

The Legislature of Rockland County



HARRIET D. CORNELL
Legislator – District 10
Chair, Environmental Committee

MINUTES
ENVIRONMENTAL COMMITTEE
WEDNESDAY, January 27, 2016
6:15 PM

Members Present:

Leg. H. Cornell, Chair
Leg. A. Wolfe (left 7:50)
Leg. J. Hood, Jr.
Leg. N. Low-Hogan
Leg. C. Carey (left 7:40)
Leg. L. Santulli

Members Absent:

Leg. T. Earl

Others Present:

Leg. D. Jobson
Hon. F. Hagan
C. Raglin
J. Dickey
K. Hudson
J. Casellini
P. Kurtz
N. Kleins
P. Catool
Hon. E. Markunas
G. Pisha
M. Herdic
L. Burkhardt
G. Welch
J. Birnbaum, Esq.
L. Seeman
E. Rich
K. Duer

CHAIR CORNELL CALLED THE MEETING TO ORDER AT 6:33 PM.

ADOPTION OF THE MINUTES OF THE DECEMBER 8, 2015 MEETING

NOT VOTED ON

1. REF. #5426 - URGING THE NEW YORK STATE SENATE AND ASSEMBLY TO PASS BILLS S. 5751-A and A. 7625, WHICH WOULD AMEND THE NAVIGATION LAW TO REQUIRE THE OWNER OR OPERATOR OF A MAJOR VESSEL TO PROVIDE THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WITH EVIDENCE OF FINANCIAL RESPONSIBILITY SUFFICIENT TO COVER CLEANUP AND DECONTAMINATION COSTS ASSOCIATED WITH A POTENTIAL SPILL OR ACCIDENT
(HON. HARRIET D. CORNELL, LEGISLATURE)

ADDED CO-SPONSORS: HONS. HOOD, JR., LOW-HOGAN, SANTULLI, JOBSON

MOTION TO APPROVE
CORNELL/HOOD, JR.

UNAN

Chair Cornell talked about a previous accident involving a runaway train carrying Bakken crude oil in Lac Megantic, Canada that killed 47 people, 27 in one restaurant and caused extensive damage. Firefighters from Rangeley, Maine, who had been contacted to give aid thought they were arriving at a regular fire, but the devastation was so great that there was no water source, food or needed supplies. This bill talks about the high cost to taxpayers to rebuild and decontaminate.

2. REF. #1021 - DISCUSSION ITEM – INFORMATIONAL DISCUSSION ON THE PILGRIM PIPELINE
(HON. HARRIET D. CORNELL, LEGISLATURE)

DISCUSSED

- K. Hudson, Riverkeeper, gave a Power Point presentation (see attached).
- Bakken crude oil has increased by 400% traveling through Albany in just 4 years.
 - Already facing threat via train and water transport. Pipelines would triple that threat.

- Pipelines would cross the Hudson River. Portion of pipelines would affect Rockland County in Ramapo and Hillburn. Pipelines consist of 2 parallel pipelines.
- Congress just lifted Crude Oil Export Ban, so there may be some incentive to export and pipelines are capable of reversing flow, which would accommodate exports.
- Pipeline construction would require temporary access roads that would cross private properties. Permission needed by property owners. Without that permission, Pilgrim Pipelines would have the ability to condemn properties.
- Area adjacent to Harriman State Park in a pristine part of the county near a watershed and drinking supply
- County Executive said that there was no economic value to Rockland County
- Pipelines can be compromised by excavation by local contractors digging. Pilgrim Pipelines said that there is a device meant to warn of ruptures. The same device gave no warning in a Santa Barbara oil spill.
- Environmental impact: clear cutting, deforestation, big affect on storm water
- Pipeline carrying fossil fuels for the next 50 years doesn't fit with Governor Cuomo's clean energy plan for New York.
- SEQRA process just initiated. Public only now allowed to have input. 29 municipalities do not want the NYS Thruway to be the lead agency, because they have a financial stake and a conflict in this. Public comment may only be 30 days.

G. Welch, Ramapo River Watershed Keeper for the Town of Ramapo, gave a Power Point presentation (see attached).

- Pipelines impact on Ramapo River Watershed, which is the largest water supply for Rockland County
- Pipelines run into active geological faults
- Biggest threat in Orange County. If Pilgrim Pipelines has to change the route, due to that, they should have to submit new permit applications.
- Water wells right in the path. Spills anywhere on the Ramapo River will affect water wells and drinking supply. We're listed as a primary aquifer in NYS, able to deliver a high water supply.
- Trying to protect our water, green and forested areas, and last thing we need is two pipelines carrying crude oil. Goal is to get off fossil fuels because of global warming. Like building a 178 mile gas station in some of the most sensitive ecological areas. Pipelines will go through wetlands, which should be preserved. To put a pipeline in that area is just nuts! The construction alone would cause pollution and instability - destabilizing of the river bank. Will go through parkland, which could be damaged.
- Tremendous financial risk to NYS, and eventually, someone should see the folly of this proposal.
- Pipelines cut between Potake and Cranberry Ponds, then goes into highly protected areas in NJ.
- More intense storms have been happening in recent years and catastrophic flooding can happen and what happens to the pipelines then?

