

Feb. 8, 2006

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

Via e-mail to [Janice.bell@netl.doe.gov](mailto:Janice.bell@netl.doe.gov)

Dear Ms. Bell:

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

1. The decision by the U. S. Department of Energy (DOE) to limit the analyses of alternatives to two options (to fund or not fund the project) improperly limits the range of alternatives that could be considered and thereby violates the National Environmental Policy Act and its requirements to consider a range of alternatives. CEQ regulations for implementing NEPA require that a lead agency “Include reasonable alternatives not within the jurisdiction of the lead agency.” (40 CFR Part 1502.14 (c)). I recommend that a Supplemental Draft EIS be prepared and circulated for public comment in order to consider alternatives that more closely address issues of public concern and that would produce a less-impacting alternative that meets project needs. The failure to consider other reasonable alternatives means that the statements on page 1-5 (that “This DEIS has been prepared in compliance with NEPA for use by DOE decision makers ...” and that “DOE’s policy is to comply fully with the letter and spirit of NEPA...”) are incorrect and are misleading to both the public and to DOE decision makers.
2. The summary of air impacts (page 2-20) fails to adequately analyze global warming impacts. This is an issue that was identified during scoping as being significant, yet no serious attempt to estimate the emissions of this versus other alternatives is presented. The cursory statement that emissions would be large, “but small in comparison to global totals”, is condescending and completely misses the point. Because coal is a relatively inefficient fuel and releases large amounts of fossil carbon dioxide, further development of coal facilities that do not include carbon dioxide sequestration will produce a disproportionate impact on global warming. A Supplemental DEIS is needed to fully address the issues (such as global warming) raised during scoping.
3. Several reasonable alternatives appear to have been dismissed without even a minimal evaluation by DOE. There does not appear to be any justification in the CCPI project guidelines for the failure to consider alternative sites. Alternative sites would alleviate concerns regarding environmental justice issues. The excuse that the project developer did not consider these alternative sites to be viable does not alleviate the need for DOE to conduct an independent assessment of whether environmental justice concerns are addressed. The carte blanche acceptance of the developer’s proposed site without a

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

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

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

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

Sincerely

James Kotcon  
414 Tyrone Avery Road  
Morgantown, WV 26508