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U.S. DEPARTMENT OF ENERGY

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Kentucky Pioneer
Integrated Gasification Combined Cycle
Demonstration Project
Draft Environmental Impact Statement
Public Scoping Meeting

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Trapp, Kentucky
December 11, 2001

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1 APPEARANCES:

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FOR THE U.S. DEPARTMENT OF ENERGY:

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Roy Spears, U.S. Department of Energy

4 John Preston, Corps of Engineers, Project Manager

Jim Watts, Project Manager

5 Gordon Lorenzi, Compliance Officer

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20 The U.S. Department of Energy public meeting

21 was held at 7:00 p.m., December 11, 2001, at Trapp

22 Elementary School in Trapp, Kentucky, before

23 Michele G. Hankins, Court Reporter.

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1 P R O C E E D I N G S

2 MR. SPEARS: Before we get into the
3 program, I have a couple of housekeeping chores, if
4 you will.

5 If anybody needs to take a restroom
6 break, please feel free to do so. It is at the far
7 end of the hall towards the Christmas tree and to the
8 right.

9 In the event of an emergency evacuation
10 of any kind -- we don't know what that might be, and
11 we certainly hope nothing happens -- but in the
12 event, we have some exits just out this door and to
13 the right and to the left. Just in the event that
14 anything would happen.

15 I am Roy Spears with the Department of
16 Energy out of our Morgantown Office of the National
17 Energy Technology Laboratory.

18 And we were responsible for seeing that
19 the Environmental Impact Statement, or the Draft
20 Environmental Impact Statement was prepared for this
21 project.

22 About a year and a half ago -- and I
23 recognize some faces here tonight -- about a year and
24 a half ago we had the scoping, the original scoping

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1 meeting, in May of 2000. In the meantime, we have
2 been preparing the Draft Environmental Impact
3 Statement.

4 Some folks that have assisted greatly in
5 the preparation of this document, I would like to
6 recognize, Mr. Rich Bailey. He is with Kentucky
7 Pioneer Energy.

8 Dwight Lockwood, Kentucky Pioneer Energy
9 and Mike Muslin, President of Kentucky Pioneer.

10 Lloyd Lorenzi, who is our NEPA
11 compliance officer of our national lab.

12 John Preston is here. John is with the
13 Corps of Engineers, and he is the project manager for
14 the Environmental Impact Statement.

15 He is the one that actually saw that
16 this thing was completed. And of course, Jim Watts,
17 who is the overall project manager for this project.

18 We do have some folks here from Techni
19 Tech, as well, Maher, Andrew and Jackie. And they,
20 of course, are the ones who actually got things on
21 paper. And that is very important that occurs, we
22 truly appreciate everyone's effort in getting to this
23 point.

24 We recognize that it has taken a long

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1 time, a lot of agencies that we have to deal with and
2 it just a time-consuming process, but we feel that we
3 have made some progress.

4 Two other folks that I would like to
5 recognize this evening, and appreciate your
6 attendance, County Judge Executive, Drew Graham. And
7 state representative from this district Tom Pavney.

8 Thank you very much for showing an
9 interest and coming out. We really appreciate it.

10 Are there any other officials that we
11 are unaware of that might like to be recognized?

12 If not, we will march forward.

13 John Preston will now give us somewhat
14 of an overview of what has happened in this NEPA
15 process and he will bring us up to date on where we
16 are at this point in time.

17 MR. PRESTON: Thank you.

18 Roy mentioned NEPA. It is a National
19 Environmental Policy Act, put in action by Congress
20 in 1969. Which basically required anytime there was
21 a federal action, which there would be an expenditure
22 of federal funds, or some decision made by the
23 government, to consider the environment in project
24 planning and that is what we are here for tonight.

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1 It is an important part of the NEPA
2 process.

3 It began about April of 2000, when we
4 issued a notice of intent that the Department of
5 Energy felt we needed to prepare an Environmental
6 Impact Statement, in order to adequately address the
7 impact of a project of this magnitude.

8 We were here, as Roy mentioned, in May
9 of 2000, to have our public scoping meeting. And the
10 purpose for that for those who did not attend, we
11 wanted your input on what we could look at, what we
12 should evaluate.

13 Since then, we have been preparing this
14 document that Roy mentioned, the Draft Environmental
15 Impact Statement, and it is a draft. And it is a
16 draft because we are now in the public comment
17 period, which began on November 16th, we published
18 it. This thing was ready for the public's review for
19 the other federal agencies to review, other state
20 agencies.

21 And tonight, the important part of the
22 NEPA process is because we are here to get your oral
23 comments on how we did in preparing that, did we
24 consider everything fully?

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1 There are several ways to comment
2 besides orally tonight. You have a form in your
3 packet that you can write your comments and submit
4 them here tonight. You can also e-mail them.

5 AUDIENCE MEMBER: Can we get a copy of
6 that?

7 MR. PRESTON: Yeah, I will get to that.

8 You can e-mail your comments or you can
9 write them down. These are available, if you want to
10 request one, we will get one to you. They are also
11 in the library, they are in the Lexington Public
12 Library, they are in the Winchester Public Library,
13 and we will send you one if you do not have access to
14 those in the library.

15 The public comment period ends on
16 January 4, 2002. And we would appreciate your
17 comments by that date so that it gives us time to
18 adequately consider them.

19 The purpose of the meeting tonight again
20 is to receive your comments. We came early to answer
21 questions, but this part of the meeting is just to
22 get your comments, or statements and concern.

23 We will take each and every comment. A
24 recorder will record them verbatim, and we will

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1 address them and in our final document, which will be
2 the document that the Department of Energy makes
3 their decision on whether or not to partially fund
4 this project, we will have addressed each and every
5 comment. So you will have a chance to see it again.

6 AUDIENCE MEMBER: May I ask a question?

7 I don't understand how we can comment on
8 this if we have not read it?

9 MR. PRESTON: I am going to explain a
10 little bit to you all. I appreciate that. And that
11 is often the problem, but we did try to make this
12 available by putting it in the library.

13 AUDIENCE MEMBER: There is no copy of it
14 at the Clark County Public Library.

15 AUDIENCE MEMBER: We are from the
16 library, and there is no copy in the library.

17 AUDIENCE MEMBER: We do not have a copy
18 of this in the Clark County Public Library.

19 Sorry.

20 MR. PRESTON: Well, one was sent.

21 Let me just tell you briefly about the
22 content of what is in the document then.

23 We considered three plans, or
24 alternatives. There is one that NEPA requires you to

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1 consider which is no action, which means there is
2 no -- the federal government does nothing.

3 In this case, the decision on the
4 federal government is due, they partially fund this
5 project to demonstrate the technology.

6 The No Action I, Alternative was the
7 Department of Energy decides not to fund the
8 project.

9 Well, Kentucky Pioneer Energy says that
10 without DOE funding, they will go ahead and build a
11 plant and fire it with natural gas, that is No Action
12 II, that would occur whether the federal government
13 takes any action or not so that we dubbed that No
14 Action II, that is the name that we gave it.

15 The proposed action is what we are here
16 to discuss, as well as the No Action, the proposed
17 action is DOE would provide \$78 million funding to
18 demonstrate the technology.

19 The technology is gasification, using
20 combined materials of coal and refuse derived fuel
21 and that gasification process makes what is called a
22 synthetic gas. It is that synthetic gas that is
23 combusted to produce the power.

24 The gasification takes the raw materials

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1 and creates a synthetic gas.

2 And we have analyzed this and I want to
3 show you the categories of environmental areas that
4 we considered. A lot of you all are probably
5 thinking, environmental areas, well, that is the
6 streams, and the air, and those are indeed very
7 important. But we also look at socioeconomics,
8 cultural resources, occupational health and safety,
9 traffic and transportation. This is a broad category
10 and each one is discussed in detail in the document.

11 There is obviously not enough time to go
12 through that, there was about a year and a half of
13 analysis and you will have to get the document.
14 Hopefully, this overview will give you some idea
15 about what we are anticipating. I will say that in
16 summary we do not believe any of the impacts from
17 this project are significant impacts.

18 There are impacts, no doubt, some
19 positive, some negative. Traffic, transportation,
20 you will see a cooling tower out there, that is a
21 visual impact. Noise, there may be some noise during
22 construction. We have tried to recognize all of
23 these, but we do believe they are minor, and that is
24 our summary.

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1 I am going to turn it back over to Roy,
2 but again, we would like to hear your feedback on
3 this and your comments.

4 And if you have not had a chance to read
5 the document, we will make it available to you.

6 So, please, if you want, just leave your
7 name, we will get you one. We have a few that we can
8 possibly pass out, but they are limited here on what
9 we could carry on the plan, so we will make sure that
10 you get the document and have it available.

11 Thank you.

12 MR. SPEARS: Thank you, John.

13 I would like to reiterate just a little
14 bit, before you leave, we do have a few here, but we
15 may not have enough for everybody, but if you will
16 just --

17 AUDIENCE MEMBER: Whatever number we
18 have, subtract three to five for the library.

19 MR. SPEARS: Okay.

20 MR. PRESTON: We will take them over
21 there tomorrow and make sure the library has some.

22 Are you all with the library?

23 AUDIENCE MEMBER: Yes.

24 MR. PRESTON: Okay, great.

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1 MR. SPEARS: That will be taken care of
2 tonight then.
3 But anyway, in your packet, there are
4 addresses, and phone numbers, and so forth, and just
5 jot them down and we will make sure that you get one.
6 Because we want everybody to have an
7 opportunity to read this and comment and we do not
8 want this to be an impediment to your looking at
9 things.
10 Thank you, again, John.
11 In a moment, I have sign-up sheets for
12 those of you who signed up to make a comment.
13 But first, I would like to -- it is a
14 little bit of a different room configuration than we
15 normally have here in the school, this is in the
16 library.
17 When you comment, if you would come up
18 to right here and state so that everybody would be
19 able to hear you, and that puts you a little bit
20 closer to our court reporter, who then would be able
21 to make sure that she gets everything down.
22 We have several speakers here. Our
23 original request is to limit your comments to about
24 five minutes, five or six minutes. And if after all

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1 of the commenters have completed and get done, then
2 if you have other comments, then we can come back
3 up.

4 We want to give everyone ample time to
5 speak and speak your mind here tonight.

6 The handout, I think, if anybody did not
7 get a handout, it looks like this, we have plenty of
8 handouts and I want to make sure that we get those.

9 One of the very important things, as
10 John mentioned, the public comment period ends
11 January 4.

12 And we would like to have those comments
13 in by the 4th, or certainly that Monday or Tuesday
14 after the 4th, if you have them on that Thursday or
15 Friday. We encourage you to mail them as soon as you
16 can.

17 That way, it gives us a little bit more
18 time to evaluate those comments and make sure that
19 they get incorporated into the final document.

20 I am going to leave this up here and
21 maybe this January 4th will jump out at you a little
22 bit more as we go through this presentation.

23 After I put my glasses on, I will read
24 the first name.

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1 I hope everybody is comfortable in our
2 over-sized chairs in here. We appreciate your
3 patience with us here tonight.
4 Bobby Bailey.
5 MR. BAILEY: Yes, sir.
6 MR. SPEARS: If you would come up and
7 introduce yourself.
8 MR. BAILEY: My name is Bobby Bailey.
9 I live along Iron Works Road.
10 I have several questions I would like to
11 ask.
12 I just found out about this tonight. I
13 noticed that you refer to it in here as solid waste
14 as a fuel? Am I correct that that is garbage? And
15 if it is garbage, where is this garbage coming from?
16 And I understand gas from a pipeline,
17 coal can be hauled by big trucks, but this garbage --
18 and I have had quite a bit of dealings with
19 garbage -- some of these state officials, and some of
20 the county officials -- and I don't mind telling you,
21 some of them has lied to me.
22 I don't know what you people are going
23 to do, who owns Global Energy? Who is Global Energy?
24 Is it owned by the federal government, or is it

15

Comment No. 1

Issue Code: 16

Global Energy, Inc., is a privately-owned energy company. As discussed in Chapter 3, RDF is manufactured in a process that includes controlled steps for the processing of MSW or common household waste. White goods (e.g., refrigerators) are removed, cans and glass are also removed for recycling, and plastics are retained for their energy content. The remaining material, including the plastic, is then processed in a type of pressure cooker in which temperature and moisture of the RDF product is controlled. The result is a sterile "mulch type material" that is then formed into dense pellets by being forced through a mold at high pressures. RDF pellets would be shipped from a single manufacturer located on the east coast of the United States.

