

1
2 TOWN OF WAWAYANDA PLANNING BOARD
3 WAWAYANDA, NEW YORK

4 -----X
5 In Re:

6 CPV VALLEY ENERGY CENTER
7 PUBLIC SCOPING SESSION
8 SBL# 4-1-38.32, 38.33 & 40.22
9 -----X

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
Wednesday -- 7:52 p.m.
August 27 2008
Town Hall
Wawayanda, New York

B E F O R E:

TOWN OF WAWAYANDA PLANNING BOARD

PRESENT:

ANN YATES, Chairwoman
JOHN NEIGER, Board Member
BARBARA PARSONS, Board Member
DONALD SIEGEL, Board Member
DANIEL LONG, Board Member
MARY MARKIEWICZ, Board Member
BENNIE DOMBAL, Board Member
WILLIAM BAVOSO, Attorney
PATRICK J. HINES, Consultant
MATHY V. STANISLAUS, ESQ.
Consultant
STEPHEN P. FLEISCHAKER, P.E.
Consultant
TED FINK, Consultant

COMPETITIVE POWER VENTURES INC.

REPRESENTATIVE:

STEVEN REMILLARD
Director of Development

NEIL BOSTOCK, RPR-CM
Certified Shorthand Reporter
40 Stapleton Court
Middletown, NY 10940
(845) 291-3128

1
2 CHAIRWOMAN YATES: The next item on
3 tonight's agenda is the public scoping
4 session for CPV Valley. I'll read the
5 notice as it appeared in the paper.

6 Planning Board, Town of Wawayanda,
7 Orange County, New York; please take
8 notice that the Planning Board of the
9 Town of Wawayanda, Orange County, New
10 York, will hold a public scoping session
11 for the proposed application of CPV
12 Valley Energy Center, on August 27th,
13 2008, at 7:30 P. M. at the Town Hall,
14 Ridgebury Hill Road, Slate Hill, New
15 York, 10973.

16 Copies of the draft scoping document
17 are available for review or copying at
18 the Town of Wawayanda Town Hall. Written
19 comments on the draft scoping document
20 are also requested and will be accepted
21 by the Planning Board secretary until the
22 close of business on September 8, 2008.

23 The action involves the construction
24 of a nominal five hundred and eighty
25 megawatt natural-gas fired combined cycle

1
2 electric generating facility, with
3 ultra-low sulfur fuel oil back up, plus
4 related utility infrastructure.

5 When operating under a condition
6 with duct firing, the electrical output
7 could increase to a minimum total output
8 of 630 megawatts. The project would
9 produce electricity for the regional
10 electric power transmission grid by an
11 interconnect the New York Power Authority
12 transmission line located north of the
13 project site.

14 Natural gas for the facility will be
15 provided via connections to the
16 Millennium Pipeline, located
17 approximately seven miles east of the
18 project site, or by Orange and Rockland
19 owned pipe lines located east of the
20 facility.

21 Process water for the project
22 operation will be provided via a pipe
23 line from the City of Middletown Waste
24 Water Treatment Plant, utilizing gray
25 water or on-site groundwater resources.

1
2 Potable water will be provided to the
3 site via connection to the Town of
4 Wawayanda public water supply system.

5 The project is located on 122 acres
6 under option by CPV Valley, LLC, located
7 in the Town of Wawayanda, Orange County,
8 bounded on the north and west by New York
9 State Route 6, and on the east by New
10 York State Route 17M, and on the south by
11 Interstate 84.

12 This is dated August 11th 2008.

13 Does somebody want to make a motion
14 to open the public hearing.

15 Up own if.

16 BOARD MEMBER PARSONS: I'll make the
17 motion.

18 BOARD MEMBER LONG: Second.

19 CHAIRWOMAN YATES: All in favor?
20 Opposed? Okay.

21 (Motion carried.)

22 CHAIRWOMAN YATES: We are going to
23 have the applicant making a presentation,
24 so everybody understands a little bit
25 about what this project is about.

1
2 Pat did prepare for us a letter
3 describing a little bit how the scoping
4 session works, for those of you who are
5 here and haven't been to one of these
6 before. So I will read that so people
7 understand a little better what this is
8 about. This is not a public hearing on,
9 yes, we want the power plant, or, no, we
10 don't want the power plant. This is
11 intended to identify potential
12 environmental impacts that need to be
13 studied, in making decisions about this
14 power plant site.

15 So I just will read this for Pat,
16 because it summarizes it pretty well.
17 The scoping session this evening is for
18 the proposed Competitive Power Ventures
19 Valley Energy Center, CPV, located off
20 Route 6 in the vicinity of Interstate 84.
21 The applicant's representatives will give
22 a brief overview of the project,
23 identifying the environmental settings,
24 the proposed development, the major
25 components of the project, and

1
2 information regarding transmission and
3 distribution systems to and from the
4 proposed power plant.

5 The Town of Wawayanda Planning Board
6 has declared its intent for lead agency,
7 circulated its notice of intent to other
8 interested and involved agencies, and is
9 now the lead agency for the project. As
10 lead agency the Planning Board shall act
11 as the gatekeeper for the environmental
12 review process.

13 This evening's meeting is the
14 beginning of the public scoping process,
15 in order to identify items which are to
16 be evaluated in a Draft Environmental
17 Impact Statement. Public scoping is
18 optional under the SEQRA process.
19 However the Planning Board felt that
20 input from the public would assist the
21 Planning Board as lead agency in refining
22 the scope of the DEIS, in order to create
23 a complete record of environmental review
24 for the project.

25 Public scoping has six objectives:

1
2 To focus the DEIS or the Draft
3 Environmental Impact Statement on the
4 potential significant adverse impacts; to
5 eliminate non-significant and
6 non-relevant issues; to identify the
7 extent and quality of information needed;
8 identify a range of reasonable
9 alternatives to be discussed; provide an
10 initial identification of mitigation
11 measures; and provide the public with an
12 opportunity to participate in the
13 identification of impacts.

