

**ONEONTA, NEW YORK - AUGUST 16, 2006 - 7:00 P.M.**

**REGULAR MEETING OF THE PLANNING COMMISSION PG. 1**

**PRESENT:** Chair Rob Robinson  
Commissioner Karl Seeley  
Commissioner Jean Ostrowski  
Commissioner Gene Betterley  
Commissioner Ellen Falduto  
Commissioner Anna Tomaino  
Alderman Julie L. Carney

**ABSENT:** Commissioner David Zummo

Chair Robinson called the regular meeting to order and asked the Clerk to call the roll.

**PETITIONERS**

Chair Robinson recognized petitioners, people other than those representing agenda projects, who would like to make comments on those or other projects.

Mr. Martin Wank, West Oneonta, stated it seemed to him weighing the positives and the negatives this plant (biomass) idea was mainly negative. He said it would deplete our forests, contribute to soil erosion, release over 4,000 lbs of contaminants per week into the air, degrade town roads from the 18-wheeler trucks carrying fuel, the trucks will contribute to air and noise pollution and road accidents. He said some contaminated liquid effluent will end up in the Susquehanna River. He said storing logs and chips at the site will have an awful smell and the wood chippers there would create more noise and pollution. He said if treated City water was used for this project it would divert water resources for future housing and other beneficial developments. He said we the tax payers would foot the bill for exploring further water resources. He said one likely result of the plant would be to lower property values in the City and Town of Oneonta. He said therefore the proposed plant should be rejected by the City of Oneonta and would be a complete detriment to our area. He said since the proposed plant impacts the Town as well it should be a joint decision of both the Town and City of Oneonta. He said he might enlarge that to the County of Otsego as well. He said if the folks on the Planning Commission were the custodians of our City's future they would be false to their role if they let this proposal go through.

Mr. David Hutchison, Chair of the Environmental Board, stated due to not having a quorum at the Board's August 9<sup>th</sup> meeting there was no official meeting. He said he sent the Commission a copy of Stan Shaffer of the Water Department's water report and he asked that it be part of the official record. He said he would like to reiterate there was a letter dated July 8<sup>th</sup> that seven people put together including himself and several other members of the Environmental Board, which everyone was given a copy of. He said that letter also went to the Environmental Board and it unanimously felt that the proposal was incomplete and recommended that the proposal not be accepted for the lack of completeness. He said in the submittal letter that the developer sent the last sentence said they assumed that there would be a negative declaration or encouraged a negative declaration based on all the other previous information they had given. He said needless to say the Board would certainly not agree with that statement.

Mr. Dan Dolezel, Oneonta resident and of Local 17 Labor, stated generally he would like to see this built and the people he was representing would like to see it built but would like to see some kind of language put in the contract or whatever they sign saying that the people building this building would be paid prevailing wage and union workers. He said there was a lot of stuff going on in the City with out-of-state electricians making \$11 an hour at Wal-Marts. He said he saw these violations every day. He said if they used union contractors it would be a safe job and done right. He said there were a lot of tradesmen that live in Oneonta and it would give them jobs while the plant was being built.

Mr. Bill Masters, 16 Evergreen Dr., Oneonta, presented the Clerk with the following statement he had prepared and read:

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“I am Bill Masters, and live in the Town of Oneonta, to the East of the City. Like others I am concerned with the environmental impact on air quality since prevailing wind currents come from across the City. I urge the Planning Commission to think broadly on this project, as the consequences of your actions will extend way beyond the city itself.

Because a plebiscite for the citizens of the city and town is apparently not provided for in our laws, I would urge you to creatively sponsor some form of polling to inform yourselves objectively about the sentiments and views of us who live here as you work to come up with recommendations.

One final thought: As far as I can tell from the presentations of the Company, the concept of forest management so praised for the predicted beneficial impact on the health of woodlands will actually be wholly in the hands of free lance loggers, vaguely subject to state rules, but mainly driven by their own economic self interest with clear accountability to no one. When a tree is cut down, it is gone. When it is chipped, there is no way to say that it should not have been taken. Let’s be realistic about the potential impact of this endeavor on our country side.”

Mr. Daniel Blacklock, Oneonta, presented the Commission with a copy of “Ionics Technical Paper” regarding “Getting to Zero Discharge: How to Recycle That Last Bit of Really Bad Wastewater.” He said apparently it was nothing new but it was an available technology that eliminated liquid industrial discharge.

Mr. Philip Hill, West Broadway, Oneonta, stated he was very concerned this body was looking at a proposal that was so incomplete. He said this company had absolutely zero experience at a building a plant they propose. He said they bought a plant that had never been financially viable north of here and they assumed that here they would burn more wood and have a larger than they have north of here. He said this created a major problem. He said he attended many of their (Catalyst’s) presentations and asked many basic questions. He said he had no engineering background and he received no answers from the representatives. He said to accept an incomplete application from a group that had zero experience was appalling.

Ms. Eileen Hart stated during the last several weeks since she went to the informational meeting at SUCO this had sort of been her full time job of investigating this company. She said Oneonta was her hometown and she wondered if those who were proposing this project from within Oneonta had actually taken a really good look at this company, at their affiliations and at their history. She said she thought it was shocking what she found in 2 weeks and was amazed that there were people sitting here considering this project.

Ms. Rose Ann Pirone, Oneonta, stated she too attended the information meeting hosted by Catalyst Renewables at SUCO a couple weeks ago. She said she left with a huge list of concerns. She said certainly at the top of the list was the huge amount of potable water their proposal asks for. She said she was concerned about the forest management. She said the people were led to believe this was a process that would be sustainable. She said it was not sustainable if trees were not replanted. She said she saw nothing in terms of any kind of plan to replace what was taken away. She said she was concerned about the ash that would be generated from the burning of over 2 million pounds of wood chips per day. She said she was also concerned that if they could not get enough virgin wood, what would they be burning in the future. She said she read that the plant in the northern part of State and Lyons Falls received a permit to chip and build wood pallets and have requested a second permit where they would be allowed to burn waxed coated cardboard. She said she was wondering what was next. She said the term “biomass” was a very broad term. She said much of the garbage we generate in our homes is biomass. She asked if that was in the future of this plan.

Ms. Karen Anderson stated she had also attended the meeting at SUCO and had walked in with a lot of questions she did not know the answers to. She said she was completely in favor of renewable

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energy in a sustainable way. She said she was not convinced that this project was sustainable at all. She said she heard them (Catalyst) say once the trees were gone they would grow willow. She said willows in a 3-year cycle did not make sense to her to take land out of production to grow willow to burn for an energy plant. She said also she had not heard any discussion about net energy gain or loss. She said if there were 50 trucks a day out messing around in the woods how much diesel fuel were they burning and once you get the energy used and produced again, what was the net.

**CORRESPONDENCE**

City Clerk Koury gave a brief summary on the following correspondence that have been entered as received:

•The following letter was received from Keith Bott, 4<sup>th</sup> Ward Alderman, City of Oneonta, dated July 21, 2006:

‘Mr. Robert Robinson, Chair  
City of Oneonta Planning Commission

RE: Site Plan and S.E.Q.R.A Review, Catalyst Renewables Proposed Biomass Facility on Roundhouse Road

Dear Mr. Robinson:

Please have the following entered into the record of the Planning Commission’s correspondence regarding the proposed biomass facility. Thank you.

At the July 19, 2006 meeting of the Oneonta Planning Commission, the presentation by Catalyst Renewables asserted that:

City representatives have evaluated the use of municipal water and the water supply and infrastructure appear more than adequate to meet the facility needs without any negative impacts to the City or its existing users.

The City’s system is capable of delivering over 4 million gallons per day (gpd). It is currently serving approximately 1.7 million gpd.  
*(p. 15 of the Power Point Handout distributed and presented to the Planning Commission on July 19, 2006)*

This assertion concerns me for several reasons. First it is not attributed. The City Officials catalyst spoke to are not identified so I was unable to evaluate the validity of the statement. When I questioned the City Engineering office I was unable to find anyone who had made such a definitive statement to Catalyst representatives.

Second, when I asked the Director of Engineering if the City knew what its water capacity is I was directed to a 1984 study done by the Army Corps of Engineers, Baltimore District. After studying the Oneonta reservoirs, the Corps issued a report titled “Water Supply System Evaluation for the City of Oneonta, NY”. I encourage you and all the Planning Commissioners to review this in-depth report. On Page 48 you will find the following conclusion:

The yield analysis for the [Oneonta] reservoir system indicates that this source is marginally incapable of safely supplying the Oneonta system itself. The reservoirs’ safe yield was estimated at 2.3 mgd, while city demands have been 2.4 mgd and greater.  
*(p. 48 “Water Supply System Evaluation for the City of Oneonta, NY”, December 1984)*

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In light of their conclusion on reservoir capacity, the Army Corps made several recommendations (paraphrased below):

Evaluate existing supplemental water supply sources to determine water quality and cost effectiveness of renovation. (In 1984 the City already had the West End well and the Millrace as supplemental water sources but both sources had water quality and distribution concerns. The City did not yet have the Catella Park well)

Consider developing additional water supply sources. (Following the report, the Catella Park well was put on line and is used seasonally).

Try to reduce the City's level of demand from 150 gallons per day per capita to about 100 gallons per day per capital. (The Army Corps felt this could be done primarily through a systematic and regular leak detection program. Following the report, a leak detection program was begun and is credited with reducing daily usage from the 2.4 mgd of 1984 to the under 2 mgd today).

Update drought emergency procedures and expand the public awareness of these procedures. (A drought emergency procedures report has been prepared and was last updated in 2003).

After receiving the 1984 study, the City followed the Corps' recommendations and made many improvements to its water system. Leaks were reduced. The West End well was evaluated. A new well was put on line. Although I believe these improvements greatly protect Oneonta water users from drought, I am not convinced that overall capacity has been greatly increased. The City reservoirs had a "safe" capacity of 2.3 mgd in 1984. The City does not know how much 22 years of sedimentation has reduced that measured capacity. The West End well and its connected infrastructure have been evaluated (by Delaware Engineering and City Engineering staff) and their renovation was determined to be not cost effective. The West End well can be used during emergencies but it is not considered a viable source for daily consumption. The Catella Park well supplies .6 mgd but the recent floods left its pumps unusable. Finally, I have never spoken to anyone who thinks the millrace is a desirable water source for anything other than an extreme emergency.

The point I am trying to emphasize to the Planning Commission is that there is a significant discrepancy between Catalyst's contention and the Army Corps of Engineers' conclusion. I cannot agree with Catalyst when they state that the Oneonta water supply is "more than adequate to meet the facility needs without any negative impacts to the City or its existing users." Although Oneonta has a water treatment plant that can process up to 4 mgd, the facility has never been run at full capacity. Oneonta has supplemental water sources, but currently only one (the Catella Park well) is considered desirable for daily use. Oneonta has taken steps to increase its capacity by drilling a second Catella Park well but this well is not fully permitted by the Susquehanna River Basin Commission and it does not have the pumps and infrastructure to deliver its water to the treatment plant. It is still not known when, or even if, this new well will be brought on line.

In short, I do not believe that the City of Oneonta truly knows what its safe water capacity is. To dedicate the water quantity required by Catalyst before a more thorough understanding of the City's capacity would be imprudent and would put Oneonta water users at risk. If the Catalyst proposal is to move forward, I would argue that it only be allowed to do so if the applicants present a proposal that identifies a water source other than the City's public water supply.

Since Catalyst Renewables first publicized their plans for a Biomass facility in Oneonta, many have cautioned that water consumption is a major concern. After reviewing the Army Corps study I believe that the concern over water consumption has been understated.

Thank you for your attention to this matter.

Sincerely,"

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•The following e-mail was received from Molly Swain, Oneonta, dated July 30, 2006:

“J. Koury, City Clerk,

Please include the following questions that need to be addressed by Catalyst Renewables:

- What infrastructure will be needed to send steam to outside users? How will that impact the area?
- Will the amount of diesel oil used and the emissions from the wood-chip transports outweigh the benefits to the environment?”

•The following letter was received from Alderman Bott, 4<sup>th</sup> Ward, dated August 1, 2006:

“Mayor and Common Council

RE: Catalyst Renewables Proposed Biomass Facility on Roundhouse Road

Dear Mayor and Fellow Aldermen:

On Thursday July 27<sup>th</sup> and again on Saturday July 29<sup>th</sup>, Catalyst Renewables, ran an advertisement in the Daily Star claiming that their biomass project will "increase Oneonta's tax rolls by 50%." I was disturbed by this claim since it is such a clear exaggeration. I feel it requires a response for the public record.

In order to increase the City's 2005 taxable assessment roll by 50%, the proposed plant would need to be assessed at over \$155 million dollars. Not even Catalyst promoters have ever suggested an assessment so high. When the Catalyst proposal was first publicized late last year there were suggestions in various news reports that the plant would be assessed at its construction cost. This number was questioned and Catalyst now claims the plant will be assessed at two-thirds estimated construction costs, or \$50 million dollars.

Personally, I believe there is ample reason to be prudently suspicious of this \$50 million assessment projection. First of all, Catalysts does not set the assessment, the City does and the assessment will not be determined until the plant is built. Secondly, if you compare other assessments you will find that the Lyonsdale plant is assessed at \$3.8million. The Corning Plant in the City of Oneonta is assessed at \$2.2 million. Lutz Feed's newly expanded and modernized feed-mill on 8.2 acres in the Town of Oneonta is assessed at just over \$1 million. The NYSEG facility on 16 acres along Brown Street in the Town of Oneonta is assessed at \$5.46 million.

The point I am trying to emphasize is that guessing at a future assessment at this time is just that, a guess. Regardless of what the actual assessment is, it is clear that it will be nowhere near 50% of Oneonta's tax roll, as claimed by Catalyst in their Daily Star ad. Even if you believe the plant will be assessed at \$50 million, the assessment would account for no more than 12% of the taxable assessment roll in the first year that the plant could be fully assessed (2008 or 2009). And, it could be far less if Oneonta's taxable real property continues to appreciate.

My primary concern and my reason for writing now, is that Catalyst representatives do not seem concerned with how accurate their statements are. Several weeks ago they claimed that using 460,000 gallons of water per day would not impact Oneonta water users. Now they've published a claim that their plant will increase our tax rolls by 50%. These assertions are highly questionable and they make me question the accuracy of other claims about traffic, air quality, and noise.

I believe we need to develop alternative energy sources. But we must be certain that they are

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developed in ways that minimize public impacts and maximize the benefits. The Catalyst proposal makes many claims of minimal impact. Every one of these needs to be carefully evaluated. The Catalyst proposal also makes many claims of potential benefits. Each of these needs to be balanced against its true cost to the City. With regards to the proposed biomass plant, I am very concerned that we are only hearing one side of the story told by very interested parties. As the elected officials of the City of Oneonta, we have an obligation to be much more critical.

Sincerely,”

•The following was received from Paula Balloran, Director, Regulatory Program, Susquehanna River Basin Commission, dated July 28, 2006:

“Mr. Robert Robinson, Chair  
City of Oneonta Planning Commission

Re: Pending Application from Catalyst Renewables Corporation for Site Plan Approval.  
City of Oneonta. Otsego County. New York

Dear Mr. Robinson:

This is to confirm receipt of project information relating to the Site Plan Approval and the Environmental Assessment Form for Catalyst Renewables Corporation that has been determined to be Type I Action under the New York State Environmental Quality Review Act (SEQRA).

Please note that the Susquehanna River Basin Commission (Commission) is an independent Compact agency and is not a state agency for purposes of SEQRA. Similarly, the Commission is not a federal agency for purposes of the National Environmental Policy Act (NEPA). Nevertheless, the Commission’s review of projects contains an extensive evaluation of impacts on the water resources of the basin including: 1) the fishery and aquatic habitat; 2) stream quality control; 3) recreation; 4) dilution and abatement of pollution; 5) the regulation of flows and supplies of surface water and groundwater; 6) mitigation of consumptive water use; and 7) the avoidance of conflicts among users.

The Commission encourages coordination with its member jurisdictions and their political subdivisions in the review of projects. Therefore, while the Commission is not subject to SEQRA, we would be happy to cooperate with the City of Oneonta in the completion of its lead agency responsibilities.

The Commission will, however, proceed with its review of any project that is subject to its approval in accordance with its usual procedure. Catalyst Renewables Corporation’s proposed biomass facility is subject to review and approval under the Commission’s consumptive water use regulation. The information provided indicates that the proposed water usage of 469,440 gallons per day will be supplied by the public water supply system; therefore, the project will not be subject to the Commission’s withdrawal regulations.

The Commission received an application from Catalyst Renewables Corporation on July 10, 2006. Under the Commission’s regulations, a project sponsor is required to notify the municipality and county in which the project is situated of its submission of an application to the Commission, as well as an area newspaper and contiguous property owners. Interested parties will have the opportunity for comment during the review process.

Please feel free to contact me at (717) 238-0425, extension 222, if you have any additional questions.

