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Before the
FEDERAL ENERGY REGULATORY COMMISSION

-----X
In Re:) Docket #
New Jersey - New York) CP11 56 000
Expansion Project)
-----X

Public Meeting regarding the
FERC NJ-NY Expansion Project Draft
Environmental Impact Statement

October 17, 2011
7:00 p.m.

P.S. 44 Thomas C. Brown School
80 Maple Parkway
Staten Island, New York
10303

Reported by:
CHARLES D. HOFFMAN

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Appearances

KARA J. HARRIS, FERC, Environmental Project Manager

JAMES MARTIN, FERC, Environmental Scientist

LARRY BROWN, Natural Resource Group

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PROCEEDINGS

(7:00 p.m.)

MS. HARRIS: We're going to go ahead and get started, so if everyone would find a seat please. Good evening everyone, on behalf of the Federal Energy Regulatory Commission, also known as F-E-R-C or FERC, I would like to welcome you here tonight.

This is the public comment meeting for the draft environmental impact statement or EIS for the New Jersey - New York Gas Pipeline Expansion Project. The project is proposed by Spectra Energy Corporation Affiliates: Texas Eastern Transmission LP, and Algonquin Gas Transmission, LLC.

My name is Kara Harris, and I'm the environmental project manager for FERC's Office of Energy Projects. On my right, from FERC, is Jim Martin, who is the deputy environmental project manager.

MR. MARTIN: Good evening.

MS. HARRIS: Larry Brown, to my left, is the project manager with the Natural Resource Group, also known as NRG. NRG is an environmental consulting firm assisting us with producing the EIS for the project.

1 At the sign in table where you came in is
2 Stephanie Schumacher with the FERC and Steve Holden
3 and Jennifer Lee with NRG.

4 The FERC is an independent federal agency
5 located in Washington D.C., that regulates
6 interstate transmission of electricity, natural gas
7 and oil. We are the lead federal agency responsible
8 for the National Environmental Policy Act, also
9 known as NEPA review, of the proposed project, and
10 the lead agency for the preparation of the EIS.

11 The U.S. Environmental Protection Agency, U.S.
12 Department of Transportation's Office of Pipeline
13 Safety, U.S. Army Corps of Engineers, the New York
14 City Mayor's Office and the New York City Department
15 of Environmental Protection agreed to be cooperating
16 agencies with FERC and assisted in the preparation
17 of the draft EIS.

18 The proposed project consists of 19.8 miles of
19 new pipeline, 8.95 miles of abandoned pipeline, 6
20 new metering and regulating stations, modifications
21 at 4 existing compressor stations, and additional
22 facilities, including taps, valves, launchers and
23 receivers.

24 It is important for everyone to understand that
25 the proposed project was not conceived by, and is

1 not promoted by the FERC, the EPA, the Corps of
2 Engineers or the City of New York's Mayor's office
3 or Department of Environmental Protection. The FERC
4 staff reviews applications for the authority to
5 build and operate interstate natural gas pipelines,
6 and Texas Eastern and Algonquin submitted an
7 application to the FERC in December 2010. Our
8 obligation is to review the application and prepare
9 an analysis of the environmental impacts.

10 If you wish to speak tonight, please be sure to
11 sign the speaker's list. If you do not wish to
12 speak, you fill out one of the comment forms or
13 follow the instruction on the form to send written
14 comments to us at a later date. The speaker's list
15 and the handouts are both at the sign in table were
16 you came in.

17 Tonight's meeting is not a public hearing. We
18 are not here to make proposals or to make any
19 determinations on its fate. The purpose of
20 tonight's meeting is to provide each of you with an
21 opportunity to give us your comments on the draft
22 EIS. We are here tonight to learn from you. It
23 will help us the most if your comments are as
24 specific as possible regarding the proposed project
25 and the draft EIS.

1 During our review of the project, we assembled
2 information from a variety of sources, including
3 Texas Eastern and Algonquin, you, the public; other
4 state, local and federal agencies and our own
5 independent analysis and field work. Our analysis,
6 findings and recommendations to ensure environmental
7 impacts are minimized are summarized in the draft
8 EIS that was distributed to the public for comment.
9 A notice of availability for the draft EIS was
10 issued for this project on September 16th and almost
11 2,000 copies were mailed.

12 We are now in the midst of a 45 day public
13 comment period of the draft EIS. The formal comment
14 period will end October 31st, 2011. All written
15 comments received during the comment period and
16 provided verbally on the record tonight will be
17 addressed in the final EIS.

18 All comments that we receive, whether they are
19 oral or hand written are handled in exactly the same
20 fashion. There is no deference to either one form
21 or the other during our review.

22 While our comment period is scheduled to end
23 October 31st, we will continue to take and analyze
24 comments throughout that process. So, while we have
25 a deadline, it does not mean that we will ignore

1 comments that are made after October 31st. However,
2 we do ask that you provide comments as soon as
3 possible in order to give us time to analyze and
4 research the issues and provide an adequate
5 response.

6 I would like to add that the FERC strongly
7 encourages electronic filing with any comments. The
8 instructions for this are located on our website
9 www.ferc.gov, and it's under the e-filing link.
10 The comment forms at the sign in table also tell you
11 how to file comments electronically.

12 If you received a copy of the draft EIS, you
13 will automatically receive a copy of the final EIS.
14 If you did not get a copy of the draft and would
15 like to get a copy of the final, please sign the
16 mailing list on the table and provide your name and
17 address, and we will make sure to get you a copy of
18 the final EIS.

