

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of the Application for Permits
Pursuant to Environmental Conservation Law
Articles 17, 19, and 24; and Sections 201, 225,
227, 231, 242, 243, 244, 245, 257, 663, and
750-758 of Title 6 of the Official Compilation of
Codes, Rules and Regulations of the State of New
York, and Clean Water Act Part 401 to Construct
and Operate a Natural Gas-Powered Electric
Generating Facility and Interconnection Substation
in the Town of Dover, Dutchess County, New York
by:

CRICKET VALLEY ENERGY CENTER, LLC

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PUBLIC HEARING SESSION

Date: June 28, 2011
Time: 3:00 p.m.
Place: 2368 Route 22
Dover Plains, New York

B E F O R E:

Helene G. Goldberger, Administrative Law Judge
Office of Hearings & Mediation Services
625 Broadway; 1st Floor
Albany, New York 12233-1550

R E P O R T E D B Y: Stacie Sullivan, CSR

COURT REPORTING ASSOCIATES, INC.
1699 Route 6; P.O. Box 113
Carmel, New York 10512
(845)225-0024

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JUDGE GOLDBERGER: Good afternoon, everyone. Welcome to the New York State Department of Environmental Conservation's Public Comment Hearing on the application of Cricket Valley Energy Center for air, water, and freshwater wetlands permits from the Department of Environmental Conservation in order to construct and operate a natural gas-powered electric-generating facility and interconnection substation located on Route 22 in the Town of Dover at the former Mica Products industrial site.

I'm Administrative Law Judge Helene Goldberger of the Department's Office of Hearings and Mediation Services. My role at this hearing is solely to conduct this hearing, which is intended to take your comments on the Draft Environmental Impact Statement and draft permits.

After the Department staff has reviewed your comments, both written and oral, it will decide whether to refer the project to my office for further proceedings that could entail another public hearing, issues conference, and a fact-finding hearing.

The Hearing Notice for this hearing this afternoon was published in the May 25th, 2011, edition of the Environmental Notice Bulletin and The

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2 Poughkeepsie Journal.

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4 If you have not done so already and wish
5 to make a comment at this session, please fill out a
6 registration card. There are some outside on the table,
7 and there's some up here, too. I will call you up to
8 speak in the order that I received the cards, except for
9 the initial speakers from the Department of
10 Environmental Conservation, the Applicant, or elected
11 officials.

11

12 Also, written statements have the same
13 weight as those given orally, so consider providing
14 comments in writing. You have, also, until August 1st
15 to send in any written comments if you don't have any to
16 provide today. Especially if your comments are lengthy,
17 written comments are very much appreciated. Even if you
18 want to make an oral statement, the written version will
19 help the court reporter.

19

20 Please speak slowly and distinctly so
21 that the court reporter can take your comments verbatim.

21

22 And let's get started. The first speaker
23 will be the Department's representative, Steve Tomasik.

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24 MR. TOMASIK: Good afternoon, ladies and
25 gentlemen. Thank you for coming out on this rather
muggy day.

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Before I start, I want to point out that at the Department of Environmental Conservation table out in the lobby, and up here as well, we have several handouts that will accompany what I have to say today.

First of all, we have an updated Community Fact Sheet. If any of you were at the Scoping meeting, I believe, last year around this time, there was a Fact Sheet that was prepared that describes a little bit about the project, what some of the environmental impacts are that DEC has identified, a little bit about the permits that are required from DEC, and somewhat about the process of DEC and permitting and SEQR review for the project.

Also, there is a one-page, front and back, handout that describes what is happening today at this public hearing, and, also, there's a copy of the power point that I'm going to be presenting right now, which has some additional information that you might want to take home with you as you prepare additional comments that you might want to deliver at a later time.

So, essentially, the agenda for today is: I'll give a brief overview of DEC's SEQR, State Environmental Quality Review, procedures that have been conducted so far and a little bit about the permit

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2 applications and permit reviews that have been conducted
3 for the project.

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5 After I speak, we're going to have a
6 representative of the Cricket Valley Energy project give
7 a short presentation about the project itself, and then,
8 after that, we will head right into the public comment
9 session.

9

10 Why is DEC involved in this project at
11 all? Well, it's because of, in order for this project
12 to be built, the Applicant is required to obtain several
13 permits from the Department of Environmental
14 Conservation.

14

15 The biggest one, primarily, is the Air
16 State Facility Permit, which is -- authorizes the
17 construction and initial operation of a thousand
18 megawatt power plant and the associated air issues that
19 would result from that.

19

20 Also, because the project site contains
21 State-regulated wetland in adjacent areas, under Article
22 24 of the Environmental Conservation Law, a wetland
23 permit is required from DEC.

23

24 And, also, because the site contains some
25 areas of wetlands that are under the jurisdiction of the
U.S. Army Corps of Engineers, the DEC is involved

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2 because we must issue what's called a Section 401 Water
3 Quality Certification in association with the Federal
4 review and approval of that permit.

5

6 So the reason we're here -- one of the
7 major reasons we're here today is because of the State
8 Environmental Quality Review process, or SEQR. SEQR
9 requires that environmental factors be considered as
10 part of any approval that is issued by a State or Local
11 agency in New York State for a project.

12

13 What that means is that for a project
14 such as the one we're considering today, we have several
15 State agencies involved: Us, for the permits I
16 previously described. There will also be approvals
17 required from the Public Service Commission, from the
18 State Department of Transportation, and also a number of
19 local approvals that will be required from the Town --
20 various Town boards, the County Health Department,
21 et cetera.

22

23 So SEQR encourages that all of those
24 agencies that have some type of approval authority over
25 a project communicate with each other and try to come up
with a uniform Environmental Review process. SEQR
requires that the Environmental Review begin as early in
the process as possible, and, of course, this SEQR

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2 process has now been going on for almost a period of two
3 years.

4

5 There are various points in the SEQR
6 process where the public is brought in and invited to
7 participate and provide comments, and today's hearing
8 and the public comment period that will extend to August
9 1st is one of those points in the process. And the key
10 thing here about SEQR is that the SEQR process must be
11 completed prior to any of the Involved Agencies making a
12 final decision on their permit approval or any other
13 approval authority they may have over a project.

14

15 So, for example, the permits that I
16 discussed earlier, DEC could not issue any of those
17 permits until the SEQR process is complete. So it's not
18 a quick and easy process, and so far there have been a
19 number of steps that have been accomplished.

20

21 Back on April 12th of 2010, the DEC
22 Commissioner designated the DEC as the lead agency for
23 SEQR review -- I'm sorry. I think I missed a slide.
24 Excuse me.

25

26 Going through a couple of definitions in
27 the SEQR process: Earlier I said that any State or
28 Local agency that has a discretionary approval to make
29 about a project is an Involved Agency in SEQR. In other

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2 words, those are the agencies that have to complete the
3 SEQOR process before they can issue their final
4 determinations. When SEQOR is a coordinated review, one
5 of those Involved Agencies can step up to the plate and
6 say, "I want to be the Lead Agency." The Lead Agency is
7 the agency that coordinates the SEQOR review and conducts
8 the SEQOR review on behalf of all the other Involved
9 Agencies so that not every agency is doing an
10 independent SEQOR review. And we'll get -- obviously,
11 we'll get to the slide that I referred to later to talk
12 about that designation.

13 The Scope is -- excuse me. The Scope is
14 that document that describes those issues that are to be
15 issued in the Draft Environmental Impact Statement, and
16 the Draft EIS and the Final EIS are those documents that
17 describe the potential environmental impacts associated
18 with a project and also identify mitigation measures
19 that can reduce or minimize those impacts to the maximum
20 extent possible.

21 And, finally, Findings. Findings is
22 what -- is a document that is prepared by every Involved
23 Agency after the Lead Agency completes the SEQOR review,
24 ending in the Final Environmental Impact Statement. And
25 the Findings document is that document that each of the

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2 agencies that I described here -- the DEC, Public
3 Service Commission, DOH, Department of Transportation,
4 and all the Town Boards that are associated -- would
5 need to make in order to determine whether or not they
6 are going to approve or not approve their permit that's
7 associated with the project. The one thing about
8 Findings is that Findings cannot be made by any agency
9 until at least ten days after the Final Environmental
10 Impact Statement has been issued by the Lead Agency.

11 So, now having gone through that, I can
12 get to the process so far.

13 Again, back on April 12th of 2010, the
14 DEC Commissioner designated the DEC as the Lead Agency
15 for SEQR review. And we did assume that role.

16 On May 3rd, 2010, DEC issued a Positive
17 Declaration. "Positive Declaration" under SEQR means
18 that we were requiring that an Environmental Impact
19 Statement be prepared for the project.

20 In addition, at the same time, we also
21 decided that we wanted to issue a Draft Scope for the
22 DEIS and offer the public the opportunity to identify
23 those issues that they wanted to be addressed in the
24 Draft Environmental Impact Statement.

25 So, on June 5th and June 9th, 2010, DEC

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2 held public hearings here and solicited comments from
3 the public on what -- those items that should be
4 included in the Final Scope.

5

6 On July 16th, DEC issued the Final Scope
7 for the Draft EIS, and from that period of time
8 until May 18th of this year, DEC has been working with
9 the Applicant to produce the Draft Environmental Impact
10 Statement, which is the document that is under review
11 today and which we are soliciting comments on at this
12 time.

13

14 They -- we accepted the Draft EIS on May
15 18th, and I should say -- it's not shown here, but at
16 the same time that we accepted the Draft EIS for the
17 project, we also accepted the applications that the
18 Applicant submitted to us for Air, Wetlands, and Water
19 Quality Certification for the project as complete
20 applications and -- with associated draft permits for
21 those applications as well.

22

23 On May 25th, 2011, the completion of
24 the -- excuse me -- the Notice of Completion of the --
25 Notice of Complete Applications and the acceptance of
the Draft EIS was posted in the Environmental Notice
Bulletin and also published as a Legal Notice in The
Poughkeepsie Journal.

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2 And then, of course, today we are here at
3 the public hearing for this project.

4 Now, I should point out that DEC has been
5 in the process of accepting comments on this project
6 since May 25th, when the Notice was published both in
7 the ENB and The Poughkeepsie Journal, and the Agency,
8 after today, will be accepting written comments on both
9 the Draft Environmental Impact Statement and the
10 complete applications and draft permits until August
11 1st.

12 I just want to point out that,
13 originally, in our Notice we had listed, I believe, July
14 25th as the final date for receipt of comments, but we
15 did get a request from the Town of Dover to extend the
16 comment period for at least the period of that week so
17 that the Town Board could have the opportunity to have a
18 meeting and provide comments during that week. So we
19 decided that we would extend the comment period for a
20 full week, to August 1st, and that comment period is
21 open to all parties who wish to comment through that
22 period of time.

23 Then again, once we have received the
24 comments, we will consider the comments and a Draft --
25 excuse me -- a Final Environmental Impact Statement will

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2 be prepared. And the Final Environmental Impact
3 Statement will include all the comments that we receive
4 here today. It will include all written comments that
5 we receive during the public comment period, and it will
6 also include DEC's response to those comments. So that
7 will all be part of the official record, including any
8 additional requirements or analysis that is conducted
9 between now and the time the Final Environmental Impact
10 Statement is prepared.