Sincerely yours,”

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**(Correspondence)** continued

•The following Memorandum, dated August 2, 2006, was received from Chief Operator Stanley H. Shaffer, City of Oneonta Department of Water Laboratory:

“Re: Water Production

Enclosed, find data on the Finished Water production for the year 2005. Please note that the Average Daily production was 1.58 mgd. The engineering report of 1924 titled “Supplemental Report on the Water Supply Problem at Oneonta, New York” reported a safe yield from Wilber Lake as 1.82 mgd, and from the entire watershed (including the Lower Res.) as 2.60 mgd. It also reports the capacity of the Lower Res. as 25 mg. In my opinion the 2.60 mg figure is not realistic. These amounts are based on the size of the Watershed and the historical amount of rainfall recorded before 1924. The problem with the 2.60 mg amount is that the Lower Res. holds such a small amount of water that any significant runoff from rainfall or snow melt is largely lost over the spillway. If you read the report (if you want a copy, I’ll get one for you) you will see that even in 1924 there was a concern over the amount of silting that had occurred in the 42 years that the Lower Res. had been in service. To my knowledge the Res. has never been dredged, and has continued to fill in during the 82 years since then. Even if it was dredged and you had the full 25 mg capacity, I don’t believe we would gain much of a yield. We normally keep the level within 3 feet of the top of the spillway, so there’s never much room to collect runoff. In the report one of the recommendations was to build a third Reservoir above the Lower Res. to capture more of the water. I believe the 1.82 mgd yield from Wilber Lake would be a better number to base any decisions on the use of water from the Reservoir system. I was employed here during a couple of droughts in the 1980’s when the Reservoir system would not supply enough water and the level of Wilber Lake got precariously low. This was even with the Mill Race Pumping Station in service at 1.0 mgd. Keep in mind that we were processing 2.5 to 2.8 mgd back then. These droughts caused the City to investigate the possibility of finding additional sources of water, and eventually the development of the West End Well and the Catella Park Well. As a result of these investigations we have multiple sources with lots of capacity, but each of the alternative sources has problems. The Mill Race is a stagnant body of water with much Plant and algae growth. Whenever we were forced to use it we had tremendous taste and odor problems. Also, the pumps were old and very unreliable, and the pipeline to the Plant is exposed in the Oneonta Creek bed (same pipeline used for Catella Pk. Well). We tried to use it one winter thinking that the water flowing through the pipe would not freeze. The pumps stopped pumping one night in subzero weather, the water froze and the pipe burst. The next attempt was to develop the West End Well. Lots of water (approx. 1mgd) but problems arose with this supply also. There is a significant amount of Manganese in the water which tended to precipitate out in the system, but the bigger problem was caused by the hydraulics of the system. We were pushing water the opposite way it had flowed for years in the West End, Chestnut St. and River St. areas. This reverse flow was scouring the natural corrosion products in the piping and we had tremendous problems with Red/Black water in those areas. Throughout the years I’ve heard all sorts of ideas to try to mitigate this problem, but in my opinion hydraulics are hydraulics and no matter what you do if the pressure is higher in the West End we will continue to have problems with scouring, and that is besides the amount of Manganese in the water. When we used the Mill Race, and the West End Well, we were besieged with complaints and irate customers. The search continued, and with the help of Dr. Palmer of the SUCO Geology Department two new wells were found and developed. These were the Wilber Park Well (a good well but did not supply the amount of water we would need) and the Catella Park Well. The Catella Park Well has proved to be a good source of water for us, but it has its problems also. It is hampered by the pipeline in Oneonta Creek, but we have not needed it in the winter since it was put on line. It is also in an unconfined aquifer and therefore has the potential of contamination from surface water. We have not used it since the flood and it has not been tested since. I think one could easily envision a problem with contamination caused by the flooding. These are all issues on the supply side of the Water system. There are also issues on the treatment side, and the distribution side that will need to be addressed. As I mentioned to you in our phone conversation we are operating the Plant up to 11 hours per day on the week days and 8 hours per day on the weekends with limited

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staffing. If we needed to process 400,000 gd more we would need to run the Plant an additional 2 to 4 hours per day, and that assumes we have no other problems like leaks in the system. Can we guarantee 400,000 per day every day? I don't think so! Bottom-line, I don't think using our treated water for this application would be appropriate. I would like to see other options fully explored before we committed to using our water. Has there been any thought of piping West End Well water down to the site? If I can be of any help, please do not hesitate to call."

•The following e-mail, dated August 2, 2006, was received from Karen Anderson, 76 Heritage Hill Road, Oneonta, transmitting three e-mails sent dated July 28 and 2 on July 29, 2006:

"Friends, I sent an email to most of you concerning the Catalyst Renewables biomass plant. John Nader responded and I responded to him. The email forwarding back and forth is a bit of a pain, so I'm putting these three letters into a document... just to keep you in the loop. Again, if you want to be removed from this list, please let me know. I apologize because I'm REALLY sure I have duplicates. If you want to stay in, please let me know which email to use. On the other hand, feel free to pass it along. Anderson.Karen@gmail.com

Catalyst's meeting is tonight, 8/2, from 7 - 9 in the Hunt Ballroom. There will be an information table containing some educational materials. Please come to the meeting and stop by the table.

I'm pasting the documents in here, but they are also attached in a Word file.

Best wishes,  
Karen Anderson

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Letter One – Karen Anderson to Powers that Be, et al (most of you have seen this one)

July 28, 2006

TO:  
Mayor John Nader  
The City of Oneonta Planning Commission  
Environmental Board  
Common Council

cc: The Daily Star Editorial Staff

From:  
Karen W. Anderson  
76 Heritage Hill Rd.  
Oneonta, NY 13820  
(607) 433-1266

On July 8th, a group of community leaders wrote to City of Oneonta decision-makers with numerous legitimate concerns about the Catalyst Renewables Site Plan and Environmental Assessment. The concerns include the lack of due diligence, and the condensed time frame proposed for this project.

Can we slow down? We need time as a community to think this through. It was a shame that the Oneonta Roundhouse was allowed to deteriorate and be demolished. Folks, this was the largest roundhouse in the WORLD; there's even a book about it! It would be a continuing shame to put anything on that historic site without considerable thought to the psychological and sociological impact on our community. Just look at what "urban renewal" did to Oneonta's downtown as an example of how badly "moving forward" can damage a community.

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The railyards and roundhouse site should host something that raises awareness of its history and our heritage. AND it should generate revenue. Like what? How about building a replica of the roundhouse, an interpretative center, making it a must-see tourist destination? How about train-related souvenir and model shops? Other cities use such sites as galleries, artist studios, and boutique shops. Even having part of this area serve as long-term parking would be less offensive than a smokestack and truckloads of "biomass" pummeling through town.

How many of our citizens have actually seen one of these plants in operation?

A wood-burning plant in that location will have strong negative effects on our community. Right now, there is a ghost of a roundhouse there. People remember it and talk about it. They take people to see the site. It's part of who we are. If we allow the biomass plant to take over that site, and take over it will regardless of claims otherwise, we relegate some of the last remnants of Oneonta's railroad heritage to the realm of future archeologists.

I've worked on Environmental Impact Assessments in which cultural impacts are weighed as heavily as environmental impacts. I strongly urge each of you to consider the negative cultural impact of this project and what it means for our future. This plant is literally in Oneonta's back yard. Do we really want our children and grandchildren to live under a smokestack? Please... imagine the positive things that could happen on that site. Let's slow this down and talk about this very serious impact to the future of our beautiful city. I wonder why they're trying to rush this through the system so fast. I'm not proposing that the project be stopped, although perhaps that is the right thing to do given many other concerns. But I am saying it should be stopped in this location.

I hope the meeting on Wednesday, August 2nd from 7 - 9pm at the SUNY Oneonta Hunt Union ballroom is well-attended by our citizenry.

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Letter 2. Response from John Nader to Karen Anderson

July 29, 2006

Hi Karen,

Thanks for your email. It would be inappropriate for me to comment on some aspects of your letter, as it may be construed as attempting to prejudice the project.

I will say this: the process of review is presently in the hands of the planning commission which will serve as lead agency. After an open period of comment, there have been no objections submitted to the designation of the planning commission as lead agency. The commission's status as lead agency was only formalized this week.

I am a bit concerned about your mention of due diligence and a condensed timeframe. I want to assure you that this is simply not the case. Please keep in mind that this process may last one year or more and has only just begun.

The SEQR process is intended to provide for thorough, fact-based review and includes many opportunities for public comment within the law. Contrary to a concern that was expressed to members of the planning commission, no formal action has actually been taken on the site plan or environmental assessment form.

As to due diligence, please note that the city hired a consulting engineer several months before any formal submission from Catalyst. In March we also arranged a trip for about two-three dozen people including common council members and members of the planning commission and E board to a facility in Lyonsdale NY where there is a biomass plant. I have offered to assist in arranging another

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trip. In addition, we scheduled two workshops on the SEQR process and a broader range of issues before any submission was made. This week I was involved in a conference call with a person for Vermont's Air Quality Division to discuss the operation of two plants in that state--one of which is in or adjoins the City of Burlington. I have extended the Vermont official an informal invitation to come here in the future.

The questions regarding the SEQR process have already been referred to outside counsel for review and I have requested that Catalyst place funds on deposit with the city to cover our consulting/engineering costs. They will soon be submitting payment to the city chamberlain.

My own view is that city officials have been exceedingly diligent in this matter.

The historic issues you raise would, of course, apply to any potential development of that site. The Catalyst proposal does not contemplate building on the site of the roundhouse itself.

I hope this response is helpful. Again, my responsibility as mayor is to assure a fair, thorough and complete review of a proposal that was submitted. The law requires as much, and no efforts will be made to speed or delay review in ways that prejudice any rights.

Should you wish to further discuss this, I will make every effort to meet with you.

John

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Letter 3. Response to John from Karen Anderson

July 29th, 2006

Hi, John -

Thanks for your thorough and thoughtful answer. I readily admit that this project has been on the periphery of my awareness for a while and I only became engaged after I saw the letter written by Hutchinson et al (July 8th) and forwarded to me by Julie Carney. Volcano Editions keeps me over-the-top busy.

I intended nothing in my letter to question the role of the planning commission in leading this effort and hope it didn't come across that way. Having not been involved in the process to date, I based my comments about the haste of the project on the opening statement in that letter:

"First and foremost is our concern that starting the review of this site plan now is premature because it is so incomplete. Reviewing concept plans that are currently in development exposes both the city and the developer to liability. We strongly recommend that the review timeline clock not be started on this project before several major issues of permits and plans are much farther along. Is the Planning Commission prepared to follow the rather tight timeline with an incomplete application? We would expect any major development to present a complete application to address all the items required for a site plan according to City Code #300-44. "

I do think that a year is not enough time to study a project of this magnitude unless there is a considerable focused effort. I've worked on impact analysis projects before where a couple of dozen salaried people worked full-time for months identifying impacts and proposing mitigation measures.

I base my comments on the cultural impact of this plant through direct knowledge of the Burlington

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plant. I have been there and I think we have major reason for concern. It dominates a significant area. I know the Catalyst proposal does not contemplate building on the site, but if I'm picturing things correctly (and I may not be), the roundhouse site will be essentially useless for any other purpose.

The plant is actually a bit of a ride from Burlington. I'm not sure exactly where it was because I was on a bus tour (this was in 2004 while attending a Sustainable Communities conference which, as an aside, was extraordinary). The Burlington plant adjoins a sizeable cooperative community garden, which is a great use for adjacent land.

Also, and I didn't really mention this in the letter because it's a totally different subject, I am totally in favor of using renewable resources. In fact, I founded and ran a 501(c)3 environmental education corporation in California. However, I am very concerned about the net energy gain of this particular project. I know that I don't have enough information to have an opinion yet, but I will make sure to be informed before I say anything more about it.

I also trained for and received energy auditor certification while living in Maine and I suspect that a comprehensive city-wide conservation project (residential and business) has the potential of netting more energy than this plant. I hasten to repeat that I do not have enough information to express an informed opinion yet.

John, I appreciate that this is a tremendous amount of work for you and the City and I hope that Catalyst comes through with the resources to address all concerns. I don't want to be a nay-sayer and I don't want to act like a backseat driver. I am willing to help in any way that I can, including serving on a committee or project. I have some useful experience in this area.

Best wishes,  
Karen Anderson”

•The following e-mails from Karen Anderson dated August 3<sup>rd</sup> and Stan Sessions of Hartwick College Department of Biology, dated August 2,, 2006:

“Stan wrote this to me earlier today, before the Catalyst show and I'm just now getting around to sending it out. He gave me permission to send it along. Sorry for the delay, Stan.

Karen

On 8/2/06, Sessions, Stanley <SessionsS@hartwick.edu> wrote:

Karen: Thanks. I also have growing concerns about the proposed biomass powerplant. Nobody wants to be seen as needlessly standing in the way of constructive progress towards economic health, but I think the possible benefits from this project are outweighed by the potential risks, jeopardizing clean air (and human health), water, and surrounding forests. In this respect, it would be a step backwards for us, leaving an unfortunate legacy for future generations. It is impossible to prove before hand which is going to prevail, the positives or the negatives, but I have to ask: Is it really worth the risks, even if they are only potential risks?

I think the company PR for the proposed powerplant has played on our concerns about the environment and (understandably, from their point of view) understated these risks. For example, I do not for one instant buy the idea that the proposed plant is "carbon neutral," simply because it releases carbon that had already been absorbed by the trees it burns. This argument also applies to fossil fuels, since petroleum and coal are also from plant material. I am also skeptical about the argument that the carbon dioxide released will be balanced by the carbon dioxide absorbed by new plant growth. The assumption that landowners will replant with fast-growing trees suitable for burning at the plant may be overly optimistic on the one hand, and even if true it is a recipe for

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destruction of forest biodiversity in favor of monoculture tree farming, with the associated degradation of ecological services natural forest biodiversity provides, a big step backwards. This argument also seems to ignore the fact that during the winter most trees release carbon dioxide instead of absorbing it.

Also, has anyone considered what the proposed withdrawal of water will do to Wilber Creek, with its population of native brook trout and other wildlife? I remember the algae-tasting water when we ran low on water a few years back, so I am not sure I buy that we will always have enough excess water to supply the proposed powerplant. And pumping warmed water back into the headwaters of one of the largest river systems in the United States does not seem like a wise thing to do. Even small temperature increases can encourage microbial growth and reduce dissolved oxygen in the river, and this would just compound an incipient pollution problem we already have with our water treatment plant. We already have evidence for an increase in and spread of antibiotic resistance among bacteria strains downstream from our sewage treatment plant, and that was before the floods.

I am especially concerned about the invisible pollutants (less than 2 microns) not captured by the filters and precipitators on the stacks: That is the stuff that causes lung problems, including cancer.

Being mostly invisible we will not even be aware that we are breathing it. And that is not even considering the trucks: nearly 50 trucks, equaling nearly 100 tractor-trailer truck runs, into (and out of) Oneonta per day, spewing diesel pollutants as they come and go. The fact that Oneonta is situated in a valley that is prone to inversion makes the whole idea of installing a mass burning facility of any kind in this area seem reckless. It will simply compound an incipient pollution problem we already have from car emissions and wood burning fireplaces and stoves. Furthermore, the extra energy will not even directly benefit us, and is likely to encourage increased energy use and development, especially downstate. Instead of burning our "trash trees" (read forest biodiversity) to generate yet more energy, at considerable potential risk to our health and quality of life, why are we not getting more serious about conservation of the energy that we now produce? Conservation is not just a pipe dream: It is the key to our future.

Imagine a family driving down I-88 in the not-too-distant future. If we go ahead with the powerplant, I can imagine one of the parents saying "Look kids, the smoke stack,, we must be passing Oneonta! Roll up your windows!" I would rather look for ways to attract people to visit Oneonta, and a Roundhouse museum seems like a much better idea."

•The following e-mail, dated August 3, 2006, was received from Cynthia Marsh [info@cynthiamarch.com]:

"Could the burning of biomass change our local climate!? Can we afford to risk diminishing the source that would replenish the water needed to burn the trees?"

-Cynthia

[http://visibleearth.nasa.gov/view\\_rec.php?id=2710](http://visibleearth.nasa.gov/view_rec.php?id=2710)

This photograph, acquired in February 1984 by an astronaut aboard the space shuttle, shows a series of mature thunderstorms located near the Parana River in southern Brazil. With abundant warm temperatures and moisture-laden air in this part of Brazil, large thunderstorms are commonplace. A number of overshooting tops and anvil clouds are visible at the tops of the clouds. Storms of this magnitude can drop large amounts of rainfall in a short period of time, causing flash floods.

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However, a NASA-funded researcher has discovered that tiny airborne particles of pollution may modify developing thunderclouds by increasing the quantity and reducing the size of the ice crystals within them. These modifications may affect the clouds' impact on the Earth's "radiation budget," or the amount of radiation that enters and leaves our planet.

Steven Sherwood, a professor at Yale University, found that airborne aerosols reduce the size of ice crystals in thunderclouds and may reduce precipitation as well. Using several satellites and instruments including NASA's Total Ozone Mapping Spectrometer (TOMS) and NASA's Tropical Rainfall Measuring Mission (TRMM) satellite, Sherwood observed how airborne pollution particles (aerosols) affect large thunderstorms, or cumulonimbus clouds in the tropics. Common aerosols include mineral dust, smoke, and sulfates. An increased number of these particles create a larger number of smaller ice crystals in cumulonimbus clouds. As a result of their smaller size, the ice crystals evaporate from a solid state directly into a gas, instead of falling as rain. Sherwood noted that this effect is more prevalent over land than open ocean areas.

Previous research by Daniel Rosenfeld of Hebrew University revealed that aerosols and pollution reduced rainfall in shallow cumulus clouds of liquid water, which do not have the capability to produce as much rainfall.

Sherwood expanded on that research by looking at cumulonimbus clouds with more ice particles.

Studies have also proven that ice particles are smaller in the upper reaches of thunderclouds when there is more pollution and when the rising air in the clouds (convection) is stronger. Aerosols seem to have the most influence on seasonal and longer timescales such as during the warmer months when plants and undergrowth are burned to clear fields.