1/16

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1 private enterprise?
2 Can nobody tell me?
3 MR. SPEARS: What we are attempting here
4 to do, is to receive all the comments and then when
5 we get all the comments received, and the court
6 reporter will close that part of the meeting, then
7 you will be able to ask the appropriate people here
8 and we have the individuals here to be able to answer
9 those.

10 MR. BAILEY: Like I say, the garbage
11 just has to be stockpiled, so I have a lot of problem
12 with stockpiling waste, hazardous waste. It don't
13 even need to be there. That is what I am concerned
14 about.

15 I would like to hear from some of these
16 state people that try to convince me that everything
17 is stored underground, won't show up anyplace else,
18 it stays right where it is at.

19 Most of us Kentucky people, we just
20 don't believe this. There are underground streams.
21 If you stockpile something out here, your waste,
22 whatever it is that comes out of this plant, it has
23 got to go someplace.

24 And what I am up here doing is that it

16

Comment No. 2

Issue Code: 12

Any hazardous waste stored onsite would be stored in accordance with state and RCRA regulations. Once a waste has been tested or is determined to be hazardous it would be stored in proper containers (e.g., 55 gallon drums) and labeled as "hazardous waste" with applicable hazardous waste codes and the date the accumulation period began. Based on generator status, the facility would have a maximum of 90 or 180 days for on-site storage of hazardous waste prior to disposal. During that time, the facility would be required to keep containers with hazardous waste in good condition and closed, inspect containers on a weekly basis, and keep a log of inspection. Regulations also require that facilities generating hazardous waste to have spill contingency and emergency response plans, which include procedures to notify the state regulators and the public in the event of a spill. KPE waste management activities would be in accordance with applicable state and RCRA regulations. Compliance with state and RCRA regulations significantly reduces the risk of leakage of hazardous waste.

2/12

Comment No. 3

Issue Code: 07

All raw materials and waste would be stored and handled in enclosed areas that would be isolated from local soil, water, and rainfall. Therefore, no impacts to local water quality would be expected from operation of the plant.

2/12
(cont.)

3/07

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17

1 is going into the water, I already have problems with
2 water. There is a lot of questions I would like to
3 ask somebody.

| 3/07
| (cont.)

4 Where is this garbage coming from?
5 Winchester doesn't have that much garbage.

| 1/16

6 MR. SPEARS: Those folks that I
7 introduced earlier with Global and so forth, and we
8 have a couple of folks from --

9 MR. BAILEY: January 4th don't give us a
10 whole lot of time.

11 I don't use e-mail, folks. If I didn't
12 voice my comments tonight, you won't hear from me.

13 MR. SPEARS: You can do it by regular
14 mail.

15 I appreciate your comments.

16 I understand that you would like some
17 other dialogue and I am sure there are lots of
18 questions.

19 MR. BAILEY: Yes.

20 MR. SPEARS: And you will have the
21 opportunity, after a little while, to do that.

22 We will be here after we close the
23 formal meeting. You can feel free to ask, and I will
24 make sure that we know who the folks are that you can

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1 talk with.

2 Thank you, again, Bob for your comments.

3 Tommy Rector.

4 MR. RECTOR: It may be redundant from

5 the questions that gentleman has, but I think in

6 general, we are all coming in on the backside of

7 trying to get the information here before we get to

8 draw any conclusions.

9 I live fairly close to the power plant

10 and immediately I was concerned about off gases from

11 anything that may be burning and/or stored, like the

12 gentleman mentioned.

13 As well as specifically what kind of

14 garbage, in detail, what DOE has to -- they will be

15 laying it on trucks, or if it is railroad, or

16 whatever.

17 So upfront, we as a community, should

18 have access to that information. And, if it is going

19 to be stockpiled, in what mode of transportation is

20 it going to be brought in here on?

21 If this is a cut and done deal by the

22 Department of Energy, or our federal government, I

23 think it has not taken the feel of the community and

24 their -- I don't want to say approval, but it is

18

Comment No. 4

Issue Code: 06

The handling and storage of coal, RDF pellets, limestone, petroleum coke, and vitrified frit would not produce any significant quantity of off-gases. The storage and handling of sulfur from the sulfur recovery facility would produce a small quantity of hydrogen sulfide emissions, as indicated in Chapter 5, Table 5.7-2 of the EIS. The Final PSD/Title V Permit for the facility includes emission limits for the sulfur recovery facility and sulfur storage and handling operations.

Comment No. 5

Issue Code: 16

As discussed in Chapter 3, RDF is manufactured in a process that includes controlled steps for the processing of MSW or common household waste. White goods (e.g., refrigerators) are removed, cans and glass are also removed for recycling, and plastics are retained for their energy content. The remaining material, including the plastic, is then processed in a type of pressure cooker in which temperature and moisture of the RDF product is controlled. The result is a sterile "mulch type material" that is then formed into dense pellets by being forced through a mold at high pressures. RDF pellets would be shipped from a single manufacturer located on the east coast of the United States.

4/06

5/16

6/10

Comment No. 6

Issue Code: 10

Comment noted. An Emergency Response Plan, which documents procedures for providing emergency response and cleanup for any project related spills during materials transport, has not yet been developed by KPE. The plan will be developed during the engineering and construction phase of the project and would adhere to local, state, and federal regulations. Section 5.11, Traffic and Transportation, has been modified to discuss the Emergency Response Plan.

6/10
(cont.)

7/21

Comment No. 7

Issue Code: 21

The public can provide comments on the project at any time during the process. Two formal opportunities for the public to provide input have

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1 still America, and I think we are entitled to all the
2 questions to be answered, as well as the
3 interrogation of you all, and the motives of the
4 company, and the whole big picture. Hopefully it is
5 not forced upon us against the will of the people.
6 That is my main concern.

7 When you say environment, like you say,
8 it entails a whole lot. Specifically, what is going
9 to be burning going up in the sky? Is it going down
10 in the water? What is burning? As well, as what may
11 fall off trucks, the railroad cars, or whatever means
12 they are planning to bring it in here.

13 That is, in general, what I was wanting
14 to say.

15 MR. SPEARS: Thank you very much.

16 There are legitimate concerns in the
17 community here.

18 Tim Walters.

19 MR. WALTERS: Thank you. I think first
20 of all, I would like to make sure that we understand
21 the problem and the basic science that is involved
22 here.

23 I am primarily concerned here with the
24 make of the carbon dioxide, that results from the

19

Comment No. 7 (cont.)

Issue Code: 21

been provided during the scoping period from April 14 through May 21, 2000, and the public comment period from November 16, 2001, through January 25, 2002. All comments received during the public comment period have been considered during preparation of the Final EIS and addressed in this comment response document.

7/21
(cont.)

Comment No. 8

Issue Code: 07

All raw materials and wastes would be stored and handled in enclosed areas that would be isolated from local soil, water, and rainfall. Therefore, no impacts to local water quality would be expected from operation of the plant. Wastewater discharges would be required to meet all pollutant limitations specified in the KDPES permit.

4/06
(cont.)

8/07
6/10
(cont.)

Comment No. 9

Issue Code: 06

As noted in the EIS, the proposed project would produce about 1.45 million metric tons (1.6 million tons) of greenhouse gas emissions per year (mostly carbon dioxide). This would be about 25 percent less than the amount produced by a comparable natural gas fueled power plant. Greenhouse gas emissions from an equivalent coal fired power plant would be more than twice as high.

9/06

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1 burning of coal.

2 I think the answer to the gentleman that
3 just spoke here, the garbage is going to get burned
4 out here is going to come from New York and New
5 Jersey. So Clark County is going take care of the
6 garbage from New York and New Jersey, but that is
7 another problem.

8 The problem that is presented here, and
9 the way I see it, is that coal is almost pure
10 carbon. And the problem is that when coal is
11 attempted to convert to energy, it is not an
12 efficient process.

13 You cannot convert 100 percent of a
14 pound of coal to heat. Therefore, what you are going
15 to have left over is a mixture of carbon and oxygen,
16 which is carbon dioxide.

17 It is estimated that when you burn a
18 pound of coal, you are only going to convert about
19 one-third of that pound of coal to energy.

20 The two-thirds of that pound, is going
21 to go up into the atmosphere in the form of carbon
22 dioxide.

23 Now, to my knowledge, I don't think
24 there is a any method, scientific method, that you

20

| 9/06
(cont.)

| 10/16

| 9/06
(cont.)

| 9/06
(cont.)

Comment No. 10

Issue Code: 16

Comment noted. The relatively small amounts and generally widely dispersed nature of MSW in Kentucky does not economically support exclusive utilization of Kentucky-generated MSW to produce RDF supplies. Importing RDF from a densely populated metropolitan area is more economically viable in order to supply the necessary amount of RDF required to operate the plant.

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21

1 can use, to try to convert coal to energy without a
2 substantial amount of carbon dioxide resulting in it.

3 So, what is the mischief here? The
4 problem is that the carbon dioxide goes into the
5 atmosphere, it is lighter than the rest of the gasses
6 in the atmosphere, so the carbon dioxide then goes up
7 into the stratosphere. There it traps heat.

8 Now the earth has a beautiful system of
9 making it an equilibrium, with respect to the heat
10 that has escaped from outerspace and then the heat
11 that stays. But the problem is that the abundance of
12 carbon dioxide that is produced by humans each year,
13 which is seven billion -- seven billion, now -- tons
14 of carbon dioxide is put up into the atmosphere as a
15 result of human activity during the year.

16 Four billion tons of those are consumed
17 by the oceans and forests. Three billion tons remain
18 in the atmosphere.

19 So you can see easily what is happening
20 here. The equilibrium between the heat that is
21 escaping and the heat that is staying is out of
22 kilter.

23 In the last century, the parts per
24 million of carbon dioxide that has been added to the

9/06
(cont.)

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1 atmosphere is almost 100.
 2 The United States, although we have four
 3 percent of the population, we put into the atmosphere
 4 21 percent of the total carbon dioxide.
 5 So what is going to happen here? The
 6 earth is going to keep heating up, and what does this
 7 have to do with us with Trapp? What does it have to
 8 do with anybody?
 9 Eventually, what is going to happen is
 10 that we are going to have a greenhouse effect and you
 11 are going to start melting icebergs up in the North
 12 Pole, and you can forget about every city down the
 13 east coast and down the west coast, they are going to
 14 be inundated with water when you raise the
 15 temperature of the earth.
 16 And I notice here, and I was
 17 flabbergasted when I read this to indicate that
 18 apparently the legislatures, or the government, had
 19 deleted the effect of carbon dioxide from
 20 consideration of this power plant out here. That is
 21 the way I read this. I hope that is not correct.
 22 Because of all the three dangerous
 23 gasses here, sulfur dioxide, nitric oxide and carbon
 24 dioxide, carbon dioxide is much worse. The other two

22

Comment No. 11

Issue Code: 11

Dispersion modeling conducted for the PSD/Title V Permit application covered an area of about 12 kilometers (7.5 miles) from the project site, including the area of maximum impact. The maximum air pollutant increments associated with emissions from the proposed project indicate that no significant short-term or long-term air quality impacts would occur. Locations 24 to 40 kilometers (15 to 25 miles) away would be exposed to lower pollutant increments than the area covered by the dispersion modeling analysis. The emissions of SO₂ and NO_x from the proposed facility would be less than 1 percent of the applicable federal and state ambient air quality standards. This negligible incremental increase in NO_x and SO₂ emissions is not expected to contribute to respiratory illnesses.

9/06
(cont.)

11/11

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1 are bad because they contribute to respiratory
2 illnesses in people.
3 But there has been a study that was
4 conducted by the Oakridge National Laboratory down in
5 Oakridge, that estimates that for every 500 watts of
6 electricity that is produced by the power plant
7 through the conversion of coal to energies, one pound
8 of carbon dioxide is produced.

9 So when you convert that to the
10 potential of this plant out here, which is 540
11 megawatts, which is 540 million tons per year that
12 this power plant is going to produce. Simple math is
13 going to tell you that this power plant is going to
14 produce into the atmosphere 1,080,000 of carbon
15 dioxide up into the atmosphere.

16 Somewhere around 3,400 pounds of nitric
17 oxide is going to be produced and somewhere around
18 1,620 pounds of sulfur dioxide is going to be
19 produced.

20 So, I guess I have problems with number
21 one, taking care of New York and New Jersey's garbage
22 down here. And then turning a blind eye to what this
23 plant is going to do to our earth that we all have to
24 live on and have to share, for the sake of some jobs

23

Comment No. 12

Issue Code: 02

11/11
(cont.)

Comment noted. The EIS is designed to present all of the possible environmental impacts of the various alternatives relating to the proposed federal action, both beneficial and detrimental. The economic benefits associated with the project are not intended as justification for the environmental costs of the project; however, they are presented as one of many resource areas impacted by the project.