19 To clarify, the EIS is not a decision making
20 document. It is being prepared to advise the
21 Commission and to disclose to the public the
22 environmental impact of constructing and operating
23 the proposed project. When it is completed, the
24 Commission will consider the environmental
25 information from the EIS along with the

1 non-environmental issues, including engineering,
2 markets and rates, in making its decision to approve
3 or deny a certificate, which would be the FERC's
4 authorization for this project.

5 If the Commission votes to approve the project
6 and a certificate of public convenience and
7 necessity is issued, Texas Eastern and Algonquin
8 will be required to meet certain conditions as
9 outlined in the certificate to limit adverse
10 environmental impacts.

11 FERC environmental staff will monitor the
12 project during construction and restoration by
13 performing daily on-site inspections to ensure
14 environmental compliance with the conditions of the
15 FERC certificate.

16 Now, we are going to move into the part of the
17 meeting where we will hear comments from the
18 audience members. As I mentioned before, if you
19 would rather not speak, you may hand in written
20 comments tonight or send them to the secretary of
21 the Commission. Whether you verbally provide your
22 comments or hand them in, they will be equally
23 considered by FERC.

24 This meeting is being recorded by a
25 transcription service, so all of your comments will

1 be transcribed and placed into the public record.
2 For the benefit of all in attendance and for
3 accuracy of the transcript, when Larry calls your
4 name, please step up to the podium and clearly state
5 your name and affiliation, if any. You might spell
6 your name to the court reporter to ensure accuracy
7 if mis-spelling is likely. Also, please speak
8 directly into the microphone, so that you can be
9 clearly heard by the reporter, the panel and the
10 audience. Lastly, before we start, as a courtesy to
11 our speakers and the audience, please turn off or
12 silence your cell phones. Thank you. We're now
13 ready for Larry to call our first speaker.

14 MR. BROWN: William Smith from
15 Representative Michael Grimm's office.

16 MR. SMITH: Good evening, Congressman
17 Grimm couldn't be with us this evening but asked me
18 to read a copy the letter that he sent to The
19 Honorable Jon Wellinghoff, the Chairman of the
20 Federal Energy Regulatory Commission, on October
21 11th of this year. I appreciate the opportunity to
22 present it here publicly this evening.

23 "Dear Chairman Wellinghoff, I write to express
24 my support for the proposed New Jersey - New York
25 expansion project currently under review by the

1 FERC. This project proposes to replace portions of
2 Texas Eastern's existing pipelines in New York's
3 13th Congressional District and extend its system
4 with a new natural gas pipeline.

5 For nearly 2 years, Spectra energy
6 representatives have been working closely with the
7 stakeholders in the 13 district on the development
8 of this project. The work has resulted in a number
9 of project modifications that have alleviated issues
10 raised by those stakeholders in reducing impacts to
11 both residential and sensitive environmental areas.

12 As evidenced by existing support, this
13 expansion project will provide badly needed
14 construction jobs for area workers and additional
15 tax revenue that will help fund state and local
16 programs.

17 The additional supply of clean burning natural
18 gas delivered into New York City and surrounding
19 markets by this project will help prevent price
20 volatility for both residents and industry alike.
21 Resulting natural gas price competition should
22 provide lower energy costs for all consumers and
23 businesses in the area.

24 As such, I urge you to carefully review this
25 proposal and provide a timely decision on this very

1 important infrastructure project, so consumers can
2 begin enjoying these important benefits. Sincerely
3 yours, Michael G. Grimm, member of Congress."

4 Thank you very much for the opportunity to
5 present the letter from the Congressman.

6 MS. HARRIS: Thank you.

7 MR. BROWN: Frank Hoffmann.

8 MR. HOFFMANN: Good evening, my name is
9 Frank Hoffmann, H-O-F-F-M-A-N-N. I represent the
10 6,500 members of the Operating Engineers Local 825,
11 and probably the same amount than Local 14 and 15,
12 here in New York.

13 We support this project. First for jobs, both
14 temporary and permanent. Let's face it; we all buy
15 more and more electrical things, plasma TVs,
16 computers, printers, chargers for phones and
17 cameras. We're all running out of plug sockets.
18 This gas produces electricity. Besides heat, hot
19 water, cooking, the demand for gas and electric
20 increases daily. Not to mention future growth.

21 With this gas, we can also convert some of the
22 coal burning powerhouses that are now producing the
23 electric. Gas is the cleanest energy we have today.

24 Concerning solar and wind, gas makes electric
25 when the wind is calm and the sun doesn't shine.

1 All the environmental concerns can be addressed.
2 Construction workers are not the enemy of the
3 environment. We need it as much as anyone. Most of
4 us study it and have worked in harmony with nature
5 for many years. There is no fracking involved in
6 this project. I urge you to approve this project as
7 quickly as possible. Thank you for your time.

8 MS HARRIS: Thank you.

9 MR. BROWN: Paul Saryian.

10 MR. SARYIAN: Good evening, this is Paul
11 Saryian, and thank you for having this hearing here.
12 No one refutes the need for additional energy
13 sources here on Staten Island and the rest of the
14 city, the rest of the state. Everybody understands
15 that we need more energy. Clean energy, cheaper
16 energy, all that is important.

17 And I also understand this is not a
18 question-and-answer session. Although I do have
19 four or five questions, I am going to pose some
20 questions, which I know you cannot answer at this
21 time.