Over areas where biomass burning occurs, such as South America, aerosols have been found to reduce the diameter of ice crystals in the clouds by as much as 20 percent. Areas over deserts, such as Africa's Sahel Region where dust is a primary aerosol, there was a 10 percent decrease in the diameter of ice crystals in cumulonimbus clouds. Aerosol particles are necessary for clouds to form, and it has been suspected that clouds might be altered by large concentrations of them. By looking at ten years of aerosol data and statistically analyzing many thunderclouds, Sherwood was able to confirm that they were affected.

Sherwood found that ice crystals are smaller in clouds over continents than oceans, which could be attributed to the amount of pollution generated over land. The highest values occur widely over Northern Africa, where desert dust and smoke from agricultural burning occur. Intermediate values prevail over much of Asia, through the Indonesia region and into the south Pacific.

The largest ice crystal sizes were found over the eastern Pacific and southern Indian Oceans.

Sherwood's article, "Aerosols and Ice Particle Size in Tropical Cumulonimbus," appears in the May 1, 2002, issue of the American Meteorological Society Journal of Climate. This work was performed under the NASA Earth Observing System/Interdisciplinary Science (IDS) program under the Earth Science Enterprise (ESE).

•The following letter was received from Mayor John Nader, dated August 4, 2006:

“To: Planning Commission, Environmental Board, Common Council

Cc: City Attorney

RE: anonymous claims

I have recently seen a web site devoted to a critical review of the Catalyst biomass proposal. The site, [www.oneontabiomess.com](http://www.oneontabiomess.com), includes an anonymous contention that the Planning Commission chair and I “have been working hard behind the scenes” in support of the Catalyst proposal.

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I would not ordinarily respond to anonymous, unsubstantiated claims. In this instance, however, the unfair and inaccurate allegations call into question my integrity and the validity of the entire review process.

For the record, the City and its officials have been unfailingly fair and judicious throughout the review. No efforts have been made by me to influence the outcome of a process that depends at minimum on actions by NYSERDA, the DEC, the Susquehanna River Basin Commission and the Planning Commission.

Allow me to outline the numerous steps that the City has taken even in advance of any formal submission from Catalyst.

The City hired a consulting engineer several months before any formal submission from Catalyst. This was done with the intention of asking and addressing important questions *before* the formal Catalyst submission.

In March, I helped arrange a trip for about two to three dozen people including Common Council members and members of the Planning Commission, the Environmental Board and others to a facility in Lyonsdale, New York where there is a biomass plant owned by Catalyst. As you may know, I have offered to assist in arranging another trip so that decision makers can have complete information.

In addition, we scheduled two workshops on the SEQR process and a broader range of issues *well before any submission was made*. We permitted public participation in each of these sessions.

Prior to the Planning Commission's designation as lead agency, I asked the City Attorney to craft legislation that would strengthen the Common Council's position in controlling decisions regarding our water supply.

With the assistance of our City Clerk, we have created a link on the City's web page so that documents pertaining to the Catalyst can be readily available to the public.

A letter to Catalyst in May outlined that City's capacity to deliver water to the proposed facility and explicitly stated that access to such water was subject to all appropriate reviews and permits at the state, federal and local levels. I have also informed the Susquehanna River Basin Commission that it is likely that the proposed facility will require an alternate source of water.

Recently, I was involved in a conference call with a person from Vermont's Air Quality Division to discuss the operation of two biomass plants in that state. In the interest of gathering accurate information from disinterested experts, I have extended an informal invitation to the Vermont official to come here in the future.

The questions posed to the Commission regarding the SEQR process have already been referred to outside counsel for review and I have requested that Catalyst place funds on deposit with the City to cover our consulting/engineering costs. They will soon be submitting payment to the City Chamberlain.

At the July meeting of the Planning Commission, I noted that I have an obligation under my oath to uphold the laws of the State and our City. I intend to remain most judicious in doing so. The City of Oneonta will continue to make decisions based on complete and accurate information presented in an open, honest and responsible manner.

City officials have been extremely open and diligent in this matter. We have gone to great lengths to

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assure a fair and thorough review that fully incorporates all of the issues, questions and concerns raised by the Catalyst submission.”

•The following e-mail was received from [HKRcat@aol.com](mailto:HKRcat@aol.com), dated August 4, 2006:

“In a message dated 8/3/06 3:55:51 AM, anderson.karen@gmail.com writes:

I think the company PR for the proposed powerplant has played on our concerns about the environment and (understandably, from their point of view) understated these risks. For example, I do not for one instant buy the idea that the proposed plant is "carbon neutral", simply because it releases carbon that had already been absorbed by the trees it burns. This argument also applies to fossil fuels, since petroleum and coal are also from plant material. I am also skeptical about the argument that the carbon dioxide released will be balanced by the carbon dioxide absorbed by new plant growth. The assumption that landowners will replant with fast-growing trees suitable for burning at the plant may be overly optimistic on the one hand, and even if true it is a recipe for destruction of forest biodiversity in favor of monoculture tree farming, with the associated degradation of ecological services natural forest biodiversity provides, a big step backwards. This argument also seems to ignore the fact that during the winter most trees release carbon dioxide instead of absorbing it.

I would be interested in hearing from Henry Kernan who gives "Woods Walks" for CCAL and who wrote a book titled "The world is my woodlot." He lives in South Worcester now, but has worked in 45 countries throughout the world, and suspect he has had experience with these issues. I don't know him well enough to contact him...but maybe someone else does, or could.

Helen”

•The following e-mail was received from Daniel Blacklock, Concerned Citizens of the West End, [abcde@stny.rr.com], dated August 4, 2006:

“Attn: David Merzig  
RE: Catalyst application  
Subj: Approved by Default

This is part of our city zoning code.

“Failure of the Planning Board to act on an application within 62 days after a public hearing, or 62 days after the application is deemed complete, shall constitute approval of the application.”

With an application being received and “deemed complete” on June 14, the 62 day deadline is August 15<sup>th</sup>. Our legal counsel has suggested that the city should have received a signed waiver from Catalyst on this point as the review process is obviously going to take longer than 62 days. Has the legal waiver been drawn up and signed? If not, I would urge you to do so as soon as possible. Failure to do so could result in unnecessary litigation.

Sincerely,”

•The following letter was received from Martin Wank, 41 Garden Street, Oneonta, dated August 6, 2006:

“City Clerk

Dear Sir:

In case you did not see the commentary again the proposed power plant, which appeared in the Daily

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**(Correspondence)** continued

Star yesterday, I am enclosing a copy.

For all the reasons stated, the city should reject this proposed development. When the citizens of the city and town are finally heard, I am sure that 90% will oppose this plant.

Sincerely,”

•The following letter was received from Martin Wank, 41 Garden Street, Oneonta, dated August 6, 2006 and copied to the Board of Public Service:

“Ms. Paula B. Ballaron  
Susquehanna River Basin Comm.

Dear Ms. Ballaron:

Re: the application filed by CRC Development LLC, developers of the Roundhouse renewable Energy plant, this proposed facility will use up to 500,000 gallons of Oneonta potable water per day.

This plant would dump 30 gallons per minutes of untreated waste water containing chemicals. Some of this waste water would end up in the Susquehanna River, which will deplete the river’s oxygen in degrading it.

In addition, if you are concerned about our river basin, you should know that the plant will burn 1,100 tons of trees per day, depleting our forests and setting in motion soil erosion which will increase flooding, dumping sediment into the river.

On the part of the majority of the residents of Oneonta city and town, I urge you to deny the permit for the Biomass Fuel Electric Wholesale Generator in Oneonta. Environmentally, it is a very bad idea for the reasons cited, and others as well.

Sincerely,”

•The following letter was received in the Clerk’s Office August 7, 2006 from Scott Fickbohm, Chairman, Otsego County Soil and Water Conservation District Manager, 967 County Highway 33, Cooperstown, NY 13326:

“Dear Planning Board Members,

As the Chairman of the Otsego County Water Quality Coordinating Committee (WQCC), I would like to submit the comments of the WQCC regarding Catalyst Renewables proposed bio-fuel facility.

I think we can all agree that moving towards alternative, renewable fuel sources is an important step towards reducing the environmental concerns associated with more traditional energy sources such as oil, coal, natural gas and nuclear power. However, it’s important to consider what local environmental impacts will be incurred by trying to achieve this greater environmental good.

Specifically, issues regarding the mitigation of sedimentation and erosion during the construction phase, water quality concerns regarding the chemical constituents and temperature of discharge water and mitigation of sedimentation and erosion during the harvesting process should all be addressed.

The difficulty in making such an assessment at this time is a lack of *site specific* information. For example, the sediment and erosion control plan required by the Department of Environmental

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Conservation (DEC) for the State Pollution Discharge Elimination System (SPDES) permit *for construction* is unavailable at this time. Without knowing what specific measures will be taken to reduce erosion and water quality degradation during construction, it is impossible to determine its potential impact or lack thereof. Although these issues can be addressed in a general sense, *site specific and detailed* information, and ample time for its review, are required for the decision making process.

Therefore the WQCC would urge you to require all relevant material regarding the concerns mentioned above as they relate to Oneonta and Otsego County *be part* of the site plan proposal and be addressed as early on in the process as possible.

The WQCC is an organization, created under Soil and Water District Law, which has numerous County Departments, area educational institutions, DEC representatives and local NGO's as its membership. With this membership comes considerable and wide-ranging expertise in protecting our environment. In addition to making the request mentioned above, we would also like to offer our services to the Planning Board as a potential partner in addressing these issues. Please feel free to contact me with any questions, comments or concerns you may have on any matter concerning the water and soil resources of Otsego County,

Sincerely,"

•The following e-mail was received from Daniel Blacklock, Concerned Citizens of the West End, 46 Morgan Avenue, Oneonta, August 7, 2006:

"Dear Planning Commissioners,

I am writing on behalf of a neighborhood group, Concerned Citizens of the West End, that has formed in opposition to the Catalyst power plant. We have serious questions about our city's zoning laws. Please review these sections and determine for yourself if they are relevant to Catalyst's Site Plan application. Please consider these laws seriously. They are very explicit and carefully written in order to protect the citizens of Oneonta from just such a proposed development, i.e. the application should be rejected based upon our city code, the sooner the better. We look forward to your response.

**"Failure of the Planning Board to act on an application within 62 days after a public hearing, or 62 days after the application is deemed complete, shall constitute approval of the application."**

With an application being received and "deemed complete" on June 14, the 62 day deadline is August 15<sup>th</sup>. Our legal counsel has suggested that the city should have received a signed waiver from Catalyst on this point as the review process is obviously going to take longer than 62 days. Has the legal waiver been drawn up and signed? If not, we urge you to do so as soon as possible. Failure to do so could result in unnecessary litigation.

**"...must be...in accordance with a comprehensive plan of land use"**

Many sections of the code refer to the comprehensive plan. There will be a new plan very shortly and the use of the Catalyst site will undoubtedly be contrary to its city design. It would seem contrary to the existing plan as well. Why should we change the direction of the city from a Foothills cultural center to a heavy industry mecca?

**"...in the interest of the health and general welfare of the residents of the City of Oneonta"**

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American Lung Association's "State of the Air, 2005" Report:

<http://lungaction.org/reports/stateoftheair2005.html>

Health Effects of Ozone and Particle Pollution: [http://lungaction.org/reports/sota05\\_heffects3a.html](http://lungaction.org/reports/sota05_heffects3a.html)

At least 13 times, the code puts forth the requirement that the health and welfare of its residents is paramount in any zoning decisions.

This power plant is undeniably going to increase the respiratory and cardiac problems of Oneonta residents, especially children and elderly.

**"...conserve the value of buildings and enhance the value of land throughout the City"**

Preservation of property values is also repeatedly stated throughout the code as of primary importance. This power plant is going to kill our property values and it will be very hard for people to sell who live near it. We have already met people who have decided to sell their homes now, not to do home renovations, and not to move to Oneonta because of the threat of this power plant. There is already a negative economic impact.

**§ 300-37. HID Heavy Industrial Districts.**

**Use Permits: "...EXCLUDED FOR THE FOLLOWING...Any trade or industry which does not by reason of the omission of noise, dust or odors and the like become *obnoxious or dangerous to the health and safety of the public. ...boiler works... The incineration or reduction of garbage, offal or refuse; manufacture of ...carbon, ..., creosote, ..., potash, ..., blast furnaces or smelter, boiler works...*"**

This is a huge wood-burning boiler that is going to produce tons of potash, carbon, and creosote every day as well as obnoxious noises, smells, and air pollution that are harmful to our health.

Sincerely,"

•The following letter was received from Angela Delberta Bellavia, 14 Lonergan Avenue, Oneonta, dated August 7, 2006:

"Office of Mayor, John Nader

Dear Mr. Nader:

Within the past year, we have moved back to Oneonta. Coming from Rochester, NY, we have appreciated the total beauty of this area, with the clean air and beautiful scenery, also the ability to walk everywhere. The trees and clean air are treasures to be watched over, and protected.

Recently, there was a discussion regarding the proposal of a log burning site, to benefit New York City power. The pollution and 150 foot tall smokestack would not only be unsightly, but would pollute our clean air. Instead of postcards with our colleges on the hills, the postcards might reflect the haze of smoke in the air and an ugly smokestack.

Not only would property values go down, asthma and other respiratory problems would rise. I have heard very good remarks about you and your vision for Oneonta, I hope that you will think of your people in this area, the crisp, clean air, and our beautiful scenery. Perhaps there is another site in another county of New York State better suited for this project. If you feel this project would be a direct benefit to Oneonta, these reasons should be printed so that the residents here can better understand.

Sincerely,"

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•The following letter was received from Douglas May, Chief, Energy Resources and the Environment Office of Electricity & Environment, State of New York Department of Public Service, Three Empire State Plaza, Albany, NY 12223-1350, dated August 8, 2006:

“Mr. Robert Robinson, Chair

Re: Lead Agency Determination under the State Environmental Quality Review Act for the review of CRC Development, LLC’s 35 MW wood-fired Oneonta Biomass Project

Dear Mr. Robinson:

I have received a copy of Mr. Stephen Tomasik’s letter to you dated July 24, 2006, regarding the intentions of the Oneonta Planning Commission’s to act as lead agency for the coordination of the State Environmental Quality Review Act (SEQRA) review of CRC Development, LLC’s proposed Oneonta Biomass Project.

The Public Service Commission (PSC) would be an interested agency under SEQRA. Thus, the PSC consents to the Oneonta Planning Commission acting as lead agency under SEQRA for purposes of this review. Its staff is available for consultation with respect to the proposed project.

Please contact Richard H. Powell at (518) 486-2885 or via e-mail at [Richard-Powell@dps.state.ny.us](mailto:Richard-Powell@dps.state.ny.us) if you wish to discuss any issues related to the PSC’s interest in the proposed project.

Sincerely,”

•The following was received from Stephen Tomaski, Project Manager, New York State Department of Environmental Conservation, Division of Environmental Permits, 4<sup>th</sup> Floor, 625 Broadway, Albany, New York 12233-1750, dated August 8, 2006:

“Mr. Derek Benson  
CRC Development LLC  
2602 McKinney Avenue  
Suite 200  
Dallas, Texas 75204

Dear Mr. Benson:

RE: Application ID: 4-3612-00072-00001 Air Title V Facility

This letter is a companion to the Notice of Incomplete Application for the proposed action, and describes the following additional steps and/or information required before the application can be deemed complete.

- 1.0 Please provide the following documentation to satisfy general requirements for complete application according to criteria in 6 NYCRR 621.3(a).
- 1.1 Submit all the necessary permit applications for the project, if more than one DEC permit is required. According to an initial regulatory screen for the project, any or all of the following permits may be required:
  - State Pollutant Discharge Elimination System (SPDES) discharge permit for industrial discharge of boiler water makeup blowdown, cooling tower blowdown and site runoff.

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- Article 24 wetlands permit for construction activities within the 100 foot buffer of DEC jurisdictional wetland ON-7.
  - Potential authorization under Article 15 for construction of a new water supply or extension of municipal water supply outside of an established water district.
  - Beneficial Use Determination for disposal of combustion ash in accordance with the requirements of 6NYCRR Part 360.
- 1.2 Provide a list of related permits required from any other federal, state or local agency.
- 1.3 Requirements of the State Environmental Quality Review Act (SEQR) must be complied with before an application can be considered complete. For this action, coordinated review was initiated by the City of Oneonta Planning Commission. DEC has concurred with the designation of the Planning Commission as Lead Agency. For purposes of this completeness determination, the Lead Agency must either issue a Negative Declaration, or, if a Positive Declaration is made, accept a Draft Environmental Impact Statement (DEIS). Until one of these SEQR milestones is reached, this application is automatically incomplete.
- 1.4 A determination of impact/effect on historic and cultural resources must be made under section 14.09 of the New York State Parks, Recreation and Historic Preservation Law.
- 2.0 Please provide the following documentation to satisfy requirements for permits under 6 NYCRR Parts 201, 203 and 215 - air pollution control, according to criteria in 6 NYCRR 621.3(g).
- 2.1 The Title V permit application package that was submitted contains some conflicting information regarding the emissions of particulates less than 10 microns (PM-10). The Facility Emissions Summary on page 8 of the application indicates the potential PM-10 emissions will range from 50 to 100 tons per year. The Process Emissions Summary on page 17 of the application indicates the potential PM-10 emissions will be 16.84 pounds per hour and 150,000 pounds per year (75 tons per year). This same emission rate is also used in the air quality analysis. The Typical Operating Emission Calculations on page 34 of the application package indicate the PM-10 emissions will be 4 tons per year. Furthermore, the application does not discuss whether the boiler emission estimates include the condensible PM-10 fraction. Any PM10 emission limits for the boiler will include both filterable and condensible particulate.
- 2.2 Commissioner's Policy CP-33 on fine particulate matter (see DEC webpage at: <http://www.dec.state.ny.us/website/dar/pm25.html>) provides guidance for evaluating the impacts of fine particulate emissions from proposed projects that require one or more permits from the Department. The policy requires the assessment and minimization of fine particulate (PM-2.5) impacts for all projects that exceed identified thresholds (i.e. if primary PM-10 emissions from the project equal or exceed 15 tons per year). As noted above, the application package contains emissions information for PM-10 which exceeds the 15 ton per year threshold noted in CP-33. Thus, please clarify the PM-10 emissions from all sources associated with the proposed project (including ammonia "slip" from the SCR, vehicle tailpipe, and road dust generated from vehicle traffic), provide a proposed procedure for the verification of the total PM10 emissions from the project, and address the requirements of Commissioner's Policy CP-33.
- 2.3 Provide emissions information for ammonia (pounds per year and pounds per hour), the proposed limit for ammonia, and proposed methods to be used to comply with this limit.
- 2.4 Provide additional documentation specified by Ms. Margaret Valis, in a letter to Mr. Mark Huncik, dated July 26, 2006 (included as attachment).

