

1 Public Comment Hearing - 6-10-2022

2 STATE OF NEW YORK

3 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

4 Notice of public hearing to accept comments on the  
5 Draft Disadvantaged Communities Criteria

6 PUBLIC COMMENT HEARING

7 DATE: June 10, 2022 at 6:03 p.m.

8 LOCATION: GRACE BAPTIST CHURCH

9 52 South 6th Avenue

10 Mt. Vernon, New York 10550

11 BEFORE: A.L.J. DANIEL O'CONNELL

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18 Reported by Hannah Belair

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2 APPEARANCES:

3 ALANAH KEDDELL-TUCKEY, D.E.C. Representative

4 SPEAKERS:

5 CLARENCE YOUNGS

GWYNNE YOUNGS

6 LISA BURTON

DR. STEVEN ITZKOWITZ

7 DIANA KAYE WILLIAMS

MYRON ALEXANDER

8

NINA ORVILLE

ALEX DUBRO

9

ELLEN WEININGER

10 RAYA SALTER

PAUL PRESENDIEU

11 ALEJANDRO ALVAREZ

DWAYNE MORRIS

12 CHINYERE OSUALA

CARMEN SANTOS

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2 (The hearing commenced at 6:03 p.m.)

3 THE REPORTER: We're on the record.

4 A.L.J. O'CONNELL: I'm sorry. I have  
5 to turn this on, as well. Thank you. We'll go on  
6 the record, please.

7 Good evening. My name is Daniel  
8 O'Connell. I'm the administrative law judge from the  
9 New York State Department of Environmental  
10 Conservation Office of Hearings and Mediation  
11 Services. I will be presiding over today's public  
12 comment hearing to receive public comment input about  
13 the Draft Disadvantaged Communities Criteria.

14 On behalf of the Department and the  
15 New York State Energy Research and Development  
16 Authority, often called NYSERDA, I would like to  
17 thank you for joining us at this hearing and for  
18 participating in this important process.

19 The Department, in partnership with  
20 NYSERDA, is holding eleven public comment hearings  
21 across New York State to receive public input on the  
22 Draft Disadvantaged Communities Criteria and finalize  
23 the criteria that will be used to implement  
24 requirements outlined in the State's Climate  
25 Leadership and Community Protection Act. Tonight's

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2                   hearing is the fifth in a series of eleven hearings  
3                   scheduled in May and June.

4                   New York's Climate Justice Working  
5                   Group, which consists of representatives from  
6                   environmental justice groups from across the state,  
7                   as well as New York State agency representatives,  
8                   voted in December to release the draft criteria for  
9                   identifying disadvantaged communities for public  
10                  review and comment.

11                  The draft disadvantages -- I'm sorry -  
12                  - the Draft Disadvantaged Communities Criteria public  
13                  comment period began in March and will end on July  
14                  7th, 2022. The criteria can be found at the website  
15                  climate C-L-I-M-A-T-A -- T-E dot NY dot gov. The  
16                  criteria are based on geographic, public health,  
17                  environmental hazard, and socioeconomic factors.

18                  Once approved, the criteria will be  
19                  used to meet the requirements outlined in the Climate  
20                  Act to reduce pollution and greenhouse gas emissions,  
21                  as well as to inform regulatory impact statements and  
22                  the State's clean energy and energy efficiency  
23                  investments.

24                  Notice of the hearing was published in  
25                  the Department's Environmental Notice bulletin on May

1                   Public Comment Hearing   -   6-10-2022  
2                   4, 2022.  Assisting me today with the hearing are  
3                   members from the D.E.C. Office of Communication  
4                   Services.

5                   I'd now like to introduce the director  
6                   of the Department's Office of Environmental Justice,  
7                   Alanah Keddell-Tuckey, who will give a brief overview  
8                   of the work completed to date and the draft criteria.

9                   MS. KEDDELL-TUCKEY:  Good evening,  
10                  everyone.  My name is Alanah Keddell-Tuckey and I'm  
11                  the director for the Office of Environmental Justice  
12                  at the Department of Environmental Conservation.  
13                  Apologies for reading this off a paper, but it's a  
14                  lot of words and I have not memorized it all  
15                  completely just yet.

16                  I'm also the chair for the State's  
17                  Climate Justice Working Group.  And I want to start  
18                  off by thanking everyone for joining us for this  
19                  public hearing on the Disadvantaged Communities  
20                  Criteria.

21                  The Climate Act is the nation's most  
22                  ambitious climate change related legislation.  Its  
23                  goal to reduce New York State's greenhouse gas  
24                  emissions from all human activities by a hundred  
25                  percent over 1990 levels by the year 2050 with an

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2           incremental target of at least forty percent  
3           reduction of greenhouse gases by the year 2030.

4                   At least eighty-five percent of those  
5           reductions by 2050 must come from preventing the  
6           release of greenhouse gases. The remaining fifteen  
7           percent may come from carbon removal projects such as  
8           conserving soil, growing forests, and restoring  
9           wetlands.

10                   Implementing the Climate Act will  
11           create opportunities to build a better future. To  
12           ensure this work also advances Climate Justice. The  
13           Climate Act mandates that at least between thirty-  
14           five percent to forty percent of all benefits of New  
15           York State spending on clean energy accrue in  
16           disadvantaged communities.

17                   State agencies are also required to  
18           prioritize greenhouse gas emissions and coal  
19           pollutant reductions in disadvantaged communities.  
20           This includes the Department of Environmental  
21           Conservation, in the drafting of regulations, to meet  
22           greenhouse gas emissions limits -- limits required by  
23           the Climate Act.

24                   The identification and prioritization  
25           of disadvantaged communities in the accounting for

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2           benefits of cutting pollution and improving  
3           resilience is what makes our Climate Act a  
4           transformative law.