11 This is how you submit comments: You can
12 speak here today. If -- again, if you just arrived, if
13 you wish to speak, there are cards up here, or at the
14 table in the foyer, that you could fill out to register
15 to speak. You can send comments by regular mail to me
16 at the address above, by e-mail at the address, or by
17 fax.

18 And I do want to point out again that DEC
19 gives equal weight to all comments that we receive,
20 whether at today's hearing or in writing.

21 At this point -- oh, excuse me. I guess
22 that's one last thing.

23 These are the places where you can obtain
24 copies of the Draft Environmental Impact Statement and
25 the complete applications for DEC permits.

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2 And, at this point, I would like to turn
3 the microphone over to the project sponsor, who will
4 give a short presentation.

5 Before we move on to the project sponsor,
6 I just want to graciously acknowledge the number of DEC
7 officials and staff people who are here in the room
8 today, and I would encourage anyone to feel free to
9 approach any one of us with any questions you have for
10 the Agency.

11 We have Regional Director for Region 3,
12 Willie Janeway right here. We have my supervisor, Chris
13 Hogan, who is the Director of the Major Projects
14 Management Section in the Albany Central Office. We
15 have Lisa Wilkinson in the back. She's the attorney
16 from the Central Office who is involved in the project
17 management for our process. And, of course, Helene
18 Goldberger is the ALJ.

19 And, at this point, if there isn't any
20 other advice from my supervisor, I will turn this over
21 to Mr. Fred Sellars.

22 MR. SELLARS: Thank you. My name is Fred
23 Sellars. I'm with a firm called Arcadis. We're the
24 lead environmental consulting firm for the project, and
25 I want to also welcome you all here today.

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We have overall responsibility, with the Applicant, for preparing the Environmental Impact Statement that's the topic of today's meeting, as well as all of the permit applications that are also under review today. I want to again thank you all for coming out.

I just want to spend just a couple of minutes, before we get to your comments, just to sort of review the project again so everyone understands exactly what it is we're talking about and what's proposed.

The Cricket Valley Energy Center is a 1,000 megawatt natural gas-fired, combined cycle power plant. And in a couple of slides, I'll discuss what "combined cycle" is. But what it does represent is the state-of-the-art in technology. It is the cleanest and most efficient way to generate electricity with fossil fuels that is available today anywhere in the world.

Through the efforts of the Applicant, Cricket Valley Energy, as well as their engineers, and with a lot of input from a lot of you and the Agencies, we believe we've come up with a very, very responsible, low-impact environmental design.

And the purpose of the project is to provide efficient and reliable baseload electricity in

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2 the New York grid using clean-burning natural gas. One
3 of the benefits of the project is that because of its
4 superior efficiency and superior environmental
5 characteristics, it will actually displace the operation
6 of older, less efficient and higher-emitting power
7 plants that are in the region.

8

9 Why that's important for Dover is as is
10 evidenced in the Environmental Impact Statement itself.
11 The air quality in Dover is greatly affected by sources
12 outside of Dover in the region, and I think that's all
13 qualified pretty well in the Environmental Impact
14 Statement.

14

15 In addition, the project will contribute
16 substantially to the tax base and local economy without
17 a significant burden on infrastructure and services
18 provided by the Town. It provides a lot of its own
19 services together, so it provides a lot of revenue
20 without a lot of burden.

20

21 The facility is located just down the
22 road here on Route 22 in what's right now the Mid-Hudson
23 Recycling Park. It is inactive. As you can see in the
24 picture behind me, it's an inactive 131-acre industrial
25 site that has a long history of use for various
industries.

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2 It is a very appropriate site for a power
3 plant, we feel, because immediately north and abutting
4 the site, as you can see on the diagram to the north,
5 there's electric power lines, which are owned by
6 Consolidated Edison of New York, and those are 345
7 kilovolt high voltage lines, which can carry a lot of
8 electricity, and so they will export the electricity
9 from the project into the grid. And there is a natural
10 gas pipeline owned by Iroquois Interstate Natural Gas
11 Company. And that, again, is a very large volume
12 interstate natural gas pipeline that abuts the project
13 just to the north. So, as a result, there won't be long
14 interconnects connecting the project to the
15 infrastructure.

16 Immediately south of the facility -- and
17 you can see the abandoned industrial buildings on your
18 photo -- but immediately south of the facility is also
19 industrial property that's owned by Howland Lake
20 Partners, and abutting the site right -- south of the
21 arrow there; you can see it -- it is the Metro-North
22 Rail Line, and it bisects the site so that east of the
23 rail line is about a 57-acre parcel upon which the
24 project will be built. West of the site is relatively
25 undisturbed, a lot of wetlands associated with the Swamp

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2 River, about 75 acres in size. That part of the site
3 will not be touched by the project. In fact, that land
4 will be preserved from development by the project.

5

6 During the construction process, to
7 minimize traffic impacts in and out of the site and to
8 provide an area for the workers to park, the project has
9 secured an option on a piece of property that's about
10 two and a half miles north, also right on Route 22.
11 Right near -- you can see the triangle that's formed
12 there. It's an active agricultural field right now,
13 right where Old Route 22 joins in with Route 22, just
14 north of Sherman Hill Road. It's about a 30-acre site
15 there that has been optioned. It's an agricultural
16 field. It will be a temporary use up there: Primarily
17 for parking for the construction workers during the
18 three-year construction schedule. The workers will park
19 there and be shuttled to and from the site in shuttle
20 buses, and that will reduce the traffic on Route 22 in
21 and around the plant. The bus schedule for moving the
22 workers in and out has been carefully coordinated with
23 the schools and the traffic analysis that was done to
24 avoid peak traffic and school bus schedules. And there
25 will be a new temporary access to Route 22 that's
created as a result of this project. Following

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2 completion of the construction of the project, this will
3 all be restored back to resume agricultural use.

4

5 The project on the site that's just south
6 of here -- as you can see in the pictures there -- is
7 beneficially reclaiming an inactive industrial site that
8 has a long history of use. It dates back to the late
9 1930s, early 1940s, when it was used for magnesium
10 processing in the lead-up to, and during, World War II.
11 Following that use, it was used in formica manufacturing
12 for a number of years. After that use, it had various
13 other industrial uses on a short scale, including tire
14 recycling and some other things. Right now it's
15 inactive. And the buildings that are there will be
16 removed. And there has been, as was, you know, evident
17 and common in the '40s and '50s and '60s, some dumping
18 of materials.

19

20 The picture on the bottom is the wetland
21 on the site. It's actually the only regulated wetland
22 that will be encroached on by the project itself, but
23 that wetland will be restored as part of the project in
24 a wetland restoration and renovation plan that's been
25 worked on by not only the scientists at Arcadis, but
also with a lot of input from the Department of
Environmental Conservation, and a lot of suggestions and

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thought from them.

Here you see some renderings of what the facility will look like. It has -- the power plant itself will have three separate units consisting of combustion turbines run by natural gas.

Now, a combustion turbine is similar to, but much larger than, the engine that you would find on a jet airplane. It generates electricity by combusting natural gas, spinning. It's attached to a generator, which generates electricity directly, but one of the benefits, and what makes the combined cycle project very, very efficient and very environmentally responsible, is the waste heat from that combustion process is captured in something called a heat recovery steam generator, which is kind of a fancy name for a boiler, but instead of burning a fuel to boil water into steam, it uses the waste heat from that combustion turbine process. That waste heat then turns into steam. The steam goes through a steam turbine and it generates about a third additional electricity. So, as a result, we can generate a thousand megawatts of electricity from this plant with a much smaller environmental footprint than a conventional power plant would.

As I mentioned before, the facility will

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2 be powered exclusively with natural gas from the
3 adjacent Iroquois pipeline and connected to the grid via
4 the adjacent high-voltage transmissions.

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6 The exhaust from the facility will be
7 through three co-located 282-and-a-half foot stacks.
8 You see them in the picture at the top there. The
9 stacks have been co-located into one group basically to
10 aid in the dispersion of the exhaust plume, to minimize
11 air quality impacts. And the stacks are carefully
12 designed to be the optimal height to minimize air
13 quality in relation to the building and the vicinity
14 around it.

14

15 Water that will be used in the facility
16 will be minimized through a couple of different
17 processes.

17

18 First of all, that steam generation that
19 I talked about, after the steam generates electricity
20 through the steam turbine, the steam has to be
21 recondensed back into water before it can be used again.
22 There's a number of ways that you can do that. The
23 conventional way is to use water, a water-cooled system,
24 to recondense the steam back into water. Here, instead,
25 we'll use air cooling. So instead of a water demand for
a plant of this size, which would normally be somewhere

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2 around five million gallons a day, it's considerably
3 lower; in the area of a few thousand gallons a day.
4 There will be no processed water discharged from the
5 facility to the river or anyplace else, because it's
6 incorporating a zero-liquid discharge process that will
7 internally recycle water, and, as a result, there will
8 be no water discharged.

9

Sanitary discharge, however, from showers
10 and rest room facilities and the like will be to an
11 on-site septic system, very similar to the system that
12 you might have at your home.

13

If all goes well and we finish the
14 permitting process by when we hope to, the facility will
15 begin construction next year. It will be a three-year
16 construction process. Over that three-year average,
17 there will be an average construction workforce of about
18 300 people. During the various phases of construction,
19 that workforce will go up and down. There will be a
20 peak construction workforce of about 750 people for
21 about a five-month period in the middle of that
22 three-year construction process. Once constructed, the
23 facility will provide permanent employment for a
24 workforce of between 25 and 30 skilled workers. And
25 commercial operation is expected to be sometime in 2015.

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2 So, again, I want to thank you all for
3 coming. We have spent quite a bit of time working
4 through this process and in developing the Environmental
5 Impact Statement, with a lot of input from the
6 Department of Environmental Conservation -- I want to
7 thank you very much -- as well as you, the public.
8 We've had a series of workshops. A lot of people have
9 brought good ideas, questions, and thoughts, which have
10 really gone into this. We look forward to hearing your
11 comments this afternoon and this evening. If you have
12 any questions and don't want to pose those questions on
13 the record, or just want to talk about the project,
14 there will be representatives from the project, as well
15 as the Department, outside in the foyer after the
16 hearing and before this evening's session. But, in
17 addition, Cricket Valley Energy has a local office on
18 Market Street. It's manned at least three days a week,
19 Tuesday through Thursday. Stop by any time if you want
20 to ask any questions or look at the DEIS or provide any
21 comments informally there.

22 So, again, thank you very much.

23 JUDGE GOLDBERGER: Thank you.

24 The next speaker will be Town Supervisor
25 Ryan Courtien.

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MR. COURTIEN: Thank you.

I'll be brief. Thank you all for coming today. I'm Town of Dover Supervisor Ryan Courtien.

The Town of Dover Town Board will be spending the next month putting together our comments. As an Involved Agency, the Town Board has a special permit to grant or deny for this project. I'm glad to have secured an extension of written comments until Monday, August 1st, for the Town Board, but certainly benefitting everyone involved.

