

Statement by Moreau Planning Board Member Ann Purdue at July 18, 2022 meeting

Like many of you, I was initially intrigued by the technology that the applicant presented. My perspective changed as more facts came to light. In this regard, I would like to review the history of this project since December of last year.

- In December, we reviewed the applicant's EAF and determined that there were a number of moderate to large negative impacts, many of which we felt that we didn't have the expertise to assess. We passed a motion by unanimous vote to retain a consultant to assist the Board. Subject to a scope of work to be developed by Jim Martin, the applicant agreed that it would fund the cost of that consultant.
- On January 12th, we had an hour-long call with a few of the folks at the DEC who would review the applicants' permits. It was strictly an informational meeting and not intended to supplant the need for a consultant.
- At our January 24th meeting, it was noted that the applicant's application was not complete in accordance with the board's requirements and included inconsistent and incomplete plans. A few days later, Jim Martin followed up with the applicant to require that the applicant address those deficiencies. Mid-February, Jim advised me that he was still working on the scope of work for a consultant, but he wanted first to see the additional information to be produced by the applicant.
- The applicant did provide additional documentation during the month of February, including an updated EAF and site plans. Given the volume to the materials, Jim recommended that we hold a special meeting on March 7th to consider the project.
- At our March 7th meeting,
 - The Board found numerous changes made to the information originally included in the July 2021 EAF. I reiterated my concerns about the potential impacts of the project, which we might better assess with the assistance of an independent consultant. Jim Martin said he had been waiting for this meeting to see how the Board wanted to proceed before providing a draft scope of work.
 - However, the majority of the Board determined that they would deem the negative impacts mitigated by the issuance of DEC permits for the project. I reminded the Board that the DEC had advised the Board in January that its permit process was not a substitute for the Board's SEQR assessment. The permits are, in effect, licenses to pollute. As lead agency, the planning board's responsibility is to assess whether those permitted levels of pollution and the activities related to the project negatively impact the community.
 - Chairperson Jensen reminded the Board that a public hearing would be required as the SEQR assessment had not been closed at the last hearing in December. Comments made in the past month that the second hearing was unnecessary are incorrect. A public hearing was scheduled and rescheduled for May 12th.
- At the public hearing, we heard from many residents, most of whom object strongly to this project due to the potential environmental impacts to their community, including noise, odor, truck traffic and air pollution. Many called for independent review of the project and expressed concern that the board did not have the expertise to assess the impacts of the project.

- I made a motion to rescind the prior SEQR determination based on new information that became evident following the Board's determination in March. Specifically, the failure of the applicant to disclose on its EAF that it would be permitted to emit up to 100 tons of Nitrogen Dioxides, that it would store liquid nitrogen on site, that DEC would require higher stacks in order to better disperse air contaminants for the facility, potential fire risks associated with storage of biochar on site. That motion failed.
 - I then made a motion to retain an independent expert to assist the board in its assessment of the project's impacts. This motion was unanimously approved, and discussion followed as to the scope of the expert's work. Jim Martin suggested, and the board agreed that it would submit items it wanted to review to Mr. Martin by May 27th. Consideration would be given to those items at the next meeting on June 6th.
- At the June 6th meeting, we reviewed the only proposal – one that I had submitted. There was general concurrence that the scope was appropriate, but that Jim Martin would make revisions based on some specific concerns expressed at that time. Jim provided us with a revised scope and the Town Attorney also proposed a few revisions prior to our meeting on June 20th.
- At the June 20th meeting,
 - the Town Attorney advised incorrectly that the Board that the preliminary site plan for this project was “deemed” approved due to its failure to act on the plan in February. I disputed that position then, but the advice was only recently corrected.
 - The majority of the Board was then persuaded that there was nothing to be gained from the advice of independent experts. Among other things, it was asserted that there was no way to objectively measure or monitor odors. If we had had expert advice on this issue, we would have learned that there are dozens of companies that provide equipment and services to monitor odors. I believe that an expert could shed light on a number of other impacts of this project – including the risks and whether there are other means of mitigation available.
 - My motion to proceed with the procurement of an independent consultant firm in accord with the scope of work, as revised by Jim Martin and the Town Attorney, was not seconded.
- So, I remain deeply concerned that the Board has not given due consideration to the impacts of this project on our community.
 - It is the first of its kind – to be built and operated by a company that has never built or operated a solid waste facility of any kind.
 - The project may process up to 15% of the State's biosolids – biosolids for New York City, Long Island, and Western Connecticut and Massachusetts.
 - Biosolids are known to be contaminated by PFAS – the forever chemical – that the EPA has indicated is linked to increased health risks – cancer, autoimmune and cardiac disease, low birth weight.
 - In fact, the EPA is now so concerned about PFAS contamination of drinking water that it has recently revised its guidance on acceptable PFAS limits from 70 ppt to .004 ppt.
 - At this time, the water that the Town of Moreau draws from the Saratoga County Water Authority already exceeds this limit according to its most recent water quality report.

- So, why would the Town of Moreau allow the creation of a new source of PFAS pollution to our region?
- The applicant acknowledges in its most recent air emissions permit application that biosolids are known to be contaminated with PFAS. It notes that the “current understanding of the fate of PFAS compounds during thermal treatment is evolving”. The applicant does not promise to destroy PFAS, but it will be allowed to emit PFAS into our air up to the limits allowed by the DEC permit.
- The Time Union reported this weekend that residents of Hoosick Falls are about to receive payments of up to \$65 million for the damages done to their properties by industries that contaminated them with PFOA – one of the PFAS chemicals. The settlement includes health monitoring of residents who have been exposed to the chemicals. Is this the future you want for the Town of Moreau – your children and grandchildren.
- Regarding air emissions, we cannot minimize the impact of greenhouse gases, such as nitrogen oxide, sulfur dioxide and carbon dioxide. If they don’t make you immediately ill, they will and continue to have increasingly negative impacts on our climate. And there are other air emissions from this project that are not fully understood, such as methane and particulate matter.
- Regarding the applicant’s claim that it will be subject to stricter limits on emissions and PFAS if adopted by the EPA or DEC, note that they may not be required to comply until their permits come up for renewal – perhaps 10 years from their initial permit. It may also be a year or more before the regulation of PFAS catches up with the hazards they present.
- Regarding the applicant’s claim that it will be a good neighbor, the applicant recently minimized its neighbors as a small group of 150 to 200 people, only a few of which are outspoken.
- In sum, I am going to ask the Board to reconsider its SEQR determination as well as its decision to forego the advice of an independent consultant. I know that this is hard work. We have been presented with a lot of documentation, much of which we cannot be expected to understand. But we owe it to our community to proceed with extreme care.