9/06
(cont.)

11/11
(cont.)

10/16
(cont.)

11/11
(cont.)

12/02

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1 that they say is going to result permanently out
 2 here, I am not quite sure.
 3 I know jobs are important, but I guess
 4 my point is this: When you counterbalance the grave
 5 potential for harm that can be done to the earth
 6 against the temporary benefits of some jobs, I think
 7 it is obvious as to what the conclusion should be.
 8 Now, I know I am taking some time here,
 9 but I wanted to suggest -- I want to talk about
 10 something else before I sit down.
 11 This is supposed to be an environmental
 12 impact. Probably about a third of you do not live in
 13 Trapp here, you drove out on Highway 89. Did you see
 14 that ridiculous mess that you drove on?
 15 That is the worst road in Clark County.
 16 The worst road. What happened was, back when they
 17 first built this power plant out here, the first time
 18 they built it, whoever it was, called down at
 19 Frankfurt and got them to reclassify the road so that
 20 heavier trucks could travel the road and bring that
 21 heavy equipment out here, in heavier loads than the
 22 infrastructure of the road was capable of holding.
 23 So the road tore up.
 24 Then they, what? Built it back. That

24

12/02
(cont.)

13/10

Comment No. 13

Issue Code: 10

Comment noted. The trucks would haul a maximum of 18 metric tons (20 tons) of cargo each, which would place the overall weight below the Kentucky-mandated maximum weight for Kentucky Highway 89 of 36,288 kilograms (80,000 pounds) for a five-axle vehicle. The Kentucky Transportation Cabinet indicated any vehicle below that weight traveling along that road would not be expected to cause damage to the roadway. Should damage occur from vehicles carrying more than the maximum weight allowance, the operator of the trucks, in this case KPE, would be responsible for any repairs to the road surface. Section 5.11 of the EIS, Traffic and Transportation, has been modified to address the concerns of damage to the local roads.

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1 is a loose term for reconstructing a road. The
2 construction company that built it went bankrupt.
3 But at any rate, you can see what kind of road they
4 built.

5 Last winter, they started bringing some
6 more things out here at the power plant, and they
7 absolutely in front our own eyes, crumbled that
8 road.

9 That road has a classification that
10 cannot, under any circumstances, contain and maintain
11 the heavy trucks that are bringing in the equipment
12 and material over.

13 So, who is going to build the roads?
14 I wish the government would contemplate what is going
15 to happen to the road and who is going to build it?

16 Somewhere around \$250 damage is done to
17 the average car per year from roads, the average road
18 in the country. This road here, you can multiply
19 it. You could multiply it and you are going to get
20 at least \$500 damage to your car.

21 Plus, it doesn't make any difference to
22 these people that get to leave after they build it,
23 when they go back to Cincinnati, or wherever. But
24 the people that live out here at Trapp and have to

13/10
(cont.)

13/10
(cont.)

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1 drive this road everyday, your car is going to suffer
2 damage.

3 But at any rate, I think we all know the
4 history of it, and I am not downing east Kentucky,
5 they are good people out there. And I know them, and
6 they are well-meaning people, and I don't mean this
7 to be personal.

8 But honest to God, that first attempt of
9 the power plant out here was an absolute disaster.
10 Even up here when they borrowed \$1 billion from the
11 government for a project that was not even feasible,
12 and they quit it.

13 So, I think you should make sure, number
14 one, that the economy of this country requires this
15 to be built.

16 Number two, we should rethink our
17 priorities. When it comes to supplying energy and
18 the permanent damage that we do to our country and
19 our earth.

20 So having said that, thank you very much
21 and I appreciate your patience.

22 MR. SPEARS: Thank you, Mr. Walters, for
23 your comments.

24 I note on the sign-up sheet,

26

13/10
(cont.)

Comment No. 14

Issue Code: 14

The Kentucky Pioneer IGCC Demonstration Project is a CCT Program selected by DOE to demonstrate the efficiency and environmental performance of new technologies utilizing coal resources. The current state of the Nation's economy and alternative uses of the Nation's funds are beyond the scope of the Kentucky Pioneer IGCC Demonstration Project EIS.

Comment No. 15

Issue Code: 22

Comment noted.

14/14

15/22

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27

1 Mr. Walters, that you were down for personally and
2 for an organization; is that correct?

3 MR. WALTERS: Excuse me? I probably put
4 down self. I just represent myself.

5 MR. SPEARS: Okay.

6 MR. HERRICK: I am going to present on
7 behalf of Kentucky Resource Council first.

8 This is actually from Tom Fitzgerald of
9 the Kentucky Resources Council and I will hand this
10 to you in writing.

11 I am going to read this verbatim, and
12 then I will talk for a minute after that.

13 Before The Department of Energy National
14 Energy Technology Laboratory.

15 Comments Concerning DEIS for Proposed
16 Kentucky Pioneer Energy Integrated
17 Gasification Combined Cycle Demonstration
18 Project.

19 Dear Mr. Spears: These preliminary
20 comments are submitted regarding the proposed
21 Kentucky Pioneer Energy IGCC Project Draft
22 Environmental Impact Statement and will be
23 supplemented with extensive written comments
24 concerning the project prior to the close of

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28

1 the comment period.
2 As a preliminary matter, however, the
3 Council was asked to address the relationship
4 of the proposed project and the utilization of
5 a shredded, milled and palletized municipal
6 solid waste fuel, to Kentucky's solid waste
7 disposal statute and the requirement of
8 maintaining consistency with local solid waste
9 plans.

10 After a review of the position paper
11 submitted by Global Energy to the state
12 Division for Waste Management, and after
13 review of the applicable statute and case law,
14 I believe that the facility is subject to the
15 solid waste regulations and is required to
16 obtain a determination of consistency from the
17 solid waste management governing body of Clark
18 County before importing and disposing of the
19 solid waste fuel.

20 By letter dated October 9, 2000, Global
21 Energy Inc., Suite 2000, 312 Walnut Street,
22 Cincinnati, Ohio 45202, through its manager of
23 Regulatory Affairs, Dwight Lockwood, requested
24 a determination from the Kentucky Division of

16/21

Comment No. 16

Issue Code: 21

KPE is not attempting to circumvent KRS 224, or any other state or local laws. KPE has appealed to the state for an interpretation of the language of applicable solid waste laws regarding RDF. The Kentucky Natural Resources and Environmental Protection Cabinet has determined that the RDF is a recovered material and not waste. The Kentucky Pioneer IGCC Demonstration Project facility will be considered a recovered material processing facility and the gasification process will not require a waste permit as long as the RDF conforms to the statutory definition. A discussion of this issue has been added to Chapters 1 and 6 of the EIS.

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29

1 Waste Management as to the applicability of
2 KRS 224.40 to the proposed integrated
3 gasification combined cycle (IGCC) power plant
4 project in Clark County.

5 The request letter from Global Energy
6 (Hereafter Global) asserted that the proposed
7 project was exempt from waste regulations.
8 The 2-paged letter contained an attached
9 Analysis of the Non-Applicability of KRS
10 224.40 to the Kentucky Pioneer Project.

16/21
(cont.)

11 The determination of applicability of
12 the waste regulations rests in the first
13 instance with the Natural Resources and
14 Environmental Protection Cabinet, subject to
15 review by the courts.

16 KRS Chapter 224 is a statute that is
17 remedial in nature and its protections are to
18 be broadly construed consistent with the
19 public and environmental protection goals of
20 the statute. Exemptions from its reach are to
21 be narrowly construed.

22 The question of whether the proposed
23 coal and waste-fueled facility is subject to
24 the requirements of KRS Chapter 224, as a

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1 waste management and waste disposal facility,
2 is of significance to the residents of Trapp
3 and of Clark County, since if exempted from
4 the ambit of the term municipal solid waste
5 facility, the planned importation of processed
6 municipal solid waste from northeastern states
7 representing the equivalent of roughly half of
8 the residential waste generated in the entire
9 Commonwealth of Kentucky, will not be subject
10 to its scrutiny and a determination by the
11 local governing body of Clark County, for the
12 consistency with that county's approved solid
13 waste plan.

14 When enacted in 1991, Senate Bill 2
15 substantially revised state and local solid
16 waste management, requiring of local
17 communities that they plan for the proper
18 management of solid waste generated within
19 their borders and promising, in return, that
20 the local governing body responsible for solid
21 waste planning would have the ability to
22 control the manner and extent to which waste
23 generated outside of the boundary of the
24 planning unit would be managed and disposed of

16/21
(cont.)

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1 within the planning area.
2 The proposal to thermally treat and to
3 combust the volatile fraction of one million
4 tons or more per year of treated municipal
5 solid waste falls squarely within the type of
6 facility intended by the General Assembly to
7 be scrutinized under the solid waste planning
8 process.

9 KRS 224.40-315 mandates that:

10 No permit to construct or expand a
11 municipal solid waste disposal facility shall
12 be accepted for processing by the Cabinet
13 unless the application contains a
14 determination from the governing body of the
15 solid waste management area in which the
16 facility is or will be located concerning the
17 consistency of the application within the area
18 of the solid waste management plan.

19 The scope of this statute and the
20 requirement for a determination of consistency
21 with the approved solid waste plan, is defined
22 by the term municipal solid waste disposal
23 facility, which is defined in KRS 224.01-010
24 (15) to include:

16/21
(cont.)

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1 Any type of waste site or facility where
2 the final deposition of any amount of
3 municipal solid waste occurs, whether or not
4 mixed with, or including, other waste allowed
5 under subtitle D of the Federal Resource
6 Conservation and Recovery Act of 1976, as
7 amended, and includes, but is not limited to,
8 incinerators and waste-to-energy facilities
9 that burn municipal solid waste.

10 The term is broadly inclusive of all
11 types of waste sites, or facilities, where the
12 final deposition of any amount of municipal
13 solid waste occurs.

14 There can be no serious argument that
15 the feed material to be combined with the coal
16 is a solid waste, which is to say, that the
17 material is garbage, refuse, sludge and other
18 discarded material.

19 The waste that is to be processed,
20 according to the applicant, at the facility in
21 a state other than Kentucky, where it will be
22 manufactured from municipal solid waste by
23 removing large objects and white goods, as
24 well as glass and metal.

16/21
(cont.)

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1 The remaining material, including
2 chlorinated plastics, will be milled and
3 shredded. These pellets are municipal solid
4 waste processed as an intermediate step to the
5 thermal treatment of the waste to produce a
6 gas for combustion.

7 The proposed facility is utilizing a
8 fuel stream comprised of partially separated
9 and shredded and shaped municipal solid waste
10 used as a fuel source. Disposing of the waste
11 through thermal treatment at high temperature
12 to drive off the volatile fraction for
13 combustion.

14 As such, it is engaged in disposal of a
15 municipal solid waste stream and falls within
16 the ambit of a municipal solid waste disposal
17 facility the siting and operation of which
18 should be reviewed from consistency with local
19 solid waste plans.

20 The applicant claims exemption for the
21 waste fuel from the waste programs as a
22 recovered material, yet the clearly better
23 reading of the statute, and the intent to
24 carefully regulate the disposal of solid waste

16/21
(cont.)

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1 by thermal treatment, as well as other means,
2 militates against the exemption of the
3 material from regulation as a solid waste.

4 The material is not a refuse-derived
5 fuel, notwithstanding the claim by the
6 applicant to the contrary, since the applicant
7 has indicated that it intends to retain the
8 recoverable plastics in the waste (likely for
9 the Btu value), and thus is outside of the
10 ambit of recovered material, since that
11 definition specifically excludes materials
12 diverted or removed for purposes of energy
13 recovery or combustion from being considered
14 recovered material.

15 Assuming, for the sake of argument, that
16 the waste were further processed over what is
17 proposed, in order to meet the state
18 definition of refuse derived fuel by removing
19 all recoverable plastics and other recoverable
20 material, such as mixed paper, corrugated
21 paper and newsprint, the definition of
22 recovered material still would not apply to
23 exempt the entire waste stream from regulation
24 since only 15 percent of the material

16/21
(cont.)

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35

1 processed by the facility creating the pellets
2 could be credited as RDF.

3 While the acceptance by the applicant of
4 regulation under EPA's Municipal Solid Waste
5 Combustor standards makes it difficult to
6 accept at face value the assertion of
7 non-applicability of state waste designation,
8 commenter concurs that the state law itself
9 determines how this facility is to be
10 characterized for purposes of state
11 regulation.

12 Because the material is not a refuse
13 derived fuel under KRS 224.01-010 (23) in that
14 it has not been subject to extensive
15 separation of municipal solid waste including
16 the extraction of recoverable materials for
17 recycling, the processing of the municipal
18 solid waste stream to create the palletized
19 fuel does not make the material a recovered
20 material under KRS 224.01-010 (20).

