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Public Hearing – June 28, 2011 – 3:00 p.m.

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

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

PUBLIC HEARING SESSION

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

B E F O R E:

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

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

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

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

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

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

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2 Poughkeepsie Journal.

3

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

11

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

19

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

21

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

23

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

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

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

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

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

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

4

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

9

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

14

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

19

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

23

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

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

5

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

12

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

22

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

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

4

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

14

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

20

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

25

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

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

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

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

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

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

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

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

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

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

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

5

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

13

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

22

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

1 PROCEEDINGS

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

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

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

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

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

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

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

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

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

1 PROCEEDINGS

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

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

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

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

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

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

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

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

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

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

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

8

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

14

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

20

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

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

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

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

5

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

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

4

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

18

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

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thought from them.

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

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

As I mentioned before, the facility will

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

5

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

14

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

17

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

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

9

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

13

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

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

22 So, again, thank you very much.

23 JUDGE GOLDBERGER: Thank you.

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

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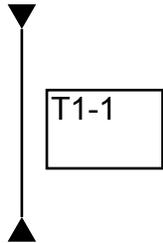
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MR. COURTIEN: Thank you.

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

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

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



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2 Thank you.

3 JUDGE GOLDBERGER: Thank you.

4 Dutchess County Legislator Alan Surman.

5 MR. SURMAN: Good afternoon, everyone. I

6 have mixed emotions about this project. There are some
7 serious negatives. There are definitely some positives.

8 We can take the negatives on the front.

9 I guess the memory of the explosion in Connecticut is
10 still fresh in a lot of people's minds, the Kleen Energy
11 plant, and that's about two-thirds the size of this
12 plant.

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

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

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

PROCEEDINGS

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

4

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

8

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

12

13 You have solar energy --

14

15 (Brief interruption.)

16

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

19

20 Go ahead. Sorry.

21

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

26

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

PROCEEDINGS

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

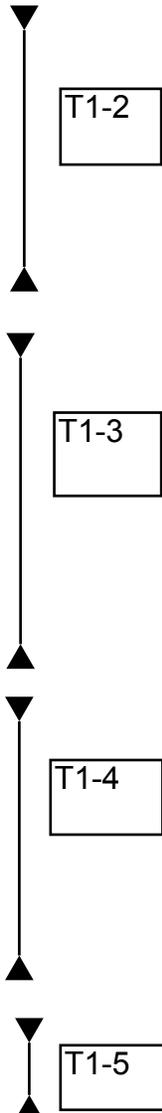
6 So it's a matter of trade-offs. With the
7 natural gas, at least the site is an area where it's
8 low.

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

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

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

25 So a big concern would be air dispersion.



PROCEEDINGS

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

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

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



T1-5
cont.

T1-6

PROCEEDINGS

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

9

Thank you.

10

JUDGE GOLDBERGER: Thank you.

11

William Sena.

12

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

17

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



T1-7

PROCEEDINGS

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

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

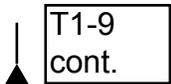
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T1-9

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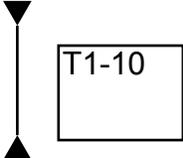
2 going to happen with the overabundance of water? You
3 know.



T1-9
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5 So those are just some of the things that
6 I thought of while I was listening, but the most concern
7 I would think of is the air, the air, you know, coming
8 out of the plant.



T1-10

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Thank you very much.

9

JUDGE GOLDBERGER: Thank you.

10

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

12

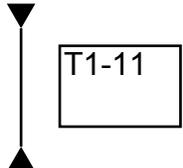
MR. DEDRICH: I have a very short
13 statement and a couple of questions.

14

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

19

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



T1-11

23

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

1 PROCEEDINGS

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

5 JUDGE GOLDBERGER: Thank you.

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

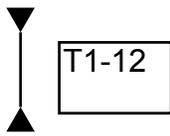
8 MS. O'NEILL: O'Neill.

9 JUDGE GOLDBERGER: O'Neill. Sorry.

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

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

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



T1-12

PROCEEDINGS

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

5

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

9

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

12

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

15

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

22

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

T1-13

T1-14

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

So thank you.

JUDGE GOLDBERGER: Thank you. Brigid
Casson.

MS. CASSON: Thank you. I'm Brigid
Casson. I have three brief concerns.

First, and possibly simplest, the parking
arrangement. I understand there will be parking and
shuttling from the north end of town. I would suggest
that there be some at both ends, because that makes the
assumption that everyone working there is going to come
from the north, and it makes no sense if they're coming
from the south end to go all the way through town to get
on a bus and then come back down to the site. I'm sure
there must be situations available in the south end of
town for parking arrangements.

I am curious as to whether the effect of
any heat generated from the plant will impact the Swamp
River and their ecosystem of the Swamp River. And
although I know the water -- it's a self-contained unit,
I'm curious about the heat generated.

And, thirdly, I would like to strongly
recommend that you consider, should this come to pass, a
green roof, if it's possible. Many structures now have

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T1-15

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T1-16

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T1-17

PROCEEDINGS

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

T1-17
cont.

5 Thank you.

6 JUDGE GOLDBERGER: Thank you.

7 Peg Day.

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

T1-18

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

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

T1-19

24 Thank you.

25 JUDGE GOLDBERGER: Thank you.

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PROCEEDINGS

Jessica Abrams.

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

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



T1-20

1 PROCEEDINGS

2 Unsustainable direction. Wake up.

3 Thank you.

4 JUDGE GOLDBERGER: Thank you.

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

8 (Audience member indicating.)

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

11 MS. NILSEN: Ilana Nilsen.

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

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

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



T1-21

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coming from?

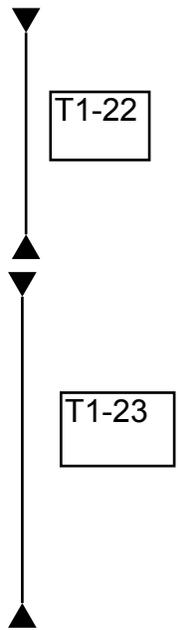
The smoke stacks, remembering all of the discussions that happened at St. Lawrence Cement about seven years ago, that's a huge smoke stack. Putting it in terms with St. Lawrence Cement's proposed smoke stack, I think that will be one of the tallest buildings between here -- I'm sorry -- between New York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

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

Thank you.

JUDGE GOLDBERGER: Thank you.

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



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legislative session. Thank you.

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

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C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand.

Stacie Sullivan, CSR

Public Hearing – June 28, 2011 – 6:00 p.m.

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

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

PUBLIC HEARING SESSION

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

B E F O R E:

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

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

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

1 PROCEEDINGS

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

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

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

25 The hearing notice for this hearing was

1 PROCEEDINGS

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

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

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

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

1 PROCEEDINGS

2 of this year.

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

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

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

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

1 PROCEEDINGS

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

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

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

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

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PROCEEDINGS

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certification whereby the State environmental agency

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needs to ensure that the Army Corps' decision

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protects water quality.

5

This is a hearing for the Draft

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Environmental Impact Statement, which is a step in

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the State Environmental Quality Review or SEQR

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process. SEQR requires that every State or local

9

agency completes SEQR before it makes any addition

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to either fund, approve, or permit an action. It

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encourages communication among the various involved

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parties and agencies that are involved in the review

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of the project.

14

SEQR should begin as early in the process

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as possible as has been done for this project, as

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we'll review in a few minutes. It also has several

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places in the process where we encourage the public

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to actively become involved and submit comments in

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the process. Tonight is one of those points in the

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process.

21

One of the most important things to

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remember about SEQR is that SEQR is required to be

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completed before any State or local government

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issues a final decision regarding their approval in

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a particular project.

1 PROCEEDINGS

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

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

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

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

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

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

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PROCEEDINGS

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

5

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

11

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

16

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

1 PROCEEDINGS

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

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

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

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

1 PROCEEDINGS

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

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

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

1 PROCEEDINGS

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

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

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

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

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

25 Cricket Valley Energy Center is a

1 PROCEEDINGS

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

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

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

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

1 PROCEEDINGS

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

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

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

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

1 PROCEEDINGS

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

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

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

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

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

1 PROCEEDINGS

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

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

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

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

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

1 PROCEEDINGS

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

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

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

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

1 PROCEEDINGS

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

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

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

1 PROCEEDINGS

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

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

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

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

1 PROCEEDINGS

2 project.

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

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

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

1 PROCEEDINGS

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

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

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

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

25 Following the hearing this evening,

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PROCEEDINGS

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

10 Again, thank you very much for coming.

11 JUDGE GOLDBERGER: Thank you.

12 Supervisor Ryan Courtien.

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

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



T2-1

1 PROCEEDINGS

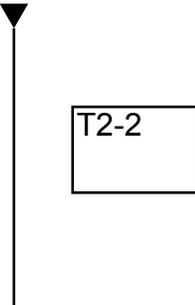
2 The DEC has not seen fit to hold the
3 Saturday public hearing. But the Town Board will be
4 holding a special meeting on a Saturday in July,
5 either July 9th or July 16th, which comments
6 will be heard and will be forwarded to the DEC the
7 same as if it were a DEC public hearing.

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

12 JUDGE GOLDBERGER: Thank you. Cate
13 Wilson.

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

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



T2-2

1 PROCEEDINGS

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

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

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



T2-2
cont.



T2-3

PROCEEDINGS

1
2 actually well within that zone, I believe. Although
3 one of the guys might like to correct me on that.
4 There are a couple of places in the executive
5 summary where we talk about the noise levels in
6 particular that are going to occur during the
7 construction project. The noise, the emissions, the
8 traffic, all of that is going to have a significant
9 impact on all of those who are local.

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



T2-3 cont.



T2-4

PROCEEDINGS

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

3

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

14

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

23

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

T2-4
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T2-5

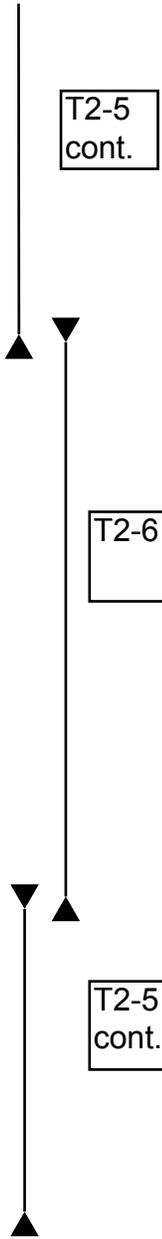
1 PROCEEDINGS

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

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

22 JUDGE GOLDBERGER: Thank you.

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



T2-5
cont.

T2-6

T2-5
cont.

1 PROCEEDINGS

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

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

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

T2-7

1 PROCEEDINGS

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

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

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

T2-7
cont.

PROCEEDINGS

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

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

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

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

23 JUDGE GOLDBERGER: Thank you.
24 Christine Bleakley.

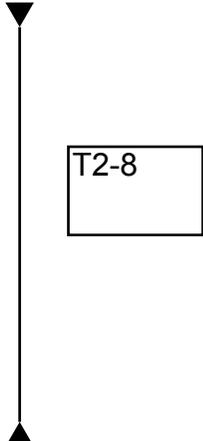
25 MS. BLEAKLEY: I have to apologize.

T2-7
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1 PROCEEDINGS

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

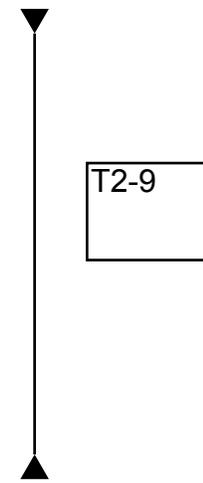
4 I do have concerns. I live on Sherman
5 Hill Road. That is actually on -- across from where
6 the site of the parking is going to be located. One
7 of my concerns is, is any hazard [sic] materials
8 will be stored at that site? 850 cars parking, is
9 it one-level parking? Is it two-level parking? I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



T2-8

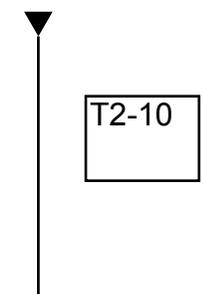
11 And if it was described somewhere, I
12 wasn't able to find it. I also had a hard time
13 following the appendix.

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



T2-9

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



T2-10

1 PROCEEDINGS

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

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

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

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

T2-10
cont.

T2-11

T2-12

T2-13

1 PROCEEDINGS

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

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

19 JUDGE GOLDBERGER: Thank you. Tamara
20 Wade.

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



T2-13
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T2-14



T2-15

PROCEEDINGS

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

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

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



T2-16

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PROCEEDINGS

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JUDGE GOLDBERGER: Thank you.

3

Jessica Abrams.

4

MS. ABRAMS: Thank you for an

5

opportunity to address a very concerning facility

6

looking to be constructed over here. One thing I

7

would like to start by saying is the term "natural

8

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

9

That is not a proper terminology to use. Just stick

10

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

11

sustainable. Just because it comes from the earth

12

does not make it a green source. We learned that

13

with the dinosaur blood.

14

Let's start by something has to be omitted

15

from this information is the word "natural" from the

16

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

17

is that we're located apparently on, according to

18

New York State, a seismic level C area. Dutchess

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County rates 15 out of 65 places expected to

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potentially have this type of annual -- potential

21

event. We need to consider these like never because

22

of the painful lesson we continue to learn daily

23

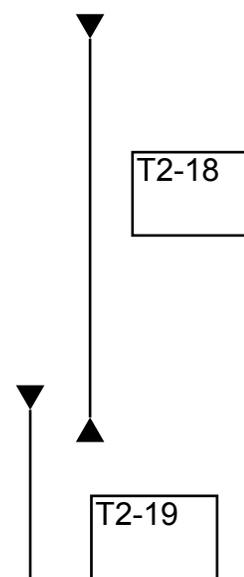
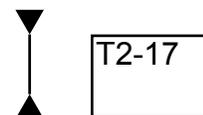
from Fukushima. We do not want this in our

24

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

25

everyone's backyard, regardless. That's the



1 PROCEEDINGS

2 unfortunate side.

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

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

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



T2-19
cont.



T2-20



T2-21



T2-22

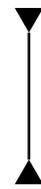
1 PROCEEDINGS

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

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

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

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



T2-23

PROCEEDINGS

1
2 to mankind? Are we willing to put it up and auction
3 it? Because this is what this is right now. We
4 need to really take a serious, painful look at it
5 because it is on everyone's doorstep. It is in
6 everyone's backyard. It's in everyone's food. It's
7 in everyone's reservoirs. How much more of this can
8 we take? Think about that.

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

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

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

PROCEEDINGS

1
2 really pull it out. Food, Inc. Go far into it.
3 Learn about the spectrum that revolves around taking
4 these types of things and considering them something
5 that we can just absorb and not consider putting it
6 back. The implications of our needs, our desires,
7 our wants. All of this has to be regauged,
8 reconsidered, and put the values back where they
9 belong.

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

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

17 MR. RUSTENBERG: Peter Rustenberg --

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

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

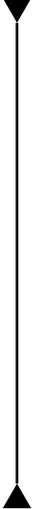
1 PROCEEDINGS

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

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

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

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



T2-24



T2-25



T2-24
cont.



T2-25
cont.

PROCEEDINGS

1
2 American way. A friend of mine is Bob Boyle. Bob
3 Boyle founded Riverkeeper. He discovered the
4 pollutants -- industrial pollutants in the Hudson
5 River, PCBs. He wrote a book called Acid Rain in
6 the early '70s. He's a historic figure, and he's a
7 current figure. He asked me to read this to you
8 tonight.

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

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

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

T2-26

1 PROCEEDINGS

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

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

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

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

T2-26
cont.

1 PROCEEDINGS

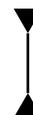
2 time, the Clean Water Act, the Clean Air Act, the
3 National Environmental Policy Act, the Superfund,
4 otherwise known as Comprehensive Environmental
5 Response, Compensation, and Liability Act, and the
6 Resource Conservation and Recovery Act. Thank you.

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

10 Jessica Wade.

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

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



T2-27

PROCEEDINGS

1
2 large sums of money for their land and gave it over.
3 And these people signed off thinking -- and the
4 company is telling them it's safe and healthy, there
5 will be no problems, signed their land off. And
6 then years later, they're having problems with their
7 water. They turn on their faucets, set their
8 lighter, the matches, up to it, and their water
9 explodes. It's on fire. And they can't drink it.
10 Their pets are dying. Their children are sick.

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

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

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



T2-27
cont.

T2-28

1 PROCEEDINGS

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

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

25 I roamed the halls here at Dover. As you



T2-28
cont.



T2-29

1 PROCEEDINGS

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

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

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

25 I have been talking about this a little



T2-29
cont.



T2-30

1 PROCEEDINGS

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

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

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

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



T2-30
cont.



T2-31



T2-32

1 PROCEEDINGS

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

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

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

T2-32
cont.

T2-33

T2-34

PROCEEDINGS

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

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

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

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

T2-34
cont.

T2-35

1 PROCEEDINGS

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

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

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

13 Peg Day.

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

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



T2-35
cont.



T2-36

1 PROCEEDINGS

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

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

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

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

1 PROCEEDINGS

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

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

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

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

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



T2-37

1

PROCEEDINGS

2 make a statement?

3

Seeing none, I am adjourning this hearing.

4

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

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

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adjourned.)

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PROCEEDINGS

C E R T I F I C A T E

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand.

Karen M. Flemmig
Court Reporter

Public Hearing – July 9, 2011 – 9:00 a.m.

TOWN OF DOVER PLAINS
TOWN BOARD

-----x
SPECIAL MEETING
PUBLIC COMMENT AND QUESTION SESSION
IN THE MATTER OF THE
CRICKET VALLEY ENERGY DEIS.
-----x

July 9, 2011
9:00 a.m.

Town of Dover Town Hall
126 East Duncan Hill Road
Dover Plains, New York

B E F O R E:

RYAN COURTIEN, Town Supervisor
KATHLEEN R. SURMAN, Councilwoman
CHRISTOPHER GALAYDA, Councilman
CATHERINE FRAME, Councilwoman
LORRAINE PERRI-O'NEILL, Councilwoman
CAROLINE REICHENBERG, Town Clerk
THOMAS J. JACOBELLIS, Town Counsel
ASHLEY LEY, AKRF, AICP, Town Planner

A P P E A R A N C E S :

FOR THE APPLICANT, CRICKET VALLEY ENERGY:

MATTHEW MARTIN, Associate Project Manager
BOB De MEYERE, Project Manager
JEFF AHRENS, Project Manager
FREDERICK M. SELLARS, ARCADIS U.S., Inc.

LEAD AGENCY:

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
21 South Putt Corners Road
New Paltz, New York 12561-1620
BY: WILLIAM JANEWAY, Regional Director
Region 3

SPEAKER :

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MS. DuHAMEL	33	22
MS. LAROBARDIER	75	7
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2 MR. COURTIEN: Please rise for the
3 Pledge of Allegiance.

4 (PLEDGE OF ALLEGIANCE.)

5 MR. COURTIEN: Good morning. This
6 is a special meeting of the Town Board.
7 We're gonna start with a Public Comments
8 Session on the Cricket Valley Energy DEIS.
9 This is a meeting that the Town Board
10 rescheduled so that we could have Public
11 Comments received on the Cricket Valley
12 Energy DEIS on a Saturday morning, as the
13 Town had done in the past when we were the
14 lead agency for the Dover Knolls project. We
15 also thought it was very important to have
16 this type of input and it will be treated
17 very much like a DEC public hearing.

18 We have, as you could see, a
19 stenographer, who will be taking down
20 verbatim what people say. As I said, there's
21 a speakers list, we're gonna go by the
22 speakers list, you're gonna have to go to the
23 podium. Please speak clearly and at a
24 reasonable pace for the stenographer into the
25 microphone. I know she appreciates me saying

2 that. Just state your name, where you live,
3 and then comments and questions, again,
4 relative to the Cricket Valley Energy and
5 DEIS.

6 Your questions can be, certainly,
7 stated. Again, as it is being treated as a
8 Public Comments Session, questions will not
9 be directly answered at this time, but we
10 can -- the questions are answered in the DEIS
11 process, but someone can certainly get you an
12 answer before the several months you have to
13 wait for the answers through the process.

14 If someone could please get the speaker
15 sign-in sheet.

16 Before we get to the speakers, what
17 we will do is, I'll invite Regional Director
18 William Janeway to the podium just to give a
19 brief introduction.

20 As I stated before, the DEC is the
21 lead agency. We are not the lead agency on
22 the project. After Mr. Janeway speaks, then
23 a representative from Cricket Valley Energy
24 will give a short presentation and then we'll
25 proceed to the speakers list.

2 Mr. Janeway?

3 MR. JANEWAY: William Janeway,
4 Regional Director, New York State Department
5 of Environmental Conservation.

6 Happy Saturday morning. I want to
7 thank the supervisor and I want to thank the
8 members of the Town Board for scheduling this
9 Saturday meeting. I know there was a lot of
10 interest in having one.

11 The public comment period is open
12 now for either written or other comments.
13 The comments made verbally today will be
14 taken down by the stenographer and will be
15 submitted to the Department and will have
16 equal and same weight as any comments
17 submitted by the deadline directly to the
18 Department or any comments that were conveyed
19 previously at the two public meetings that
20 the DEC was holding here at the Town. Thank
21 you.

22 The Draft Environmental Impact
23 Statement has been accepted as complete, so
24 that is what we hope you will give us
25 comments on, and we encourage folks to make

2 sure that if there's thoughts or concerns
3 they have that they do not believe have been
4 expressed, those are the comments that are
5 most valuable to us as we continue at DEC, as
6 the lead agency working closely with the Town
7 and coordinating with you for this proposed
8 project that is in front of all of us.

9 Thank you very much for coming out.
10 I look forward to listening to your comments
11 this morning as long as I can. I told John
12 when I need to leave -- I will apologize in
13 advance -- but I will be looking at the
14 record, and at some point I have to leave
15 before you are finished.

16 Thank you.

17 MR. COURTIEN: Thank you,
18 Mr. Janeway.

19 MR. GALAYDA: Regional Director
20 Janeway, can you look around the room and
21 please take back to your staff, this is why
22 we need Saturday public hearings. You know,
23 I mean, this is -- this is our community
24 and -- you know, and I'm sure people are
25 gonna still filter through the door. I mean,

2 this is the best turnout of all three
3 sessions, so if you could at least take it
4 back to your staff, this is why we do this.

5 MR. JANEWAY: I understand, and in
6 fact I believe we have a larger crowd here
7 than we've had on those afternoon and evening
8 sessions, and that's exactly why I see how
9 important it is.

10 MR. GALAYDA: Well, thank you for
11 coming. Thank you.

12 MR. COURTIEN: Next, we'll have a
13 representative from Cricket Valley.

14 MR. MARTIN: Thank you and good
15 morning. My name is Matt Martin. I am with
16 Cricket Valley Energy and I'd like to thank
17 everyone for coming out today. I'd also like
18 to thank the Town Board for pushing hard for
19 this Saturday session so that people who
20 weren't able to make it on Tuesday the 28th,
21 whether for work or other reasons, we really
22 appreciate everyone coming out this morning,
23 we're here to listen to you.

