TOWN OF WAWAYANDA PLANNING BOARD
WAWAYANDA, NEW YORK

In Re:

CPV VALLEY ENERGY CENTER
PUBLIC SCOPING SESSION
SBL# 4-1-38.32, 38.33 & 40.22

Wednesday -- 7:52 p.m.
August 27 2008
Town Hall
Wawayanda, New York

BEFORE:

TOWN OF WAWAYANDA PLANNING BOARD

PRESENT:

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

COMPETITIVE POWER VENTURES INC.
REPRESENTATIVE:

STEVEN REMILLARD
Director of Development

NEIL BOSTOCK, RPR-CM
Certified Shorthand Reporter
40 Stapleton Court
Middletown, NY 10940
(845) 291-3128
CHAIRWOMAN YATES: The next item on tonight's agenda is the public scoping session for CPV Valley. I'll read the notice as it appeared in the paper.

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

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

The action involves the construction of a nominal five hundred and eighty megawatt natural-gas fired combined cycle
electric generating facility, with ultra-low sulfur fuel oil back up, plus related utility infrastructure.

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

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

Process water for the project operation will be provided via a pipe line from the City of Middletown Waste Water Treatment Plant, utilizing gray water or on-site groundwater resources.
Potable water will be provided to the site via connection to the Town of Wawayanda public water supply system. The project is located on 122 acres under option by CPV Valley, LLC, located in the Town of Wawayanda, Orange County, bounded on the north and west by New York State Route 6, and on the east by New York State Route 17M, and on the south by Interstate 84.

This is dated August 11th 2008.

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

Up own if.

BOARD MEMBER PARSONS: I'll make the motion.

BOARD MEMBER LONG: Second.

CHAIRWOMAN YATES: All in favor?

Opposed? Okay.

(Motion carried.)

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

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

So I just will read this for Pat, because it summarizes it pretty well. The scoping session this evening is for the proposed Competitive Power Ventures Valley Energy Center, CPV, located off Route 6 in the vicinity of Interstate 84. The applicant's representatives will give a brief overview of the project, identifying the environmental settings, the proposed development, the major components of the project, and
information regarding transmission and
distribution systems to and from the
proposed power plant.

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

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

Public scoping has six objectives:
To focus the DEIS or the Draft Environmental Impact Statement on the potential significant adverse impacts; to eliminate non-significant and non-relevant issues; to identify the extent and quality of information needed; identify a range of reasonable alternatives to be discussed; provide an initial identification of mitigation measures; and provide the public with an opportunity to participate in the identification of impacts.

The process this evening is not a public hearing where questions and answers will be provided. Public hearings on the project will occur further on in the process, once the Draft Environmental Impact Statement has been accepted as complete by the Planning Board as lead agency. Please direct all comments to the Planning Board, identifying areas of concern. A certified court stenographer is present this evening, in order to accurately
document each comment received.

Copies of the transcript will be utilized by the Planning Board and its consultants to identify relevant issues to be addressed in the Draft Environmental Impact Statement. The Planning Board as lead agency has a responsibility to identify the potential significant adverse impacts and mitigate the identified impacts to the extent practicable.

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

The Planning Board is interested in hearing your issues and concerns in order
to develop an adequate scope. At the conclusion of the public scoping session, a written comment period has been provided for the Planning Board to receive additional input from the public and other interested and involved agencies.

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

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

CHAIRWOMAN YATES: Right, okay. Now we do have one other issue before we hear the applicant's presentation, which is that when we circulated to the interested
and involved agencies, Pat Hines had circulated, we did not mention the written public comment period that's available after the session. We did receive a call from one of the involved agencies about that issue, and also from Mary Anne at Green Plan, so I had just talked to Ted, and he suggested that we send a new letter to those interested involved agencies, clarifying that there is a written comment period afterwards.

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

MR. HINES: It can go out tomorrow.

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

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

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

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

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

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

BOARD MEMBER MARKIEWICZ: I'll make the motion.

BOARD MEMBER LONG: I'll second that.

CHAIRWOMAN YATES: All in favor?

Opposed?

(Motion carried unanimously)

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

(A Power Point presentation accompanied the oral presentation.)
MR. REMILLARD: Good evening. My name is Steve Remillard from Competitive Power Ventures. What we wanted to do is just give everyone a quick overview of the project, in case they haven't seen it before, and at least describe a little bit about where we are in the process -- we're embarking on a long process, the SEQRA process -- and give you an idea of where we are, and you'll be given an opportunity for public input throughout the process.

