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     Disadvantaged Communities Criteria - 6/30/2022
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                   STATE OF NEW YORK
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     DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 4
       Public Hearing on the Draft Disadvantaged
                   Communities Criteria
 5
                 PUBLIC COMMENT HEARING
 6
                    June 30, 2022 at 12:04 p.m.
         DATE:
         VENUE:
                    Webex
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         BEFORE: A.L.J. MOLLY MCBRIDE
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     Reported by Howard Hubbard
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1	Disadvantaged Communities Criteria - 6/30/2022
2	(The hearing commenced at 12:04 p.m.)
3	A.L.J. McBRIDE: Thank you very much.
4	Good afternoon, everyone. Thank you for joining us.
5	My name is Molly McBride and I'm an Administrative
6	Law Judge with the New York State Department of
7	Environmental Conservation. I will be presiding over
8	today's public comment hearing to receive public
9	input on the Draft Disadvantaged Communities
10	Criteria. We have closed captioning available today
11	in English, as well as other languages. There is a
12	slide on the screen with instructions on how to use
13	the closed captioning. If you would like to use it
14	and you've joined us today by the internet, you'll
15	see a small box on the left side of your screen with
16	the letters C-C. If you click on that box, you'll
17	have access to the closed captioning that we have
18	available here today.
19	On behalf of the D.E.C. and NYSERDA, I
20	would like to thank you for joining us at this
21	hearing and for participating in this important
22	process. The D.E.C. in partnership with the New York
23	State Energy Research and Development Authority, also
24	known as NYSERDA, scheduled eleven public hearings to
25	be held across New York State to receive public input

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Disadvantaged Communities Criteria - 6/30/2022 on the Draft Disadvantaged Communities Criteria and to advance the finalization of the criteria to help guide the implementation of the State's Climate Leadership and Community Protection Act.

Today is the last of the eleven New York's Climate Justice Working Group, hearings. which consists of representatives from Environmental Justice Groups across the State, as well as New York State agency representatives voted in December to release the Draft criteria for identifying the disadvantaged communities in order to allow public review of the criteria. The Draft Disadvantaged Communities Criteria Public Comment Period commenced in March with a one hundred and twenty day Public Comment Period. That Public Comment Period ends on July 7, 2022. The Draft Disadvantaged Communities Criteria can be found at climate.ny.gov. Again, that website is climate.ny.gov. The criteria are based on geographic public health, environmental hazard, and socioeconomic factors. And once approved will be used to help meet the directives of the Climate Act related to reducing pollution and greenhouse gas emissions, as well as to inform regulatory impact statements and the State's clean energy and energy

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1	Disadvantaged Communities Criteria - 6/30/2022
2	efficiency criteria.
3	Notice of this hearing was published
4	in the department's environmental notice bulletin on
5	May 4, 2022. Assisting us today with this hearing
6	are members of D.E.C.'s Office of Communication
7	Services and we thank them for their help here today.
8	In a moment, I'm going to introduce Alanah Keddell-
9	Tuckey, who is the director of the D.E.C.'s Office of
10	Environmental Justice, who will give a brief overview
11	of the work to date and the Draft criteria. As
12	indicated the purpose of today's Public Comment
13	Hearing is to allow members of the Public Comment on
14	the Draft criteria.
15	Today is not a question-and-answer
16	session. Written comments must be submitted by July
17	7, 2022 to be considered. Comments submitted by e-
18	mail should be received by the department by five
19	p.m. on July 7th to be considered, and comments
20	submitted by mail should be postmarked by July 7,
21	2022. Equal weight is given to written and oral
22	comments.
23	In a moment, I will read the e-mail
24	address and the mailing address, if you would like to
25	submit written comments.

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For those of you who are attending today over the internet, we have the information on the screen on how to submit written comments. Anyone who wishes to speak today was asked to register and I'll call the registered speakers in the order in which they registered. As indicated in the notice, you would ask that each speaker try to limit their comments to two minutes. We will call your name when it is your turn to speak and at that time we will unmute your line. If you have attended by telephone and we call your name, we'll ask you to press star three on your phone to raise your hand, and then we will know to unmute your line.