14 The process this evening is not a
15 public hearing where questions and
16 answers will be provided. Public
17 hearings on the project will occur
18 further on in the process, once the Draft
19 Environmental Impact Statement has been
20 accepted as complete by the Planning
21 Board as lead agency. Please direct all
22 comments to the Planning Board,
23 identifying areas of concern. A
24 certified court stenographer is present
25 this evening, in order to accurately

1
2 document each comment received.

3 Copies of the transcript will be
4 utilized by the Planning Board and its
5 consultants to identify relevant issues
6 to be addressed in the Draft
7 Environmental Impact Statement. The
8 Planning Board as lead agency has a
9 responsibility to identify the potential
10 significant adverse impacts and mitigate
11 the identified impacts to the extent
12 practicable.

13 All items identified in the scoping
14 document must be addressed in the Draft
15 Environmental Impact Statement which will
16 be prepared by the applicant. We ask that
17 you state your name for the record, and
18 to assist the stenographer, provide your
19 address so that the Planning Board can
20 identify your perspective with regard to
21 the project. I don't know that we need
22 your street number, but just a road or
23 something like that.

24 The Planning Board is interested in
25 hearing your issues and concerns in order

1
2 to develop an adequate scope. At the
3 conclusion of the public scoping session
4 a written comment period has been
5 provided for the Planning Board to
6 receive additional input from the public
7 and other interested and involved
8 agencies.

9 The Planning Board will receive
10 written comments for ten days after the
11 closing of the public scoping session.
12 In order to keep the meeting running in
13 an orderly fashion and assist the
14 stenographer in creating an accurate
15 record, please raise your hand and wait
16 to be acknowledged by the Chair.

17 BOARD MEMBER PARSONS: Just to
18 clarify, I do believe we made a motion
19 for a public hearing, and it is a public
20 scoping session. I just want to make
21 sure that's correct.

22 CHAIRWOMAN YATES: Right, okay. Now
23 we do have one other issue before we hear
24 the applicant's presentation, which is
25 that when we circulated to the interested

1
2 and involved agencies, Pat Hines had
3 circulated, we did not mention the
4 written public comment period that's
5 available after the session. We did
6 receive a call from one of the involved
7 agencies about that issue, and also from
8 Mary Anne at Green Plan, so I had just
9 talked to Ted, and he suggested that we
10 send a new letter to those interested
11 involved agencies, clarifying that there
12 is a written comment period afterwards.

13 I don't know how soon we can get that
14 out.

15 MR. HINES: It can go out
16 tomorrow.

17 CHAIRWOMAN YATES: So will that give
18 them adequate time to respond or do we
19 need to extend that written comment
20 period a little bit.

21 MR. HINES: We could make it the
22 fourteen days that we talked about
23 earlier.

24 CHAIRWOMAN YATES: So that would be
25 until September 10th, if we did fourteen

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

days.

Okay. Bill, do we need to make a motion to change that?

MR. BAVOSO: We should have it on the record.

CHAIRWOMAN YATES: All right. So if somebody wants to make a motion then to direct Pat Hines to send a letter to the interested involved agencies that he had originally circulated to, clarifying that there is a time period for receipt of written comments until the close of business on September 10th 2008.

BOARD MEMBER MARKIEWICZ: I'll make the motion.

BOARD MEMBER LONG: I'll second that.

CHAIRWOMAN YATES: All in favor?
Opposed?

(Motion carried unanimously)

CHAIRWOMAN YATES: All right. I think the applicant is up next.

(A Power Point presentation accompanied the oral presentation.)

1
2 MR. REMILLARD: Good evening. My
3 name is Steve Remillard from Competitive
4 Power Ventures. What we wanted to do is
5 just give everyone a quick overview of
6 the project, in case they haven't seen it
7 before, and at least describe a little
8 bit about where we are in the process --
9 we're embarking on a long process, the
10 SEQRA process -- and give you an idea of
11 where we are, and you'll be given an
12 opportunity for public input throughout
13 the process.

14 But again, just to reiterate, that
15 we're talking about the scope here, and
16 the scope is really to define those
17 elements that will be captured in the
18 Environmental Impact Statement as we go
19 through the process.

20 Just to talk a little about
21 Competitive Power Ventures, or you will
22 probably hear it referenced as CPV as we
23 go forward through the process. We were
24 founded in 1999, and we have our
25 headquarters in Maryland, but we are

1
2 looking to establish our New York office
3 here in Wawayanda. Our focus has been
4 clean, environmentally responsible,
5 generation sources throughout the
6 country. And we have actually been
7 focused heavily on the renewable, as well
8 as natural gas, fuel generation sources.

9 Currently we're actually operating
10 several natural gas facilities throughout
11 the country. So we have the expertise in
12 managing and operating these types of
13 facilities.

14 I want to spend a few moments and
15 really introduce the project to folks,
16 and get everyone sort of acclimated to
17 the project. It's a 630 megawatt
18 combined cycle power generation facility.
19 It's fueled by natural gas, with a low
20 sulfur fuel oil as a back up, just for
21 reliability purposes, in case the natural
22 gas source, the fuel source, is
23 interrupted. Also in terms of the design
24 of the facility, it's what we call an
25 air-cooled design, so in order to reduce

1
2 the amount of water that's used in these
3 types of facilities, we actually use
4 radiators, much like a car, to cool the
5 water that's used inside the facility to
6 generate the power.

7 So again we would actually be
8 looking to obtain water either from the
9 City of Middletown, through a purchase of
10 waste water that they are actually
11 discharging today, or supplemented with
12 on-site well. But again, all of these
13 are items that would be studied
14 throughout the process, as part of the
15 Environmental Impact Statement.

16 The site itself is located just
17 north of Route 84, and west of Route 17M,
18 and south of Route 6. It's about a 122
19 acre site, and what we're showing is that
20 we will actually only develop about a 30
21 acre portion of that, so much of the land
22 will actually be left undisturbed. It
23 won't be developed as we move forward
24 with the project.

