this alternative and not lend its support to this project for the following reasons noted below.”

Response:

The comment has been noted.

Comment 31-2

“Additionally, the discrepancies raised at the public input hearings on January 9 and 10, 2006 in Schuylkill County, PA should be stricken from the record and not included in the evaluation of the project, as further discussed below. Concern is noted also for the role of the “independent” regulatory oversight lacking by the PA Department of Environmental Protection in this project, through their outright disregard for regulations entrusted to their agency.”

Response:

No information will be stricken from the public hearing record.

Comment 31-3

“A demonstration of a product should accurately reflect operating parameters. If the option to utilize petroleum coke in the future is presented, that option should be evaluated during the demonstration to accurately reflect emissions potential and proper permitting levels. Compliance should be ensured for monitoring not to exceed that level if it would be in violation of any existing air or water quality permit levels.”

Response:

Petroleum coke is not proposed as part of the demonstration (see EIS Section 2.1.2). If the feedstock changes during demonstration or commercial operation, the facility would still be required to operate in compliance with its air quality permits. Due to the expected effectiveness of the gas cleanup system to be included in the proposed facilities, it is expected that air emissions would not be significantly affected by feedstock composition. See Appendix G.

Comment 31-4

“Additionally noted in the EIS is that the “use of anthracite culm would reduce waste disposal from operating mines...et al” The Department is encouraged to quantify the term “operating mines” to determine this actual reduction by location, annual yield, etc.”

Response:

The quoted statement from Chapter 2 of the DEIS was inaccurate. The proposed project would not reduce the disposal of waste from operating mines. The EIS has been revised to eliminate this statement and to include additional discussion of the management of mining-related wastes.

Comment 31-5

“Concern remains that WMPI PTY, LLC and its project partners’ proposed alternatives were found not to be reasonable alternatives or seriously considered other sites to locate/host the proposed project and that the Department has accepted this alternative without questioning the justification of these rejections or explanation of those rejections.”

Response:

See response to comment S10-9.

Comment 31-6

“Have adequate reclamation plans been submitted to, and approved by any federal or state regulatory body, including the use of any questionable materials (ash, sludge, toxic materials, heavy metal compounds, etc) for use as fill or reclamation agents with respect to ground water quality below the reclamation site(s)?”

Response:

WMPI has not yet sought regulatory approval for reclamation plans that include the use of residues from the proposed facilities. The Pennsylvania Department of Environmental Protection approvals that would be required to implement the proposal are summarized in Section 7.2.

Comment 31-7

“The EIS notes there are “conspicuously marked industrial structures” near the proposed location. The other “industrial structures” are solely the workings of one specific industry and the same owner(s) as this project. Who has determined the aesthetic character of the area would not be degraded – the Department or the landowner?”

Response:

As noted in EIS Section 4.1.1.2, the visual aesthetics of the area are influenced by existing power plant buildings, construction cranes and other elevated equipment, strip mines and culm piles. In this EIS, the Department considers that the proposed project would not alter the existing industrial appearance of the site, and accordingly, would not degrade the aesthetic character of the area.

Comment 31-8

“Five new stacks, in addition to two existing stacks are noted as “primary” discharge points in the EIS. The Department must realize that numerous other similar stacks from other power producers are also located within a small footprint (less than 3 air miles) of the proposed facilities.”

Response:

DOE is aware of other air emission sources in the area and has considered their cumulative impacts on air quality. See Section 6.1.1. Multiple Air Pollutant Sources.

Comment 31-9

“Has the Department evaluated this project for the quantity of discharge at secondary points and how the total compliment of this footprint will impact on existing air quality reporting?”

Response:

All atmospheric emissions from the proposed project will have to comply with the air quality permit. Cumulative impacts have been addressed in EIS Sections 4.1.2.2 and 6.1.

Comment 31-10

“The Department should request copies of any and all air monitoring source point stations located in the vicinity to first determine whether an adequate number of air monitoring stations are properly operating, but also to assess the location for potential air quality increases caused by this new project. Air monitoring stations should be placed in “down-wind” areas (as best defined by meteorological data) from this proposed project for accurate monitoring.”

Response:

The Pennsylvania Department of Environmental Protection (PA DEP) is responsible for air quality monitoring. PA DEP recently installed a PM-10 sampler at the Mahanoy State Prison, and TSP samplers at the Mahanoy State Prison, the Mahanoy City Sewage Treatment Plant, and the Frackville State Prison.

Comment 31-11

“The EIS reference to computer based air dispersion models does not cite the source of the research (manufacturer or administrator). Has the Department verified that this information is correct through its own independent modeling of this project?”

Response:

Independent air quality modeling was completed as part of the EIS process. See Section 6, which discusses the results of the air dispersion modeling.

Comment 31-12

“Maximum concentration for all pollutants at the top of Locust and Broad Mountains, in addition to other related monitoring locations, should also include other air quality permit holders in this vicinity, and actual emissions data as those plants that have been operating approximately 20 years and data benchmarks should be well established.”

Response:

The air quality analysis in the EIS (Section 4.1.2.2) has been expanded to incorporate the cumulative impacts of other coal burning facilities in the area.

Comment 31-13 and 31-14

“Although noted in the EIS that the stack VOC and NO_x emissions would be less than 0.4% and 1.0% respectively, of the county’s inventories, has the Department actually quantified the total limits from this “small percentage increase” to ascertain the overall air quality in that location? The Department notes in its EIS that the magnitude of the

degradation can not be quantified. This lack of quantification may be due to the lack of proper and consistently operating air quality monitoring stations around this location.”

Response:

Regarding the effect of stack VOC and NO_x emissions on ozone concentrations, see the response to comment 16-2. Regarding the locations of air monitoring stations, see the response to comment 31-10.

Comment 31-15

“Wet scrubbing followed by acid gas removal is noted as the hazardous air pollutant cleaning method, but the quantity estimates of the proposed facilities emissions is currently unavailable according to the EIS. The Department should ascertain the true value of these emissions prior to granting the request for shared-cost of this project.”

Response:

See response to comment S2-1. The proposed project would be required to operate within the conditions of the air quality permit issued by the Pennsylvania Department of Environmental Protection.

Comment 31-16

“How was an air permit through New Source Review approved by either the state or federal regulatory bodies if these emissions calculations were not available?”

Response:

The Air Permit was issued in March 2005, based on an application provided by WMPI. The air permitting process is described in Section 7.2.

Comment 31-17

“The Department should be aware of the fact that wet scrubbing also entails a waste by-product of this “scrubbing” method that requires proper discharge and disposal.”

Response:

The residues from product “scrubbing” would be managed as process wastewater. Residues from water and wastewater treatment are among the solid wastes whose management is discussed in Section 4.1.8.2.

Comment 31-18

“Noting global CO₂ emissions in this EIS does not focus on the actual CO₂ limits established by regulation for this particular area. The entire U.S. is responsible for 28% of global CO₂ emissions, yet this one facility, as a demonstration, is anticipated to be 0.003% of all global emissions. The EIS states that increases in CO₂ emissions “would be large in terms of number of tons per year.” Will the Department quantify those tons in respect to the local (and not the global, worldwide) environment to ensure compliance?”

Response:

CO₂ is not a regulated pollutant, so there are no established limits on the emissions of this gas. The relative comparison to global emissions was not intended to convey a judgment

about the significance of potential impacts. Because it is not possible to quantify the impacts on global climate change resulting from the proposed project (for example, meaningfully estimate potential incremental increase in global temperature resulting from the proposed action), DOE sought in the draft EIS to provide a perspective.

In response to this comment, DOE has revised EIS Section 4.1.2.2 to present estimates of CO₂ emissions only in absolute terms, and has eliminated similar relative comparisons throughout the EIS. EIS Section 4.1.2.2 also has been revised to correct an error in the estimated rate of CO₂ emissions reported in the Draft EIS, and Section 5.1.4 has been revised to reflect new information on carbon sequestration and CO₂ emissions.

Further, DOE has revised Section 6 to analyze potential cumulative impacts that may result if the project is successful in stimulating development of the technologies proposed to be demonstrated.

Comment 31-19

“The Department should quantify actual releases to the environment if the potential rupture of a product transfer line and related materials should on a given day. The analogous relationship to a gasoline truck as described in the EIS does not accurately reflect volumetric measures of a 5,000 barrel of liquid fuel per day operation.”

Response:

The discussion in Section 4.1.3.3 of the draft EIS concerning the potential consequences of a pipeline rupture was intended to provide a qualitative indication of the potential consequences. DOE has revised Section 4.1.9.1 to describe the EPA-approved Risk Management Plan and other measures that would be used to control the risk and consequences of accidents at the proposed facilities.

Comment 31-20

“Have local emergency responders (including HazMat personnel) been advised of, or trained to react to such a rupture and what is the estimated duration of such an event? Are such certified personnel established in the vicinity to properly respond in a timely manner?”

Response:

See response to comment S2-5. Revised Section 4.1.7.5 notes that the Schuylkill County Emergency Management Agency (SCEMA) would be responsible for evacuating nearby residents, if necessary. SCEMA, in conjunction with the Pennsylvania Emergency Management Agency, is in the process of developing a hazard mitigation plan for Schuylkill County.

Comment 31-21

“Of vast and primary concern is the adequacy of water resources in this proposed location. ‘Upstream’ hydrological studies need to be assessed by the Department on the entire Mahanoy, Shenandoah, and Gilberton watersheds and not just at a specific discharge point (creek) to determine adequate daily flows and acceptable permitting levels. Has this been performed and analyzed to comply with all appropriate, existing regulations?”

Response:

Water requirements for the proposed facilities and the availability of water to supply them are discussed in Sections 2.1.5.2, 3.4, and 4.1.4. The potential impacts of facility water use and discharges are assessed in Section 4.1.4.1. The Pennsylvania Department of Environmental Protection would have the responsibility for determining whether the proposed discharges from the facilities would comply with applicable regulations.

Comment 31-22

“No data was provided on actual estimated water usage for these facilities, or potential discharge pollutants from this source point. Sulfate concentrations are not described with regard to human ingestion or consumption, only in regards to aquatic habitat. The Department needs to evaluate the true effects to human life from both an adequacy and quality perspective.”

Response:

Mahanoy Creek and the Gilberton mine pool do not supply water for human consumption and are not considered potential sources of drinking water. The Pennsylvania Department of Environmental Protection water-quality objectives for the creek are based on its potential use for aquatic habitat, and the EIS assessment of potential impacts to creek water quality focuses on parameters that determine suitability for aquatic habitat, as listed in Table 3.4.1. Because humans would not consume the creek water, the potential human-health implications of sulfate in the creek are not relevant to the assessment of environmental impacts of the proposed facilities. Also see the response to comment 31-21.

Comment 31-23

“Referencing the above potential rupture and spill [comment -19], has the Department evaluated a potential spill’s impact on wetlands with regard to the 5,000 barrel a day production limit?”

Response:

As noted in EIS Section 3.5.2, there are no wetlands near the proposed site, and no natural wetlands in the valley below the proposed culm preparation and conveyance facilities. A Spill Prevention, Control, and Countermeasure Plan would be required under Federal Clean Water Act Regulations for Oil Pollution Prevention at 40 CFR Part 112, and the storage tank system would require a state permit per 25 PA Code Chapter 245. Mitigation of any impacts to offsite wetlands from product spills would be addressed in each. Information developed to meet these requirements would be relevant to the likelihood, magnitude, and extent of any spill having the potential to reach wetlands. The consequences are highly dependent on the magnitude of a spill, and no estimate of potential spill volume has been made at this time.

Comment 31-24

“Within one air mile of the proposed project lies two state parks entrusted with the protection of natural species and wildlife resources. Resource management plans for these protected, recreational areas describe vulnerable species. Has the Department evaluated any potential disruption to such species from this project?”

Response:

Yes. Locations of the state park and state forest near the project area, and species within, are given in EIS Section 3.6.1. Potential impacts of construction and operation on nearby species, including those in the state park and state forest, are addressed in EIS Section 4.1.6.1.

Comment 31-25

“At the Public Input Hearing held in Shenandoah, on January 9, 2006, the Republican & Herald, the primary local print media serving the area noted Ms. Janice Bell of the DOE stated, “We have to keep the comments to the Environmental Impact Study” Bell stressed. “That’s what’s critical to the Department of Energy.” Yet, on January 11, 2006, the same news media inferred that Ms. Bell allowed comments regarding other general construction projects in the vicinity (High Ridge on 81 Business Park) and reference to illegal alien workers to be entered into the Record of this Proceeding. While commending Ms. Bell in keeping the focus to the EIS as appropriate, the Department is urged to remove references from the January 10, 2006 Pottsville public hearing to be stricken from the record as they pertain to job creation, economic development and labor relations and not environmental impacts.”

Response:

Under the National Environmental Policy Act, the Department considers social and economic impacts of an action to be part of the environmental effects of a proposed action. See response to comment 31-2. No comments will be stricken from the public hearing record.

Comment 31-26

“Environmental Justice areas are of grave concern as to the impact on minority populations housed at the nearby Mahanoy and Frackville State Correctional Institute facilities. These inmates will be potentially exposed to even greater concentrations of pollutants than other residents due to their confinement and proximity to this proposed facility.”

Response:

EIS Sections 3.7.7 and 4.1.7.7 address the possibility of disproportionate impacts to local populations that are classified as environmental justice populations because they have a relatively high percentage of minority individuals. The EIS text acknowledges that Census Tract 7 (in which the U.S. Census Bureau includes the populations of the Mahanoy and Frackville State Correctional Institutions, although they are physically located in Census Tract 4) has a much higher minority percentage than the state of Pennsylvania, Schuylkill County, or any other census tract near the proposed facilities. Although the institution's heating, ventilation, and air conditioning system requires outside make-up air ranging from 20 to 100% (see comment 48-1), the EIS concludes that serious health impacts to this population would not be expected because air quality impacts would not be appreciable with the exception of temporary fugitive dust during construction.

Comment 31-27

“Furthermore, the poverty level of Schuylkill County’s population, which exceeds both PA and U.S. levels, does not allow for the proper financial and educational opportunities

necessary to oppose this project. This population is moreover, a high elderly community who would not necessarily gain from the job creation and purported economic benefits of these facilities.”

Response:

Section 4.1.7.7 addresses the possibility of disproportionate impacts to local "low-income" populations that are below the poverty level as defined by the U.S. Census Bureau. The EIS text acknowledges that two census tracts near the site of the proposed facilities (Census Tracts 5 and 6) have poverty rates that exceed those of both the State of Pennsylvania and the United States, and that they represent low-income populations to which the adverse impacts of constructing and operating the proposed facilities could be distributed disproportionately. The EIS concludes, however, that no serious air quality, water quality, and health impacts to these populations are expected (Sections 4.1.2, 4.1.4, and 4.1.9). Therefore, there would be no disproportionate impacts on these low-income populations.