21 The proposed gasification step in the
22 process and the cleaning of the volatile
23 fraction of the waste for combustion, does not
24 make the facility a recovered material

16/21
(cont.)

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1 processing facility, so as to exempt it from
2 the definition of a municipal solid waste
3 disposal facility, or to avoid the obligation
4 to be consistent with the local solid waste
5 plan.

6 Beyond the specific failure of the
7 application to meet the criteria for an exempt
8 recovered material processing facility,
9 because the waste feed will retain recoverable
10 materials, including all plastics and paper,
11 the context in which municipal solid waste
12 disposal facilities are regulated under KRS
13 Chapter 224 makes clear that the attempt to
14 shoehorn this substantial waste-fueled energy
15 facility into the category of a recovered
16 materials processing facility is an ill-fit
17 from a public policy standpoint.

18 KRS 224.01-010, which contains many of
19 the definitions for this chapter, is prefaced
20 with the caveat, a, used in this chapter
21 unless the context clearly indicates
22 otherwise.

23 The statutory provision requiring a
24 determination of local consistency for

16/21
(cont.)

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37

1 disposal facilities was plainly intended to
2 cover thermal treatment of municipal solid
3 wastes with and without energy recovery, and
4 to segment the facility into the component
5 processes in order to exclude from the
6 application of KRS 224.40-315, a facility
7 which uses a sequential process of thermal
8 treatment followed by combustion of volatile
9 gases, and which presents many similar
10 concerns in management of air, water and solid
11 waste biproducts from a heterogeneous fuel
12 source such as municipal solid waste (even if
13 homogenous in shape), is contrary to the
14 intent of the statute and the public policy
15 behind it.

16/21
(cont.)

16 In sum, the palletized mixed municipal
17 solid waste does not fall within the ambit of
18 the state statutory definition of refuse
19 derived fuel and is this not a recovered
20 material. By definition, the facility is a
21 municipal solid waste disposal facility under
22 KRS 224.40-315(1), KRS 224.40-310 and KRS
23 224.01-010(15).

24 Commenter suggests that DOE undertake

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1 these actions in order to assure full
2 compliance with applicable state laws prior to
3 engaging in funding support for this project:

4 One, request and await final
5 determination by the Natural Resources and
6 Environmental Protection Cabinet as to the
7 applicability of the waste statutes to the
8 proposed facility;

9 Two, assuming the applicability of the
10 statutes, defer the funding decision until the
11 applicant demonstrates the viability of the
12 project by obtaining a determination of
13 consistency from the governing body of the
14 solid waste management area covering Clark
15 County of the proposed importation and
16 utilization of the solid waste material for
17 the facility; and

18 Three, extending to the Governing Body
19 of that solid waste management area the
20 opportunity to participate in the EIS review
21 process as a cooperating agency.

22 That is the sum of Mr. Fitzgerald's
23 comments.

24 Shall I move into my five minutes?

16/21
(cont.)

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1 MR. SPEARS: Sure.

2 MR. HERRICK: Thank you, sir.

3 Okay. I am Will Herrick. I live in

4 Lee County. I am about 35 miles upwind from you.

5 I guess the first thing I would like to

6 point out, you have presented, last night and tonight

7 that you have three options for what EPA can do;

8 nothing, slightly nothing, and passive.

9 And you said in your second issue that

10 you believe that this facility would be built with or

11 without EPA approval or the island production.

12 I am going to quote you from the DOE

13 document, Notice of Intent Environmental Impact

14 Statement for the Kentucky Pioneer Gasification

15 Combined Cycle Demonstration Plant in Kentucky and

16 Notice of Involvement, U.S. Department of Energy.

17 Let me see, "In absence of DOE funding, the Kentucky

18 Pioneer, IGCC Demonstration Plant, will probably not

19 be constructed."

20 Okay. So that completely contradicts

21 the second proposal that something would be

22 constructed. In fact, the DOE should look at these

23 two documents together.

24 DOE does not think the value of

39

Comment No. 17

Issue Code: 18

After the issuance of the NOI and during the scoping process, a third alternative, in addition to the No Action Alternative 1 and the Proposed Action, was identified. The alternative was determined to be a reasonably foreseeable future action.

Comment No. 18

Issue Code: 14

Because of DOE's limited role of providing cost-shared funding for the proposed Kentucky Pioneer IGCC Demonstration Project, alternative sites were not considered. KPE selected the existing J.K. Smith Site because the costs would be much higher and the environmental impacts would likely be greater if an undisturbed area was chosen.

17/18

18/14

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40

Comment No. 19
Comment noted.

Issue Code: 21

1 alternative sites for the proposed plan. Site
2 selection was governed primarily by benefit that
3 Eastern Kentucky Power Co-op could realize.
4 The Eastern Kentucky Power Co-op
5 serviced the proposed site because the cost would be
6 much higher and the environmental impacts would be
7 great from an undisturbed area.

18/14
(cont.)

8 So, DOE has said that they haven't
9 actually looked around for a better site.
10 Okay, I am holding in my hand the Clark
11 County Solid Waste Ordinance.

12 This document is filed at the State of
13 Kentucky at the Department of Natural Resources
14 Environmental Protection.

19/21

15 Section 6 permit: No person shall
16 engage in the business of collection and
17 transportation or processing solid waste within the
18 county, without a permit secured from the director.
19 And I believe that probably means the solid waste
20 director.

21 No such permit shall be issued until or
22 unless the applicant -- therefore, unless the
23 applicant -- therefore, in addition to all the
24 requirements set forth, shall file and maintain with

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41

1 the director evidence of a satisfactory liability
2 insurance policy, which goes on to talk about how
3 much that is.

4 Section 6.1. Permit Issuance:

5 If the application shows that the
6 applicant will collect, transport and process solid
7 waste, without hazard to public health or damage to
8 the environment, and in conformance with the laws of
9 the State of Kentucky and this ordinance, the
10 director may issue a permit authorized by the
11 ordinance.

12 The director shall have the authority to
13 limit the number of permits issued to preserve the
14 health, comfort, safety and welfare of the residents
15 to promote energy conservation, and to provide
16 information on good management practices.

17 That is what you guys have in Clark
18 County as your local law. The dialogue I read you
19 from Kentucky Resource Council basically speaks to
20 you as to why this law is germane.

21 You have here, the obligation for your
22 fiscal court and your magistrate to permit, or not
23 permit, the 5,000 tons of New York garbage a day.
24 That is a very difficult decision for the fiscal

19/21
(cont.)

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42

Comment No. 20

Issue Code: 22

Comment noted. The EIS is intended to analyze public and environmental impacts. DOE will consider the impacts and all public comments before issuing the ROD.

1 court, given the circumstances.

2 I would like to just tell you some

3 stories about other counties.

4 In about 1988, Owsley County, sought to

5 start a very large landfill. That was a struggle

6 that nearly changed government, and it went away.

7 In 1990, the County of Wolfe, signed off

8 for a facility very much like this one, a waste to

9 energy site from a West Virginia company.

10 2,000 people met in the streets on that

11 one, and the county backed away very quickly and it

12 went away in about a month.

13 In Magoffin County, it took about four

14 years, and a change in government, as I recall, to

15 eliminate the Florida-based mega landfill.

16 Lee County recently had an issue with a

17 gasoline dump, it went away.

18 Estill County has had political troubles

19 over their landfill.

20 I believe that it is an accurate

21 statement that no county government has survived

22 importing large quantities of waste.

23 And I would ask Global Energy to stand

24 behind their samaritan belief that they are here to

20/22

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1 help, and invite them to walk away from the solid
2 waste component of this plant, in the spirit of not
3 causing the kind of conflict that will come about the
4 local government there.

5 To the EPA, I would like to make the
6 point that the vitrified frit is easily contaminated
7 metal that changes its leeching characteristics.

8 You get very much copper in that, and
9 you will find, according to the literature that I
10 read, that it very much changes its ability to leech.

11 Manifestly, there is a significant solid
12 waste stream that is going to have an exotic array of
13 metals, many of which, you don't want to leech out;
14 led, cadmium, linium.

15 And what I have found is that there is
16 plenty of data on the quality of frit and its
17 long-term behavior in a landfill or in a roadbed, or
18 anywhere else.

19 So I would very much ask you to
20 seriously review the heterogenous nature of this
21 thing called solid waste, and the impact on this off
22 product. I believe it may be qualified as hazardous
23 waste.

24 In the event that it is a hazardous

43

20/22
(cont.)

Comment No. 21

Issue Code: 12

Vitrified frit from gasifiers operating on other feedstocks rarely fails TCLP for metals and is found to be nonhazardous. The frit generated by this facility is also expected to meet all TCLP criteria. The constituents of the molten slag from the gasification process are immobilized in a glassy matrix which is nonleachable by EPA standards. The Proposed Action does not include construction of a landfill. Solid waste generated from the proposed project would be disposed of at a licensed disposal facility in state. Hazardous waste would be disposed of at an out-of-state permitted disposal facility since there are no hazardous waste disposal facilities in the State of Kentucky.

21/12

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1 waste, that brings to this reason the likelihood of a
2 hazardous waste landfill.

3 These guys are looking at producing--
4 the air quality permits allows them 500 tons a day of
5 frit.

6 Once you open a landfill, basically
7 its -- all bets are off. Anybody who can get their
8 name on the permit of that landfill can dump in that
9 landfill.

10 So, there is a strong likelihood that by
11 permitting this plant, you, or an adjacent county, in
12 fact, will end up with becoming the victim of a
13 landfill that they don't want. That can take pretty
14 much anything ugly that people want to get rid of.

15 Hazardous landfills are a real burden to
16 close. Many of those federally super-sized sites are
17 hazardous landfills and they can be a real expensive
18 proposition.

19 The air quality permit describes that
20 the start up and shut down of this facility can only
21 be out of compliance for a period of two hours.

22 That seems very difficult to reconcile
23 with the physics as far as starting up and cooling
24 down facilities like this. So, I have a very strong

44

Comment No. 22

Issue Code: 06

The Kentucky Division for Air Quality has primary regulatory jurisdiction over air quality issues during all aspects for facility operations. Existing regulations allow emissions to exceed the normal operating limits for no more than 2 hours during facility startup, shutdown, or equipment malfunction periods. Emissions of the major criteria pollutants will be tracked by continuous emission monitoring equipment.

21/12
(cont.)

22/06

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1 question about who is, in fact, going to be governing
2 the emissions during those two hours, and
3 particularly beyond the two hours that the State of
4 Kentucky says that is all we are going to call start
5 up and shut down.

6 I was told that Global Energy had spoken
7 to the director of the Big Smokey National Park, I
8 believe that is what I was told. And that begs the
9 question why the federal parks in the State of
10 Kentucky, for which the Daniel Boone and the Wild and
11 Scenic Red, have not been equally considered in the
12 impact of what is coming out of the atmosphere.

13 The Wild and Scenic Red, in particular,
14 is a textbook protected zone that, I, for one, would
15 very much like to see not be impacted by heavy metals
16 or acid rain.

17 In regard to Mr. Walters comments about
18 Co2, I have to say that I am equally concerned with
19 the concentrations of metals.

20 The total tonnage of mercury and led and
21 cadmium, being offered in the import of municipal
22 solid waste over the many years that this looks like
23 it may happen is an extraordinary burden.

24 Heavy metals affect our central nervous

45

22/06
(cont.)

23/06

24/11

Comment No. 23

Issue Code: 06

Dispersion modeling conducted for the PSD/Title V Permit application covered an area of about 12 kilometers (7.5 miles) from the project site, including the area of maximum impact. The maximum air pollutant increments associated with emissions from the proposed project indicated that no significant air quality impacts would occur on either a short-term or long-term basis. Locations existing 24 to 40 kilometers (15 to 25 miles) away (Wild and Scenic Red River area) would be exposed to lower pollutant increments than the area covered by the dispersion modeling analysis. Total heavy metal deposition in areas downwind of the project would be much less than 1.1 kilogram per hectare (1 pound per acre) accumulated over 20 years. Acid deposition impacts downwind of the project would be too small to produce any measurable change in existing acid deposition conditions. Additional discussion of metal deposition and acid deposition issues has been added to Section 5.7.4 for the Final EIS.