24 And thanks to the entire Town Board
25 for pushing for that and thank you to

2 Regional Director Janeway for granting this
3 session.

4 We're here to listen to you guys.
5 We'll have a session outside after this. We
6 invite everyone here to ask your questions.
7 We're here to talk about a 2000-page --
8 -plus-page document drafted by our
9 Environmental Impact Statement that we don't
10 expect everyone here to read. You know, we
11 do want to invite you to ask your questions
12 about it, though. If you don't understand
13 something, we have experts here today that
14 can answer those questions. We have --

15 You can go to the next line. Thanks
16 a lot.

17 We are here in Dover, we have an
18 office here in Dover, it's at Five Market
19 Street, which is right by the Dover Plains
20 Train Station, we have a website that has all
21 the information, contact information, for
22 Cricket Valley Energy with its phone number,
23 email address. Give us a call and ask your
24 questions, come into the office and ask your
25 questions. We've provided the community with

2 newsletters, we have those newsletters up
3 front, you can please take them on your way
4 out. We've also been hosting these advisory
5 working groups which have been taking place
6 for the past year and a half, and they focus
7 on issues the community has brought to us as
8 of concern to you, which is air quality,
9 water, as well as traffic and safety. You
10 can see we've had these meetings, 12 of them
11 in total, we'll continue to have these
12 meetings, and as soon as they're announced,
13 we'll send out an email. We have a LISTSERV
14 that announces all of these meetings, all of
15 the advisory working groups, all the new
16 information on the project. There's a
17 sign-up sheet up front also if you want to
18 get those emails.

19 We've also had public forums like
20 this. We've actually started at the
21 Housatonic Valley Association Low Impact
22 Development Conference over two years ago,
23 and at that conference people brought up
24 water as a major issue, and we've redesigned
25 the plant, reengineered the plant, to bring

2 our water use down to basically as low as you
3 can get for a power plant of this kind.

4 So, the Town Board hosted a meeting
5 shortly thereafter, we've had open houses,
6 and we're gonna have another open house two
7 weeks from today at the same time, from nine
8 to twelve, at our office up by the Dover
9 Plains Train Station at Five Market Street.

10 If you're unable to stick around for
11 the full session today and afterwards to ask
12 your questions, come to the open house in two
13 weeks. Any and all questions are welcome
14 whether it's on the record here today, in
15 writing to the DEC, or just informal in our
16 office. So, we do want to answer each and
17 all of your questions and listen.

18 So, just quickly, to recap, the DEIS
19 Review Process, we had a meeting at the high
20 school a little over a year ago, it's called
21 the Scoping Session, where, essentially, we
22 created a Table of Contents of what we needed
23 to study, and that resulted in a 2000-page
24 document, which you can find right outside
25 the doorway here. That 2000-page document

2 has been accepted by the DEC, it was released
3 for public comment about six weeks ago, and
4 it will continue to be under review, and
5 those comments are welcome up until
6 August 1st. That August 1st date is
7 important. All written comments, all oral
8 comments today, need to be in by that date.
9 Their contact information for DEC is on the
10 page here. There's also -- right next to the
11 large 2000-page document is a handout from
12 DEC specific to this project, which provides
13 this information. If you want to review the
14 document, it's available around town, it's
15 available here at Town Hall, it's at our
16 office, it's at the library down in Wingdale,
17 it's at both of DEC's offices, it's also
18 available online.

19 And one of the things that we've
20 done in the past week is try to make it more
21 accessible on our website and created a new
22 page called Ask Cricket Valley, which is
23 specific to some the concerns that have been
24 brought up about air quality, about water,
25 about noise, about traffic & safety. All

2 these things are linked from that Ask Cricket
3 Valley website. We'll also be having that
4 open house in two weeks. You know, we really
5 encourage everyone to come and, you know, ask
6 those questions.

7 This morning I'd like to introduce
8 Fred Sellars, who is with our lead
9 environmental consultant. Their firm put
10 together the DEIS. He's an expert on all
11 things Cricket Valley and he's gonna provide
12 to you a brief overview of what's in the DEIS
13 and then we'll invite, you know, each and
14 everyone here to come up and ask your
15 questions about the DEIS.

16 So, Fred, if you could --

17 MR. SELLARS: Sure.

18 MR. MARTIN: Thank you.

19 MR. SELLARS: Thank you, Matt.

20 And I want to thank you all for
21 coming. We've had a good public
22 participation process so far, and part of the
23 reason why the DEIS is 2,000 pages long is
24 for the many thoughtful and detailed scoping
25 comments that you've provided, so we've done

2 our best to try to address all of the
3 questions that you've raised during the
4 scoping process. I'd like to spend just a
5 few minutes describing the project, just so
6 everyone knows -- we're all on the same page
7 in terms of what it is that's being proposed.

8 And the Cricket Valley Energy
9 project is a 1,000-megawatt, natural
10 gas-fired, combined-cycle process. I'll
11 explain "combined-cycle" in a little bit, but
12 what it represents is the state-of-the-art in
13 electric generations from natural gas. It
14 provides an efficient and reliable
15 database -- a reliable energy supply to serve
16 the load in the region. A 1,000-megawatt
17 plant will serve probably close to 800,000
18 households.

19 One of the benefits of the project
20 is new clean technology like this will
21 actually displace older, less-efficient,
22 higher-emitting power plants in the region,
23 and we'll talk about that in a little more
24 detail in a minute, too.

25 The project will contribute

2 substantially to the tax base in -- not only
3 in Dover but in Dutchess County and the
4 region. And you see some of the numbers
5 there. We're talking about a three-year
6 construction effort that will infuse nearly
7 \$225 million into the Dutchess County economy
8 and, once operational, will have a positive
9 annual revenue impact of, you see, nearly \$22
10 million a year.

11 The site you see on the top picture
12 there, it's an inactive industrial site
13 that's been around for a while, it's 131
14 acres in size, it's on Route 22, it's right
15 now called the Mid-Hudson Recycling Park, and
16 most of you will probably remember that in
17 1996 there was a considerable fire there that
18 went for several days.

19 Abutting the site to the north,
20 you'll see there in yellow is a Con Edison
21 electric transmission line, it's a
22 high-voltage line, that will allow the
23 project to connect right into the regional
24 grid to supply electricity region-wide.

25 Sharing the Con Edison right-of-away

2 abutting the site is the Iroquois Interstate
3 natural gas pipeline, which will provide gas
4 for the project.

5 The property to the south is also
6 industrial, it's owned by Howland Lake
7 Partners.

8 And bisecting the site that you see
9 right above where that white arrow is there
10 is the Metro-North rail line, and the
11 Metro-North rail line runs north-south
12 through the site. All of the proposed
13 development activity will occur east of the
14 rail line. West of the rail line are
15 wetlands associated with the Swamp River.
16 That whole 75-acre part of the site will
17 remain undisturbed and will be protected from
18 future development. The Swamp River, you can
19 see on the top picture there, it forms the
20 western boundary of the site in the northern
21 part of the site and then it actually bisects
22 the western part of the site as it moves
23 further south.

24 During the three-year construction
25 process, to minimize traffic impacts in the

2 community, the project will lease a 30-acre
3 site about two and a quarter miles north of
4 the project site, it's right where Old Route
5 22 and Route 22 come together. It's
6 currently an agricultural field which will be
7 fully restored back to an agricultural field
8 when the construction process is done. The
9 primary purpose of that site is for the
10 construction workers to park, and then they
11 will be shuttled to the site during the
12 construction process on shuttle buses that
13 have been timed to avoid peak traffic on
14 Route 22, as well as school bus schedules.

15 New temporary access through Route
16 22 will be created and then there will be
17 some manual traffic control at some of the
18 intersections around that site during the
19 construction process to make sure there are
20 no traffic impacts.

21 You can see from that bottom picture
22 that this is the site we're talking about,
23 it's the old MICA plant, and its history
24 dates back to the 1940's, when it was first
25 used for magnesium processing in the effort

2 leading up to the war, and then for a short
3 time thereafter it's had several other
4 industrial uses along the way, and most
5 notably it was a manufacturer for MICA
6 products for a number of years.

7 You can see that the buildings have
8 fallen into disrepair. They're abandoned,
9 they're inactive, and right now they
10 represent a potential liability into the
11 area. One of the benefits of the project
12 will be to remove all of those structures
13 that you see there in that bottom picture,
14 because that's precisely where the power
15 plant will be constructed, which is precisely
16 right on the blueprint of these old
17 buildings.

18 This project will also allow that
19 site to be cleaned up. You can see, the
20 picture on the top, when we talk about
21 there's this -- a minor encroachment to
22 wetlands on the site, .05 acres of wetlands
23 are being encroached on, that's the wetlands
24 we're talking about right there. You can see
25 here they're pretty heavily degraded. It's

2 pretty hard to just call them a wetland. As
3 part of this project, all of that wetland
4 that is degraded like that will be restored
5 and will be returned back to a productive
6 wetland.

7 The site, you can see from that
8 bottom picture, has got a pretty good buffer,
9 about a three-hundred-foot-wide buffer, of
10 trees that screen the site from Route 22.
11 And you know that now, if you're driving back
12 and forth, the views into this existing
13 industrial complex are pretty limited.

14 Here's some more pictures of what's
15 there right now. You can see, in the top
16 right picture there, some of the damage that
17 was caused by the fire back in 1996, the
18 other buildings, those stacks there, and some
19 of the other buildings have kind of fallen
20 down and have fallen into disrepair. All of
21 that will be removed as part of this project.

22 So, here's what the project is --
23 you can see a rendering of what it will look
24 like in the top picture there -- there will
25 be three separate units in the project. Each

2 one consists of a natural-gas-fired
3 combustion turbine which operates very, very
4 similar to a jet engine, and how it generates
5 electricity is when it combusts the natural
6 gas, the turbine turns, it's connected to a
7 generator, which then generates electricity.
8 The reason why combined-cycle plants are so
9 efficient in terms of how much electricity
10 they can generate for the same kind of fuel
11 is the waste heat from that turbine is then
12 captured in something called a heat-recovery
13 steam generator, which is kind of a fancy
14 word for a boiler, although the boiler,
15 instead of running off fuel, runs on the
16 waste heat from the turbine. That waste heat
17 is used to generate steam, that steam turns
18 the steam turbine, which generates some
19 additional electricity. As a result, this is
20 the most efficient way that you can generate
21 the electricity used in the fossil fuel
22 that's available at all. And the turbines
23 that Cricket Valley has selected are the
24 state-of-the-art, most efficient combustion
25 turbines that are available on the market

2 anywhere in the world right now. The
3 facility will be, again, using natural gas
4 from a pipeline that abuts the site
5 immediately to the north, so there's no need
6 for a long natural gas interconnect. And
7 similarly, the electricity that's generated
8 will be exported right on those lines and
9 also abut the site, so no big new
10 transmission lines will have to be created to
11 get the electricity off-site.

12 The facility will have three stacks,
13 one for each of the units. They are 282 feet
14 tall. They've been co-located, which means
15 that they're put right next to each other for
16 a number of reasons, but the most important,
17 which is to enhance the dispersion from the
18 stacks to ensure that the air quality impacts
19 have been minimized.

20 The facility will be controlled with
21 state-of-the-art emissions control devices
22 representing the cleanest, you know,
23 fossil-fuel-fired power plant that's in
24 New York right now. It uses a couple of
25 different emission control devices. One is

2 called selective catalytic reduction, which
3 reduces nitrogen oxide emissions by over 90
4 percent, and the other is an oxidation
5 catalyst, which works very similar to a
6 catalytic converter in your car; that ensures
7 that any emissions of carbon monoxide will be
8 minimized.

9 As part of the Environmental Impact
10 Statement, and I do hope you read the whole
11 thing because we spent a lot of time
12 responding to your comments, but we did a
13 very, very exhaustive air quality study, it
14 was a cumulative air quality impact analysis
15 that took into account not only the existing
16 background levels of air pollutants but also
17 contributions from sources as far as 65
18 kilometers away from the facility. The
19 impact analysis was carefully worked out with
20 both representatives of the meteorology group
21 of the Department of Environmental
22 Conservation, as well as the United States
23 Environmental Protection Agency. It was
24 conducted by ARCADIS, and the director at
25 ARCADIS who did that is a world-renowned

2 meteorologist called Dr. Dick Lonergan, and
3 you can check him out on the Web if you'd
4 like, but he's been doing analyses like
5 these -- like myself -- for over 30 years.

6 Well, you'll recall the impact
7 analysis demonstrated that the impacts from
8 this facility will be very, very small, in
9 fact pretty negligible. By adding the
10 impacts of this facility to those other
11 sources within 50 to 65 kilometers of the
12 facility plus the monitored background, the
13 resulting total of those contributions
14 together are well below ambient air quality
15 standards that are health-based standards
16 that have been developed by the U.S.
17 Environmental Protection Agency and adopted
18 by the Department of Environmental
19 Conservation. They're health-based
20 standards, they don't take anything except
21 health into account when they come up with
22 those standards, and EPA adopts those
23 standards based on health effects information
24 that's developed by organizations like the
25 National Institute of Health and the Academy

2 of Sciences and the World Health Institutions
3 and add a margin of safety to that.

4 What we did not take into account or
5 any credit for in our cumulative air quality
6 analysis that is in our cumulative impact
7 analysis is the displacement of all the power
8 plant issues. Cricket Valley commissioned an
9 independent dispatch analysis, and what a
10 dispatch analysis is, is it simulates how the
11 grid operates with and without the facility.
12 Power plants can't just turn on and run
13 anytime they want to; they have to be
14 dispatched by the independent system
15 operator. That's the person who directs
16 traffic on the electrical grid. The demand
17 for electricity changes throughout the day
18 and throughout the week and throughout the
19 year, and the grid operator turns plants on
20 and off to respond to that change in demand.
21 Those plants are turned on and off by
22 something called the marginal cost, which
23 primarily is the cost of the fuel and is
24 reflected by the fuel cost and the
25 efficiency. Because this facility will be

2 the most efficient power plant of its type,
3 that means that for every megawatt hour it
4 generates of electricity, that's less than
5 any of the other power plants that are in the
6 dispatch queue along with it, so for every
7 hour that this plant operates, it's
8 displacing the operation of something that is
9 less efficient and higher emitting. The
10 dispatch analysis simulates how that grid
11 works based on models and techniques that are
12 approved by the New York State Department of
13 Public Service.

14 What that resulting analysis
15 demonstrated is that if this facility is
16 built and operated, regionally there will be
17 a reduction in carbon dioxide emissions of
18 well over a half a million tons a year, you
19 could see there's 653,000 tons a year,
20 nitrogen oxide emissions regionally will
21 decrease by over 1,400 tons a year, and
22 sulfur dioxide emissions will decrease by
23 over 4,000 tons a year.

24 Now, how that affects air quality in
25 Dover is depicted on this chart here

2 (indicating). All those blue dots that you
3 see on the map that kind of surround us here
4 are power plants that are in the queue that
5 get dispatched. And what our air quality
6 impact analysis demonstrated is that those
7 facilities that you see there have a very,
8 very significant impact on air quality in
9 Dover.

10 And finally, as part of this
11 analysis, we demonstrated that the Dover
12 Noise Code is met at all nonindustrial
13 properties around the site, so -- and then
14 further, the Department of Environmental
15 Conservation has noise criteria that applied
16 to the nearest residents, and the facility
17 meets all of those criteria as well.

18 Matt talked earlier about water
19 demand for the facility. The facility will
20 be employing something called air cooling.
21 Now, what that means is -- we talked earlier
22 about the -- generating steam and then
23 turning the steam turbine to generate
24 electricity. After the steam turns the steam
25 turbine, it needs to be condensed back into

2 water, so it has to go through something
3 called a condenser. The most common way to
4 condense the steam back to water is to use
5 cold water, you know, in a wet cooling tower.
6 A more expensive way but more water-efficient
7 way to do that is air cooling. This
8 facility's adopted air cooling, which results
9 in it using a small fraction of the amount of
10 water that it would otherwise use.

11 Further, the amount -- the water is
12 gonna be supplied with onsite bedrock wells.
13 And we did very, very comprehensive pump
14 tests of the aquifer at more than the full
15 capacity we intend to pump and had to
16 demonstrate in the Environmental Impact
17 Statement that our full pumping capacity will
18 have no discernible impact on the Swamp
19 River, wetlands, or anybody else that uses
20 water in the aquifer, because the water use
21 is really very, very low.

22 And then, finally, we'll augment the
23 water that we get from the wells with
24 rainwater that's captured on the roofs in a
25 way that's sort of beneficiary, sort of using

2 that rainwater.

3 No processed water will be
4 discharged from the facility, so there's not
5 any discharge to the Swamp River or to a
6 treatment plant, because the plant will, of
7 course, undergo Zero Liquid Discharge, which
8 is a technique that basically continuously
9 recycles and squeezes all of the water out
10 until there's nothing left but an inert cake
11 of salts and solvents, which is disposed of
12 and what we have to offer.

13 The sanitary discharge, that's from
14 the showers and the rest rooms and the waste
15 that are discharged from the septic systems,
16 similar to what you would likely have in your
17 home.

18 And then finally, we're very, very
19 proud of the stormwater management plan that
20 was adopted, because it really incorporates
21 the newest, best management practices
22 available and it's something called
23 bioretention ponds, something I call a rain
24 garden. Rather than having a conventional
25 stormwater pond, we have vegetated ponds and

2 it allows for the vegetation to naturally
3 filter the stormwater.

4 Here's the schedule for the project
5 (indicating). The construction is planned to
6 start after the permits are decided upon.
7 And if all goes well and the permits are
8 granted, the construction would start
9 sometime in 2012. It's a three-year
10 construction process. During those three
11 years, there's an average of 300 construction
12 workers. For the peak five months of
13 construction, that would be up to about 750
14 construction workers. That was the number of
15 construction workers we included in all of
16 our analyses of traffic and things like that.
17 And then once built, it'll be a permanent
18 workforce of 25 to 30 people for the life of
19 the project.

20 The construction process is expected
21 to take about three years and the facility to
22 go to commercial operation sometime in 2015.

23 And with that, I look forward to
24 hearing your comments on the Environmental
25 Impact Statement.

2 Thank you.

3 MR. COURTIEN: Thank you,
4 Mr. Sellars.

5 Just two things before we get to the
6 speakers list. Could everyone please turn
7 off their cell phones and just use that, I
8 don't think it's made after someone's cell
9 phone goes off, so if everyone will be a
10 little proactive in terms of cell phones,
11 that'd be appreciated.

12 Also, for anybody out in the hallway
13 or the other room, there are at least eight
14 seats that I can see in here, so if you would
15 like to come in out of the hallway and into
16 the room, we do have seating.

17 So, with that, we will go to the
18 speakers list and everyone will have the
19 chance to speak once. Again, comments should
20 be relative to the Cricket Valley Energy
21 DEIS, and there's another speakers sign-up
22 sheet on my left.

23 Our first speaker is Linda French.
24 Please come to the podium.

25 Maybe what I'll do is I'll queue up

2 people. So, the speaker after Ms. French
3 will be Paul Palmer, and after Mr. Palmer it
4 will be Stancy DuHamel.

5 MS. FRENCH: Good morning.

6 MR. COURTIEN: Good morning.

7 MS. FRENCH: My name is
8 Linda French, Three Eagle Drive, Dover
9 Plains, New York.

10 To the DEC, Members of the Board of
11 Dover, I have not read all 2,000 pages of the
12 Cricket Valley DEIS, but because of my
13 involvement in Cricket Valley since the first
14 meeting at the Town Hall, when
15 Supervisor Courtien introduced the
16 possibility of a gas plant in Dover, they
17 explained what they were proposing and how it
18 would create a lot of jobs, revenue, and
19 would clean up an area in Dover that was left
20 after a fire at this site on Route 22.
21 Cricket Valley also sent postcards notifying
22 the public of meetings to be held in their
23 office in Dover Plains and emails to remind
24 me of the meetings. I attended all meetings
25 and found them to be very informative. They

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2 addressed the questions of water quality, air
3 quality, and traffic and electricity and how
4 the plant would affect Dover. They answered
5 all questions that were asked by the public.
6 I also received many newsletters explaining
7 where the Cricket Valley project was in the
8 process.

9 When the DEIS was complete, it could
10 be read at the Dover library, the Cricket
11 Valley office, the Town of Dover website and
12 the DEC website, and the Town Hall.

13 I would like to thank Bob, Matt and
14 Jeff from Cricket Valley for keeping the
15 people of Dover informed of your project. I
16 know everything is being studied over and
17 over again and I know in the end this will be
18 a win-win project for Dover.

19 Thank you.

20 MR. COURTIEN: Thank you,
21 Ms. French.

22 Paul Palmer?

23 MR. PALMER: Good morning.

24 Paul -- P.R. Palmer from Dover.

25 MS. SURMAN: Good morning.

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2 MR. PALMER: I would like to thank
3 the Town Board for having this special
4 meeting. I'm sure a lot of people appreciate
5 it.

6 Most of the points I wanted to make
7 were already covered and I don't want to be
8 redundant. I support the project. I think
9 it's gonna be a great asset to the town.

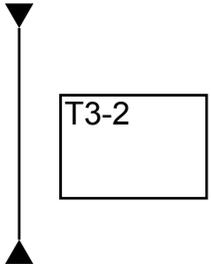
10 And just to make another point, and
11 I know, Mr. Galayda can, you know, say this,
12 Bob, Matt and Jeff worked with us shoulder to
13 shoulder at the playground build a year or so
14 ago. Those are the kind of neighbors I want.

15 Thank you for recognizing my time.

16 MR. COURTIEN: Thank you,
17 Mr. Palmer.

18 Stancy DuHamel? And after
19 Stancy DuHamel will be Valerie LaRobardier,
20 and after Ms. LaRobardier will be
21 Mark Chipkin.

22 MS. DuHAMEL: Hi. My name is
23 Stancy DuHamel. I live at 212 Duell Hollow
24 Road in Wingdale, New York. I am reading --
25 excuse me -- two sets of comments, one on



2 behalf of Robert Herzog, who could not be
3 here today, and my own. I'm going to read
4 Robert's first, since it's a little more
5 technical, and ask you to bear with me. It
6 will be available both on the DEC website,
7 I'm sure Cricket Valley, and the "Grow Smart
8 Dover" website, because there's a lot of
9 stuff in here that even I don't understand,
10 but he does have a background in energy, so
11 his comments are relevant and suspend
12 disbelief when I start out by saying:

13 "My name is Robert M. Herzog. My
14 family has had a house in the Town of Dover
15 for 56 years, roughly one and a half miles
16 east of the proposed site. In addition, I
17 founded and was the former director of the
18 Energy Office of the City of New York. In
19 that capacity, I managed the City's
20 representation regarding several proposed
21 power plant sitings, as well as in rate
22 hearings and other regulatory matters. I
23 also managed the City's \$150 million energy
24 conservation program, and was responsible for
25 the construction of several alternative



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2 energy, small hydro and cogeneration
3 facilities.

