

**In The Matter Of:**  
*Public Hearing in the Matter of  
Finger Lakes LPG Storage, LLC - LPG Storage Facility*

---

*September 27, 2011*

---



**ALLIANCE**

COURT REPORTING, INC.

*Video Conferencing and Videography Center*

183 East Main Street • Suite 1500 • Rochester, NY 14604

585.546.4920 ■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■ 800.724.0836

*Original File 092711 In Re Finger Lakes LPG Storage - Public Hearing.txt*

*Min-U-Script®*

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

NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

- - - - -

Public Hearing in the Matter of

FINGER LAKES LPG STORAGE, LLC  
LPG STORAGE FACILITY

Pursuant to 6 NYCRR Parts 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) and Article 23, Title 13 (Underground Storage of Gas) of the Environmental Conservation Law

PROJECT NUMBER: DEC FACILITY ID 8-4432-00085  
DATE: August 17, 2011

- - - - -

Held Before: P. Nicholas Garlick,  
Administrative Law Judge

Location: Watkins Glen High School Auditorium  
301 12th Street  
Watkins Glen, New York 14891

Date: September 27, 2011

Time: 7:00 p.m.

Reported By: Kimberly A. Bonsignore  
Alliance Court Reporting, Inc.  
183 Main Street East, Suite 1500  
Rochester, New York 14604



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*



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

A P P E A R A N C E S

Appearing as Administrative Law Judge:

P. Nicholas Garlick, Esq.  
NYS Department of Environmental Conservation  
625 Broadway, 1st Floor  
Albany, New York 12233-1550  
pngarlic@gw.dec.state.ny.us

Appearing on Behalf of NYS Department of Environmental Conservation:

David L. Bimber, Esq.  
Deputy Regional Permit Administrator  
Division of Environmental Permits, Region 8  
NYS Department of Environmental Conservation  
6274 East Avon-Lima Road  
Avon, New York 14414-9519  
dbimber@gw.dec.state.ny.us

Appearing on Behalf of Inergy Midstream:

Kevin M. Bernstein, Esq.  
Bond Schoeneck & King PLLC  
One Lincoln Center  
Syracuse, New York 13202-1355  
kbernstein@bsk.com

William R. Moler  
President and CEO  
Inergy, LP  
2 Brush Creek Boulevard, Suite 200  
Kansas City, Missouri 64112

\* \* \*



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

1	I N D E X   T O   P U B L I C   S P E A K E R S	
2	Name	Pages
3	-----	
4	David Crea	20-26
5	Maureen Ball	26-27
6	Adam Law	27-32
7	Joann Armstrong-Bruch	32-33
8	Louis Damiani	33-36
9	Thomas Shelley	36-40
10	Jamie Wade	40-40
11	Charles Sorenson	40-43
12	Tom Wade	43-44
13	Gita Devi	44-48
14	Crow Marley	48-50
15	Mark Zimora	50-53
16	Frank Pastore	53-55
17	Hilary Lambert	55-59
18	Mitchell Dascher	59-63
19	Krys Cail	63-67
20	Jerry Alderson	67-70
21	Rose Marie Kleinspehn	70-78
22	Bruce Dobson	78-80

24            (Index to Public Speakers continuing on next page)

25



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*



1                                   OPENING REMARKS BY ALJ GARLICK  
2 TUESDAY, SEPTEMBER 27, 2011;  
3                                   (Proceedings in the above-titled matter  
4                                   commencing at 6:56 p.m.)

5   \*           \*           \*

6                                   ALJ GARLICK: Okay. All right. If you  
7 could take your seats, please.

8                                   All right. I would like to get started --  
9 if we could get started a couple minutes early, I  
10 think that's pretty good.

11                                   Just so you know, I've been told -- I  
12 thought we had the room a little bit later, but I've  
13 been told that we have to be done by about 10. Okay?

14                                   Is it working? Can you hear me?

15                                   So we're to be out of the building at  
16 10:30 so the janitors can clean up and be out of the  
17 building by 11. So if you could just look around you  
18 and make sure that if there's, you know, some paper or  
19 something, you wouldn't mind picking it up, that would  
20 be great; make it easier for janitor, who may stay a  
21 little longer.

22                                   Okay. I'm just going to run through a  
23 couple of things with you. My name is Nick Garlick.  
24 I'm an Administrative Law Judge with the New York  
25 State Department of Environmental Conservation. We're



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

1                                   OPENING REMARKS BY ALJ GARLICK  
2 here tonight to receive public comments on the Draft  
3 Environmental Impact Statement for the proposed Finger  
4 Lakes LPG storage facility.

5                                   The DEC is accepting oral comments here  
6 tonight. If you want to speak -- I have about 75  
7 cards so far. If you want to speak, the cards are on  
8 the table outside, and just fill one out and they'll  
9 be brought up to me periodically.

10                                  I'm going to call people in the order in  
11 which I have the cards. We've been keeping track of  
12 that. I've looked through the cards; I don't see any  
13 elected officials. Generally elected officials go  
14 first, but we don't have any tonight, so -- I  
15 appreciate -- there's a lot of energy in the room  
16 tonight, but if we can get through -- you know, if we  
17 can keep the audience participation to a minimum,  
18 we'll get through a lot more speakers tonight.

19                                  Tonight we're being stenographically  
20 recorded. So when you come up here -- I'll call your  
21 name, you come up here, you use this microphone, speak  
22 slowly, speak clearly.

23                                  If the stenographer -- if you speak too  
24 fast -- some people get nervous. If you speak too  
25 fast, she'll slow you down. If you use technical



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1                                   OPENING REMARKS BY ALJ GARLICK  
2       terms, she may ask you to spell them. If you use  
3       place, names, she may ask you, again, to spell them,  
4       so -- and also if you could be respectful while people  
5       are speaking, you know, it goes a lot quicker and  
6       we'll get to a lot more people.

7                                   What I'm going to do tonight is -- because  
8       the room is so big and we have so many cards, I'm  
9       going to call two names at a time. So the first  
10      person will come up and speak, the second person will  
11      sort of be on deck, and they can move down so they can  
12      get to the microphone quicker, so we'll get through  
13      more people that way.

14                                  As I said, we're accepting oral comments  
15      tonight. Written comments are also being accepted  
16      until October 10th, and both oral comments and written  
17      comments will receive equal weight in the record. So  
18      if you speak early and you have a thought later, you  
19      can always write it down and send it in. Or if you're  
20      one of the people who got here a little later and I  
21      call your name and you don't want to speak, that's  
22      fine; you can write your comments. As I said, they'll  
23      have equal weight in the record.

24                                  Okay. What we're going to do before we  
25      call the cards is I'm going to call Dave Bimber,



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY DAVID BIMBER  
2 who -- David Bimber, who's the Deputy Regional Permit  
3 Administrator for DEC. He's got a short statement  
4 about where we are in the process and what we're  
5 doing.

6 Mr. Bimber.

7 After Mr. Bimber, the Applicant's -- I'm  
8 going to call Mr. Bill Moler, who's the President of  
9 Inergy -- President of Inergy Midstream, and he's  
10 going to give us a few comments, and then I'm going to  
11 call the cards.

12 Mr. Bimber.

13 MR. BIMBER: Thank you very much.

14 ALJ GARLICK: I don't think it's on.

15 MR. BIMBER: How's that?

16 ALJ GARLICK: Get closer.

17 MR. BIMBER: Okay. Is that better?

18 Okay. Good evening. Thank you for  
19 attending the Department's hearing tonight concerning  
20 the Finger Lakes Storage project.

21 I'd also like to welcome those viewers who  
22 are with us on local Cable Channel 5 here in Watkins  
23 Glen, and those of you listening in on Web-based  
24 media.

25 My name is Dave Bimber. I'm a Deputy



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY DAVID BIMBER

2 Regional Permit Administrator, Senior Environmental  
3 Analyst with the Division of Environmental Permits in  
4 our Region 8 office in Avon.

5 I'm the project manager for the review of  
6 this proposal pursuant to the State Environmental  
7 Quality Review Act, or SEQR, and I'm responsible for  
8 coordinating that review, the review of the  
9 application and supporting materials among Department  
10 staff, local governments, including the Town of  
11 Reading and various county agencies, and Federal  
12 agencies including the US Army Corps of Engineers, and  
13 the EPA, US EPA, for example.

14 Jurisdictions on this project -- the  
15 Department has legal jurisdiction over this project  
16 under the State Environmental Quality Review Act and  
17 also under New York State Environmental Conservation  
18 Law, Article 23, Title 13, which governs the  
19 underground storage of liquified petroleum gas, or  
20 LPG.

21 The Department received a SEQR Lead Agency  
22 request from the Town of Reading in September of 2009,  
23 and first received the permit application for the  
24 underground storage facility in October 2009.

25 In February 2010 the DEC Commissioner



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY DAVID BIMBER

2 Grannis designated DEC as the lead agency for the  
3 environmental review of this project.

4 Department staff proceeded to carefully  
5 review the application plans and supporting documents.  
6 Where necessary, staff requested additional  
7 information from the Applicant that was considered to  
8 be material to staff review of the application in  
9 order to clearly identify and evaluate all of the  
10 components of the proposal.

11 The Department determined that the project  
12 might result in significant adverse environmental  
13 impacts beyond those impacts already addressed in the  
14 Department's 1992 general -- Generic Environmental  
15 Impact Statement for the New York State Oil, Gas and  
16 Solution Mining Regulatory Program.

17 As a result, in November 2010 DEC staff  
18 issued a Positive Declaration requiring that a  
19 Supplemental Environmental Impact Statement be  
20 prepared for this specific project.

21 The draft scoping outline for the Draft  
22 Supplemental Environment Impact Statement, or DSEIS,  
23 was prepared and public input was sought in January of  
24 2011. Staff received approximately 100 comments on  
25 the scope from the public.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY DAVID BIMBER

2 The final scope was issued in February  
3 2011, the DSEIS was prepared by the Applicant and  
4 submitted to DEC on March 15, 2011, and was  
5 subsequently revised in response to DEC staff comments  
6 on June 8th, July 15th, and August 1st, 2011.

7 DEC staff determined that the underground  
8 storage application was complete and that the DSEIS  
9 was adequate for public review on August 17th.  
10 Tonight's SEQOR hearing was scheduled to offer the  
11 public additional opportunity to provide comments  
12 regarding the DSEIS and application.

13 The DSEIS and releasable application  
14 documents have been and continues to be available to  
15 the public at the Reading Town Hall, the Watkins Glen  
16 Public Library and the DEC Regional Office in Avon.

17 Also, selected documents are posted on the  
18 DEC website, and the entire Draft Supplemental  
19 Environmental Impact Statement and releasable document  
20 and application documents will continue to be  
21 available on the Applicant's website, and they're also  
22 available on a compact disc that you can request from  
23 me at any time.

24 Verbal comments made tonight will be  
25 included in the transcript of the hearing and will be



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

## 1 STATEMENT BY DAVID BIMBER

2 given equal weight with written comments. Written  
3 comments on the DSEIS will be accepted by the  
4 Department, as noted previously, until October 10,  
5 2011.

6 The next step in our review process --  
7 next steps, DEC staff will evaluate all of the  
8 comments provided during the public review and comment  
9 period, including tonight's meeting.

10 If additional information is needed to  
11 address public comments or additional concerns of DEC  
12 staff, it will be requested of the project sponsor.  
13 The Department will then proceed to prepare a Final  
14 SEIS, the Final Supplemental Environmental Impact  
15 Statement, which will include the Draft Impact  
16 Statement, the hearing record and a responsiveness  
17 summary that provides DEC staff analysis of all public  
18 comments received and our elaboration of that  
19 evaluation process.

20 Once the FSEIS is finalized, it will be  
21 circulated to involved agencies and it will be noticed  
22 in the Department's Environmental Notice Bulletin  
23 located on our DEC website. It will also be posted  
24 online. It will obviously be available at our DEC  
25 offices, the Town Hall, the Watkins Public Library,



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY WILLIAM MOLER

2 all those locations that I previously mentioned, and  
3 it will also be available on compact disc.

4 The FSEIS will then become the  
5 environmental review document used by government or  
6 agencies, including the DEC, to assist in making their  
7 jurisdictional determinations regarding this proposal.

8 And that concludes DEC's statement on the  
9 project. Thank you for attending tonight's hearing.

10 Thank you, Your Honor.

11 ALJ GARLICK: Thank you.

12 I don't -- my microphone is not working.

13 Oh, now it's working. Okay.

14 Next I'm going to ask Bill Moler, who  
15 represents the Applicant, he's going to make a brief  
16 statement.

17 After Mr. Moler, I'm going to call David  
18 Crest [sic]. He'll be the first public -- member of  
19 the public.

20 If you can move forward and be ready.

21 Thank you.

22 MR. MOLER: Good evening. My name is Bill  
23 Moler, President of Inergy Midstream. I'm here to  
24 give a couple of quick bullet points. The DEC has  
25 asked us to be very brief since there's a lot of



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY WILLIAM MOLER

2 comments, so I'll do that.

3 We've been trying to develop this facility  
4 for some time now. We've had several public comment  
5 periods, we had an hour session before this meeting  
6 tonight. Hopefully -- you know about the project.  
7 Certainly it's been publicized enough that I think  
8 everybody knows what it is we're trying to accomplish.  
9 Had a question-and-answer session here, so I'm going  
10 to stick to just this one page of our presentation and  
11 try to get some critical points out in our comments.

12 First, the things that we want you to  
13 leave here tonight understanding on the project is  
14 that propane has been stored in the Town of Reading  
15 for about 50 years. From 1964 to 1984, there's  
16 approximately 4 million barrels of propane stored in  
17 these exact same salt caverns. That propane product  
18 was leased -- that storage was leased to TEPPCO.

19 In 1984, TEPPCO moved across the street  
20 and built a 1.2-million barrel propane facility which  
21 exists there today. That facility is connected to  
22 TEPPCO's pipeline. That pipeline brings product up  
23 from South Texas and brings it into the storage  
24 facility, where it gets distributed to local  
25 consumers, you, to your houses, to your propane tanks.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY WILLIAM MOLER

2 Schuyler County has -- about 25 percent of  
3 its energy use is propane. There's an awful big  
4 propane market up here. New York pays the highest  
5 propane prices in the country, and the reason is, it's  
6 tough to get supply here. If you just do the math, in  
7 1984 there were 4 million barrels stored, today  
8 there's 1.2 million barrels stored. That's a 2.8  
9 million barrels shortfall of product that's been here  
10 since 1984.

11 We're building 2.1 million barrels of  
12 storage in order to supplement the supply that comes  
13 in here. The pipeline occasionally has issues and it  
14 can't get product up here in a timely fashion. When  
15 that happens, trucks are in line at the Watkins Glen  
16 terminal, they're in line at the Selkirk terminal,  
17 they're in line at the Harford Mills terminal. You  
18 have drivers who are not getting the rest they need.  
19 They're exhausting fumes when they're running idle,  
20 waiting in line to get product. This facility will  
21 help eliminate that.

22 Second point, trucks will not run 24  
23 hours, seven days a week, 365 days a year. The  
24 pipeline comes into this storage facility by -- I'm  
25 sorry, the propane comes into this storage by



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY WILLIAM MOLER

2 pipeline. That pipeline is buried. It's been here  
3 for 60 years, bringing liquified petroleum products  
4 into this part of this country.

5 We're going to connect to that pipeline.  
6 The product will go into the caverns; you won't hear  
7 it, taste it, touch it, smell it or see it. Okay?  
8 It's in the pipeline, under the ground.

9 During the summer, when we can access  
10 propane cheaply -- okay? Propane is cheap in the  
11 summer because nobody consumes propane in the summer  
12 unless you're an enormous barbecue person, but that's  
13 the fact of the matter. So it won't be coming in by  
14 trucks.

15 Today, to get product into the Northeast,  
16 it comes in by truck. It comes in from Texas by  
17 truck, it comes in from Kentucky, from West Virginia,  
18 from Pennsylvania by truck. That transportation by  
19 truck at \$4 a gallon of gasoline price gets passed on  
20 directly to the consumer. It's a passthrough, it's a  
21 direct passthrough. So if we could move it up here  
22 cheaper by pipeline, put it into the ground when the  
23 propane is cheap in the summer, those transportation  
24 savings should be passed on to the consumer.

25 Third, brine pond. Lots of talk about the



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

## STATEMENT BY WILLIAM MOLER

brine pond, big ol' full brine pond sitting up on the hillside. It is a 2.3-million barrel brine pond. That pond is built to DEC dam standards; not D-A-M-N, but D-A-M standards. And the reason is, it's super-fortified; it's not going to leak into the lake. That brine pond is double-lined. It's built with waste management standards -- it's built with waste management standards that have never leaked in the history of that design.

Waste management standards means that people who are dealing with your garbage, take to a dump, they throw it on top of these liners, these pits, and then they drive tractors on top of these pits and they don't leak. They don't leak; they haven't leaked in 50 years. If it leaks, it goes into the pipe that is in between the two layers. That pipe then goes to a series of pumps. Those pumps recirculate it up to the top. And in the event of that leaking, we happen to have a really great business called US Salt. A bunch of guys here from US Salt; it's been there for 120 years.

ALJ GARLICK: Mr. Moler, could you get closer to the microphone?