Comment No. 24

Issue Code: 11

The gasification process would produce a small amount of wastewater containing primarily dissolved salts. Heavy metals and mercury would be emitted only from the power island component (CTs) of the Kentucky Pioneer IGCC Demonstration Project. Total heavy metal deposition in areas downwind of the project would be much less than 1.1 kilogram per hectare (1 pound per acre) accumulated over 20 years and present little risk to human health and the environment. Incremental ambient air quality impacts would be a very small fraction of the relevant federal and state ambient air quality standards (less than 1 percent for gaseous pollutants such as nitrogen dioxide, sulfur dioxide, and carbon monoxide and less than 4 percent of the federal 24-hour PM₁₀ standards). Therefore, the overall increase in air emissions due to operation of the plant would be very low and present little risk to human health and the environment.

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1 system, mad hatter disease, mercury is bad news.
2 They typically bioaccumulate, plants
3 take them up and concentrate them. They do not
4 degrade over time.

5 My family and I own about a square mile
6 and a half of land, 35 miles upwind from here. I am
7 confident over the course of the proposed 20 years
8 that East Kentucky Power Plant is talking about
9 running this plant, or longer, that my burden from
10 heavy metal from you, from this site, is measured in
11 pounds.

12 If somebody came to my property and
13 poured a pound of mercury on it, we would have the
14 police in there right now, and it would be a crime.

15 You need to persuade me somehow that it
16 is not a crime if you do it in a timespan over the
17 course of 20 years.

18 That is the extent of my comments and
19 I thank you for your time.

20 MR. SPEARS: Thank you.

21 Julie Maruskin.

22 MS. MARUSKIN: I do not have much to say
23 except that I work at the Clark County Public Library
24 and this came as a surprise to those of us who work

46

24/11
(cont.)

Comment No. 24 (cont.)

Issue Code: 11

Furthermore, the air quality permit for the project requires continuous emission monitoring for major criteria pollutants and annual emissions testing for cadmium, lead, mercury, hydrogen chloride, and dioxins/furans. Noncompliance with permitted emission levels would result in a plant shutdown.

25/06

Comment No. 25

Issue Code: 06

No direct modeling of particulate matter deposition was conducted for the air quality permit application. However, Table 5.7-2 in the EIS indicates that annual emissions of heavy metals would be only 0.53 kilograms per hour (1.18 pounds per hour) (4.68 metric tons [5.16 tons] per year). There are 325,370 hectares (804,000 acres) within 32 kilometers (20 miles) of the project site, and 1.0 million hectares (2.5 million acres) within 56 kilometers (35 miles) of the site. Even if the wind blew toward a single compass sector continuously for 20 years and all of the emitted particulate matter was deposited within 56 kilometers (35 miles) of the plant, heavy metal deposition would average a total of 0.75 kilograms per hectare (0.67 pounds per acre), or 756.6 grams per hectare (10.7 ounces per acre) over the 20-year period. Using this conservative high-end bounding estimate, the total amount of heavy metal disposition for the 3.9-square kilometer (1.5-square mile) tract of land would be 291.4 kilograms (643.2 pounds) over the 20-year operation period. The actual quantity would be far lower; however, because the winds would vary, thus dispersing the heavy metals over a greater area than one compass sector, and the tract of land is upwind from the facility. All emissions from the facility would be within established federal and state statutory limits.

Additional discussion of metal deposition issues has been added to Section 5.7.4 for the Final EIS.

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1 at the library.
2 And since we are in the business of
3 disseminating information, we wanted to come here and
4 get as much information as we possibly could.

5 We thought that we would have a lot of
6 concerned citizens who wanted more, especially,
7 hopefully, if we will get the document.

8 That would be nice.

9 And hopefully by tomorrow everyone will
10 be able to check out the documents that we take back,
11 take them home, have a look at them, read them in the
12 library.

13 This is of a special concern to me
14 because I am a Kentuckian. Tonight, I was driving
15 back from Lexington, I heard Kentucky referred to as
16 a third-world country.

17 One of the things that happens in a
18 third-world country, is that other countries who have
19 more power, more money, send their garbage to
20 third-world countries that they are not living in.

21 I don't think Kentucky is a third-world
22 country, but I think other people have that concept
23 of us.

24 I would rather not have other people's

47

Comment No. 26

Issue Code: 21

One copy each of the Draft EIS was sent to Trapp Elementary School, Clark County Public Library (the designated project reading rooms) and Lexington Public Library while the general distribution was made on November 7, 2001. Additional copies were sent to the Clark County Public Library following public comments at the Trapp public hearing. The comment period was extended through January 25, 2002. All requirements in state and federal laws, rules, and regulations regarding distribution were satisfied.

26/21

Comment No. 27

Issue Code: 16

Comment noted. The concrete-floored storage building for the RDF pellets will be located within the 4.8-hectare (12-acre) project site and would be capable of housing a 10-day supply of coal and RDF pellets. The 4.8-hectare (12-acre) project site is located within the larger 1,263-hectare (3,120-acre) J.K. Smith Site and is approximately 1.6 kilometers (1.0 mile) from the closest residence.

27/16

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1 garbage in my backyard.
 2 So that is one thing that I hope comes
 3 of this tonight. I live on Iron Works Road. I am
 4 very proud of our community and I don't want any more
 5 problems than we have now environmentally.
 6 I thank you for your time. And thank
 7 you for having the meeting. And I hope more people
 8 come into the library to get more information about
 9 this before January the 4th.
 10 I appreciate your time.
 11 Thank you.
 12 MR. SPEARS: Thank you very much for
 13 your comments. Rest assured that we will have those
 14 copies for you shortly after the meeting here.
 15 John Maruskin.
 16 MR. MARUSKIN: I am John Maruskin and I
 17 am the adult services librarian at the Clark County
 18 Public Library.
 19 When you listen tonight to the people
 20 from Global and Eastern Kentucky Power, stop and
 21 think if you hear the word combustion.
 22 What is happening here is that we are
 23 sort of being deceived, and the state is being
 24 deceived, into believing that this is going to be a

48

27/16
(cont.)

Comment No. 28

Issue Code: 16

Chapter 3 of the EIS explains the BGL gasification process. The RDF pellet and coal co-feed are heated in a carefully controlled, low oxygen environment, which causes a chemical conversion process that results in the chemical element for formation of the syngas.

28/16

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1 non-combustion plant.

2 But as Tim Walters was telling a little
3 bit earlier here, there is no way that you can fire
4 coal into a gas and not have combustion.

5 It if it is not a combustion plant, then
6 the people who want to import the sewage from New
7 York and New Jersey can do that without permit.

8 Once that becomes a solid waste that is
9 going to be combusted, then they need the permit.

10 As Will Herrick pointed out, and I want
11 to emphasize is that we can stop this plant from
12 being built if we decide as a community that we do
13 not want these permits issued to bring the solid
14 waste in. And that can be done, as Will pointed out,
15 through our local sanitization plan, our local solid
16 waste plan.

17 One of the things that we can do in this
18 room, or to make sure that that does not happen is to
19 contact our local magistrate.

20 It is very easy to get the number for
21 the local magistrate, it is 745-0200.

22 Call the office and ask them and they
23 will send you a list, just like they sent me, with
24 all their names, addresses and telephone numbers.

28/16
(cont.)

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1 And I think it really behooves us to
2 start an action now to make sure that our local
3 officials know that we do not want solid waste
4 brought in here.

5 One of the things that always amazes me
6 when I walk around here and people walk up and say to
7 me, You are not from around here, are you? And I am
8 not, I have only lived here for 25 years.

9 And one of the reasons that I moved here
10 is because where I come from in western Pennsylvania,
11 the landscape had already been destroyed by power
12 plants, and by factories, and by chemical plants, and
13 by the importation of waste.

14 And when he was talking about the
15 environmental impact of a large smoke stack, it is
16 dreadful. There is particulate matter going through
17 the air all the time and you do not know what it is.

18 I grew up in an area where we had carbon
19 dioxide, coal products falling on us continuously.
20 I mean, the houses were always gray with dirt and
21 with the kind of particulate matter that used to
22 fall.

23 Of course, the plant that they are going
24 to be building, they would tell you that it is going

50

Comment No. 29
Comment noted.

Issue Code: 22

Comment No. 30

Issue Code: 06

Although a full chemical characterization of PM₁₀ associated with any fossil fuel combustion process is not possible, most of the hazardous air pollutants listed in Table 5.7-2 of the EIS would be found in the PM₁₀ emissions from the proposed project. Maximum impacts from the proposed project on PM₁₀ concentrations would be less than 4 percent of the federal 24-hour PM₁₀ standard and less than 1.5 percent of the federal annual average PM₁₀ standard. Table 5.7-4 of the EIS identifies estimated maximum downwind concentrations of hazardous pollutants expected to be emitted by the proposed facility and the associated maximum lifetime cancer risks. The air quality permit for the project requires continuous emission monitoring for major criteria pollutants and annual emissions testing for cadmium, lead, mercury, hydrogen chloride, and dioxins/furans.

29/22

30/06

29/22
(cont.)

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1 to be a lot cleaner. Okay? In fact, it is known as
 2 one of the most economical and one of the most
 3 efficient power plants that there are.
 4 The studies by the RAN Corporation
 5 suggests that probabilistic studies have not been
 6 done enough on what will happen as far as building
 7 these plants are concerned.
 8 What the cost overrides will be, and
 9 what the environmental effects will be. There has
 10 never been a plant in operation for people to know
 11 what the real long-term effects of this are.
 12 It can always be feasible to do this if
 13 we have like a two-year plan, where we say, is this
 14 going to work or not, and then get rid of it.
 15 But after listening to Tim, that seems
 16 to be unfeasible, too. If they are going to destroy
 17 the roads, and destroy the environment around our
 18 community, there is no sense in letting it get
 19 started in the first place to even test it.
 20 So what I suggest doing is that if you
 21 feel strongly about this, is get in touch with our
 22 local magistrate, and tell them that we do not want
 23 permits given to people who are going to import the
 24 waste.

51

Comment No. 31

Issue Code: 16

Comment noted. The Kentucky Pioneer IGCC Demonstration Project was selected for further consideration under DOE’s fifth solicitation (CCT-V) of the CCT Program. DOE concludes that the project falls under CCT Program requirements due to use of the co-fed BGL technology. The purpose of the CCT Program is to demonstrate the efficiency and performance of new technologies. Plant design is not available or necessary at this point because the project is still in the planning stage. It will not be available until after the ROD is issued. This project would be the first commercial-scale application of the co-fed BGL technology in the United States. Similar technology has also been used at the Schwarze Pumpe facility in Germany and the Westfield facility in the United Kingdom.

31/16

Comment No. 32

Issue Code: 10

Comment noted. The trucks would haul a maximum of 18 metric tons (20 tons) of cargo each, which would place the overall weight below the Kentucky-mandated maximum weight for Kentucky Highway 89 of 36,288 kilograms (80,000 pounds) for a five-axle vehicle. The Kentucky Transportation Cabinet indicated any vehicle below that weight traveling along that road would not be expected to cause damage to the roadway. Should damage occur from vehicles carrying more than the maximum weight allowance, the operator of the trucks, in this case KPE, would be responsible for any repairs to the road surface. Section 5.11 of the EIS, Traffic and Transportation, has been expanded to address the concerns of damage to the local roads.

32/10

33/11

Comment No. 33

Issue Code: 11

The syngas from the gasification process would be the fuel combusted in the gas turbine generator system. As illustrated in Chapter 5, Table 5.7-3, maximum air quality impacts from the proposed project would be less than 1 percent of the relevant federal air quality standards for gaseous pollutants such as NO_x, SO₂, and CO. Maximum impacts from the proposed project on PM₁₀ concentrations would be less than 4

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1 And, please, don't fall for this idea
2 that somehow this plant is going to be clean and
3 nothing is going to happen. This is what we have
4 heard all of our lives, and it does not work.

5 And I think as Tim Walters also said, it
6 is time to start thinking of some more really
7 creative ways of generating electricity, and ways
8 that we can improve our environment by conserving, or
9 finding new sources of energy, instead of always
10 going for incredibly expensive, and not really
11 practical solution to energy problems that we don't
12 even have at the moment.

13 We are ready to be importing solid waste
14 from New York and New Jersey, what is going to happen
15 to this power? Anybody experiencing any power
16 outages when they plug in their Christmas lights? I
17 don't think so.

18 If you need any information, again, as
19 Julie said, please come to the library and see us and
20 we will be glad to give you all the information that
21 you need. We also take phone calls.

22 MR. SPEARS: Thank you for your comments
23 there.

24 Lisa Collins.

52

Comment No. 33 (cont.)

Issue Code: 11

percent of the federal 24-hour PM₁₀ standard and less than 1.5 percent of the federal annual average PM₁₀ standard. Therefore, the proposed project is expected to have minimal impact on public health and safety and the environment.

Comment No. 34

Issue Code: 22

Comment noted. The issue of alternate power sources is beyond the scope of the EIS.