I had requested to the DEC, on behalf of the residents of Dover, a Saturday public hearing; the same as the Town Board had held for the Dover Knolls project when we were Lead Agency. The DEC has not seen fit to hold a Saturday public hearing, but the Town Board will be holding a special meeting on a Saturday in July -- that Saturday is still to be determined -- at which comments can be held -- can be heard, and we will be forwarding them to the DEC. I had a conversation with Regional Director Willie Janeway, and any comments made at the meeting will be treated as though it was a public hearing of the DEC. I look forward to hearing everyone's comments and questions, and I'll be around if anyone has any questions of myself.

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Thank you.

JUDGE GOLDBERGER: Thank you.

Dutchess County Legislator Alan Surman.

MR. SURMAN: Good afternoon, everyone. I have mixed emotions about this project. There are some serious negatives. There are definitely some positives.

We can take the negatives on the front. I guess the memory of the explosion in Connecticut is still fresh in a lot of people's minds, the Kleen Energy plant, and that's about two-thirds the size of this plant.

I guess, as a society, we're all a little guilty because we have a tremendous demand for electrical power. We all like our plasma TVs or our LCD TVs and our air conditioning, so the grid in this country is under tremendous strain. And there are very few ways you can really generate power.

We have the nuclear option. You can see what happened in Japan. When things go wrong, you're stuck with a disaster that may last centuries, as far as spent fuel rods and things like that. So that is not near an exact science.

Maybe in the future, maybe, controlled fusion, and we're many, many decades away from that,

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2 where we have a clean source of power. So, until that
3 point in time, we are stuck with a trade-off.

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5 So, we have coal. Coal-fired plants are
6 one of the dirtiest in this country, and that's a lot of
7 acid rain falling down in our region.

8

9 You have the petroleum factor, but we
10 don't produce enough oil in this country to support our
11 energy needs.

12

13 You have solar energy --

14

15 (Brief interruption.)

16

17 JUDGE GOLDBERGER: I'm really sorry, but
18 the court reporter can't hear the speaker.

19

20 Go ahead. Sorry.

21

22 MR. SURMAN: You have solar and wind, but
23 just to take care of the electrical needs in New York
24 State alone, you'd have to cover almost one percent of
25 the surface area of the state in foldable take-downs,
and that's not going to happen any time soon.

26

27 So, arguably -- and one other factor
28 people may not realize is: The most dangerous form of
29 electrical power generation, believe it or not, is
30 hydropower, as witnessed by a major dam failing in
31 China, in 1975, where over 171,000 people were killed
32 when a series of hydroelectric dams failed that weren't

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2 engineered properly. And this is a question for people
3 out there. These things were built in the '50s. And it
4 destroyed 11 million homes, and, again, killed over
5 170,000 people.

6

7 So it's a matter of trade-offs. With the
8 natural gas, at least the site is an area where it's
9 low.

9

10 I would like to see some consideration,
11 for example, where the walls are built strong enough on
12 the east side so if we ever, God forbid, have a
13 disaster, the blast will be directed up or at least away
14 from Metro-North and Route 22.

14

15 The positive is: We are going to bring
16 tax revenue to the Town. I know a lot of people have
17 the NIMB attitude, "Not In My Backyard," but if this
18 plant displaces some of the dirtier burning plants, I
19 think people in this overall region are going to
20 benefit.

20

21 So my primary concern -- I was one of the
22 proponents to bring in the DEC earlier. I actually
23 wrote to Commissioner Grannis to make the DEC the Lead
24 Agency, because I really wanted an expert review of the
25 air quality issues.

25

So a big concern would be air dispersion.

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2 And I'm very much into alternative energy. And anybody
3 will tell you that this valley is not a good place to
4 locate wind generators. We simply don't have prevailing
5 winds. So I think consideration and extra thought
6 should be put into the height of the stacks, even if
7 they're slightly unsightly, to make sure that we have
8 sufficient dispersion of the carbon dioxide coming out.
9 It's again, a very, very clean plant, but we don't want
10 this settling in the valley.

11 I would also like to see -- I know these
12 folks do carry insurance -- but, perhaps, some kind of a
13 fund should be put aside, potentially, for window
14 breakage within a few miles, if they do have a mishap
15 there, and potential compensation for landowners
16 immediately around the site, if they have some downturn
17 in their property values based on this plant.

18 So, apart from the negatives -- and,
19 also, you know, we've had half a dozen pipeline
20 disasters in this country, starting with San Bruno, the
21 one in California. One could argue, yes, it is a
22 dangerous enterprise, high-pressure natural gas, but if
23 you look at the alternatives, power generation, in
24 general, is a dangerous enterprise. So we assume that
25 these folks have learned from some of the mistakes made

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2 at the Connecticut plant, as far as purging the lines,
3 and the newer techniques available. I think that this
4 will be, on balance, a benefit to Dover and certainly
5 will bring in tax dollars with a very, very low impact
6 to the school system. So I'm guardedly in favor of this
7 project, again, if things are done in the right way as
8 far as the stacks and the dispersing of the gases.

9

Thank you.

10

JUDGE GOLDBERGER: Thank you.

11

William Sena.

12

13 MR. SENA: Hi, how are you doing? My
14 name is William Sena. I live right on top of the hill,
15 up at High Meadows. There's a trailer park up there,
16 and there's quite -- there's over a hundred homes up
17 there.

18

19 The one concern -- like the gentleman
20 said before, we're on top of the mountain, and it is a
21 valley. And I'm kind of concerned with the gases, you
22 know, and the smell. You know, I don't want it to be
23 like when you're driving down the Jersey Turnpike, you
24 know that smell when you go by those tanks. I'm sure
25 they followed all of the rules and everything else for
the environment, but when you drive by there, you can
still smell it.

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2 You also made a comment about shuttling
3 the employees for the construction. You know, they're
4 going to rent the place, or they have a place already
5 set up for the workers, and they're going to be shuttled
6 back and forth. But we're still talking about, when
7 they start knocking the buildings down, tractor trailer
8 trucks, dump trucks going in and out. I mean, it's a
9 nice spot -- it's a straight run for the tractor, but
10 there is a blind spot when you're coming from the Dover
11 school, coming down. There's the three roads. The one
12 road that goes up in the back of the mountain, and then
13 the other road that goes to the other side of Wingdale.
14 When you come around that -- where the entrance to the
15 plant is, it's like a little bit of a blind spot, so
16 that could be, like, kind of hazardous for school buses
17 and stuff like that, especially with the school right up
18 there.

19 But that's -- and the water. You're
20 going to be running steam, and you're going to cool it
21 back down, and you're going to accumulate a lot of
22 water. You're going to get the runoff for the water
23 from the buildings and everything else, which sounds
24 really good, but what happens if you have an
25 overabundance of water? You know, I'm sure -- what's

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2 going to happen with the overabundance of water? You
3 know.

4

5 So those are just some of the things that
6 I thought of while I was listening, but the most concern
7 I would think of is the air, the air, you know, coming
8 out of the plant.

8

Thank you very much.

9

JUDGE GOLDBERGER: Thank you.

10

Donald -- I'm sorry if I mispronounce
11 your last name -- Dedrich.

12

MR. DEDRICH: I have a very short
13 statement and a couple of questions.

14

15 I've lived in this town for 67 years, and
16 I think that the coming of Cricket Energy to this town
17 is one of the greatest moves that we've had in several
18 decades. I applaud you, and I'm all for it a hundred
19 percent.

19

20 Quick questions are: Since the New York
21 State Electric & Gas, I believe, is in the grid, is it
22 safe, or not safe, to assume that perhaps our electric
23 rates in the Harlem Valley would decrease some?

23

24 Those of us who have a lot of electrical
25 appliances, including air conditioning and so forth, of
course, would like to see our rates go down.

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2 Other than that, the questions that I had
3 have already been answered. I applaud you for your
4 efforts.

5 JUDGE GOLDBERGER: Thank you.

6 Lorraine -- I'm sorry if I mispronounce
7 this name -- O'Rick [sic].

8 MS. O'NEILL: O'Neill.

9 JUDGE GOLDBERGER: O'Neill. Sorry.

10 MS. O'NEILL: Thank you. Lorraine
11 O'Neill, Town Board, Town of Dover.

12 I would like to start -- and there's a
13 reason why I brought my Blackberry here. I would like
14 to start with an e-mail I sent to Mr. Janeway on June
15 20th at 6:42 a.m.

16 "Dear Mr. Janeway, I would like to thank
17 the DEC for their upcoming public hearings for Cricket
18 Valley. Many residents of all stature have asked myself
19 and the DEC for a Saturday public hearing to no avail.
20 I am not sure why a project of this magnitude is not
21 being given a Saturday public hearing. I remember your
22 words quite distinctly: 'The DEC will work with the
23 Town of Dover and its residents.' My question to you
24 is: Why isn't the DEC meeting the request of our
25 residents? I understand we have two public hearings

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2 during the week and written comments. This is good, but
3 not good enough. Our residents would like their voices
4 heard and not only their letters read."

5

6 Today, June 28th, 2011, 12:53 p.m., I
7 received a response: Attached is the letter that
8 Mr. Janeway sent to the supervisor and that he hopes to
9 see me this afternoon.

10

11 I would have really appreciated a reply
12 sooner so I could reply to the residents who have been
13 contacting me.

14

15 As to Cricket Valley's engineer, you are
16 blaming Dover's deteriorated air quality on outside
17 sources. I'd like to know what they are.

18

19 And are you trying to say that this
20 facility will not deplete our air quality? Because,
21 according to the air quality reports that I received, it
22 will. And I believe -- this is my opinion -- that it is
23 inappropriate that it was stated that it will help the
24 tax base and school revenue, which it will, but is that
25 in replacement of clean air?

26

27 I would also like to clearly state that
28 the -- as far as my knowledge, the electricity will not
29 benefit our residents and their electric bills. The
30 electricity will be generated here in Dover, then passed

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2 on to Putnam Valley, and then down to New York City.

3

So thank you.

4

JUDGE GOLDBERGER: Thank you. Brigid

5

Casson.

6

MS. CASSON: Thank you. I'm Brigid

7

Casson. I have three brief concerns.

8

First, and possibly simplest, the parking

9

arrangement. I understand there will be parking and

10

shuttling from the north end of town. I would suggest

11

that there be some at both ends, because that makes the

12

assumption that everyone working there is going to come

13

from the north, and it makes no sense if they're coming

14

from the south end to go all the way through town to get

15

on a bus and then come back down to the site. I'm sure

16

there must be situations available in the south end of

17

town for parking arrangements.

18

I am curious as to whether the effect of

19

any heat generated from the plant will impact the Swamp

20

River and their ecosystem of the Swamp River. And

21

although I know the water -- it's a self-contained unit,

22

I'm curious about the heat generated.

23

And, thirdly, I would like to strongly

24

recommend that you consider, should this come to pass, a

25

green roof, if it's possible. Many structures now have

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2 green roofs, and if you're trying to be environmentally
3 sensitive, that would be a significant step in the right
4 direction.

