

**New York State Department of Environmental Conservation**  
**Response to Public Comments**  
**Iroquois Enhancement by Compression (ExC) Project**  
**February 7, 2025**

**NYSDEC Application ID Numbers:**

- **Application ID: 3-1326-00211/00001 (Dover Compressor Station)**
- **Application ID: 4-1922-00049/00004 (Athens Compressor Station)**

**Permits Applied For:**

- **Article 19 – Air State Facility Permit Modifications**

The following provides responses to public comments received by the New York State Department of Environmental Conservation (NYSDEC) on the above referenced air permit applications (Applications) filed by Iroquois Gas Transmission System, LP (Iroquois or Applicant) for the Enhancement by Compression Project (Project or ExC Project). NYSDEC’s Notice of Complete Application for the Iroquois Applications was published in the NYSDEC’s Environmental Notice Bulletin on December 28, 2022. The public comment period expired on February 22, 2023. An additional public comment period, in response to the Department of Public Services’ (DPS) determination of need for the Project based on reliability (DPS Assessment),<sup>1</sup> was held from February 28, 2024 through April 29, 2024.

This document includes responses to public comments that were provided to the NYSDEC in writing and by email, as well as the oral comments provided at the legislative hearing held on January 31, 2023. Comments that were similar in content were consolidated, summarized, and categorized, based on subject matter, including the following:

- Subject Matter Category I – General Anti-Gas Infrastructure
- Subject Matter Category II – General Anti-Fracking/ Fracked Gas Infrastructure
- Subject Matter Category III – Climate Change/GHG Emissions
- Subject Matter Category IV – Air Emissions/ Air Quality
- Subject Matter Category V – Climate Act / Scoping Plan
- Subject Matter Category VI – Project Need/Justification
- Subject Matter Category VII – Cumulative Impacts
- Subject Matter Category VIII – Socioeconomics
- Subject Matter Category IX – Disadvantaged Communities/ Environmental Justice
- Subject Matter Category X – Human Health
- Subject Matter Category XI – Flooding/Floodplains/Climate Change Resiliency
- Subject Matter Category XII – Wetlands/Water Quality
- Subject Matter Category XIII – Construction
- Subject Matter Category XIV – Noise
- Subject Matter Category XV – Traffic
- Subject Matter Category XVI – Pipeline Safety
- Subject Matter Category XVII – Biodiversity/ Habitat/ Wildlife/ Critical Area/

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<sup>1</sup> On February 26, 2024, DPS provided its assessment that the ExC Project is necessary to ensure Con Edison's and National Grid's continued provision of safe, adequate, and reliable gas service to customers in the downstate region of New York State. Letter is available at: <https://dec.ny.gov/iroquois-enhancement-by-compression-exc-project>.

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- Subject Matter Category XVIII – Public Participation
- Subject Matter Category XIX – Issues with FERC EIS
- Subject Matter Category XX – Continued Use of Fossil Fuels and Fossil-Fuel-Powered Electronic Generation Plants
- Subject Matter Category XXI – Electric System Reliability
- Subject Matter Category XXII – New York State Constitution/ Environmental Rights
- Subject Matter Category XXIII – Stranded Asset
- Subject Matter Category XXIV – Impacts on Ratepayers

**I. GENERAL ANTI-GAS INFRASTRUCTURE**

**Comment I-1. Comments that expressed general opposition to new natural gas infrastructure or increasing the capacity of natural gas pipeline systems.**

**Response:** NYSDEC reviewed the applications for compliance with applicable laws and regulations, including the requirements of Section 7 of the Climate Leadership and Community Protection Act (Climate Act or CLCPA). While issuing permits for the ExC Project is inconsistent with and would interfere with the Statewide greenhouse gas (GHG) emission limits established in the Climate Act, DPS found that the Project is necessary. Moreover, alternatives were considered and, as described further below, additional GHG and co-pollutant mitigation measures are incorporated into the final permits pursuant to the requirements of CLCPA Section 7.

With respect to the need for the Project, the ExC Project is a compression-only enhancement of the Applicant’s existing pipeline system designed to provide firm natural gas transportation service to Consolidated Edison Company of New York, Inc. (Con Edison) and KeySpan Gas East Corporation d/b/a/ National Grid (National Grid). The Applicant explained in its April 2022 Request for Additional Information Response (April 2022 RFAI Response)<sup>2</sup> that Con Edison and National Grid (collectively “the Utilities”) require the ExC Project to be developed to meet increasing demand for a safe and reliable supply of gas service. Additionally, DPS found that the development of the ExC Project is necessary to satisfy the Utilities’ obligation under the New York Public Service Law (NYPSL) to provide safe, and reliable gas service.

The Applicant’s April 2022 RFAI Response included discussion of the alternatives analyses that were performed (i) as part of the Project’s Federal Energy Regulatory Commission (FERC) National Environmental Policy Act (NEPA) review, (ii) by the Utilities, and (iii) to assess greenhouse gas (GHG) emissions alternatives. The alternatives analyses did not identify a feasible alternative to the ExC Project that would meet the energy supply needs of the region while minimizing environmental impacts to the extent achieved by the ExC Project.

**II. GENERAL ANTI-FRACKING/FRACKED GAS INFRASTRUCTURE**

**Comment II-1. The ExC Project will significantly increase the amount of fracked natural gas**

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<sup>2</sup> April 2022 RFAI Response, available at <https://www.iroquois.com/operations/projects/exc-project/>.

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**transported through Iroquois' pipeline.**

**Response:** The ExC Project does not include hydraulic fracking. The incremental gas capacity that the ExC Project will enable to be transported through the Iroquois system, along with the resulting additional emissions of GHGs, was considered as part of the Climate Act GHG Life Cycle Analysis, as discussed in the Response to Comment II-2. The capacity of natural gas transported through the pipeline will increase by a total of 125,000 Dekatherms per day (Dth/d) following the compression-only enhancement of the existing pipeline system to provide firm natural gas transportation service to two existing customers of the Applicant, Con Ed and National Grid. As noted in Response to Comment I-1, according to DPS' finding, this Project is necessary to satisfy the Utilities' obligations under the NYSPSL. The downstream combustion of this incremental natural gas results in GHG emissions that are reflected in the Climate Act Section 7(2) analysis, and are part of why issuing the permits for the ExC Project is inconsistent with and would interfere with the Statewide GHG emission limits of the Climate Act. The Applicant will receive the gas transported through ExC Project at interconnections with other interstate or Canadian pipelines.

**Comment II-2. Iroquois has not addressed potential upstream emissions resulting from the ExC Project's operation. Also, Iroquois has not addressed how the additional capacity provided by the ExC Project would affect the draw of gas from the connected Dominion and Tennessee pipelines and the frack fields from which they get their gas.**

**Response:** The Applicant addressed upstream emissions resulting from the Project, including as part of the Section 7 analyses required by NYSDEC. The Applicant's October 2021 Request for Additional Information Response (October 2021 RFAI Response) includes a study, *Life Cycle Greenhouse Gas Analysis of the Enhancement by Compression (ExC) Project* (GHG Life Cycle Analysis). The GHG Life Cycle Analysis incorporates the estimated upstream GHG emissions that could result from the Project. The GHG Life Cycle Analysis can be found as Attachment A in the Applicant's October 2021 RFAI Response, which is available at <https://www.iroquois.com/operations/projects/exc-project/>.

The upstream GHG emissions associated with the incremental natural gas resulting from the ExC Project are part of the GHG emissions considered by NYSDEC in the context of Climate Act Section 7 and contribute to the inconsistency and interference with the Statewide GHG emission limits established by the Climate Act.

Dominion and Tennessee pipelines are not involved in the ExC Project and are unrelated to the Applicant's ExC Project transportation contracts. Therefore, those pipelines will not be impacted by the Project.

### **III. CLIMATE CHANGE/GHG EMISSIONS**

**Comment III-1. The ExC Project would result in more frequent blowdowns, fugitive emissions, and methane leakage. Compressor stations emit methane during regular maintenance, which is a GHG [84] times more potent than carbon dioxide when measured**

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**over a 20-year period.**

**Response:** The potential for fugitive methane emissions from the proposed Project was considered during NYSDEC's review of this Project. As part of this review, NYSDEC utilized the 20-year global warming potential (GWP20) metric to account for the impact of methane and other GHG emissions, as required by the Climate Act and 6 NYCRR Part 496. As a result, and pursuant to the requirements of Climate Act Section 7(2), NYSDEC's permit requires two mitigation measures to reduce fugitive methane emissions.

First, NYSDEC's permit requires the Applicant to install Vent Recovery Systems (VRS) on the proposed compressors at Athens and Dover. These systems are designed to capture fugitive leaks from compressor seals and direct them back to the pipeline. As discussed in the Public Participation Plan, dated April 29, 2024, VRS would reduce the aggregate fugitive carbon dioxide equivalent emissions from the Project by approximately 90% at the stations located in New York. Further, the Applicant will evaluate the feasibility of installing VRS at three additional compressor stations in New York that are not part of this Project (Boonville, Wright, and Croghan), which may further reduce fugitive methane emissions across the Iroquois system.

Second, NYSDEC's permit requires the Applicant to conduct more frequent fugitive emissions surveys at the compressor stations associated with this Project. Surveys will be conducted monthly, as opposed to bimonthly as required by 6 NYCRR Part 203, and any leaks will be promptly repaired as described in the air state facility permits associated with the Project. Further, these surveys will be conducted using Optical Gas Imaging devices which have a lower detection threshold than other methods. Accordingly, potential leaks will be detected and repaired more quickly.

**Comment III-2. The ExC Project will exacerbate global warming and increase ozone formation.**

**Response:** NYSDEC recognizes and agrees that the ExC Project would result in GHG emissions, which contribute to climate change, and that are inconsistent with and would interfere with the Statewide GHG emission limits established in the Climate Act. In addition to NYSDEC's own review pursuant to the Climate Act, which resulted in additional GHG and co-pollutant mitigation measures that are included in the permits, the Federal Energy Regulatory Commission (FERC) conducted a review of the Project in accordance with the Natural Gas Act (NGA) and NEPA. As the designated lead agency for NEPA review, FERC evaluated potential emissions associated with the Project.

During FERC's review, FERC noted that the New York counties in which the Project would be located are all in attainment with the National Ambient Air Quality Standards (NAAQS). FERC also analyzed Project emissions against the more stringent permit requirements for ozone precursor pollutants, such as oxides of nitrogen (NO<sub>x</sub>), within the Ozone Transport Region, which includes New York and Connecticut. After quantifying construction and operation emissions for the applicable ozone precursor pollutants, FERC's Final Environmental Impact Statement (FEIS) concluded that the air quality impacts would not be significant in this regard.

Separately, FERC also analyzed the Project's impacts on human health, which included an air

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quality modeling analysis, developed in consultation with the NYSDEC. This analysis incorporated local topography and meteorological conditions, existing background concentrations of each criteria pollutant, including NO<sub>x</sub>, and the emissions from both the existing and new compressor units to model pollutant concentrations associated with the Project. The resulting modeled concentrations were compared to the NAAQS, which are established by the United States Environmental Protection Agency (U.S. EPA) to protect human health and welfare, including sensitive populations such as children, the elderly, and those with asthma. The modeled concentrations, when combined with existing ambient pollutant concentrations, do not exceed the NAAQS for any pollutant. Furthermore, FERC concluded both in its Environmental Assessment (EA) and FEIS that the construction and operation of the Project would not have a significant impact on air quality. NYSDEC independently reviewed the modeling analysis prepared for this Project and similarly concluded that the Project would not cause an exceedance of the NAAQS for any pollutant.

Further, as described in the draft permits, the Applicant is proposing to install low NO<sub>x</sub> combustion technology on the proposed turbines. In addition, the Applicant has agreed to limit the maximum fuel combustion in the proposed turbines to 91.5% of the design maximum. These measures will reduce NO<sub>x</sub> emissions from the Project and thus reduce the potential formation of ozone in the atmosphere. These measures are incorporated as requirements into the final permits issued by NYSDEC.

See Response to Comments III-6 and V-1 for additional information on climate change impacts.

**Comment III-3. A commenter expressed concern that the proposed compressor stations will create emissions of up to 164,506 metric tons per year of carbon dioxide equivalents (CO<sub>2</sub>e).**

**Response:** The Applicant's April 2022 RFAI Response indicates that combined direct potential CO<sub>2</sub>e emissions for the proposed compressor station modifications in Athens and Dover are 81,310 metric tons per year based on 20-year global warming potentials; 40,742 metric tons for Athens and 40,568 metric tons for Dover. This is in addition to the other upstream and downstream GHG emissions resulting from the ExC Project and considered by NYSDEC as part of the CLCPA Section 7 requirements for this project.

As discussed in Response to Comment III-1, as required by the permit, the Applicant is required to install VRS at the Project compressor stations, will assess the feasibility of installing such systems at its other New York compressor stations, and will install VRS at those other compressor stations if feasible. Installation of VRS at the Applicant's compressor stations will significantly reduce fugitive methane emissions, and thus CO<sub>2</sub>e emissions. The Applicant also agreed to perform six additional fugitive emissions surveys at the Athens and Dover compressor stations (in addition to what is currently required pursuant to NYSDEC's 6 NYCRR Part 203). The additional survey activity will result in fugitive emissions being detected and repaired more quickly and will further reduce fugitive emissions from the Athens and Dover compressor stations. These and other mitigation measures for GHG and co-pollutant emissions are incorporated as requirements into the final permits issued by NYSDEC.

Additional discussion of the GHG mitigation for this Project is provided in the Response to Comment V-1.

**Comment III-4. The ExC Project likely violates the Paris Accord.**

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**Response:** This comment is outside the scope of this permit action. Notwithstanding this, NYSDEC recognizes that the ExC Project will result in additional GHG emissions that are inconsistent with the Climate Act’s Statewide GHG emission limits.

**Comment III-5. FERC’s analysis of the resulting GHG emissions from the ExC Project’s operation is flawed. FERC has come to the inexplicable conclusion that doubling the amount of gas transported through the pipeline will result in a reduction of GHG emissions.**

**Response:** This comment is outside the scope of this permit action. In any case, in addition to the analysis conducted by FERC, pursuant to the requirements of Climate Act Section 7(2), NYSDEC required the Applicant to perform an assessment of the Project’s GHG emissions. As discussed in Response to Comment V-1, NYSDEC concluded that issuance of the permits for this Project is inconsistent with or would interfere with the Climate Act’s emission limits, but that the Project is justified as described by DPS given its necessary to meet safety and reliability needs. In addition, pursuant to the requirements of the Climate Act, NYSDEC incorporated additional GHG and co-pollutant mitigation measures into the final permits.