22 But I'm hoping that sometime in the future, in
23 the near future, because you're at the near closure
24 of this whole - - the environmental impact study has
25 already been done. So, you're very close to

1 fruition, or you may be breaking ground on this by
2 the end of next year sometime. But I'm hoping that
3 maybe with the press release or with some sort of
4 clarification that I think the questions I may have,
5 that I pose to you at this time, may be of interest
6 to millions of people in this state. And I'm hoping
7 that you, at the very least, put their minds at
8 ease. So with that, maybe go with my prepared
9 statement.

10 I want to take you back in time to March 23rd,
11 1994. This is a day a natural gas pipeline ruptured
12 and exploded next to the Durham Woods Apartments
13 Complex in Edison, New Jersey. I don't know how
14 many people here remember this, but I remember it
15 quite clearly.

16 A very good friend of mine was living in this
17 complex at the time and had to be evacuated along
18 with over 1,500 residents. A report prepared by
19 police chief Edward Castello states that "In the
20 first 15 minutes of this disaster, 15,000 calls were
21 made to 9-11."

22 The fire ball which emanated from this
23 explosion could be seen as far away as Pennsylvania
24 and, of course, New York City. As a result, over
25 100 families were left homeless and one person died

1 from a heart attack.

2 It took emergency personnel four days to get
3 this matter under control including search and
4 rescue operations. What followed was an
5 investigation by the National Transportation Safety
6 Board. The NTSB attributed the cause to 1, a gouge
7 in the pipeline; 2, excessive operating pressures;
8 and 3, a failure, a failure on the part of the gas
9 company to properly monitor the integrity of the
10 pipeline.

11 One of the problems with this incident was the
12 lack of automatic or remote controlled shutoff
13 valves. In fact, the manual valves were difficult
14 to reach and close, preventing operators from
15 properly cutting off gas that continued to fuel the
16 fire. The NTSB also found that, "The Texas Eastern
17 Gas Company failed to adequately monitor evacuation
18 activity on its right of way."

19 Here's my first question that you can't answer.
20 What are you going to do to guarantee that this does
21 not again happen here on Staten Island?

22 Here's my second question that you can't
23 answer. According to the map that I saw online, you
24 have only one shutoff valve within the section of
25 the pipeline that passes through Staten Island.

1 It's located somewhere near the center. Why only
2 one?

3 Now, we all know this proposed pipeline is
4 passing through the northwestern tip of Staten
5 Island where there is mostly undeveloped land and
6 sparsely populated areas. Although undeveloped, it
7 is valuable land that could spawn a multitude of
8 commercial and or industrial projects that will
9 create permanent jobs for Staten Islanders.

10 How does the economic impact study that you did
11 - - oh, you did an environmental. How does the
12 economic impact improve if commercial developers
13 shun this area?

14 Here's another question which you can't answer.
15 I already know that the impact study was done
16 because I looked at the board. But when you did
17 this environmental impact study, did any one of you,
18 the consulting firm or Larry Brown or you, sir, did
19 you contact the MTA or the Port Authority? Both of
20 whom are conducting studies themselves into
21 rebuilding the Goethals Bridge, the Bayonne Bridges,
22 along with constructing a North Shore and West Shore
23 Rail line right over your gas line?

24 Here's another question I wish you could
25 answer. In the event of another pipeline explosion,

1 which I know you cannot can guarantee will never
2 happen, what is the zone of safety for people and
3 property? Can you tell me that? The Hilton Garden
4 Inn is less than a mile away from that pipeline.
5 The Goethals Bridge is directly over the pipeline.
6 There are residential areas as well in Marin's
7 Harbor near Port Ivory that may also be in harms
8 way.

9 In the last 10 years, our mayor has closed
10 several firehouses in New York City, and he
11 constantly threatens to shut down more and more.
12 Most recently, 19 in New York City are on the
13 chopping block, including two from Staten Island:
14 Engine Company 161 and Engine 157 in Port Richmond,
15 which would be the first responder to this gas
16 explosion that we hope never happens here on Staten
17 Island.

18 Here's my next question. With the current
19 limited emergency resources assigned to Staten
20 Island, what makes you believe we would be able to
21 handle a disaster of this magnitude that occurred in
22 Edison, New Jersey in 1994, or more recently, in San
23 Bruno California, where the pipeline was improperly
24 installed, leaked gas, exploded and left behind a
25 crater 167 feet wide and more people dead there? I

1 believe the number was 8.

2 In the San Bruno disaster, volunteers helped to
3 carry a fire hose nearly one mile. Any idea where
4 the nearest fire hydrant is to the pipeline proposed
5 on Staten Island?

6 Allow me to conclude by reminding you that the
7 Titanic was considered unsinkable when it was built,
8 and we all know what happened on its maiden voyage.
9 Also, after the 1993 bombing of the World Trade
10 Center, local and federal police agencies conducted
11 an investigation into the structural integrity of
12 the World Trade Center, and they determined that it
13 could not be destroyed by conventional terrorism.
14 And we all know what happened on September 11, 2001,
15 and with that, I conclude my comments. Thank you
16 very much, have a good day.

17 MS HARRIS: Thank you. All of your
18 questions will be answered in the final EIS. But I
19 can assure you that U.S. Department of
20 Transportation Office of Pipeline Safety is
21 cooperating with us. Unfortunately, they could not
22 make it tonight, but we will work with them on
23 addressing your comments in full. Thank you.