MR. MOLER: Sorry.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY WILLIAM MOLER

2 It's been there for 120 years. If we need  
3 to get rid of brine in an expedited fashion, we're  
4 going to give it to our buddies at US Salt, and  
5 they're going to make table salt and they're going to  
6 make pharmaceutical grade salt, like they've done for  
7 a hundred years.

8 Fourthly, lots of talk about a qualitative  
9 risk assessment versus what we've done from a safety  
10 standpoint. Qualitative risk assessment is reserved  
11 for nuclear facilities, Department of Defense  
12 facilities and the airline industry. Okay? We're  
13 doing something that's been done here for 50 years.  
14 EPA and OSHA have mandated risk management and process  
15 safety management programs. We comply with those.

16 Fourteen essential steps in complying with  
17 those: Operator training, design training, design  
18 review, contractor training, hot work checklist, local  
19 emergency response, spill containment and control and  
20 countermeasures -- there's 14 specific items. We can  
21 make them directly available to you. We have that  
22 available. Our risk management program is prepared,  
23 and as soon as we're placed in service, it will become  
24 a public document.

25 Industrialization. The last thing that



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 STATEMENT BY WILLIAM MOLER  
2 everybody is fearful of is industrialization; that  
3 we're going to come in and spend more capital, then  
4 we're going to come in and add more tax base, and then  
5 we're going to come in and add more high-paying jobs.  
6 That's industrialization. We're going to come in and  
7 make use of the caverns that US Salt has worked on for  
8 120 years, they're in the ground, and we're going to  
9 store clean energy products.

10 What are clean energy products? Natural  
11 gas, propane, those are clean energy products. We're  
12 not storing fuel oil, we're not storing crude oil,  
13 we're not storing coal. We're storing clean energy,  
14 clean fossil fuels. There's the word that everybody  
15 hates to hear. It is a fossil fuel, absolutely, but  
16 you use it today. You use it today to cook, you use  
17 it today to warm your house, and you use it today to  
18 take a hot shower.

19 And that concludes my comments for the  
20 night. Thank you.

21 ALJ GARLICK: Okay. The first card I have  
22 is from David Crest [sic].

23 The next person will be Maureen Ball.

24 Just because we have 80-odd people who  
25 want to speak, I'd ask that if you can keep your



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836



1 COMMENTS BY DAVID CREA

2 economically and efficiently as possible. I am proud  
3 to say that I came in 2001 when US Salt was running  
4 poorly, and as part of a small corps team, we nursed  
5 it back to full health, assuring that those 125 jobs  
6 at the plant would remain, be stable for the employees  
7 and for this community.

8 The takeover of US Salt by Inergy in 2008  
9 was a very good change for us and brought management  
10 with new get-'er-done savvy and depth of resources  
11 that we were not used to. Inergy has greatly  
12 accelerated the rate of capital investment at the  
13 plant for modernization, higher throughput and  
14 efficiency.

15 Please note particularly that I both live  
16 and work in what the LPG facility opponents would have  
17 you believe is the blast zone for the supposed huge  
18 levy that is soon to come, definitely as soon as this  
19 LPG storage facility is installed.

20 This same prospective LPG facility has  
21 been described as a bomb in the hillside of Seneca  
22 Lake by those so many "No LPG" opponents. As a  
23 chemical engineer, I have had to explain that LPG is  
24 not an explosive but is instead a flammable material,  
25 and there's a lot of difference between the two.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY DAVID CREA

2 Believe me, I am not worried about the supposed facets  
3 of where I live and work.

4 Let me continue and disclose my connection  
5 to Inergy. I worked as a process engineer contractor  
6 to US Salt from 2001 to nearly the end of 2007. Since  
7 December 2007, I have worked as an employee. Since  
8 Inergy Midstream owns US Salt, I am therefore an  
9 indirect employee of Inergy Midstream, the entity  
10 which wants to install this facility. But I am not a  
11 company shill, as others in this community have  
12 branded me. I retain my independence of thought and  
13 opinion as a highly experienced professional engineer,  
14 and one with a unique outlook due to past experience,  
15 current position, and locations of both my home and  
16 workplace.

17 Part of my uniqueness is that I am the  
18 person who routinely deals with US Salt's brine field  
19 details and those various situations with the pumps,  
20 wells and mined-out cavities there. I have studied  
21 its fluid hydraulics for purposes of applying a new  
22 pump and saving pumping energy. I have defined the  
23 optimum tubing size for a given casing size so as to  
24 minimize fluid flow resistance.

25 The current maps and cavity section



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY DAVID CREA  
2 drawings, some of which you saw earlier, that we use  
3 today have been prepared by a contract drafter under  
4 the guidance of myself and others, including the two  
5 Inergy geologists who are here tonight, John Esben and  
6 Leonard Deonicio.

7 I am speaking here, however, not as an  
8 Inergy employee for selfish purposes, but rather as a  
9 more active member of the silent majority that exists  
10 in Watkins Glen's surroundings and, indeed, all other  
11 places I have been.

12 ALJ GARLICK: This is just really just  
13 going to slow us down.

14 Mr. Crea, if you could speed it up.

15 I appreciate the energy that's in the room  
16 today. I've asked Mr. Crea --

17 AUDIENCE MEMBER: Well, then shut him up  
18 when it's two minutes.

19 ALJ GARLICK: I have asked -- I have asked  
20 Mr. Crea to summarize his remarks.

21 It is about three minutes so far.

22 DAVID CREA: Okay. I will skip over and  
23 condense some of my more extensive remarks for my  
24 friends in the silent majority out there who want  
25 these stable, well-paying jobs; safe, affordable



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY DAVID CREA

2 housing and enjoyable neighborhoods and an  
3 economically healthy place to live, eat and do  
4 business.

5 In summary, my 37 and a half years of  
6 professional experience has been with some very nasty  
7 chemicals, far worse than LPG; propane, things like  
8 that, stuff that has more than twice the energy per  
9 pound that they do. I personally have worn all the  
10 safety equipment; fireproof coats and hats,  
11 respirators, rubber gloves --

12 ALJ GARLICK: Mr. Crea, if you could  
13 just conclude. If you've got it in writing there, we  
14 can take it in and it will be in the record.

15 DAVID CREA: Okay. I will.

16 AUDIENCE MEMBER: Majority rules in  
17 America.

18 DAVID CREA: Okay. I covered a lot of  
19 territory, much of which I've skipped over, but this  
20 public hearing is to ask one simple question: Is the  
21 Draft Environmental Impact Statement adequately  
22 complete to be satisfactory.

23 If the answer is yes, then a permit to  
24 install the facility will be the result.

25 If no, what exotic analyses are to be



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY DAVID CREA

2 added, and who can predict how long further  
3 tree-killing paper generation studies will take.

4 Remember, it has already taken two years  
5 of EIS, then DSEIS, multiple cycle question-and-  
6 answers to get to the 1,500-page document that we have  
7 now. The opponents want more, yet more in an ongoing  
8 attempt to delay. It just doesn't make any sense.

9 Further delay for yet more study is  
10 foolish. I have examined the full text of the DSEIS  
11 and find it amazingly thorough. It contains far more  
12 on topics ever known and cared about -- I ask DEC --

13 ALJ GARLICK: He's just finishing his last  
14 paragraph.

15 Mr. Crea.

16 DAVID CREA: I ask NYSDEC to also assess  
17 that the DSEIS is adequate and that no further  
18 requirements be added to further delay the project.  
19 In fact, I encourage NYSDEC to proceed with haste to  
20 issue the requisite permits.

21 Thank you for your fine consideration of  
22 my testimony.

23 ALJ GARLICK: Thank you.

24 Okay. Maureen Ball, followed by Adam Law.  
25 Go ahead. And if you can keep it short.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY MAUREEN BALL

2 MAUREEN BALL: I will keep it short.

3 My name is Maureen Ball. I'm from Sayre,  
4 Pennsylvania. I've been with Central New York Oil and  
5 Gas for over 12 years, and believe it or not, there  
6 are more people opposed to our project, which was a  
7 Federal FERT project 12 years ago. Today if you come  
8 to Owego or you go to Wyalusing, you wouldn't know the  
9 infrastructure or the facility were there.

10 We are considered a good community member.  
11 We're a good neighbor, and you could talk to the  
12 supervisors, the County people, and you'll get that  
13 comment from us.

14 We are a very important infrastructure in  
15 the Northeast for natural gas. It keeps prices low.  
16 In Sayre we run 365 days a year, 24 hours a day --

17 AUDIENCE MEMBER: No, you're not a good  
18 neighbor.

19 MAUREEN BALL: Excuse me -- but we also  
20 help local community organizations and charities. I  
21 can name over 50 of them. We are the higher taxpayer  
22 in Tioga County, New York.

23 And I also wanted to let you know that I  
24 have been a team member of various projects since  
25 Inergy has purchased us: Arlington Storage Company,



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ADAM LAW

2 Central New York Oil and Gas Phase 2 and North-South  
3 Project. They have truly been committed to meet and  
4 exceed all environmental and DOT requirements.

5 I do the purchasing, I see the invoicing,  
6 I've worked with the engineers. I've been doing this  
7 for 12 years, and I invite each and every one of you  
8 to come see one of our facilities, because I'm very  
9 proud of it.

10 Thank you.

11 ALJ GARLICK: Thank you.

12 Adam Law, followed by Joann Armstrong-  
13 Bruch. And I apologize to anybody if I butcher your  
14 name.

15 Mr. Law.

16 ADAM LAW: My name is Adam Law. I'm a  
17 physician and I'm a founding Board member of  
18 Physicians Scientists & Engineers for Healthy Energy,  
19 and I'm presenting this statement on behalf of this  
20 multidisciplinary nonprofit independent organization.

21 Risk is perceived differently by citizens  
22 and specialists. The British Geological Survey, 2008,  
23 has undertaken the most comprehensive examination of  
24 hydrocarbon storage in salt caverns in a report  
25 entitled "An Appraisal of Underground Gas Storage



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ADAM LAW  
2 Technologies and Incidents for the Development of Risk  
3 Assessment Methodology."

4 This demonstrates an alarmingly high  
5 frequency of reported incidents and problems.  
6 Paradoxically, it states in its introduction,  
7 "Contrary to public belief, UGS is regarded by other  
8 sectors of industry and researchers as having an  
9 excellent healthy, safety and environmental record."

10 However, according to the body of the BGS  
11 report, 41 percent, 27 out of 76, of all underground  
12 salt cavern storage facilities operating worldwide in  
13 2005 experienced serious events, 7.6 resulting in  
14 casualties and fatalities.

15 This is significantly more hazardous than  
16 the other underground storage methods. This does not  
17 speak to an excellent safety record. The current  
18 DSEIS fails to adequately address the relevant failure  
19 mechanisms, salt creep, uncontrolled leaching and  
20 unexpected anomalous zones in what had thought to be  
21 homogenous salt. It also fails to discuss potential  
22 mechanical failures, including valve failure, casing  
23 failure, packet failure.

24 Finally, ways of mitigating human error  
25 are not discussed. The DSEIS ignores this worrisome



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

COMMENTS BY ADAM LAW

track record and fails to mention the BGS report, an organization trying to bring transparency to science in the energy industry. PSC recommends these known risks need to be individualized, itemized and accounted for in the proposed LPG storage facility in an independent review.

Although industry and policymakers may consider these risks low, citizens look at this data and do not share this view. Compared with other engineering projects, such as bridges, air crafts and tunnels, the incident rate and casualty/fatality rate is extraordinarily high.

LPG storage and salt caverns should proceed with particular caution, given the infeasibility of remediation once the facility is operational.

The long-term structural stability of the caverns must be ensured for the whole life of the facility. In the recent report, Rock Engineering public hearing -- sorry, the recent report "Rock Engineering Problems Related to Underground Hydrocarbon Storage" published in the Journal of Rock Mechanics and Geotechnical Engineering in 2010, Ming Lu writes, "Adequate rock support design by empirical



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ADAM LAW

2 means and numeric simulations based on reliable  
3 geomechanical characteristics of the rock mass and  
4 allowable operating conditions is essential to ensure  
5 the lifetime safety of the facility."

6 The current DSEIS summarizes some results,  
7 but provides no data outside of its review in the  
8 appendices and puts off other essential studies to be  
9 done once the process is underway. The actual data  
10 and not just the abbreviated summaries of results  
11 needs to be publicly available for review, preferably  
12 by an independent review panel with requisite  
13 expertise.

14 A further concern are the existing fault  
15 lines on the western side of Seneca Lake that are  
16 close enough to the proposed storage facility to  
17 potentially lead to large-scale accidents. The  
18 geological assessment to gauge the risk of these fault  
19 lines posed are dependent entirely upon retrospective  
20 USGS NEIC earthquake data that only goes back to 1852.  
21 This should not be the sole means of investigations,  
22 especially given the critical nature of this proposed  
23 facility. Other investigations should be conducted to  
24 gauge the risk of future fault activity, for as we  
25 know, faults may be inactive for thousands of years



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ADAM LAW

2 before being reactivated.

3 To give this issue some perspective, in  
4 California construction is prohibited on or near  
5 faults that have moved within the last 11,000 years.  
6 Relevant seismologic experts should be consulted and  
7 seismic investigations and a more thorough analysis  
8 should be conducted.

9 It is quite common for these types of  
10 analysis to include more than a seismic and earthquake  
11 history. This includes surface observations,  
12 subsurface investigations, geophysical investigations  
13 and age dating techniques. A critical structure as  
14 this proposed LPG storage facility should be surely  
15 subjected to more stringent procedures of  
16 investigation.

17 In closing, the environment, community and  
18 economy of the region should not be compromised in the  
19 name of short-term gains. Until this persistent --  
20 pertinent data is collected, along with the  
21 appropriate risk analysis, we recommend delaying  
22 issuing permitting for Inergy LP and others to proceed  
23 with this project.

24 Thank you.

25 ALJ GARLICK: Joann Armstrong-Bruch,



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOANN ARMSTRONG-BRUCH

2 followed by Louis Damiani.

3 JOANN ARMSTRONG-BRUCH: Hi. I'm here with  
4 Finger Lakes Railway Corp. to lend our support of the  
5 proposed Finger Lakes LPG Storage Project and in  
6 support of Inergy, US Salt and Norfolk Southern.

7 Finger Lakes Railway Corp. supports,  
8 environmentally and otherwise, responsible industrial  
9 development in the Finger Lakes and throughout New  
10 York State and enhancement of employment  
11 opportunities.

12 We work currently with Norfolk Southern  
13 and have done so since our inception in 1995, and we  
14 work actively with US Salt, as we are the short line  
15 rail service provider to that facility.

16 Norfolk Southern has an outstanding safety  
17 record, a Gold Harriman winner for over 20 years, a  
18 leader in safety metrics, and a proven environmentally  
19 responsible entity. We also recognize Norfolk  
20 Southern as a responsible care trademark company that  
21 focuses on safety first.

22 Rail option is a proven safe and  
23 environmentally friendly mode of transportation under  
24 the strict regulatory jurisdiction of the Federal  
25 Railroad Administration. For these reasons, we



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836



1 COMMENTS BY LOUIS DAMIANI

2 they're doing right now, is getting their foot in the  
3 door. Number two, the environmental footprint that  
4 this will have on the area in terms of the increased  
5 industrialization of the area.

6 Number three, and very important to many  
7 of us, is the economic impact this will have with the  
8 industrialization of what many tourist publications  
9 call one of the top lake tourist spots in the world.

10 The economics -- and by the way, there are  
11 people that are number 60 that really have some good  
12 comments. We have to listen to everybody's comments.

13 The economics of a sustainable tourist  
14 winery, fishing, hunting, landscape does not have any  
15 synergy with Inergy. The two cannot co-exist, and we  
16 know who will get hurt. It's not them.

17 I've grown up in Watkins Glen and I've  
18 continued to watch the increased truck traffic in the  
19 Watkins Glen area, and right now have many costumers  
20 complain about when I send them south, they go, "Oh,  
21 man, you want me to drive through Watkins Glen?"  
22 People don't want to do it, and we're talking about  
23 really increasing that.

24 So we stand firmly opposed to this  
25 project, which will make this -- and make no mistake



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

## COMMENTS BY LOUIS DAMIANI

1  
2 about it -- the heart of New York State gas land,  
3 choking off tourism. And this is clear that they want  
4 to make this the heart of gas land in New York State.  
5 Go to Inergy's website, check it out. What they want  
6 to do is not -- is no secret. They want to make this  
7 the heart of hydrofrack New York. These two issues  
8 are not separate. Do not separate them.

9           What this will do is choke up -- choke off  
10 tourism slowly but surely. Many tourists and  
11 business -- many tourist businesses and many tourists  
12 will look elsewhere. Tourists do not have to come  
13 here, and tourist businesses might start selling out  
14 and looking for an area that really wants to work with  
15 them and sustain the beauty of the area.

16           So -- there are many experts of all  
17 types -- PhDs, chemical engineers, physicists,  
18 environmental engineers, businesspeople, concerned  
19 citizens -- that want a further fuller risk assessment  
20 performed. We plead with you to take a great caution  
21 here and listen to the vocal majority -- I'm sorry.

22           Number two, the silent majority is -- we  
23 are the majority. There's 4,000 signatures on our  
24 petitions against this, 125 businesses. That doesn't  
25 sound like a silent minority to me.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY LOUIS DAMIANI

2 We are not beholden to Inergy  
3 stockholders. The taxes that Inergy is going to pay  
4 on this does not even begin to cover the costs of use  
5 on our roads, bridges, fire departments and safety  
6 personnel, let alone being able to pay for  
7 catastrophic failure. What.