5                   To identify the disadvantaged  
6           communities in New York, the Climate Justice Working  
7           Group was guided by the language in the Climate Act  
8           in identifying disproportionately burdened  
9           communities. They voted to include forty-five  
10          indicators, including data on environmental hazards,  
11          climate change risks, public health issues,  
12          geography, and socioeconomic factors like race,  
13          income, education levels, unemployment rates, and  
14          housing conditions.

15                   Additionally, the Draft Disadvantaged  
16          Communities designations are reflective of the  
17          working group, their lived experiences, and the lived  
18          experiences of the residents of these historically  
19          overburdened and underfunded communities.

20                   Each census tract is scored based on a  
21          relative burden, risk, vulnerability, or sensitivity.  
22          Specifically, the percentile ranks of the indicators  
23          for each census tract are combined to produce a value  
24          that measures a census tracts relative level of  
25          environmental burdens and climate change risks, as

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2                   well as population characteristics and health  
3                   vulnerabilities relative to other tracts.

4                   Tracts with higher scores relative to  
5                   other tracts in the state or their region were  
6                   identified as disadvantaged communities. The working  
7                   group also voted to include low-income households  
8                   with incomes at sixty percent of the state median  
9                   income as disadvantaged for the purposes of benefits  
10                  and investments.

11                  So based on these criteria, and you'll  
12                  see from the maps that are up front, the mid-Hudson  
13                  has the second highest number of disadvantaged  
14                  communities, with fifty-four percent of the  
15                  households in the region meeting the criteria.

16                  The Climate Justice Working Group  
17                  worked on these criteria and -- for about twenty  
18                  months. For those who were watching the meetings, it  
19                  was a long and somewhat arduous process. There was a  
20                  lot of arguing and a lot of fighting. But  
21                  eventually, we did come to consensus on the  
22                  disadvantaged communities criteria.

23                  This is a labor of love and a labor of  
24                  determination and we really appreciate everyone  
25                  coming out here to comment on the disadvantaged



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2                   communities criteria.  And we encourage you to also  
3                   submit comments through the mail.  We definitely want  
4                   to hear from everyone.

5                   We want to make sure that we're doing  
6                   this right.  And I also want to make sure that  
7                   everyone knows, even when we finalize the criteria,  
8                   it's not final.  We will be reviewing this every year  
9                   to make sure that we got it right.  So if anybody has  
10                  suggestions after this, you are welcome to give them.  
11                  We are always listening.  Thank you.

12                  A.L.J. O'CONNELL:  Thank you very  
13                  much.

14                  Today's public comment hearing is not  
15                  a question-and-answer session.  Rather, the purpose  
16                  is to collect public comments about the proposed  
17                  disadvantaged communities criteria.

18                  In addition to speaking at one of the  
19                  eleven public comment hearings, people may also file  
20                  written comments.  You can email comments to DAC  
21                  comments at DEC dot NY dot gov.  Now I'd like to  
22                  mention there's no space between DAC comments.  So in  
23                  order to be sure that your comments go to the right  
24                  email address, you have to keep it all one word,  
25                  dacomment, D-A-C-C-O-M-M-E-N-T-S, at DEC dot NY dot

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2 gov.

3 And if anyone wants to check that  
4 email after the proceeding, please let me know and  
5 I'll be happy to show it to you. All comments must  
6 be submitted by email -- that are submitted by email  
7 must be received by the Department before five p.m.  
8 on July 11th, 2020.

9 Written comments may also be sent by  
10 regular mail. They must be postmarked by July 7,  
11 2022. Send written comments to draft dacommentts at  
12 the New York State Department of Environmental  
13 Conservation, attention Office of Environmental  
14 Justice, 625 Broadway, 14th floor, Albany, New York  
15 12233.

16 Equal weight is given to written and  
17 oral comments that are received. As outlined in the  
18 notice, comments will be limited to two minutes.  
19 Please be respectful of that time. If you have not  
20 completed your remarks after two minutes, I will ask  
21 you to conclude your remarks.

22 If you're speaking on behalf of  
23 someone or a group, please identify who you're  
24 representing. When you make your statement, please  
25 speak slowly and clearly. All comments this evening

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2                   are being recorded by a court stenographer.  If we  
3                   cannot hear you, there's a risk that your statement  
4                   will not be recorded accurately.

5                   I'm also advised that we have Spanish  
6                   interpreters available by telephone with Language  
7                   Line and we've made arrangements to assist those who  
8                   require assistance.

9                   So our first speaker tonight, and I'd  
10                  like this person to come up to the microphone,  
11                  please, is Clarence Youngs.

12                  MS. YOUNGS:  He stepped out.

13                  A.L.J. O'CONNELL:  Okay.  So how about  
14                  Gwyne Youngs?

15                  MS. YOUNGS:  That's me.

16                  A.L.J. O'CONNELL:  Okay.  I'll hold  
17                  his card when he comes back.

18                  MS. YOUNGS:  Okay.  Hello.  My name is  
19                  Gwyne Youngs and I'm here to just address the  
20                  flooding issue that's happening in Mount Vernon.  I  
21                  have several things I wanted to talk about.  One is  
22                  the county had prepared -- had planned to build a  
23                  walkway along the Bronx River from -- I guess from  
24                  Wilson's Wood Lake all the way to Sanford Boulevard.

25                  They started, but they never finished.

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2 So the walkway that was proposed is now -- it's a  
3 garbage dump. Nobody cleans it up. They have fallen  
4 trees there, bottles, cans, everything along the  
5 Bronx Hutchinson River, along Beachwood Avenue and  
6 Farrell.

7 The banks along the river are very  
8 low. So every time there's a flash flood, or a  
9 hurricane, or a nor'easter, anything that says a lot  
10 of rain, the water comes down Farrell Avenue, down  
11 Beachwood, and the sewer system is not capable of  
12 collecting the water fast enough. So as a result, it  
13 -- it goes into my backyard, into my basement, into  
14 my family room, all on the basement floor.