J. Casellini, Pilgrim Pipeline Holdings, LLC, NY Representative, stated that the project was originally meant to be northbound, but when crude began to be transported southbound, it made more fiscal sense for this project. Navigation maps won't be updated again until 2019, so there is a danger with barge transport. This pipeline is needed, because of the volume being moved and there is much less risk of spills via pipelines than other modes of transport. Pipelines are more environmentally friendly and a lower cost. Pilgrim Pipeline Holdings ships the oil, but they are not the owners of the oil. Oil owners will use the lowest cost method of transport. This project would create 2000 construction jobs, of which, 50 are permanent. Pipelines are more stable, because the Hudson River can sometimes freeze. Pipelines are 20% lower than barge greenhouse gas emissions. Pre-1990 and post-1990 standards of pipelines are different. He said that the 3 spills cited by K. Hudson occurred with pre-1990 pipelines. The pipelines will cross the Ramapo River, but under the bedrock and there is a shutoff valve in sensitive areas. Welding methods and construction have improved in recent years. Pilgrim Pipeline Holdings proposes moving 3 billion gallons per year to meet the existing demand being moved by other means. Can renewables address needs? Big difference between grid energy and transportation energy. Diesel fuel supports barges and trains. On Bakken volatility, he said that the oil moves through the pipelines continually, unlike barges and rail. Pilgrim's pipelines can't move tar sands oil, because it needs heating, which Pilgrim does not intend to do. There have been discussions about moving the pipeline. The pipelines are designed to maximize the existing rights of way. If pipelines are not part of the math, then we're relying on barges and trains, which are more dangerous.

Leg. Low-Hogan: Isn't the whole point of protected areas is that they are protected?

K. Hudson: There are competing interests and an old idea that pipelines have a public use like water, but these are private companies using pipelines for a private product.

G. Welch: There is an increase on the federal level to try and increase wetland protection, but lawsuits ensue.

J. Casellini: The ability to do horizontal drilling is an important part of the process to mitigate damage, though costly.

L. Seeman, Sparkill Creek Watershed Alliance: Asked if United Water/Suez is a part of the process?

Chair Cornell: We'll probably know more during the public comment period. Discussed the Rockland County Water Task Force. Said the pipelines would pass through the Palisades parkland.

K. Hudson: The PIP is one of 50 agencies which will review the project. It is true that alternative plans need to be reviewed, which could include taking no action, but no action is not being considered.

J. Casellini: There is a DEIS on the Pilgrim site.

K. Hudson: The DEC said that it is a preliminary draft DEIS. Public comment is needed first. This project is diverting investment money from alternative energy.

J. Casellini: This is private money used for the project. No money is being diverted.

N. Kleins: Pilgrim Pipeline is trying to build pipelines that will reduce the transport costs of fossil fuels. We shouldn't be trying to reduce costs, but put a tax on it to encourage renewables. That should be put into the cost.

E. Rich: Asked Pilgrim Pipeline who are the companies they are building the pipelines for?

J. Casellini: Private money is coming from oil companies to speculate on the means of transport. The money comes from a hedge fund company investment. It is not related to the Koch Brothers. It will be cheaper for the oil companies to transport via pipeline.

P. Catool: Asked what is the liability of Pilgrim Pipeline if there is a major accident and a destruction of the waterway?

J. Casellini: This is a \$1 billion project and a bond is posted against that amount. Dollars per barrel will also be used for that purpose. Response teams would be within one hour of detection.

L. Seeman: The inability to find funding for cleanup is a no game situation for me. Water touches everything, so no way to determine damage. You want to build for profit and communities are left to deal with it if destroyed.

J. Casellini: This is the beginning of a lengthy environmental process. We're asking people to look at the features of our pipelines compared to other pipelines. Pilgrim Pipeline's designs provide greater protections than alternative transport methods. We want first responders to be part of the process.

G. Pisha, Sierra Club Rockland: Asked why Pilgrim submitted a DEIS without public comment. Said it seems like it was snuck in.

J. Casellini: We still need public comment. There will be changes to it.

G. Pisha: There's no economic benefit to Rockland County and we bear all the risk.

Public comment (no name): Why should we trust a hedge fund when that's what took down the economy? What is the hedge fund called?

J. Casellini: The Hedge fund's money takes all the risk. The Hedge fund is called EIF Aries.

K. Duer: The pipelines go through parks, but there needs to be a 50 foot wide corridor around the pipelines. Forests would be cut down and those trees can't grow back.

J. Casellini: A 100 foot wide right of way is needed. After construction, the pipelines will need maintenance and access points. There could be some plantings.

K. Duer: If there are plants over the pipelines, there will need to be pesticides used to keep the greenery clear.

J. Casellini: Said he wasn't an environmental engineer and didn't have that information, but could get it.

K. Hudson: Asked if we lose power in large storms, how could the shut off valves work?

J. Casellini: He could provide the information to the committee. The longest distance between shut off valves is 10 miles. There are several redundancies built into the system with backup generators. If the power fails, the system shuts down.

Mayor E. Markunas, Suffern: Asked if Suez expressed a concern that the pipelines would be so close to their wells? How can we assure residents our wells are safe from spills?

G. Welch: Some oil spills can be contained with booms, but crude oil sinks and can't be contained. That's why you don't put it near water systems.

Mayor Markunas: Then I would not be able to assure my constituents their wells would be safe.

J. Casellini: Said he wasn't aware what Suez has said.

Mayor Markunas: Asked what would happen to the barge and rail industries? Would the pipelines take away those jobs?

J. Casellini: Yes.

L. Seeman, Sparkill Creek Watershed Alliance: Having spoken to Suez (formerly United Water) about water issues, she said that Suez has told her that Suez is in the business of providing water, but not protecting water.

MEETING ADJOURNED 8:49 PM

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