8 We have here in this pristine, beautiful  
9 lake area and winery region is an economic engine that  
10 dwarfs what is being proposed here by Inergy. And  
11 over time the project will do irreparable harm to what  
12 is needed for grapes, tourism and all that goes with  
13 it. A delicate ecosystem, that is what is needed for  
14 this.

15 I hope you take these serious concerns  
16 into consideration. Thank you.

17 My technical comments will be following,  
18 written to you, and I encourage everybody else to send  
19 their comments to the DEC. We need to stop this.

20 ALJ GARLICK: Mike Culotta, followed by  
21 Thomas Shelley.

22 Mr. Culotta is -- no Mr. Culotta here.

23 Mr. Shelley, Thomas Shelley, followed by  
24 Jamie Wade.

25 THOMAS SHELLEY: Good evening. I hope



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY THOMAS SHELLEY

2 Mike's around here somewhere. He drove me here  
3 tonight.

4 I'm going to make my comments brief. I'm  
5 going to submit longer written comments before the  
6 10th deadline.

7 My first comment, is a 45-day comment  
8 period is not long enough. We need a 90-day comment  
9 period.

10 Section 4.1.2 concerning the brine pond,  
11 there have been many small documented spills over the  
12 years, and although the GIS attempts to address the  
13 spill issue, I still think it's needs a lot more to be  
14 taken into consideration.

15 On page 55 they discuss the Class B dam,  
16 concerning the 3 foot or 40 percent probable maximum  
17 flood level between the highest point of filling of  
18 the dam and the actual rim of the dam is projected by  
19 3 feet. If we're looking at events that happened in  
20 the Southern Tier recently and continued climatic  
21 instability and degradation over time, we're going to  
22 have a lot more really severe climatic events like the  
23 floods in the Southern Tier. Another 25- or 30-incher  
24 around here may or not overflow that salt pond, and we  
25 have to look at the mitigation efforts in place for



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY THOMAS SHELLEY

2 such a catastrophic event.

3 Section 4.1.32, Potential Impacts, page 79  
4 says, "The extent of faulting does not indicate  
5 necessarily that there is a problem with flowing or  
6 migration of fluids." There are, however, a number of  
7 recent studies that have shown that it's well known  
8 that LP gas under pressure can find local water flows  
9 out of the salt caverns, and I will submit a couple of  
10 papers to the DEC concerning these recent studies.

11 Section 4.3.1, the Environmental Setting.  
12 I think the noise issue is greatly understated in the  
13 studies that have been done. For one thing, you're in  
14 a valley, and I'm told by local people you can hear  
15 dogs barking across the lake, let alone compressors  
16 and generators and motors and trucks and trains and  
17 all that. So I think the noise issue is something  
18 that really needs to be investigated more thoroughly,  
19 even though a number of studies have been done already  
20 by preparation of the GIS.

21 Cavern safety is another issue. Dr. Law  
22 pointed to this in some of his comments. At this  
23 point it is known that only 8 percent of the  
24 underground gas and LP gas storage is in solution  
25 cavities. But 45 percent of the catastrophic



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY THOMAS SHELLEY  
2 accidents with solution -- of underground storage  
3 facilities have happened in the salt solution  
4 cavities, which is not a very good safety record.  
5 Forty-five percent of catastrophic accidents have  
6 happened in salt solution cavities, and they're only 8  
7 percent of the total storage capacity.

8 Another thing not considered at all in the  
9 GIS, at least that I saw, was the increase in carbon  
10 dioxide and methane emissions. At a time when many  
11 municipalities are attempting to set CO2 reduction  
12 goals, this project is going to increase CO2 and  
13 methane emissions. Methane, of course, is 30 times or  
14 more potent as a greenhouse gas than CO2 itself. I  
15 think the DEC should be doing something to work to  
16 reduce emissions, not encouraging the same.

17 Another thing that's not really mentioned  
18 at all is the increase in VOC, what causes ground  
19 level ozone. Ozone is very, very dangerous to grapes,  
20 alfalfa and other organically grown local crops, and  
21 what will be the level of ozone increase, if any -- I  
22 mean, these things can be studied and projected in  
23 advance, and I think it should be included in the DEC  
24 so people know of any potential increase in ground  
25 level ozone events.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

COMMENTS BY JAMIE WADE

Thank you.

ALJ GARLICK: Thank you.

Jamie Wade, followed by Charles Sorenson.

JAMIE WADE: Hi. I'm Jamie Wade. I've lived here all my life, been involved in the family business here all my life. I'm not a good public speaker, so excuse me for that.

Been doing business with Inergy for probably close to ten years now, I just want to say that they're a good company. All the projects I've been involved with have, you know, been good projects, and everything I've seen they've done, they've done very well. If they are allowed to do this project, I think you people will see that they will do it very well and they're very supportive of all the communities that they're involved in.

So that's about all I have to say, and thank you.

ALJ GARLICK: Thank you.

Charles Sorenson, followed by Tom Wade.

CHARLES SORENSON: Good evening. My name is Dr. Charles Sorenson, and I am a licensed professional chemical engineer with 26 years of experience. I have extensive experience working in



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*



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

COMMENTS BY CHARLES SORENSON

predict the movement of dense ground-hugging clouds of LPG in the event of an accidental release are challenged by complex terrains where large changes in elevation are present.

New York has previously experienced the devastating effects of a large propane release moving downhill into populated areas, in the 1990 North Glenham disaster. Going forward with this project without the benefit of any analysis of this type of -- of any type is reckless.

I believe that evaluation of the project would be better served if a qualified third-party risk management -- party engineering and risk management firm would provide a quantitative risk assessment to help answer questions about the probability and consequences of all site risk. I would like to point out that this type of tool is used routinely in the chemical process industries.

A State Environmental Quality Review, a SEQOR, basically requests such an analysis for LPG facilities. It is specifically called out in New York State DEC regulations under Section 617.9. I am at a loss to explain why this section has not been brought forward before by either the Applicant or the DEC.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY TOM WADE

2 Other operating facilities and insurance underwriters  
3 of New York use third-party firms to evaluate existing  
4 risks and to identify appropriate mitigation options.

5 I have additional comments about fire  
6 protection codes and standards referenced in the Draft  
7 Statement that are technical in nature, which I will  
8 provide to the DEC in writing.

9 Thank you for accepting my statement.

10 ALJ GARLICK: Tom Wade, followed by -- is  
11 it Gita Devi? I apologize.

12 Tom Wade.

13 TOM WADE: Yes. My name is Tom Wade. I'm  
14 with S.P. Wilson.

15 I've lived here all my life, and I saw the  
16 original gas storage facility being proposed. And I  
17 was worried then, but I'm not worried now. These guys  
18 have done their engineering work, they've done  
19 everything they could do to make this a safe project,  
20 and I'm for it.

21 Thank you.

22 ALJ GARLICK: Okay. Did I get that right?

23 GITA DEVI: It's "Gita."

24 ALJ GARLICK: "Gita." I'm sorry.

25 GITA DEVI: It was pretty close.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY GITA DEVI

2 ALJ GARLICK: I apologize. Followed by --  
3 is it Crow Marley?

4 Again, if I'm butchering your names, I  
5 apologize.

6 GITA DEVI: My name is Gita Devi. I live  
7 in the Town of Reading. I also run a small bed and  
8 breakfast in that town, so this project is very close  
9 to my heart because I will be impacted by -- my  
10 business could definitely be impacted by it. I could  
11 be impacted by increased truck traffic, noise and the  
12 environment.

13 ALJ GARLICK: Could you speak to the  
14 microphone?

15 GITA DEVI: Oh, sorry.

16 First of all, I want Inergy to provide, in  
17 advance of receiving the permit, their contingency  
18 plans for all potential accidents, both minor and  
19 major. It is inconceivable that this is not a  
20 requirement, and I ask the DEC to impose its  
21 restriction on Inergy.

22 As has been said before, most major  
23 accidents have occurred within salt cavern storage  
24 facilities and also during the transfer of the LPG,  
25 and Inergy's lack of experience managing the project



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY GITA DEVI

2 of this scope is troubling to me. I want to know if  
3 the Town of Reading and surrounding towns are capable  
4 of handling a major disaster, given our volunteer fire  
5 and EMT services. Where will the water come from to  
6 handle such a fire, since most of us are on well  
7 water.

8 AUDIENCE MEMBER: The sky.

9 GITA DEVI: Thank you. Brilliant.

10 And also, who is expected to clean up for  
11 these costs?

12 I want to know in advance where people and  
13 companion animals and farm animals would be relocated  
14 in case of an evacuation. I don't want to find out  
15 during an accident that there's nowhere to go to.

16 I want to know if the trestle bridge in  
17 Watkins Glen State Park really is capable of handling  
18 the increased rail traffic. I cannot imagine the  
19 environmental impact should a car derail.

20 And did you know that almost a  
21 half-million tourists visited just Watkins Glen State  
22 Park this year?

23 AUDIENCE MEMBER: Try a million.

24 GITA DEVI: Half a million?

25 AUDIENCE MEMBER: One million.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY GITA DEVI

2 GITA DEVI: One million; that's even  
3 better. But that is true revenue coming into our  
4 area.

5 I want to know the expected level of truck  
6 and train traffic and the hours of operation. My bed  
7 and breakfast guests are already complaining about the  
8 truck traffic in Watkins Glen, and the noise from  
9 trucks traveling along Routes 14 and 14A are already  
10 noticeable at night. My place is a half a mile north  
11 of 14A.

12 I want to know why Inergy would not  
13 consider moving the brine pond to another location  
14 when asked to do so by both the Reading Planning Board  
15 and the DEC.

16 I fear for the future of Seneca Lake and  
17 the health of area residents should a leak occur.  
18 Seneca Lake provides drinking water for over a hundred  
19 thousand people in this area.

20 I'm concerned that the level of VOCs put  
21 out by diesel trucks will negatively impact the grapes  
22 and our winery business.

23 I'm concerned -- I have a lot of concerns.  
24 I'm concerned that allowing Inergy to get their foot  
25 in the door will only open the region up for future



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY GITA DEVI

2 drilling, gas exploration, and could spell the end of  
3 burgeoning tourism and winery businesses, which bring  
4 in hundreds of millions of dollars in revenue each  
5 year.

6 AUDIENCE MEMBER: Go, Gita.

7 GITA DEVI: The wineries are open  
8 year-round, so Inergy's claims that since most of  
9 their truck and train traffic will take place during  
10 the winter and will not affect tourism is inaccurate  
11 and specious. I'm not convinced that this industry  
12 will result in increased revenues or lower propane  
13 prices for us. I believe that Inergy has already been  
14 taken to court for price gouging.

15 Also, no one seems to have discussed the  
16 fact that we have a very large Amish and Mennonite  
17 community in this area, and I'm concerned that the  
18 increased truck traffic could result in fatalities to  
19 these people as they travel along Routes 14 and 14A in  
20 their horse buggies and on bicycle. And in the case  
21 of an emergency, how would we notify these people that  
22 they needed to evacuate? The Amish don't have cell  
23 phones.

24 I also want to know what Inergy's real  
25 plans are for future expansion. They say one thing to



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY GITA DEVI

2 the DEC, another on their website, and then another on  
3 their IPO. What's the real deal?

4 And today the Watkins Glen Chamber of  
5 Commerce released a listing of national media  
6 coverage. Between June and September of 2011, over 20  
7 articles appeared in magazines, e-zines and TV, such  
8 as Forbes, National Geographic, Newsday, Gourmet Life,  
9 ESPN, FOX, Wine & Spirits, all of them highlighting  
10 the Finger Lakes region as the place to visit.

11 If I can quote one of these articles --  
12 and for me to quote something from FOX News is pretty  
13 incredible. They did a feature, and it says the  
14 placement -- it was entitled "Beautiful Lakeside  
15 Drives," and refers to the lakes in this region as the  
16 deepest and most scenic in the country and highlights  
17 the Grand Canyon of the East, the plethora of  
18 wineries, Naples and Watkins Glen Harbor Hotel, among  
19 others, on the suggested scenic drive through this  
20 area. It may not be scenic much longer.

21 Thank you.

22 ALJ GARLICK: Ms. Marley.

23 After Ms. Marley, it will be Mark Zimora.

24 CROW MARLEY: My name is Crow Marley. I  
25 live in Hector. I've been living in the Finger Lakes



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY CROW MARLEY

2 for over 20 years.

3 I just have a simple question, actually.  
4 Everything else everyone said, I agree with, but I  
5 would like to ask about the brine pond that's going to  
6 be -- proposed to be built.

7 In the event of a catastrophic failure,  
8 like we know that we can get 10 inches of rain very  
9 quickly -- it happened in Pennsylvania recently -- and  
10 we also know that earthquakes happen around here,  
11 so -- I noticed that they explained that they would  
12 send some of the water to another pond, and I have a  
13 question about that pond: Has that been designed for  
14 this particular procedure to happen, or is this just  
15 something they think might be nice to do? Has that  
16 been looked into? And if it is, I would like to know  
17 where I could read about it.

18 ALJ GARLICK: This isn't a question-and-  
19 answer session.

20 CROW MARLEY: Well, that's my question.  
21 Also --

22 ALJ GARLICK: At the break -- just so  
23 know, at the break the Applicant will be available if  
24 you want to ask these questions.

25 CROW MARLEY: Okay.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY MARK ZIMORA

2 I think it's sad that we don't have any  
3 public representatives here. I'm concerned about  
4 that. And I would just like to say one other thing:  
5 (Singing.)

6 ALJ GARLICK: Mark Zimora, followed by  
7 Frank Pastore.

8 MARK ZIMORA: Good evening. I can't sing  
9 or speak in a British accent, but hopefully that will  
10 be okay.

11 I'm here for personal as well as  
12 professional reasons, just like it sounds like the  
13 majority of people here. My -- we've been residents  
14 of New York State for over 22 years. My wife and I  
15 raised our family here, our son and our daughter, and  
16 we've enjoyed our life here, but unfortunately the  
17 state of the economy has caused our family to be  
18 disrupted, and my son had to move out of New York  
19 State into North Carolina to find work. My wife and I  
20 had to follow elsewhere outside the state as well. My  
21 daughter still resides here in New York State, but is  
22 struggling to make ends meet.

23 So I stand personally in favor of any  
24 proposal similar to this that brings new jobs to the  
25 economy, and also retains jobs to the economy. That's



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY MARK ZIMORA

2 my personal involvement.

3 And also, I promised a friend who was  
4 going to attend with us this evening that -- he was  
5 going to present here, but he had a death in his  
6 immediate family, so out of respect for him, I  
7 promised at least to read a couple of the items that  
8 he has in his letter, and I'll leave it with you for  
9 the public records.

10 Joe is a lifelong resident also of New  
11 York State. Him and his family started -- they have  
12 an independent propane business in New York State,  
13 with their closest branch is the Binghamton area, and  
14 he presently employs 270 workers in New York State and  
15 has 20 propane distribution facilities throughout the  
16 state.

17 Additionally, he want to public schools  
18 and universities in New York State, as his family has  
19 as well. And his company, Paraco Gas, and their  
20 families are truly committed to the quality of life  
21 and healthy economy throughout the entire state.

22 Joe is also currently the Chairman of the  
23 Propane Education & Research Council, which is a  
24 national 21-member council that goes out -- that is  
25 funded by the industry and is also regulated by



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY MARK ZIMORA

2 Congress with an act in 1998.

3 One of the core missions of this agency is  
4 to make sure the industry is stable and operates in a  
5 safe manner. They oversee training of employees,  
6 customers, fire departments, and many other state  
7 coders in the safe use and handling of propane energy.

8 And propane has an important use here in  
9 the state. It's the fourth-largest energy source in  
10 New York State and is a critical part of the New York  
11 State strategy. Over 230,000 homes use propane for  
12 their primary use of heat and over one million  
13 households in New York use propane in some form for  
14 their energy.

15 Over the last ten years, because of it  
16 being environmentally friendly, propane has continued  
17 to increase its share of the energy market in New York  
18 State and the entire Northeast, and it's been  
19 replacing fuel oil in thousands of households as its  
20 primary heating source. It is anticipated in the next  
21 five years a continuation of new products and new  
22 needs and demands for this energy source.

23 The reason that this project is so vital  
24 to New Yorkers and our industry is that the current  
25 infrastructure in New York State is inadequate, and



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY FRANK PASTORE

2 the Finger Lakes LPG project is critical in meeting  
3 energy demands in New York State in the region.

4 This critical need was highlighted in a  
5 recent PERC study, in which it analyzed the specific  
6 infrastructure needs in this region. Presently the  
7 lack of inadequate infrastructure and storage  
8 facilities is impacting things from an economic  
9 standpoint and an employment standpoint and a consumer  
10 satisfaction standpoint.

11 This project gives New York State a  
12 critical opportunity to expand the use of clean  
13 propane energy, reduce the overall energy costs to  
14 consumers and create new jobs, as well as reduce our  
15 dependence on foreign oil and dependence on fuel oil  
16 in New York.

17 Joe urges you, as I do, to support the  
18 approval of this project, and thank you for your time.

19 ALJ GARLICK: Frank Pastore, followed by  
20 Hilary Lambert.

21 FRANK PASTORE: Good evening. My name is  
22 Frank Pastore and I'm the plant manager at US Salt.  
23 I've lived in the Watkins Glen area my entire life and  
24 I've lived in the Town of Reading for 27 years.

