

1 Disadvantaged Communities Criteria - 6/29/2022

2 STATE OF NEW YORK

3 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

4 Public Hearing on the Draft Disadvantaged  
5 Communities Criteria

6 PUBLIC COMMENT HEARING

7 DATE: June 29, 2022 at 12:07 p.m.

8 VENUE: Webex

9 BEFORE: A.L.J. MICHAEL CARUSO

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Reported by Howard Hubbard

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1 Disadvantaged Communities Criteria - 6/29/2022

2 APPEARANCES:

3 ANDRIA LINTON, D.E.C. COHOST  
LOUIS ALEXANDER  
4 DAVID WITT, D.E.C. ENVIRONMENTAL JUSTICE  
SAMEER RANADE, NYSERDA  
5 TYLER PICARD, NYSERDA

6 SPEAKERS:  
ANN FINNERAN  
7 BARB HERTEL  
BARBARA ODAE

8  
CAL TRUMANN  
CONSTANCE DUHAMEL

9  
ELIZABETH O'RAFFITY  
10 KENNETH BREZNER  
LADELLE DAUTREMONT  
11 LAUREN BROIS  
MARLENE DONNELLY  
12 NELIDA LABATE  
PAMILLA MALICK  
13 RANDOLPH HOMER  
SANDRA KISSAM  
14 SONJA STARK  
TANYA DWYER  
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TAYLOR JAFFE  
VIC PUTMAN

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1 Disadvantaged Communities Criteria - 6/29/2022

2 (The hearing commenced at 12:07 p.m.)

3 THE REPORTER: Okay, we are on --  
4 yeah, we are on the record.

5 A.L.J. CARUSO: Thank you. All right.  
6 Good afternoon, everyone. My name is Michael Caruso.  
7 I'm an Administrative Law Judge for the New York  
8 State Department of Environmental Conservation. I  
9 will be presiding over today's public comment hearing  
10 to receive public input on the Draft Disadvantaged  
11 Communities Criteria.

12 We have closed captioning available in  
13 several languages for anyone joining via the internet  
14 today. There is a little slide on the screen with  
15 instruction on how to use it and there's a small box  
16 marked with two C.C.s on the lower left side of the  
17 screen. If you click on that link, you'll access the  
18 closed captioning.

19 On behalf of the D.E.C. and NYSERDA,  
20 I'd like to thank you for joining us at this hearing  
21 and for -- for participating in this important  
22 process. The D.E.C. in partnership with the New York  
23 State Energy Research and Development Authority is  
24 holding eleven public hearings across New York State  
25 to receive public input on the Draft Disadvantaged

1 Disadvantaged Communities Criteria - 6/29/2022  
2 Communities Criteria in advance of the finalization  
3 of the criteria to help guide the implementation of  
4 the state's Climate Leadership and Community  
5 Protection Act.

6 New York's Climate Justice Working  
7 Group which consists of representatives from  
8 environmental justice groups from across the state  
9 and New York state agency representatives voted in  
10 December to release the Draft criteria for  
11 identifying disadvantaged communities for public  
12 review.

13 The Draft Disadvantaged Communities  
14 Criteria public comment period commenced in March  
15 with a one-hundred-and-twenty-day public comment  
16 period that ends on July 7<sup>th</sup>, 2022. The Draft  
17 Disadvantaged Communities Criteria can be found at  
18 [climate.ny.gov](http://climate.ny.gov).

19 The criteria -- the criteria are based  
20 on geographic public health, environmental hazard and  
21 socio-economic factors. And once approved, will be  
22 used to help meet the directives of the climate act  
23 relating to reducing pollution and greenhouse gas  
24 emissions, as well as to inform regulatory impact  
25 statements and the state's clean energy and energy

1 Disadvantaged Communities Criteria - 6/29/2022  
2 efficiency investments.

3 Notice of this hearing was published  
4 in the environmental notice bulletin on May 4th,  
5 2022. And assisting me today with the hearing are  
6 members of D.E.C. Office of Communications Services.  
7 We have Maria Katchmar and Andrea Linton.

8 And in a moment, I will introduce Dr.  
9 David Witt of D.E.C.'s Office of Environmental  
10 Justice, who will give a brief overview of the work  
11 to date in the Draft criteria. The purpose of  
12 today's public comment hearing is to allow members of  
13 the public to comment on the Draft Disadvantaged --  
14 Disadvantaged Communities Criteria.

15 This is not a question-and-answer  
16 session, and comments will be accepted at this  
17 hearing today and at one more virtual public comment  
18 hearing session. Written comments may be submitted  
19 until July 7th, 2022, and comments submitted by email  
20 must be received by the department by five p.m. on  
21 July 7th.

22 And to be considered -- to be  
23 considered comments and those submitted by mail must  
24 be postmarked by July 7th, 2022. Equal weight is  
25 given to written and oral comments. The last

1 Disadvantaged Communities Criteria - 6/29/2022  
2 hearing, remaining hearing, is scheduled for tomorrow  
3 for Western New York and it's via WebEx so it's  
4 scheduled at twelve p.m. on Thursday, June 30th,  
5 2022.

6 Details for how to attend tomorrow's  
7 hearing can be found at [climate.ny.gov](http://climate.ny.gov). And the  
8 email address for the submission of written comments  
9 is [dacomment@dec.ny.gov](mailto:dacomment@dec.ny.gov). That's G-O-V. Let me  
10 repeat that, it's [dacomment@dec.ny.gov](mailto:dacomment@dec.ny.gov).

11 And if you're joining us via the  
12 internet, those -- the -- the website is listed on  
13 the screen right now. And the mailing address is  
14 Draft DAC Comments, NYS D.E.C. Attention Office of  
15 Environmental Justice 625 Broadway, 14th floor,  
16 Albany New York 12233. And like I said that address  
17 is also available on the screen right now.

18 So now I'd like to introduce Dr. David  
19 Witt from the D.E.C. to give a brief presentation.

20 MR. WITT: Hi, good afternoon,  
21 everyone. I just wanted to make sure that you can  
22 hear me.

23 A.L.J. CARUSO: Yes, we can. Please  
24 proceed.

25 MR. WITT: My name is David Witt, as

1 Disadvantaged Communities Criteria - 6/29/2022  
2 the A.L.J. Caruso mentioned. And I wanted to thank  
3 you for allowing me to come and speak with you. I am  
4 currently ... affairs coordinator with the Department  
5 of Environmental Conservation, and I'm here on behalf  
6 of the Office of Environmental Justice. Thank you  
7 for joining us for this public hearing on the Draft  
8 Disadvantaged Communities criteria.

9 As you may be aware, the climate act  
10 is the nation's most ambitious climate change related  
11 legislation. Its goal is to reduce New York State's  
12 greenhouse gas emissions from all human activities by  
13 one hundred percent over 1990 levels by the year 2050  
14 with an incremental target of at least a forty  
15 percent reduction in greenhouse gases by the year  
16 2030.

17 At least eighty-five percent of the  
18 reductions by 2050 must come from preventing the  
19 release of greenhouse gases. By implementing the  
20 climate acts, we will create opportunities to build a  
21 better future. To ensure that this work also  
22 advances climate justice, the climate act mandates  
23 that at least between thirty-five to forty percent of  
24 the benefits of New York state spending on clean  
25 energy accrue in disadvantaged community.

1 Disadvantaged Communities Criteria - 6/29/2022

2 State agencies are also required to  
3 prioritize greenhouse gas emissions and coupled with  
4 the reductions in disadvantaged community, including  
5 D.E.C. in drafting regulation to meet the greenhouse  
6 gas emission limits required by the climate act.

7 The identification and prioritization  
8 of disadvantaged communities and accounting for the  
9 benefit of cutting pollution and improving resilience  
10 is what makes our climate act a transformative law.

11 To identify disadvantaged communities  
12 in New York, the climate justice working group was  
13 guided by the language of the climate act and  
14 identifying disproportionately burdened communities.  
15 They voted to include forty-five indicators using  
16 data on environmental hazards, climate change risk,  
17 public health issues, geography and socio-economic  
18 factors like race, income, education level,  
19 unemployment rates and housing conditions.

20 Additionally, to drop disadvantaged  
21 communities that designations are reflective of the  
22 working group, ... experiences an ... experiences of  
23 the residents of these historically overburdened and  
24 underfunded community.

25 Each ... score is based on relative



1 Disadvantaged Communities Criteria - 6/29/2022  
2 burden risk vulnerability or sensitivity.  
3 Specifically, the percentile rates of the indicator  
4 increased infrastructure combined to produce a value  
5 that measures a ... relative level of environmental  
6 burdens and climate change risk, as well as  
7 population characteristics and health vulnerabilities  
8 relative to other tracks.

9 Tracks have higher scores relative to  
10 other tracks in the states, or their regions. For  
11 example, in New York City or the rest of the state,  
12 who are identified as DACs. The working group also  
13 voted -- voted to include low level health outcome  
14 for households with incomes of sixty percent of the  
15 state median income as disadvantaged for the purposes  
16 of the benefits and adjustment.

17 And based on these criteria, you will  
18 see that fifty-four percent of households in the mid-  
19 Hudson region falls within disadvantaged communities'  
20 criteria with forty -- forty-six percent ... of those  
21 households in geographic disadvantaged communities.

22 Thank you.

23 A.L.J. CARUSO: Thank you. As  
24 indicated in the notice for today's hearing, we're  
25 going to limit each speaker to two minutes to make

1 Disadvantaged Communities Criteria - 6/29/2022  
2 their comments. Please be respectful of that time  
3 limit. For those attending over the internet, there  
4 will be a two-minute timer on the screen to help you  
5 keep track of your time.

6 If you've not completed your remarks  
7 after two minutes, I will ask you to conclude your  
8 remarks. When you make your statement please speak  
9 loudly, slowly, and clearly. All comments received  
10 this evening are being recorded by a court  
11 stenographer.

12 If we cannot hear you, there is a risk  
13 that your statement will not be recorded accurately.  
14 I've asked the stenographer if he cannot hear you or  
15 you're speaking too quickly to interrupt and ask you  
16 to slow down or speak up.

17 It's very important that we get  
18 everything everyone has to say on the record today.  
19 And I will call your name when it is your turn to  
20 speak. At that time, your line will be unmuted if  
21 you have attended over the internet.

22 If you have attended by phone when I  
23 call your name, I will ask you to press star three to  
24 raise your hand so that we can unmute your line.  
25 Please do not press star three until you have --

1 Disadvantaged Communities Criteria - 6/29/2022

2 we've called your name.

3 When you begin speaking, please state  
4 your name and if you're speaking on behalf of someone  
5 or some group of people, identify who it is that you  
6 are representing. And let me apologize in advance if  
7 I mispronounce anybody's name.

8 If I do mispronounce your name, please  
9 correct me. Please spell your last name for the  
10 court reporter and be sure to speak clearly so the  
11 court reporter is able to accurately -- accurately  
12 transcribe your statement.

13 So with that, our first speaker today  
14 is John Crowley. And I don't think I see John  
15 Crowley listed as logged in on the internet. If John  
16 Crowley, if you've joined us by phone, if you will  
17 press star three on your phone to raise your hand, we  
18 can then identify you and be able to unmute your  
19 line.

20 I do not see any raised hands, so I am  
21 going to move on to the next registered speaker is  
22 Ann Finneren. I don't believe I saw Ann logged in  
23 yet. If Ann Finneren, if you've called in, please  
24 press star three on your phone to raise your hand.

25 I do not see any raised hands so I'll

1 Disadvantaged Communities Criteria - 6/29/2022  
2 call the next speaker, and our next registered  
3 speaker is Megan Boone. And again, Megan Boone if  
4 you've joined us by phone, please press star three in  
5 your phone so we can identify you.

6 All right. I do not see a raised  
7 hand, so our next registered speaker is Daniel  
8 Atonna, and I don't see Daniel as being logged in  
9 online, but if you've joined us by telephone, please  
10 press star three to raise your hand.

11 All right. I do not see a raised  
12 hand, so our next registered speaker is Tamsin Hollo.  
13 And I don't see Tamsin logged in on the internet. If  
14 you've called in Tamsin Hollo, please press star  
15 three on your phone.

16 All right. Our next registered  
17 speaker then is Cal Trumann and I see Cal there.  
18 Please unmute Cal Trumann's line. You're unmuted.  
19 Cal Trumann, if you're speaking, we can't hear you so  
20 you might have muted yourself on your end as well.

21 Now you're muted again. Can staff  
22 please unmute Cal Trumann again? All right. Cal  
23 Trumann, you've been unmuted, but if you're speaking,  
24 we cannot hear you. If you've muted yourself on your  
25 end on your -- on your computer, or --?

1 Disadvantaged Communities Criteria - 6/29/2022

2 MR. TRUMANN: Hello?

3 A.L.J. CARUSO: Do I hear you -- yes.

4 MR. TRUMANN: Is my microphone  
5 working?

6 A.L.J. CARUSO: Yes, it is now. Thank  
7 you. Please proceed.

8 MR. TRUMANN: Hello, yes. Am I  
9 audible?

10 A.L.J. CARUSO: Yes -- yes, you are.

11 MR. TRUMANN: Hello?

12 A.L.J. CARUSO: You can't hear me now,  
13 okay.

14 MR. TRUMANN: Now I can, okay, great.  
15 We got that, so sorry.

16 A.L.J. CARUSO: Please proceed.

17 MR. TRUMANN: Great. Good afternoon,  
18 thank you for this opportunity to speak. My name is  
19 Cal Trumann, so C-A-L T-R-U-M-A-N-N. I am the  
20 careers and education coordinator for New Yorkers for  
21 Clean Power, which is a statewide campaign to rapidly  
22 transition New York to an equitable clean energy  
23 economy.

24 As an organization, New Yorkers for  
25 Clean Power broadly supports the criteria as

1 Disadvantaged Communities Criteria - 6/29/2022  
2 identified. We encourage this working group and the  
3 D.E.C. to accept ground truthing comments on an  
4 ongoing basis, both to allow for more input than you  
5 may be able to receive during this limited period.

6 And because many areas are continuing  
7 to experience changing demographics. We also urge  
8 the D.E.C. to overlay the map with a roadmap so that  
9 people can readily identify the boundaries of the  
10 disadvantaged communities that you have outlined,  
11 because right now it is not at all clear in the  
12 current map which makes ground truthing challenging.

13 These changes will hopefully make  
14 commenting and reinforcing or challenging the  
15 identified communities more accessible to folks who  
16 aren't necessarily part of the environmental  
17 community. On a personal level, as someone who grew  
18 up in very rural areas and still lives in a rural  
19 area, I appreciate the attention that went into  
20 identifying overburdened rural communities, which can  
21 be more complex than urban.

22 But also want to recognize that in the  
23 Hudson Valley, in particular, many of these lower  
24 income, historically lower income rural communities,  
25 are, as I said, are experiencing demographic shifts,

1 Disadvantaged Communities Criteria - 6/29/2022  
2 specifically, gentrification as people bought houses  
3 during the pandemic.

4 So continuing to update the  
5 demographics that you're using will be necessary to  
6 make sure that the communities that you're targeting  
7 are indeed those -- most in need of aide. And I  
8 believe that is -- that is my comment, thank you very  
9 much.

10 A.L.J. CARUSO: Thank you. Our next  
11 speaker is Bobbi Bittker. I didn't see Bobbi Bittker  
12 logged in via the internet. If you've called by  
13 phone, please press star three on your phone and we  
14 will unmute your line. All right. I'm going to move  
15 on to our next registered speaker, it's Yasmin  
16 Najjar.

17 And I didn't see Yasmin Najjar logged  
18 in, so if you've called, please press star three on  
19 your phone and we will unmute you. All right, moving  
20 on then, our next registered speaker is Rachel  
21 Carpitella. And if Rachel Carpitella has joined us  
22 by -- joined us by phone, please press star three and  
23 we will unmute your line.