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Please contact me at (518) 486-9955, or David Pickett, Environmental Program Specialist, at (518) 357-2274, to discuss any of the issues above.

Sincerely,

(The following is the aforementioned attachment from Margaret Valis, NYS Department of Environmental Conservation, Division of Air Resources, Bureau of Stationary Sources, 2<sup>nd</sup> Floor, 625 Broadway, Albany, NY 12233-3254, dated July 26, 2006:)

Mr. Mark Huncik  
1205 Coldstream Ct.  
Raleigh, NC 27615

**Re: Roundhouse Renewable Energy Project**

Dear Mr. Huncik:

I have reviewed the "Air Quality Impact Analysis for Roundhouse Renewable Energy Project," dated May 2006. The following Comments must be addressed before the air quality impact analysis can be approved. Many of the comments here reiterate those listed in a comment letter for the Modeling Protocol (dated 2/15/06).

1. SCREEN3 modeling to determine cavity concentrations is unnecessary since AERMOD with the Prime algorithm will calculate concentrations in the cavity region. In addition, receptors should be placed along the fence line to insure that concentrations are calculated at the nearest point in which the public has access.
2. You must demonstrate that Binghamton meteorological data from the years 1988-1992 is the most recent, readily available 5-year set of meteorological data. If more recent data are readily available, those years should be used in the modeling analysis. If you have done a search for more recent data, and found that it is unacceptable for modeling please document this.
3. AERMOD can be sensitive to the met parameters (Albedo, Bowen Ratio, and Surface Roughness) input in AERMET. Therefore, it is important to use the best land use data available to produce the needed met parameters. It appears that land use was determined from topographical maps. There are sources of data which are more recent, and have better resolution. I would suggest using the MRLC Land Use/Land Cover data which can be downloaded from the Cornell University Geospatial Information Repository at <http://cugir.mannlib.cornell.edu/index.jsp>. Also, rather than assigning one land use type to a sector, a weighted average approach to calculate the meteorological parameters from land use is recommended and more representative. If this method leads to met parameter values substantially different from those used in the submitted impact analysis, AERMET and AERMOD may need to be rerun.
4. As stated in my February 15 letter, all input and output files must be submitted for review, including the DEM files for AERMAP and the raw meteorological files to be used AERMET. These files are necessary for a complete review of the Air Quality Impact Analysis.
5. An Environmental Justice area has been identified which requires that an EJ analysis be performed and submitted for review. Examples of EJ analyses can be provided upon request.

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**(Correspondence)** continued

6. Any additional modeling performed should use the final stack height of 195ft.

If there are any questions, you can reach me at (518) 402-8403 or through e-mail at [mxvalis@gw.dec.state.ny.us](mailto:mxvalis@gw.dec.state.ny.us).

Sincerely,”

•The following letter is from City Clerk James Koury, dated August 15, 2006:

“The Susquehanna River Basin Commission

Dear Ms. Paula B. Ballaron:

At the request of the City of Oneonta Board of Public Service, I herewith transmit to you a copy of an e-mail sent to Mr. Derek Benson of Catalyst Renewables regarding action taken by the board at its regular meeting of August 3, 2006. Part of the e-mail also includes the excerpt from the meeting where the water issue was discussed.

If you should have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

(The following is the aforementioned transmittal)

Mr. Derek Benson  
Catalyst Renewables

Dear Derek:

At its regular meeting of August 3, 2006 the City of Oneonta Board of Public Service held a workshop session on the water issue related to the proposed biomass facility. The board approved a motion that I send a letter to you stating that the City of Oneonta has issued no approval for the use of city water.

I have embedded the excerpt of the minutes of the meeting for you to look at also.

Any questions, give me a call or drop an e-mail.

Sincerely,  
Jim Koury, CMC/RMC  
City Clerk, City of Oneonta

***WORKSHOP – On proposed biomass plant by Catalyst Renewables***

*Chair Ashe recognized a couple Aldermen and thanked them for coming to present their points of interest. He said he had a copy of the letter that Alderman Bott would refer to and he asked that it be entered into the record in its entirety.*

*Alderman Bott stated he would summarize the key points in his letter.*

*?The following letter was from Alderman Keith Bott, 4<sup>th</sup> Ward, dated July 21, 2006*

*“Mr. Robert Robinson, Chair  
City of Oneonta Planning Commission*

*RE: Site Plan and S.E.Q.R.A Review, Catalyst Renewables Proposed Biomass Facility on Roundhouse Road*

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**(Correspondence)** continued

*Dear Mr. Robinson:*

*Please have the following entered into the record of the Planning Commission's correspondence regarding the proposed biomass facility. Thank you.*

*At the July 19, 2006 meeting of the Oneonta Planning Commission, the presentation by Catalyst Renewables asserted that:*

*City representatives have evaluated the use of municipal water and the water supply and infrastructure appear more than adequate to meet the facility needs without any negative impacts to the City or its existing users.*

*The City's system is capable of delivering over 4 million gallons per day (gpd). It is currently serving approximately 1.7 million gpd.*

*(p. 15 of the Power Point Handout distributed and presented to the Planning Commission on July 19, 2006)*

*This assertion concerns me for several reasons. First it is not attributed. The City Officials catalyst spoke to are not identified so I was unable to evaluate the validity of the statement. When I questioned the City Engineering office I was unable to find anyone who had made such a definitive statement to Catalyst representatives.*

*Second, when I asked the Director of Engineering if the City knew what its water capacity is I was directed to a 1984 study done by the Army Corps of Engineers, Baltimore District. After studying the Oneonta reservoirs, the Corps issued a report titled "Water Supply System Evaluation for the City of Oneonta, NY". I encourage you and all the Planning Commissioners to review this in-depth report. On Page 48 you will find the following conclusion:*

*The yield analysis for the [Oneonta] reservoir system indicates that this source is marginally incapable of safely supplying the Oneonta system itself. The reservoirs' safe yield was estimated at 2.3 mgd, while city demands have been 2.4 mgd and greater.*

*(p. 48 "Water Supply System Evaluation for the City of Oneonta, NY", December 1984)*

*In light of their conclusion on reservoir capacity, the Army Corps made several recommendations (paraphrased below):*

*Evaluate existing supplemental water supply sources to determine water quality and cost effectiveness of renovation. (In 1984 the City already had the West End well and the Millrace as supplemental water sources but both sources had water quality and distribution concerns. The City did not yet have the Catella Park well)*

*Consider developing additional water supply sources. (Following the report, the Catella Park well was put on line and is used seasonally).*

*Try to reduce the City's level of demand from 150 gallons per day per capita to about 100 gallons per day per capital. (The Army Corps felt this could be done primarily through a systematic and regular leak detection program. Following the report, a leak detection program was begun and is credited with reducing daily usage from the 2.4 mgd of 1984 to the under 2 mgd today).*

*Update drought emergency procedures and expand the public awareness of these procedures. (A drought emergency procedures report has been prepared and was last updated in 2003).*

*After receiving the 1984 study, the City followed the Corps' recommendations and made many improvements to its water system. Leaks were reduced. The West End well was evaluated. A new well was put on line. Although I believe these improvements greatly protect Oneonta water users from drought, I am not convinced that overall capacity has been greatly increased. The City reservoirs had a "safe" capacity of 2.3 mgd in 1984. The City does not know how much 22 years of sedimentation has reduced that measured capacity. The West End well and its connected infrastructure have been evaluated (by Delaware Engineering and City Engineering staff) and their renovation was determined to be not cost effective. The West End well can be used during emergencies but it is not considered a viable source for daily consumption. The Catella Park well supplies .6 mgd but the recent floods left its pumps unusable. Finally, I have never spoken to anyone who thinks the millrace is a desirable water source for anything other than an extreme emergency.*

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**(Correspondence)** continued

*The point I am trying to emphasize to the Planning Commission is that there is a significant discrepancy between Catalyst's contention and the Army Corps of Engineers' conclusion. I cannot agree with Catalyst when they state that the Oneonta water supply is "more than adequate to meet the facility needs without any negative impacts to the City or its existing users." Although Oneonta has a water treatment plant that can process up to 4 mgd, the facility has never been run at full capacity. Oneonta has supplemental water sources, but currently only one (the Catella Park well) is considered desirable for daily use. Oneonta has taken steps to increase its capacity by drilling a second Catella Park well but this well is not fully permitted by the Susquehanna River Basin Commission and it does not have the pumps and infrastructure to deliver its water to the treatment plant. It is still not known when, or even if, this new well will be brought on line.*

*In short, I do not believe that the City of Oneonta truly knows what its safe water capacity is. To dedicate the water quantity required by Catalyst before a more thorough understanding of the City's capacity would be imprudent and would put Oneonta water users at risk. If the Catalyst proposal is to move forward, I would argue that it only be allowed to do so if the applicants present a proposal that identifies a water source other than the City's public water supply.*

*Since Catalyst Renewables first publicized their plans for a Biomass facility in Oneonta, many have cautioned that water consumption is a major concern. After reviewing the Army Corps study I believe that the concern over water consumption has been understated.*

*Thank you for your attention to this matter.*

*Sincerely,"*

*Chair Ashe stated the Board of Public Service was responsible for approving the request for use of the water and no one ever came to the Board indicating that they needed anything. He said the Board of Public Service also had not stated that the City's capacity was such that it could supply water. He said just on those 2 items there was a lot to go.*

*Alderman Bott replied that was encouraging to him. He said the 1984 Army Corps of Engineer study suggested that the capacity of both reservoirs, Wilber Lake Upper Reservoir and the Lower Reservoir, had a safe capacity of 2.3 mgd. He said at some of the emergency management meetings subsequent to the flood of June 27<sup>th</sup> the Water Plant Operator expressed his concern that at least the Lower Reservoir had become significantly filled in through events like the one in June but also events in the last 22 years since the Army Corps' study was done. He said he would contend that the City really did not know what the reservoir safe capacity was. He said since the flood no one has evaluated whether or not pumps at the West End Well were even operable. He said since the flood Catella Park Well #1, which had been used regularly to deliver about 400,000 gpd – the maximum capacity that its pumps could handle and send up to the plant, that well and those pumps had not been operable. He said if the City was in a water emergency today the City would only have its reservoir water to depend on. He said the millrace pumps had apparently been always problematic and had not been run in more than 25 years. He said he thought there were many in the room who knew that the last time millrace water was added to the drinking system. He said in terms of capacity it seemed to him that today actually the City was only about 2 mgd because of not having the other Catella Park Well online. He said the one Catella Park Well that has worked successfully over the past years the City's capacity was still well under 3 mgd. He said he asked Water Plant Supervisor Stan Shaffer to give him some numbers. He said Supervisor Shaffer's most recent numbers were from 2005 and although the average production over that period was 1.6 mgd and there was a range as high as 2.21 in several months throughout the year. He said what struck him even more was that he heard that when the colleges were not in session the City typically did about 1 mpd. He said the lowest most average was January and December. He said he would argue that the City would need to anticipate maximum use. He said today the City received a copy of a letter from the Susquehanna River Basin to Planning Commission Chair Robinson stating that "the SRBC will proceed with its review of any project that was subject to its approval in accordance with its usual procedure. Catalyst Renewables Corporation's proposed biomass facility is subject to review and approval under the Commission's consumptive water use regulation. The information provided indicates the proposed water usage of 469,440 gallons per day will be supplied by the public water supply system. Therefore the project would not be subject to the Commission's withdrawal regulations." He said when he read that he walked home literally shaking and the Mayor and Common Council received an e-mail from him because he was unaware that anybody had provided approval for the usage of water and yet it appeared in the letter*

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**(Correspondence)** continued

*from SRBC that their permit application clearly said Catalyst was using City water. He said with all of that said and his understanding of the capacity, even if the 2<sup>nd</sup> Catella Park Well of which original tests indicated a little more over than 1 mgd was added, there was yet no permit from this entity for that additional consumptive use nor is there several hundreds of thousands of dollars of infrastructure that would be needed to take the water from the well to the pipe that runs up to the Water Treatment Plant.*

*Alderman Bott stated he was trying to say several things here. He said he did not believe the City had safe capacity at this point to give treated water to a commercial facility like this. He said if the Board wanted to talk about use of the West End Well that had not been used in many years and is untreated, it that was a different issue but he had a suspicion that Catalyst did not want to incur the cost of delivering water from the Oneonta County Club to the rail yards. He said even then if that was something to be considered by the City he would caution that the City may need the West End Well for drought backup as well. He said he was very concerned about the capacity and very concerned that the SRBC apparently was not going to be looking at consumptive water use given their regulations because they believe that the City had its public water supply. He said he had since talked to the Mayor and he had said that he was going to be talking with the SRBC about this. He said he was bit taken back when first read that. He said the City had high-quality water. He said he refills his water bottles when he goes to the gym with tap water because it was a lot better than the well water HealthLinks supplied through its faucets.*

*Alderman Bott stated he believed the Board was approached by Gordon Roberts' and his development project.*

*Commissioner Merzig replied not yet.*

*Alderman Bott stated over the past several years the City had considered, when it was out on the East End, a retirement community. The City talked about having enough water to supply a development but a retirement community that was being planned on a scale of the one Gordon Roberts was projecting was about using 26,000 gallons of water per day or about 100 gallons per person per day. He said with that type of development using City water, there would be 50 residents with disposal income and it would be a major contribution to the region. He said unfortunately the project was being proposed in the Town of Oneonta and was not a tax-exempt project either.*

*Commissioner Merzig stated she thought the Board of Public Service absolutely agreed with Alderman Bott. She said the Board had not received an application.*

*Commissioner Mansbach questioned if Catalyst knew they were supposed to do that.*

*Commissioner Merzig stated she would prefer to talk about that in an Executive Session. She said she thought the City could not provide them water nor did she think the City should provide them water. She said if it were up to her today she would vote against their getting it from the City. She said she thought it would be very dangerous for the City. She said she did not think the City had the capacity. She said Alderman Bott was actually preaching to the choir and she thought the Board should go on record, if it was of assistance, and send a clear message that the City was not providing water for this project.*

*Alderman Bott stated he would say treated water.*

*Commissioner Merzig stated that was all the City had. She said the City might permit the project but would not provide the water from its municipal water source.*

*Commissioner Occhino questioned what would be the other option if the City did not provide Catalyst with treated water.*

*Commissioner Merzig responded they would have to dig a well themselves. She said she questioned if they could dig a well capable of providing about 469,000 gallons of water per day.*

*Commissioner Occhino stated that the point made about the diminishing reservoir capacity was a valid point. He said these lakes with free flowing streams coming into them and large water sheds like the City's reservoirs had rarely been diminished in the last decade.*

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*Commissioner Merzig stated the problem with an open reservoir was that it silts in.*

*Commissioner Mansbach stated that it seemed to him that enough was said about the worst scenarios and then there was the possibility of a long drought. He said he had about 3 reasons why he did not want this project to happen. He said if the City was under contract with the plant and things get tight, who gets the water.*

*Alderman Bott stated that question was raised at the workshop of the Common Council. He said the City was obligated to serve its residents first. He said there were 900 City water users in the Town of Oneonta that may be at more risk than City users.*

*Commissioner Merzig stated there were many other large water users in the City, i.e. the 2 colleges.*

*Chair Ashe stated once the City came close to sending the college kids home in a water situation.*

*Commissioner Occhino stated there was a lot of proposed development in the area within the next 5 years and the City needed to have the water capacity.*

*Commissioner Merzig responded that was a good point. She said she did not know if the City should say no to Town development until the City sorts out what was going to happen in the City because the City did not have any control over what development there was in the Town except for the services the City sends them, i.e. sewer, water and fire. She said the Board's responsibility should be development in the City and make sure those services could be provided here rather than those outside. She said she would like to see some development in the City, not modest environmentally appropriate development, which was why Catalyst was kind of wrong for this area but she thought the Board should have a long term look at what the needs were here before looking at anymore projects outside the City. She said she thought Gordon Roberts' project was excellent but it did not benefit the City except to take away from what the City had for its own residents for little revenue.*

*Alderman Bott stated part of what came home to him looking at this was that the City really did not know for certain. He said the City has been talking about capacity of wells that the City cannot operate or operate with high quality and never looked at the capacity of the reservoirs in conversations he had been in. He said the City had delivered water to new developments in the West End at Winney Hill and had a project on River Street that was given conceptual approval and one on East Street that was partly in the City and the Town. He said with those projects the City has already made some commitments that would increase water consumption. He said he thought the City needed to truly know what its capacity was and the cost of operating those systems.*