24 MR. BROWN: Beryl Thurman.

25 MS. THURMAN: Beryl, B-E-R-Y-L, last name,

1 Thurman, T as in Tom, H-U-R-M-A-N. I'm the
2 Executive Director and President of the North Shore
3 Waterfront Conservancy of Staten Island.

4 This is a draft response to FERC, Spectra
5 Energy, Texas Eastern Transmission LP, Algonquin Gas
6 Transmission LLC, New Jersey - New York Expansion
7 Project, in regard to their proposed pipeline
8 expansion through the environmental justice
9 communities of Staten Island's North Shore. NSWC
10 will provide a final comment on or before the
11 deadline of October 31st, 2011.

12 The United States of America has proven that it
13 has a strong addiction to the use of fossil fuels,
14 and in the application draft EIS document, there is
15 no visible incentive for the applicant to put down
16 the instrument to which has become your drug of
17 choice and to look for safer, greener, healthier
18 sustainable energy alternative. Your draft EIS goes
19 on to provide an enthusiastic list of natural
20 resources on Staten Island including birds, fish and
21 shellfish.

22 You acknowledge that there are many
23 contaminated sites that you wish to avoid. You also
24 acknowledge, in your report, the poor water quality
25 of the Arthur Kill, Lower Newark Bay and the Kill

1 Van Kull. You make references that the fish and
2 shellfish are not fit for human consumption because
3 they are poisonous to humans. But we say to you
4 that our soil in these areas did not contaminate
5 itself and neither did our rivers. These were all
6 done by man in the effort to propel businesses and
7 further their interests along, in spite of the
8 consequences that you see today and acknowledge in
9 your report.

10 The same can be said of this venture, and its
11 proposed use of Marcellus Shale and liquefied
12 natural gas. You're proposing to do more damage to
13 our environment without making any effort to clean
14 up what already exists.

15 And yes, it may very well be that you're
16 cleaning up someone else's mess. But think of it
17 this way, your company's, if you're still around,
18 and others in the future will be expected to clean
19 up the mess that you are going to make and leave
20 behind.

21 FERC, Spectra Energy, its parent company,
22 subsidiaries, stockholders and interested parties
23 would not be as interested in expanding this
24 pipeline if they already did not stand to make
25 millions and or billions or more dollars from this

1 venture. And whereas we remain firmly opposed to
2 use of Marcellus Shale based products and liquefied
3 natural gas, because of the unsafe methods to which
4 they are obtained and distributed, we also must be
5 realistic in protecting our environmental justice
6 communities and the environment that sustains us
7 should this proposal become approved.

8 NSWC's final response will provide what we feel
9 are reasonable areas of environmental and social
10 justice compensation for the environmental justice
11 communities of Staten Island.

12 As in your proposal, you state that New Jersey
13 will receive jobs and money from related activities
14 in the development of this pipeline, ranging into
15 millions. Whereas State Island, and more
16 specifically, the lower income communities and
17 communities of color that the proposed pipeline will
18 be running through, will receive nothing in terms of
19 jobs or compensation.

20 You, like so many other businesses in our
21 communities, propose to be in our communities and
22 yet give nothing beneficial back to our
23 environmental justice communities. This is
24 unacceptable to us. In provision of this proposed
25 pipeline expansion being approved in any form, there

1 are certain benefits to Staten Island environmental
2 justice communities that must be prearranged. These
3 environmental justice communities give backs will
4 exist for the lifetime and use of this natural gas
5 pipeline and or its replacement and will act as a
6 deed/community give back program that will stay with
7 this pipeline as long as it is in use, regardless of
8 who its owner is.

9 As part of the community give back program that
10 you will institute, first public safety. The public
11 must be made aware of what the possible blast radius
12 will be for the proposed pipeline and that of other
13 pipelines that cross in the vicinity of Richmond
14 Terrace at the junction of Arlington Marsh,
15 Mariners' Marsh Park and New York Container
16 Terminal. Other safety issues will be addressed in
17 the final response.

18 Two, community development sponsorship.
19 Spectra Energy, it's parent company, Texas Eastern
20 LP and Algonquin Gas Transmission LLC subsidiaries
21 and other future companies that may purchase the
22 above, now and in the future, with the intent of
23 using the pipeline that runs through Staten Island
24 will become community development sponsors. The
25 above name will provide resources to the communities

1 of Arlington and Mariners' Harbor for the
2 establishment of Community Development Corporation,
3 whose purpose is to identify sustainable businesses
4 and industries suitable for the employment of Staten
5 Island residents from low income communities and
6 communities of color. More information will be
7 provided in the final document.

8 Three, the establishment of Staten Island
9 Environmental Justice Foundation, aka the foundation
10 for the purpose of this document. The environmental
11 justice student sponsorship program whose purpose
12 will be to provide backpacks, school supplies and
13 uniforms for all low income to low medium income
14 students of Staten Island environmental justice
15 communities, whose parents and legal guardians
16 cannot afford to supply their children with these
17 items from kindergarten through the 12th grade.

18 Four, higher education scholarship program for
19 500 students from Staten Island's environmental
20 justice communities annually for 4 year to 8 year
21 full scholarships to any college or university of
22 the student's choice, for undergrad and graduate
23 programs for those students who wish to major in
24 business, marketing, science, pure science, applied
25 science, natural science, environmental science,

1 marine biology, anthropology, agriculture, math,
2 humanities and trade skills. More information will
3 be provided in the final document.