Disadvantaged Communities Criteria - 6/30/2022

If anyone is having any technical issues today, please call area code (518) 402-8044. We have someone who is standing by who can help you. Again, that's (518) 402-8044. When we do call your name and unmute your line I ask that you please speak loudly, slowly and clearly. We do have a court reporter who's making a record of today's hearings, and we'd like to make sure that we have an accurate record of your comments. Before I begin the speakers, I'd like to introduce Alanah Keddell-Tuckey from the D.E.C. to give a brief presentation.

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1	Disadvantaged Communities Criteria - 6/30/2022
2	MS. KEDDELL-TUCKEY: Thank you. Good
3	afternoon, everyone. My name is Alanah Keddell-
4	Tuckey and I'm the director of the Office of
5	Environmental Justice at the Department of
6	Environmental Conservation. I'm also the chair for
7	the Climate Justice Working Group. I want to thank
8	everyone for joining us for this public hearing to
9	address the Disadvantaged Communities Criteria. The
10	Climate Act Climate Leadership and Community
11	Protection Act, is the Nation's most ambitious
12	climate change related legislation. It's goal to
13	reduce New York greenhouse gas emissions from all
14	human activities by a hundred percent over 1990
15	levels by the year 2050 with an incremental target of
16	at least 40% reduction in greenhouse gases by the
17	year 2030. At least 85% of the reductions by 2050
18	must come from preventing the release of greenhouse
19	gases. Implementing the Climate Act will create
20	opportunities to create a better future. To ensure
21	this work also advances climate justice, the Climate
22	Act mandates that at least between 35 to 40% of all
23	benefits of New York State spending on clean energy
24	accrue in disadvantaged communities. State agencies
25	are also required to prioritize greenhouse gas

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Page 8 Disadvantaged Communities Criteria - 6/30/2022 emissions and ... reductions in disadvantaged communities, and this includes the D.E.C. in drafting of regulations to make greenhouse gas emission limits identification and prioritization of disadvantaged communities in accounting for the benefits of cutting

pollution and improving resilience is what makes our Climate Act such a transformative law. To identify disadvantaged communities in New York, the Climate Justice Working Group was guided by the language in the Climate Act in identifying disproportionately burdened communities. They voted to include forty-five indicators using data on economic hazard, environmental hazards, climate change risks, public health issues, geography, and socioeconomic factors like race, income, education levels, unemployment rates, and housing conditions. Additionally, the Draft Disadvantaged Communities designations are reflective of the working group, their lived experiences, and their lived experiences of the residents of these historically overburdened and underfunded communities. Each census tract is scored on a relative burden, risk, vulnerability, or sensitivity.

that are required by the Climate Act.

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Disadvantaged Communities Criteria - 6/30/2022 Specifically the percentile ranks of the indicators used for the census tracts are combined to produce a value that measures the census tracts relative level of environmental burdens and climate change risks, as well as population characteristics and health vulnerabilities relative to other tracts. So tracts with higher scores relative to other tracts in the State or by their region are identified as disadvantaged communities. The working group also voted to include low income households with incomes at sixty percent of the State median income as disadvantaged communities who are disadvantaged for the purposes of benefits and investments. So based on the criteria forty-four percent of households within Western New York, all within the disadvantaged communities criteria, twenty-five percent of those households are found in what we consider to be geographic disadvantaged communities. Thank you.

A.L.J. McBRIDE: Good Alanah. Before we begin with the comments, I just want to read off the address for submitting written comments. We have both an e-mail address and a mailing address, and we have a few people that have joined us by phone. So I want to read those addresses. Anyone that's joined

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Disadvantaged Communities Criteria - 6/30/2022 us by the internet will have those addresses on the screen now on the slide.

But if you've joined us by phone, the e-mail address for the submission of written comments is daccomments@dce.ny.gov. That's daccomments@ dec.ny.gov. And if you'd like to submit comments by mail it's New York State D.E.C. draft D.A.C. comments, attention Office of Environmental Justice. So again, that's the New York State Department of Environmental Conservation Attention Office of Environmental Justice, 625 Broadway, 14th floor, Albany, New York 12233. And as a reminder, the deadline for the submission of written comments is July 7, 2022. So I'm now going to begin calling our speakers. Again, if you've joined us by phone and I call your name, please press star three on your phone to raise your hand, and then we'll know to unmute your line. If you have signed in by the internet and are using another name if you've joined with anyone else and we call your name, then please raise your hand so that we know to unmute your line. start with our first registered speaker is Catherine If Catherine Landis has joined us, could she Landis. please raise her hand by pressing star three on the