*Chair Ashe stated he thought the Board needed to receive an application from Catalyst stating what they needed and then the Board needed to find out what the City truly had available as capacity and do it the proper way. He said on the face of it he did not think the City had the capacity.*

*Commissioner Merzig questioned if the Board could direct Catalyst to pay for a hydro geological study for an evaluation of reservoir capacity.*

*Alderman Bott replied he would think the City had the responsibility regardless.*

*Commissioner Merzig responded she thought so too because for the City's own future planning it should know what it is but whether Catalyst should have to pay for was something up to the Common Council to decide.*

*Alderman Carney questioned if that was something the Army Corps of Engineers would do again.*

*Commissioner Occhino stated data from a 1984 evaluation was too outdated. He said someone was going to have to pay for it to be done.*

*Commissioner Merzig stated the Water Department should have money and although the flood caused damage FEMA would be reimbursing for some of the recovery.*

*Alderman Bott stated that the Water Fund was not in as good a shape as the Sewer Fund was.*

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(Correspondence) continued

*Chair Ashe recognized Mayor John Nader.*

*Mayor Nader stated he thought the suggestion of doing that was an excellent suggestion. He said he actually had conversation with someone about something similar on the day of the meeting. He said regardless of who the developer was he would echo Alderman Bott's remarks and that was infrastructural knowledge and hydro geologic knowledge the City should have even if these proposals for housing and Catalyst went away tomorrow. He said he thought that was a fair expense for local government to absorb or try to work with a higher level of government on. He said the City did not know what the expense was to go to someone asking them to pay for it. He said he absolutely thought the City should go forward with it.*

*Commissioner Merzig stated she had talked to the Mayor and Alderman Bott earlier and she thought it was a good opportunity that maybe Catalyst coming in was an opportunity for the City to look in general at its structure for water and sewer and its oversight of how people get water and sewer in town and the region. She said and also look at some possible structure adjustments that reflect today's marketplace and today's capacities and make it clearer to that it was the City's structural realities and what it needed to do to protect them. She said the City Water Rules and Regulations were not very police-oriented but more technically-based and she thought the City could do better. She said she hoped that could be worked together on.*

*Mayor Nader stated along those lines he had asked the City Attorney to prepare a local law that would provide greater latitude for the Common Council on water matters because of the number of things he saw forthcoming. He said he did not have a draft of that yet but would distribute it when received.*

*Commissioner Merzig stated in terms of a process for determining who did and did not get water and sewer and how to make it more structurally clear and be more protective was needed. She volunteered to be part of anything the Common Council would do about that. She said she was sure the Board of Public Service was eager to be of assistance.*

***MOTION***, made by Commissioner Merzig and seconded by Chair Ashe, that the Board of Public Service directs the City Clerk to notify Catalyst Renewables that no approval has been given on the use of City water.

***Voting Ayes:*** Chair Ashe  
Commissioner Merzig  
Commissioner Mansbach  
Commissioner Munson  
Commissioner Occhino

***Noes:*** None

***Absent:*** None

**MOTION CARRIED**

•The following letter was received from Paul Agoglia, 2 Thorn Street, Oneonta, dated August 11, 2006:

“Oneonta Planning Commission

Planning Commission Members:

As a long time resident of Oneonta – since 1980, and as a resident of the 5<sup>th</sup> ward, I am opposed to the Catalyst proposal to build a biomass plant in the Empire Zone.

Rather, I would prefer to see a variety of light industry, or other forms of use of the area, where there are likely to be multiple high paying jobs created that involve skilled labor and/or college education.

Based on what I've read and heard, it looks like we're being taken for a ride. Just because we have an Empire Zone slated for heavy industrial use, it does not mean we need to take the first thing that comes down the pike. Let's get past this boondoggle and re-evaluate how the Empire Zone is 'zoned.'

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(Correspondence) continued

Thank you,”

•The following e-mail was received from Eric Miller, Director of Planning and Public Outreach, Otsego County Conservation Association, PO Box 931, Cooperstown, NY 13326, dated August 16, 2006:

“City Planning Commission

Chairman Robinson and Planning Commissioners:

The Otsego County Conservation Association appreciates the opportunity to comment on the Catalyst Renewables site plan application before you.

The City Planning Commission is looking at one of the largest and most controversial applications the City has seen in some time. Simultaneously, the City is updating its comprehensive plan. The importance of this task is further magnified by the fact that once a comprehensive plan is adopted, all land use regulations must be in accordance with it and all plans for capital projects must take the plan into consideration. (See General City Law, §28-a(12)).

Knowing that your Comprehensive Plan will be in draft form in October, and a final document proposed to be filed in January (see the 7/27 Comprehensive Steering Committee minutes), why take the chance of beginning a major review and incurring an inordinate expense to the developer (\$77,000 for consultant fees) when the comprehensive plan has not yet specified the type of development allowed for the rail yards?

Therefore, for the sake of fairness to the comprehensive planning process and to the Catalyst Renewables biomass project, OCCA encourages you to consider a six-month moratorium on major developments within the City. This would allow the comprehensive planning process enough time to be completed and it would assure you, as Commission members, that you are acting in the best interests of City residents. As a commission you are charged under City Code §300-44 (A.) to review site plan applications to ensure proper integration of select uses into the community. According to this section of City Code, **“these uses require special consideration so that they may be properly located and planned with respect to:** (1) the objectives of this chapter; (2) their effect on surrounding properties; (3) the ability of the City to accommodate the growth resulting from the proposed use without undue, adverse effect on the City and its citizens and taxpayers; (4) the protection of the health, safety and general welfare of the City and its citizens; and (5) **the objectives of the City's Comprehensive Plan.”**

It does not behoove the city to continue through this tract of feverish approvals at this time. To do so would discredit the planning process and the comprehensive plan. It is this document that provides the vision for *what* the community will look like (goals, objectives, principles), *how* the community intends to get there (standards, devices and instruments) and the *purposes* for doing so (protection, enhancement, growth and development).

As a commission, if you haven't looked at the statutes enabling you to adopt a comprehensive plan, OCCA encourages you to do so. The comprehensive plan statutes permit a community to look well beyond its zoning law and to identify what a community could be tomorrow and fifty years later. It affords a blueprint for achieving these ends and allows the integration of many disciplines - transportation, human services, recreation, environment, economic development - into a single, cohesive plan. More than any other planning tool, the comprehensive plan creates the “sense of place” on which communities ultimately thrive.

As planners for your community's future, please give this idea of a moratorium serious consideration.

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**(Correspondence)** continued

Sincerely,”

**APPROVAL OF MINUTES**

**MOTION**, (as amended) made by Commissioner Ostrowski and seconded by Commissioner Tomaino, that the Commission approves the minutes of the regular meeting held July 19, 2006 and that the correspondence received on the biomass project on the 2 lists presented be attached to the original minutes.

**Voting Ayes:** Chair Robinson  
Commissioner Seeley  
Commissioner Ostrowski  
Commissioner Betterley  
Commissioner Falduto  
Commissioner Tomaino

**Noes:** None

**Absent:** Commissioner Zummo

**MOTION CARRIED**

Alderman Carney stated she had a concern that the minutes of the July meeting included a list of correspondence, 20+ items, of which the full text of none did not appear in the minutes of meetings anywhere. She said she thought they should be available either in the months when they were initially received or in the July minutes the full text should have appeared so that someone researching this issue could find the text.

Chair Robinson asked if the minutes could be amended and that correspondence be attachments.

City Clerk Koury replied yes, that could be attached to the original minutes as part of the official record.

The motion to approve the minutes was amended.

Commissioner Falduto stated she had to say that the process by which the City was using to manage correspondence was not working because she gets e-mails, paper mail and gets 150 e-mails in her regular job. She said one central repository of these documents was needed, i.e. scanning them and putting them online for everybody and she thought everybody's lives would be easier. She said when it gets to the point of having them accessible either as part of the minutes, etc instead of people having to go to City Hall but right now she gets far more paper than she thought was reasonable for them to manage.

City Clerk Koury replied the letters were part of the permanent record and those were the minutes.

Alderman Carney responded but they were not online.

City Clerk Koury replied the minutes were online.

Alderman Carney responded those 20+ letters were not online.

City Clerk Koury replied the letters received prior to the official submission of the application were acknowledged and were not being entered into the record but would be part of the process.

Chair Robinson stated in regard to Commissioner Falduto's question he said in stead of receiving 17

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**(Approval of Minutes)** continued

e-mails a day because a new letter or comment came in he asked if that could be coordinated and just simply send out a simple notice saying new letters attached.

City Clerk Koury replied that was fine if people did not reply to all and send tons of copies to what they are going to send to everybody and just send it to him but they do not do that so it was hard to keep track.

Commissioner Betterley stated the reply to all from a variety of folks was troublesome and he would rather have it all go through City Clerk Koury and know when he gets that correspondence from Jim it was added to the record and it was official.

City Clerk Koury stated for the record the Clerk's Office makes about 50 copies of every piece of correspondence that comes in on this matter because the Environmental Board wants them, the Council wants them, the Planning Commission wants them and other groups. He said that causes his office to create a lot of paper unnecessarily.

Commissioner Betterley responded like tonight the Commission received paper copies of what was already received by e-mail and that was a waste of someone's time and energy.

City Clerk Koury said yes but he was told to copy everything to everybody and that was what he was doing. He said until something changes and there was a better solution that was how he was going to do it.

Commissioner Ostrowski questioned what would work best for the Clerk because he was in charge of managing all this.

City Clerk Koury replied he would prefer that everything came to him but that did not happen. He said e-mails were going to everybody and their brother and he had no way of knowing what should get copied or not. He said until a uniform solution comes up everybody was going to get copies of everything.

Chair Robinson stated for the record that all correspondence from citizens, interested parties, involved parties, etc shall be addressed c/o the City Clerk's Office. He said that was what the Commission wanted from people in order to have one clear repository of all communications regarding this project.

Alderman Carney stated she would like to add that if, for instance, the Chair of this Commission sends an e-mail to the Commission that it be sent to the Clerk for distribution so it could also go to the Council, the Environmental Board and anywhere else that had requested to get the information. She said there were a number of e-mails received this week that went from the Chair to the Commission but did not go to the other parties as far as she knew.

Chair Robinson replied that was fine with him.

Commissioner Ostrowski stated she did think there was paper flying everywhere.

City Clerk Koury stated if that process worked it would be fine but he had his doubts.

Commissioner Ostrowski stated all would make the effort that all correspondence goes through City Clerk Koury.

City Clerk Koury responded that was fine but if the Commission misses something he did not want to be accused of not getting it to the Commission.

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SITE PLAN REVIEWS

ARC Otsego – 73-75 Main Street – Establishment of a “Center for Self Expression”

Chair Robinson addressed the Site Plan Review request from ARC Otsego and would recognized representatives for the same.

The following Memo, dated August 2, 2006, was received from Code Enforcement Officer Friedman:

“ARC Otsego seeks to establish a “Center for Self Expression” at 73-75 Main Street. Attached find the Site Plan Review application package.”

Mr. Don Kane, Operations Director, introduced himself and Pat Knuth, Assistant Executive Director and Hugh Timitty, Rehab Director. He said he had some handouts and they hoped to answer questions as to what they were trying to do.

The following “The Center for Self-Expression, A Proposal by The Arc Otsego” was included in the handout and Ms. Knuth spoke briefly on the details:

“This project will develop a center wherein each person will create and follow a schedule self-designed to meet his/her wants, needs and dreams. The schedules will include participation in creative endeavors, career exploration, personal development and socialization. The individual’s schedule may take them to other community partners for classes; work exploration, physical fitness opportunities or the individuals might choose to participate in Center-based activities and events.

This proposal was developed based on several group meetings, individual interviews and feedback from families and service coordinators. This proposal will initially involve fifteen individuals who are either currently attending The Arc Otsego’s sheltered employment center, receiving a day habilitation service or participating in another service.

This proposal differs from the services currently offered by The Arc Otsego in five elementary ways. 1) Each individual will have a Coach assigned who is trained in and committed to individual growth and development using person-centered methods. The Coach will assist the person in the design of their schedule, provide needed support and assistance throughout the day and work directly with the individual and support circle. 2) Individuals who so choose, will be working toward job exploration and volunteering within the community in areas of their choice. 3) Individuals who choose will be supported in community physical fitness programs through participation at the YMCA or other fitness centers. 4) The individuals will be given opportunities to participate in creative endeavors either within the center itself or through contracts and/or partnerships with organizations such as: Upper Catskill Community Council of the Arts, State University College at Oneonta, Hartwick College, Leatherstocking Theater Company, Orpheus Theater, Foothills Performing Art Center, Oneonta Community Education Center, and other partnerships or contracts that will be developed as the need arises. 5) Each individual will self-assess their progress toward their defined outcomes through the use of a portfolio and semi-annual reviews. Key words to describe these differences are **flexibility** on a daily basis, **self-determined** services and **exploration** of interests.

Barriers to success will be identified with specialized clinical services available to assist individuals in achieving their dreams. These services will include: social work, psychology, occupational therapy, physical therapy, nursing, and speech. As always, adequate supervision to assure the individual’s health and safety will be vital to this project.

An evaluation committee composed of the Assistant Executive Director, the OPTS Coordinator, Director of Corporate Compliance, community partners, family members, service coordinators and individuals participating in the project will provide feedback to the Executive Director, the Board of Directors and OMHDD on a semi-annual basis.

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**(73-75 Main Street)** continued

We optimistically expect to open this center before the end of 2006. We are eager to secure a location in Oneonta within walking distance of many of the community organizations as well as having access to public transportation.”

Ms. Knuth stated that the front part, the current gallery space of Mr. Kenny’s will remain a gallery. She said the individuals who attend there would either be having artists come into work with them, do different kinds of things or they would be going out into the community to access generic services. She said all boarding and de-boarding for transportation would occur on Fairview so that should not impact traffic.

Commissioner Ostrowski questioned if the drop-off from the bus or van would be before the parking spaces.

Ms. Knuth replied yes, there were 2 double-doors that would be replaced at the entrance and folks could come right in there.

Commissioner Ostrowski questioned if there was room there for a bus.

Ms. Knuth replied it would stay there. She said it would be there for about 15 minutes to let people on or off.

Mr. Kane stated it was a one-way street.

Commissioner Ostrowski stated there was now a dance studio in the Allison Building and there were a lot of drop-off activity there.

Mr. Kane responded that was quite a way up the road.

Chair Robinson asked if ARC would be using all the space or would Mr. Kenny continue to operate the gallery out front.

Ms. Knuth replied no. She said there were 4 spaces in the Kenny building and ARC would rent the first 2 spaces on the ground floor only. She said the front would stay a gallery.

Commissioner Ostrowski stated the application indicates that there would be the creation of artware and she asked if that would be for sale as retail.

Ms. Knuth replied yes but probably not a lot initially. She said they would be very small kinds of things.

Ms. Knuth stated parking for staff would be in municipal parking lots or at ARC’s 35 Academy Street location nearby.

Chair Robinson asked if this was a new program and would create new staff.

Ms. Knuth replied yes. She said there would be 15 individuals with developmental disabilities participating there, 5 direct support staff, a site coordinator and the artists coming in to do classes.

Commissioner Ostrowski questioned where the basketball and swimming would take place.

Ms. Knuth replied the YMCA and parks.

Commissioner Ostrowski asked what the advantage of this location was to ARC.

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**(73-75 Main Street)** continued

Ms. Knuth replied it was accessible to public transportation, in walking distance to many different kinds of things and that it was already an existing gallery. She said they would not be changing the front usage that was already established and recognized as a place for art.

Chair Robinson asked if the project was already approved by OMRDD.

Ms. Knuth replied no. She said it was in the process, the application was accepted and they were in step 4 at the present time.

Mr. Kane stated part of the deal was getting a site identified to move forward. He said minor renovations would be done inside, i.e. make the bathrooms accessible, replace the doors and spruce it up.

Commissioner Betterley questioned what the expected length of the program was and if it was out of general funding or specific funding.

Ms. Knuth replied specific funding was through a Medicaid funded program and the program contract if approved was initially for 5 years renewal after that point in time. She said the funding would secure it for 5 years at a time. She said the target date was by the end of October.

**MOTION**, made by Commissioner Betterley and seconded by Commissioner Seeley, that the Commission approves the Site Plan Review for 73-75 Main Street submitted by ARC Otsego to establish a "Center for Self-Expression."

**Voting Ayes:** Chair Robinson  
Commissioner Seeley  
Commissioner Ostrowski  
Commissioner Betterley  
Commissioner Falduto  
Commissioner Tomaino

**Noes:** None

**Absent:** Commissioner Zummo

**MOTION CARRIED**

**MOTION**, made by Commissioner Seeley and seconded by Commissioner Betterley, that the Commission declares a negative declaration for the establishment of a "Center for Self Expression" at 73-75 Main Street by ARC Otsego.

**Voting Ayes:** Chair Robinson  
Commissioner Seeley  
Commissioner Ostrowski  
Commissioner Betterley  
Commissioner Falduto  
Commissioner Tomaino

**Noes:** None

**Absent:** Commissioner Zummo

**MOTION CARRIED**

**A. L. Burke Inc. – 76 Chestnut Street – Proposal for New Retail Store – "Dollar General"**

Chair Robinson addressed the Site Plan Review for 76 Chestnut Street, the former P&C building, and recognized representatives.

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**(76 Chestnut Street)** continued

The following Memo, dated August 2, 2006, was received from Code Enforcement Officer Friedman:

“A.L. Burke Inc. seeks to establish a “Dollar General” retail store in a part of the premises at 76 Chestnut Street. Attached find their application package for Site Plan Review.”