25 In terms of just to get you folks

1
2 familiar with it, you may be familiar
3 with the Work Force Housing Project,
4 which is located here, a little bit to
5 the north, north east of the property, as
6 well as the Pine Hill Cemetery. Also
7 we've got another drawing over here that
8 shows the overall site plan, with the
9 site laid out with the equipment on. You
10 can take a look at that after.

11 In terms of the interconnections, we
12 are going to interconnect with the New
13 York Power Authority's 345 kv line, which
14 runs right along here, and cuts across
15 Route 17M. And again that's a 345 kv
16 line that's there today. It's less than
17 a half a mile off of the site, that we'll
18 connect over to. Actually our
19 interconnection line is going to run
20 along the border of the property, along
21 84, the edge of the property, and then
22 will go underground over to the New York
23 Power Authority's lines, and then will
24 come up and interconnect into the 345 kv
25 line.

1
2 In terms of fuel coming to the
3 project, we talked about natural gas.
4 We'll be coming in via the Millennium
5 Pipeline, and there are two options for
6 us to consider; one is a lateral from
7 Millennium; or Orange and Rockland is in
8 the process of expanding their system,
9 and we could tie into Orange and
10 Rockland's system. Ultimately the gas
11 will come from the Millennium Pipeline to
12 fuel the project.

13 We're looking at a target in-service
14 date of 2012, which is consistent with
15 what the New York ISO (sic) has indicated
16 the need for power in the Lower Hudson
17 Valley Region, so we're targeting that,
18 and as you'll see as we go through the
19 process here, we have to start now in
20 order to be on line for 2012.

21 We wanted to take a moment to talk a
22 little bit about the process. This is a
23 pretty involved process, and to show
24 folks where we were today. We're
25 actually in step four of an eleven step

1
2 process, and we have got quite a bit to
3 go. We wanted to at least let folks
4 know, we're in the scoping phase of
5 developing the Environmental Impact
6 Statement, and through that process, as
7 we move along, there will be periods for
8 public comment, and also, as you heard
9 earlier, there will be an opportunity to
10 provide written comment if folks want to
11 take a copy of the Draft EIS scope, and
12 submit comments later. When you look, it
13 looks to be about a twelve to fifteen
14 month process, so again, we just wanted
15 folks to know that this is quite an
16 involved process, and we're out there
17 working with the community as we go
18 through this.

19 Some of the items that you probably
20 have seen in the Draft EIS scope are
21 areas that we will be studying and
22 analyzing in preparing a full
23 comprehensive document, to be back in
24 front of the board, and the community for
25 review. We will be looking at issues

1
2 such as visual impacts; we'll look at
3 traffic impacts; sound that would be
4 generated by the facility; of course air
5 quality is a big concern, so we want to
6 make sure that that's addressed in the
7 EIS as we move forward. But as you can
8 see, it's a rather involved and
9 comprehensive document that will be
10 prepared. Of course part of that covers
11 some of the socioeconomic impacts and
12 benefits that are associated with the
13 project, and a development such as this.

14 I think, you know, again, what we
15 wanted to do is make sure folks were
16 aware of the project. We've provided
17 some additional copies of the Draft EIS
18 scope in the back of the room, but we're
19 also available to answer questions as we
20 go through the process with the
21 community.

22 Thank you.

23 CHAIRWOMAN YATES: Thank you.

24 Okay, I think next I will recognize
25 Christopher Hogan from the DEC, who

1
2 wanted to discuss how the DEC would be
3 interacting with the Planning Board in
4 reviewing this project.

5 MR. HOGAN: Thank you. I just want
6 to read a statement into the record
7 regarding the Department's role in the
8 proceeding. We'll be providing written
9 comments later.

10 Good evening. My name is Chris
11 Hogan. I'm a project manager with the
12 Energy Projects and Management Unit with
13 the Division of Environmental Permits of
14 the DEC. I work in the central office of
15 DEC located in Albany. I'll be serving
16 as the project manager for the CPV Valley
17 Energy Project. And I'll be the primary
18 point of contact for issues related to
19 the Department's permit jurisdiction for
20 the project.

21 The Department appreciates the
22 opportunity to provide this statement on
23 the record this evening. The Department
24 will not be providing detailed comments
25 regarding the scoping document for the

1
2 project this evening, and a complete
3 review of the document is currently being
4 completed by DEC staff and detailed
5 written comments will be submitted by the
6 Department on or before the comment
7 deadline of September 10th.

8 The primary purpose of my statement
9 this evening is to clarify the role of
10 the Department in the environmental
11 review of the Valley Energy Project. As
12 indicated on pages 3-1 and 3-2 of the
13 scoping document, the Department has
14 numerous authorizations for the project.
15 The primary jurisdictions of the
16 Department are the air permits, the waste
17 water discharge permits, or SPDES
18 permits, and the permits related to the
19 wetlands impacts.

20 As an involved agency in the SEQRA
21 process, the Department will focus their
22 comments on the environmental issues
23 related to its permit jurisdictions. The
24 Department will provide technical support
25 to the Town of Wawayanda, the SEQRA lead

1
2 agency, as needed during the
3 environmental review process.

4 Again, thank you for the opportunity
5 to speak this evening. The Department
6 looks forward to participating in the
7 review for the Valley Energy Project.
8 I'll be available to answer any questions
9 regarding the Department's participation
10 in the review process and its permit
11 jurisdictions until the end of the
12 scoping meeting. I will also be happy to
13 provide my contact information to anybody
14 who wants it for future reference.

15 Thank you. I also just wanted to
16 mention, since Steve discussed public
17 comment opportunities, I will add that as
18 part of the DEC review process, there
19 will be public comment opportunities.
20 That's a statutory requirement of the
21 Uniform Procedures Act, so there will
22 also be public opportunities specifically
23 on DEC permits. Thank you.

24 CHAIRWOMAN YATES: Thank you.

25 Okay, at this time we will take

1
2 public comment. If anyone has any
3 comments pertaining to this, please raise
4 your hand, and we would like to hear from
5 you.