In terms of an "elderly community," the 2000 U.S. Census data indicate that the percentages of residents aged 65 years and over in Mahanoy Township (21.0%) and Frackville Borough (25.8%) are higher than the percentages for Schuylkill County (19.9%) and Pennsylvania (15.6%). However, the data also indicate that the percentage of residents aged 65 years and over in West Mahanoy Township (12.0%) is lower than the percentages for Schuylkill County and Pennsylvania, and that the percentage in Gilberton Borough (19.5%) is similar to that of Schuylkill County. Therefore, although many of the jobs and economic benefits that would be created would go to residents of the larger east central Pennsylvania region (as opposed to residents of the immediate project area), it is not clear that this would occur as a result of the immediate project area having an unusually large "elderly community." It would more likely result from the availability of more workers in larger labor markets than the one in the immediate project area.

Comment 31-28

“The assumed transportation of the workers describes access points at Frackville in the EIS. This assumption implies that local workers would not be utilized from the immediate vicinity, but potentially from within (southern points) or outside of the county, thus minimizing or negating any potential job creation “benefits” to the immediate population.”

Response:

Section 4.1.7 assumes that because the proposed facilities would be located within a 1-hour drive of some large labor markets (i.e., Reading, Allentown, and Wilkes-Barre), most construction and operations workers already reside in the project region and would commute daily from their homes. Given that assumption, it is true that a large proportion of the benefits of employment and income would be regional rather than local.

Comment 31-29

“Increased traffic, both from worker vehicles and from supply transport needs to be factored into the overall environmental evaluation with respect to air and water quality issues.”

Response:

The EIS evaluates the potential impacts resulting from increased vehicular traffic. For example, the EIS discusses increases in atmospheric concentrations of NO_x, CO, SO₂, VOCs, and particulate matter that would result from exhaust emissions of workers' vehicles, heavy construction vehicles, diesel generators, and other machinery and tools during construction of the proposed facilities. DOE has not identified any water quality impacts associated with increased vehicular traffic.

Comment 31-30

“Rail shipment also poses potential risks to the population through increased potential for hazardous spills and releases. Previous comments above questioned the management of such an event. Also, what details regarding the quality of such rail facilities have been analyzed to ensure compliance with Rail Safety Regulations?”

Response:

The Pennsylvania Public Utility Commission's (PUC) Rail Safety Division inspects the facilities of railroad companies for compliance with PUC Railroad Regulations and Federal Railroad Administration Regulations as they relate to track, motive power and equipment, hazardous material, and operating practices (http://www.puc.state.pa.us/transport/railsafe/railsafe_index.aspx). Specifically, the Rail Safety Division enforces regulations concerning track safety standards, freight car safety standards, and operating rules promulgated by the Federal Railroad Administration (49 CFR Parts 213, 215, and 217) pursuant to an agreement under the provision of the Federal Railroad Safety Act of 1970 (45 U.S.C. §§421). Therefore, the Rail Safety Division would be responsible for working with the rail operator to ensure the safety of increased rail usage associated with the proposed facilities. Section 4.1.9.1 has been revised to incorporate information about the risk of rail accidents.

Comment 31-31

“If, as posed in the EIS, ‘fine solids or sludges fail to meet criteria for land application, the PA Department of Environmental Protection (DEP) would provide clearance.’

The EIS does not state that the Department of Environmental Protection will provide its statutory oversight and propose regulations to address this issue, instead it infers an automatic ‘special clearance.’ Why is this facility receiving ‘special’ treatment that usurps the laws governing this Commonwealth and all other industrial waste producers?”

Response:

The term “special clearance” was used in the draft EIS to refer to the Department of Environmental Protection regulatory approval that is required under Pennsylvania statutes and regulations before a residual waste may be accepted for disposal in a municipal solid waste landfill. Granting of such an approval would not be automatic. See Section 7.2 for additional information; that section has been revised to provide an expanded discussion of the requirements of Pennsylvania’s residual waste regulations.

Comment 31-32

“ ‘Solid waste and by products are expected not to be hazardous’ according to the EIS which implies that it has not been determined whether or not this will be hazardous. The Department is urged to review the solid waste process and ensure compliance with existing regulations or establish new regulations which allow for public input specific to this new ‘industry’.”

Response:

Pennsylvania Department of Environmental Protection approval would be required before slag (or other solid residues from the proposed facilities) could be used in mine reclamation (see Section 7.2). Pennsylvania Department of Environmental Protection would require comprehensive characterization data (including results of leaching tests) for the slag as a basis for its environmental evaluation under the residual waste regulations, and may require groundwater monitoring at sites where the material is approved for use (25 Pa. Code Chapter 287, Subpart H). Since WMPI has no plans to conduct pilot testing in order to generate simulated wastes for testing before the proposed facilities would begin operation, the necessary approvals could not be granted until after the facilities began operation. If at that time a facility waste were found to be hazardous or determined to be unacceptable for the management method currently planned, WMPI would need to assume any additional cost required to manage the waste. Although coal gasification has not been done commercially in this country, for more than two decades DOE has conducted and supported research on coal gasification technology and its potential environmental impacts. Information from this research was used in preparing this EIS.

Comment 31-32A

Management of liquid waste streams needs to ensure full compliance with appropriate federal regulations for treatment and disposal prior to any potential discharge (including spills, ruptures, etc.) into a watershed where human consumption is probable.

Response:

Management of liquid waste streams and the potential impacts of wastewater discharges are discussed in Sections 2.1.6.2, 4.1.4, and 4.1.8.2. The management and potential impacts of spills are discussed in Section 4.1.4.

There is no human consumption of water from Mahanoy Creek or the mine pools below Mahanoy Valley, so there would be no human consumption of water affected by discharges or spills in that watershed. The only project effluents that would be intentionally discharged into a watershed that supplies water for human consumption would be from the proposed septic system for sanitary wastewater disposal, which would discharge effluents to the groundwater aquifers that supply water users on Broad Mountain. As explained in Section 4.1.4.2, that discharge would have minimal effect on groundwater quality. Any accidental liquid releases that occur within the facility area on Broad Mountain would be in locations where containment and controls would have been provided to contain spills, limit contaminant spread and aid in cleanup. As a result, the potential for contaminants from spills to reach aquifers would be very low. For more information, see Sections 3.4 and 4.1.4.2.

Comment 31-33

“Odor impacts should be addressed through air quality regulations specific to this demonstration project and future industry.”

Response:

Odors from the proposed facilities should not be perceptible due to the technologies to be employed including the synthesis gas cleanup equipment (see Section 4.1.2.2 Operation, Scoping Concerns).

Comment 31-34

“Limited visibility issues from cooling tower evaporate on Interstate 81, already a high-risk travel corridor during storms/fog situations, will not be solved by use of ‘flashing lights’. Care must be taken to ensure all motorists will not be adversely impacted by diminished safety conditions created from this proposed demonstration project.”

Response:

See response to Comment S17-5.

Comment 31-35

“Potential explosions in oil-water separation units should mandate nitrogen gas blankets over these units through regulations. Again, the Department should review the impact and duration of such a potential event and the responding criteria described above to ensure regulations and HazMat staffing in the vicinity are all encompassing to deal with such a situation. If existing regulations are not sufficient, new ones specific to this potential project should be promulgated.”

Response:

See the response to Comment 41-62. Sect. 4.1.8.2 mentions that explosions in oil-water separation units could be minimized by the use of nitrogen blankets, which DOE anticipates would be used in the facility. The identification and analysis of hazards and the subsequent identification and analysis of accidents are the subject of the Risk Management Plan, which has not yet been prepared by WMPI. The plan would include the necessary procedures and controls to be used to minimize the potential for adverse consequences from plant operations. Once this plan has been prepared, it would be reviewed and approved by the EPA for compliance with 40 CFR 68. Revised Section 4.1.9.1 provides a discussion of the Risk Management Plan that would be used to develop process controls to reduce the risks and consequences of accidents at the proposed facility.

Comment 31-36

“Catastrophic incident evaluations should include the Federal Homeland Security requirements for vulnerability assessments to evaluate potential impacts upon a terrorist attack.”

Response:

The Risk Management Plan, which is to be prepared, identifies all potential hazards to and from plant operations. Engineering and administrative controls are identified to mitigate potential hazards and accidents. Terrorist attacks and other vulnerabilities are considered in the identification and analysis of hazards. Section 4.1.9.4 has been added to the EIS to discuss the impacts of intentional destructive acts.

Comment 31-37

“Data to support the 10,000 and 100,000 year events should be independently verified by the Department.”

Response:

Sect. 4.1.9.1 has been revised. The revised section does not reference the probabilities of 10,000 and 100,000 year events.

Comment 31-38

“Noise: This section of the EIS notes the nearest residence is located at 3,600 feet southeast of the proposed plant. In addition, the Department should consider the weighted cumulative values of all these issues noted above as it would impact on this residence.”

Response:

Potential effects of noise are described in EIS Section 4.1.10. Potential cumulative impacts to air, water, and socioeconomic resources near the proposed project are discussed in EIS Section 6. Because noise attenuates rapidly with distance, cumulative effects of noise associated with the proposed project and other sources of noise in the area are not anticipated.

Comment 31-39

“More to the point, on January 19, 2006, Secretary McGinty presided over a PA EDGE Background Briefing (attached) that describes regulatory incentives offered to this project not approved by the PA Legislature or federal government regulations for priority permitting, temporary restrictions on meeting air quality compliance, and other issues of blatant violation of the agency’s ‘independent’ oversight.”

Response:

The comment has been noted.

Comment 31-40

“For these above stated reasons, the Department is implored to reject funding of this project and is obligated to enact your authority to ensure Pennsylvania’s environment and citizens are protected.”

“The Department is called upon to adopt the position of No Action and No cost-sharing for these facilities.”

Response:

The comment has been noted.

Poor Quality

**Registered Attendance at Public Hearings for the
Draft Environmental Impact Statement (EIS)
Gilberton Coal to Clean Fuels and Power Project**

Shenandoah, PA -- January 9, 2006

Pottsville, PA -- January 10, 2006

Do you wish to be placed on the mailing list for the final EIS and Record of Decision? Yes No

NAME	Address
<i>Shawn A. ...</i>	<i>459 Roosevelt Ave</i>
<i>... Resident</i>	<i>PO Box 64</i>
<i>... 773-7561</i>	<i>MAHANOX CITY PA 17948</i>
<i>I HAVE 2 QUESTIONS:</i>	
<i>1. What kind of cooling tanks are being used (for ...)</i>	
<i>2. What is the alternate plan when the water runs out what then will be use to cool the plant?</i>	

32-1

32-2

Pagnotti, Sharon A. (32)

Comment 32-1

“What kind of cooling tanks are being used for the 7 million gals of water?”

Response:

The cooling water system is described in EIS Section 2.1.5.2.

Comment 32-2

“What is the alternative plan when the water runs out, what then will be use to cool the plant?”

Response:

The Gilberton mine pool could supply sufficient water to meet facility needs without adverse environmental effects, except possibly during drought periods. If this water source was unable to supply the full water requirements of the proposed facility, an alternative water source could be developed or the facility could be shut down temporarily. Possible alternative water sources include other mine pools or a public water supply system. See the discussion of this topic in Section 4.1.4.1.

February 6, 2006

Ms. Janice Bell
NEPA Document Manager
National Energy Technology Laboratory
U.S. Dept. of Energy
P.O. Box 10940
Pittsburgh, PA. 15236

Dear Ms. Bell,

Thank you for sending me a copy of the EIS for the Gilberton Coal-to-Clean Fuels and Power Project. After reviewing the EIS and also attending the Shenandoah public meeting, I have several concerns for which I hope you will respond.

1. Health Issues

- Having 3 co-generation plants nearby which already emit pollutants , have the **CUMULATIVE** effects of these smoke-stack plants along with the proposed coal-to-oil plant been considered? I would like to be informed of the total combined pollutants and their consequences . } 33-1
- Have the health issues of the region since the co-gens emerged on this area been researched? If so, what are the projections for yet another smoke-stack plant? Have local doctors, school nurses, hospitals been queried as to the increase/decrease of respiratory conditions, learning disabilities and/or cancer-related incidences? What are the findings? } 33-2
- What measures have been put in place should there be a health/safety emergency relating to nearby residents and prisoners?.... We have two SCIs within a few miles of this project as well as schools. Can our Emergency Management team handle an emergency involving a potential evacuation? } 33-3
- Will "inversion" in this area intensify the effects of the hazardous pollutants? Who will monitor the site? For how long? What consequence will the company receive if it is not in compliance? Will it receive an insignificant fine? } 33-4
- What can be expected as far as emission odor is concerned? } 33-5
- What is the potential for an explosion? Again, can our EMA handle an emergency of this nature? } 33-6
- What will the noise level be? During operation? } 33-7
- Why is the air quality monitor located in Shenandoah when the prevailing wind is from West to East? Why was the monitoring station for air quality removed from SCI Mahanoy } 33-8

which is east of the co-gen? What did the data from the monitor reveal? Will it be reinstated at that site? 33-8

2. Water

- As a homeowner with a shallow well, what impact will withdrawing 7 million gallons per day have on my well? Since water seeks its own level, I feel that the water table will significantly drop with that type of withdrawal. 33-9
- Who will monitor my well for possible contaminants related to this project? Who will provide clean water should my well become contaminated? Who will incur the expense of remediation? 33-10
- Who will monitor the water at the plant? Test for contaminants? 33-11

3. Traffic

- Many trucks will enter and exit the facility daily. This will cause an unsafe situation for residents exiting and entering their driveways as well as school buses picking up students. The Morea Road is already heavily traveled due to the prison traffic. Additional daily traffic of hundreds of vehicles will impact traffic safety. This will especially be a concern when traffic is detoured from I-81 whenever there is an accident between the Mahanoy City and Frackville exits. State Police can give you statistics as to the frequency of occurrences. 33-12
- The continuous emissions from this plant may contribute to increased "fog" situations making an already bad situation on I-81 even more hazardous. This may create a back-up along the Morea Road during re-routing of traffic. 33-13

I urge you to exercise caution in considering the total impact a plant of this nature will have on everyone, not just for the immediate future, but quite possibly, for generations. Remember, all taxpayers will be funding this project, if approved. Those who may be most directly affected with detrimental side-effects should have their fears allayed with researched facts. Otherwise, this project should be considered for a remote alternative site where it will not create a public health hazard.

Thank you in advance for addressing my concerns regarding the proposed coal-to-oil facility for our area.