4 Five, through higher education program, Spectra
5 Energy, its parent company, subsidiaries, stock
6 holders through the foundation will also invest in
7 the Staten Island school system, by sponsoring an on
8 campus marine biology program to Staten Island high
9 schools, colleges and universities for their
10 students. The above sponsors will make sure that
11 this program would have all the necessary legal
12 accreditations as any other course that is being
13 taught in these institutions. More information will
14 be provided in the final document.

15 Six, environmental justice stewardship sponsor,
16 remediation and cleanup funding and bond.
17 Spectra Energy, its parent company, subsidiaries,
18 stockholders and any future companies that purchase
19 these companies or make use of the proposed natural
20 gas pipeline that runs through the environmental
21 justice communities of Staten Island's North Shore,
22 will also provide funding of no less than 8 million
23 dollars up front for the cleanup and remediation of
24 Arlington Marsh and Mariners' Marsh Park. They will
25 establish a bond for future maintenance and upkeep

1 at cost or whatever the inflationary rate may be.

2 Seven, Shooters Island Wildlife Fund, more
3 information will be provided in that final document.
4 Spectra energy, its parent companies, Texas Eastern
5 Transmission LP, Algonquin Gas Transmission LLC,
6 subsidiaries, stockholders would also become
7 sponsors to the environmental and environmental
8 justice organizations on Staten Island's North Shore
9 for their environmental awareness programs and
10 event. You will have no say in the running of these
11 organizations or their Boards.

12 Eight, annual operational grants would be
13 awarded to these environmental and environmental
14 justice organizations that would allow for the
15 hiring and maintaining of staff of no less than
16 four. Salaries and benefits will be based on market
17 rate of the positions and jobs that will be
18 performing.

19 This is to ensure that there were always be
20 activism and advocacy for the environmental justice
21 communities and the environment of Staten Island's
22 North Shore. All the resources will be sponsored by
23 Spectra energy, its parent companies, Texas Eastern
24 Transmission LLP, Algonquin Gas Transmission LLC,
25 subsidiaries and stockholders and any future

1 companies that purchase these companies or make use
2 of the proposed natural gas pipeline that runs
3 through environmental justice communities of Staten
4 Island's North Shore. More information will be
5 provided upon the final document.

6 This document by no means absolves Spectra
7 Energy, its parent companies, Texas Eastern
8 Transmission LLP, Algonquin Gas Transmission LLC,
9 subsidiaries, stockholders and any future companies
10 that purchase these companies or make use of the
11 proposed natural gas pipeline that runs through the
12 environmental justice communities of Staten Island's
13 North Shore of any liability if they should fail to
14 maintain their property or behave in a negligent
15 manner that then causes harm to the residential
16 communities of Staten Island or the environment that
17 sustains us. Thank you.

18 MR. BROWN: Debi Rose.

19 MS. ROSE: I'm not speaking, I'm here to
20 listen tonight.

21 MR. BROWN: Carol Van Guilder.

22 MS. VAN GUILDER: Van Guilder

23 MR. BROWN: Van Guilder, excuse me.

24 MS. VAN GUILDER: Good evening, my name is
25 Carol Van Guilder. I'm a resident of the North

1 Shore of Staten Island. And I want to thank you for
2 the opportunity to comment on the draft
3 environmental impact statement.

4 A couple of things I noticed in the
5 environmental impact statement. The first issue is
6 safety, and there was a lot in there about working
7 with the fire and police and so on. But anything
8 can be written in the application before the permit
9 is granted. What happens in the future, 10 years
10 from now, 5 years, 20 years, whatever? What is the
11 ongoing involvement of FERC in making sure that all
12 the safety planning and safety management and
13 inspection and so on is kept up in the future? And
14 how will local officials to be informed of status
15 reports of the safety and maintenance records of
16 this pipeline?

17 Next topic that was very weak in the impact
18 statement was environmental justice. As you're
19 aware, the EPA has designated most of the North
20 Shore of Staten Island as an environmental justice
21 community showcase, and while that might be a good
22 program, how does this fit in? There is something
23 wrong when our low income communities have as much
24 contamination as we have, as much truck traffic as
25 we have, and as many environmental burdens that we

1 have. And if you're adding another burden to our
2 marshland or wetlands, what are you doing to really
3 upgrade the environment of this community? What are
4 you doing to increase parkland? What are you doing
5 to increase tree planting? What are you doing to
6 reduce truck traffic? What are you doing to clean
7 up the water, the land and the air? We need to know
8 more about that for this community.

9 And finally, although we are located here on
10 Staten Island, we are, as residents, in solidarity
11 with those in Bayonne, Jersey City, Manhattan. If
12 it's not safe for them, it's not safe for anybody,
13 and we really need these things to be addressed
14 throughout the entire pipeline, and thank you.

15 MS HARRIS: Thank you.

16 MR. BROWN: Tom Weiss.

17 MR. WEISS: That's me. Thank you, I
18 didn't expect to be called so soon. Especially
19 since I just found out about this event about four
20 hours ago in an e-mail from my pastor, Demetrius
21 Carolina, from the First Central Baptist Church.
22 I'm a member of his church, and I just got the
23 e-mail while I was still in Manhattan, so this time
24 rush hour was. They didn't frack me, or anything
25 like that. I'm glad to be here, anyway.