24 Our next registered speaker then is  
25 Taylor Jaffe and I believe I saw Taylor's name so

1 Disadvantaged Communities Criteria - 6/29/2022

2 please unmute Taylor's line.

3 MS. JAFFE: Hello?

4 A.L.J. CARUSO: Yes.

5 MS. JAFFE: Great.

6 A.L.J. CARUSO: I can hear you, please  
7 proceed.

8 MS. JAFFE: Perfect. Thank you so  
9 much and thank you for hosting this -- this hearing.  
10 Very glad to be here with you all today. My name is  
11 Taylor Jaffe. I am calling in from Livingston Manor,  
12 New York in the Catskill region, where I work for  
13 Catskill Mountainkeeper, a local nonprofit dedicated  
14 to protecting the region and its resources and  
15 communities.

16 These comments are not particularly on  
17 behalf of Catskill Mountainkeeper, but a lot of that  
18 work has informed my comments towards these  
19 disadvantaged community criteria. First off,  
20 broadly, I'm glad that we're doing this and I'm very  
21 much in support of defining the disadvantaged  
22 communities and these criteria.

23 One large issue that I do think we can  
24 capture moving forward is creating more potential for  
25 some kind of buffer zone or other analysis that



1 Disadvantaged Communities Criteria - 6/29/2022  
2 really can capture those hazards that are in between  
3 census tracts so that way, the census tract -- so  
4 that way we can capture more exposure between the  
5 census tracts.

6 Another -- another comment that I have  
7 is that, while all of the indicators look great,  
8 there is a problem with data quality in rural areas.  
9 And of course, these areas are -- they're seeing  
10 less, they're less identified as DAC.

11 So one -- one comment that I have is  
12 that there could be greater resources going towards  
13 creating better data, especially around P.M. two  
14 point five since E.J. screen and other -- other --  
15 sorry, other -- other places that we get this data,  
16 don't fully capture that in rural communities  
17 including Sullivan County. Thank you so much.

18 A.L.J. CARUSO: Thank you. Our next  
19 speaker is Kenneth Brezner.

20 MR. BREZNER: Now?

21 A.L.J. CARUSO: I can hear you, please  
22 proceed.

23 MR. BREZNER: Okay, thank you. I'm a  
24 former D.E.C. employee, I had twenty thirty -- two  
25 years in the ... program in New York City. And I

1 Disadvantaged Communities Criteria - 6/29/2022  
2 think this program is as much as it's a proper goal  
3 is going down the mandate roll. They don't  
4 understand the unintended consequences.

5 The specific case was the -- the Waste  
6 Connections, 50th street, they want to change their  
7 CND tonnage to ... to CND to commissioner directed  
8 the staff to deny it for just -- that changed just  
9 because of climate change.

10 And I think that is not in line with  
11 the Department's mission. My father worked for the  
12 Department before it became D.E.C. he was with the  
13 health department he became over in D.E.C. and we had  
14 conversations at the kitchen table, the mission of  
15 the department, the balance of environmental versus  
16 public need, and having as a mandate is not in line  
17 with the mission of the department that was  
18 originally set up for and how the agency is being  
19 implemented.

20 And my -- what I'm recommending here  
21 is twofold; one, that the direction of this policy  
22 and the -- the subsequent divisional policies should  
23 never be a mandate, they should just be a criteria  
24 that should be reviewed. There is no criteria in the  
25 policy of how to do the analysis.

1 Disadvantaged Communities Criteria - 6/29/2022

2 And number two is, they need to have  
3 much more ground truthing of unintended consequences  
4 if it does become a mandate. For example, if you  
5 start reducing or preventing the solid waste  
6 capacity, you will have a shortage and that shortage  
7 will cause a public health emergency.

8 So my underlying comment is, this  
9 should never be a mandate. It should just be like  
10 the current environmental justice policy of an  
11 additional items that should be under review. Thank  
12 you very much for my opportunity to speak.

13 A.L.J. CARUSO: Thank you. Our next  
14 speaker is Nancy McGraw. I don't know if I saw Nancy  
15 McGraw listed. So Nancy McGraw, if you've joined us  
16 by telephone, please press star three and we will  
17 unmute your line. Okay. I do not see a raised hand.

18 Our next registered speaker is Lauren  
19 Brois, and I see there's a Lauren with a hand raised  
20 staff, so if you'll unmute that line, we'll see if  
21 that is the registered speaker.

22 MS. BROIS: Hello, can you hear me?

23 A.L.J. CARUSO: Yes, I can.

24 MS. BROIS: Okay, great. Hi,  
25 everyone. I'm Lauren Brois, and I am representing

1 Disadvantaged Communities Criteria - 6/29/2022  
2 Sustainable Westchester today. We are a nonprofit  
3 organization based in Westchester County,  
4 representing our municipal members.

5 And we are calling in to express that  
6 we understand equity is the foundation for  
7 sustainability. We want to thank the climate justice  
8 working group for the extensive analysis that went  
9 into creating the disadvantaged communities'  
10 criteria.

11 The D.E.C. and NYSERDA for providing  
12 this virtual platform to bring forth the voices of  
13 our communities. And the comment that we have today  
14 is in relation to the working group voting to include  
15 households reporting at the state median income into  
16 the criteria. We recommend instead assessing  
17 residents based on the sixty percent area median  
18 income to best identify and serve financially  
19 distressed households.

20 In Westchester County in the Hudson  
21 Valley, the cost of living is much higher than the  
22 rest of New York State. And we'd like to see this --  
23 this reflected in the scoping documents. So this is  
24 also similar, NYSERDA has their empower program and  
25 their assisted home performance program.

1 Disadvantaged Communities Criteria - 6/29/2022

2 One is at sixty percent A.M.I., the  
3 other is at eighty percent A.M.I. We would say to  
4 take a look at the model that NYSERDA has used for  
5 the assisted home performance and empower program.  
6 So just to summarize, we strongly encourage the  
7 climate justice working group to reconsider the  
8 eligibility thresholds for those living outside of  
9 disadvantaged community boundaries to be based off of  
10 the area median income. Thank you very much.

11 A.L.J. CARUSO: Thank you. Our next  
12 registered speaker is Abigael Welch and I did see  
13 Abigael up top so your -- your line's been unmuted.  
14 It appears that Abigail's line was unmuted, then  
15 muted again, and now I see that we have two lines of  
16 unmuted staff we have -- thank you.

17 Abigael, your -- your line -- you're -  
18 - if you're speaking, we can't hear you, so you may  
19 have muted yourself on your end with your microphone  
20 or your computer or however you're connected. And we  
21 still can't hear you.

22 So let's -- let's call another speaker  
23 and we'll -- we'll come back to Abigael Welch to see  
24 if we can -- and it looks like she may have logged  
25 out by the looks of it. Okay. So our next

1 Disadvantaged Communities Criteria - 6/29/2022  
2 registered speaker is Kate Murray.

3 I did not see Kate Murray's name  
4 appear on the people that have logged in, so Kate  
5 Murray, if you've -- if you've called in, please  
6 press star three on your telephone to raise your  
7 hand. All right. I do not see any raised hands.

8 Our next registered speaker is Tanya  
9 Dwyer, and we do have Tanya up here so you're  
10 unmuted.

11 MS. KATCHMAR: I did unmute Tanya --.

12 A.L.J. CARUSO: Yeah, I -- I can hear  
13 you know.

14 MS. DWYER: This is Tanya Dwyer. I am  
15 speaking as a resident of Peekskill after speaking  
16 with my fellow residents who could not be here  
17 because they had to work during this time today. We  
18 had a few concerns, Peekskill is home to not only the  
19 nuclear plant, a gas pipeline under the nuclear plant  
20 and the waste incinerator that is owned by  
21 Westchester County to burn all Westchester's trash in  
22 addition to some from Connecticut.

23 We have got a very high percentage,  
24 especially right next to the incinerator, of air  
25 pollution and illness. Around ninety percent of the

1 Disadvantaged Communities Criteria - 6/29/2022

2 people that live by the incinerator don't have  
3 internet access. We have a lot of poverty in  
4 Peekskill. We are a great community.

5 We're trying our best, but we carry  
6 the environmental burden for the county and the  
7 region. So our question is, if there's going to be a  
8 set aside, a forty percent set aside, for our  
9 burdened communities, will that money come to a  
10 separate from the communal burdens of the region,  
11 because we see the incinerator as a communal burden  
12 for the entire region.

13 And don't think that we should bear  
14 the cost of remediation for that with our forty  
15 percent. That should be a county wide or region wide  
16 spend instead of the forty percent that is much  
17 needed to address all the historic burdens and the  
18 costs of that burden that we're enduring.

19 So if -- if you could address that and  
20 consider it in terms of justice for us, we would  
21 greatly appreciate it. Thank you.

22 A.L.J. CARUSO: Thank you. Our next  
23 speaker is Randolph Horner. And I do believe I saw  
24 Randolph Horner logged in so please -- we have you  
25 logged in here twice, so staff is going to try to

1 Disadvantaged Communities Criteria - 6/29/2022  
2 unmute one of your lines. Hopefully, it's the right  
3 one.

4 MR. HORNER: Your Honor, I -- there  
5 was just an interruption. It said this meeting is  
6 being recorded. Judge Caruso, can you hear me for  
7 the sake of the hearing?

8 A.L.J. CARUSO: Yes, I can.

9 MR. HORNER: Okay. Thank you very  
10 much. First of all -- first of all, Your Honor, I  
11 want to praise and recognize the Department of  
12 Environmental Conservation Commissioner Seggos for  
13 the vital, the indispensable role, that by statute,  
14 and by good intention.

15 The D.E.C. is following on as one of  
16 the pillars of the Climate Leadership and Community  
17 Protection Act. What I want to say in this hearing  
18 is my heart is with the disadvantaged communities. I  
19 have a long experience working on clean energy at the  
20 municipal and the regional scale.

21 And I speak from some experience  
22 including having served as a party to a number of  
23 proceedings under the seminal fourteen dash zero zero  
24 one whatever it is the beginning of REV, the  
25 Reforming Energy Vision proceeding.



1 Disadvantaged Communities Criteria - 6/29/2022

2 So in my mere two minutes, I'd like to  
3 state the resources that we've looked to historically  
4 in the programs of the energy authority of NYSERDA,  
5 are derived principally from a value added tax on  
6 electricity purchases, along with some REGI funds and  
7 other potential revenue streams.

8 At most, they amount to nine hundred  
9 million to a million -- to a billion dollars a year.  
10 Most expert parties in my field, which is large scale  
11 energy finance and implementation, believe that to  
12 de-carbonize New York across sectors, including  
13 building space conditioning, transportation,  
14 industry, commercial, not just electricity  
15 generation.

16 We're going to need to invest private  
17 and institutional capital in the amount of perhaps  
18 fifty billion, that's with a B, billion a year for  
19 ten years to accomplish the climate goals to which  
20 we're committed. So the scale of investment that  
21 needs to be made is perhaps fifty times the  
22 throughput of our current funding scheme. And there  
23 have been no funding schemes announced in the  
24 deliberations of the climate council, which can't  
25 actually be effectuated.

1 Disadvantaged Communities Criteria - 6/29/2022

2 The main thing to be concerned about  
3 for economically disadvantaged communities is that it  
4 is misspent money which can never do -- have anything  
5 but a trivial impact for the community's well being  
6 or for ameliorating the climate crisis.

7 If we think that what we've got to do  
8 is to finance for a low income or a no cost  
9 installation, some solar modules or a battery at  
10 individual residences of the disadvantaged  
11 communities. We must work at regional, municipal,  
12 and district scale to drive the institutional long-  
13 term investment into creating the clean energy  
14 resources that will enable persons of all economic  
15 levels, but principally the economically  
16 disadvantaged to get off of market power based on  
17 fossil fuels.

18 But without the miss -- well  
19 intentioned, but ill-conceived approach of -- of  
20 trying to localize electricity production --.

21 A.L.J. CARUSO: Can you please  
22 conclude your comments?

23 MR. HORNER: I would look forward to  
24 working with Dr. Witt, and to any -- any and all  
25 parties in the environmental justice community to lay

1 Disadvantaged Communities Criteria - 6/29/2022  
2 out an agenda for making sure that long term capital  
3 investment guided by wise state policies sees to the  
4 needs of these families and these communities without  
5 going in a direction which is doomed from the  
6 beginning in terms of meeting our very large climate  
7 goals. Thank you for the opportunity to participate.

8 A.L.J. CARUSO: Thank you. Our next  
9 speaker is Elizabeth O'Raffity. I don't know if I  
10 saw Elizabeth O'Raffity logged in. If you've called  
11 by telephone, please press star three on your phone  
12 and we will -- we will unmute your line.

13 And I do see staff -- I do see Ann  
14 Finneran is now with us. She raised her hand so  
15 let's go -- we'll circle back, and we'll call Ann  
16 Finneran.

17 MS. FINNERAN: Seeing me, my specific  
18 concerns have to do with the disadvantages --  
19 disadvantaged environmental justice communities near  
20 the competitive power ventures, fracked gas power  
21 plant in Wawayanda.

22 I have called the D.E.C.'s attention  
23 to this before, when C.P.V. did their application,  
24 their original application, and currently they have  
25 no application and no air permit, and they are

1 Disadvantaged Communities Criteria - 6/29/2022  
2 operating for whatever their capacity is, which  
3 really needs to be addressed.

4 But as far as the E.J. communities, I  
5 called your attention a number of years ago, I think  
6 2018, to the fact that the -- the E.J. map, the  
7 D.E.C. E.J. map needs to be updated to show the  
8 proximity of C.P.V. There's a -- if you look at the  
9 map of the Town of Wawayanda and you look at how  
10 close the bottom border of that map is to C.P.V., you  
11 will recognize that the E.J. community in Wawayanda  
12 is not only close to within two miles of the plant,  
13 but it is downwind from the plant.

14 So you really need to take a look at  
15 that and adjust their map. But for one thing, they  
16 shouldn't be operating anyway. They do not have an  
17 air permit. They do not even have a valid  
18 application for an air permit renewal.

19 So you really got to look at this,  
20 it's way past time and perhaps now that there's a new  
21 state senator there, we can get something done about  
22 this. Thank you, that's all I have to say.

23 A.L.J. CARUSO: Thank you. Our next  
24 registered speaker is Hank Hohenstein, and I don't  
25 see -- I don't believe I saw Hank Hohenstein logged

1 Disadvantaged Communities Criteria - 6/29/2022  
2 in. If you've joined us by telephone, please press  
3 star three to raise your hand.

4 All right. I do not see a raised hand  
5 so I'm going to move on to the next speaker is  
6 Barbara Odae, and I do have a Barbara with no last  
7 name. If that's Barbara Odae, please raise your hand  
8 on -- by touch the little hand icon.

9 MS. ODAE: I'll press the icon.

10 A.L.J. CARUSO: Is this Barbara Odae?

11 MS. ODAE: It is --.

12 A.L.J. CARUSO: Please proceed.

13 MS. ODAE: Okay. So good afternoon,  
14 I'm Barbara Odae and I work as a clean energy  
15 associate and I'm also representing Sustainable  
16 Westchester. My comment is as follows. The job of  
17 the D.E.C. criteria refers to minority groups without  
18 taking language, specifically in references to Native  
19 American or indigenous populations as Indians and  
20 Asian American Pacific Islanders as just Asians.

21 We believe this language should be  
22 changed so the minority groups are both consistently  
23 and accurately represented in these criteria. The  
24 change would represent New York State's efforts  
25 towards accurate ethnic and racial representation.

