

NYSDEC

AUG 19 2019

ORIGINAL

Division of
Environmental Permits

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NEW YORK YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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In the Matter of the Applications
of CPV Valley, LLC,

Application Number:
DEC #3-3356-00136-00010 - Air Title V Permit

Application Number:
DEC #3-3356-00136/00009 - Title IV Acid Rain
Permit

-----X

DATED: July 17, 2019
Middletown, New York
2:05 p.m. - 3:32 p.m.
7:10 p.m. - 10:10 p.m.

Claudia Miller, Reporter

MINUTES
OF
LEGISLATIVE HEARING

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APPEARANCES:

DEC Office of Hearings and Mediation Services
625 Broadway, First Floor
Albany, New York 12233-1550
BY: HONORABLE MOLLY McBRIDE, ALJ

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1 PROCEEDINGS

2 BY THE HEARING OFFICER: Good

3 afternoon, everyone. My name is Molly
4 McBride, and I'm the Administrative Law Judge
5 with the New York Department of Environmental
6 Conservation. I will be presiding over this
7 afternoon's legislative comment hearing, as
8 well as the session that we have scheduled
9 for 7:00 p.m. tonight.

10 The purpose of this public comment
11 hearing is to receive comments from the
12 public regarding the applications of CPV
13 Valley, LLC.

14 The New York State Department of
15 Environmental Conservation has prepared a
16 Draft Title 5 Air Facility Permit and a Draft
17 Title 4 Acid Rain Permit for the operation of
18 CPV Valley Energy Center located at 3330
19 Route 6 in Middletown, New York. A combined
20 Notice of Legislative Public Hearing and
21 extension of the comment period for this
22 afternoon's proceedings was published on June
23 12th, 2019 in the DEC Environmental Notice
24 Bulletin.

25 The purpose of this hearing is to

1 PROCEEDINGS

2 provide an opportunity for the public to
3 comment on the applications and the draft
4 permits. Today is not a question and answer
5 session. The Department is accepting written
6 comments, and all comments, until July 29th,
7 2019, therefore, all comments must be
8 received by the DEC by 5:00 p.m. on July
9 29th, 2019 to be considered.

10 If you wish to submit a comment here
11 today while you're here, we have forms
12 available at the DEC's information table that
13 you saw as you came in here today. You may
14 submit your comments by mail, by e-mail or
15 you may submit them here today in writing.
16 You may also make a comment on the record.
17 Anyone who does wish to make a comment on the
18 record, I would ask that you please fill out
19 a speaker card for us. We will call all
20 speakers in the order that they filled out
21 their speaker card here today, and if have
22 not filled out a speaker card, I will not be
23 calling you to make a comment on the record.
24 Due to the number of people who wish to
25 speak, I'm going to ask that each speaker

1 PROCEEDINGS

2 keep their comments to three minutes. You
3 may submit lengthy comments in writing after
4 today, but for purposes of everyone who's
5 here today, to allow everyone to get their
6 comments on the record, I am going to ask
7 that everyone limit their comments to three
8 minutes, and then we will have another
9 session here this evening and you are welcome
10 to come to that as well. I'll call your name
11 when it is your turn to speak. I apologize
12 if I mispronounce your name. Please correct
13 me when you come up to the microphone. After
14 I call your name, I would ask that you please
15 state your full name for the record, and if
16 you are representing a group, I request that
17 you identify the group that you are
18 representing.

19 This hearing is only for purposes of
20 public comment and not a question and answer
21 session. I would ask that you please make
22 your statements slowly, speak loudly and
23 clearly, as we have a court reporter here
24 today making a record of your comments. If
25 we cannot hear you, then there is a risk that

1 PROCEEDINGS

2 your statement will not be recorded
3 accurately. I request that everyone remain
4 silent when the speaker is talking and that
5 all speakers be given the same courtesy and
6 respect that you would want for yourself when
7 speaking. I realize that this is a very
8 important and emotional issue for everyone
9 who is here, but I will ask you to please be
10 respectful of all speakers. As I indicated,
11 if you do not wish to make an oral statement
12 here today, you may submit a written comment,
13 and we have forms available, again, at the
14 DEC sign-in table.

15 We're now going to begin with your
16 comments, and our first speaker is Carlos
17 Valle.

18 BY MR. VALLE: Good afternoon. My name
19 is Carlos Valle. I am Senator James
20 Skoufis's Chief of Staff, and I'm here to
21 read a letter written by the Senator on July
22 12th to Mr. Christopher Hogan of the New York
23 State DEC Division of Environmental Permits.

24 Dear Mr. Hogan, I write to you
25 regarding the Title V permit for the CPV

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2 Valley Energy Center, the 630-megawatts power
3 plant located in Orange County. Given the
4 serious circumstances surrounding the CPV,
5 approving the current permit application for
6 the plant would be completely inappropriate.

7 Since the initial indictment of CPV
8 executive Peter Gailbraith Kelly and Joseph
9 Percoco by the US Attorney's Office, I
10 requested answers to a number of issues
11 raised in the criminal complaint from the
12 Department of Environmental Conservation and
13 in a letter dated May 3rd, 2017.

14 Despite numerous attempts to follow up,
15 including a hearing with the DEC commissioner
16 in January of this year, I continue to be
17 stonewalled. As Chairman of the Senate's
18 Investigation Committee, I am particularly
19 alarmed by the criminal complaint's assertion
20 that a DEC official welcomed undue external
21 influence involving matters of public health
22 and safety.

23 It has become glaringly apparent to the
24 Hudson Valley Region that the Title V permit
25 should be rejected and, furthermore, all

1 PROCEEDINGS

2 state permits withdrawn. My constituents
3 expect the DEC's permitting process to be
4 driven exclusively by science and
5 environmental expertise, not by political
6 connections. Additionally, they expected
7 transparency and answers, not the
8 stonewalling they and I have received over
9 the years.

10 I thank you for your consideration, as
11 well as your service to our state, and look
12 forward to seeing the necessary steps taken
13 regarding the CPV plant, including the
14 rejection of the pending Title V permit.
15 Sincerely, James Skoufis, State Senator, 39th
16 District.

17 BY THE HEARING OFFICER: If anyone is
18 reading from a written statement, I would ask
19 that you provide a copy to the court
20 reporter, if you can. That will help her
21 with the transcript. Thank you.

22 Our next speaker is Jen Metzger.

23 BY MS. METZGER: Good morning. My name
24 is Jen Metzger, and I'm the State Senator
25 representing this district. I thank you for

1 PROCEEDINGS

2 the opportunity to speak.

3 The New York State Department of
4 Environmental Conservation should reject the
5 Title V permit application for the CPV Valley
6 Energy Center. CPV officials violated the
7 public trust during the permitting process by
8 seeking to illegally influence at least one
9 public official, and we have no reason to
10 believe that the company would operate in the
11 best interests of the public.

12 Given the complaints from nearby
13 residents who believe their health has been
14 compromised by the plant's operation, and
15 given that New York State has committed to
16 reducing carbon emissions from electricity
17 generation to zero, the only reasonable
18 course of action is to deny the permit
19 application.

20 I submit today, as part of the formal
21 hearing record, the results of a Health
22 Impacts Survey that my office undertook
23 earlier this year in response to complaints
24 from nearby residents who believe their
25 health has been compromised by this power

PROCEEDINGS

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2 plant in Wawayanda.

3 We received nearly 80 responses over a
4 20-day period that suggest a disturbing
5 pattern. Over half of the survey respondents
6 live in neighboring Middletown and over a
7 quarter live within six miles of the plant.
8 All but two of these residents reported that
9 they were experiencing adverse health impacts
10 associated with the power plant. 59% percent
11 of respondents reported headaches; over 40%
12 reported coughing, itching and burning of the
13 eyes. 30% percent of respondents reported
14 fatigue, anxiety, and other symptoms. 35% of
15 respondents reported that their health issues
16 were constant, and 55% reported that their
17 health symptoms were intermittent.

18 In addition to the highly concerning
19 pattern of health impacts, the Department
20 must consider all the urgency of a climate in
21 crisis. Last month, the Legislature passed
22 the Climate Leadership and Community
23 Protection Act, which sets in statute an
24 ambitious target of generating 70% of New
25 York's electricity from renewable sources by

1 PROCEEDINGS

2 2030, with the goal of completely carbon-free
3 electricity system by 2040. These are the
4 most aggressive targets in the country, and
5 will require decommissioning of all gas-fired
6 power plants in New York in the next 21
7 years. Within this contexts, it makes no
8 sense to grant new permit for 680-megawatt
9 fracked gas-powered power plant with an
10 anticipated lifespan much longer than 21
11 years. Denial of the Title V permit will
12 signal the state's serious commitment to
13 reducing greenhouse gas emissions and the
14 severity of climate change.

15 Finally, and importantly, the project's
16 approval process has been tainted by
17 corruption that undermines public confidence
18 in approvals to date. DEC has broad
19 authority under N.Y. Eenvtl.Conserv.Law
20 Section 70-0113 in and DEE-16 policy guidance
21 to reject a permit if the suitability of the
22 permittee is in question.

23 I ask that the Commissioner reject the
24 applicant's Title V permit application on the
25 basis of reported health impacts on nearby

1 PROCEEDINGS

2 residents, the urgency of transitioning to a
3 clean energy system, and the questionable
4 suitability of the applicant. Denying this
5 permit would do much to restore the faith of
6 constituents I represent, and would signal
7 New York's serious and unwavering to fossil
8 fuel-free future. Thank you.

9 BY THE HEARING OFFICER: Thank you.

10 Michael Edelstein?

11 BY MR. EDELSTEIN: ALJ McBride, it's a
12 pleasure to be here today.

13 I am now president emeritus of Orange
14 Environment, Incorporated which, for the past
15 37 years, has been addressing many of the
16 major issues that have come before us and,
17 including, the CPV application during the
18 construction phase when it was originally
19 approved.

20 I, in my brief statements, will touch
21 on a number of points which will be picked up
22 later in the formal statement that Orange
23 Environment will submit by the deadline, but
24 the key issue here is that there are
25 significant issues of adverse impacts that

1 PROCEEDINGS

2 have not been addressed previously and which
3 other -- for denial of the permit, and if the
4 permit were issued, it would certainly
5 require significant mitigation in the way
6 that the permit was written in order to
7 justify the plant staying open.

8 Among these issues are -- are
9 historical issues in terms of the way that
10 the Department steps away from the original
11 application process, and the fact that many
12 issues were never addressed that were raised
13 during that process. Those include virtually
14 every issue that will be discussed today; the
15 cumulative impacts of this facility, the
16 segmentation of the gas pipeline that was
17 required, to the fact that, of course, we now
18 know that there was involvement of state
19 figures in permitting the plant that were --
20 that was not legal.

21 The fact that the plant is built
22 creates, on one hand, a pressure to approve
23 the permit, but I think that the history that
24 I've just made very quick reference to
25 suggests that, in fact, that this plant,

1 PROCEEDINGS

2 having been built, in no way obligates the
3 Department, the State or the people of New
4 York to continue with an air permit for this
5 facility.

6 When we look further, we see that there
7 are various further indications. The use of
8 a diesel backup system ended up being tried
9 out at the beginning of the plant's
10 operation, and it basically showed such
11 significant adverse impacts in the community
12 that we know that, in fact, the diesel backup
13 cannot be allowed in the continuing permit
14 before it gets to the issues. We know that
15 the surrounding residents are experiencing
16 severe stress from the noise, to the lights,
17 the traffic, the operation of the facility
18 and the air pollution in all hours of the
19 day. Those issues were never considered.
20 They must be considered in issuing the permit
21 or deciding whether to.

22 We know that air pollution is an
23 ongoing issue with this plant. We know that
24 there are already health impacts that have
25 been documented, as previously referenced,

PROCEEDINGS

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2 and we know that these health issues need to
3 be deeply considered, as they were not
4 previously. We know that the plant is
5 directly adjacent to the City of Middletown,
6 which contains Environmental Justice
7 populations that would be
8 disproportionately impacted. That issue needs to
9 be looked at. We know that the citizens have
10 not had representation and oversight in the
11 process heretofore. That needs to be
12 addressed. We know that there's anhydrous
13 ammonia present on the facility and that the
14 risks associated with that chemical alone
15 need to be carefully considered, because it
16 consists of the
17 worst-case adverse outcome from the facility.

18 And, finally, this has been well
19 addressed. The issue of climate change now
20 needs to be addressed in a serious way, much
21 more than was recognized in the past,
22 although we raised this issue from the
23 beginning. We know that from the most recent
24 reports in October and November of last year
25 by the IPCC, by the National Climate

1 PROCEEDINGS

2 Assessment, by the British Health Journal,
3 the Lancet, that we have been in a situation
4 of escalated climate impacts happening much
5 more rapidly than we've ever anticipated
6 before, and if there were no significant new
7 information that would change the outcome of
8 this, this alone is the basis for denying the
9 permit, because we have much less time than
10 we thought. As early as 2030, we'll have a
11 move toward 1.5 celsius temperature change
12 that will unlock all kinds of adverse impacts
13 that we have not, as yet, seen, even though
14 we are beginning to see very dramatic impacts
15 already.

16 So, to conclude, it's ironic, that we
17 -- when I look back over the things that I
18 wrote and my colleagues wrote on this
19 particular plant in the past, we see that we
20 raised many of those issues in the past.
21 They were not listened to then. There was
22 actually a failed process then. We now look
23 to the Department, to the State, to provide a
24 real process of review, and we believe that
25 these issue will not be ignored this time as,

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2 in fact, they will put the Department in a
3 situation where you will consider denying
4 this permit, and that's the outcome we think
5 should occur. Thank you very much.

6 BY THE HEARING OFFICER: Thank you.
7 Frank Dendantto?

8 BY MR. DENDANTO: Good afternoon. My
9 name is Frank Dendantto. I'm a resident of
10 the Town of Wallkill, a life-long resident of
11 the City of Middletown.

12 I've seen a lot of development
13 happening in the area. I just want to break
14 -- make this very simple and break it down to
15 its raw substance. The basic reality is this
16 plant was illegally built, that there's no
17 reason to believe that the data that was
18 submitted originally for the permits is
19 accurate, and on this basis alone, the
20 permits should not be issued. There's no
21 reason at all to believe that any new data
22 that they could provide would be accurate as
23 well, and given Senator Skoufis's and Senator
24 Metzger's data that they've provided, I would
25 like to reiterate this project should not be

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2 allowed to move forward. Thank you.

3 BY THE HEARING OFFICER: Thank you.
4 Bill Greene?

5 BY MR. GREENE: Good afternoon. My
6 name is Bill Greene. I live in Warwick, and
7 represent Sustainable Warwick, a local
8 environmental group.

9 We have continuously opposed this
10 plant and we are looking to the DEC to speak
11 for the people that they serve. We feel that
12 the -- we're treated like a third-world
13 country by a very large multinational, and
14 you guys are the ones who will defend us from
15 their huge big-bucks way of getting their own
16 way. We need to keep clean air in Orange
17 County, and we need to make sure that we're
18 moving off of fossil fuels. This is the
19 first step in a long and difficult path, and
20 the DEC has an important role in taking up
21 the mantel of preventing climate change.
22 Thank you.

23 BY THE HEARING OFFICER: Thank you.
24 Ann Finneran?

25 BY MS. FINNERAN: Thank you for holding

1 PROCEEDINGS

2 this hearing. This is going to be somewhat
3 impromptu.

4 I think that the DEC must deny the
5 Title V permit and, partly, because of the
6 acid rain factor. The particulate matter
7 will bring acid rain to the community. There
8 are wetlands in the area which will be
9 impacted. The black dirt would be impacted
10 even more than it has been, and that's one of
11 the reasons. The property values in the area
12 are extremely affected by not just the plant,
13 but the compressor stations in Highlands and
14 in Minisink. I am a licensed real estate
15 agent, and I know I will not even present
16 properties in the area without full
17 disclosure of the health impacts. Because of
18 health impacts, the Title V needs to be
19 denied. The Environmental Justice community
20 is very close. I've found -- I heard about
21 -- I noticed that the DEC has basically
22 passed on the environmental in saying there
23 is no Environmental Justice concerns. I want
24 to show you a map. (Indicating) This is the
25 DEC map of possible Environmental Justice

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2 communities in the area. The map ends right
3 here, and I said, okay, that looks like it's
4 pretty close to CPV, so I overlaid CPV
5 Energy's -- all its maps from their website,
6 which is very faded. It's kind of hard to
7 read, but I lined up everything very
8 carefully and you can see how close the CPV
9 plant is to this Environmental community, and
10 if you do the -- I kept the scale from the
11 DEC map, and if you look at it, the closest
12 -- it goes from -- one mile is the closest
13 where this large EJ community is. There's
14 another one over here. There are a total of
15 ten Environmental Justice communities within
16 ten miles, and I believe that the
17 Environmental Justice concerns need to be
18 readdressed in considering the Title V which,
19 again, because of the -- other people have
20 mentioned the political corruption. This
21 will proceed if -- the political corruption
22 at the stop -- at the top does not stop, and
23 this has to be stopped for their reasons, for
24 the health reasons, for the Environmental
25 Justice community reasons, for the property

1 PROCEEDINGS

2 reasons, for the health of the residents, and
3 thank you so much for your consideration.

4 I'm going to give you a copy of my map.

5 BY THE HEARING OFFICER: Thank you.

6 Pramilla Malick?

7 BY MS. MALICK: Thank you. My name is
8 Pramilla Malick. I'm the Chair for Protect
9 Orange County. We're the environmental and
10 public health speakers that have consistently
11 engaged in this project -- process since we
12 first became aware of this ill-conceived
13 project in 2012.

14 First of all, we want to thank you. We
15 asked for hearings in the City of Middletown
16 and you did give us hearings in the City of
17 Middletown, but I do object to it being held
18 in a place where the public is not allowed to
19 hold their signs or hold press conferences.
20 This is improper for a public hearing. I do
21 not believe it's legal, but if it is, it is
22 not a proper place then for a public hearing.

23 We request that all comments submitted
24 since 2008 and every approval application for
25 this process now be addressed in this review,

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2 because for nine years, none of the issues
3 were ever properly addressed by either CPV,
4 DEC, or the Town of Wawayanda before, and we
5 will be submitting technical comments
6 specific to the Title V application on the
7 invalidity of the emissions credits, the lack
8 of proper dispersion modeling, the inadequate
9 facts analysis, the land analysis.

10 However, today, I would like to focus
11 my comments on some procedural policy issues.
12 CPV, a company that operates is now being
13 allowed to operate at 650-megawatt frack gas
14 power plant. It would be one of the largest
15 in the city. It is being trusted to operate
16 a facility that has the potential to
17 irreversibly contaminate a protected
18 agricultural district, hundreds of farms that
19 are a critical part of New York's food shed.
20 They are being entrusted not to cause harm to
21 tens of thousands of our children and over
22 300,000 residents, countless pets and
23 wildlife.

24 Let's review what's the testimony from
25 the trial of Joseph Percoco and Peter

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2 Gailbraith Kelly revealed. When the CPV
3 comes into town with claims of the improper
4 payments to Percoco's wife, CPV's president
5 responded in a written e-mail, quote, let
6 Kelly do his job. There's no ambiguity in
7 his statement. Let the bribery continue,
8 don't interfere with the quid pro quo. It
9 indicates CPV was hardly a victim, but rather
10 CPV, the company and its executives were
11 coconspirators in violating both state and
12 federal laws -- criminally, mind you. Such a
13 company is a bad actor, such a company must
14 not be allowed to conduct any business in the
15 State of New York, least of all, operate a
16 project with enormous environmental impact
17 consequences. Such a company cannot be
18 entrusted to operated a scooter in public,
19 let alone a 650-milliwatt power plant. They
20 have demonstrated their willingness to break
21 the law, they have demonstrated their
22 willingness to rig the system, and this is
23 hardly new for CPV. This is what they've
24 done from day one when they came to town.

25 This project rests on a house of cards

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2 that has collapsed. If the DEC does not
3 invoke the bad actor policy and reject the
4 permit on that basis alone, what are they
5 telling other companies that seek to build
6 similarly dangerous projects? Go ahead,
7 break the law? Pollute our waters? New York
8 State welcomes you, there will be no
9 consequences? There are consequences for
10 this company. Reject the permit now.

11 Furthermore, your public notice
12 identifies the DEIS and the SEQR
13 environmental review. The approval has no
14 integrity. Read the minutes of the then
15 planning board, which we have submitted in
16 past hearings, who was pressured into
17 approving this project despite acknowledging
18 on the record that they did not have the
19 information needed to make a determination,
20 stating on the record that they were
21 pressured by CPV, stating on the record that
22 they should not have approved the DEIS, but
23 did it as a favor to the applicant. CPV
24 promised that they would do a DEIS
25 supplemental review afterwards, which they

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2 never did. You know what they did do
3 afterwards? They made sure that the
4 technical experts, Green Planet, who advised
5 the planning board on the DEIS were fired.

6 Moreover, CPV is ineligible for -- for
7 this permit, because they missed the deadline
8 to submit their application. Their air
9 permit made it clear that they must apply for
10 a Title V permit 180 days before the
11 expiration of the permit. They permitted
12 July 2018, and they did not apply for the
13 Title V permit until November of 2018. They
14 missed the deadline, just like DEC missed the
15 deadline to reject the water permit for the
16 Valley Lateral Pipeline. DEC now missed the
17 deadline for the water permit. DEC was
18 correct to deny the renewal based on the
19 missed deadlines. Now DEC needs to have the
20 courage to defend its decision, that the
21 obligations conclude that this is all a
22 political theater at the expense of the
23 children of Orange County.

24 Now, I just want to make one quick
25 comment about the health impacts. Jen

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2 Metzger did her study and came up with that
3 study documenting 265 separate incidences of
4 adverse health impacts, and I just -- I don't
5 want to reiterate what she said, because our
6 findings are similar, but I want to cite the
7 New York State Law 6NYDECRR211.1, which
8 states air pollution is prohibited. No
9 person shall cause or allow emissions of air
10 contaminants that are -- to the outdoor
11 atmosphere of such quantity, characteristic,
12 or duration which are injurious to human,
13 plant or animal life or property or which
14 unreasonably interfere with the comfortable
15 enjoyment of life or property, which all of
16 which apply to this power plant. At any
17 moment that you can go when it's operating,
18 it is extremely uncomfortable to be around.
19 Orange County Protective Agricultural
20 District must apply a lower threshold to
21 effect impacts. We have 14 Environmental
22 Justice communities who have less access to
23 healthcare. Policy 29 must be applied and
24 you must apply a lower threshold to effect
25 impacts because of that. We have sensitive

1 PROCEEDINGS

2 receptors of the first responders suffering
3 from lung damage from 911. You must apply a
4 lower threshold because of that. We are a
5 critical environmental area with rich
6 cultural resources and diversity. You must
7 apply a lower threshold.

8 And, of course, I'll talk more to you
9 later. Thank you so much.

10 BY THE HEARING OFFICER: Thank you.
11 Terri Busicchia?

12 BY MS. BUSICCHIA: Good afternoon.
13 Thank you for hearing me.

14 I live on Bates Gates Road in New
15 Hampton. I live across the street -- across
16 the road, actually, from the power plant. I
17 have suffered from various problems now. I
18 have suffered from breathing problems, I am
19 on a breathing apparatus, and I've lived in
20 my house for 50 years. Why must I do this?
21 Do I have to move, and if I do, who is going
22 to buy my house when they see that power
23 plant right across the street? I've said
24 this at many, many meetings. I'm just
25 reiterating what everybody else said, can

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2 anything be done, will anything be done?
3 Because I'm going to fight. I'm going to
4 keep coming to meetings and I'm going to keep
5 voicing my opinions. Where it goes, I don't
6 know, but I will try, and to make people -- I
7 have written to Governor Cuomo. I have
8 written to the DA. I have written to the
9 DEC, and I just wrote a letter to the
10 gentleman that's in the paper -- I can't
11 think of his name right now -- and I get one
12 response. Yes, we're doing everything we
13 can. Okay, so what am I supposed to do? Am
14 I supposed to make Orange Regional rich with
15 the cancer -- the cancer wards that they
16 have? I don't want that. My 91-year-old
17 mother doesn't want it either, because she's
18 been coughing ever since she moved into my
19 house. So I've said this before and I'll say
20 again, thank you for your time. Thank you.