**Comment III-6. Iroquois’ GHG Life Cycle Analysis includes inadequate and incomplete information that does not provide NYSDEC with sufficient information to make an informed decision on whether to grant the ExC Project permits. Iroquois’ study does not account for Federal, State, and local legislative initiatives that will ban certain natural gas connections, require buildings to meet energy efficiency and emissions reduction standards, and will provide incentives to assist with building decarbonization and efficiency. The GHG Life Cycle Analysis also does not consider new cleaner energy sources slated to serve New York City and Long Island in the next five to 15 years.**

**Response:** The factors analyzed in the GHG Life Cycle Analysis were driven by the purpose of the Project, i.e., to help the Utilities meet their customers’ demand for a safe and reliable supply of natural gas as described by DPS. The DPS Assessment considered a variety of State policies that are expected to reduce demand for natural gas, as is required to meet the requirements of the Climate Act and other provisions of law. As described by DPS, regardless of any new or future clean energy sources slated to serve New York City and Long Island, the current winter heating needs are largely met using a combination of heating oil, natural gas, and an increased use of electric heat pumps and, thus, these three energy sources provide the viable alternatives studied under the relevant 20-year term for the Project. Finally, the Applicant’s October 2021 RFAI Response indicates that the GHG Life Cycle Analysis incorporated aggressive assumptions regarding actual heat pump installations over the term of the Project that significantly outpaced both historical levels and New Efficiency New York (NENY) targets.

As discussed in the DPS Assessment, DPS identified two separate reliability concerns to be addressed as soon as practicable: “(1) Con Edison and National Grid are over-relying on CNG and other delivered services, neither of which may be available on the coldest days of the year; and (2) there are winter-related risks associated with gas supplies provided from delivery systems located to the south of New York City.”<sup>3</sup> DPS further concluded that “[t]he [ExC] Project would address

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<sup>3</sup> DPS Assessment at 7-8.

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both of these existing reliability problems by both adding firm capacity into the downstate region, which would offset Con Edison's and National Grid's reliance on third parties for CNG and delivered services, and providing operational flexibility in case of supply decreases from pipelines located to the south of New York City in emergency situations, such as what occurred during the Christmas Eve 2022 supply event."<sup>4</sup>

Accordingly, the Project's incremental supply is intended to meet the increased demand due to (1) population and market growth in Con Edison and National Grid's service territories, (2) customer demand associated with meeting the City of New York's mandated phase-out of No. 4 and No. 6 fuel oils used in boilers, and (3) increased system reliability in cold weather months.

National Grid commented in its *Natural Gas Long-Term Capacity Reports and Capacity Status Updates for Brooklyn, Queens, Staten Island and Long Island* (Downstate NY) – August 2022 that “gas demand will increase approximately 1.3% per annum through 2034/2035” while adjusting for energy efficiency, demand reduction, heat electrification and reduced new construction loads due to New York City Local Law No. 154, which is intended to accelerate electrification in new construction.<sup>5</sup> In a letter submitted to NYSDEC on February 22, 2023, Con Edison commented that it “has experienced an increase in customer demand for natural gas...without a corresponding increase in interstate pipeline capacity. As a result, firm interstate pipeline capacity supplying the New York metro region is exceedingly tight.”<sup>6</sup> The ExC Project will provide incremental natural gas transportation for projected demand growth in the New York / Long Island markets.

As further explained in the DPS Assessment, recent policies adopted at the State and New York City levels have reduced the overall growth of gas demand in New York City. However, for a portion of the area served by both Con Edison and National Grid, gas demand has continued to grow, albeit at a slower pace. For example, the All Electric Building Act (AEBA), enacted by the State in 2023 and effective in 2026, is expected to decrease growth in natural gas demand for new buildings but some growth in natural gas demand is still anticipated because the AEBA limits the use of natural gas in new construction, consequently a number of existing buildings in New York City and Long Island that rely on fuel oil for heating still have the option to convert to natural gas. Similarly, New York City Local Laws 97 and 154 impose limits on greenhouse gas emissions from buildings but both laws have phase in periods during which some buildings may choose to convert to natural gas in the near term. While legislative proposals under consideration at the State level, such as the Affordable Gas Transition Act included in the FY2024-2025 Executive Budget, as well as PSC-led actions included as part of the Gas Planning Proceeding and the proceeding regarding Implementation of the Utility Thermal Energy Network and Jobs Act,<sup>15</sup> are designed to drive additional reductions in gas demand, these changes will take place over the medium term. Efforts to maintain the safety and reliability of the gas delivery systems during the transition remain paramount.

**Comment III-7. According to Iroquois, the ExC Project is intended to provide for the increase in demand in natural gas service to customers. However, this is untrue as demand for natural**

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<sup>4</sup> DPS Assessment at 11.

<sup>5</sup> DPS Rate Case No. 19-G-0678, *National Grid Long-Term Capacity Status Update for Brooklyn, Queens, Staten Island and Long Island*, p. 1 (August 2022), available at: [https://ngridolutions.com/docs/National\\_Grid\\_2022\\_August\\_LTCR\\_Status\\_Update.pdf](https://ngridolutions.com/docs/National_Grid_2022_August_LTCR_Status_Update.pdf)

<sup>6</sup> Con Edison Letter at 1.

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**gas is declining.**

**Response:** See Response to Comment III-6 and the DPS Assessment.

**Comment III-8. Iroquois claims that the ExC Project would support the conversion of consumer heating systems from fuel oil to natural gas; however, this remains inconsistent with both New York State and New York City climate goals. Conversion from oil to natural gas will not achieve the scale of carbon reduction required by the CLCPA.**

**Response:** NYSDEC agrees that a transition away from all fossil fuels, including natural gas, is necessary to achieve the Statewide GHG emission limits established by the Climate Act. Pursuant to Climate Act Section 7, issuance of the permits for this Project is inconsistent with or would interfere with the Climate Act's emission limits, but that it is justified as described by DPS given its necessity to meet safety and reliability needs. Pursuant to the requirements of the Climate Act, NYSDEC incorporated additional GHG and co-pollutant mitigation measures into the final permits.

See also Response to Comments III-6 and V-1.

**Comment III-9. The ExC Project should be denied because compressor stations emit significant quantities of nitrogen oxide ("NOx"), which is far more potent GHG than carbon dioxide.**

**Response:** The Applicant included calculations showing the Project's potential to emit NOx as part of the permit application materials for the Project. These calculations assume that the proposed emission sources operate 24 hours per day, 365 days per year, at maximum (100 percent) load, and at the worst case annual average ambient temperature (zero degrees Fahrenheit). It is important to note that while these assumptions represent the maximum potential emissions from the Project, they are not representative of typical operation. As discussed in the Response to Comment III-2, the potential NOx emissions were used in a modeling analysis to determine whether the Project would have a significant impact on air quality.

The Applicant also considered the potential climate impacts of the Project as part of the permit application materials. While understanding total potential NOx emissions is important to evaluate the Project's overall impact on air quality, climate impacts are evaluated using nitrous oxide (N<sub>2</sub>O) as well as other GHGs. N<sub>2</sub>O is a potent greenhouse gas with a 20-year global warming potential of 264 under the Climate Act and Part 496. This means that emissions of N<sub>2</sub>O are 264 times more potent than equivalent emissions of carbon dioxide when considering their impact on the climate. While N<sub>2</sub>O is produced by fossil fuel combustion, it is only a fraction of the total NOx compounds and of GHGs that are generated by the Project. As shown in the April 29, 2022 RFAI Response, the potential N<sub>2</sub>O emissions from the Project are 76.2 metric tons per year. When adjusted for their 20-year global warming potential, these emissions represent approximately 20,117 metric tons of carbon dioxide equivalent emissions. The April 2022 RFAI response also projects the expected actual N<sub>2</sub>O emissions from the Project as 19.1 metric tons per year, or approximately 5,042 metric tons of carbon dioxide equivalents.

As noted in Response to Comment III-8, when considering all GHG emissions associated with the ExC Project, NYSDEC concluded that issuance of the permits for the Project is inconsistent with



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or would interfere with the Climate Act's emission limits. Notwithstanding this inconsistency, the Project is justified as described by DPS given it is necessary to meet safety and reliability needs. Pursuant to the requirements of the Climate Act, NYSDEC incorporated additional GHG and co-pollutant mitigation measures into the final permits.

To reduce NO<sub>x</sub> emissions, NYSDEC's permit requires the Applicant to equip the proposed turbines with advanced SoLoNO<sub>x</sub> combustion technology. In addition, the Applicant is required to limit the amount of fuel combusted equal to 91.5% of the design maximum. Finally, NYSDEC's permit requires the Applicant to implement a NO<sub>x</sub> emission limit of 9 parts per million by volume (ppmv) as discussed in the Response to Comment IV-10 below. It is important to note that the emissions numbers discussed above do not account for the 9 ppmv NO<sub>x</sub> limit at the Athens station. Accordingly, actual NO<sub>x</sub> emissions are likely to be less than the April 2022 projections for that facility.

#### **IV. AIR EMISSIONS/ AIR QUALITY**

**Comment IV-1. The ExC Project would result in increased emissions of NO<sub>x</sub>, CO, VOCs, formaldehyde, poly-aromatic hydrocarbons, particulate matter, and radioactive material into the air, negatively affecting air quality and increasing ozone formation. NO<sub>x</sub> and particulate matter pollution contribute to respiratory health problems such as chronic bronchitis, asthma, emphysema, and existing heart disease, as well as cause labored breathing and reduced life expectancy. As such, the permits should be denied.**

**Response:** As required by NYSDEC and U.S. EPA air permitting regulations, the Applicant provided potential emissions estimates for all proposed fuel-burning and venting equipment as part of its air permit applications for the Project. Potential emissions are estimated by assuming that the proposed turbines operate 24 hours per day, 365 days per year, at maximum (100 percent) load, and at the worst case annual average ambient temperature (zero degrees Fahrenheit). These conditions represent the maximum possible emissions from the turbines because colder ambient temperatures and higher operating loads increase turbine emissions. However, natural gas pipeline compressors typically only operate for some fraction of each year, often at less than peak load, and ambient temperatures are often above zero degrees Fahrenheit. Accordingly, the projected actual emissions from the Project are likely to be less than the potential emissions.

These conservative potential emissions estimates were used in the air quality impact dispersion modeling analysis to estimate ground level pollutant concentration impacts at all receptor locations within five kilometers of the Athens and Dover stations. The modeling analysis demonstrated that the modeled impacts of nitrous oxide, carbon monoxide, sulfur dioxide, and particulate matter (both PM-10 and PM-2.5) were below the Significant Impact Level (SIL) for all averaging periods analyzed. Accordingly, the Project will not cause or contribute to an exceedance of the NAAQS. In addition, the Applicant commissioned and submitted a separate Human Health Risk Assessment (HHRA), which demonstrates that potential hazardous air pollutant emissions concentrations are not expected to cause a health concern. Potential total excess lifetime cancer risk and noncancer hazard indices, based on adult and child long-term exposures, indicate that cumulative cancer risks are below one in one million, and noncancer hazard indices were at or below the level at which sensitive individuals can be exposed without risk of chronic noncancer health effects.

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**Comment IV-2. Air quality monitoring stations in the area surrounding Cricket Valley Energy Center and the Iroquois compressor station show higher than normal levels of PM-2.5 particulates and VOCs in this area. The combined effect of the proposed compressor stations with the Cricket Valley Energy Center would be detrimental to air quality.**

**Response:** The air quality modeling performed by the Applicant for the Project incorporated background air quality monitoring concentrations along with the Project's modeled air quality impact concentrations. The pollutant monitoring measurement averaging periods (e.g., 24 hours and annual for PM-2.5) correspond with the averaging time periods for which the U.S. EPA has established the NAAQS, and they are the same averaging time periods used for the Project's ambient air quality impact dispersion modeling analyses. Background concentrations used for air permitting and in the Applicant's air quality dispersion modeling analyses are based on design values for the NAAQS pollutants. The PM-2.5 annual and 24-hour monitoring concentrations surrounding the Dover and Cricket Valley Energy Center stations are lower than the NAAQS. There are no NAAQS established for VOCs. The Project air quality dispersion modeling analyses demonstrated that the Project does not cause or contribute to exceedances of the NAAQS.

**Comment IV-3. The ExC Project's application should be denied because the proposed compressor station emissions will increase ozone formation.**

**Response:** As discussed in the Response to Comment III-2, the Applicant has prepared an ambient air quality impact dispersion modeling analysis for the Project. This analysis considers the potential impacts of various pollutants including ozone precursors such as oxides of nitrogen. As discussed in the Response to Comment IV-1, the results of the modeling analysis demonstrate that the Project will not cause or contribute to an exceedance of the NAAQS.

**Comment IV-4. The ExC project will generate toxic substances volatile organic compounds such as toluene, benzene, formaldehyde, and methylene chloride, which are known carcinogens.**

**Response:** The Applications identify and quantify all potential air pollutant emissions from the Project including all criteria and hazardous air pollutants (HAPs). In addition, the Applicant commissioned and submitted a separate HHRA of all hazardous and toxic air pollutants. The HHRA demonstrates that modeled HAP emissions from the compressor stations, with Project upgrades, are not expected to cause a health concern. The HHRA is based on conservative assumptions including exposure of individuals to the maximum concentrations from full-capacity facility operation for 24 hours per day and for 350 days per year. Potential total excess lifetime cancer risk and noncancer hazard indices were calculated based on adult and child long-term exposures to the highest predicted maximum five-year average HAP concentrations at the facility fence lines or property lines. This is a conservative assumption, since concentrations will decrease with distance from the fence lines or property lines, thereby further reducing exposure and risk at actual receptor locations. Cumulative cancer risks were below one in one million, and noncancer hazard indices were at or below the level at which sensitive individuals can be exposed without risk of chronic noncancer health effects.

**Comment IV-5. The ExC Project's expansion of the Dover and Athens compressor stations will affect air quality in Connecticut and New Jersey.**

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**Response:** The air dispersion modeling analysis performed on behalf of the Applicant demonstrates that the ExC Project air quality impacts do not cause or contribute to an exceedance of the NAAQS or NYSDEC guideline concentrations for all pollutants in the surrounding area.

NYSDEC air permitting requirements include modeling offsite air quality impacts. For any offsite air pollutant impact that is estimated through dispersion modeling to be greater than the U.S. EPA's SIL for that pollutant, an air quality impact analysis incorporating regional sources and background air quality concentrations is required. For the Athens and Dover Compressor Stations, the Applicant modeled and reported significant impact analysis results to the NYSDEC. The Dover Station's significant impacts included fine particulate matter (PM<sub>2.5</sub>) and NO<sub>x</sub>. Based on the Dover Station's area of significant impacts, NYSDEC identified Cricket Valley Energy Center as a regional source for PM<sub>2.5</sub> and NO<sub>x</sub>. NYSDEC required the three Cricket Valley Energy Center turbines to be included in a regional cumulative impact analysis. Background air quality concentrations were included in the modeling analysis to represent all other sources that are not modeled individually, whether they are located in New York, Connecticut, New Jersey, or elsewhere. The Applicant's analysis demonstrated that ambient air quality impacts resulting from operation of the Dover Compressor Station, combined with existing background and regional sources, do not cause or contribute to an exceedance of the NAAQS at and beyond the Dover Station boundary. For the Athens Compressor Station, the modeling analysis demonstrates that the Project's air quality impacts do not cause or contribute to an exceedance of the NAAQS for all pollutants in the surrounding area.