Mr. Paul Cornell for 76 Chestnut Street stated they would like to Dollar General in that location. He said there was about 12,000 square feet left in the building and Dollar General would like 8,000 square feet. He said it was retail business.

Chair Robinson asked how the exterior would change.

Mr. Cornell stated there would be a glass front of about 18' in width, 2 6' sections on each side of 6' glass doors. He said there would be a sign comparable to what was on the other tenant's spaces.

Chair Robinson questioned if a loading dock would be needed.

Mr. Cornell replied no because there was a 4' wide walk door on the side of the building and they would be doing unloading during off hours of the store.

Commissioner Ostrowski stated the Commission had looked at that large space for being something like a drug store, grocery store, etc.

Mr. Cornell replied they had and were working with people for a drug store but it had not worked out. He said Dollar General came along and would like the space. He said there were some other ideas for the remaining 4,000 square feet. He said he thought Dollar General would benefit the neighborhood.

Commissioner Betterley asked about how long the space was vacant since being renovated.

Mr. Cornell replied about 6-8 months.

Commissioner Tomaino questioned this if the space was approved before for retail.

Chair Robinson responded it was approved for 3 spaces and A.L. Burke was now asking to make it 4 spaces.

Commissioner Betterley expressed concern about the loading area and suggested that somehow there would need to be some demarcation about that being a loading zone.

Mr. Cornell responded there could be some signs on the building and/or on the blacktop indicating it was a loading zone. He said the area was quite a distance away from the parking lot and handicap spaces.

Chair Robinson stated the Commission could stipulate that loading be off hours if approved.

Downtown Developer House stated as a reminder there was a curb cut in that section that ran the entire length and there was more than enough room for a truck to get off the street. He said truck deliveries should not be interfering with traffic flow on Church Street, even on Sunday. He said also that section of the building, the parking that was in there was not required in the original site plan and was added as auxiliary parking because the owners did not have another use for it. He said this Commission did approve removal of all that parking for a drive-thru should that be required.

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**(76 Chestnut Street)** continued

**MOTION**, made by Commissioner Betterley and seconded by Commissioner Tomaino, that the Commission approves the Site Plan Review from A. L. Burke, Inc. for the establishment of a “Dollar General” retail store at 76 Chestnut Street with the stipulation that the loading zone be indicated and loading be done off hours when the store was closed.

**Voting Ayes:** Chair Robinson  
Commissioner Seeley  
Commissioner Ostrowski  
Commissioner Betterley  
Commissioner Falduto  
Commissioner Tomaino  
**Noes:** None  
**Absent:** Commissioner Zummo

**MOTION CARRIED**

**OLD BUSINESS**

Chair Robinson introduced Mr. Mike Brownell and he said he knew there had been some questions raised about Susquehanna River Basin Commission and their role in the project, which Mike could respond to..

Mr. Mike Brownell, Chief, Water Resource Management Division, Susquehanna River Basin Commission, stated he first wanted to apologize if SRBC’s letter in response to the SEQRA comment letter to them caused some confusion. He said under his control at SRBC was the project review section of the Commission and the planning and operations division. He explained the Commission’s authority and that they regulate facilities for consumptive use, i.e. for hydropower and the management of river uses. He said consumptive water use in particular was one of the reasons why the Commission was formed because of power generation in the basin. He said they had withdrawal regulations for surface water. He said the Catalyst project clearly falls under SRBC’s consumptive water use regulations and that they had an application to SRBC under that regulation for just slightly less than ½ million gallons a day. He said to put that in perspective about 2 meetings ago the SRBC approved a power plant for about 17 million gallons a day of consumptive use. He said they did receive a request for SRBC’s comments on the SEQRA process and the City’s desire to be lead agency. He said in SRBC’s response it indicated that the project had submitted a project for consumptive water use and that they were going to use public water supply as their source of water. He said in accordance with that SRBC reviewed it and approved portions but not all of the City’s public water supply system because some of it needs SRBC approval and some did not because it preexisted the regulations that covered it. He said under that approval the City had the ability to essentially use that water as it sees fit. He said it had come to SRBC’s attention that maybe public water supply was not where this project would get its water or may get a portion of its water. He said he wanted to make it clear that SRBC’s regulations exist. He said should the project become self-supplied it when then undergo a review by SRBC for that withdrawal. He said there really was no way to circumvent that. He said in the State of New York, besides drinking, ground water controls which were reviewed by the Department of Health, and surface water withdrawals with respect to treatment, the SRBC was the only one with the authority to review and approve ground water controls or surface water controls. He said the threshold for those withdrawals was 100,000 gallons a day on a 30-day average project. He said this project exceeded that about 4 or 5 times so SRBC would be involved. He said they do monitor a large number of projects in New York State.

Environmental Board Chair Hutchison asked about the prime aquifer.

Mr. Brownell replied there was a comprehensive review if this becomes a ground water withdrawal

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continued

project. He said he could also say that if the project becomes a ground water withdrawal project the time line would be fairly long, upwards of a year.

Environmental Board Chair Hutchison asked if a new proposal were to come up from the developer to go out to a Silas Lane site, near the City Wastewater Treatment Plant he said that was in the 100-year flood plain and he questioned if the Corps of Engineers get involved with that.

Mr. Brownell replied he was not sure the Corps of Engineers delegated that program to the EC or not in the State of New York. He said the Corps had the authority to be involved but depending on the scale of the project either had a delegation agreement with the State Regulatory Agency or they did not. He said from SRBC's perspective if a project was going to be built in a flood plain they also had requirements about elevations, increasing floods, etc.

**Site Plan Review - Catalyst Renewables (CRC Development, LLC) – Roundhouse Renewable Energy Project – Roundhouse Road – A proposed renewable energy facility utilizing regionally grown biomass**

Chair Robinson addressed the Catalyst Renewables project.

Chair Robinson asked about where this project stood with NYSERDA.

Mr. Derek Benson, Director of Business Development, Catalyst Renewables Corp., stated the understanding was that NYSERDA issued a pre-application form for participants this week and he had not reviewed as yet. He said he understands that bidding in the contracting should be completed around November.

Chair Robinson stated one clarification that had been brought up in some of the correspondence about the 62-day clock was that no permit could be issued until such time that the environmental impact and the SEQRA review was completed. He said he wanted to make it clear on the record to the developer and to others that the 62-clock did not start to run until such time as an environmental impact statement had been approved and accepted and the SEQRA process was completed.

The following are *Commissioners Comments and Questions* Chair Robinson forwarded to City Clerk Koury, August 14, 2006:

•The following is from Commissioner Seeley:

“July 26, 2006

Rob Robinson, Chair  
City of Oneonta Planning Commission

Rob,

Per your request at the July 19 meeting, I am submitting my questions/concerns regarding the proposal to build a wood-fired power plant near the site of the former roundhouse.

**Air emissions**

My first concern involves air emissions. At the July 19 meeting, Colleen Blacklock referred to evidence that precipitators catch particles greater than 2.5 microns while largely letting through particles smaller than 2.5 microns, and that it is these smaller particles that have the most serious health consequences.

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In his presentation, Derek Benson referred to Colleen's remarks but only answered it to the extent of saying that the plant's emissions would be far lower than EPA's standards and EPA takes children and elderly into account in setting those standards. He did not, however, directly refute Ms. Blacklock's point.

It would be very helpful to get some specific numbers for emissions. My understanding is that the major concerns with wood combustion are particulates and NOx. What are the quantities of each emitted per day in the course of normal operations? And for particulates, the company needs to be specific regarding size classes of particulates. I've been involved in environmental rule making at the state level and I've studied the process at the federal level. Regulators do indeed take into account the health of children and elderly people, but they also keep an eye on political and economic realities. We in Oneonta should be doing the same thing - looking at health and politics and economics - but we should not simply defer to EPA's judgment in how to balance these factors but should feel free to make that judgment for ourselves. That, however, requires specific numbers, which Catalyst has so far not provided.

Also helpful would be an existing background against which to compare those numbers. My understanding is that such data do not exist. In their absence, we might usefully compare the numbers we eventually get from Catalyst to emissions from known local sources, such as wood combustion in fireplaces, wood combustion in pellet stoves, and automobiles and trucks.

Catalyst has argued that their proposed plant will have less impact than a single house burning wood in a fireplace. This is a plausible claim because of the high temperature of combustion in the plant compared to a fireplace, which will reduce many of the emissions, and the NOx and particulate pollution controls which are lacking in home combustion. But I need to see the actual numbers for emissions. We have people in this community plenty qualified to understand such numbers and put them in context.

**Water use**

At the July 19 meeting Donna Vogler described her concerns with the proposed plant's water use. Specifically, the plant's use would be a 25% increase over current use, and this will easily lead to an increase in the frequency with which the city needs to draw on well water, reducing the quality of the water provided in city residents' taps. She also said that during drought conditions there might be problems with the quantity of water, not merely the quality.

Similarly with the air emissions, Mr. Benson's presentation seemed to address her point while not really answering it. He says the city is capable of delivering 4 million gallons per day. Does this include drought conditions? And it does not at all address Dr. Vogler's concern about water quality. More information about that would be helpful.

**Traffic**

The scaling factor of 2.5 for trucks is better than nothing but not quite satisfying. The logic is that an 18-wheel truck has 5 axles to a car's 2, but it seems likely that an 18-wheeler puts out more pollution than 2.5 cars. DOT apparently has traffic counts with the axle factor included, which are the basis for Catalyst's evaluation of the truck impacts. Would it be possible to get distinct counts of cars and trucks? 98 truck trips a day over these routes might be a 5% increase in truck traffic, or it might be a 50% increase. Those are very different scenarios.

One point here from Catalyst's presentation that disturbed me was the emphasis on how no truck traffic would be going over roads in the City. I understand that we are the Planning Commission of the City of Oneonta, not the Town, but if truck traffic is a problem, moving it outside the City boundary doesn't stop it from being a problem, it just makes it someone else's problem while the City reaps the tax benefits.

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Outside Boston, where I grew up, town A allowed a major office park to be built on a parcel of land only accessible through town B. Town A got all the tax revenue, while town B saw increased traffic and road maintenance costs. The people of town B were understandably not too pleased with the arrangement. We shouldn't knowingly pull the same number.

**Wood supply**

Catalyst has a plausible story as to how their wood demand will promote responsible management of local forests and thereby improve forest health. Foresters from the state and Prof. Vogler have both given their opinion that the regional wood supply is adequate for this plant. I nonetheless take seriously Mark Kuhlmann's observation that Catalyst has no credible plan for enforcing proper forest management.

This should be a readily surmountable problem. It is at the interface of biology and economics. The first part of the task is to come up with measurable and appropriate ways of defining sound forestry in our region, with accommodation for small-scale locational variation. Once those are determined, we need to craft contractual mechanisms to give all parties an interest in upholding the agreed forestry standards.

This should be a condition of approval, not something we ask for down the road, when the horse will have left the stable.

**Local control**

Underlying the issues of air emissions, water use, and wood supply is a question of whose standards should apply. The default is to defer to state and national standards, whether that be SPDES, DEC, or EPA. But those standards are a floor; environmental damage elsewhere can affect us here, so it makes sense to have minimum standards across a state or nation to which all must adhere. But there's no reason to expect that those standards necessarily reflect the tradeoff we want to make locally between environmental quality and some particular economic activity.

One of the architects for Hartwick College's future Golisano Hall points out the absurdity of ads for new construction that proudly boast "Built to code!" All that means is that the building is legal. Code merely ensures a building that's basically safe and functional but doesn't on its own get you a building that does its job particularly well. Catalyst says they want to build a plant that's state-of-the-art, not merely meeting the standards, and I applaud that goal. But as I mentioned above, we have the expertise in this community to judge for ourselves whether is appropriate for us, and we should make that judgment.

**General considerations**

Other issues are not directly part of the SEQR review but can't hurt to have in the conversation at this point.

**Best use of location?**

The overarching question, if we're ultimately satisfied with SEQR, is whether this proposal is the best thing for the location. This is not something we can answer unambiguously but we need to discuss it nonetheless. How likely is it that we will be able to attract other industry that would make use of the plant's surplus steam? This is critical in getting the project closer to true economic profitability, rather than depending on subsidies. As Mr. Benson pointed out, it would also reduce the plant's water use. Alternatively, what are the odds of attracting activities that would be incompatible with the power plant? If such industries are likely, approving the plant forecloses an attractive alternative.

**Silas Lane**

There has been considerable discussion of locating the plant at Silas Lane. This would mitigate the

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water concern, mitigate (though not eliminate) whatever air-emission issues there are, and reduce the traffic concerns (trucks would travel only on I-88 and 205, avoiding residential streets in the Town). Wood-supply concerns would of course be unaffected by the change. The connection to a substation is a little further, but the route is along the I-88 corridor and so should not be complicated to arrange.

My understanding is that there are two obstacles to such an alteration. One is the risk of flooding, made evident last month. The other is the designation of the rail yards as an Empire Zone, giving it a tax advantage over most or any other locations. The flood concern is real and we would need to have an estimate of the cost of dealing with it or tolerating it before pushing that option. But Silas Lane seems in every other way a superior location for this project, and if the flood-risk turns out to be manageable I would hate to see the plant built in the rail yards merely because of an arbitrary tax-code designation. This would be letting a well-intentioned but brittle public-policy tool override sensible economics, giving ammunition to people who think that government is inherently misguided.

**Least-cost alternatives**

The project is supposed to cost \$70,000,000. There are compact fluorescent lights (CFLs) that have an incremental cost of \$5 over a comparable incandescent bulb, but let's call it \$6 to be conservative. That means that \$70 million would allow you to replace 11.7 million incandescent bulbs with CFLs. If we assume these are 15W bulbs replacing 60W incandescents, and that they're on an average of 4 hours per day (reasonable when you combine household and commercial use), this saves 766,500 MWh of electricity per year. I've seen the plant described as having a capacity of 31 MW net power (presumably the other 4 to make 35 MW are used by the plant itself). If we assume 90% utilization rate, this comes to 244,404 MWh per year. And the plant will have additional costs for labor and fuel purchase, whereas the CFLs have no additional costs once the initial increment is incurred (since they last longer than incandescents, the money not spent each time an incandescent would have had to be replaced can be put in a notional account, then used to buy a replacement CFL once it does finally go out). Granted, 11.7 million light bulbs is probably a lot more than we use in two counties with combined population of around 100,000, but the power generated at this plant wouldn't be used strictly in-region either.

More generally, this is expensive power. I did an exercise financing the \$70 million capital cost over 20 years at 6% interest. This yielded annual capital payments of just over \$6 million. I added to this \$8 million for fuel costs (though I also heard the figure \$9 million at the July 19 meeting) and \$8 million for labor (20 workers at an average \$40,000 per year, which doesn't amount to that much salary once you figure in employer-paid payroll taxes, workers comp, and any benefits that may be covered). That adds up to an annual cost of \$22 million, or about \$0.09/kWh. Estimates for wind power are in the range of \$0.04 - \$0.06/kWh. As we can see from what's going on in Cherry Valley, this is hardly a problem-free solution, and from the system perspective wind power has the inherent disadvantage of being non-dispatchable, but it is a good point of comparison as we consider this proposal.

Thank you,  
Karl Seeley”

“Hello all,

In case anyone read all the way to the end of my comments that Rob forwarded, I made a significant mistake in my calculations. I'd included labor costs of \$8m per year, based on 20 employees at \$40,000 each. The \$40,000 is probably too little, once non-wage costs of hiring someone are included. On the other hand, 20 times \$40,000 is only \$800,000, no \$8m. Even with a higher

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employee cost of \$50,000, doing the arithmetic right still leads to an electricity cost of only \$0.06/kWh, not the \$0.09kWh that I originally said. I didn't include anything for maintenance, so the \$0.06/kWh is probably a bit lower than the truth, but \$0.09 is not correct based on the assumptions I laid out in my comments.

Thanks,  
Karl"

•The following is from Commissioner Falduto:

**“ROUNDHOUSE RENEWABLE ENERGY INFORMATION REQUEST**

Ellen Falduto

August 6, 2006

*Assumption: Questions raised by the Environmental Board and others that require CRC/Catalyst to provide additional information will also be included in the list given to Catalyst/CRC representatives.*

**GENERAL & CONTEXT (NOT PROJECT SPECIFIC)**

1. [for the Mayor] At the last Planning Commission meeting, Michael Tamblin noted that the question of potential conflict of interest raised by the Environmental Board would be addressed. Please advise the Planning Commission how this question will be addressed (or was addressed).
2. [for Comprehensive Plan Committee, Common Council] Please advise the Planning Commission as to how this projects fits (or will fit) with the new City Comprehensive Plan.
3. [for Common Council, City Attorney] What is the process for “swapping” Empire Development Zone designated acreage?
4. [ for Common Council, City Attorney] What is the process for designating an alternative site for the proposed project (e.g., Silas Lane or some other area within the City)?
5. [for Common Council, likely with assistance of appropriate consultant] What is the process to designate the project as a municipal power source in order to provide direct sale of power generated to the community (at theoretically lower cost)?
6. [for Common Council, Comprehensive Plan Committee] What is the current collective thinking about long-term options for the roundhouse site given the Brownfields marketing report, irrespective of the current project?