4 "Based on that experience, analysis
5 indicates there are several significant
6 issues regarding the proposed Cricket Valley
7 Energy Plant, which I would like to address
8 in these comments.

9 "I. Need.

10 "A. New York State Independent
11 Service Operator Finds There is No Need.

12 "Since the plant is not being built
13 to serve local needs, but rather contribute
14 to the state and region's capacity
15 infrastructure, the first question that must
16 be asked is -- is it needed? Is it required
17 to fulfill reasonable system capacity
18 requirements in the near future? The answer
19 to that is simple, and based on independent
20 assessment from the people who know best, the
21 New York Independent Service Operator, the
22 organization responsible for planning and
23 overseeing New York State's electricity
24 operations.

25 "Their answer is...no. Based on

T3-3
cont.

2 their expert analysis," and I'm just going to
3 refer to this as "NYISO," New York State
4 Independent Service Operators, "stated in its
5 2009 Power Trends Evaluation," quote, "'Based
6 on current NYISO projections, the state's
7 wholesale electric power system will continue
8 to meet accepted reliability standards
9 through 2018.'

10 "The NYISO 2010 report extends the
11 period of reliability even further, to 2020.
12 It might be more, but that is as far as their
13 forecast period extends. The New York
14 Control Area baseline summer peak demand
15 forecast developed for the 2010 report shows
16 a baseline energy forecast growth rate of .41
17 percent for the years 2011 through 2021. The
18 2009 report forecasted growth rate for annual
19 energy in that period was .78 percent. That
20 represents a 47 percent decrease in one year!
21 The energy growth rate in the 2011 forecast
22 is lower than in 2010 due to a lower
23 econometric forecast and an increase in the
24 projected amount of energy efficiency
25 impacts.

T3-3
cont.

2 "Thus, the period when it might be
3 reasonable to consider construction for
4 Cricket Valley would not be until 2018 at the
5 earliest, given the two-year construction
6 cycle for building the plant.

7 "B. Consideration If Indian Point
8 Nuclear Plants Shut Down.

9 "The NYISO 2010 report does state
10 that if the Indian Point nuclear plants were
11 both closed, that the State could fall below
12 accepted standards of reliability (the LOLE,
13 or Level of Load Expectation) by 2016.
14 New York City has taken a strong stand on
15 keeping Indian Point open, based on a report
16 issued on July 6, 2011. That report
17 concluded that should the plants be closed,
18 the city and state would experience a 10 to
19 15 percent increases in major air pollutants
20 such as carbon emissions and nitrogen oxides,
21 while adding at least a billion and a half
22 dollars to wholesale electricity costs in the
23 city and state. Based on those impacts, it
24 would seem highly unlikely that the plants
25 will actually be closed in the foreseeable

T3-3
cont.

2 future.

3 "There are three projects underway
4 that could replace some of the power that
5 would be lost if Indian Point closed. These
6 projects -- power plants in Astoria, Queens,
7 and Bayonne, New Jersey, and a transmission
8 cable from New Jersey to Manhattan -- total,
9 roughly, 1700 megawatts, or 85 percent of the
10 total Indian Point capacity. While there
11 would still be a shortfall of power to meet
12 the standards for reliability required in the
13 city, it would only be 300 megawatts, and
14 there are many ways to produce that capacity.

15 "Needless to say, if Indian Point is
16 not closed, then the additional New York City
17 area projects totaling 1700 megawatts
18 completely obviate the need for Cricket
19 Valley or any other facility to provide any
20 further capacity in New York State. Should
21 Indian Point be closed, however, it is not
22 accurate to think that Cricket Valley would
23 address any power shortfall, since there is a
24 well-documented bottleneck of transmission
25 capacity in Westchester that would preclude

T3-3
cont.

2 any power generated in the Hudson Valley from
3 reaching New York City.

4 "Other, better alternatives exist or
5 are being proposed in the event they are
6 needed. The Champlain Hudson Power Express
7 Project would carry 1,000 megawatts of wind
8 and hydropower from Quebec to metropolitan
9 New York and Connecticut. Cleaner, cheaper
10 power than what Cricket Valley could provide,
11 and addressing the only potential -- and
12 highly unlikely -- energy capacity shortfall
13 in New York State. Further, more viable
14 alternatives are discussed below.

15 "C. The Displacement Argument is
16 Specious.

17 "The DEIS shows its biases within
18 its first paragraphs, stating the plant will
19 supply," quote, "'needed electricity to the
20 New York State bulk power grid,'" end of
21 quotes, "despite the ISO conclusions.
22 Cricket Valley tries to make an argument for
23 displacement -- building a new plant burning
24 natural gas would displace other,
25 less-efficient plants. The major

T3-3
cont.

2 displacement that will take place will be to
3 move point sources of pollution from other
4 locations to the Town of Dover.

5 "The attempt to circumvent the
6 NYISO's finding that there is no need to
7 build new capacity by citing the benefits of
8 displacing other more polluting plants is
9 specious. The DEIS states," quote: "'Due to
10 the project's superior efficiency, it will be
11 dispatched ahead of higher-emitting
12 generators, causing those units to operate
13 less frequently, thereby yielding a net air
14 quality benefit across the region.'"

15 "The ISO in fact also dispatches
16 based on price, not pollution, choosing the
17 lowest marginal cost production at any given
18 moment. As the New York Energy Consumers'
19 Council states," quote: "'Generators bid in
20 prices for their capacity based on their
21 marginal costs (e.g. fuel), and the NYISO
22 accepts bids to fill its projected demand
23 requirements in each zone. This is called
24 the 'Locational-Based Marginal-Pricing
25 Day-Ahead Market.' In an effort to arrive at

T3-3 cont.

2 the most efficient market price, lowest bids
3 are considered highest merit and those
4 generators are dispatched first (i.e. base
5 loaded); highest bids are considered lowest
6 merit. This is called the merit order bid
7 stack," end of quote.

8 "That process means that hydro, coal
9 and nuclear plants will always be first in
10 line. While older plants may be less
11 efficient, they have also been partially or
12 fully amortized in rate bases, meaning they
13 may also be competitive on price with a newer
14 facility built at, and requiring a return on,
15 current construction costs. Furthermore, oil
16 is already the lowest merit source of
17 generation for the state, supplying only
18 about 1,200 hours during highest peak demand
19 periods of the year. By contrast, nuclear
20 and hydro are highest merit, supplying base
21 load all 8,760 hours in the year. So the
22 most polluting and expensive plants are
23 already being displaced by existing capacity
24 and load management.

25 "The DEIS's own findings regarding

T3-3
cont.

2 greenhouse gas emissions indicate how
3 spurious the displacement argument is.
4 According to the DEIS, the introduction of
5 the Cricket Valley plant actually increases
6 the production of one of the most serious of
7 greenhouse gases, CO₂, by around 2 percent
8 annually for the New York State power pool.
9 The total impact on CO₂ production with
10 Cricket Valley online is a decrease of .1
11 percent -- one-tenth of 1 percent. And that
12 is based on the assumptions that the Cricket
13 Valley-hired consultants are projecting,
14 which would be a best-case scenario. In
15 short, local greenhouse gases will increase,
16 along with other air pollutants, noise and
17 water impact, while the best case projected
18 for this plant is a negligible positive
19 environmental impact.

20 "D. Numerous Better Alternatives
21 Exist.

22 "But if the system wants
23 displacement, then there are still better
24 alternatives.

25 "I. Currently Proposed Generating

T3-3
cont.

2 and Transmission Capacity.

3 "As stated above, a total of 1,660
4 of new transmission capacity and 1,060
5 megawatts of new generating capacity are
6 currently proposed and in the queue ahead of
7 Cricket Valley. These increases would
8 directly alleviate any potential stress on
9 the one area of the state that could have
10 reliability issues, New York City, and only
11 in the event Indian Point is shut down.

12 "II. Alternative Energy Sources.

13 "A recent extensive study of the
14 solar-generating potential for New York City
15 found it was 5,847 megawatts. The study
16 concluded that given current costs and
17 incentives, building solar power units would
18 be cost-effective. Over five thousand
19 megawatts! If even a tenth of that potential
20 was realized, there would never be a reason
21 to build a plant in the Harlem Valley. Solar
22 power cost-effectiveness will only increase
23 as technology improves and demand lowers the
24 price of the systems.

25 "If Dover Plains and Dutchess County

T3-3
cont.

2 decided for some reason they wanted to be
3 major contributors to regional energy needs,
4 imagine the solar potential for the county.
5 New York City is 305 square miles, Dutchess
6 County is 825. The cost of construction
7 would be a lot cheaper on the open flat land
8 here than it would be on the open rooftops of
9 New York City. Furthermore, the construction
10 and operation of solar energy farms would
11 produce many more construction and permanent
12 jobs, especially for local residents, than
13 would the 25 niche skill jobs that would be
14 the remnant of the Cricket Valley operation.

15 "Wind power is also playing an
16 increasing role in meeting power requirements
17 for the state. Should anyone claim that
18 projections based on increases in wind power
19 capacity are not realistic, it should be
20 noted that there were 48 megawatts of
21 installed wind capacity in New York State in
22 2005 and 1,348 megawatts of installed wind
23 capacity in 2011, as documented in the NYISO
24 Load and Capacity Report, 2011.

25 "3. Special Case Resources" -- I'm

T3-3 cont.

2 skipping this -- "E. There is No Foreseeable
3 Need For This Plant, and Time Will Only
4 Produce More Superior Alternatives."

5 "Over the five years, enormous
6 strides will be" -- "will no doubt be made in
7 producing energy from sources other than
8 fossil-fuel-burning plants such as Cricket
9 Valley. These new sources will not have
10 enormous local impact on water, air, noise,
11 and the environment.

12 "DEC, as lead agency with the
13 mandate to protect our environment, has the
14 legal responsibility to consider the NYISO's
15 findings and the likelihood of far better
16 alternatives available during the time frame
17 when they will actually be needed.
18 Circumventing or ignoring such findings would
19 be a violation of DEC's mission, which is
20 to," quote, "'conserve, improve, and protect
21 New York State's natural resources and
22 environment and to prevent, abate and control
23 water, land and air pollution, in order to
24 enhance the health, safety and welfare of the
25 people of the state and their overall

T3-3 cont.

2 economic and social well-being,'" end quote,
3 "Environmental Conservation Law, Article 1.
4 "DEC states its goal is to," quote,
5 "'achieve this mission by embracing the
6 elements of sustainability - the simultaneous
7 pursuit of environmental quality, public
8 health, economic prosperity and social
9 well-being, including environmental justice
10 and the empowerment of individuals to
11 participate in environmental decisions that
12 affect their lives.'" Approving a fossil fuel
13 plant that is not needed and consumes a
14 nonrenewable, more polluting fuel is clearly
15 not consistent with DEC's mission. Any
16 decision to site this plant now would have to
17 be considered arbitrary and capricious, and
18 open to challenges on those grounds.

19 "II. Noise.

20 "A. Noise is a Serious Pollutant.

21 "Noise is a particularly invidious
22 pollutant. It can permeate landscapes, has
23 different impacts depending on area
24 topography, and once a source is permitted,
25 nearly impossible to regulate. A local

T3-3 cont.

2 business not far from the Cricket Valley
3 site, JTR Bus Company, must work on its buses
4 inside its garage; when it doesn't, the noise
5 can be heard for miles around.

6 "Noise has the potential to
7 devastate the character of the environment
8 which the plant wants to inhabit. Noise is a
9 constant irritant. The plant has described
10 the sound coming from it as that of a light
11 rain. That's also the sound of constant
12 traffic. That noise will be heard constantly
13 for substantial distances around the plant.
14 A study by Cornell University environmental
15 psychologists, published in the Journal of
16 the Acoustical Society of America, found
17 that," quote, "'even the low-level but
18 chronic noise of everyday local traffic can
19 cause stress in children and raise blood
20 pressure, heart rates, and levels of stress
21 hormones."

22 So, at this point, I would add that
23 the amount of information does not give any
24 bearing to the noise levels that Cricket
25 Valley's projecting.

T3-3
cont.

2 "B. The Noise Levels Projected For
3 the Plant Will Have a Devastating Local
4 Impact.

5 "Initially, the plant's developers
6 claimed they would produce an average no
7 louder than 50 decibels -- meaning that it
8 will frequently be higher than that level. A
9 study for the European Commission (known as
10 RANCH) investigated road traffic and aircraft
11 noise exposure and children's cognition and
12 health. It found that children exposed to
13 noise levels over 55 decibels achieved lower
14 scores in reading tests and the affected
15 children will be disadvantaged in their
16 development of speech and reading abilities,
17 as well as more general communication skills.
18 Noise may also have effects on fetal
19 development due to (stress) effects on
20 expectant mothers. Environmental noise also
21 has cognitive effects in older children and
22 adults, due to hindering communication, as
23 shown by studies of aggression, mental health
24 and anxiety.

25 "The World Health Organization

T3-3
cont.

2 'recognizes community noise, including
3 traffic noise, as a serious public health
4 problem.' There is a general consensus about
5 the noise levels which cause health impacts:

6 "Environmental noise above 40
7 to 50 decibels is likely to lead to
8 significant annoyance.

9 "Outdoor noise levels of 40 to
10 60 decibels may disturb sleep.

11 Based on their own numbers, the Cricket
12 Valley plant will continuously exceed these
13 levels.

14 "Other studies have shown that sound
15 greater than 30 decibels can disturb sleep,
16 and exposing students to a constant hum in
17 that range has been demonstrated to interfere
18 with learning, yet it now seems clear that
19 that is precisely the impact the Cricket
20 Valley plant will have. The Dover High
21 School is around 1,000 yards from the plant.
22 There is no reason why the students of that
23 school should be subject in perpetuity to the
24 constant noise emanating from the plant,
25 which will infiltrate their classrooms and

T3-3 cont.

2 study halls. The Town of Dover is being
3 asked to sacrifice the learning environment
4 of its most precious resource, its children
5 and students, for the dubious distinction of
6 building an unnecessary power plant for a
7 system that doesn't need it.

8 "C. The Plant Developers Admit They
9 Cannot Meet Existing Standards.

10 "The noise section of the DEIS
11 begins with a reassertion of the nature and
12 reason for noise regulations, and that the
13 facility's design 'goals,' (not operational
14 commitments) have been established based on
15 state and local regulations. Only later do
16 we learn that in fact the facility will not
17 be able to meet local regulations, and
18 requires a waiver to override the noise
19 regulations that are in effect to protect
20 local residents.

21 "The DEIS states:

22 'Despite the incorporation of
23 state-of-the-art design and engineering
24 components to mitigate facility sound, there
25 are locations along two property lines where

T3-3
cont.

2 noise mitigation measures will not mitigate
3 so as to be totally compliant with the
4 performance standards set forth in
5 Section 145-40. While the project is
6 expected to comply with the most restrictive
7 nighttime sound level limit (50 decibels) of
8 the Town of Dover Zoning Code at the north
9 and east property lines, the west property
10 line abutting the Metro-North rail line and
11 the southern proposed property line abutting
12 other industrial-zoned property are expected
13 to be noncompliant; in other words, greater
14 than 50 decibels. However, these properties
15 are not occupied by noise-sensitive uses. To
16 the contrary, the noncompliant property lines
17 abut a railroad track and a proposed
18 industrial facility," end quote.

19 "CVE is admitting they will be
20 unable to meet existing sound regulations,
21 and proposed to get around this otherwise
22 fatal flaw not by changing their equipment,
23 but by petitioning for a change in the
24 standard, as if the standard need not apply
25 to them. They seek to get around the

T3-3 cont.

2 regulations by trying to make a case that
3 sounds emanating from the plant will be
4 unidirectional, magically being confined to
5 the rail line. In reality, the sounds made
6 by various equipment in the plant will
7 radiate broadly, ending up in the homes of
8 residences and other uses in the area who
9 will have no effective protection from levels
10 that exceed existing regulations.

11 "That is literally intolerable --
12 noise regulations were designed to protect
13 local environments and residents. It is
14 precisely when an entity cannot meet such
15 regulations that they are not to be
16 discarded, for that is when they are most
17 needed. CVE acknowledging they cannot and
18 will not meet these standards, will violate
19 them, and too bad for the locals.

20 "The levels of 59 decibels the plant
21 will be emitting, well in excess of the
22 50-decibel limit, are not trivial. The EPA
23 reports that outdoor noises in the 60-decibel
24 range historically generate widespread
25 complaints and individual threats of legal

T3-3 cont.

2 action. The Town of Dover does not want to
3 and does not need to impose this burden on
4 its residents for years to come.

5 "D. The Town of Dover Has the
6 Authority and Good Reasons to Deny Any Noise
7 Pollution Waiver.

8 "The Town has ample authority to
9 deny the plant on the grounds of noise, as
10 captured in the Town Code Chapter 107:

11 'Noise shall be prohibited when
12 it is of such character, intensity and
13 duration or of any type or volume that a
14 reasonable person would not tolerate under
15 the circumstances and that is detrimental to
16 the life, health or welfare of any individual
17 or would cause or create a risk of public
18 inconvenience, annoyance or alarm.'

19 "Indeed, a standard must be used
20 that doesn't violate these guidelines. For
21 that, the plant must meet a standard at all
22 times of sound that will not impinge on local
23 residents', and students', well-being. That
24 standard is 30 decibels, as it has been
25 demonstrated that sound above that level can

T3-3 cont.

2 disturb sleep.

3 "Chapter 145 of the Town Code allows
4 for higher sound levels during the day, and
5 lower at night. The Code was clearly
6 designed with residents in mind; since the
7 local high school students are in effect
8 daytime residents, in a sensitive learning
9 environment, the most stringent sections of
10 the Code should apply during the day as well
11 as at night for the plant.

12 "Section E. Construction Noise Will
13 Have Terrible Local Impacts."

14 I think we can probably all agree
15 with this, this is online. I'm gonna skip
16 that part.

17 Ending with "F, Once the Plant is
18 Open, the Town Will Have Little Recourse to
19 Address Noise Issues."

20 "The plant operators can make
21 whatever claims they want regarding noise,
22 but the practical fact is, once the plant is
23 open, there will be few ways to measure and
24 no ways to mitigate should they exceed their
25 noise standards. No one would close the

T3-3
cont.

2 plant down for a noise violation, the local
3 inhabitants can complain repeatedly and
4 nothing will ever be done. That's the way
5 the system works.

6 "DEIS" -- "Section III. DEIS
7 Alternatives.

8 "A. The DEIS Does Not Conduct a
9 Serious Study of Alternatives.

10 "The Analysis of Alternatives is
11 best summed up by one of the four principal
12 reasons for rejecting the other sites: 'None
13 of the other sites are owned or controlled by
14 Cricket Valley,'" end quote.

15 "Their theory would, thus, seem to
16 be that once Cricket Valley acquired this
17 property, that becomes a determinative factor
18 in allowing the plant to proceed to
19 construction. To state the obvious, the bet
20 that Cricket Valley made on land acquisition,
21 and finding what it evidently assumed to be a
22 complacent locality in which to build a plant
23 with major local disruption and few local
24 benefits, should play no role in this siting
25 decision.

T3-3
cont.

2 "Other elements of the Alternatives
3 section are equally spurious. Solar and wind
4 alternatives are rejected because they would
5 require more acreage than is on the Cricket
6 Valley site. Again, the characteristics of
7 this one site should play no role in
8 determining an optimum energy future for
9 New York and the region.

10 "B. The No-Action Alternative is
11 the Only Responsible Choice At This Time.

12 Again, you can read that online.

13 "C. The Economic Benefits Are
14 Minimal Systematically" -- "Systemically, and
15 Nonexistent Locally.

16 "As to the purported economic
17 benefits, the DEIS's own findings are that
18 only half of the benefit of reduced costs
19 that they themselves project will benefit
20 New York State; the remainder will benefit
21 PJM, a regional transmission system that
22 benefits Delaware, Illinois, Indiana,
23 Kentucky, Maryland, Michigan, New Jersey,
24 North Carolina, Ohio, Pennsylvania,
25 Tennessee, Virginia, West Virginia and the

T3-3 cont.

2 District of Columbia. The New England power
3 pool will also reap gains. The reasons for
4 the town of Dover to have to supply benefits
5 to all these other states, primarily to serve
6 as a source of profits for Cricket Valley
7 Energy, are not equitable, rational or
8 compelling.

9 "D. Additional Studies Must Be Done
10 By Unbiased Sources.

11 "It is worth noting that the energy
12 cost and environmental impact studies were
13 prepared by General Electric. GE will also
14 be selling to Cricket Valley Energy major
15 pieces of equipment for the facility, for
16 hundreds of millions of dollars. Their
17 findings in support of the plant are hardly a
18 surprise, and an alternate study performed by
19 a truly independent and unbiased
20 organization, selected by the community,
21 should be conducted for this and all other
22 major findings of the DEIS that were derived
23 from interested parties. As the DEC's
24 mission includes supporting environmental
25 justice, it should mandate that Cricket

T3-3 cont.

2 Valley Energy provides funds for such
3 studies, since the community is hard-pressed
4 to do so.

5 "Section IV. Reliance on Cheap
6 Natural Gas is Questionable," again, you can
7 read that.

8 I'll just -- the last paragraph
9 there says: "There seems little doubt that
10 over the life of this plant natural gas
11 prices will become relatively higher. All
12 this adds up to the residents of Dover being
13 forced to endure increased local point source
14 air pollution, noise pollution, impingement
15 on water and destruction of the character of
16 the area, for a plant whose output could have
17 been far better supplied through cleaner,
18 more sustainable long-term sources, that
19 brings no local benefits and questionable
20 regional ones.

21 "Why?

22 "V"; Section V. "Developer's
23 History is Problematic.

24 "Cricket Valley Energy exists only
25 to develop the Cricket Valley project. It is

T3-3
cont.

2 owned by a parent company, Advanced Power AG,
3 a Swiss-based, privately-owned company. How
4 many projects is Advanced Power currently
5 operating? None. That company has only
6 built two plants, both considerably smaller,
7 and both outside the United States, subject
8 to different regulations.

9 "Further, Advanced Power rapidly
10 sold both plants once they were up and
11 running, so they do not have to live with any
12 consequences of operating them. What this
13 means is that it doesn't matter with whom our
14 community has been dealing, or what
15 commitments they make. Within a short time
16 after construction is completed, we can
17 expect Cricket Valley to flip the plant,
18 selling it to new players who may have little
19 or no regard for the operating commitments
20 that Cricket Valley made. The residents of
21 the town of Dover should not be forced to be
22 pawns in the scheme."

23 End of Robert Herzog's --

24 (APPLAUSE.)

25 MR. COURTIEN: Well, I'll say --

T3-3
cont.