Page 11 1 Disadvantaged Communities Criteria - 6/30/2022 2 telephone? Catherine Landis. Okay. I don't see any 3 raised hand. I will call Catherine again in a few 4 minutes. 5 The next registered speaker we have is 6 Neil Patterson. If Neil Patterson is in attendance today, I would ask if he please press star three on 8 his telephone to raise his hand, or if he's joined by the internet and has logged in with someone else in a 10 different name than his own, please raise your hand 11 and we will know to unmute your line. 12 Patterson. 13 Okay, I will note that I do not have 14 any raised hand right now for Neil Patterson. 15 go on to our next speaker. The next registered 16 speaker is Leah Dunn. Leah Dunn if you have joined 17 us today, please press star three on your telephone line and we will unmute you. Leah Dunn. 18 If you've 19 joined us by phone, please press star three on your 20 phone and we will know to unmute your line. 21 I'll note that I don't have any raised hands yet, but we have had a few callers who just logged in. 22 going to go back to some earlier people I called. 23 24 I'm going to again call Catherine Landis.

Catherine Landis has joined us, please press star

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1 Disadvantaged Communities Criteria - 6/30/2022 2 three on your telephone and we will know to unmute 3 your line for you to make your comment. Catherine 4 Landis, if you've joined us by phone, please press 5 star three on your phone and we'll know to unmute your line. Okay, I'll note that no one has raised their hand yet. Neil Patterson. Neil Patterson, if you have joined us by phone, please press star three on your phone and we'll unmute your line. 10 Okay, I'll go on to our next registered speaker who is Evan Nore. Evan Nore if 11 12 you've joined us here today by phone, please press 13 star three on your phone to unmute. We will know to 14 unmute your line. Evan Nore. 15 Okay, don't have any raised hand yet 16 for Mr. Nore. Our next registered speaker who is not 17 on our list of people in attendance -- oh, maybe 18 Emily Palumbos. We have one Emily without a last 19 If we could unmute that line. We'll see if that's Ms. Palumbos. Do we have Emily Palumbos? Your 20 21 hand is raised. There we go. Go ahead. 22 MS. PALUMBOS: Hi, good afternoon.

This is Emily Palumbos. Thank you so much for taking

the time to do these public hearings.

important in allowing us to speak on them.

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Disadvantaged Communities Criteria - 6/30/2022 worked in government for over twenty years and I'm currently a -- a grant writer. And the concerns that I have, and of course, there's always a number of different concerns when something comes up such as changing such a definition with so many variables, is that the ... be cognizant of the title, such as, you know, disadvantaged communities. And that as people use that wording across different agencies across local State and Federal Government, that once there is variables identified to create that definition that it is consistently used, because what I'm -what I'm seeing is that there are people are having to come up with -- because there's no definition yet there are temporary definitions that are out there for what disadvantaged communities means right now. Similar to previous similar definitions, such as like an environmental justice area or an opportunity zone, what was -- would be difficult is if someone's designated a dis -- disadvantaged community and then that changes, it gets very confusing for funding. Also, I think Upstate New York needs to be certainly considered particularly based on the idea that -- and the recognition within the -- the guidance that there are very few rural areas and those rural areas that

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1	Disadvantaged Communities Criteria - 6/30/2022
2	qualify as as D.E.C. has a lot have to do with
3	their their inability to have concentrated
4	population due to the due to the number of lakes.
5	The fact that the land is dedicated to
6	food production, and those should be considered as
7	variables as well. Thank you very much for your
8	time. I appreciate the work that's being put into
9	this and we'll be in touch. Thank you.
10	COURT REPORTER: Excuse me. This is
11	the court reporter. Can I get the spelling of your
12	last name, please?
13	MS. PALUMBOS: Yes, of course. P as
14	in Peter, A-L-U-M-B-O-S as in Sam.
15	COURT REPORTER: Thank you.
16	MS. PALUMBOS: Of course.
17	A.L.J. McBRIDE: Thank you, Ms.
18	Palumbos. Our next speaker is Amy Witryol. If we
19	could unmute Ms. Witryol's line. Go ahead, Ms.
20	Witryol.
21	MS. WITRYOL: Who me?
22	A.L.J. McBRIDE: Go right ahead.
23	MS. WITRYOL: I, because of the one
24	of the panelists for today I'm doing some last minute
25	editing to make sure I comply with D.E.C.'s exparte