25 As a member of the local community, I



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

## COMMENTS BY FRANK PASTORE

welcome the benefit this project will provide. Those benefits include a \$40 million capital investment in Schuyler County, creation of 8 to 10 permanent well-paying jobs with benefits, in addition to 50 temporary construction jobs, property tax income for the school, the County and the Town, and lower propane costs for consumers.

After reviewing the Environmental Impact Statement, I'm confident that Finger Lakes LPG Storage has taken every precaution to ensure the safe operation of this facility and the protection of the environment.

Here are some important facts to consider: The brine pond has been very well engineered to prevent failure and detect any leaks. There are monitoring and inspection procedures in place, and it has a backup connection to the US Salt brine system.

Delivering LPG via pipeline and rail will actually decrease the truck traffic through the Village of Watkins Glen.

This process is safe. There are many systems, controls and procedures in place to ensure that.

There will not be any noise impact due to



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY HILARY LAMBERT

2 this project. Noise associated with this project was  
3 determined to be lower than the levels it exists along  
4 Route 14 now.

5 Underground storage of LPG will not impact  
6 Seneca Lake or groundwater in the area. The salt  
7 caverns used for the storage are between 2,000 and  
8 2,800 feet below ground level.

9 And this project will not lead to the end  
10 of tourism in the Finger Lakes.

11 The process of underground storage has a  
12 proven track record, as evidenced by the fact that  
13 it's been conducted safely in this area for over 40  
14 years. This has occurred without much notice and  
15 without negatively impacting local business. There's  
16 no reason to think that this will change with the  
17 approval of this project.

18 Please take this into account in reviewing  
19 the facts of this project. Thank you.

20 ALJ GARLICK: Hilary Lambert will be  
21 followed by Mitchell -- is it Dascher?

22 MITCHELL DASCHER: Yes.

23 HILARY LAMBERT: Hi. I'm Dr. Hilary  
24 Lambert, I'm the steward of the Cayuga Lake Watershed  
25 Network. I submitted comments on the earlier version



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY HILARY LAMBERT

2 of this proposal.

3 Seneca Lake drains to Cayuga Lake. What  
4 degrades Seneca Lake degrades Cayuga Lake. We stand  
5 together. Furthermore, what degrades Cayuga Lake will  
6 eventually impact and degrade Lake Ontario.

7 I'm going to make just a few specific  
8 points here, and then I'll submit longer comments.

9 But I must say that I'm startled, dismayed  
10 that Inergy started out by naming this the "Finger  
11 Lakes Project." We're the Finger Lakes; they are not  
12 the Finger Lakes.

13 And furthermore, that bald statement that  
14 liners never leak, I will submit with my comments many  
15 studies that show that liners do and will leak.

16 Okay. Just three main points here: One,  
17 this project appears to be in violation of the  
18 antidegradation clause of the Clean Water Act. That's  
19 a long word, "antidegradation." It's an important  
20 part of the Clean Water Act in which it is stated that  
21 a project, a development, must not degrade the water  
22 quality of a water body that it has the potential to  
23 affect that is adjacent to, that will be making use  
24 of, et cetera. This project, either catastrophically  
25 or chronically long-term, bit by bit, will lead to



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY HILARY LAMBERT

2 degradation of area water quality.

3 Point two, this project -- well, I'm not  
4 wondering about this. I'm not sure how to put it, but  
5 there's another thing that NEPA, the National  
6 Environmental Policy Act, prohibits, is the  
7 segmentation of larger projects into smaller projects.  
8 This is a way in which industry sneaks or -- excuse  
9 me, I shouldn't say such a mean word -- enables a  
10 small project that appears to be independent of other  
11 projects to be approved, and then afterwards ties it  
12 into larger projects with multistate impacts.

13 And in this case there's another -- I've  
14 heard several people say that Inergy has been a little  
15 foxy in their different presentations as to exactly  
16 what their ultimate project is here, but, you know,  
17 when I look at the map of the proposed NY Source Gas  
18 Transmission and Storage, Incorporated's proposal to  
19 lay over 15,000 miles of pipeline with planned gas  
20 development projects that would impact Ohio,  
21 Pennsylvania, New York, West Virginia, and so on, and  
22 I see these two little termini of this pipeline  
23 project, one at the south end of Seneca Lake and one  
24 at the south end of Keuka Lake, I really wonder what  
25 is the bigger picture here. And I ask DEC to help



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY HILARY LAMBERT

2 Energy fully reveal the larger projects of which they  
3 may be part to provide us with a truly truthful  
4 picture of what the overall impacts of this situation  
5 will be.

6 And finally, as I said in my comments  
7 earlier this year, I really -- I see it as almost  
8 cynical to site a brine pond above a drinking water  
9 source. I know. I know. I see all the promises that  
10 everything is going to work perfectly forever, but I  
11 lived in Kentucky for 16 years. I know about storage  
12 ponds holding millions and billions gallons of coal  
13 slurry, coal waste -- got too close -- there's 240  
14 waste ponds situated at the top of Kentucky, West  
15 Virginia hollows, and these fail occasionally.

16 In the year 2000 I was witness to the  
17 aftermath of one that failed in eastern Kentucky,  
18 delivering millions of gallons of coal sludge and coal  
19 waste into two adjacent watersheds, destroying all  
20 life for many miles along -- all natural life, all  
21 biota for many miles along those creeks, all the way  
22 down to the Big Sandy River and eventually into the  
23 Ohio.

24 And I am very concerned about this  
25 proposed brine pond, its siting and its potential for



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836



1 COMMENTS BY MITCHELL DASCHER

2 After many years, not happy with the  
3 company's direction, I left to go do something else.  
4 Several years ago I returned to take over for my good  
5 friend Jerry Murphy, who was dying of cancer.

6 It was my recommendation to our Board of  
7 Directors in 2008 to sell the company to Inergy. I  
8 was the only senior person to stay when the company  
9 was sold. I was excited about what could be  
10 accomplished at US Salt.

11 I have not been disappointed at all with  
12 US Salt's association with Inergy. While a small few  
13 have disparaged Inergy, I found the company willing to  
14 invest money to make things better and safer. I say  
15 tonight on behalf of all the US Salt employees that we  
16 are thankful for our association with Inergy.

17 The US Salt refinery had been neglected  
18 for decades, and we are on the upswing. We have added  
19 many new high-paying jobs and have made significant  
20 improvements to the facility. US Salt has never been  
21 on better footing, and as the largest private sector  
22 employer in the county, that is good news. We thank  
23 Inergy, our employees and our customers.

24 With regard to the LPG project, truly no  
25 one will be more close to this than our employees. A



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

COMMENTS BY MITCHELL DASCHER

while ago I invited two of our union leaders, Byron Thompson and Bruce Dobson, both long-service, fantastic employees, on a no-strings-attached tour of the Bath, New York LPG facility. The purpose was to show them a replica of what this facility would look like. They could ask whatever questions they wanted, go wherever they wanted, et cetera.

I would like to read an excerpt from Bruce Dobson's trip report he wrote to his union co-workers: "Byron Thompson and I had the opportunity to tour the facility in Savona that Inergy owns now. The operations will be similar. Barry Moon was our tour guide, who was involved with the startup of the new facility. Barry explained all the safety devices that are incorporated into the operations. Bright lights, noisy compressors, truck traffic and eyesores did not exist. It is a quiet little place, not disruptive in any of the community around it. Inergy is starting to bring jobs and tax dollars to the area."

At one time in my career I was a plant manager of a chemical manufacturing site in the State of New Jersey, perhaps the most regulated state in the union for process safety management. As such, I'm intimately familiar with all the regulations and



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY MITCHELL DASCHER

2 requirements. I am confident that the necessary  
3 aspects and reviews have been done with regard to this  
4 project.

5 The request for additional studies is not  
6 found in any regulation. To those that make negative  
7 claims about what this project will do, I will say  
8 history is a wonderful teacher and is very compelling.

9 I'm not going to repeat the 1964 to 1984,  
10 you guys have heard that enough, but I think we can  
11 agree on a couple things: Number one, during that  
12 time period nobody knew it was there, and today  
13 environmental and safety regulations and technology  
14 are much improved.

15 The facility moved across the road in 1984  
16 and has gone unnoticed. It moved across the road  
17 because at the time it was disruptive to the salt  
18 operations. The brine pond being proposed essentially  
19 solves that long-standing problem. The brine pond  
20 will not be visible from the lake and will take up  
21 only 2 percent of US Salt's property, which will  
22 remain unchanged.

23 Since 1996, 2 billion cubic feet of  
24 natural gas has been stored on US Salt property  
25 without incident and notice.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY KRYS CAIL

2 To those that say tourism will be ruined,  
3 I say, "What has happened over the last 40 years?  
4 What have we learned?"

5 Please support this project. In today's  
6 economy, someone willing to invest \$40 million,  
7 creating 50 construction jobs, 10 full-time jobs, plus  
8 a dozen work jobs on other people's payroll and  
9 significantly more tax base for the community and  
10 lower energy prices is a good thing.

11 Thank you.

12 ALJ GARLICK: Next is Krys Cail -- and I  
13 apologize if I've butchered that -- and Jeremy  
14 Alderson follows.

15 KRYS CAIL: Hi. Thank you. I'm Krys  
16 Cail. I live at 3110 DuBois Road in the Town of  
17 Ulysses.

18 I've in the area since 1972 and watched  
19 with great interest as the wine and agriculture  
20 industry in this area changed and grew and became more  
21 powerful. Over that same period of time, I went  
22 through transformation. I was a small business  
23 owner -- I've, by the way, started three companies  
24 that employed eight people and never had a room this  
25 large to talk about it.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY KRYS CAIL

2 I think that my recent -- most recent  
3 career, which has been since I got my Master's degree  
4 in city and regional planning in 2001, as an  
5 agricultural economic development specialist and  
6 consultant, is the reason why I have been chosen by  
7 NOFA New York, the Northeast Organic Farming  
8 Association of New York State, to chair the Gas  
9 Drilling Committee of that organization.

10 We are very interested and have been doing  
11 a lot of work as an organization in how the gas and  
12 oil industry has been changing in New York State. And  
13 I want to particularly focus on the issue that  
14 Dr. Lambert brought up concerning segmentation.

15 Our environmental rules don't tend to have  
16 the same holistic way of looking at things as organic  
17 farmers do. You know, we tend to sort of  
18 isolate and -- you know, yes, we'll talk about  
19 community character, but we maybe can't see the entire  
20 picture.

21 We feel that it is extremely important  
22 that we face up to the fact that science has shown  
23 that we are changing our climate through the use of  
24 fossil fuels. There is just no question about that.

25 Recently I've been doing some flood relief



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

## COMMENTS BY KRYS CAIL

work just south of here in Owego, New York, and can attest that the very best failsafe devices and the best engineering, when confronted by some of the ravages of what New York State now has, which is a tropical storm season, can fail. We may historically have not had situations where we had flooding of the levels that we are likely to see in the future, and that certainly, you know, has effects on things like how you design brine pools that are upstream from your drinking water source.

But I want to especially talk about the difference in community character and how the agricultural and winery industry, which are totally connected like this (indicating), and also the tourism industry, which is, of course, also connected to the two, will be impacted over time by this sort of encroachment of pipelines and storage facilities and extreme unconventional gas drilling activity.

I think it's important that it be looked at in a more holistic way than to say, "Oh, we have this little project that's unconnected." You know, one of the things I saw in the literature here is that this is connected to the Millennium Pipeline.

The Millennium Pipeline is currently under



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

## COMMENTS BY KRYS CAIL

review because despite having been through, you know, hearings of this sort and having engineers bring forward, you know, all their charts showing us how well engineered it was, when it got down to it, they were in a hurry to build it, and a lot of the wells are bad.

Stuff happens. Stuff happens in nature; stuff happens in building projects, too. When we look at the well-being of a large number of independent operators, you know, yes, maybe there's going to be 50 construction jobs, but there's a lot of construction jobs over time on all the farms and wineries in our area as well. Sometimes just the very fact that something is widely distributed, like the food and agriculture and winery system that we have here, makes it difficult to have the same sort of consideration for the existing community character that's established.

There is not one person who can get up and say, "I represent all the farms," "I represent all the wineries." I can't say that. You know, we have a lot of members of NOFA New York in this area, but it's not every farm. But I can say that what we have is precious, what we have is building toward -- you know,



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JERRY ALDERSON

2 back in the days of Silent Spring, organic farmers  
3 were considered, you know, kind of nutty, and my  
4 grandmother was one of the first ones in the '50s  
5 and -- now, well, lo and behold, the UN says that's  
6 how we're going to feed the world.

7 The science needs to move us forward, and  
8 part of how we need to be moved forward is to  
9 understand that we need to look at our energy systems  
10 as a whole, not segmented; not one little hole in the  
11 ground by the next little hole in the ground, but the  
12 entire system, and what it means given the reality of  
13 global climate change and the reality of severe  
14 weather events.

15 Thank you very much.

16 JERRY ALDERSON: My name is Jerry  
17 Alderson. I live in Hector. I'm the editor and  
18 publisher of the soon-to-be forthcoming newspaper, the  
19 No Frack Almanac.

20 It is hard to speak out against this  
21 project after such a remarkable collection of  
22 unsubstantiated assurances; the best we've heard, I  
23 think, since we were told that the Titanic was  
24 unsinkable and that nuclear power would be too cheap  
25 to meter.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JERRY ALDERSON

2 But I would like to suggest to you that  
3 regardless of the quality of this project, even if it  
4 were as good as they say it is, the people at Inergy  
5 are morally unfit to operate this, just exactly the  
6 way you don't look at the automobile only when someone  
7 shows up drunk to their driving test.

8 Look at the propaganda that they're  
9 putting out, some of these safety issues. I'll just  
10 name two. One is this question about the track, which  
11 they disingenuously reduced to the question of the  
12 span over the gorge. Well, I've been to an overpass  
13 personally over 329 in the Town of Dix that's scary to  
14 look at, much less think that propane is going over  
15 it.

16 There are miles of track, and instead of  
17 assuring us "We've gone over all of that track with  
18 our experts, we've studied it, we know where it's  
19 good, we know where it can be fixed," what do they  
20 say? They say, "It's not our problem." They say,  
21 "Norfolk Southern takes care of that." They say,  
22 "There's Federal regulations that take care of that."  
23 And this at a time of Federal cutbacks, when they know  
24 that every regulatory agency is straining and doesn't  
25 have enough personnel.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JERRY ALDERSON

2 We saw this in the Gulf with BP. They  
3 were there arguing, "Who put in the cement casing?"  
4 "Who ran the rig?" "Who planned the well?" They were  
5 all looking for ways to displace the responsibility.  
6 They haven't even had a problem yet and they're  
7 looking for ways to displace the responsibility.

8 And what about the question of, "We don't  
9 have the first responders and we don't have the safety  
10 equipment here in case there's an accident." It  
11 doesn't have to be a catastrophic failure of the whole  
12 salt dome. What if a tank car derails or what if one  
13 of the storage -- one of the people spoke earlier,  
14 gave a presentation, I saw they have aboveground  
15 storage in these things appropriately named "bullets,"  
16 and if -- they're in parallel, and if one of them  
17 explodes or has a problem, the thing to do is pour  
18 massive amounts of water on it so it doesn't blow up  
19 the other ones.

20 We have nothing in this area that will put  
21 that much water on one, and what do we hear from  
22 Inergy about this life-and-death issue that we don't  
23 have any way to respond to an emergency? We hear  
24 nothing; nothing except their complaint they shouldn't  
25 be held accountable to put in a full risk assessment



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ROSE MARIE KLEINSPEHN

2 because that's not for them.

3 Their policy on risk for us is, "Am I my  
4 brother's keeper?" Their incentive is, "Look, we've  
5 got 30 pieces of silver for you." This is not a moral  
6 statement. These are not people who should be  
7 operating anything in this area, and I urge the DEC to  
8 reject this application.

9 Thank you.

10 ALJ GARLICK: All right. Next I would  
11 like to call Rose Marie Klein --

12 ROSE MARIE KLEINSPEHN: Yes.

13 ALJ GARLICK: Thank you.

14 And after, Mr. Bruce Dobson.

15 ROSE MARIE KLEINSPEHN: Rose Marie  
16 Kleinspehn, born in Montour Falls, lived overlooking  
17 the lake most of my life, and I care a lot about the  
18 whole environment around here.

19 I am bringing extraneously a letter from a  
20 former 1st grader who then grew up, went to college  
21 and came to work for TEPPCO. I would like to quote  
22 from a letter which he asked me to present to you.

23 "I was recently employed by TEPPCO.  
24 Already there is an underground storage facility on  
25 the site with all of the potential dangers that a



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1                   COMMENTS BY ROSE MARIE KLEINSPEHN  
2           community would have to be aware of. Why would you  
3           compound it by asking another facility to expand the  
4           same dangers?"

5                   And I have to point out to you that when I  
6           was so happy that he was going to be somewhere around  
7           here I could see my 1st grader, he told me, "I don't  
8           think I'll be working here very long, because it's  
9           relatively dangerous," and he wasn't. He stayed for a  
10          very short time. He said, "It's too dangerous; I'm  
11          getting out of here." And for you who have relatives,  
12          that is compounded also for the new facility.