5 Thank you.

6 JUDGE GOLDBERGER: Thank you.

7 Peg Day.

8 MS. DAY: I am thankful that we have a
9 meeting today for the residents in Dover and the
10 surrounding neighbors. I would like to have a Saturday
11 meeting for those who cannot make it here today at 3:00
12 or 6:00. Many people in our area live [sic] in New York
13 City. They take the train out of the City, and they
14 don't arrive back home until 8:00, 9:00 at night. So,
15 once again, count me in for those of us who can't be
16 here to please have a Saturday meeting.

17 I am here to learn, and I have a
18 question.

19 The stacks, what exactly do they exhaust
20 or release? Carbon dioxide was mentioned earlier. Is
21 there any chance that methane is released? And is that
22 released purposefully, or could it be released
23 accidentally?

24 Thank you.

25 JUDGE GOLDBERGER: Thank you.

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Jessica Abrams.

MS. ABRAMS: A couple of different concerns. Thank you for meeting with us today.

My question is: How many times do we have to repeat the same mistakes until we wake up, until we realize this is not the solution? This is not even in the right direction. We're taking two steps back to trip one forward. We're walking into an era of totally unpredictable weather. Completely unknown circumstances may be arising, as we have seen with Fukushima currently raining down on us daily. We are noticing it in so many forms. We can't even eat from our own Hudson River. Talk about our own backyard. If you really care enough, look at the history and think to yourselves: How many times do we have to repeat the same mistakes before we realize we have the solutions? They're clean. They're here. They're domestic. Built with our own hands. And, yet, we refuse to wake up. We have meetings like this today. The fact that there isn't a revolt going on just by the simple fact that this being -- offer put to the table as a theory of a solution is maddening, and I hope everyone here is ashamed of themselves for stepping up and speaking of this as if this can be something positive. Unsustainable jobs. Unsustainable energy.

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2 Unsustainable direction. Wake up.

3 Thank you.

4 JUDGE GOLDBERGER: Thank you.

5 Is there anyone else who has not spoken
6 yet who would like to speak? I don't have any more
7 cards.

8 (Audience member indicating.)

9 JUDGE GOLDBERGER: Okay. What's your
10 name?

11 MS. NILSEN: Ilana Nilsen.

12 Thank you. Hi, I'm Ilana Nilsen, and I
13 kind of stopped by spur of the moment. This is the area
14 that I grew up in. And I have three questions, which I
15 actually would like to have answered. How will those
16 answers come to me?

17 JUDGE GOLDBERGER: When we adjourn the
18 session, you're free to speak to representatives of the
19 staff or the company.

20 MS. NILSEN: Okay. So the first is for
21 the natural gas coming from the Iroquois pipeline, where
22 will that be coming from? Is this part of New York
23 State? Is it coming down from Canada? There seems to
24 be -- nobody seems to know that I have spoken with.
25 It's probably on the web site somewhere, but where is it

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coming from?

The smoke stacks, remembering all of the discussions that happened at St. Lawrence Cement about seven years ago, that's a huge smoke stack. Putting it in terms with St. Lawrence Cement's proposed smoke stack, I think that will be one of the tallest buildings between here -- I'm sorry -- between New York City and Albany, if not the tallest. And I'd like to know more about the plume that's predicted to come off that smoke stack, not only what it will be carrying, but where it's going to fall, where it's going to take off and drop.

And, then, the last thing is jobs. I'm wondering of the three to 700 people that are going to be employed for construction, how many of them will be local? And, also, when the plant is finalized, how many local jobs do you expect to contribute to Dover's economy, as well as Dutchess County's economy?

Thank you.

JUDGE GOLDBERGER: Thank you.

Since there's no one else who wants to speak during this session, I'm going to adjourn it, and you're free to speak to the representatives of the staff and the Applicant during the next informational session, and we will reconvene at 6:00 for the evening

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legislative session. Thank you.

(Hearing concluded at 3:52 p.m.)

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C E R T I F I C A T E

I, STACIE SULLIVAN, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings in the within-entitled matter and that the within transcript is a true and accurate record to the best of my knowledge and ability.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan, CSR

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X
In the Matter of the Application for Permits
Pursuant to Environmental Conservation Law
Articles 17, 19, and 24; and Sections 201, 225,
227, 231, 242, 243, 244, 245, 257, 663, and
750-758 of Title 6 of the Official Compilation of
Codes, Rules and Regulations of the State of New
York, and Clean Water Act Part 401 to Construct
and Operate a Natural Gas-Powered Electric
Generating Facility and Interconnection Substation
in the Town of Dover, Dutchess County, New York
by:

CRICKET VALLEY ENERGY CENTER, LLC
-----X

PUBLIC HEARING SESSION

Date: June 28, 2011
Time: 6:00 p.m.
Place: 2368 Route 22
Dover Plains, New York

B E F O R E:

Helene G. Goldberger, Administrative Law Judge
Office of Hearings & Mediation Services
625 Broadway; 1st Floor
Albany, New York 12233-1550

R E P O R T E D B Y: Karen M. Flemmig, Court Reporter

COURT REPORTING ASSOCIATES, INC.
1699 Route 6; P.O. Box 113
Carmel, New York 10512
(845)225-0024

1 PROCEEDINGS

2 JUDGE GOLDBERGER: Good evening, and
3 welcome to the New York State Department of
4 Environmental Conservation's public comment hearing
5 on the application of Cricket Valley Energy Center
6 for air, water, and freshwater wetlands permits from
7 the Department in order to construct and operate a
8 natural gas-powered electric generating facility and
9 interconnection substation located on Route 22 in
10 the Town of Dover at the corner of Mica Products
11 industrial site.

12 I am Administrative Law Judge Helene
13 Goldberger of the department's Office of Hearings
14 and Mediation Services. My role at this hearing is
15 solely to conduct this hearing which is intended to
16 take your comments on the Draft Environmental Impact
17 Statement and the draft permits.

18 After the department staff has reviewed
19 your comments, both written and oral, it will decide
20 whether to refer this project to the Office of
21 Hearings and Mediation Services for further
22 proceedings that could entail another public
23 hearing, issue conferences, and a fact-finding
24 hearing.

25 The hearing notice for this hearing was

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2 published in the May 25, 2011, editions of the
3 Environmental Notice Bulletin and the Poughkeepsie
4 Journal. If you have not done so already and wish
5 to speak at this session, please fill out a
6 registration card. I have some up here, and there
7 are some out in the hallway. I will call you up to
8 speak in the order that I receive the cards except
9 for the initial speakers from the Department of
10 Environmental Conservation and the applicant and any
11 elected officials who are present and wish to speak.

12 If you have spoken at the earlier session,
13 I'm going to put that card at the back in order to
14 give other people who have not spoken yet priority.
15 It is one record.

16 Written statements have the same as those
17 given orally. So consider providing your comments
18 in writing. And even if you want to give an oral
19 statement, providing your written comments is
20 helpful to the court reporter.

21 Please speak slowly and distinctly so that
22 the court reporter can take your comments verbatim.
23 If you have your comments in writing, as I said, it
24 would be helpful to us to have them. And you also
25 can submit any written comments up to August 1st

1 PROCEEDINGS

2 of this year.

3 So let's get started. The first speaker
4 will be the department staff representative, Steve
5 Tomasik.

6 MR. TOMASIK: Good evening, everyone.
7 My name is Steve Tomasik. I am an environmental
8 analyst with the New York State Department of
9 Environmental Conservation at the central office in
10 Albany. I serve as the DEC's project manager for
11 the environmental permit review of this project.

12 Before I begin with my remarks, I would
13 like to recognize several other folks in the room.
14 We have several staff here from the DEC. First of
15 all, Willie Janeway, who is the Regional Director,
16 Region 3, DEC. We have Jeff Lawyer, who is the
17 regional air permit guy. I'm not sure what the
18 title is. He's responsible for air permitting.
19 Lisa Wilkinson is with our counsel's office in
20 Albany. Chris Hogan is the director of the nature
21 project section in Albany whom I work for. I
22 believe he is probably out doing yeoman's work,
23 manning the table out in the foyer.

24 Also with us tonight, we have Supervisor
25 Rand Courtien from the Town of Dover. Also, we have

1 PROCEEDINGS

2 Susan here, who is the regional director for Senator
3 Kirsten Gillibrand's office. We welcome you and
4 everyone else here tonight. We appreciate you
5 coming out this evening for this hearing.

6 Just a quick overview of the order of
7 events tonight. First of all, let me talk a little
8 bit about the project permit review and SEQR review
9 processes after which the project sponsor will
10 discuss a general overview of the proposed project,
11 and then we will go right to public comments.

12 The reason the DEC is involved in this
13 project is that in order for this project to be
14 built, it requires several DEC permits. One is an
15 air state facility permit which authorizes the
16 construction of a power plant that will emit certain
17 levels of various air pollutants into the
18 atmosphere. Another one is an Article 24 Fresh
19 Water Wetlands Permit because the site does contain
20 State-regulated wetlands in adjacent areas, and
21 construction in those areas requires a DEC permit.

22 Finally, there are wetlands on the site
23 that are under the jurisdiction of the U.S. Army
24 Corps of Engineers. In that process, there is a
25 State component that's called a Section 4011 quality

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2 certification whereby the State environmental agency
3 needs to ensure that the Army Corps' decision
4 protects water quality.

5

6 This is a hearing for the Draft
7 Environmental Impact Statement, which is a step in
8 the State Environmental Quality Review or SEQR
9 process. SEQR requires that every State or local
10 agency completes SEQR before it makes any addition
11 to either fund, approve, or permit an action. It
12 encourages communication among the various involved
13 parties and agencies that are involved in the review
14 of the project.

14

15 SEQR should begin as early in the process
16 as possible as has been done for this project, as
17 we'll review in a few minutes. It also has several
18 places in the process where we encourage the public
19 to actively become involved and submit comments in
20 the process. Tonight is one of those points in the
21 process.

21

22 One of the most important things to
23 remember about SEQR is that SEQR is required to be
24 completed before any State or local government
25 issues a final decision regarding their approval in
a particular project.

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2 Under SEQR, there is a provision where one
3 of the involved agencies, one of those agencies that
4 has to make a decision about a project, can assume
5 the status of lead agency. The lead agency
6 coordinates the environmental and SEQR review on
7 behalf of all the other involved agencies. And that
8 helps expedite the process. It makes it so that not
9 every agency is doing its own SEQR review.

10 The scope is essentially the table of
11 contents of the Draft EIS. That is developed as
12 part of the SEQR process and was done earlier for
13 this project. The Draft and the Final Environmental
14 Impact Statements are really the meat of the SEQR
15 process. They are the documents that define the
16 project's scope, the effects the project may have on
17 the environment, and what ways that there may be to
18 mitigate any adverse environmental impacts.

19 The end of the SEQR process is done
20 through what's called a findings. Findings are a
21 document that every involved agency makes on the
22 basis of the SEQR record, the DEIS and FEIS, to make
23 a determination whether or not the environmental
24 impacts associated with the project are significant
25 enough to reject the proposed approval or can be

1 PROCEEDINGS

2 mitigated or are not significant enough so that they
3 can go ahead and issue the permit or approval.