1 Disadvantaged Communities Criteria - 6/29/2022

2 Thank you for your time.

3 A.L.J. CARUSO: Thank you. Our next  
4 speaker is Pramilla Malick. I saw Pramilla had  
5 logged in earlier so -- yeah.

6 MS. MALICK: Hello, can you hear me?

7 A.L.J. CARUSO: Yes, I can. Please  
8 proceed.

9 MS. MALICK: Hi. Thank you for giving  
10 me the opportunity. My name is Pramilla Malick, I'm  
11 the chair of Protect Orange County. The mission of  
12 Protect Orange County is to safeguard the environment  
13 upon which all sentient beings that call Orange  
14 County their homes depend on for health, safety, and  
15 wellbeing.

16 I -- we are going to be submitting  
17 more technical comments and I will try to make this  
18 really really fast to touch on some core points. The  
19 speaker before mentioned that the C.P.V. power plant,  
20 which is one of the largest sources of pollution in  
21 New York State currently, is still operating without  
22 a Title V permit, without a completed application.

23 Now I looked at your disadvantaged  
24 communities list and you have about twelve listed  
25 around the C.P.V. power plant. We have identified as

1 Disadvantaged Communities Criteria - 6/29/2022  
2 of 2018 tracks twenty-seven environmental justice  
3 communities within five miles of the power plant.

4 Seems like you use one mile as a  
5 criteria for power generation sources. That's wholly  
6 inadequate. We've documented emissions as far as  
7 eight miles away. Our scientists say that fifteen  
8 miles -- within fifteen miles of a large pollution  
9 source people are greatly adversely impacted.

10 Your data sources are unclear to a lay  
11 person and how you process that data is really  
12 unclear. And although you list the criteria, it's  
13 unclear how you weight the various criteria that you  
14 use to identify DAC's.

15 Certainly, from a climate and  
16 pollution perspective, greenhouse gas emissions and  
17 particulate matter emissions are a much greater  
18 factor than housing vacancy rates. So we also think  
19 a separate analysis should be done in areas around  
20 very large pollution sources like C.P.V.

21 And you need to conduct an independent  
22 health impact analysis to determine who really is  
23 being mostly impacted. In order to do that, you  
24 would also have to do a Gaussian air modeling  
25 analysis because emissions are dependent upon wind

1 Disadvantaged Communities Criteria - 6/29/2022

2 currents and topography.

3 And so I don't think you can determine  
4 who is greatly -- most greatly impacted without doing  
5 both an H.I.A. and a Gaussian air modeling analysis.  
6 We also think you should reorganize the D.A.C. list,  
7 not in order of city or county or location, but in  
8 order of most impacted.

9 So for example, the C.P.V. power plant  
10 operated at four-point three terawatt hours in 2021.  
11 It was the second largest pollution source power  
12 generation pollution source in New York State, second  
13 only to Cricket valley.

14 Now, I don't know the E.J. communities  
15 around Cricket Valley, but I certainly know E.J.  
16 communities around the C.P.V. power plant and they  
17 are greatly being adversely impacted. We have asthma  
18 rates, C.O.P.D. rates, pulmonary illnesses, heart  
19 disease, illnesses going through the roof that's been  
20 noted by local pulmonologist.

21 And finally, I think I just want to  
22 say that the funds should not be used to green wash  
23 major sources of emissions. So for example, although  
24 we have a significant number of E.J. communities  
25 around this major pollution source, we are also



1 Disadvantaged Communities Criteria - 6/29/2022  
2 surrounded by solar farms.

3 And those solar farms do absolutely  
4 nothing to mitigate the emissions that people are  
5 suffering from. So the first and foremost use of any  
6 funds should be to halt the harm, to limit the  
7 pollution and to protect these communities, that is  
8 real justice, that is real equity, anything else is  
9 just green washing.

10 We'll submit more technical comments  
11 but thank you again for the opportunity. A reminder  
12 to all the D.E.C. staff, we need a public hearing  
13 process on the D.E.C. non-existent application and  
14 operations without a permit. Thank you.

15 A.L.J. CARUSO: Thank you. That was  
16 the last of our registered speakers, so what I'm  
17 going to do right now is I'm going to open the floor  
18 for anybody else that wants to speak.

19 And it's -- so if you want to -- if  
20 you want to speak even though you haven't registered  
21 to speak, all you need to do is hit the little hand  
22 icon in the bottom right of your screen so that we  
23 can see your raised hand or you press star three, if  
24 you've called in and we will give you the opportunity  
25 to put a comment on the record.

1 Disadvantaged Communities Criteria - 6/29/2022

2 Okay. I see we have one raised hand  
3 from Liz. So Liz, when we unmute your line, please  
4 state your full name for our court reporter and spell  
5 your last name too, please.

6 MS. O'RAFFITY: This is Liz O'Raffity.  
7 I am a Poughkeepsie resident. My biggest concern  
8 about disadvantaged communities is that the funds are  
9 -- are used appropriately. For example, in just  
10 transitions that the funds do go to minorities and  
11 help develop jobs.

12 And my other concern is within certain  
13 blocks, there are different vulnerability rates. And  
14 that in -- in certain areas are aligned to economics  
15 as well, and race to tell you the truth. So my  
16 concern is that the funds go to the actual areas that  
17 need it, and folks that need it. Thank you.

18 A.L.J. CARUSO: Thank you. And -- and  
19 Liz, you were previously registered as Elizabeth  
20 O'Raffity, correct? We've already muted her, okay.

21 MS. O'RAFFITY: Thank you.

22 A.L.J. CARUSO: Yeah, thanks. So the  
23 next person with a raised hand is LaDelle Dautremont.

24 MS. DAUTREMONT: Can you hear me?

25 A.L.J. CARUSO: Yes, please proceed.

1 Disadvantaged Communities Criteria - 6/29/2022

2 MS. DAUTREMONT: Thank you very much.  
3 It's -- it's pronounced Dautremont, but not -- no --  
4 no matter. I'm a nurse in -- I live in Glens Falls.  
5 And although I'm not currently working with any  
6 advocacy groups, I've done some advocacy work for  
7 Clean Air Action Network in the past.

8 And one of our concerns was the -- the  
9 incinerator in Hudson Falls, which falls into one of  
10 the communities identified. And the action network  
11 has also been concerned about the pollution in the  
12 Glens Falls area. I am a resident of Glens Falls and  
13 a nurse at Glens Falls Hospital, a bedside nurse.

14 And I just want to say that based on  
15 the environmental justice issues in this region, I'm  
16 very pleased to see that Glens Falls adjacent to the  
17 paper mill and the cement plant where they've been  
18 burning, they were approved a few years back to burn  
19 ... at the cement plant, and it's one of the only  
20 cement plants in the state has been included.

21 I'm very pleased to see that, because  
22 we are concerned about air quality and we don't feel  
23 that we have adequate local air monitoring in this  
24 area. And we're also concerned about the impact of  
25 the incinerator in Hudson Falls.

1 Disadvantaged Communities Criteria - 6/29/2022

2 I just want to emphasize that both of  
3 these -- all of these plants are -- are -- are right  
4 in the midst of residential neighborhoods. And --  
5 and I -- my personal feeling as a nurse is that this  
6 is definitely impacting the health of our residents  
7 and in Fort Edward, of course, has historically been  
8 very impacted by a lot of toxic waste sites in Glens  
9 Falls and South Glens Falls as well.

10 So I feel like I'm very pleased to see  
11 that we are included on this list, and I hope we  
12 remain on this list. And I just want to bring  
13 attention to the fact that these polluting  
14 industries, I hope that they will be seen and  
15 reconsidered especially because of the age of the  
16 incinerator that they really don't belong in our  
17 community and they are impactful on the health of  
18 local residents. Thank you for your time and I  
19 appreciate your time.

20 A.L.J. CARUSO: Thank you. Our next  
21 speaker is Nelida Labate. You've been unmuted.

22 MS. LABATE: I'll try again. This is  
23 --.

24 A.L.J. CARUSO: I can hear you.

25 MS. LABATE: Okay, thank you. So yes,

1 Disadvantaged Communities Criteria - 6/29/2022  
2 Nelida Labate, last name, L as in Larry, A as in  
3 apple, B as in boy, A as in apple, T as in Tom, E.  
4 I'm a concerned citizen, mom of five children, and  
5 caretaker to my elderly mom.

6 I live in a Town of Putnam Valley,  
7 which is in the exurbs of New York City and in the  
8 Hudson Valley. I have some comments about the report  
9 and how it should be more robust. And some items  
10 that were excluded to come up with some of the rates,  
11 I believe should be reconsidered to be included.

12 In particular for the section on  
13 vegetation, reforestation and trees, I believe this  
14 is an important indicator and should be reconsidered.  
15 If not, perhaps there's some other opportunity for a  
16 proxy. These are important because of the storm  
17 damage and erosion possibility with climate change.

18 Additionally, there's issues on income  
19 and education employment. So some of the items that  
20 were excluded in the housing vacancy rates were  
21 issues and numbers about homelessness. This is  
22 important indicator, they are national indicators,  
23 state indicators, city indicators, local indicators,  
24 they should be included.

25 These are vulnerable populations and

1 Disadvantaged Communities Criteria - 6/29/2022  
2 will make the indicators more robust. Additionally,  
3 I was pleased to see comments about redlining. I  
4 believe it should be more apparent on the map and  
5 other reports as the reports are finalized.

6 The overlays of all the different  
7 reports that were used and datasets to come up with  
8 all the indicators and the final report.  
9 Additionally, I want to say that a lot of people live  
10 paycheck to paycheck and affordability is very  
11 important to my family and my community.

12 A.L.J. CARUSO: Thank you. Our next  
13 speaker is Constance Dahamel.

14 MS. DAHAMEL: Thank you for opening  
15 the form to people who didn't sign up. I will be  
16 submitting written comments, but a couple of comments  
17 here struck me we're in similar positions. I come  
18 from the town of Dover, hamlet of Wingdale, and we  
19 are overburdened with an eleven hundred-megawatt  
20 power plant, the Cricket Valley Energy Power Plant  
21 that somebody mentioned here.

22 We -- D.E.C. was the lead agency on  
23 that. They said there were no ... in the town at  
24 that time, they agreed with the applicant. We have a  
25 school, middle and high school within half a mile of

1 Disadvantaged Communities Criteria - 6/29/2022  
2 this plant. We did not have an independent expert  
3 who could have gone up against Cricket Valley energy  
4 and may I add D.E.C. to challenge their air quality  
5 reports.

6 The air tests were taken at locations  
7 that did not reflect the specific topography. We  
8 have inversions, air tests were taken of flat areas,  
9 we -- the whole town like somebody else was talking  
10 about regional should be designated as a  
11 disadvantaged community.

12 Every one of our students that go to  
13 public school come from the entire town, and they are  
14 within half a mile of this plant. In addition, I  
15 would recommend that you take into account the free  
16 and reduced lunch program as a criteria. We are  
17 second only to Poughkeepsie.

18 We're in the Harlem Valley. We are  
19 left out of a lot of resources and mostly ignored.  
20 We're in a different watershed than the Hudson River  
21 Valley watershed. And that -- and we have no town  
22 center, no town newspaper. We have -- our residents  
23 are told to go look at Facebook or the town website  
24 or YouTube for information.

25 We have a lot of people who are in

1 Disadvantaged Communities Criteria - 6/29/2022  
2 lower socioeconomic conditions who can't -- who don't  
3 have -- there's so many barriers to access I can't  
4 begin, but I will list them in my public comment.

5 A.L.J. CARUSO: Thank you. And our  
6 next speaker is Sonja Stark.

7 MS. STARK: Can you hear me?

8 A.L.J. CARUSO: Yes, I can, please  
9 proceed.

10 MS. STARK: Okay. Thank you for the  
11 D.E.C.'s role in providing this form today. My name  
12 is Sonia Stark. I'm a volunteer member and filmmaker  
13 for the Clean Air Coalition of Albany County. Again,  
14 my name is Sonja, S-O-N-J-A Stark, S-T-A-R-K.

15 And I'm speaking as a resident of  
16 Selkirk-Coeymans and Ravena, just south of Albany on  
17 the Hudson River. This area is home to the cement  
18 plant LafargeHolcim and it sits adjacent to a high  
19 school with nearly two thousand students. As well as  
20 the ever-expanding Port of Coeymans that sits on a  
21 vulnerable habitats home for sturgeon and bald eagles  
22 on the Hudson River ... town.

23 The Clean Air Coalition believes  
24 wholeheartedly that we are sitting in a disadvantaged  
25 community because our area is without a doubt



1 Disadvantaged Communities Criteria - 6/29/2022  
2 negatively impacted by the emissions of both  
3 industries and each that rely on each other for  
4 transportation and economic growth.

5 We've always been concerned about the  
6 tire burning and the waste incineration possibility  
7 at Lafarge and given that the maps that you provided  
8 on your designated drop D.A.C. track list this area  
9 as being ninety-four percent higher than what is the  
10 nearest track statewide.

11 We are anticipating risks and burdens  
12 that will include higher incidences of asthma,  
13 C.O.P.D., heart attacks, premature deaths, lower  
14 birth weights and disabilities. And some of the  
15 reasons why would probably be because of all the  
16 diesel trucks in this village, they too pose an  
17 eighty-five percent higher risk to our health.

18 The active landfills in this village  
19 pose at least or almost a fifty percent higher risk.  
20 And of course, we have mining -- limestone mining  
21 activities and manufacturing, industrial  
22 manufacturing that also pose a whopping ninety-six  
23 percent higher risk.

24 So even with all these stark warnings  
25 on our horizon, we really implore the D.E.C. to not

1 Disadvantaged Communities Criteria - 6/29/2022  
2 green light any projects that would expand the port  
3 agreements that would inevitably alter the area and  
4 allow the continuing backslide into an -- into the  
5 possibility of burning garbage and C.N.D. waste at  
6 Lafarge. Thank you very much.

7 A.L.J. CARUSO: Thank you. I -- I  
8 don't have any more raised hands right now, but what  
9 I'm going to do is -- there's a new one I think,  
10 Sandra Kisseem. Please proceed, I can hear you.

11 MS. KISSEM: Thank you. My comments  
12 are relevant to the City of Newburgh and the  
13 associated Town of Newburgh. There are numerous  
14 sources of pollution within the city and within the  
15 town. One of the most significant is a -- is a batch  
16 plant -- an asphalt batch plant, which is actually  
17 located on Stewart airport -- Stewart airport, I  
18 should remind you, is serving as both a military and  
19 a commercial airport.

20 And naturally, flights that are mostly  
21 at this point conducted by the military are affecting  
22 air quality in the Newburgh area. But this batch  
23 plant unfortunately, never was subjected or submitted  
24 for an environmental impact statement.

25 It was unfortunately pushed through

1 Disadvantaged Communities Criteria - 6/29/2022  
2 and -- and operational without any analysis of the --  
3 of the air -- air pollution that it was generating.  
4 I would like to encourage the D.E.C. to look at this  
5 plant. Again, it is located on Stewart airport,  
6 adjacent to the -- adjacent to the landing areas.

7 And it is a serious polluter when we  
8 are unable to quantify the level of pollution  
9 because, again, it has never had an environmental  
10 study done. And I want to thank you for -- for your  
11 hearing today. There are other problems with the City  
12 of Newburgh.

13 It is undoubtedly reeling from the  
14 fact that along the ... of the Hudson River, there  
15 are numerous oil storage facilities. And trucks  
16 continually operate through the city between the oil  
17 storage facilities and other locations and this is  
18 another source of significant pollution.

19 Thank you so much for hearing my  
20 comments, and I do appreciate your efforts to do some  
21 work in this area.

22 A.L.J. CARUSO: Thank you. So that  
23 was our -- hold on, maybe I got another raised -- I  
24 got more raised hands, very good. So our next  
25 speaker is Vic Putnam -- Putman, I'm sorry. You're

1 Disadvantaged Communities Criteria - 6/29/2022

2 all set. Is this Vic Putman?