Sincerely,

Janet Shaker

Shaker, Janet (33)

Comment 33-1

“Having 3 co-generation plants nearby which already emit pollutants, have the cumulative effects of these smoke-stack plants along with the proposed coal-to-oil plant been considered. I would like to be informed of the total combined pollutants and their consequences.”

Response:

Cumulative effects are discussed in EIS Section 4.1.2.2 and 6.

Comment 33-2

“Have the health issues of the region since the co-gens emerged on this area been researched? If so, what are the projections for yet another smoke-stack plant? Have local doctors, school nurses, hospitals been queried as to the increase/decrease respiratory conditions, learning disabilities and/or cancer-related incidences? What are the findings?”

Response:

The potential effects of the proposed project on human health are discussed in Section 4.1.9. The DOE did not conduct an independent study of health effects of existing plants.

Comment 33-3

“What measures have been put in place should there be a health/safety emergency relating to nearby residents and prisoners?...We have two SCIs within a few miles of this project as well as schools. Can our Emergency Management team handle an emergency involving a potential evacuation?”

Response:

See response to comment S2-5. While no credible emergencies have been identified at this time that would require the rapid emergency evacuation of the prison, this type of event could be identified in the preparation of the Risk Management Plan and the Emergency Response Program, as described in the revised Section 4.1.9.1. Should the need for rapid evacuation of the prison be identified in the Risk Management Plan, the necessary procedures and safeguards would be developed to protect public health and safety in accordance with 40 CFR 68. Revised Section 4.1.7.5 notes that the Schuylkill County Emergency Management Agency (SCEMA) would be responsible for evacuating nearby residents, if necessary. SCEMA, in conjunction with the Pennsylvania Emergency Management Agency, is in the process of developing a hazard mitigation plan for Schuylkill County.

Comment 33-4

Will “inversion” in this area intensify the effects of the hazardous pollutants? Who will monitor the site? For how long? What consequence will the company receive if it is not in compliance? Will it receive an insignificant fine?

Response:

The Pennsylvania Department of Environmental Protection has recently installed a PM-10 monitor at the Mahanoy State Correctional Institution adjacent to the proposed facilities to measure ambient PM-10 concentrations. In addition, high-volume particulate samplers to measure ambient concentrations of metals (i.e., arsenic, cadmium, chrome, nickel, and lead) and total suspended particles have recently been installed by the Pennsylvania Department of Environmental Protection at the Mahanoy State Correctional Institution, the Mahanoy City Sewage Treatment Plant, and the Frackville State Correctional Institution. All samplers began running on the same day (May 9, 2006) on a 6-day cycle (i.e., operating for one 24-hour period every sixth day). Potential effects of the proposed facilities on air quality are discussed in EIS Section 4.1.2.2. Inversions are included in the full range of 54 potential meteorological conditions used in the air dispersion modeling.

Compliance with the terms of the air quality permit would be addressed by the Pennsylvania Department of Environmental Protection.

Comment 33-5

“What can be expected as far as emission odor is concerned?”

Response:

Odors from the proposed facilities should not be perceptible due to the technologies to be employed including the synthesis gas cleanup equipment (see Section 4.1.2.2 Operation, Scoping Concerns).

Comment 33-6

“What is the potential for an explosion? Again, can our EMA handle an emergency of this nature?”

Response:

The potential risks and consequences of accidents at the proposed project are discussed in EIS Section 4.1.9.1. Also, see response to comment S2-5.

Comment 33-7

“What will the noise level be? During operation?”

Response:

Noise levels decrease with distance from the source. There are no noise sources anticipated at the proposed facility which could produce hearing loss 2,600 feet away. Therefore, the concern is one of annoyance. The proposed project site’s highest sound level measurement was documented at 55 dB(A) in March 2003. For comparison, 55 dB(A) is the approximate level of a quiet subdivision during daylight hours. This level is also given by the EPA as a guideline upper limit with an adequate margin of safety for protection from activity interference and annoyance during the daytime in outdoor locations “in which quiet is a basis for use.” No perceptible change in noise associated with the proposed facilities would be expected at either the Mahanoy State Correctional Institution (2600 feet to the west) or the nearest residence, located 3,600 ft southeast of the proposed main plant, or other offsite locations (Section 4.1.10).

Comment 33-8

“Why is the air quality monitor located in Shenandoah when the prevailing wind is from West to East? Why was the monitoring station for air quality removed from SCI Mahanoy, which is east of the co-gen? What did the data from that monitor reveal? Will it be reinstalled at that site?”

Response:

See response to comment 33-4.

Comment 33-9

“As a homeowner with a shallow well, what impact will withdrawing 7 million gallons per day have on my well? Since water seeks its own level, I feel that the water table will significantly drop with that type of withdrawal.”

Response:

Withdrawal of groundwater from the Gilberton mine pool would not affect the elevation of the water table in aquifers that supply local water-supply wells. The aquifers that supply water to local water-supply wells, such as the wells on Broad Mountain, receive recharge from precipitation that falls on upland areas near the wells. Groundwater moves from the uplands toward the valleys, and withdrawal of water from valley mine pools does not affect water levels in the upland aquifers. See Sections 3.4.2 and 4.1.4.2 for additional information.

Comment 33-10

“Who will monitor my well for possible contaminants related to this project? Who will provide clean water should my well become contaminated? Who will incur the expense of remediation?”

Response:

The analysis in this EIS has not identified any potential water-quality impacts to water-supply wells as a result of constructing or operating the proposed facilities, so the proposed project would not create a need to monitor private wells for contamination or to remedy contamination affecting private wells.

Comment 33-11

“Who will monitor the water at the plant? Test for contaminants?”

Response:

A Water Quality Management Part II permit, issued by the Pennsylvania Department of Environmental Protection (DEP) would be needed for construction of the wastewater treatment facilities for the proposed project (Section 7.1). Under Pennsylvania environmental regulations, the owner-operator of the facilities would be responsible for monitoring. The PA DEP has the authority to inspect the monitoring sites and procedures.

Comment 33-12

“Many trucks will enter and exit the facility daily. This will cause an unsafe situation for residents exiting and entering their driveways as well as school buses picking up students.

The Morea Road is already heavily traveled due to the prison traffic. Additionally daily traffic of hundreds of vehicles will impact traffic safety. This will especially be a concern when traffic is detoured from I-81 whenever there is an accident between the Mahanoy City and Frackville exits. State Police can give you statistics as to the frequency of occurrences.”

Response:

Section 4.1.7.8 concludes that increased traffic associated with project construction would likely cause traffic congestion and have an impact on traffic flow and safety during morning and afternoon commutes. Further, the analysis concludes that although the impacts of operations-related traffic would be less severe than those of construction-related traffic, they would last longer. For these reasons, WMPI personnel have committed to contacting the Pennsylvania Department of Transportation to discuss potential mitigation options to improve traffic flow and safety, including signaling, road widening, and scheduling work hours and/or deliveries to avoid periods of heavy traffic.

Comment 33-13

“The continuous emissions from this plant may contribute to increased fog situations making an already bad situation on I-81 even more hazardous. This may create a back-up along the Morea Road during re-routing of traffic.”

Response:

See response to comment S17-5.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

February 8, 2006

Ms. Janice Bell
National Environmental Policy Act Document Manager
U.S. Department of Energy
National Energy Technology Laboratory
626 Cochrans Mill Road
P.O. Box 10940
Pittsburgh, PA 15236-0940

RE: Draft Environmental Impact Statement (DEIS) for the Gilberton Coal-to-Clean Fuels and Power Project. CEQ # 20050511

Dear Ms. Bell;

In accordance with the National Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the draft Environmental Impact Statement (DEIS) for the above referenced project. The DEIS was prepared to meet the requirements of NEPA and assesses the potential environmental impacts that would result from a proposed Department of Energy (DOE) action to provide cost-shared funding for the construction and operation of a facility near Gilberton Pennsylvania. The facility would produce electricity, steam and liquid fuels from anthracite coal waste (culm). The project was selected by DOE under the Clean Coal Power Initiative to demonstrate the integration of coal waste gasification and Fischer-Tropsch synthesis of liquid hydrocarbon fuels at a commercial scale.

This project has the potential to result in a significant overall benefit for the environment by advancing clean reliable electricity by converting waste coal into a useable energy and to reduce our dependency on foreign energy sources. EPA encourages these demonstration projects with the hope that they will provide innovative solutions for the country's energy demands and we commend the Lead Agency and the applicant for pursuing this technology. We look forward to working closely with the applicant and the Lead Agency in addressing our concerns as noted below.

The EPA has rated this alternative as Environmental Concerns and Insufficient information (EC-2) as described in our guidelines that can be found at: <http://www.epa.gov/compliance/nepa/comments/ratings.html>. Please refer to the detailed comments that are attached for further explanation of our concerns. Thank you for the opportunity to comment on this DEIS. Please contact Jamie Davis at (215) 814-5569 if you have any questions regarding our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "William Arguto".

William Arguto
NEPA Team Leader

EPA Supporting Detailed Comments
Gilberton Coal-to-Clean Fuels and Power Project. CEQ # 20050511

Alternatives

EPA realizes that the purpose of this project is for the Department of Energy (DOE) to fund a demonstration project. And that this limited involvement constrains the range of alternative that the EIS considered (page 1-3 and 2-18). However, the document states on page xviii; "Other alternatives to the proposed action have been examined and found to not be reasonable alternatives to NEPA." The document should at least briefly outline these alternatives and their reasons for not being considered further.

34-1

Traffic

The DEIS states that WMPI is committed to "contacting" PennDot to improve roadways in the area to handle the increased traffic volume both during construction and after (page 4-27.) This is an issue that needs to be addressed before construction should begin. What efforts have been made in reaching a commitment from PennDot for road improvements? What is their timeline for the improvements?

34-2

Operation/Lifespan

The DEIS states on page xviii that; "Demonstration (including performance testing and monitoring) would be conducted over a three year period. If the demonstration is successful, commercial operation would follow immediately." What if the demonstration is not successful? What additional steps might need to occur to bring success?

34-3

If this facility is demonstrated to be successful how will that effect the operation of the other Gilberton facility overtime?

34-4

Additionally, the document states that the designed lifespan of this facility is 26 years. How does this compare to the lifespan of other power plants? What is the general lifespan of a power plant? What are the plans for this facility after the 26 year?

34-5

Environmental Justice

The main concern identified in this document is related to the cumulative impacts of the various emissions associated with this facility. There seems to be some uncertainty surrounding the amounts and types of emissions that will be associated with the facility processes as well as emissions from other nearby power utilities. For example, there is considerable uncertainty related to the amounts of ozone that will be generated as a result of the operation. Since the nearest ozone monitors are 35 miles away, existing ozone concentrations in the area are uncertain, and the magnitude of the degradation to ozone can not be quantified. This is a significant gap in our understanding of the potential adverse effects that could reasonably be associated with the operation. The lack of this information could lead to an underestimation of the risk associated with the production of ozone. There needs to be additional investigation and assessment activities conducted in order to assure that the emissions and by products will not pose a significant threat. Additionally, since there are a variety of chemicals associated with the operation of this facility, the cumulative effects of those substances upon human receptors should be taken into account. There is the potential for human receptors to be exposed to multiple chemicals as a result of this operation, and those potential risks should be examined carefully. Since there are multiple chemicals and multiple sources of exposure, the question of cumulative

34-6

34-7

risk is appropriate for consideration. Are there areas where these chemicals may occur at levels that would pose a threat to human health? } 34-7

The question of fugitive dusts associated with construction activities may need further investigation. There is reason for concern in light of the significant increase in truck traffic and other dust generating activities that are associated with construction. There needs to be further study as to the potential for exposure of human receptors to fugitive dusts during construction. } 34-8

The document needs to focus more attention on the potential for impacts to occur in specific locations around the study area that may magnify impacts in a given locality. For example, does modeling tell us where particulate from the stacks will fall? Will it fall in a community near the site or in some area more distant from the operation? } 34-9

Greater emphasis needs to be placed on the public outreach and community involvement efforts associated with informing the public about the project. There needs to be more detail as to the specific efforts to engage and involve the at-risk populations in the vicinity of this operation. } 34-10

In light of the public health data that has been presented, it is imperative that all steps are taken to insure the protection of this population from potentially harmful emissions and exposures that may cause undue risk. These data show public health outcomes in Schuylkill County that exceed state-wide benchmarks. This data is indicative of the health trends in the area, and may be an indicator pointing to other sensitivities and/or vulnerabilities. } 34-11

Additional maps and information characterizing the various communities around the site would be helpful. There is a need for the reviewer to have a more comprehensive view of the study area, and the communities that may be impacted by this operation. It would also help to provide greater perspective as to the localization and nature of potential adverse impacts. } 34-12
} 34-13

General Comments

The proposed project has implied that approximately 1000 acres of land would be reclaimed after culm removal. A description of the proposed reclamation process should be included in the EIS. } 34-14

Portions of the Mahanoy Creek have been altered due to past mining and culm pile storage practices. It is suggested that creek be restored to a natural condition as part of the land reclamation process. } 34-15

The proposed Clean Coal Power Initiative (CCPI) project would use a Claus Sulfur Recovery unit as part of its H₂S emission controls. As means to improve reliability of the recovery unit, it is suggested that the Claus unit be designed as a dual train system. } 34-16

The construction of the CCPI project would require a NPDES permit for the land disturbance activities } 34-17

The DEIS should investigate the impact of a reduction in flow due to increased water consumption from the CCPI and what impact it would have on the Mahanoy Creek Total Daily Maximum Load analysis. } 34-18

The DEIS air emission estimates should be consistent with the estimates included with Pre-construction permit (March 2005) submitted to Pennsylvania Department of Environmental Protection under the New Source Review. } 34-19

Process wastewater/stormwater discharge to the tailing pond should be covered by an NPDES permit due to the direct hydrologic link to the Gilberton Mine Pool pumping station. } 34-20

Arguto, William; U.S. EPA Region III (34)

Comment 34-1

“EPA realizes that the purpose of this project is for the Department of Energy (DOE) to fund a demonstration project. And that this limited involvement constrains the range of alternative that the EIS considered (page 1-3 and 2-18). However, the document states on page xviii, “Other alternatives to the proposed action have been examined and found to not be reasonable alternatives to NEPA.” The document should at least briefly outline these alternatives and their reasons for not being considered further.”

Response:

Discussion of the alternatives that were considered but dismissed from full consideration is provided in Sections 1.6 and 2.2.2.

Comment 34-2

“The DEIS states that WMPI is committed to “contacting” the PennDot to improve roadways in the area to handle the increased traffic volume both during construction and after (page 4-27.) This is an issue that needs to be addressed before construction should begin. What efforts have been made in reach a commitment from PennDot for road improvements? What is their timeline for the improvements?”