1 (Off the record, adjustments made to the microphone)

2 Okay? My name is Tom Weiss. I am publisher of
3 a paper that is increasingly well read around here
4 that covers many of the stories that the Staten
5 Island Advance refuses to cover. It's called
6 Upfront News. I have a blog and all this other
7 stuff. I'm also, although I'm not going to do any
8 campaigning, a lot of people know I am a candidate
9 for the state assembly as a democrat. I'll be
10 challenging Matthew Tutone in the primary. He may
11 not be aware of that, but I'm sure he'll be
12 thrilled.

13 But I want to talk about the fracking thing,
14 which is why my pastor got in touch with me, almost
15 on an emergency basis, because he had just gotten an
16 e-mail from Freewater, New York, I think.

17 Anyway, I've been involved in this issue for,
18 as Ms. Rhodes is aware, for quite some time,
19 actually almost a year, when I had the opportunity
20 to see a film which I hope anybody who has mixed
21 feelings about fracking will check out. It's called
22 "Split the State." I don't know if you've heard
23 about it. "Split the State" in a nutshell is the
24 legalism whereby an owner of a property, and this
25 affects more people in our western part of the

1 country, but also people in Upstate New York. An
2 owner of property has control over what is on the
3 surface of the property. However, according to this
4 legalism which is now the subject of all sorts of
5 court arguments, what is beneath that is not
6 necessarily under the owner's control. And that is
7 what the gas companies have been utilizing as a way
8 to get to the stored natural gas in the rock
9 formations, by going under the land lord controlled
10 property. And then one day all of a sudden, you
11 either see gas or you might see a fire, some really
12 disastrous things happening in Pennsylvania, which
13 is a frack free environment, thanks to the
14 government there.

15 There also are some very serious problems since
16 people think, "Oh, that's over there in
17 Pennsylvania." In Upstate New York, the village of
18 Hancock, which is near Binghamton - I used to live
19 in Binghamton, so I know about that area - has had a
20 number of very, very unfortunate situations in which
21 farmers leased their land and the people came in,
22 dug it up, messed it up, also created all sorts of
23 truck traffic on roads in Upstate New York that are
24 not geared towards that kind of traffic.

25 And then, when less natural gas emerged than

1 they anticipated, good bye. And the farmers have
2 been left with escalating insurance costs and all
3 sorts of other things. Anyway, so I'm very
4 concerned about this, and I'm very hopeful that
5 maybe Ms. Rose can do something about that. I've
6 been in touch with Mr. Genaro, who is the City
7 Council Chair of the Environment Protection
8 Committee. And I've spoken with him and his staff
9 about possibly, even at this late date, getting in
10 touch with the chairman. And this is the main thing
11 I wanted to focus on, because there is actually a
12 possibility, depending on your view of course, from
13 my view, it's an anti-fracking point of view, that
14 the State Legislature, the Senate of which passed an
15 extension of a moratorium that existed, which is
16 made to buy time, so this problem can really be
17 examined. The State Assembly passed a bill last
18 June, just shortly before the session went into
19 adjournment. However, the Senate did not act, and
20 it was not just because of all the attention being
21 given to rent protection and also to the gay
22 marriage issue.

23 What stopped the Senate from acting, which is
24 very interesting because the year before when a bill
25 was passed by both the Assembly and the Senate,

1 which was ultimately vetoed by Patterson, although a
2 compromise was worked out. The republicans, who are
3 always said to be the more conservative, more
4 business oriented, voted in favor of the moratorium
5 in the Senate by a majority greater than voted by
6 the democrats in the Assembly.

7 So I had suggested, -

8 COURT REPORTER: Sir, you're beating the
9 stuff out my microphone. I'd appreciate it-

10 MR. WEISS: Oh, I'm sorry. When you get
11 me on fracking, I get intense. Anyway, to
12 summarize, I had suggested the possibility that
13 since we got the bill sort of half passed in the
14 Assembly session of 2011, perhaps we could even
15 possibly call for a special session.

16 Ms. Rose could be very helpful with that, if
17 she chooses to be so. I don't know about that. She
18 made it very difficult for me to testify at the
19 hearing. As a matter of fact, she had me banned
20 from the building, and that's something being
21 investigated. It's a good thing I'm not running
22 against Debi.

23 At any rate, there is a possibility that a
24 coalition, a bipartisan coalition of republicans and
25 democrats in the state Senate could impel the

1 majority leader, Dean Skelos from Long Island, who
2 by the way, voted in favor of the moratorium 2010,
3 to call a special session to deal with this issue.

4 What many people do not know, the main obstacle
5 to that is not Dean Skelos, is not a whole bunch of
6 other republicans because they'll vote against
7 fracking, in favor of the moratorium. The main
8 obstacle is a man by the name of Thomas Libous, who
9 is almost totally unknown down here, although he is
10 the number one obstacle. He is from the city of
11 Binghamton. I used to live there. Binghamton is
12 right there on the Marcellus Shale. He is getting
13 tons of money in campaign expenses from the
14 industry, and he basically, he is the deputy
15 majority leader.

16 So Dean Skelos is out there in Long Island and
17 for him fracking is like, - - something like that.
18 Thomas Libous is the guy who decides what goes up.
19 So, Thomas Libous used his considerable power as the
20 deputy majority leader to make certain that the
21 matter did not come up for a vote.