2 MS. DuHAMEL: Thank you --

3 MR. COURTIEN: I'll say --

4 MS. DuHAMEL: -- on behalf of
5 Robert Herzog.

6 MR. COURTIEN: I'll say a thank-you
7 to Mr. Herzog as well.

8 MS. DuHAMEL: Thank you.

9 And I really want to reiterate that
10 this town does not have the capacity to
11 analyze this DEIS.

12 (APPLAUSE.)

13 MS. DuHAMEL: I struggled, myself,
14 going through the DEIS and only focused on
15 air quality and I had to spend a lot of time
16 with the periodic table, which I haven't seen
17 since, I don't know, ninth-grade chemistry,
18 which I did not do very well in, so -- and
19 Wikipedia and power plant sites and all kinds
20 of stuff just to get through, paragraph by
21 paragraph, I had to reference technical
22 expertise, and I couldn't even tell whether
23 the technical sites I was looking at were
24 biased, were too radical.

25 You know, it's just not -- it's not

T3-4

2 the kind of thing that a local citizen and
3 our Town Board, who are elected officials,
4 they are local citizens, none of them have an
5 expertise in the power, energy utility or air
6 pollution or noise pollution arenas. We need
7 experts. We can't afford them. Cricket
8 Valley Energy has to pay for them, and we
9 need to choose -- we need to choose them.

T3-4 cont.

10 VOICE FROM THE AUDIENCE: And the
11 two schools.

12 MS. DuHAMEL: Yes.

13 (APPLAUSE.)

14 MS. DuHAMEL: Yeah, and the two
15 schools, the middle and the high school
16 school, they're within just over a mile from
17 this plant. I mean, those are our kids;
18 they've got to be considered.

T3-5

19 If not for us, who have old lungs,
20 and some of us are ex-smokers like myself,
21 it's, you know, so that -- for the kids, they
22 are new lungs, and they really -- they
23 need -- they need these expert -- they need
24 the expert advice.

25 Okay, my comments are much

2 shorter --

3 VOICE FROM THE AUDIENCE: Good.

4 MS. DuHAMEL: -- and a lot less
5 technical.

6 VOICE FROM THE AUDIENCE: Good.

7 MS. DuHAMEL: Thank you,
8 Willie Janeway, your colleagues at New York
9 State DEC Region 3, and members of the
10 Cricket Valley Energy team for coming
11 together for the purpose of soliciting
12 comments on the DEIS for the proposed
13 project, Cricket Valley Energy.

14 I do also want to reiterate
15 Linda French's comments: The Cricket Valley
16 guys have been transparent, they've held a
17 lot of meetings, mostly during the week at
18 night, which I could not attend, being a
19 week-long resident of New York City, but I
20 want to thank everybody who did go to those
21 meetings, raised questions, and had an impact
22 on changing the way this plant was designed.

23 The time for doing that is not over,
24 we have through August 1st, and I'm gonna
25 request that DEC give the Town Board longer

2 to comment, past August 1st, because we are
3 gonna have to hire an expert and that
4 expert's gonna dive into that DEIS and
5 there's no guarantee that that person's gonna
6 be able to get those comments to us by
7 August 1st. If U.S. Fish & Wildlife and the
8 Army Corps of Engineers can comment on the
9 DEIS after the public comment period, we, as
10 non-lead agency, but most immediately
11 affected by this project, should have that
12 ability as well.

13 (APPLAUSE.)

14 VOICE FROM THE AUDIENCE: It hasn't
15 been that its terms ends. A lot of people
16 just found out about it. I take the train
17 every single day --

18 MS. DuHAMEL: Well, we don't -- we
19 don't have a newspaper, we don't have a
20 newspaper, and that's one of the biggest
21 problems in getting this information out.
22 Notwithstanding, Cricket Valley has done a
23 lot of mailings but sometimes they look like
24 Pennysaver mailings -- not to me, because
25 I've been aware of the project and I've been

2 aware of the project since the beginning, but
3 to some people maybe that's what they look
4 like, I don't know, plus a lot of people are
5 not on email.

6 Okay, thank you, Regional Director
7 Janeway for your -- for accommodating a
8 Saturday session to be incorporated into the
9 SEQRA process on Cricket Valley, and to be
10 scheduled by the Town Board.

11 Thank you, Supervisor Courtien and
12 the Dover Town Board for requesting a
13 Saturday session. This additional session
14 gives voice to the people of Dover and the
15 Harlem Valley that they may understand and
16 comment on the negative public health issues
17 surrounding Cricket Valley, most notably --
18 that's my opinion -- with regard to air
19 quality.

20 I am indebted to Tonia Shoumatoff
21 for her continuing coverage of Cricket Valley
22 Energy and for the Millbrook Independent, and
23 appreciate that from a regional perspective a
24 new gas-fired plant such as Cricket Valley is
25 preferable to a new coal-fired plant and that

T3-6

2 the carbon offset credits can be sold to
3 older coal-fired plants to help decommission
4 them.

5 For this area, however, the
6 alternative of a coal-fired plant is not the
7 correct comparison: A coal-fired plant would
8 never be built in the Harlem Valley, nor, in
9 my opinion, is it likely that taking off-line
10 the coal-fired plant, the closest one, the
11 Danskammer plant across the Hudson from
12 Wappinger's Falls, will have a positive
13 effect on our air quality, most of which, I
14 understand from Cricket Valley, contains
15 pollutants from industrial production in
16 northern New Jersey.

17 There's not a lot we can do about
18 that. For Harlem Valley and Litchfield
19 County residents, however, overall emissions
20 reduction across the rest of New York State
21 is not the immediate public health issue
22 here; the issue for our region is how much
23 more polluted the air will be in eastern
24 Dutchess, western Connecticut and the
25 Berkshires, with the Cricket Valley Energy

T3-6 cont.

2 1,000-megawatt power plant coming online.
3 From that perspective, how does New York
4 State plan to monitor the negative impact on
5 the health of the children at the Dover
6 Middle and High School? Additionally, the
7 measure of the impact of the proposed
8 1,000-megawatt power plant on our region
9 should be cumulative, and I don't mean
10 cumulative from the -- I don't know --
11 hundred blue dots that were on that map, most
12 of which are in areas where the prevailing
13 winds are not gonna carry the pollutants into
14 the Dover-Harlem Valley area, I'm just
15 guessing, I'm not an expert, but I know the
16 prevailing winds go to the northeast and not
17 to the southwest, or not to the northwest.

18 Additionally, the measure of the
19 impact of the proposed 1,000-megawatt power
20 plant on our region should be cumulative and
21 measured in the Harlem Valley, not at the
22 Poughkeepsie Airport, taking into
23 consideration the relatively poor air quality
24 we are reported to have already, and the
25 extent to which emissions will hang in the

T3-6 cont.

2 air in our valley. Cricket Valley relies on
3 prevailing winds to blow them out, but what
4 if they're not there?

5 Cricket Valley has agreed not to
6 exceed EPA thresholds for the harmful
7 chemicals in the emissions, and we expect
8 New York State to request these thresholds
9 reflecting the cumulative impact of these
10 emissions combined with the pollution levels
11 that already exist in air in the Harlem
12 Valley. We expect that the New York State
13 DEC has in mind those on the front line, our
14 children, exposed day after day to these
15 emissions while engaging in outdoor sports
16 just over a mile upwind from the plant.

17 With our children in mind, I propose
18 that an air quality monitoring station be
19 sited here, on the campus of the Dover Middle
20 and High Schools, with the data collected by
21 the Cary Institute of Ecosystem Studies and
22 submitted directly. The residents of the
23 Harlem Valley should not have to rely on the
24 industry practice of self-monitoring, and
25 that would be in the stacks at the point of

T3-6 cont.

2 exit when, on a good day, these pollutants
3 may blow out of the Harlem Valley, when our
4 children's health is at stake and the
5 industry has objectives often at odds with
6 our own. The monitoring of asbestos removal
7 takes place out of Newburgh, downwind from
8 the project, because that was the closest
9 monitoring station equipped to collect that
10 data, that was what was used for Dover
11 Knolls, the only answer was that's the
12 closest one. Does that make sense to anyone
13 here?

14 My father died of pulmonary
15 fibrosis. His pulmonologist, Dr. Edsel of
16 Columbia Presbyterian, said when the World
17 Trade Center was built, asbestos fibers were
18 found as far north as Boston. It is in that
19 direction that the prevailing winds blow, and
20 we want our monitoring stations in the way of
21 the prevailing winds when they blow.

22 And when they don't, we will know
23 exactly how much more is accumulating in the
24 Harlem Valley and breathed in by our children
25 as they continue to engage in outdoor

T3-6 cont.

2 activities, including practice and games for
3 team sports.

4 Recommendations would be that the
5 Town of Dover retain an independent air
6 quality expert to review the DEIS on our
7 behalf.

8 The fees should be paid by Cricket
9 Valley Energy in much the same way AKRF's
10 services were paid by Dover Knolls. After
11 reading the "Air Quality" section of the
12 DEIS, it is clear an industry expert is
13 required to vet this project on the town's
14 behalf. To that end, let me remind you that
15 the DEIS is a Cricket Valley Energy project,
16 not a New York State or a DEC document. To
17 that end, I recommend Camp, Dresser & McKee,
18 now CDM, to check the data analysis and
19 conclusions in the Cricket Valley DEIS. The
20 hydrogeologist hired by the Coalition for the
21 Responsible Growth of Dover found enough
22 errors in the data analysis and conclusions
23 from the Dover Knolls pump tests, as
24 presented in the Dover Knolls DEIS, that DEC
25 suggested the Town of Dover and AKRF, the

T3-6 cont.

2 Town Board's planner, incorporate our report
3 in their analysis of the Dover Knolls DEIS.

4 Then the Recommendation 2: That
5 Cricket Valley Energy provide for and
6 initially fund the operation of an asthma
7 clinic for the people of the Harlem Valley.

8 Recommendation No. 3: That Cricket
9 Valley Energy fund a scholarship program open
10 to all qualifying graduating seniors of the
11 Dover High School. I understand there's one
12 proposed for students who are going on to
13 study engineering at the college level, this
14 program should be open to all graduating
15 seniors, and for any area of study, whether
16 it be at the trade level or the college
17 level, and for a variety of areas of study,
18 because not everybody's going on to study
19 engineering at the Dover Middle or High
20 School, and they're no different than any
21 other high school around this country.

22 That's the top of the top of the
23 people who are directed, whose parents may be
24 engineers; that's not the kind of thing we
25 need. While one has been proposed for

T3-6 cont.

2 students to study engineering at the college
3 level, this program should be open to all
4 graduating seniors, and for any area of
5 study, whether it be at the trade level or at
6 the college level, and for a variety of areas
7 of study.

8 Funds for the scholarship should be
9 endowed upfront. As we mentioned, the very
10 nice people of Cricket Valley/Advanced Power
11 will not be here most likely, and so this
12 thing has got to be funded directly from the
13 profits made during construction and flipping
14 the project, we should not have to rely on
15 the operator who is gonna come in afterwards
16 to then look at commitments that Cricket
17 Valley has made and say, well, those are
18 their commitments, they're not our
19 commitments. The funds for the scholarships
20 should be endowed upfront and may be
21 administered during the useful life of the
22 project, estimated to be 40 years. They
23 might be called "The Useful Life
24 Scholarships," for all our children should
25 have useful lives, and all will be negatively

T3-6
cont.

2 impacted by the pollutants introduced to
3 Dover, not just those higher achieving
4 students who are directed towards
5 engineering.

6 Recommendation: That the
7 decommissioning of the Cricket Valley Energy
8 facility includes removal of project-specific
9 construction. If not, Dover will be faced
10 with another "eyesore" to be retrofitted into
11 our character and fiscal condition 40 years
12 from now.

13 Recommendation: That the Great
14 Swamp and the fens of the Harlem Valley be
15 considered as Class 1 properties, as defined
16 in the Cricket Valley Energy DEIS. The
17 National Park Service owns lands within a
18 100-kilometer radius (the Appalachian Trail
19 crosses through the Great Swamp in Pawling),
20 federal funding from U.S. Fish & Wildlife
21 were procured to assist in purchasing the
22 Slocum-Mostachetti Preserve in the Great
23 Swamp, and of the hundred or so fens in
24 New York State, roughly 80 percent of them
25 are in the Harlem Valley.

T3-6 cont.

2 As Class 1 look-alike's, Cricket
3 Valley Energy would monitor their unique
4 ecosystems, not necessarily before
5 construction begins, which if it was a strict
6 Class 1 property that would be required, it's
7 not required here, but we would ask that they
8 do it, but certainly during the three years
9 during construction and before the project is
10 up and running. There are many research
11 sites already in place in the Harlem Valley,
12 and Cricket Valley could partner with them in
13 their studies, thereby reducing the costs of
14 initiating the research project.

15 For example, both Housatonic Valley
16 Association and FROGS have commissioned
17 studies to measures the levels of nitrogen
18 which showed levels of nitrogen oxides, in
19 addition to other chemicals, in the Swamp
20 River. They could extend those studies back
21 up into the headwaters and where eventually
22 some of the emissions from this plant could
23 end up hanging out in the water if they're
24 not blown out of the area.

25 In closing, I wish to thank all of

T3-6
cont.

2 you for your time, and thank Matt Martin of
3 Cricket Valley Energy for arranging for the
4 recording of today's sessions. As I
5 understand it, the sessions will be available
6 to the public on Dover TV and at
7 CricketValley.com. I would suggest that this
8 television -- the live television broadcast
9 and the two from the Tuesday sessions, where
10 they were sparsely attended but, again, have
11 information that many of us need to know, be
12 available on links, on our website, and
13 pretty much on Cricket Valley as well. I
14 think Matt mentioned that it might happen.

15 As I understand it -- well, I've
16 said that already.

17 Once again, thank you very much for
18 permitting the Town of Dover to schedule a
19 Saturday SEQRA session in the Cricket Valley
20 DEIS.

21 And I have a lot of notes on here,
22 but I will put them in writing and submit
23 them.

24 MR. COURTIEN: Thank you,
25 Ms. DuHamel.

T3-6
cont.

2 (APPLAUSE.)

3 MR. COURTIEN: Next, we have
4 Valerie LaRobardier. After
5 Ms. LaRobardier, it'll be Mark Chipkin, and
6 after Mark Chipkin will be Chris Wood.

7 MS. LaROBARDIER: I'm called
8 Valerie LaRobardier, Dover Plains, New York.

9 MR. COURTIEN: Ms. LaRobardier, into
10 the -- move the microphone down.

11 MS. LaROBARDIER: Well, I just have
12 a brief comment, and before that, before I
13 get into it, I would just like to briefly
14 respond to the technical comments read by
15 Ms. DuHamel.

16 I won't pretend to be qualified to
17 respond technically, and I'm sure Cricket
18 Valley will be able to do so, but I just
19 wanted to express my surprise that this is
20 presented at such a late date, because this
21 process has been widely publicized for over
22 two years now and numerous meetings have been
23 held, and if this expert lives only a mile
24 and a half away, I don't understand how he
25 hasn't come forward yet and had the courtesy

T3-7

2 to engage in open dialogue with Cricket
3 Valley at the meetings, and that's -- I'm
4 just finding that a little strange.

5 MS. DuHAMEL: He submitted scoping
6 comments.

7 MS. LaROBARDIER: Well, yes, very
8 technical comments and very lengthy, too.

9 I'm sorry to have missed the prior
10 public hearing while traveling, and I have to
11 leave this one immediately because I have
12 house guests; however, I did attend nearly
13 every one of the advisory meetings held by
14 Cricket Valley Energy over the past two
15 years. The public outreach was extensive,
16 there were mailers before each session. I
17 don't know how you can get around the fact
18 that sometimes these mailers can get mixed in
19 with junk mail, but I guess, you know, you
20 just have to be aware that you're going --
21 there is a possibility that you're going to
22 get some mail that might be of interest to
23 you and just quickly check the headline
24 before you throw it in the garbage. There's
25 been numerous newsletters mailed and there's



T3-7
cont.

2 also been follow-up newsletters and emails.

3 The Cricket Valley Energy engineers,
4 project managers and consultants were always
5 friendly, helpful and professional, they
6 never talked above our heads, but they made
7 these very difficult scientific concepts --
8 presented them in such a way that we were
9 able to understand them, at least while the
10 discussion was going on. Anyway, I wouldn't
11 pretend that I can now recall everything and
12 can re-explain it to you now, but while it
13 was being presented it was very digestible.

14 I'm sure all of you that
15 did not find the time to attend these public
16 meetings and these informative sessions, the
17 Cricket Valley Energy staff will be happy to
18 share that knowledge with you and answer
19 whatever questions you might have. The
20 detail with which they covered each and every
21 concern was notable. Questions were taken
22 from attendees and what was not pertinent to
23 the issues for that particular meeting was
24 noted and addressed during a follow-up
25 session on that topic.

T3-7
cont.

2 I'd like to thank all the Advanced
3 Power staff not only for their attention to
4 detail regarding this project but for their
5 interest taken in our town issues and events
6 not directly related to their project.

7 And, finally, I'd like to thank
8 Linda French for her suggestion to post signs
9 on the roads, being that we do lack a
10 newspaper, a local newspaper.

11 And I'd like to thank Cricket Valley
12 Energy for taking her up on that suggestion,
13 and I think this large turnout is, I'm sure,
14 partly in response to that.

15 Thank you.

16 MR. COURTIEN: Thank you,
17 Ms. LaRobardier.

18 Next is Mark Chipkin.

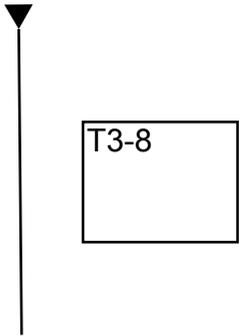
19 MR. CHIPKIN: My name is
20 Mark Chipkin. I'm from Pawling. I live on
21 Hurd's Corner Road, and with 15 or so other
22 committee members we manage the Pawling
23 Nature Reserve, which extends into Dover and
24 into Pawling as well.

25 And I just want to thank everybody

2 for having these open meetings, this is
3 really important, and the DEC, Cricket
4 Energy -- Cricket Valley Energy, it's a
5 great -- it's very transparent to be able to
6 speak to people face-to-face as compared to
7 some meetings where I've gone where it's
8 closed doors and it's -- it's just -- it's
9 not the same kind of process.

10 I particularly want to thank Stancy
11 and Robert Herzog for that incredible
12 in-depth, thoughtful analysis of what's going
13 on, and I just can't imagine the amount of
14 time it took to put those documents together,
15 and it covered a lot of what I'm gonna say,
16 so I'm just gonna talk about a couple of
17 issues.

18 First of all, I think that at a time
19 when you can't really eat the fish locally,
20 in terms of freshwater fish, or many of us
21 drink bottled water because the water's not
22 really drinkable either, it is a serious
23 issue that -- when we talk about adding more
24 fossil -- more carbon dioxide and other types
25 of greenhouse gases into our atmosphere, and



T3-8

2 I certainly agree that this is worth taking
3 an extra look and having another party
4 analyze this, because there's lots of
5 questions that are unanswered, and to those
6 people say, why -- why now, you know, are we
7 speaking about this? It's because it's come
8 to, you know, our -- it's becoming more and
9 more important, and not all of us have been
10 able to get out to all the meetings. But
11 that being said, this is still an adequate
12 time to stop the process and say, let's look
13 at this a little bit more carefully.

14 I know because -- for instance, on
15 my road -- they talk about noise pollution --
16 we have a facility that stores bank records,
17 and it seemed like it was gonna be quiet, but
18 all of a sudden what happened is that they --
19 whenever there was any kind of outage,
20 electrical outage, they ran generators, and
21 for people who -- by the Nature Reserve --
22 who enjoy listening to birds and animals, and
23 you hear this constant hum for days
24 sometimes, because they have to get
25 everything right, just imagine that -- that

T3-8
cont.

T3-9

2 noise, because that is something that if you
3 can -- you know, it really does get in the
4 way of enjoying life, I think.

T3-9
cont.

5 And also, the other thing with
6 Cricket -- the other thing I wanted to
7 mention is that in taking all this water and
8 producing all those greenhouse gases, I don't
9 see much here in terms of what Cricket Valley
10 Energy is giving back. Many times, when I've
11 looked at different kinds of developments,
12 there is a lot that the developer was asked
13 to give back by the community. And yes, I
14 know that there'll be some -- there'll jobs
15 created, but I don't want jobs for pollution,
16 that's not -- that's not a good trade-off to
17 me, that we should be in a situation where we
18 say, yeah, we need the jobs, and then
19 everybody has to deal with the noise.

T3-10

20 And even the lighting, as something
21 that happened locally, once again, we asked
22 this business to turn off their lights and
23 because of what they called security reasons,
24 we have lights shining in many directions
25 into the residences.

T3-11

2 So, just, once again, I don't have
3 enough knowledge to know the specifics, and
4 reading a 2,000-page document with a level
5 that Stancy can't understand makes me scared
6 to kind of think about doing, something that
7 even -- that with a science background,
8 but -- so, that being said, I also -- being
9 the person who is in charge of -- with our
10 committee, taking care of the plants and
11 animals in Pawling and, of course, in parts
12 of Wingdale, on the res -- on the 1,000-acre
13 reserve, when they talked about the
14 possibility of Bog turtles and rattlesnakes,
15 I'm a fan of rattlesnakes unlike some people,
16 and I think that it's really important
17 because if you disturb just one area in a den
18 with rattlesnakes, that's their main point,
19 for instance, and once that's gone, you can't
20 move them, they don't move like that, so it's
21 those kind of things that I think really have
22 to be carefully studied.

23 And I totally support the fact
24 that -- I don't understand why no solar or
25 wind power or anything like that was included



T3-12



T3-13

2 in this project. Even GE in Turkey has
3 proposed a hybrid type of plant, and I don't
4 see that here, I would have liked to see
5 that, and I apologize once again for not
6 being on board earlier, but other people have
7 said that.

T3-13
cont.

8 And it also concerns me, and I'm
9 just putting out concerns, is that I don't
10 understand what happens if they don't get a
11 contract. Like what if they start building
12 this and then all of a sudden they can't find
13 somebody who wants to buy that, what do we do
14 with that? What happens to that building
15 that we put up?

T3-14

16 So, anyway, I guess my big thing is
17 two things: One is that I'd like to see
18 Cricket Valley Energy doing more to say,
19 well, we're gonna take -- we're gonna pollute
20 the area with carbon dioxide and other gases,
21 we're gonna take your water, and I also --
22 and here's what we're gonna mitigate that
23 with, here's the things we're gonna do, we're
24 gonna add thousands of trees here, we're
25 gonna put up -- you know, if they got to that

T3-15

2 point, that, I would see being part of this
3 project so that everybody makes this a
4 healthy project, because we know that at any
5 discretion there is some loss.

6 But I don't see -- I see them fixing
7 a little part of their wetland, now, that's
8 great and I think that's important, but I
9 think there's got to be more to it.