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1	Disadvantaged Communities Criteria - 6/30/2022
2	rules. So I'm wondering if you can come back to me
3	after the rest of the speakers?
4	A.L.J. McBRIDE: Sure. I'll call you
5	again in a few minutes.
6	MS. WITRYOL: Thank you.
7	A.L.J. McBRIDE: Our next speaker is
8	Gloria Boyce Charles.
9	Go ahead, you've been unmuted?
10	MS. CHARLES: Okay. Thank you so much
11	for this opportunity to share some thoughts that I
12	have. I'm Gloria Boyce Charles, and I've resided in
13	the Southeast Queens Community since 1975. And I've
14	always played an active role in addressing our
15	quality of life issues. I'm a member of the Eastern
16	Queens Alliance. It's a not for profit Federation of
17	Southeast Queens Civics, and I know that that
18	organization's going to be submitting some written
19	comments directly shortly. But my comments today are
20	solely on my own behalf and they really pertain
21	mostly to it, really entirely to the public comment
22	periods for the CLCPA analysis and documentation.
23	The public comment periods for both
24	the scoping plan and the disadvantaged communities
25	criteria document are about to expire, but it's

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it's my understanding that public participation in
the -- in the comment process in particular for the
-- sorry. In particular for the disadvantaged
community criteria it's been low, and this is likely
because of many people at -- at grassroots levels in
some of the most impacted communities, especially in
Southeast Queens are just now becoming aware of this
initiative. And -- and very little really has been
done on the part of the lead agencies for this effort
to advise and engage and educate environmental
justice communities.

As I said again, especially those in Southeast Queens. So I'm appealing to the leadership within this initiative to rethink their strategy and their timelines for accepting comments on both the scoping plan and the disadvantaged communities criteria documents.

But equally importantly, I'm asking that you implement an aggressive plan to communicate and to educate and to engage communities and grassroot organizations. I'm aware that you -- you've already issued a draft scoping plan, you know, extension, but -- but without that education and that outreach people really are scrambling to understand

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Disadvantaged Communities Criteria - 6/30/2022 these extensive documents, and so there's more time needed. And without revising your project plan accordingly, which I know this is going to require, what will happen is your -- your results will not be as effective as you would want them to be, and it's not going to address the environmental justice issues that you're tasked to address.

And when it comes to the issue of climate change, that's an existential threat to us all, and I don't think that any of us want such an outcome. So thank you for your consideration and your patience in my response. Thank you.

A.L.J. McBRIDE: Thank you, Ms. Boyce Charles. I'm going to recall some speakers that we called earlier that weren't on yet. And if you have joined us today by phone and I call your name, I'm going to remind you that I would ask you to press star three on your phone to raise your hand and we'll know to unmute your line for you to make a comment. I'm going to recall Catherine Landis. Catherine Landis has joined us. Please raise your hand by pressing star three on your phone and we'll unmute your line. Catherine Landis. I'll move on to the next registered speaker.

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1	Disadvantaged Communities Criteria - 6/30/2022
2	If Neil Patterson has joined us. Neil
3	Patterson, if you've joined us please press star
4	three on your phone to raise your hand and we'll know
5	to unmute your line. Neil Patterson. I don't have
6	any raised hands yet.
7	I will go on to the next registered
8	speaker. We have Leah Dunn. Leah Dunn, if you've
9	joined us by phone, please press star three on your
10	phone and we'll unmute your line. Leah Dunn.
11	Evan Nore. If Evan Nore has joined
12	us, please press star three on your phone and we'll
13	unmute your line for you to make your comment. Evan
14	Nore? All right, I'm going to go back and recall Ms.
15	Witryol. We'll see if Ms. Witryol is ready to make
16	her comment. Amy Witryol are you ready to make your
17	comment at this time, we'll unmute your line. Go
18	ahead.
19	MS, WITRYOL: Yes, Judge McBride.
20	I'll do the best I can. Thank you. Can you hear me
21	okay.
22	A.L.J. McBRIDE: Well, if you could
23	get a little closer to your phone, I think that would
24	help the court reporter.
25	MS. WITRYOL: Okay. I'm on a desktop.