3 MR. PUTMAN: This is Vic Putman.

4 A.L.J. CARUSO: Yes, please proceed.

5 MR. PUTMAN: Otherwise known as Victor  
6 Putman, P-U-T-M-A-N. I'm the retired Essex County  
7 planning director calling from Willsboro, New York.  
8 Essex County is the second largest county by area in  
9 New York State and is entirely within the Adirondack  
10 Park.

11 In reviewing the criteria for  
12 disadvantaged communities, I'd like to request  
13 consideration of including the entire Adirondack Park  
14 as a marginalized community with serious  
15 disadvantages relating to climate change.

16 Specifically, communities within the  
17 park are subject to pollutants that are not locally  
18 generated. They're mostly generated out of state and  
19 happen to fall on our region. We have serious fish-  
20 eating advisories. We also have the coldest climate  
21 in the entire state, which requires additional energy  
22 resources.

23 Our communities are very far apart,  
24 requiring more transportation expenditures. Your  
25 reliance on the median household income data set for

1 Disadvantaged Communities Criteria - 6/29/2022  
2 determining socio-economic disadvantaged communities  
3 status is less than accurate and seriously flawed as  
4 The American Community Survey, which prepares that  
5 dataset relies on algorithms that do not represent  
6 communities, especially very rural communities such  
7 as located in the Adirondack Park.

8 I will be submitting written comments  
9 and just wanting to get those points out. Thank you  
10 very much for your time, and I look forward to  
11 responding in writing. Thank you.

12 A.L.J. CARUSO: Thank you. Out next  
13 speaker is Marlene Donnelly.

14 MS. DONNELLY: Hello! Can you hear  
15 me?

16 A.L.J. CARUSO: Yes, I can -- please  
17 proceed. Yes, I can hear you.

18 MS. DONNELLY: I am Marlene Donnelly,  
19 I'm with -- living in Gowanus, Brooklyn, New York, on  
20 the Superfund site in Gowanus canal. And the state  
21 ... program doing cleanups ... sites. We also have a  
22 power plant down the way. We also have a big B.Q.E.  
23 highway that jumps over the canal and disperses  
24 exhaust dust on our community constantly.

25 We have air quality problems. We have

1 Disadvantaged Communities Criteria - 6/29/2022  
2 polluted land and we also have polluted water. We  
3 have a canal that the D.E.C. qualifies as only class  
4 S.D., which means they can dump unlimited levels of  
5 pathogens into it. It is polluted with ...

6 And we only have to have dissolved  
7 oxygen level of a certain -- the three point zero per  
8 liter in our canal. And that's delivered to our  
9 canal by way of a huge carbon footprint sucking it in  
10 from the East River.

11 This is -- my concern here is we have  
12 very much -- the environmental problems on air, land  
13 and water that are yet to be addressed. As the City  
14 of New York with the help of this D.E.C. and the  
15 state are planning to increase the environmental  
16 justice community with huge high rises along this  
17 canal.

18 Without these issues yet to be  
19 addressed, that -- that this program going forward  
20 seems disingenuous when we're adding to the problem,  
21 rather than solving the problem. And we would like  
22 the state to step in without, not continuing to fund  
23 building new environmental justice problems until the  
24 environmental conditions that have not yet addressed  
25 or properly addressed air quality, water and land are

1 Disadvantaged Communities Criteria - 6/29/2022  
2 still going unaddressed within our community. Thank  
3 you.

4 A.L.J. CARUSO: Thank you. All right.  
5 That was the last speaker with a raised hand, so what  
6 -- what I'm going to do, and we've been doing it all  
7 these matters to date, is we're going to take a five-  
8 minute recess, and then we'll come back on the  
9 record.

10 And if anybody else wanted to put a  
11 comment on the record at that time, they may, if not  
12 we will adjourn at that point, okay. So we are off  
13 the record.

14 THE REPORTER: Okay, we're off the  
15 record.

16 (Off the record; 1:10 p.m. to 1:16  
17 p.m.)

18 THE REPORTER: Okay. We are back on  
19 the record.

20 A.L.J. CARUSO: Thank you. All right.  
21 Everybody, so I'll put the call out here. Again, if  
22 anybody wants to that hasn't already, they want to  
23 put a comment on the record, please raise your hand  
24 and we will unmute your line.

25 So we have -- I think, it's Barb

1 Disadvantaged Communities Criteria - 6/29/2022  
2 Hertel, you had -- you had your hand raised for a  
3 second, so anybody that wants -- wants to speak that  
4 hasn't already spoken, please just raise your hand  
5 and we will unmute your line.

6 All right. So our next speaker -- Ms.  
7 Hertel, you did it again, it looks like you raised  
8 your hand. I see several people raising their hands  
9 and then dropping them immediately. So right now, I  
10 have -- I see no raised hands. All right. Let's  
11 unmute Barb Hertel and we'll -- we'll hear her  
12 comment.

13 MS. HERTEL: Can you hear me?

14 A.L.J. CARUSO: Yes, please proceed.

15 MS. HERTEL: Great -- great, thank  
16 you. Okay. So my name is Barbara Hertel, I have a  
17 place in Brooklyn, New York, and also in Wawarsing,  
18 New York in the lower Hudson Valley. I want to thank  
19 you for holding this hearing.

20 I mean, it's time for the state to  
21 stop and letting polluters place or replace their  
22 polluting projects in these communities. Adirondacks  
23 Park and other waterways need to be looked at to be  
24 added to the data sheet.

25 And identifying the areas we need to



1 Disadvantaged Communities Criteria - 6/29/2022  
2 look at areas beyond what the data shows, food stamp  
3 programs, school lunch programs and water -- air and  
4 water alerts. This is what should inform the data  
5 for environmental and disadvantage communities. So  
6 please add that criteria too when you identify the  
7 environmentally -- the environmental disadvantaged  
8 communities. Thank you.

9 A.L.J. CARUSO: Thank you. I don't  
10 see any other raised hands, so what I'm going to ask  
11 staff to do -- can you put up the slide with the --  
12 with the addresses for the written comments? I just  
13 want to repeat that information for everybody that's  
14 -- that's still with us.

15 So written comments are due by July  
16 7th, and if they're post -- they either need to be  
17 postmarked that day or emailed by five o'clock in the  
18 evening on July 7th. The email address is  
19 dacomment@dec.ny.gov. and written comments by mail  
20 can be sent to NYS D.E.C. Draft DAC Comments,  
21 Attention Office of Environmental Justice, 625  
22 Broadway, 14th floor, Albany, New York 12233.

23 And just as a reminder, the -- the  
24 last hearing is tomorrow. It's a virtual hearing.  
25 It's covering Western New York and -- and that's

1 Disadvantaged Communities Criteria - 6/29/2022  
2 tomorrow at twelve p.m. and if you need more  
3 information on that you could go to the  
4 climate.ny.gov website.

5 So I thank everybody to -- oh, we have  
6 a raised hand, so let's get to that before I close  
7 this out. So you've been unmuted. I see A. Wilson  
8 Energy.

9 MS. WILSON: Yes. Hello, thank you  
10 for allowing me to speak up a little bit. Again, if  
11 you're so --.

12 A.L.J. CARUSO: State your name.

13 MS. WILSON: Yes, I'm Ann Wilson. And  
14 -- and in -- in briefly looking at the various issues  
15 and -- and certainly the consideration for no  
16 developments into existing disadvantaged communities  
17 as identified and elsewhere and all of the other non-  
18 compliance issues in New York and the air quality and  
19 every other environmental aspect.

20 I wanted to ask or add ... would be  
21 the concern for impacts by government decisions on to  
22 disadvantaged communities outside of New York,  
23 whether it be incineration in Pennsylvania, importing  
24 hydropower from Mega dams built on indigenous lands  
25 in Canada.

1 Disadvantaged Communities Criteria - 6/29/2022

2 And that there could and should be, I  
3 believe, even though I understand that this policy is  
4 for New York only, that there be consideration or at  
5 least a recognition of these impacts elsewhere as  
6 part of the state's strategy. That's my comment for  
7 now, thank you.

8 A.L.J. CARUSO: Thank you. All right.  
9 I'll give it one last call since someone keeps --  
10 seem to raise their hand when I'm about ready to  
11 adjourn, but I'll give everybody a minute here to if  
12 anybody else wants to put a comment on the record,  
13 I'll keep the record open for another minute, okay.

14 And just -- just a reminder about  
15 tomorrow's WebEx virtual hearing, just like today, I  
16 mean, we -- I mean, today's hearing was supposed to  
17 be for -- for basically the mid -- mid-Hudson  
18 communities. And of course, we've had calls from  
19 Essex County, Warren County, Gowanus, et cetera.

20 So, you know, you don't necessarily  
21 have to be living in western New York to call in to  
22 tomorrow's hearing. So just wanted to chime in  
23 there. All right. So I don't see more raised hands,  
24 so with that we are adjourned and thank -- I thank  
25 everybody for their -- for their participation today.

1 Disadvantaged Communities Criteria - 6/29/2022

2 I know the comments will go a long way  
3 to help the department, you know, consider the  
4 definition for the disadvantaged community. So I --  
5 I appreciate that and I know they do as well. And  
6 with that, we are off the record.

7 THE REPORTER: Okay. We are --.

8 (The hearing concluded at 1:23 p.m.)

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1 Disadvantaged Communities Criteria - 6/29/2022

2 STATE OF NEW YORK

3 I, HOWARD HUBBARD, do hereby certify that the foregoing  
4 was reported by me, in the cause, at the time and place,  
5 as stated in the caption hereto, at Page 1 hereof; that  
6 the foregoing typewritten transcription consisting of  
7 pages 1 through 52, is a true record of all proceedings  
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 14th day of July, 2022.

11

12 HOWARD HUBBARD, Reporter

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<b>A</b>	
<b>A.L.J</b> 1:8 3:5 6:23 7:2 9:23 13:3,6,10,12,16 15:10 16:4,6 17:18,21 19:13,23 21:11 22:12 23:22 24:8 26:21 27:8 28:23 29:10,12 30:3,7 33:15 34:18 34:22,25 36:20,24 38:12 40:5 40:8 42:7 43:22 44:4 45:12,16 47:4,20 48:14 49:9 50:12 51:8	<b>Administrative</b> 3:7 <b>advance</b> 4:2 11:6 <b>advances</b> 7:22 <b>adversely</b> 31:9 32:17 <b>advisories</b> 44:20 <b>advocacy</b> 35:6,6 <b>affairs</b> 7:4 <b>affordability</b> 38:10 <b>afternoon</b> 3:6 6:20 13:17 29:13 <b>age</b> 36:15 <b>agencies</b> 8:2 <b>agency</b> 4:9 18:18 38:22 <b>agenda</b> 27:2 <b>ago</b> 28:5 <b>agreed</b> 38:24 <b>agreements</b> 42:3 <b>aide</b> 15:7 <b>air</b> 22:24 27:25 28:17,18 31:24 32:5 35:7,22,23 39:4,6,8 40:13,23 42:22 43:3,3 45:25 46:12,25 49:3 50:18 <b>airport</b> 42:17,17,19 43:5 <b>Albany</b> 6:16 40:13,16 49:22 <b>alerts</b> 49:4 <b>ALEXANDER</b> 2:3 <b>algorithms</b> 45:5 <b>aligned</b> 34:14 <b>allow</b> 5:12 14:4 42:4 <b>allowing</b> 7:3 50:10 <b>alter</b> 42:3 <b>ambitious</b> 7:10 <b>ameliorating</b> 26:6 <b>American</b> 29:19,20 45:4 <b>amount</b> 25:8,17 <b>analysis</b> 16:25 18:25 20:8 31:19 31:22,25 32:5 43:2 <b>Andrea</b> 5:7 <b>ANDRIA</b> 2:3 <b>Ann</b> 2:6 11:22,22,23 27:13,15 50:13 <b>announced</b> 25:23 <b>anticipating</b> 41:11 <b>anybody</b> 33:18 47:10,22 48:3 51:12 <b>anybody's</b> 11:7 <b>anyway</b> 28:16 <b>apart</b> 44:23 <b>apologize</b> 11:6 <b>apparent</b> 38:4 <b>appear</b> 22:4
<b>A.M.I</b> 21:2,3 <b>Abigael</b> 21:12,13,17,23 <b>Abigail's</b> 21:14 <b>able</b> 11:11,18 14:5 <b>absolutely</b> 33:3 <b>accept</b> 14:3 <b>accepted</b> 5:16 <b>access</b> 3:17 23:3 40:3 <b>accessible</b> 14:15 <b>accomplish</b> 25:19 <b>account</b> 39:15 <b>accounting</b> 8:8 <b>accrue</b> 7:25 <b>accurate</b> 29:25 45:3 <b>accurately</b> 10:13 11:11,11 29:23 <b>act</b> 4:5,22 7:9,22 8:6,10,13 24:17 <b>action</b> 35:7,10 <b>active</b> 41:18 <b>activities</b> 7:12 41:21 <b>acts</b> 7:20 <b>actual</b> 34:16 <b>add</b> 39:4 49:6 50:20 <b>added</b> 25:5 48:24 <b>adding</b> 46:20 <b>addition</b> 22:22 39:14 <b>additional</b> 19:11 44:21 <b>Additionally</b> 8:20 37:18 38:2,9 <b>address</b> 6:8,13,16 23:17,19 49:18 <b>addressed</b> 28:3 46:13,19,24,25 <b>addresses</b> 49:12 <b>adequate</b> 35:23 <b>Adirondack</b> 44:9,13 45:7 <b>Adirondacks</b> 48:22 <b>adjacent</b> 35:16 40:18 43:6,6 <b>adjourn</b> 47:12 51:11 <b>adjourned</b> 51:24 <b>adjust</b> 28:15 <b>adjustment</b> 9:16	

**APPEARANCES** 2:2  
**appears** 21:14  
**apple** 37:3, 3  
**applicant** 38:24  
**application** 27:23, 24, 25 28:18  
 30:22 33:13  
**appreciate** 14:19 23:21 36:19  
 43:20 52:5  
**approach** 26:19  
**appropriately** 34:9  
**approved** 4:21 35:18  
**area** 14:19 20:17 21:10 35:12, 24  
 40:17, 25 41:8 42:3, 22 43:21  
 44:8  
**areas** 14:6, 18 17:8, 9 31:19  
 34:14, 16 39:8 43:6 48:25 49:2  
**Asian** 29:20  
**Asians** 29:20  
**aside** 23:8, 8  
**asked** 10:14  
**aspect** 50:19  
**asphalt** 42:16  
**assessing** 20:16  
**assisted** 20:25 21:5  
**assisting** 5:5  
**associate** 29:15  
**associated** 42:13  
**asthma** 32:17 41:12  
**Atonna** 12:8  
**attacks** 41:13  
**attend** 6:6  
**attended** 10:21, 22  
**attending** 10:3  
**attention** 6:14 14:19 27:22 28:5  
 36:13 49:21  
**audible** 13:9  
**authority** 3:23 25:4  
**available** 3:12 6:17  
**aware** 7:9

---

**B**

---

**B** 25:18 37:3  
**B.Q.E** 45:22  
**back** 21:23 27:15 35:18 47:8, 18  
**backslide** 42:4  
**balance** 18:15  
**bald** 40:21  
**Barb** 2:7 47:25 48:11  
**Barbara** 2:7 29:6, 6, 7, 10, 14  
 48:16