**Comment IV-6. Several areas throughout New York State are classified as non-attainment zones with existing high levels of ozone and particulate matter. These areas already are overburdened with high polluting fossil-fuel infrastructure. Gas facilities emit air pollutants that cause asthma, heart attacks, strokes, reproductive damage, and preterm birth. Toxic air emissions and pollutants emitted by the ExC Project will cause serious health conditions in areas already affected by existing fossil-fuel infrastructure.**

**Response:** Air quality impact modeling analyses supporting the Applications demonstrate that ground level concentrations of air pollutants do not cause or contribute to exceedances of the NAAQS at any receptor. U.S. EPA established the NAAQS as allowable concentrations that are protective of public health. Moreover, the Applicant commissioned and submitted a separate HHRA which demonstrates that modeled ExC Project HAP emissions concentrations are below a level of health concern. Potential total excess lifetime cancer risk and noncancer hazard indices, based on adult and child long-term exposures, indicate that cumulative cancer risks are below one in one million, and that noncancer hazard indices were at or below the level at which sensitive individuals can be exposed without risk of chronic noncancer health effects.

**Comment IV-7. Iroquois used airshed characteristics from a flat, dry, unpopulated, and wide-open airport on the Hudson River in western Dutchess County to calculate air emissions impacts. The site is not similar to the terrain, topography, hydrogeology and wind flow in Dover and the rest of the Hudson Valley.**

**Response:** The Applicant's ambient air quality impact modeling analysis for the Dover Compressor Station represents the actual topography and land features of the area and surrounding terrain out

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to five kilometers. The modeling results demonstrate that maximum potential pollutant air quality impact concentrations are either insignificant or a minor fraction of U.S. EPA's NAAQS at and beyond the Project site including the Dover High School. U.S. EPA established the NAAQS as allowable concentrations that are protective of public health.

The unique Dover Compressor Station site terrain was considered when selecting and determining the representativeness of the meteorological data (i.e., weather data) used for the ExC Project ambient air quality impact modeling analysis. The meteorological data include wind speed, direction, temperatures, and turbulence. The modeling report submitted with the Applicant's Application is based on the Hudson Valley Regional Airport meteorological data for the following reasons:

- The Airport data is the closest meteorology monitoring station to the Dover station site.
- There are significant features shared by the Dover Station site and the Airport.
- The topographical settings at the Dover Station site and at the Airport are similar.
- The terrain at both sites is oriented along the Hudson River Valley.

The Applicant used the Hudson Valley Regional Airport meteorological dataset to model potential air quality impacts from the Dover Station resulting from the Project. The modeling data consists of five years of pre-processed quality-assured meteorological data including wind speed and direction, temperature, and atmospheric turbulence. The meteorology monitoring station at the Airport is the closest site that has quality-assured data for all necessary weather parameters for the required five-year period. Further, given its proximity to the station, the Hudson Valley Regional Airport data is ideally situated. Real-time instantaneous meteorological measurements are not used as inputs to the U.S. EPA-approved AERMOD modeling software.

In addition to the meteorological data, the air quality impact modeling software uses actual terrain data representing the Dover Compressor Station and surrounding topography. Terrain elevations for the area surrounding the Dover Compressor Station were obtained from the U.S. Geological Survey National Elevation Dataset. Pollutant concentrations were modeled at ground level receptor locations on the actual terrain surrounding the Dover Station fence line and on an expanding grid pattern including the Dover High School, roads, residences, farms, businesses, and institutions out to five kilometers from the Project site. The modeling software incorporates not only the receptor location elevations, but it also represents terrain features surrounding each receptor. The AERMOD modeling software includes algorithms for predicting air pollutant dispersion in the presence of convective, stable and inversion temperature layers. The Applicant has demonstrated to the NYSDEC's satisfaction, and in accordance with regulatory and permitting requirements, that the air quality impact modeling data and results satisfactorily represent those of the proposed Project.

**Comment IV-8. Given the proposed ExC Project facilities' size and projected emissions, a Title V air permit would be a more appropriate authorization instrument for the proposed facilities than an Article 19 Air State Facility Permit Minor Modification.**

**Response:** Pursuant to the requirements of 6 NYCRR 201-5.4(b), the Applications for the Project are significant permit modifications and have been treated as such. Regarding Title V permitting, as discussed in 6 NYCRR 201-6.1(a), Title V permits are required for major facilities (i.e. stationary

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sources with the potential to emit one or more contaminants in excess of the applicable major source threshold listed in 6 NYCRR 201-2.1(b)(21)), facilities specifically required to obtain a Title V permit by one or more applicable federal requirements, and affected sources subject to the acid rain requirements of Title IV of the Clean Air Act. Neither the Athens nor the Dover compressor stations have the potential to emit any air contaminants in excess of the applicable major source threshold. Further, neither facility is subject to any federal regulations that specifically require a Title V permit. Finally, Title IV of the Clean Air Act does not apply to natural gas compressor stations. Accordingly, neither facility is subject to the requirement to obtain a Title V permit.

**Comment IV-9. FERC and NYSDEC should consider the cumulative impacts on air quality from adding an additional compressor near the existing Cricket Valley Energy Center.**

**Response:** NYSDEC air permitting requirements include modeling the cumulative air quality impacts of sources and facilities outside of the ExC Project sites. For any offsite ExC Project air quality impact that is calculated to be greater than U.S. EPA's SIL for that pollutant, an air quality impact analysis incorporating regional sources and background air quality concentrations is required. For the Athens and Dover Compressor Stations, the Applicant reported significant impact analysis results. The Dover Station's significant impacts include fine particulate matter (PM<sub>2.5</sub>) and NO<sub>x</sub>. Based on the Dover Station's area of significant impacts, NYSDEC identified Cricket Valley Energy Center as a regional source for PM<sub>2.5</sub> and NO<sub>x</sub>. The three Cricket Valley Energy Center turbines were included in the cumulative impact analysis. Cricket Valley Energy Center turbine emissions were modeled based on their maximum potential to emit. Impacts from actual operations at less than maximum capacity would be less. Background air quality concentrations were included in the Applicant's analysis to represent all other sources not modeled individually, whether they are located in New York, Connecticut, or elsewhere. The Applicant's analysis predicted ambient air quality impacts resulting from operation of the Dover Compressor Station, combined with existing background and regional sources, to be less than the NAAQS.

**Comment IV-10. The NO<sub>x</sub> limits for the Iroquois Athens and Dover Compressor Stations should be lowered to be consistent with the NO<sub>x</sub> limits of recently approved compressor turbines in New Jersey. For nitrogen oxide(s) (NO<sub>x</sub>) emissions, NYSDEC proposed to approve a limit of 25 parts per million, by volume dry basis, at 15 percent oxygen (ppmvd@15% O<sub>2</sub>) as specified on page 20 of the Dover station proposed permit and page 17 of the Athens station proposed permit. NJDEP recently approved installations of two compressor turbines for the Transcontinental Gas Pipeline Corporation with a maximum NO<sub>x</sub> concentration limit of 4.5 ppmvd@15% O<sub>2</sub>, one compressor turbine for the Tennessee Gas Pipeline Company with a maximum NO<sub>x</sub> concentration limit of 9 ppmvd@15% O<sub>2</sub>, and two Texas Eastern Transmission Corporation turbines with maximum NO<sub>x</sub> concentration limits of 9 ppmvd@15% O<sub>2</sub>.**

**Response:** NYSDEC's permit requires the Applicant to implement minor source simple cycle natural gas combustion turbines that will achieve a nitrogen oxides (NO<sub>x</sub>) emission limit of nine (9) parts per million by dry volume at 15 percent oxygen (ppmvd @ 15% O<sub>2</sub>). Potential NO<sub>x</sub> emissions estimated for the Project, and which were input to the related air quality impact dispersion models, are also based on this limit. A condition requiring the proposed turbine at the Dover station to meet this limit was included in the draft permit. Although a similar limit was not initially included in the draft permit for the Athens station, NYSDEC's permit requires the Applicant to include the same

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condition for the proposed turbine. The corresponding limit for the proposed Athens turbine would be 3.07 lbs/hr, which is equivalent to 9 ppmvd @15% O<sub>2</sub>.

The NO<sub>x</sub> emissions limits proposed for the Project's turbines are equivalent to the minor source permits proposed in New Jersey for the Tennessee Gas Pipeline Company (NJDEP PI #83405, BOP ID 19-0001) and approved for the Texas Eastern Transmission Company (NJDEP PI #80337, BOP ID 17-0001). The 4.5 ppmvd @ 15% O<sub>2</sub> NO<sub>x</sub> permit limit proposed for the Transcontinental Gas Pipeline Corporation (NJDEP PI #35742, BOP ID 21-0001) is for its Station 505 located in Neshanic Station, Somerset County, NJ. The 4.5 ppmvd @ 15% O<sub>2</sub> NO<sub>x</sub> permit limit is equivalent to Lowest Achievable Emission Rate (LAER) technology, which is required only for major sources of NO<sub>x</sub> emissions in ozone nonattainment areas. Station 505's Title V air permit indicates that Station 505 has the potential to emit more than 400 tons per year of NO<sub>x</sub> to the atmosphere in the Somerset County severe ozone nonattainment area. By contrast, the proposed turbines at the Athens and Dover stations have the potential to emit 13.45 and 13.32 tons per year per turbine, respectively. Accordingly, the Project is not considered significant under 6 NYCRR Part 231 and therefore are not subject to the requirement to install LAER technology. Further, the Project facilities are located in marginal (Athens) and moderate (Dover) ozone non-attainment areas unlike the severe area covering Somerset County, NJ. As a result, the referenced Transcontinental Gas Pipeline Corporation facility is not analogous to the Project's compressor stations.

**V. CLIMATE ACT/SCOPING PLAN**

**Comment V-1. The ExC Project would be inconsistent with the CLCPA, which mandates economy-wide reductions in GHG emissions 40% by 2030 and 85% by 2050, with 70% renewable electricity by 2030 and 100% zero-emissions electricity by 2040. Additionally, the ExC Project is not necessary because various Federal, State, and local legislative initiatives are already imposing bans on certain natural gas connections, requiring buildings to meet energy efficiency and emissions reduction standards, and providing incentives to assist with buildings decarbonization and efficiency. The ExC Project cannot be justified given these legislative initiatives' anticipated impact on consumer demand in the medium- to long-term.**

**Response:** Based on the potential GHG emissions quantified in the Applicant's Climate Act Section 7(2) analysis and the potential for the Project to increase reliance on fossil fuels, a decision to issue Air State Facility permit modifications for the Project would be inconsistent with the attainment of the statewide GHG emission limits established in the Climate Act and promulgated in 6 NYCRR Part 496. If it is found that a decision is inconsistent with or will interfere with the attainment of the statewide GHG emissions limits, Section 7(2) of the Climate Act requires that NYSDEC provide a detailed statement of justification and a description of any alternatives and mitigation measures that will be required for the Project.

To evaluate whether sufficient justification for this decision is available, NYSDEC required the Applicant to provide information supporting any potential need for the Project. The Applicant provided NYSDEC with information in its April 2022 RFAI Response indicating that the Utilities have advised FERC, the New York Public Service Commission (NYSPSC), and NYSDEC that based on their studies and analysis of regional supply and demand, the Project is necessary to provide their customers with safe and reliable supply of natural gas.

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National Grid’s April 24, 2024, comments filed in this permit proceeding reiterated the need for the Project to avoid a peak day gap between supply and demand and continue to meet their statutory obligation under the NYPSL to provide safe and reliable service to their natural gas customers. Additionally, in its Initial Gas System Long-Term Plan, dated May 31, 2024, National Grid stated that “[w]ithout additional capacity from the Iroquois ExC Project ..., National Grid anticipates a supply gap for peak gas demand starting ... in winter 2027/2028” which will continue to grow into the winter of 2049/50. National Grid further states in its Initial Long-Term Plan that, “While existing programs are having an impact, new policies and regulatory frameworks will be necessary to reach New York’s important and ambitious decarbonization targets. New approaches that go beyond existing programs are needed to reduce gas demand through energy efficiency and electrification, and to ensure the availability of clean alternative fuels to meet hard-to-electrify energy uses. Without them, customer demand for conventional natural gas will continue to increase.”<sup>7</sup>

In addition to National Grid’s statements, Con Edison, in a comment letter dated February 22, 2023, advised that it requires the ExC Project to maintain the reliability of its local natural gas system. Additionally, Con Edison’s Long Term Plan states that the ExC Project would help eliminate the need for “delivered services”, which are less reliable than the firm natural gas transportation service provided by the Project.<sup>8</sup>

In addition to the statements made by the Utilities, the DPS Assessment concluded that “the ExC Project is necessary to ensure Con Edison’s and National Grid’s continued provision of safe, adequate, and reliable gas service to customers in the downstate region.” Further, DPS explained that although overall demand for natural gas has started to decrease due to new policies adopted by New York City and the State, “gas demand has continued to grow” for certain portions of the areas “served by both Con Edison and National Grid.”<sup>9</sup> In light of this increase in demand, the DPS Assessment emphasized that “[e]fforts to maintain the safety and reliability of the gas delivery systems during the [State’s renewable energy] transition remain paramount.”<sup>10</sup>

As discussed in both [CP-49: Climate Change and DEC Action](#) and [DAR-21: The Climate Leadership and Community Protection Act and Air Permit Applications](#), an indication that a project is necessary to ensure the safe and reliable operation of existing systems is a potential justification for a decision notwithstanding its inconsistency with the Climate Act. Accordingly, based on the statements made by the Applicant and the confirmation of those statements by DPS, NYSDEC has determined that there is sufficient justification for this decision notwithstanding its inconsistency with the Climate Act.

The April 2022 RFAI Response included an analysis describing potential alternatives considered by the Applicant and the Utilities. The alternatives considered were the no action alternative, pipeline system alternatives, compressor station alternatives, and the Utilities’ alternative energy sources assessment. The analysis concluded that there are currently no feasible alternatives that would meet the energy supply needs of the region while minimizing environmental impacts to the extent achieved by the ExC Project.

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<sup>7</sup> National Grid Initial Long-Term Plan at Section 1.3.1.

<sup>8</sup> Con Edison Long-Term Plan at 49.

<sup>9</sup> DPS Assessment at 3-4.

<sup>10</sup> DPS Assessment at 4.