10 So, thank you very much.

11 (APPLAUSE.)

12 MR. COURTIEN: Thank you,
13 Mr. Chipkin.

14 Next, we have Chris Wood followed by
15 Tyler Davis and then Mike Purcell.

16 Just one moment, Mr. Wood.

17 Anyone else who would like to speak
18 needs to sign up at this time at the table on
19 my left. I'll be asking the clerk to collect
20 that list in about five minutes, so if you
21 have not signed up, you need to sign up.

22 Mr. Wood?

23 MR. WOOD: Thank you.

24 My name is Chris Wood. I reside in
25 Pawling and I'm here on behalf of the Oblong

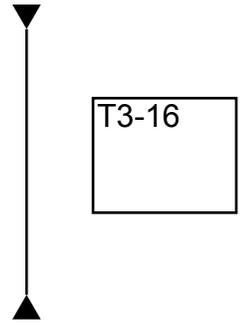
T3-15
cont.

2 Land Conservancy, chairman of the Oblong Land
3 Conservancy, which is our local land trust,
4 we have an interest in conservation not just
5 in Pawling, but in Dover. In fact, we own a
6 contiguous parcel called the Carruth
7 Preserve.

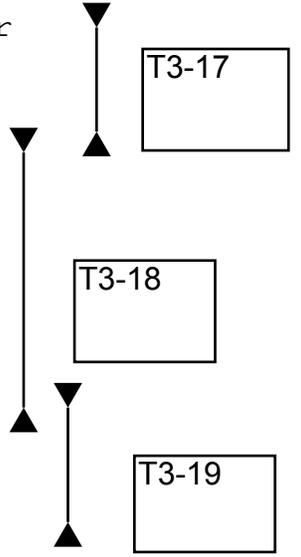
8 So, I'd like to add my appreciation
9 to the fact that this session has been made
10 available this morning. It wasn't possible
11 for me to attend on the 28th of June and,
12 obviously, it wasn't possible for many of the
13 other people here to attend, so we express
14 appreciation for this.

15 Now, the Oblong is an all-volunteer
16 grassroots land trust based in the community
17 of Pawling. It was established in 1990.
18 Since that time, we've been actively involved
19 in acquiring property and conservation
20 easements, over approximately 1,100 acres, in
21 both Pawling and Dover, specifically in the
22 southeast corner of Dutchess County. In
23 addition to the Carruth Preserve that I spoke
24 about, we also own the Slocum-Mostachetti
25 Preserve, which some of you may have visited.

2 We accept that the Harlem Valley is
3 really a special place and it provides a
4 number of unique habitats and we'd like to
5 see that as many steps be taken as possible
6 so as to ensure that they're conserved.



7 We participated in the Scoping
8 Session about twelve months ago and we're now
9 very pleased to have the opportunity to offer
10 some additional comments on this proposed
11 development. We are very aware that a number
12 of questions have been raised, including the
13 short-term need for this plant. Long-term
14 availability and costs of the gas used to
15 power it, leakage, if any, with the issue of
16 hydrofracking in the marcellus shale
17 formation and the benefits that will accrue
18 locally as opposed to regionally or
19 nationally for the provision of this plant.



20 None of these issues do we see as relevant to
21 our organization. We deal solely with the
22 question of conservation, but nonetheless
23 these are very important questions and
24 they're going to be addressed at higher
25 levels but within the Town and within the

2 State and regulatory authorities, but we
3 do -- we are very pleased to note that within
4 the proposal there is this notion to preserve
5 some 74 acres in the sensitive area adjacent
6 to the Swamp River and, of course, this
7 includes our Carruth Preserve.

8 We're also in the process of --
9 we've got proposals to upgrade some of the
10 degrading wetlands, which is also a very
11 useful use of the proposal.

12 Now, we do have some additional
13 comments, and in fact, these have been
14 touched on by a number of the other speakers.
15 I would like to run through these in
16 particular, if I may. They deal with air
17 quality, water and noise.

18 In relation to air quality, and this
19 is a subject which is complex at best and
20 highly technical, as the DEIS knows, the
21 project will be a major, new source of air
22 emissions, and as laymen, it will seem to us
23 as though the air quality modeling on data
24 obtained from Poughkeepsie Airport, something
25 more is required. Initially, adjustments had

T3-20

T3-21

2 been made for the change in topography and
3 ground cover, but we are concerned that this
4 modeling may not properly represent
5 conditions in the project development area.
6 For example, the Harlem Valley is frequently
7 subjected to air inversions, and the Village
8 of Pawling, being located at the lowest
9 elevations, is likely to be subjected to the
10 effects of this.

11 We believe that the air dispersion
12 models must be in developed based upon local
13 conditions. In conjunction with this, we
14 believe that a specialist air quality firm
15 must be engaged by the Town of Dover to
16 review the DEIS and make specific
17 recommendations thereof.

18 Water. The project includes a
19 number of conservation measures, and pump
20 tests have been run that would indicate that
21 the needs of the project should not exceed
22 local capacities. However, the fact remains
23 that the communities in the Valley rely upon
24 an aquifer. This is just a finite resource.
25 The Swamp River is a slow-moving stream with

T3-21
cont.

T3-22

T3-23

2 limited capability to self-cleanse. Whether
3 water resource is to become contaminated or
4 subject to chronic depletion, residents of
5 the area would have nowhere to turn. In view
6 of this, we believe according to the water
7 resources on a regional basis to serve the
8 needs of CVE against the long-term
9 implications of additional piecemeal
10 development in the area, as well as
11 large-scale projects such as Dover Knolls,
12 given the critical importance of this
13 resource, it will be prudent to examine the
14 practicality of crafting and implementing a
15 permanent monitoring regime so that the town
16 is forewarned of changes in aquifer levels
17 and water quality. Such a regime should be
18 coupled with a requirement on the part of CVE
19 to change its operating model to maintain a
20 certain level of resource availability.

21 In order to guarantee adequate
22 groundwater supplies for nearby residents and
23 unlimited supplies for sensitive hydrological
24 resources like the several fens in the area
25 and the wetlands in the Swamp River, this is

T2-23
cont.

T3-24

2 a measure that would help ensure protection
3 of these water resources.

T3-24
cont.

4 Noise. The DEIS states that: "CVE
5 has carefully considered noise impacts to the
6 surrounding community in developing the
7 project layout and in the selection of
8 facility components and orientation. As
9 such, the project is not expected to produce
10 a significant noise impact and will be
11 consistent with the levels established in the
12 NYSDEC and local noise guidelines." This is
13 what the DEIS states. That said, the project
14 expects you to comply with the most
15 restrictive nighttime sound-level limit in
16 the Town of Dover Zoning Code at the north
17 and east property lines. However, the west
18 property line abutting the Metro-North rail
19 line and the southern-prepared property line
20 approximately how will it adjust to our
21 reserve property, expect it to be
22 noncompliant. This is not anticipated to be
23 problematic since these properties are not
24 likely to be occupied by noise-sensitive
25 users. We cannot support the view that

T3-25

2 exceeding the Town of Dover's noise limits
3 are acceptable under any conditions
4 irrespective of whether adjacent landowners
5 are noise-sensitive or not.

T3-25
cont.

6 Sound travels and there is no way to
7 tell in advance what, if any, effect, the
8 impacts of this new source of sound will be.
9 Notwithstanding the modeling that has been
10 undertaken, we retain considerable
11 reservations about the introductions of the
12 new and continuous source of sound in a
13 substantially rural area, and in these
14 circumstances the project should be required
15 to comply with all existing sound
16 regulations.

T3-26

17 Additionally, a permanent siting
18 regime along the lines of that proposed for
19 the water resources and accompanied by the
20 requirement for remediation in the event of
21 significant noise impacts should be a
22 requirement.

T3-27

23 And a couple of other points I'd
24 like to add, if I may. Just recently I've
25 become aware, and I think it's the NYISO

T3-28

2 which has circulated a report in Albany, I
3 believe it's confidential, but one of the
4 provisions in it, I understand, relates to
5 the making availability of funds for local
6 communities to better investigate
7 significant-impact projects, such as power
8 plants. Now, if this in fact proves to be
9 the case, it would be very useful. This has
10 been referred to in other states as
11 "Comments," to have additional expert advice
12 provided, independent advice, on issues like
13 noise quality and water, and if there is to
14 be funding available from, say, to other
15 sources, then time should be taken to allow
16 that to happen. So, I would respectfully
17 suggest that there be an extension to the
18 period for public comment.

19 And last of all, I would like to
20 thank CVE for all their outreach efforts. I
21 mean, I appreciate that not everybody in the
22 Pawling and Dover community have been reached
23 by the communications, but my Inbox is
24 consistently full of material, stuff comes
25 through the mail, so I think within the

T3-28
cont.

2 limits of the capacity of having reach out
3 into the community, they've done a good job.

4 Thank you very much for the
5 opportunity to comment. Thank you very much
6 for this extended period.

7 MR. COURTIEN: Thank you, Mr. Wood.

8 (APPLAUSE.)

9 MR. COURTIEN: Next, we have
10 Tyler Davis and then Mike Purcell, and if the
11 clerk could, please, get the list.

12 MR. DAVIS: Hello. Tyler Davis,
13 Dover Plains.

14 I want to join the chorus and just
15 say thank you to Matt Martin and the Cricket
16 Valley Energy team. They've been very
17 transparent and I fully appreciate all that
18 you've done.

19 I don't have any prepared comments,
20 but just to hit on just a few things I heard
21 from other people, it seems like no matter
22 what happens, even with the best technology
23 available, the town of Dover will take a hit
24 when it comes to water quality, air quality
25 and noise, and to me, that's a problem,

T3-29

2 because it seems like we're not gonna benefit
3 directly by anything, that there is some type
4 of grid on a regional level, on a national
5 level. What about us? If we're gonna have
6 this huge thing in our town, I want something
7 back.

T3-29
cont.

8 So, my ideas, briefly, were: I'm a
9 big proponent of natural gas, I think it's a
10 much better alternative than oil, but what
11 can we do to have the gas infrastructure
12 placed, you know, along Route 22 to the
13 future Dover Knolls, Dover Plains? I mean, I
14 think that could be a big thing.

T3-30

15 Also, the idea of a compressed
16 natural gas power station like to fuel your
17 vehicles, I think in the future we're gonna
18 see -- you know, gas prices are already very
19 high -- here in Dover, we must drive
20 everywhere, so we could go off a lot of money
21 on fuel, you know, could that be incorporated
22 into the design?

T3-31

23 So, residential gas, CNG, and also
24 the idea of -- yeah, if we could get a break
25 on our electricity prices, I think that would

T3-32

2 assuage a lot of people's comments. For
3 example, if we could have, you know, them
4 build this huge power plant in this town, if
5 we could have cheaper electricity, you know,
6 for the long-term, I think that would also be
7 well worth it.

8 And I think this goes to the DEC's
9 mission that Ms. -- Stancy said earlier about
10 economic prosperity, that all the
11 environmental things should definitely be
12 taken into account. I wholeheartedly agree
13 with the idea of having an independent person
14 come in to look at the data from a nonbiased
15 perspective.

16 Thank you.

17 (APPLAUSE.)

18 MR. COURTIEN: Thank you, Mr. Davis.

19 Next, we have Mike Purcell.

20 Following Mr. Purcell, we'll have
21 Alan Surman, Steven Vincent and
22 Jaime Vincent.

23 MR. PURCELL: Hello everybody. My
24 name's Mike Purcell. I'm from Pawling,
25 New York, and I would like to thank everybody



T3-32 cont.



T3-33

2 involved for having this meeting today.

3 I looked at the DEIS a little bit
4 and one of the things that struck me when I
5 looked at the chapter on air, and there were
6 several chapters in the "Air" section, but
7 that the studies were conducted at Dutchess
8 County Airport. And I live and work in
9 Dutchess County, I'm a carpenter, and I work
10 anywhere from Millerton to Rhinebeck to
11 Pawling and I'm outside every day, I'm also
12 involved in the watershed studies and groups.
13 And, you know, one of the things that I see,
14 I get up early, especially in the Harlem
15 Valley, every morning there's this -- these
16 fog rises right before dawn, and it's usually
17 gone about 45 minutes after sunrise but it
18 rises very high, and the thing that struck me
19 about the data from Dutchess County Airport
20 is that the topography over there is much
21 different than in the Harlem Valley.

22 So, I started looking at a USGS map
23 and I noticed that in the CVE documents it
24 says that, you know, the stack -- the
25 building -- the finished rate of the building

T3-34

2 is gonna be around 450 feet, 440 feet, above
3 sea level and then the stack is 282 feet, so
4 that puts it at about 732 feet above sea
5 level, and in the Harlem Valley we have all
6 these hills on the -- on East Mountain,
7 Preston Mountain, Rattlesnake Hill, the other
8 side, you got Sawmill Hill and Pell Lake up
9 there on the west side and they're all
10 above -- you know, a lot of them are about
11 1200 feet, so I was thinking, like, what's
12 gonna happen to these emissions coming out of
13 the stack?

T3-34
cont.

14 Because the other thing I noticed
15 was that the nitrogen oxide emissions exceed
16 the EPA threshold. According to the
17 documents, it says that 100 tons per year is
18 NOX, they call it, nitrogen oxide, that's 100
19 tons per year, and it said that the potential
20 emissions for Cricket Valley is 256 tons per
21 year, oh, so I was wondering about that, like
22 what would happen. Then I was thinking,
23 well, how high is the plume coming out of the
24 stack, so I found out that the middle of the
25 plume is about 500 feet above the stack, so

T3-35

T3-36

2 that's at, roughly, 1,200 feet, but, you
3 know, most of the winds are usually blowing
4 west to east, southwest to northeast,
5 sometimes they come out to northwest.

6 Up on that east ridge, when I'm
7 working up there a lot of times, you'll see
8 that it's colder up there and that the wind
9 comes out of the north a lot, so I was
10 wondering what impact that's gonna have on
11 the emissions, because it seems to me that
12 anything that's in the Hudson Valley just
13 gets blown into those summits up there up on
14 East Mountain.

15 And the thing about -- you know, I
16 found out more about nitrogen oxide, is that
17 nitrogen in the atmosphere is very abundant,
18 it's like the second most abundant -- it's
19 maybe the most abundant --

20 VOICE FROM THE AUDIENCE: Most
21 abundant.

22 MR. PURCELL: -- it's the most
23 abundant gas in the atmosphere, and that it's
24 also a form of pollution.

25 So, I read this document called

T3-36
cont.

T3-37

2 "Nitrogen Pollution in the Northeastern
3 United States" and it talked about sources
4 and management options, and one of the
5 reasons that Long Island Sound's got problems
6 is nitrogen pollution, and that 15 to 25
7 percent of that comes out of the atmosphere
8 from power plants. So, you know, if we have
9 this added emissions in the Harlem Valley,
10 what's that gonna do to our watershed, you
11 know, if these -- if the nitrogen readily
12 absorbs to water vapor? So, if you have fog
13 or if you have some instance where it's
14 raining or it's precipitation or clouds, you
15 know, this stuff can adhere to the water
16 molecules and it stays in the water, it
17 doesn't really reabsorb into the ground too
18 well, but it does get into the streams and
19 waterways. And once nitrogen's in there it's
20 like a nutrient, so you get algae growing and
21 things like that and then you have problems
22 with the, you know, fish and wildlife, too
23 much nitrogen in your drinking water, you get
24 those problems. So, I was wondering about
25 that and like what has Cricket Valley done or

T3-37 cont.

2 what are they gonna do about monitoring that,
3 because I looked at where their monitoring
4 stations are, there's one in Torrington,
5 Connecticut, at a wastewater treatment plant,
6 and there's one up in Cornwall, Connecticut,
7 Cornwall Hill, and, like, that doesn't really
8 tell me what's happening, you know, in Dover,
9 in Amenia, in Pawling, so I was kind of
10 wondering about that and, like, why -- you
11 know, why wasn't that addressed in the DEIS.
12 You know, this is our town, it's our
13 neighborhood, yet it's gonna be -- it's
14 impacted by nitrogen. So, I was thinking,
15 like, what could you do about it, you know,
16 because there's gotta be a solution. So, I
17 thought, well, why not test the water as it
18 is now in these headwater systems, because
19 there's -- you know, there's supposed to be
20 swamps and stuff up on top of West Mountain,
21 East Mountain, the lakes and rivers. That's
22 what really supplies our aquifers. As the
23 rain comes down to the top of these mountains
24 and drains down to the valley bottom, it
25 recharges our drinking water, it's part of

T3-37
cont.

2 that system, so you might want to know what
3 you have now before you do anything else, and
4 then, you know, moving on, you can test it.

5 So, there has been some testing done
6 like that. I was part of a study that
7 checked the macroinvertebrate communities in
8 the Swamp River Watershed, and two of the
9 sites found acid depositions, which could be
10 from, you know, who knows what, but most
11 likely from acid rain, which is caused by
12 nitrogen oxide, so it might be something to
13 keep looking at.

14 I know that towns in Dutchess County
15 that have these water problems, they're very
16 expensive to fix for the community. And
17 Wappinger's Village, you know, has problems
18 from pollution that are manmade and it's cost
19 millions. East Fishkill has similar problems
20 with salt in their wells. You know, if you
21 get too much pollution in the water from any
22 source, it's gonna cost the taxpayer money
23 and it doesn't cost -- you know, you can kind
24 of tell a source to stop polluting, but, you
25 know, that doesn't always work out. So, it's

T3-37
cont.

T3-38

2 just something to think about, that, you
3 know, a power plant might be good
4 economically for some things, but in the long
5 run, you know, maybe you gotta take a closer
6 look at what's really out there.

7 Like I don't know how many
8 structures Cricket Valley's done in the field
9 here, and there's probably plenty they could
10 do by monitoring water and air, you can maybe
11 get some baseline studies to see -- to see
12 what's out there, because it is -- I think
13 the Harlem Valley's a real special place, you
14 know? It's like you've got -- you've got
15 more wildlife here than anywhere else in
16 New York State almost, species-wise, you've
17 got all kinds of birds, fish, turtles,
18 whatever you want, animals; they're all out
19 there.

20 So, thank you.

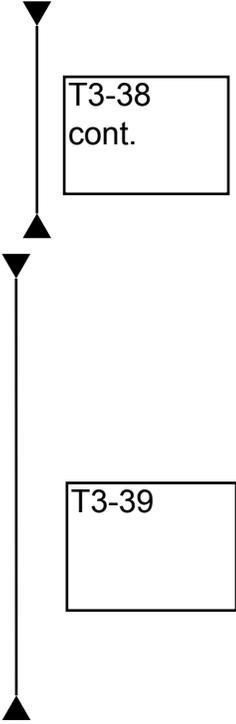
21 MR. COURTIEN: Thank you.

22 (APPLAUSE.)

23 MR. COURTIEN: Next is Alan Surman.

24 Mr. Surman?

25 MR. SURMAN: Hello everybody.



T3-38
cont.

T3-39

2 Alan Surman, Dutchess County legislator.

3 I did originally present my comments
4 before the first DEC session. This is gonna
5 be echoing some of those and maybe expanding
6 upon it just to try to bring a balanced view
7 to this whole situation.

8 I was born and raised in New York
9 City, to a very, very poor family. It took
10 me a long time, it took me twelve years, to
11 work my way through college, so I'm certainly
12 not independently wealthy by any stretch. I
13 bought my property up here because I love
14 this place, the trees and countryside, the
15 clean air, so I'm very much an
16 environmentalist, I do protect the trees on
17 my property, I'm always cutting down vines
18 and making sure that they're doing their
19 thing to help the planet.

20 It's very, very expensive to go
21 green, you know, my wife and I have saved and
22 put aside a lot of money, but eventually we
23 got our geothermal system up and running, so
24 I'm not burning sulphur fuel anymore and I
25 put in my first array of solar power, so

2 one-third of my power needs are being done by
3 solar.

4 With that said, let's talk about
5 electrical power generation. Electrical
6 power generation, I don't think anybody in
7 this room would like to go back 100 years to
8 the way it was. We use power every day. We
9 use power for our laptops, we use power just
10 for safe lighting as opposed to candles, we
11 use power for our plasma TVs, we use power
12 for our washing machines and our air
13 conditioners. We are a society which has an
14 enormous demand for power, so we're all
15 partially guilty in a way for the need for
16 these plants.

17 Electrical power generation is an
18 extremely dangerous enterprise.
19 Approximately one-third of the power in this
20 state right now is being produced by Indian
21 Point, and I don't feel very comfortable
22 about that, and I agree with Mayor Cuomo that
23 that plant should be shut down. They arrived
24 at that nuclear facility, which is sitting on
25 the fault line, we're within 50 miles of

T3-40

2 that, roughly, 17 to 20 million people,
3 depending upon the exact numbers, but that
4 many millions of people would have to be
5 evacuated, and if you look at the Japanese
6 model that just occurred, they had to
7 evacuate 50 miles away from their plants and
8 it'll be some time before they'd move people
9 back there, so nuclear power generation is an
10 extremely dangerous enterprise, and I'd be a
11 lot more worried about that than a plant
12 which is gonna produce mostly carbon dioxide
13 and some nitrogen oxide, but we can talk
14 about that.

15 So, if you look at electrical power
16 generation, our demand as a society for
17 electrical power, nuclear's up there, but
18 interesting enough, it's not the most
19 dangerous forum, it has not taken enough
20 lives. A lot of you may not be aware of the
21 fact that the most dangerous forum for
22 electrical power generation on the planet is
23 hydropower, and you may say that's crazy, but
24 if you take a look at that dam spill, and in
25 1975, a very well-engineered sewer stands

T3-40 cont.

2 done by the Russians and Chinese when the new
3 brick from China failed, and essentially 11
4 million homes were wiped out and 171,000
5 people lost their lives.

6 This is the hydro project, so it
7 just goes to show you that technology when
8 these dams were built, in the late 50's,
9 early 60's, even the best of engineering can
10 fail, sometimes engineers screw up, and you
11 have a major disaster on what people would
12 consider the safest form of power generation
13 on the planet and it's not.

14 So, yes, you can go with wind, but
15 there's not enough wind to keep all our
16 refrigerators going. You can go with solar
17 cells, but the last excuse is that you'd have
18 to cover up to 1 percent of the surface area
19 of New York State just to meet our own power
20 use, 1 percent. There aren't enough
21 factories to cover the state, to be able to
22 produce that type of power, and again, that's
23 only good for the day, you know, not at
24 night. So, those are the -- that's the
25 situation we face as a society.

T3-40 cont.

2 Now, long-term, the answer's
3 probably gonna be nuclear fusion. Now, don't
4 be put off by the word "nuclear," because
5 fusion does not produce radioactivity; it's
6 the energy we get from the sun, and that will
7 be the absolute cleanest form, but, you know,
8 we're decades away from that, that's now
9 science fiction. We don't have to work with
10 cold fusion, we don't have the fusion
11 reaction which demands more energy than it
12 produces, so until that occurs, we need
13 bridge technologies.