Response:

The Pennsylvania Department of Transportation was contacted to discuss fogging concerns on Interstate 81 (Dennis Toomey, District Traffic and Operations Engineer, Pennsylvania Department of Transportation, personal communication to Robert Miller, ORNL, May 11 and May 16, 2006). However, the Pennsylvania Department of Transportation has not yet been contacted to discuss improving roadways in the area to handle the increased traffic volume during construction and afterward. This contact is planned to be made prior to construction of the proposed facilities.

Comment 34-3

“The DEIS states on page xviii that; “Demonstration (including performance testing and monitoring) would be conducted over a three year period. If the demonstration is successful, commercial operation would follow immediately.” What if the demonstration is not successful? What additional steps might need to occur to bring success?”

Response:

Section 5 provides a discussion of the potential consequences if the demonstration was not successful. DOE cannot speculate on the steps needed to ensure a successful demonstration.

Comment 34-4

“If this facility is demonstrated to be successful how will that affect the operation of the other Gilberton facility over time?”

Response:

Operations of the existing Gilberton Power Plant are not expected to change.

Comment 34-5

“Additionally, the document states that the designed lifespan for this facility is 26 years. How does this compare to the lifespan of other power plants? What is the general lifespan of a power plant? What are the plans for this facility after the 26th year?”

Response:

Analyses in the EIS have been revised to reflect a facility life span of 50 years.

Comment 34-6

“The main concern identified in this document is related to the cumulative impacts of the various emissions associated with this facility. There seems to be some uncertainty surrounding the amounts and types of emissions that will be associated with the facility processes as well as emissions from other nearby power utilities. For example, there is considerable uncertainty related to the amounts of ozone that will be generated as a result of the operation. Since the nearest ozone monitors are 35 miles away, existing ozone concentrations in the area are uncertain, and the magnitude of the degradation to ozone can not be quantified. This is a significant gap in our understanding of the potential adverse effects that could reasonably be associated with the operation. The lack of this information could lead to an underestimation of the risk associated with the production of ozone. There needs to be additional investigation and assessment activities conducted in order to assure that the emissions and by products will not pose a significant threat.”

Response:

The EIS air quality analysis has been augmented to include an air dispersion modeling evaluation of the potential cumulative impacts resulting from the simultaneous operation of the proposed facilities with existing power plants located within approximately 20 miles of the proposed facilities. Other existing emissions have been incorporated by adding background concentrations from air monitoring data to the cumulative ambient concentrations predicted for the power plants. The results of this analysis have been added to Section 6. Regarding ozone emissions, see the response to comment 16-2.

Comment 34-7

“Additionally, since there are a variety of chemicals associated with the operation of this facility, the cumulative effects of those substances upon human receptors should be taken into account. There is the potential for human receptors to be exposed to multiple chemicals as a result of this operation, and those potential risks should be examined carefully. Since there are multiple chemicals and multiple sources of exposure, the question of cumulative risk is appropriate for consideration. Are there areas where these chemicals may occur at levels that would pose a threat to human health?”

Response:

The cumulative effects of air emissions (including hazardous air pollutants) from the proposed facilities and other sources of air pollutants are analyzed in Section 6. A high percentage of hazardous air pollutants and trace elements in the synthesis gas of the proposed facilities would be removed (Section 4.1.2.2). As noted in Section 6, the cumulative impacts of the predicted emissions of mercury, beryllium, and arsenic would pose no threat to human

health in the area. Cumulative emissions of SO₂, NO₂, CO, and PM-10 would still be no greater than 42% of their respective National Ambient Air Quality Standards (Table 6.1).

Comment 34-8

“The question of fugitive dusts associated with construction activities may need further investigation. There is reason for concern in light of the significant increase in truck traffic and other dust generating activities that are associated with construction. There needs to be further study as to the potential for exposure of human receptors to fugitive dusts during construction.”

Response:

See response to comment P1-3. Section 4.1.2.1 has been revised.

Comment 34-9

“The document needs to focus more attention on the potential for impacts to occur in specific locations around the study area that may magnify impacts in a given locality. For example, dose modeling tells us where particulate from the stacks will fall? Will it fall in a community near the site or in some area more distant from the operation?”

Response:

The model described in EIS Section 4.1.2.2 predicted PM-10 concentrations at over 30,000 locations along or outside of the WMPI project boundaries at a spacing of 650 feet and at distances of up to 12 miles from the main plant area. Maximum concentrations were predicted to occur at the top of Locust Mountain, an undeveloped forested area slightly over 3 miles north of the main plant area and immediately northeast of Shenandoah. Concentrations at other locations would be less. Concentrations of particulates were predicted to be lower than their significant impact levels at all modeled locations. Cumulative impacts of the proposed project and other projects in the area are discussed in EIS Sections 4.1.2.2 and 6.

Comment 34-10

“Greater emphasis needs to be placed on the public outreach and community involvement efforts associated with informing the public about the project. There needs to be more detail as to the specific efforts to emerge and involve the at-risk populations in the vicinity of this operation.”

Response:

See response to comments S2-1 and S2-2.

Comment 34-11

“In light of the public health data that has been presented, it is imperative that all steps are taken to insure the protection of this population from potentially harmful emissions and exposures that may cause undue risk. These data show public health outcomes in

Schuylkill County that exceed state-wide benchmarks. This data is indicative of the health trends in the area, and may be an indicator pointing to other sensitivities and/or vulnerabilities.”

Response:

In this EIS DOE has explored the potential environmental impacts of the proposed facilities, including potential impacts to human health, to the extent possible. Pollution prevention and mitigation measures have been included in the proposed project, as outlined in Section 4.2.

Comments 34-12 and 34-13

“Additional maps and information characterizing the various communities around the site would be helpful. There is a need for the review to have a more comprehensive view of the study area, and the communities that may be impacted by the operation. It would also help to provide greater perspective as to the localization and nature of potential adverse impacts.”

Response:

Published socioeconomic information about the local communities is rare; we have included in revised Sections 3.7 and 3.9 the information that is available and pertinent to the analyses. Potential impacts to local communities are described in revised Section 4.1.9 and 4.1.10.

Comment 34-14

“The proposed project has implied that approximately 1000 acres of land would be reclaimed after culm removal. A description of the proposed reclamation process should be included in the EIS.”

Response:

Reclamation procedures are expected to be similar to those used in the reclamation currently north of the project by Waste Management and Processors, Inc. (formerly B & D Mining Company), under Pennsylvania Department of Environmental Protection license 54850202. Reclamation activities would be required to be conducted in accordance with requirements of the Pennsylvania Department of Environmental Protection, as described further in Section 7.2.

Comment 34-15

“Portions of the Mahanoy Creek have been altered due to past mining and culm pile storage practices. It is suggested that the creek be restored to a natural condition as part of the land reclamation process.”

Response:

DOE does not have the authority to specify details of remediation measures, so the proposed restoration of the Mahanoy Creek channel is not within the scope of this EIS. Note that any proposal to use solid residues from the proposed project in restoring the creek would be subject to review and approval by the Pennsylvania Department of Environmental

Protection, which would need to determine whether stream water quality could be harmed by placing residues in or near the water.

Comment 34-16

“The proposed Clean Coal Power Initiative (CCPI) project would use Claus Sulfur Recovery unit as part of its H₂S emission controls. As means to improve reliability of the recovery unit, it is suggested that the Claus unit be designed as a dual train system.”

Response:

Your suggestion has been noted. The detailed design has not been completed at this time.

Comment 34-17

“The construction of the CCPI project would require a NPDES permit for the land disturbance activities.”

Response:

Section 7.2 has been revised to include discussion of stormwater permitting requirements applicable to land-clearing activities and construction.

Comment 34-18

“The DEIS should investigate the impact of a reduction in flow due to increased water consumption from the CCPI and what impact it would have on the Mahanoy Creek Total Daily Maximum Load analysis.”

Response:

Potential impacts of project water consumption on Mahanoy Creek water quality, including implications for total maximum daily load, are discussed in Section 4.1.4.1.

Comment 34-19

“The DEIS air emission estimates should be consistent with the estimates included with pre-construction permit (March 2005) submitted to Pennsylvania Department of Environmental Protection under the New Source Review.”

Response:

Information from the permit was used in the EIS.

Comment 34-20

“Process wastewater/storm water discharge to the tailing pond should be covered by an NPDES permit due to the direct hydrologic link to the Gilberton Mine Pool pumping station.”

Response:

Discharges to the tailings pond would require an NPDES permit. See Sections 4.1.4.1 and 7.2 for additional information.

Mail Message

N

Close Next Forward Reply to Sender Reply All Move Delete Read Later Properties Print View

From: "Sue Sturgis" <suesturgis@mindspring.com>
To: Janice Bell
Date: Tuesday - February 7, 2006 4:47 PM
Subject: Comments on WMPI Coal-to-Oil Draft EIS
Mime.822 (9723 bytes) [View] [Save As]

2111-1/2 Brewer St.
Raleigh, N.C. 27608
Feb. 7, 2006

Janice Bell
National Energy Technology Laboratory
P.O. Box 10940
MS 58/247A
Pittsburgh, Pa. 15236

(Sent via e-mail to jbell@netl.doe.gov)

Dear Ms. Bell:

I write regarding the Draft Environmental Impact Statement for the WMPI coal-to-oil operation planned near Gilberton, Pa. I live in North Carolina but am a native of Schuylkill County with family living in the local communities of Shenandoah, Minersville, Hometown and Tamaqua. I'm also a reporter who has long been concerned about the enormous amount of toxic pollution being emitted into the area's environment, and I recently launched a Web site to document the problem at www.hometownhazards.com.

Because the WMPI will significantly increase the already-enormous toxic burden borne by Schuylkill County residents, I urge the U.S. Department of Energy not only to withhold funding for the project but to do whatever it can to keep the facility from being constructed.

35-1

The WMPI operation will dump pollution to the air from six emissions stacks and from storage tanks, which reportedly are expected to leak more than a ton of volatile diesel and naphtha each year. The state Department of Environmental Protection is permitting the operation to annually dump 100 tons -- 200,000 pounds -- of the criteria air pollutants sulfur dioxide, nitrogen oxides, carbon monoxide and fine particulate matter into the atmosphere. The DEP would also allow the facility to release 100,000 pounds of volatile organic compounds and 200,000 pounds of ammonia. Furthermore, the plant is expected to emit annually more than 30 pounds of highly toxic and bioaccumulating mercury.

The DEIS notes that the "air permit for the proposed facilities establishes maximum allowable limits for total facility emissions of less than 10 tons for any single hazardous air pollutant and less than 25 tons altogether for any combination of hazardous air pollutants during any consecutive 12-month rolling period." Less than 10 tons? Does the DOE somehow think it's comforting to area residents to know the facility is allowed to release up to 20,000 pounds of a poison such as benzene in a given year?

The toxic emissions coming out of the WMPI operation would join those already being released by numerous other industrial facilities throughout the county. For example, the nearby Gilberton Power Co. -- a waste-coal-burning power plant operated by WMPI partner John W. Rich, Jr. -- reported releasing to the air in 2003 alone 153,410 pounds of hydrochloric acid, 22 pounds of barium compounds, 10 pounds of manganese, 4 pounds each of lead and zinc compounds and 3 pounds of chromium compounds, according to the facility's latest Toxic Release Inventory. In nearby Shenandoah, the St. Nicholas Cogeneration plant in 2003 reported emitting 4,795 pounds of zinc fumes/dust, 500 pounds each of manganese and barium, 255 pounds of chromium, 20 pounds of lead, and 10 pounds each of arsenic, copper and nickel.

35-2

In nearby Frackville, the Wheelabrator waste-coal plant in 2003 reported dumping to the air 55,262 pounds of hydrochloric acid, 8 pounds of barium, 2 pounds of manganese, and 1 pound each of arsenic, chromium, copper, lead, nickel and vanadium. To the west in Tremont, the WPS Westwood waste-coal plant in 2003 reported releasing 4,500 pounds of sulfuric acid, 3,400 pounds of hydrochloric acid, 264 pounds of vanadium, 112 pounds of zinc, 97 pounds of manganese, 74 pounds of barium, 72 pounds of chromium, 53 pounds of lead, 41 pounds of copper, 36

https://gwweb.netl.doe.gov/servlet/webacc?action=Item.Read&User.context=n12ls4Og3mrd... 2/7/2006

pounds each of mercury and nickel, and 33 pounds of hydrogen fluoride. (That marked a big decline from Wheelabrator's previous year's releases of 11,000 pounds of hydrochloric acid, 9,802 pounds of chromium, 5,500 pounds of hydrogen fluoride, 4,700 pounds of sulfuric acid, 3,014 pounds of barium, 1,302 pounds of manganese, 834 pounds of vanadium, 251 pounds each of copper and zinc, and 147.9 pounds of lead.) Further east near Hometown, the Northeastern Power waste-coal-fired plant in 2003 released to the air 81,203 pounds of hydrochloric acid, 16,062 pounds of hydrogen fluoride, 509 pounds of barium, 119 pounds of manganese, 92 pounds of lead, and 1 pound of mercury.

And waste-coal-burning power plants are not the only facilities polluting Schuylkill County's air, according to 2003 TRI data. Alcoa Extrusions in Cressona released to the air 84,079 pounds of hydrochloric acid, 50 pounds of chromium, 46 pounds of lead, 40 pounds of manganese and 17 pounds of copper. Tredegar Film Products in Marlin -- 29,094 pounds of ozone. Air Products near Hometown -- 5,352 pounds of hydrogen fluoride, 4,655 pounds of dichloromethane, 3,059 pounds of chloroethane, 1,000 pounds of ammonia, 500 pounds of hydrochloric acid, 255 pounds of acetonitrile, and 5 pounds each of boron trichloride and fluorine. Silbertine Manufacturing in Hometown -- 4,323 pounds of 1,2,4-trimethylbenzene and 500 pounds of aluminum. GHM Inc. in Orwigsburg -- 6,204 pounds of styrene. Schuylkill Products in Cressona -- 250 pounds each of chromium, manganese and nickel and 9 pounds of lead. Goulds Pumps in Ashland -- 671 pounds of copper, 136 pounds of chromium, 63 pounds of manganese and 12 pounds of nickel.

35-2

For 2003 alone, that's a total of 462,360 pounds of toxic chemicals dumped to Schuylkill County's air. Among these chemicals are a number of recognized carcinogens, neurotoxins, and reproductive and developmental poisons.

What's the total cumulative impact of these releases on human health year after year? How do all these chemicals interact with each other in the human body? What would be the impact of adding the releases from a highly polluting coal-to-oil operation?