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Since the Applicant was unable to identify any feasible alternatives to the ExC Project, NYSDEC required the identification and implementation of mitigation measures to reduce GHG emissions from the Project. As required by the Air State Facility permits, the mitigation measures that will be implemented for the ExC Project include:

- The installation of VRS on the proposed compressors at Athens and Dover. These systems are designed to capture fugitive leaks from compressor seals and direct them back to the pipeline. As discussed in the Public Participation Plan, dated April 29, 2024, the proposed VRS would reduce the aggregate fugitive carbon dioxide equivalent emissions from the Project by approximately 90% at the stations located in New York. Further, the Applicant has agreed to evaluate the feasibility of installing VRS at three additional compressor stations in New York that are not part of this Project (Boonville, Wright, and Croghan) which may further reduce fugitive methane emissions in the State.
- Conducting more frequent fugitive emissions surveys at the compressor stations associated with this Project. Surveys will be conducted monthly, as opposed to bimonthly as required by 6 NYCRR Part 203, and any leaks will be promptly repaired as described in the air state facility permits associated with the Project. Further, these surveys will be conducted using Optical Gas Imaging devices which have a lower detection threshold than other methods. Accordingly, potential leaks will be detected and repaired more quickly.
- Providing \$3,500,000 to establish a Greenhouse Gas Mitigation Fund to reduce gas greenhouse gas emissions within National Grid and Con Edison service areas.
- A fuel use limit on the proposed turbines to be installed at the Athens and Dover compressor stations equal to ninety-one and one-half percent (91.5%) of the total fuel Btu heat value that could be consumed at the worst-case full load conditions.

**Comment V-2. The state must abide by the mandates of the CLCPA, and work to decrease the state’s fossil fuel use.**

**Response:** NYSDEC agrees that the State must continue and accelerate the ongoing transition away from fossil fuel use, including natural gas use, in the State to meet the emission limit mandates of the Climate Act. As discussed in Response to Comment V-1, the NYSDEC has evaluated the Project with respect to the mandates of the Climate Act. Specifically, the Applicant has provided, and NYSDEC has evaluated, information discussing the GHG emissions impact from the Project. Further, NYSDEC has considered available information from both the Applicant and DPS concerning the need for the Project and concluded that sufficient justification exists for permit issuance notwithstanding inconsistency with the attainment of the statewide GHG emissions limits. Finally, as stated in the Response to Comment V-1, NYSDEC required mitigation measures for this Project to reduce GHG emissions.

**Comment V-3. The ExC Project would be inconsistent with the New York Climate Action Council’s Scoping Plan, which states that New York must have “natural gas use reductions statewide by at least 33% by 2030 and by 57% by 2035.”**



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**Response:** NYSDEC agrees that its decision to issue permits for this Project is inconsistent with the attainment of the Statewide GHG emission limits established by the Climate Act and recognizes that the State must reduce natural gas use to meet these required limits. The Scoping Plan provides that the transition of the natural gas system must be “equitable and cost effective for consumers without compromising reliability, safety, energy affordability and resiliency.”<sup>11</sup> The Scoping Plan further provides that “[i]nvestments in traditional infrastructure will still be necessary to maintain reliability and safety and to achieve emissions reduction targets using a decarbonized gas system.”<sup>12</sup> Information provided to NYSDEC by DPS demonstrates that the Project “is necessary to ensure Con Edison’s and National Grid’s continued provision of safe, adequate, and reliable gas service to customers in the downstate region.”<sup>13</sup>

**Comment V-4. NYSDEC’s Article 19 permitting process should not be administratively separate from the top-down emissions inventories specified by the CLCPA to gauge progress with that legislation.**

**Response:** This comment is outside the scope of this permit action. In any case, as required by Climate Act Section 7(2) and consistent with NYSDEC’s [CP-49: Climate Change and DEC Action](#) and [DAR-21: The Climate Leadership and Community Protection Act and Air Permit Applications](#) policies, NYSDEC considered the GHG emissions associated with this Project. The manner in which NYSDEC accounts for GHG emissions from individual projects as part of Climate Act reviews for the Article 19 permitting process is consistent with the way NYSDEC prepares the annual statewide GHG report, or inventory, under the Climate Act. As discussed in response to other comments, while the ExC Project is inconsistent with the Statewide GHG emission limits established by the Climate Act, the Project is nevertheless justified as being necessary to ensure safety and reliability as determined by DPS.

**Comment V-5. Commenters said that NYSDEC’s decision regarding Iroquois’ ExC Project permit application should be consistent with its recent permit denials for fossil-fuel-fired power plants, such as those proposed by Astoria Gas Turbine Power, Danskammer, and Greenidge. Additionally, Commenters said that even if the ExC Project were sufficiently justified, Section 7(2) of the CLCPA requires that NYSDEC deny the Iroquois Applications because the proposal lacks adequate mitigation measures.**

**Response:** NYSDEC reviews air permit applications on a case-by-case basis. NYSDEC’s prior permitting decisions on other applications were based on the facts presented in those proceedings. Similarly, NYSDEC’s decision on the Applications for the ExC Project is based on the facts presented in this proceeding. As discussed in the Response to Comment V-1, the Applicant has provided, and NYSDEC has evaluated, information regarding the potential impacts of the Project. Based on this review, NYSDEC has determined that its decision to issue permits for the ExC Project is inconsistent with the attainment of the Statewide GHG emission limits established by the Climate Act. Further, unlike the other decisions noted by comments in which a justification was not available, here NYSDEC has determined that sufficient justification for a reliability need is

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<sup>11</sup> Scoping Plan at Section 18.1.

<sup>12</sup> Scoping Plan. at Table 18.

<sup>13</sup> DPS Assessment at 12.

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available to issue permits notwithstanding inconsistency with the Climate Act. Finally, the Applicant will be implementing several mitigation measures to reduce GHG emissions, and these commitments have been incorporated as required conditions of the Air State Facility permits issued by NYSDEC. In other words, if the Applicant does not implement the mitigation conditions as set forth in the permits, it would be in violation and subject to enforcement action by NYSDEC.

**Comment V-6. Iroquois’ October 2021 RFAI Response contains inaccurate and inadequate data. For example, Iroquois inaccurately states that “NYSDEC’s DAR Technical Guidance Memo, titled Climate Leadership and Community Protection Act (CLCPA) and Permit Applications, dated September 1, 2020, provides that CLCPA consistency review is required for applications for new permits and significant permit modifications. Accordingly, since the Applications seek neither new permits nor significant modifications to Iroquois’ permits, pursuant to NYSDEC’s guidance, a CLCPA consistency review is not required.”**

**Response:** Early in the review of this Project, the Applicant’s October 2021 RFAI quoted from the above-referenced NYSDEC unofficial internal guidance document, which was later rescinded by NYSDEC. Accordingly, this document was not used in the review of the Applications. The Applicant provided, and NYSDEC reviewed, information consistent with the requirements of [DAR-21: The Climate Leadership and Community Protection Act and Air Permit Applications](#) for analyses addressing the requirements of the Climate Act.

**VI. PROJECT NEED/ JUSTIFICATION**

**Comment VI-1. There is no need for the ExC Project because demand for gas is declining. There is no justification to increase transport capacity through the Iroquois pipeline.**

**Response:** Based on the information provided by the Applicant, issuance of the Air State Facility Permits for the ExC Project would result in additional GHG emissions as compared to currently permitted operations and actual emissions resulting from current operations primarily due to projected downstream emissions from the end-use combustion of the incremental natural gas capacity provided by the ExC Project.

Based on the projected increase in GHG emissions from the ExC Project, NYSDEC finds that the issuance of the Air State Facility Permits for the ExC Project is inconsistent with the attainment of the statewide GHG emission limits and interferes with the attainment of statewide GHG emission limits under the Climate Act. Thus, pursuant to the requirements of Climate Act Section 7(2), in order to issue the permits, a detailed statement of justification as to why the statewide GHG emission limits may not be met is required, along with the identification of required alternatives or GHG mitigation measures.

To evaluate whether there is sufficient justification to issue permits for the ExC Project, NYSDEC required the Applicant to provide information supporting any reliability need. The Applicant provided NYSDEC with such information in its April 29, 2022, Request for Additional Information (April 2022 RFAI) Response indicating that National Grid and Con Edison have advised FERC, the

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NYSPSC and NYSDEC, that, based on their studies and analysis of regional supply and demand, the ExC Project is necessary to provide their customers with safe and reliable gas service.

As DPS is responsible for overseeing utilities' ability to provide safe and reliable gas service in New York State in compliance with the NYPSL, on January 24, 2024, NYSDEC requested input from DPS on whether there is a reliability need for the ExC Project. DPS performed an analysis of the potential need for the ExC Project. Based on its analysis, on February 26, 2024, DPS prepared a letter identifying two separate reliability concerns: "(1) Con Edison and National Grid are over-relying on [Compressed Natural Gas (CNG)] and other delivered services, neither of which may be available on the coldest days of the year; and (2) winter-related risks associated with gas supplies provided from delivery systems located to the south of New York City."<sup>14</sup> DPS further concluded that "[t]he [ExC] Project would address both of these existing reliability problems by both adding firm capacity into the downstate region, which would offset Con Edison's and National Grid's reliance on third parties for CNG and delivered services, and providing operational flexibility in case of supply decreases from pipelines located to the south of New York City in emergency situations."<sup>15</sup> Thus, DPS concluded that "the ExC Project is necessary to ensure Con Edison's and National Grid's continued provision of safe, adequate, and reliable gas service to customers in the downstate region."<sup>16</sup> An additional public comment period was held from February 28, 2024 through April 29, 2024 for the public to provide feedback on DPS' statement of reliability and project need.

In addition to the DPS Assessment, National Grid and Con Edison provided comments to NYSDEC asserting the ExC Project's reliability need. On April 24, 2024, National Grid filed comments during the public comment period, reiterating its assessment of the need for the ExC Project to avoid a peak day gap between gas supply and demand and continue to meet its statutory obligation under the NYPSL to provide safe and reliable service to its natural gas customers. Additionally, in its Initial Gas System Long-Term Plan, dated May 31, 2024, National Grid stated that "[w]ithout additional capacity from the Iroquois ExC Project ..., National Grid anticipates a supply gap for peak gas demand starting ... in winter 2027/2028, and growing to winter 2049/50."<sup>17</sup> Similarly, Con Edison stated in its Long-Term Gas Plan, dated September 2023, that the ExC Project would be needed to eliminate reliance on "delivered services," which are less reliable than the gas transportation service that would be provided by the ExC Project.<sup>18</sup>

As discussed in both [CP-49: Climate Change and DEC Action](#) and [DAR-21: The Climate Leadership and Community Protection Act and Air Permit Applications](#), an indication that a project is necessary to ensure the safe and reliable operation of existing systems is a potential justification for the ExC Project notwithstanding its inconsistency with the statewide GHG emission limits established under

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<sup>14</sup> DPS Assessment at 7-8.

<sup>15</sup> DPS Assessment at 11.

<sup>16</sup> DPS Assessment at 12.

<sup>17</sup> DPS Rate Case No. 24-G-0248, *National Grid Initial Gas System Long-Term Plan*, p. 64 (May 31, 2024), available at: [https://ngridolutions.com/docs/24-G-0248-National-Grid-Gas-Long-Term-Plan\(05-31-2024\).pdf](https://ngridolutions.com/docs/24-G-0248-National-Grid-Gas-Long-Term-Plan(05-31-2024).pdf)

<sup>18</sup> DPS Rate Case No. 23-G-0147, *Consolidated Edison Company of New York Inc, Gas System Long-Term Plan*, p. 23 (Nov. 29, 2023), available at: <https://cdne-dcxprod-sitecore.azureedge.net/-/media/files/coned/documents/our-energy-future/our-energy-projects/gas-planning-process/final-long-term-plan.pdf?rev=f28a61ad8f0a4d13a0be342c8a691ddf&hash=0FB7AF71FD6D8E7B9528590474659EE6>

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Climate Act. Accordingly, based on the statements made by the Applicant, National Grid, Con Edison, and the assessment and confirmation of those statements by DPS, NYSDEC has determined that there is sufficient justification to issue Air State Facility permits for the ExC Project, notwithstanding the inconsistency with the Climate Act.

See also Response to Comments III-6 and V-1.

**Comment VI-2. With the development of offshore wind projects, there is no need for the ExC Project and renewable energy project coming online in the next few years will allow for the eventual decommissioning of the gas-fired power plants.**

**Response:** See Response to Comment V-1.

**Comment VI-3. Iroquois has dramatically overstated the need for natural gas; therefore, the ExC Project is unnecessary.**

**Response:** See Response to Comments III-6 and V-1.

**Comment VI-4. The ExC Project is not necessary because National Grid's load forecast and projected natural gas supply gap are not accurate.**

**Response:** National Grid's Initial Long-Term Plan affirms that "Downstate New York...Design Day gas demand will increase approximately 0.8% per annum, from 2,876 MDth/day in the winter of 2024/2025 to 3,549 MDth/day in the winter of 2049/2050."<sup>19</sup>

Both FERC and DPS Staff have determined that the Project is needed. The DPS Assessment explained that utilities determine demand by applying "best practices informed by actual operating history, the policies adopted by [FERC] and the PSC, as well as industry standards."<sup>20</sup> DPS Staff further explained that the Utilities plan for a design day using "heating degree days" of 65, or an average temperature over a 24-hour period of 0 degrees Fahrenheit.<sup>21</sup> To calculate design day demand, gas utilities use "metered load data from the past one to three years...complex formulae and employ statistical analyses ... to establish the highest anticipated demand of the utilities system."<sup>22</sup> Based on their calculations, DPS explained that both Utilities, "are projecting growth in design day demand over the next five years."<sup>23</sup>

DPS Staff further explained why utilities must conservatively forecast design day demand. In the event that the design day demand cannot be met, "the results can be catastrophic" as parts of the system need to be turned off and "an interruption of gas service to residential customers can take weeks and even months to restore in a safe manner."<sup>24</sup> As such, the gas supply planning process must include conservative assumptions because the level of risk to the system, as well as to human health and safety, of a supply interruption is so great.

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<sup>19</sup> National Grid Initial Long-Term Plan at Section 1.3.1

<sup>20</sup> DPS Assessment at 2.

<sup>21</sup> DPS Assessment at 3.

<sup>22</sup> DPS Assessment at 3.

<sup>23</sup> DPS Assessment at 5.

<sup>24</sup> DPS Assessment at 7-8.

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**Comment VI-5. The ExC Project will result in long-term impacts to ratepayers even though any increase in peak demand that occurs will be short-term.**

**Response:** This comment is outside the scope of this permit action. The PSC, not NYSDEC, exercises jurisdiction over New York utility rates. As explained in the DPS Assessment, DPS Staff is required by the NYPSL to “ensure the provision of utility service in a manner that is ‘safe and adequate and in all respects just and reasonable.’”<sup>25</sup> Based on its assessment of the safety and reliability needs of the downstate natural gas distribution systems, DPS Staff determined that the Project “is necessary to ensure Con Edison’s and National Grid’s continued provision of safe, adequate, and reliable gas service to customers in the downstate region.”<sup>26</sup>

**Comment VI-6. DPS Staff’s conclusion that the ExC Project is justified was based on incorrect and/or inappropriate analysis of gas system demand and design day supply.**

**Response:** As explained in the Response to Comment VI-4, the DPS Assessment affirmed the analysis of gas system design day demand and supply provided in support of the ExC Project. Additionally, DPS Staff further explained that during Winter Storm Elliott on December 24, 2022, the temperature reached a low of 7°F—warmer than near the design day for Con Edison and National Grid—but both utilities came dangerously close to experiencing thousands, if not millions, of gas outages.<sup>27</sup> Consequently, revising the design day assumptions to reflect a more temperate climate could lead to catastrophic results for the natural gas distribution system and the consumers that rely upon it for hot water and building heating during the coldest winter periods.