21 BY THE HEARING OFFICER: Thank you.

22 Erika Myers?

23 BY MS. MYERS: Good afternoon. My
24 family and I live in the oldest home in the
25 Town of Wawayanda, a 1765 farmhouse on the

PROCEEDINGS

1
2 National Register of Historic Places, and
3 owned by ten consecutive related generations.
4 We will leave this town in this generation,
5 forced out by the location of the CPV power
6 plant. We will seek to find a place way
7 upstate where the air is clean, the water is
8 safe to drink, and it is quiet.

9 We can only hope that the DEC will do
10 what's right for the people who were here
11 first, because as one of the Lenape Indians
12 said to us during a CPV protest during all of
13 these long ten years, he said that you are
14 the Indians now and you are the ones who have
15 to run.

16 So many others before me have detailed
17 all of the environmental issues, the health
18 issues, and the severe negative property
19 value impacts to our locale. It goes without
20 saying that we have been sacrificed for New
21 York City and some faceless, nameless venture
22 capitalists who do not live here themselves.
23 We don't get anything but the negatives with
24 absolutely no positive outcomes for our
25 towns. Even our school tax in the Town of

PROCEEDINGS

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Wawayanda will go up three percent this year. We all know what will happen to our taxes when this monstrosity comes off their pilot program. Please read about the tax horror stories from other communities who have had to suffer a power plant and then the unmanageable steep rise in taxes from their school districts.

Fracked gas is not the answer. How can this be in keeping with state goals to go greener? A state senator said a few months ago, bravery is contagious. We hope you can find it in your hearts to do the right thing for the residents of Wawayanda, thereby influencing others to do the same. Be brave and shut down CPV.

And, finally, I just want to say my sincere thanks to all of you who have done so much work so hard and so tirelessly for ten long years to get the facts out to light about this ill-conceived power plant. Thank you.

BY THE HEARING OFFICER: Thank you.
Madeline Shaw?

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BY MS. SHAW: Good afternoon. Thank you so much for hearing our comments.

The Town of Wawayanda did not get notification of this plant until it was already voted. They sent invitations out to go to the picnics every year, but nobody sent an invitation to come and vote or express their opinions about this plant, and when finally it did pass and we heard about it and we went to the meeting, there was a tremendous uproar, and we were told in the tone and the -- of the planning board chairman, shut up. That's exactly what she said to us.

We're not going to shut up. We're out there, by the way, every Saturday from 11:00 to 12:00. Please gather the troops and let's have a huge showing.

It's a very emotional topic for me. I saved this comment that I had heard from a mom at a health meeting that we had regarding the plant, and I think it says it all, and I choke up every time I hear it in my brain. She said how will I know if it's safe for my

PROCEEDINGS

1
2 child to go out and play, and that says it
3 all.

4 BY THE HEARING OFFICER: Thank you.
5 Mary Finneran?

6 BY MS. FINNERAN: My name is Mary
7 Finneran. I am not prepared at all today,
8 but I would like to add my e-mail address to
9 my card after this if possible.

10 I'm wearing one of my favorite shirts.
11 It's a Hawaiian shirt that's really silly
12 because it has a giraffe on my pocket, and
13 they used to laugh at it because it was just
14 silly, but recently giraffes were put on the
15 Endangered Species list, and I want to say if
16 you think that CPV will not be impacting the
17 giraffes, think again. All of the natural
18 gas, all of the climate -- power gas
19 emissions will be affecting every living
20 creature on earth. The tundra is melting.
21 The methane from the tundra is increasing
22 daily.

23 I'm here to protect the -- the eagles
24 who have their nests so close who can -- will
25 not be able to breathe. We fought so long

PROCEEDINGS

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2 for the eagles to come back. Are we going to
3 be continuing to watch them die again? I
4 don't want to. The first eagle I saw, I was
5 so happy, because I'd been hearing about them
6 and -- the first one I saw in nature. We
7 must protect all living creatures.

8 It is a DEC mandate that the -- the
9 division of mineral resources -- as I said in
10 other recent hearings, is to development
11 mineral resources in New York State. This is
12 not from mineral resources developed in New
13 York State. This comes from mineral
14 resources developed in other states. We must
15 stop allowing any kind of natural gas from
16 coming into New York State, any kind of means
17 of transmission, but the CPV power plant
18 having a Title V air permit possibly accepted
19 is intolerable.

20 We must deny the Title V permit. We
21 must protect all living creatures, all living
22 plant forms. We are in a precipice. We are
23 in a point of no return if we do not stop
24 these power plants now, and the CPV -- and
25 the first step here is to deny the Title I

PROCEEDINGS

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2 power plant to -- to get a Title V air
3 permit. Again, I'm really poorly prepared,
4 but deny their permit and it will be a start.
5 Shut down this power plant before -- before
6 it does anymore damage to people that I know
7 -- who I have come to know very well. Thank
8 you.

9 BY THE HEARING OFFICER: Thank you.

10 Linda Reik?

11 BY MS. REIK: I'm a research biochemist
12 with a Master's of Science degree in human
13 biochemistry. I'm a co-author on 33
14 peer-review publications. That's the basis
15 for my giving you this sign information.

16 The reason for my opposition to CPV's
17 Title V application is that natural gas power
18 plants are not clean. I'm submitting a
19 writing from the Union of Concerned
20 Scientists as a reference for that fact. CPV
21 is emitting nitrogen oxides. Nitrogen oxides
22 pose respiratory problems and react with
23 other substances in the air to produce
24 particulate matter and ozone. They cause an
25 extensive list of other adverse outcomes,

PROCEEDINGS

1
2 including shortness of breath, asthma, heart
3 attacks, and premature death.

4 In 2009 -- that is, 2009 -- the EPA
5 concluded that particulate matter 2.5 microns
6 or less pose a serious health risk. Here we
7 are in 2019, ten years later, with well
8 established harms of particulate matter
9 behind us, and our New York State DEC is
10 considering whether to impose serious health
11 risks on the people of Orange County.

12 I show the EPA reference from 2009.

13 THE HEARING OFFICER: Ma'am, if you
14 could read a little bit slower for our court
15 reporter?

16 BY MS. REIK: The American Lung
17 Association's State of Air Report comes out
18 annually and explains the harms of
19 particulate matter in common language. This
20 is something all DEC employees need to read,
21 pages 28 to 35 in the reference I provide.

22 The American Lung Association notes
23 that children face special risks from air
24 pollution because their lungs are growing and
25 because they are very active, breathing at

PROCEEDINGS

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2 exercise pace. Page 23 of -- 23 to 26 of the
3 DEC's permit review report for CPV shows a
4 table of substances that I'm talking about
5 and tons of them will be emitted by the CPV
6 power plant.

7 If the DEC requested air permits are
8 allowed, it will definitely be an action of
9 environmental injustice, and it will be wrong
10 to do.

11 Regarding nitrogen oxide emission
12 reduction credits, the DEC's bulletin about
13 CPV's application shows that the facility is
14 equipped with state-of-the-art emissions
15 control technology, yet, according to DEC's
16 Non-Attainment New Source Review, CPV must
17 buy nitrogen oxide credit emissions reduction
18 credits from entities outside of the CPV
19 area. Using emission reductions credits is a
20 sneaky way of polluting one set of New York
21 State residents while benefiting a different,
22 far away, chosen set of the New York State
23 residents.

24 It follows that the DEC is knowingly
25 planning to cause physical harm to people and

PROCEEDINGS

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2 other living things in Orange County
3 communities. The fallacy in DEC's action is
4 that although is it legal, is not morally
5 acceptable. Your system is rigged against
6 the people of Wawayanda.

7 Speaking of rigged, we know that Joseph
8 Percoco, the top aide to Governor Cuomo, was
9 convicted of accepting bribery money from CPV
10 and Percoco is in jail. Both Percoco and
11 Kelly and the company sought to improperly
12 influence the state agencies to get this
13 power plant approved. It's entirely a
14 conflict of the state's moratorium on
15 fracking and the state's clean energy
16 standard.

17 Another reason for DEC to not allow air
18 permits for the CPV is a reference from the
19 Concerned -- Union of Concerned Scientists.
20 The air pollution from the CPV is actually
21 likely to get worse in the future. As our
22 society builds and accepts more sustainable
23 energy generation, fossil fuel power plants
24 will operate less often. It is known that
25 gas power plants emit more nitrogen oxide

PROCEEDINGS

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2 when they start up, between three and seven
3 times as much during regular running, like a
4 one-hour comparison.

5 So these unnecessary components are
6 not -- these are unnecessary components of a
7 forward-looking electricity generation.
8 These harmful chemicals come with policies
9 that are backward-looking and should be left
10 behind by the DEC in their decision about
11 these air permits.

12 DEC should move on to Jacobson's plan
13 for New York State to be powered by all
14 electric generation from all renewable
15 sources. Three peer-reviewed science
16 publications from authors in seven different
17 countries are provided in my statement, and
18 the state should be powered by electricity
19 generated from renewable generation. All of
20 these publications conclude the principal
21 barrier to 100 percent renewable electricity
22 are neither technological nor economic, that
23 they are instead primarily political
24 institutions and cultural. DEC should deny
25 these applications for permits. Thank you.

1 PROCEEDINGS

2 BY THE HEARING OFFICER: Thank you very
3 much. Susan Scher? Passed. Michael Van
4 Dervoort?

5 BY MR. Van DERVOORT: Mike Van
6 Dervoort, Town of Minisink.

7 First off, I'd like to say I absolutely
8 support Senator Skoufis and Senator Metzger's
9 response this evening. They speak for me.

10 There's a map that I use. Its called
11 Orange Country 1810. Orange County 1810 was
12 written in 1928. The creator of the map is
13 Roscoe Smith. Roscoe Smith was the founder
14 of Orange & Rockland. Orange & Rockland
15 shares the same address with Millennium
16 Pipeline, and he shows on that 1810 map the
17 earliest migratory trails, and Roscoe Smith
18 knew this: That the natural gas pipelines,
19 they would lengthen themselves west to travel
20 upon the earliest migratory trails.

21 In 2006 -- this is at a Wawayanda Board
22 meeting -- McGoey, Hauser, the Town of
23 Wawayanda, in 2006, removed it's cultural
24 resources of its town code. During a 2002
25 review of the comprehensive plan, it was felt

PROCEEDINGS

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2 -- it was determined that the local cultural
3 resources law was redundant to the protection
4 provided by New York State Office of Parks,
5 Recreation and Historic Preservation, and
6 that state environmental called a review of
7 requirements for private owned -- the Town of
8 Minisink has a cultural resource management
9 law, and it is a tool. It is a tool used by
10 the planning board to make informed
11 decisions, and what I can say in regards to
12 the SEQOR approval that the CPV received from
13 the Town of Wawayanda is that the Town of
14 Wawayanda historian has no comment. When
15 they eliminated the Cultural Resources
16 Management law and, let's say -- also, we've
17 got to speak of Gail Soro, God rest her soul,
18 who ended up as the only female democrat
19 against the elimination of the CRM law. A
20 horse head ended up in her pool and it was
21 never determined who did that then. This was
22 just a terrorist act that was put on for the
23 residents of the Town of Wawayanda.

24 We have a letter from Chief Mann of the
25 Lenni -- of the Ramapo Lenni-Lenape Nation.

PROCEEDINGS

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2 On behalf of the Ramapo Lenne-Lenape Nation,
3 we are requesting that extensive archeology
4 be done in the area of Fort Dolson. It is
5 imperative that these steps be done to
6 protect our sacred burial grounds, and that
7 is historic Fort Dolson -- this is 2014 -- to
8 the Town of Wawayanda. Nobody ever reached
9 out to the Ramapo. The word Betts -- I'll
10 give you a history of Orange County. The
11 original Dolson tract was comprised of 700
12 acres where CPV is located. It was purchased
13 in 1635 at one dollar per acre. Betts, one
14 of the slaves in the early period, lived down
15 to within a few years -- could tell many
16 stories of the Dolson family and
17 neighborhood, and what this is saying is that
18 Betts, born in 1791 in the house of James
19 Dolson -- she said this: That was on this
20 farm that tradition located Indian
21 graveyards. The last event occurred in front
22 of a dwelling house near a barn. All of
23 these structures exactly are located on
24 Roscoe Smith's map, and Betts describes the
25 site as, the graves were shallow, while

PROCEEDINGS

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2 plowing in the fields, they were torn from
3 the ground. The Millennium Pipeline ACD'd
4 underneath that site.

5 Section 12-1-2.2, it is 62-acre lot
6 immediately adjacent to CPV on the other side
7 of Route 6, and I'm just here today -- I've
8 got to put a word to the destruction of our
9 cultural resources that the Ramapo Lenape
10 were left out from any ability to have any
11 insight or comment, that the Town of
12 Wawayanda, in their absolute ignorance, gave
13 it away. Our town historian in the Town of
14 Wawayanda is a Murray. She has a great oral
15 tradition of the nature of these burial
16 grounds, and the reason why is that his
17 grandmother lived on the Murray residence,
18 which is the second house by the Dolson
19 property. There were two structures in the
20 1790 census, and she lived on that property
21 where the burial grounds were. That's why
22 the town historian has such an intimate
23 knowledge of that site, and he was left out
24 of every aspect, every part, and did not have
25 a chance to give one verb of insight to the

PROCEEDINGS

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2 whole process, so the impact of the CRM lends
3 to a -- a terrible chance for science and
4 history to come together so that we can
5 better understand the exact nature of our
6 lands.

7 MS. MALICK: Mike, could you testify
8 about the -- the cemetery?

9 BY THE HEARING OFFICER: Pramilla, you
10 know what? I'm going to have to direct this
11 so that -- it's best we go through once and
12 let people speak, okay? Max Grieshaber?

13 BY MR. GRIESHABER: Hello. I'm Max
14 Greishaber. I'm a member of Protect Orange
15 County, and I'm a retired engineer.

16 So I think that the CPV power plant
17 permit should be denied on the grounds that
18 they're using an ammonia embodiment system.
19 That means that the -- at the lower
20 temperature and their condensing system,
21 they're emitting hazardous ammonia, so this
22 is a very dangerous chemical, and it's
23 difficult to assess how dangerous it is,
24 because we use it in regular ways all across
25 the country in the agricultural world, and so

PROCEEDINGS

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2 it -- it's like -- like common, but
3 atmospheric pressure, if this plant --
4 they're putting the pressure up over 400
5 degrees -- 400 -- yeah, 400 degrees
6 Farenheit, 300 psi at the super-heated steam
7 cycle, and at the low end, they're running
8 around 35 pounds per square inch or a little
9 bit above that, and the temperature then is
10 110, something like that. So there's a huge
11 amount of ammonia there, and if they have a
12 catastrophe, ammonia's quite poisonous, and
13 we will find many of these systems will be
14 harmed by such a catastrophe.

15 The DEC has not been properly warned of
16 these -- ammonia on site. They don't have
17 good regulations or any criteria relating to
18 this, the dangers and -- and so there needs
19 to be more time to study it.

20 I think the DEC should -- should not
21 give permits to any power plants in the City
22 of New York that have an ammonia embodiment
23 cycle and -- until those regulations are
24 finalized and approved.

25 Furthermore, this embodiment cycle

PROCEEDINGS

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2 permits a low-pressure temperature from the
3 funnel, the exhaust pipe. That means all of
4 your pollution is concentrated in a very
5 close area to the pipes themselves. It isn't
6 distributed way over out near Boston. No,
7 it's all around here. The maximum pollution
8 will be 25 to 50 miles, and so I think that
9 the CPV power plant should be denied
10 forthwith, and they should not even be
11 considered.

12 BY THE HEARING OFFICER: Thank you.
13 Vera -- sorry. I don't have the last name.
14 Does anyone know whose card that is? I'll
15 put it aside for later. William Sandy?

16 BY MR. SANDY: My name is Bill Sandy.
17 I'm a Town of Minisink resident, and I
18 breathe air, a practice I would like to
19 continue despite the best efforts of CPV and
20 their cronies.

21 For years, my tiny Town of Minisink,
22 population, 4,500 people, has been under
23 siege from a conglomeration of organized
24 crime and giant corporations out to ruin our
25 very way of life to make a quick buck. CPV,

PROCEEDINGS

1
2 people well connected to state government,
3 and their corporate pals at Millennium
4 Pipeline/Columbian Gas run roughshod over our
5 land, water, and wildlife, and those who rise
6 up and demand respect for the law are bullied
7 by corporate lawyers intent on project
8 completion, environment be damned.

9 Originally from New Jersey, I have
10 unfortunately been exposed to organized crime
11 my entire life, and I tell you what, it's a
12 lot worse here in New York. I know that it
13 is not what you see in the movies, wiseguys
14 killing each other. We wish. Rather, it is
15 well lawyered individuals and companies
16 getting rich by hurting working people and
17 kids, and I think we've got six guys here who
18 would back me up on that.

19 Deny the CPV permit. CPV's president
20 was found guilty in federal court of paying
21 \$284,000 for an almost no-show job for a
22 political power broker at the highest levels
23 of state government. We are told to believe
24 CPV got nothing for \$284,000. I may have
25 been born in Camden, New Jersey, but this was

PROCEEDINGS

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2 not yesterday. Why didn't the CPV legal team
3 object to the obvious bribe? Are you ready
4 for this story? The CPV president told them
5 it was okay, he got the okay from state
6 lawyers, and they just took his word for it.
7 Where's the statewide investigation and the
8 investigation of local influence peddling?
9 And I was going to quote Jen Metzger, but I
10 don't have to. I just will say what she said
11 is the most reasonable course of action to
12 reject a permit application, and I agree with
13 Metzger and Skoufis.

14 CPV pushed through their power plant
15 over local objection, without even selecting
16 the route for their seven-mile pipeline,
17 knowing full well that the Federal Energy
18 Regulatory Commission, well noted FERC, never
19 rejects anything. They just -- they -- first
20 they select a responsible path through
21 industrial railroad corridor. Then, when
22 there was little opposition, all of a sudden,
23 they arbitrarily chose a totally different
24 corridor through our farmland.

25 The quality of their environmental

PROCEEDINGS

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2 studies, jokes that they are, can best be
3 exemplified with the now legendary video with
4 the pipeline's eagle expert, and I put that
5 in quotes, and a concerned local carpenter.
6 The carpenter tells her he has proof that
7 there are eagles currently nesting next --
8 right next to where the pipeline is going.
9 She responds that the eagle's nest is in a
10 pine tree and can't be seen from the ground,
11 and besides, the eagles are not on the nest
12 at this time of year. He responds that he's
13 got a video of one on his cell phone. What
14 did the carpenter get for such champion --
15 for championing our national symbol? He was
16 brought up on trumped up trespass charges,
17 and by the way, whoever decided that our hero
18 couldn't -- couldn't protest, couldn't block
19 herself in front of the gate -- because the
20 plant hadn't started up yet. Does that mean
21 it's okay to do it now?

22 I never thought about air quality when
23 I moved to Orange County. When I moved in
24 2002, I was shocked that the air quality was
25 so bad that we had days when folks were told

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don't go outside, because the air is so damn bad. Now, we learned, in meteorology class, about thermal inversions. That's where the toxic crap that's coming out of -- of the stacks doesn't dissipate. It just sits there.

So, since 2004, our cars have gotten cleaner and the factories are closed, and our air has gotten cleaner, and our can't breathe days were relegated to history, or so we thought. Well, wait until we get a calm -- a period of calm, hot weather, and then CPV smog will hurt young, old, ill first, then everybody else.

And why do we need a gas plant here in the first place? Not for Minisink. We have enough solar power to power our town and probably Wawayanda too, and we got a lot more on the way. No, it's for Westchester and New York City. So build it in New York City where the exhaust will dissipate over the ocean, not here where it stays and makes us sick.

I'm sure, your focus is on the exhaust

PROCEEDINGS

1
2 gas set to plume out from the giant CPV
3 stacks decades. Oh, sure, they got air
4 quality monitors in Wawayanda and -- and
5 Middletown when Joe and Rosado complained,
6 but the real problem isn't in Middletown and
7 it's not in -- it's not in Wawayanda. It's
8 in Minisink at the compressor station that
9 feeds the pipeline to the plant. They vent
10 raw, unburned, unhealthy gas as they see fit
11 with zero DEC input. This lowers our quality
12 of life, health, and property values. Have
13 you read the PA doctors' study of the
14 compressor station before the Lateral -- the
15 Valley Lateral Pipelines? Scary, and now the
16 problem's much worse, but you can change
17 that. As you know, the state mandate is
18 illegal in New York, but the compressor
19 station, the pipeline, the CPV plant are just
20 big segments of the same damn thing.

21 Please fight pollution and organized
22 crime, and help the victimized citizens of
23 the Town of Minisink. Deny the CPV permit.
24 Thank you.

25 BY THE HEARING OFFICER: Thank you.

PROCEEDINGS

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2 Randolph Hurst?

3 BY MR. HURST: Thank you for the
4 opportunity to speak today. My name is
5 Randolph Hurst, and my wife, Carole and I,
6 have been residents of Slate Hill in the Town
7 of Wawayanda for over 32 years.

8 In 1986, '87, '85, we designed, general
9 contracted, and did most of the work
10 performed to build our passive solar home,
11 which is located about one mile from where
12 the CPV power plant is located. We raised
13 three children there. I served my country
14 during Vietnam. Thereafter, I earned a
15 Master's degree in social work, and worked
16 for the State of New York for 36-plus years,
17 and now I'm retired. I will be 72 next
18 month, and my wife, 69. We are both
19 disabled. I have heart disease, asthma and
20 -- among other issues, and I'm a cancer
21 survivor. My wife has a rare form of
22 muscular dystrophy. She needs a rollator or
23 a wheelchair to get out. Since CPV began
24 operation, my asthma has gotten significantly
25 worse, according to my pulmonologist, Dr.

PROCEEDINGS

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2 Alan Schaffer. Well, I had been stable for
3 over 20 years. During the last year and a
4 half or so, my condition has gotten
5 substantially worse. When CPV first fired up
6 and the wind blew its emissions toward my
7 home, if I was out-of-doors, I had to go
8 inside, because the odor was so noxious. My
9 eyes burned, I found it difficult to breathe,
10 I got sore throats, and severe headaches,
11 which is extremely unusual for me. I began
12 having asthma attacks and was placed on
13 steroids several times, from which I
14 experienced adverse side effects. Instead of
15 one inhaler, I'm now on four inhalers daily,
16 plus other medication.

17 My wife also experienced similar
18 effects, especially headaches. Carole, who
19 has never suffered from breathing problems,
20 now uses a nebulizer daily and a cough assist
21 machine. She uses an inhaler and she's on
22 medication. We attribute these changes to
23 CPV emissions.

24 As I speak, my wife, Carole, is
25 visiting my daughter in Santa Fe, New Mexico.

PROCEEDINGS

1
2 She's working with a realtor to see if we can
3 move to where we can breathe the air.

4 I have no words to express how this
5 breaks my heart and my wife's heart. We love
6 our home. Our third child was born in our
7 bedroom. Our land, Five Acre Farm, has been
8 organic since we built 32 years ago. We are
9 organic gardeners. In 2010, we minimized our
10 carbon footprint even further by adding a 36
11 Photo Voltaic Array, which generates all of
12 the electricity that we use. I also added a
13 heat pump to reduce the use of fuel oil to
14 heat our home in the winter. We love the
15 Hudson Valley. It breaks our heart, and we
16 hate to leave.

17 Before CPV, we felt free to work in our
18 gardens outside, take walks, and enjoy
19 outdoor activity. Now we check the NYS DEC
20 air quality status and consult purpleair.com
21 almost daily, and especially if we do not
22 feel ourselves before we go outside. Can you
23 imagine what a burden this is? Can you
24 imagine how angry it makes us feel when we
25 cannot trust the air that we breathe to be

PROCEEDINGS

1
2 safe?