Furthermore, how do these air emissions interact with toxic exposures from other sources of pollution, such as Superfund toxic waste sites? Schuylkill County has one Superfund site currently on the National Priorities List -- Eastern Diversified Metals in Hometown, where contaminants of concern include polyvinyl chloride, PCBs, dioxin and lead. The county also has two Superfund sites that have been deleted from the NPL -- Metropolitan Mirror and Glass in Frackville, where contaminants include silver solutions, paint strippers and thinners, and solvents; and McAdoo Associates in Hometown, where more than 6,000 barrels of numerous toxic chemicals (including beryllium from a DOE contractor) were dumped into an old coal mine.

35-3

Health studies of those sites conducted by the federal Agency for Toxic Substances and Disease Registry downplayed the possibility of human exposure, but area residents were in fact exposed to contaminants from the Eastern Diversified site through massive fires that burned there on occasion from the late 1960s through the late 1970s -- blazes that sent massive clouds of dioxin-tainted black smoke billowing over the area. One of the fires burned for two weeks. And Hometown-area residents and local leaders are currently pursuing studies to determine whether contamination from the McAdoo Associates site may have migrated into area wells and the Tamaqua municipal water supply. Hometown lies downwind of the waste-coal plants as well as the proposed coal-to-oil plant. If people in that area are indeed drinking and bathing in contaminated water, how would they be affected by additional air pollution above and beyond the enormous amount they're already exposed to?

35-4

Has a decision been made by regulators to concentrate filthy industry in this area? If so, residents should be informed about it -- and compensated.

35-5

I also ask that the DOE consider whether the state can properly regulate the WMPI operation. When one visits the WMPI project Web site at www.ultracleanfuels.com, the state of Pennsylvania is listed as a project participant. How can the state both participate in promoting and objectively regulate a polluting industrial operation? It seems to be a fundamental conflict of interest.

35-6

Thank you for considering my concerns. If you have any questions, please do not hesitate to contact me.

Sincerely,
Sue Sturgis

Sturgis, Sue (35)

Comment 35-1

“Because the WMPI will significantly increase the already enormous toxic burden borne by Schuylkill County residents, I urge the U. S. Department of Energy not only to withhold funding for the project but to do whatever it can to keep the facility from being constructed.”

Response:

The comment has been noted. See also the response to comment 35-2 and discussion of the no-action alternative in Section 4.3.

Comment 35-2, 35-3, and 35-4

“The WMPI operation will dump pollution to the air from six emission stacks from storage tanks, which reportedly are expected to leak more than a ton of volatile diesel and naphtha each year. The state Department of Environmental Protection is permitting the operation to annually dump 100 tons – 200,000 pounds – of the criteria air pollutants sulfur dioxide, nitrogen oxides, carbon monoxides and fine particulate matter into the atmosphere. The DEP would also allow the facility to release 100,000 pounds of volatile organic compounds and 200,000 pounds of ammonia. Furthermore, the plant is expected to emit annually more than 30 pounds of highly toxic and bioaccumulating mercury.

The DEIS notes that the “air permit for the proposed facilities established maximum allowable limits for total facility emissions of less than 10 tons for any single hazardous air pollutants and less than 25 tons altogether for any combination of hazardous air pollutants during any consecutive 12-month rolling period.” Less than 10 tons? Does the DOE somehow think its comforting to area residents to know the facility is allowed to release up to 20,000 pounds of a poison such as benzene in a given year?

The toxic emissions coming out of the WMPI operation would join those already being released by numerous other industrial facilities throughout the county. For example, the nearby Gilberton Power Co.—a waste-coal burning power plant operated by WMPI partner John W. Rich, Jr.—reported releasing to the air in 2003 alone 153, 410 pounds of hydrochloric acid, 22 pounds of barium compounds, 10 pounds of manganese, 4 pounds of lead and zinc compounds and 3 pounds of chromium compounds, according to the facility’s latest Toxic Release Inventory. In nearby Shenandoah, the St. Nicholas Cogeneration plant in 2003 reported emitting 4,795 pounds of zinc fumes/dust, 500 pounds each of manganese and barium, 255 pounds of chromium, 20 pounds of lead, and 10 pounds each of arsenic, copper and nickel.

In nearby Frackville, the Wheelabrator waste-coal plant in 2003 reported dumping to the air 55,262 pounds of hydrochloric acid, 8 pounds of barium, 2 pounds of manganese, and 1 pound each of arsenic, chromium, copper, lead, nickel and vanadium. To the west in Tremont, the WPS Westwood waste-coal plant in 2003 reported releasing 4,500 pounds of sulfuric acid, 3,400 pounds of hydrochloric acid, 264 pounds of vanadium, 112 pounds of zinc, 97 pounds of manganese, 74 pounds of chromium, 53 pounds of lead, 41 pounds of copper, 36 pounds each of mercury and nickel and 33 pounds of hydrogen fluoride. (That marked a big decline from Wheelabrator’s previous year’s releases of 11,000 pounds of hydrochloric acid, 9,802 pounds of chromium, 5,500 pounds of hydrogen fluoride, 4,700 pounds of sulfuric acid, 3,014 pounds of barium, 1,302 pounds of manganese, 834 pounds of

vanadium, 251 pounds each of copper and zinc, and 147.9 pounds of lead.) Further east near Hometown, the Northeastern Power waste-coal fired plant in 2003 released to the air 81,203 pounds of hydrochloric acid, 16,062 pounds of hydrogen fluoride, 509 pounds of barium, 119 pounds of manganese, 92 pounds of lead, and 1 pound of mercury.

And waste-coal burning power plants are not the only facilities polluting Schuylkill County's air, according to 2003 TRI data. Alcoa Extrusions in Cressona released to the air 84,079 pounds of hydrochloric acid, 50 pounds of chromium, 46 pounds of lead, 40 pounds of manganese and 17 pounds of copper. Tredegar Film Products in Martin – 29,094 pounds of ozone. Air Products near Hometown – 5,352 pounds of hydrogen fluoride, 4655 pounds of dichloromethane, 3,059 pounds of chloromethane, 1,000 pounds of ammonia, 500 pounds of hydrochloric acid, 255 pounds of acetonitrile, and 5 pounds of boron trichloride and fluorine. Silberline Manufacturing in Hometown—4,323 pounds of 1,2,4-trimethylbenzene and 500 pounds of aluminum. GHM Inc., in Orwigsburg – 6,204 pounds of styrene. Schuylkill Products in Cressona – 250 pounds each of chromium, manganese and nickel and 9 pounds of lead. Goulds Pumps in Ashland – 671 pounds of copper, 136 pounds of chromium, 63 pounds of manganese and 12 pounds of nickel.

For 2003 alone, that's a total of 462,360 pounds of toxic chemicals dumped to Schuylkill County's air. Among these chemicals are a number of recognized carcinogens, neurotoxins, and reproductive and developmental poisons.

What's the total cumulative impact of these releases on human health year after year? How do these chemicals interact with each other in the human body? What would be the impact of adding the releases from a highly polluting coal-to-oil operation?"

Furthermore, how do these air emissions interact with toxic exposures from other sources of pollution, such as Superfund toxic waste sites? Schuylkill County has one Superfund site currently on the National Priorities List – Eastern Diversified Metals in Hometown, where contaminants of concern include polyvinyl chloride, PCBs, dioxin and lead. The county also has two Superfund sites that have been deleted from NPL – Metropolitan Mirror and Glass in Frackville, where contaminants include silver solutions, paint strippers and thinners, and solvents; and McAdoo Associates in Hometown, where more than 6,000 barrels of numerous toxic chemicals (including beryllium from a DOE contractor) were dumped into an old coal mine."

Health studies of those sites conducted by the federal Agency for Toxic Substances and Disease Registry downplayed the possibility of human exposure, but area residents were in fact exposed to contaminants from the Eastern Diversified site through massive fires that burned there on occasion from the late 1960s through the Late 1970s – blazes that sent massive clouds of dioxin-tainted black smoke billowing over the area. One of the fires burned for two weeks. And Hometown-area residents and local leaders are currently pursuing studies to determine whether contamination from the McAdoo Associates site may have migrated into area wells and the Tamaqua municipal water supply. Hometown lies downwind of the waste-coal plants as well as the proposed coal-to-oil plant. If people in that area are indeed drinking and bathing in contaminated water, how would they be affected by additional air pollution above and beyond the enormous amount they're already exposed to?"

Response:

Sections 4.1.9.1 and 6 have been revised to include assessments of air quality impacts and human health impacts from the addition of the new operation singly and in combination

with six other facilities in the area. Also, a brief discussion and example of a mixed source exposure (air, water, skin) to benzene has been included in section 4.1.9.1. Table 4.1.3 presents estimates of all cause mortality due to the combined pollutants from six surrounding facilities and the proposed coal-to-oil project, and Table 4.1.4 presents estimates of selected morbidity effects due to the combined particulate matter from six surrounding facilities and the proposed coal-to-oil project.

Comment 35-5

“Has a decision been made by regulators to concentrate filthy industry in this area? If so, residents should be informed about it – and compensated.”

Response:

DOE has no information about regulators' decisions to locate industries. Mining and power companies typically have focused their activities in the area partly because of the availability and abundance of coal in the region.

Comment 35-6

“I also ask that the DOE consider whether the state can properly regulate the WMPI operation. When one visits the WMPI project Web site at www.ultraclenfuels.com, the state of Pennsylvania is listed as project participant. How can the state both participate in promoting and objectively regulate a polluting industrial operation? It seems to be a fundamental conflict of interest.”

Response:

The Commonwealth of Pennsylvania involvement is two-fold: in providing tax credits and in the form of a commitment from Pennsylvania's Department of Transportation to purchase the diesel fuel produced at the plant. The Commonwealth has an independent obligation to oversee environmental compliance in Pennsylvania under the auspices of the Pennsylvania Department of Environmental Protection (DEP). As a regulatory agency, the DEP is not conflicted.



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904



February 8, 2006

ER 05/1039

Ms. Janice L. Bell
NEPA Document Manager
National Energy Technology Laboratory
P.O. Box 10940, MS 58/247A
Pittsburgh, Pennsylvania 15236

Dear Ms. Bell:

Please disregard my letter to you of January 11, 2006 and carefully consider the following Department of the Interior comments on the Draft Environmental Impact Statement (DEIS) for the Gilberton Coal-to-Clean Fuels and Power Project, Schuylkill County, Pennsylvania.

General Comments

The Department of the Interior, Office of Surface Mining is very encouraged by the proposed project. We believe that the proposal is an opportunity to provide significant environmental benefits by reclaiming abandoned anthracite waste created prior to the passage of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by using coal mining waste to generate electricity and diesel fuel. Pennsylvania has a long history of mining. Areas adversely affected by anthracite waste disposal are numerous, extensive and pose a variety of environmental problems. This project would be a cost effective means of eliminating the problems and restoring mining-impacted land to productive use.

36-1

Specific Comments

The proposed project would result in two kinds of impacts – those associated with the construction and long-term operation of the plant site, and those associated with the mining and transport of this anthracite waste to the plant. We recommend that the Final Environmental Impact State more adequately identify environmental impacts from mining and transport of mine waste.

36-2

While it may not be possible to predict the exact location of refuse sites, the site specific effects of refuse removal operations on communities and environmental resources should be considered. Many large refuse sites in the anthracite region are directly adjacent to or surrounded by existing homes and businesses, which are likely to be directly affected by site development, construction/mining activities, and final reclamation. We propose a general approach to this issue by expanding the discussion of the regulatory controls under the Pennsylvania mining program (25 Pa Code, Chapters 86 & 88) that are intended to minimize these adverse effects.

36-3

Associated with the transport of waste to the plant, the DEIS states that 40 truck loads per day are anticipated. The FEIS should discuss the long-term impacts of waste transport on road systems and people along the transportation corridor.

36-4

On page 3.30 within paragraph 1, there is a statement, "Culm processing and site reclamation operations under that permit are inspected monthly by the agency." We assume that DEIS is referring to the Pennsylvania mining regulatory program and the performance standards for culm bank removal and reclamation (Subchapter C & G of 25 PA Code Chapter 88). If so, reference to the aforementioned regulations should be inserted in the FEIS.

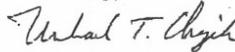
36-5

On page 4.19 within paragraph 6, there is a typographic error in reference to the regulatory citation. It should be 25 Pa Code 88.181-243.

36-6

Thank you for the opportunity to provide comments. For questions or discussion about these comments, please contact David Hartos, Office of Surface Mining, Pittsburgh, Pennsylvania, telephone (412) 937-2909.

Sincerely,



Michael T. Chezik
Regional Environmental Officer

cc:

D. Hartos, OSM, Pittsburgh, PA

Chezik, Michael T.; Department of the Interior, Office of Surface Mining (36)

Comment 36-1

“The Department of the Interior, Office of Surface Mining is very encouraged by the proposed project. We believe that the proposal is an opportunity to provide significant environmental benefits by reclaiming abandoned anthracite waste created prior to the passage of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) by using coal mining waste to generate electricity and diesel fuel. Pennsylvania has a long history of mining. Areas adversely affected by anthracite waste disposal are numerous, extensive and pose a variety of environmental problems. This project would be a cost effective means of eliminating the problems and restoring mining-impacted land to productive use.”

Response:

Office of Surface Mining support for the Gilberton coal-to-clean fuels project as a means to restore mine-impacted land has been noted.

Comment 36-2

“The proposed project would result in two kinds of impacts – those associated with the construction and long-term operation of the plant site, and those associated with the mining and transport of this anthracite waste to the plant. We recommend that the Final Environmental Impact State more adequately identify environmental impacts from mining and transport of mine waste.”

Response:

DOE has revised Sections 4.1.7.8 and 4.1.8.2 to include expanded discussion of the potential environmental impacts of culm acquisition and transport for operation of the proposed facilities.

Comment 36-3

“While it may not be possible to predict the exact location of refuse sites, the site specific effects of refuse removal operations on communities and environmental resources should be considered. Many large refuse sites in the anthracite region are directly adjacent to or surrounded by existing homes and businesses, which are likely to be directly affected by site development, construction/mining activities, and final reclamation. We propose a general approach to this issue by expanding the discussion of the regulatory controls under the Pennsylvania mining program (25 Pa Code, Chapters 86 & 88) that are intended to minimize these adverse effects.”