Similarly, comments suggesting that extremely cold temperature conditions are increasingly unlikely to occur as a result of global climate change are flawed because climate change also results in the occurrence of more extreme winter weather events, such as that experienced during Winter Storm Elliott.<sup>28</sup> DPS Staff’s analysis underscores the catastrophic consequences for New York consumers that would result from a natural gas shortage during an extreme winter storm event.

**Comment VI-7. DPS Staff’s analysis fails to address viable alternatives to the ExC Project, such as service contracts, liquefied natural gas (LNG), and trucked compressed natural gas (CNG).**

**Response:** The DPS Assessment considers service contracts, LNG, and CNG as potential alternatives to the Project. Specifically, the letter explains that the Project would enable Con Edison and National Grid to avoid their current overreliance on short-term delivered services contracts, which are priced at whatever the market will bear and are not guaranteed to be available to New York’s utilities when needed. If Con Edison and National Grid are unable to successfully negotiate continuation of their peaking supply contracts, such delivered services contracts may not be available, making this alternative less reliable than the firm transportation service that would be

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<sup>25</sup> DPS Assessment at 1.

<sup>26</sup> DPS Assessment at 12.

<sup>27</sup> DPS Assessment at 9.

<sup>28</sup> See Jennifer Francis, Climate Scientist at Woodwell Research Center, quoted in Seth Borenstein, *US in deep freeze while much of the world is extra toasty? Yet again, it’s climate change*, ASSOCIATED PRESS (Jan. 16, 2024), <https://apnews.com/article/polar-vortex-cold-climate-change-hot-cc1b0d7a04e7ef6d59c4882a211046ce>.

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provided by the Project.<sup>29</sup>

With respect to CNG, DPS' analysis rejects continued overreliance on CNG, as CNG is delivered by truck. Since this type of supply is most needed on the coldest days of the year, which often correspond with major snowstorms or high wind events, the delivery of CNG can be risky or impossible if bridges or other transportation routes to the gas injection sites are closed.<sup>30</sup> The delivery of CNG also involves additional GHG emissions associated with tanker truck operations. As such, DPS Staff notes that CNG should be the peaking option of last resort.<sup>31</sup>

Averting the ExC Project by increasing the use of LNG was similarly dismissed by DPS Staff, as LNG volume is limited and used by utilities only when they have already maximized the use of all other available assets. Consequently, LNG is not a feasible option for closing the gap between energy demand and supply that would result in the absence of the ExC Project.<sup>32</sup>

**Comment VI-8. In concluding that there is a need for ExC, DPS Staff inadequately considers the potential of robust demand response and other demand-side programs to meet the reliability needs of the New York gas distribution system during peak demand events.**

**Response:** Demand response and other demand-side programs are included in the Utilities' long-term gas supply plans. See Section 5.1 through 5.3 of National Grid's Initial Long-Term Plan and Section IV of Con Edison's Long-Term Plan. While the Utilities continue to develop and improve upon their demand side management programs to reduce the demand of natural gas within their service territories, such programs do not obviate the need for the Project to supply natural gas during periods of peak demand and to further support the overall reliability of the New York Facilities System.

See also Responses to Comments VI-1, VI-3, and VI-6.

**Comment VI-9. The United States does not need to, and should not, export energy. Canada has sufficient energy resources at its disposal and the State of New York and/or the United States of America should not approve projects that will send energy abroad.**

**Response:** This comment is outside the scope of this permit action.

**Comment VI-10. New York State should require National Grid to implement its proposed "No Infrastructure" alternative instead of approving the ExC Project.**

**Response:** Under the No Action Alternative, Project construction and operational emissions would not occur, but the need for the Project as determined by DPS would not be met and other means would be necessary for National Grid and Con Edison to meet the projected growth in demand for natural gas and meet their statutory obligations under the NYPSL. Accordingly, there could still be impacts, including GHG emissions, from this alternative.

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<sup>29</sup> DPS Assessment at 6.

<sup>30</sup> DPS Assessment at 7.

<sup>31</sup> DPS Assessment at 8.

<sup>32</sup> DPS Assessment at 7.

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As discussed in DPS' reliability letter, the Project "would provide for greater diversity with respect to firm gas supplies into New York" and would "enable Con Edison and National Grid to avoid their overreliance on short-term delivered services."<sup>33</sup> These Project benefits address reliability concerns of the Utilities, "by adding firm capacity into the downstate region" and "providing operational flexibility in case of supply decreases from pipelines located to the south of New York City in emergency situations, such as what occurred during" Winter Storm Elliott.<sup>34</sup> Such need as determined by DPS would not be met if the "no infrastructure" alternative was required.

**Comment VI-11. Even if the ExC Project is justified, NYSDEC should reduce the twenty-year contract term as an additional mitigation measure.**

**Response:** As discussed in the Response to Comment V-1, the final permits require the Applicant to implement several GHG and co-pollutant mitigation measures as part of this project. These measures include the installation of VRS on the Project compressors, evaluating the feasibility of installing VRS at the Applicant's other New York compressor stations, conducting more frequent fugitive emissions surveys, accepting a limit on the maximum amount of fuel that can be burned in the Project turbines, and committing \$3,500,000 to establish a Greenhouse Gas Mitigation Fund to fund projects that will further reduce GHG emissions in National Grid and Con Edison service areas. NYSDEC will reevaluate the continuing reliability need for this Project in the future.

**Comment VI-12. NYSDEC should not adopt hydrogen or renewable natural gas (RNG) blending as a mitigation measure for the Project.**

**Response:** The Project does not propose hydrogen (H<sub>2</sub>) or RNG blending as a potential mitigation measure.

The Applicant evaluated the feasibility of using RNG and/or H<sub>2</sub> to power the Project's turbines at the Athens and Dover compressor stations and determined this mitigation measure is currently infeasible.<sup>35</sup>

**Comment VI-13. NYSDEC should defer any final finding of justification until more information is available.**

**Response:** FERC, DPS, and the Utilities each determined that the Project is needed to ensure that customers in the Utilities' service territories have access to a safe and reliable gas service. Given the Project's proposed in-service date and the Utilities' need for the Project to avoid a gap in forecasted demand and supply, further delay in permitting and development of the Project could adversely affect the safety and reliability of the New York Facilities System and the Utilities' ability to provide "safe and adequate" service as required by the NYPSL.

See also Response to Comments VI-1, VI-2, and VI-3.

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<sup>33</sup> DPS Assessment at 11.

<sup>34</sup> DPS Assessment at 11.

<sup>35</sup> April 2022 RFAI at 19.

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**Comment VI-14.** The peak day load forecasts prepared by Con Ed and National Grid are not accurate or useful for predicting the need for the ExC Project. These peak day loads forecasts are based on temperature conditions that have occurred rarely over the last 120 years and are unlikely to recur in a rapidly warming world. Modifying the design day temperature by just 2 degrees Fahrenheit—from an average temperature of zero degrees Fahrenheit to two degrees Fahrenheit—would eliminate the need for most of the incremental capacity added by the ExC Project.

**Response:** See Response to Comments VI-1 and VI-6.

## **VII. CUMULATIVE IMPACTS**

**Comment VII-1.** In 2022, Governor Hochul signed the “Cumulative Impacts Bill” into law, which expands existing environmental review procedures under the State Environmental Quality Review Act (“SEQRA”) to require environmental justice considerations and cumulative impact assessments for certain agency actions, including permit approvals. The communities surrounding the proposed Athens and Dover compressor station will be disproportionality burdened by the ExC Project, violating New York law.

**Response:** On December 31, 2022, New York Governor Kathy Hochul signed a ‘Cumulative Impacts Bill’ into law, amending the State Environmental Quality Review Act (SEQRA) and the Uniform Procedures Act (UPA) to require consideration of the effects of disproportionate pollution impacts on a disadvantaged community (DAC). However, the law took effect on December 30, 2024. In particular, the law applies to certain types of permit applications received by NYSDEC on or after December 30, 2024, and all pending incomplete permit applications of those types as of that date. Accordingly, it is not applicable to this Project.

Although the Cumulative Impacts Bill is not applicable, the Project underwent a comprehensive NEPA review by FERC. Potential environmental justice impacts of the Project were assessed by FERC as part of the Project’s NEPA review.

Further, NYSDEC requested and received information regarding the Project’s conformance with Section 7(3) of the Climate Act, which requires NYSDEC and other agencies to ensure its permitting and other administrative decisions do not disproportionately burden disadvantaged communities. NYSDEC implements Section 7(3) of the Climate Act. NYSDEC utilized [CP-29: Environmental Justice and Permitting](#) and principles in [DEP 24-1: Permitting and Disadvantaged Communities](#)<sup>36</sup> policies for DAC considerations. Consistent with these policies, NYSDEC requires several project design considerations that would reduce impacts on affected Disadvantaged Communities. The project design considerations that will be implemented for this Project include:

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<sup>36</sup> NYSDEC’s *DEP 24-1: Permitting and Disadvantaged Communities* guidance document. DEP 24-1 applies to permit applications received by NYSDEC after the issuance date of the policy and pending applications that were incomplete as of the issuance date of the policy, which was May 8, 2024. Since the Applications for this Project were deemed complete as of December 28, 2022, while the requirements of Climate Act Section 7(3) apply to the Applicants, DEP 24-1 does not apply to them.



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- Installing advanced SoLoNOx combustion technology on the Project turbines, which will reduce NOx emissions.
- Implementing a maximum fuel use limit of 91.5% of the design maximum, which will reduce potential co-pollutant emissions.
- Installing oxidation catalysts on the Project turbines to reduce co-pollutant emissions.
- Installing VRS at the Project compressor stations and evaluating the feasibility of installing VRS at the Applicant's three other New York facilities. This measure will reduce fugitive methane emissions and blowdown emissions during station maintenance.
- Contributing \$1,500,000 to establish a Disadvantaged Community Benefit Program for the communities affected by the Project. This funding will be used for various projects that will further reduce GHG and co-pollutant emissions in these communities, such as electric vehicle charging stations and a heat pump program.

Further, as explained in Response to Comments IV-1, IV-2, IV-4, IV-5, and IV-9, NYSDEC air permitting requirements include modeling ambient air quality impacts of the Project on receptors located nearby. The Project's operational air emissions were also considered by FERC as part of the Project's NEPA review. FERC and NYSDEC's review determined that Project emissions, when considered with existing and background concentrations, would not cause or contribute to an exceedance of the NAAQS, which are designed to be protective of human health and welfare. The Applicant also commissioned a HHRA to assess potential health risks associated with the Project. This analysis similarly concluded that the Project would not negatively impact human health.

Section VXIII further describes the Public Participation process, and the opportunities provided for public engagement, and Section IX provides information on NYSDEC's DAC considerations as required under Section 7(3) of the Climate Act.

**Comment VII-2. The cumulative air impacts of other industrial projects close to the Athens and Dover stations must be considered. Although the project would be grandfathered from the new Cumulative Impacts Bill, the enacted CLCPA contains important provisions that ensure agency decision-making does not disproportionately burden DACs and prioritizes reductions of GHG emissions and co-pollutants in these communities.**

**Response:** As further discussed in Response to Comment IX-1, below, the Project is not expected to disproportionately burden DACs. NYSDEC air permitting requirements include modeling the air quality impacts of the Project on receptors located outside of the facility's fence line. The Applicant's analysis demonstrated that ambient air quality impacts resulting from operation of the Dover Compressor Station, combined with existing background and regional sources, are less than the NAAQS at and beyond the Dover Station boundary. For the Athens Compressor Station, the modeling analysis demonstrates that the Project air quality impacts are insignificant for all pollutants. Also, the Applicant commissioned a HHRA to assess potential health risks associated with hazardous co-pollutants to the communities surrounding the Project, which concluded that the

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Project would not negatively impact human health.

FERC's NEPA review also assessed the cumulative impacts associated with other nearby sources. FERC concluded that identified sources within the geographic scope for air quality impacts during operation of the Athens and Dover Compressor Stations would not cause or significantly contribute to a degradation of ambient air quality and would not result in significant cumulative impacts on regional air quality.

Finally, to meet the requirements of Climate Act Section 7(3), the final permits require the Applicant to implement various project design considerations to reduce potential impacts on the surrounding DACs, as discussed in Response to Comment VII-1. These measures have been incorporated into the final permits and were developed in consultation with members of the affected communities during the outreach the Applicant conducted pursuant to their Public Participation Plan.

**Comment VII-3. The cumulative impacts from the Athens Compressor station air emissions should be considered with the Athens Generation electric power plant.**

**Response:** See Response to Comment VII-2.

## **VIII. SOCIOECONOMICS**

**Comment VIII-1. The ExC Project will result in few economic benefits for local communities surrounding the project. There would be no tax revenue increase. Additionally, temporary jobs created by construction would be filled by out-of-state workers, who will not contribute to the local economy.**

**Response:** This comment is outside the scope of this permit action. However, the tax implications to the communities where the Project's compressor stations are located were evaluated as part of FERC's NEPA review. FERC's FEIS indicates that the Project would result in tax revenue increases to the host communities. FERC concluded that the increased tax revenue from the Project would equate to annual budget increases of 19.4 percent in Athens and 9.2 percent in Dover.<sup>37</sup> FERC's NEPA review also found that local sales tax revenue from the Project would be generated through the purchase of construction material, fuel, lodging, and food.<sup>38</sup>

According to the Applicant, during ExC Project construction, the average workforce would range between 40 and 160 workers at a given facility, with up to approximately 25 percent of workers hired locally.<sup>39</sup>

**Comment VIII-2. The ExC project will result in a loss of tax revenue and economic development.**

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<sup>37</sup> FERC FEIS Footnote 91 at 51.

<sup>38</sup> FERC FEIS at B-47.

<sup>39</sup> FERC FEIS at A-10, B-48.