4 So far, this process has taken its time.
5 Back on April 12, 2010, DEC was designated by the
6 DEC commissioner, after some discussion, as the lead
7 agency for the SEQR review of this project.

8 After that point, on May 3rd, 2010, the
9 DEC issues a positive declaration, meaning that we
10 would require a Draft Environmental Impact
11 Statement.

12 At that time, we also decided that we
13 would invite the public in to comment on the draft
14 scope so that the public could participate in
15 defining the issues that would be included in the
16 Draft EIS.

17 Public hearings were held on June 5th
18 and 9th, 2010, to gather comments on the draft
19 scope.

20 On July 16, the final scope was issued by
21 the DEC. And between that time and May 18th of
22 this year, the project sponsor has been working to
23 put together the Draft Environmental Impact
24 Statement based upon those issues that were
25 identified in the draft scope.

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On May 18th, DEC accepted the Draft EIS as finally acceptable for purposes of full review by the public.

5

On May 25, a notice was issued in the New York -- DEC's environmental notice bulletin, ENB, and also published in the Poughkeepsie Journal to indicate that the Draft EIS along with complete applications for permits were available for public review.

11

At that time, in that notice, we determined that today would be the date for a public hearing. And at that point in time, we indicated that we would be accepting comments on the Draft EIS and the complete applications until July 25, 2011.

16

After tonight, we will be continuing to accept comments on the Draft EIS and the applications. Although I should note that the comment period has been extended by one week from the original deadline date. That was at the request of the Town of Dover who indicated that they were interested in having a Town Board meeting during the week of the 25th and wanted a little bit more time to provide comments. We were certainly willing to do that. So we extended the comment deadline date

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2 to August 1st. That's for any party. Not just
3 the Town of Dover.

4 So all of you who are here tonight, if you
5 know other people who want to comment who didn't
6 have the opportunity to be at this meeting, we are
7 accepting written comments until August 1st.

8 Once comments are received, we will be
9 taking a look at the comments and determining
10 whether or not any further type of issues or hearing
11 needs to be conducted.

12 Once that milestone has passed, the
13 department will be putting together the Final
14 Environmental Impact Statement based upon the
15 comments it has received. I should let you all know
16 that all of your written comments and all of the
17 comments that you make at the hearing today will be
18 included in that Final Environmental Impact
19 Statement. They will become part of the record. We
20 will also be providing responses to those comments
21 in the record. So if there are issues that you
22 raise tonight and you're looking for some kind of
23 answer to those issues, you can be assured that
24 those issues will be in the final record. There
25 will be a response to that.

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2 Once DEC issues the Final EIS, then all of
3 the involved agencies must wait at least ten days
4 after that before they can prepare their final EIS,
5 the final step in the SEQOR process that allows an
6 agency to either move forward or reject an
7 application. And that will end the SEQOR process.
8 So that's how that works.

9 If you want to submit comments, of course,
10 speak here today, if you haven't already done so,
11 please pick up a card and sign in so that you can
12 speak tonight. You are more than welcome to send
13 comments by regular mail to the address that you see
14 here, an e-mail to the address that you see here, or
15 by fax at the phone number that you see here. I
16 should note, again, the DEC gives equal weight to
17 all comments, no matter what format they're received
18 in.

19 I want to point out that a copy of this
20 Power Point presentation is available either here at
21 the front table or at the back foyer. There is a
22 also a community fact sheet that's been updated that
23 gives some more detail about the current project
24 application. And there is a page that describes the
25 events that will take place here tonight.

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2 This is where the documents are located.
3 I won't go into detail about them. But there are a
4 number of places where you can see where they are
5 located.

6 Are there any other comments? We're good.
7 I will now invite a representative from Cricket
8 Valley Energy Center, Fred Sellars, to talk a little
9 bit about the project.

10 MR. SELLARS: Thank you, Steve. I'd
11 like to welcome you all. Thank you all for coming
12 out this evening. My name is Fred Sellars. I'm
13 from Arcadis. We are an environmental consulting
14 company who have primary responsibility for
15 preparing the Draft Environmental Impact Statement
16 and the permit applications for this project.

17 Again, I want to thank everyone who
18 submitted scoping comments for very thoughtful and
19 detailed comments that helped guide our studies in
20 preparing the EIS.

21 I want to take just a few minutes to
22 describe the project again so everyone is clear on
23 exactly what we're talking about as the proposed
24 project.

25 Cricket Valley Energy Center is a

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2 1000-megawatt natural gas fired combined cycle power
3 plant that represents the state-of-the-art in
4 generating electricity from any fossil fuel. I will
5 describe combined cycle in a little bit more detail
6 in a couple of sentences -- excuse me -- in a couple
7 of slides later.

8 But the project has undergone quite a bit
9 of review which has resulted in the lowest
10 environmentally-friendly impact that we can possibly
11 make for this site in the project. It's a very,
12 very environmentally responsible design, and we're
13 very proud of the work that was done to minimize
14 impact here.

15 The project's purpose and need is to
16 provide efficient, reliable, baseload electricity
17 into the New York grid using clean-burning natural
18 gas. Because it is the most efficient power plant
19 of this type in the grid, when it operates, it will
20 displace -- reduce the operation of older, less
21 efficient and higher-emitting power plants in the
22 region.

23 Why that's important to Dover is that as
24 is evidenced in the Environmental Impact Statement
25 with respect to air quality, those other facilities

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2 in the region do have a significant contribution to
3 air quality in Dover.

4 In addition, the project will contribute
5 substantially to the tax base without burdening
6 services. As a self-contained power plant, it won't
7 be a big impact on Town-provided services, yet it
8 will contribute quite a bit in terms of tax revenues
9 and jobs.

10 The project site is located just south of
11 here on Route 22. It's currently an inactive,
12 131-acre industrial site, the Mid-Hudson Recycling
13 Park, which is just south of here. The 131-acre
14 site is actually bisected by the Metro-North rail
15 line that you see right below where that arrow is on
16 the top picture. East of the Metro-North rail line
17 is an approximately 57-acre parcel upon which the
18 project will be built. You can see from the air
19 photo there that there are a number of existing
20 inactive, abandoned industrial buildings dating back
21 to the late 1930s, early 1940s.

22 Originally, this complex was built as a
23 magnesium refining process leading up to and
24 including World War II. It recovered magnesium from
25 limestone.

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2 Following the war, several years later, it
3 became a Formica manufacturing facility called the
4 Mica Plant. It did laminations, and it made Formica
5 products there.

6 After that operation went out of business,
7 it had a number of other uses, including tire
8 recycling and similar uses there. Right now, those
9 buildings are abandoned, and there's no active
10 industrial use on that site.

11 West of the Metro-North rail line is an
12 approximately 75-acre area of mostly wooded wetlands
13 and the Swamp River. That area will not be impacted
14 by the facility project. That area will be
15 preserved for conservation.

16 South of the site is another parcel, an
17 industrial property owned by Howland's Lake
18 Partners, which abuts the site to the south.

19 As I indicated, the Swamp River, you can
20 see it in the top picture there, it forms the
21 western boundary in the northern portion of the site
22 and traverses the site to the south. During the
23 three-year construction period, the project will
24 also be temporarily leasing and using a site about
25 two and a half miles north of the power plant site.

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2 So this was also a topic of the Environmental Impact
3 Statement.

4 This is about a 30-acre agriculture field.
5 It is currently a combination of rye grass and corn
6 that's grown there. It will be fully restored upon
7 completion of the construction project.

8 For the three-year construction process,
9 that site will be used primarily for off-site
10 parking of construction workers who will be shuttled
11 down to the facility site in shuttle buses. The
12 shuttle buses have been scheduled to avoid peak
13 traffic and school bus schedules and to minimize
14 impacts of traffic on Route 22 and the street and on
15 the roadways in the area. A new temporary access to
16 Route 22 will be constructed.

17 Following completion of the construction
18 of the project, this site will be restored back to
19 agricultural use.

20 The project will use the existing
21 footprint from the abandoned industrial facilities.
22 You can see a picture of some of them on the top
23 picture on this slide. Those facilities will all be
24 removed from the site and properly disposed of and
25 walls from the site cleared for the new development.

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2 The overwhelming majority of the new
3 project footprint is on areas that are currently
4 previously developed that have buildings on them.
5 So not a lot of new area will be cleared for this
6 project.

7 As I mentioned before, the land between
8 the Metro-North rail line and the Swamp River will
9 remain undisturbed and will be set aside for
10 conservation.

11 The wetland that you see in the bottom of
12 this picture is actually the only regulated wetland
13 that's encroached upon by the project. You can see
14 it has some problems associated with it.
15 Historically, our disposal practices haven't been
16 what they are today. And that's evidence of some
17 past disposal.

18 The good news, relative to this project,
19 is that wetland will be fully restored as part of
20 the project, as part of our mitigation for
21 encroaching on the portion of the wetlands you see
22 there. So not only will this area be restored, but
23 a good portion of that wetland will be restored and
24 moved into a more productive, higher quality
25 wetland.

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2 The facility -- you see some
3 computer-generated renderings of the facility here.
4 It will be three separate units, each consisting of
5 a gas turbine or combustion turbine. This operates
6 very, very similar to the jet engine on an airplane.
7 The turbine combusts gas and spins the turbine from
8 the expansion of the combusted gas. The turbine is
9 connected to a generator that then, in turn,
10 generates electricity which goes to the grid.

11 One of the benefits of a combined-cycle
12 project is it will use the waste heat from that
13 combustion process in something called a heat
14 recovery steam generator, which is a fancy name for
15 a boiler that instead of running on fuel, it runs on
16 waste heat of those combustion turbines. That steam
17 is then used in the steam turbine to generate
18 additional electricity. Actually, about a third of
19 the electricity from the plant will be from waste
20 heat. So, as a result, it's extremely efficient in
21 terms of the amount of electricity for the amount of
22 fuel burned, and it also makes it environmentally
23 superior in terms of its performance.

24 The project will be connected to the
25 electrical grid via the adjacent Con Edison 345 KV

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2 transmission system. The Con Ed transmission
3 right-of-way abuts the project to the north, so
4 there's not a lot of interconnecting that goes from
5 the project into the transmission system. The
6 transmission lines are essentially the northern
7 border of the site.

8 Similarly, the natural gas that's used in
9 the combustion turbines comes from the Iroquois
10 natural gas transmission line which in the location
11 of this facility shares the right-of-way with the
12 Con Ed transmission lines. So immediately adjacent
13 to the site to the north are both the gas that the
14 project needs in order to power the turbines and the
15 electric transmission lines the project needs to
16 export the electricity into the grid.

17 The combustion will be exhausted to the
18 atmosphere through three co-located 282.5 foot
19 stacks. You can see them in the pictures there.
20 The stacks have been co-located, which means put
21 right next to each other basically to enhance
22 dispersion and minimize air quality impacts.

23 The height of the stacks, 282.5 feet, is
24 also carefully selected as the stack height
25 resulting in the absolute minimum impacts from the

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2 project.