Response:

DOE has expanded the discussion of the regulatory controls under the Pennsylvania mining program in Section 7.2. Mining and mine reclamation activities associated with the proposed facilities would require permits or approvals from the Pennsylvania Department of Environmental Protection under regulations that administer the regulatory program of the federal Surface Mining Control and Reclamation Act and implement related state statutes. The principal applicable state regulations are found at 25 Pa. Code Chapter 86 (Surface and Underground Coal Mining: General) and Chapter 88 (Anthracite Coal). Under the regulations, mining activity is not

permitted within 300 ft of an occupied dwelling or within 100 ft of a stream or the right-of-way of a public road. Mining, mine reclamation, and associated hauling activities are subject to minimum environmental protection performance standards, including requirements for fugitive dust and air pollution controls, protection of surface and groundwater quantity and quality, erosion and sedimentation control, dam safety, protection of public parks and historic places, and protection of fish and wildlife. Haul roads also must be designed and maintained to prevent damage to public or private property. Common use roads used for mining activity must be maintained in a stable and safe condition throughout the duration of activity. Sites must be restored to a condition that is capable of supporting the same uses the sites were capable of supporting before they were mined. Chemical and physical analyses, leach testing, and other evaluations would be required for materials to be used in reclamation, reclamation plans would include specifications for densities and other parameters, and testing and monitoring would be required. Detailed standards for revegetation would apply to all reclaimed areas. If coal were to be obtained from refuse material on an abandoned mining property, the Pennsylvania Department of Environmental Protection could waive the permit requirement and sign a government-financed construction contract allowing the acquisition of coal in exchange for land reclamation and abatement of mine drainage. Procedures and requirements for government-financed construction contracts are contained in Pennsylvania Department of Environmental Protection Technical Guidance Document 563-2000-001, "Government-Financed Construction Contracts." Although no formal permit is issued for these contracts, contracts must meet regulatory criteria and they require public notice, Pennsylvania Department of Environmental Protection technical review and approval, performance bonding, and monthly inspections.

Comment 36-4

"Associated with the transport of waste to the plant, the DEIS states that 40 truck loads per day are anticipated. The FEIS should discuss the long-term impacts of waste transport on road systems and people along the transportation corridor."

Response:

We have revised Section 4.1.7.8 to address the impacts of waste transport on road systems along the transportation corridor. We have added a recommendation that WMPI personnel work with the Pennsylvania Department of Transportation to provide mitigation for the project's impacts on local road maintenance and repair.

Comment 36-5

"On page 3.30 within paragraph 1, there is a statement, "Culm processing and site reclamation operations under that permit are inspected monthly by the agency." We assume that DEIS is referring to the Pennsylvania mining regulatory program and the performance standards for culm bank removal and reclamation (Subchapter C & G of 25 PA Code Chapter 88). If so, reference to the aforementioned regulations should be inserted in the FEIS."

Response:

Pennsylvania Department of Environmental Protection coal surface mining permit 54850202, which authorizes an existing operation in the Mahanoy Valley, is issued under regulations at 25 Pa. Code Chapter 86 (Surface and Underground Coal Mining: General) and Chapter 88 (Anthracite Coal). These regulations are identified in Section 7.2. Section 3.8 has been revised to correctly describe the permit as a "coal surface mining" permit, rather than a "refuse reprocessing" permit.

Comment 36-6

“On page 4.19 within paragraph 6, there is a typographic error in reference to the regulatory citation. It should be 25 Pa Code 88.181-243.”

Response:

Thank you for providing the correction. The citation has been corrected in the EIS.

FEB 08, 2006 03:24P

5704621121

page 1

NAME J. Bell M/S 5E-247A

UNITED STATES DEPARTMENT OF ENERGY
NATIONAL ENERGY TECHNOLOGY LABORATORY
PO BOX 10940
PITTSBURGH PA 15236-0940

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

Ms. Janice L. Bell
NEPA Document Manager
National Energy Technology Laboratory
U.S. Department of Energy
MS 58-247A
P.O. Box 10940
Pittsburgh, PA 15236

February 8, 2006

Dear Ms. Janice L. Bell:

I would like you to enter the following two (2) pages of a newspaper article story on the D.E.P..

This evidence shows that the D.E.P. can not be trusted and that their is no testing of the air in this area.

Question?

Is this going to be looked at and investigated?] 27 1

Respectfully submitted;

John M. Gera
John M. Gera
200 South Spencer Street
Frackville, Pa. 17931
(570) 462 - 1121

WEATHER

DETAILS ON PAGE 2

Today:

Tonight:

High: 50 Low: 35

REPUBLICAN & Herald



Annette Wancha Frackville
our valued subscrib



a Pulitzer Prize Winner

Vol. CCLXIII - No. 100 Copyright © 2006 Pottsville Republican, Inc.

www.schuylkill.com

POTTSVILLE, PA.

SATURDAY, FEBRUARY 4, 2006

7-DAY HOME DELIVERY \$3.00 / NEWSSTAND 50¢

Proposed plant opponent: DEP removed monitor

State board grants Frackville man extension for air permit appeal

BY SHAWN A. HESSINGER
Famulus Bureau Chief
shahessinger@republika.com

SHENANDOAH — A Frackville man appealing an air quality permit granted for a proposed Gilberton coal-to-oil plant says the state has tampered with evidence in his case.

John Gera, an opponent of a new refinery proposed by Waste Management and Processors Inc., says the Pennsylvania Department of Environmental Protection recently removed one of two air monitors that might have proved his assertions.

"It's our DEP. It's part of the problem," said Gera. A DEP spokesman, while declining to comment specifically on the appeal, said the Mahanoy City Sewage Treatment Plant, had not worked for years and was removed.

"At times we will deploy them for a few days or a year," said Mark R. Carmon, DEP Northeast Region Office spokesman.

He said the air particulate monitor in Mahanoy City was deployed at least 10 years ago when red dust emissions from the region's co-generation power plants caused local alarm.

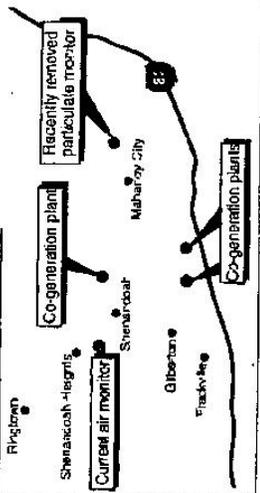
"It had not been working for quite some time and we needed it somewhere else," Carmon added.

Gera had hoped data from the monitor would help show the state's Environmental Hearing Board that the amount of emissions already in the air locally were created by at least seven of the local plants.

The board has granted Gera an extension on his appeal, pushing the hearing date well past the deadline.

Please see MONITOR/Page 4

Air quality questioned



LAURA E. MACKSER/ORA

Proposed plant opponent: DEP removed monitor

"We'll deal with it in the hearing," Carmon said.

However, Donna M. Heron, spokeswoman for the U.S. Environmental Protection Agency mid-Atlantic Region office in Philadelphia, said lack of constant air monitoring for emissions from industry is unusual in the state.

Currently, she said, most industrial emissions, even of harmful chemicals, are monitored only through reporting by the companies in the state permitting process or to the federal Toxic Release Inventory.

EPA and DEP also engage in periodic surprise inspections, Heron said.

said it was after he filed his April appeal and is suspicious of the department's motives.

Gera said the only remaining air monitor, located near the Shenandoah Valley School District stadium, is upwind of the three nearest plants and of little use in monitoring them.

"It doesn't take a genius to see there's no way that monitor could be picking up anything from those plants," Gera said.

Carmon said the monitor in question only samples carbon monoxide and sulfur dioxide from the plants' combustion operations in any case and collects no data on other contaminants. He refused to comment on Gera's assertions on its positioning.

John W. Rich III, president of Waste Management and Processors Inc., has insisted environmentalists are overstating the contaminants potentially produced by the process by listing upper permit limits in the company's environmental impact statement which will likely not be reached.

Rich has also said that substances like vaporized Mercury, 4,000 tons per year of sulfur and 1,540 tons of slag will not be released into the atmosphere or landfills as claimed on the site but captured during the process and re-merged.

Although Carmon could not be specific about when the Mahanoy City air monitor was removed, Gera

However, environmentalists say the plant could also produce up to 99.9 tons each of sulfur dioxide, nitrogen oxides, carbon monoxide and fine particulate matter including up to 15 tons of sulfuric acid mist annually.

A Web site targeting the Gilberton proposal says the plant could also generate 500 pounds of Mercury annually in various waste streams and 38 pounds of vaporized Mercury into the air annually. The site also claims the plant would generate 49.9 tons of volatile organic compounds, 100 tons of ammonia and unlimited amounts of carbon dioxide, a material environmentalists say contributes to global warming.

The Gilberton plant would use the carbon in waste coal, or culm, to produce a fuel stream of hydrogen and carbon monoxide to create paraffin wax to be converted into zero sulfur diesel fuel.

Supporters say the process would also strip away other solid wastes and vaporize contaminants like sulfur and mercury. Byproduct would be burned to power the self-sufficient plant or reintroduced into the process.

Gera, John M. (37)

Comment 37

“I would like to enter the following two (2) pages of a newspaper article story on D.E.P. This evidence shows that the D.E.P. can not be trusted and that there is no testing of the air in this area. Is this going to be looked at and investigated?”

Response:

Issues regarding the Pennsylvania Department of Environmental Protection performance are not within the scope of the DEIS. Comment noted.

Feb. 8, 2006

Ms. Janice Bell
NEPA Document Manager
National Energy Technology Lab
US-DOE
626 Cochrans Mill Road
P. O. Box 10940
Pittsburgh, PA 15236-0940

Via e-mail to Janice.bell@netl.doe.gov

Dear Ms. Bell:

Please accept the following comments regarding the Draft EIS for the Gilberton Coal-to-Clean Fuels and Power Project.

1. The decision by the U. S. Department of Energy (DOE) to limit the analyses of alternatives to two options (to fund or not fund the project) improperly limits the range of alternatives that could be considered and thereby violates the National Environmental Policy Act and its requirements to consider a range of alternatives. CEQ regulations for implementing NEPA require that a lead agency "Include reasonable alternatives not within the jurisdiction of the lead agency." (40 CFR Part 1502.14 (c)). I recommend that a Supplemental Draft EIS be prepared and circulated for public comment in order to consider alternatives that more closely address issues of public concern and that would produce a less-impacting alternative that meets project needs. The failure to consider other reasonable alternatives means that the statements on page 1-5 (that "This DEIS has been prepared in compliance with NEPA for use by DOE decision makers ..." and that "DOE's policy is to comply fully with the letter and spirit of NEPA...") are incorrect and are misleading to both the public and to DOE decision makers.

38-1

2. The summary of air impacts (page 2-20) fails to adequately analyze global warming impacts. This is an issue that was identified during scoping as being significant, yet no serious attempt to estimate the emissions of this versus other alternatives is presented. The cursory statement that emissions would be large, "but small in comparison to global totals", is condescending and completely misses the point. Because coal is a relatively inefficient fuel and releases large amounts of fossil carbon dioxide, further development of coal facilities that do not include carbon dioxide sequestration will produce a disproportionate impact on global warming. A Supplemental DEIS is needed to fully address the issues (such as global warming) raised during scoping.

38-2

3. Several reasonable alternatives appear to have been dismissed without even a minimal evaluation by DOE. There does not appear to be any justification in the CCPI project guidelines for the failure to consider alternative sites. Alternative sites would alleviate concerns regarding environmental justice issues. The excuse that the project developer did not consider these alternative sites to be viable does not alleviate the need for DOE to conduct an independent assessment of whether environmental justice concerns are addressed. The carte blanche acceptance of the developer's proposed site without a

38-3

serious “hard look” at alternative sites means that DOE has abdicated its responsibility to assure environmental justice issues are addressed. } 38-3

Likewise the failure to consider alternative sizes for the project means that the DEIS is fatally flawed. There does not appear to be any specific minimum size requirement that must be met to achieve the goal of demonstrating a commercially viable project. Thus the conclusion that a smaller project would not meet CCPI goals is arbitrary and not based on any discernible objective fact, and appears to be solely a failure of DOE to take a hard look at alternatives. } 38-4

4. The conclusion that greenhouse gas emissions would be “small in comparison to global totals” (page 4-11) does not provide adequate analysis of the potential impact. An increase of 0.003 % of global emissions is significant, particularly given the need to reduce, rather than stimulate increases in, emissions. By cavalierly dismissing this increase as “small”, the DEIS infers that this is the same as “not significant” without any factual analysis of the statement, and thereby misinforms decision makers and the public. Particularly if the project is successful in stimulating further commercial development of coal conversion facilities, the cumulative impact is likely to be much greater than is presented here. A supplemental DEIS is needed that provides a factual basis for the inference that the impacts of these emissions, and any cumulative emissions that this project would reasonably stimulate from similar new facilities, would be “small”. } 38-5

5. I disagree with the Action alternative of providing funding as currently described. Reasonable alternatives that would lessen air pollution impacts, minimize adverse effects to local communities, and would still meet CCPI program goals are reasonable and need to be evaluated, as these seem likely to inevitably produce fewer significant adverse impacts than the current proposal. } 38-6

Sincerely

James Kotcon
414 Tyrone Avery Road
Morgantown, WV 26508

Kotcon, James (38)

Comment 38-1

“The decision by the U. S. Department of Energy (DOE) to limit the analyses of alternatives to two options (to fund or not fund the project) improperly limits the range of alternatives that could be considered and thereby violates the National Environmental Policy Act and its requirements to consider a range of alternatives. CEQ regulations for implementing NEPA require that a lead agency “Include reasonable alternatives not within the jurisdiction of the lead agency.” (40 CFR Part 1502.14 (c)). I recommend that a Supplemental Draft EIS be prepared and circulated for public comment in order to consider alternatives that more closely address issues of public concern and that would produce a less-impacting alternative that meets project needs. The failure to consider other reasonable alternatives means that the statements on page 1-5 (that “This DEIS has been prepared in compliance with NEPA for use by DOE decision makers ...” and that “DOE’s policy is to comply fully with the letter and spirit of NEPA...”) are incorrect and are misleading to both the public and to DOE decision makers.”

Response:

Regarding the range of alternatives, see the response to comment S10-9. DOE issued a Supplement to the Draft Environmental Impact Statement (DOE/EIS-0357D-S1) to solicit public comments on changes related to CO₂ emissions (see response to Comment 38-2), but not to consider a greater range of alternatives. As provided in 40 CFR 1503.1, individuals and agencies may submit comments on the final EIS, and DOE will consider any such comments to the extent practicable.

Comment 38-2

“The summary of air impacts (page 2-20) fails to adequately analyze global warming impacts. This is an issue that was identified during scoping as being significant, yet no serious attempt to estimate the emissions of this versus other alternatives is presented. The cursory statement that emissions would be large, “but small in comparison to global totals”, is condescending and completely misses the point. Because coal is a relatively inefficient fuel and releases large amounts of fossil carbon dioxide, further development of coal facilities that do not include carbon dioxide sequestration will produce a disproportionate impact on global warming. A Supplemental DEIS is needed to fully address the issues (such as global warming) raised during scoping.”