3 I had to cut substantially what I wrote
4 in order to stay within the time line. I
5 just want to say that I concur with
6 everything that everybody has testified today
7 so far. I've been involved in this project
8 since 2009. I believe everyone here and the
9 officials with the New York State DEC
10 permitting bureau know exactly what I'm
11 talking about.

12 What I asked in 2009 in regard to CPV's
13 purchase of emission reduction credits, what
14 I asked still holds true today. How would
15 these reduction credits reduce the impact of
16 CPV's emissions on those of us who are
17 condemned to breathe them? How will the --
18 how will they lessen the adverse health
19 impacts, environmental, and social injustice
20 that the courts and our politicians have so
21 far allowed CPV to perpetrate on us?
22 Moreover, I question whether these ERCs
23 remain valid. Originally, I understood there
24 was a timeline. They had a timeline and, and
25 I am of the belief that the ERCs expired in

PROCEEDINGS

1
2 2015 and 2016.

3 I'm going to jump to my conclusion. In
4 sum, I'm speaking to you today on behalf of
5 myself, my wife, and the many concerned
6 neighbors who are merely victims of a corrupt
7 foreign corporation which has the capacity
8 and can afford to negotiate the New York
9 State political and governmental regulatory
10 system, jeopardize our health, endanger our
11 lives and the lives our children, threaten
12 our environment and our quality of life, a
13 corporation whose sole interest is promoting
14 dependence upon the fossil fuel industry and
15 making a profit. No doubt, CPV will not be
16 held accountable to the people harmed by its
17 operation and emissions. It will be we, the
18 taxpayers, who bear the brunt of every ill
19 that befalls us as a result of CPV. It is a
20 very short-sighted outrage. And I ask that
21 if it is within your purview to deny these
22 permits, I urge you to do so. If not, it is
23 a sad commentary on the judgement and
24 leadership of this state, and I thank you for
25 allowing me to share this truth.

PROCEEDINGS

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2 BY THE HEARING OFFICER: Thank you,
3 sir. Keith Schue?

4 BY MR. SCHUE: Good afternoon. My name
5 is Keith Schue. I'm an electrical engineer.
6 I've also been advisor to several
7 organizations, organizations on issues
8 affecting energy in the environment. So, I
9 thank you for letting me speak here today.

10 This -- there are several things I
11 could talk about, and I understand that, in
12 principle, your consideration of these
13 permits have to be based on what relates to
14 the air quality, what relates to the -- the
15 content of the emissions from this -- from
16 this facility, not other aspects of the
17 project per se, however, I would say there is
18 new information that can be considered to --
19 to come to a decision that this project
20 should not be approved. Particulate matter,
21 particulate matter 2.5, 2.5 microns, small
22 particles, these are things that will lodge
23 into your lungs and make their way through
24 that respiratory blood boundary and into your
25 -- into your bloodstream. Recent studies

PROCEEDINGS

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2 have found that this can be very dangerous to
3 people, and the more information we find, the
4 more -- the more concerning it is. Frankly,
5 there have been several studies that have
6 come out in the very recent times that have
7 shown a three-fold to seven-fold increase in
8 air particulates toxicity within New York
9 State, and that -- that leads to more
10 cardiovascular and respiratory
11 hospitalizations. It has been shown. There
12 are doctor reports, such as one titled The
13 Association between Respiratory Infection and
14 Air Pollution in the Setting of Air Quality
15 Policy and Economic Change. Another one,
16 Triggering of Cardiovascular Hospital
17 Admissions by Fine Particle Concentrations in
18 New York State. These studies, many of these
19 studies, have come out in very recent times,
20 and I think they can have a significant
21 bearing on the decisions that the DEC has
22 before them.

23 Also, I would ask that -- the DEC has
24 adopted new guidelines, new guidelines
25 affecting its review of projects as it

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2 relates to climate change, and that has a
3 bearing on this decision. I think DEC
4 rightfully took issue with FERC when FERC was
5 approving the building of the Valley Lateral
6 Pipeline, and faulted for -- for not looking
7 at greenhouse gas impacts. Well, now it's up
8 to the DEC to apply those same criteria to
9 itself when it looks whether this project
10 should be approved. I think we know that the
11 greenhouse gas impacts with this project are
12 very significant. They're -- and I want to
13 talk about emissions. I'm talking about
14 nitros, carbon dioxide, but also methane, the
15 two carbons that -- emissions, CO2 and CH4,
16 but, you know, I would ask that when -- when
17 you're looking at this, you've got to
18 consider the context of what is in the
19 purview of -- of DEC's review. Also, you
20 have to look at the context of things that
21 have happened in recent times with the
22 passage of law, the Climate Leadership and
23 Community Protection Act. I was involved in
24 trying to have some influence on -- on that
25 type -- on that piece of legislation. I will

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2 say that if the powers that be want to take
3 the mandates within that legislation to
4 heart, then there is a basis to do that on
5 that legislation. I can also tell you that
6 there's several loopholes that have been
7 totally ignored, if that's what you want to
8 do.

9 I would urge the State to take the
10 legislation seriously. The legislation calls
11 for a dramatic reduction in greenhouse gas
12 emissions, and it calls for a transition to
13 carbon-free electricity by the year 2040 --
14 by 2040, 20 years from now. We're not
15 supposed to be having power plants like this.
16 I think we all know that this power plant was
17 built to last more than 20 years, so
18 something doesn't add up. Now would be the
19 time to reject this project. Thank you very
20 much.

21 BY THE HEARING OFFICER: Thank you.

22 Sandra Kissam?

23 BY MS. KISSAM: Good afternoon. For
24 the record, my name Sandra Kissam, and I
25 reside in Newburgh, New York, and is there

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anything else you need to know?

BY THE HEARING OFFICER: No.

BY MS. KISSAM: I'm very pleased to be here and have the opportunity to speak.

I want to say that there are two key issues that must be considered by the DEC -- well, more than two, obviously, but a couple of important ones are the fact that with the new -- as has been referenced, with the new environmental legislation that has come out of the State legislature, it's extremely important to demonstrate that the actions that are taken by the State agencies, such as the DEC, are in conformity with the intent of this legislation, otherwise, it reflects on the governor and it reflects on out state insofar as we are saying we're talking the talk, but we're not walking the walk, and so to support this legislation, the DEC should really, in all fairness and with all good intention, not provide this air permit -- air permit, permits.

In any event, there are other considerations as well, and the ambient air

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quality is one of them. My understanding is that we are not in conformity with the ozone requirements, as we speak, and the other concern is that as time passes, there will undoubtedly be increases in traffic and other factors that add to the air issues. Middletown is an industrial city to -- certainly to a greater extent than any other community in Orange County, and there are many other sources of air pollution throughout the city. Some of them have been corrected, but not all of them. That's another consideration.

The other one is this: When permits are provided, it's not a question of will the permits be violated, but when, and not only that, it's also a question of how frequently, and the DEC has historically -- which is disturbing to me -- historically only reacted with monetary fines, which, as we know, becomes the cost of doing business, but in terms of permitting corrections to the sources of the pollution, it's an oxymoron. You cannot have this plant without having

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2 pollution, and so to permit the plant at all
3 to pollute at all, and air -- air permits
4 always allow a certain level of pollution.
5 Some people describe it as permits to
6 pollute, and I have to say that in my
7 experience and the limited amount of
8 knowledge that I have on the process, that
9 seems to be the case. How much pollution can
10 go into this air without affecting the local
11 population? The fact is that there is no
12 answer to that, because studies have not been
13 done, and people are, to a greater or lesser
14 extent, sensitive, so we cannot generalize in
15 terms of what is really something that will
16 not harm people, and clearly -- clearly, this
17 -- this facility is only going to harm people
18 to some extent, and to a greater extent as
19 time goes on, and as time goes on, its reason
20 for existing becomes less and less
21 justifiable.

22 So I urge you to do the right thing,
23 and I urge to do the thing that is in
24 conformity with the State's revised policy on
25 moving to renewables. I urge you to deny the

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2 permit because of all of these external
3 factors, in addition to the fact that the
4 plant cannot meet -- cannot consistently meet
5 whatever permits you may give it, and I -- I
6 can't stress this enough, and I thank you for
7 the opportunity to speak.

8 BY THE HEARING OFFICER: Thank you.

9 Phil Erner?

10 BY MR. ERNER: Hi. I am here to urge
11 the denial of these air permits.

12 I am part of Harlem Valley Wind & Solar
13 based in Eastern Dutchess County where also I
14 co-own a farm, and I'm part of another farm
15 in Ulster County.

16 We all share the same air in this
17 world. We all need to breathe clean air.
18 This power plant has a purpose to pollute the
19 air. The pipelines delivering the fuel for
20 the power plant will be leaking and polluting
21 the air around everyone near the pipelines.
22 The areas where the fuel is being distracted
23 will also be polluting the air. So this is a
24 dirty project through and through. We need
25 to end all fossil fuel build-out immediately.

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2 In area where I farm in eastern
3 Dutchess, the Cricket Valley power plant is
4 under construction, two-thirds larger than
5 this one, and that's scheduled to open soon
6 and should also be denied.

7 Now, our state has recently made
8 commitment to go fossil fuel, then neutral
9 within the next couple of decades. This
10 project flies in the face of our ability to
11 do that. The governor and the State
12 Legislature have already made this
13 commitment, so it's time for the DEC, as
14 agents of the State, to stop this project in
15 its tracks. Thank you.

16 BY THE HEARING OFFICER: Thank you.
17 Roger Moss?

18 BY MR. MOSS: Good afternoon. Yes, I'm
19 Roger Moss from Warwick.

20 When I found out about the project to
21 build the CPV plant, I immediately wondered
22 what the effect was going to be on me, my
23 family, my community, and other people who
24 live here. So I went to the Orange County
25 Health Department to find out what methods

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2 and procedures would be in place to project
3 the air quality. I was told not to worry
4 about it, that the DEC was the authority,
5 that they would make sure that the air
6 quality was just fine, and so I said, okay,
7 that's -- that's great. In order to find out
8 what the air quality changes were going to
9 be, I did some investigation and found out
10 that the DEC only has two monitors in Orange
11 County, one of which measures ozone. As I
12 previously stated, the ozone levels are above
13 what's acceptable, but the DEC, has not, to
14 my knowledge, taken any steps to mitigate the
15 impacts of ozone on the population of Orange
16 County. Instead, the DEC has since passed
17 the responsibility on to CPV. CPV has a
18 responsibility of self-reporting its
19 pollutants, its air quality pollutants to the
20 DEC, but CPV won't do that itself. CPV has
21 itself has passed that responsibility on to a
22 third-party, which measures the pollutants of
23 the egress of the chimneys, and whatever they
24 do, however they measure it, it's completely
25 unknown to me. I guess that's a trade

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2 secret. But DEC has no actual monitoring
3 going on in this process. They're relying on
4 others. Orange County has no monitoring
5 going on, it's relying on the DEC, so this is
6 like a chain letter with no one responsible.
7 DEC is nominally responsible, but it has no
8 way of monitoring.

9 I'm here to urge you to deny this
10 permit, and instead, to put in place a local
11 independent air quality monitoring system in
12 the County of Orange close to the plant using
13 technical expertise to make sure that the
14 place that the monitoring is done is -- is an
15 accurate reading by specialists who have been
16 doing this for over ten years.

17 I urge you to put into your record the
18 environmental project report on the effect
19 and impact of gas compressor stations in
20 residential neighborhoods in New York State.
21 Please understand that citizens relying on
22 DEC when DEC has no stated and, actually, no
23 operational ability to protect our health is
24 -- is a tragedy.

25 BY THE HEARING OFFICER: Thank you.

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Jess Mullen?

BY MS. MULLEN: Hello. I'm Jess Mullen. I'm here -- I'm the chair and coordinator for New Paltz Climate Action Coalition.

I'm just asking for you to deny the air permits based on science and a general concern for public health and mitigating climate crisis. I urge you forego public risk for private gain, and I just want to say that our state needs to utilize battery storage for large-scale renewables if we have -- if we want to have any sort of fighting chance of survival.

Finally, I did get an e-mail from you guys about poor air quality in Dutchess County, and largely, I just just want to reiterate the importance of this air permitting process, and for you to kind of, you know, hold true to the values that you're supposed to have and things like that. Thank you.

BY THE HEARING OFFICER: Thank you.
Ann Finneran?

PROCEEDINGS

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2 BY MS. FINNERAN: Again, I'm sorry, I
3 just have a couple of things on my mind.

4 So one of the concerns that I have with
5 methane production and methane in the
6 atmosphere is the fact -- this is concerning
7 trees. Trees are known as carbon -- good
8 carbon sinks. They cannot sink the carbon
9 from methane, because it's not CO₂, it's CH₄.
10 There is no "O" for them to convert CO₂ to
11 sugar and oxygen, which is what they do, so
12 -- and not only that, methane suffocates
13 trees. I have witnessed the leaves on the
14 trees in the area are substantially smaller,
15 and I don't know if there's a relation or
16 not, but the methane emanating in the entire
17 Hudson Valley from the line where Binghamton
18 is, if you go straight across, and I believe
19 that it's put on the map showing the methane
20 increase in the Hudson Valley is pretty
21 scary, and the other thing is we know this
22 methane, this natural gas production, is not
23 about being a clean energy source. It's
24 about producing methane natural gas for
25 export to make the United States the number

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2 one fossil fuel producer, and it's nonsense
3 that it's for any other reason than that, and
4 that is why the politicians continue to push
5 it, continue to dismiss us, continue to tell
6 those who are against fracking to get a life,
7 while we have life and we want to preserve
8 it. Thank you.

9 BY THE HEARING OFFICER: Thank you.
10 That was our last card for this afternoon, so
11 I'll remind you that we're going to have a
12 second session at 7 o'clock this evening. If
13 you know anyone who's not here that would
14 like the information on to how submit written
15 comments, please feel free to take that
16 information with you from our table in the
17 back, and again, you can submit written
18 comments while you're here today, so please
19 feel free to do that as well, and thank you
20 all for coming out.

21
22 (Whereupon, the afternoon proceedings
23 were concluded at 3:32)

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25 (Whereupon, the evening proceedings

PROCEEDINGS

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2 commenced at 7:10 p.m.)
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4 BY THE HEARING OFFICER: Good evening,
5 everyone. I just want to remind you, also,
6 if you can, keep the aisles clear during the
7 hearing taking place.

8 My name is Molly McBride. I'm and
9 Administrative Law Judge with the New York
10 State Department of Environmental
11 Conservation, and I'll be presiding over this
12 evening's public comment session.

13 The purpose of tonight's public comment
14 hearing is to allow the public to comment on
15 the applications and the draft permits for
16 CPV Valley, LLC. The New York State DEC has
17 prepared a Draft Title V Air Safe Facility
18 permit and Draft Title IV Acid Rain permit
19 for operation of the CPV Valley Energy Center
20 located at 3330 Route 6, Middletown, New
21 York.

22 A combined Notice of Legislative Public
23 Hearing and extension of the comment period
24 was published in the Department's
25 Environmental Notice Bulletin on June 12th,

PROCEEDINGS

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2 2019.

3 An initial Air Safe Facility permit for
4 the facility was issued by the DEC on August
5 1st, 2013, and expired on July 31st, 2018.
6 The DEC denied the renewal of the permit on
7 August 1st, 2018, and required the submission
8 of a Title V air permit application.

9 Pursuant to an Order of Albany County
10 Supreme Court issued on August 15th, 2018,
11 CPV was allowed to continue operating the
12 facility under the terms of the Air Safe
13 Facility permit pending a final determination
14 of the previously denied permit renewal. On
15 August 31st, 2018, CPV submitted applications
16 for the Title V and Title IV permit to the
17 DEC. The current air permit applications
18 were submitted following two Notices of
19 Incomplete Applications issued by the DEC.
20 The first one was issued on October 25th,
21 2018, and the second on December 14th, 2018.

22 Pursuant to a subsequent Decision,
23 Order and Judgment of the Albany County
24 Supreme Court, which was issued on February
25 13th, 2019, the DEC's August 1st, 2018 permit

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2 expiration determination was vacated. CPV
3 was allowed then to continue operating
4 pending final administrative resolution of
5 its Air Safe Facility renewal application or
6 until a final determination on the Title V
7 and Title IV air permit applications were
8 completed by the DEC.

9 As a result of the Supreme Court's
10 decision, the DEC agreed to continue
11 processing the permit applications so as to
12 allow the public a full and fair opportunity
13 to review and comment on the applications and
14 the draft permits.

15 Notice of this hearing, as I indicated,
16 was published in the ENB on June 12th, 2019,
17 and the purpose of this hearing is to provide
18 an opportunity for the public to comment on
19 the applications and the draft permits.
20 Tonight is not a question and answer session,
21 but we welcome you to contact either the DEC
22 or CPV with any question you may have.

23 If you would like to submit written
24 comments, you may submit them either by mail
25 or e-mail, and the address is available at

1 PROCEEDINGS

2 the DEC table out in the hallway. We also
3 have forms here this evening if you would
4 like to submit your comments in writing
5 before you leave. If you know anyone who is
6 not here this evening who would like that
7 information, we'd ask you to take that
8 information with you and share it with them.
9 Written comments must be received by the DEC
10 by July 29th, 2019, so please make sure that
11 you also share that date with people.

12 Anyone who wishes to make a comment on
13 the record here this evening must fill out a
14 speaker card. If you did not do so on your
15 way in, the speaker cards are available at
16 the DEC table. Please go pick one up and
17 fill it out for us, please. I will call the
18 speakers in the order that I received their
19 cards, with one exception of a woman that has
20 a family matter that needs to go a little
21 early.

22 At this time, what I'm going to do is
23 begin calling the speakers. When I do call
24 your name, I would ask that you please come
25 forward to the microphone. Please state your

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2 full name. If you are representing a group
3 or someone else, please clearly identify who
4 it is you're speaking on behalf of.

5 Please speak loudly and slowly -- it's
6 very important for the court reporter -- and
7 clearly, so that we can have an accurate
8 record of all comments made here this
9 evening. I would then also ask you to please
10 remain silent while any speaker is at the
11 podium. It is very important that we show
12 courtesy and respect to all speakers, whether
13 we support their opinion or not.

14 If you do not wish to make an oral
15 statement and I call your card, just let me
16 know that you would like to pass this
17 evening, and again, I will remind you you do
18 have until July 29th to submit any written
19 comments, and the Department does give equal
20 weight to oral and written comments.

21 I am now going to begin calling our
22 speakers, and our first speaker is Jena
23 Elston.

24 BY MS. ELSTON: First, thank you for
25 letting me go. I have someone in the

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2 hospital and I've just got to -- I need to
3 run.

4 BY THE HEARING OFFICER: Speak right
5 into the microphone, please.

6 BY MS. ELSTON: I'm Jena Elston. Once
7 again, I am here to ask the DEC to deny CPV
8 Valley a Title V and Title IV A air permit.

9 I am one of the petitioners on the
10 Issues Conference from November 29th, 2018
11 for the revocation of the Air State Facility
12 permit due to its expiration and the lack of
13 an application for a Title V permit at that
14 time.

15 The Issues Conference was addressing
16 concerns from comments made at the public
17 hearing of September 26th, 2018.

18 There is one thing that is consistent
19 with regards to this project, that is, the
20 lack of consistency in dates, data,
21 descriptions, etcetera, both technical and
22 conversional.

23 Today, I received a notice in my mail
24 about today's public hearing. I didn't know
25 about it, but this is something that CPV

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2 likes to do, wait until the last minute and
3 not give the public the ability to comment.

4 The application data on the NYSDEC
5 website says that the application was
6 received November 19th, 2018. Yet, in the
7 description of events, it states that an
8 application was on August 31st, 2018 and was
9 declared incomplete on October 25th, 2018.
10 CPV responded on February 25th, 2019, and the
11 application was determined complete on May
12 27th, 2019. The received date of November
13 19th does not show up anywhere in the actual
14 submission response dates. Just putting it
15 out there, we never have any consistent dates
16 from the DEC or CPV.

17 So why did the DEC hold a public
18 hearing in September 2018, then a conference
19 hearing in November 2018 to address revoking
20 the ASF permit time and lack of application
21 for Title V if the applicant was in the
22 process of doing so?

23 The public and the petitioners put a
24 lot of time and effort in submitting comments
25 on their personal experiences and concerns

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over the CPV Valley power plant. To go through the motions and waste everyone's time, energy and emotional well-being by requesting to suspend those comments, essentially ignoring them and moving onto a new public hearing today, asking for comments again on the same project is a slap in the face of residents and surrounding communities.

In the Issues Conference, there were other issues included besides the untimely response of CPV Valley to submit a Title V application. From the petitions and the public comments, three distinct topics were introduced and appeared to be the focus of the proceeding moving forward. One was the character of the applicant, two was noise from the facility, and three was the emissions from the facility. All of these return to air. There are other issues that we need to fix though.

As has been stated in the public comments, my own petition, Ms. Malick's petition, and evidence within the court

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2 system, very few have a positive opinion for
3 this project. With all of the contact
4 between the public, media, local, county, and
5 state officials, it is quite unbelievable
6 that the DEC Region 3 offices did not
7 officially respond to CPV before the July
8 31st, 2018 ASF permit expiration. However,
9 within the ASF permit given to CPV Valley, it
10 clearly states that the facility needed to
11 apply for a Title V permit. Why CPV needed
12 to be reminded or DEC was not on top of this
13 fact is still a debatable issue. Due to
14 delays in construction, it happened that the
15 year CPV started operations is the year that
16 their ASF permit expired, and turned out to
17 be, obviously, a debacle on how that should
18 be handled. Since the Title V permits needed
19 to be submitted 180 days before permit
20 expiration, one could even argue that CPV
21 Valley should have submitted a Title V
22 application as soon as they turned on the
23 plant in January 2018.

24 So, now we have CPV Valley operating
25 without a permit for almost a year. There

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2 are only so many variances, exceptions, and
3 slip-ups given to or done by this particular
4 applicant that can be excused as anything but
5 questionable -- questionable.

6 The legalese jargon from the applicant
7 happened with this Title V, Title IV
8 application expressing to the DEC that the
9 application was not incomplete, but missing
10 supplemental information to assist the DEC in
11 its review. This is type of steering of
12 process that this applicant has been doing to
13 agencies at the local, county, and state
14 level since 2008.

15 Referring to topic of noise, as a
16 resident of Wawayanda who lives 1.5 miles
17 from the CPV facility -- and my address does
18 show up in a lot of its recordings -- they
19 are -- they're not following regulations.
20 The realization of how the noise affects you
21 is actually when it stops. All of a sudden,
22 you can hear the nature in your back yard and
23 in everything else, but they don't realize
24 how it's affecting you until it actually
25 disappears.

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2 The EPA website states that the Clean
3 Air Act Title IV - Noise Pollution was
4 amended in 1990. (Indicating) I -- I'll skip
5 all of this.

6 Basically, what I'm trying to say is
7 that there were issues brought up in
8 conference before this. We're being asked --
9 the public is being asked to comment again,
10 with ignoring what has already happened in
11 the past, with no judge in the past, and it
12 hasn't been -- as far as I know, it hasn't
13 been suspended. So, part of the noise is the
14 fact that there doesn't seem to be anybody
15 addressing that, and it did come up as a
16 question, who is responsible for monitoring
17 and enforcing noise pollution.

18 Lastly is the topic of emissions. I
19 did -- I'm referring to the responses in the
20 other conference from the public comments.
21 Everything physically and visually
22 experienced by the residents and visitors in
23 our area are represented in the concerns of
24 public comments and the specialists submitted
25 since the beginning of the project in

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2 response to the DEIS, FEIS public hearing of
3 April 8th, 2015, and the public comment for
4 this -- this proceeding, meaning the other
5 proceeding, and the responses from CPV Valley
6 are unsubstantiated, vague, and dismissive.