**barriers** 40:3  
**based** 4:19 8:25 9:17 20:3, 17  
 21:9 26:16 35:14  
**basically** 51:17  
**basis** 14:4  
**batch** 42:15, 16, 22  
**battery** 26:9  
**bear** 23:13  
**bedside** 35:13  
**beginning** 24:24 27:6  
**behalf** 3:19 7:5 11:4 16:17  
**beings** 30:13  
**believe** 11:22 15:8, 25 23:23  
 25:11 28:25 29:21 37:11, 13  
 38:4 51:3  
**believes** 40:23  
**belong** 36:16  
**benefit** 8:9  
**benefits** 7:24 9:16  
**best** 20:18 23:5  
**better** 7:21 17:13  
**beyond** 49:2  
**big** 45:22  
**biggest** 34:7  
**billion** 25:9, 18, 18  
**birth** 41:14  
**bit** 50:10  
**Bittker** 15:11, 11  
**blocks** 34:13  
**Bobbi** 15:11, 11  
**Boone** 12:3, 3  
**border** 28:10  
**bottom** 28:10 33:22  
**bought** 15:2  
**boundaries** 14:9 21:9  
**box** 3:15  
**boy** 37:3  
**Brezner** 2:10 17:19, 20, 23  
**brief** 5:10 6:19  
**briefly** 50:14  
**bring** 20:12 36:12  
**broadly** 13:25 16:20  
**Broadway** 6:15 49:22  
**Brois** 2:11 19:19, 22, 24, 25  
**Brooklyn** 45:19 48:17  
**buffer** 16:25  
**build** 7:20  
**building** 25:13 46:23  
**built** 50:24  
**bulletin** 5:4

**burden** 9:2 23:6,11,18  
**burdened** 8:14 23:9  
**burdens** 9:6 23:10,17 41:11  
**burn** 22:21 35:18  
**burning** 35:18 41:6 42:5

---

**C**

---

**C-A-L** 13:19  
**C.C.s** 3:16  
**C.N.D** 42:5  
**C.O.P.D** 32:18 41:13  
**C.P.V** 27:23 28:8,10 30:19,25  
 31:20 32:9,16  
**Cal** 2:8 12:17,17,18,19,22,22  
 13:19  
**call** 10:19,23 12:2 21:22 27:15  
 30:13 47:21 51:9,21  
**called** 11:2,23 12:14 15:12,18  
 22:5 27:10,22 28:5 33:24  
**calling** 16:11 20:5 44:7  
**calls** 51:18  
**campaign** 13:21  
**Canada** 50:25  
**canal** 45:20,23 46:3,8,9,17  
**capacity** 19:6 28:2  
**capital** 25:17 27:2  
**caption** 53:5  
**captioning** 3:12,18  
**capture** 16:24 17:2,4,16  
**carbon** 46:9  
**careers** 13:20  
**caretaker** 37:5  
**Carpitella** 15:21,21  
**carry** 23:5  
**Caruso** 1:8 3:5,6 6:23 7:2 9:23  
 13:3,6,10,12,16 15:10 16:4,6  
 17:18,21 19:13,23 21:11 22:12  
 23:22 24:6,8 26:21 27:8 28:23  
 29:10,12 30:3,7 33:15 34:18  
 34:22,25 36:20,24 38:12 40:5  
 40:8 42:7 43:22 44:4 45:12,16  
 47:4,20 48:14 49:9 50:12 51:8  
**case** 18:5  
**Catskill** 16:12,13,17  
**cause** 19:7 53:4  
**cement** 35:17,19,20 40:17  
**census** 17:3,3,5  
**center** 39:22  
**certain** 34:12,14 46:7  
**certainly** 31:15 32:15 50:15

**certify** 53:3  
**cetera** 51:19  
**chair** 30:11  
**challenge** 39:4  
**challenging** 14:12,14  
**change** 7:10 8:16 9:6 18:6,9  
 29:24 37:17 44:15  
**changed** 18:8 29:22  
**changes** 14:13  
**changing** 14:7  
**characteristics** 9:7  
**children** 37:4  
**chime** 51:22  
**circle** 27:15  
**citizen** 37:4  
**city** 9:11 17:25 32:7 37:7,23  
 42:12,14 43:11,16 46:13  
**class** 46:3  
**clean** 4:25 7:24 13:21,22,25  
 24:19 26:13 29:14 35:7 40:13  
 40:23  
**cleanups** 45:21  
**clear** 14:11  
**clearly** 10:9 11:10  
**click** 3:17  
**climate** 4:4,6,22 7:9,10,20,22  
 7:22 8:6,10,12,13,16 9:6 18:9  
 20:7 21:7 24:16 25:19,24 26:6  
 27:6 31:15 37:17 44:15,20  
**climate.ny.gov** 4:18 6:7 50:4  
**close** 28:10,12 50:6  
**closed** 3:12,18  
**CND** 18:7,7  
**Coalition** 40:13,23  
**Coeymans** 40:20  
**COHOST** 2:3  
**coldest** 44:20  
**combined** 9:4  
**come** 7:3,18 21:23 23:9 37:10  
 38:7,17 39:13 47:8  
**commenced** 3:2 4:14  
**comment** 1:5 3:9 4:14,15 5:12,13  
 5:17 15:8 17:6,11 19:8 20:13  
 29:16 33:25 40:4 47:11,23  
 48:12 51:6,12  
**commenting** 14:14  
**comments** 5:16,18,19,23,25 6:8  
 6:14 10:2,9 14:3 16:16,18  
 26:22 30:17 33:10 37:8 38:3  
 38:16,16 42:11 43:20 45:8



49:12,15,19,20 52:2  
**commercial** 25:14 42:19  
**commissioner** 18:7 24:12  
**committed** 25:20  
**communal** 23:10,11  
**Communications** 5:6  
**communities** 1:1,4 2:1 3:1,11  
 4:1,2,11,13,17 5:1,14 6:1 7:1  
 7:8 8:1,8,11,14,21 9:1,21  
 10:1 11:1 12:1 13:1 14:1,10  
 14:15,20,24 15:1,6 16:1,15,22  
 17:1,16 18:1 19:1 20:1,13  
 21:1 22:1 23:1,9 24:1,18 25:1  
 26:1,3,11 27:1,4,19 28:1,4  
 29:1 30:1,24 31:1,3 32:1,14  
 32:16,24 33:1,7 34:1,8 35:1  
 35:10 36:1 37:1 38:1 39:1  
 40:1 41:1 42:1 43:1 44:1,12  
 44:16,23 45:1,2,6,6 46:1 47:1  
 48:1,22 49:1,5,8 50:1,16,22  
 51:1,18 52:1 53:1  
**communities'** 9:19 20:9  
**community** 4:4 7:25 8:4,24 14:17  
 16:19 21:9 23:4 24:16 26:25  
 28:11 36:17 38:11 39:11 40:25  
 44:14 45:4,24 46:16 47:2 52:4  
**community's** 26:5  
**competitive** 27:20  
**completed** 10:6 30:22  
**complex** 14:21  
**compliance** 50:18  
**computer** 12:25 21:20  
**concern** 34:7,12,16 46:11 50:21  
**concerned** 26:2 35:11,22,24 37:4  
 41:5  
**concerns** 22:18 27:18 35:8  
**conclude** 10:7 26:22  
**concluded** 52:8  
**conditioning** 25:13  
**conditions** 8:19 40:2 46:24  
**conduct** 31:21  
**conducted** 42:21  
**connected** 21:20  
**Connecticut** 22:22  
**Connections** 18:6  
**consequences** 18:4 19:3  
**Conservation** 1:3 3:8 7:5 24:12  
**consider** 23:20 52:3  
**consideration** 44:13 50:15 51:4  
**considered** 5:22,23

**consistently** 29:22  
**consisting** 53:6  
**consists** 4:7  
**Constance** 2:8 38:13  
**constantly** 45:24  
**continually** 43:16  
**continuing** 14:6 15:4 42:4 46:22  
**conversations** 18:14  
**coordinator** 7:4 13:20  
**core** 30:18  
**correct** 11:9 34:20  
**cost** 20:21 23:14 26:8  
**costs** 23:18  
**council** 25:24  
**county** 17:17 20:3,20 22:21 23:6  
 23:15 30:11,12,14 32:7 40:13  
 44:6,8,8 51:19,19  
**couple** 38:16  
**coupled** 8:3  
**course** 17:9 36:7 41:20 51:18  
**court** 10:10 11:10,11 34:4  
**covering** 49:25  
**create** 7:20  
**creating** 16:24 17:13 20:9 26:13  
**Cricket** 32:13,15 38:20 39:3  
**crisis** 26:6  
**criteria** 1:1,4 2:1 3:1,11 4:1,2  
 4:3,10,14,17,19,19 5:1,11,14  
 6:1 7:1,8 8:1 9:1,17,20 10:1  
 11:1 12:1 13:1,25 14:1 15:1  
 16:1,19,22 17:1 18:1,23,24  
 19:1 20:1,10,16 21:1 22:1  
 23:1 24:1 25:1 26:1 27:1 28:1  
 29:1,17,23 30:1 31:1,5,12,13  
 32:1 33:1 34:1 35:1 36:1 37:1  
 38:1 39:1,16 40:1 41:1 42:1  
 43:1 44:1,11 45:1 46:1 47:1  
 48:1 49:1,6 50:1 51:1 52:1  
 53:1  
**Crowley** 11:14,15,16  
**current** 14:12 19:10 25:22  
**currently** 7:4 27:24 30:21 35:5  
**currents** 32:2  
**cutting** 8:9

---

**D**


---

**D.A.C** 32:6 41:8  
**D.E.C** 2:3,4 3:19,22 5:6 6:14,19  
 8:5 14:3,8 17:24 18:12,13  
 20:11 24:15 28:7 29:17 33:12

33:13 38:22 39:4 41:25 43:4  
 46:3,14 49:20  
**D.E.C.'s** 5:9 27:22 40:11  
**DAC** 6:14 17:10 49:20  
**DAC's** 31:14  
**dacomment@dec.ny.gov** 6:9,10  
 49:19  
**DACs** 9:12  
**Dahamel** 38:13,14  
**damage** 37:17  
**dams** 50:24  
**Daniel** 12:7,8  
**dash** 24:23  
**data** 8:16 17:8,13,15 31:10,11  
 44:25 48:24 49:2,4  
**dataset** 45:5  
**datasets** 38:7  
**date** 1:6 5:11 47:7  
**Dautremont** 2:10 34:23,24 35:2,3  
**David** 2:4 5:9 6:18,25  
**day** 49:17 53:10  
**de-carbonize** 25:12  
**deaths** 41:13  
**December** 4:10  
**decisions** 50:21  
**dedicated** 16:13  
**defining** 16:21  
**definitely** 36:6  
**definition** 52:4  
**deliberations** 25:24  
**delivered** 46:8  
**demographic** 14:25  
**demographics** 14:7 15:5  
**deny** 18:8  
**department** 1:3 3:8 5:20 7:4  
 18:12,13,15,17 24:11 52:3  
**Department's** 18:11  
**depend** 30:14  
**dependent** 31:25  
**derived** 25:5  
**designated** 39:10 41:8  
**designations** 8:21  
**Details** 6:6  
**determine** 31:22 32:3  
**determining** 45:2  
**develop** 34:11  
**Development** 3:23  
**developments** 50:16  
**diesel** 41:16  
**different** 34:13 38:6 39:20  
**directed** 18:7  
**direction** 18:21 27:5  
**directives** 4:22  
**director** 44:7  
**disabilities** 41:14  
**disadvantage** 49:5  
**disadvantaged** 1:1,4 2:1 3:1,10  
 3:25 4:1,11,13,17 5:1,13,14  
 6:1 7:1,8,25 8:1,4,8,11,20  
 9:1,15,19,21 10:1 11:1 12:1  
 13:1 14:1,10 15:1 16:1,19,21  
 17:1 18:1 19:1 20:1,9 21:1,9  
 22:1 23:1 24:1,18 25:1 26:1,3  
 26:10,16 27:1,19 28:1 29:1  
 30:1,23 31:1 32:1 33:1 34:1,8  
 35:1 36:1 37:1 38:1 39:1,11  
 40:1,24 41:1 42:1 43:1 44:1  
 44:12 45:1,2 46:1 47:1 48:1  
 49:1,7 50:1,16,22 51:1 52:1,4  
 53:1  
**disadvantages** 27:18 44:15  
**disease** 32:19  
**disingenuous** 46:20  
**disperses** 45:23  
**disproportionately** 8:14  
**dissolved** 46:6  
**distressed** 20:19  
**district** 26:12  
**divisional** 18:22  
**documented** 31:6  
**documents** 20:23  
**doing** 16:20 32:4 45:21 47:6  
**dollars** 25:9  
**Donnelly** 2:11 45:13,14,18,18  
**doomed** 27:5  
**doubt** 40:25  
**Dover** 38:18  
**downwind** 28:13  
**Dr** 5:8 6:18 26:24  
**Draft** 1:4 3:10,25 4:10,13,16  
 5:11,13 6:14 7:7 49:20  
**drafting** 8:5  
**drive** 26:12  
**drop** 8:20 41:8  
**dropping** 48:9  
**due** 49:15  
**DUHAMEL** 2:8  
**dump** 46:4  
**dust** 45:24  
**Dwyer** 2:14 22:9,14,14

<b>E</b>	
<b>E</b> 37:3	9:5 14:16 18:15 19:10 23:6
<b>E.J</b> 17:14 28:4,6,7,11 32:14,15 32:24	24:12 26:25 27:19 31:2 35:15
<b>eagles</b> 40:21	42:24 43:9 46:12,15,23,24
<b>earlier</b> 30:5	49:5,7,21 50:19
<b>East</b> 46:10	<b>environmentally</b> 49:7
<b>eating</b> 44:20	<b>Equal</b> 5:24
<b>economic</b> 26:14 41:4	<b>equitable</b> 13:22
<b>economically</b> 26:3,15	<b>equity</b> 20:6 33:8
<b>economics</b> 34:14	<b>erosion</b> 37:17
<b>economy</b> 13:23	<b>especially</b> 17:13 22:24 36:15 45:6
<b>education</b> 8:18 13:20 37:19	<b>Essex</b> 44:6,8 51:19
<b>Edward</b> 36:7	<b>et</b> 51:19
<b>effectuated</b> 25:25	<b>ethnic</b> 29:25
<b>efficiency</b> 5:2	<b>evening</b> 10:10 49:18
<b>efforts</b> 29:24 43:20	<b>ever-expanding</b> 40:20
<b>eight</b> 31:7	<b>everybody</b> 47:21 49:13 50:5 51:11,25
<b>eighty</b> 21:3	<b>example</b> 9:11 19:4 32:9,23 34:9
<b>eighty-five</b> 7:17 41:17	<b>excluded</b> 37:10,20
<b>either</b> 49:16	<b>exhaust</b> 45:24
<b>elderly</b> 37:5	<b>existing</b> 50:16
<b>electricity</b> 25:6,14 26:20	<b>expand</b> 42:2
<b>eleven</b> 3:24 38:19	<b>expenditures</b> 44:24
<b>eligibility</b> 21:8	<b>experience</b> 14:7 24:19,21
<b>Elizabeth</b> 2:9 27:9,10 34:19	<b>experiences</b> 8:22,22
<b>email</b> 5:19 6:8 49:18	<b>experiencing</b> 14:25
<b>emailed</b> 49:17	<b>expert</b> 25:10 39:2
<b>emergency</b> 19:7	<b>exposure</b> 17:4
<b>emission</b> 8:6	<b>express</b> 20:5
<b>emissions</b> 4:24 7:12 8:3 31:6,16 31:17,25 32:23 33:4 41:2	<b>extensive</b> 20:8
<b>emphasize</b> 36:2	<b>exurbs</b> 37:7
<b>employee</b> 17:24	<b>F</b>
<b>employment</b> 37:19	<b>Facebook</b> 39:23
<b>empower</b> 20:24 21:5	<b>facilities</b> 43:15,17
<b>enable</b> 26:14	<b>fact</b> 28:6 36:13 43:14
<b>encourage</b> 14:2 21:6 43:4	<b>factor</b> 31:18
<b>ends</b> 4:16	<b>factors</b> 4:21 8:18
<b>enduring</b> 23:18	<b>fall</b> 44:19
<b>energy</b> 3:23 4:25,25 7:25 13:22 24:19,25 25:4,11 26:13 29:14 38:20 39:3 44:21 50:8	<b>falls</b> 9:19 35:4,9,9,12,12,13,16 35:25 36:9,9
<b>ensure</b> 7:21	<b>families</b> 27:4
<b>entire</b> 23:12 39:13 44:13,21	<b>family</b> 38:11
<b>entirely</b> 44:9	<b>far</b> 28:4 31:6 44:23
<b>environment</b> 30:12	<b>farms</b> 33:2,3
<b>environmental</b> 1:3 2:4 3:8 4:8 4:20 5:4,9 6:15 7:5,6 8:16	<b>fast</b> 30:18
	<b>father</b> 18:11
	<b>feel</b> 35:22 36:10
	<b>feeling</b> 36:5