14 Now, what are those bridge
15 technologies gonna be? It could be
16 petroleum, but you have to import that from
17 the Middle East and it puts us in danger as
18 far as the rest of the world, it puts our
19 troops at risk, because we have to fight to
20 defend these areas.

21 It could be coal, but coal is
22 producing a lot of the acid rain, which
23 someone had mentioned earlier. Just to throw
24 another factoid out to you folks, 30 percent
25 of the mercury pollution and the other

T3-40 cont.

2 pollutions coming over to our country right
3 now are from China. We live in a global
4 society. During months, we've had jet
5 streams and that's bringing the stuff and
6 just whips around the planet, so a lot of the
7 pollution in your area right now, it's not
8 gonna be from this plant, it's from the
9 coal-burning plants in the Midwest, it from
10 coal-burning plants in China, so we live in a
11 global situation and anything we can do to
12 help that, if we can take the coal plants
13 off-line, if we can take the nuclear plants
14 off-line, with a cleaner technology,
15 ultimately we all benefit. That's where it's
16 going. This plant, the basic by-product will
17 be carbon dioxide.

18 I've told them that I was guardedly
19 in favor of this. I'm more worried about the
20 explosive nature of natural gas. But even if
21 we had a total disaster and even if this
22 plant were to blow sky-high, you put out the
23 fire and a couple of days later the event is
24 done. We're not talking nuclear waste which
25 is gonna be around for a thousand years and

T3-40 cont.

2 you can't get rid of it, we're not talking
3 about any other serious consequences, so it's
4 a short-term event that we can deal with. If
5 these folks have learned by the Clean Energy
6 Project in Connecticut, then they'll do
7 special procedures for purging the lines and
8 whatever and we'll have a better plant in
9 that regard.

10 So, my major concern is the height
11 of the smokestacks, just to make sure that
12 this gets high enough for its expulsion, and
13 if they take care of that, I think that'll
14 pretty much answer most of your concerns.
15 This plant will produce, roughly, half the
16 capacity of Indian Point, because we need a
17 plant with the capacity of Indian Point and
18 maybe a little more so that we can eventually
19 shut that plant down and we could all breathe
20 a little bit easier, because I don't like the
21 fact that I'm within 50 miles of it, and
22 that's what you really should be worried
23 about. This is a much safer, cleaner,
24 long-term method that hope --

25 VOICE FROM THE AUDIENCE:

T3-40
cont.

T3-41

T3-42

T3-43

2 (Inaudible.)

3 MR. COURTIEN: No, no, no, there's
4 no questions.

5 MR. SURMAN: Okay, correct.

6 MR. COURTIEN: This is a Public
7 Comments Session being forwarded to the DEC.
8 Please finish your comments.

9 MR. SURMAN: That's the way I'd do
10 it. I'd like to take the higher element to
11 deal with this situation.

12 Noise, it's not gonna be that bad.
13 I mean, I continually hear the train. So, if
14 you're really super concerned about the
15 noise, to start with, Dover was a very
16 industrialized place. You had factories
17 here, you had the Harlem Valley Hospital
18 facility. So, if anything, we've gone back
19 to a more rural situation, but that,
20 historically speaking, wasn't the case a
21 hundred years ago. A hundred years ago, we
22 still had an industrialized place, a lot of
23 business as well, and we've returned more to
24 a natural setting, which is great, you know,
25 I'd like to preserve that and that's why I

2 moved up here, but, you know, if you're
3 really, really concerned about the noise, you
4 might consider doing something like banning
5 Metro-North, and that's crazy, you need the
6 transportation corridors. So, there are
7 certain practicalities. The noise close to
8 the railroad, I wouldn't consider that a
9 major problem.

10 It's not gonna be a significant
11 threat to the water because it's a
12 closed-loop system, so it can take in enough
13 water, they'll be sending it through their
14 turbines, and they'll be recapturing the
15 water.

16 One idea that I advanced earlier, if
17 there was a continued need for water, since
18 this place will be so close to Dover Knolls
19 and Dover Knolls will be producing up to
20 500,000 gallons of effluent and be going
21 through tertiary cleaning, conceivably one
22 day we could force a pipeline up there for a
23 mile and a half and they could use treated
24 wastewater and they don't have to touch the
25 groundwater at all. So, the only major



T3-44

2 threat to the groundwater is gonna be they're
3 gonna have to have some sort of a place,
4 they're gonna have a basic septic field like
5 any of you folks would have at your home, and
6 that's the nature of the beast. They're not
7 gonna be injecting anything into the Swamp
8 River other than, you know, the basic septic
9 systems that would be far away from it. So,
10 on balance of knowing the dangers, knowing
11 the dangers, that there was a disaster, I
12 don't see that as a major problem.

13 They will be bringing significant
14 tax revenue to this area. Projections now
15 are up to \$4 million. That'll go into the
16 county coffers, it's gonna go into your
17 school board and it's also gonna go into your
18 local town taxes, and what these folks are
19 negotiating right now is a long-term, you
20 know, with a plan of depreciation, whatever,
21 to come up with a fixed amount for the next
22 many, many decades.

23 I, for one, like the idea of having
24 my school board taxes kept to, perhaps, a
25 zero increase, this would be nice, having

2 them paid for, I like the fact that my town
3 taxes will probably be kept at a lower rate
4 based on this plan, and I certainly like the
5 fact that my county taxes -- I fought very,
6 very hard -- if you look at your county tax
7 bills, two-tenths decrease, that represents a
8 lot of work in November, and we cut
9 everything to the bone. There's not much
10 bone left. So, we need industry like this in
11 the town to help bring in more tax dollars to
12 make it easier for residents here and then
13 make it easier for all the people to stay
14 here.

15 So, I yield to this trade-off to
16 satisfy -- I am starkly in favor of it. I am
17 a tree hugger, but yet I'm also partially in
18 favor of this plant, because it's the right
19 thing to do.

20 Ultimately, just like the other
21 technology, we, as a global community, plan
22 to all do better because this plant is
23 certainly better than what's going on in the
24 Midwest with those coal plants that did not
25 register yet, and against the alternative,

2 nuclear, where there's just no other way to
3 do it. So, I'm arguing in favor of
4 practicality here, and I understand the
5 concerns for the environment, but this plan
6 is not that bad, that's the bottom line,
7 okay?

8 MR. COURTIEN: Thank you,
9 Mr. Surman.

10 (APPLAUSE.)

11 MR. COURTIEN: Next, we have
12 Steven Vincent and then --

13 MR. SURMAN: Can't go bad; right?

14 MR. COURTIEN: -- and then we have
15 Jaime Vincent, Ross Cardwell, and
16 Carol Moran.

17 MR. VINCENT: My name's
18 Steve Vincent. I live at 62 Dover Furnace
19 Road. I am probably the closest resident to
20 this plant. I am in favor of it, and let me
21 give you some reasons why.

22 For years, every tenant that's been
23 in that facility has left it in worse shape
24 than what it was. There's a current landfill
25 there and, living downstream from that, you

T3-45

2 don't have any idea what's emitting into the
3 river which goes through our property, which
4 our kids swim in the river. This company's
5 gonna clean that site up and restore the
6 wetlands. That's a big plus for us and
7 that's a big plus for the town, because the
8 river ends up going into the Ten Mile River
9 and goes by many developments which everybody
10 fishes and swims in.

11 It is gonna be a huge tax revenue
12 for the Town, and a lot of people fail to
13 realize -- everybody talks about emissions
14 from this plant. Growing up, there was two
15 coal-fired power plants in this town, Harlem
16 Valley and Wassaic state schools, which
17 burned thousands of tons of coal a year. It
18 didn't affect adversely anything here now,
19 and to put in a plant that would produce
20 clean electricity, everybody wants clean
21 power, this is a viable option. It's gonna
22 rehab a facility that is in terrible shape,
23 it'll add tax revenue to the town, it's just
24 a win-win for the town.

25 So far as the air quality, you're

T3-45 cont.

2 our elected officials, I trust that you
3 will -- it is your job -- ensure that the air
4 quality will meet the standards and that all
5 the environmental review will be done, and
6 that's pretty much it.

7 MS. SURMAN: Thank you.

8 MR. COURTIEN: Thank you,
9 Mr. Vincent.

10 (APPLAUSE.)

11 MS. VINCENT: Hi. I'm
12 Jaime Vincent. I am also in favor of this
13 project.

14 I work with my husband and also want
15 to comment on the noise. I have, really, no
16 concerns with the noise. I have Metro-North,
17 which blazes up and down. The Harlem Valley,
18 all day and all night long, I have a high
19 school, when they have football games, track
20 meets, I hear the noise, I live right across
21 the street from it. I have Route 22, I have
22 trucks, motorcycles, who knows what else is
23 running up and down the road. I have a
24 shooting preserve and I have the Iroquois
25 Pipeline. The big concern when they were

T3-45
cont.

T3-46

2 coming to town was they were gonna be so
3 loud. We are right over the hill from them
4 and we don't hear anything except for the
5 occasional release of pressure, which I
6 haven't heard in a long time. So, I really
7 don't have any concerns with any information
8 I've heard so far from Cricket Valley that is
9 going to be a problem, so I am in favor of
10 it.

11 Thank you.

12 (APPLAUSE.)

13 MS. SURMAN: Thank you.

14 MR. COURTIEN: Thank you.

15 The next is Ross Cardwell, and then
16 Carol Moran, and then Manna Jo Greene.

17 MR. CARDWELL: Good afternoon
18 everyone. I'm not a specialist in
19 environmental studies or research. I am a
20 resident of the Woodwinds development for the
21 last seven years, and the reason why my
22 family and I -- my wife and four children --
23 moved to this area is because we are
24 graduates of a state school in Ulster County,
25 we loved it, and we wanted to return to a

T3-46
cont.

2 beautiful, tranquil, quiet, peaceful area
3 where you can raise a family and this is a
4 good place for that.

5 My oldest daughter graduated from
6 Dover High School last year, she was awarded
7 a full scholarship to Howard University. The
8 schools produce good results here. Now, the
9 high school is positioned a half a mile or
10 less from where the proposed plant will be.
11 I have three children who are in the other
12 schools, the elementary school, who will also
13 be approximately a half a mile away from this
14 plant.

15 I am -- I'm a commuter, I commute
16 down to the City every morning to get down to
17 Maiden Lane so that I can do the business of
18 paying our bills here, so I do hear
19 Metro-North, and it's a wonderful whistle,
20 often. However, that's the only thing that I
21 hear right now and I don't want to hear
22 anything else.

23 I'm an attorney by trade, just to
24 let you all know. Here's what I understand:
25 I learned about this project about two weeks



T3-47

2 ago, two weeks. There was application before
3 this Board that was submitted back in
4 November of 2009. How is it possible that
5 I've heard nothing about this project, I
6 haven't seen a roadway sign, I haven't seen a
7 poster? There's been no postage coming in
8 through the mail, zero. Nothing went out
9 into my trash as a false advertisement --

10 VOICE FROM THE AUDIENCE: Same here.

11 MR. CARDWELL: -- absolutely
12 nothing, and I only raise this concern
13 because I've spoken to some of my neighbors
14 since learning of this proposal, none of my
15 neighbors have heard about this, none of my
16 neighbors have received any postage, none of
17 my neighbors know anything about this power
18 plant and were mortified when I began to
19 discuss the probability of three smokestacks
20 blowing emissions a half a mile away from the
21 high school.

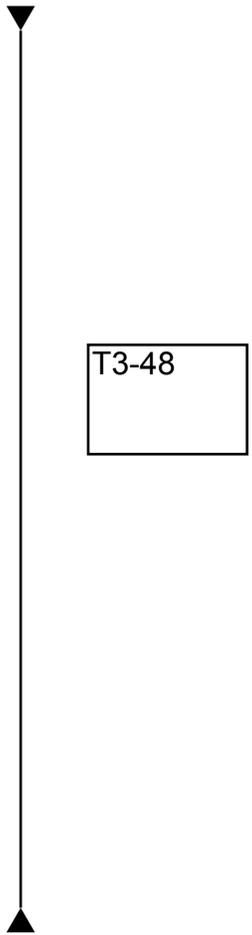
22 Now, like I said, I'm not an
23 environmental specialist. I can tell you I
24 read through every single document on the
25 website as soon as I learned about this, this

T3-47
cont.

2 project, okay, and the thing that struck me
3 the most, as an attorney, when you're making
4 an argument for or against a particular
5 thing, your job is to assert views that are
6 consistent with what you hope to win in
7 court, and that's precisely what's on the
8 site; there's absolutely nothing on the site
9 that speaks to concerns of the everyday
10 common citizen of our town. We need an
11 independent entity to come in, review the
12 proposals that have been made.

13 There have been some marginal
14 discussion about potential adverse impacts of
15 the construction and operation of this plant
16 as to air quality, as to marginal runoff;
17 however, at the same time there's nothing
18 concrete. I've seen nothing from the state,
19 nothing from the EPA, nothing from any
20 environmental agencies, that are independent
21 of Cricket Valley that will allow for the
22 residents of the state to make an independent
23 decision of their own as to whether or not
24 they want it.

25 With respect to the positives, or



T3-48

2 the pros, and how it would impact our
3 community from a tax-revenue standpoint, it
4 sounds fine, but what's the percentage? How
5 much was this going to benefit our community?
6 How many jobs?

T3-49

7 There was a -- there was commentary
8 as to 700 -- 500 to 750 jobs, perhaps,
9 throughout the construction phase, maybe 25
10 to 50 jobs thereafter. 25 to 50 jobs
11 thereafter? And to whom? What about the
12 recreational facility that the children need
13 or the new pool or the guaranteed fixed
14 property tax, some greater benefit?

T3-50

15 Cricket Valley is an independent
16 entity that is coming into our community
17 that's gonna generate benefit for itself,
18 period. It's adding nothing back to Dover;
19 it's taking away a lot. It's also taking
20 away things that are unquantifiable at this
21 time. We don't know what the environmental
22 impact is really going to be.

23 I've heard some really horrible
24 stories about some of the potential problems
25 relating to this process. It's called

T3-51

2 fracking, that I know absolutely nothing
3 about, to tell you up-front. But if there's
4 a remote possibility of any kind of
5 explosion, whether or not it's subterranean
6 or whether or not it's in my kitchen sink
7 when I turn on the faucet, is of major
8 concern to me and my family. So, my
9 suggestion to you, I do respect this Board
10 and I supported this Board in the last
11 election and I do like a couple of the things
12 that the Board has done, especially made a
13 movement with respect to Dover Knolls, I'm
14 not sure that there's been a clearcut study
15 as to the impact of the development of this
16 plant on Dover Knolls, what will that do.

17 Revenue generation for our community
18 is important, but there are other ways to do
19 it, there's other ways to get business here
20 and tax dollars here that'll benefit our
21 community than building some, you know,
22 multimillion-dollar plant that will generate
23 profits with independent entities that'll
24 take their money elsewhere. To power that
25 much of our state, to have the capacity to do

T3-51
cont.

T3-52

T3-53

T3-54

2 that much and to give us so little, doesn't
3 make sense, it just doesn't make sense.

T3-54 cont.

4 If anyone is interested in meeting
5 with me, discussing some of real-people
6 concerns in some depth so that we can gain a
7 greater understanding of exactly what this
8 project is, which we can't really gain just
9 from looking at the information posted on the
10 site, because you need two sides of the
11 argument, we need the pros and the cons, we
12 need an in-depth investigation, we don't have
13 it, we don't need -- here's one of the things
14 that we don't need -- I mean, open debate is
15 great, I'm all for the Constitution and
16 freedom of speech, the beauty of our country
17 is that we have an opportunity to come into a
18 forum like this, which is precisely what
19 we're doing, discussing it, but the problem
20 is you don't shake a danger sign, a skull and
21 crossbones, in one hand and say, this is
22 better, you don't say, hey, look at Indian
23 Point, it's nuclear, it's on the fault line,
24 if it blows, it can kill, you know, 50
25 million people and destroy the land for, you

T3-55

2 know, a hundred million years, so let's do
3 this and sit. That's false reasoning. It's
4 illogical, it doesn't make sense. What does
5 make sense is examination of the evidence
6 from all sides so that we can make an
7 informed decision as a community, and we
8 don't have that available to us right now.
9 And if we don't have that available to us
10 right now, you can't support the application
11 until you do.

12 You know, I understand that there
13 are residents that could be positively
14 impacted by, you know, the clean-up of that
15 site. I read about the stored waste that's
16 already on the property, the two prior owners
17 who didn't do the things that they should
18 have done, but we can't do anything about the
19 crimes of those in the past, but we can make
20 sure from today, that nobody else does, and
21 if we don't, if we don't do this
22 investigation, if we're not clear, we'll be
23 doing the same things we did before.

24 While hydro plants may fail and may cause
25 major, major damage, they're natural. At the

T3-55 cont.

2 time that they were built, they were -- it
3 was professed that they would be just as
4 effective or the next greatest thing to man.
5 There's going to be problems. Their failures
6 are human error. There's going to be
7 problems with this plant. We need to know
8 what those potential problems are before it
9 goes up.

10 Anyone wants to talk to me and form
11 a committee or a discussion group, my name is
12 Ross Cardwell, 28 White Oak Circle. Chat
13 with me after the meeting. We can do it like
14 we used to do it in grassroots days: Sit
15 down, have a cup of coffee, and give them
16 hell if necessary.

17 Thank you.

18 (APPLAUSE.)

19 MR. COURTIEN: Thank you,
20 Mr. Cardwell.

21 Next is Carol Moran.

22 MS. MORAN: My name is Carol Moran.
23 I get tongue-tied in talking to groups, so
24 I'm gonna make this as short as possible.

25 I am, perhaps, a closer neighbor

T3-55
cont.

2 than Mr. Vincent is to this project.

3 And, Valerie, this is my first
4 attendance of meeting.

5 Where is she? She left?

6 It seems to me that the most
7 important things that have been said are the
8 discussion of getting some funding to do the
9 things that will help if this plan goes
10 through. I think this plan is going to be,
11 personally, very detrimental to me, but I
12 think it's going to go through and I think
13 it's important that we set in place a way of
14 alleviating some of the bad things that are
15 going to happen, and I think that seeing that
16 funds are set in place for the special
17 studies that need to be done.

18 The only part of the DEIC [sic]
19 review that I read was -- that I read with
20 any depth -- was Section 5(e)(1) and (2) on
21 the well testing, and I looked at it, I have
22 a background -- I started out in college as
23 pre-engineering, I -- and I -- and I have a
24 background in scientific method, and what I
25 saw, as our last speaker said, is that

T3-56

(Continued
on following
page)

2 there's an awful lot of self-interest that
3 went into the presentation of well testing.
4 I did not participate in it, in part because
5 my well is under my house and it would mean
6 having somebody there in the house and I
7 didn't want that.

8 The negative well effects that were
9 reported in there from the two wells, test
10 wells, that you did that are closest to me,
11 or the negative well effects on the
12 neighbors, were glossed over, and that's your
13 job in presenting this, because it's not just
14 concerned with the immediate neighbors, but
15 it made me, as many other things, like your
16 selecting a period of heavy rainfall in which
17 to do your testing, it made me doubt your
18 serious intent of coming up with unbiased
19 information as opposed to information that
20 would support your points of view.

21 Anyway, I don't want to drag this
22 out, everybody has been very patient sitting
23 here, and we've had a lot of informative
24 talkers, but I just think that there are lots
25 of things we can do with getting funds to



T3-57

T3-56
cont.

2 maintain monitoring and even things like
3 getting funds to maintain the Town's website
4 so that we can disseminate information to
5 those people who are fortunate enough to have
6 computers and be comfortable using them.

7 Anyway, I thank everybody.

8 MS. SURMAN: Thank you.

9 MR. COURTIEN: Thank you.

10 (APPLAUSE.)

11 MR. COURTIEN: Okay, next, we have
12 Manna Jo Greene, Jill Way, Lydia Odunsi and
13 Jessica Wade.

14 MS. GREENE: Thank you. I'm
15 Manna Jo Greene. I'm the environmental
16 director for Hudson River Sloop Clearwater
17 and I also sit on the Town Board in
18 Rosendale, so I know what it feels like to be
19 on either side of the desk, and I do want to
20 thank the DEC and the developer and the Town
21 Board for holding this accessible Saturday
22 morning meeting. That's a really important
23 democratic process that you're modeling.

24 I have to keep the big picture in
25 mind. Clearwater's mission is to protect the

T3-56
cont.

2 ecology of the Hudson River and the
3 well-being of all the people that live in its
4 watershed, and I think part of this might be,
5 actually, a different watershed, but we are
6 concerned about the whole region. And in
7 that regard -- and the other thing that
8 Clearwater primarily is, is a grassroots
9 organization; hence, I'm taking my Saturday
10 morning to come over here and listen to your
11 concerns.

12 My perspective has been one that the
13 legislator made reference to and that is: I
14 have to tell you that it's not skull and
15 crossbones and scare tactics to talk about
16 the dangers at Indian Point. We have seen at
17 Fukushima a very, very serious global nuclear
18 disaster and Indian Point is an aging
19 facility that was built to last 40 years,
20 they're asking for a 20-year extension, it's
21 leaking, it is at the intersection of two
22 fault lines, it's had multiple, multiple
23 failures, and Clearwater does not think that
24 it's safe to relicense this plant for another
25 20 years.

2 Somebody mentioned hydrofracking as
3 well. Hydraulic fracturing is a way of -- a
4 very invasive way of getting natural gas out
5 of the ground, but I want to make sure that
6 you understand that it's mostly the western
7 part of New York, it's -- I don't know of any
8 hydrofracking -- that's where the source of
9 the fueling, but I don't know of
10 hydrofracking going on or being proposed for
11 eastern Dutchess County.

12 I wanted to also -- somebody
13 mentioned about funding. I think what you're
14 referring to is intervenor funds from
15 Article X, which was recently passed. I
16 don't know that this project would qualify,
17 because I think you may be too far along, but
18 you should find out about that. In other
19 words, prior to the passage of Article X,
20 which is a way of fast-tracking large
21 energy-generating sources, you could still
22 build a power plant but you did it by getting
23 all the permits, the SEQRA permits, and you
24 went through the SEQRA process and you got
25 the SPDES permits and all of that. Now

2 there's a special Article X that existed up
3 until eight years ago and has been
4 reapproved, and out of that there was a
5 clause that the environmental groups worked
6 very hard to build into that new power law,
7 and that is that communities can ask for
8 intervenor funds to pay for lawyers and
9 consultants and experts, so, please, do look
10 into whether or not this project qualifies
11 under that procedure. My guess is it may be
12 too late.