13                   Water is our most precious resource and  
14          should not be collateral damage from -- with this  
15          problem of propane oil and natural gas. TEPPCO  
16          provides us all with the necessary service to the best  
17          of their abilities.

18                   My first statement is, I think it's -- oh,  
19          by the way, I represent the greatest generation, okay?  
20          In my estimation, it's relatively stupid for a  
21          major -- for a major business to provide itself with  
22          limited facilities. Who would ever put a big business  
23          like this -- it's going to be the greatest on the East  
24          Coast -- on a dead-end road. Maybe it doesn't to you,  
25          but I think that's relatively stupid.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ROSE MARIE KLEINSPEHN

2 Okay. My statements. My statements are  
3 this is the worst environmental threat to the waters  
4 and sound, because the noise -- I lived for 65 years  
5 on and off next to the Elks Club, and my mother,  
6 father and I had to stop talking to each anytime a  
7 truck went by. So, I'm aware of all of that.

8 This is the worst environmental threat to  
9 the waters, air, sound, aesthetic beauty, financial  
10 well-being, economic health to this fine community and  
11 the proposed raping of this beautiful area.

12 And my message to Inergy is: We don't  
13 need you. There ought to be something else. The  
14 Finger Lakes have been voted the top wine country in  
15 the United States. Wonderful. That's where our  
16 economics and our future really lays, not with  
17 something that will pull that down.

18 It has been deemed one of the top ten  
19 tourism areas in the United States, and therefore  
20 vacations and people who are cherishing what we  
21 cherish, the beauty of the area, the untouchable --  
22 and the lady who sang the Indian song, I know what it  
23 meant without her interpreting it. This is an area  
24 that was dear to the Indians, dear to all of our  
25 people who first settled here, and it should be dear



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ROSE MARIE KLEINSPEHN

2 to us. It doesn't belong to a big company.

3 And for the people who said the  
4 politicians aren't here, I think you ought to get pen  
5 in hand and telephone in hand and call those  
6 politicians locally who haven't bothered to come and  
7 find out what the people in their community are  
8 thinking.

9 My cottage is -- it's called North Falls  
10 Road; that's Hector Falls -- it's directly across the  
11 lake from the salt company. The coupling and the  
12 movement of trains at that salt company now interferes  
13 with my sleep, wakes me up some of the time.

14 Sound intensifies when it travels across  
15 water. That means the full east side of the lake, as  
16 well as the west side of the lake, are going to be  
17 impacted by the noise that this has happened. They  
18 have said increase of traffic, increase of trains,  
19 it's not going to make any noise. How do you figure  
20 that's going to happen?

21 More train tracks and truck traffic are  
22 horrible additions to night noise and noise all the  
23 time, daytime and what have you. You've been  
24 downtown; you've seen the traffic. This will be  
25 polluting with noise, interfering with traffic flow



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ROSE MARIE KLEINSPEHN

2 for tourists, heighten the frustrations, level of  
3 moving around the area with increased traffic flow.

4 All you have to do is go downtown and sit  
5 and watch the traffic on Decatur Street, because  
6 Decatur Street has now become the old Main Street,  
7 because old Main Street is blocked, one, two, three,  
8 four -- all the way almost sometimes to Montour Falls.

9 Property value. Nobody says anything  
10 about the little guy. I'm one of the little guys.  
11 What's going to happen to the property value of all of  
12 the area that's going to be impacted by the additional  
13 activities and train and whatever, pumping, whatever's  
14 happening? That's not going to be good for us, and  
15 that which we have, all we have is our property, and  
16 we hope it to be good.

17 Okay. Storage of pollution water in a  
18 17 -- I was told 17; it's 14, isn't it? -- acre  
19 holding pond with drainage downhill and drainage --  
20 you can't drain up. It's stupid to be in a place  
21 that's inaccessible, like it goes down, but it doesn't  
22 go up; therefore, where do you -- how are they going  
23 to move all this stuff? Oh, it sounds good.

24 I watched and I reported this to the EPA  
25 meeting that was in Binghamton last September. I



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836



1 COMMENTS BY ROSE MARIE KLEINSPEHN

2 They say, "Nothing is going to happen,"  
3 "Oh, we presume it's not going to happen." But if  
4 there's ever an explosion, then a tsunami wave on  
5 Seneca Lake could occur.

6 Take it away. I don't want that thought.  
7 It's the truth. Okay.

8 ALJ GARLICK: Are you close to wrapping  
9 up?

10 ROSE MARIE KLEINSPEHN: Yes, I am.

11 ALJ GARLICK: Good. Thank you.

12 ROSE MARIE KLEINSPEHN: The United States  
13 that border the Great Lakes and the provinces of  
14 Canada that border the Great Lakes came to the  
15 agreement and signed a ban which would not let the  
16 waters of those Great Lakes be hurt. Nobody can take  
17 out things, nobody can dump things into the Great  
18 Lakes. They were protecting the water and they were  
19 protecting the people that use that water. Why can't  
20 we have something like that? Why hasn't our  
21 legislator -- legislation done something like that?

22 And I have a thought. Maybe it's very,  
23 very far-fetched, but I was a conversationist, with  
24 scholarships in conservation. I taught 1st grade. I  
25 had the best conversationists you ever knew, 1st



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1                   COMMENTS BY ROSE MARIE KLEINSPEHN  
2 graders. Their lifetime learning is going to last  
3 their whole lifetime, okay?

4                   Corruption of the New York State  
5 Department of Environmental Conservation has been  
6 complete. They fired 850 DEC employees, and now  
7 they've replaced them with people who I think are  
8 corruptible, because they are going ahead without good  
9 thought, without the safety of proof that nothing is  
10 going to hurt us here from this.

11                  I don't believe in ignoring DEC, but the  
12 protectors who ignore DEC principles to sell out to  
13 the gas and oil industries, giving them invading,  
14 corrupt agencies and hurting our beautiful  
15 territory -- on a silver platter they're giving it to  
16 them, and I am firmly against that. I may be an  
17 old-timer, but I think sensibly.

18                  Take care. Thanks.

19                  ALJ GARLICK: Okay. Just to give you a  
20 sense of where we are, we are about a little more than  
21 halfway through. We've gotten through 20 people; I  
22 have 60 more people who what to speak. Okay? So  
23 that's just where we are.

24                  Mr. Dobson will be followed by Neal  
25 Johnston.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836



1 COMMENTS BY BRUCE DOBSON

2 and it's been regulated and it's been operated -- I  
3 did have a chance to go to Savona and look it over,  
4 and I encourage everybody to take the offer the young  
5 lady had and to go up and visit the facility.

6 I mean, a good fear is great. Everybody  
7 loves a good fear. And when I went door to door, you  
8 wouldn't believe some of the fears people were giving  
9 me, you know, were spreading around. You know, they  
10 were talking about brine ponds and Morton Salt  
11 breaking and salt cavities under the lake, and it just  
12 got way carried out.

13 I mean, it's a proven fact -- the best  
14 testimony about how safe, how out of sight, how don't  
15 bother anybody personality this business has is the  
16 number of people who didn't even know it existed. If  
17 they didn't even know it was there, then obviously --  
18 there's no big fires, no gas clouds, there's no  
19 huge -- I mean, it's been there; we've been doing it  
20 for years, years and years.

21 So, you know, if one was to review the  
22 facts and look everything else, there is no reason not  
23 to believe that this facility would be safe for the  
24 environment and the community. I urge DEC to approve  
25 this application.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY NEAL JOHNSTON

2 Thank you.

3 ALJ GARLICK: Okay. Neal Johnston,  
4 followed by Art Hunt.

5 NEAL JOHNSTON: My name is Neal Johnston,  
6 I live in Hector, and one thing that comes to mind --  
7 I just spent \$813 this morning getting baseline  
8 testing for my household and hopefully a reference  
9 point for some of my community, because I'm scared  
10 blankless about what's coming our way, and I'm doing  
11 anything I can to help.

12 What we don't know can hurt us. It's  
13 foolish to pretend that that's not true. I first came  
14 here several years ago and I was awed by the sheer  
15 beauty of Watkins Glen, Seneca Lake. I believe the  
16 Glen itself, as you take that hike, is an excellent  
17 example of when an administration should support in a  
18 recession, create jobs beautifying and leaving  
19 something for our children.

20 This facility, I believe is a polar  
21 opposite. Let's leave the gas in the ground where it  
22 can stay safely, not burn tons of fuel, inject  
23 millions of gallons of endocrine disruptors and  
24 carcinogens into our land and water just for a quick  
25 buck at the expense of our community, health and



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ART HUNT

2 future. Let's focus on renewable energies, not a  
3 depot to store our gas and ship it off.

4 Seneca Lake's wineries and tourism are a  
5 growing renewable resource. Don't bury them in a  
6 salty grave.

7 The gas industry has proven that it is too  
8 big to need to follow pesky regulations or heed safety  
9 concerns. This is about our land, our water and our  
10 air. We don't want your facility or the industry and  
11 the bought-off politicians it rode in on.

12 ALJ GARLICK: Art Hunt will be followed by  
13 Emily -- is it "Rochet" or "Rochet"?

14 AUDIENCE MEMBER: "Rockett."

15 ALJ GARLICK: "Rockett," sorry.

16 ART HUNT: In the interest of time, Your  
17 Honor, I will yield my time to the next speaker.

18 ALJ GARLICK: Okay. It's up to you. It's  
19 up to you.

20 ART HUNT: I'm Art Hunt. I have a winery  
21 in Branchport, Hunt Country Vineyards, I'm not  
22 directly affected by the gas drilling -- or by the gas  
23 storage facility here, but I do believe that it is  
24 connected and would be a very helpful asset to the  
25 hydrofracking industry that's on the edges of the



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY EMILY ROCKETT

2 State, waiting to come in.

3 I did not have a prepared statement. I  
4 just -- I don't want to exaggerate the dangers of  
5 this, but I do think that we all need to be cognitive  
6 that hydrofracking will destroy the tourism industry  
7 and the agriculture industry if it does come. So for  
8 those reasons I'm here, concerned citizen, but I  
9 wanted to be brief and I wanted to let other people  
10 who do live here speak.

11 Thank you.

12 ALJ GARLICK: Emily Rockett will be  
13 followed by Becca Harbor.

14 EMILY ROCKETT: Hello. My name is Emily  
15 Rockett, and I'm a law student working with Cornell's  
16 Water Law Clinic on behalf of Gas Free Seneca. I  
17 would like to express a few concerns I developed upon  
18 reading Inergy's Draft Environmental Impact Statement.

19 In general, the application's treatment of  
20 potential disasters is disturbingly vague and does not  
21 inspire me with confidence that Inergy has fully  
22 evaluated likely environmental consequences of their  
23 proposed project.

24 AUDIENCE MEMBER: Slow down.

25 EMILY ROCKETT: Oh, I'm sorry. Got you.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY EMILY ROCKETT

2 I propose that at the very least an  
3 independent third party conduct a risk analysis at  
4 Inergy's expense so the public can be assured that the  
5 likely catastrophic events that can happen with this  
6 facility are not being downplayed.

7 On page 122 of the Environmental Impact  
8 Statement, Inergy notes that the facility will require  
9 30 trucks a day between 4 a.m. and 8 p.m. This sounds  
10 like quite a lot of noise at quite an odd hour.  
11 Furthermore, it's not clear studies have been done to  
12 show how much this traffic affects the road like Route  
13 14 and the effects of the exhaust on local agriculture  
14 or wildlife.

15 Furthermore, in the UIC, evaluation of  
16 well and cavern integrity is blacked out, as is the  
17 bit about mechanical integrity testing procedures.  
18 This is quite troubling.

19 The permit process is designed to inform  
20 the public of potential risks inherent in a proposed  
21 project and the public cannot adequately evaluate  
22 these risks if it is not given full --

23 ALJ GARLICK: Ms. Rockett, you have to  
24 slow down.

25 EMILY ROCKETT: -- information about the



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY EMILY ROCKETT

2 safety of the proposed storage areas.

3 Inergy furthermore asserts that its  
4 project will not have significant visual impact. This  
5 seems dubious to me, given its permit app says 26  
6 acres of meadow or brush land, 20 acres of forest, and  
7 20 acres of agricultural land will be turned into 20  
8 acres of water surface area, 11 acres of roads,  
9 buildings or other paved surfaces and 36 acres of  
10 mowed stormwater control.

11 This seems like a significant visual  
12 impact to me, and I would be interested to hear how it  
13 does not qualify as such. This is particularly  
14 relevant given the importance of tourism to this  
15 area's economy.

16 The leak holding system described on page  
17 44 only holds 5,000 gallons of fluid. This is far  
18 less than the capacity of the brine tank, so what  
19 happens if there's a major leak, particularly given  
20 the massive flooding that's happened in the region  
21 lately? This could be a serious problem.

22 In Inergy's description of what happens in  
23 the event of a brine leak gives no indication of  
24 whether this backup brine storage can hold all the  
25 brine contained in the main brine pond, nor does it



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY EMILY ROCKETT

2 give a time frame for how long it will take to drain  
3 it and complete the necessary repairs. This is on  
4 page 58.

5 Inergy's UIC application notes two  
6 tributaries into Seneca Lake onsite, and it's not  
7 clear what happens with these tributaries in an  
8 overflow.

9 The steps to be taken in case of a spill  
10 release are very overbroad, and the public deserves a  
11 more specific explanation of the magnitude of  
12 potential problems and the effectiveness of solutions.

13 Because Inergy's application fails to  
14 share sufficient important information about the  
15 potential hazards proposed, because these hazards  
16 could be catastrophic to the ecology and the economy  
17 of Watkins Glen, I propose that the DEC deny Inergy's  
18 permit, or at the very least mandate a QRA be  
19 conducted by an independent third party so the public  
20 can be assured that proper analysis was undertaken,  
21 with no motive to gloss over likely catastrophes.

22 Thank you.

23 ALJ GARLICK: Sure. There's -- the cards,  
24 I guess, got reversed here. So it's Suzie Kos --

25 SUZIE KOSSACK: "Kossack."



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY SUZIE KOSSACK

2 ALJ GARLICK: Kossack, and then followed  
3 by Becca Harbor.

4 SUZIE KOSSACK: I'm Suzie Kossack. These  
5 are excerpts from the 1992 World Scientists' Warning  
6 to Humanity, signed by 1,700 of the world's leading  
7 scientists, including over half of Nobel Laureates in  
8 science.

9 And I quote: "Human beings and the  
10 natural world are in a collision course. If the human  
11 activities that inflict harsh and often irreversible  
12 damage aren't checked, many of these activities put at  
13 serious risk the future for human society and all  
14 forms of life, and so alter the living world that it  
15 will be unable to sustain life in the manner we know."

16 I continue to quote: "The environment is  
17 suffering critical stress. Air pollution near ground  
18 level is already causing widespread injury to humans,  
19 forests and crops. Heedless exploitation of  
20 depletable groundwater supplies" -- "groundwater  
21 supplies endangers essential human systems. Pollution  
22 of rivers, lakes and groundwater further limits the  
23 supply of fresh water.

24 "The earth is finite. Its ability to  
25 absorb wastes and destructive effluent is finite.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY SUZIE KOSSACK

2 Current economic practices which damage the  
3 environment in both developed and underdeveloped  
4 nations cannot be continued without the risks that  
5 vital global systems will be damaged beyond repair.  
6 No more than one or a few decades remain before the  
7 change to avert the threats we now confront will be  
8 lost and the prospects of humanity immeasurably  
9 diminished.

10 "We, the undersigned senior members of the  
11 scientific community, hereby warn all humanity of what  
12 lies ahead. A great change in our stewardship of the  
13 earth and the life on it is required if vast human  
14 misery is to be avoided and our global home on this  
15 planet is not to be irretrievably mutilated.

16 "We must bring environmentally damaging  
17 activities under control to restore and protect the  
18 integrity of the Earth's systems we depend on. We  
19 must move away from fossil fuels to more benign  
20 inexhaustible energy sources to cut greenhouse gas  
21 emission and the pollution of our air and water.

22 "We need to recognize the Earth's limited  
23 capacity to provide for us. We must recognize the  
24 fragility" -- "we must recognize its fragility. We  
25 must no longer allow it to be ravaged. This epic



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY BECCA HARBOR

2 needs to motivate a great movement, convincing  
3 reluctant leaders and reluctant governments and  
4 reluctant people themselves to effect the needed  
5 changes."

6 ALJ GARLICK: Okay. After Becca Harbor  
7 will be JoAnne --

8 BECCA HARBOR: "Cipolla."

9 ALJ GARLICK: -- Cipolla-Dennis.

10 BECCA HARBOR: I am going on the tails of  
11 what Suzie just read, but this is related to the  
12 proposed LPG storage and transportation hub.

13 Based on all the comments of people  
14 questioning or just totally opposing this plan, I too  
15 believe that this will cause, whether soon or in the  
16 long, long term, great, great damage and harm to the  
17 health, safety and well-being of the people, the  
18 creatures, the farms, the forests and the waters of  
19 this region, the local economy, our beautiful rural  
20 landscape and what peace and beauty we have.

21 Now Inergy wants this LPG to be one of the  
22 largest in the country and, you know, when people talk  
23 about, oh, they want to contribute to our communities,  
24 what the gas industry is about basic -- for almost any  
25 corporation, it's for making a huge amount of money



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY BECCA HARBOR

2 for a very small number of people.