34/22

Comment No. 35

Issue Code: 14

Chapter 2 of the EIS discusses EKPC's 1998 Power Requirements Study which indicates that the electrical load for the region is expected to increase by 3.0 percent per year through 2017. Net winter peak demand is expected to increase by 3.3 percent per year and net summer peak demand is expected to increase by 3.0 percent per year. Peak demand is expected to increase from 2,031 MW in 1998 to 2,394 MW in 2003 and 3,478 MW in 2015. Based on this load growth, EKPC will need additional power supply resources of 625 MW in 2003. The need is further shown by EKPC's plans to construct four new CT electric generating units to provide peaking service alongside their three existing peaker CTs at the J.K. Smith Site. Power generated by the project will be used to support Kentucky's energy needs.

35/14

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53

Comment No. 36

Issue Code: 21

1 MS. COLLINS. I wasn't sure if I wanted
2 to speak tonight or not because I am a newcomer to
3 your community and I wanted to hear what you as a
4 community had to say about what was happening in
5 Trapp.

6 But since I have heard you speak, I did
7 want to go ahead and say that I, too, was broadsided
8 by this.

9 The first I heard about it was Sunday,
10 and I thought surely that the people here had heard
11 about this. But now I am hearing that even your
12 local library did not have this document for you all
13 to read.

14 I have had an advantage over you, I have
15 had it for 24 hours. And it truly something you need
16 to get and read.

17 I went back into the Herald Leader
18 archives today because I still could not imagine how
19 that this had just escaped my attention, even though
20 this has been in the works since 1998.

21 And I found a sum total of five articles
22 in the Herald Leader archives about this project, two
23 of which were commentaries and the other three
24 articles of which they gave very little information

Copies of the Draft EIS were sent to Trapp Elementary School, Clark County Public Library (the designated project reading rooms) and Lexington Public Library while the general distribution was made on November 7, 2001. All requirements in state and federal laws, rules, and regulations regarding distribution were satisfied.

36/21

36/21
(cont.)

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1 about this project.
 2 When I look at this document that has
 3 been prepared -- and I have lost my page.
 4 There are a few things in here that I
 5 want to bring to your attention and you will be able
 6 to read these in more detail when you get this
 7 document.
 8 First of all, this plant is an
 9 experiment. There is no other plant like this in the
 10 United States and this experiment will be happening
 11 here in your community.
 12 Second of all, this document indicates
 13 that there is a potential for an increase in traffic
 14 associated with construction of 500 to 830 vehicle
 15 trips per work shift.
 16 If they have two shifts at the plant,
 17 you can multiply that by two. If they have three
 18 shifts, multiply that by three.
 19 There will be 40 to 60 heavy-duty truck
 20 trips per day to the site.
 21 Now, driving out here tonight we came
 22 out 89 from Winchester. There was an accident or a
 23 breakdown heading in -- down towards Winchester, with
 24 four or five vehicles. We were almost in an accident

54

36/21
(cont.)

Comment No. 37

Issue Code: 16

The EIS is intended to be used as a planning tool that analyzes the environmental impacts from a proposed project. DOE will consider the document and public comments while making the decision of whether or not to proceed with the project in the ROD.

Comment No. 38

Issue Code: 10

Comment noted. Impacts to traffic levels along Kentucky Highway 89 are addressed in Section 5.11 of the EIS, Traffic and Transportation. As stated, during construction, 500 to 1,000 vehicle trips would occur along Kentucky Highway 89 at the beginning and end of the construction workday. The exact number would depend on the staffing levels required onsite. Construction schedules typically call for workers to be onsite relatively early in the morning to avoid morning schoolbus traffic, until early afternoon. The Transportation Division of the Clark County School Board indicates that schoolbuses utilize Kentucky Highway 89 during the period when construction workers would be leaving the site. Section 5.11, Traffic and Transportation, has been modified to reflect the impacts of added vehicles on schoolbus usage.

37/16

38/10

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1 right there at that site tonight on that road. A lot
2 of the area has bad shoulders or no shoulders.
3 This road out here is not designed to
4 carry this kind of traffic. And you all have your
5 children getting on and off of school buses along
6 this artery.
7 Approximately 160 additional vehicle
8 trips per day will be made utilizing Kentucky Highway
9 89.

10 Another comment -- and in my 24 hours
11 that I have had this, I have not had time to read all
12 of it, so if I am getting my facts wrong, please
13 forgive me.

14 But I believe it says in one place that
15 the towers, the cooling towers would stack -- and I
16 am not sure if it is one stack or multiple stacks,
17 I haven't been able to figure that out yet, will be
18 visible either from eight miles away or from 12 miles
19 away, all the way to Winchester you will see these
20 stacks.

21 One of the things in my brief time
22 period in the community, as land owners near here,
23 and the plant would be, I think, one and a half miles
24 from my door, is the beauty of your area. That is

55

Comment No. 39

Issue Code: 04

Comment noted. Impacts to the visual setting of the project area are presented in Section 5.5, Aesthetic and Scenic Resources, of the EIS.

38/10
(cont.)

39/04

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1 the thing when we came here that impressed us about
2 this place. You all have a wonderful, wonderful,
3 unspoiled area here.

4 We bring guests here from all around
5 Kentucky and from out of the state and they are
6 always impressed with the beauty that is here. We
7 can Estill County, we can see Madison County, we can
8 see Clark County from near where we live, and the one
9 thing that everybody says is, Look at this beautiful,
10 unspoiled place you have here.

11 And when that stack, or stacks, or
12 cooling tower goes in, that is there forever, and
13 that is going to absolutely ruin this area here.

14 Another thing from this document,
15 Typical industry measures would be implemented to
16 minimize waste generation. Hazardous waste would be
17 disposed of in approved hazardous waste landfills
18 outside of Kentucky.

19 So not only will this material come here
20 via -- assumeably railroad, according to this -- then
21 it will also leave here again with a double jeopardy,
22 bringing the bad stuff in and taking the bad stuff
23 back out. Not that we want the bad stuff to stay
24 here, but there are dangers associated with

56

39/04
(cont.)

39/04
(cont.)

40/10

Comment No. 40

Issue Code: 10

Comment noted. An Emergency Response Plan, which documents procedures for providing emergency response and cleanup for any project related spills during materials transport, has not yet been developed by KPE. The plan will be developed during the engineering and construction phase of the project and would adhere to local, state, and federal regulations. Section 5.11, Traffic and Transportation, has been modified to present a discussion of the Emergency Response Plan.

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1 transporting these materials back out.
 2 "Should the vitrified frit be shown to
 3 be hazardous -- " should it be shown to be
 4 hazardous? In other words, they are not sure.
 5 "It would also be disposed in approved
 6 hazardous waste landfill." They don't know all the
 7 answers to this project. It is truly an experiment.
 8 The power line that would be generated,
 9 according to this document, to Montgomery County from
 10 the plant, the 17-mile power line, according to this,
 11 the location for that power line has not been
 12 determined.
 13 So, after this thing is constructed,
 14 three years or three shifts of 1,000 workers on 89,
 15 and the construction noise, and the dirt, and when
 16 the plant becomes operational, and we are dealing
 17 with all these things that all these folks have
 18 talked about, Mr. Walters and others, the leeching,
 19 and the waste, and we do not know what will be in the
 20 air, and we don't know what will be in the water, we
 21 don't know what will be in our systems, then they are
 22 going to build this line. And I don't know how many
 23 of you are in the pathway of that line, as well,
 24 because that yet has not been determined.

57
 40/10
 (cont.)
 41/12
 42/16
 38/10
 (cont.)
 43/09
 41/12
 (cont.)
 44/06
 45/07
 46/11
 42/16
 (cont.)

Comment No. 41 **Issue Code: 12**
 Vitrified frit from gasifiers operating on other feedstocks rarely fails the TCLP for metals and is nonhazardous, exhibiting none of the characteristics of hazardous waste. The frit from this project is expected to meet the TCLP criteria. The constituents of the vitrified frit are immobilized in a glassy matrix resistant to corrosion in the environment. The frit is nonleachable by EPA standards.

Comment No. 42 **Issue Code: 16**
 Pursuant to RUS NEPA regulations, a NEPA document would be prepared that would address the impacts from the transmission line. Information in the NEPA document will be used to assure impacts are avoided and solutions integrated to refrain from adverse public and environmental impacts.

Comment No. 43 **Issue Code: 09**
 Comment noted. As discussed in Section 5.10.4 of the EIS, construction activities would not have any significant impact on noise levels beyond the boundaries of the J. K. Smith Site.

Comment No. 44 **Issue Code: 06**
 The major criteria pollutant emissions and hazardous air pollutant emissions associated with the proposed project are identified in Tables 5.7-1 and 5.7-2 of the EIS. Table 5.7-4 of the EIS identifies estimated maximum downwind concentrations of hazardous pollutants expected to be emitted by the proposed facility and the associated maximum lifetime cancer risks. The air quality permit for the project requires continuous emission monitoring for major criteria pollutants and annual emissions testing for cadmium, lead, mercury, hydrogen chloride, and dioxins/furans.

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1 So, the unknown extends much further out
2 than the three-year construction phase. As some of
3 you have said, this has long-term ramifications and
4 people said at last night's hearing that I also went
5 to, this has generational impacts for your children
6 and your grandchildren.

7 Thank you.

8 MR. SPEARS: Thank you very much,
9 Ms. Collins.

10 Are there others in attendance that
11 would like to speak?

12 Yes, ma'am?

13 MS. BACK: Good evening.

14 My name is Neelie Back, and I am also
15 from Lee County.

16 And like John and others, I want to tell
17 you why I don't sound like I am a home girl. I live
18 and a mile and a half from where my dad grew up out
19 the Big Andy in Lee County and he left during the
20 World War II and went off and became a fighter pilot
21 and I was raised everywhere. But I am a home girl.

22 And I wanted to come down and talk to
23 you all.

24 My discipline is solid waste, that is

58

46/11
(cont.)

Comment No. 45

Issue Code: 07

As stated in Section 5.8, Water Resources and Water Quality, of the EIS, treated wastewater is expected to contain conventional pollutants such as nitrogen, phosphorus, total dissolved solids, and biological and chemical oxygen demand.

Comment No. 46

Issue Code: 11

The gasification process would produce a small amount of wastewater containing primarily dissolved salts. The CT engines and cooling towers (see Table 5.7.3 of the EIS) produce criteria and hazardous air pollutant emissions. Dispersion modeling conducted for the PSD/Title V Permit application covered an area about 12 kilometers (7.5 miles) from the project site, including the area of maximum air quality impact. Incremental ambient air quality impacts from the proposed project would be a very small fraction of the relevant federal and state ambient air quality standards (less than 1 percent for gaseous pollutants such as nitrogen dioxide, sulfur dioxide, and carbon monoxide and less than 4 percent of the federal 24-hour PM₁₀ standard). Total heavy metal deposition in areas downwind of the project would be much less than 1.1 kilogram per hectare (1 pound per acre) accumulated over 20 years. The maximum air pollutant increase associated with emissions from the proposed project would have no significant short- or long-term air quality impacts and the health risks are expected to be minor.

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1 what I do in Lee County, I am the person who is
2 responsible for the permitting of and the evaluation
3 of and the participation in by my community of
4 developments such as this.

5 And just like your community, we are
6 really concerned about jobs. And we are concerned
7 having a good way of life and a good quality of life
8 I know that East Kentucky Power has been a very good
9 corporate partner in your community in some areas.

10 They have done a lot of good things for
11 you, and I applaud them for that.

12 I believe that I am correct when I say
13 that both Southeast Kentucky Power and myself were
14 recipients at the Governor's Environmental Award for
15 excellence in the field.

16 So, I at least share that company with
17 them. And I want to tell you this, in Lee County, we
18 have what is called a siting ordinance and that
19 ordinance is very explicit about what we do and what
20 local folks have a chance to say about solid waste.

21 Earlier, Mr. Herrick alluded to a
22 gasoline farm, they wanted to put a storage place for
23 contaminated soil that came out of all of these gas
24 stations where they have put in new tanks -- you all

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1 have all seen them -- well, the company that was
2 doing them wanted a place to store this and they
3 wanted to put it in Lee County. And that was my
4 first experience with really being able to exercise
5 local control.

6 I am telling you, it is important for
7 you all to have that option, and that option is
8 guaranteed to you in Senate Bill 2, it has already
9 been discussed. And I, for one, am a bit alarmed
10 that the State of Kentucky, did not alert the people
11 who were doing this to the fact that solid waste was
12 going to be an issue.