6 MR. COLE: My name is Dave Cole,
7 resident of the Town of Wawayanda, and
8 also a member of the Town Board. I just
9 wanted to enter into the record this
10 evening to remember that one of the
11 philosophies of this evening with CPV and
12 others in the area, is the idea of good
13 neighbors, and not only is the Planning
14 Board I'm sure working towards that good
15 neighbor area, the Town Board is asking,
16 and also from my own perspective, that
17 CPV please take into consideration the
18 years of hard work that we did with
19 Horizons at Wawayanda, and ask that they
20 work to the best of their abilities to
21 mitigate the visual impacts between the
22 back of that project, and the I-84
23 corridor.

24 As Mr. Remillard mentioned in his
25 introduction this evening, that the

1
2 interconnect would run along the edge of
3 the property on I-84, and will go
4 underground to the New York Power
5 Authority hookup area. I'm asking, just
6 from my own perspective, that they
7 seriously consider, CPV, to extend that
8 underground at least through the visual
9 portion that the folks at Horizons at
10 Wawayanda would have to take a look out
11 their back windows at. Thank you.

12 CHAIRWOMAN YATES: Thank you.

13 Yes.

14 MR. REGAN: Larry Regan. I'm the
15 managing member, one of the managing
16 members of Horizons at Wawayanda, and
17 we're very pleased to see additional
18 growth in the corridor, which this Board
19 and the Town Board are looking to
20 promote. I know this isn't about whether
21 we are for or against the project, but we
22 are in support of future growth, and
23 growth like this in the corridor, and I
24 believe that we would support it.

25 But we do have comments in reference

1
2 to some of the impacts that could be
3 perceived as adverse to the project. One
4 as Vice Supervisor Cole had mentioned,
5 we're very concerned about the potential
6 powerline visual impacts, and how it
7 impacts our potential Wawayanda
8 residents, as it goes behind our project,
9 between us and Route 84. And we know
10 we're going to have some meetings with
11 the folks at CPV. We're looking forward
12 to that, and I'm hoping that they will
13 see clear to hopefully figure out a way
14 to minimize those impacts as much as
15 possible, and hopefully try and figure
16 out a way to put those lines underneath
17 the soil. I know it's been an issue with
18 the wetlands, as we had similar wetlands
19 issues with placement of our buildings
20 and buffers as well. As well as some of
21 the other impacts with noise and sound,
22 air quality, I'm sure everything can be
23 worked out. We look forward to working
24 with them, and trying to come up with
25 something that works for everybody. We

1
2 think it's a boon for the town and we are
3 supportive, but we do need to protect the
4 interests of predominantly our residents
5 and also our investment in the project,
6 so we ask the Planning Board members and
7 the Town Board to take those issues into
8 consideration when weighing the impacts
9 of the project. Thank you.

10 CHAIRWOMAN YATES: Thank you. Any
11 other comments, or areas to be addressed?
12 Anybody else right now?

13 Do any of the board members have
14 any?

15 BOARD MEMBER SIEGEL: I'd like to
16 ask, what's the projected water use for
17 the project?

18 MR. REMILLARD: Water consumption
19 would be 233,000 gallons a day.

20 BOARD MEMBER SIEGEL: 233,000 gallons
21 a day.

22 MR. REMILLARD: That's taking the
23 water that's coming out for -- between
24 discharge to the Wallkill River, but
25 actually part of our discharge will go

1
2 back in, so really the consumptive use of
3 the facility is about one third of that.

4 MR. HINES: And that's for cooling
5 water. There is also potable water
6 that's also going to be used.

7 MR. REMILLARD: Yes.

8 BOARD MEMBER PARSONS: I made some
9 comments the last time. I don't know if
10 you want me to reiterate them.

11 MR. BAVOSO: I think you should.

12 BOARD MEMBER PARSONS: I was
13 concerned about the fact that you might
14 use oil or diesel for a period of time.
15 I think there should be studies done as
16 to what would go into the atmosphere if
17 you're using that rather than natural
18 gas.

19 CHAIRWOMAN YATES: I am pretty sure
20 that's identified in the scoping
21 document.

22 BOARD MEMBER PARSONS: I didn't see
23 it, although I looked through it. I
24 believe that under the permit, you should
25 have the City of Middletown for the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

agreement for gray water.

CHAIRWOMAN YATES: Do you have a page number?

BOARD MEMBER PARSONS: 3-2 I think it is where they have the permits -- I mean it's important that you try to get that gray water. I think I also agree with Councilman Cole, and Mr. Regan that if possible I think the lines that go out from there should go underground, if at all possible. I was questioning, when you were saying you're going to hook into the gas line that might come down for Orange and Rockland, where is that going to go, do you know at this point?

MR. REMILLARD: We don't know yet. It is what they call the Lower Road Project. I believe it's south of where we are.

BOARD MEMBER PARSONS: That's a long way south from where you are. That's coming along --

CHAIRWOMAN YATES: Well, the Millennium Pipeline is 7 miles and Lower

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Road is not 7 miles.

BOARD MEMBER PARSONS: Anyway, I just wondered where that was coming in from.

Let me see; there was the groundwater issue too.

CHAIRWOMAN YATES: The groundwater issue as far as use of groundwater?

BOARD MEMBER PARSONS: Yes, whether they can take the water or not. I think we're all concerned that we don't want you taking from our aquifers. It's a big issue in this town. And while the gray water is available in Middletown, and gray water, let's face it, is just getting poured into the Wallkill, it seems to be the obvious answer for you.

Then we've got to the historic resources. It's page 4-7. You're talking about a two mile radius from the project site. I think we had a larger one than that when we did Calpine. I thought it was a five mile radius. I may be wrong. I think it could go up a

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

little. Am I right?

MR. STANISLAUS: It varied based upon the kind of impact. Air quality was five.

BOARD MEMBER PARSONS: I think it should be a five mile impact. And then with the visual resources, you don't actually, I don't believe, state how far you're going to go with it. I think that's another thing that should be put in there.

And I did ask for all the abbreviations to be listed on the front page so that we don't have to keep looking them up and we can check back and forth.