Response: The relative comparison to global emissions noted by the commenter was not intended to convey a judgment about the significance of potential impacts. Because it is not possible to quantify the impacts on global climate change resulting from the proposed project (for example, meaningfully estimate potential incremental increase in global temperature resulting from the proposed action), DOE sought in the draft EIS to provide a perspective.

In response to this comment, DOE has revised EIS Section 5.1.4 to present estimates of CO₂ emissions only in absolute terms, and has eliminated similar relative comparisons throughout the EIS. EIS Section 4.1.2.2 also has been revised to reflect new information on carbon sequestration and CO₂ emissions and to correct an error in the estimated rate of CO₂ emissions reported in the Draft EIS.

Further, DOE has revised Section 6.1 to analyze potential cumulative impacts that may result if the project is successful in stimulating development of the technologies proposed to be demonstrated.

DOE issued a Supplement to the Draft Environmental Impact Statement (DOE/EIS-0357D-S1) to solicit public comments on these changes. Comments on the Supplement are included in Appendix F.

Comment 38-3

“Several reasonable alternatives appear to have been dismissed without even a minimal evaluation by DOE. There does not appear to be any justification in the CCPI project guidelines for the failure to consider alternative sites. Alternative sites would alleviate concerns regarding environmental justice issues. The excuse that the project developer did not consider these alternative sites to be viable does not alleviate the need for DOE to conduct an independent assessment of whether environmental justice concerns are addressed. The carte blanche acceptance of the developer’s proposed site without a serious “hard look” at alternative sites means that DOE has abdicated its responsibility to assure environmental justice issues are addressed.”

Response:

See response to comment S10-9.

Comment 38-4

“Likewise the failure to consider alternative sizes for the project means that the DEIS is fatally flawed. There does not appear to be any specific minimum size requirement that must be met to achieve the goal of demonstrating a commercially viable project. Thus the conclusion that a smaller project would not meet CCPI goals is arbitrary and not based on any discernible objective fact, and appears to be solely a failure of DOE to take a hard look at alternatives.”

Response:

See response to comment S10-9.

Comment 38-5

“The conclusion that greenhouse gas emissions would be “small in comparison to global totals” (page 4-11) does not provide adequate analysis of the potential impact. An increase of 0.003 % of global emissions is significant, particularly given the need to reduce, rather than stimulate increases in, emissions. By cavalierly dismissing this increase as “small”, the DEIS infers that this is the same as “not significant” without any factual analysis of the statement, and thereby misinforms decision makers and the public. Particularly if the project is successful in stimulating further commercial development of coal conversion facilities, the cumulative impact is likely to be much greater than is presented here. A supplemental DEIS is needed that provides a factual basis for the inference that the impacts of these emissions, and any cumulative emissions that this project would reasonably stimulate from similar new facilities, would be “small”.”

Response: The relative comparison to global emissions noted by the commenter was not intended to convey a judgment about the significance of potential impacts. Because it is not possible to quantify the impacts on global climate change resulting from the proposed project (for example, meaningfully estimate potential incremental increase in global temperature resulting from the proposed action), DOE sought in the draft EIS to provide a perspective.

In response to this comment, DOE has revised EIS Section 5.1.4 to present estimates of CO₂ emissions only in absolute terms, and has eliminated similar relative comparisons throughout the EIS. EIS Section 4.1.2.2 also has been revised to reflect new information on carbon sequestration and CO₂ emissions and to correct an error in the estimated rate of CO₂ emissions reported in the Draft EIS.

Further, as suggested by the commenter, DOE has revised Section 6.1 to analyze potential cumulative impacts that may result if the project is successful in stimulating development of the technologies proposed to be demonstrated.

DOE issued a Supplement to the Draft Environmental Impact Statement (DOE/EIS-0357D-S1) to solicit public comments on these changes. Comments on the Supplement will be considered before issuing a Record of Decision.

Comment 38-6

“I disagree with the Action alternative of providing funding as currently described. Reasonable alternatives that would lessen air pollution impacts, minimize adverse effects to local communities, and would still meet CCPI program goals are reasonable and need to be evaluated, as these seem likely to inevitably produce fewer significant adverse impacts than the current proposal.”

Response:

The comments have been noted.

WMPI

Subject: FW: coal to oil EIS comment
From: "Miller, Robert L." <millerrl@ornl.gov>
To: "McCold, Lance Neil" <mccoldln@ornl.gov>

-----Original Message-----

From: Janice Bell [mailto:Janice.Bell@NETL.DOE.GOV]
Sent: Friday, February 10, 2006 10:36 AM
To: Miller, Robert L.
Subject: Fwd: coal to oil EIS comment

X-MIMEOLE: Produced By Microsoft Exchange V6.5
Received: by ORNLEXCHANGE.ornl.gov
id <01C62D28.26D3E300@ORNLEXCHANGE.ornl.gov>; Wed, 8 Feb 2006 22:23:10 -0500
MIME-Version: 1.0
Content-Type: text/plain;
charset="Windows-1252"
Content-class: urn:content-classes:message
Subject: coal to oil EIS comment
Date: Wed, 8 Feb 2006 22:22:48 -0500
Message-ID: <583EA0EA-991B-11DA-8526-000393C24E5A@ptd.net>
X-MS-Has-Attach:
X-MS-TNEF-Correlator:
From: "slu" <sluland@ptd.net>
To: <jbell@netl.doe.gov>

We are residents of Morea, Pa., in Mahanoy Township and will be directly impacted by the proposed coal-to-oil gasification plant and the pollution it will generate. According to the DOE's Environmental Impact Statement, the air pollution generated will include significant amounts of CO2, which will be released freely into the air. CO2 is known to contribute to global warming and the DOE should not fund an energy project that does not address the CO2 problem. Instead, DOE should seek to fund projects that are designed to capture and sequester the CO2 generated.

The passage below is cited from the following DOE website:
<http://www.fossil.energy.gov/programs/powersystems/futuregen/>

- >
- > The initiative is a response to President Bush's directive to draw
- > upon the best scientific research to address the issue of global
- > climate change. The production of hydrogen will support the
- > President's call to create a hydrogen economy and fuel pollution free
- > vehicles; and the use of coal will help ensure America's energy
- > security by developing technologies that utilize a plentiful domestic
- > resource.
- >
- > The prototype plant will establish the technical and economic
- > feasibility of producing electricity and hydrogen from coal (the
- > lowest cost and most abundant domestic energy resource), while
- > capturing and sequestering the carbon dioxide generated in the
- > process. The initiative will be a government/industry partnership to
- > pursue an innovative 'showcase' project focused on the design,
- > construction and operation of a technically cutting-edge power plant
- > that is intended to eliminate environmental concerns associated with
- > coal utilization. This will be a 'living prototype' with future
- > technology innovations incorporated into the design as needed.
- >
- > The project will employ coal gasification technology integrated with
- > combined cycle electricity generation and the sequestration of carbon
- > dioxide emissions. The project will be supported by the ongoing coal

39-1

WMPI

Page 2 of 2

- > research program, which will also be the principal source of
- > technology for the prototype. The project will require 10 years to
- > complete and will be led by an industrial consortium representing the
- > coal and power industries, with the project results being shared among
- > all participants, and industry as a whole.

39-1

Taxpayers' revenue should be spent to invest in cutting edge, zero emissions energy technology like that described on DOE's own website--NOT an ultra-dirty project like the proposed gasification plant.

Sincerely,
Edward & Helen Sluzis
206 Roosevelt Drive
Mahanoy City PA 17948

Sluzis, Edward & Helen (39)

Comment 39-1

“We are residents of Morea, Pa., in Mahanoy Township and will be directly impacted by the proposed coal-to-oil gasification plant and the pollution it will generate. According to the DOE’s Environmental Impact Statement, the air pollution generated will include significant amounts of CO₂, which will be released freely into the air. CO₂ is known to contribute to global warming and the DOE should not fund an energy project that does not address the CO₂ problem. Instead, DOE should seek to fund projects that are designed to capture and sequester the CO₂ generated.

The passage below is cited from the following DOE website:
<http://www.fossil.energy.gov/programs/powersystems/futuregen/>

The initiative is a response to President Bush's directive to draw upon the best scientific research to address the issue of global climate change. The production of hydrogen will support the President's call to create a hydrogen economy and fuel pollution free vehicles; and the use of coal will help ensure America's energy security by developing technologies that utilize a plentiful domestic resource.

The prototype plant will establish the technical and economic feasibility of producing electricity and hydrogen from coal (the lowest cost and most abundant domestic energy resource), while capturing and sequestering the carbon dioxide generated in the process. The initiative will be a government/industry partnership to pursue an innovative 'showcase' project focused on the design, construction and operation of a technically cutting-edge power plant that is intended to eliminate environmental concerns associated with coal utilization. This will be a 'living prototype' with future technology innovations incorporated into the design as needed.

The project will employ coal gasification technology integrated with combined cycle electricity generation and the sequestration of carbon dioxide emissions. The project will be supported by the ongoing coal research program, which will also be the principal source of technology for the prototype. The project will require 10 years to complete and will be led by an industrial consortium representing the coal and power industries, with the project results being shared among all participants, and industry as a whole.

Taxpayers’ revenue should be spent to invest in cutting edge, zero emissions energy technology like that described on DOE's own website--NOT an ultra-dirty project like the proposed gasification plant.”

Response:

The comment has been noted. See also the response to comment 38-2.



MID-ATLANTIC ENVIRONMENTAL LAW CENTER

Defending the Mid-Atlantic

At Widener University School of Law
4601 Concord Pike, P.O. Box 7474, Wilmington, DE 19803-0474
302-477-2167/Fax: 302-477-2032/www.maelc.org

February 8, 2006

Janice Bell
NEPA Document Manager
U.S. Department of Energy
National Energy Technology Laboratory
626 Cochrans Mill Road
P.O. Box 10940
Pittsburgh, PA 15236-0940.

**RE: DOE/EIS-0357
COMMENTS TO THE DRAFT EIS FOR THE GILBERTON
COAL-TO-CLEAN-FUELS AND POWER PROJECT**

Dear Ms. Bell:

These comments are submitted on behalf of the Mid-Atlantic Environmental Law Center (MAELC), based in Wilmington, DE, in response to the Draft Environmental Impact Statement (DEIS) prepared by the Department of Energy (DOE). The Mid-Atlantic Environmental Law Center is a non-profit corporation with a mission to restore and protect the environment by providing legal services to help solve environmental challenges in the Mid-Atlantic United States. The Center aims to ensure that environmental requirements are met, and that legislation and regulations are adequately implemented by the responsible federal, state and local agencies.

I. Introduction:

The National Environmental Policy Act (42 U.S.C. §4321 et seq) and its regulations (40 C.F.R. §1508.18) require that whenever a major project involving federal funding is undertaken with the potential to have a significant adverse impact on the

environment, an Environmental Impact Statement, and a Draft EIS, be developed to ensure that alternatives to that impact are explored.

The DOE's proposed action would provide funding of about \$100 million for a heavy industrial project under the DOE's Clean Coals technology program to be built in Mahanoy and West Mahanoy Townships, Schuylkill County, Pennsylvania. The proposed project by WMPI will bring an oil refinery to a community already exposed to a considerable amount of environmental degradation. The overall environmental footprint of this facility is very large. The Center takes the position that this is an overburdened community where public health and the environment should not be placed at further risk by the introduction of significant quantities of new pollution. The Center also questions whether the impacts of this facility have been properly characterized in the DEIS. The Center urges the Department to require major revisions and extensions of the DEIS process.

II. The Facility:

The Project entails the construction and operation of a coal waste gasification plant and Fischer-Troph liquefaction plant as well as a combined-cycle combustion turbine and numerous sub-facilities. The plant hopes to produce 5,000 barrels of liquid fuel per day and 41 MW of electricity per day for sale to the grid. Another new facility will be a waste coal beneficiation plant, where coal will be cleaned and processed for introduction to the gasifier.

III. NEPA Requirements:

A. Alternatives.

NEPA and its implementing regulations call for an EIS to analyze the significant environmental impacts of a proposed action and its alternatives, including the environmental impacts of the “no action” alternative. 40 C.F.R. §1502.14.

DOE has dismissed its obligations to “rigorously explore and objectively evaluate all reasonable alternatives” under §1502.14(c) on the slimmest of reeds. DOE claims that it cannot perform the alternatives investigation because the proposer of the project, WMPI, likes its preferred site. The “goal” of the legislation of providing funding for DOE to distribute to such projects is not usurped by requiring that existing law be followed. It is a remarkable overstatement for DOE to claim that a failure to permit this project to move forward, exactly as proposed, at this selected site, without regard for alternatives, would result in the technology never being demonstrated. DEIS, 2-19. Furthermore, the simple fact that a private entity seeks to use public funds for a project, rather than government using tax dollars directly on a public project, can hardly restrict the operation and application of NEPA. Indeed, it is untoward that this appears to be the consequence of DOE’s policy of giving “substantial weight to the needs of the proposer” in establishing reasonable alternatives to proposed action. DEIS, 2-19. If anything, in a scenario where public monies flow to the private sector, NEPA requirements of alternative action analysis should be even more robust, since as a general matter it is presumable a private sector action seeks private gain, whereas public sector action benefits the commonwealth.

40-1

Even if it could be justified that detailed study of alternatives should be omitted, under 1502.14(a), the section fairly calls for the alternatives to be discussed briefly, which has not been done in this case since alternatives are not even identified. DOE must ensure that reasonable alternatives be explored in the FEIS, and at a minimum, be identified. 40-1

B. Air Quality.

1. Increase to Ambient Concentrations of PM. The proposed action introduces substantial quantities of new air pollution to the region. For example, it is noted in the analysis that particulate matter will be increased in the ambient air to such an extent that a maximum pollution increase of 96 µg/m³ will be experienced, nearly tripling the background ambient concentrations of 54 µg/m³. Peer-reviewed health studies have demonstrated major health effects associated with increases of ambient concentrations of particulates by increments as small as 10 µg/m³. 40-2

2. Monitoring Station Selection. Furthermore, it is indicated in the DEIS that modeling was conducted based on a monitoring station in Reading. The question arises as to why the Wilkes-Barre monitor was not used in this analysis. Wilkes-Barre appears to be closer by several miles to the project site, and is more geographically, meteorologically, and topographically similar. The selection of Reading may have impacted upon the data leading to the conclusion that no cumulative modeling need be performed. This possibility must be explored and explained prior to the application of the Reading monitoring station in the FEIS. 40-3

3. Validity of Minor Source Status / Fugitives. As a refinery, there are many opportunities for air emissions to escape as fugitives. The Center has not seen an analysis 40-4

of how the fugitives estimate was derived. It is significant, however, as the overall estimate of VOC emissions from the facility is 49.9, one-tenth of a ton from tripping the major source threshold, and fugitives from refineries are primarily VOCs. Since mitigation of adverse environmental impacts of the proposed action is an agency obligation under §1502.16(h), the reliability of the fugitives estimates deserves close scrutiny. This is so because if the 49.9 tons per year VOC estimate is not well justified, the facility would become a major source with additional air quality control obligations that would serve to mitigate environmental impacts. The Center thus urges DOE to further explore this issue.