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**Response:** This comment is outside the scope of this permit action. However, the ExC Project is expected to result in increased tax revenue for communities where the Project's compressor stations are located. Additionally, FERC's NEPA review considered the socioeconomic effects of the Project and determined that impacts on socioeconomic resources within environmental justice communities would be minor and temporary and will result in negligible change from current socioeconomic conditions.<sup>40</sup>

**Comment VIII-3. The proposed project will negatively impact property values in the Hudson Valley region.**

**Response:** This comment is outside the scope of this permit action.

**IX. DISADVANTAGED COMMUNITIES / ENVIRONMENTAL JUSTICE**

**Comment IX-1. The CLCPA states that agency decision-making must not disproportionately burden DACs and reduction of GHG emissions and co-pollutants in those communities should be prioritized. The location of the proposed compressor station in Athens directly contradicts Section 7(3) of the CLCPA, since it will disproportionately burden a DAC.**

**Response:** The Athens Compressor Station is located within Census Tract 36039080900 (Athens Village), and the Dover Compressor Station is located approximately 0.13 miles east of Census Tract 36027040003 (Wingdale). Each of the above-referenced Census Tracts has been designated a DAC. Accordingly, NYSDEC requested that the Applicant analyze the potential impacts of the Project on these DACs pursuant to Section 7(3) of the Climate Act and relevant NYSDEC guidance documents. The Applicant submitted a DAC Evaluation Report on November 7, 2022, which discussed the potential impacts on these communities. Further, the Applicant provided a Public Participation Plan, dated April 29, 2024, which further discussed project design considerations intended to reduce impacts on these communities.

The Applicant held two in-person public meetings on May 13 and May 14, 2024, in Wingdale and Athens, New York, respectively. Virtual public meetings were held on May 16, 2024, and June 20, 2024. The Applicant also involved elected officials and staff (county, state, and federal), community leaders, first responders, and other interested stakeholders throughout the course of the project. Further, the Applicant established a toll-free number (1-800-253-5152, Option 4) and Project specific email address [excproject@iroquois.com](mailto:excproject@iroquois.com) for landowners and any other stakeholders to contact to obtain information about the Project. In addition, a Project webpage was created for the Project (<https://www.iroquois.com/operations/projects/exc-project/>). The filed application documents and NYSDEC draft ASF permits were available at this webpage for public review. Project permit application documents were also made available at the Dover Plains Library in Wingdale, New York and D.R. Evarts Library in Athens, New York.

NYSDEC requires several project design considerations to reduce GHG and co-pollutant emissions resulting from the Project, including installation of oxidation catalysts and advanced SoLoNOx turbines, which reduce potential co-pollutant emissions from the proposed turbines at Athens and

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<sup>40</sup> FERC FEIS at 37.

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Dover. NYSDEC also requires a DAC benefit program that would allocate \$1,500,000 for (i) a grant program to reduce DAC environmental burdens, (ii) electric vehicle charging stations, and (iii) heat pump installation, in the DACs that could be impacted by the Project. These project design considerations are discussed in greater detail in the Response to Comments V-1 and VII-1. Since the PEJA near the Dover compressor station overlaps with the boundary of the DAC at that location, implementation of the proposed DAC benefit program will also benefit that PEJA.

The Applicant also commissioned a HHRA for the ExC Project. The HHRA evaluated potential exposures and human health risks associated with current and future operational emissions at each of the Project's compressor stations. The HHRA estimated impacts of each hazardous air pollutant (HAP) associated with the proposed emission sources on nearby potential receptors. Potential receptors evaluated in the HHRA were hypothetical residents because residential receptors, including children and the elderly, are considered the most sensitive human receptors. The methods employed to assess health risks in the HHRA explicitly consider exposure and risk to sensitive subpopulations of residents such as children and the elderly.

Using conservative assumptions to assess potential exposure, the HHRA showed that modeled HAP emissions from the Project compressor stations are below a level of health concern. Specifically, potential total excess lifetime cancer risk and noncancer hazard indices were calculated based on a theoretical Reasonable Maximum Exposure (RME) for adult and child receptors from long-term exposures to the highest predicted maximum five-year average HAP concentrations emitted during normal operations at the facility fence line. This assumption is conservative since concentrations will decrease as distance from the compressor station fence lines increases, further reducing potential exposure and risk. Cumulative cancer risks were below one in one million and noncancer hazard indices were at or below the target Hazard Index (HI) of one, the level at which sensitive individuals can be exposed without risk of chronic noncancer health effects. Accordingly, the results of the HHRA indicate that there would be no significant impact on human health in the Project areas from inhalation of emissions associated with the proposed modifications to the Athens and Dover compressor stations resulting from the Project.

**Comment IX-2. NYSDEC should consider the disadvantaged communities like the four where the Project's compressor stations will be constructed.**

**Response:** As discussed in Response to Comment IX-1, The Athens Compressor Station is located within Census Tract 36039080900 (Athens Village), and the Dover Compressor Station is located approximately 0.13 miles east of Census Tract 36027040003 (Wingdale). Therefore, as noted in Response to Comments VII-1 and IX-1, NYSDEC considered these disadvantaged communities pursuant to the requirements of Climate Act Section 7(3). The two compressor stations located in Connecticut are not in New York State, and as such, are not subject to review under the Climate Act.

**Comment IX-3. Iroquois' April 2022 RFAI Response included an evaluation using the interim DAC mapping following New York State Energy Research and Development Authority ("NYSERDA") guidance, which indicates that interim mapping should be used until the final DAC criteria is established. This response omitted Figures showing the actual locations of the DACs.**

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**Response:** On November 7, 2022, the Applicant submitted a DAC Evaluation Report to the NYSDEC that supplemented its April 2022 RFAI Response. The DAC Evaluation Report, which included Draft DAC mapping, is available at the Applicant's ExC Project webpage (<https://www.iroquois.com/operations/projects/exc-project/>). The Climate Justice Working Group adopted the finalized DAC criteria on March 27, 2023, available at: <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>. NYSDEC utilizes the adopted criteria and maps, not the NYSERDA interim mapping, to assess and evaluate the Project adjacent DACs under Section 7(3) of the Climate Act.

**Comment IX-4. Were the population characteristics and health statistics included in Iroquois' DAC evaluation taken from the Village or town of Athens? The data in Appendix B cannot be verified.**

**Response:** The population characteristics and health statistics are from the Athens Village census tract. The statistics included in Appendix B of the Applicant's DAC Evaluation Report were taken directly from the Climate Justice Working Group's DAC interactive mapping tool, which can be found at: <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>.

**Comment IX-5. NYSDEC's decisions on the Iroquois Applications should reflect the fact that the Project's compressor stations will be constructed in disadvantaged communities.**

**Response:** See Response to Comment IX-1.

**Comment IX-6. Iroquois' Disproportionate Burden Report for the ExC Project was inadequate.**

**Response:** A Disproportionate Burden Report is one of the requirements of NYSDEC's *DEP 24-1: Permitting and Disadvantaged Communities* guidance document. DEP 24-1 applies to permit applications received by NYSDEC after the issuance date of the policy and pending applications that were incomplete as of the issuance date of the policy, which was May 8, 2024. Since the Applications for this Project were deemed complete as of December 28, 2022, while the requirements of Climate Act Section 7(3) apply to the Applicants, DEP 24-1 does not apply to them.

However, as discussed in Response to Comments VII-1 and IX-1, the Applicant assessed the potential impacts to the DACs located near the Athens and Dover compressor stations. That assessment was included in the Applicant's November 7, 2022, response to NYSDEC's Third Request for Additional Information. The findings of this analysis are discussed in the Response to Comment IX-1. In addition, the Applicant implemented a Public Participation Plan (PPP) for the Project. The PPP provided Project information to stakeholders within DACs, solicited their input, and project design considerations intended to help reduce burdens within the DACs located near the Project compressor stations. The PPP is discussed in greater detail in the Response to Comment XVIII-3.

**Comment IX-7. The ExC Project's compressor stations should not be sited in Dover, which is a recognized Environmental Justice Community.**

**Response:** The Applicant submitted a Potential Environmental Justice Area evaluation in its April

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2022 RFAI Response. The April 2022 RFAI Response explained that “[n]one of the Project facilities or workspaces are proposed to be sited within Potential Environmental Justice Areas (PEJA). For the Athens Compressor Station, the closest PEJA is approximately 0.9 miles to the west. For the Dover Compressor Station, the closest PEJA is located to the west, across Dover Furnace Road, approximately 700 feet west of the nearest Project facilities.”<sup>41</sup>

However, the Athens Compressor Station is located within Census Tract 36039080900 (Athens Village), and the Dover Compressor Station is located approximately 0.13 miles east of Census Tract 36027040003 (Wingdale). Each of the above-referenced Census Tracts has been designated a DAC. Accordingly, potential impacts on these communities were considered as discussed in Response to Comments VI-1 and IX-1 above.

**Comment IX-8. In its Certificate Issuing Order, FERC stated there are environmental justice communities near both the Athens and the Dover compressor stations and identified several negative impacts on these communities during the construction period. Yet, confusingly, FERC concludes that with proper mitigation, these will not be significant impacts.**

**Response:** See Response to Comment IX-1. Regardless of FERC’s conclusions, as discussed, NYSDEC also required an assessment related to Disadvantaged Communities pursuant to the requirements of Climate Act Section 7(3). As a result, additional measures are incorporated into the final permits.

**Comment IX-9. As more affluent ratepayers rapidly electrify their buildings, the imposition of unnecessary monthly charges onto ratepayers will increase charges on the remaining less affluent sectors, adding to ongoing economic disparity.**

**Response:** Comment noted. The Public Service Commission, not NYSDEC, exercises jurisdiction over utility rates within the State.

**Comment IX-10. The ExC Project will negatively impact Native Americans and their ancestral lands. Federally recognized Native American tribal groups should be afforded consultation and consent during the ExC Project application process.**

**Response:** In compliance with NYSDEC’s policy [CP-42: Contact, Cooperation and Consultation with Tribal Nations](#), NYSDEC fulfilled consultation obligations with Indian Nations.

FERC’s NEPA review of the ExC Project did not identify any potential adverse impacts that the Project might have on Native American communities or their ancestral lands. Native American tribal groups were consulted during FERC’s NEPA review of the Project. Specifically, the Applicant consulted with the Saint Regis Mohawk Tribe, the Delaware Tribe, the Delaware Nation, the Seneca Nation of Indians, the Onondaga Nation, the Narragansett Indian Tribe, the Mashantucket (Western) Pequot Tribal Nation, the Mohegan Tribe of Indians of Connecticut, and the Stockbridge-Munsee Band of Mohican Indians. On December 9, 2019, the Delaware Nation requested to be included in the Section 106 consultation process, and on February 26, 2020, the Applicant sent electronic copies of the draft cultural resources survey reports to the Delaware Nation. FERC did not receive any

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<sup>41</sup> April 2022 RFAI at 22.

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further comments from the Delaware Nation nor any other responses from the other contacted tribes. The Applicant has also provided an Unanticipated Discovery Plan that provides for the notification of interested parties, including the appropriate Native American tribes, in the event of any discovery of previously unreported archeological sites or human remains during activities related to the ExC Project moving forward.

**X. HUMAN HEALTH**

**Comment X-1. Emissions from compressor stations can cause respiratory illnesses, cancer, and chronic skin disease. They emit, among other things, nitrogen oxide and particulate matter that contribute to health problems like asthma and bronchitis.**

**Response:** The Applicant provided worst case potential emissions estimates for all proposed Project fuel-burning and venting equipment as part of its air permit applications. These conservative potential emissions estimates were used in ambient air quality impact dispersion models to estimate ground level pollutant concentration impacts at all receptor locations within five kilometers of the Project compressor stations. Based on the results of this modeling analysis, potential air pollutant impacts will not cause or contribute to an exceedance of the NAAQS.

In addition, the Applicant commissioned and submitted a separate HHRA which demonstrates that modeled formaldehyde and other potential hazardous air pollutant emissions concentrations are not expected to cause a health concern for nearby receptors. Potential total excess lifetime cancer risk and noncancer hazard indices, based on adult and child long-term exposures, indicate that cumulative cancer risks are below one in one million, and noncancer hazard indices were at or below the level at which sensitive individuals can be exposed without risk of chronic noncancer health effects.

**Comment X-2. Compressor station emissions (including methane) increase ground level ozone formation, which is linked to asthma and other respiratory diseases. Prolonged contact with ground-level ozone is linked to asthma and chronic obstructive pulmonary disease.**

**Response:** The potential air pollutant emissions and the resulting potential ground level ozone concentrations have been demonstrated to not cause or contribute to an exceedance of the ozone NAAQS. See the Response to Comment III-2.

**Comment X-3. Common chronic health impacts experienced by individuals living or working near compressor stations include damage to the liver and kidneys, nervous system, and cardiovascular system; developmental issues and reproductive damage; and leukemia.**

**Response:** See Response to Comment X-1.

**Comment X-4. Compressor stations emit significant quantities of NO<sub>x</sub>, fine particulate matter, carbon monoxide, benzene and formaldehyde that pollute nearby communities. NO<sub>x</sub> and particulate matter pollution contribute to respiratory health problems, such as chronic bronchitis, asthma, emphysema, and existing heart disease, as well as cause labored breathing and reduce life expectancy.**

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**Response:** See Response to Comment X-1.

**Comment X-5. The Iroquois pipeline is located 2,500ft from Dover Middle and High School. Exposure to the Dover Compressor Station’s emission byproducts will affect the children and the entire city.**

**Response:** The Applicant’s ambient air quality impact modeling analysis for the Dover Compressor Station represents the actual topography and land features of the Dover Compressor Station area and surrounding terrain out to five kilometers. At least 50 receptors were modeled at multiple locations on the Dover High School property. These receptors included the buildings, school parking lots, running track, football field, baseball, and other outdoor sports fields. U.S. EPA established the NAAQs as allowable concentrations that are protective of public health and the environment. The modeling results at all receptors showed that the maximum modeled impacts will not cause or contribute to an exceedance of the NAAQS or NYSDEC air contaminant Guideline concentrations.

**XI. FLOODING/FLOODPLAINS/CLIMATE CHANGE RESILIENCY**

**Comment XI-1. Climate change increases severity and frequency of storms, flooding, rising sea levels, and other extreme weather events. There is no certainty that the people in the area where the Project is located will not be affected.**

**Response:** The FERC NEPA review of the ExC Project included an evaluation of potential impacts to Project facilities because of storms, flooding, sea level rise and extreme weather events. As part of that review, FERC explained that the ExC Project’s, “...compressor stations are sited outside of the 100- and 500-year floodplains, and no permanent aboveground facilities would be built or modified in designated floodplains. The Project facilities are sited at elevations that are not expected to be subject to inundation from sea-level rise. Therefore, the Project facilities have been sited in a manner to minimize risk associated with severe flooding projected to occur in the Project area.”<sup>42</sup> FERC evaluated these issues as part of its NEPA review and concluded that Project facilities would not be adversely affected by extreme weather events.

NYSDEC also assessed the reasonably foreseeable risks of climate change, including sea level rise, tropical cyclones, wind, flooding, changes in precipitation, public health, and impacts on natural resources, as required by the Community Risk and Resiliency Act (CRRA), amended by the Climate Act. NYSDEC also concluded that Project facilities would not be adversely affected by extreme weather events. Further, as explained in Response to Comments IV-1, IV-2, IV-4, IV-5, and IV-9, NYSDEC air permitting requirements include modeling ambient air quality impacts of the Project on receptors located nearby. The Project’s operational air emissions were also considered by FERC as part of the Project’s NEPA review. FERC and NYSDEC’s review determined that Project emissions, when considered with existing and background concentrations, would not cause or contribute to an exceedance of the NAAQS, which are designed to be protective

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<sup>42</sup> FERC FEIS at Section E.12.