CHAIRWOMAN YATES: Visual also says two mile by the way on --

BOARD MEMBER PARSONS: Does it? Then we need more than two miles.

CHAIRWOMAN YATES: I had questioned that also.

BOARD MEMBER PARSONS: I think that's important.

1
2 MR. HINES: They are referencing the
3 DEC guidelines, and there is a five mile
4 requirement with the DEC guidelines that
5 they are referencing.

6 BOARD MEMBER PARSONS: Then I think
7 the only other thing that I had was
8 basically, I didn't see anything, and
9 maybe I missed it, you should discuss
10 decommissioning, in case of problems down
11 the road, or, you know, even right now I
12 think everybody is leaning towards --
13 I know this is clean and green technology
14 but they are even going further towards
15 wind and solar, and if this needs to
16 be -- if at some time you need to walk
17 away from it, the Town needs to be
18 covered that they can -- that the
19 decommissioning is something to set up,
20 and you should address that I believe in
21 the scope. Okay.

22 CHAIRWOMAN YATES: Okay.

23 BOARD MEMBER PARSONS: I'm done.

24 CHAIRWOMAN YATES: All right.

25 BOARD MEMBER MARKIEWICZ: I had

1
2 questions about security at this
3 facility. You have that huge tank of
4 oil. I would like to know about the
5 security there, with terrorism and that
6 sort of thing.

7 BOARD MEMBER SIEGEL: That was a
8 million gallons that was there, wasn't
9 it?

10 BOARD MEMBER MARKIEWICZ: It was a
11 bit less.

12 BOARD MEMBER PARSONS: Nine hundred
13 thousand gallons, give or take.

14 BOARD MEMBER SIEGEL: Very close to a
15 million.

16 CHAIRWOMAN YATES: Anything else?

17 BOARD MEMBER MARKIEWICZ: I think
18 it's been pretty well covered.

19 CHAIRWOMAN YATES: Okay.

20 We'll ask at this time if anybody
21 from the audience has any other comments?
22 Okay. I had a couple also. I would ask
23 that in the areas of cultural resources,
24 archeologic and historic resources, that
25 in addition to OPRHP that we also

1
2 identify the town historian as one of the
3 agencies to be contacted, specifically,
4 and also, "TRC Project Team archeologists
5 will provide temporary storage for
6 artifacts until a permanent curatorial
7 facility is identified." I believe we'd
8 all like to see those objects ultimately
9 at the Town Historical Museum, if that's
10 possible. I don't know if there is
11 anybody who would feel any different
12 about that?

13 BOARD MEMBER LONG: That sounds like
14 a good idea.

15 CHAIRWOMAN YATES: I know there was
16 a statement about the site plan maps be
17 provided in the DEIS, and I'm not sure
18 what page it was on now. Okay. Page 4-1
19 4(b), "Site plan drawings...generating
20 equipment access...substation...staging
21 and storage, parking, operations,
22 lighting, fences, gates," and I would add
23 landscaping as well to that.

24 Under socioeconomic estimates of the
25 actual on-site employment, secondary

1
2 employment et cetera, I would like to see
3 a discussion of the possibility for
4 hiring local workers as opposed to out of
5 state or out of area workers.

6 In the environmental justice section
7 they are talking about the census tracts,
8 income, that type of thing, and I am
9 concerned there about the
10 Reekin(phonetic) development, because it
11 isn't inhabited yet, but will be shortly,
12 whether there can be projected data
13 developed under the environmental justice
14 section that incorporates the residents
15 of that development, which is an
16 affordable housing project.

17 CHAIRWOMAN YATES: Under the section
18 on noise impacts, we're discussing some
19 numbers, "evaluating noise impacts for
20 the project" -- this is on 4-17 --
21 "increase in the late night Leq noise
22 levels of 6 decibels or more will be
23 considered a significant impact."

24 I would like the EIS to relate the
25 decibel level to something that the

1
2 general public can understand. The noise
3 of a truck or the noise of a locomotive
4 or something, so that it's something that
5 people can understand when they read it
6 rather than just decibel numbers.

7 BOARD MEMBER LONG: And ambient
8 numbers too probably, right?

9 CHAIRWOMAN YATES: Any of those
10 numbers. In fact anything that appears
11 in there I would like it to be understood
12 as well as possible, but certainly noise
13 is one of the larger impacts that people
14 have mentioned tonight already. I would
15 like people to know exactly what those
16 noise levels mean. Certainly to me that
17 6 decibels means nothing. I have no idea
18 what that means.

19 CHAIRWOMAN YATES: Okay. I think,
20 you know, the applicant is aware that we
21 did go through several comments from
22 Green Plan at the last work session, and
23 I believe Mathy has comments to go
24 through tonight.

25 I guess before you start I'll try

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

one more time, does anybody have any comments at this time from the audience?

Okay.

BOARD MEMBER LONG: Just a quick question. You talked about a spill prevention and control plan. I didn't see anything about fire control, a fire prevention and control plan as well.

MR. REMILLARD: Okay.

BOARD MEMBER MARKIEWICZ: I did have one more comment. Under noise, on page 4-18; project noise level during operations. It said, "This will be obtained from equipment vendors," or something else. I would think that equipment vendors might not be the best ones to do this. Might they not minimize noise? Would it not be better to use the alternate one found in Edison Electric Institute's Electric Power Plant Environmental Noise Guide? I don't know. That's just a question.

CHAIRWOMAN YATES: I don't know either. Which -- I don't have a list of

1
2 which consultants are evaluating noise.

3 MR. HARKUS: Glen Harkus, TRC
4 Environmental. We're the environmental
5 consultants supporting CPV. We actually
6 obtained noise rating information from
7 the various equipment manufacturers that
8 CPV will utilize, and these noise levels
9 are guaranteed by the manufacturer. In
10 other words they will have to meet them.
11 We do however do a correlation against
12 other public information. We have to
13 make sure that it looks reasonable. So
14 we can do that check that you referenced.