**fellow** 22:16  
**field** 25:10  
**fifteen** 31:7, 8  
**fifty** 25:18, 21 41:19  
**fifty-four** 9:18  
**filmmaker** 40:12  
**final** 38:8  
**finalization** 4:2  
**finalized** 38:5  
**finally** 32:21  
**finance** 25:11 26:8  
**financially** 20:18  
**Finneran** 2:6 27:14, 16, 17  
**Finneren** 11:22, 23  
**first** 11:13 16:19 24:10, 10 33:5  
**fish-** 44:19  
**five** 5:20 17:14 31:3 37:4 49:17  
**five-** 47:7  
**flat** 39:8  
**flawed** 45:3  
**flights** 42:20  
**floor** 6:15 33:17 49:22  
**folks** 14:15 34:17  
**following** 24:15  
**follows** 29:16  
**food** 49:2  
**footprint** 46:9  
**foregoing** 53:3, 6  
**foremost** 33:5  
**form** 38:15 40:11  
**former** 17:24  
**Fort** 36:7  
**forth** 20:12  
**forty** 7:14, 23 9:20 23:8, 14, 16  
**forty-five** 8:15  
**forty-six** 9:20  
**forward** 16:24 26:23 45:10 46:19  
**fossil** 26:17  
**found** 4:17 6:7  
**foundation** 20:6  
**four-point** 32:10  
**fourteen** 24:23  
**fracked** 27:20  
**free** 39:15  
**fuels** 26:17  
**full** 34:4  
**fully** 17:16  
**fund** 46:22  
**funding** 25:22, 23  
**funds** 25:6 32:22 33:6 34:8, 10

34:16  
**future** 7:21

---

**G**


---

**G-O-V** 6:9  
**garbage** 42:5  
**gas** 4:23 7:12 8:3, 6 22:19 27:20  
 31:16  
**gases** 7:15, 19  
**Gaussian** 31:24 32:5  
**generated** 44:18, 18  
**generating** 43:3  
**generation** 25:15 31:5 32:12  
**gentrification** 15:2  
**geographic** 4:20 9:21  
**geography** 8:17  
**give** 5:10 6:19 33:24 51:9, 11  
**given** 5:25 41:7  
**giving** 30:9  
**glad** 16:10, 20  
**Glens** 35:4, 12, 12, 13, 16 36:8, 9  
**go** 27:15 34:10, 16 39:12, 23 50:3  
 52:2  
**goal** 7:11 18:2  
**goals** 25:19 27:7  
**going** 9:25 11:21 15:14 17:12  
 18:3 23:7, 25 25:16 27:5 29:5  
 30:16 32:19 33:17, 17 42:9  
 46:19 47:2, 6, 7 49:10  
**good** 3:6 6:20 13:17 24:14 29:13  
 43:24  
**government** 50:21  
**Gowanus** 45:19, 20 51:19  
**great** 13:14, 17 16:5 17:7 19:24  
 23:4 48:15, 15  
**greater** 17:12 31:17  
**greatly** 23:21 31:9 32:4, 4, 17  
**green** 32:22 33:9 42:2  
**greenhouse** 4:23 7:12, 15, 19 8:3  
 8:5 31:16  
**grew** 14:17  
**ground** 14:3, 12 19:3  
**group** 4:7 8:12, 22 9:12 11:5  
 14:2 20:8, 14 21:7  
**groups** 4:8 29:17, 22 35:6  
**growth** 41:4  
**guide** 4:3  
**guided** 8:13 27:3

---

**H**


---

**H.I.A** 32:5  
**habitats** 40:21  
**half** 38:25 39:14  
**halt** 33:6  
**hamlet** 38:18  
**hand** 10:24 11:17,24 12:7,10,12  
 19:17,19 22:7 27:14 29:3,4,7  
 29:8 33:21,23 34:2,23 47:5,23  
 48:2,4,8 50:6 51:10  
**hands** 11:20,25 22:7 42:8 43:24  
 48:8,10 49:10 51:23  
**Hank** 28:24,25  
**happen** 44:19  
**Harlem** 39:18  
**harm** 33:6  
**hazard** 4:20  
**hazards** 8:16 17:2  
**health** 4:20 8:17 9:7,13 18:13  
 19:7 30:14 31:22 36:6,17  
 41:17  
**hear** 6:22 10:12,14 12:19,24  
 13:3,12 16:6 17:21 19:22  
 21:18,21 22:12 24:6 30:6  
 34:24 36:24 40:7 42:10 45:14  
 45:17 48:11,13  
**hearing** 1:4,5 3:2,9,20 5:3,5,12  
 5:17,18 6:2,2,7 7:7 9:24 16:9  
 24:7,17 33:12 43:11,19 48:19  
 49:24,24 51:15,16,22 52:8  
 53:8  
**hearings** 3:24  
**heart** 24:18 32:18 41:13  
**Hello** 13:2,8,11 16:3 19:22 30:6  
 45:14 50:9  
**help** 4:3,22 10:4 34:11 46:14  
 52:3  
**hereof** 53:5  
**hereto** 53:5  
**hereunto** 53:9  
**Hertel** 2:7 48:2,7,11,13,15,16  
**Hi** 6:20 19:24 30:9  
**high** 22:23 38:25 40:18 46:16  
**higher** 9:9 20:21 41:9,12,17,19  
 41:23  
**highway** 45:23  
**historic** 23:17  
**historically** 8:23 14:24 25:3  
 36:7  
**hit** 33:21  
**Hohenstein** 28:24,25

**hold** 43:23  
**holding** 3:24 48:19  
**Hollo** 12:12,14  
**home** 20:25 21:5 22:18 40:17,21  
**homelessness** 37:21  
**HOMER** 2:13  
**homes** 30:14  
**Honor** 24:4,10  
**hope** 36:11,14  
**hopefully** 14:13 24:2  
**horizon** 41:25  
**Horner** 23:23,24 24:4,9 26:23  
**Hospital** 35:13  
**hosting** 16:9  
**hours** 32:10  
**household** 44:25  
**households** 9:14,18,21 20:15,19  
**houses** 15:2  
**housing** 8:19 31:18 37:20  
**Howard** 1:22 53:3,12  
**Hubbard** 1:22 53:3,12  
**Hudson** 9:19 14:23 20:20 35:9,25  
 37:8 39:20 40:17,22 43:14  
 48:18  
**huge** 46:9,16  
**human** 7:12  
**hundred** 7:13 25:8  
**hundred-megawatt** 38:19  
**hydropower** 50:24

---

**I**


---

**icon** 29:8,9 33:22  
**identification** 8:7  
**identified** 9:12 14:2,15 17:10  
 30:25 35:10 50:17  
**identify** 8:11 11:5,18 12:5 14:9  
 20:18 31:14 49:6  
**identifying** 4:11 8:14 14:20  
 48:25  
**ignored** 39:19  
**ill-conceived** 26:19  
**illness** 22:25  
**illnesses** 32:18,19  
**immediately** 48:9  
**impact** 4:24 26:5 31:22 35:24  
 42:24  
**impacted** 31:9,23 32:4,8,17 36:8  
 41:2  
**impactful** 36:17  
**impacting** 36:6

**impacts** 50:21 51:5  
**implementation** 4:3 25:11  
**implemented** 18:19  
**implementing** 7:19  
**implore** 41:25  
**important** 3:21 10:17 37:14,16  
 37:22 38:11  
**importing** 50:23  
**improving** 8:9  
**inadequate** 31:6  
**incidences** 41:12  
**incineration** 41:6 50:23  
**incinerator** 22:20,24 23:2,11  
 35:9,25 36:16  
**include** 8:15 9:13 20:14 41:12  
**included** 35:20 36:11 37:11,24  
**including** 8:4 17:17 24:22 25:12  
 44:13  
**income** 8:18 9:15 14:24,24 20:15  
 20:18 21:10 26:8 37:18 44:25  
**incomes** 9:14  
**increase** 46:15  
**increased** 9:4  
**incremental** 7:14  
**independent** 31:21 39:2  
**Indians** 29:19  
**indicated** 9:24  
**indicator** 9:3 37:14,22  
**indicators** 8:15 17:7 37:22,23  
 37:23,23 38:2,8  
**indigenous** 29:19 50:24  
**indispensable** 24:13  
**individual** 26:10  
**industrial** 41:21  
**industries** 36:14 41:3  
**industry** 25:14  
**inevitably** 42:3  
**inform** 4:24 49:4  
**information** 39:24 49:13 50:3  
**informed** 16:18  
**infrastructure** 9:4  
**input** 3:10,25 14:4  
**installation** 26:9  
**institutional** 25:17 26:12  
**instruction** 3:15  
**intention** 24:14  
**intentioned** 26:19  
**internet** 3:13 6:12 10:3,21  
 11:15 12:13 15:12 23:3  
**interrupt** 10:15

**interruption** 24:5  
**introduce** 5:8 6:18  
**inversions** 39:8  
**invest** 25:16  
**investment** 25:20 26:13 27:3  
**investments** 5:2  
**Islanders** 29:20  
**issue** 16:23  
**issues** 8:17 35:15 37:18,21  
 46:18 50:14,18  
**items** 19:11 37:9,19

---

**J**


---

**Jaffe** 2:15 15:25 16:3,5,8,11  
**job** 29:16  
**jobs** 34:11  
**John** 11:14,14,15  
**joined** 11:16 12:4,9 15:21,22  
 19:15 29:2  
**joining** 3:13,20 6:11 7:7  
**Judge** 3:7 24:6  
**July** 4:16 5:19,21,24 49:15,18  
 53:10  
**jumps** 45:23  
**June** 1:6 6:4  
**justice** 2:4 4:6,8 5:10 6:15 7:6  
 7:22 8:12 19:10 20:7 21:7  
 23:20 26:25 27:19 31:2 33:8  
 35:15 46:16,23 49:21

---

**K**


---

**Katchmar** 5:7 22:11  
**Kate** 22:2,3,4  
**keep** 10:5 51:13  
**keeps** 51:9  
**Kenneth** 2:10 17:19  
**kind** 16:25  
**KISSAM** 2:13  
**Kissem** 42:10,11  
**kitchen** 18:14  
**know** 19:14 22:13 27:9 32:14,15  
 51:20 52:2,3,5  
**known** 44:5

---

**L**


---

**L** 37:2  
**Labate** 2:12 36:21,22,25 37:2  
**LaDelle** 2:10 34:23  
**Lafarge** 41:7 42:6  
**LafargeHolcim** 40:18

**land** 46:2,12,25  
**landfills** 41:18  
**landing** 43:6  
**lands** 50:24  
**language** 8:13 29:18,21  
**languages** 3:13  
**large** 16:23 25:10 27:6 31:8,20  
**largest** 30:20 32:11 44:8  
**Larry** 37:2  
**Lauren** 2:11 19:18,19,25  
**law** 3:7 8:10  
**lay** 26:25 31:10  
**lead** 38:22  
**Leadership** 4:4 24:16  
**left** 3:16 39:19  
**legislation** 7:11  
**let's** 21:22,22 27:15 48:10 50:6  
**letting** 48:21  
**level** 8:18 9:5,13 14:17 43:8  
 46:7  
**levels** 7:13 26:15 46:4  
**light** 42:2  
**limestone** 41:20  
**limit** 9:25 10:3 33:6  
**limited** 14:5  
**limits** 8:6  
**line** 10:20,24 11:19 12:18 15:14  
 15:23 16:2 18:10,16 19:17,20  
 21:14,17 27:12 34:3 47:24  
 48:5  
**line's** 21:13  
**lines** 21:15 24:2  
**link** 3:17  
**Linton** 2:3 5:7  
**list** 30:24 31:12 32:6 36:11,12  
 40:4 41:8  
**listed** 6:12 11:15 19:15 30:24  
**liter** 46:8  
**little** 3:14 29:8 33:21 50:10  
**live** 23:2 35:4 37:6 38:9  
**lives** 14:18  
**living** 20:21 21:8 45:19 51:21  
**Livingston** 16:11  
**Liz** 34:3,3,6,19  
**local** 16:13 32:20 35:23 36:18  
 37:23  
**localize** 26:20  
**locally** 44:17  
**located** 42:17 43:5 45:7  
**location** 32:7

**locations** 39:6 43:17  
**logged** 11:15,22 12:8,13 15:12  
 15:17 21:24 22:4 23:24,25  
 27:10 28:25 30:5  
**long** 24:19 27:2 52:2  
**long-** 26:12  
**look** 17:7 21:4 26:23 28:8,9,14  
 28:19 39:23 43:4 45:10 49:2  
**looked** 25:3 30:23 48:23  
**looking** 50:14  
**looks** 21:24,25 48:7  
**lot** 16:17 23:3 36:8 38:9 39:19  
 39:25  
**loudly** 10:9  
**LOUIS** 2:3  
**low** 9:13 26:8  
**lower** 3:16 14:23,24 40:2 41:13  
 48:18  
**lunch** 39:16 49:3

---

**M**


---

**mail** 5:23 49:19  
**mailing** 6:13  
**main** 26:2  
**major** 32:23,25  
**making** 27:2  
**Malick** 2:12 30:4,6,9,10  
**mandate** 18:3,16,23 19:4,9  
**mandates** 7:22  
**Manor** 16:11  
**manufacturing** 41:21,22  
**map** 14:8,12 28:6,7,9,10,15 38:4  
**maps** 41:7  
**March** 4:14  
**marginalized** 44:14  
**Maria** 5:7  
**marked** 3:16  
**market** 26:16  
**Marlene** 2:11 45:13,18  
**matter** 31:17 35:4  
**matters** 47:7  
**McGraw** 19:14,15,15  
**mean** 48:20 51:16,16  
**means** 46:4  
**measures** 9:5  
**median** 9:15 20:15,17 21:10  
 44:25  
**meet** 4:22 8:5  
**meeting** 24:5 27:6  
**Mega** 50:24