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of human health and welfare. The Applicant also commissioned a HHRA as further explained in Section X, to assess potential health risks associated with the Project. This analysis similarly concluded that the Project would not negatively impact human health. NYSDEC also required an assessment related to Disadvantaged Communities pursuant to the requirements of Climate Act Section 7(3). As a result, additional measures are incorporated into the final permits.

**XII. WETLANDS/ WATER QUALITY**

**Comment XII-1. Iroquois' 30-year-old pipeline presents the risk for leaks that would impact streams and other waterbodies.**

**Response:** Potential impacts to water resources, including wetlands, were evaluated as part of FERC's NEPA review of the ExC Project. The ExC Project does not involve the construction or addition of any pipeline facilities within any streams or other waterbodies. As indicated in FERC environmental analysis, no direct impacts to surface water resources are anticipated as a result of the ExC Project and the Applicant will implement the FERC's Plan and Procedures and the Project-specific Erosion and Sediment Control Plan to minimize the potential for any indirect impacts to nearby surface waters.<sup>43</sup>

**Comment XII-2. The ExC Project will negatively affect drinking water quality.**

**Response:** As detailed in Resource Report 2 (Water Use and Quality) included in the Applicant's application to FERC, dated February 3, 2020, no public or private wells have been identified within 400 feet of the ExC Project. FERC's NEPA review of the Project included an evaluation of aquifers in the Project area that could be used for drinking water and requested the Applicant consult with state and local authorities to determine what if any impacts may occur to aquifers due to the Project. The Applicant consulted with the New York State Department of Health (NYSDOH) who administers the Wellhead Protection Program and the Source Water Assessment Program (SWAP) and the respective County Health Departments. These consultations did not identify any concerns with the ExC Project.

In addition to ground water resources, FERC's NEPA review considered project impacts to surface waters, including surface water intakes that may be used for drinking water. No surface water intakes were identified within two miles of the ExC Project in New York.

To protect surface and subsurface water quality, the Applicant will follow the project-specific Spill Prevention Control and Countermeasure Plan and Storm Water Pollution Prevention Plan, and FERC's Upland Erosion Control, Revegetation and Maintenance Plan, and Wetland and Waterbody Construction and Mitigation Procedures. Based on the consultations and the Applicant's commitment to implement these measures during construction FERC concluded that the Project would not result in significant impacts on surface waters, wetlands, or groundwater resources including State- Designated Aquifers and Aquifer Protection Areas.<sup>44</sup>

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<sup>43</sup> FERC FEIS at 9.

<sup>44</sup> FERC FEIS at B-17-B-20.

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**Comment XII-3. Fracking produces approximately 3,400 billion liters of wastewater each year. This wastewater it is not covered by the Safe Drinking Water Act.**

**Response:** This comment is outside the scope of this permit action.

### **XIII. CONSTRUCTION**

**Comment XIII-1. The construction of the Project's compressor stations would severely harm the communities in Athens and Dover.**

**Response:** The potential construction related impacts from the ExC Project were assessed as part of FERC's NEPA review. FERC concluded that construction impacts on local communities would be temporary and of short duration and pre-construction conditions would be restored after completion of work.<sup>45</sup> FERC's FEIS explained that most of the affected land during construction of the Project is currently in industrial/commercial land use and already owned by the Applicant for operation of its existing facilities. Due to the relatively small anticipated size of the construction workforce in each Project area and the Applicant's ownership of the properties where the new facilities would be installed, FERC concluded that impacts on socioeconomic resources within the environmental justice communities (e.g. population, employment, housing demand, tax revenue, or the provision of community services such as police, fire, or schools) from construction would be minor and temporary, as there would be a negligible change from current conditions.

The Applicant will mitigate construction noise impact by performing most of the work during daylight hours, limiting nighttime construction to specific activities (such as x-ray testing, hydrostatic testing, inside electrical work, and other work related to commissioning) that typically generate little noise. The Applicant also developed a *Residential Access and Traffic Management Plan* to minimize local traffic impacts during construction. Accordingly, FERC concluded that construction would not result in significant impact to surrounding communities.

### **XIV. NOISE**

**Comment XIV-1. Noise generated from compressor stations can cause cardiovascular and neurological conditions, including permanent hearing loss.**

**Response:** FERC requires that the noise attributed to the operation of the compressor station not exceed a day-night average sound level of 55 A-weighted decibels (dBA) at the nearest noise sensitive area.<sup>46</sup> Based on required noise mitigation measures in the permit, the Project will achieve these standards and, in some cases, reduce existing noise levels at the Applicant's compression stations.

**Comment XIV-2. The ExC Project will increase the frequency of noisy blowdowns.**

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<sup>45</sup> FERC FEIS at A-5-A-7.

<sup>46</sup> <https://www.ferc.gov/sites/default/files/2020-06/OrderNo.700.pdf> at 3.

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**Response:** As part of mitigation for the GHG emissions associated with the Project as required under Climate Act Section 7(2), the Applicant will install VRS at the ExC Project compressor stations to further reduce the frequency of blowdowns by allowing gas that would ordinarily be vented to the atmosphere during routine maintenance to be captured and redirected to the pipeline.

**Comment XIV-3. Compressor stations are so loud that homes within the immediate vicinity have experienced a nearly 10-decibel increase in noise exposure, exceeding the guidelines of the U.S. EPA. High noise levels are a health hazard, with health and quality of life impacts from sleep deprivation to hearing loss.**

**Response:** See Response to Comment XIV-1.

## **XV. TRAFFIC**

**Comment XV-1. Construction of the ExC Project will result in adverse traffic impacts.**

**Response:** FERC's NEPA review of the Project included an evaluation of potential construction and operational related traffic impacts. FERC's review noted that the Applicant developed a *Residential Access and Traffic Management Plan* (Traffic Plan) to minimize local traffic impacts during construction.<sup>47</sup> The Traffic Plan includes measures such as avoiding peak commute times and periods associated with school traffic, as well as coordinating its construction with local transportation authorities. As a result, FERC concluded that traffic impacts during the Project's construction period would be temporary and minor. FERC also concluded the new operational staff needed after the Project's completion would not result in significant impact to traffic.

## **XVI. PIPELINE SAFETY**

**Comment XVI-1. The pipeline would be endangered by increased pressure.**

**Response:** FERC reviewed issues of public safety as part of its NEPA review of the Project. The Applicant's current Maximum Allowable Operating Pressure (MAOP) is 1440 psig. This Project will not increase pressure above the current MAOP. The Applicant has remote monitoring in place where actions can be taken, some automatically, if pressures approach the system's MAOP. FERC's FEIS explained that "Iroquois has sited the compressor stations in compliance with United States Department of Transportation Pipeline and Hazardous Materials Safety Administration (USDOT-PHMSA) regulations. Further, Iroquois would construct and operate these facilities in compliance with USDOT-PHMSA safety standards."<sup>48</sup> Accordingly, FERC concluded that "Iroquois has designed the Project to be in compliance with all applicable USDOT-PHMSA requirements, and that operation of the facility represents a minimal increase in risk to the public"<sup>49</sup>

**Comment XVI-2. Iroquois is planning to drastically increase the amount of gas being**

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<sup>47</sup> FERC FEIS at 15-16.

<sup>48</sup> FERC FEIS at 61.

<sup>49</sup> FERC FEIS at 61.

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**transported through its 37-year-old, 414-mile-long pipeline. This pipeline is at the end of its life.**

**Response:** The safe working life of a gas pipeline is determined by factors such as the ability of the steel to resist corrosion and mechanical damage as well as safe operational and maintenance practices. The Applicant has maintained an integrity program since operations began including internal inspection of the pipeline and frequent patrols that exceed federal regulatory requirements. For example, the Applicant conducts weekly patrols of the pipeline and applies its integrity program to 100 percent of pipeline segments as opposed to the approximately 11 percent of segments in high consequence areas. The pipeline is operated and maintained in compliance with all applicable federal and state regulations. During its more than 30 years of operation, the Applicant has consistently made safe and reliable operations its top priority. As noted in Response to Comment XVI-1, the pipeline's current MAOP is 1440 psig and the Project will not increase pressure above the current MAOP.

**Comment XVI-3. Compressor stations are prone to rupture, leakage, fire, and explosions.**

**Response:** As stated in Response to Comment XVI-1, the Applicant would construct and operate the Project facilities in compliance with all applicable USDOT-PHMSA safety standards.

**Comment XVI-4. The proposed compressor stations would be dangerously close to existing power plants in Athens, New York and Dover, New York and pose a risk of catastrophic accidents.**

**Response:** The Athens Compressor Station is located more than 2,100 feet away from the existing New Athens Generating power plant and the Dover Compressor Station is located approximately 3,700 feet away from the existing Cricket Valley Energy Center. As noted in Response to Comment XVI-1, the Project, like the Applicant's existing compressor stations, will be constructed and operated in a manner that is in compliance with all applicable regulations governing the on-going operation of the Applicant's pipeline system. Further, an extensive Environmental Analysis, which included potential impacts of the Project on safety, was conducted as part of the FERC review process. The resulting environmental analysis from FERC did not identify any significant impacts concerning safety as a result of the Project.

**Comment XVI-5. Blowdowns and other natural gas releases at Iroquois' Athens compressor station pose a risk due to the close proximity of the Athens Generation Power Plant and other industrial facilities.**

**Response:** As discussed in Response to Comment V-1, pursuant to the requirements of Climate Act Section 7(2), NYSDEC requires the Applicant to implement various mitigation measures to address the GHG emissions associated with the Project. These GHG mitigation measures have been incorporated as permit conditions in the air permits issued for the Project. Many of these will also minimize the frequency of blowdowns and other natural gas releases. For example, the Applicant is required to install VRS at all its ExC proposed sites to reduce the amount of fugitive natural gas/methane that is released as well as the frequency of any blowdowns by allowing gas that would ordinarily be vented to the atmosphere during routine maintenance to be captured and redirected to

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the pipeline. The Applicant will also implement six additional fugitive emissions surveys per year at the Athens and Dover compressor stations (in addition to what is currently required pursuant to NYSDEC's Part 203 regulations). These additional surveys will further reduce fugitive methane emissions from the Athens and Dover compressor stations by ensuring that any leaks are quickly detected and repaired.

Furthermore, as the designated lead agency for NEPA review, FERC Staff conducted an extensive environmental analysis associated with the Project, which included potential impacts of the Project on safety. The resulting environmental analysis from FERC Staff did not identify any significant impacts concerning safety as a result of the Project.

**Comment XVI-6. Athens and Dover do not have enough first responders to respond to an emergency at the Athens or Dover compressor stations.**

**Response:** The Applicant's pipeline meets or exceeds all applicable pipeline safety and integrity regulations. As required by federal regulations, the Applicant has and will continue its outreach to emergency responders. For example, in July of 2022, the Applicant conducted a presentation and tour of the facility with the Athens and West Athens Emergency Responders. In August of 2021, the Applicant conducted a functional drill simulating an event at the Dover facility with emergency responders. Emergency responders attending these events did not raise concerns regarding response preparedness. In March 2023, the Applicant's staff met with the Greene County Sheriff at the Athens Compressor and the New York State Troopers at Dover compressor station.

As the designated lead agency for NEPA review, FERC Staff conducted an extensive environmental analysis associated with the Project, which included potential impacts of the Project on safety. The resulting environmental analysis from FERC Staff did not identify any significant impacts concerning safety as a result of the Project.

**Comment XVI-7. TCP owns the Keystone XL pipeline which had a 600,000-gallon oil spill from a breach that was totally devastating to the region in its toxicity to the soil, water, and air. Iroquois s owned by the same profit over people corporation, Trans Canada Pipelines (TCP), that owns the Keystone XL.**

**Response:** This comment is outside the scope of this permit action.

**XVII. BIODIVERSITY/HABITAT/WILDLIFE/CRITICAL AREA/FARMLAND**

**Comment XVII-1. The area surrounding the proposed Dover compressor station is a prime winter habitat for bald and golden eagles. Bald eagles live in this area year-round; therefore, this should be considered a protected breeding habitat.**

**Response:** No eagle nests were identified in the vicinity of the Athens and Dover Compressor Stations based on field surveys conducted by the Applicant; consultations with NYSDEC and the New York Natural Heritage Program; and consultations with the U.S. Fish and Wildlife Service (USFWS) pursuant to the Bald and Golden Eagle Protection Act (BGEPA). Additionally, FERC

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concluded in their environmental analysis that, “Iroquois’ use of developed lands for construction workspace where practicable, limited overall disturbance, and implementation of its proposed impact avoidance and minimization measures, we conclude that construction and operation of the Project would not have population-level impacts or significantly measurable negative impacts on wildlife.”<sup>50</sup>

However, since there is a potential for migratory birds and raptors to establish nests near the compressor stations, the following measures will be taken by the Applicant to avoid impacts to eagles:<sup>51</sup>

- Avoid clearing of potential habitat at the Athens and Dover Compressor Stations.
- If clearing activities are required due to unforeseen reasons, clearing activities would be limited to timeframes outside of migratory bird and raptor nesting windows.
- If clearing activities are required due to for unforeseen reasons within migratory bird and raptor nesting windows, the Applicant will need to consult with the USFWS and NYSDEC prior to conducting any clearing activities.

**Comment XVII-2. The Town of Dover Plains, and its hamlet Wingdale, are home to the Great Swamp, which is one of the largest wetlands in New York State and has a variety of wildlife, some which are considered threatened species.**

**Response:** The Applicant consulted with the USFWS and NYSDEC to determine the presence of sensitive or protected vegetation, wildlife, and natural communities of significance within the Project area. Two natural communities of significance were identified during consultation with NYSDEC, including red maple-hardwood swamp and floodplain forest, both of which were identified within 0.5-mile of the existing Dover Compressor Station and are considered part of the Great Swamp. The Applicant conducted surveys of the Project’s construction areas and determined that neither community of significance was present within or immediately adjacent to Project workspaces, nor will wetlands or threatened species be impacted by Project construction or operation.

The Applicant is required to implement a Noxious Weed Control Plan,<sup>52</sup> FERC’s Upland Erosion Control, Revegetation and Maintenance Plan, and numerous other avoidance and minimization measures to avoid any Project-related construction and operational impacts to sensitive resources.

FERC concluded that avoidance, minimization, and mitigation measures to limit Project impacts would only create temporary and insignificant impacts to vegetation. As stated in Response to Comment XVII-1, FERC determined that the modification of existing facilities, use of developed lands for construction workspace where practicable, limited overall disturbance, and implementation of its proposed impact avoidance and minimization measures would not have population-level impacts or significantly measurable negative impacts on wildlife.