15 We've had the place gutted after Ida -  
16 - gutted with new walls, new everything. And just  
17 now, June 2nd, the flood happened again. So all the  
18 water came in again. I have pictures that I'm going  
19 to submit electronically to show you the damage that  
20 keeps happening. And it's happening more and more as  
21 climate change gets worse.

22 And it's mainly Farrell Avenue because  
23 it's collecting the water from two different areas.  
24 In the front of the house, the water comes because  
25 the sewers can't handle it. In the back of the

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2                   house, the water is coming from the river and they're  
3                   meeting right at the bottom of our house.  And it's  
4                   the whole block; it's not just my house.  Okay?  So I  
5                   was hoping that this would be the place to address  
6                   the issue and I wanted to have it on record that we  
7                   spoke about it.

8                                   Look at that.  Perfect timing.

9                                   A.L.J. O'CONNELL:  Thank you.

10                                  So Ms. Youngs, I just want to be sure  
11                   that our transcript is accurate.  Can you spell  
12                   Farrell Avenue?  Is it F-A-R-R-E-L; is that --?

13                                  MS. YOUNGS:  Two L.s.

14                                  A.L.J. O'CONNELL:  Two L.s at the end.  
15                   Good.  Thank you.

16                                  So I have your card here for your  
17                   husband when he returns.

18                                  Lisa Burton is our next speaker.

19                                  MS. BURTON:  Hi; my name is Lisa  
20                   Burton.  I live in New Rochelle.  And I want to thank  
21                   you all for coming down to us because we, in  
22                   Westchester, have so many issues.  We have issues of  
23                   flooding from the Hudson.  We have issues of flooding  
24                   from the Sound.  We have issues of flooding from the  
25                   Bronx River, the Sprain Brook, the Hutch, anything

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2                   that has a sprain -- a river name in it, you know not  
3                   to drive on when it rains.

4                   And when you talk about disadvantaged  
5                   communities, number one, we really should be talking  
6                   about sacrifice zones, because these are the  
7                   neighborhoods that have consistently, through  
8                   redlining, through urban renewal, through we want a  
9                   mall, to we don't give a crap what's going on in your  
10                  neighborhood, have been ignored by state and local  
11                  government.

12                  So my question and my statement really  
13                  is how are we going to actualize these plans?  
14                  Because they sound great. It sounds great that we're  
15                  going to have all these new buildings in -- in  
16                  Yonkers and in New Rochelle for affordable housing,  
17                  but none of the people who live in the community can  
18                  afford to live there.

19                  So if this is going to be a plan so  
20                  that people who live in the waterways have lovely  
21                  views, and the people who live in the projects will  
22                  have to move or who will be still trapped in heat,  
23                  you know, zones, then what is the point?

24                  At the Commission for Women, this year  
25                  in March, this wonderful woman from India talked

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2                   about how they have their young people involved in --  
3                   in their climate crisis.  And they have schools and  
4                   think tanks that include the community in the  
5                   solution.  I would like us to start there, as well.  
6                   Thank you.

7                   A.L.J. O'CONNELL:  Our next speaker is  
8                   Eric Itzkowitz.  Did I get that right?

9                   MS. ITZKOWITZ:  No.

10                  DR. ITZKOWITZ:  Yes, that's my wife.  
11                  Is it okay if I take her spot?

12                  A.L.J. O'CONNELL:  I see.  Erika.  If  
13                  you would just your first name, please?

14                  DR. ITZKOWITZ:  Yes.  Hi, I'm taking  
15                  my wife's time.  My name is Dr. Steven Itzkowitz.

16                  A.L.J. O'CONNELL:  Thank you.

17                  DR. ITZKOWITZ:  I live in New  
18                  Rochelle.  I'm a physician and I practice in East  
19                  Harlem.  And when I heard about this meeting, what  
20                  resonated for me was the impact of -- of climate on  
21                  disadvantaged communities, particularly, I work in  
22                  the inner city, but I live in New Rochelle, and the  
23                  same impact occurs here.

24                                 There's nothing -- nothing more  
25                                 frustrating than seeing a child come in with an

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2           asthma attack again, and again, and again, we don't  
3           get at the root of the problem.  And it's clear that  
4           the so-called disadvantaged -- disadvantaged  
5           communities are a product of redlining, which is a  
6           historic legacy that, unfortunately, we still bear  
7           the burden of.

8                   I commend you for finally trying to  
9           tackle this issue.  It's a difficult one.  But I do  
10          want to implore, as we go forward, that, you know,  
11          the people closest to the pain should be closest to  
12          the power or at least closest to the voice.  And I  
13          feel that a lot of communities that are disadvantaged  
14          have been disempowered.  They are voiceless.  People  
15          do not listen to them.

16                   And I just hope that with this effort  
17          that the community, not only is heard, but actually  
18          has some voting power, if you will, or some degree of  
19          input on really the outcome because what I -- what I  
20          see most often is people talking about things,  
21          eliciting responses from the community, but then the  
22          community is marginalized when it comes to the final  
23          decision making.  So thank you for your attention.

24                   A.L.J. O'CONNELL:  Thank you.

25                   THE REPORTER:  Mr. O'Connell, can you



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2 ask if Steven is V or P-H?

3 A.L.J. O'CONNELL: Sure. Is your  
4 first name V or Ph?

5 DR. ITZKOWITZ: V.

6 A.L.J. O'CONNELL: V.

7 THE REPORTER: Thank you.

8 A.L.J. O'CONNELL: Thank you.

9 Mr. Youngs -- Clarence Youngs, please?

10 MR. YOUNGS: Good evening. I'm a  
11 resident of Mount Vernon. And I'm here tonight, and  
12 I'm sorry and disappointed that there aren't more  
13 people here. But I would like to say that Mount  
14 Vernon has been overlooked by the state and by the  
15 county, especially in terms of like environmental  
16 concerns.

17 Environmental concerns and hazards are  
18 -- concern all the people who live here in Mount  
19 Vernon, me, particularly because I've been flooded  
20 out at least three times in the past two years.