3 The project will use relatively little
4 water for a power plant by using air cooling. The
5 traditional way of cooling the steam in steam
6 turbines back into water and recondensing that back
7 into water to be used again would typically use
8 something called wet cooling. Wet-cooled projects
9 of this size would consume something in the order of
10 five million gallons a day of water. By using the
11 air cooling, we're only talking about a few thousand
12 gallons a day of water.

13 The water for the project and the majority
14 of its needs will be basically for that steam cycle
15 and for makeup in the boilers will be provided by on
16 sight bedrock wells. The Draft Environmental Impact
17 Statement has a considerable section on what the
18 impact of those wells are on the environment to the
19 Swamp River and nearby wetlands.

20 No processed water will be discharged to
21 the facility. It's going to incorporate something
22 called zero liquid discharge process. It basically
23 recycles all of the waste water from the process and
24 is used back in the facility again. So no processed
25 water will ever be discharged from the facility.

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2 The only exception to that would be sanitary
3 discharge from the restrooms and showers and sinks.
4 And those will be discharged through an on-site
5 septic system very similar to what you probably have
6 in your home.

7 The facility schedule is shown here. Here
8 we're making progress. We've been working on this a
9 couple years now. Construction is planned to begin
10 sometime next year, in 2012. It will be a
11 three-year construction process. Over that three
12 years, the average construction workforce will be
13 about 300 employees. During the middle of that
14 construction will be a five-month peak of
15 construction where the construction workforce will
16 reach 750 employees.

17 Once the facility is complete and in
18 operation, there will be a permanent workforce of 25
19 to 30 skilled jobs that will be working at the
20 facility.

21 Commercial operation for the facility is
22 scheduled to start in 2015. Again, I want to thank
23 you all for coming out. We look forward to hearing
24 your comments on the Environmental Impact Statement.

25 Following the hearing this evening,

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2 representatives of the project will be in the lobby
3 to answer any questions that you have. If you have
4 questions that you don't want on the official
5 record, please feel free to stop by the project
6 office, which is on Market Street here in Dover
7 Plains. It's staffed Tuesday through Thursday every
8 week. A representative from the project will be
9 there and answer any questions that you might have.

10 Again, thank you very much for coming.

11 JUDGE GOLDBERGER: Thank you.
12 Supervisor Ryan Courtien.

13 MR. COURTIEN: Good evening. Thank
14 you all for coming today. Town of Dover Supervisor,
15 Ryan Courtien. The Dover Town Board will be
16 spending the next month preparing our comments and
17 working together as an involved agency. I'm glad to
18 have secured an extension of written comments until
19 Monday, August 1st, for the Town Board. But that
20 also, as said earlier, benefits everyone. So I hope
21 everyone takes advantage of that.

22 I have requested to the DEC on behalf of
23 the residents of Dover a Saturday public hearing,
24 the same as the Town Board had held in the past for
25 the Dover Knolls project.

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2 The DEC has not seen fit to hold the
3 Saturday public hearing. But the Town Board will be
4 holding a special meeting on a Saturday in July,
5 either July 9th or July 16th, which comments
6 will be heard and will be forwarded to the DEC the
7 same as if it were a DEC public hearing.

8 I don't want to take up too much of your
9 time. I want to hear everyone's comments and
10 questions. And I'll be here if anybody has
11 questions for me. Again, I want to thank you.

12 JUDGE GOLDBERGER: Thank you. Cate
13 Wilson.

14 MS. WILSON: Hi, everyone. I'm Cate
15 Wilson. I'm a resident in Wingdale, just south of
16 the property that the project is proposed for.
17 We're actually on North Chippewa Road. I will try
18 to not jump around here too much. I didn't have
19 comments written out for everybody to hear and for
20 me to read. So I'm a little bit caught off guard.

21 The first thing I would like to note is
22 that the DEIS document itself is quite lengthy.
23 It's many hundreds of pages long. It's also on a
24 topic that's complex and difficult for many of us to
25 understand.

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2 Given that, I think that perhaps the
3 review period that's been allowed is somewhat
4 shorter than it might have been. Most of us are
5 working eight hours or more a day. Many of us
6 commute on top of that work effort. And for us to
7 able to really get a grip on what all of this means,
8 I think another month at minimum, and even two,
9 potentially, is required to digest this
10 appropriately.

11 Secondly, the part of this that I was able
12 to digest is only this much. The one piece of it
13 that I was able to get a pretty good look at is the
14 executive summary document. That, of course, is a
15 very much reduced version of what is in the complete
16 study. I noticed a couple of things that I'll take
17 time to make a point of right now. And then I will
18 send in written comments as well. And I'm allowed
19 to do that, as well? So there will be a fuller
20 statement at least from my perspective at some point
21 down the road.

22 In the executive summary, it talks about
23 the area of primary impact, which I think has been
24 designated as a one-mile zone from the projected
25 project and one-mile radius around. Our property is

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2 actually well within that zone, I believe. Although
3 one of the guys might like to correct me on that.
4 There are a couple of places in the executive
5 summary where we talk about the noise levels in
6 particular that are going to occur during the
7 construction project. The noise, the emissions, the
8 traffic, all of that is going to have a significant
9 impact on all of those who are local.

10 Since our property directly abuts -- it's
11 immediately south of Howland's Apartments. We're in
12 kind of a hot spot for the ultimate noise level and
13 all the rest of it. However, the study itself never
14 addresses that southern end except to say that -- I
15 have to refer here a second. Forgive me while I do
16 that. Except to say that while the project is
17 expected to comply with the most restricted
18 nighttime sound level limit of the Town of Dover
19 zoning code, which is not specified here, at the
20 north and east property lines, the west line and the
21 southern line abutting other industrial zoned, and
22 we are not industrial zones, are expected to be
23 noncompliant. So the noise level that we have very
24 locally south of the project will be above the level
25 of what's allowed -- I see heads shaking up in the

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2 back -- at least according to the executive summary.

3

4 They've requested an adjustment to the
5 zoning law to allow for that higher level of noise
6 which I really think is unacceptable. If you're
7 going to have a rule about a noise level and it's a
8 nighttime noise level, in particular, it should be
9 adhered to -- Towns should make them stick to that.
10 If that means the construction project takes a
11 little bit longer, that's -- people shouldn't be --
12 especially not when we commute and not when we work
13 really hard, we shouldn't be kept awake at night
14 because they're building a plant.

14

15 The last piece of the comment that I have
16 for right now is related to a section in the
17 executive summary, I think, that talks about -- it
18 might not be in the executive summary. One second.
19 Forgive me. That relates to air emissions. The
20 project, and I quote, "The project will be a new
21 nature source of air emissions. Still, it will
22 purchase emissions offsets." It goes on to talk
23 about that a little bit.

23

24 I think that -- again, I haven't had a
25 chance to digest the entire DEIS report. But I
26 think that probably more needs to be said about what

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2 these carbon credits, these emission credits are and
3 why they're necessary for a project that is supposed
4 to produce minimal emissions to begin with.

5 It seems to me that it's a fancy way of
6 getting around the law as opposed to really not
7 making the noise, not making air emissions. We are
8 in a place here in this little valley where for
9 many, many years, we've enjoyed what I can only call
10 a pristine environment. It's completely and totally
11 outside the normal level of places where most people
12 live. We have a better environment than what is
13 standard. So now we have a project that proposes to
14 increase the noise, the air, et cetera, emissions to
15 a level that's within acceptable realms, but
16 acceptable compared to somebody else's. And I just
17 think that this whole business of getting credit for
18 what we emit, it's okay if you emit it here because
19 we gave somebody else back something over there, is
20 really not an appropriate way to address the
21 problem. That's it. Thank you very much.

22 JUDGE GOLDBERGER: Thank you.

23 MS. SHOUMATOFF: Good evening. I'd
24 like to thank Mr. Tomasik and the DEC for hosting
25 this as part of the SEQOR process. I'm Antonia

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2 Shoumatoff from the Housatonic Valley Association.

3 I am the New York watershed manager. Our comments
4 tonight were prepared by myself and Elaine LaBella,
5 the director of Land Protection.

6 "Dear Mr. Tomasik, the Housatonic Valley
7 Association founded in 1941 is among the oldest
8 non-profit watershed conservation organizations in
9 the nation and is dedicated to preserving and
10 protecting the natural character and environmental
11 health of the Housatonic River and its 1,948 mile
12 watershed, which includes the Ten Mile River
13 watershed in New York. Our work in surface and
14 groundwater protection issues is extensive. HVA
15 reviewed the Draft Environmental Impact Statement
16 and offers the following comments and
17 recommendations for your consideration.

18 "Section 3.2 Existing Conditions. The
19 portion of the property located west of the railroad
20 track is relatively undeveloped and is adjacent to
21 the Swamp River. This portion of the property is
22 within the New York Department of Environmental
23 Conservation DEC Great Swamp Critical Environmental
24 Area (CEA) for its natural resource value. HVA is
25 pleased that Cricket Valley Energy Center, the

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2 Oblong Land Conservancy, and the Friends of the
3 Great Swamp have begun exploring ways to permanently
4 conserve the portion of the project site to the west
5 of the Metro North railroad tracks.

6 "Section 4.2 Baseline Air Quality,
7 Meteorology and Climatology. Thus far, the
8 applicant has relied on climatological data,
9 particularly wind measurements, obtained from the
10 Poughkeepsie Airport for air quality modeling.
11 Specific air dispersion models should be developed
12 using on-site meteorological data to ensure that the
13 dispersion modeling will indicate compliance with
14 all State and federal requirements. The project
15 site is within a valley that is topographically
16 complex and may be subject to downwash from the
17 exhaust stacks that would produce locally high
18 concentrations of pollutants.

19 "Section 5.4 Water Apply. HVA is pleased
20 that the project will incorporate several water
21 conservation measures to minimize water use during
22 construction and operation of the facility. The
23 project will rely on groundwater wells for process
24 and domestic uses. During the pump testing, two
25 existing wells at Dover Knolls as well as many

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2 neighboring properties were monitored. The DEIS
3 indicated that the water withdrawals for the
4 proposed facility should not adversely impact
5 neighboring wells. However, additional wells will
6 be necessary to serve the new residences and
7 commercial properties at Dover Knolls. These future
8 wells were not considered in the DEIS.

9 "HVA requests that the DEIS include a
10 regional evaluation of the cumulative impact of the
11 groundwater needs of this project, Dover Knolls and
12 all other large developments within the Ten Mile
13 River watershed either under construction or
14 currently going through the local approval process.

15 "Finally, we request that each appendix be
16 labeled with its subject in the DEIS as well as a
17 number."

18 It's very difficult to understand what the
19 appendixes are referring to. We really appreciate
20 the opportunity to comment on this project. And
21 thank you very much to the Town of Dover for hosting
22 this.

23 JUDGE GOLDBERGER: Thank you.
24 Christine Bleakley.

25 MS. BLEAKLEY: I have to apologize.

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2 I'm not really ready with my comments. But I will
3 be providing a written statement.

4 I do have concerns. I live on Sherman
5 Hill Road. That is actually on -- across from where
6 the site of the parking is going to be located. One
7 of my concerns is, is any hazard [sic] materials
8 will be stored at that site? 850 cars parking, is
9 it one-level parking? Is it two-level parking? I
10 think they need to be a little bit more descriptive.