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<sup>50</sup> FERC FEIS at 11.

<sup>51</sup> FERC FEIS at B-27.

<sup>52</sup> FERC FEIS at A-10.

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**XVIII. PUBLIC PARTICIPATION**

**Comment XVIII-1. NYSDEC should extend the public comment period for the ExC Project for air permit applications to allow the public to thoroughly review the application materials.**

**Response:** The public comment period began on December 28, 2022, and the deadline for submission was initially scheduled for February 7, 2023. NYSDEC extended the deadline for written comments to February 22, 2023, to allow additional time for public input on the permit applications. NYSDEC further extended the public comment period to address DPS' determination of need for the Project based on reliability. This public comment period was open from February 28, 2024 through April 29, 2024.

**Comment XVIII-2. FERC and NYSDEC reviewed and commented on this application for three years without allowing for meaningful input and public comment from the Town of Dover.**

**Response:** The following summarizes the public participation opportunities for the FERC and NYSDEC review processes:

- On February 3, 2020, the Applicant filed its Project application with FERC. Notice of the application was published in the *Federal Register* on February 19, 2020, with interventions, comments, and protests due March 4, 2020. As required by NEPA, on March 25, 2020, FERC established a scoping process for the Project to gather input from the public and interested agencies about environmental issues and concerns associated with the Project.
- During FERC's NEPA review, the public was provided with additional opportunities to provide input and comment on the Project. For example, FERC accepted public comments on the EA prepared for the Project between September 30, 2020, and October 30, 2020. FERC also held a public comment period on the DEIS, which ran from June 11, 2021 to August 9, 2021.
- NYSDEC held a public comment period for the Project's permit applications and draft Air State Facility permits that began on December 28, 2022. The public comment period was initially scheduled to expire on February 7, 2023. However, NYSDEC extended the deadline for written comments to February 22, 2023, to allow for additional public input. Additionally, NYSDEC held a legislative hearing for the Project permit applications on January 31, 2023.
- NYSDEC opened an additional public comment period following the assessment of reliability and need provided by DPS. This comment period was open from February 28, 2024 to April 29, 2024.
- The Applicant held two in-person public meetings on May 13 and May 14, 2024 in Wingdale and Athens, New York, respectively. Virtual public meetings were held on May 16, 2024 and June 20, 2024.

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- The Applicant also involved elected officials and staff (county, state, and federal), community leaders, first responders, and other interested stakeholders throughout the course of the Project. Further, the Applicant established a toll-free number (1-800-253-5152, Option 4) and Project specific email address [excproject@iroquois.com](mailto:excproject@iroquois.com) for landowners and any other stakeholders to contact to obtain information about the Project. In addition, a Project webpage was created for the Project (<https://www.iroquois.com/operations/projects/exc-project/>). The filed application documents and NYSDEC draft ASF permits were available at this webpage for public review. Project permit application documents were also made available at the Dover Plains Library in Wingdale, New York and D.R. Evarts Library in Athens, New York.

**Comment XVIII-3. Iroquois has failed to comply with applicable Public Participation Plan (PPP) requirements set forth in DEC’s guidance policy DEP 24-1: Permitting and Disadvantaged Communities.**

**Response:** The Public Participation Plan is one of the requirements of NYSDEC’s [DEP 24-1: Permitting and Disadvantaged Communities](#) guidance document. DEP 24-1 applies to permit applications received by NYSDEC after the issuance date of the policy and pending applications that were incomplete as of the issuance date of the policy, which was May 8, 2024. Since the Applications for this Project were deemed complete as of December 28, 2022, while the requirements of Climate Act Section 7(3) apply to the applicants, DEP 24-1 does not apply to them. In any case, the Applicant implemented a PPP for the Project, which was approved by NYSDEC on April 29, 2024. The PPP (i) identified stakeholders that may be interested in the Project and the mitigation measures and benefits for the DACs that could be impacted by the Project, (ii) provided resources for the public to access Project information, (iii) included a requirement to hold public information meetings, and (iv) established publicly available documents repositories. The Applicant held PPP public meetings on May 13, 14, 16 and June 20, 2024. The Applicant is required to implement a DAC benefit program, allocating Project funding for (i) a grant program to reduce DAC environmental burdens, (ii) electric vehicle charging stations, and (iii) heat pump installation, in the DACs that could be impacted by the Project. Following implementation of the PPP, the Applicant submitted a PPP Certification to NYSDEC, documenting that it had complied with the requirements of the PPP.

**XIX. ISSUES WITH FERC EIS**

**Comment XIX-1. FERC confirmed that the ExC Project will increase GHG emissions and, therefore, Iroquois’ permit application should be denied.**

**Response:** See Response to Comments III-6 and V-1. NYSDEC agrees that the Project will increase GHG emissions and that the decision to issue these permits is inconsistent with or will interfere with the attainment of the Statewide GHG emission limits established under the Climate Act. Pursuant to Climate Act Section 7(2), in the case of a finding of inconsistency, a permit may be issued for a project notwithstanding such inconsistency provided that sufficient justification is available and appropriate alternatives or mitigation measures are identified. In this case, the DPS provided a justification of the need for the Project to address system safety and reliability, and the GHG mitigation measures have been incorporated into the issued permits.



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**Comment XIX-2. FERC’s EIS concluded that the Project would decrease GHG emissions. However, the Project would increase GHG emissions compared to the No Infrastructure option modeled by Iroquois. FERC ignores the No Infrastructure option and the 100% Heat Pumps alternatives that were included in Iroquois’ GHG Life Cycle Analysis. While it is probably unrealistic to assume energy could be obtained solely by heat pumps during the study period, the fact that building the Project would increase GHG emissions over not building any infrastructure should be the scenario referred to by FERC when characterizing the effect of the Project on GHG emissions.**

**Response:** This comment is outside the scope of this permit action. However, NYSDEC analyzed the potential GHG impacts of this Project pursuant to Section 7(2) of the Climate Act. See Response to Comment V-1.

**Comment XIX-3. FERC explains that the Heat Pumps and Oil scenario included in the GHG Life Cycle Analysis is the best estimate of emissions because it incorporates Con Edison’s and National Grid’s projections of demand for natural gas. However, during the time since this order was issued, we have seen huge increases in fossil fuel prices because of the war in Ukraine, which has influenced demand for gas and stimulated more interest in heat pumps. Also, the modeling assumed the penetration of renewable natural gas and hydrogen into the natural gas supply, assumptions the accuracy and merits of which are still being debated nationwide and in New York, as these are considered to be false solutions by many environmental groups.**

**Response:** This comment is outside the scope of this permit action. However, NYSDEC analyzed the potential GHG impacts of this Project pursuant to Section 7(2) of the Climate Act. See Response to Comment V-1.

**Comment XIX-4. FERC erroneously concluded that the ExC Project would decrease, not increase, GHG emissions.**

**Response:** See Response to Comment XIX-1.

**Comment XIX-5. The Federal Energy Regulatory Commission’s NEPA review did not adequately review potential impacts to DACs, as required by CLCPA 7(3).**

**Response:** This comment is outside the scope of this permit action. However, NYSDEC considered potential impacts on DACs as required by Section 7(3) of the Climate Act. See Response to Comments VII-1 and IX-1.

**XX. CONTINUED USE OF FOSSIL FUELS AND FOSSIL-FUEL-POWERED ELECTRIC GENERATION PLANTS**

**Comment XX-1. While 25% of the ExC gas is ostensibly intended to support oil-to-gas conversions in the metro region, there is no way to require that gas be used in this way. The remaining 94,000 dTh/day will certainly support increased combustion at the Cricket Valley Energy Center and at Astoria, Ravenswood, and other metro region power plants.**

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**Response:** This comment is outside the scope of this permit action. However, NYSDEC required the Applicant to discuss the GHG impacts of the Project as part of the Climate Act Section 7(2) analysis. This analysis considered GHG emissions from the downstream transmission and combustion of the increased natural gas throughput. See Response to Comment V-1.

**Comment XX-2. Cricket Valley Energy Center is only running at 48% capacity. The Project will allow Cricket Valley to ramp up its production to 100% capacity.**

**Response:** See Response to Comment XX-1.

**Comment XX-3. The Project will result in the increased burning and reliance on fossil fuels.**

**Response:** In part due to the potential for the Project to result in the increased combustion of, and reliance on, natural gas, a fossil fuel, NYSDEC determined that the decision to issue permits for the Project is inconsistent with or would interfere with the Statewide GHG emission limits. However, there is sufficient justification for the decision despite any inconsistency. See Response to Comments V-1 and V-3.

**XXI. ELECTRIC SYSTEM RELIABILITY**

**Comment XXI-1. The New York Independent System Operator's (NYISO) recent Reliability Assessment and Outlook Report indicate severe transmission constraints in exactly those places meant to supply the New York City metropolitan area with electricity. NYISO's Phase 2 Climate Impact Study indicates that even if the State achieves many of its electric transmission system goals, the State would still require dispatchable power that the current fossil-fuel fleet of electric generating plants running at full capacity, could deliver.**

**Response:** This comment is outside the scope of this permit action.

**Comment XXI-2. Delays in the construction of new supply and transmission, higher than expected demand, and extreme weather could threaten reliability and resilience of the electric system in the future. Climate change will impact meteorological conditions and cause events that introduce additional reliability risks.**

**Response:** This comment is outside the scope of this permit action.

**Comment XXI-3. We need a more robust electric grid; the ExC Project will result in a less robust electric grid.**

**Response:** There is nothing in the record to support the statement that the ExC Project will result in a less robust electric grid. To the contrary, the PSC has initiated several proceedings and issued numerous orders to both ensure electric system resilience and support greater electrification of the

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heating and transportation sectors.<sup>53</sup> While this ongoing shift coupled with other State efforts are being undertaken, DPS, the staff arm of the PSC, has confirmed the need for the ExC Project. Additionally, National Grid’s Initial Long-Term Plan, dated May 31, 2024, discusses the need to mitigate the strain on the New York electric grid resulting from future winter peaking events, especially due to the growth in demand that will follow from new building electrification requirements. As noted, the ExC Project is needed to help offset winter peak period electric demand that may otherwise occur if there are insufficient natural gas supplies during such periods.

**XXII. NEW YORK STATE CONSTITUTION/ENVIRONMENTAL RIGHTS**

**Comment XXII-1. New York State’s Constitution guarantees that each person shall have a right to clean air and water, and a healthful environment. ExC Project is inconsistent with these new Constitutional rights.**

**Response:** Project operational air emissions were considered by FERC as part of the Project’s NEPA review and by NYSDEC as part of its review of the permit applications for the Project. FERC and NYSDEC’s reviews demonstrate that Project emissions, when considered with existing and background concentrations, would not cause or contribute to an exceedance of the NAAQS. NYSDEC’s review also considered potential impacts of the Project on nearby receptors and did not identify any disproportionate burden. Additionally, FERC’s FEIS evaluated the potential impacts of construction and operation of the Project on water resources. No waterbodies or wetlands are within any of the Project workspaces; therefore, FERC and NYSDEC determined no direct impact on waterbodies or wetlands is anticipated. FERC ultimately concluded that, with avoidance of wetlands and waterbodies, the use of municipal water for Project needs, and implementation of the required mitigation efforts, the Project would not have a significant impact on water resources.

The Applicant also commissioned a HHRA which evaluated potential exposures and human health risks associated with current and future operational emissions at each of the Project’s compressor stations. The Applicant utilized a conservative approach to analyze receptor exposure to err on the side of the protection of human health (e.g., an individual would be exposed to the maximum concentrations from full-capacity facility operation for 24 hours per day for 350 days per year). The HHRA showed that modeled HAP emissions from the Project compressor stations do not pose a health concern. Specifically, potential total excess lifetime cancer risk and noncancer hazard indices were calculated based on a theoretical RME adult and child from long- term exposures to the highest predicted maximum five-year average HAP concentrations emitted during normal operations at the facility fence line. Cumulative cancer risks were below 1 in one million and noncancer hazard

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<sup>53</sup> See, e.g., Cases 18-M-0084 *et al.*, *In the Matter of a Comprehensive Energy Efficiency Initiative*, “Order Directing Energy Efficiency and Building Electrification Proposals” (Issued July 20, 2023) (adopting framework to support \$5 billion in energy efficiency and building electrification program); Case 22-E-0222, *Proceeding on Motion of the Commission Concerning Electric Utility Climate Vulnerability Studies and Plans*, “Order Initiating Proceeding” (Issued June 16, 2022) (initiating process to consider utility climate and resiliency plans); Case 15-E-0302 *et al.*, *Proceeding on Motion of the Commission to Implement a Large-Scale Renewable Program & a Clean Energy Standard*, “Order Adopting Modifications of Clean Energy Standard” (Issued October 15, 2020) (adopting program to achieve renewables target under CLCPA); Case 20-E-0197, *Proceeding on Motion of the Commission to Implement Transmission Planning Pursuant to the Accelerated Renewable Energy Growth and Community Benefit Act* (includes numerous orders authorizing upgrades to State transmission system to facilitate compliance with CLCPA targets).

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indices were at or below the target HI of 1 (e.g., the level at which sensitive individuals can be exposed without risk of chronic noncancer health effects). Overall, the results of the HHRA indicate that there will be no significant impact on human health resulting from the Project.

### **XXIII. STRANDED ASSET**

**Comment XXIII-1. Investments today as fossil fuels are declining become "stranded assets" of the future and will create further economic burdens on consumers. We need an orderly transition off of gas and absolutely should not build any new soon-to-be-stranded assets.**

**Response:** As discussed in the Response to Comments III-6 and V-1, NYSDEC recognizes that the decision to issue permits for this Project is inconsistent with or would interfere with the attainment of the Statewide GHG limits found in 6 NYCRR Part 496. However, based on the DPS Assessment of the safety and reliability needs of the downstate gas distribution system, DPS determined that the Project “is necessary to ensure Con Edison’s and National Grid’s continued provision of safe, adequate, and reliable gas service to customers in the downstate region.”<sup>54</sup> Accordingly, there is sufficient justification for this decision despite any inconsistency.

### **XXIV IMPACTS ON RATEPAYERS**

**Comment XXIV-1. Several comments addressed the impacts on ratepayers, including:**

- **The Iroquois ExC Project would result in increased energy costs for New York consumers. By spending money on the ExC Project instead of “cleaner” energy sources, public utilities are misusing ratepayer dollars.**
- **New York regulators should approve only those energy projects that will provide customers with affordable and reliable service over the long term. If an increase in peak demand occurs at all, it will be short-term, and this does not justify a major capital project for which ratepayers will be billed for twenty or more years.**
- **The Iroquois ExC Project would result in overcapitalization, and the unnecessary expense passed on to gas ratepayers would be a misuse of utility rate-making.**

**Response:** See Response to Comments VI-1 and VI-5.

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<sup>54</sup> DPS Assessment at 12.