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

Just to talk a little about Competitive Power Ventures, or you will probably hear it referenced as CPV as we go forward through the process. We were founded in 1999, and we have our headquarters in Maryland, but we are
looking to establish our New York office here in Wawayanda. Our focus has been clean, environmentally responsible, generation sources throughout the country. And we have actually been focused heavily on the renewable, as well as natural gas, fuel generation sources.

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

I want to spend a few moments and really introduce the project to folks, and get everyone sort of acclimated to the project. It's a 630 megawatt combined cycle power generation facility. It's fueled by natural gas, with a low sulfur fuel oil as a back up, just for reliability purposes, in case the natural gas source, the fuel source, is interrupted. Also in terms of the design of the facility, it's what we call an air-cooled design, so in order to reduce
the amount of water that's used in these
types of facilities, we actually use
radiators, much like a car, to cool the
water that's used inside the facility to
generate the power.

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

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

In terms of just to get you folks
familiar with it, you may be familiar
with the Work Force Housing Project,
which is located here, a little bit to
the north, north east of the property, as
well as the Pine Hill Cemetery. Also
we've got another drawing over here that
shows the overall site plan, with the
site laid out with the equipment on. You
can take a look at that after.

In terms of the interconnections, we
are going to interconnect with the New
York Power Authority's 345 kv line, which
runs right along here, and cuts across
Route 17M. And again that's a 345 kv
line that's there today. It's less than
a half a mile off of the site, that we'll
connect over to. Actually our
interconnection line is going to run
along the border of the property, along
84, the edge of the property, and then
will go underground over to the New York
Power Authority's lines, and then will
come up and interconnect into the 345 kv
line.
In terms of fuel coming to the project, we talked about natural gas. We'll be coming in via the Millennium Pipeline, and there are two options for us to consider; one is a lateral from Millennium; or Orange and Rockland is in the process of expanding their system, and we could tie into Orange and Rockland's system. Ultimately the gas will come from the Millennium Pipeline to fuel the project.

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

We wanted to take a moment to talk a little bit about the process. This is a pretty involved process, and to show folks where we were today. We're actually in step four of an eleven step
process, and we have got quite a bit to
go. We wanted to at least let folks
know, we're in the scoping phase of
developing the Environmental Impact
Statement, and through that process, as
we move along, there will be periods for
public comment, and also, as you heard
earlier, there will be an opportunity to
provide written comment if folks want to
take a copy of the Draft EIS scope, and
submit comments later. When you look, it
looks to be about a twelve to fifteen
month process, so again, we just wanted
folks to know that this is quite an
involved process, and we're out there
working with the community as we go
through this.

Some of the items that you probably
have seen in the Draft EIS scope are
areas that we will be studying and
analyzing in preparing a full
comprehensive document, to be back in
front of the board, and the community for
review. We will be looking at issues
such as visual impacts; we'll look at traffic impacts; sound that would be generated by the facility; of course air quality is a big concern, so we want to make sure that that's addressed in the EIS as we move forward. But as you can see, it's a rather involved and comprehensive document that will be prepared. Of course part of that covers some of the socioeconomic impacts and benefits that are associated with the project, and a development such as this.

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

Thank you.

CHAIRWOMAN YATES: Thank you.

Okay, I think next I will recognize Christopher Hogan from the DEC, who
wanted to discuss how the DEC would be
interacting with the Planning Board in
reviewing this project.

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

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

The Department appreciates the
opportunity to provide this statement on
the record this evening. The Department
will not be providing detailed comments
regarding the scoping document for the
project this evening, and a complete
review of the document is currently being
completed by DEC staff and detailed
written comments will be submitted by the
Department on or before the comment
deadline of September 10th.

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

As an involved agency in the SEQRA
process, the Department will focus their
comments on the environmental issues
related to its permit jurisdictions. The
Department will provide technical support
to the Town of Wawayanda, the SEQRA lead
agency, as needed during the
environmental review process.

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

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

CHAIRWOMAN YATES: Thank you.

Okay, at this time we will take
public comment. If anyone has any
comments pertaining to this, please raise
your hand, and we would like to hear from
you.

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

As Mr. Remillard mentioned in his
introduction this evening, that the
interconnect would run along the edge of
the property on I-84, and will go
underground to the New York Power
Authority hookup area. I'm asking, just
from my own perspective, that they
seriously consider, CPV, to extend that
underground at least through the visual
portion that the folks at Horizons at
Wawayanda would have to take a look out
their back windows at. Thank you.

CHAIRWOMAN YATES: Thank you.

Yes.