7 My other concern is that DiNapoli --
8 Comptroller DiNapoli said in 2014 that due to
9 lack of funding and understaffing, New York
10 was only checking those stacks at 12.4
11 percent of the subject facility compared to
12 34.5 percent national percentage. I think 34
13 is pretty bad, but 12.4 is really bad, and I
14 haven't seen anything changing that. So, my
15 concern is, who is actually monitoring CPV
16 and how can we have good faith that the DEC
17 or CPV is monitoring their stacks?

18 It is disenchanting to discover that
19 residents who have to live with compromised
20 air quality due to noise and air pollution
21 who have been commenting since the beginning
22 of this project, their concerns -- are told
23 that the time to express that concern is
24 over. We did comment with the time
25 restraints. Our concerns were not addressed

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2 responsibly or factually. When you read
3 concerns submitted in the beginning phases of
4 this project that describe actual events and
5 effects that we now see, hear, and smell, red
6 flags should be waving. When an applicant
7 and the DEC are faced with actual tangible
8 evidence that residents and consultants have
9 been commenting in -- within the public
10 comment period -- periods, this project must
11 be reevaluated. Thank you.

12 BY THE HEARING OFFICER: Thank you.
13 Ms. Elston, can you give the court reporter
14 what you were reading from to help her with
15 her transcript? Even if you didn't follow
16 the exact words, we don't mind. And if
17 anyone's reading from written comments, it
18 would be very helpful for the court reporter
19 if you could just drop them off for her at
20 the table when you're all done. And, Carol,
21 I don't think we're going to use the timer,
22 but thank you. Our next speaker is Meryl
23 Levy.

24 BY MS. LEVY: Hi. I'm Meryl Levy. I'm
25 a resident of Orange County.

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2 When CPV started running, they were not
3 permitted to run on diesel for their
4 commissioning, but they did it anyway. They
5 did so at a risk, risking the health of all
6 of the residents, and clouds of noxious smoke
7 billowed from its stacks in the air and
8 burned our noses and our throats. They were
9 not monitoring the emissions. No one was
10 monitoring the emissions, and we have no idea
11 of what we were breathing in.

12 It is this type of company we are
13 dealing with. Their bottom line is way more
14 important than the health of the people. We
15 can't trust that they will comply with the
16 permit. An air permit cannot be renewed to
17 the largest frack gas power plant in New York
18 State that has been embroiled in criminal
19 activity without a full investigation and
20 review of the initial permitting process. We
21 now have people in prison who were behind
22 this plant.

23 Now the state has a chance to right
24 this wrong. It was built on bribes by
25 convicted criminals. It was built after the

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2 state banned fracked -- fracking gas in this
3 state. In runs on fracked gas from
4 Pennsylvania and endangers the population
5 there and here. Please do not renew the air
6 permit. Thank you.

7 BY THE HEARING OFFICER. Daniel
8 Schiavo?

9 BY MR. SCHIAVO: Where do I begin? You
10 know, it breaks my heart to have to be here,
11 to have to be in front of the DEC which is
12 supposed to be on the side of the people in
13 conserving the environment. This is -- just
14 having -- getting that plant operating is
15 just the opposite of conserving the
16 environment. Why have a DEC at all if you're
17 letting the plants operate?

18 And, you know, people are getting sick.
19 I've been hearing stories all over about
20 people who never had breathing problems or
21 needing nebulizers. People are being rushed
22 to the hospital with nosebleeds. This is not
23 normal.

24 And as to the health impacts, the
25 environmental impacts, we have a very short

PROCEEDINGS

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time frame to, you know, really reverse effects of climate change, and fracking gas all over the place is not helpful.

What can I say? I mean, who is going to answer all of these questions that we have? Who is going to -- we keep having -- going to meetings and hearing comments, having our comments heard with no real answers. Who is going to answer those questions? Who is going to be there paying our medical bills? Who is going to be there attending to us when we are sick? Who is going to be there giving us compensation when we are realize this causes cancer? So, isn't that the last thing you want, especially -- I mean, who -- who wants Orange County to be expendable? Nobody wants Orange County to be expendable. I mean, we are a county that has all kinds of people. I'm sure people from the DEC -- I mean, why don't they live next to the power plant? You know, it's not them, you know, experiencing these effects.

So, yes, please shut the plant down.
Deny the permit and shut the plant down.

PROCEEDINGS

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2 That's my basic message. Thank you.

3 BY THE HEARING OFFICER: Thank you.
4 James Cromwell?

5 BY MR. CROMWELL: My name is James
6 Cromwell. I'm with Protect Orange County.
7 I'm an actor. I've achieved a certain
8 modicum successes, and some people here may
9 recognize me, but in this particular
10 instance, I'm just a resident, a citizen,
11 someone who is concerned about the quality of
12 life that we're leaving for our children.

13 I don't understand what we're doing.
14 The purpose of this plant is basically the
15 justification to have -- to be able to frack
16 gas and have a pipeline infrastructure to
17 take the gas to Canada or wherever it is
18 liquified and sell it abroad for six times
19 what the company -- gas companies can get for
20 it here, and so we are an exporter of energy
21 now, but the cost of that greed is that we
22 can't breathe, we can't drink the water, and
23 our land is taken from us. Farmers who lose
24 their life's work, families that have to
25 leave, sell their house, give their house

PROCEEDINGS

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2 away. Who can sell their house?

3 I -- I look at what is happening on our
4 southern border, and you see ten of thousands
5 of migrants coming from Honduras, El
6 Salvador, Guatemala. In Honduras, last year,
7 no -- there was no crop that was picked.
8 They had nothing. It comes from drought. It
9 comes from the -- from the change in the
10 climate. We are in a crisis, and if we don't
11 address the crisis, it will be us at some
12 border, the Canadian border or wherever it
13 is. That's what the -- I don't understand.
14 We have scientists. We were in the courtroom
15 with Tony Ingraffea and Bob Howard. They
16 sort of said, well, it's maybe 12 years, but
17 then afterwards, Tony said, no, I think it's
18 four years.

19 We have four years to turn this around.
20 This election is it, or we lose, and our
21 children lose, and our planet loses, and life
22 loses, and everything that exists loses.
23 Wake up. Everybody here is dedicated and
24 that's what -- I know I'm preaching to the
25 choir, but damn it, why does our press not

PROCEEDINGS

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2 mention -- why does the corporate media not
3 talk about this every day, what's happening
4 all over the world? It's old news, but they
5 don't say a word why? Because their in the
6 pocket of the corporations, as are our
7 representatives.

8 I don't say anything about the
9 President of the United States, because I
10 don't think he knows anything, but everybody
11 in his administration knows this is real.
12 This is not going away. This is a crisis
13 that's going to kill us, and if we debate and
14 if we were to argue and bring up -- there are
15 people here who have been doing this for
16 years and they know everything, and they come
17 to these hearings and they try to convince
18 the DEC, do your job, and they don't. They
19 get bribed or they get lied to or they pass
20 it off or they -- they give some kind of
21 cockamamie reason why they denied it, and
22 then it's overturned in the court. What is
23 it? That is corruption. That is corruption,
24 and that kind of corruption leads to death.

25 We must stop this plant. There must be

PROCEEDINGS

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2 no more -- no more fracking in Pennsylvania
3 in Dimock. For the people of Dimock, they've
4 got to have a life. We have to have a life.
5 We must demand -- we must demand justice. We
6 must take back our government and take back
7 our democracy and change this. Stop this
8 bloody plant. Thank you.

9 BY THE HEARING OFFICER: Thank you.
10 Pramilla Malick?

11 BY MS. MALICK: Thank you again for
12 holding these hearings, the DEC.

13 We are expecting a lot from you. We
14 are expecting you to stand up to a
15 billion-dollar corporation that knows how to
16 bully and bribe their way through the
17 regulatory process. You have a lot of
18 pressure on you. There was an editorial in
19 the Times Herald Record today stating that
20 the only thing this plant has going for it is
21 the fact that it's built and operational, and
22 somehow, that places some kind of
23 inevitability to this permit, but I implore
24 you to ignore that, because we have to
25 remember that is a billion-dollar company

PROCEEDINGS

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2 paid the system, violated the laws of the
3 State of New York and federal laws criminally
4 and built that plant at their own financial
5 risk, and we should not have to pay the
6 price. We are the victims of these crimes
7 and we deserve justice, and we do deserve
8 compensation at this point. This plant needs
9 to be shut down. That is the only
10 compensation that we ask. That is the only
11 consequence to the criminal activities that
12 is just.

13 I spoke earlier today, so I'm not going
14 to repeat what I talked about before. I do
15 have to read a comment from a resident who
16 couldn't make it, Debra Slattery. I'm going
17 to read you her comment and then just read
18 some closing thoughts.

19 Debra Slattery writes, as an impacted
20 resident, the need to deny their acid rain
21 permit is great. It's not just me or my
22 community I ask this for, but for the entire
23 planet.

24 The corruption of CPV and Cuomo's top
25 aide should have been enough to shut down

PROCEEDINGS

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2 this plant. Unfortunately, it was not, as
3 there must be more predators who have gotten
4 their pockets lined.

5 There is now no disputing the fact that
6 climate change is upon us driven by the guns
7 of fossil fuels. CPV states that we are
8 misinformed and will say this isn't true, but
9 the sign is there, the harmful smoke is full
10 of toxins, even more than is shown in the
11 permits due to carbon credits or the
12 emissions testing -- emissions tests. Orange
13 County isn't a vacuum. You have the chance
14 to truly show that New York is a leader in
15 renewables, because right now, that statement
16 isn't true. It's just words. Respectfully,
17 Debra Slattery.

18 I also want to refer briefly to this
19 letter. Now, in CPV's original environmental
20 review, they identified the impact zone as
21 five miles, and in only -- and only in one
22 point in the -- I think two points in the
23 entire process was any resident actually
24 notified by mail about this project. The
25 first was in 2009, and I think people within

PROCEEDINGS

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2 300 feet of the plant were notified. Even
3 then, we had testimony from several people
4 who live with the 300-foot limit and they
5 were not notified, and we have affidavits
6 that we -- you know, to evidence it, but the
7 second time was in 2015 when they applied for
8 a site plan review that -- again, I can say,
9 only informed people within 300 feet or 500
10 feet. Now, mind you, according to them,
11 their impact rate is just five miles,
12 although experts recommended -- their
13 technical experts to the town planning board
14 recommended that the impact rating should be
15 15 miles, but regardless of that, here's the
16 first actual notice of people outside of that
17 300- to 500-foot notification parameter.
18 This is the first notice that anyone got.
19 It's about today's hearing and it came in
20 people's mailboxes today. How on earth could
21 people come and prepare testimony and
22 participate in the hearing if they're just
23 learning about this today? I don't know
24 exactly who they mailed this to, and I would
25 like the record to find out exactly who this

PROCEEDINGS

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2 was sent and whether it included everybody in
3 that five-mile radius, but, you know, it's
4 still misinformation, you now, aside from the
5 fact that nobody can really meaningfully
6 participate after just getting it today and
7 just to absorb all of the misinformation in
8 it, but the notion that this plant actually
9 is good for our air quality because it
10 removes other pollution sources, this is
11 absolute rubbish. There are no more coal
12 plants operating in New York State. There
13 are no more coal plants operating in New York
14 State. CPV did not replace a coal plant, it
15 replaced a nuclear power plant, a
16 carbon-free, emissions-free nuclear power
17 plant. A zero-emissions plant is what it
18 replaced, so it increased our air pollution,
19 it increased our greenhouse gas emissions,
20 and this is part of the Percoco indictment.
21 This is what CPV bribed Joseph Percoco for.
22 It was the first request to get the
23 government to shut down Indian Point and they
24 got what they wanted.

25 So, this is -- this is absolute false

PROCEEDINGS

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2 information, and even if we were to entertain
3 the notion that it's replacing a coal plant,
4 fracked gas is worse than coal. The
5 scientists have confirmed fracked gas is
6 worse than coal, yet, it burns cleaner at the
7 combustion -- at the point of combustion, but
8 when we include all of the leaking methane
9 and the process that it takes to extract that
10 gas, the full lifecycle of greenhouse gas and
11 the toxic impact of -- impact of the new --
12 the fracked gas is many times worse than
13 coal. Fracked gas, its methane is 100 times
14 more potent than greenhouse gas in the CO₂,
15 and it leaks anywhere from 4 to 15 percent,
16 and I think that's a very conservative
17 estimate. So fracked gas is a -- is a public
18 health catastrophe. It -- concerned health
19 professionals in New York just issued a new
20 compendium, which focuses entirely on fracked
21 gas infrastructure, which includes pipelines,
22 compressor stations, storage facilities, and
23 power plants, and it is the same fact, lots
24 of chemicals that are being emitted at
25 compressor stations, that are being emitted

PROCEEDINGS

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2 around this power plant that are many times
3 greater, and therefore, it's preposterous to
4 assert that they are actually improving our
5 air quality. They should be sued for -- for
6 misinformation and fraud and deception, along
7 with bribery and corruption. Thank you.

8 BY THE HEARING OFFICER: Thank you.
9 David Hamilton?

10 BY MR. HAMILTON: I think you've also
11 noticed I'm following two very well-spoken
12 and well-informed people. I'm speaking on
13 more of a personal level here tonight and I
14 hope you'll appreciate that.

15 When we first had a major pollution
16 event here in Middletown, I thought what
17 could I do. I'll drive to the plant and
18 speak to the plant manager, and ask him to
19 shut down, because he's affected all of
20 Middletown with heavy, black clouds of acidic
21 pollution that burns our throats and makes it
22 difficult to breathe at all. My drive was
23 accomplished. I got there. They actually
24 opened the gate to let me in, confused who I
25 was. I figured as I drove in they'd probably

PROCEEDINGS

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2 arrest me for trespassing, so I sat there.
3 Five, ten minutes later, a guard came out. I
4 said could I please speak to the plant
5 manager? I'd like to speak to him about a
6 pollution event that's happening in
7 Middletown that is very vital for him to know
8 about. I figured maybe he didn't know. He
9 went back in and asked the plant manager to
10 come out and speak to me. The plant manager
11 refused. I don't know if he thought I was
12 going to be harming him physically or he just
13 didn't want to come out and talk to me. I'm
14 not sure what his thoughts were. I asked the
15 guard, could you try again? It's really
16 important for all of Middletown. At one
17 point, he says, well, that's Middletown, but
18 I'm from Minisink where I used to teach and
19 walked my dog to get some fresh air, and so
20 that is a bad day. So the gentleman went
21 back -- the guard went back in. He came back
22 out with another guard. I called the
23 gentleman and spoke to him. Very slick, very
24 slick. Then another gentleman called me
25 because he had passed me on. This guy was

PROCEEDINGS

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2 even slicker. This gentleman's name was
3 Steven Sullivan, who even gave me his
4 personal cell phone number. Here's what I
5 gathered from the two gentlemen. They are
6 allowed to use oil to burn for 30 days each
7 year for emergencies. I told him, well, this
8 isn't an emergency. They told me it was to
9 them. They needed to get the shut -- the
10 startup done by a certain deadline. If they
11 didn't get it done, then they'd have to close
12 down, so that was their emergency. How many
13 more times is an emergency going to be used
14 in that sense, when it's an emergency for
15 them, not for a national emergency or an
16 electrical emergency in New York State. So I
17 spoke to both gentlemen. They both said we
18 couldn't shut down. We weren't going to shut
19 it down. That didn't end there. Then the
20 City of Middletown's mayor, Joe DeStefano, he
21 asked them to shut it down because of the
22 extreme effect it was having on Middletown.
23 He was also refused. The arrogance of this
24 company, and worse yet, they claim they want
25 to be a good neighbor. That's what both

1 PROCEEDINGS

2 gentlemen told me. Call us any time, we want
3 to be a good neighbor.

4 This plant, as has already been
5 mentioned, is using fracked gas from
6 Pennsylvania. I drove through it recently.
7 You won't believe what it looks like.
8 Horrible. How can we allow our neighbor to
9 destroy for corporate greed? We have to
10 stand up to this corporation.

11 New York State has committed themselves
12 legislatively to be using only nonpolluting
13 renewable energy by the year 2040, and now
14 we're going to allow this plant to start
15 operating reversing the whole process they're
16 trying to accomplish. How much money has to
17 change hands for this deal to be completed?
18 How many projects? I can think of a couple
19 of them done in Middletown. There were
20 projects done in Middletown to help this
21 project be completed. This is sad. I'm
22 going to say that this is a sad way.

23 Can we even count on the DEC to not be
24 influenced, but look at the facts, the
25 direction New York State is headed, and vote

1 PROCEEDINGS

2 no on the permits. Thank you.

3 BY THE HEARING OFFICER: Thank you.
4 Mary Ann McDonough?

5 BY MS. McDONOUGH: Hi. My name is Mary
6 Ann McDonough. I've lived in Orange County
7 all of my life, except while I was away at
8 college. I had my high school education
9 here, my career here, and my family here, and
10 now, my retirement here.

11 I love Orange County and I'm appalled
12 at what has happened here; the lack of
13 concern for the people, the environment, and
14 for future generations. The most glaring,
15 egregious example of this disdain for Orange
16 County residents is the CPV power plant.
17 This plant does nothing but sacrifice the
18 residents of Orange County, particularly
19 western Orange County, so that an
20 international company can pollute, bribe, act
21 corruptly so as to make a profit for their
22 investors. All of this is completely
23 contradictory to the goal New York State
24 allegedly has about reducing greenhouse
25 gasses and carbon emissions that add to

1 PROCEEDINGS

2 climate change. The mere fact that Joe
3 Percoco, the other son of Mario Cuomo, was
4 tried and convicted of bribery and is
5 currently a resident of my town, Otisville,
6 but not my town, the Otisville Correctional
7 Facility -- this fact should not -- this fact
8 alone should deny the air permit, but should
9 have called into question all of the other
10 permits that this CPV plant received, and it
11 should have been shut down before we got to
12 this stage of development.

13 I spent the last four years of my
14 retired life, most Saturday mornings,
15 picketing the CPV site when it was only a few
16 trailers and to now what would become a loud
17 polluting 680-megawatt power plant. I have
18 stood there in the heat, the cold, the rain,
19 and the snow, and why, because someone needs
20 to speak the truth to power about the
21 corruption, the pollution, and the dangers of
22 fracked gas, and about the negative health
23 impacts now and, God help us all, in the
24 future. In the 6/18/19 Times Herald Record
25 editorial -- our local newspaper, Times

PROCEEDINGS

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2 Herald Record, they said we are in -- we're
3 in a state -- they say things about climate
4 change, and what people and politicians can
5 or will do about it. The best part of the
6 editorial, however, was summarized, and they
7 summarized the facts in the editorial, and it
8 stated as follows: It talked about me and
9 all of those other people standing on that
10 picket line for four years, us demonstrators,
11 who have spoken this truth to power. Let me
12 read to you what the quote said in the Times
13 Herald Record. So when local people campaign
14 to have the state take away the license for
15 the CPV power plant near Middletown, and
16 opposed the reopening of Danskammer on the
17 Hudson River near Newburgh, they are not
18 alone. They are now the mainstream. Hear
19 what the editorialist stated. We are not the
20 fringe that CPV has been alleging that we
21 are. We are the mainstream. We ask you, the
22 DEC, to act on our behalf. That is your job.
23 Act on behalf of the mainstream. Deny this
24 permit, both permits now.

25 And my last point -- (Indicating) and I

1 PROCEEDINGS

2 want to show you something in that. On 7/11,
3 not the -- the front page of the Times -- of
4 the Times Herald Record has as follows:
5 Welcome to fresh air, all right? We're
6 talking about kids that are coming out of New
7 York City, and where do they land?
8 Middletown, New York. And they're saying
9 welcome to the fresh air. Fourteen kids
10 coming to the Mid Hudson from New York City
11 as part of the Fresh Air Fund. We in the
12 Hudson Valley want to be able to offer that
13 fresh air, but we -- that we've historically
14 been known for, but it's up to you to make
15 sure we can, because right now, there is not
16 fresh air in Orange County.

17 Deny these permits. Do your job. Do
18 it for us and all of the people of Orange
19 County, as well as for the people of
20 Pennsylvania. Thank you.

21 BY THE HEARING OFFICER: Thank you.
22 James Bastek?

23 BY MR. BASTEK: Hello. I'm an onion
24 farmer in Pine Island, New York, and I also
25 would like a refusal of the permits for the

1 PROCEEDINGS

2 power plant, and I was at the other meetings
3 before, and that -- I want to -- I just found
4 out late about the meeting, so I didn't come
5 prepared, but James Cromwell was talking
6 about the climate change. Now, the only
7 thing that -- crops in Pine Island seem to be
8 failing this year again. There's a lot of
9 plants being planted to get like a four- or
10 five-inch onion. There's -- we're going to
11 have two-inch onions only, so something is
12 affecting the crop. Last season, we had a
13 lot of rain, but we weren't getting the size
14 of the onion either. Everything has been
15 small and -- and, you know, as a farmer, we
16 have to follow the DEC, the FLSA Office --
17 that's a federal governmental office -- and
18 we can't touch wetlands. We can't raise a
19 crop on a wetland. It's got to be left
20 alone. Why was the power plant put in the
21 wetlands in our -- (Interrupted)

22
23 (Whereupon, members of the public
24 clapped hands.)
25

PROCEEDINGS

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2 And underneath, we have the aquifers.
3 The aquifers -- there's about seven in the
4 valley. That is the only place that we can
5 get water from, and DEC is supposed to
6 control and protect our water supply, and
7 they put a power plant right on top of it,
8 and if they ever have a leak or they lose
9 their diesel fuel, our water supply is
10 contaminated. It's never going to be
11 replaced, and all of the other county
12 towns -- Goshen, they have no -- no real
13 water supplies and -- and I'm -- I have a
14 farm in Pine Island, and Millennium Pipe
15 called me, came and wanted my land for their
16 pipeline, and my land was picked the last.
17 Without my -- my land, the pipeline could not
18 have a pipeline here, and we didn't want it
19 to come through our land. It was changed
20 four or five times, and they picked my land,
21 and they -- they put the pipeline in, and now
22 Andrew Cuomo's Department of Agriculture came
23 in when they were going to put the pipe
24 pipeline in to protect my land and everybody
25 else's, and the pipeline had a hard time

1 PROCEEDINGS

2 putting the pipe in my land, and they
3 destroyed my land, and pipeline was installed
4 in 2008, and they did -- there was a plan to
5 protect my farm and I approached DEC,
6 AgriMarket, the Federal Regulatory
7 Commission, and nobody was able to protect my
8 land. The pipeline never followed the plan.
9 They keep -- they kept changing the plan
10 three times, and they did everything wrong on
11 my farm, and my farm is probably the worst
12 farm damaged in the United State, and the
13 pipe was put in in 2008. I asked help from
14 DEC and it's now 2019. The pipeline
15 monitored the land for six years, and
16 AgriMarket kept asking that the pipeline to
17 fix my farm, and the pipeline refused for
18 seven years. We went to the Federal
19 Regulatory Commission first. I've been
20 waiting three years now for them to make a
21 decision. They came and looked at my farm
22 and they seen the damage, and it's worse now
23 than when they put the pipe in in 2008, and
24 the pipeline now is blaming the farmer for
25 his practices, the way we farm. That's what

1 PROCEEDINGS

2 they told the federal government. And the
3 federal government says that they can't tell
4 the pipeline to fix my land after ten years,
5 and AgriMarket has no power to do anything.
6 DEC doesn't seem to have much power to
7 protect our New York State either. And
8 somebody's got to -- to take over and start
9 doing the right things. And I've been
10 waiting for three years with the federal
11 government, and now all of -- the pipeline,
12 when they came into the town in 2008, even to
13 build the compressor station, they came in
14 and told the building inspector that -- that
15 the federal government gave us the okay. We
16 don't need any permits. They're not getting
17 any monies from the compressors stations, so
18 why does the town even want to have them
19 here? We're getting nothing out of it, and
20 like Mr. Cromwell said, that all they want to
21 do is export the gas.