21 And it's like, this is just the  
22 beginning of the summer, and more is coming. And we  
23 know that the environment is changing, the weather is  
24 changing, and that we have to do something about it.  
25 But I don't see anything being done.

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2 And what's particularly annoying me is  
3 that, like, we talk about it, we talk about it. It's  
4 like some of those Sunday morning programs. You hear  
5 people talking about the problems, they talk about  
6 the problems, and the program goes off the air.

7 And we're discussing, we're talking,  
8 and it's like when we leave from here, I want to know  
9 that something is going to be done. It's like, you  
10 know, to talk and talk, it doesn't make sense. We  
11 have to do something. We have to stop the continuing  
12 flooding, the environmental pollution that's  
13 affecting kids with asthma, affecting their health,  
14 affecting seniors with breathing problems.

15 It's not just enough to talk about it.  
16 We have to do something about it. And if we don't,  
17 then it's like the population will continue to  
18 dwindle, and not just here in Mount Vernon,  
19 throughout the state because the environmental  
20 problems concern all of us.

21 And I remember when I was in college  
22 in 70s, we were talking about environmental problems,  
23 race problems, all kinds of problems. Environmental  
24 problems seem to be low on the totem pole. And now  
25 it's gotten higher. We've got to do something about

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2                   it and we've got to do something about it soon, and  
3                   we've got to do something about the flooding here in  
4                   Mount Vernon.  Thank you.

5                   A.L.J. O'CONNELL:  Thank you.

6                   Diana Kaye Williams?

7                   MS. WILLIAMS:  Good evening.  My name  
8                   is Diana Williams.  I'm a resident of Mount Vernon  
9                   and a climate activist in Mount Vernon.

10                   I'm often saddened when I hear these  
11                   designations given to communities of color, and that  
12                   it's supposed to mean something to help the  
13                   communities, when what actually happens is that the  
14                   designation is made and everybody swarms in, makes  
15                   money off the -- this -- this -- this funds that come  
16                   in, and the community of color or the disadvantaged  
17                   communities are left in the same state that they were  
18                   before.

19                   And we've seen it happen time and time  
20                   again.  Recent history with the clean heating and  
21                   cooling program is that there were funds available  
22                   for heat pumps.  And many people from outside this  
23                   community came into the community, made money,  
24                   devastated some family owners because the heat pumps  
25                   were installed improperly, and now someone made money

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2 and the residents who are supposed to get something  
3 out of these funds did not get it.

4 And I am just concerned that this will  
5 happen again. This will be something else where  
6 people in disadvantaged community gets -- they get  
7 ripped off.

8 I think that it's important to invite  
9 people who are businesses to be part of this -- these  
10 initiatives so that they can help to control some of  
11 the funds that are being spent in our communities.

12 I'm also concerned about the number of  
13 people who are undocumented immigrants that are  
14 undercounted in these lists or designations. And we  
15 still don't know what the number of people who are  
16 disadvantaged in our own community.

17 Thank you very much. That's all I  
18 have to say. Thank you.

19 A.L.J. O'CONNELL: Thank you.

20 Our next speaker is Myron Alexander.

21 MR. ALEXANDER: Good evening; my name  
22 is Myron Alexander. I am a Mount Vernon resident,  
23 and also a business owner in the green tech industry.  
24 I'd like to thank you for your time and this  
25 opportunity to voice my concerns.

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2 As I said, I've been in the green tech  
3 industry for approximately nine years. And I'd like  
4 to talk a little bit about disadvantaged communities,  
5 the subject at hand. But what I see this happening  
6 in terms of environmental hazards, it's been  
7 confirmed by a number of people here already in the  
8 audience, which is a connected issue that I'd like to  
9 address is the historic lack of investment and  
10 contracting opportunities for companies of color with  
11 regards to addressing these issues.

12 As you may or may not know, in 2016,  
13 Mason Tillman was hired by then Mario -- not Mario --  
14 Andrew Cuomo to do a disparity study and discovered  
15 that New York was deemed deficient in its contracting  
16 practices with communities and with businesses of  
17 color throughout the state.

18 Why am I mentioning this? I think  
19 it's impossible to separate the lack of contract  
20 opportunities with M.W.B.E.s from the economic,  
21 social, and environmental wellbeing of a community.  
22 If the -- we cannot talk about the economics,  
23 environmental justice or diversity equity inclusion,  
24 if you're not actually working with those companies  
25 at hand that are from those communities or nearby

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2 those communities that have the expertise -- excuse  
3 me -- to address your concerns.

4 My concern and fear is that if this is  
5 not done as a part of your criteria, that we will go  
6 down the same road as we did with the digital divide  
7 and we will have yet another case where you have  
8 extreme haves and have-nots in the green tech  
9 industry, and we'll yet again revisit this issue  
10 again, but then it'll be a lot more severe.

11 So thank you for your time. I look  
12 forward to hearing back.

13 A.L.J. O'CONNELL: Thank you very  
14 much.

15 Nina Orville?

16 MS. ORVILLE: Good evening. I'm Nina  
17 Orville. I'm the executive director of the  
18 nonprofit, Sustainable Westchester. I want to thank  
19 the Climate Justice Working Group for all of the  
20 extensive analysis that went into creating the  
21 Disadvantaged Communities Criteria.

22 At Sustainable Westchester, we  
23 understand that equity is the foundation for  
24 sustainability. We're working to ensure that  
25 environmentally burdened and vulnerable communities

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2                   are in the foreground of the Clean Energy transition  
3                   by expanding access to solar savings, clean heating  
4                   and cooling solutions, clean transportation options,  
5                   and more through partnerships with municipalities and  
6                   community groups.

7                   Westchester County is sometimes  
8                   perceived as being uniformly affluent and, therefore,  
9                   is sometimes excluded from statewide and federal  
10                  funding sources that are designed to benefit  
11                  distressed communities. We, therefore,  
12                  enthusiastically support the deep equitable data-  
13                  driven draft criteria created by the Climate Justice  
14                  Working Group.