**PLANNING COMMISSION PROCEDURAL**

1. [intergovernmental] Access to the project site involves use of Town of Oneonta roads. What is the process for coordinating review with the appropriate boards in the Town?
2. [inter-institutional] Are there any other agencies, boards, commissions other than those listed in the documentation received from CRC, that will be required to review and approve the project and issue permits? Could a comprehensive list be developed so that we have one definitive source readily available?
3. [inter-institutional] Assuming one of the agencies or boards noted in #2 claims it has no need to review, or, assuming we may not agree with the determination of one of the agencies or boards, how does that impact the Planning Commission's review process, and who, ultimately, has the final say?
4. [intergovernmental] Typically, the Planning Commission receives site plan proposals with comment from the City Code Enforcement Office. None was received with this application. Request City Code Enforcement provide comments as applicable, and as has been past practice.
5. [intergovernmental] Request comment from City Engineering and Emergency Services on the proposed plans, particularly with respect to access, utility and road infrastructure implications, potential hazards, and implications for additional equipment, training, staffing for Emergency Services, if applicable.

**QUESTIONS PERTAINING TO THE SITE PLAN DOCUMENTS SUBMITTED**

1. Conceptual or Actual? The documents submitted refer to the site plan as “conceptual.” Is CRC requesting a “conceptual approval?” Is this an actual project proposal or a conceptual one for workshop-like discussion only?
2. A number of items are missing from the site plan submittal (these are listed on the City's checklist):

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- a. Site plan showing 2' contours/topology of lot and areas within 100' of project site
  - b. Illustrations of buildings and structures. Need elevations, not just cross sections (equivalent to what is typically shown on architect "A" drawings of elevations)
  - c. Details regarding pedestrian access
  - d. Details regarding site improvements: drains, culverts, walls, fences
  - e. Signage details
  - f. Any public use areas (there is reference to potential public use areas in the SEQR documentation)
  - g. Utilities (other than transmission line), including gas, water, sewer
  - h. Fire and emergency zone designations
  - i. Outdoor site lighting plan including information about light spillage, both on ground and visible from sites located on hills surrounding the site (College campuses, Franklin Mountain, etc.)
  - j. Location of telecommunications infrastructure
  - k. Landscape plan
  - l. Grading plan (it appears that a description of NY State standards has been provided; however, nothing specific for the proposed project site)
  - m. Plan to diminish sedimentation and erosion during and after construction (again, it appears that a description of NY State standards has been provided; however, nothing specific for the proposed project)
3. Site Access: What are the implications of an access plan that uses the rail line ONLY for delivery of fuel for the plant?
4. Access: currently lots 6, 8, 9, 10 can access either Country Club/Ceperly or Fonda Ave. via the road through the site. It appears that the wood yard gate will prevent that. Please confirm this interpretation of the drawings; if the interpretation is correct, please develop an access plan that continues to provide access to both roads to all lots that will not be owned by CRC. In addition, who are the owners of the impacted lots; and will the site access road to be developed by a public road or private one?
5. Explain the legal relationships among "Catalyst Renewables," "CRC Development," and any other entities involved in the project on behalf of the applicant.

**ADDITIONAL INFORMATION TO SUPPLEMENT SEQR INFORMATION**

1. Energy use: How much energy will the plant use in its operation (gas, electric)?
2. Compatible Zoning: provide a readable map showing the site and zoning designations within the stated ¼ mile, with scale. (to supplement EAF page 9 item #7)
3. Project Economics: As we understand it, the project is purported to have significant economic benefits for the City, community, and region. We also understand that the economics of the operation of the facility is dependent on State incentives, including NYSERDA programs and Enterprise Zone benefits. While I recognize such information may be considered proprietary and confidential, would it be possible to develop a 20-year financial forecast for the operation of the facility, showing projected community economic benefits, as well as a P&L for the operation of the facility? Use realistic, conservative assumptions (and outline them) One of the concerns voiced has been that after the State subsidies and incentives expire, the operation of the plant will no longer be viable and it will cease operation."

•The following is from Commissioner Tomaino:

"Rob:

Sorry I am getting these questions to you late, hope it's not too much of a problem.

After much thought and have had spoken to many people in the community I am wondering what avenue Oneonta wants to take. It seems to me that our community is leaning towards art and history. I do believe that Oneonta needs light industry, this however causes many concerns.

**QUESTIONS:**

1. Since traffic is an issue, has anyone considered utilizing the railroad?  
For instance the tractor trailers could stop in a area like Sidney, load the materials on to the

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freight cars and use the train to come into Oneonta.

Another idea could be that a separate road be built to run along the railroad tracks.

2. Instead of city water could wells be dug in that area?

3. Has anyone estimated the cost the city will get for water and sewer usage or is that included in the tax revenue?

4. Say this project goes through and after a few years Catalyst goes to the NYS DEC or another agency and asked for a modification with current state regulations. Research shows that the state has made modification depending on circumstance, for example financial hardship. In the event that occurs Catalyst may be granted to burn other material, these materials may be plastic, garbage, tires etc. What guarantee does the City of Oneonta have from Catalyst to make sure this does not occur?"

•The following is from Commissioner Betterley:

“Comments, Concerns and Questions- CRC Development, LLC submission of EAS & Site Plan

The below generally follows the EAF and Site plan document progression, however, some summary questions and general comments of concern are interspersed. Due to this, there are times when content is repeated because it aligns with more than one portion of the application.

EAF Form- Tab 1

Robert Robinson's name is spelled wrong.

CRC Development is a Limited Liability Company that will by definition have the owner's and company's finances intermingled. Why this charter and not a "C" corporation that is required to hold regular board meetings and publish minutes?

The overview of equipment in paragraph 2 does not include the environmental control equipment to control particulates or Nox in the major equipment listing.

Biomass material is listed as the material for this boiler. Change this to be specifically wood chips from natural, round or waste wood. No changes should be allowed in fuel source for project life.

The text notes that an extraction steam boiler will be used enabling the plant to sell steam to others nearby. State that currently that there is no plan to do so currently. Additionally, give specifics of the capability of this facility to provide: how much, at what parameters and within what perimeter of the plant; this helps determine the future value of this feature.

Were core samples taken to determine the depth of bedrock given as >100ft.?

How can it be claimed " all proposed development will be outside the 100 foot buffer zone for the wetland" if the discharge is planned to go into it with elevated chemical profile and temperature. Isn't a discharge for the plant part of the "development"?

Are utilities sufficient in capacity to allow their use on this project? Water consumption is a big concern. What is the final answer on using city water? It is noted that upgrades are needed to connect. Who would pay for the upgrades and what are they?

Details are needed on the power feed to the Pierce Ave. sub-station. This crosses private property, how will right-of-way and compensation issues be settled? Are there any secondary business or contractual dealings associated with this power feed? Much more detail is need on the site plan for this feature.

With a site water table height of only 10 feet, how will the construction of footings and pads be handled to minimize the impact to adjacent wet lands and to the drainage area?

Zero amounts of natural material are to be removed from site per your application, what will be done with the excavation material?

Some ground cover will be removed that is important to certain species of small animals, your application says none will be. Explain your answer?

This will be an expensive and lengthy (18 months) construction project. How will the city be

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protected and/or benefit during this time:

Financially (performance bond, local use of services, labor, companies?) Expressed in contract?

Increased traffic (specify routes, etc. )

Noise (specify hours of operation if not covered under code)

Dangers (will perimeter fencing be place before site construction to keep are safe, will a security service be used)

Roughly 30 gpm of liquid waste is outlined as being discharged. Fully characterize the waste including: temperature, chemical make-up with concentrations, location. Why can't this be a "zero discharge" facility, others are?

How much power will this plant import and use on site. Where will this come from? If none, then state gross and net of plant output.

There is 620 tons of ash per month generated, how will it be handled?

How much will be stored on site at any given time?

How will ash be monitored for content and appropriateness for agricultural use?

How specifically will it be contained and transported such that zero is released prior to destination.

There must be some solid waste generated from your operations, your permit says "No".

What do you intend to do with the solid waste credits that this facility will earn?

469,000 gal/day of water is too much to take from the city surface water system, what are your alternatives? What other ways are there to condense that use less.

I would like to see additional direct benefit to the city. Would you consider a joint venture to provide low cost steam or electricity directly to the city for use on community projects? Some ideas are:

Year round green houses to benefit general residents, create special needs jobs, and provide food for local charities.

A skating rink.

An indoor baseball or soccer facility

A steam power museum, rail and utility based looking backward and towards the future. Maybe including a recharge station for a shuttle between downtown and the site.

Signing over the Steam Rights to the city for use in attracting other investors. Condensing steam outside your facility improves your efficiency. These costs could off-set one another.

How will the city be protected in the future if another owner takes control of this facility?

Will we have control over the re-permitting or right to intervene?

What is the city's liability if this plant fails to perform as planned?

How will this installation change the need for fire and police protection?

This plan is ahead of the comprehensive plan. From what we know to date, how well does it fit?

Truck traffic is a major concern from a quality of life perspective. The increased traffic, noise, cleanliness of roadside and air quality are all noted issues. What other ways to deliver fuel and remove wastes are viable. How about:

Rail delivery from remote dumper location.

Dedicated road deliveries.

Pierce avenue route, Use Bridge over tracks and additional height to advantage of site layout—like Lyons Falls.

What can be done to guarantee that good forest practices are followed? Audits, forester review, payment reversal procedures, etc. handshakes and good rapport are not enough.

How will the remaining acreage not developed be made available to the city? How will this affect the state tax reimbursement to Catalyst? How much will Catalyst pay to help develop appropriate uses?

More detail is need on wages, types of work available, sharing of resources with Lyons Falls. What is the median wage? What will be the scope of jobs provided? Will automation through future capital expenditures reduce labor content of operating facility?

Will a through road be maintained so that pressure on Chestnut street can be relieved through an improved road system?

How much of financials are based on government programs of one type or another? For instance: Renewable energy credits,

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Plantation & willow farm credits.

Tax incentives from enterprise zoning

At 30 gpm why not put discharge down sewer and collect revenue from it.

I would like to see a spreadsheet of the expected revenue to the city now and in the future from this.

Depreciation will lower taxes possibly? Water revenues may change depending on supply approach—look at details.

How will truck route for fuel and waste be specified and enforced?

Need Nox system details filled out in application—details about ammonia storage.

Lighting plan should be submitted as this is an important element of plant visibility.

Safety of site as proposed is inadequate. This is an urban site not Lyons Falls. Perimeter fences are not good enough—inside this site is VERY dangerous and is close to neighborhoods. Show plan for protection. Will site be part of VPP OSHA program?

Need a copy of the referenced Biomass Guidebook for Forest Management Plans.

This is all for now. I know some of this is very detailed. I wanted to step through the documents provided to date and bring forth questions at that level.

Also, I have general questions that are in line with what I have seen others present. So I will leave it to them to bring up those issues.

Generally, this submittal lacks the detail, does not secure its statements with any kind of enforcement or control strategy and leaves way too many things in question. As a result, I expect Part 2 to be a painful process.

See you Tuesday.”

Mr. Mike Tamblin of Stearns & Wheler, LLC, presented the following regarding “SEQR EAF Part 2 – Proposed Impacts: Roundhouse Biomass Facility,” dated August 7, 2006 and he spoke briefly on the details:

**“Stearns & Wheler, LLC**

**MEMORANDUM**

Environmental Engineers and Scientists

To: Robert Robinson, Chair, The City of Oneonta Planning Commission

From: Michael P. Tamblin, PE.

Date: August 7, 2006

Re: SEQR EAF Part 2 — Project Impacts: Roundhouse Biomass Facility  
S&W No. 60039.0

After preliminary review of the Part I of the Environmental Assessment Form (EAF) and subsequent informational attachments prepared by Catalyst Corporation, the following list of potential environmental impacts was developed. This preliminary list is a piece of Part 2 — Project Impacts and Their Magnitude, and is intended to be reviewed and discussed by the City of Oneonta Planning Commission at the August 16, 2006 Commission meeting. Bear in mind that this preliminary list takes into account the individual Roundhouse site, as well as the additional logging and wood harvesting areas, to determine potential impacts.

Upon review of the preliminary list, the project impacts will be evaluated as per Part 3 of the EAF, Evaluation and the Importance of Impacts, and a negative or positive declaration may be pronounced.

Part 2: Project Impacts and Their Magnitude (Draft)

1. Will the Proposed Action result in a physical change to the project site? Yes — potential large impact.

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Examples:

- Construction on land where the depth to the water table is less than 3 feet.
- Construction will continue for more than one year.

5. Will the Proposed Action affect surface or groundwater quality or quantity? Yes — potential large impact.

Examples:

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.

Other Impacts:

- This project could affect the distribution of groundwater versus surface water to the city.

7. Will Proposed Action affect air quality? Yes — potential large impact.

Examples:

- Proposed Action will result in the incineration of more than 1 ton of refuse per hour.
- Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.

8. Will Proposed Action affect any threatened or endangered species? Yes — potential large impact.

Examples:

- Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.

Other impacts:

- Potential impacts to threatened species results from vast areas of off-site logging and harvesting.

9. Will Proposed Action substantially affect non-threatened or non-endangered species? Yes — potential large impact.

Examples

- Proposed Action would substantially interfere with any resident or migratory fish, shellfish, or wildlife species.
- Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.

Other impacts:

- Potential impacts to threatened species results from vast areas of off-site logging and harvesting.

10. Will Proposed Action affect agricultural land resources? Yes — potential large impact.

Examples:

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- The Proposed Action would sever, cross, or limit access to agricultural land (includes cropland, hayfields, pasture, vineyards, orchards, etc.).

11. Will Proposed Action affect aesthetic resources? Yes — potential large impact.

Examples:

- Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.

12. Will Proposed Action impact any site or structure of historic, prehistoric, or paleontological importance? Yes — potential large impact.

Examples:

- Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.
- Any impact to an archeological site of fossil bed located within the project site.
- Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.

13. Will Proposed Action affect the quantity or quality of existing or future open space or recreational opportunities? Yes — small to moderate impact.

Examples:

- The permanent foreclosure of a future recreational opportunity.

15. Will there be an effect to existing transportation system? Yes — potential large impact.

Examples:

- Alteration of present patterns of movement of people and/or goods.
- Proposed Action will result in major traffic problems.

17. Will there be objectionable odors, noise, or vibrations as a result of the Proposed Action? Yes —small to moderate impact.

Examples:

- Odors will occur routinely (more than one hour per day)
- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? Yes – potential large impact.

Other Impacts:

- The proposed site is located near a Potential EJ Area (NYSDEC EJ Preliminary Screen Otsego County).”

Mr. Tamblin suggested that the Commission, as lead agency, issue a positive declaration and initiate a scoping step as part of that positive determination. He said that would mean Catalyst would take the first step and draft a scope which would subsequently be submitted and reviewed by the lead agency as well as interested parties that request it in writing as well as all involved agencies. He said the justification for the positive determination was in the suggested letter presented. He said they had gone through SEQRA and they had thresholds and this project hit 6 to7 several of those thresholds. He said the justification in the letter runs parallel with the SEQRA thresholds which talks about a scheduled timeframe, water supply, etc.

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The following is the aforementioned "suggested letter:"

**SUGGESTED LETTER**

August 16, 2006

Mr. William Clarke, Regional Permit Administrator  
New York State Department of Environmental Conservation Region 4  
Division of Environmental Permits  
1150 North Wescott Road  
Schenectady, NY 12306-2014

Re: Positive Declaration  
Oneonta Biomass Project  
Oneonta, Otsego County, New York

Dear Mr. Clarke:

The City of Oneonta Planning Commission, acting as lead agency, has completed its review of Part 2 of the Environmental Assessment Form (EAF) submitted by Catalyst Renewables Corporation for the development of a 35-megawatt biomass facility on the grounds of the former Delaware and Hudson roundhouse. In accordance with New York State Environmental Quality Review Act, the City of Oneonta Planning Commission has determined that the proposed biomass facility may have potentially adverse impacts on the environment and is therefore issuing a positive declaration pursuant to SEQRA (6 NYCRR Section 617.7).

The City of Oneonta Planning Commission will notify the public of this positive declaration in accordance with SEQRA 6 NYCRR § 617.12. Public notification will be posted in the State of New York Environmental Notification Bulletin and in the Daily Star Newspaper.

**Determination of Significance**

In order to determine whether the environmental impacts from the proposed biomass facility would be significant, the Proposed Action as illustrated in Part 1 of the EAF, Attachment A, Draft Forest Management Plan and Visual Representation were compared against the following criteria (6 NYCRR Section 617.7.c, 1)

- (t) *a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding leaching or drainage problems;*
- (ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

**Reasons Supporting the Positive Determination**

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Part 2 of the EAF categorizes potential impacts from the Proposed Action as impacts on land, water, air, plant and animals, aesthetic resources including visual impacts, historic and archeological resources, transportation, energy, noise and odor impacts, impacts on public health and impacts on growth and character of the community or neighborhood.

Within each category, there are specific impacts from the Proposed Action which may exceed the thresholds provided in Part 2 of the EAF. The following actions may exceed the given thresholds and may potentially result in significant adverse environmental impacts.