22 Now, Millennium Pipeline, before they
23 hooked up the compressor station, we asked
24 the DEC that they deny the permit for the
25 other -- for the -- for the line -- the

PROCEEDINGS

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2 Lateral Line going to the power plant,
3 because they haven't fixed my farm in ten
4 years and they have no intention of fixing
5 anything. They say it's not worth fixing.
6 They were supposed to put it back. The
7 contract stated they've got to put it back to
8 original. What was there before, they have
9 to put back the way it was. They don't know
10 what it was ten years ago. They don't
11 understand why I'm still complaining and the
12 federal government, we asked them for help.
13 I forgot the lady's name now -- Gertrude
14 Johnson. She can't put any pressure on the
15 Millennium Pipeline to do what it --
16 Millennium Pipeline sold out to the
17 Canadians, and we haven't seen any Canadian
18 people that would come here to -- to talk or
19 even to try to fix our farm, and also, the
20 pipeline says that I don't cooperate with
21 them, but they -- when they put the pipe in
22 -- in one year, they installed the pipe in my
23 farm. Well, three years went by before I was
24 able to farm. We were supposed to lose the
25 farm for one year and two months. It was

PROCEEDINGS

1
2 three years before they moved the dirt back
3 so that we could start farming. The third
4 year was lost because it was too late to
5 plant the crop, and they're blaming me for my
6 practices. AgriMarket says to plant the
7 onions on the field, never stop planting
8 onions. Plant the onions so they can see
9 that they're not going to grow, because when
10 AgriMarket came here years before, upstate,
11 the pipeline ruined a lot of property, and
12 they had troubles there, so AgriMarket came
13 in to control the job and watch it so they
14 don't destroy the farmer, and everything was
15 destroyed. They watched, but never did
16 nothing. For seven years -- six years of my
17 seventh -- the seventh year, they said that
18 they -- they see nothing wrong, but we
19 haven't picked a crop off the work area
20 since. In ten years, there was no crop. The
21 onion does not grow on their work area,
22 because of what they did. The whole area
23 sunk now. The federal government sees that
24 the land is low, but they don't know what
25 caused it, and that's the last reply I got

PROCEEDINGS

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2 from the federal government, and the pipeline
3 says we don't -- we don't work with them.
4 They offered us 300,000 to take a settlement
5 and forget everything. Well, we wouldn't
6 take that, because they haven't paid us for
7 crop lost over the years and equipment
8 damage. They spent two million trying to fix
9 my lands, and right now, they probably spent
10 another 2.5 million to fix it and make it
11 right, and what -- the dirt that they brought
12 in as topsoil was poorest around, and 12
13 acres of 57 acres, nothing grows on it. The
14 onion will not make the bulb. It makes the
15 plant, but not the bulb, and now -- now, the
16 Pipeline, they said they restored everything,
17 but the federal government looked at it, and
18 the monitor people, in 2011, that worked for
19 the federal government, they see all this
20 damage and they don't know what to do about
21 it, but they can't get after the Pipeline to
22 fix it. Now the Pipeline sold out to the
23 Canadians. I understand that half of it
24 belongs to Millennium, but who knows for how
25 long. Why was that land sold to the

1 PROCEEDINGS

2 Canadians when they never fixed the farms
3 here, and the pipe -- the Lateral Line should
4 not have been fixed until my farm was fixed.

5 BY THE HEARING OFFICER: Sir, I'm going
6 to ask you to wrap up your comments. Thank
7 you.

8 BY MR. BASTEK: All right. That's --
9 that's all I have to say.

10 BY THE HEARING OFFICER: Thank you very
11 much.

12 BY MR. BASTEK: Okay.

13 BY THE HEARING OFFICER: Jocelyn
14 Figueroa?

15 BY MS. FIGUEROA: Hi. I am a resident
16 of the Town of Wallkill. The days that they
17 did burn the diesel, I was able to smell it
18 in my back yard. I was very upset and
19 disturbed, because that's what we could
20 smell, but what's going on now with this
21 fracked gas, it's there, and we cannot see
22 and we cannot smell it, so that's what
23 worries me even more.

24 I have two small dogs, I have two
25 children, and I have a husband who just

PROCEEDINGS

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2 finished cancer treatment, so I -- I say to
3 him, what are we going to do when we retire,
4 are we going to stay here in Orange County or
5 are we going to move somewhere where we can
6 get fresh air? We haven't made that decision
7 yet. I'd like to stay here in Orange County.
8 I've been here since 1996. I love this
9 place. I love the people that I've met
10 through some of the -- my activism and -- and
11 things I've been doing in Orange County, but
12 I hope the DEC does something, but I'm not
13 holding my breath.

14 The -- the farmers, I know last year,
15 my daughter was working at a farm in
16 Westtown. Well, it was a camp, but it's an
17 organic farm, so my question, and I know
18 you're not going to answer questions, but
19 just food for thought, how are we still
20 having organic farms in Orange County? What
21 goes up must come down. I teach preschool,
22 so I keep things very simple.

23 I'm going to read the mission statement
24 just to remind everybody what DEC's mission
25 statement is. I don't have my glasses on.

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1
2 DEC's mission is to conserve, improve, and
3 protect New York's natural resources and
4 environment, and to prevent, abate, and
5 control water, land, and air pollution in
6 order to enhance the health, safety, and
7 welfare of the people of the State and their
8 overall economic and social well-being.
9 DEC's goal is to achieve this mission through
10 the simultaneous pursuit of environmental
11 quality, public health, and economic
12 prosperity, and social well-being, including
13 environmental justice and the empowerment of
14 individuals to participate in environmental
15 decisions that affect their lives. Mission
16 4, permits, modifications, suspensions, or
17 revocations by the Department applicable to
18 state requirements: The Department reserves
19 the right to exercise all available authority
20 to modify, suspend or revoke this permit in
21 accordance with -- I'm not going to read
22 those numbers. The grounds for modification,
23 suspension or revocation include -- and I'm
24 just going to read what my husband
25 highlighted here -- newly discovered

PROCEEDINGS

1
2 material, information or material -- or a
3 material change in environmental conditions
4 relevant to technology or applicable --
5 applicable law or regulations since the
6 issuance of the existing permit. Thank you
7 very much.

8 BY THE HEARING OFFICER: Thank you.
9 Ovid Figueroa?

10 BY MR. FIGUEROA: Thank you. I'm a
11 resident of Orange County as well. My wife
12 read my mission statement, so I'll start from
13 there.

14 So I believe since the start of the
15 permitting process, studies have proven that
16 the current pollution testing of the power
17 plants do not take into account what we know
18 through extensive studies on the health
19 impacts, that the elevated air pollution
20 created by fracked gas power plants has a
21 negative health impact on all population
22 groups. In particular, the studies looked at
23 the ultrafine particulate matter, 2.5 and
24 smaller, that have the greatest negative
25 impact on health. Also, testing typically

PROCEEDINGS

1
2 has in -- been the DEC's and pipeline's
3 system, not just the power plants, but the
4 supply chain. It is proven that large
5 quantities of these compounds leak from
6 pipelines, compressor stations, and power
7 plants, and they have an extreme negative
8 impact on health effects that are here and
9 not monitored.

10 I'm going to include in the package I'm
11 going to leave with you some of the studies
12 that have shown some of the health impacts.
13 One's the American Medical Association, a
14 document, the Association of Short-Term
15 Exposure to Air Pollution with Mortality in
16 Older Adults. The conclusion and relevance
17 of the US Medicare population from 2000 to
18 2012, short-term exposure, again, 2.5,
19 warm-season ozone were significantly
20 associated with the increased risk of
21 mortality. This risk occurred at levels
22 below current national air quality standards
23 suggesting that the standard may need to be
24 reevaluated.

25 The American Journal of Respiratory and

1 PROCEEDINGS

2 Critical Care Medicine, they looked at the
3 short-term elevation of fine particulate
4 matter air pollution and respiratory
5 infections. Nearly 60 percent of all U.S.
6 children living in counties where particulate
7 matter, less than or equal to 2.5
8 concentrations. In this large sample of
9 urban patients, short-term exposure to
10 elevated -- again, 2.5 -- is associated with
11 greater healthcare use for respiratory
12 infection in young children, older children,
13 and adults.

14 Medication Today and the American Heart
15 Association did a study on fetal air
16 pollution exposure tied to higher childhood
17 blood pressure. In utero exposure to higher
18 levels of particulate matter -- 2.5 -- air
19 pollution is associated with an increased
20 risk of elevated blood pressure during
21 childhood. Ours was one of the first studies
22 -- this a quote. Ours was one of the first
23 studies to show that breathing polluted air
24 during pregnancy may have a direct negative
25 influence on the cardiovascular health of the

1 PROCEEDINGS

2 offspring during childhood.

3 The Southwest Pennsylvania Health
4 Project, in the study of the Minisink
5 compressor station and some of the
6 observations there, shows that even though
7 the average testing that they do on power
8 plants was on averages, the issue is not the
9 averages. It's really more of the spikes in
10 elevated levels of 2.5. Many of the averages
11 during the study on the homes were 5 to 10.8,
12 but spikes ranged from a low of 31 to a high
13 of 426 in the areas around the homes, as well
14 as the presence -- and some of this stuff,
15 I'm not going to be able to amass -- as well,
16 there was a presence of methane, acetone,
17 ethanol, propane, and whole bunch of other
18 stuff that were, during chemical testing,
19 outside of homes, they were picked up. These
20 chemicals detected are the same chemicals
21 found at numerous shale gas development
22 facilities by the researchers. This -- it
23 impacted respiratory problems, respiratory
24 distress, dermatological problems. Overall,
25 studies showed that current air quality

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2 testing is not adequate or extensive enough
3 to ensure safety of the air that we breathe.

4 Overall, I would hope that the DEC
5 would deny these permits and protect the
6 people of Orange County and the greater
7 earth. Thank you.

8 BY THE HEARING OFFICER: Thank you.
9 Victoria Dunne?

10 BY MS. DUNNE: Good evening members of
11 the DEC and fellow citizens.

12 My name is Victoria Dunne, and my
13 husband and I reside in a place that is
14 located 2.1 from CPV. I stood here before
15 you back on September 26th, 2018, and spoke
16 of our cat, Darwin, who had been diagnosed
17 with multiple myeloma, an exceptionally rare
18 cancer currently associated with exposure to
19 tobacco, chemical plants, and oil refineries.
20 Three days after that hearing, Darwin passed
21 away. I had said that this tale be a
22 cautionary one, comparing him to the
23 proverbial canary in a coal mine, and yet,
24 here we are again having to plead our case
25 when we know that the plant is toxic, with

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1
2 the CPV caring only about protecting their
3 bottom line as evidenced by their tale of
4 financial woe being used to circumvent the
5 original air permit denied last year.

6 Our household only received one letter
7 from CPV in December of 2017 regarding the
8 commissioning phase, and it did state the
9 steam blow cleaning is expected to take two
10 to three weeks. The steam blow cleaning is
11 necessary to prepare the facility's steam
12 system and steam turbines for normal
13 operation. Some of the steam vapor may be
14 incoming from the facility. This is just
15 water vapor and is very typical for this
16 activity. Four weeks after commissioning
17 began, our neighborhood was assaulted by
18 CPV's steam. I had only been outside for two
19 minutes resulting in my hair becoming
20 saturated by whatever was blanketing our
21 homes. The concerns are not only mine. A
22 purple air -- air monitor was obtained by
23 several neighbors in an effort to become more
24 interceding and aware of the potential
25 dangers CPV poses any day they run. Call it

1 PROCEEDINGS

2 a warning system, as CPV has failed us and
3 embodied the term of a bad actor choosing not
4 to alert us of the real dangers. The Q&A
5 sheet, which accompanied the commissioning
6 letter, stated in its first question, how
7 will CPV Valley help the environment?

8 Answer: Because CPV Valley's electric
9 production replaces electric production from
10 older electric emission generators, it will
11 reduce net carbon emissions. That's creative
12 interpretation at its best. Had we had a
13 coal plant where CPV now resides, then yes,
14 they would be reducing our emissions, but
15 they were only wetlands there, which were
16 miraculously, as you know, industrial for
17 just this project.

18 Screen shots of the purple air
19 monitor's 2.5 PM reading provided clearly
20 show when CPV is running versus not running.
21 The numbers speak for themselves, 80 to 150,
22 with spikes much higher when running, versus
23 zero to 8 when not.

24 We've been told numerous times by local
25 officials and CPV that everything is fine, so

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2 imagine my surprise when, on March 7th, 2019
3 at a Town of Wawayanda Board meeting, a
4 councilman stated they knew CPV had no
5 pollution controls in place with respect to
6 when they went online.

7 To further substantiate that this in a
8 document titled CPV Follow-Up, March 6th,
9 2018, question 7, has the turbine air
10 pollution control equipment been bypassed
11 during any startup testing or commission of
12 the turbine? And the answer, the FCR and the
13 CO titles will be installed in the HRST
14 following completion of the steam blows.
15 These are the emissions controls these plants
16 use? Further down, in the one answer
17 provided, it states the catalysts are
18 installed during the restoration outage,
19 which occurs after completion of the
20 lower-load commissioning steam blows. So, in
21 layman's terms, yes, there were no pollution
22 controls in check, no warning, no
23 notification, just more vague evasive answers
24 styled in ambiguity.

25 Upon having discussions, fellow Orange

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2 County residents -- regarding the CPV and
3 their startup, they spoke of the
4 conversations they had had with a worker
5 related to the CPV project. Michael plans on
6 leaving the area, because he said you don't
7 want to be anywhere near that thing when it
8 turns on. If it's so safe, why would someone
9 who presumably knows more than you, and I say
10 that, and we're just supposed to trust CPV?

11 Provided to you is a copy of the
12 National Geographic June 2018 issue. A
13 particular article entitled Green versus the
14 Common Good speaks to the bigger picture
15 here. The bookmarker used, done by a local
16 artist, depicts an American Bald Eagle, the
17 same bald eagle a pipeline (Indiscernible
18 words) to exist despite eyewitnesses and
19 video confirmation.

20 In closing, at every turn, some more
21 crucial than others, CPV has had an
22 obligation and an opportunity to do the right
23 thing for the public they say they care so
24 much about, but we know now this is not the
25 case.

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2 Again, I ask you to deny CPV's Title V
3 and IV permits. Thank you for your time.

4 BY THE HEARING OFFICER: Thank you.
5 Genevieve Haines?

6 BY MS. HAINES: Good evening. Thank
7 you for the opportunity to speak today.

8 As we celebrate the 50th anniversary of
9 man's first steps on the moon, I'll start
10 with a quote from an interview that Michael
11 Collins, Apollo 11's command module pilot
12 gave to CBS news upon their return to earth:
13 My primary recollection is not that of the
14 moon, he said, it is of the Earth as seen
15 from 230,000 out. This is a fragile place
16 and we need to do a better job of taking care
17 of it -- 50 years ago.

18 This science has been clear for some
19 time, and the effects of fossil fuels on our
20 planet are being demonstrated in real life
21 every day. There is no denying that climate
22 change, along with environmental and human
23 crisis it entails are here, close by, getting
24 worse every day and demand urgent action.

25 The CPV fracked gas plant in Wawayanda

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2 was built on bribes, as clearly demonstrated
3 in a trial that has led to at least one
4 serious conviction.

5 Although vitally important, I did not
6 come here today to dwell on any of this in
7 particular, but I would like to include it
8 all by reference in my comment.

9 I am here to stand with a brave young
10 woman from Sweden who is making quite a
11 splash speaking truth to power in the world
12 these days. I'm here with Greta Thunberg,
13 and here with and for my children, and all of
14 the children of the Earth to demand a better
15 deal for them and for their future.

16 I am asking, urging, and begging you to
17 be bold, in the face maybe, of the laws and
18 regulations that have quickly become archaic
19 in view of the dangers that loom.

20 Be bold. Give New York the chance to
21 become a beacon of clean energy it claims to
22 pursue, and a new beacon of hope for our
23 children and future generations. Please deny
24 CPV's title V permit application. Thank you.

25 BY THE HEARING OFFICER: Thank you.

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2 Michael Haines?

3 BY MR. HAINES: Good evening, and thank
4 you for this opportunity to speak.5 Our state is aware of dire need for
6 action to protect our planet and the
7 importance of moving away from fossil fuel
8 before it's too late.9 For many years, our leaders have
10 thought we could free ourselves from
11 dependence on foreign oil by taking advantage
12 -- advantage of natural gas, such as that in
13 Pennsylvania, but that's before we found out
14 just how devastating and unprofitable it was
15 to extract gas from Marcellus Shale in
16 Pennsylvania and ship it to New York across
17 many streams and surface drinking water. One
18 doesn't have to travel far to see, and
19 there's people that have witnessed it, how
20 much damage is being done in our neighboring
21 state. I can't see how there is a future in
22 operating a plant that is dependent on these
23 energy sources. We've seen this sort of
24 thing before, where a plant is built on
25 promises of financial gain for the

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2 surrounding communities who end up holding
3 the bag later when things don't work out,
4 when the communities are left to remediate
5 the damage to air and water when these
6 companies leave -- when they leave town.

7 Another important matter that I just
8 have to draw attention to is the air permits
9 were subject to Emission Reduction Credits.
10 The credits that are on file, and these are
11 referred to, in fact, in a letter that --
12 received -- brought through CPV today, these
13 Emission Reduction Credits are from the
14 reciprocity in the State of Pennsylvania.
15 However, the -- and I have attached here a
16 copy of -- a copy from the Department of
17 Environmental Protection of Pennsylvania,
18 from their ERC registry, that indicates that
19 these two ERCs that they purchased expired in
20 2016, so they're no longer valid for
21 application against this. So, again, I will
22 be giving that to you.

23 If we ask the residents of the
24 surrounding communities if they wish to
25 breathe numerous poisons, and greenhouse

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2 gasses, and volatile organic compounds,
3 sulfur dioxide and sulfuric acid, they'd say
4 none of the above, but cap and trade
5 regulations seem sadly (Indiscernible words)
6 We don't have a trade, because it's expired
7 credits. They must have some doubts about
8 the financial liability of such a project,
9 no? Why should we allow the negative health
10 impacts to go on when other options exist?
11 Even CPV themselves recognizes and is
12 implementing renewable energy solutions
13 elsewhere. They've been -- actually asked
14 for support in getting that implemented.

15 So why are we doing this here? Our
16 residents have done nothing to deserve the
17 consequences of a bad business deal that
18 needed to resort to bribery to even be put in
19 place.

20 So let's make the right choices. Let's
21 do what's right for our community, our
22 people, and our planet. Let's deny this
23 renewal. Thank you.

24 BY THE HEARING OFFICER: Thank you.
25 Jared Quattrini?

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2 BY MR. QUATTRINI: Good evening. My
3 name is Jared Quattrini.

4 I want to put out that these hearings
5 were prefaced by multiple municipalities,
6 towns, and villages passing resolutions
7 against CPV, along with the Orange County
8 Legislature.

9 I'm not a scientist, a doctor, or an
10 environmental expert. I'm a lifetime
11 resident of this county and I'm here to
12 defend my family, friends, and neighbors
13 against the dangers, and shortcomings and
14 injustices of the oil and gas industry, in
15 this case, the drilling, transporting, and
16 burning of fracked natural gas.

17 There are many segments associated with
18 this process; extraction, refinement,
19 transportation, going to compressor stations
20 and burning it, all of which are detrimental
21 to human life. It's all comes down to fresh
22 water, ozone compounds, and chemicals
23 leaching into soils beckoning sewage.
24 Carcinogens that leak carbines are to blame.

25 A recent 300-plus page compendium was

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2 written by concerned health professionals in
3 New York and Physicians For Social
4 Responsibility. It included the following:
5 Quote, the rapidly expanding body of
6 scientific evidence compiled and referenced
7 in the present volume is massive and
8 troubling, and cries out for decisive action.
9 Across a wide range of parameters, from air
10 and water pollution to radioactivity to
11 social disruption and greenhouse gas
12 emissions, the data continue to reveal a
13 plethora of recurring problems and harms that
14 cannot be sufficiently averted through
15 regulatory frameworks. There is no evidence
16 that fracking can operate without threatening
17 public health directly and without imperiling
18 climate stability upon which public health
19 depends. The only method of mitigating its
20 grave harm to public health and the climate
21 is a complete and comprehensive ban on
22 fracking.

23 All of these issues have been ignored
24 or overlooked by regulating bodies in a
25 cumulative effort -- excuse me -- a

PROCEEDINGS

1
2 cumulative effect to our environment by a
3 process known as segmentation. Segmentation,
4 as written by the NYCRR, regulations under
5 the State Quality Review Act or SEQR
6 recognize that actions commonly consist of a
7 set of activities or steps. Therefore,
8 considering only part or segment of an action
9 is contrary to the intent of SEQR. SEQR
10 generally prohibits segmentation, which is
11 defined as a division of Environmental Review
12 of an action of such that various activities
13 or stages are addressed under this part as
14 though they were independent unrelated
15 activities needing individual determinations
16 of significance. The reason for this rule is
17 that if a proposal is broken enough into
18 pieces, each piece may not seem significant,
19 although the impact and the sum of pieces
20 might be significant.

21 Moreover, the determination of an
22 initial application may be practically
23 determinative if later -- of later
24 decision-making, accordingly, Environmental
25 Review of the entire project is required

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2 before any significant authorization is
3 granted for a -- excuse me -- specific
4 proposal.

5 Secondly, the impacts -- the cumulative
6 impacts. SEQR generally requires
7 consideration of cumulative environmental as
8 separate actions. While cumulative impacts
9 are not defined by SEQR or its implementing
10 regulations, the DEC addresses the issue in
11 the SEQR handbook on page 41. According to
12 one report, considering the cumulative
13 effects of operations that relate to actions
14 ensures against the stratagem to the required
15 environmental review to by breaking up a
16 proposed development into components --
17 component parts which, individually, do not
18 have sufficient environmental significance.

19 Next, EIS. The EIS is prepared in
20 connection with projects that are to be
21 developed in phases or stages. Agencies
22 should address not only the site-specific
23 impacts on individual projects under
24 consideration, but also, and in more general
25 conceptual terms, the cumulative impacts on

1 PROCEEDINGS

2 the environment and the existing natural
3 resource base of subsequent phases of a
4 larger project or series of projects that may
5 be developed in the future.

6 In closing, from the DEC website, I'd
7 like to refer to the June 19th, 1998 rulings
8 of the administrator -- administrative law
9 judge. Efforts are massive on party status
10 and issues for the Al Turi landfill
11 extension. After the legislative public
12 hearing, an issues conference was held where
13 the applicant was questioned on the grounds
14 of fitness. In that memo, it states, an
15 issue assessed as to whether the applicant
16 was suitably fit to receive the landfill
17 extension permit. This issue was to be
18 considered based on reconsiderations. The
19 first, and most important, being recent
20 felony convictions of the applicant, its
21 three owners, and several companies in which
22 the owner had major interests. As required
23 as a supplement to its permit application,
24 the applicant submitted a Record of
25 Compliance statement on a form provided by

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2 the Department. That statement acknowledges
3 that as partner of a single proceeding
4 against 21 defendants in the case of the
5 United States versus Gigante. The applicant
6 and its three owners pled guilty in federal
7 court relating to principle -- principally to
8 filing false tax returns in the 1980s. The
9 applicant, Al Turi Landfill, Inc., pled
10 guilty to the count of conspiracy in the
11 filing of false tax returns admitting that
12 from in or about 1983 through in or about
13 1988, Al Turi, together with J&T Recycling
14 Corp., and others, conspired willingly and
15 knowingly and unlawfully to defraud the
16 United States by impeding the law -- the
17 lawful function of the IRS.