13 When you have a siting agreement, what
14 it does -- and I will give it to you in a very
15 general sense and you may have a copy of this, I
16 brought it with me, I will leave it with the
17 librarian, you can make a copy of it -- if you don't
18 actually want to suggest that we adopt this ordinance
19 in your area, you might get some good ideas about how
20 to organize how you approached it.

21 I would like to say for the record that
22 I do have objections the way this meeting was held.
23 I for one, would have listened to the questions,
24 particularly the first gentleman who spoke, who

60

Comment No. 47

Issue Code: 21

NEPA requires that the public have the opportunity to comment on Draft EISs. The formal hearing was designed to obtain input from the public. Each of the public hearings was preceded by an informal open house during which members of the project staff were available to answer questions. All requirements in state and federal laws, rules, and regulations regarding public meetings were satisfied.

47/21

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1 wanted some answers from the people who are going to
2 build this plant, and we are being denied listening
3 to this as a collective whole.

4 And for me, it is very important when I
5 go to a conference, I want the speaker to talk to me,
6 and I want to be able to turn my next door neighbor,
7 or the person sitting next to me and saying, Did you
8 hear what I heard? And I think we have been denied
9 that by this format.

10 I am not saying that it was intended,
11 but I think it was done just the same and I would
12 like to register my protest. I would like for them
13 to answer to all of us, so that we have that
14 advantage.

15 The next thing is that I would very much
16 like for you to supply for us an opportunity to have
17 the names and addresses and e-mails of the people who
18 are here.

19 We can leave a pad out there and if you
20 want to, you can sign up -- and you folks with the
21 library, you are welcome to take that with you if you
22 want and I will put my name on that.

23 I want to say one small thing about
24 economic development. I am very interested in

61

Comment No. 48

Issue Code: 21

The names and affiliations of individuals and organizations providing comments during the public comment period will be included in the Final EIS, along with the names of all individuals and organizations that have requested a copy of the Final EIS.

47/21
(cont.)

48/21

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62

1 economic development.

2 I am from Lee County and the difference
3 between the really secure way of life that you all
4 have here in Clark County, we look to you in so many
5 ways as being very innovative and very capable and a
6 head of the game and you are sort of a role model in
7 that way.

8 And we are struggling to come out of
9 economic devastation that was brought on by the fact
10 that we are, in a large extent, still want us to be
11 an extraction economy, and there are problems with
12 people who come from extraction economies, which has
13 been alluded earlier here, also.

14 But I think that it is really, really,
15 really important that you all understand Hal Rogers,
16 who is the representative, he does not represent
17 Clark County, but he does represent fifth
18 congressional district. He is chair of ways and
19 means, okay? He is also chair of transportation.
20 Those are two extremely powerful committee positions.

21 He is pumping in hundreds of millions of
22 dollars into the southeast Kentucky economy to clean
23 it up. And he has just announced from his summerset
24 place his latest initiative called Companies Coming

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1 in which we intend to entice the tourists of the
2 northeastern corridor, up there in New York, and all
3 up and down that corridor there, to come and visit us
4 in southeast Kentucky and leave their money.

5 I am telling you, folks, there is more
6 than one way to skin a cat. And one more important
7 thing, when you are a community that has a facility
8 like a landfill, guess what? One of the things that
9 you get to do, usually, is write a host agreement.
10 And in that agreement, you tell the company what you
11 want to make sure that your infrastructure stays in
12 good shape. To make sure that you have monitoring
13 capabilities.

14 When we were looking at the gasoline
15 farm, we said to the people who were putting it in,
16 we want you to do this kind of testing, and we want
17 you to report that testing to us. We want to have a
18 chance to evaluate our water. So those tools are
19 available to you and I will leave a copy.

20 I want you to know that you have
21 friends, upwind.

22 Thank you very much.

23 MR. SPEARS: I think I saw another hand
24 back here.

Comment No. 49
Comment noted.

Issue Code: 21

49/21

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1 MR. WILLIAMS: My name is Sam Williams.

2 I sound like I am from Clark County and I am.

3 But during the course of my life, I have
4 traveled as an officer of the Navy, as a mining
5 engineer, as a fuel procurement official for a
6 utility company, and I see a lot fallacies in what is
7 in this draft plan that we have here.

8 First, I would like to discuss -- they
9 talk about the RDF, they say it is going to come out
10 of New York and New Jersey.

11 When I was a civil engineer corps
12 officer, stationed at Philadelphia Naval Shipyard in
13 1981, there was a problem then. Garbage trucks left
14 Philadelphia, going over the bridges into New Jersey,
15 massive landfills.

16 I mean, landfills probably a tenth the
17 size of Clark County, just stacks and stacks of
18 garbage. They have to get rid of that stuff.

19 If you recall some of the news back at
20 that time there were garbage barges that they were
21 taking out to sea trying to get rid of it. So that
22 is a problem, but that is their problem, that
23 shouldn't be our problem.

24 Number two, the coal that is coming into

Comment No. 50

Issue Code: 16

Comment noted. The relatively small amounts and generally widely dispersed nature of MSW in Kentucky does not economically support exclusive utilization of Kentucky-generated MSW to produce RDF supplies. Importing RDF from a densely populated metropolitan area is more economically viable in order to supply the necessary amount of RDF required to operate the plant.

50/16

50/16
(cont.)

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1 this plant. From what I read, and from what
2 I understand about the lerky system, it requires high
3 sulfur coal. That high sulfur coal will come from
4 Indiana or Illinois, or west Kentucky. It will not
5 come from our region in eastern Kentucky.

6 The third thing that came as a surprise
7 to me, they have to have petroleum coke to start this
8 plant up. I don't know if you know what petroleum
9 coke is, but that is a biproduct of the refining
10 process of crude oil.

11 And petroleum coke is a very strange
12 component of a waste component. It is very dusty, it
13 is very high in sulfur, it is a very hard material to
14 handle.

15 And the petroleum coke generators have
16 been trying to pawn that off on the utility industry
17 for 20 years that I know of. It is a waste biproduct
18 and we don't need it here in Clark County. It is
19 very dusty and it is very hard to handle.

20 So the point that I want to make here,
21 this is a transportation nightmare. You are going to
22 have to bring this material from New York, New
23 Jersey, up over the Appalachia mountains or either
24 down the coast and up the Mississippi River. It is

65

51/16

52/16

52/16
(cont.)

53/10

Comment No. 51

Issue Code: 16

KPE intends to use high-sulfur coal as the coal fuel co-feed. Western Kentucky coal is generally considered the high-sulfur coal region; however, Eastern Kentucky may also provide high-sulfur coal supplies. KPE intends to use Kentucky coal to supply the 2,268 metric tons (2,500 tons) per day required for gasifier operation.

Comment No. 52

Issue Code: 16

Comment noted.

Comment No. 53

Issue Code: 10

Comment noted. As discussed in Section 5.11 of the EIS, Traffic and Transportation, KPE intends to ship all required fuels to the site via rail transport. KPE feels that this is more economically beneficial and that truck transportation of all fuel feeds is not a viable alternative. KPE intends to adhere to the community desire to avoid use of significant truck transport.

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1 going to be very expensive to get here.
2 And it is going to have to be
3 transloaded to bring in by railroad car. What are
4 you going to do? What is going to happen? They are
5 going to end up on trucks because you cannot work
6 out -- if you recall, I hope you remember this, a
7 company I was affiliated with, had a power plant down
8 near Danville and they could not negotiate reasonable
9 rates with the railroad, so they ended up bringing
10 all the coal into this power plant for a period of
11 two years by truck.

12 We were talking about 5- to 700 trucks a
13 day coming in and out to basically generate the same
14 amount of electricity that we are talking about here.

15 So you are looking at a tremendous
16 amount of impact if that comes to pass.

17 Let's talk about the coal. It will have
18 to be transloaded, probably originate by barge,
19 transloaded to railcar to bring it in. What is going
20 to happen? It is going to be on trucks. And the
21 petroleum coke, it is originated in barges and it
22 will come in probably by trucks, also.

23 That is just some observations there.
24 The one lady mentioned about the frit, and the other

66

Comment No. 54

Issue Code: 12

The vitrified frit produced from the quenching of molten slag from the gasification process utilizing other feedstocks rarely fails the TCLP for metals and is nonhazardous. The frit produced by this facility would result from a coal and RDF co-feed and is expected to meet all TCLP criteria. The frit consists primarily of ash (99.2 percent by weight) composed of oxides of the following elements silicon (SiO₂), aluminum (Al₂O₃), titanium (TiO₂), iron (Fe₂O₃), calcium (CaO), magnesium (MgO), potassium (K₂O) and sodium (Na₂O). It also consists of chloride, fluoride, antimony, arsenic, beryllium, boron, cadmium, chromium, cobalt, copper, lead, manganese, mercury, molybdenum, nickel, silver, thallium, vanadium and zinc. All constituents of the frit are immobilized in a glassy matrix which is non-leachable in the environment. Vitrified frit would pass the more stringent Universal Treatment Standards criteria of the EPA-TCLP analytical method. Chapter 3 of the EIS has been revised to include a more detailed description of the frit. The frit is considered a commercial product, not a waste, and is expected to be marketable. Since there are no hazardous waste landfills in Kentucky, any hazardous waste generated onsite would be disposed of at a licensed out-of-state hazardous waste disposal facility.

53/10
(cont.)

53/10
(cont.)

54/12

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1 biproducts, talks about them being potentially
2 hazardous.

3 What is going to happen? If it is
4 hazardous, what are they going to do with it? There
5 are no hazardous landfills in the State of Kentucky,
6 we have already heard that. So it is going to have
7 to be stored somewhere. If it is going to be stored,
8 it is going to be a hazardous landfill, it is going
9 to have be generated somewhere in this region.

10 Also, it talks about ethereal effluent,
11 what is that? They talk about an ethereal effluent,
12 it hasn't been addressed at all, how to treat that,
13 what it is?

14 So, I think there are too many questions
15 here that remain unanswered. If the tests goes on,
16 it will probably make it work so they can get their
17 \$78 million or whatever from the federal government,
18 then us folks in Clark County are going to be sitting
19 here with a gray elephant, or a blue elephant, or
20 whatever color it is painted, and there is somebody
21 going to come in here and try to make it work and
22 they will cut corners, they won't be bringing it in
23 on the railroad, they won't be disposing of the
24 material, they will have to haul the material out and

67

54/12
(cont.)

Comment No. 55

Issue Code: 22

The EIS is intended to be used as a planning tool. The DOE will use the document and public comments to address concerns and answer questions. DOE will consider all public comments before the ROD is issued. The ROD will be issued no sooner than 30 days after the Final EIS is distributed and a notice of its availability is issued.

55/22

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68
| 55/22
(cont.)

1 it just won't work.
2 That is my thoughts. By the way, I
3 appreciate -- I have one of my former science
4 teachers here and hopefully I haven't bundled up any
5 of the science.
6 But, as a citizen of Clark County, and
7 like I say, I am 49 years old, moved here when I was
8 five. And Clark County is a great place. And I am
9 tickled to death to see our county judge here and our
10 newly elected state representative. And it is good
11 to see that our leaders are interested in what is
12 going on.
13 With that, I will let you go.
14 By the way, I got my book about two
15 weeks ago, so I got a chance to read it.
16 MR. STICKLING: My name is Jack
17 Stickling. I live in Estill County, about four or
18 five miles downwind of this area. Upstream, I guess
19 you call it, but downwind.
20 I live on a farm about 130 acres, me and
21 my wife and our two-year-old child.
22 And when I heard about this -- I have
23 been kind of following this plant for several years,
24 three or four years I have been reading it in the

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1 paper and certain journals and stuff.

2 But I realized that it was coming down

3 the line, but my first concern -- well, first, I am

4 in kind of in a quandary.

5 Because I feel here in this part of the

6 state, obviously, we need the jobs, and plus my

7 environmental background, I applaud the DOE to a

8 certain extent, for looking at alternative energy

9 project like this, and for taking care of some of our

10 solid waste issues and the fact that we need more

11 electricity, and I appreciate that.

12 The quandary, the other flip side causes

13 are more negative than it is positive. We are

14 concerned about the air quality of being so close

15 downwind.

16 I haven't had a chance to read the

17 document yet, and I certainly will as soon as I do

18 get a chance, but any time you have incinerators,

19 there are going to be off gas, there are going to be

20 problems. Things don't run the way you want them to

21 run all the time. So there is going to be problems

22 with off gases, that is my first concern.

23 My second concern is, I think, here in

24 this part of the state, we are also close to the

69

Comment No. 56

Issue Code: 02

Comment noted. The unemployment rates for the counties within the socioeconomic ROI are presented in Chapter 4 of the EIS, Table 4.3-2. The rates have risen since 2000, with recent figures presented by the Kentucky Department for Employment Services showing unemployment rates of 5.3 percent for Clark County, 3.0 percent for Fayette County, and 4.5 percent for Madison County as of December 2001. The ROI rate has risen to 3.5 percent and the State of Kentucky's rate is 5.2 percent. This increase in unemployment indicates that jobs are needed in the area.