22 So, it was not as if they voted it down.
23 Libous used his totally disproportionate power to
24 prevent the Assembly passed bill from coming to a
25 vote. I have spoken with a couple of democrats,

1 primarily. I have spoken with Tony Avella, who is a
2 friend of mine. He is now in the State Senate. He
3 was a City Councilman from Queens and also Dan
4 Squadron, two of the legislators with whom I am
5 acquainted. That's the idea-

6 COURT REPORTER: Sir, you've got to stop
7 banging on the microphone.

8 MR. WEISS: Oh, that's what it is, got
9 you. About the possibility of approaching a couple
10 of republicans, including, for example, republicans
11 who defied the leadership by voting in favor of gay
12 marriage, to impress upon Dean Skelos the
13 possibility of calling a special session, which can
14 be done in a day or two, okay? It doesn't have to
15 involve the Assembly. It would just involve the
16 Senate.

17 That means possibly confronting the power of
18 Thomas Libous, L-I-B-O-U-S. He's from Binghamton,
19 okay? And he is basically flying in the face of his
20 entire constituency. The people in Binghamton, who
21 don't usually get aroused about a lot of stuff -
22 it's a rather conservative town - are worked up,
23 partially because Binghamton was one of the four
24 cities in the United States that was selected by the
25 federal, one of any of the offices of the federal

1 government for hearings on this issue. And so many
2 people turned up at that the venue, which was the
3 school up there, Binghamton University, couldn't
4 hold them all. So, they had to make other
5 arrangements. So perhaps, I don't know, I got here
6 so late, so I don't even know exactly under whose
7 authority this panel exists. But I'm hoping that -
8 - basically the anti-fracking community, which is
9 not totally unified on this matter, is looking for,
10 is not so much, some people are calling for a ban.
11 That's not going to happen. What I'm hoping for is
12 that whatever pressure can be generated would be in
13 favor of a continued moratorium because this problem
14 needs to be studied, okay? And one of the levels of
15 government has to be studied is the federal level of
16 government, okay? President Obama has commented on
17 it very, very gingerly because he ain't going to be
18 elected if the entire oil industry goes against him,
19 even if they all put their money in Michele Bachmann
20 or some other, or Rick Perry, God forbid.

21 And I'll wind up with this. There is a federal
22 aspect to this problem that many people are unaware
23 of. The danger of fracking, which has been
24 documented not only in that film, but there is also
25 a film called "Gasland," which is a very important

1 resource on this. This partly exists because of
2 what happened at the very beginning of the Bush
3 administration, when Dick Cheney, the actual
4 President of the United States, convened, and it was
5 in the papers, convened a meeting of all these
6 energy powerhouses, everybody knew about the meeting
7 but nobody was able to find out what was inside.

8 One of the things that was decided at that
9 meeting was to exempt hydrofracking from all the
10 existing federal regulatory rules that covered
11 various environmental things, Clearwater et cetera,
12 et cetera. That is known by the way, it is called
13 the Halliburton Loophole, and everybody understands
14 why, because profits from any kind of environmental
15 disaster and war, such as the Iraq war.

16 That exemption was written into law by the
17 Congress of the United States, which at that point
18 in time was not even aware of what fracking was
19 about. So I've even been in touch with Mike Grimm
20 about this, and Mike Grim sent me a letter. Not
21 adopting my position, but saying essentially, and I
22 can get you a copy of that letter, saying that he
23 wants to discuss this matter with me, at least
24 further, which means, theoretically, his mind is
25 open. Although, how open a mind can be and at the

1 same time belong to the Republican Party, is
2 something for the psychologist to investigate.

3 So, I do have correspondence with him. So at
4 any rate, I'm hopeful that whatever statutory
5 authority is here would be in favor of one, calling
6 upon the State Senate to convene. Which they can do
7 this in two days, they can convene, discuss it. The
8 point is it never even got, the extension of the
9 moratorium was never even discussed in the Senate in
10 the session. They quickly hurried into adjournment,
11 that was it. And that we can thank Mr. Lubous for.
12 Because Skelos just said, "I don't care about this
13 fracking issue. Tom, you take care of it."

14 MS. HARRIS: Could you put some of your
15 comments in writing-

16 MR. WEISS: Okay, I'm just about done. So
17 basically, I'm hoping, and I'll follow this. I
18 didn't have time to write a statement. And I will
19 get a statement if you give me an e-mail to send it
20 to.

21 MS. HARRIS: There are comment forms on
22 the table in the back.

23 MR. WEISS: Okay, well what I will need is
24 to whom to send it. Okay, I will make two
25 recommendations: that whatever pressure be extended

1 towards, and presumably, it would be directed toward
2 Dean Skelos, is the majority leader of the Senate,
3 to convene a special session of the Senate for the
4 sole purpose, unless there's other legislation which
5 is also wallowing, of considering and discussing and
6 voting on the Assembly passed extension of the
7 fracking moratorium.

8 I think the City Council could play a role in
9 that. I'm sure Jim DeNaro, who is the head of the
10 committee that Debi kept me out of, would be
11 friendly to that. And a resolution, on the part of
12 the City Council calling upon the State Senate to
13 convene a special session, I think would be very,
14 very influential especially since this is one of the
15 very few areas in which there actually is a
16 unanimity of position between the Upstate
17 conservative republicans and downstate liberal
18 democrats. So, that would be a major thing.

19 A second proposal. I would urge this committee
20 to do whatever is possible, possibly with respect to
21 Congressman Grimm and with respect to the United
22 States Senators, to do what is necessary to give the
23 scientists the necessary time to investigate the
24 consequences of the so-called Halliburton Rule
25 because that would have to be voted on by the

1 Congress of the United States.

2 So that would be basically, those are the two
3 things that I am urging, and also that hopefully in
4 the future, that any citizen, even me, would be
5 allowed to testify at a hearing. Especially since I
6 got invited. It was Debi who dis-invited and almost
7 got me arrested. That matter is being looked into
8 by the police department. So anyhow, that's it, and
9 thank you very much for your time.