Potential Impacts on Land

- Implementation of the proposed action may result in an extensive period of construction which could last for upwards of 18 months
- Implementation of the proposed action may adversely effect groundwater quality near the roundhouse site due to high water table

Potential Impacts on Water

- Implementation of the proposed action may result in the discharge of 30 gpm of water which could adversely impact local water quality and will require DEC permits
- Implementation of the proposed action would use 469,000 gpd which is far greater the 20,000 threshold provided in Part 2 of the EAF and could potentially alter the distribution of groundwater versus surface water to the city
- Implementation of the proposed action locates a commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities

Potential Impacts on Air

Implementation of the proposed action will incinerate  $\pm 1,100$  tons of wood per day which may adversely impact air quality

Potential Impacts on Plant and Animals

- Implementation of the proposed action may impact threatened, rare or endangered species as a result from logging and harvest of large tracks of land
- Implementation of the proposed action may result in the removal of more than 10 acres of mature forest or other locally important vegetation
- Implementation of the proposed action may limit access to agricultural land (includes cropland, hayfields, pasture, vineyards, orchards, etc)

Potential Impacts on Aesthetic Resources including Visual Impacts

- Implementation of the proposed action may result in structures or project components that are obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural
- Implementation of the proposed action may result in adverse impacts on Historic and Archeological Resources

Potential Impacts of Open Space and Recreation

- Implementation of the proposed action may impact potential future open space for recreational opportunities

Potential Impacts on Transportation

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- Implementation of proposed action may result in heavy traffic near the roundhouse site. Further, many local roads may be negatively impacted due to vehicular traffic associated with the biomass facility

Potential Noise and Odor Impacts

- Implementation of the proposed action may result in large quantities of wood chips to be stockpiled for long periods of time. The smell of wood chips can be a potential odor problem
- Implementation of the proposed action may result in higher levels of ambient noise in the area

Potential Impacts on Growth and Character of the Community or Neighborhood

**COMMON CONCERNS  
PART ONE EAF  
ROUNDHOUSE BIOMASS FACILITY**

The following are common issues and concerns regarding environmental, social and economic impacts of the proposed Roundhouse Biomass Facility. This information has been rendered from the comments of individual commission members, New York State Department of Environmental Conservation and Stearns & Wheeler, EEC.

Project Impacts

Air Resources

- Specific numbers are needed
- More information regarding stack emissions, vehicular traffic and stockpiled wood chips
- Quantities of particulates emitted per day in the course of normal operations? And for particulates, the company needs to be specific regarding size classes of particulates.
- Existing background against which to compare those numbers

Forest Resources

- Preparation and compliance with an approved Forest Management Plan
- Draft FMP does not mention concept of monitoring overall timber growth vs. removal
- Inventory of available suppliers able to meet state standards should be provided
- What can be done to guarantee that good forest practices are followed?
- Enforcement of good forestry practices
- The interface of biology and economics

Wildlife/Endangered Species

- Though DEC database does not indicate the presence of endangered or threatened species at the Roundhouse site, this does not take into account the widespread impacts to surrounding forests.
- Reference to NY Natural Heritage Program
- Removal of vegetation at site that will impact certain species of small animals and wildlife

Water Quality/Wetlands

- Wetlands must be delineated and field verified by DEC staff

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- NYSDEC Freshwater Wetland Permits required for impacts to wetlands or 100 foot adjacent buffer zone
- Discharge into wetlands must be permitted and not impact environmental quality Water Supply
- Water supply numbers must be verified
- The plants use would be a 25% increase over current use
- Wells vs. public water
- 469,000 gal/day of water is too much, any alternatives?
- Who would pay for the upgrades and what are they?

Solid Waste

- The reuse of 15-20 tons of wood ash requires a Beneficial Use Determination from DEC
- There is 620 tons of ash per month generated, specifics on storage, monitoring, contained.
- Solid waste credits that are earned by facility

Brownfield/Site Contamination

- Phase II investigation should be made available to DEC staff to determine their role in remediation
- Remedial measures should comply with *DER-10 Technical Guidance for Site Investigation and Remediation*

Chemical/Bulk Storage

- Chemicals such as aqueous ammonia must be stored and handled in accordance with requirements of CBS regulations 6 NYCRR Parts 595-599

Noise Impacts (Traffic)

- Noise evaluation shall identify receptor locations, measure ambient sound levels at locations and determine anticipated sound pressure increase
- Investigation should comply with *Assessing and Mitigating Noise Impacts, DEP-00-1*
- Possible to get distinct counts of cars and trucks?
- No truck traffic would be going over roads in the City vs. Town roads
- Alternative fuel delivery such as railroad or Pierce Avenue
- Will a through road be maintained to relieve pressure from Chestnut Street
- Implementation and enforcement of truck routes

Visual Impacts

- Draft Visual Impact Assessment is limited
- Visual analysis should be prepared and it should comply with *Assessing and Mitigating Visual Impacts, DEP-00-2*
- Assessment should examine a 5 mile radius from proposed site according to DEC regulations
- Lighting plan should be submitted as this is an important element of plant visibility.

Environmental Justice

- Proposed roundhouse is close to a potential EJ area
- Public engagement and participation
- Follow DEC Procedures

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Cultural/Archeological Resources

- Project sponsors should provide documentation of consultation with the NYS Office of Parks, recreation and Historic Preservation

Procedure and Planning Issues

Future Uses

- Burning materials other than wood or changes in fuel source
- Changes in ownership
- Liability and protection for city in ease of plant failures or re-permitting
- Potential conflict of interest raised by the Environmental Board

Local Control/Authority

- Whose standards and why are minimum standards?
- Minimum standards vs. state-of-the-art
- Community expertise
- Town vs. city (access through town)
- Comprehensive list of involved agencies
- Planning Commission review process, who has final say?
- City Code Enforcement Office, City Engineering and Emergency Service comments regarding access, utility and road infrastructure implications, potential hazards, and implications for additional equipment, training, staffing for Emergency Services, if applicable.

Comprehensive Plan

- Is this proposal is the best thing for the location
- What are the odds of attracting activities that would be incompatible with the power plant? If such industries are likely, approving the plant forecloses an attractive alternative.
- Silas Lane location and the process of designating alternative sites
- Designation of the rail yards as an Empire Zone, giving it a tax advantage over most or any other locations.
- Does this plan fit with the comprehensive plan?
- V/hat is the process to designate the project as a municipal power source in order to provide direct sale of power generated to the community (at theoretically lower cost)?
- Long-term options for Roundhouse site

Other Impacts and Issues

Energy

- How much power will this plant import and use on site?
- Where will power be used?
- Other alternative energy saving ideas

Economics

- Estimated cost the city will get for water and sewer usage or is that included in the tax revenue?
- Remaining undeveloped land, how will this impact the city?
- More detail is need on wages, types of work available

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- Breakdown of private vs. public funding sources
- Collect revenue from 30 gpm discharge into sewers
- Economics now vs. economics in the future
- Cost of power generated from Biomass facility vs. cost generated from wind
- Direct benefits to the city such as skating rink, sports facilities, 30 acres of undeveloped wetlands, steam rights.. -
- Impacts to fire and police protection
- Ensuring protection of city during lengthy construction process

Site Plan/Design

- CRC Development is a Limited Liability Company — why not a “C” corporation
- Details and design drawings incomplete
- Core samples taken to determine the depth of bedrock given as >100ft.?
- Details are needed on the power feed to the Pierce Ave. sub-station
- Shallow water table may cause detrimental impacts to adjacent wetlands
- During and after construction, what will be done with the excavation material?
- Safety of site as proposed is inadequate - VPP OSHA program?
- Conceptual vs. Actual
- Missing information from site plans such as 2’ contours, elevations, pedestrian access, signage, sedimentation and erosion control....
- Access to town roads for local land owners”

Mr. Tamblin stated with this project application everybody was focused on where the site was, the Roundhouse site, but SEQRA had to take it for the whole action which meant potential foresting practices, the parcels of which the trees would be harvested. He said each one of those sites had to be managed for water quality, wildlife and endangered species, impacts to truck traffic, etc. He said the NYS Department of Environmental Conservation has reminded them of that in a letter sent.

Mr. Tamblin stated he would entertain any comments speaking to the next step, the action being taken tonight – issuing a positive declaration, publishing it in the Environmental News Bulletin, initiating a scoping process and have Catalyst begin the next step of drafting the scope for review. He said he would continue to get input from interested parties and involved agencies.

Chair Robinson asked if Catalyst had done any work in looking at the Part II and what was the reaction.

Mr. Benson replied they had but did not intend to submit that at the August 16<sup>th</sup> meeting.

Commissioner Betterley stated going on to Part II there were several comments and questions about Part I about whether it was complete and accurate and he asked what that did to the application.

Mr. Tamblin replied Part I related to some of the questions and accuracies was about whether any borings were done, etc. He said Catalyst had looked into that but because there had not been a detailed investigation he thought what was being carried forward was the potential exists that there could be impacts on groundwater and bedrock.

Mr. Tamblin stated in the scoping Catalyst would need to identify things that were valid and things that could be determined insignificant and justification for taking that off the table.

Commissioner Falduto stated in regard to a full investigation she thought that gets to the question about who would provide the data, the information, etc. She said if Catalyst was going to be responding how did the Commission know what the right answers were.

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Mr. Tamblin stated the City hired Stearns & Wheler to represent the City and they had their own independent experts as well who would look at the data and either concur or disagree and make suggestions if needed to investigate further to feel comfortable with it.

Commissioner Falduto asked if Stearns & Wheler would independently collect data.

Mr. Tamblin replied they could do that depending on the situation. He said many of the issues that were very prominent in the comments received, i.e. wetlands, water quality, water consumptive use, etc are many regulated requirements by NYS Department of Environmental Conservation and they have given them a list in their correspondence. He said there would be a half dozen permits they would be evaluating and the NYS Department of Environmental Conservation would be doing checks as well. He said there were several individuals or groups looking at this to agree or disagree.

Alderman Carney asked if the letter from the NYS Department of Environmental Conservation about the incomplete submission if that affected whether or not they were looking or investigating now and holding off until it was complete.

Mr. Tamblin replied the incomplete was referenced to the air permit that Catalyst applied for and what they were saying was that they were not going to review the air permit until at least an EIS or SEQRA was initially performed. He said he had not seen the other letter directly but the letter he was referencing was dated July 24<sup>th</sup> which focused on the information received and gave a list area by area interpretation that needed to be investigated further.

City Clerk Koury stated the other letter was dated August 8<sup>th</sup> and would get Mr. Tamblin a copy.

Mr. Tamblin stated the July 24<sup>th</sup> letter had a complete list of what was felt needed to be included in what they referred to as an EIS.

Mr. Benson stated he knew City Clerk Koury had forward recently correspondence from a Board of Public Service and Alderman Bott had raised questions about water use. He said he wanted to reiterate that Catalyst did request information from the City and what they received was an indication that the City was capable of providing water through the water system. He said Catalyst understands that assessment may have changed after giving some of concerns over the status of the wells from the flood in June. He said some questions remain there. He said he wanted to be clear that Catalyst was certainly not interested in working toward a water source that may or may not be viable. He said Catalyst wanted to work with the City and they were operating under an assumption and the information provided. He said if it turns out that the water source was not viable for them they did have 2 other alternatives. He said what led them to pursue City water was the other 2 options Mr. Brownell spoke to about a process that applies not only for a withdrawal from a groundwater source but also any use of the treated effluent from the Wastewater Treatment Plant do go through a lengthy process. He said given the timing of the RPS and the programs were inconsistent with the project objectives related to time. He said Catalyst could adjust their timeline for the project. He said that was what the alternatives would necessitate. He said he realized a lot of people had raised concerns about the water issue. He said he promised the information Catalyst was providing was not from a Catalyst assessment necessarily but just information they were provided. He said in that spirit if Catalyst needed to look at one of the other two they would do so but at the same time the City's assessment of what they could provide to Catalyst may or may not meet the requirements Catalyst initially sought. He said he just wanted to make that point because it had raised concerns but Catalyst had acted on the best information it had.

Mr. Benson stated with respect to the EIS he asked that Catalyst receive a copy of correspondence from Stearns & Wheler.

City Clerk Koury stated he had e-mailed them a number of items between yesterday and today.

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**REGULAR MEETING OF THE PLANNING COMMISSION PG. 54**

**(Catalyst Renewables)** continued

The Chair conferred with Mr. Tamblin about how the Commission should proceed.

Mr. Tamblin replied that the Commission should entertain issuing that suggested letter and publishing a positive declaration on the project in support of the information received August 16<sup>th</sup> and the magnitude of the project initiate a scoping process. He said that would be a request of Catalyst to give a timetable in which the draft scope could be produced. He said the Commission should be entering public information meetings on that draft scope, issuing notices or letters with the draft scope to involved agencies because although there was not a timeline for Catalyst producing the draft scope once it was received the City had 60 days to respond and comment.

The Commission made the following changes in the suggested letter:

1. Modify the language in "Project Title" paragraph, 3<sup>rd</sup> line: "...30 acres of *contaminated* land..."
2. Change address of the Planning Commission to 258 Main Street (in "Project Location") and Phone # to: 607.432.6450 and Fax # to: 607.433.3420

Chair Robinson asked Mr. Tamblin to lead the Commission in its review of Part 2 of the EAF prepared in the Memorandum by Stearns and Wheler. (Entered into the record earlier)

Mr. Tamblin reviewed Part 2 of the EAF.

Mr. Benson stated in regard to how the RPS he explained that the forest management plan had to be approved initially and then harvest plans had to be approved prior to the actual harvest. He said with respect to oversight in consideration for things like species, habitat, stream crossing, soil erosion, etc procedurally when a logger working with a private landowner to provide Catalyst with wood, that harvest plan had to be approved in advance of the harvest. He said it was not an after-the-fact type of approval and did have DEC oversight.

Chair Robinson asked if Catalyst had received a response to their letter to the State Historical Preservation.

Mr. Benson replied no but had been communicating with them because part of their review was complete. He said he would get a copy to the Clerk as soon as it was received.

Commissioner Betterley expressed concern about Part I being incomplete.

Mr. Tamblin stated that issuing a positive declaration would take care of the concern about Part 1 being incomplete or inaccurate. He said in regard to the relationship between Part 1 and Part 2 was that basically the information in Part 1 helped them with some of the information and some of the information supports the Part 2 determination.

Commissioner Betterley stated he just considered a positive declaration a milestone of sorts. He said he understands they would be covered in the process but did not know of those portions in Part 1 that were incomplete or have not been substantiated but were significant.

Commissioner Seeley stated if the Commission was considering a negative declaration the incomplete information would be an issue but the Commission was saying with a position declaration that the Commission was aware some information was incomplete and need to look further. He said the Commission was not giving its stamp of approval for Part 1.

Commissioner Betterley replied no but the Commission was moving ahead in a timeline along with Part 1 declaration and Part 2.

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**(Catalyst Renewables)** continued

Mr. Tamblin and associate Mr. Greg Liberman explained that the concerns of potential exist and Catalyst was aware of that and needed to be investigated further.

Mr. Tamblin continued with the review of Part 2.

Mr. Tamblin stated under #20 was environmental justice, which NYS Department of Environmental Conservation had corresponded with Catalyst and they was an understanding as to what had to be done as part of the process with environmental regulations.

Alderman Carney asked to have that explained further.

Mr. Tamblin explained that environmental justice was basically the environmental projects cannot be produced without consideration of color, race, economics. He said what the State had done was put out areas where environmental justice could be a concern. He said those areas were identified on maps of the State. He said Oneonta had 2 of them; this project was adjacent to one of them, which meant they looked at the population through color, race or economics and determined that with a high density of outside the average percentages in the community, i.e. a high percent of minorities or low income, etc. He said when they do that it means that the notification process, the public outreach process had to make sure it was reaching everybody in that area. He said this was something that had been very predominant in most SEQRA's recently.

Alderman Carney asked if that information was provided online.

Mr. Tamblin replied yes and that he could provide that to her through City Clerk Koury.

Commissioner Falduto asked how Part 3 would fit because it asks how to describe, if applicable, how the impact could be mitigated or reduced to a slow to moderate impact by project changes. She said that was the responsibility of the lead agency.

Mr. Tamblin replied Part 3 was an option. He said in other projects he worked on when reviewing and preparing for a negative declaration the lead agency was supporting how things were not impacting the environment and make a statement it was not impacting because x, y, z because an EIS was not going to be produced. He said with the step this Commission was moving forward with and asking Catalyst to produce more information and when that is received the questions could be answered.

Chair Robinson asked if there were any other questions.

Mr. Philip Hill stated not addressed was the fuel storage for a 1000 hp diesel chipper that was intended to have on site and on their own website they state they would be chipping the ground wood in the fall and spring during the mud season. He said he would think diesel fuel storage would be included in an assessment like this.

Mr. Tamblin responded that that for operation of the diesel chipper there would probably be fuel storage but was not sure of the mechanics of it however there were thresholds for the State chemical bulk storage regulations that monitor fuel storage.

Commissioner Betterley asked if there were any comments from Catalyst given what was reviewed during the meeting.

Mr. Benson replied no. He said Catalyst understands that the Commission would like to proceed with a positive declaration and they respect that. He said Catalyst would begin the preparation.

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**REGULAR MEETING OF THE PLANNING COMMISSION PG. 56**

**(Catalyst Renewable)** continued

**MOTION**, made by Commissioner Seeley and seconded by Commissioner Falduto, that the Planning Commission issues a positive declaration with a Public Scoping Session in regard to the Roundhouse Renewable Energy Project as proposed by CRC Development Corporation (aka Catalyst Renewables).

**Voting Ayes:** Chair Robinson  
Commissioner Seeley  
Commissioner Ostrowski  
Commissioner Betterley  
Commissioner Falduto  
Commissioner Tomaino  
**None:** None  
**Absent:** Commissioner Zummo

**MOTION CARRIED**

Voting followed this discussion.

The Commission held a brief discussion on the previously entered and discussed “suggested letter” and agreed that it be sent with the changes made by the Commission.

The Commission held a brief discussion on the Comprehensive Plan. The Chair said the draft of the Plan was scheduled to be late October and the first round of City Common Council discussion should be November. He said after the September meeting the Commission was going to have to start looking at a couple meetings a month, a workshop and a regular meeting, to work its way through all of this. He said everything would be communicated through City Clerk Koury.

There being no further business to come before the Commission, Chair Robinson adjourned the regular meeting at 9:00 p.m.

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JAMES R. KOURY, City Clerk

/pab