18 These pleas and subsequent convictions
19 of the Al Turi Landfill, being its three
20 principles and corporations in which these
21 principles were large shareholders, are
22 relevant to the permitting decision in this
23 matter pursuant to Department's enforcement
24 guidelines, memorandum issued August 8th,
25 1991, as revised February 1993. According to

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2 that memorandum, the Department may consider
3 as a basis for permit denial whether the
4 applicant for permitting has engaged in
5 conduct that constitutes fraud or deceit, and
6 whether the permitting applicant has been
7 convicted of a crime of filing a false
8 instrument or making false statements to the
9 Department or any other agency regarding
10 compliance with laws of any state of the
11 United States. Who does that sounds like?
12 It sounds like Peter Galbraith Kelly and
13 Joseph Percoco.

14 I'm strongly urging the DEC on behalf
15 of my family and the residents of Orange
16 County to deny the Title V air permit on the
17 grounds of environmental and social
18 injustices. Thank you.

19 BY THE HEARING OFFICER: Thank you.
20 Michael VanDervoort?

21 BY MR. VanDERVOORT: Mike VanDervoort,
22 Town of Minisink.

23 I've done a lot of these hearings.
24 I've seen a lot of these people that are here
25 and I've come to know the faces. I just want

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2 to say to everyone here I can't imagine where
3 we would be right now without everybody here.
4 I cannot imagine what we would be, what CPV
5 would look like now without everybody here
6 that is giving everything that they can do
7 for years to try to fight this, and still, we
8 come here today, and we're still fighting
9 this thing, but to you, I tell you how good
10 everybody has done, beautiful.

11 I'm the cultural resource guy.
12 Everybody talks about health, everybody talks
13 about safety, everybody talks about economic
14 value, you know, and I'm the one who's here
15 to talk about the cultural resources.

16 A CRM law, a Cultural Resource
17 Management Law, in August of 2006, was
18 eliminated in the Town of Wawayanda. At that
19 public hearing, Doug Mackey, head of New York
20 State Office of Parks and Historic Structures
21 came down to that meeting. People had to
22 stand up to say listen, let this man talk.
23 He was the head of New York State Office of
24 Parks and Historic Structures, and he said
25 you've got to keep this. You guys are the

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1
2 most intimate in regard to your cultural
3 resources, and a week later, they put a horse
4 head in Gail Soro's pool. The only female
5 democrat that was against the removal of the
6 CRM. It was a terrorist act that hit the
7 Town of Wawayanda and anybody associated with
8 this. The stress that she endured
9 undoubtedly advanced her cancer.

10 They eliminated the CRM, which what --
11 the main thing that it did was that it took
12 away any right of the Town of Wawayanda
13 historian to give comment. He was left out
14 of the loop. Little things about the Town of
15 Wawayanda historian -- his grandmother was a
16 Murray. She lived on the Murray house, and
17 the Murray house is a unique house. A 1790
18 Town of Minisink census shows two structures.
19 The second structure was 20 by 24. That was
20 the Murray residence. This is important
21 because -- I'm going to go back a little bit
22 to 1735, the Dolsen purchase of \$700 of 700
23 -- 700 acres for \$700. CPV sits within that
24 700 acres. 1758, August 25th, Abigail
25 Cooley, while working in her outdoor cook

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2 oven -- when I say literally, at the entrance
3 of the CPV property where everybody comes to
4 picket on Saturday mornings -- literally, at
5 the entrance, while cooking in her outdoor
6 cook oven, Abigail Cooley was killed. She
7 was shot in the forehead. Her three children
8 were taken to Canada, and it was during the
9 period of the French and Indian War, locally
10 known as the Minisink Indian War, and it was
11 decreed that they were to go back to their
12 birthright, the indigenous tribes, and to
13 extract their dead.

14 And you always got to ask yourself, why
15 did Abigail Cooley take a shot to her head
16 that day while plowing the fields, and it all
17 goes back to Betts. Betts was born in 1791
18 in the house of the James Dolsen. The Town
19 of Minisink census, in 1790, show five female
20 slaves in the house of James Dolsen. One of
21 those female slaves was Betts' mother, gave
22 birth to Betts in 1791. In 1811, we first
23 find a notation in the Town of Minisink
24 Record of Slaves book. In 1799, at the
25 gradual abolition of slavery, it states that

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2 every child born of a slave owner was born
3 free, and in 1811, entered in the Town of
4 Minisink Record of Slaves book, show Morris,
5 Betts' son, was listed as a slave. To me,
6 social justice, environmental justice, racial
7 justice -- jut put an equal sign between it
8 all, and we always want to honor Betts,
9 because Betts lived very old. She told many
10 stories.

11 In 1846, Stanley Eager, History of
12 Orange County written in 1843, he quotes
13 Betts. He says, Betty lived down to within a
14 few years of this publication, and told many
15 stories of Dolsontown and the Dolsontown
16 neighborhood and the family. So you've got
17 to realize when Stanley Eager says that the
18 bones were shallow, that while plowing, they
19 were torn from the ground, he's got a
20 first-person reference. He's talking about
21 Betts.

22 And the reason why Abigail Cooley met
23 such a fate that day is that David Cooley was
24 out there plowing in those fields, tearing up
25 those bones of an indigenous burial ground.

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2 1733, 1735, there was a mass exodus of the
3 Lenape Indians from Orange County.

4 In 1830, black dirt was down,
5 essentially, a stream that had to be drained.
6 So before that, the black dirt was a lake.
7 There was a glacier down in New Hampton.
8 When the war got would still, so you had the
9 geographic location, and this is a migratory
10 trail that any -- in 1735, in the mass exodus
11 of the Lenape, when they came to that section
12 of the black dirt, what we call the black
13 dirt, was a lake. They took -- they came
14 through, because everything south of the
15 Wallkill River was settled. They took Bates
16 Gates Road, and the sick, and the tired, and
17 the small pox stayed back at the village that
18 Betts described. She said that there was an
19 apple orchard, and those dead, they were
20 buried in that mass-causality burial ground,
21 and 25 years later, Abigail Cooley and David
22 Cooley is plowing in those fields. That's
23 why Abigail Cooley took the fate that she
24 took, out of retribution.

25 This is the intimate knowledge that we

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2 will cut away -- when we were terrorized by
3 that horse head, and nobody said the Lenape
4 then or the Cooleys today.

5 July 5th, 2019, we have records. July
6 2nd, there is CPV out there maintaining their
7 property line, and they got this roto-tilling
8 machine and they drove it through the
9 Cooleys' cemetery. I'm a Cooley by blood.
10 My great grandmother was a Robinson, tied in
11 with the Cooleys. The first person buried
12 there, 1899, Susanne Cooley, was 20 months
13 old, daughter to Sara and Nathaniel.
14 Nathaniel fought in the Revolutionary War.
15 He was an Indian scout. And what the Cooleys
16 did to the Lenape then -- CPV, on July 5th
17 was reported to 911, to the state police.
18 They did that to the Cooley cemetery. They
19 don't respect the living. They don't respect
20 the dead.

21 You need to rescind this permit. They
22 have brought nothing but destruction to this
23 town. Please listen to us. And everybody
24 here who keeps coming, thank you for your
25 fight. Yes, we've got this.

1 PROCEEDINGS

2 BY THE HEARING OFFICER: Thank you.
3 Katherine Skafidas?

4 BY MS. SKAFIDAS: I'm not sure how I'm
5 going to top that. I love history and --
6 very interesting and sad.

7 My name is Katherine Skafidas. I am a
8 Warwick resident. I actually now reside in
9 Pine Island. I've lived up here for 18
10 years. I'm also president of Original
11 Environment, a group here in Orange County
12 that's been here since 1982. I was a staff
13 person years ago and their executive
14 director, and then I -- I'm a mom now and
15 have three kids, so I can't juggle, work the
16 part, but I'm doing the president's part.
17 I'm here tonight -- this is my own statement
18 as a Warwick, Orange County resident. Orange
19 Environment will be filing a lengthy comment
20 on July 29th, right around that time.

21 So this is what I wrote -- I also have
22 an environmental degree as well. In th early
23 mid 2000s, I worked with a Wawayanda town
24 appointed green committee to begin the
25 process of a smart growth plan and ordinances

PROCEEDINGS

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2 and good zoning, but this was quickly
3 dissolved and replaced with CPV. This is the
4 -- this is the time I was working with
5 Wawayanda residents and with the town when
6 the planted horse head part happened. Then I
7 worked on CPV comments to the Wawayanda
8 Planning Board in 2009, the new
9 self-appointed lead agent, and then again
10 co-wrote comments in 2014 to Honorable
11 Burgess, a public service commissioner who
12 regulates public utilities here in New York.
13 It was requested in two-thousand -- in 2009
14 that pre-construction ambient air quality be
15 measured, because this plant will contribute
16 nearly 100 tons of particulate matter, 2.5,
17 into our airways. This request to study
18 pre-air conditions was denied, but should
19 have been done to create a baseline.

20 For nearly two decades, this area of --
21 area of Orange County has also exceeded ozone
22 levels. It is a non-attainment area or zone,
23 which should give great pause. This, out of
24 the compliance ozone issue, has never been
25 resolved, even though it is a federal

1 PROCEEDINGS

2 mandate, so now we are adding other
3 particulate matter and who knows what fracked
4 gas byproducts into our region's air. Air
5 quality should be looked at cumulatively and
6 take into account emissions from Route 84.
7 If this pre-cumulative study had been done,
8 maybe this plant would not have been built.

9 Additionally, there has been minimal
10 public involvement, minimal review of
11 potential hazards, explosions, and on-site
12 unexpected emissions, and no real evacuation
13 plans or protection of our natural resources,
14 like our river ways and endangered or
15 threatened species. The air quality, both
16 locally and regionally, have not been studied
17 or addressed since CPV went online.

18 We have had bad actors and bribe-takers
19 at the expense of the residents, no-show
20 jobs, and permits given away like candy.

21 I ask that you deny the Title V Federal
22 Air Quality Permit on the grounds that this
23 facility should never have been built, and
24 the public's best interest and our protection
25 was never at the forefront.

1 PROCEEDINGS

2 I also want to clarify a few things
3 too. Orange Environment, a few years ago,
4 worked on a (Indiscernible word). Many
5 residents know about (Indiscernible word).
6 It was here locally almost in the very same
7 area as is the power plant, and at that time,
8 it was found that it was set up as a
9 non-sustainable, it was not renewable, and it
10 was something that should not happen, and
11 therefore, it didn't happen. This is going
12 back about 20, 25 years, here we are, playing
13 the same old scenario 20, 25 years later.
14 The same type of power plant, the same type
15 of emissions, and we know so much more now
16 than we did then. There's been study upon
17 study upon study, so it's just sickening that
18 we are back at this table again doing this
19 again, and I also just wanted to -- Jared
20 Quattrini mentioned Al Turi Landfill. For
21 those people that haven't been in Orange
22 County a long time, that was -- the Genovese
23 family ran that, the Al Turi Landfill, and
24 there were indictments, and they -- that's
25 located in -- on 17M here in Goshen for any

1 PROCEEDINGS

2 Albany people or new people for
3 clarification, and I have a hard time with
4 this, because I want this plant closed. I'm
5 done with it.

6 However, in the off, horrible chance
7 that this facility does get a permit, I do
8 request a few things, just to put on the
9 record. One is for an administrative
10 hearing.

11 Two, I'm asking that air quality
12 testing be done locally and independently
13 from any tests done by CPV. I want more
14 citizen involvement, a cumulative air study
15 done.

16 And there is a 15,000-gallon tank of 19
17 percent concentrated ammonia on site that has
18 been an extreme concern for many. It was
19 purposely built just under the 20 percent
20 concentrated threshold, and so -- so CPV was
21 not required to do a catastrophic release
22 model. CPV must be mandated to perform one,
23 because residents need to feel safe and know
24 that there are real back-up plans in case
25 there's ever a release or explosion. We must

1 PROCEEDINGS

2 always plan for the worse. This has great
3 air quality implications and is a real
4 threat.

5 I have spoken to many CPV residents who
6 have been very impacted by the poor air
7 quality since the plant was built, with both
8 the initial diesel burning and then the
9 fracked gas. Some residents are now
10 reporting new lung infections and are using
11 asthma medicines and inhalers for the first
12 time in their life, people who work outside
13 have fainted or have bad headaches, pets have
14 been sick -- sickened, etcetera, etcetera,
15 etcetera.

16 I know that there's a group here that
17 has -- has paperwork that did a health
18 questionnaire. I'm hoping that those are
19 submitted in the time to do it and get that
20 on the record.

21 What else? If CPV is given -- is
22 allowed to continue, I hope they are given
23 the most stringent air permit for this
24 transitional, unnecessary fuel source so that
25 we protect the health of our area residents.

1 PROCEEDINGS

2 If you have been sickened, please make sure
3 you get it on the record. Thank you for your
4 time.

5 BY THE HEARING OFFICER: Ma'am, can you
6 give us what you were reading from? It will
7 be used just for the court reporter.

8 BY MS. SKAFIDAS: (Handing.)

9 BY THE HEARING OFFICER: John Fezza?

10 BY MR. FEZZA: Hello. I think it's all
11 been said already, but I'm here to say what a
12 secretive plant this is from the very
13 beginning. There was no -- there was no time
14 that anybody knew anything about it until
15 everything was in the process. I'm here to
16 speak for just three of my residents that
17 won't leave their house because of their
18 health conditions. One fellow, he's
19 constantly using one of those inhalers, and
20 the other guy's just afraid to go outside.
21 He says I have a hard time breathing. It's
22 just -- it's just something that -- everybody
23 has already mentioned this, but from -- from
24 the very beginning, the -- the wetlands that
25 -- that were there, and I'm up here 45 years,

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2 and nothing could be built there, but
3 somebody got paid well enough that they
4 allowed them to build the plant there. It
5 was a haven for a particular type of bat that
6 takes care of some of the pests, the flying
7 pests. They cut all of the trees down.
8 Somebody got paid for that too.

9 We -- my neighbors -- I live on the
10 border of an apple orchard. My neighbors
11 that have been in the apple business for
12 years are telling me now that the crop is
13 almost nil, because the lack of bees and
14 other insects that pollinate, and this is all
15 due to the air -- the air that we're
16 breathing.

17 My -- I've been a resident of
18 Middletown for 35 years, moved to Wawayanda
19 so that I would get away from more of the
20 city life downtown, and raise my children,
21 and now my grandson is having a problem with
22 his health. He uses the same thing. He has
23 some type of an asthma, because -- and I --
24 the only thing I can say is it has to be
25 because of the air quality in our area right

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now. There's -- it's not only -- you know, I'm 70 years old. Every day is a blessing, but when I'm gone, what happens to my adult children and my grandchildren, and just anybody that lives within a 50-mile radius of this plant?

This plant should have never happened. Everybody is being paid to give permits that should have never been given to begin with. It couldn't have been done 40 years ago when I inquired why isn't that land being used. Oh, we can't, it's wetland. Oh, we can't, it's a burial ground. We can't, the bats live there. But somebody got paid enough and it's happening.

I think -- I think the Environmental Protection Agency does a great job, but I also think that somebody is not doing the job they're supposed to, and I just pray that they don't get any permits to do anything. They took a loss on this plant, because they knew if they started it, everybody would let it just go. Oh, we'll give you a little bit more time. Oh, we'll give you a permit.

1 PROCEEDINGS

2 This is going on a long time right now. It
3 should never happen, and I pray it never
4 does.

5 Please do not grant them any permits to
6 keep this plant going.

7 BY THE HEARING OFFICER: Thank you.
8 Bruce Marley?

9 BY MR. MARLEY: Wow, I've got to say I
10 feel like Pontius Pilate at the Jesus Christ
11 convention on Good Friday, but I'll tell you,
12 I'm going to speak just from -- no written
13 materials.

14 I'm a 41-year employee of a utility
15 company. I spent 30 years teaching college
16 courses at Dutchess Community College and 23
17 years teaching college courses at Orange
18 County Community College, and I'll tell you,
19 you all have very good arguments here.

20 I am impressed by what I hear, but I've
21 got this letter today and it says to me that
22 CPV is looking to get an air quality permit
23 and, so far, what I'm hearing is they're
24 using fracked gas. They have no control of
25 how the gas got into that pipeline.

1 PROCEEDINGS

2 Millennium controls that. I'm also hearing
3 how, oh, the compression stations, they're
4 polluting the air. CPV has nothing to do
5 with the compression on that pipeline.

6 You want to talk about the gas and the
7 compression, talk to Mike Blumberg. He's the
8 guy that passed the law that said New York
9 City can't use diesel, number 2, number 4 and
10 number 6 oil to run their power plants. It
11 all has to be on natural gas, because it's
12 the cleanest fossil fuel in New York. Short
13 of -- of natural gas, the only things we have
14 left is solar, hydro or winds. Oh, wait a
15 minute. Let me get AOC and all of those
16 other ones here -- the new green deal to tell
17 us all about how everything's going to work.

18 First of all, solar doesn't work when
19 the sun's not out there. Sorry; not at
20 night, not when it's cloudy, and if the wind
21 stops blowing, your windmills aren't moving
22 either. Hydro, oh, yeah, you've got hydro,
23 but only if you have adequate rain and, oh,
24 by the way, I also hear how greedy this
25 company is, CPV -- oh, you're the greedy

1 PROCEEDINGS

2 people. Really? Do you understand how the
3 finances work through New York State's energy
4 system?

5 I was the chairman of the building and
6 accounting working group at the NYISO. As
7 part of my job -- all right. So let's
8 understand something. When Mr. Pataki, years
9 ago, decided that was not feasible to have
10 vertical integration of the utility
11 industry -- it should only be horizontal --
12 we didn't want the utility companies to have
13 the generators, the transmission, and the
14 distribution system to the customers and run
15 everything, so we ordered that all of the
16 power plants be sold. Well, that's what they
17 did. Now you have the independent people
18 that are running the powerhouses.

19 Guess what? The NYISO says, it's a bid
20 process people, location-based marginal
21 pricing, LBPM. That's what it's all about --
22 LBMP. Excuse me. That's what it's all
23 about. You bid a price that you'll
24 generate, you bid a price that you'll buy.
25 When those two match, your generator runs and

1 PROCEEDINGS

2 you get the power. If they don't match,
3 guess what generator? You're not running.
4 You're not going to run if you're too high
5 priced. Oh.

6 So, CPV builds a plant. Now, I know
7 you've all talked about how there was crooked
8 stuff here, crooked stuff there. They did
9 this and did that. God, you know, I
10 understand politics. Yes, yes, there is some
11 dirt under the rug, okay? There's a ton of
12 it. In fact, if you look at the United
13 States, the history of the United States,
14 there's more dirt under all of the rugs than
15 there is anything else. All right? So let's
16 not kid around with us -- with ourselves, all
17 right?

18 BY UNIDENTIFIED PERSON: What's your
19 point?

20 BY THE HEARING OFFICER: Excuse me.
21 Let's just let the speaker make his point.

22 BY UNIDENTIFIED PERSON: What is the
23 point?

24 BY THE HEARING OFFICER: Sir, please.

25 BY MR. MARLEY: That, again, is what

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2 controls whether or not you're going to run
3 your power plant, and if you don't run your
4 power plant, you don't make any money. It's
5 that simple.

6 So if CPV wanted to take a chance of
7 building a power plant and getting the
8 necessary permits -- but we're here to talk
9 about whether or not they should get an air
10 quality permit, and all I'm hearing about is
11 how you use fracked gas, you're using this
12 and that, and we've got bad politicians, and
13 what does that have to do with the air
14 quality? That's what they're looking for, a
15 permit. Do they meet the requirements for
16 air quality?

17 BY UNIDENTIFIED PERSON: No.

18 BY MR. MARLEY: Then let's prove that.
19 Let's not just talk about. Let's prove it,
20 and do you know what? If you look at the
21 weather in the United States, it starts in
22 the southwest and it moves to the northeast,
23 so a lot of the pollutants that you're
24 getting up here in the northeast don't come
25 from this area. A gentleman was here just

1 PROCEEDINGS

2 before talking about a study that was done in
3 southwestern Pennsylvania. That's the
4 Pittsburgh area.

5 BY UNIDENTIFIED PERSON: No, that was
6 -- (Interrupted)

7 BY THE HEARING OFFICER: Excuse me.

8 BY MR. MARLEY: Excuse me?

9 BY THE HEARING OFFICER: Please.

10 Everyone has their right to make their
11 statement. Everyone.

12 BY MR. MARLEY: You know, a lot of that
13 air is coming out of West Virginia where
14 there's coal mines and where there's coal
15 plants, a lot of Western Virginia, a lot of
16 Kentucky, Tennessee, a lot of that pollution
17 is heading up this way.

18 People, you know, when they talk about
19 how CPV may reduce carbon emission, sure,
20 because they're not a coal plant. They're a
21 natural gas plant, so I would give them a
22 little credit on that, but not condemn them
23 for everything, because -- well, I don't
24 know. I understand.

25 Listen, I've been a resident here for

1 PROCEEDINGS

2 over ten years, and I've listened to a lot of
3 what's going on around here. This is the
4 first time I've had the nerve to come in
5 front of you to speak, okay? Yeah, I know
6 you'll probably chew my ear off later, that's
7 fine, all right? But that's what I wanted to
8 say.

9 I don't know why, Your Honor, why this
10 would -- permit would be denied, unless if
11 CPV is out of compliance with their air.
12 That's the only thing I can say. Thank you
13 for your time.

14 BY THE HEARING OFFICER: Thank you.
15 Joan Tirrell?

16 BY MS. TIRRELL: Good evening. My
17 name's Joan Tirrell, and I live Warwick, nine
18 miles from the CPV plant.

19 BY UNIDENTIFIED PERSON: The CPV plant?

20 BY MS. TIRRELL: Yes. Quote, To
21 conserve and to protect New York's natural
22 resources and environment, and to prevent,
23 abate, and control water, land and air
24 pollution in order to enhance the health,
25 safety, and welfare of the people of the

1 PROCEEDINGS

2 State, and their overall economic and social
3 well-being, end quote. For the second time
4 this evening, we're -- one of us is reading
5 the NYSDEC's mission statement, and in
6 support of our shared responsibilities to
7 those principals, I speak to you tonight.

8 Tom Rumsey, CPV's senior VP, told the
9 Times Herald Record recently, quote, it's
10 clear CPV is good for the environment and the
11 regional economy, unquote, and Christopher J.
12 Allgier, CPV project sponsor, boasted in a
13 2017 letter that, quote, we do business as if
14 it is our family living next door, because
15 often, they are, unquote.

16 Mr. Rumsey and Mr. Allgier are fluent
17 in the language of corporate speak, but their
18 command of straight talk is far less
19 impressive. This frontline community sitting
20 here tonight representing thousands of people
21 with so much at stake is in the business of
22 facts, in the business of speaking truth
23 above their reality. This frontline
24 community has so much at stake and -- I'm
25 sorry. I'm certain the facts, as presented

1 PROCEEDINGS

2 to you by this community as it's been tonight
3 and earlier today, will clearly support that
4 CPV has been negligent to its obligations to
5 public safety, corrupt in its dealings, and
6 is disqualified to operate here.

7 Tonight, I ask NYSDEC to make good on
8 the promise of your mission statement for the
9 sake of our community, our environment,
10 planet, and for our inheritors, as well as
11 ourselves, the inheritors for whom we speak
12 here, on their behalf, by denying C -- the
13 CPV air and acid rain permits.

14 Mr. Rumsey boasts that he likes facts.
15 We here that are gathering like them too, and
16 many have become clear in the last decade
17 since science has clarified the dangers of
18 the climate crisis and fracked gas as a
19 contribution to it.

20 Copernicus Climate Change Service
21 measured June 2019, this past June, a month
22 ago, as the hottest month on record for our
23 planet. Our planet is cooking.

24 In 2018, NASA's Jet Propulsion Lab
25 reported that gas infrastructure emits

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2 between 20 and 120 times more methane than
3 previously assessed. This wide range is due
4 to the fact that the leaks and venting, are
5 the source of this additional methane, are
6 difficult to impossible to accurately
7 monitor, even for NASA. Methane emissions
8 are the death knell for our planet.