3 I app -- anyway, so in the long term, from  
4 the facilities and the pipelines that will fragment  
5 our landscape and have all kinds of effects from  
6 fragmentation, the reality, based on what has happened  
7 on other pipelines -- I saw some videos of fires in a  
8 very small LPG storage, filling station and tanks that  
9 were pretty, pretty scary.

10 So the reality is that there are going to  
11 be accidents. A lot of the ones that happen are  
12 covered up so we don't -- you know, they're not all  
13 recorded, anyway. Mistakes -- long-term pollution and  
14 noise, the degradation of at least the 620 acres to  
15 begin with, the harm -- the harm in killing through  
16 the toxic spills, this is all based on what's happened  
17 before in various places. So it's only a matter of  
18 time before these things happen.

19 Gas is going to leak out, brine is going  
20 to eventually overflow the pit. When you think about  
21 the kind of climate changes we have, you know, how  
22 high do those rivers and streams get? I mean, I saw  
23 where the road was taken out on Banks Road outside of  
24 Ithaca today.

25 Okay. Trucks are going to have accidents



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

## COMMENTS BY BECCA HARBOR

1  
2 with toxic spills. It happens everywhere that the gas  
3 industry in doing this hydrofracking and everywhere  
4 where they take gas, sooner or later people are going  
5 to die, and the toxic VOCs, the ozone and the other  
6 pollution that's going to come out of the flare stack,  
7 come out of the diesel engines, the trucks and all  
8 that stuff, it's all going to harm the crops, the  
9 woodlands, and make a lot of people chronically sick,  
10 even if it takes decades, whether they've got cancer  
11 or paralysis.

12 And if you want to see what's been going  
13 on in Colorado, Wyoming, New Mexico, all those people  
14 that moved because they're paralyzed, they can't  
15 breathe, they're in pain. Okay? And that's all  
16 connected to the hydrofracking, too. It's all  
17 connected. Okay?

18 Local roads are going to, you know, have  
19 extra trucks. People are going to be stressed out,  
20 local people are going to be stressed out. There will  
21 be more dangers. As people said, there's going to be  
22 the noise issue, and there is the real danger of  
23 possibly catastrophic or just terrible fires and  
24 explosions.

25 I too believe the quality risk assessment



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY BECCA HARBOR

2 by a neutral party happens -- it needs to happen and  
3 it hasn't.

4 I want to speak a couple things people  
5 brought up about how, you know, the gas storage is way  
6 below the groundwater. Well, how are you going to get  
7 that gas out? There's going to be pipes connecting  
8 the ground -- above the ground to that gas and it's  
9 going to go through the groundwater. That seems kind  
10 of pretty obvious.

11 Also, people are saying that all this LPG  
12 storage that's happened, it's all been great. We're  
13 talking about a way bigger operation. It's not the  
14 same thing, okay?

15 The new jobs are not necessarily going to  
16 replace all the ones lost to the local businesses that  
17 are impacted sooner or later.

18 So anyway, I want to say all of this is  
19 completely unacceptable to me and all the local people  
20 that I know. And it is totally in opposition to what  
21 Suzie read, the Warning to Humanity. So we need to  
22 stop this, and Inergy, you can go somewhere else. And  
23 actually, I don't want you to go anywhere else.

24 ALJ GARLICK: Okay. JoAnne Cipolla-  
25 Dennis, followed by Karen Edelstein.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOANNE CIPOLLA-DENNIS

2 JOANNE CIPOLLA-DENNIS: Hi. Good evening.  
3 I would like to thank the DEC for holding this hearing  
4 and for every single one of you who came out tonight,  
5 no matter what side you're on. It's important to  
6 speak your mind in public.

7 I am a resident -- I'm a resident of  
8 Dryden, and I came here tonight because it's crystal-  
9 clear that the people are not being listened to.  
10 Perhaps it's because the Town Board members haven't  
11 had citizens' privilege on a regular basis. I think  
12 that a direct conflict with what the Board members are  
13 elected to do, and that is to listen to the people who  
14 live here in order to do the Town's business.

15 In Dryden we have publicly clarified our  
16 land use, reiterating that high-impact heavy  
17 industrialization required to extract a finite fossil  
18 fuel -- methane -- destructive to people, air, water,  
19 and economies is not compatible with the Town's plan.

20 We won't risk bucolic scenery, our rich  
21 farmlands that grow organic foods Upstate is known for  
22 and many are dependent on. Sixteen other small towns  
23 across the Empire State have joined that mission to  
24 bring about clarity, despite the propaganda by the  
25 industry fat cats in expensive TV ads. There are too



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836



1                                   COMMENTS BY JOANNE CIPOLLA-DENNIS  
2 risks our water, well, we just won't do it. It won't  
3 be business as usual if I'm elected, and I will listen  
4 to the voice of the people." He is not listening. He  
5 is not listening, and he is costing our state  
6 millions.

7                                   We cannot afford to keep studying a method  
8 that has already been proven in each state it is  
9 practiced to be a costly mistake.

10                                  It is an egregious abuse of power when a  
11 governor commits to drilling rather than to his  
12 constituents as promised. We all want jobs, but the  
13 jobs proposed aren't safe, do not last, and they're  
14 exaggerated in numbers and mere tokens to allow the  
15 industry in.

16                                  If the DEC was as educated about this  
17 industry as they say they are, they would already know  
18 the consequences far outweigh any benefit, and to risk  
19 our water, contaminate our air and our land so  
20 private, mostly foreign energy corporations, can ruin  
21 us financially as a state, as landowners and as  
22 neighbors, as Americans, it is unconscionable,  
23 especially when we know the market for natural gas has  
24 plummeted without recovery and it will be shipped  
25 abroad for higher market price.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOANNE CIPOLLA-DENNIS

2 According to our own Department of Energy,  
3 the US is at maximum capacity storage of natural gas  
4 and has been for three years running, so why keep  
5 drilling?

6 To Inergy CEO, John Sherman -- are you  
7 here?

8 AUDIENCE MEMBER: No, he left.

9 AUDIENCE MEMBER: No, they left.

10 JOANNE CIPOLLA-DENNIS: Oh, for God's  
11 sake, imagine that.

12 Well, to John, I'm sure you'll get it --  
13 Mr. Moler, you're probably left here in this room --  
14 in case you haven't received the memo, we take names  
15 of those who place us in jeopardy. To even think for  
16 a moment that New Yorkers are going to allow this  
17 project so that a private corporation can store their  
18 toxic explosives here before shipping them out of the  
19 country is just ludicrous. In fact, it is insulting  
20 to the intelligence of all of us who know the truth  
21 about the facts of the development of natural gas.

22 We get our inspiration to fight these  
23 battles from 200 years of vigorous rebellion,  
24 inspiration to fight for -- fight for our rights, and  
25 it started long ago on the banks of Manhattan when the



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOANNE CIPOLLA-DENNIS

2 Redcoats landed and the Revolution began, and we are  
3 looking for another revolution into clean, renewable  
4 energy.

5 Our first president was housed in New York  
6 City. They made plans there to establish our own  
7 Constitution. The Empire State is home to  
8 abolitionists and freedom fighters; home of the  
9 women's rights movement, which began here on a street  
10 corner in Seneca Falls, New York, establishing my  
11 right to speak here today.

12 New York is already wealthy. We are  
13 wealthy in beauty, we are wealthy in fresh air and  
14 water, wealth and stable and established economies in  
15 tourism, organic foods, and we produce the world-class  
16 wines and recreation that depends on everything that  
17 will cost us if this project is allowed. There are  
18 places for this kind of facility, and Upstate New York  
19 is not where it needs to be.

20 We grow our food here and we are not going  
21 to give it up to multinational corporations so they  
22 can make another billion in profit this quarter. New  
23 Yorkers are not going to allow drilling; therefore,  
24 there's no need for a storage facility here or any  
25 injection wells.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY KAREN EDELSTEIN

2 There are too many New Yorkers that are on  
3 to the industry's pattern of destruction. The  
4 bait-and-switch leasing, the lawsuits to intimidate  
5 won't work here. All of us deserve protection from  
6 this industry, and we shouldn't be placed at risk for  
7 unfathomable loss so some fat cats can make another  
8 record billion in profits. No means no means no. Get  
9 out.

10 ALJ GARLICK: Karen Edelstein will be  
11 followed by Megan Johnston.

12 KAREN EDELSTEIN: Thanks very much. My  
13 name is Karen Edelstein, and I'm from the Town of  
14 Lansing, New York.

15 In the late 1970s, the United States  
16 Department of Energy commissioned the Stone & Webster  
17 Engineering Corporation to develop an extensive  
18 investigation of the safety of storing nuclear waste  
19 in the salt caverns that underlie much of Central New  
20 York. This report was entitled "Regional Geology of  
21 the Salina Basin," first book of three. I'll submit  
22 that and a few other pieces.

23 So among these three very hefty volumes,  
24 there are maps that show the locations of the  
25 geological strike-slip faults that cross Central New



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

## COMMENTS BY KAREN EDELSTEIN

York. The Stone & Webster report states faulting in the New York study area is far more widespread than previously thought. Thrust faults both within and above the salt section have been documented previously. Nearly vertical faults in the Finger Lakes have been proposed to explain a number of subsurface anomalies. These faults are not yet confirmed by field investigations.

The report summarizes there is insufficient geological information available to qualify any site in the Salina basin, which is here (indicating), as a repository. Thus, these studies point to what we know and what we do not know about the geology of the basin relative to siting.

In other words, keep the dangerous materials out of the salt caverns until we know more about the geology of the region. I have yet to see any evidence of further studies that put Stone & Webster's concerns to rest.

So it's interesting that even though this is an exhaustive study, and stacked on top of each other it's almost a foot high, this wasn't even referenced in the Inergy DGEIS, nor, for that matter, in the SDGEIS, for the hydrofracking, nor were



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY KAREN EDELSTEIN

2 subsequent follow-up studies as recent as 2002 by the  
3 University of Buffalo's geologist, Dr. Robert Jacobi,  
4 who refined the information about those thrust faults,  
5 showing similar ones going through the region.

6 Instead, the DSEIS attempts to assure us  
7 that, quote, there were "no earthquake risks within a  
8 half a mile of the subject galleries."

9 Also, they said, quote, "Having reviewed  
10 all of the evidence of the past operating data, Finger  
11 Lakes Inergy's underground storage permit application  
12 demonstrates the suitability of these caverns to  
13 safely contain and store LPG for the life of the  
14 facility."

15 So I wondered how could the DSEIS only  
16 look at studies for the past 20 years of seismic  
17 activity and draw their conclusions. The most  
18 significant earthquakes often occur because there are  
19 long-term buildups of pressure. And I think anyone  
20 who has looked at the concerns of earthquakes in  
21 California, for example, could agree with that.

22 But what the DSEIS didn't mention, because  
23 it occurred longer ago than 20 years, in early 1990s,  
24 was that there have been damaging earthquakes in  
25 Central New York, and when they happen, they cause a



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY KAREN EDELSTEIN

2 lot of damage.

3 One of the most powerful earthquakes ever  
4 registered in Western and Central New York occurred in  
5 1929. It was a magnitude 5.2 earthquake and it was  
6 centered near Attica, New York, 107 miles from Watkins  
7 Glen, and in Attica it did really extensive damage to  
8 a lot of buildings there.

9 A few years later, in 1935, there was a  
10 more distant but ten times more powerful earthquake  
11 with a magnitude of 6.4 in Quebec, and that was felt  
12 all across New York State.

13 And then many of you may remember in 1983  
14 there was a strong earthquake centered in the  
15 Adirondacks that caused a considerable amount of  
16 damage, including damage to a lot of historic  
17 structures at one of the famous great camps in -- at  
18 Raquette Lake.

19 So some important news that was -- that I  
20 can share with you that was not mentioned in the  
21 DSEIS, is that one of those strike-slip fault lines --  
22 oh, I want to -- I skipped something -- so anyway, the  
23 5.9 earthquake that we had this past August in  
24 Virginia -- Monroe, Virginia, was strong enough to  
25 damage the National Cathedral in Washington, DC, and



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

## COMMENTS BY KAREN EDELSTEIN

that was 91 miles away from where the epicenter was; only slightly closer than Attica is to Watkins Glen. The motion of this quake also shifted 25 of the huge radioactive waste storage tanks at the nearby Santa Ana -- North Anna Nuclear Power Plant, and many of us, myself included, felt that earthquake very strongly here.

So what wasn't mentioned in the DSEIS is that one of those strike-slip fault lines that Stone & Webster mentioned, one of them happens to run directly up the west shore of Seneca Lake. Okay? And I'll be submitting this map as well.

AUDIENCE MEMBER: Good.

KAREN EDELSTEIN: Yes. It appears in all of Stone & Webster's maps, and in the research of Jacobi, who published less than ten years ago, and it does appear from this map to be within less than a half a mile of the proposed salt caverns where they're intending on putting this filthy gas.

So if that strike-slip fault were going to move and cause an earthquake -- and we can't say that it will, but frankly, we can't say that it won't -- the results could be extremely disastrous for the people in the Watkins Glen area.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY KAREN EDELSTEIN

2 For example, there are records both of  
3 natural gas and of LP gas explosions that have huge  
4 consequences for the host communities. One example  
5 that happened just a year ago September, you may  
6 remember, in San Bruno, California, was a pipeline  
7 that exploded simply because there was inadequate  
8 maintenance on it.

9 Another picture. If you can't see this,  
10 this is a huge fireball and, interestingly, the  
11 firemen are running away from it. That explosion  
12 injured 660 people, killed eight, and destroyed dozens  
13 of homes in San Bruno.

14 In conclusion, if this sloppy DSEIS is the  
15 best that industry can offer, Inergy, we do not want  
16 your operations here. Even a simple Google search can  
17 turn up information like the stuff I presented to you  
18 just now, about seismic activity and geological fault  
19 lines that the DSEIS claimed didn't exist, and it  
20 makes me wonder how many other things did they gloss  
21 over in that document that, if you did a little bit of  
22 digging, might actually be issues.

23 The DSEIS fails to demonstrate to this  
24 community that Missouri-based Inergy's LP Gas Storage  
25 Project can safely go forward. Our community's safety



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY MEGAN JOHNSTON

2 is more important than Inergy's profits.

3 Thank you.

4 ALJ GARLICK: All right. Megan Johnston,  
5 followed by Joseph Campbell.

6 MEGAN JOHNSTON: My name is Megan  
7 Johnston, I'm currently a resident of Schuyler County  
8 and a frequent visitor to Seneca Lake and the nearby  
9 Town of Watkins Glen.

10 I am speaking today to put forth my  
11 concerns regarding Inergy's application for a LPG  
12 storage and distribution facility on the shore of  
13 Seneca Lake, just three miles north of Watkins Glen.

14 I am concerned about the potential impacts  
15 of a large 14-acre brine pit spanning a total of 25  
16 acres, located on a hillside directly above Seneca  
17 Lake. The brine storage will affect not only the  
18 aesthetics of Seneca Lake, but also offer potential  
19 catastrophic failures of its integrity, thereby  
20 endangering the lake and surrounding environment.

21 I'm concerned about the increase in rail  
22 and truck traffic in a tourist area of a small town  
23 currently ill-equipped to handle the volume for its  
24 current infrastructure, and also its rural character.  
25 This rail line, which would accommodate hundreds of



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY MEGAN JOHNSTON

2 LPG-laden rail cars, would have to pass over the  
3 75-year-old railroad trestle spanning the spectacular  
4 gorge in Watkins Glen State Park. This proposal  
5 clearly affects current tourism in the State Park and  
6 also current infrastructure.

7 I am concerned about air quality issues  
8 from the increased truck traffic and potential impacts  
9 of ground-level ozone and other pollutants on wine  
10 grapes and other agricultural crops. Our county is  
11 clearly dependant on agriculture and tourism for  
12 employment, livelihood and development of our economy.

13 I am concerned about the overall safety of  
14 using salt caverns as large-scale natural gas or  
15 liquified petroleum storage. I would like Inergy and  
16 the DEC to disclose the number of years of similarly  
17 sized LPG storage facilities and the number of  
18 accidents and explosions, so that an honest evaluation  
19 can be made of the potential disaster.

20 In my own research, I have found that all  
21 ten of the catastrophic failures of underground  
22 facilities since 1972 have occurred at salt caverns.

23 Overall, I'm concerned about the impact of  
24 this industrialization on the tourism and wine  
25 industry. The development of heavy industry in this



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOSEPH CAMPBELL  
2 area would greatly affect our current economic  
3 ventures and the way of life in the region.

4 Residents currently have, through the  
5 efforts of the local residents, obtained thousands of  
6 signatures that declare in their vocal majority  
7 opposition to Inergy's proposal, along with a myriad  
8 of safety and public health concerns.

9 Thank you for allowing me to comment, and  
10 I perhaps blindly trust that public health, safety and  
11 welfare will always take priority over politics and  
12 greed.

13 ALJ GARLICK: Okay. Joseph Campbell will  
14 be followed by Phil Davis.

15 JOSEPH CAMPBELL: Yes. My name is Joseph  
16 Campbell. I was born and raised in the Finger Lakes,  
17 I raised a family here, I buried a wife here, so I'm  
18 very concerned with this project.