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

But we do have comments in reference
to some of the impacts that could be perceived as adverse to the project. One as Vice Supervisor Cole had mentioned, we're very concerned about the potential powerline visual impacts, and how it impacts our potential Wawayanda residents, as it goes behind our project, between us and Route 84. And we know we're going to have some meetings with the folks at CPV. We're looking forward to that, and I'm hoping that they will see clear to hopefully figure out a way to minimize those impacts as much as possible, and hopefully try and figure out a way to put those lines underneath the soil. I know it's been an issue with the wetlands, as we had similar wetlands issues with placement of our buildings and buffers as well. As well as some of the other impacts with noise and sound, air quality, I'm sure everything can be worked out. We look forward to working with them, and trying to come up with something that works for everybody. We
think it's a boon for the town and we are supportive, but we do need to protect the interests of predominantly our residents and also our investment in the project, so we ask the Planning Board members and the Town Board to take those issues into consideration when weighing the impacts of the project. Thank you.

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

Do any of the board members have any?

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

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

BOARD MEMBER SIEGEL: 233,000 gallons a day.

MR. REMILLARD: That's taking the water that's coming out for -- between discharge to the Wallkill River, but actually part of our discharge will go
back in, so really the consumptive use of the facility is about one third of that.

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

MR. REMILLARD: Yes.

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

MR. BAVOSO: I think you should.

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

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

BOARD MEMBER PARSONS: I didn't see it, although I looked through it. I believe that under the permit, you should have the City of Middletown for the
agreement for gray water.

CHAIRWOMAN YATES: Do you have a page number?

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

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

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

CHAIRWOMAN YATES: Well, the Millennium Pipeline is 7 miles and Lower
Road is not 7 miles.

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

Let me see; there was the groundwater issue too.

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

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

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

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

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

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

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

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

CHAIRWOMAN YATES: I had questioned
that also.

BOARD MEMBER PARSONS: I think
that's important.
MR. HINES: They are referencing the DEC guidelines, and there is a five mile requirement with the DEC guidelines that they are referencing.

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

CHAIRWOMAN YATES: Okay.

BOARD MEMBER PARSONS: I'm done.

CHAIRWOMAN YATES: All right.

BOARD MEMBER MARKIEWICZ: I had
Proceedings

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

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

BOARD MEMBER MARKIEWICZ: It was a bit less.

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

BOARD MEMBER SIEGEL: Very close to a million.

CHAIRWOMAN YATES: Anything else?

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

CHAIRWOMAN YATES: Okay.

We'll ask at this time if anybody from the audience has any other comments? Okay. I had a couple also. I would ask that in the areas of cultural resources, archeologic and historic resources, that in addition to OPRHP that we also
identify the town historian as one of the
gencies to be contacted, specifically,
and also, "TRC Project Team archeologists
will provide temporary storage for
artifacts until a permanent curatorial
facility is identified." I believe we'd
all like to see those objects ultimately
at the Town Historical Museum, if that's
possible. I don't know if there is
anybody who would feel any different
about that?

BOARD MEMBER LONG: That sounds like
a good idea.

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

Under socioeconomic estimates of the
actual on-site employment, secondary
employment et cetera, I would like to see
a discussion of the possibility for
hiring local workers as opposed to out of
state or out of area workers.

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

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

I would like the EIS to relate the
decibel level to something that the
general public can understand. The noise
of a truck or the noise of a locomotive
or something, so that it's something that
people can understand when they read it
rather than just decibel numbers.

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

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

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

I guess before you start I'll try
one more time, does anybody have any comments at this time from the audience?

Okay.

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

MR. REMILLARD: Okay.

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

CHAIRWOMAN YATES: I don't know either. Which -- I don't have a list of
which consultants are evaluating noise.

MR. HARKUS: Glen Harkus, TRC

Environmental. We're the environmental consultants supporting CPV. We actually obtained noise rating information from the various equipment manufacturers that CPV will utilize, and these noise levels are guaranteed by the manufacturer. In other words they will have to meet them. We do however do a correlation against other public information. We have to make sure that it looks reasonable. So we can do that check that you referenced.

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

MR. HARKUS: Yes.

CHAIRWOMAN YATES: Okay.

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

MR. REMILLARD: Yes.

BOARD MEMBER PARSONS: Of course the Town does have a noise ordinance that they have to comply with.
CHAIRWOMAN YATES: They did identify that in the scoping document.

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

CHAIRWOMAN YATES: Okay.

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

CHAIRWOMAN YATES: Is there anybody else in the audience at this time? Board member?

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

MR. STANISLAUS: Steve is going to lead off.