9 The American Lung Association has been
10 -- as has been pointed out before, has again
11 graded Orange County a C-minus in air quality
12 designating our area an ozone noncompliance
13 zone, which carries significant implications
14 for public health and climate change.

15 Concerned Health Professionals of New
16 York reported that a study in 2012 of
17 hospital data confirmed, quote, the research
18 team found significantly elevated rates of
19 hospitalization for asthma, an 11 percent
20 increase, acute respiratory infections, 15
21 percent increase, chronic obstructive
22 pulmonary disease, 17 percent increase among
23 New Yorkers living near at least one
24 fuel-fired power plant, unquote.

25 CPV has betrayed our public trust.

1 PROCEEDINGS

2 Former executive, Braith Kelly, as has been
3 pointed out, along with Governor Cuomo's ziti
4 consigliere, Joe Percoco, are serving jail
5 time for bribery and wire fraud convictions
6 in connection with their reference to obtain
7 agreements for CPV during permitting. This
8 criminality should disqualify CPV on ethics
9 alone from operating in New York State.

10 And then Mr. Rumsey and CPV lied to the
11 public when, in January of 2018, the facility
12 fired up on diesel and choked even distant
13 communities in noxious fumes, and the public
14 was falsely assured by this company, this
15 very champion of facts, that they were --
16 what we were breathing was only steam. The
17 easiest lie to tell is the first one. They
18 have told many. We expect many more.

19 Today, citizens here have been
20 testifying to problems surrounding CPV's
21 permitting notifications, due diligence,
22 operations that span almost a decade.
23 Impacted citizens have taken on the burden.
24 Your burden, they've taken on, for
25 self-advocacy, monitoring the air quality

1 PROCEEDINGS

2 particulates, measuring the noncompliant
3 noise levels from the plant, observing and
4 noting water quality and supply issues that
5 will continue to afflict our region during
6 CPV's operations.

7 This testimony challenges the fitness
8 of CPV to operate, calling into question,
9 among other issues, approval of the facility
10 by segmentation, which Jared pointed out,
11 which hid the aggregate effects of major
12 component of this fracked gas project from
13 deeper scrutiny of both the State regulators
14 and the public, scrutiny which should
15 comprehensively address other additional and
16 significant local emissions and methane
17 leakage from compressor stations, pipelines,
18 etcetera, issues of protected habitat and
19 wetland destruction, inadequate Environmental
20 Justice Review which has left our poorest,
21 least represented citizens most vulnerable to
22 the impacts of CPV's emissions and noise
23 proximate to the plant. This includes kids
24 going to school near this facility.

25 Cultural resource decimation, as

1 PROCEEDINGS

2 pointed out by Mike here, which brought the
3 disturbing Lenape Trails and burial grounds,
4 and callous vandalizing of a historic family
5 cemetery by CPV activities and trucks. There
6 were agricultural impacts affecting the
7 yields.

8 And the Community Emergency Evacuation
9 Plan which is, for all practical purposes,
10 nonexistent and deeply troubling for a
11 facility located in a populous area which
12 houses a diesel tank and a 10,000-gallon
13 ammonia tank that is an easy terrorist
14 target, situated as it is on the edge of
15 Route 84.

16 CPV emissions, which Mr. Rumsey asserts
17 are safer and less polluting than coal
18 emissions, is a deceptive corporate talking
19 point that attempts to deflect a bigger
20 truth, that our future energy choices are not
21 predicated on comparison to 19th century
22 coal.

23 An honest dialogue about CPV's
24 emissions safety requires a comparison of gas
25 plants, not to coal, but to existing or

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2 emerging low- or no-emissions technologies
3 which are rapidly developing, are profitable,
4 and will dominate our energy sector and drive
5 gas plants to bankruptcy and early closures
6 in the near future.

7 CPV's operations, its emissions,
8 smells, noise, the daily stress and
9 exhaustion that these citizens experience and
10 express from their daily life in the impact
11 zone have proved that our reality doesn't
12 match CPV's talking points. Instead of an
13 invigorated economy, CPV has brought an
14 economic downturn here consistent with other
15 large industrial polluters, a downturn which
16 includes a decline in property values,
17 virtually no new local jobs, coupled with
18 higher utility bills for local ratepayers.

19 These realities are consequences we
20 have predicted over time which, we had no
21 political power to prevent, as a corrupted
22 approval process between CPV and powerful
23 government and business entities unfolded
24 beyond the reach of our public outcry. This
25 injustice can and should be corrected by your

1 PROCEEDINGS

2 decision to deny.

3 I am hopeful that after the informed
4 voices of our community are heard and the
5 facts laid out before you, including CPV's
6 history of criminality, irresponsibility, and
7 deception, that NYSDEC, consistent with your
8 mission statement, and in an effort to right
9 an injustice against this community, will
10 soundly reject CPV's application, and that
11 your decision will be crafted in a manner
12 that upholds your denial against any and all
13 challenges. Thank you very much.

14 BY THE HEARING OFFICER: Thank you.
15 Randy Hurst?

16 BY MR. HURST: Thank you for the
17 opportunity to complete the comment I began
18 this afternoon. I'm Randolph Hurst, Randy to
19 everybody. I'm a Wawayanda resident. I'm
20 also the Sierra Club Atlantic Chapter
21 Chairman of the Ramapo-Catskill Conservation
22 Group, member of Orange Environment, and
23 protectorangeconomy.org.

24 In nineteen -- in 2009, as a board
25 member of Orange Environment, I was asked to

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2 review the Draft Environmental Impact Study
3 submitted by CPV to the Town of Wawayanda
4 Planning Board, which grossly inappropriately
5 assumed the role of lead agency status for
6 the SEQR review. I challenge CPV's
7 justification for the need to construct this
8 facility.

9 CPV was never about the need for more
10 electrical energy. It was, indeed, about
11 building a market and conduit for fracked gas
12 infrastructure from Pennsylvania, Ohio, and
13 West Virginia with the intent of selling
14 liquified natural gas overseas and
15 controlling the price and cornering the
16 market. That's what it was really about.

17 Not only was there was never a need to
18 build CPV's power plant, but if there were,
19 the use of fossil fuel infrastructure is
20 archaic, contrary to our current utility
21 business. We have -- we have the technology
22 and the capacity to transition to renewable
23 energy resources, and development robust and
24 sustainable green economy in the process, and
25 we can do it now.

1 PROCEEDINGS

2 I've also expressed numerous concerns
3 about potential adverse health impacts,
4 social and environmental justice, climate
5 change, global warming, catastrophic weather
6 disasters, among many others concerns and
7 issues through public testimony then and on
8 numerous occasions thereafter, not only to
9 the Wawayanda Planning Board, but to New York
10 State Department of Environmental
11 Conservation Public Service Commission, all
12 of which systematically disregarded our -- my
13 concerns and my testimony, as well as that of
14 others.

15 Since then, I have learned a great
16 deal, and I've had the privilege of meeting
17 and becoming familiar with the work of
18 environmental scientists and advocates, most
19 notably, Dr. Mark Jacobson from Stanford
20 University, Drs. Anthony Ingraffia and Robert
21 Howarth of Cornell University, all experts in
22 their fields and authors of the "Solutions
23 Project," which offers the roadmap for the
24 transition to renewable energy.

25 It became clear that the issues and

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2 concerns that I had raised as a layman
3 through my testimony over the years were all
4 validated, not only by their work, but also
5 through court testimony presented of the
6 Wawayanda Six, fellow advocates who staged a
7 sit-in at CPV to dramatize its hazards to the
8 town, county, state, our country and global
9 community.

10 What is more, these very experts
11 exposed what many of us had been saying for
12 many years, that is, that the issuance of air
13 and acid rain permits, truly all permits
14 related to CPV, must be -- must be -- must
15 consider CPV -- it must consider CPV not only
16 in isolation as they presented their data,
17 but as the aggregate component of a much
18 larger -- of much larger projects, including
19 the Millennium compressor stations in
20 Minisink and Hancock, as well as other along
21 the entire pipeline route, the Millennium
22 Pipelines, and the fracked gas well pads
23 throughout Pennsylvania or elsewhere that
24 produce the fuel for CPV.

25 During their testimony at the trial of

PROCEEDINGS

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2 the Wawayanda Six, Professors Ingraffia and
3 Howarth stated that, based upon their
4 analysis -- -- their scientific analysis --
5 it takes approximately 130 well pads to
6 produce the fracked gas to fuel CPV for just
7 one year. They also pointed out that it
8 would take an additional 110 to 120 or more
9 new wells to be drilled each year thereafter
10 to replace those wells that extinguish in
11 order to keep CPV in operation. They say
12 that -- that the total greenhouse and
13 pollution emissions, which should be
14 attributed to CPV, is in the neighborhood of
15 4.7 million tons per year, not the 2.2
16 million tons CPV alleged in their SEQR
17 submissions. Think of the number of wells to
18 be drilled over the 40-year lifespan of CPV
19 and imagine what that's going to be like in
20 terms of air pollution.

21 In addition, as others have stated, we
22 are -- we are fully aware Governor Andrew
23 Cuomo's former election campaign director and
24 senior advisor, Joe Percoco's, and Peter
25 Galbraith Kelly's -- the CPV executive --

1 PROCEEDINGS

2 co-conspirator's bribery scandal, and how
3 Percoco eased CPV's development through the
4 State bureaucracy approval process.
5 Undoubtedly, CPV's highly paid attorneys from
6 Nixon, Peabody & Associates, et al, who,
7 according to public records, funneled
8 campaign contributions to Governor Cuomo's
9 reelection campaign and those of several
10 local politicians who supported this project,
11 including Senator John Bonacic, John Razzano,
12 Town Supervisor, and on the Republican board
13 from the Town of Wawayanda, and others -- and
14 County Executive Neuhaus. They prepared the
15 responses for resident and environmental
16 advocate SEQR, DEC, and PSC testimony,
17 challenges and concerns, and they are still
18 involved, I'm sure, in the maneuvering the
19 Title V and Title IV permit applications
20 through the regulatory process.

21 To reiterate my earlier testimony, it
22 is we, the people, who are being victimized
23 by CPV and its Millennium cohorts. It will
24 be we, the taxpayers, who bear the brunt of
25 every ill that befalls us as a result of CPV.

1 PROCEEDINGS

2 Please deny the Title V air permit and
3 the Title IV acid rain permit. I thank you.

4 BY THE HEARING OFFICER: Thank you.
5 Grace Woodard?

6 BY MS. WOODARD: Grace Woodard. I am
7 in Mount Hope, and also in Deer Park. Part
8 of my back yard is Deer Park.

9 I'm here speaking for Deer Park World
10 Alliance, which some of you may know. It is
11 a grassroots group over in Deer Park that has
12 been a watchdog and fighting the expansion of
13 the huge urban -- ill-advised urban facility,
14 Dragon Springs, which has, in the past 15
15 years, has been polluting the Bashakill and
16 the Neversink.

17 Today, my time is spent working on
18 setting up long-term monitoring for the Basha
19 Kill and the lower Neversink -- the lower
20 Basha Kill also, and I also represent a new
21 environmental group call New York
22 Environmental Sustainability Committee, which
23 focuses very much on land use as -- land use
24 has a huge impact on climate change. These
25 two groups are working together.

1 PROCEEDINGS

2 I think all we have is air and water,
3 land, climate and community. Once it's gone,
4 it's gone, and no statements to the contrary
5 on maintaining the status quo, and it's not
6 that bad, it isn't the reality, and that we
7 should accept this reality holds -- holds up.

8 The interesting thing about all of
9 this, whether it's the CPV or Dragon Springs
10 or Legoland, is that it is a slow -- because
11 it's success -- I think of my patrimony. I
12 think it's a -- it's a defilement of our
13 lives, and I think when you go to the top in
14 the winter of Shawangunk Mountains, via the
15 turnpike, and you look over and see yellow,
16 and brown, and clouds, and smell, and
17 pollution, you get the picture, and it's a
18 very sad picture, and we're not going put up
19 with it any longer.

20 Why does Orange County have such
21 wonderful open spaces and woods? It's been
22 mentioned several times here and -- and it's
23 about wetlands, and we have the glaciers to
24 thank for that, because the wetlands are very
25 difficult to develop and should not be

PROCEEDINGS

1
2 developed. So here we have Legoland -- on
3 the edge of Legoland, and then we have CPV,
4 ill-advised terrible ideas for development,
5 terrible locations, and it goes on and on.

6 So I thank Orange County, and I thank
7 the glaciers, and all those who seek to
8 preserve these wetlands, although I know you
9 can do trades-offs and stuff.

10 The CPV -- well, the way I think about
11 it is this, is the -- we're in a new era, and
12 we cannot be operating on 19th century, mid
13 20th century ideas, and to be victims of what
14 I consider hypocrisy, and I think every day,
15 and every one here knows, that we just cannot
16 continue this way. I had a couple of things
17 that struck me recently that illustrated
18 where we are, apart from all of this national
19 stuff. I heard a 94-year-old former teacher,
20 a science teacher at middle -- Monticello
21 High School named Gene Weinstein speak and
22 lecture and give a slide show in Wurtsboro on
23 evil and evil protection, and how one person
24 from the DEC is responsible, Peter Nigh
25 (Proper noun subject to correction), for

1 PROCEEDINGS

2 really the -- bringing evil back to New York.
3 It was over many years, and it was a -- it's
4 a remarkable story, but Mr. Weinstein had a
5 very important story to tell -- a very modest
6 guy. He said well, if you want to know about
7 me, go on YouTube and there's a short film
8 called Nuclear Vet. So I went on YouTube.
9 He was a -- born on Coney Island, and signed
10 up for World War II on the day after he
11 turned 17.

12 BY THE HEARING OFFICER: Ma'am, I don't
13 mean to interrupt you, but -- (Interrupted)

14 MS. WOODARD: Okay.

15 BY THE HEARING OFFICER: -- if you
16 could bring your comments back to CPV?

17 BY MS. WOODARD: All right.

18 The point of all of this is he ended
19 up, after the war, in Bikini Island, and with
20 -- where the bombs were dropped. He was part
21 of the nuclear -- in the Navy at the time.

22 The lies the government gave to the
23 islanders, and to the servicemen, and to
24 everybody who was involved, is struck me, and
25 everybody should take a look at it. Is

1 PROCEEDINGS

2 struck me as so contemporary, because this is
3 what is going on, lies, deception, lies --
4 deception by election deception, and I think
5 that we have to fight harder and not get
6 discouraged.

7 I had a conversation today. I told a
8 friend, remember Shoreham in Long Island? It
9 never opened. It's been torn down. And how
10 can we reinvest the new purpose for the CPV
11 once the permit is turned down? It could be
12 a green space, it could be many things, so
13 let's look and feel positive, and fight hard
14 against this person, both permits.

15 BY THE HEARING OFFICER: Thank you.
16 Bob Deitrich?

17 BY MR. DEITRICH: Good evening. My
18 name's Bob Deitrich. I've been a Middletown
19 resident for 41 years now. When I came here,
20 I thought I'd stay for three years, so there
21 must be something here.

22 I wasn't going to speak today. I was
23 coming to the meeting, but I wasn't going to
24 speak, and then I received the first letter
25 that I have ever received from CPV. The

PROCEEDINGS

1
2 letter was written on 6/12/19. I don't know
3 if anyone else has said that. Today is
4 7/17/19 and, you know, so that tells you
5 something about the efficiency of this
6 corporation. It took 25 days for it to get
7 here. Perhaps corporations don't have much
8 energy when they're reading in Silver Spring
9 from their office.

10 One of the things that caught my eye
11 that's -- you know, made me say I'm going to
12 speak tonight was on -- (Indicating) I guess
13 it's the last page of this document. It's
14 talks about environmental justice. One line
15 says, it has been determined that the
16 proposed action is subject to CP, dash, 29.
17 It doesn't say anything about environmental
18 justice and where this entity is.

19 The City of Middletown has
20 approximately 28,000 people. It's a minority
21 majority city, okay? There is no talk of
22 that here. In the elementary school, the
23 minority majority population is approximately
24 80 percent. There is no talk of that here.
25 The population in Middletown -- and I know

1 PROCEEDINGS

2 this, because I have programs that run in the
3 city and we do assessments -- there's about
4 -- 35 percent of the households have at least
5 one person already that has asthma, okay, and
6 now we've added this to the mix. There's
7 been no survey on this population, because I
8 live in Middletown. I would have received
9 it. There's been no survey. We know nothing
10 about how our residents in Middletown feel
11 about this, if they even know about this at
12 all, okay? By looking out here at the
13 audience, obviously, they don't. They're not
14 here. They haven't been included. No one
15 cares about that population in Middletown.
16 That population, as I said, is a minority
17 majority population. Unfortunately, my sense
18 is we may not reach out to all of those
19 people.

20 Another problem that I see with this is
21 that there's no talk of accountability here.
22 There is no talk of a plan for failure, okay?
23 And there is something that really bothers me
24 also. There's no talk about how this town,
25 how the city, and how the county is going to

PROCEEDINGS

1
2 respond if there's a major accident that
3 could impact CPV. The reason why I'm
4 concerned about this is because I'm someone
5 who has been involved at least three times a
6 year in a very strict, detailed process for
7 Indian Point, okay? We drill, we drill, we
8 drill. We fill up the emergency operations
9 center at least three times a year. The
10 state comes in, we drill for them, okay? The
11 federal government comes in, FEMA, we drill
12 for them. Where are the plans for this?
13 We're not drilling. There's no plan.
14 There's nothing that we can hand out. There
15 are no sirens. If you live within ten miles
16 of Indian Point, there are sirens all over,
17 so you know that something has happened. Do
18 you know how people who live in Orange County
19 live within a ten-mile radius of Indian
20 Point? Just the people in Fort Montgomery
21 primarily, and the people that live closest
22 to Harriman State Park, yet we drill, we
23 drill, and we drill, but this, we have
24 nothing, okay?

25 So please do not approve these permits

1 PROCEEDINGS.

2 for CPV. Close it down. It is not something
3 that we need here. Thank you.

4 BY THE HEARING OFFICER: Thank you.
5 Judy Skelly?

6 BY MS. SKELLY: I've been a resident in
7 Orange County for 34 years. I'm 61 years
8 old. I'm a wife of 36 years, a mother of 35
9 years, three adult children, and I'm a
10 grandma now of two. We're a blue collar
11 family. We put our family first.

12 As you can tell, I've never spoken in
13 front of this many people ever, and I
14 actually hope I don't never have to do it
15 again. I'm here because of my family. I
16 don't have the facts and statistics of most
17 of the others who have spoken here. I'm here
18 on a personal level.

19 Our world is suffering because of
20 certain careless acts caused by humans, one
21 of which I believe is the operation of the
22 CPV plant. Our water has gone to crap, our
23 farmers are suffering. We all might end up
24 suffering if this plant is not shut down.

25 On a statistical level, I do know that

PROCEEDINGS

1
2 the former top aide to Cuomo, Percoco, was
3 sentenced to prison for six years. Why?
4 Because he was convicted of soliciting and
5 accepting more than \$300,000 in bribes. Why?
6 To get the CPV plant up and running. Percoco
7 and his family are now paying a price for
8 violating the public trust. Now, I'm sure he
9 is remorseful, but maybe only because he got
10 caught dirty.

11 Health concerns, countless people are
12 suffering from health issues believed to be
13 caused by CPV. Respiratory problems,
14 coughing, chest pain, headaches, burning eyes
15 and throat, nausea, nosebleeds, which I -- a
16 little sidenote, I never had a nosebleed in
17 my life until the past year and a half. I
18 get them two to three times a week. Don't
19 know why. Maybe it's coincidence, maybe
20 there's another issue.

21 My son, who is here with me tonight,
22 and will be speaking, I hope, lives probably
23 two city blocks away from the CPV plant. He
24 can see the 275-foot chimney towers from his
25 yard. He's not even 30 years old yet. He

PROCEEDINGS

1
2 has a beautiful house. He has a
3 four-year-old daughter, pets, and a woman he
4 loves very much living in the same house with
5 him. I am concerned every day for their
6 health.

7 Governor Cuomo has been asked many
8 times, I'm sure, to come visit us here in
9 Orange County. I personally have written to
10 his office by snail mail many times. I have
11 never gotten a reply. I have called his
12 office many times and was promised some type
13 of response back. It never happened.
14 Meanwhile, just the other day, in the Times
15 Herald Record, there was a big write up about
16 Cuomo riding his beautiful motorcycle with
17 Paul Teutel, Sr. from Orange County Choppers
18 along with the many other riders in the
19 Catskill Challenge. I love New York why? To
20 promote New York tourism. The ride continued
21 to Bethel Woods Center for the Arts where
22 they enjoyed a great luncheon and an awards
23 ceremony. I would like to know, along with
24 so many of you, why our governor has not had
25 to time to visit our area for a glorious

1 PROCEEDINGS

2 motorcycle ride chaperoned by a police
3 department, only to have his picture posted
4 on social media sites, newspaper, and
5 internet sites.

6 I am not, by any means, involved -- as
7 involved as the Protect Orange County group.
8 I have never stood on a weekend and
9 protested. When will we get the attention we
10 need to shut this monster down? When will
11 our families and concerns count? When will
12 Cuomo take a ride down on his motorcycle and
13 show up at one of our hearings? We'll take
14 pictures of you, Governor Cuomo. We will
15 post them just like the Catskill Challenge
16 group did. We'll make sure you get on
17 Facebook. We'll make sure you get on the
18 internet. We'll even put you in the paper.
19 I think that's it.

20 BY THE HEARING OFFICER: Thank you.
21 Nick Skelly?

22 BY MR. SKELLY: Hello. My name is Nick
23 Skelly. That was my mom. I'm a little upset
24 hearing her cry, but whatever.

25 So, I live on County Route 56. It's a

PROCEEDINGS

1
2 half a mile on the side directly across from
3 the power plant. Before I start, I'd like to
4 really -- I just want to say that I'm kind of
5 a no-filter type of person, so if I curse,
6 I'm sorry, but really I don't care either,
7 but...

8 So, a little background about myself.
9 I lived in Goshen with my parents until I was
10 22, and then Middletown. In 2015, I was
11 blessed with having my daughter, so I said,
12 you know what, I'm going to buy my dream
13 house. I bought a nice, beautiful house. I
14 said this is the best place to live right
15 now. I'm close to home. This is where I
16 want to be. I was 25 years old. I'm 29 now.
17 Looking back, I wish I had never bought this
18 house. I'm -- I'm stuck in an area -- I
19 still love my house, but I try like blank it
20 out -- and, again, this is -- I don't have
21 any documentation. This is just cold hard
22 facts from living a half mile away. My voice
23 has never sounded like this. It sounds like
24 I've been yelling all day, but this is what
25 my life is. So, I try to blank it out, but

1 PROCEEDINGS

2 the power plant is right there. I come home,
3 I don't want to look at it. I see it every
4 morning.

5 So, again, background about myself.

6 I'm a union ironworker. I work in New York
7 City. I'm building LaGuardia airport, and
8 I'm around jet fuel, burning jet fuel, loud,
9 right? So, I come home, and I would much
10 rather be living next door to LaGuardia
11 airport than living next door to the power
12 plant. The air -- the power plant is way
13 louder than any of the airplanes taking off.
14 I didn't even realize when the airplanes
15 would take off.

16 So, yeah, the topic right now, the
17 noise pollution, the air quality, and the
18 smell and, of course, health -- so, like I
19 said, my voice, I've -- I've been in shape my
20 whole life, active, never struggled for air.
21 Now -- and I'm -- I'm a person who -- I don't
22 like talking about how I feel I don't like
23 talking about how I feel. Please don't tell
24 my mom, because she gets very worried, but
25 like I -- I was trying to come up with

1 PROCEEDINGS

2 excuses, maybe I'm sick. But, it's like,
3 damn, there's this fucking power plant right
4 out my window, and I can't breathe, and my
5 friends are -- no, you must have -- you must
6 have had a rough weekend, like, well, your
7 voice is gone. No. I can't breathe. It's
8 affecting me. You know, my daughter is like
9 four years old. It's terrible that she's
10 going to have to live next to power plant,
11 you know, and I'm the type -- at first, I was
12 like, you know, I'm going to sell my house,
13 but I'm a person -- you know, I'm a type of
14 person -- I'm just going to stand my ground.