**Megan** 12:3, 3  
**member** 40:12  
**members** 5:6, 12 20:4  
**mentioned** 7:2 30:19 38:21  
**mere** 25:2  
**Michael** 1:8 3:6  
**microphone** 13:4 21:19  
**mid** 51:17  
**mid-** 9:18  
**mid-Hudson** 51:17  
**middle** 38:25  
**midst** 36:4  
**mile** 31:4 38:25 39:14  
**miles** 28:12 31:3, 7, 8, 8  
**military** 42:18, 21  
**mill** 35:17  
**million** 25:9, 9  
**mining** 41:20, 20  
**minorities** 34:10  
**minority** 29:17, 22  
**minute** 47:8 51:11, 13  
**minutes** 9:25 10:7 25:2  
**mispronounce** 11:7, 8  
**mission** 18:11, 14, 17 30:11  
**misspent** 26:4  
**mitigate** 33:4  
**model** 21:4  
**modeling** 31:24 32:5  
**modules** 26:9  
**mom** 37:4, 5  
**moment** 5:8  
**money** 23:9 26:4  
**monitoring** 35:23  
**Mountainkeeper** 16:13, 17  
**move** 11:21 15:14 29:5  
**moving** 15:19 16:24  
**municipal** 20:4 24:20 26:11  
**Murray** 22:2, 5  
**Murray's** 22:3  
**muted** 12:20, 21, 24 21:15, 19  
 34:20

---

**N**


---

**Najjar** 15:16, 17  
**name** 3:6 6:25 10:19, 23 11:2, 4, 7  
 11:8, 9 13:18 15:25 16:10 22:3  
 29:7 30:10 34:4, 5 37:2 40:11  
 40:14 48:16 50:12 53:10  
**Nancy** 19:14, 14, 15  
**nation's** 7:10

**national** 37:22  
**Native** 29:18  
**naturally** 42:20  
**near** 27:19  
**nearest** 41:10  
**nearly** 40:19  
**necessarily** 14:16 51:20  
**necessary** 15:5  
**need** 15:7 18:16 19:2 25:16  
 28:14 31:21 33:12, 21 34:17, 17  
 48:23, 25 49:16 50:2  
**needed** 23:17  
**needs** 25:21 27:4 28:3, 7  
**negatively** 41:2  
**neighborhoods** 36:4  
**Nelida** 2:12 36:21 37:2  
**network** 35:7, 10  
**never** 18:23 19:9 26:4 42:23  
 43:9  
**new** 1:2 3:7, 22, 24 4:6, 9 6:3, 16  
 7:11, 24 8:12 9:11 13:20, 22, 24  
 16:12 17:25 20:22 25:12 28:20  
 29:24 30:21 32:12 37:7 42:9  
 44:7, 9 45:19 46:14, 23 48:17  
 48:18 49:22, 25 50:18, 22 51:4  
 51:21 53:2  
**Newburgh** 42:12, 13, 22 43:12  
**newspaper** 39:22  
**nine** 25:8  
**ninety** 22:25  
**ninety-four** 41:9  
**ninety-six** 41:22  
**non-** 50:17  
**non-existent** 33:13  
**nonprofit** 16:13 20:2  
**noted** 32:20  
**notice** 5:3, 4 9:24  
**nuclear** 22:19, 19  
**number** 19:2 24:22 28:5 32:24  
**numbers** 37:21  
**numerous** 42:13 43:15  
**nurse** 35:4, 13, 13 36:5  
**NYS** 6:14 49:20  
**NYSERDA** 2:4, 5 3:19 20:11, 24  
 21:4 25:4

---

**O**

---

**o'clock** 49:17  
**O'Raffity** 27:9, 10 34:6, 20  
**O'RAFFITY** 2:9 34:6, 21



<b>Odae</b> 2:7 29:6,7,9,10,11,13,14	<b>participate</b> 27:7
<b>Office</b> 5:6,9 6:14 7:6 49:21	<b>participating</b> 3:21
<b>oh</b> 50:5	<b>participation</b> 51:25
<b>oil</b> 43:15,16	<b>particular</b> 14:23 37:12
<b>okay</b> 3:3 13:13,14 17:23 19:17	<b>particularly</b> 16:16
19:24 21:25 24:9 29:13 34:2	<b>particulate</b> 31:17
34:20 36:25 40:10 47:12,14,18	<b>parties</b> 25:10 26:25
48:16 51:13 52:7	<b>partnership</b> 3:22
<b>once</b> 4:21	<b>party</b> 24:22
<b>one-hundred-and-twenty-day</b> 4:15	<b>pathogens</b> 46:5
<b>ongoing</b> 14:4	<b>paycheck</b> 38:10,10
<b>online</b> 12:9	<b>Peekskill</b> 22:15,18 23:4
<b>open</b> 33:17 51:13	<b>Pennsylvania</b> 50:23
<b>opening</b> 38:14	<b>people</b> 11:5 14:9 15:2 22:4 23:2
<b>operate</b> 43:16	31:9 33:4 38:9,15 39:25 48:8
<b>operated</b> 32:10	<b>percent</b> 7:13,15,17,23 9:14,18
<b>operating</b> 28:2,16 30:21	9:20 20:17 21:2,3 22:25 23:8
<b>operational</b> 43:2	23:15,16 41:9,17,19,23
<b>operations</b> 33:14	<b>percentage</b> 22:23
<b>opportunities</b> 7:20	<b>percentile</b> 9:3
<b>opportunity</b> 13:18 19:12 27:7	<b>Perfect</b> 16:8
30:10 33:11,24 37:15	<b>performance</b> 20:25 21:5
<b>oral</b> 5:25	<b>period</b> 4:14,16 14:5
<b>Orange</b> 30:11,12,13	<b>permit</b> 27:25 28:17,18 30:22
<b>order</b> 31:23 32:7,8	33:14
<b>organization</b> 13:24 20:3	<b>person</b> 31:11 34:23
<b>original</b> 27:24	<b>personal</b> 14:17 36:5
<b>originally</b> 18:18	<b>persons</b> 26:14
<b>outcome</b> 9:13	<b>perspective</b> 31:16
<b>outlined</b> 14:10	<b>phone</b> 10:22 11:16,17,24 12:4,5
<b>outside</b> 21:8 50:22	12:15 15:13,13,19,22 27:11
<b>overburdened</b> 8:23 14:20 38:19	<b>PICARD</b> 2:5
<b>overlay</b> 14:8	<b>pillars</b> 24:16
<b>overlays</b> 38:6	<b>pipeline</b> 22:19
<b>overview</b> 5:10	<b>place</b> 48:17,21 53:4
<b>owned</b> 22:20	<b>places</b> 17:15
<b>oxygen</b> 46:7	<b>planning</b> 44:7 46:15
	<b>plant</b> 22:19,19 27:21 28:12,13
<b>P</b>	30:19,25 31:3 32:9,16 35:17
<b>P-U-T-M-A-N</b> 44:6	35:19 38:20,20 39:2,14 40:18
<b>p.m</b> 1:6 3:2 5:20 6:4 17:13	42:16,16,23 43:5 45:22
47:16,17 50:2 52:8	<b>plants</b> 35:20 36:3
<b>Pacific</b> 29:20	<b>platform</b> 20:12
<b>Page</b> 53:5	<b>please</b> 6:23 10:2,8,25 11:3,8,9
<b>pages</b> 53:7	11:23 12:4,9,14,18,22 13:7,16
<b>PAMILLA</b> 2:12	15:13,18,22 16:2,6 17:21
<b>pandemic</b> 15:3	19:16 22:5 23:24 26:21 27:11
<b>paper</b> 35:17	29:2,7,12 30:7 34:3,5,25 40:8
<b>park</b> 44:10,13,17 45:7 48:23	42:10 44:4 45:16 47:23 48:4
<b>part</b> 14:16 51:6	48:14 49:6

**pleased** 35:16,21 36:10 38:3  
**point** 17:14 42:21 46:7 47:12  
**points** 30:18 45:9  
**policies** 18:22 27:3  
**policy** 18:21,25 19:10 51:3  
**pollutants** 44:17  
**polluted** 46:2,2,5  
**polluter** 43:7  
**polluters** 48:21  
**polluting** 36:13 48:22  
**pollution** 4:23 8:9 22:25 30:20  
 31:8,16,20 32:11,12,25 33:7  
 35:11 42:14 43:3,8,18  
**population** 9:7  
**populations** 29:19 37:25  
**port** 40:20 42:2  
**pose** 41:16,19,22  
**positions** 38:17  
**possibility** 37:17 41:6 42:5  
**post** 49:16  
**postmarked** 5:24 49:17  
**potential** 16:24 25:7  
**Poughkeepsie** 34:7 39:17  
**poverty** 23:3  
**power** 13:21,25 26:16 27:20,20  
 30:19,25 31:3,5 32:9,11,16  
 38:20,20 45:22  
**praise** 24:11  
**Pramilla** 30:4,4,10  
**premature** 41:13  
**prepares** 45:4  
**presentation** 6:19  
**presiding** 3:9  
**press** 10:23,25 11:17,24 12:4,10  
 12:14 15:13,18,22 19:16 22:6  
 27:11 29:2,9 33:23  
**preventing** 7:18 19:5  
**previously** 34:19  
**principally** 25:5 26:15  
**prioritization** 8:7  
**prioritize** 8:3  
**private** 25:16  
**probably** 41:15  
**problem** 17:8 46:20,21  
**problems** 43:11 45:25 46:12,23  
**proceed** 6:24 13:7,16 16:7 17:22  
 29:12 30:8 34:25 40:9 42:10  
 44:4 45:17 48:14  
**proceeding** 24:25  
**proceedings** 24:23 53:7

**process** 3:22 31:11 33:13  
**produce** 9:4  
**production** 26:20  
**program** 17:25 18:2 20:24,25  
 21:5 39:16 45:21 46:19  
**programs** 25:4 49:3,3  
**projects** 42:2 48:22  
**pronounced** 35:3  
**proper** 18:2  
**properly** 46:25  
**protect** 30:11,12 33:7  
**protecting** 16:14  
**Protection** 4:5 24:17  
**provided** 41:7  
**providing** 20:11 40:11  
**proximity** 28:8  
**proxy** 37:16  
**public** 1:4,5 3:9,10,24,25 4:11  
 4:14,15,20 5:12,13,17 7:7  
 8:17 18:16 19:7 33:12 39:13  
 40:4  
**published** 5:3  
**pulmonary** 32:18  
**pulmonologist** 32:20  
**purchases** 25:6  
**purpose** 5:11  
**purposes** 9:15  
**pushed** 42:25  
**put** 33:25 47:10,21,23 49:11  
 51:12  
**Putman** 2:15 43:25 44:2,3,3,5,6  
**Putnam** 37:6 43:25

---

**Q**


---

**qualifies** 46:3  
**quality** 17:8 35:22 39:4 42:22  
 45:25 46:25 50:18  
**quantify** 43:8  
**question** 23:7  
**question-and-answer** 5:15  
**quickly** 10:15

---

**R**


---

**race** 8:18 34:15  
**Rachel** 15:20,21  
**racial** 29:25  
**raise** 10:24 11:17,24 12:10 22:6  
 29:3,7 47:23 48:4 51:10  
**raised** 11:20,25 12:6,11 19:17  
 19:19 22:7 27:14 29:4 33:23

34:2,23 42:8 43:23,24 47:5 48:2,7,10 49:10 50:6 51:23	<b>regulation</b> 8:5
<b>raising</b> 48:8	<b>regulatory</b> 4:24
<b>RANADE</b> 2:4	<b>reinforcing</b> 14:14
<b>Randolph</b> 2:13 23:23,24	<b>related</b> 7:10
<b>rapidly</b> 13:21	<b>relating</b> 4:23 44:15
<b>rates</b> 8:19 9:3 31:18 32:18,18 34:13 37:10,20	<b>relation</b> 20:14
<b>Ravena</b> 40:16	<b>relative</b> 8:25 9:5,8,9
<b>readily</b> 14:9	<b>release</b> 4:10 7:19
<b>ready</b> 51:10	<b>relevant</b> 42:12
<b>real</b> 33:8,8	<b>reliance</b> 44:25
<b>really</b> 17:2 28:3,14,19 30:18,18 31:11,22 36:16 41:25	<b>relies</b> 45:5
<b>reasons</b> 41:15	<b>rely</b> 41:3
<b>receive</b> 3:10,25 14:5	<b>remain</b> 36:12
<b>received</b> 5:20 10:9	<b>remaining</b> 6:2
<b>recess</b> 47:8	<b>remarks</b> 10:6,8
<b>recognition</b> 51:5	<b>remediation</b> 23:14
<b>recognize</b> 14:22 24:11 28:11	<b>remind</b> 42:18
<b>recommend</b> 20:16 39:15	<b>reminder</b> 33:11 49:23 51:14
<b>recommending</b> 18:20	<b>renewal</b> 28:18
<b>reconsider</b> 21:7	<b>reorganize</b> 32:6
<b>reconsidered</b> 36:15 37:11,14	<b>repeat</b> 6:10 49:13
<b>record</b> 3:4 10:18 33:25 47:9,11 47:13,15,16,19,23 51:12,13 52:6 53:7	<b>replace</b> 48:21
<b>recorded</b> 10:10,13 24:6	<b>report</b> 37:8 38:8
<b>redlining</b> 38:3	<b>reported</b> 1:22 53:4
<b>reduce</b> 7:11	<b>reporter</b> 3:3 11:10,11 34:4 47:14,18 52:7 53:12
<b>reduced</b> 39:16	<b>reporting</b> 20:15
<b>reducing</b> 4:23 19:5	<b>reports</b> 38:5,5,7 39:5
<b>reduction</b> 7:15	<b>represent</b> 29:24 45:5
<b>reductions</b> 7:18 8:4	<b>representation</b> 29:25
<b>reeling</b> 43:13	<b>representatives</b> 4:7,9
<b>references</b> 29:18	<b>represented</b> 29:23
<b>refers</b> 29:17	<b>representing</b> 11:6 19:25 20:4 29:15
<b>reflect</b> 39:7	<b>request</b> 44:12
<b>reflected</b> 20:23	<b>required</b> 8:2,6
<b>reflective</b> 8:21	<b>requires</b> 44:21
<b>reforestation</b> 37:13	<b>requiring</b> 44:24
<b>Reforming</b> 24:25	<b>Research</b> 3:23
<b>REGI</b> 25:6	<b>residences</b> 26:10
<b>region</b> 9:19 16:12,14 23:7,10,12 23:15 35:15 44:19	<b>resident</b> 22:15 34:7 35:12 40:15
<b>regional</b> 24:20 26:11 39:10	<b>residential</b> 36:4
<b>regions</b> 9:10	<b>residents</b> 8:23 20:17 22:16 36:6 36:18 39:22
<b>registered</b> 11:21 12:2,7,12,16 15:15,20,24 19:18,21 21:12 22:2,8 28:24 33:16,20 34:19	<b>resilience</b> 8:9
	<b>resources</b> 16:14 17:12 25:3 26:14 39:19 44:22
	<b>respectful</b> 10:2
	<b>responding</b> 45:11
	<b>rest</b> 9:11 20:22