13 Because of our concerns about
14 hydrofracking and about Indian Point,
15 Clearwater is undertaking, with members of
16 the energy industry and the green-energy
17 providers, a conversation that, hopefully,
18 will lead to transitioning to a green-energy
19 economy here in the Hudson Valley, and so one
20 of the best suggestions I heard this morning
21 was that if this plant moves forward, and I
22 think there are a lot of pros and cons, but
23 ultimately my guess is it's going to be
24 built, so as part of your -- there's not an
25 official requirement for a host community



T3-58

2 benefit package, but you are in negotiations
3 and you could be negotiating for that
4 facility to also include a huge solar array,
5 and if there is the potential for wind, that
6 wind be captured so that it really is moving
7 towards sustainability.

T3-58
cont.

8 The other thing that I think is
9 really important is closer monitoring. I
10 heard that this morning. I think that really
11 needs to be done, and I wanted to mention
12 that as a possible offset for Indian Point.
13 And let me just say that Indian Point was
14 closed for 11 months, IP2, one of the two
15 reactors, was closed for 11 months, from 2000
16 to 2001, there were no blackouts, it is
17 definitely -- we have enough power on the
18 grid to do without Indian Point without
19 building this facility, but I think that a
20 lot of -- the Governor and legislators really
21 want the reassurance that there is
22 replacement power coming online. We think
23 that the majority of that replacement power
24 should be from green sources and they really
25 are immediately available, but there are also

T3-59

T3-60

2 two other sources.

3 In Astoria, Queens, there's a large
4 facility that's already going well through
5 the permitting process and there's another
6 one, so this is not the only fossil-fuel
7 plant that is on the horizon. The problem
8 with fossil fuel is that it does generate
9 greenhouse gases, so we not only have a
10 dangerous situation in terms of nuclear
11 power, an aging, really seriously
12 deteriorating facility, the New York State
13 Attorney General has multiple contentions,
14 Clearwater and Riverkeeper are also, you
15 know, part of that relicensing process, so
16 that is a real danger, but there is a very
17 real danger of global warming and sea level
18 rise is predicted within this century to be
19 anywhere from four to six feet depending on
20 how fast things melt and, you know, how
21 quickly the temperature rises. So,
22 environmental issues are complex. That's
23 absolutely true.

24 I would be glad to offer the
25 expertise that I've gained in 40 years of



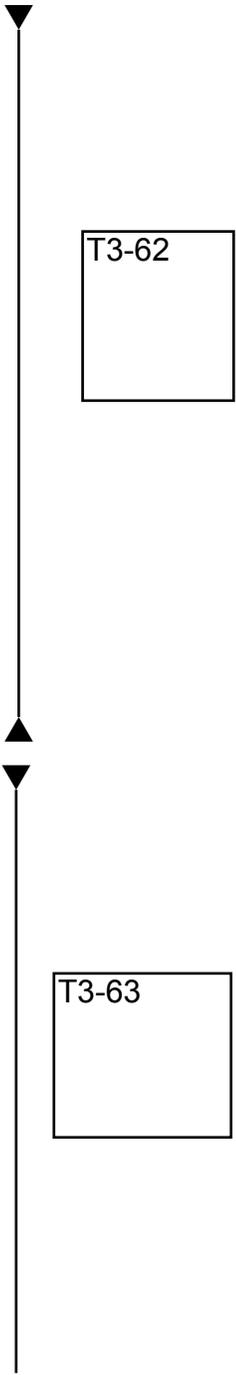
T3-61

2 organizing -- 15 years as an environmentalist
3 and 11 years at Clearwater, to help you sort
4 things out and to provide sources of
5 information.

6 So, better monitoring, host
7 community benefit, I think it's great that
8 there's closed-cycle cooling, that there's
9 been transparency, that the wetlands are
10 gonna be cleaned up, the landfill is gonna be
11 cleaned up, those are all steps in the right
12 direction, but I think you're in a good
13 position to ask for a lot more, you know, tax
14 stabilization is really important, but also
15 to have some of those negative environmental
16 impacts offset right on the site, that was a
17 really, really great idea.

18 And I also just want to mention one
19 other thing and it has to do with what we
20 call environmental justice. The plant in
21 Astoria is a fossil-fuel plant and it's in a
22 very, very densely populated area.

23 The other issue that Entergy has
24 raised that we disagree with but -- is that
25 if Indian Point closes, that more gas-fired



T3-62

T3-63

2 peaker plants will be burning in inner
3 cities, so that's gonna put the pollution
4 rate in areas that have very high asthma
5 rates, in children and elderly, you know,
6 that could raise that if that were the
7 alternative, so people are thinking that this
8 is a cleaner alternative, and that is not to
9 minimize the air impacts on your community,
10 and that's what, you know, we'd like to help
11 you to minimize. So, those are some of the
12 things I'm thinking of.

T3-63

13 Oh, one other thing somebody
14 mentioned, septic system, you know, from a
15 large facility, and I'd like to encourage the
16 use of an advanced wetland system, and if you
17 need more information about that. And
18 basically, it's using plants to process
19 wastewater, and that cuts down on the
20 consumption of chemicals and it cuts down on
21 the use of energy, so the more we can cut
22 down on the use of energy, the better.

T3-64

23 So, if any of these things that I've
24 mentioned today can be useful to Dover,
25 please call on me. I'll be glad to leave my

2 business card. Thank you very much.

3 MS. SURMAN: Thank you.

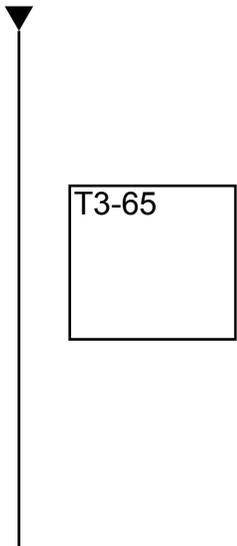
4 MR. COURTIEN: Thank you.

5 (APPLAUSE.)

6 MR. COURTIEN: Next is Jill Way and
7 then Lydia Odunsi and Jessica Wade.

8 MS. WAY: I'll be very brief, it's
9 late, and I want to thank Willie Janeway and
10 the Town Board and the Cricket Valley Energy
11 for convening this meeting on a Saturday and
12 allowing the folks who are working during the
13 week and getting home late to be able to
14 attend this. I'm just sorry that it's such a
15 beautiful day and, frankly, we're missing it.

16 So, after hearing all the speakers
17 today, I'm gonna keep my comments very brief.
18 It is truly hard to balance economic
19 development and environmental protection, and
20 I'm here really to ask for one thing, that
21 through maybe a collaborative arrangement or
22 mutual agreement the Applicant and the Lead
23 Agent could agree to extend the August 1
24 deadline for the Town Board to make comment
25 so that the Town Board would then have the



T3-65

2 time to consider and retain an expert on air
3 quality.

4 While I know that we have a Town
5 Engineer and some other experts, I don't
6 believe that we have an expert who can
7 actually take a hard look at the particular
8 geography and the air quality impacts in the
9 Harlem Valley using a modeling -- modeling
10 data or data from western Dutchess County is
11 not the same, and other folks have spoken
12 about that, so I'm not gonna go over it, I
13 think we all get the concept. And so,
14 please, Town Board, would you consider hiring
15 this air quality expert. And I'm not
16 dismissing other environmental impacts or, in
17 fact, other economic benefits of the project,
18 I just want to focus on air for today.

19 Thank you very much.

20 MS. SURMAN: Thank you.

21 (APPLAUSE.)

22 MS. ODUNSI: My name is
23 Lydia Odunsi. I moved to Wingdale from
24 Brooklyn 17 years ago and we talked since
25 small children, you know, that we can live,

T3-65
cont.

2 we can retire and be comfortable. Now it
3 seems to me like all these commerces now
4 they're bringing to the village. We need to
5 do a lot of work before we can prevent the
6 air pollution, the too much traffic.

7 And also -- and this here gentleman
8 in the glasses who is reading now, he said
9 this plant would decrease carbon dioxide --
10 I'd like you to explain to us how you come to
11 that scientific decision, because we haven't
12 had no decrease in carbon dioxide in New York
13 for the past -- I can't say -- 10, 15 years
14 ago, we've been having increase because of
15 the cars, the emissions, so if you can give
16 us a little -- brief notes about how you come
17 to that scientific decision that the carbon
18 dioxide will decrease, because if we have the
19 scientific solution for decrease the carbon
20 dioxide in the air, there would be no asthma,
21 no all this new sickness now that everybody
22 faces, and we can use that technology, too,
23 for different departments so that we can be
24 able to breathe in fresh air. That's why now
25 we're planting more trees, to get more

T3-66

T3-67

2 oxygen, if I'm right, you know. So, that's
3 my question to the gentleman.

4 Please, if you can let him explain
5 to us. Maybe I didn't understand that
6 scientist yet.

7 Thank you.

8 MS. SURMAN: Thank you.

9 MR. COURTIEN: Thank you.

10 (APPLAUSE.)

11 MR. COURTIEN: Next, we have
12 Jessica Wade.

13 MS. WADE: Good afternoon. I'm
14 Jessica Wade. I live approximately one mile
15 from the proposed site.

16 I'd like to thank the Town Board and
17 the DEC for having this hearing today, as we
18 asked for an additional one. I'd also like
19 to thank all of the community members that
20 came out to voice their comments or just even
21 listen to comments.

22 A project of this magnitude should
23 have everyone talking, no matter whether
24 you're for it or against it. I'd like to
25 state my concern with the plant being

T3-67
cont.

2 constructed in our valley.

3 In a recent report from the Lung
4 Association in 2011, they stated that the
5 Hudson Valley's air quality is stagnant and
6 there has been no improvement in it and that
7 it failed for the ozone and particular
8 pollution.

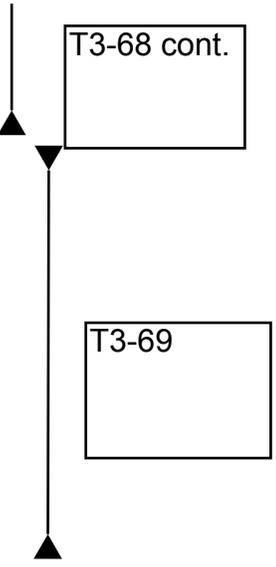
9 Basically -- let's see -- I don't
10 feel comfortable just having a plant in an
11 area where there is no wind and the nitrous
12 oxide and methane and carbon dioxide that's
13 constantly being pumped every day is in our
14 air and not lingering on somewhere else and
15 we're there breathing all of those emissions
16 in every day and it's not going anywhere.
17 So, after years of that, and this plant is
18 supposed to go on for 40 years, after years
19 of that, how is it going to affect us? Well,
20 I, for one, don't like the idea of my mom and
21 dad and grandmother having to stay behind and
22 breathing in those pollutants and possibly
23 developing lung cancer, it's a decrease in
24 your lung function, and I don't want my
25 community members to have to go through that

T3-68

2 as well. I'm moving out and I don't have to
3 deal with this, but I still care.

4 Just as a quick note, I know the
5 Vincents brought up that they were concerned
6 about the water quality, and I know that
7 their children played in the river. I grew
8 up in the river and I also played in the
9 river, and it's important to know what you're
10 swimming around in, and Town Supervisor
11 Courtien, just so you know and the Vincents
12 know, there are organizations, such as the
13 EPA Superfund, that exist that will come in
14 and clean up whatever these people left
15 behind from previous -- basically what needs
16 to be cleaned up, they'll come in and clean
17 it up, and they'll hold the people that were
18 there responsible that did not clean up,
19 they'll hold them responsible and have them
20 pay for it, so that does exist. So, Cricket
21 Valley, we can have that option, they don't
22 have to necessarily do that for us and
23 pollute our air quality.

24 And, sir, I would like to agree with
25 you, Bob and Matt are great guys and Matt has



T3-68 cont.

T3-69

2 responded to all of my emails in a timely
3 fashion, he's a great guy, and outside of
4 this project I'm sure that I resent them very
5 much, and I -- and I would love to have them
6 as neighbors, I would, but I'm not so sure --
7 well, actually, I am sure that this product
8 that they're selling us isn't a wise decision
9 for our community, and I encourage everyone,
10 whether you're for or against the plant, to
11 please be open-minded and to delve in deeper
12 than just the Cricket Valley Energy power
13 plants and the money that's going into this.

14 And that's all I have to say. Thank
15 you.

16 MR. COURTIEN: Thank you very much.

17 (APPLAUSE.)

18 MR. COURTIEN: Okay, the next person
19 who signed up on the list is Ms. DuHamel.

20 You've already spoken at this Public
21 Comment Session. If you'd like to speak at
22 the end of the meeting and hear public
23 comments and questions, you're welcome to do
24 so.

25 Also, I had asked about an hour ago

2 for anyone else to sign up for this Public
3 Comment Session, so there's no one else
4 signed up for this Public Comment Session.

5 VOICE FROM THE AUDIENCE: Aren't I?

6 MR. COURTIEN: There are two people
7 signed up to give comments and questions at
8 the end, and they're Jim Utter and
9 Jurgen Wekerle, so they can speak at the end
10 of this meeting, and anyone else is also
11 welcome to speak at Public Comments and
12 Questions at the end of the meeting.

13 So, with that, having no other
14 speakers for the Public Comments Session --

15 MR. ACKERMAN: Could you add one
16 more possibly, or it's too late?

17 MR. COURTIEN: Well, I did ask about
18 an hour ago for everybody's attention to sign
19 in.

20 MR. ACKERMAN: I may have stepped
21 out for a second.

22 MR. COURTIEN: If you'd like to --
23 have something to say, that would be fine,
24 sir.

25 MR. ACKERMAN: Thank you. I'm just

2 gonna speak off the cuff here, so --

3 MR. COURTIEN: Lift the microphone.

4 MS. SURMAN: What is your name, sir?

5 MR. ACKERMAN: My name is

6 Alex Ackerman, and I live at 23 Bannister

7 Lane, Wingdale, New York, on the border of

8 Pawling and Wingdale, and I just want to say

9 a couple of things about what other people

10 said here.

11 First of all, regarding the -- Linda

12 here spoke about the energy and just living

13 unsafe and so forth, I don't know if these

14 are whoever, but I believe that over 85

15 percent of all the compliance firms have

16 nuclear energy, no issues, nothing

17 whatsoever.

18 The lady here said also, regarding a

19 plant in Japan, what happened there, the

20 engineers have even admitted fault that they

21 didn't take advice of the fact that the only

22 way it could come over -- the reason it

23 failed is that the generators were

24 underground and the water went in there and

25 that's why it failed. If the water wall was

2 higher -- they just estimated that the weight
3 could only come a certain height, other than
4 that, the engineers fail.

5 You've taken two examples out of the
6 last, what, 70, 60 years, and nothing else
7 has ever happened.

8 The nuclear power plant, Indian
9 Point, there's no issues there, it's
10 solidified, there's never been a leak, no
11 issue, nobody's had an issue, and more
12 important, like you said yourself, it's not
13 even needed, this plant.

14 I lived in The Bronx for 30 years of
15 my life. I moved up here because I have a
16 wife, I have two children -- six, eight years
17 ago -- to get away from the pollution and
18 everything else. And you're saying how if
19 they don't build it here, it'll be more
20 pollution in Queens or wherever it may be,
21 well, that's why I take a two-hour ride and
22 invest my time and my energy, so they don't
23 have to breathe that air; I sacrifice myself
24 so they don't have to.

25 I came up here and nobody mentioned

T3-70
(continued below)

T3-71
(continued below)

T3-72

2 the fact that -- what this is going to do to
3 property values. I can only imagine you want
4 to sell your house and you see a wonderful
5 three stacks of 300-foot-high God knows what
6 coming out of there. A great selling point,
7 I'm sure.

T3-72 cont.

8 And the fact that everybody keeps
9 thanking the Board -- the Board? -- I'm
10 sorry, the Cricket Valley, for holding this
11 meeting on a Saturday morning at 9 a.m., I
12 think it's ridiculous, actually. I take the
13 train every day, I work every day. I don't
14 know if you're aware, but people tend to go
15 out on Friday sometimes to just relieve a
16 little bit. Waking up Saturday at eight in
17 the morning to get here by nine o'clock is
18 not convenient, not for me. I don't know
19 about anybody else. Twelve o'clock would've
20 been more appropriate, something -- we could
21 wake up. That's why I'm disheveled, I don't
22 have any notes with me, I'm hung over. I
23 mean, it's just not right. I work hard every
24 day for my entire family, I'm a sole
25 provider.

2 But I came here, again, for the
3 fresh air, for the great people, for the
4 environment, and to have an -- unnecessary,
5 literally chemical-producing smokestacks that
6 are not needed in an area where you feel the
7 people are maybe a little more
8 poverty-encroached and need the extra money,
9 \$22 million in tax revenue, let's be -- admit
10 it, it's a drop in the bucket, that's
11 probably a three-day profit for you gentlemen
12 from your company which you are gonna make.
13 That's assuming you can make. And again,
14 that's assuming you're gonna get contracted
15 and you're gonna want this power, which you
16 have not solidified, it's not there, nobody
17 said they -- if nobody buys the power, it's a
18 useless piece of junk standing there doing
19 nothing.

20 And you hear people here comment;
21 it's not necessary. There's, if anything, an
22 abundance of power. It's more or less just
23 in case of something. Let's be honest what
24 this is. If Governor Cuomo, who is
25 completely for this, and also wants to, by



T3-73

(continued
below)



T3-70
cont.

2 the way, ban -- wait, what do you call it --
3 fracking, he wants to lift the ban on
4 fracking, which I don't know if you're aware
5 of, fracking, if done improperly, you'll be
6 able to light your tap water on fire, which
7 is a wonderful selling point, again, for your
8 house, no barbecue needed. He wants to lift
9 the ban on -- so, it's -- the way it's kind
10 of -- it's two sides. Let's look at
11 Governor Cuomo here, why is he looking to
12 lift the ban on fracking and also your Indian
13 Point.

14 2016, let's be honest, that's where
15 you're looking for, it's obvious that's why
16 it's trying to be pushed along. If he's
17 proposing you for a power plant, like
18 Mr. Obama's agenda, kudos, another reason to
19 vote for these gentlemen for 2016, stack each
20 town as its president. That's what I'd do.

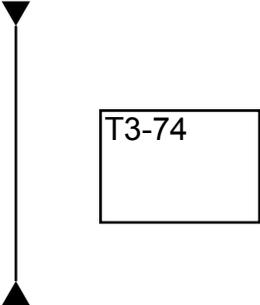
21 So, A, I don't think it was
22 transparent for the fact that it speaks
23 for -- I can tell you -- right there, there,
24 there, there, the guy who was speaking before
25 us, the guy who found out about this

2 literally two weeks ago. Nobody else knew a
3 thing about it.

4 Take my address. I want you to
5 prove to me that you've shown -- sent me one
6 flyer, that I have one flyer from you guys
7 saying about this. 23 Bannister Lane,
8 Wingdale, New York 12594. See how many I --
9 sent to my house, I want to see how many I
10 still have. I'm curious. I don't think
11 there's been any. Nobody has heard of
12 anything. I could not have been more
13 omnipotent.

14 I'm in sales. I consider this --
15 it's called the "backdoor approach," you
16 know, come in through the front door, act
17 nice, go out, they're robbing you from the
18 back door.

19 And if he was transparent, step back
20 to that I found out two weeks ago, I guess he
21 was off the stupid diet. Nine o'clock
22 meeting on a Saturday, brilliant idea,
23 knowing half the people won't show up because
24 they're passed out in their beds. And again,
25 regarding the new fund status, it's what the



T3-74

2 gentleman said, it was his opinion, it's not
3 accurate.

4 Again, France is doing great. Over
5 85 percent of all their power comes from
6 nuclear energy, no issues, no problems,
7 nothing. You're taking two examples out of
8 literally -- what do we have? -- 70 years of
9 nuclear power, and they were all from human
10 error, these could have been prevented. They
11 even said themselves if the generators were
12 not flooded, it would have been just fine, no
13 issues whatsoever would've happened. They
14 even have documents that said the wall was
15 too low, it should've been higher, otherwise
16 it would've been fine. There is no way that
17 it's gonna take a power plant to make errors
18 (inaudible) backed-up generators, so that
19 option does not exist there whatsoever.

20 What's the other one, Chernobyl? We
21 are talking about a Soviet regime, which, by
22 the way, I was born in and I speak fluent
23 Russian, so they're a regime that is
24 completely inept, didn't know their from
25 their, they had no idea what they were doing,

2 they could care less who died, who didn't
3 die. It was just whatever works, doesn't
4 work, and so forth.

5 Comparing that to the United States
6 and their Retrofitter Committee, I mean, we
7 have a council, we speak here, there's no
8 such thing there, they just do whatever they
9 want and that's it. That's why Chernobyl
10 happened, there was -- that was at the fall
11 of the Soviet regime. There was no
12 oversight, nothing, and that was in the
13 Ukraine. What does -- what does a Russian
14 say about the Ukraine? So, you're thinking
15 about one example and the other one where the
16 engineers admitted themselves the wall was
17 too small. If the generators were in top of
18 the building, in the back, or anywhere else
19 where the water wouldn't hit them, not one
20 thing would happen, not an issue, it wouldn't
21 have happened whatsoever, so nuclear energy
22 is by far the cleanest energy hands down.

23 Having my children what, a half a
24 mile, a quarter a mile away, from stacks that
25 are emitting God knows what, having them



T3-71
cont.

2 breathe that, that's exactly the reason I
3 moved away from The Bronx, that's why they're
4 here, so they could breathe good, clean fresh
5 air. And again, it's days that I'm
6 sacrificing, I have a two-hour commute into
7 Midtown Manhattan every single day so as they
8 could -- not to breathe this.

9 And it doesn't know what to do with
10 this air problem. It's that the rest of
11 them, they're too lazy. I, too, could have
12 settled in the Bronx, Brooklyn, Queens,
13 bought a house there, I would have had a 20-,
14 30-minute commute, but for my children's
15 lungs's sake, I didn't want them to breathe
16 what I had to breathe and I came up here.

17 The other people had an opportunity
18 to do that, they don't want to sacrifice
19 their commute, that's their choice, it's a
20 free country. I came up here with two
21 other -- you know, and the fact is, let's be
22 honest, I believe 80 percent of all the
23 energy that's staying here, whatever it is,
24 runs through Westchester and New York City,
25 nothing to do with us whatsoever, so we get



T3-71
cont.



T3-73
cont.

2 all the poison, all the garbage, they get all
3 the energy, we get \$22 million bucks, which
4 is not even a tenth of a penny, and that's
5 unless you -- so, obviously, I'm against it.
6 I hope everybody else who is also, you know,
7 does something about it.

8 And I thank you for your time, I
9 appreciate it.

10 MS. SURMAN: Thank you.

11 MR. COURTIEN: Thank you.

12 (APPLAUSE.)

13 MR. COURTIEN: So, this Public
14 Comments Session is over.

15 Thank you to the stenographer for
16 your work.

17 We'll be skipping having a recess.
18 We're gonna go right into discussions. I
19 think we're also just going to switch the
20 discussions and go right into the Cricket
21 Valley Energy DEIS Town Board Council
22 discussion and then we'll have the Madava
23 Farm.