15 So, hopefully, you know, it will be
16 denied and it will be shut down, but, you
17 know, that's wishful thinking, but -- also,
18 the noise, right? So I -- I wake up at 3:30
19 in the morning. Like right now, it's 9:30.
20 I've got to get up soon to go to work. I
21 work up -- I wake up at 3:30 in the morning.
22 I've noticed, over the time, that the power
23 plant runs -- it's sneaky. They're really
24 sneaky. I see it. I hear it. So I wake up
25 in the morning, and it's those odd hours that

PROCEEDINGS

1
2 a lot of people here might not be up. So I'm
3 walking out of my house, and it's like what
4 the hell? This thing's running, pouring
5 smoke out, but then when my girlfriend wakes
6 up or if she's going to work or she comes
7 home to take the dogs out at lunchtime, it's
8 not.

9 So, I get home one day, right? I see
10 this van, and I call my girlfriend, and I'm
11 like holy shit, air quality's here. I -- I
12 didn't even know what air quality was. I was
13 just like, wow, maybe he's going to help the
14 power plant. I tried -- I -- it was snowing.
15 I run down the driveway. I have a 400-foot
16 driveway. I was dressed just like this in
17 the snow. I run down the driveway. This guy
18 got so scared. I'm banging on his window.
19 I'm like are you here for the power plant?
20 He's like yeah. So he's talking to me and he
21 was telling me that they've been watching the
22 power plant for a week. So I was like, oh,
23 that's funny, because the power plant's been
24 off all week, but then when -- when you're
25 gone, it's on, and he said that he feels that

PROCEEDINGS

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there's people, maybe -- who knows, CPV is a huge company. I don't know. Do they have people watching air quality here? I don't know, I don't know, but that's what I experienced. I talked to the guy. I told him you're more than welcome to come in my house.

Also, I know I would have never known about this meeting if it wasn't for the Facebook page. I never got a letter. I've never got one letter since CPV was built.

I'm twenty -- 25 years old. I was a normal guy. I'm like I made it. I -- I bought a huge house, like I got my family and my job. The next thing I know, this power plant is being built. I was in shock.

So, you know, thank you for the Facebook page. I invited them to come to my house.

So, for people who don't believe -- you know, a lot of people -- documentation saying, oh, this is going to happen, that's going to happen. If you don't believe it, come live in my house. I got a four-bedroom

PROCEEDINGS

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2 house. Come and stay. I'll make you
3 breakfast. Stay here for a week, and you'll
4 fucking want to leave in a week -- no, not
5 even, two days, but, you know, again, I love
6 my house, and I'm like, damn, I don't want to
7 leave, but the power plant is just that
8 crazy, you know -- but, yeah, of course,
9 corruption, that's just -- like if any of us
10 took bribes in our jobs, we'd be screwed,
11 but...

12 Yeah, air quality -- like a bloody
13 nose, right? I never had a bloody nose in my
14 life and I'm not kidding. I've been in many
15 fights in my life, you know, funny shit,
16 whatever. I never got a bloody nose, even in
17 a fight. In the wintertime, I'm in the
18 kitchen. My nose just starts doing -- I was
19 like what the hell is going on? A bloody
20 nose. So, again, I'm in denial that that's
21 why. My house lives right next to this power
22 plant.

23 So, it's just -- everything that you
24 hear or what could happen, it really is
25 happening, and it's just like I'm -- it's

PROCEEDINGS

1
2 just embarrassing that I -- that there's a
3 huge power plant -- it's embarrassing that I
4 have a beautiful house and then I look out my
5 -- my front window or my bedroom or wherever,
6 wherever I'm at -- I find myself when I get
7 home, now that it's nice out and the trees
8 are growing and the leaves, I'll stand in one
9 spot and I don't see the stack, and that's
10 like when I get happy, but when I move, it's
11 like, oh, fuck, it's right there, and it will
12 never -- hopefully, it will be shut down and
13 -- a little story, all right? I work -- I'm
14 a union ironworker at the airport. I meet
15 these three guys. We're talking. We're like
16 yeah. They're out-of-towners, so they --
17 they boomed in. They were working in
18 Middletown. So I'm like, Middletown? I'm
19 from Middletown. I live there, right. Yeah,
20 we're building that bullshit power plant.
21 I'm like what? I got so mad. You built the
22 power plant? They're like, yeah, we built
23 it -- a shit job. They didn't care if --
24 everything was rush, rush, rush, rush, rush,
25 and that's the people -- again, I could have

1 PROCEEDINGS

2 gone -- I could have went and built that, but
3 I was like I'm -- imagine, I could have
4 walked to work. I refuse to work there, but
5 if they take it down, I'll be the first man
6 to take it down.

7 With all of that said, my girlfriend
8 and I, we're expecting another child. That's
9 the first worries, you know, that I'm going
10 to have another child. My daughter now,
11 who's four years old, is as healthy as can
12 be, but I have another child on the way. How
13 do I know, you know, like my daughter and son
14 are going to be okay. Other than that, you
15 know, it's just -- I don't know. Everyone is
16 welcome to come and take pictures, like the
17 DEC, whatever. I don't know.

18 But, yet, the noise pollution, it's
19 loud. It's constantly going -- one time I
20 was sleeping and I actually woke up. It
21 sounded like fighter jets were taking off.
22 It was for one hour. It was a Sunday, and
23 then it stopped. Just last night, it started
24 running again, the noise. Sometimes it's
25 lower, higher, but the -- but the smoke -- of

1 PROCEEDINGS

2 course, when they did the diesel, it looked
3 like someone was lighting bombs off. We had
4 smoke all over the place.

5 Recently, I told my girlfriend at home
6 come look out of the window, and there was
7 smoke pouring onto my front lawn. It was
8 right above my front lawn. Like, she wants
9 to have a garden. I don't -- you know, I
10 make excuses, but I don't want her to have a
11 garden, because it's like why do we want to
12 have a vegetable garden when there's a power
13 plant right there.

14 So, other than that, you know, I don't
15 have documentation, but I have the fact that
16 I'm living there for four years, and again,
17 my -- I've never sounded like this, my voice
18 like this. So, yeah, that's it.

19 Hopefully, we can shut it down, and
20 you'll deny the permits, and even if it
21 doesn't get shut down, I'm sure we'll be back
22 here again in the future, okay? That's it.

23 BY THE HEARING OFFICER: Thank you.

24 Natalia Dasraj?

25 BY MS. DASRAJ: Good evening. I just

1 PROCEEDINGS

2 -- I want to point out comments that I've
3 heard here. I hope that you're hearing it,
4 because a lot of these people, I've never met
5 before, but I just wanted to say to the young
6 gentleman that just spoke, he is talking
7 about something I'm about to tell you as well.
8 We've never met. I -- I don't know his name,
9 I didn't even catch it, but some of the
10 things that I'm going to say are exactly some
11 things he said. There are widespread
12 complaints, widespread issues regarding CPV.
13 (Indicating) Thank you.

14 I am a resident of the Town of
15 Wawayanda. I live two miles away from the
16 plant on a ridge, eye level of the top of the
17 stacks. I can see the plumes. The stacks
18 don't clear my road. We are inundated with
19 the emissions from CPV, not only are we
20 poisoned on a regular basis, we're polluted
21 with a different kind of pollution as well,
22 noise. Noise is also part of the permit.
23 Please consider this while you are reviewing
24 all of this data, our comments, as a
25 violation directly from CPV. The noise

1 PROCEEDINGS

2 generated by CPV is what I would explain as a
3 jet engine in my back yard. It's maddening
4 and a nuisance to our community. I'm unable
5 to enjoy my property as I was prior to CPV.
6 I'm unable to enjoy the sounds of a beautiful
7 snowstorm, unable to enjoy peaceful summer
8 nights. CPV drowns out the crickets and
9 frogs. The noise pollution is what I would
10 compare to a military attack, as an invisible
11 concentrated plume that is visible for miles,
12 unable to escape CPV from my home, from the
13 noise, from emissions, from the plume.

14 I am and do feel terrorized by this
15 plant. You can't escape it. You go to the
16 car wash, you see it, you smell it. You go
17 shopping, you see it, you smell it. You go
18 to a friend's house in a neighboring town
19 nine miles away, you can see it. This plant
20 follows you almost everywhere you go.

21 Can you imagine the panic that
22 psychologically this plant causes? This
23 plant causes a fight-or-flight type of
24 mentality, and I do believe we're all here to
25 fight.

PROCEEDINGS

1
2 The Town of Wawayanda hired an
3 independent company to monitor the noise
4 after widespread complaints. Holden
5 Corporation tested the location, including my
6 road. They stated from data September 23rd,
7 October 10th, and October 22nd sound levels
8 were greater than 55 dBA and greater than 6
9 dBA compared to the ambient background
10 levels. Noise levels from CPV, and I quote,
11 generate noticeable noise levels. They
12 state, I quote, New York State DEC
13 established the Assessing and Mitigating
14 Noise Impacts program, the policy. The
15 policy pertains to facility operated --
16 operations regulated by DEC located in close
17 proximity to other land users where sound can
18 create significant noise impacts. The policy
19 states sound pressure should not exceed
20 ambient noise by more than six dBA. Noise --
21 and I quote -- noise levels generated by CPV
22 are greater than 55 dBA. The level goes
23 against DEC's mission to protect public
24 health and welfare. I would like to note
25 that the emission also indicates only one

1 PROCEEDINGS

2 turbine was operating at the time. Can you
3 imagine two?

4 Regarding the continuous emission
5 monitors that are placed in the -- in the
6 stacks, they were installed January 1st,
7 2018. In a documented dated 3/16/2018, CPV
8 states, the system has not yet completed
9 certification. In another document dated
10 7/18, CEM certification report was submitted
11 to DEC and US EPA. That's seven months after
12 installation. CPV was unregulated for seven
13 months.

14 On January 24th, 2018, I reported the
15 CPV was operating diesel fuel. I could taste
16 it. That's how powerful it was. My
17 community was poisoned that night and many,
18 many nights thereafter. Where was DEC to
19 protect the public from this attack from CPV
20 and where was the CEM to inform them they
21 were poisoning us?

22 CPV knew if they completed CEM
23 certification early on, DEC would know the
24 assault they would pose to our community.

25 In item B, general submissions for

1 PROCEEDINGS

2 State permit terms and conditions, 6NYCRR,
3 part 201-5 states, the failure of such person
4 to properly operate and maintain the
5 effectiveness of emission units and emission
6 control devices may be sufficient reason for
7 DEC to revoke and deny a permit. Please.

8 I -- I just want to reference -- I saw
9 a blog in the local paper, and just -- I read
10 that, I just want to let you know of numerous
11 instances of documents of which people,
12 contractors, subcontractors note CPV has
13 numerous operating problems. I can go over
14 and over and over again. I am submitting
15 documents of this as well. I've just going
16 to read a few to you, and I would like every
17 one else to also known as well as you.

18 When I said, regarding your permit
19 terms, that they are not able to maintain
20 effective emissions or controls sufficiently,
21 and in a report dated -- I'm going to go a
22 little out of -- out of turn here -- dated
23 July 18th, Holden Corporation on-site
24 conducts monitoring when the plant was
25 operating on natural gas due to operation --

1 PROCEEDINGS

2 operational difficulties. The plant was not
3 able to operate consistently. Sustaining
4 operations on natural gas has not yet been
5 realized by the project, dated -- again, a
6 different report, which I am submitting --
7 dated September 17th, 2018 to October 2nd,
8 2018. The plant operations were sporadic and
9 often not as predicted by CPV causing the
10 monitoring personnel to incur stand-by
11 charges.

12 Again, I am also submitting another
13 supporting document from the City of
14 Middletown dated February 23rd, 2018.
15 Subject: Excess air pollution emission and
16 compliance planning. In this document, it
17 states, I am writing to request CPV
18 immediately cease all operations. We have
19 retained CDM to review CPV's pre-construction
20 air permits in light of excess air emissions
21 from the plant generating numerous citizen
22 complaints and concerns.

23 In addition to the supporting
24 documents, I am also supporting you with
25 resolutions from the Town of Wawayanda and

1 PROCEEDINGS

2 the Town of Goshen noise violations. It's
3 issued by the Town of Wawayanda, numerous
4 documents supporting that not only do the
5 citizens not want this plant, are being
6 poisoned by this plant, are being affected
7 health wise, psychologically. Nobody wants
8 this plant here. It's causing adverse
9 effects. CPV is a bad actor across the
10 board.

11 After giving testimony for the second
12 time, we strongly request you deny the Title
13 V and Title IV permits. Thank you.

14 BY THE HEARING OFFICER: Thank you.
15 Michael Martinez?

16 BY MR. MARTINEZ: Hi. My name is
17 Michael Martinez.

18 I'm the only house on Route 6, 3418
19 Route 6. My home was built on fifty acres,
20 and I built in 1969. In September, I'll be
21 there 50 years. I own a body shop behind my
22 home. The power plant was built close to my
23 home. It reminds of -- a lady called the
24 police and says there's a bear in my back
25 yard. A bear called the police and says

1 PROCEEDINGS

2 there's power plant in my back yard. Just a
3 little joke to cheer you up.

4 So, the power plant should be torn
5 down. It's polluting -- I get stuff all over
6 my windows and I -- I can't breathe
7 sometimes, and we built this plant on a
8 sacred cemetery, also wetlands. We've killed
9 everything when they put in all of the
10 parking lots, all of the animals and rabbits
11 and -- our nature was killed in the course
12 and nobody thinks of that. It's like having
13 a forest fire. You never think of those poor
14 creatures that lose their lives. We should
15 think of stuff like that.

16 We also -- we have to think of the
17 future for young children growing up, and
18 their children, and their children after
19 that. If you have no air and water, you have
20 no world. What are we doing here? Do we
21 need money that bad? Somebody does.

22 I built my shop in -- I didn't build
23 the house, but I built the shop in 1969 and
24 I've given -- I've gotten various registered
25 letters from people that build a Great

PROCEEDINGS

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2 Western, hotels, motels, etcetera, and the
3 town says, no, it's all wetlands, impossible
4 to do it. So when I say I've received
5 numerous registered letters down through the
6 50 years, I've never received a registered
7 letter -- they're putting a plant right next
8 to me too close to my house. I've never
9 received a letter that they're going to tear
10 up all of the land and put in parking lots.
11 I should have been notified. I'm right next
12 to you guys. Come on, man. You know what I
13 mean?

14 When I wanted to do something, I went
15 to the town and I said I wanted to build --
16 get a junkyard license and a salvage yard
17 license. They said fine, but you've to keep
18 it within your area, because it's wetlands,
19 and you can't go further -- go any further
20 than where you are. So, subsequently, I just
21 got -- applied for my 50-year license. I
22 have to apply every year for my license, for
23 my junkyard license, and they said we have a
24 problem. I said we can't have a problem.
25 I've been there 50 years, never had a

PROCEEDINGS

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2 problem. I keep a nice clean place. You'd
3 never know anybody was there. We do body
4 work, we sell parts -- yeah, we do that. Oh,
5 well, the power plant bought all of the land
6 around you and we have to -- we have a
7 problem, which I'm not going to get into
8 right now, but now I have a problem because
9 the power plant bought all of the land around
10 me.

11 So why do we have a power plant? It
12 should be torn down. It's already killed all
13 of the wildlife. I've lived there 50 years.
14 I don't see the pheasants or the deer or the
15 bears, or all of the little animals that used
16 to run around. Well, I guess they're --
17 they're either dying or they can't breathe
18 anymore and can't run around, and the birds,
19 I don't see them anymore.

20 We better think about what we're doing
21 for the future here. If they want money that
22 bad, I tell you what, when they get all of
23 that money and they can't breathe, what is
24 that money going to do for them? And that's
25 all I have to say here. That plant should be

PROCEEDINGS

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2 torn down or closed up, and how could they
3 put a plant in a residential area? And I've
4 known for 50 years -- they told me it's
5 residential unless they rezoned, and also, it
6 must have rezoned it to even put it on the
7 wetlands, and when they put all of the
8 parking lots in, I -- I don't know if anybody
9 knows that. It's all parking lots right up
10 to my property, and I'm going I couldn't do
11 this. They wouldn't allow me to do any of
12 this. You can't do that, you can only do
13 what it's in your property that you have,
14 because you're pre-existing. If I wasn't
15 pre-existing, I wouldn't be able to do
16 anything at all there, and that's all I have
17 to say. Let's think about the future guys,
18 okay? Thank you.

19 BY THE HEARING OFFICER: Thank you.
20 Ramona Harrigan?

21 BY MS. HARRIGAN: My name is Ramona
22 Harrigan, and I'm from Goshen, New York.

23 I'm here today on a rainy evening
24 because of CPV power plant and their
25 emissions. My mom lives a couple of miles --

PROCEEDINGS

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2 she's 85, God bless her -- from the plant,
3 and I've been going over there caretaking,
4 and the other day, I had the window open in
5 the bathroom to air it out and I could not
6 breathe. I had to shut the window and go
7 down to the air conditioning.

8 (Indicating) I heard this gentleman
9 over here talk about supply and demand. You
10 know, he's concerned about monetary issues.
11 I'm concerned about health and life, okay,
12 and reduced carbon emissions. Well, when I
13 look at a permit here that they're trying to
14 get, I have carbon dioxide equivalence of
15 applicable parts, 231 threshold tons per
16 year, 75,000. However the facility's
17 potential to emit was 2,178,17 tons per year.
18 That's per year, okay? We want talk about
19 cumulative effects? To me, that's fuzzy math
20 if they're reducing carbon emissions.

21 Now I understand they want to try to
22 buy some credits, because they even -- their
23 nitrogen oxide, we're looking at 183 tons --
24 point 2 tons per year. Sulfuric acid, 12.6
25 tons. Let me say the 183.2 tons, the level

PROCEEDINGS

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2 is 100, but they're over the threshold. They
3 want to buy credits. And sulfuric acid, the
4 level is 7 tons per year, but they want 12.6.
5 They want to buy credits. Credits, again,
6 fuzzy math. That doesn't help the people
7 living here. We're subjected to it. Like
8 someone previously has noted, you know, if
9 you can take the average, we can have -- I've
10 going to give an example. Temperatures here,
11 90-something degrees or it could be teens.
12 What's the average, 50? You know? Let's
13 talk about how this is affecting people.
14 Again, volatile organic compounds, threshold,
15 50 tons per year. The facility's potential,
16 65 tons per year. This is on their permit.
17 Carbon monoxide; threshold, 100 tons per
18 year. They're predicting 341.9 facility
19 potential. Particulate matter, PM, 25 tons,
20 but I heard someone talk about how they like
21 to compartmentalize. This is an example.
22 They separate the particulate matter from the
23 -- particulate matter, 10, two and a half to
24 10, so you'd get 25 tons on the threshold,
25 but they want us to have the ability to --

PROCEEDINGS

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2 their potential is 95 tons per year.

3 Particulate matter, 10 -- 15 is the
4 threshold -- tons per year, and they want 95
5 tons per year, and that's not even talking
6 about cumulative effects, okay?

7 I looked up some of this information,
8 volatile organic compound. It tends to be
9 two to five times higher in your house,
10 because it is not just what's emitted. It's
11 all of the other stuff that's been emitted
12 that's stuck in your house -- the carpeting,
13 the upholstery. You're -- you're affected by
14 this.

15 What volatile organic compounds are
16 there? They're high-vapor pressure. They
17 have very low boiling points, so they
18 evaporate into the air from liquids or
19 solids. The vapor is heavier than the air,
20 so it ends up sinking to low lying areas,
21 known to contaminate food and water. We
22 heard the farmer speaking here. His crops
23 are not growing, okay? An example is
24 benzene, stored fuel. We know they have
25 stored fuel there. What do volatile organic

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2 compounds do? They increase leukemia and
3 lymphoma, respiratory, immune, nosebleeds --
4 nosebleeds, throat discomfort, headaches,
5 allergic skin reactions, nausea, vomiting,
6 nosebleeds, fatigue, dizziness. That's one.
7 They want to put -- they want to put 65 tons
8 of that per year into the air. Nitrogen
9 oxide, it reacts to sunlight to form smog
10 ozone, okay? We're concerned about that.
11 There's a whole movement across the whole
12 United States about climate change, so the
13 sun is also -- it produces acid rain, and we
14 heard how, yes, the coal mine has produced
15 acid rain here. Now let's add this into it
16 -- nitrous oxide, 183.2 tons per year in our
17 breathing air, which fall down into the water
18 source, into the soil.

19 Our farmers of the black dirt -- we
20 have a lot of organic. We have regular
21 farming. We have animal husbandry. People
22 growing, you know, pasture-raised pork, beef,
23 chicken, you know, goats, goat cheese, lambs.
24 We are the bread basket to New York City.
25 This is just not affecting us. This is

1 PROCEEDINGS

2 affecting the whole community. If -- if air
3 travels from West Virginia to here, what
4 about what we're doing here, isn't that going
5 to affect other outlying areas?

6 So, again, effects: Difficulty
7 breathing, respiratory, asthma, eyes, skin.
8 It increases asthma death. Female fertility.
9 Developing fetuses are affected. Again, the
10 elderly and the young, the children,
11 especially. Spasms, swelling of the throat,
12 rapid pulse, and dilated heart. Nitrogen
13 oxide, 1.83.2 (sic) tons per year.

14 Carbon monoxide we know kills. We have
15 to have carbon monoxide detectors in our
16 homes. They want to put 341.9 tons per year
17 into our air. It reduces the amount of
18 oxygen carried by hemoglobin in red blood
19 cells. People have difficulty concentrating.
20 They're tired. Their coordination is
21 affected. Heart attacks increase. And
22 children of unborn babies are at risk. This
23 will also affect people's ability to do their
24 jobs. You know, sick time away from work.

25 Particulate matter, again, affects the

PROCEEDINGS

1
2 heart and the lung. It increases heart
3 attacks and asthma, gives you irregular
4 heartbeat, and premature death. Particulate
5 matter, combined totals of 95 tons for the
6 straight particulate and then 2.5 to 10 --
7 95, that's 190 tons a year.

8 And sulfuric acid, which is a colorless
9 liquid, soluble in water. Suspended in air,
10 it's removed as rain. Acid rain affects your
11 skin, eyes, breathing. People who exercise
12 outdoors increase exposure and the -- there
13 are increased concerns of people who have
14 been exposed to this at work have cancer of
15 lung.

16 There's a lot of data that we do not
17 know, but based on what we do know, I
18 sincerely hope that these air permits are
19 denied, because CPV should not have come this
20 far. You know, it's been said again, again,
21 they illegally maneuvered to get permits.

22 And, you know, we're between mountains.
23 We are between the Palisades and the
24 Shawangunk. I remember in the '90s seeing
25 smog looking out from the Shawangunk over the

1 PROCEEDINGS

2 Hudson Valley. I cannot imagine what the
3 breathing would be like in this plant
4 continues.

5 You know, I'm here for life; life,
6 liberty, and the pursuit of happiness. I
7 look back at the Tea Party. You know, they
8 were concerned about taxes on tea. We're
9 fighting for our lives and our property here.
10 You know, people work their whole lives to
11 have a house, and then that's it. They can't
12 even sell it. Who would want to buy it? You
13 know, you're stuck, and it's not right and
14 it's not fair that someone who values money
15 over life, money profits over people.

16 It's wrong, and I sincerely hope that
17 the DEC -- that you have the capability,
18 because being that corruption was all the way
19 up to number two makes me wonder who's
20 dictating what. I hope that you do have the
21 power to deny these air permits. I can only
22 hope. Thank you.

23 BY THE HEARING OFFICER: That was our
24 last speaker. I want to thank everyone for
25 coming out tonight and giving us your

PROCEEDINGS

1
2 comments. Have a safe trip home.

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4 (Whereupon, the proceedings concluded
5 at 10:10 p.m.)
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