15                  There's one area, however, where we  
16                  think it can be improved. And that is the second  
17                  part of the criteria, which addresses low to moderate  
18                  income households who live outside of the designated  
19                  disadvantaged communities.

20                  Instead of using a statewide threshold  
21                  for income, we think that area median income should  
22                  be taken into account because of the disparities in  
23                  the cost of living in community -- in areas like  
24                  Westchester compared to some other parts of the  
25                  state.

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2 The annual cost of living in  
3 Westchester County is approximately twenty-five  
4 percent higher than in many other areas of the -- the  
5 state. So instead of assessing Westchester County  
6 residents based on sixty percent state median income  
7 threshold, we recommend that they use the sixty  
8 percent of the area median income to best identify  
9 and serve financially distressed households. Thank  
10 you.

11 A.L.J. O'CONNELL: Thank you.

12 Alex Dubro? Thank you.

13 MR. DUBRO: I can start?

14 A.L.J. O'CONNELL: Yes, go ahead.

15 Thank you.

16 MR. DUBRO: So I want to build on what  
17 Lisa and Diana said, and also, I'm going to mention  
18 Gwyne, as well. I'm not going to step on anyone else  
19 because everyone is saying things that I really don't  
20 have the space to say. It's not my -- it's not my  
21 space. But I want to talk on three themes.

22 So first of all, the document itself  
23 is eighty pages, and we talk about one translation?  
24 And two, readability for people who might not  
25 necessarily have graduated high school. Make this



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2                   readable and accessible.  It's unacceptable.  I can't  
3                   -- I can't even believe it.  I had to go through the  
4                   document and read it myself.  And I have a master's.  
5                   That's number one.

6                                   Number two, the criteria can change.  
7                   And that leads into three -- number three.  So a  
8                   hundred seventy were considered and I want to talk  
9                   about some of the ones that I believe we should be  
10                  really considering further.

11                                   So when it comes to environmental and  
12                  climate change burdens and risks, either you have it  
13                  all, or you don't have any, whatsoever.

14                                   So when you start talking about  
15                  benzene, for instance, why are we not talking about  
16                  volatile organic compounds, because volatile organic  
17                  compounds are created in the creation and production  
18                  of fossil fuels.  And that could be used to what we  
19                  call demonstrate improvements of air quality as the  
20                  use of fossil fuels decreases in the state.  With  
21                  benzene, I didn't really understand why that wasn't  
22                  included.

23                                   We talk about water discharge.  Why  
24                  aren't we talking about water quality?  We're talking  
25                  about vegetative cover.  Why aren't we talking about

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2                   tree canopy?  We're talking about -- well, actually,  
3                   no, we're not talking about physical infrastructure  
4                   whatsoever.

5                                    So where are we going when it comes to  
6                   how often is it being -- so that goes back to what  
7                   Gwyne was saying, how often is someone being flooded?  
8                   How often is it being updated?  How often is their  
9                   home -- how much are they paying for repairs?  All  
10                  these different things, it just doesn't really make  
11                  much sense to me.

12                                   I thank you for your time and -- thank  
13                  you.

14                                   A.L.J. O'CONNELL:  Thank you.

15                                   Ellen Weininger?

16                                   MS. WEININGER:  Good evening.  Thank  
17                  you for this opportunity.  My name is Ellen  
18                  Weininger.  I'm director of educational outreach at  
19                  Grassroots Environmental Education, a national  
20                  science based environmental health, nonprofit.

21                                   We're here not to speak for  
22                  communities.  We're here, grassroots, to stand in  
23                  strong support and in strong solidarity with Black  
24                  and Brown communities, disadvantaged communities  
25                  across Westchester.  Everyone deserves a voice, a

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2                   permanent seat at the table.  And when decisions are  
3                   made or a -- funding decisions and all decisions.

4                                 We've worked with many communities.  
5                   And these communities have higher rates of asthma,  
6                   cancer, heart disease, and other problems, which are  
7                   well documented.  The rate -- this region does not  
8                   meet air quality standards and scores an F from the  
9                   American Lung Association.  That only adds to the  
10                   distress.

11                                Environmental racism must be  
12                   addressed.  Please start by implementing intensive  
13                   zero waste strategies and policies and close all ten  
14                   trash incinerators in New York, including the  
15                   Wheelabrator which is located right here in  
16                   Peekskill, a designated environmental justice  
17                   community by the D.E.C. and it is the number one  
18                   polluter here in Westchester.

19                                Burning waste releases vast amounts of  
20                   greenhouse gases and pollutants that contaminate our  
21                   air, soil, water, and harm our health and climate.  
22                   Incinerators release more toxic pollution and carbon  
23                   dioxide than coal-fired power plants.  It --  
24                   incineration is inconsistent with a circular economy  
25                   and climate targets.

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2 We thank you for this opportunity. We  
3 have other comments to add and we will submit them.  
4 And we strongly urge your attention to all voices.  
5 Thank you.

6 A.L.J. O'CONNELL: Thank you.

7 Raya Salter?

8 MS. SALTER: Okay. Hi; my name is  
9 Raya Salter.

10 A.L.J. O'CONNELL: Thank you.

11 MS. SALTER: I live in New Rochelle.  
12 Thank you for this opportunity to comment on the  
13 Disadvantaged Communities maps. I'm also a member of  
14 the New York State Climate Action Council and have  
15 worked closely with the Climate Justice Working Group  
16 as they have been developing these criteria and doing  
17 other work.

18 It's good that you have looked at  
19 historic racism and disinvestment in New York. Now  
20 your work has shown us, in black and white, what we  
21 pretty much always knew that too many of our  
22 communities have become toxic due to historic  
23 disinvestment and environmental racism.