19 This hearing concerns itself with the LPG  
20 storage project as outlined in the DSEIS, and that's  
21 namely 2.1 million barrels of LPG stored in old salt  
22 caverns and the related aboveground infrastructure.  
23 Unfortunately, the DSEIS as written by Inergy and its  
24 team of lawyers seems intentionally vague on a number  
25 of points.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOSEPH CAMPBELL

2 I would like to quote from the SEQOR  
3 handbook regarding how the New York State Department  
4 of Environmental Conservation can look at this. Page  
5 99, Section 1 states, quote, "An EIS impartially  
6 analyzes the full range of potential significant  
7 adverse environmental impacts"; and in Section 2,  
8 quote, "It assists in the balancing of environmental  
9 issues with social and economic considerations."

10 On page 80, "Types of Impacts," Number 12,  
11 quote, "An environmental assessment and a  
12 determination of significance must include  
13 consideration of the potential for primary and  
14 secondary impacts, long- and short-term impacts and  
15 cumulative impacts."

16 On page 81, Number 15 states, quote, "Any  
17 long-term impact of an action which is reasonably  
18 foreseeable must be considered."

19 I would like to point out some  
20 inconsistencies in that document and look at something  
21 that might be considered reasonably foreseeable.

22 The DSEIS seeks to minimize the rail and  
23 truck traffic. On page 9, Section 2.2, it states,  
24 "The 'rail rack' capable of loading and unloading 24  
25 rail cars in 12 hours, with space to park 32 rail



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOSEPH CAMPBELL

2 cars. The truck rack is projected to be capable of  
3 loading and unloading 30 trucks per day with two bays,  
4 expandable to four bays."

5 On page 123, "Operational hours are 4 a.m.  
6 to 8 p.m.," and it states again, "Two truck bays, 30  
7 trucks per day."

8 The very next page, "Operational window of  
9 12 hours, approximately four, but no more than five  
10 trucks in any given hour."

11 Now, I'm not a mathematician, but I  
12 counted 16 hours between 4 a.m. and 8 p.m.

13 On page 125, "The train will typically  
14 have 32 Finger Lakes cars." We also know from the  
15 DSEIS that the truck and rail facility is capable of  
16 running 24 hours a days, seven days a week. So what  
17 is it? Is it 30 trucks per day, or if you do the math  
18 as I did, based on four to five trucks per hour, 12 to  
19 16 hours per day, isn't that up to 80 trucks per day?  
20 It is. Do the math.

21 And each truck has to make a round trip,  
22 correct? 24 rail cars in 12 hours or, is it many,  
23 many more over the course of a 24 hour day. And isn't  
24 it conceivable that there could be as many as 64  
25 propane-laden rail cars onsite at any given time, each



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOSEPH CAMPBELL  
2 holding 30,000 or more gallons of liquid propane?

3 ALJ GARLICK: Maybe just step back a  
4 little bit from the mic.

5 JOSEPH CAMPBELL: Oh, I'm sorry.

6 ALJ GARLICK: Yes.

7 JOSEPH CAMPBELL: I believe that the  
8 expansion plans on the company's website and in  
9 certain public documents constitute a long-term action  
10 that is reasonably foreseeable and must be considered.

11 For instance, the website refers to Finger  
12 Lakes as having up to 5 million barrels of future  
13 storage capacity. The same company has plans for the  
14 newly acquired NYSEG and natural gas storage facility  
15 as well.

16 Let me direct your attention to an S1  
17 document filed with the Securities and Exchange  
18 Commission, dated August 24, 2011, not too long ago, a  
19 little over a month ago, for the initial public  
20 offering of Inergy Midstream, which is the parent  
21 company of Finger Lakes.

22 On page 98, the second paragraph, talking  
23 about NGL storage, it states, quote, "The storage  
24 facility will be supported by rail and truck terminal  
25 facilities capable of loading/unloading 32 rail cars



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOSEPH CAMPBELL

2 per day and 45 truck transports per day."

3 Also, quote, "Upon receipt of regulatory  
4 approvals, we believe it can be expanded by up to 5  
5 million barrels capacity."

6 Words have meanings. Again, 30 trucks, 45  
7 trucks, 24 rail cars, 32 rail cars more -- we can't  
8 tell from this document.

9 Page 99 of the same document, paragraph 2,  
10 it states, quote, "We also plan to jointly develop  
11 with Inergy an approximate 10.0 billion cubic foot" --  
12 "billion cubic feet of natural gas storage facility by  
13 2014, and Inergy has identified existing salt caverns  
14 for this project and intends to convert them to  
15 natural gas storage."

16 And finally, perhaps the most chilling  
17 part of this document is found on page 26, where it  
18 lists ten of the hazards and operational risks,  
19 including, and I quote, "problems with the structural  
20 integrity of our salt caverns, subsidence of  
21 geological structures where we store natural gas and  
22 NGLs" -- read propane and butane -- "operator error,"  
23 et cetera.

24 In the last paragraph, and continued on  
25 page 27, it states, quote, "A natural disaster or



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JOSEPH CAMPBELL

2 other hazard could have a material adverse effect. We  
3 are not fully insured against all risks inherent in  
4 our business. In addition, we are not insured against  
5 all environmental accidents that might occur."

6 That's interesting, because in a  
7 closed-door meeting with local business owners this  
8 past June, Mr. Moler stated when asked a question that  
9 Inergy has no plans to expand their LPG storage at  
10 this facility, and he also told them when asked that  
11 Inergy was fully insured.

12 Tonight I overheard him stating that if  
13 there's a market for more gas, they will expand. So,  
14 what is it? Perhaps that begs the question, what is  
15 the character of this company and what can we expect  
16 if they're allowed to get their foot in the door by  
17 receiving approval for this, the initial phase of this  
18 project?

19 Thank you very much, sir.

20 ALJ GARLICK: Phil Davis.

21 Is Mr. Davis here?

22 Okay. Michele Pavillard.

23 Yvonne Taylor -- oops, is that Ms.

24 Pavillard?

25 MICHELE PAVILLARD: I'm Michele Pavillard.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY MICHELE PAVILLARD

2 ALJ GARLICK: Okay. Good.

3 She will be followed by Yvonne Taylor.

4 MICHELE PAVILLARD: Hello, I'm Michele  
5 Pavillard. I am the owner of Lake House Bed &  
6 Breakfast, and I had no intentions of speaking at this  
7 meeting today. But in coming here, I was listening to  
8 the evening news on the radio and was very distressed  
9 to hear a representative of Inergy trying to reassure  
10 the audience that he was speaking to, or the media,  
11 that the brine pond could not be breached, would not  
12 be breached, but if it were breached, it would be a  
13 small drop in a huge lake and have no environmental  
14 consequence.

15 So I want to ask Inergy: What do I tell  
16 my guests as they go down to the dock and see dead  
17 fish? If Inergy is not willing to be supportive of my  
18 business, how can I be supportive of theirs? And if  
19 they are so willing to be sloppy and arrogant in their  
20 broadcast to the media, why should I trust that they  
21 really will be a trustworthy member of this community.

22 Thank you.

23 ALJ GARLICK: All right. Yvonne Taylor  
24 will be followed by Jack Ossont.

25 And I apologize.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

1 COMMENTS BY YVONNE TAYLOR

2 JACK OSSONT: No. That's fine.

3 ALJ GARLICK: Ms. Taylor.

4 YVONNE TAYLOR: Thank you. My name is  
5 Yvonne Taylor and I live in Burdett, New York.

6 In the interest of full disclosure, I am  
7 the co-founder of Gas Free Seneca, but tonight I speak  
8 only for myself. I am submitting more substantive  
9 comments, but I want to expand on a few aspects of  
10 this project tonight.

11 The first is the impact of noise for those  
12 residing or vacationing on the east side of Seneca  
13 Lake. The DSEIS has not considered this, although the  
14 lake's water is an excellent transmitter of noise. On  
15 a still night you can hear a conversation taking place  
16 on a boat in the middle of the lake.

17 On and off since August 16th, Inergy has  
18 been drilling 24 hours a day on their property.  
19 Despite several noise complaints to both the DEC and  
20 local officials from residents across the lake, Inergy  
21 has continued to drill without successful noise  
22 mitigation. If this is any indication of the kind of  
23 neighbors they will be, we are in trouble.

24 During the daytime hours it's easier to  
25 tune it out. By 2 a.m., when the noise wakes you up,



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

## COMMENTS BY YVONNE TAYLOR

1  
2 you become agitated. By 4 a.m., it seems akin to  
3 Chinese water torture; the constant reverberated drone  
4 rattles your brain and sleep is futile. We have tried  
5 to close the windows and turn off the fan to block the  
6 noise, but that defeats the purpose of lakeside living  
7 in the summertime. Just wait until we can hear the  
8 continual screech of metal as trains move on tracks at  
9 the depot.

10 My property isn't just property to me, it  
11 is my history, but for the first time I am considering  
12 having to sell. The essence of the place is gone.  
13 The sole purpose of being there, solitude, has already  
14 been stolen.

15 Which brings me to the other point. The  
16 DSEIS mentions briefly the growth-inducing aspects of  
17 Inergy's project. It does not adequately study the  
18 potentially negative economic impact of this facility  
19 on the existing economy. I request that a study to  
20 determine how this facility will impact the character  
21 of our community be completed and a balancing test  
22 between the positive economic attributes of the  
23 project along with the negative ones be completed.

24 When is the last time you heard anyone  
25 say, "Honey, let's buy lake property across from a



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

## COMMENTS BY YVONNE TAYLOR

1  
2 noisy truck and train depot with a flare stack and  
3 brine pond. We won't need to build a bonfire; we can  
4 simply watch the burning stack. We won't have to  
5 strain our necks looking at the stars; we can gaze at  
6 the ambient light coming from the depot across the  
7 lake."

8 My property value will decrease and I may  
9 never get back what it is worth. When is the last  
10 time you ever took your family on a vacation to  
11 Newark, New Jersey? Will people spend thousands to  
12 come to this region if it is riddled with more  
13 traffic, more noise and more industry than we already  
14 have?

15 We are at a crossroads and we need to  
16 proceed extremely cautiously. The very spirit of the  
17 Finger Lakes, its natural beauty, agriculture and  
18 wineries, is at stake. We are a world-class tourist  
19 destination. The notion of this facility coming to  
20 our area has already hurt our economy. In the past  
21 nine months I have heard from individuals,  
22 businessowners and potential developers who have put  
23 more compatible investment projects on hold, who have  
24 declined not to buy property -- or decided not to buy,  
25 who have put their homes or businesses up for sale,



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY YVONNE TAYLOR

2 who have chosen not to do a renovation project because  
3 of the proposed Inergy development and expansion.

4 Here's one example from someone who wanted  
5 to speak and be heard, but is in California tonight.  
6 "To all concerned with the future of Schuyler County:  
7 I am not an environmentalist; I am a businessman who  
8 owns several properties in Schuyler County, including  
9 two commercial properties on Franklin Street in  
10 Watkins. Until this past summer, I was in the design  
11 phase of a large tourism-based business in Hector that  
12 would have created several full-time jobs, in addition  
13 to utilizing many local contractors over a period of  
14 18 months of physical construction. I had also given  
15 SCOPE my initial plans to remodel one of properties on  
16 Franklin Street to support their historical  
17 restoration plan for downtown Watkins Glen. I have  
18 now put all investments in Schuyler County on hold  
19 until the future of Inergy's expansion plans and the  
20 future of our community is clearly determined.

21 "I know the facility has been there for a  
22 long time, as I have been a member of this community  
23 since 1973. The issue is expansion and the fact that  
24 the growth of this Missouri-based company's operations  
25 will slow or stop the growth in the wine tourism



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

## COMMENTS BY YVONNE TAYLOR

1  
2 industries and limit related future investment in the  
3 area. I have heard Inergy claim that this will not be  
4 the case. Well, I am living proof that they are  
5 wrong.

6 "It goes against all uninfluenced logic to  
7 think that visible or audible industrial activity will  
8 do anything but lower the value of nearby properties,  
9 that increased transient truck traffic will offer  
10 anything positive to the residents, landlords or  
11 businessowners on Franklin Street, or that consumer  
12 propane costs will be stabilized by a company who has  
13 been fined by the Attorney General of Michigan for  
14 widespread price gouging.

15 "The leaders of the once poor Napa Valley  
16 embraced their vineyard identity in its infancy by  
17 limiting industrial activity for the sake of tourism.  
18 Since then, every Napa property owner has benefited  
19 from their leadership. Well over a hundred businesses  
20 are telling us that this is wrong for this" -- "for  
21 their industry here in the Finger Lakes. How can we  
22 not listen to the majority of our home-grown industry  
23 in order to benefit one multibillion dollar  
24 corporation."

25 That's the end of his letter. I'm almost



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JACK OSSONT

2 done.

3 In conclusion, this project would damage  
4 the very heart of the Finger Lakes economically,  
5 environmentally and physically in the event of an  
6 accident. To the DEC I say, please preserve and  
7 protect what we have here. This is our Yellowstone.  
8 This is our Napa Valley. There is no right way to do  
9 the wrong thing, and Inergy's plan to turn us into the  
10 gas storage and transportation hub of the Northeast is  
11 the wrong thing.

12 This is an inappropriate site for this  
13 project. To Inergy, I say please go back to Kansas  
14 City. We don't want you here.

15 ALJ GARLICK: All right. Jack Ossont,  
16 followed by Susan Wolf.

17 JACK OSSONT: First of all, I would like  
18 to say thank you for staying here to hear from my  
19 wrinkled brow and my weary eyes and my gray beard,  
20 which I assure you I've earned over the past years in  
21 looking at not only this project, but the underlying  
22 project that supports this project, which is  
23 hydrofracking throughout New York State.

24 I've seen this experience many times in my  
25 life, where people come and they vent their



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JACK OSSONT  
2 frustrations before a regulatory agency.

3 Jane Anne Morris, cultural anthropologist  
4 from the University of Michigan, remarked one time,  
5 "You go to a regulatory hearing, you speak into a  
6 microphone, it goes nowhere. You are colonized by  
7 this regulatory hearing. The action is on the outside  
8 and not the inside of this room."

9 It concerns me when the Administrative Law  
10 Judge referred a question earlier in this proceeding  
11 concerning the brine pond from someone who is  
12 concerned about it to a representative of industry. I  
13 would have thought that the DEC would be more  
14 concerned about referring it to a scientist that could  
15 study that question and then render an opinion instead  
16 of referring it to industry. I think that's quite  
17 telling.

18 I'm going to read some comments tonight  
19 that were constructed after I gave a rant to a friend  
20 of mine over the regulatory system and why I generally  
21 don't participate in it.

22 This is a local writer by the name of  
23 Steve Kaufman. Some of you may be familiar with his  
24 writings.

25 AUDIENCE MEMBER: Good guy.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JACK OSSONT

2 JACK OSSONT: "In a just and principled  
3 democracy, our State and Federal Departments of  
4 Environmental Protection would be among the most  
5 heeded and honored public agencies. Unfortunately, in  
6 our corrupted and corrosive times of money-influenced  
7 and jaded politicians, this cannot be the case, no  
8 matter how much some sincere and principled members of  
9 those agencies might wish otherwise. And truly this  
10 is a tragic reality for our sporadically progressive  
11 country, because we've never so needed effective  
12 governmental help in protecting our environment as we  
13 do now.

14 "In the face of pillaging corporate  
15 behemoths, a military monstrosity unto itself, a  
16 puppet press, representatives who represent nothing  
17 more than their own ambitions, and laws left to the  
18 interpretation of an equally infected Supreme Court,  
19 the health, safety and welfare of communities and our  
20 environment have descended to an each-for-his-own  
21 state of affairs.

22 "Indeed, how beneficial would it be to  
23 actually have a government that took its power from  
24 the collective people in order to confront and  
25 counteract these malignant mega-corporate profit



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JACK OSSONT

2 machines that, left to their own, will never stop  
3 growing and contaminating until the last saleable  
4 resource has been depleted, the last soul turned  
5 cynical, the last simple beauty usurped" -- and I lost  
6 my place -- "usurped for profit and trampled in the  
7 process.

8 "Sadly, it seems that the more we need our  
9 government in this regard, the more the committees and  
10 forums are packed with corporate advisors and the less  
11 responsive to the people and the environment their  
12 policies become.

13 "As a result, I can only conclude that the  
14 people should not waste precious time and try to  
15 convince unconvincible agencies, whose conclusions are  
16 already foregone and bought by corporate interests.  
17 As difficult and perhaps even futile as it may be, we  
18 the people need to use our energy to connect with each  
19 other and regrow our democratic dream. From the roots  
20 up, the only legitimate and effective way to ensure  
21 our health, safety and welfare there has ever been.

22 "If our governmental agencies can help us  
23 protect the health and character of our towns, that  
24 help is welcomed. In the meantime, if you can't lend  
25 a hand, please at least respect the spirit of



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

COMMENTS BY CHRIS TATE

democracy enough to stay out of our way while our towns rightfully assume those responsibilities for themselves."

Thank you.

ALJ GARLICK: Susan Wolf will be followed by Chris Tate.

Is Susan Wolf here?

No? Okay.

Chris Tate.

AUDIENCE MEMBER: Yes, he's coming.

ALJ GARLICK: Mr. Tate will be followed by Beth Miller.

CHRIS TATE: Okay. Thank you. And I represent the Finger Lakes Clean Waters Initiative. We put on the Big Splash Concert series this summer.