<b>retired</b> 44:6	<b>see</b> 9:18 11:14,20,25 12:6,8,11
<b>REV</b> 24:24	12:13,17 15:11,17 19:17,19,20
<b>revenue</b> 25:7	20:22 21:12,15,23 22:3,7
<b>review</b> 4:12 19:11	23:11 27:13,13 28:25 29:4
<b>reviewed</b> 18:24	33:23 34:2 35:16,21 36:10
<b>reviewing</b> 44:11	38:3 48:8,10 49:10 50:7 51:23
<b>right</b> 3:5 6:13,17 12:6,11,16,22	<b>seeing</b> 17:9 27:17
14:11 15:14,19 22:7,24 24:2	<b>seen</b> 36:14
29:4 33:17,22 36:3 42:8 47:4	<b>sees</b> 27:3
47:20 48:6,9,10 51:8,23	<b>Seggos</b> 24:12
<b>rises</b> 46:16	<b>Selkirk-Coeymans</b> 40:16
<b>risk</b> 8:16 9:2,6 10:12 41:17,19	<b>seminal</b> 24:23
41:23	<b>senator</b> 28:21
<b>risks</b> 41:11	<b>sensitivity</b> 9:2
<b>River</b> 39:20 40:17,22 43:14	<b>sent</b> 49:20
46:10	<b>sentient</b> 30:13
<b>roadmap</b> 14:8	<b>separate</b> 23:10 31:19
<b>robust</b> 37:9 38:2	<b>serious</b> 43:7 44:14,19
<b>role</b> 24:13 40:11	<b>seriously</b> 45:3
<b>roll</b> 18:3	<b>serve</b> 20:18
<b>roof</b> 32:19	<b>served</b> 24:22
<b>rural</b> 14:18,18,20,24 17:8,16	<b>Services</b> 5:6
45:6	<b>serving</b> 42:18
	<b>session</b> 5:16,18
<b>S</b>	<b>set</b> 18:18 23:8,8 44:2,25
<b>S-O-N-J-A</b> 40:14	<b>sheet</b> 48:24
<b>S-T-A-R-K</b> 40:14	<b>shifts</b> 14:25
<b>S.D</b> 46:4	<b>shortage</b> 19:6,6
<b>safeguard</b> 30:12	<b>show</b> 28:7
<b>safety</b> 30:14	<b>shows</b> 49:2
<b>sake</b> 24:7	<b>side</b> 3:16
<b>SAMEER</b> 2:4	<b>sign</b> 38:15
<b>Sandra</b> 2:13 42:10	<b>significant</b> 32:24 42:15 43:18
<b>saw</b> 11:22 15:25 19:14 23:23	<b>similar</b> 20:24 38:17
27:10 28:25 30:4	<b>site</b> 45:20
<b>scale</b> 24:20 25:10,20 26:12	<b>sites</b> 36:8 45:21
<b>scheduled</b> 6:2,4	<b>sits</b> 40:18,20
<b>scheme</b> 25:22	<b>sitting</b> 40:24
<b>schemes</b> 25:23	<b>sixty</b> 9:14 20:17 21:2
<b>school</b> 38:25,25 39:13 40:19	<b>slide</b> 3:14 49:11
49:3	<b>slow</b> 10:16
<b>scientists</b> 31:7	<b>slowly</b> 10:9
<b>scoping</b> 20:23	<b>small</b> 3:15
<b>score</b> 8:25	<b>socio-economic</b> 4:21 8:17 45:2
<b>scores</b> 9:9	<b>socioeconomic</b> 40:2
<b>screen</b> 3:14,17 6:13,17 10:4	<b>solar</b> 26:9 33:2,3
17:14 33:22	<b>solid</b> 19:5
<b>second</b> 32:11,12 39:17 44:8 48:3	<b>solving</b> 46:21
<b>section</b> 37:12	<b>somebody</b> 38:21 39:9
<b>sectors</b> 25:12	<b>Sonia</b> 40:12

**Sonja** 2:14 40:6,14  
**sorry** 13:15 17:15 43:25  
**source** 31:9 32:11,12,25 43:18  
**sources** 30:20 31:5,10,20 32:23  
 42:14  
**south** 36:9 40:16  
**space** 25:13  
**speak** 7:3 10:8,16,20 11:10  
 13:18 19:12 24:21 33:18,20,21  
 48:3 50:10  
**speaker** 9:25 11:13,21 12:2,3,7  
 12:12,17 15:11,15,20,24 17:19  
 19:14,18,21 21:12,22 22:2,8  
 23:23 27:9 28:24 29:5 30:4,19  
 36:21 38:13 40:6 43:25 45:13  
 47:5 48:6  
**speakers** 2:6 33:16  
**speaking** 10:15 11:3,4 12:19,23  
 21:18 22:15,15 40:15  
**specific** 18:5 27:17 39:7  
**specifically** 9:3 15:2 29:18  
 44:16  
**spell** 11:9 34:4  
**spend** 23:16  
**spending** 7:24  
**spoken** 48:4  
**staff** 12:21 18:8 19:20 21:16  
 23:25 27:13 33:12 49:11  
**stamp** 49:2  
**star** 10:23,25 11:17,24 12:4,10  
 12:14 15:13,18,22 19:16 22:6  
 27:11 29:3 33:23  
**stark** 2:14 40:6,7,10,12,14  
 41:24  
**start** 19:5  
**state** 1:2 3:8,23,24 4:8,9 7:24  
 8:2 9:11,15 11:3 20:15,22  
 25:3 27:3 28:21 30:21 32:12  
 34:4 35:20 37:23 44:9,18,21  
 45:20 46:15,22 48:20 50:12  
 53:2  
**state's** 4:4,25 7:11 29:24 51:6  
**stated** 53:5  
**statement** 10:8,13 11:12 42:24  
**statements** 4:25  
**states** 9:10  
**statewide** 13:21 41:10  
**status** 45:3  
**statute** 24:13  
**stenographer** 10:11,14  
**step** 46:22  
**Stewart** 42:17,17 43:5  
**stop** 48:21  
**storage** 43:15,17  
**storm** 37:16  
**strategy** 51:6  
**streams** 25:7  
**street** 18:6  
**strongly** 21:6  
**struck** 38:17  
**students** 39:12 40:19  
**study** 43:10  
**surgeon** 40:21  
**subject** 44:17  
**subjected** 42:23  
**submission** 6:8  
**submit** 33:10  
**submitted** 5:18,19,23 42:23  
**submitting** 30:16 38:16 45:8  
**subscribed** 53:10  
**subsequent** 18:22  
**sucking** 46:9  
**suffering** 33:5  
**Sullivan** 17:17  
**summarize** 21:6  
**Superfund** 45:20  
**support** 16:21  
**supports** 13:25  
**supposed** 51:16  
**sure** 6:21 11:10 15:6 27:2  
**surrounded** 33:2  
**Survey** 45:4  
**sustainability** 20:7  
**Sustainable** 20:2 29:15

---

**T**

---

**T** 37:3  
**T-R-U-M-A-N-N** 13:19  
**table** 18:14  
**take** 21:4 28:14 39:15 47:7  
**taken** 39:6,8  
**talking** 39:9  
**Tamsin** 12:12,13,14  
**Tanya** 2:14 22:8,9,11,14  
**target** 7:14  
**targeting** 15:6  
**tax** 25:5  
**Taylor** 2:15 15:25 16:11  
**Taylor's** 15:25 16:2  
**technical** 30:17 33:10

**telephone** 12:9 19:16 22:6 27:11  
 29:2  
**tell** 34:15  
**ten** 25:19  
**terawatt** 32:10  
**term** 26:13 27:2  
**terms** 23:20 27:6  
**tests** 39:6,8  
**th** 4:15  
**thank** 3:5,20 7:2,6 9:22,23 13:6  
 13:18 15:8,10 16:8,9 17:17,18  
 17:23 19:11,13 20:7 21:10,11  
 21:16 23:21,22 24:9 27:7,8  
 28:22,23 30:2,3,9 33:11,14,15  
 34:17,18,21 35:2 36:18,20,25  
 38:12,14 40:5,10 42:6,7,11  
 43:10,19,22 45:9,11,12 47:2,4  
 47:20 48:15,18 49:8,9 50:5,9  
 51:7,8,24,24  
**thanks** 34:22  
**That's** 6:9  
**thing** 26:2 28:15  
**think** 11:14 16:23 18:2,10 23:13  
 26:7 28:5 31:18 32:3,6,21  
 42:9 47:25  
**thirty** 17:24  
**thirty-five** 7:23  
**thousand** 40:19  
**three** 10:23,25 11:17,24 12:4,10  
 12:15 15:13,18,22 19:16 22:6  
 27:11 29:3 32:10 33:23 46:7  
**thresholds** 21:8  
**throughput** 25:22  
**Thursday** 6:4  
**time** 10:2,5,20 22:17 28:20 30:2  
 36:18,19 38:24 45:10 47:11  
 48:20 53:4  
**timer** 10:4  
**times** 25:21  
**tire** 41:6  
**Title** 30:22  
**today** 3:14 5:5,17 10:18 11:13  
 16:10 20:2,13 22:17 40:11  
 43:11 51:15,25  
**today's** 3:9 5:12 9:24 51:16  
**told** 39:23  
**Tom** 37:3  
**tomorrow** 6:2 49:24 50:2  
**tomorrow's** 6:6 51:15,22  
**tonnage** 18:7

**top** 21:13  
**topography** 32:2 39:7  
**touch** 29:8 30:18  
**town** 28:9 37:6 38:18,23 39:9,13  
 39:21,22,23 40:22 42:13,15  
**toxic** 36:8  
**track** 10:5 41:8,10  
**tracks** 9:8,9,10 31:2  
**tract** 17:3  
**tracts** 17:3,5  
**transcribe** 11:12  
**transcription** 53:6  
**transformative** 8:10  
**transition** 13:22  
**transitions** 34:10  
**transportation** 25:13 41:4 44:24  
**trash** 22:21  
**trees** 37:13  
**trivial** 26:5  
**trucks** 41:16 43:15  
**true** 53:7  
**Trumann** 2:8 12:17,19,22,23 13:2  
 13:4,8,11,14,17,19  
**Trumann's** 12:18  
**truth** 34:15  
**truthing** 14:3,12 19:3  
**try** 23:25 30:17 36:22  
**trying** 23:5 26:20  
**turn** 10:19  
**twelve** 6:4 30:24 50:2  
**twenty** 17:24  
**twenty-seven** 31:2  
**twice** 23:25  
**two** 3:16 9:25 10:7 17:13,24  
 19:2 21:15 25:2 28:12 40:19  
**two-minute** 10:4  
**twofold** 18:21  
**TYLER** 2:5  
**typewritten** 53:6

---

**U**


---

**unable** 43:8  
**unaddressed** 47:2  
**unclear** 31:10,12,13  
**underfunded** 8:24  
**underlying** 19:8  
**understand** 18:4 20:6 51:3  
**undoubtedly** 43:13  
**unemployment** 8:19  
**unfortunately** 42:23,25

**unintended** 18:4 19:3  
**unlimited** 46:4  
**unmute** 10:24 11:18 12:18,22  
 15:14,19,23 16:2 19:17,20  
 22:11 24:2 27:12 34:3 47:24  
 48:5,11  
**unmuted** 10:20 12:18,23 21:13,14  
 21:16 22:10 36:21 50:7  
**update** 15:4  
**updated** 28:7  
**urban** 14:21  
**urge** 14:7  
**use** 3:15 31:4,14 33:5

---

**V**


---

**V** 30:22  
**vacancy** 31:18 37:20  
**valid** 28:17  
**valley** 14:23 20:21 32:13,15  
 37:6,8 38:20 39:3,18,21 48:18  
**value** 9:4 25:5  
**various** 31:13 50:14  
**vegetation** 37:13  
**ventures** 27:20  
**VENUE** 1:7  
**versus** 18:15  
**Vic** 2:15 43:25 44:2,3  
**Victor** 44:5  
**village** 41:16,18  
**virtual** 5:17 20:12 49:24 51:15  
**Vision** 24:25  
**vital** 24:13  
**voices** 20:12  
**volunteer** 40:12  
**voted** 4:9 8:15 9:13,13  
**voting** 20:14  
**vulnerabilities** 9:7  
**vulnerability** 9:2 34:13  
**vulnerable** 37:25 40:21

---

**W**


---

**want** 14:22 18:6 20:7 24:11,17  
 32:21 33:19,20 35:14 36:2,12  
 38:9 43:10 47:22 48:18 49:13  
**wanted** 6:21 7:2 47:10 50:20  
 51:22  
**wanting** 45:9  
**wants** 33:18 47:22 48:3,3 51:12  
**warnings** 41:24  
**Warren** 51:19

**wash** 32:22  
**washing** 33:9  
**waste** 18:5 19:5 22:20 36:8 41:6  
 42:5  
**water** 46:2,13,25 49:3,4  
**watershed** 39:20,21  
**waterways** 48:23  
**Wawarsing** 48:17  
**Wawayanda** 27:21 28:9,11  
**way** 17:3,4 28:20 45:22 46:9  
 52:2  
**we'll** 19:20 21:23,23 27:15,15  
 33:10 47:8 48:11,11  
**we're** 9:24 16:20 23:5,18 25:16  
 25:20 35:24 38:17 39:18,20  
 46:20 47:7,14  
**we've** 11:2 25:3 26:7 31:6 34:20  
 41:5 47:6 51:18  
**Webex** 1:7 6:3 51:15  
**website** 6:12 39:23 50:4  
**weight** 5:24 31:13  
**weights** 41:14  
**Welch** 21:12,23  
**wellbeing** 30:15  
**went** 14:19 20:8  
**Westchester** 20:2,3,20 22:21  
 29:16  
**Westchester's** 22:21  
**western** 6:3 49:25 51:21  
**WHEREOF** 53:9  
**wholeheartedly** 40:24  
**wholly** 31:5  
**whopping** 41:22  
**wide** 23:15,15  
**Willsboro** 44:7  
**Wilson** 50:7,9,13,13  
**wind** 31:25  
**Wingdale** 38:18  
**wise** 27:3  
**WITNESS** 53:9  
**Witt** 2:4 5:9 6:19,20,25,25  
 26:24  
**work** 5:10 7:21 16:12,18 22:17  
 26:11 29:14 35:6 43:21  
**worked** 18:11  
**working** 4:6 8:12,22 9:12 13:5  
 14:2 20:8,14 21:7 24:19 26:24  
 35:5  
**writing** 45:11  
**written** 5:18,25 6:8 38:16 45:8

49:12,15,19	
<b>X</b>	<b>5</b>
	<b>50th</b> 18:6
	<b>52</b> 53:7
<b>Y</b>	<b>6</b>
<b>Yasmin</b> 15:15,17	<b>6/29/2022</b> 1:1 2:1 3:1 4:1 5:1
<b>yeah</b> 3:4 22:12 30:5 34:22	6:1 7:1 8:1 9:1 10:1 11:1
<b>year</b> 7:13,15 25:9,18	12:1 13:1 14:1 15:1 16:1 17:1
<b>years</b> 17:25 25:19 28:5 35:18	18:1 19:1 20:1 21:1 22:1 23:1
<b>York</b> 1:2 3:7,22,24 4:9 6:3,16	24:1 25:1 26:1 27:1 28:1 29:1
7:11,24 8:12 9:11 13:22 16:12	30:1 31:1 32:1 33:1 34:1 35:1
17:25 20:22 25:12 29:24 30:21	36:1 37:1 38:1 39:1 40:1 41:1
32:12 37:7 44:7,9 45:19 46:14	42:1 43:1 44:1 45:1 46:1 47:1
48:17,18 49:22,25 50:18,22	48:1 49:1 50:1 51:1 52:1 53:1
51:4,21 53:2	<b>625</b> 6:15 49:21
<b>York's</b> 4:6	<b>7</b>
<b>Yorkers</b> 13:20,24	<b>7</b> 4:16
<b>YouTube</b> 39:24	<b>7th</b> 5:19,21,24 49:16,18
<b>Z</b>	<b>8</b>
<b>zero</b> 24:23,23 46:7	
<b>zone</b> 16:25	<b>9</b>
<b>0</b>	
<b>1</b>	
<b>1</b> 53:5,7	
<b>1:10</b> 47:16	
<b>1:16</b> 47:16	
<b>1:23</b> 52:8	
<b>12:07</b> 1:6 3:2	
<b>12233</b> 6:16	
<b>1233</b> 49:22	
<b>14th</b> 6:15 49:22 53:10	
<b>1990</b> 7:13	
<b>2</b>	
<b>2018</b> 28:6 31:2	
<b>2021</b> 32:10	
<b>2022</b> 1:6 4:16 5:5,19,24 6:5	
53:10	
<b>2030</b> 7:16	
<b>2050</b> 7:13,18	
<b>29</b> 1:6	
<b>3</b>	
<b>30th</b> 6:4	
<b>4</b>	
<b>4th</b> 5:4	