56/02

Comment No. 57

Issue Code: 22

Comment noted.

57/22

Comment No. 58

Issue Code: 06

The air quality permit for the project requires that conditions which upset the process be reported to the Kentucky Division for Air Quality. If the problem cannot be remedied within 2 hours, the affected facilities would have to be shut down to avoid being found in violation of the requirements of the air quality permit. Conditions in the air quality permit are enforceable under both state and federal laws.

58/06

Comment No. 59

Issue Code: 20

Comment noted. A review of the Kentucky Division for Air Quality website did not identify any Title V operating permit or state-issued air quality permit for facilities at either the Bluegrass Army Depot in Richmond, Kentucky or the now closed Lexington Bluegrass Army Depot. A review of the EPA Region 4 Waste Management Division website identified some clean-up programs at the Lexington Bluegrass Army Depot facility which the Army has closed and which was subsequently leased to the Kentucky Division of Military Affairs. None of the information from these website searches identifies any activities or facilities which would have meaningful cumulative air quality impacts when considered in conjunction with the proposed project.

58/06
(cont.)

59/20

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1 Bluegrass Army Depot, I think that it is inevitable
2 that we are going to have some type of incinerator,
3 or some type of a disposal system there that is also
4 going to cause negative impact to the air quality.

5 And I have not read the document, but I
6 think it ought to address any effect of those two
7 airstreams of contaminations. What do you call it
8 where you have the cumulative effect? And I think
9 those ought to be looked at closely what the
10 cumulative effect of people downwind, which will just
11 a small part of Clark County, but a large part of
12 Powell County and a large part of Estill County and
13 further to the east.

14 And my guess is that it does not look at
15 the cumulative effect of contamination that we are
16 going to have to see down in the next few years.

17 Another thing that I learned tonight, I
18 didn't realize the waste stream was going to be
19 coming from areas outside of Kentucky.

20 As a Kentuckian, one of the reasons I
21 was not so negatively concerned about this plant, I
22 figure we would be taking local solid waste.

23 I think we need to take care of our own
24 environment, take care of our own problems. Hearing

70

59/20
(cont.)

Comment No. 60

Issue Code: 16

Comment noted. The relatively small amounts and generally widely dispersed nature of MSW in Kentucky does not economically support exclusive utilization of Kentucky-generated MSW to produce RDF supplies. Importing RDF from a densely populated metropolitan area is more economically viable in order to supply the necessary amount of RDF required to operate the plant. The RDF pellets will be stored within a concrete-floored storage facility on the 4.8-hectare (12-acre) project site that would be capable of housing a 10-day supply of coal and RDF pellets. The 4.8-hectare (12-acre) project site is located within the larger 1,263-hectare (3,120-acre) J.K. Smith Site and is approximately 1.6 kilometers (1.0 mile) from the closest residence.

60/16

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1 that it is coming from out of state also concerns
2 me. And I don't think we need to be the dumping
3 grounds of the United States here in Kentucky. I
4 think we have paid our dues a lot, especially in
5 eastern Kentucky in supplying in our coal resources
6 and in our timber resources.

7 And I don't think we need to be the
8 dumping grounds of waste.

9 The third point that I am a little
10 concerned about, and I also learned tonight, was this
11 term called the frit, glass frit. And it kind of
12 came together when I was listening to this. I know
13 DOE, pretty much one of their main endeavors is
14 dealing with hazardous and radioactive materials in
15 the state, radioactive waste. And I know that DOE
16 has been looking into the technology of gasification
17 of radioactive waste, mixed waste.

18 And I am afraid that this incinerator
19 may be just kind of a learning ground in the
20 technology for rad and mixed waste disposal in the
21 future.

22 And I think this environmental impact
23 statement ought to address that and confirm to us
24 that there is no chance of that. Again, that is a

71

Comment No. 61

Issue Code: 22

Comment noted.

60/16
(cont.)

Comment No. 62

Issue Code: 12

The purpose of the Proposed Action is to demonstrate and determine the reliability, availability, and maintainability of a utility-scale IGCC system using high-sulfur bituminous coal and an RDF blend as a co-feed to produce the syngas that will run the CTs. Neither DOE nor KPE has plans to incinerate radioactive and mixed waste at the proposed facility.

61/22

62/12

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1 concern that I have that this could be used for a
2 dumping ground of radioactive materials in the
3 future. And definitely the hazardous waste issue in
4 dealing with the frit. I would like to know where
5 the proposed disposed of those. I certainly don't
6 want them disposed here in my community, here in
7 Estill County. And I am sure you all in Clark County
8 don't want it either.

9 That is about it for my comments.

10 Thank you.

11 MR. SPEARS: Do we have anyone else that
12 would be interested in making a comment?

13 MR. FISHER: Hi. My name is Robert
14 Fisher and I was born here in Clark County in 1959.
15 I am like a lot of you all, I was kind of broadsided
16 by this, too.

17 I really learned a lot more tonight than
18 I really probably thought I probably would. Me and
19 my wife, we came down, and I told her, I said, Well,
20 I don't know what to expect. If I am going to look
21 up and see four or five people, or 200 people.

22 But the main thing I wanted to stand up
23 too, that I wanted to commend everyone of you all for
24 being here and representing your community and we

62/12
(cont.)

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1 have to push, to me, on this issue in this town
2 bitterly. To make this a bigger issue than what it
3 is, or what it seems to be.

4 There should be 200 people here. You
5 are here representing your future. We are coming up
6 on an election year. The legislation is going in
7 Frankfurt, it is a heck of an opportunity for us all
8 to get together in big numbers.

9 We can all sit around and whine and
10 moan, and gripe, and stay out here at the store and
11 drink an Ale-8 and talk amongst ourselves and nothing
12 is going to happen.

13 But if we continue to get together and
14 not just wait on these type of meetings, we keep our
15 names together and get accountability from our local
16 officials -- which we are blessed to have a couple
17 here -- let's get them involved. At the beginning of
18 an election year, let them know.

19 And up to the state officials. That is
20 the only way -- it seems to me that we can stop it,
21 if that is what we want. That is not going to be on
22 a 101 or 202 basis, we have got to do it in large
23 numbers and let's not let it be just a one and a half
24 year meetings like I understand of them happening.

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1 Let's kind of stay together on this
2 thing, that is all I have to say.
3 Thank you.
4 MR. SPEARS: Thank you very much for
5 those comments. They were very good.
6 Anyone else?
7 MR. HERRICK: The EIS said that trains
8 are typically going to be the mode of transport for
9 the million tons of garbage a day. The State of
10 Kentucky, of course, regulates garbage trucks to the
11 extent that they cannot leave a drop.
12 I would like for the EIS to address the
13 velocity of the average train car and the long-term
14 effect -- these train lines run along the rivers of
15 Kentucky mostly. And years and years of leaching of
16 untreated solid waste in an area is going to be kind
17 of an issue.
18 And I guess the discussion of
19 gasification reminded me of the normally reoccurring
20 radioactive materials issue comment in the oil fields
21 and are not uncommon in coal.
22 And in the event that there is a capsule
23 of metals that the normally required radioactive
24 materials will not be concentrated to some degree in

74

Comment No. 63

Issue Code: 10

Comment noted. An Emergency Response Plan, which documents procedures for providing emergency response and cleanup for any project related spills during materials transport, has not yet been developed by KPE. The plan will be developed during the engineering and construction phase of the project and would adhere to local, state, and federal regulations. Section 5.11 of the EIS, Traffic and Transportation, has been revised to include a discussion of the Emergency Response Plan.

Comment No. 64

Issue Code: 12

Chapter 3 of the EIS, Section 3.1.2.1, describes the handling and storage of raw materials. Primary and secondary measures (e.g., unloading in a closed area) would be taken to prevent PM₁₀ from becoming airborne.

Comment No. 65

Issue Code: 11

The combustion of coal releases naturally occurring radioactive material such as uranium. Since the coal would be converted to syngas and frit in the carefully controlled environment of the closed-loop high pressure and temperature gasifier, much of the radioactive material would be returned in the frit. Radioactive emissions from the proposed project were not evaluated in the permit. These emissions would be very small and below regulatory thresholds, and would not be expected to result in any health effects.

63/10

64/12

65/11

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| 65/11
(cont.)

1 that process and I would like the EIS address that.

2 MR. SPEARS: Okay. We have that so
3 noted.

4 Thank you very much for those comments.

5 AUDIENCE MEMBER: Is there an East
6 Kentucky Power representative here?

7 Hello?

8 AUDIENCE MEMBER: I work at East
9 Kentucky Power and I am here to learn right along
10 with everybody else.

11 And I am not here to be tarred and
12 feathered.

13 MR. SPEARS: Two or three things that
14 I would like to mention here before we close this
15 part of this forum.

16 My apologies go out to the library for
17 not having received your Draft Environmental Impact
18 Statement.

19 In the back of those, you will note that
20 the mailing lists are there of those -- they were
21 mailed from Washington, D.C., from our headquarters
22 and I don't know what happened from there to you, but
23 something did and I will assure you that we will get
24 you a copy.

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1 I also apologize for some of you perhaps
2 not becoming aware of the meeting. We published in
3 the Louisville, Lexington and Winchester papers for
4 three consecutive weeks. Which is more than our
5 regulations say we need to, but we wanted to publish
6 it, we wanted to get the word out in other parts of
7 the media.

8 Perhaps this type of situation tells us
9 that maybe next time we have to do a better job,
10 maybe we have to call every radio station. I don't
11 know. We will have to analyze that and see how we
12 can better do that.

13 I can truly appreciate everybody being
14 here. This is the purpose for this kind of meeting
15 is to receive your comments.

16 And I just want to say one other thing
17 to the young lady that said she didn't know why we
18 don't answer questions.

19 We have this in about three different
20 schedules, if you will. From 4 to 7 we had the
21 informal, which allows you to come in and ask
22 questions and look and see things and get a little
23 bit prepared, if you will, for the comment period.

24 The comment period then is the legal

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1 part where we have the court reporter, take
2 everything is verbatim, it is all on record.
3 As soon as I close here in a moment,
4 please feel free to ask questions of those folks that
5 I introduced while ago.
6 And that is one of the reasons that we
7 introduce folks is to let you know that they are here
8 and that it is an open meeting. We can have some
9 dialogue, we just don't do that in this formal
10 session because of the court reporter and that sort
11 of thing. It can drag on for a long time.
12 So we separate that out, that is how our
13 headquarters folks recommend that we conduct these
14 meetings.
15 So in a moment, I am going to close this
16 formal portion. Please feel free to talk to the
17 representatives of Kentucky Pioneer Energy.
18 We are going to be here for a while. So
19 please feel free to do so. There are three of us
20 here from the Department of Energy and one is from
21 the Corps of Engineers and three from Kentucky
22 Pioneer.
23 So please feel free to do that and stay
24 as you wish.

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1 AUDIENCE MEMBER: I am looking at the
2 agenda and it says, open house, welcome,
3 introductions, overview and formal comment period,
4 and I assume that the formal comment period is what
5 we just completed?

6 MR. SPEARS: We have.

7 AUDIENCE MEMBER: And I would like for
8 Mr. Bailey, the first speaker, to be able to ask his
9 questions so that these folks to come and answer the
10 questions now.

11 MR. SPEARS: That is fine. I am going
12 to close this part of it and then we can continue
13 that dialogue.

14 I want to let the record show that at
15 8:34 p.m., the formal session has ended.

16 (Public hearing adjourned.)

17

18

19

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1 STATE OF WEST VIRGINIA, To-wit:
2 I, Michele G. Hankins, a Notary Public and
3 Court Reporter within and for the State aforesaid, do
4 hereby certify that the public meeting was taken by
5 me and before me at the time and place specified in
6 the caption hereof.
7 I do further certify that said testimony was
8 correctly taken by me in stenotype notes, that the
9 same was accurately transcribed out in full and
10 reduced to typewriting, and that said transcript is a
11 true record of the testimony.
12 I further certify that I am neither attorney
13 or counsel for, nor related to or employed by, any of
14 the parties to the action in which these proceedings
15 were had, and further I am not a relative or employee
16 of any attorney or counsel employed by the parties
17 hereto or financially interested in the action.
18 My commission expires the 29th day of December
19 2003.
20 Given under my hand and seal this 7th day of
21 January 2002.
22 -----
23 Michele G. Hankins
24 Notary Public
25 Court Reporter