24 Your maps show that forty-five percent  
25 of the mid-Hudson Region, including Mount Vernon

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2           where I stand now, have high levels of pollution that  
3           is causing asthma, heart attacks, premature death,  
4           and low birth weight. Our communities are full of  
5           heavy industry, traffic, and poison from benzene and  
6           wastewater. This is killing us and hurting the  
7           children and the elderly most of all.

8                   Your maps are clear. This is  
9           disproportionately happening to Black, Hispanic,  
10          Asian, Indigenous, and poor people. If you are a  
11          Black or Brown person in Westchester, the odds are  
12          that your water is unsafe, your air is not fit to  
13          breathe, and with every storm, the risk of losing  
14          your home increases.

15                   So in pursuit of environmental  
16          justice, I ask you do the following. Make sure that  
17          our communities have a seat at the table as this  
18          money is spent. Show us the money. Make sure there  
19          is complete transparency on how funds have been  
20          spent. Take care to inspect census tracts and  
21          numbers generally, to ensure that wealthy enclaves in  
22          disadvantaged communities -- and we need to find  
23          another term because nobody wants to be called the  
24          disadvantaged communities -- don't get  
25          disproportionate funds.

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2 And also, in addition to investment,  
3 make a clear plan for enforcement and remediation of  
4 what we have established here, which is environmental  
5 injustice. Thank you very much.

6 A.L.J. O'CONNELL: Thank you.

7 Paul Presendieu. You may, yes --  
8 yeah.

9 MR. PRESENDIEU: Hello, everyone. My  
10 name is Paul Presendieu, resident of New Rochelle. I  
11 wear a couple of hats. I'm up here on an  
12 extracurricular lens. I'm currently the global  
13 ambassador for United Nations Foundation for the  
14 Thirteenth Sustainable Development Goal Climate  
15 Action.

16 It has been a remarkable experience  
17 meeting with people from all over the world and  
18 hearing what they're going through and systematically  
19 how they got there. But what hurts is when I found  
20 out it's happening here in Westchester County when  
21 Raya share the disadvantaged communities map and the  
22 history of how this developed.

23 I'm pretty sure you did the research,  
24 right, about historical redlining, the way that we  
25 put communities not into the positions to have the

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2                   resources that they have, the way that people cannot  
3                   have the infrastructure to properly fund their school  
4                   districts, how they cannot have ... to properly ...  
5                   sewage infrastructure.

6                   So I'm happy you guys all did that  
7                   research, which is why you're here. But it took a  
8                   lot of grassroots organizing that was not necessary.  
9                   This should already have been on the radar. This  
10                  should already be happening.

11                  And if we're going to really do what  
12                  needs to be done of having a local movement that's  
13                  going to kick off to save people in Bangladesh and  
14                  making schools on floating water, and we can't do it  
15                  here despite all the rebates and incentives that we  
16                  have in New York State, then it's pretty much game  
17                  over; right?

18                  But it's okay, because you guys have  
19                  all done the research and we're working to -- we're  
20                  looking forward to working with all of you, because  
21                  we're going to make sure that no one gets behind --  
22                  left behind.

23                  Because if you don't do it here in  
24                  Westchester County, when people like Raya live in our  
25                  communities, Lisa Burton living here, you know, we

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2           got some really terrific allies, Myron talked about  
3           biodigestion technology that can really offset our --  
4           our footprint for waste hauling services, we're just  
5           talking in a garden club then.

6                   But yeah, thank you, all of you.  
7           You're all the leaders. Thank you for taking time.  
8           This would be so much more if chairs filled up. But  
9           we're here and that's what's important, because we're  
10          all talking and we all know the history of how we got  
11          here. Thank you all of you.

12                   A.L.J. O'CONNELL: Thank you.

13                   Alejandro Alvarez?

14                   MR. ALVAREZ: So my name is Alejandro  
15          Alvarez. I'm co-founder of Soulful Synergy. I'm a  
16          New Rochelle resident, but we do a lot of work in --  
17          in Westchester -- in Mount Vernon. We run a lot of  
18          construction-based training programs, and our goal  
19          has always been to find -- to find the necessary  
20          resources to bridge those gaps. Right?

21                   And when we created Soulful Synergy,  
22          we -- we followed the proverb, right, that we don't  
23          inherit this earth from our ancestors, we're  
24          borrowing it from our future generations, right. And  
25          understanding sustainability coming -- I'm from



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2 Colombia, coming from a place where --.

3 UNIDENTIFIED SPEAKER: ...

4 MR. ALVAREZ: I'm from Colombia and a  
5 place where resources have been so limited, right,  
6 and then coming back home and being here and seeing  
7 that level of limit, even here in the United States,  
8 is heartbreaking, right.

9 And sustainability means there is  
10 enough for everyone. That means it's not the  
11 conversation of maybe we can give this much and how  
12 much. No. It's everyone has the opportunity to --  
13 to have what they need to sustain in the pursuit of  
14 happiness, right.

15 So for us here and what we -- what  
16 we're asking and what we want to -- to portray is  
17 just the need of support and understanding that Mount  
18 Vernon is a gem. All I -- I've been hearing a lot  
19 about the shortcomings of Mount Vernon, but Mount  
20 Vernon is a gem. There's so much to offer.

21 There's M.W.B.E.s, there's  
22 contractors. Contractors need to be trained up.  
23 They need to understand the NYSERDA -- the NYSERDA  
24 process. They need to understand how to become an  
25 M.W.B.E. They have to understand how to even apply

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2                   to R.F.P.s.  What are an R.F.P.?  What is a ...?  
3                   Right?

4                                 All these things are necessary for the  
5                   talent of Mount Vernon to excel, right.  And being  
6                   able -- and also looking to -- looking to other parts  
7                   of the -- the county to create energy for Mount  
8                   Vernon is going to be the detrimental to you all,  
9                   right.

10                                You have rooftops.  You have parking  
11                   lots.  You should be the center of energy creation,  
12                   and it should not be coming from other parts of the  
13                   county and costing Mount Vernon more.  Thank you very  
14                   much.