MR. FLEISCHACKER: Our comments, a lot of our comments tonight will be on the air quality section, but there were a couple of finer points that we'd like to just talk about as we read through the draft scope, and also we're trying not to repeat what others have said at the previous meeting, and your previous readings of the document.
So what we're going to do is, we did prepare a letter of preliminary comments for your use, and of course we're available to answer any questions on that. Tonight we're not going to go through every line and every detail. We're just going to touch on some of the broader points, just for discussion purposes tonight.

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

MR. FLEISCHACKER: So all of our comments of course are suggestions to the Planning Board for their consideration, to request of the applicant. One of the items that we had noticed when we read through the introduction section, had to do with the source of process water, and what we would suggest, for clarity purposes, is that there has been discussion about using the gray water, there's been discussion about possibly using groundwater supply. I'm not
actually certain if there is any other potential sources, but the point we're trying to make is, in the scoping document, if references to the processed water supply, or the potential processed water supplies, if all three would be listed together as either "or", or an "and/or", so in other words "gray water comma groundwater supply and/or other potential sources," to be consistent throughout the document, so that everybody knows exactly what you guys are looking at.

Also in terms of a bit of clarification from all of the discussion and some of the language used in the scoping document, is the definition of project, and the definition of project site. Obviously the project site that we are all referring to is what we see on the board, and what we saw on the slides before. However, there has been discussion about the routings of the natural gas supply, and the interconnects
to the power lines. What we're suggesting, and I will say that there are parts of this scoping document that say, we are going to characterize, describe, those routings. It also in one instance talks about evaluating the impacts of one of the routes. So what we're suggesting is that, for consistency's sake, and clarity for the public, is that the project is really the property we see on the drawings, and it also is the routings where these connections are going to be, and any alternative routings that you're considering. Because we understand there is still a bit of flux. There is still evaluation. You're still evaluating alternatives. So it seems that the alternatives that you're considering for the different routings should also be part of a description of the project.

Everyone recognizes that you're looking at different alternatives, but I think for consistency's sake we need to really recognize what the project is, and
what the project site is. As we heard
from the public tonight, there is already
express concern about one of the
routings. So for definition purposes and
consistency we're asking the Board to
consider making that request of the
applicant.

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

In another part of a section of the
draft scope it talks about the "waste
water discharges will be described".
What we're suggesting there is that, and
again this may be in another section of
the scoping document, but to be
consistent, when we're talking about
waste water discharges, we recommend that
we talk about waste water discharges and
any associated waste disposal with those
waste water treatment processes that may
occur. That all gets described together,
that those get lumped together as
description of waste water discharges.

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

Another big area, we talk about a
qualitative assessment of the
compatibility of the processed routings.
We talk about a qualitative assessment of
environmental impacts, and we're going to
suggest a consideration of not just
qualitative but also quantitative as
well. When we get into more of the
detail we can talk about what we mean by
quantitative assessment, in addition to
qualitative, and how we would suggest
Proceedings

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

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

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

I want to go back to groundwater
supply. We would be providing some
recommendations in terms of groundwater
impact. I would suggest that if you can
provide us some recommendation of the
methodology of measuring, of conducting, analyzing and measuring of those impacts, of groundwater impacts, so we can respond to that before we provide our comments, and get that in the next week or so.

I'm going to jump into air quality. The first big area is PM 2.5. The Town of Wawayanda is in an area of non-attainment for PM 2.5 24 hour standard. The scope references a DEC PM 2.5 policy. That policy is out of date with respect to the 24 hour PM 2.5 standard, and so we're recommending that the threshold be reduced from five micrograms per meter cubed to two micrograms per meter cubed. This threshold has been developed by DEC and has been used by EIS's in other parts of the state, so you could modify to use that threshold to measure the significance of impacts, and we are also recommending a few other kinds of analysis relating to PM 2.5 consistent with the change of the PM 2.5 24 hour
standard from 65 to 35 micrograms per
meter cubed.

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

To the extent that a cumulative
source impact is required, based on
significant impact levels being -- that
threshold being met, we're suggesting
that significant source within five miles
of the project, be included in that
cumulative source impact analysis, and
that include -- and there is a Revere,
Balchem, O&R, Reynolds, Genpak, metal
yards, landfills, quarries, and LV Farm,
and we may have a more finalized list
when we submit our specific comments.

In terms of duct burning, we're
recommending that a separate analysis be
done of duct burning to compare the PM
and VOCs and without duct burning, and
making comparison of the rate of PM and
VOCs with and without duct burners.
Separately to conduct an air quality
analysis during the construction period
of all pollutants. Separately, in terms
of fugitive dust emissions from the
construction, to do analysis of that, and
particularly following the Department of
Transportation's recommendations, look at
various techniques to control fugitive
dust during the construction period.