15 CHAIRWOMAN YATES: So that would be
16 spelled out in the EIS as well.

17 MR. HARKUS: Yes.

18 CHAIRWOMAN YATES: Okay.

19 MR. HINES: They have other sites
20 they can compare it to also; get real
21 data from other sites.

22 MR. REMILLARD: Yes.

23 BOARD MEMBER PARSONS: Of course the
24 Town does have a noise ordinance that
25 they have to comply with.

1
2 CHAIRWOMAN YATES: They did identify
3 that in the scoping document.

4 BOARD MEMBER PARSONS: Yes, I know,
5 but we do have a noise level standard in
6 the Town that they have to comply with.

7 CHAIRWOMAN YATES: Okay.

8 MR. REMILLARD: We're doing that
9 analysis against the Town Noise Bylaw.

10 CHAIRWOMAN YATES: Is there anybody
11 else in the audience at this time?

12 Board member?

13 Mathy, do you want to go ahead with
14 your comments?

15 MR. STANISLAUS: Steve is going to
16 lead off.

17 MR. FLEISCHACKER: Our comments, a
18 lot of our comments tonight will be on
19 the air quality section, but there were a
20 couple of finer points that we'd like to
21 just talk about as we read through the
22 draft scope, and also we're trying not to
23 repeat what others have said at the
24 previous meeting, and your previous
25 readings of the document.

1
2 So what we're going to do is, we did
3 prepare a letter of preliminary comments
4 for your use, and of course we're
5 available to answer any questions on
6 that. Tonight we're not going to go
7 through every line and every detail.
8 We're just going to touch on some of the
9 broader points, just for discussion
10 purposes tonight.

11 MR. STANISLAUS: We will be
12 submitting a formal written scope comment
13 by the deadline.

14 MR. FLEISCHACKER: So all of our
15 comments of course are suggestions to the
16 Planning Board for their consideration,
17 to request of the applicant. One of the
18 items that we had noticed when we read
19 through the introduction section, had to
20 do with the source of process water, and
21 what we would suggest, for clarity
22 purposes, is that there has been
23 discussion about using the gray water,
24 there's been discussion about possibly
25 using groundwater supply. I'm not

1
2 actually certain if there is any other
3 potential sources, but the point we're
4 trying to make is, in the scoping
5 document, if references to the processed
6 water supply, or the potential processed
7 water supplies, if all three would be
8 listed together as either "or", or an
9 "and/or", so in other words "gray water
10 comma groundwater supply and/or other
11 potential sources," to be consistent
12 throughout the document, so that
13 everybody knows exactly what you guys are
14 looking at.

15 Also in terms of a bit of
16 clarification from all of the discussion
17 and some of the language used in the
18 scoping document, is the definition of
19 project, and the definition of project
20 site. Obviously the project site that we
21 are all referring to is what we see on
22 the board, and what we saw on the slides
23 before. However, there has been
24 discussion about the routings of the
25 natural gas supply, and the interconnects

1
2 to the power lines. What we're
3 suggesting, and I will say that there are
4 parts of this scoping document that say,
5 we are going to characterize, describe,
6 those routings. It also in one instance
7 talks about evaluating the impacts of one
8 of the routes. So what we're suggesting
9 is that, for consistency's sake, and
10 clarity for the public, is that the
11 project is really the property we see on
12 the drawings, and it also is the routings
13 where these connections are going to be,
14 and any alternative routings that you're
15 considering. Because we understand there
16 is still a bit of flux. There is still
17 evaluation. You're still evaluating
18 alternatives. So it seems that the
19 alternatives that you're considering for
20 the different routings should also be
21 part of a description of the project.

22 Everyone recognizes that you're
23 looking at different alternatives, but I
24 think for consistency's sake we need to
25 really recognize what the project is, and

1
2 what the project site is. As we heard
3 from the public tonight, there is already
4 express concern about one of the
5 routings. So for definition purposes and
6 consistency we're asking the Board to
7 consider making that request of the
8 applicant.

9 And to that end, again talking about
10 the alternatives, in the description of
11 the proposed action there is discussion
12 about the likely use of available area
13 within the DOT right of way for that
14 connection to the power lines. It says
15 "likely". And I think that's really,
16 when we read "likely" we recognized you
17 may be considering other alternatives and
18 that's another reason why we're saying,
19 let's identify all the alternatives we
20 know at this point and include them as
21 what we call the project.

22 In another part of a section of the
23 draft scope it talks about the "waste
24 water discharges will be described".
25 What we're suggesting there is that, and

1
2 again this may be in another section of
3 the scoping document, but to be
4 consistent, when we're talking about
5 waste water discharges, we recommend that
6 we talk about waste water discharges and
7 any associated waste disposal with those
8 waste water treatment processes that may
9 occur. That all gets described together,
10 that those get lumped together as
11 description of waste water discharges.

12 A lot of the up-front points in our
13 letter that you'll see are just finer
14 points just to help the process along.

15 Another big area, we talk about a
16 qualitative assessment of the
17 compatibility of the processed routings.
18 We talk about a qualitative assessment of
19 environmental impacts, and we're going to
20 suggest a consideration of not just
21 qualitative but also quantitative as
22 well. When we get into more of the
23 detail we can talk about what we mean by
24 quantitative assessment, in addition to
25 qualitative, and how we would suggest

1
2 doing it, if you in fact don't have
3 any -- if you don't have any ideas how
4 you would consider that. But again the
5 point here is in addition to qualitative,
6 looking at a quantitative as well.

7 That moves us into the definition of
8 primary study area, and the radius and
9 Mathy is going to pick up at that
10 point.

11 MR. STANISLAUS: Yes, the primary
12 study area proposed in the scope is one
13 mile, and we believe for land use that
14 may be too restrictive, and so we want to
15 go back and evaluate it, and provide a
16 specific recommendation, but we are
17 possibly looking at five miles, you know,
18 given the magnitude of this project, to
19 broaden the study area beyond the one
20 mile proposal.