And out of extreme respect for Dr. Sandra Steingraber, I would like to cede my time to her. She's our scientific advisor for the group and she got here late, and definitely her words are way more important than mine.

So, ladies and gentlemen, Dr. Sandra Steingraber.

ALJ GARLICK: Can you just give us your name for the transcript?



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

1 COMMENTS BY SANDRA STEINGRABER

2 SANDRA STEINGRABER: Yes. I think I'm  
3 number 60 on the list.

4 So thank you, Chris.

5 I'm a biologist and a mother and I'm -- my  
6 son is here with me, and I appreciate the chance to  
7 try to beat our bedtime.

8 My name is Sandra Steingraber. I'm a  
9 biologist at Ithaca College, and I've spent the last  
10 20 years studying environmental health and published  
11 three books on the topic.

12 Environmental health is a field that is  
13 filled with uncertainty, but there is absolute proof  
14 for something, and one of those things is air  
15 pollution. Air pollution kills and it kills in ways  
16 that are quantifiable.

17 For example, last week I was giving an  
18 invited lecture at Rice University in Houston, and in  
19 the news was the EPA's cross-state air pollution final  
20 ruling, which demonstrated that if Texas could lower  
21 air emissions from its power plants, it would save  
22 1,700 lives, as well as somewhere between 5.8 and \$14  
23 billion in health care costs, but the Attorney General  
24 of that state was filing suit to prevent  
25 implementation of those new rules. So, as one of my



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY SANDRA STEINGRABER

2 members of my audience asked, essentially that meant  
3 that 1,700 people in Texas were going to be consigned  
4 to death.

5 People will die if you permit the LPG  
6 storage facility and pipeline in this community, and  
7 most of those people will be old people and children.  
8 Exposure to vehicular traffic exhaust, diesel exhausts  
9 and benzo(a)pyrenes and ozone are affiliated with  
10 stroke, heart attack, breast cancer and diabetes; and  
11 in children, higher rates of asthma, more severe  
12 asthma attack, lowered IQ; and in pregnant women, in  
13 miscarriage and preterm birth. Those are quantifiable  
14 problems.

15 And my request to the DEC is to quantify  
16 them. We need to know how many people will die from  
17 exposure to the air pollution that will certainly  
18 follow this development, and is that number greater  
19 than the number of people that are going to be  
20 employed by this facility.

21 So that is my request. Let's generate the  
22 numbers. The United States Government can do that for  
23 air pollution on a national level. We can run those  
24 numbers and find out how many people in this community  
25 will die, and then it will be up to the people of



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY ELIJAH DeCASTRO

2 Seneca Falls and the surrounding areas to decide if  
3 those numbers are acceptable.

4 Now, I'm here not just as a biologist, but  
5 also as a mother. I gave birth to my son Elijah right  
6 here in Schuyler County at the September Hill Birth  
7 Center, because this is the place that I wanted to  
8 give birth to my child. And I would like that story  
9 to be told by my son.

10 ELIJAH DeCASTRO: Hi. My name is Elijah  
11 DeCastro. I live in Trumansburg, New York. I'm in  
12 5th grade.

13 I came here to say that I think that  
14 storing poisonous chemicals in historic caves is  
15 extremely dangerous. So is storing salty water in a  
16 pond above Seneca Lake. If there is a flood, it could  
17 spill.

18 I was born at the September Hill Birth  
19 Center on August 10, 2001, on the night of a NASCAR  
20 race. I like the place where I was born and I like to  
21 come back and hike in the Watkins Glen gorge, but my  
22 mom says that we won't be able to come here anymore if  
23 they store poisonous chemicals in the caves.

24 I have a history of asthma problems with  
25 my lungs, and even if there is no terrible accident,



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY TRICIA BARRY

2 trucks and trains and machines will make it hard for  
3 me to breathe here. The air will feel heavy in my  
4 lungs. Kids like to relax and not worry that their  
5 back yards will blow up.

6 I like to visit the place where I was  
7 born. Please keep it safe. Protecting kids is your  
8 job as grown-ups.

9 ALJ GARLICK: Beth Miller.

10 Is Beth Miller here?

11 Okay. Is it Tricia Barry? Did I get that  
12 right?

13 TRICIA BARRY: Yes.

14 ALJ GARLICK: Followed by Byron Thompson.

15 TRICIA BARRY: I'm not sure I can follow  
16 Elijah on that one, because I can get emotional at  
17 times and I know this is not the forum for that.

18 I wasn't expecting to speak tonight  
19 either, but my family just this past weekend -- this  
20 past weekend my family just -- we crushed our first  
21 grapes. We are opening a -- are planning to open a  
22 winery this year. And my husband is a winemaker who  
23 works at Keuka Lake Vineyards -- I work at Cornell  
24 University -- and this time of year should be filled  
25 with, you know, excitement of the coming harvest, and



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY TRICIA BARRY

2 so many winemakers can't be here tonight because  
3 they're working late into the morning hours while  
4 they're crushing grapes. So I thought that it was  
5 important for somebody else to try to represent them  
6 in kind of what we're dealing with here.

7 I would like to specifically ask in  
8 this -- the Environmental Impact Statement addresses  
9 just that, the environment, and I think -- Joe  
10 Campbell had brought up as well -- that it really  
11 should take into consideration -- in the SEQRA, it  
12 should take into consideration economic impacts as  
13 well, and I would respectfully ask that there be some  
14 sort of an economic impact study in the region.

15 My husband came here to make wine. He  
16 worked in Washington State. He actually started out  
17 in Upstate New York, near Albany, and then had worked  
18 in Oregon as well as Washington State, and he decided  
19 to settle in the Finger Lakes because this is the one  
20 region where winemakers can actually buy land; you  
21 don't have to be a multimillionaire in order to be  
22 able to buy land on really great soil. And this is  
23 one area that you can do it and you can actually -- I  
24 grew up in the Midwest, in Missouri, actually,  
25 believing in the American dream; that you could -- you



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY TRICIA BARRY

2 know, that you could, if you worked hard enough and  
3 you pulled yourself up by your bootstraps, that you  
4 could, you know, do what you want in order to be  
5 successful.

6 And I think we're in a situation now where  
7 we have an industry that's butting heads with an  
8 existing industry that's here. And I think the  
9 argument that propane storage and natural gas storage  
10 has existed here in the past is a false argument,  
11 because what this is all about is the expansion of  
12 that industry, and that it goes head to head with  
13 another industry that is thriving here.

14 Every time I open up Wine Spectator, I'm  
15 seeing more and more scores that are 90 or above, and  
16 those of you who may or may not be -- may or may not  
17 be interested in wine, this is a world-class wine  
18 region, and it's the fourth-largest producing -- or  
19 third-largest producing state in the United States.

20 This is a serious industry. This is an  
21 industry that employs people; it gives them jobs.  
22 And, you know, we have a dream, my family has a dream  
23 to be able to establish ourselves here, and we've met  
24 so many wonderful -- other winery owners and  
25 winemakers who have, you know, fulfilled their dreams.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY BYRON THOMPSON

2 And it would be really, really sad to see that  
3 industry go away and -- for this other industry that's  
4 coming in from out of state and -- to establish  
5 themselves.

6 So I would ask Inergy, being from the Show  
7 Me State myself, show me a quantitative risk analysis  
8 and an economic impact study.

9 Thank you.

10 ALJ GARLICK: Okay. We're up to Byron  
11 Thompson, followed by Jane Winters.

12 BYRON THOMPSON: Yes. I promise not to  
13 hold you long.

14 A lot of good input here tonight. Like I  
15 said, I go to a lot of these meetings to learn on both  
16 sides.

17 I work at US Salt; I've been there almost  
18 35 years. I'm also -- I was born down in Schuyler  
19 Hospital, down in Montour, so I've been here all my  
20 lifetime.

21 You know, you look at some of the  
22 scenarios and this and that -- I'm also a  
23 firefighter -- I can go down the line. I've done  
24 numerous stuff of volunteering my services in here.  
25 Like I said, I appreciate everybody's opinion. And my



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY BYRON THOMPSON

2 opinion -- and I'm going to make it real short -- is,  
3 like I said, I've been to many, many calls for the  
4 fire department. We've never been called down there.

5 So, you know, can it happen? I told the  
6 group before -- can it happen? Yeah, it can happen,  
7 but it hasn't. And it's been there 40 years longer  
8 than what I've worked there.

9 So -- I understand. Now, listen,  
10 everybody had their time. Please give me my time.  
11 I'm trying to be honest here. This is my honest  
12 opinion. And what I am, I have -- I'm also union  
13 president -- please don't hold anything -- like being  
14 in the fire department or anything like that. I just  
15 want you to know me as Byron Thompson and what I do in  
16 this community.

17 I'm very involved in this community, have  
18 been ever since a little kid. Lived on a farm, I've  
19 worked the farmland; I know about the wineries, I have  
20 a daughter-in-law that manages a winery. I understand  
21 a lot of the issues. But like I said, the main thing  
22 I'm going to say is, you know, I support this.

23 I have 104, 105 people down there that's  
24 union members. You know, they work there at it's US  
25 Salt. A lot of people don't realize one of our salt



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY BYRON THOMPSON

2 that we do make is for kidney dialysis and IVs. If  
3 you get in an ambulance or something -- which I also  
4 fall into -- they have a bag hanging above you.  
5 That's lifesaving, you know.

6 And I understand a lot of your points, I  
7 really do, but, you know, my opinion is that Inergy  
8 has been good to us down there at US Salt, and my  
9 opinion, to me, one of the aspects they do is if we  
10 have a call, they allow me to go to any call, "Just  
11 leave, go." Which is nice, because there might be  
12 somebody in a gorge that's gone over.

13 And I keep using Can it happen? Yeah, it  
14 can happen.

15 I also -- I'm part of the Rope Rescue  
16 Team, Repelling Team. We go over and rescue dogs.  
17 You know, you do it. Can I get hurt? Yes, I can get  
18 hurt. But I haven't yet.

19 And being in the fire department, I  
20 promise you I will be there any call. You won't see  
21 me running the other way. And to say we're not  
22 trained and qualified, you do not know the years and  
23 training that we have, HAZ-MAT -- you just wouldn't  
24 understand the training. Come see one of the officers  
25 down at the fire department. Volunteer your time.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JANE WINTERS

2 See what there is there.

3 But again, I support this. And I  
4 appreciate everybody listening to me and everything.

5 So like I said, you have your opinions, I  
6 have my opinions, and I appreciate your opinions and I  
7 hope you appreciate mine.

8 Thank you.

9 ALJ GARLICK: All right. Jane Winters  
10 will be followed by Dave Walczak.

11 I apologize.

12 JANE WINTERS: I just want to say to Byron  
13 that this has nothing to do with US Salt.

14 BYRON THOMPSON: I understand.

15 JANE WINTERS: I wanted to raise some  
16 questions directly from the DSEIS, referring to page  
17 109, with the number of trucks, which Joseph Campbell  
18 already talked about. It's confusing. They talk  
19 about two different -- in following paragraphs two  
20 different numbers, so -- but I also want to know who's  
21 responsible for road repair that will come, especially  
22 on 14A, directly from this project.

23 The 14A offramp bridge, I have -- I live  
24 on Church Road in Reading Center, by the way. I live  
25 right there, I go to the Post Office every day. And



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

1 COMMENTS BY JANE WINTERS

2 earlier this year I heard that they were going to  
3 being closing that bridge because of its condition.  
4 So I did not see any reference to that bridge in the  
5 DSEIS, and it does have a weight restriction, and  
6 because I'm not a professional, I don't know how much  
7 these trucks weigh. I assume that they meet that  
8 restriction.

9 From page 154, the economic benefits, I  
10 hear about the economic benefits all the time. They  
11 mention at this point that there will be an increase  
12 in rail jobs, and yet Inergy earlier had stated that  
13 Norfolk Southern would be handling all the train  
14 operations. So I don't know how they can say that  
15 they are going to cause an increase in rail employees.

16 Construction as stated earlier to take  
17 about six months, so those 50 construction jobs that  
18 are so wonderful will be so for six months.

19 It says eight to ten permanent jobs.  
20 Well, 40 to \$50,000 is nothing to sneeze at, and I've  
21 been assured by Mr. Crea that these are highly trained  
22 individuals who will command that large salary amount.  
23 Well, I don't think that we have current residents of  
24 the County that are trained in those specific things,  
25 so the economic benefits, all of them don't seem very



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JANE WINTERS

2 economic.

3 Also -- this may not be a question for  
4 DEC, but it's in the DSEIS -- I don't know why PILOT  
5 is being offered, payment in lieu of taxes. PILOT is  
6 a program to entice companies to come into an area.  
7 Nobody is trying to entice Inergy into coming here, so  
8 I don't understand why that is happening.

9 And if Reading is going to be responsible  
10 for the road repair, one-third of \$440,000 is not  
11 going to go far.

12 On page 127 of the DSEIS, Inergy talks  
13 about the plants that are going to be planted, that  
14 they'll all be -- will be local, native plants. And  
15 yet they mention the Russian olives, which is an  
16 invasive species, and in the earlier Draft I know that  
17 question was raised by the DEC and -- so in this  
18 approved DSEIS, has Finger Lakes LPG totally ignored  
19 the DEC requirement?

20 With regard to the rail project, who is  
21 going to be responsible for the crossing signals and  
22 arms on a lot of the rail crossings that have neither?  
23 The mention of the bridge over Route 329, which was  
24 built in 1902 and is visibly crumbling.

25 There has been repeated claims of decrease



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JANE WINTERS

2 in propane costs. Show me the money. I want to know  
3 exactly how much it's going to be lowered. Inergy has  
4 absolutely nothing to do with setting propane costs.

5 It also mentions that this project is  
6 within the waterfowl winter concentration area. And  
7 although they are not a threatened species, are we  
8 just going to ignore their well-being?

9 Reference has been made to TEPPCO storage  
10 and how it's been here for so long, no problems.  
11 TEPPCO does not involve a 14-acre brine pond. There  
12 is a brine pond -- somebody asked about that  
13 earlier -- there is one visible from 14 that's maybe  
14 an acre in size, and I assume that's the one they're  
15 talking about for overflow. But TEPPCO does not store  
16 brine on an open-air pond as a regular thing, nor has  
17 TEPPCO built a huge rail siding.

18 So this is not TEPPCO, it is not  
19 enterprise. The new company, it is Inergy, and some  
20 references have been made to the issues with that  
21 company by others.

22 The Bath facility does not have a brine  
23 pond hovering over a freshwater source, nor does it  
24 have to have the trucks travel through a canyon like  
25 Franklin Street of Watkins Glen.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

1 COMMENTS BY JANE WINTERS

2 Also, I asked Rose Marie, "our greatest  
3 generation" speaker, her name again, because I can't  
4 retain names, and she talked about us -- the necessity  
5 to talk to our leaders. We in Reading Center have  
6 been trying to speak to the Planning Board and to the  
7 Town Board and have been shut down and not allowed to  
8 speak.

9 Worldwide -- worldwide freshwater is in  
10 very short supply. Are we so arrogant to think that  
11 we in the United States can put freshwater at risk?

12 And finally, the wine trail is a wonderful  
13 thing. I've lived here for ten years and I've seen  
14 that grow exponentially over the ten years, but we  
15 haven't mentioned -- this is for my husband's sake --  
16 the beer trail that's starting, nor the cheese trail  
17 that's starting. More economic development that will  
18 include jobs of local people.

19 And finally, again, I hope that the DEC  
20 will vet any company that wants to come into New York  
21 State. Inergy already has a reputation, which you can  
22 find on the Internet, with regard to ignoring  
23 environmental impact and, as mentioned earlier, price  
24 gouging of propane.

25 Thank you.



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

585.546.4920

■ [www.alliancecourtreporting.net](http://www.alliancecourtreporting.net) ■

800.724.0836

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

CLOSING COMMENTS BY ALJ GARLICK

ALJ GARLICK: All right. Unfortunately, we've hit 10 o'clock and the -- they've told us we have to be out of the building. I did call Mr. Walczak, so we'll have him as our last speaker.

AUDIENCE MEMBER: Can we get another hearing so that all of us can be heard?

ALJ GARLICK: I don't have the authority, but I'm sure we're going to have that conversation right now after we're done.

Mr. Walczak, are you here?

AUDIENCE MEMBER: I think he left.

ALJ GARLICK: Okay. Well, then we'll just stand adjourned, and I'll try to get you an answer to that question about continuing the hearing at a later date.

(The hearing was adjourned at 10:00 p.m.)

\* \* \*



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*

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

C E R T I F I C A T I O N

STATE OF NEW YORK:

COUNTY OF MONROE:

I, KIMBERLY A. BONSIGNORE, being a  
Freelance Court Reporter and Notary Public in and for  
Monroe County, New York, do hereby certify that I  
reported in machine shorthand the foregoing pages of  
the above-styled cause, and that they were prepared by  
computer-assisted transcription under my personal  
supervision and constitute a true and accurate record  
of the proceedings.

I further certify that I am not an  
attorney or counsel of any parties, nor a relative or  
employee of any attorney or counsel connected with the  
action, nor financially interested in the action.

WITNESS my hand in the City of Rochester,  
County of Monroe, State of New York.

Kimberly Bonsignore  
Freelance Court Reporter and  
Notary Public No. 01B06032396 in  
and for Monroe County, New York



**ALLIANCE**  
COURT REPORTING, INC.

*Video Conferencing and Videography Center*