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1	Disadvantaged Communities Criteria - 6/30/2022
2	Is this better?
3	A.L.J. McBRIDE: Yes. Thank you.
4	MS. WITRYOL: Okay. For whatever
5	reason, the Climate Justice Working Group membership
6	and recommendations seem acutely biased in favor of
7	New York City and go to great lengths to give little
8	attention to Western New York Buffalo and especially
9	Niagara Falls. This is made worse by the fact that
10	Covanta, whose Niagara Falls incinerator emits nearly
11	double the amount of carbon dioxide versus all title
12	five smoke stacks in Erie County combined, has a seat
13	on the Waste Industry Advisory Council. Waste
14	Management, the other towering polluter in Western
15	New York, also has a seat on the Waste Advisory
16	Council. The Climate Justice Working Group has two
17	members from the Adirondacks and no one West of
18	Syracuse, but for in in in representing rural
19	New York but Western New York has one urban member in
20	Buffalo. We're not aware of any expert on
21	competition and incentives independent of the waste
22	industry on the Climate Justice Working Group or the
23	Waste Advisory Council to the Climate Action Council.
24	Add to this the fact that the underlying percentiles
25	and methods for common sizing emissions data for

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Disadvantaged Communities Criteria - 6/30/2022 percentiles provided by D.E.C. staff to the climate justice working group is confidential. A secret to the group and a secret to the public.

D.E.C. issued an extensive hazardous waste plan and maintains its own extensive hazardous waste treatment, storage and disposal facility database, but the excuse for admitting hazardous — omitting hazardous waste emissions from those fill — facilities, treatment, storage, and disposal, or any combination thereof. According to the working group technical memorandum, was the lack of reliability of a single E.P.A. data set. Remedial sites in D.E.C.'s database seem to exclude federal radiation sites, such as two thousand curies or half the world's radium two twenty-six in Niagara County and radiation problems at the Tonawanda landfill and others.

Last I knew Senator Schumer had more fuse wrap sites, the Army Corps of Engineers Federal Radiation Program in his State than any other member of the -- any other member of the -- of Congress.

And then we have the failure of D.E.C. permitting to enforce whatever policies are implemented, biased and otherwise, especially when it comes to environmental justice for incinerator and landfill operations.

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1	Disadvantaged Communities Criteria - 6/30/2022
2	More than half of New York State's
3	waste is paper and food according to the pie charts
4	in the climate documents posted.
5	And yet all of the climate change
6	related committees, can't seem to figure out how to
7	wean New York off of incinerator between now and 2050
8	according to the CAC draft plan. E.J.'s environment
9	- E.J. stakeholders were provided no technical
10	assistance independent of D.E.C. staff to review a
11	plethora of information that was not concealed or to
12	express concerns about what was concealed in advance
13	of providing these comments or in time for July 7th.
14	I believe D.E.C.'s air divisions know
15	where the problems are. All of the title five, many
16	of the State permit holders, and even some air
17	registrations are from facilities that have provided
18	modeling to D.E.C.
19	The mobile air sampling should not be
20	done in a vacuum. It should be combined and
21	coordinated with modeling, stack testing, checks,
22	and to really do a better job of identifying problems
23	in E.J. communities. I hope D.E.C. will hire a
24	contractor, put all of these models in a database and
25	then map the dispersion so that the Climate Justice

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Working Group and communities can see it. And that we stop permitting smoke stacks in isolation of evaluating preexisting cumulative impacts in any of the E.J. communities.

extraordinary disproportionate burden in Niagara
County is the thirteen largest waste incinerator in
the United States in the tiny city of Niagara Falls,
which has a higher poverty rate than New York City.
The GHG pie charts show two categories of waste. One
is landfill, the other is simply labeled other. It
camouflages the fact that incinerator in this State
emit as much G.H.G. as agriculture, but only our
farmers are being asked to make significant changes
that would -- would impair their competitiveness.