21 I want to go back to groundwater
22 supply. We would be providing some
23 recommendations in terms of groundwater
24 impact. I would suggest that if you can
25 provide us some recommendation of the

1
2 methodology of measuring, of conducting,
3 analyzing and measuring of those impacts,
4 of groundwater impacts, so we can respond
5 to that before we provide our comments,
6 and get that in the next week or so.

7 I'm going to jump into air quality.
8 The first big area is PM 2.5. The Town
9 of Wawayanda is in an area of
10 non-attainment for PM 2.5 24 hour
11 standard. The scope references a DEC PM
12 2.5 policy. That policy is out of date
13 with respect to the 24 hour PM 2.5
14 standard, and so we're recommending that
15 the threshold be reduced from five
16 micrograms per meter cubed to two
17 micrograms per meter cubed. This
18 threshold has been developed by DEC and
19 has been used by EIS's in other parts of
20 the state, so you could modify to use
21 that threshold to measure the
22 significance of impacts, and we are also
23 recommending a few other kinds of
24 analysis relating to PM 2.5 consistent
25 with the change of the PM 2.5 24 hour

1
2 standard from 65 to 35 micrograms per
3 meter cubed.

4 Hazards, air pollutants, the scope
5 identifies that if the project is
6 determined to be a major source, it will
7 do an analysis of various technologies.
8 We're recommending that there be some
9 kind of an analysis, even if it is not a
10 major source, in terms of the viability
11 of design operational alternatives to
12 reduce emissions, and in that analysis to
13 include technical feasibility and cost,
14 and relationship to the hazardous air
15 pollutants removed.

16 To the extent that a cumulative
17 source impact is required, based on
18 significant impact levels being -- that
19 threshold being met, we're suggesting
20 that significant source within five miles
21 of the project, be included in that
22 cumulative source impact analysis, and
23 that include -- and there is a Revere,
24 Balchem, O&R, Reynolds, Genpak, metal
25 yards, landfills, quarries, and LV Farm,

1
2 and we may have a more finalized list
3 when we submit our specific comments.

4 In terms of duct burning, we're
5 recommending that a separate analysis be
6 done of duct burning to compare the PM
7 and VOCs and without duct burning, and
8 making comparison of the rate of PM and
9 VOCs with and without duct burners.

10 Separately to conduct an air quality
11 analysis during the construction period
12 of all pollutants. Separately, in terms
13 of fugitive dust emissions from the
14 construction, to do analysis of that, and
15 particularly following the Department of
16 Transportation's recommendations, look at
17 various techniques to control fugitive
18 dust during the construction period.

19 And we're going to cite to a number
20 of specific regulatory requirements, and
21 again these are comparable to Article Ten
22 power plant projects in terms of being
23 specific about the NAAQS Budget Rule, the
24 Acid Deposition Control Act, PSD
25 Regulations on the impact on vegetation,

1
2 and I guess you'll see that when we send
3 that to you.

4 The New York air toxins (sic)
5 program is specifically described and how
6 you will apply that in terms of analyzing
7 the various impacts. And the last air
8 quality comment is ensure that
9 non-combustion sources are included in
10 your analysis.

11 In terms of noise, we want to ensure
12 that the sensitive receptors identified
13 to date, and to date we have identified
14 two residents to the north on Route 6,
15 the New Work Force Housing construction
16 south east of the cemetery, and the
17 business center to be identified and
18 mapped as sensitive receptors and be
19 included in the analysis.

20 In terms of conduct of the noise
21 analyses, we're suggesting three
22 additional requirements and conduct of
23 noise mitigation measures during
24 construction, and the use of various
25 specific kinds of equipment, including

1
2 muffler systems on construction
3 equipment, construction schedules to
4 minimize noise. Separately for areas
5 where estimated construction sound levels
6 are expected to exceed 10 dBa, a
7 mitigation plan be analyzed and included
8 in the EIS, and a comparative noise
9 assessment be done, there was a previous
10 comment, that compares noise impacts from
11 construction and operation with the
12 comparable local kinds of noise impacts.

13 So that's our initial comments and
14 we'll provide a final scoping comment by
15 the date. Thank you.

16 CHAIRWOMAN YATES: Okay, at this
17 time are there other comments from
18 members of the audience.

19 Yes.

20 MS. NEILLY: My name is Judith
21 Neilly. I'm with the firm of Donahue,
22 Thomas, Auslander and Drohan, and we
23 represent the Enlarged City School
24 District of Middletown. Our client has
25 asked us to come this evening to obtain

1
2 some information, more information about
3 the project, as well as your secretary
4 was very kind to forward to us a copy of
5 tonight's draft scoping document. I just
6 would like to let you know that the
7 District will be providing comments
8 within the comment period that you've
9 identified this evening. But
10 preliminarily we would like some
11 consideration -- it is heartening to hear
12 that you're expanding the scope of the
13 review beyond the one and two mile
14 parameters that were identified in the
15 scoping document. We'd also like some
16 consideration that the impacts on the
17 sensitive receptor of the Truman Moon
18 school, especially the impact as to air
19 quality, and the potential of noise
20 impacts on the project, from the project
21 onto the school, considering the
22 population is school age children.

23 We also noted in the scoping
24 document that there was not, at least in
25 my preliminary review, I did not see an

1
2 emergency response plan that addressed
3 any potential for a mass casualty
4 incident. Even a minor or a catastrophic
5 incident that might occur at that
6 facility. And what would be the response
7 and the resources that might be impacted
8 to provide assistance.

9 Also we would recommend that in that
10 emergency response there be consideration
11 for a hazardous materials event that
12 might occur or any other environmental
13 event that might occur as a result.

14 Thank you for your time.

15 CHAIRWOMAN YATES: Okay. Are there
16 any other comments? Board members,
17 anything else at this time? Consultants?

18 Ted, anything?

19 MR. FINK: We're still working
20 through comments. I believe you talked
21 with Mary Anne about some of our
22 preliminary comments. We'll have some on
23 visual impacts, water quality, wetlands,
24 stormwater, that sort of thing. Fiscal
25 impacts, and we'll certainly be providing

1
2 those well in advance of the end of the
3 comment period so this board can consider
4 them.