And we're going to cite to a number
of specific regulatory requirements, and
again these are comparable to Article Ten
power plant projects in terms of being
specific about the NAAQS Budget Rule, the
Acid Deposition Control Act, PSD
Regulations on the impact on vegetation,
and I guess you'll see that when we send that to you.

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

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

In terms of conduct of the noise analyses, we're suggesting three additional requirements and conduct of noise mitigation measures during construction, and the use of various specific kinds of equipment, including
muffler systems on construction equipment, construction schedules to minimize noise. Separately for areas where estimated construction sound levels are expected to exceed 10 dBA, a mitigation plan be analyzed and included in the EIS, and a comparative noise assessment be done, there was a previous comment, that compares noise impacts from construction and operation with the comparable local kinds of noise impacts.

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

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

Yes.

MS. NEILLY: My name is Judith Neilly. I'm with the firm of Donahue, Thomas, Auslander and Drohan, and we represent the Enlarged City School District of Middletown. Our client has asked us to come this evening to obtain
some information, more information about
the project, as well as your secretary
was very kind to forward to us a copy of	onight's draft scoping document. I just
would like to let you know that the
District will be providing comments
within the comment period that you've
identified this evening. But
preliminarily we would like some
consideration -- it is heartening to hear
that you're expanding the scope of the
review beyond the one and two mile
parameters that were identified in the
scoping document. We'd also like some
consideration that the impacts on the
sensitive receptor of the Truman Moon
school, especially the impact as to air
quality, and the potential of noise
impacts on the project, from the project
onto the school, considering the
population is school age children.

We also noted in the scoping
document that there was not, at least in
my preliminary review, I did not see an
emergency response plan that addressed any potential for a mass casualty incident. Even a minor or a catastrophic incident that might occur at that facility. And what would be the response and the resources that might be impacted to provide assistance.

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

Thank you for your time.

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

Ted, anything?

MR. FINK: We're still working through comments. I believe you talked with Mary Anne about some of our preliminary comments. We'll have some on visual impacts, water quality, wetlands, stormwater, that sort of thing. Fiscal impacts, and we'll certainly be providing
those well in advance of the end of the comment period so this board can consider them.

CHAIRWOMAN YATES: All right.

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

A lot of our other comments have been discussed. There is a lack of -- right now the stormwater pollution
prevention plan is not identified as a
technical appendix and that will need to
be required in there. We're looking to
identify the time of year for any
wildlife surveys that are identified.
Some of the wildlife in that area may be
time sensitive. So we need to make sure
that you have some surveys throughout the
year.

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

We are looking for some additional
information on the treatment processes
for that gray water, and what level of
treatment prior to using that gray water
and what level of treatment prior to
discharging. Including in the traffic analysis construction phase traffic. I think some of the traffic issues are going to be more construction related rather than post construction. There is an identification of almost four hundred construction workers to be at the site at the high point of construction. And also construction related impacts with the off-site utilities.

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

The driveway alternatives, currently the Panatoni site across the street has a requirement for monitoring traffic after their construction. There may be the need for a traffic signal to be installed
there, and we want to make sure that the
driveway alternative, making a four-way
intersection, is evaluated in there.
Currently it's not planned to be a
four-way intersection. The driveway for
this site is going to be further to the
north west I guess it is, of the Panatoni
site.

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

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

The protocol for pump testing. The
stormwater management or stormwater
pollution prevention plan included as an appendix, and we will have some comments on what we want to incorporate into that.

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

CHAIRWOMAN YATES: Okay.

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

MR. HINES: For background traffic.

MR. STANISLAUS: Exactly.

CHAIRWOMAN YATES: Any other comments?

BOARD MEMBER PARSONS: Can I ask what they are actually doing on the site right now?
CHAIRWOMAN YATES: It looks like they are doing a well.

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

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

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

MR. HINES: The Board has received some comments from some of the outside agencies also. I know there is a letter from the Thruway Authority, The Department of Ag and Markets, Orange County Planning, and the DEC. I don't know if there is any more. Those are the four we received to date.
CHAIRWOMAN YATES: Yes, I think we do anticipate receiving more. I know the gentleman from the DEC said we will be receiving more comments from them.

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

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

They are not on the list and so forth.

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

MR. COLE: Thank you.

CHAIRWOMAN YATES: Okay, anything else? Anybody?

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

BOARD MEMBER LONG: I will make the
motion.

BOARD MEMBER NEIGER: I'll second it.

CHAIRWOMAN YATES: Any discussion?

All in favor?

Opposed?

(Motion carried unanimously)

(Public scoping session closed.)

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

[Signature]

Neil Bostock

Official Reporter