15                                A.L.J. O'CONNELL:  Dwayne Norris?

16                                MR. NORRIS:  Good afternoon, ladies  
17                   and gentlemen.  Really great to be here.  Raya, thank  
18                   you for your advocacy for making sure that this event  
19                   happened here downstate and making sure that Mount  
20                   Vernon had a voice in this process.

21                                My business partner, Alejandro, he and  
22                   I developed Soulful Synergy because we saw a lot of  
23                   gaps.  You know, our work has really been focused on  
24                   social equity with a lens through workforce  
25                   development.  We want to make sure that people are

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2                   trained for the jobs of the future.  And clean energy  
3                   is the present and the future.

4                   We run a clean energy training program  
5                   that is funded by NYSERDA in partnership with Con  
6                   Edison, with the goal of diversifying this labor  
7                   force.  There's a lot of need for labor to make sure  
8                   that our buildings are more energy efficient, that we  
9                   have clean air, that we have heat pumps, that we have  
10                  proper technology that's making sure that our  
11                  environment is good.

12                  But the -- the labor force does not  
13                  represent the community currently, and so we've been  
14                  focused on diversifying that.  When they talk about  
15                  this forty percent of investments coming from the  
16                  C.L.C.P.A., one of our big things is who's going to  
17                  get to do that work.

18                  What type of contractors are being  
19                  implemented, and who's being hired from the local  
20                  community to ensure that that labor is being done  
21                  because that's the economic part, right.  It's nice  
22                  that there's going to be investments in these  
23                  communities to do solar, to do green roofs, or to do  
24                  community gardens or to retrofit buildings.  But  
25                  who's being hired to do that work and how that

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2           economic impact is going to benefit the community is  
3           a big part of my efforts, my goal.

4                   So I would love to see that there's  
5           something written in this -- in this plan that talks  
6           about the number of M.W.B.E. contractors, not a  
7           target thirty percent, but an actual hard number.  
8           Not -- we know -- we know that utilization rates are  
9           very low and most of the utilization rates among --  
10          amongst M.W.B.E.s is White women. We want to see  
11          more Black and Brown contractors being contracted to  
12          be primes on these projects.

13                   We want to see local hiring.  
14          Westchester I.D.A. recently released a requirement  
15          that any funded project from the I.D.A. have an  
16          eighty-five percent target for local hiring and  
17          thirty-five percent specifically from here -- from  
18          Westchester.

19                   We should see something similar in the  
20          C.L.C.P.A. where disadvantaged communities are being  
21          contracted to do the work, that local people are  
22          being hired to do the work, and that we're getting  
23          the economic benefits of the -- the forty percent of  
24          investments.

25                   And that looks like my time. So thank

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2 you.

3 A.L.J. O'CONNELL: Thank you.

4 You need after number ten, is that  
5 right?

6 THE REPORTER: Yes.

7 A.L.J. O'CONNELL: So I've gone  
8 through all the cards that I have received this  
9 evening. Is there anyone here who didn't submit a  
10 card who would like to make a comment tonight?

11 Why don't you come up, please? Please  
12 state your name and if you would spell your last name  
13 so that we get it accurately on the record, please?

14 MS. OSUALA: Hi, everyone. My name is  
15 Chinyere Osuala, O-S-U-A-L-A.

16 A.L.J. O'CONNELL: Thank you.

17 MS. OSUALA: I am an attorney at Earth  
18 Justice. I'm a clean energy attorney. I regularly  
19 practice before the New York Public Service  
20 Commission in clean -- in like rate -- rate cases,  
21 Con Ed -- Con Ed knows me. And I am a resident of  
22 New Rochelle.

23 I think that Earth Justice has filed  
24 comments on behalf of -- of our own organization.  
25 And it -- and while we support the -- the D.A.C.

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2                   criteria, there were also some very key things  
3                   missing, one of which includes the issue about rates  
4                   and energy burden up here in -- in Westchester.

5                   As -- as other speakers have said, it  
6                   is extremely -- it can -- it can be very expensive to  
7                   live here utility-wise, in terms of electricity  
8                   rates, gas rates, issues with how heat pumps are  
9                   being installed in this -- in this county, and -- and  
10                  -- and whether they work for the county, whether they  
11                  work for -- for customers. These are real issues  
12                  that we really have to -- I think really continue to  
13                  think through.

14                  And -- and then -- and then in terms  
15                  of -- again, energy burden and -- and rates, just --  
16                  I think more than discounts -- more than discounted  
17                  rates, probably needing new rate structures for low  
18                  income -- low-income communities, as well as just  
19                  real investments in areas that have been previously  
20                  redlined investments.

21                  Really -- real notice about how high  
22                  energy burden has affected these communities in the  
23                  past and can possibly continue to -- to affect them  
24                  in the future. And these are all -- all issues that  
25                  I would like to see more in the D.A.C. criteria.

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2 Thank you so much.

3 A.L.J. O'CONNELL: Thank you. Anyone  
4 else?

5 UNIDENTIFIED SPEAKER: Someone is  
6 coming.

7 A.L.J. O'CONNELL: Okay. Good. Thank  
8 you. We'll wait then.

9 MS. SANTOS: Sorry. Okay. So --.

10 A.L.J. O'CONNELL: So -- so not -- so  
11 not to put you on the spot. If -- when you're ready,  
12 go ahead.

13 MS. SANTOS: Sure. Okay.

14 A.L.J. O'CONNELL: If you could start  
15 with your name, please.

16 MS. SANTOS: Sure. Hi, everyone. My  
17 name is Carmen.

18 A.L.J. O'CONNELL: Just a little bit  
19 closer to the mic, so we're sure to pick up your  
20 statement.

21 MS. SANTOS: Okay. Should I lower  
22 this?

23 A.L.J. O'CONNELL: If -- if you want  
24 to turn it towards you, that's fine.

25 MS. SANTOS: Okay.

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2 A.L.J. O'CONNELL: Yes; thank you.