5 CHAIRWOMAN YATES: All right.

6 MR. HINES: We also have preliminary
7 comments that we will be putting
8 together, and after the close of the
9 written comment period I envision all the
10 consultants will get together, and put
11 together a final scope for the board's
12 use. One of the items I wanted to talk
13 to the board about tonight was the
14 traffic issues for the Panatoni project,
15 that you required an addition to the
16 intersections that are identified in the
17 draft scope, the Route 284 and Route 6
18 intersection in Slate Hill, you requested
19 that that be evaluated. That's not
20 currently included in there. So if you
21 wanted to add that, we would request they
22 add that.

23 A lot of our other comments have
24 been discussed. There is a lack of --
25 right now the stormwater pollution

1
2 prevention plan is not identified as a
3 technical appendix and that will need to
4 be required in there. We're looking to
5 identify the time of year for any
6 wildlife surveys that are identified.
7 Some of the wildlife in that area may be
8 time sensitive. So we need to make sure
9 that you have some surveys throughout the
10 year.

11 There is a reference in the initial
12 scope that the stream on the site is an
13 intermittent stream. It is actually a
14 DEC regulated Class B. stream, not an
15 intermittent stream. We're looking,
16 similar to the other consultants, for the
17 project routing impacts, such as the gray
18 water line routing, any pump stations, or
19 other appearances required for that, be
20 incorporated in there.

21 We are looking for some additional
22 information on the treatment processes
23 for that gray water, and what level of
24 treatment prior to using that gray water
25 and what level of treatment prior to

1
2 discharging. Including in the traffic
3 analysis construction phase traffic. I
4 think some of the traffic issues are
5 going to be more construction related
6 rather than post construction. There is
7 an identification of almost four hundred
8 construction workers to be at the site at
9 the high point of construction. And also
10 construction related impacts with the
11 off-site utilities.

12 We have a similar comment on the
13 visual assessment. We believe that the
14 one mile primary and two mile secondary
15 limit may be small in relation to the
16 size of some of the structures on the
17 site, and concur that that should be
18 expanded and we'll work with the other
19 consultants in coming up with where that
20 should be.

21 The driveway alternatives, currently
22 the Panatoni site across the street has a
23 requirement for monitoring traffic after
24 their construction. There may be the
25 need for a traffic signal to be installed

1
2 there, and we want to make sure that the
3 driveway alternative, making a four-way
4 intersection, is evaluated in there.
5 Currently it's not planned to be a
6 four-way intersection. The driveway for
7 this site is going to be further to the
8 north west I guess it is, of the Panatoni
9 site.

10 We want an evaluation of blasting
11 impacts, if blasting is anticipated. If
12 it is not anticipated we would like test
13 borings showing that it wouldn't be
14 required. Any of the impacts associated
15 with blasting, air blast, seismic
16 vibrations, et cetera, and I know Mathy's
17 group is going to be looking at the
18 seismology of the site and will include
19 the blasting impacts in there.

20 A well testing protocol, should the
21 water supply be utilized on-site, the
22 aquifer, either for potable water or the
23 cooling water.

24 The protocol for pump testing. The
25 stormwater management or stormwater

1
2 pollution prevention plan included as an
3 appendix, and we will have some comments
4 on what we want to incorporate into that.

5 And that's the extent of our
6 preliminary comments. We'll be getting
7 technical comments in to you.

8 CHAIRWOMAN YATES: Okay.

9 MR. STANISLAUS: Can I just identify
10 one thing. In terms of planned and
11 improved land use and projects, I would
12 like for that to be specifically
13 identified in the scope, you know, so if
14 I would ask the Town Planning Board to
15 identify those that they are aware of, so
16 those can be specifically identified in
17 the scope itself for consideration.

18 MR. HINES: For background
19 traffic.

20 MR. STANISLAUS: Exactly.

21 CHAIRWOMAN YATES: Any other
22 comments?

23 BOARD MEMBER PARSONS: Can I ask
24 what they are actually doing on the site
25 right now?

1
2 CHAIRWOMAN YATES: It looks like they
3 are doing a well.

4 BOARD MEMBER PARSONS: Jim, what are
5 they actually doing on the site right
6 now?

7 MR. ULRICH: (James Ulrich, from the
8 audience) They are doing some
9 geotechnical test bores, that's all.
10 Just installing some monitoring wells for
11 base line water quality analysis.

12 CHAIRWOMAN YATES: Okay. I did want
13 to just repeat that we will be accepting
14 written comments until the close of
15 business on September 10th, from anyone
16 who has any other additional areas of
17 concern.

18 MR. HINES: The Board has received
19 some comments from some of the outside
20 agencies also. I know there is a letter
21 from the Thruway Authority, The
22 Department of Ag and Markets, Orange
23 County Planning, and the DEC. I don't
24 know if there is any more. Those are the
25 four we received to date.

1
2 CHAIRWOMAN YATES: Yes, I think we do
3 anticipate receiving more. I know the
4 gentleman from the DEC said we will be
5 receiving more comments from them.

6 Any other comments or issues at this
7 time from anybody at all?

8 MR. COLE: David Cole, Town Board
9 member. Just in relation to copies of
10 materials that come in from the other
11 agencies, and so forth, could a copy be
12 cc'd to the Supervisor's office.

13 They are not on the list and so
14 forth.

15 CHAIRWOMAN YATES: I believe they
16 are on all the lists now.

17 MR. COLE: Thank you.

18 CHAIRWOMAN YATES: Okay, anything
19 else? Anybody?

20 Does somebody want to make a motion
21 then to close the public scoping session
22 and begin or extend the period for
23 receipt of written comments from now
24 until September 10th?

25 BOARD MEMBER LONG: I will make the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

motion.

BOARD MEMBER NEIGER: I'll second

it.

CHAIRWOMAN YATES: Any discussion?

All in favor?

Opposed?

(Motion carried unanimously)

(Public scoping session closed.)

CERTIFIED BY ME TO BE A true and
accurate transcript of the within
proceedings



Neil Bostock

Official Reporter