40-4

4. Environmental Justice. The statement is made in the DEIS that the state corrections facility neighboring the proposed project site is a “sealed facility,” and that the human health air quality impacts to the inmates and employees are therefore not significant. This claim is facially incorrect. The state correction facility draws outside air into the ventilation systems that provide air to the inmates and employees. This facility constitutes an environmental justice community. There is no question that the siting of a significant source of air pollution, including numerous hazardous air pollutants, right next to the correctional institution is an intentional act and will expose the environmental justice community to a disproportionate impact from this exposure.

40-5

5. Nitrogen Oxides Modeling Revision. The Center has serious concerns regarding WPMI’s decision to manipulate the data results for its preliminary modeling analysis when initial figures indicated that the project would trip the “significant impact levels” for maximum concentrations of Nitrogen Oxide, and thus require additional

cumulative modeling. DEIS, Summary, xx. It is questionable whether this revision is legally appropriate, and it is certainly reprehensible from a public health standpoint. In order to fully address the environmental impacts of this project as required by NEPA, the Center believes that cumulative source and background modeling must be conducted.

40-6

6. Hazardous Air Pollutant Data Gaps. The DEIS provides no data for several regulated or hazardous air pollutants, and states that no estimates exist. These include mercury, benzene, arsenic, hydrochloric acid and others. It is therefore inconceivable that WMPI could claim they are not a major source of hazardous air pollutants or of VOCs, given that all emissions are not known. An FEIS that failed to provide real comprehensive estimates of the emissions of dangerous air pollutants could not be said to appropriately set forth the environmental impacts of a project. The Center urges the DOE to require these numbers be produced for public review and for Department consideration as soon as possible.

40-7

7. Global Warming Impacts. It is astounding that in an era when the consequences of global warming are already beginning to be felt, and the Administration acknowledges the role of human activity in the global warming phenomenon, that government documents purporting to catalog environmental impacts would characterize 832,000 tons per year of carbon dioxide as insignificant. It is completely irresponsible for DOE to do so in this DEIS. It is also ironic that the DOE program promoting and subsidizing clean coal technologies includes those that find a way to minimize or sequester carbon emissions. In fact, coal gasification itself, one of the very technologies

40-8

advanced in the WMPI project, is considered so promising in part because of aspects that minimize or sequester carbon. Most unfortunately, the lack of any component to this project that would minimize carbon emissions has not dissuaded DOE from the determination to back this project with public dollars. 40-8

C. Water Issues:

The very heavy usage of water resources by this facility has potentially adverse consequences for human uses and the environment. These water demands are significant impacts mitigate against public funding for this project. 40-9

D. Solid Waste:

The sludge and biosludge mixtures with Gilberton coal ash for “mine reclamation” purposes are questionable. The Center believes that the characterization of such applications of the potentially hazardous wastes from this proposed project as positive are highly overstated and should be reconsidered as environmental impacts for the purposes of the FEIS. 40-10

E. Cumulative Effects

The Center believes that the cumulative impacts of Mercury emissions from the proposed project and neighboring facilities has not been properly analyzed. Waste coal has higher levels of mercury than run of mine coal. Both this facility and the adjacent Gilberton Power cogeneration plant utilize waste coal as the primary fuel. Poor emissions data exist on the pre-existing facility and apparently no data is readily available 40-11

for the proposed project. Given the serious health risks associated with mercury exposure, Pennsylvania’s extensive list of mercury-based fish consumption warnings, and the major omissions of mercury emissions and deposition data around this project, the DEIS is clearly inadequate in terms of its cumulative effects analysis. This must be remedied in order for the FEIS to satisfy the requirements of NEPA.

} 40-11

F. Cost-Benefit Analysis:

Given the controversial nature of this project, a cost benefit analysis pursuant to §1502.23 is warranted. The Center urges DOE to perform a comprehensive cost-benefit analysis between the proposed action, reasonable alternatives, and the no-action alternative.

} 40-12

G. Conclusion:

For all of the foregoing reasons, the Center urges the DOE to make significant revisions to the Environmental Impact Statement for this project in concordance with the comments above, including but not limited to requiring WMPI to conduct additional modeling, analysis, and data collection. The Center wishes to be kept apprised of future DOE actions in this matter. Thank you for the opportunity to comment.

Sincerely,

/s/

Michael D. Fiorentino, Esq.
Executive Director

FiorentinoMD - Mid-Atlantic Environmental Law Center (40)

Comment 40-1

“NEPA and its implementing regulations call for an EIS to analyze the significant environmental impacts of a proposed action and its alternatives, including the environmental impacts of the “no action” alternative. 40 C.F.R. §1502.14.

DOE has dismissed its obligations to “rigorously explore and objectively evaluate all reasonable alternatives” under §1502.14(c) on the slimmest of reeds. DOE claims that it cannot perform the alternatives investigation because the proposer of the project, WMPI, likes its preferred site. The “goal” of the legislation of providing funding for DOE to distribute to such projects is not usurped by requiring that existing law be followed. It is a remarkable overstatement for DOE to claim that a failure to permit this project to move forward, exactly as proposed, at this selected site, without regard for alternatives, would result in the technology never being demonstrated. DEIS, 2-19. Furthermore, the simple fact that a private entity seeks to use public funds for a project, rather than government using tax dollars directly on a public project, can hardly restrict the operation and application of NEPA. Indeed, it is untoward that this appears to be the consequence of DOE’s policy of giving “substantial weight to the needs of the proposer” in establishing reasonable alternatives to proposed action. DEIS, 2-19. If anything, in a scenario where public monies flow to the private sector, NEPA requirements of alternative action analysis should be even more robust, since as a general matter it is presumable a private sector action seeks private gain, whereas public sector action benefits the commonwealth.

Even if it could be justified that detailed study of alternatives should be omitted, under 1502.14(a), the section fairly calls for the alternatives to be discussed briefly, which has not been done in this case since alternatives are not even identified. DOE must ensure that reasonable alternatives be explored in the FEIS, and at a minimum, be identified.”

Response:

See response to comment S10-9.

Comment 40-2

“Peer-reviewed health studies have demonstrated major health effects associated with increases of ambient concentrations of particulates by increments as small as 10 $\mu\text{g}/\text{m}^3$.”

Response:

There appears to be a misunderstanding associated with the statement in section 4.1.2.1 that reads “the maximum modeled 24-hour concentration should not exceed 96 $\mu\text{g}/\text{m}^3$...” This statement was intended to mean it would take an increase of 96 $\mu\text{g}/\text{m}^3$ given the existing background to exceed the ambient air quality standard. However, section 4.1.9.1 has been revised to include estimates of human health impacts from the addition of the new operation singly and in combination with six other facilities in the area (see response to 35-2). Cumulative impacts of multiple sources of air pollutants (including PM-10) are modeled in revised Section 6.1.

Comment 40-3

“[I]t is indicated in the DEIS that modeling was conducted based on a monitoring station in Reading. The question arises as to why the Wilkes-Barre monitor was not used in

this analysis. Wilkes-Barre appears to be closer by several miles to the project site, and is more geographically, meteorologically, and topographically similar. The selection of Reading may have impacted upon the data leading to the conclusion that no cumulative modeling need be performed. This possibility must be explored and explained prior to the application of the Reading monitoring station in the FEIS.”

Response:

The proposed project site is nearly the same distance away from downtown Reading and downtown Wilkes-Barre. However, the primary reason for selecting a monitoring station in Reading rather than Wilkes-Barre is that nearly all of the recorded values are greater in Reading (Reading is located in a more urban area). Consequently, the results are conservative (the concentrations form an upper bound of impacts, including cumulative impacts, expected during construction and operation of the proposed facilities).

Comment 40-4

“As a refinery, there are many opportunities for air emissions to escape as fugitives. The Center has not seen an analysis of how the fugitives estimate was derived. It is significant, however, as the overall estimate of VOC emissions from the facility is 49.9, one-tenth of a ton from tripping the major source threshold, and fugitives from refineries are primarily VOCs. Since mitigation of adverse environmental impacts of the proposed action is an agency obligation under §1502.16(h), the reliability of the fugitives estimates deserves close scrutiny. This is so because if the 49.9 tons per year VOC estimate is not well justified, the facility would become a major source with additional air quality control obligations that would serve to mitigate environmental impacts. The Center thus urges DOE to further explore this issue.”

Response:

As explained in Section 4.1.2.2, the permit limit of 49.9 tons per year of VOCs is an upper limit, not an estimate of emissions. It is expected that emissions would be less than this value.

Comment 40-5

“The statement is made in the DEIS that the state corrections facility neighboring the proposed project site is a “sealed facility,” and that the human health air quality impacts to the inmates and employees are therefore not significant. This claim is facially incorrect. The state correction facility draws outside air into the ventilation systems that provide air to the inmates and employees. This facility constitutes an environmental justice community. There is no question that the siting of a significant source of air pollution, including numerous hazardous air pollutants, right next to the correctional institution is an intentional act and will expose the environmental justice community to a disproportionate impact from this exposure.”

Response:

See response to comment 31-26.

Comment 40-6

“The Center has serious concerns regarding WPMI’s decision to manipulate the data results for its preliminary modeling analysis when initial figures indicated that the project would trip the “significant impact levels” for maximum concentrations of Nitrogen Oxide, and thus require additional cumulative modeling. It is questionable whether this revision is legally appropriate, and it is certainly reprehensible from a public health standpoint. In order to fully address the environmental impacts of this project as required by NEPA, the Center believes that cumulative source and background modeling must be conducted.”

Response:

DOE’s impact analysis used the customary sliding-scale approach, which starts out with simple estimates obtained with screening models that typically yield overestimates of impacts. When the results of these simple analyses do not show that the impacts are clearly insignificant, more sophisticated analyses are performed. The text in the summary to which the commenter refers describes such a case. As described in Section 4.1.2.2, DOE’s initial analysis for NO₂ used the conservative assumption that all NO_x emissions were in the form of NO₂. After that analysis yielded a result slightly above the significant impact level (which is a value substantially smaller than both the NAAQS standard and the allowable increment under PSD), DOE refined the analysis for NO₂ by using a ratio method recommended by EPA (NO₂/NO_x ratio of 0.75). See Section 4.1.2.2 for a more detailed explanation. Additionally, DOE has revised the EIS to include analysis of potential cumulative air quality impacts including existing sources and background concentrations; see Section 6.1.1.

Comment 40-7

“The DEIS provides no data for several regulated or hazardous air pollutants, and states that no estimates exist. These include mercury, benzene, arsenic, hydrochloric acid and others. It is therefore inconceivable that WPMI could claim they are not a major source of hazardous air pollutants or of VOCs, given that all emissions are not known. An FEIS that failed to provide real comprehensive estimates of the emissions of dangerous air pollutants could not be said to appropriately set forth the environmental impacts of a project. The Center urges the DOE to require these numbers be produced for public review and for Department consideration as soon as possible.”

Response:

DOE has revised the EIS to include additional assessment of potential impacts from trace constituents of coal and other toxics. See Section 4.1.2.2. However, DOE does not have a comprehensive inventory of potential project emissions.

Comment 40-8

“It is astounding that in an era when the consequences of global warming are already beginning to be felt, and the Administration acknowledges the role of human activity in the global warming phenomenon, that government documents purporting to catalog environmental impacts would characterize 832,000 tons per year of carbon dioxide as insignificant. It is completely irresponsible for DOE to do so in this DEIS. It is also ironic that the DOE program promoting and subsidizing clean coal technologies includes those that find a way to minimize or sequester carbon emissions. In fact, coal gasification itself, one of the very technologies advanced in the WMPI project, is considered so promising in part because of aspects that minimize or sequester carbon. Most unfortunately, the lack of any component to this project that would minimize carbon emissions has not dissuaded DOE from the determination to back this project with public dollars.”

Response:

See the responses to comments 26-7, 26-8, and 38-5.

Comment 40-9

“The very heavy usage of water resources by this facility has potentially adverse consequences for human uses and the environment. These water demands are significant impacts mitigate against public funding for this project.”

Response:

The potential impacts of project water use are assessed in Section 4.1.4.

Comment 40-10

“The sludge and biosludge mixtures with Gilberton coal ash for “mine reclamation” purposes are questionable. The Center believes that the characterization of such applications of the potentially hazardous wastes from this proposed project as positive are highly overstated and should be reconsidered as environmental impacts for the purposes of the FEIS.”

Response:

Potential impacts from management of project solid wastes, including sludges, are discussed in Section 4.1.8.2. WMPI has not completed the detailed engineering and process testing necessary to allow detailed physical and chemical characterization of process solid wastes. Assessment of impacts in the EIS is based on estimated characteristics of the wastes (Section 4.1.8.2). Pennsylvania Department of Environmental Protection would require comprehensive characterization data on actual wastes before permitting their use in mine reclamation. Based on the available information on the processes that would be implemented in the proposed facilities, the sludges that would be generated are not expected to be RCRA hazardous wastes, but testing would be done to determine whether they were hazardous wastes.

Comment 40-11

“The Center believes that the cumulative impacts of Mercury emissions from the proposed project and neighboring facilities have not been properly analyzed. Waste coal has

higher levels of mercury than run of mine coal. Both this facility and the adjacent Gilberton Power cogeneration plant utilize waste coal as the primary fuel. Poor emissions data exist on the pre-existing facility and apparently no data is readily available for the proposed project. Given the serious health risks associated with mercury exposure, Pennsylvania's extensive list of mercury-based fish consumption warnings, and the major omissions of mercury emissions and deposition data around this project, the DEIS is clearly inadequate in terms of its cumulative effects analysis. This must be remedied in order for the FEIS to satisfy the requirements of NEPA."

Response:

DOE has revised the EIS to include additional discussion and assessment of the potential for release of mercury from the proposed facility and resulting environmental impacts.

Comment 40-12

“Given the controversial nature of this project, a cost benefit analysis pursuant to §1502.23 is warranted. The Center urges DOE to perform a comprehensive cost-benefit analysis between the proposed action, reasonable alternatives, and the no-action alternative.”

Response:

It is the policy of DOE that any financial assistance is awarded through a merit-based selection process that provides for a thorough, consistent, and independent examination of applications based on pre-established criteria. This application was selected using that process. Thus, DOE only has two actions: the proposed project or the no-action alternative.