11 And if it was described somewhere, I
12 wasn't able to find it. I also had a hard time
13 following the appendix.

14 I'm concerned about the traffic noise that
15 will be imposed on the surrounding roads. As you
16 know, most of the traffic coming from 22 North and
17 going to commuting, they might not wait for the side
18 road or the side passage that you'll be providing as
19 a shoulder to pass. So some of those cars might
20 direct into the private roads, such as Sherman Hill.
21 How is that going to affect?

22 When we purchased our home eight years
23 ago, one of the things that the builder asked [sic]
24 is the aesthetic of the land would stay and all the
25 homes were in an area to be pretty much the same.

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2 I'm concerned -- I know there was mention that the
3 parking will be -- the land will be put back to
4 where they found [sic]. But I think it will change
5 the aesthetic of the location where it is.

6 And I have to say, I won't take fault -- I
7 was not informed that this was going on. But I
8 think it's very hard, especially because we don't
9 have a newspaper. Unless you have accessibility to
10 a computer, many of the residents that live across
11 the street from the site, the project site and the
12 parking, were not aware this was going on. So I
13 also would consider that maybe some information
14 would be sent to the local towns that will be
15 affected by this project like Pawling, New Milford.
16 I think that we have the duty of informing them that
17 this project is going to be going on so close to
18 them.

19 And the other question I have is
20 concerning the emergency. I know that they had --
21 they will have some kind of emergency system in case
22 of emergency. Are the schools being trained on how
23 to act in the case of emergency?

24 The level of noise, as the resident was
25 mentioning, if the level is so high in the daytime,

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2 the kids are supposed to be outside playing, so if
3 they're dealing with the noise that might be
4 exceeding the level and also the air quality for
5 them to be outside. Again, that's one of my other
6 concerns. That was mentioned somewhere. I need to
7 locate it and become a little bit more informed with
8 that.

9 And, again, traffic studies -- was a
10 traffic study made at the surrounding roads
11 anywhere? I couldn't find any studies done on
12 surrounding roads. And the last part I read, they
13 had archeological materials that they were doing the
14 study on this parking area. I couldn't find
15 anywhere what was the result of the second phase.
16 Were they able to find anything there that was there
17 before? Again, the appendix was very hard to
18 follow. Thank you.

19 JUDGE GOLDBERGER: Thank you. Tamara
20 Wade.

21 MS. WADE: Hello. My name is Tamara
22 Wade. A lot of the issues that I planned to address
23 have already been addressed by a resident of
24 Chippewa and by you with the watershed. Those are
25 all of my concerns. I've been a resident here along

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2 with my daughters and husband for 17 years.
3 Naturally, I have a great number of valid concerns
4 for our community, surrounding communities,
5 including those in Connecticut. Our decisions
6 impact them as well.

7

8 But, first, I would like to say thank you
9 to Lorraine O'Neill, our councilwoman, for speaking
10 out on behalf of our community and the request for
11 the greatly needed Saturday hearing and for
12 delivering a truth about the purpose of CV energy
13 production. We need that, and we need and deserve a
14 lot more of that.

14

15 We have an obligation, in the wake of our
16 growing knowledge of the conditions of our
17 environment, to investigate, research, and question
18 our options and honestly have not been granted a
19 fair amount of time to do so. Many of us do not
20 possess the knowledge to fully understand the DEIS
21 in its entirety. In this way, I feel Advanced Power
22 and CV have a tremendous advantage over our
23 community. I think that we need more time. More
24 time than even perhaps one more meeting. Give us a
25 chance to weigh the options and see what's in the
best interest of everybody. Thank you.

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JUDGE GOLDBERGER: Thank you.

3

Jessica Abrams.

4

MS. ABRAMS: Thank you for an

5

opportunity to address a very concerning facility

6

looking to be constructed over here. One thing I

7

would like to start by saying is the term "natural

8

gas" is an oxymoron. It's not real. It's not true.

9

That is not a proper terminology to use. Just stick

10

with gas, because it is not renewable, it is not

11

sustainable. Just because it comes from the earth

12

does not make it a green source. We learned that

13

with the dinosaur blood.

14

Let's start by something has to be omitted

15

from this information is the word "natural" from the

16

word "gas." Another thing I would like to mention

17

is that we're located apparently on, according to

18

New York State, a seismic level C area. Dutchess

19

County rates 15 out of 65 places expected to

20

potentially have this type of annual -- potential

21

event. We need to consider these like never because

22

of the painful lesson we continue to learn daily

23

from Fukushima. We do not want this in our

24

backyards. Unfortunately, we can't escape it. It's

25

everyone's backyard, regardless. That's the

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2 unfortunate side.

3 Instead of looking toward sustainable
4 resources, we are actually considering something
5 that isn't going to be taking us to the future at
6 all whatsoever. It is actually a delusion of
7 circumstances moving forward. 25 jobs? And this
8 major risk we're looking to introduce to our area
9 for no reason, as we do have the solutions. We
10 really need to consider also the adjustments to the
11 area that they're discussing about entrances, exits,
12 the shuttling of folks back and forth.

13 I want to understand, who pays for this?
14 Is this a tax dollar issue to accommodate bringing
15 this to the area? Because that would, of course, be
16 completely unacceptable to accommodate a location
17 for something so dirty and so dangerous on our
18 backs, once again, as we've seen with the Hudson
19 River and situations of that sort.

20 We also have to understand the footprint
21 that we're now removing from that very land. What
22 is the impact of this going forward on retention,
23 the impact on the Village, the infrastructures. We
24 want to make sure we reduce that as much as
25 possible. Who is entitled? First and foremost is

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2 our people, the right to access to clean water and
3 clean air and a safe environment is first and
4 foremost before profits. Before any of this
5 develops a price tag. You need to consider the
6 worth of removing something so vital, so necessary.

7 And if we thought we saw fighting over
8 oil, we haven't seen anything until we're fighting
9 over water, clean water. We thought we were worried
10 about the noise at some point that this can make.
11 What about the noise of a child thirsty for clean
12 water? We're going to take this and put an
13 incredibly hazardous circumstance that we're not
14 even really identifying. We're dancing around it as
15 if this is something that should go on, could go on,
16 or would go on.

17 Get used to the idea, get used to it now,
18 that it is unacceptable, completely unacceptable, to
19 surrender our most vital valuable elements for
20 something so wrong.

21 So with this meeting, with this time we
22 take here today, not only do we need extra time to
23 navigate the pros, the cons, but we also need time
24 to understand, what are we in this for? Are we in
25 this to sell every last possible element available

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2 to mankind? Are we willing to put it up and auction
3 it? Because this is what this is right now. We
4 need to really take a serious, painful look at it
5 because it is on everyone's doorstep. It is in
6 everyone's backyard. It's in everyone's food. It's
7 in everyone's reservoirs. How much more of this can
8 we take? Think about that.

9 I hope we stay up at night thinking of
10 this and work ourselves around it and into a future
11 sustainability. Because that's where it is. That's
12 where it begins. That's also where it ends. And it
13 begins yesterday.

14 So please start looking forward into the
15 future and protect what we have left. Because there
16 is nothing like being without the most valued of
17 resources, and you have yet to discover because it's
18 coming.

19 At the rate we're at now, we're not far
20 off. So start adjusting, and start thinking forward
21 because we need the people to speak up and get angry
22 about it. Because if you're not, you're not paying
23 attention, and you need to. Go home, open up your
24 computer, go to the local library. Learn about Gas
25 Land. Learn about different documentaries that

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2 really pull it out. Food, Inc. Go far into it.
3 Learn about the spectrum that revolves around taking
4 these types of things and considering them something
5 that we can just absorb and not consider putting it
6 back. The implications of our needs, our desires,
7 our wants. All of this has to be regauged,
8 reconsidered, and put the values back where they
9 belong.

10 Our health is not for sale. Our health is
11 not for sale. Our health is not for sale. Get used
12 to it. Thank you for being here tonight.

13 JUDGE GOLDBERGER: Thank you. I
14 don't have any more cards. Is there anyone else
15 here -- sir, what's your name? Do you want to
16 speak?

17 MR. RUSTENBERG: Peter Rustenberg --

18 JUDGE GOLDBERGER: Do you want to
19 come up here?

20 MR. RUSTENBERG: Sure. My name is
21 Peter Rustenberg, I live in Sherman, Connecticut. I
22 have a lot of respect for the environmental
23 regulations in the State of New York. I've worked
24 with them in the past. I am an environmentalist.
25 And I've learned over time that when I learn

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2 something, it's not -- it's less about memory and
3 more about making connections. A plus B, as opposed
4 to just thinking about a formula.

5

6 If you look at a map of the Hudson River
7 watershed, most of the maps, in fact, all of the
8 maps I've seen, have it ending at the Connecticut
9 State line. However, the fact is the best native
10 brook trout stream in the seven counties north of
11 New York City is Connecticut water. We provide
12 that. And it goes into Haviland Hollow Brook. And
13 the water from the Swamp River comes to Connecticut.
14 Thank you, HVA, for your wonderful statement,
15 succinct. And the air comes to Connecticut. Yet
16 Connecticut is not involved in any formal or
17 informal way. I think that's a mistake.

18

19 I think we have to recognize that
20 watersheds cross State and political boundaries.
21 And large towers that emit nitric oxide, sulphuric
22 acid, radiation, and other pollutants, are also --
23 also go beyond political boundaries.

24

25 I'll note that down the road, down 55, the
natural gas plant was proposed, and it was defeated
by the people. I'm appalled you don't have a public
newspaper here. That's very sad. That is not the

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2 American way. A friend of mine is Bob Boyle. Bob
3 Boyle founded Riverkeeper. He discovered the
4 pollutants -- industrial pollutants in the Hudson
5 River, PCBs. He wrote a book called Acid Rain in
6 the early '70s. He's a historic figure, and he's a
7 current figure. He asked me to read this to you
8 tonight.

9 "The single biggest threat to water in the
10 history of the United States is slick water
11 hydraulic fracturing, a/k/a fracking, for
12 unconventional natural gas and shale in more than 30
13 states."

14 By the way, natural gas is methane. It's
15 many, many more times more polluting than carbon
16 dioxide is to our atmosphere.

17 This heavy industrial polluting process,
18 which is coming to your town and is coming to my
19 town, because we're right over the State line --
20 there is a national movement for this transitional
21 fuel. I think it's a mistake. It's going to be a
22 tragedy. I have an article from today's Christian
23 Science Monitor. They're talking about the economic
24 frailty of natural gas companies. There was an
25 article in the New York Times on the 26th, I

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2 think. Just the day before, the Wall Street Journal
3 put out an infomercial like we're seeing during
4 intermissions at the end of every evening newscast
5 today. I've never seen anything like this. I've
6 been around when Chevrolets were advertised. Those
7 days are gone.

8 Now we have natural gas. This heavy
9 industrial polluting process involves using a
10 witches brew of toxic chemicals, some, like Benzine,
11 are carcinogenic, that contaminate rivers, lakes,
12 ponds, streams, reservoirs, wells, aquifers, and
13 wetlands, thanks to the Halliburton loophole.