3 MS. SANTOS: Here we go.

4 A.L.J. O'CONNELL: Good.

5 MS. SANTOS: Good evening. I am  
6 Carmen Santos, and I'm a solar programs manager at  
7 Sustainable Westchester, where I've been working for  
8 two years on an exciting offering to extend solar  
9 savings to low-income households.

10 To do -- to do this work, my  
11 colleagues and I have aimed to understand the  
12 disparities across Westchester County while expanding  
13 our reach to these community members. I am also a  
14 resident of Westchester, currently living in a  
15 designated disadvantaged community in New Rochelle.

16 I live here for many years and know  
17 numerous lower-income immigrant and Latino households  
18 across the county that will benefit from a just  
19 transition to a sustainable future. I'm thankful for  
20 the time and work that the Climate Justice Working  
21 Group has dedicated to establishing the disadvantaged  
22 communities criteria.

23 It successfully identifies Westchester  
24 County census tracts that face high environmental  
25 burdens and have been -- that have been historically



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2                   underserved.  It also importantly sets a criterion to  
3                   identify low- to moderate-income households outside  
4                   designated disadvantaged communities.

5                   However, that portion of the criteria  
6                   should be revised, taking into account the high cost  
7                   of living of different areas across the state.  For  
8                   example, the annual cost of living in Westchester is  
9                   twenty-five percent higher than several other upstate  
10                  counties.

11                  Therefore, using area median income,  
12                  as opposed to state median income, to identify low to  
13                  moderate income households would be most equitable.  
14                  The work that follows establishing the criteria  
15                  should aim to better integrate members of  
16                  disadvantaged communities within the rest of our  
17                  communities.

18                  Efforts to do this should include  
19                  addressing affordable housing and integrating this  
20                  housing across all areas of the state, including high  
21                  prime real estate areas.  It also is crucial that  
22                  opportunities created for these priority communities  
23                  are diverse.  For example, jobs that range from  
24                  technical traits to advanced degree opportunities.

25                  The communities must be made aware of

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2                   the considerable opportunities that will arise  
3                   through that transition and be given the tools and  
4                   resources to take advantage of that.

5                   Thank you.

6                   A.L.J. O'CONNELL: Thank you.

7                   So what I'd like to do is adjourn for  
8                   five minutes. Then we'll reconvene. I'll ask if  
9                   anyone else would like to make a statement. And then  
10                  I have some announcements about the remaining  
11                  hearings, as well as provide information about where  
12                  and when to submit written comments.

13                  We'll go off the record for five  
14                  minutes. We'll reconvene at seven fifty-five (sic).  
15                  Thank you.

16                  (Off record, 6:52 p.m.)

17                  (The hearing resumed, 7:00 p.m.)

18                  THE REPORTER: We're back on the  
19                  record.

20                  A.L.J. O'CONNELL: Okay. We've  
21                  returned from our -- off our break. I just want to  
22                  check, before we conclude tonight, if there's anyone  
23                  else here who would like to make a comment, who  
24                  hasn't already done so this evening?

25                  Okay. Thank you.

1 Public Comment Hearing - 6-10-2022

2 I have just a few announcements here  
3 that I want to make it before we leave. As I said,  
4 this is a series of eleven hearings. Today was the  
5 fifth. The next hearing is scheduled for Tuesday,  
6 June 14th, at six p.m. at the Department's Region Two  
7 office on Long Island City.

8 After that, there'll be a hearing  
9 scheduled at six p.m. on June 15th, via WebEx.  
10 There's another WebEx hearing focusing on North  
11 Country Capital Region area on Tuesday, June -- June  
12 21, at twelve p.m. in the afternoon, via WebEx, on  
13 Thursday, June 23 at six p.m. at the PUSH Buffalo  
14 School 77, an in-person hearing. The address for the  
15 school is 429 Plymouth Avenue, Buffalo, New York  
16 14213.

17 There is another hearing on June 29th  
18 at twelve o'clock, via WebEx. And then the final  
19 hearing will be Thursday, June 30th, at twelve p.m.  
20 via WebEx.

21 All of these details are on the  
22 Department's -- are on the website climate dot NY dot  
23 gov. Also, the Department Staff Office of  
24 Communications has a handout at the table with a list  
25 of these hearing locations and times, as well as the

1                   Public Comment Hearing   -   6-10-2022  
2           addresses for submitting email comments and written  
3           comments.

4                   So just briefly, email comments can be  
5           submitted until five p.m. on July 7th, 2022 to DAC  
6           comments at DEC dot NY dot gov, no space between the  
7           two C.s, D-A-C-C-O-M-M-E-N-T-S, at DEC dot NY dot  
8           gov.

9                   Written comments may be sent to Draft  
10          Dacomment New York State Department of  
11          Environmental Conservation, Office of Environmental  
12          Justice, 625 Broadway 14th Floor, Albany, New York  
13          12233. Written comments must be postmarked by July  
14          7th, 2022. All written comments are weighed equally  
15          with any oral statements made at our proceedings.

16                   And then finally, before we leave  
17          tonight, I would like to extend my sincere thanks to  
18          Reverend Mizell and the congregation of the Grace  
19          Baptist Church for allowing us to use this facility.

20                   Thank you very much. We are  
21          adjourned.

22                   (The hearing adjourned at 7:03 p.m.)

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1 Public Comment Hearing - 6-10-2022

2 STATE OF NEW YORK

3 I, HANNAH BELAIR, do hereby certify that the foregoing was  
4 reported by me, in the cause, at the time and place, as  
5 stated in the caption hereto, at Page 1 hereof; that the  
6 foregoing typewritten transcription consisting of pages 1  
7 through 44, is a true record of all proceedings had at the  
8 hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 24th day of June, 2022.

11

12 HANNAH BELAIR, Reporter

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