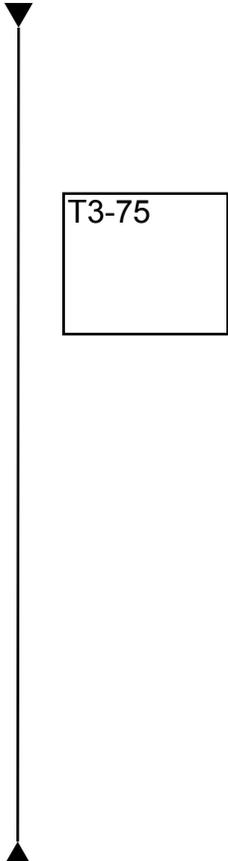
24 So, I'd ask our planner, AKRF, to
25 please come to the podium.

T3-73 cont.

2 MS. LEY: AKRF has been reviewing
3 the DEIS on behalf of the Town Board and we
4 have been preparing comments on the DEIS. At
5 this time we have an in-progress draft that I
6 can submit to the Town Board and we're
7 looking to finalize the memo at the next Town
8 Board meeting, which I believe is the 27th,
9 and that's when it would be ready to submit
10 to the DEC, which would be before the
11 August 1st deadline.

12 I understand that there have been a
13 lot of questions about air quality. We do
14 have professionals who are experts in air
15 quality on our staff that will take a look at
16 the chapter and that have been reviewing the
17 chapter.

18 Some of the comments that we've been
19 focusing on specifically, because the Town of
20 Dover is not the lead agency on this project,
21 have been in relation to community character
22 impacts, which include the noise impacts,
23 because that does conflict with the Town of
24 Dover Code, as well as visual impacts and
25 water resources, so I don't know if the Board



T3-75

2 has any specific questions right now or I can
3 go through some of our comments.

4 MR. COURTIEN: Well, I want to take
5 this opportunity to go over a couple of
6 things but also I wanted to find out from you
7 and AKRF: By what time would you like
8 comments from members of the Town Board in
9 order to help prepare our comments?

10 MS. LEY: Well, I will be
11 circulating my memo to the Board via email on
12 Monday and then that'll -- if you could take
13 a week to review the memo and then add
14 anything to it --

15 MR. COURTIEN: Mm-hmm.

16 MS. LEY: -- and then we could
17 finalize it or at least have it in a more
18 complete draft in advance of the 27th.

19 MR. COURTIEN: Okay. That sounds
20 good. Because I -- you know, I know that
21 we -- thanks to all of you for, again, your
22 comments in the Public Comment Session.

23 You know, it's our opportunity -- I
24 know that the DEC, which is the lead
25 agency -- to hear all you have to say. I was

▼
T3-76

2 one of the people who strongly advocated for
3 the Town of Dover being the lead agency on
4 the SEQRA. It becomes a determination
5 between -- it was gonna be the Town of Dover
6 or the DEC, and ultimately that determination
7 is made by the director of the DEC, so the
8 DEC decided that the DEC would be the lead
9 agency.

10 I, myself, have -- I -- it would
11 probably be over a hundred comments,
12 questions or concerns, by the end, I have 22
13 alone on just the Executive Summary, so I
14 certainly look forward to your memo to us,
15 I'll certainly be adding a lot to that.

16 I don't know if any other Town Board
17 members have anything else.

18 MR. GALAYDA: I'll be sending stuff
19 over to you and Graham.

20 Just a couple of things. You know,
21 just to be very clear, whoever doesn't
22 understand it, what the supervisor said, we
23 petitioned at the very beginning to be the
24 lead agent in the review of this project and
25 the DEC said no, and then we said, we know

T3-76
cont.

T3-77

2 our residents best and we know our community
3 best and we feel that we have, you know, the
4 most to gain by, or lose, as we are Town
5 Board members of the community, so we went
6 through the appeal process and the DEC said
7 no. So, they basically stripped us of any
8 power at this point until we get to the
9 Special Permit stage. We certainly can make
10 any comments, but our comments are kind of
11 the same as you guys, you know?

12 So, I see 'em grow up quick and I
13 look around the room and I see people that I
14 grew up with, and, you know, we all grew up
15 in Putnam County and, you know, you look at
16 reservoirs that are drained to the ground
17 because the City does it, right, and you look
18 at, you know, the fact that they're talking
19 about New York City needs more power or the
20 Governor wants it. And, I'm -- you know, as
21 I'm trying to com -- balance and review this
22 stuff, I mean, if the Governor wants it so
23 bad, why doesn't he put it in his backyard?
24 That's kind of the --

25 (APPLAUSE.)

T3-77 cont.

T3-78

2 MS. LEY: Thank you.

3 MR. GALAYDA: You know, another end
4 of this is, you know, the county has a lot to
5 gain by this and not much to lose, they're
6 gonna make a million dollars a year and not
7 give us any more services. My children's
8 health is not for sale, you know, and my
9 neighbors' children's health is not for sale.
10 Now, I'm not saying that this thing is gonna
11 be this whole God monster that it potentially
12 could be, but something I have said from the
13 beginning in all the workshops that I
14 attended is that there should be an air
15 monitoring station in Dover, you know, and
16 then the argument has been, well, there
17 isn't, well, there hasn't been a need. So,
18 now there's a need and there should be. Now,
19 if they put it at the school, if they had an
20 air monitoring service in Dover and put it in
21 the school, it would benefit the state
22 because they would get much more accurate
23 models, it would benefit the county, okay,
24 because they would also get much more
25 accurate models. If they put it at the

T3-78
cont.

(continued
below)

T3-79

2 school, it would be pretty much a Ground Zero
3 on this thing for our children and, two, the
4 school could run a program and teach these
5 children how to monitor the air quality. And
6 I think it's a small invest -- I mean, this
7 is a billion-dollar project. Something like
8 that is a very small investment from Cricket
9 Valley for a billion dollars.

10 Now, when you think about the whole
11 idea of our health is not for sale, there's
12 no money in the world that's worth health,
13 you know, so, you know, it's something that I
14 strongly feel should be there, you know.

15 The other thing is -- I'm not a fan
16 of, is carbon credits. You're basically
17 buying the right to pollute; you know, you're
18 basically saying, we'll pay for somebody else
19 not to pollute somewhere else so that we can
20 pollute here, and that's something that I'm
21 not completely a fan of, you know, so I think
22 that all the data in the DEIS should be
23 answered to not include any kind of -- you
24 know, numbers can look however you want
25 numbers to look like, but they should not

T3-79
cont.

T3-80

2 reflect any type of difference based on
3 carbon credits. You know, I am absolutely in
4 favor of an escrow for the Town that should
5 be set so that we can go ahead and hire
6 independent consultants.

T3-80
cont.

T3-81

7 And as far as traffic, one other
8 quick note on the traffic because -- and as
9 far as the noise concern also goes, I'm not
10 going to budge on the noise concern. I think
11 that if you're investing a billion, invest a
12 little more and make it adhere to our Noise
13 Code, because I completely agree with the
14 remarks that noise ordinances were set for a
15 reason, and I think that 50 decibels, if it's
16 like this (indicating), is one thing, but if
17 it's this constant thing (indicating), it
18 becomes a drone and people have to listen.
19 You know, and if they're listening to it 24
20 hours a day, seven days a week, that's very
21 difficult. So, something that I would like
22 to see is exactly what 50 decibels sounds
23 like on the site. So, I would like a
24 determination done on the site as to where
25 the most noise is going to come from and then

T3-82

2 I would like an independent company to come
3 in and crank up 50 decibels and leave it
4 running for a week and let the residents --
5 let the residents know. Because we can all
6 talk about light rain, we could all talk
7 about -- you know -- you know, and outside of
8 the fact that it might rain for two or three
9 days, you start to lose your mind if you're
10 listening to the drone of even something like
11 that. So, you know, I think that we can all
12 talk about -- there's ways that we can easily
13 provide notice to the Town and to residents
14 as to what it really is, put up a big sign
15 telling them that this is going on, stop your
16 car and listen.

17 As far as some of the traffic goes,
18 you know, I'm certainly concerned about
19 traffic, but they can also flextime it -- you
20 know, I think that that's something I didn't
21 see necessarily mentioned in the DEIS, right
22 off the top of my head -- you know, maybe
23 their work hours are 10 to 6, maybe their
24 work hours, they split it up into two shifts.
25 I do think it's absolutely crucial that they

T3-82
cont.

T3-83

2 get bussed into the site so they don't add to
3 that kind of traffic, you know, because --
4 you know, and again, I mean, I do think
5 Cricket Valley -- my conversations with the
6 team from Cricket Valley maybe has been
7 different that some of the public because I'm
8 an elected official, but I've found that
9 they've always been responsive to me, you
10 know, and they don't hide the fact that this
11 is a tough thing, you know, but, you know, I
12 urge everybody to be involved.

13 And, you know -- and I was getting
14 mail at my house. Again, maybe it was
15 because I'm an elected official. You know, I
16 don't know why. But I've gotten tons of
17 postcards, but I think they need to continue
18 to do that. And then I think that, based on
19 some of the comments that we've heard here
20 today from some of the public, they need to
21 go back and look at their mailing list. We
22 need to make sure that we're getting it out.

23 You know, I also have a family
24 member who lives in Woodwinds who said --
25 that has a totally different last name so he



T3-83
cont.

T3-84

2 wouldn't be able to be identified as a family
3 member and he's gotten 20 mailers in the mail
4 in Woodwinds on Cricket Valley. But I think
5 they need to go back and take a look at how
6 they're mailing stuff and find a more
7 effective -- make sure that it's actually
8 going where it needs to go.

9 So, you know, as we go forward with
10 this, you know, know that when you talk about
11 what they propose for tax revenue, \$2 million
12 goes to the school, a million goes to the
13 county, and a million comes to Dover. That's
14 really where they're at with their proposed
15 benefits to the community. I would like to
16 see the town benefit in some form of
17 electrical subsidition [sic]. You know,
18 again, like when the gentleman said, I made a
19 decision like other people to move here to
20 give my children a better quality of life,
21 I'm the one who takes that long commute. If
22 they need more power in Manhattan, put it
23 there, or like I said, better yet, in the
24 Governor's backyard.

25 MR. COURTIEN: Any other comments?



T3-85



T3-78
cont.

2 Kathleen, any other comments?

3 (APPLAUSE.)

4 MS. SURMAN: I'll submit mine to
5 your office within a week's time after we get
6 notification from you.

7 Thank you.

8 MR. COURTIEN: So, again, with no
9 other comments from the Town Board at this
10 time, we will be expecting a memo from you
11 this coming week.

12 MS. LEY: Yes.

13 MR. COURTIEN: And you should be
14 expecting responses from us within a week.

15 MS. LEY: Yes, we can.

16 MR. COURTIEN: Or we will read it
17 within a week and get you responses certainly
18 before -- we'll try for a week before our
19 meeting on the 27th.

20 MS. LEY: Okay.

21 MR. COURTIEN: Okay.

22 At this time we'll have a discussion
23 on Madava Farm. I see hands from the
24 audience. After we have the discussion on
25 Madava Farm, there will be Public Comments

2 and Questions, where members of the public
3 can come up to the podium and ask comments --
4 make comments and ask questions of the Town
5 Board.

6 Thank you.

7 (OFF-THE-RECORD DISCUSSION.)

8 MR. COURTIEN: So, let's take a
9 five-minute recess.

10 All those in favor of voting for a
11 recess say "Aye."

12 MS. SURMAN: Aye.

13 MR. GALAYDA: Aye.

14 (RECESS TAKEN.)

15 MR. COURTIEN: Public Comments and
16 questions on any items?

17 If one of the Town Board members is
18 gonna need -- if one of the Town Board
19 members is gonna have to leave the meeting,
20 then the meeting is over.

21 MR. JACOBELLIS: There's no quorum.

22 MS. DUHAMEL: These are sort of
23 bullet points.

24 First of all, I want to remind the
25 Town Board that we have the power to

2 negotiate with Cricket Valley, we have the
3 permitting ability, and we could ask them to
4 size the project so that they're not going
5 over noise thresholds or emissions
6 thresholds. That's a possibility. We don't
7 have to take a 1,000-megawatt power plant, it
8 could be 900, it could be 800. That's what
9 an expert would be able to tell you, at what
10 point does the size bring emissions and noise
11 down to our acceptable levels. I don't want
12 to rely on AKRF for that. I want an air
13 quality expert to come in and tell us what
14 those air quality levels are and how the
15 plant can meet those levels.

T3-86

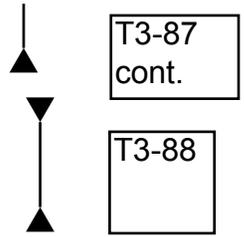
16 And I also want to remind people
17 that mitigation is cheaper and more effective
18 than remediation. And who's gonna enforce
19 it? The DEC, the DEC that allowed Rasco's
20 predecessor to leave junk all over that
21 property and then bring in another
22 contaminated soil project over our aquifer.
23 We don't want to rely on DEC to be enforcing
24 excess emissions or excess noise or anything
25 like that. I want us to meet our standards

T3-87

2 before that point goes up.

3 Let's see. Taxes. Capping our
4 taxes is not good enough for polluting our
5 air. I want to see tax reduction. And by
6 what amount? I don't know. I guess people
7 can comment on that. Is 50 percent reduction
8 in our local taxes enough to bring in a power
9 plant that's gonna pollute us? Maybe 75
10 percent? I don't know. That's open for
11 discussion.

12 And I think since this project is
13 good for Dutchess County and New York State
14 and for the United States, and I want to
15 remind County Legislator Surman that he
16 represents the Town of Dover, not Dutchess
17 County, not New York State and not the United
18 States and not the world for that matter,
19 that you're obligated to negotiate on our
20 behalf at the county level for a reduction in
21 taxes for, perhaps, resizing the plant at the
22 right level and helping us get money from
23 Dutchess County and New York State and some
24 other place, as Manna Jo was talking about,
25 to hire an air quality expert. We could



2 really use your help in that regard.

3 And that is it. Thank you.

4 MR. COURTIEN: Thank you.

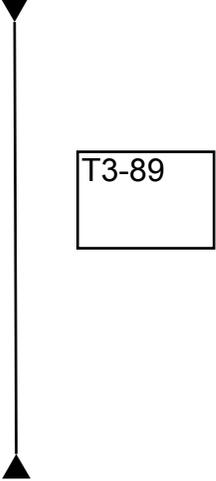
5 Any other members of the public
6 wishing to make comment or have questions at
7 this time?

8 MR. WEKERLE: Good afternoon. My
9 name is Jurgen Wekerle. I'm chair of the
10 Sterling Forest/Highlands Committee of the
11 Atlantic Chapter Sierra Club, I'm an Orange
12 County resident, and we are having a power
13 plant proposal, just like this one, in Orange
14 County, in the town of Wawayanda, just south
15 of Middletown. The whole issue of energy and
16 the subsidies that support the construction
17 of generation facilities are local, regional,
18 state-wide and national, so it affects all of
19 us one way or the other.

20 This project here, Cricket Valley,
21 is really not supported by the State or the
22 City of New York, I'm not speaking on their
23 behalf, but this is a private-capital,
24 private-investment venture strictly. It has
25 its origin in the '05 Energy Act, the '08 and

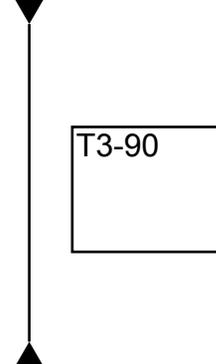
2 '09 Federal Stimulus Packages.

3 Generating facilities are not
4 utilities, they are considered factories,
5 they get all of the benefits -- whether it's
6 a car parts manufacturer or any other thing,
7 they get all those benefits above and beyond
8 what we consider the energy subsidies from
9 the '05 Energy Act as well, so they get it
10 from both ways.



T3-89

11 The project here also benefits from
12 credits of putting up a Superfund site. In
13 effect, this project could be built in its
14 entirety from the subsidies even if no
15 returns are made on the investment, if no
16 electricity ever were produced. The issue
17 comes down to there's a promise of benefits
18 to the municipalities. That always is the
19 case whether they actually materialize,
20 whether they morph into something far less in
21 the future. You'd have to look at, and I
22 will give you a few examples, when is a
23 bargain not a bargain.



T3-90

24 MR. COURTIEN: Sir, just one second.
25 Councilman Galayda just has to go,

2 potentially ending our meeting, as we do not
3 have a quorum. I'm willing to sit here if
4 the stenographer is willing to continue, so
5 finish up your comments.

6 MR. WEKERLE: Thank you.

7 MR. COURTIEN: Thank you.

8 MR. WEKERLE: And a part of the
9 audience is the DEC for the DEIS process and
10 thank you for holding the session here, by
11 the way.

12 The issue is: Do we really need
13 this project? That has come up several times
14 and there is no assertion that there really
15 is a need.

16 We are in our fourth year-over-year
17 decline in energy consumption in New York
18 State. The New York State Public Service
19 Commission has issued directives to all the
20 generators and utilities to prepare an
21 austerity plan on which plants to close down.
22 It's pretty much like the state closes down
23 prisons that are unoccupied. We are in a
24 declining era and that is not seen to change
25 in the near future. The New York State

T3-91

2 Independent Systems Operator, which manages
3 the reliability and the flow and the
4 processing of contracts for electricity, they
5 have a ten-year forward-moving average.
6 There is no need projected until 2020, but
7 they have no need after that either, but
8 that's just within their current time frame.
9 We have several other power plants.

10 Manna Jo mentioned Indian Point
11 being off-line for long periods of time.
12 Indian Point does not produce at its capacity
13 right now. The other power plants in the
14 lower Hudson, Bowline in Rockland is on life
15 support, Roseton in the town of Newburgh is
16 on life support, Danskammer is producing a
17 moderate amount of electricity. There is no
18 need. Any more capacity is not going to
19 lower the price either.

20 That may have other dire
21 consequences in the payments in lieu of taxes
22 that will be negotiated locally. The example
23 in Rockland County, based on the lower use,
24 is that the towns of Haverstraw and Stony
25 Point suffered when Myron, the owner of those

T3-91
cont.

(continued
below)

T3-92

2 plants, declared bankruptcy and also a series
3 of reassessments, and the property taxes, to
4 offset the income that the municipalities
5 became dependent on, doubled and doubled
6 again. And Rockland is a very
7 high-property-tax area. The Town of Newburgh
8 and the Town of Marlboro in Orange and Ulster
9 Counties suffered the same re-evaluation and
10 reassessment based on the reduced income from
11 the Dynegy plants, Danskammer and Roseton,
12 and their property taxes drastically
13 increased totally out of the blue, totally
14 unexpectedly, so whatever is promised today
15 may not be materialized even if it's been in
16 effect for a short period of time. The
17 market circumstances are such that we do not
18 have a need for this energy.

19 Another sign of the lack of the need
20 and demand is the Levitt plant in Rockland
21 County. That plant was under a consent to
22 produce the coal-fired plant, under consent
23 decree to clean out its air emissions.
24 Rather than do that, it was not economically
25 feasible for them to invest money and

T3-92
cont.

(continued
below)

T3-91
cont.

2 converting to gas or improving the coal or
3 some other fuel, and they petitioned the
4 Public Service Commission for
5 decommissioning.

6 Before any power plant can go
7 off-line, they have to ensure a replacement
8 supply of power. That's part of the whole
9 reliability structure. The Levitt plant was
10 able to satisfy the needs of the state in the
11 entire grid that we are all hooked up into
12 here. Through the efficiency measures by
13 Orange & Rockland Utilities that you saw on
14 that plan prior to deregulation, by creating
15 a -- by building a new substation, by
16 improving the regional distribution lines and
17 the transformers neighborhood to
18 neighborhood, the efficiency in that upgrade
19 of the regional grid by itself captured the
20 capacity of the production of the Levitt coal
21 plant all by itself.

22 A major goal of New York State is to
23 modernize the entire grid. If that happens,
24 more power plants will close, let alone new
25 power plants coming online. So, we have the

T3-91 cont.

2 taxes, we have the assessment issues that may
3 vaporize totally. We also -- mentioned
4 earlier was no contracts, does this company
5 have contracts. They may not need contracts,
6 and that is something that the DEIS should
7 look at very carefully, and that is the whole
8 New York State Independent Systems Operator
9 auction system, how does that work, how would
10 it affect the prices that homeowners actually
11 pay here?

T3-91 cont.

12 Your electricity prices may actually
13 go up. There is an economic theory promoted
14 by all of these development proposals that
15 even if no electricity is needed, the fact
16 we're able to dump more electricity into this
17 common market that we all share will drive
18 the price down based on a supply-demand ratio
19 that we normally think of. That does not
20 apply for electricity and utilities or
21 generators, especially not in New York State,
22 there's an auction system and, in effect,
23 lower prices are accepted to supply a certain
24 amount and a series of bids are accepted to
25 satisfy the entire demand; however, the

T3-92 cont.

2 highest price, the last bid offered, is paid
3 to all the previous bidders, so it's the
4 highest price that controls, not lower
5 prices.

6 That is just one aspect of the
7 pricing system, there are all kinds of other
8 variables, but that has to be understood
9 locally as well. You may end up with the
10 expectation of all kinds of income, all kinds
11 of benefits, that may never materialize. We
12 have to look also globally at other issues
13 when we look at our local benefit package,
14 and there should be a local benefit package.

15 You're not gonna be able to mitigate
16 the air quality issues, not on this region,
17 not on the structure, and definitely not on
18 Connecticut downwind.

19 The -- the -- I just lost my train
20 of thought, I'm sorry. The -- the -- let --
21 let me leave it at -- there. That is -- that
22 is --

23 MR. COURTIEN: Thank you, sir.

24 MR. WEKERLE: -- thank you very
25 much.

T3-92
cont.

T3-93

2 MS. SURMAN: Thank you very much.

3 MR. COURTIEN: Okay.

4 (APPLAUSE.)

5 MR. COURTIEN: Counsel, as we have
6 no quorum, there is no longer a meeting;
7 correct? We have determined there is no
8 quorum, so --

9 MR. JACOBELLIS: Right, we no longer
10 have a quorum.

11 MR. COURTIEN: All right. Thank
12 you, Counsel.

13 Thank you everyone.

14 The next meeting will be on
15 July 27th. We'll be discussing a lot of
16 things, including the DEIS.

17 (TIME NOTED: 12:42 P.M.)

18

19

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C E R T I F I C A T I O N

STATE OF NEW YORK)
) ss.
 COUNTY OF PUTNAM)

I, DANA CHIPKIN, Court Reporter and Notary Public within and for the County of Putnam, State of New York, do hereby certify:

That I reported the proceedings that are hereinbefore set forth, and that such transcript is a true and accurate record of said proceedings.

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

IN WITNESS WHEREOF, I have hereunto set my hand.

Dana Chipkin

DANA CHIPKIN, Shorthand Reporter

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