14 So, in other words, all the gas that comes
15 here could be coming up from this horizontal
16 hydrofracking in Pennsylvania. It's not here yet.
17 But I assume that despite a precedence-setting
18 opposition by the citizens of New York, that it will
19 come. I hope it comes with great regulation.

20 Anyway, the Halliburton loophole was
21 concocted by Vice President Dick Cheney, former
22 Halliburton CEO, passed by Congress in the 2005
23 Energy Policy Act. The loophole exempts the gas and
24 oil industry from the safe water -- the Safe
25 Drinking Water Act, which Bob contributed to at the

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2 time, the Clean Water Act, the Clean Air Act, the
3 National Environmental Policy Act, the Superfund,
4 otherwise known as Comprehensive Environmental
5 Response, Compensation, and Liability Act, and the
6 Resource Conservation and Recovery Act. Thank you.

7 JUDGE GOLDBERGER: Thank you. Is
8 there anyone here who hasn't spoken yet who wants to
9 make a statement? Please come up.

10 Jessica Wade.

11 MS. WADE: Hello. My name is Jessica
12 Wade. I live within the one-mile radius of where
13 the proposed plant will be held or constructed. My
14 main concern -- I have many issues with the plant
15 and concerns. But in particular, many of you spoke
16 about hydrofracking tonight. For those of you who
17 have not seen the documentary Gas Land, I strongly
18 urge you to watch it. And what Gas Land basically
19 talks about is how these gas companies went to
20 landowners, and they asked for their land and paid
21 them large sums of money to start drilling for
22 natural gas.

23 And so just as many of us in Dover and
24 with our school district, we need money. There's
25 not a lot of it going around. So they handed them

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2 large sums of money for their land and gave it over.
3 And these people signed off thinking -- and the
4 company is telling them it's safe and healthy, there
5 will be no problems, signed their land off. And
6 then years later, they're having problems with their
7 water. They turn on their faucets, set their
8 lighter, the matches, up to it, and their water
9 explodes. It's on fire. And they can't drink it.
10 Their pets are dying. Their children are sick.

11 And while this is not going to be a site
12 where there's hydrofracking, they're hydrofracking
13 in other parts of the country, and they're bringing
14 the gas to this plant where they will burn it.

15 So my question is: If the gas companies
16 that are extracting the gas from the land are able
17 to walk on and have landowners sign an agreement and
18 say that there will be no problems, what are the gas
19 companies that are constructing the plants and to
20 burn the gas -- are they going to do the same to us?

21 I know that a lot of money is invested in
22 this, and that people need money. But I ask you,
23 for the people that are going to put this plant on
24 our property in our small town, where our schools
25 are less than a mile away, in your hearts, are you

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2 really doing the right thing? Are you telling us
3 something that might not necessarily be true? I
4 fully understand that our country needs energy and
5 that we need ways to get it and that we want our
6 independence. I completely understand that. But I
7 know that there are other methods to get it. And I
8 know that our country is in a bit of a mess, and
9 we're trying to go through all avenues to gain our
10 dependence -- our independence. But is this the
11 right way?

12 And are you feeding us something and
13 taking measures to possibly overstep our town or
14 tell us something that may not necessarily be true?
15 That's all I have to say. Sorry if I may come off a
16 little shaky. I am not your typical activist. Nor
17 do I want to stand up here and talk about this. And
18 I have a lot that can be going on. I'm 22 years
19 old. I just graduated from college. I have a great
20 life of ahead of me, and I'm going places, and I
21 really don't need to stay here in Dover. I really
22 don't. And I probably won't be. But how can I turn
23 my back on my mom and dad who will be a mile away
24 from this or a community that raised me.

25 I roamed the halls here at Dover. As you

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2 go up these stairs, there's a mural I pointed that
3 awaits you as you open up the door. I care about
4 this community, and I care about the generations of
5 families who have been here, and their roots are
6 planted here, and they're not able to just sell
7 their homes and go off. If they did want to sell
8 their homes, I'm wondering if health effects do --
9 if we start to see that there are health effects and
10 that people are getting sick, are people going to
11 want to come into our community and buy our homes?
12 What are you going to do about that when we can't
13 sell our homes and we want to get out? So, thank
14 you.

15 JUDGE GOLDBERGER: Is there anyone
16 else who hasn't spoken yet who wishes to make a
17 statement?

18 MR. UTTER: I'm Jim Utter. I teach
19 at Purchase College in the environmental science
20 program. But most of you would know me from Friends
21 of the Great Swamp. My concern is rooted in what
22 the impacts are, potentially, to the swamp, to the
23 natural system, which relates to the water quality,
24 quantity, wildlife, plants, things like that.

25 I have been talking about this a little

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2 bit in some of the meetings that they've held in the
3 community for the past year or so. And I personally
4 am glad to see something happen to that site because
5 it has been occupied by a series of very bad
6 polluters over the last several decades. There is a
7 legacy of pollutants that are still seeping out into
8 the Swamp River and the Great Swamp.

9 So, from that perspective, I'm glad to see
10 something is being talked about that would help
11 clean this up and mitigate a little bit.

12 When I first started in, you folks were
13 planning to withdraw a million gallons a day from
14 the ground water. Although there were some waftings
15 on it in terms of, well, it wouldn't happen all the
16 time, it still came up to be a hell of a lot of
17 water. Now they said it's going to be 100,000, or
18 something in that order. If they are able to do
19 that, then I think that's great. I wonder if they
20 would attempt and how they are doing that. But if
21 they're taking it down from a million to 100,000 in
22 a running plan, 10 percent, I think that is an
23 admirable goal.

24 Part of the problem that we see is
25 withdrawing water from ground water will effect

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2 surface water. It's going to draw down in the
3 wetlands and streams. And with the turnover of
4 water in the Swamp River being so low, it has very
5 little current in this area, drawing it down at all
6 can be a serious problem.

7 I also am glad to see that there's plans
8 to not discharge it back in. I don't know where
9 it's going. But the early plan was to discharge a
10 lot of it back into the surface water. And that
11 bothered me too. So I haven't gotten to go through
12 this in great detail yet, which I want to find out
13 what happened between the early discussions and
14 what's being proposed now because I think those are
15 some pretty good changes.

16 I think a serious problem is for Dover to
17 look at what is going to be happening in the area.
18 Because one of the goals of the EIS process is to
19 look at cumulative impacts. As was mentioned
20 before, there are at least three major projects
21 proposed. One of them has been put on hold now,
22 Wind Rose. But right on the same stem, not very far
23 apart, is Dover Knolls, which still plans to take a
24 million gallons a day out of the ground water, and
25 Cricket Valley. This is water impact. It's also

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2 traffic impact. It's all sorts of impacts.

3 I think the Town really needs to make sure
4 that the cumulative impacts from a long-range
5 standpoint are considered in all of this. So that
6 they are laid out and there are clear decisions made
7 by the Planning Board. Where they want Dover to be
8 in 25 years and how much should each project take
9 from or add to the Town. It's a little hard to
10 anticipate the economic downturn that stopped Wind
11 Rose. But these are serious issues that affect the
12 natural environment but also affects the community
13 and social environment and the whole culture of the
14 area.

15 Air quality is another serious issue.
16 Several of you raised that point. You can't burn
17 fossil fuel without creating pollution. That
18 doesn't happen. These things are natural products.
19 They're not renewable, but they are natural
20 products. And the result from putting decomposition
21 on organic materials that have -- we know they all
22 have nitrogens and sulphurs and all these other
23 chemicals. When you burn them, they go someplace.

24 So when you concentrate the burning of a
25 fossil fuel in one place, you really have to be very

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2 careful with what you do with the air going out of
3 it because it's going to contain pollutants. It has
4 to. You have to manage that.

5 I am planning to do a more comprehensive
6 review and turn it in on behalf of FROGS (phonetic).
7 This is sort of my personal spell about it, and I
8 will get something in before the deadline on that.
9 Thank you for the opportunity to talk.

10 JUDGE GOLDBERGER: Thank you. Is
11 there anyone else who wants to make a comment who
12 hasn't done so already?

13 Peg Day.

14 MS. DAY: Good evening. My name is
15 Peg Day. I am a citizen of Wingdale. After hearing
16 from Peter, Jessica, Christine, Tonia, Cate, Jim, I
17 think it's very obvious that we need more time. We
18 need more time for individuals to study, to learn,
19 to think, and to assess. There hasn't been
20 newspaper articles advertising this. There are few
21 who knew of it, thanks to telephone calls from
22 others, friends, neighbors. I'm one who is asking
23 for more time.

24 I'd be happy to distribute cards to all of
25 you. I think, for the record, it is necessary that

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2 you all ask for more time. Perhaps it's even
3 necessary to come to this microphone to ask for more
4 time so it's on the record so more people can become
5 informed, more people can step to this microphone,
6 share their concerns. If you have one question
7 after leaving tonight at 7:30, as it stands now, you
8 will have an opportunity to send in e-mails or send
9 in written questions. But you won't have an
10 opportunity to speak again. You won't have the
11 microphone. You won't have an audience. And this
12 is the audience where you spark people to think.
13 Your questions will be directed to DEC. You will
14 not have our fellow members here who can hear you
15 who will be sparked and interested into maybe
16 talking. I'd be happy to distribute more of these
17 cards to anybody who raises their hand and says I
18 would like to come to that mic and ask for more
19 time. Is there anybody? May I?

20 JUDGE GOLDBERGER: Provided they
21 haven't spoken yet.

22 UNIDENTIFIED SPEAKER: I think the
23 attendance here speaks for itself.

24 JUDGE GOLDBERGER: Is there anyone
25 else who wants to come up here and make a statement?

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2 The court reporter can't take down your comments
3 from your seat. I'm only going to ask people who
4 haven't spoken already. Is there anyone else who
5 hasn't spoken already who wants to come up and
6 speak? You can submit your comments in writing
7 through August 1st.

8 MS. O'NEILL: I spoke earlier. Does
9 that constitute a second reach to the podium or not?

10 JUDGE GOLDBERGER: You spoke in the
11 prior session. You can speak again. But please
12 fill out a card.

13 MS. O'NEILL: Lorraine O'Neill, Town
14 Board, Town of Dover. Clearly, the public is asking
15 for more time, whether they come to the podium or
16 not. They are speaking in the audience. I think
17 that should be respected. The Town Board will grant
18 a Saturday session, either it will be July 9 or the
19 16th. Of which the DEC has promised us they will
20 take all of those comments and include them in their
21 reports. So please, at that time, come when we
22 report which day it is, either the 9th or the 16th
23 of July. Thank you.

24 JUDGE GOLDBERGER: Thank you. Is
25 there anyone else who hasn't spoken yet who wants to

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make a statement?

Seeing none, I am adjourning this hearing.

It is approximately 7:20 p.m. Thank you for coming.

(At 7:20 p.m., the hearing was
adjourned.)

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C E R T I F I C A T E

I, KAREN M. FLEMMIG, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That I reported the proceedings in the within-entitled matter and that the within transcript is a true and accurate record to the best of my knowledge and ability.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand.

Karen M. Flemmig
Court Reporter