10 MS. HARRIS: Thank you.

11 MR. WEISS: Do you want us to answer
12 questions or?

13 MR. BROWN: Susan Chew

14 MS. CHEW: Good evening, my name is Susan
15 Chew. That is spelled C-H-E-W, and I am a
16 representative of an organization we founded called
17 New Yorkers for Clean Water Inc.. We are working on
18 the prohibition of hydraulic fracturing in New York
19 State. And I know that we are not here this evening
20 to speak specifically about hydrofracking, however,
21 we will not need a pipeline if we don't have
22 hydraulic fracturing.

23 This country needs to work towards renewable
24 clean energy. From cradle to grave, the extraction
25 of methane gas is dirtier than the extraction of

1 coal. Methane is a heavier greenhouse gas than the
2 CO2 gases that are accumulating in the greenhouse
3 effect.

4 The New York City watershed has been exempted
5 temporarily from hydraulic fracturing in New York
6 State, and our position is if hydraulic fracturing
7 for methane gas is not good for the 15 million
8 people of the New York City watershed, how can the
9 extraction of gas through hydraulic fracturing be
10 safe for anyone in the State of New York?

11 We will have a devastated boom and bust economy. We
12 will have a deforested state where the main economy
13 is for recreation, hunting and fishing. That will
14 all be destroyed.

15 We know that with climate change - - I'll give
16 you an example, Hurricane Irene devastated and
17 flooded many communities Upstate New York. If
18 hydraulic fracturing for methane gas for this
19 pipeline is permitted and these kinds of storms
20 continue, the open waste pits of produced hydraulic
21 fracturing water will be washed, as it was in
22 Pennsylvania, right into the rivers and into our
23 reservoirs.

24 So, New Yorkers for Clean Water is asking FERC
25 to prohibit the pipeline. There will be no need for

1 a pipeline if we can bring this country to renewable
2 clean energy, and we are far behind China and the
3 European countries in clean, renewable energy.

4 Thank you.

5 MS. HARRIS: Thank you. Now, I would like
6 to explain that Marcellus Shale, another shale are
7 not regulated, their extraction is not regulated by
8 FERC. So, I appreciate your comments. It is a
9 state regulated activity. Thank you.

10 MR. BROWN: Charles Olson.

11 MR. OLSON: Hi, welcome. Glad to see you
12 people could be here. Now, are you each from the
13 Federal Regulation Group? You are, okay.

14 My name is Charlie Olsen. I am a
15 representative of a group called United For Action,
16 as well as a member of Susan's group, the New
17 Yorkers for Clean Water, and a few other groups that
18 I do help out occasionally.

19 I just sum up, basically, what Paul Saryian had
20 said, what Susan said, and I backup what they are
21 saying basically. And that is that can we really
22 trust this pipeline, since it has had so many
23 problems in Pennsylvania and San Bruno, California?
24 There may not be enough inspectors from the states
25 or elsewhere, or the funding my not be there, and a

1 number of other things that each of them have said
2 already, that will be said in your next two places,
3 in New Jersey and then later this week, in
4 Manhattan.

5 The biggest concern I have, I'm a resident of
6 Staten Island, I live in Fort Wadsworth, which is
7 right by the Verrazzano Bridge, one block away.
8 The biggest concern I have is that if we do ban or
9 limit hydraulic fracturing, and we see that we don't
10 need, and the government agrees with that, different
11 phases of the government, that we don't need this
12 natural gas, or the real name, methane gas, at the
13 amounts that we do have, that this pipeline will be
14 antiquated even before it is built or while it is
15 being built. So, I would consider it, and I would
16 guess most taxpayers would consider this an entire
17 waste of our resources: our human resources, our
18 taxpayer resources, our work effort, our raw
19 materials. This could be better used in moving from
20 fossil fuels to the renewable fuels. And we have
21 many forms of that, whether it's - - we should
22 catch up with China and where Germany is and some
23 other countries. We could actually move, with the
24 amount of money that we are spending on the pipeline
25 throughout the United States as well as here, within

1 a period of 10 to 20 years to full, sustainable
2 resources, renewable resources.

3 So, I would consider the pipeline, even if you
4 can make it as wonderful as you can, it will be
5 antiquated and a planned obsolescence and a waste of
6 our resources. That's basically what I would have
7 to say. But I do wish you well. If you do build
8 this, we are going to hold you very accountable.
9 Thank you very much.

10 MS. HARRIS: Thank you.

11 MS. HARRIS: We do not have anyone else
12 signed up to speak. Would anyone like to speak now?
13 If no one else would like to speak, I will quickly
14 mention the FERC website. Within our website is
15 something called E-Library. If you type in docket
16 number CP 11-56, you can use E-Library to gain
17 access to everything on the record concerning this
18 project, including the draft EIS as well as all the
19 filing information submitted by Texas Eastern and
20 Algonquin.

21 A link called E-Subscription is also available
22 for you to sign up using your e-mail address to
23 receive e-mails each time a document is filed in the
24 CP 11-56 Docket.

25 On behalf of the Federal Energy Regulatory

1 Commission, I want to thank you for coming tonight.

2 This meeting is adjourned, thank you.

3 (WHEREUPON, The proceedings were concluded at 7:40
4 p.m.)

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