Some thirty thousand families stock farms in this state to subsidize the G.H.G. emissions from incinerators outside of New York City that burn waste for the benefit of New York City. And then put twenty to twenty-five percent of toxic ash in Upstate landfills. No one here opposes investing in New York City to prevent flooding and protect the neediest among us. But what about the rest of New York? There are no maps showing the real extent of existing

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1	Disadvantaged Communities Criteria - 6/30/2022
2	environmental exposure burdens, and no maps showing
3	who benefits. Doing so might help promote more
4	equity in this process. Thank you.
5	COURT REPORTER: Excuse me.
6	Oh, wait a minute. Excuse me. This
7	is the court reporter. Can I get the spelling of
8	your last name please?
9	MS. WITRYOL: W-I-T-R-Y-O-L.
10	COURT REPORTER: Thank you.
11	A.L.J. McBRIDE: I've called all of
12	our registered speakers and now I would like to offer
13	for anyone who's joined us that didn't register to
14	speak to raise your hand if you'd like to make a
15	comment. If we could put the slide back up on the
16	screen on how to raise your hand if you've joined by
17	the internet. If you've joined us by phone and you
18	would like to make a comment and didn't register, if
19	you could please press star three on your phone, and
20	we'll unmute your line for you to make a comment on
21	the screen.
22	Now, for those of you that have joined
23	us by the internet are the instructions for how to
24	raise your hand. And if you'd like to make a comment
25	here, please follow those directions and we have one

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1	Disadvantaged Communities Criteria - 6/30/2022
2	call-in user ending in one six. If you could unmute
3	that line, I'd ask that person to please start by
4	identifying yourself by stating your full name for us
5	and spell your last name. We had a line unmuted, but
6	I think we lost the line. Okay, we have the caller
7	ending in one six. If we could unmute that line
8	again. Okay, could you please begin by stating your
9	full name and spell your last name for us.
10	MR. GILMOUR: My name is David
11	Gilmour, G-I-L-M-O-U-R. Good afternoon. And I'm a
12	urban planner representing the village of Kiryas Joel
13	in Orange County. On behalf of the village, I thank
14	the Climate Justice Working Group for the opportunity
15	to provide testimony relative to the Draft
16	Disadvantaged Communities Criteria.
17	We reflected on the Draft criteria and
18	respectfully offer input based on many years of our
19	client's experience as a very disadvantaged
20	community.
21	Kiryas Joel is populated by Satmar
22	Hasidic Jews and the most of the most of the
23	community speak Yiddish and are non-English speaking.
24	The village is densely populated with 32,000
25	residents residing within 1.4 square miles. The

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majority of residents are disadvantaged by poverty,

language barriers, educational attainment, and access

to work. Most importantly, nearly sixty percent of

the population are children. And more than half of

the children live at or below the poverty line.

Written testimony from Kiryas Joel will be submitted. At this time, I will present a summary of requests.

As you can imagine, when a community has nearly sixty percent of the population as children, and when those children live in poverty, the vulnerabilities in both burdens are substantial. The Draft criteria would be enhanced by adding a measure of percentage of children similar to that included for those over sixty-five. And another indicator for childhood poverty.

Next bullet, the drop stack included a limited English proficiency indicator. This is such a significant barrier to moving out of poverty. We recommend it be assigned a weight of two similar to the poverty indicator. We recommend including zero vehicle households as an indicator. Not only is it a strong measure of disadvantage, but more importantly, it is central to framing climate change and energy

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1 Disadvantaged Communities Criteria - 6/30/2022 2 efficiency policy, particularly in communities with 3 limited public transit. Next bullet, we suggest 4 adding a measure of community dependency such as 5 public assistance. Dependency is not the same as poverty. External dependency for food and energy with increasing costs impacted by climate change threaten the long-term viability of New York State's continuum of safety net benefits used to provide families access to basic necessities. 10 Next bullet, we recommend adding 11 12 indicators, requesting population density, living 13 primarily in apartments and buildings with crowded 14 living quarters. These communities are a great risk 15 from drought, extreme weather, heat vulnerability, 16 worker impact and ..., productivity. Such 17 communities have less capacity to respond, to recover 18 with limited needs to evacuate and find alternate 19 shelter. Buildings contribute approximately forty percent to greenhouse gas emissions and apartment 20 21 buildings are typically older, less efficient, and to 22 the health hazards from the fossil fuel pollution. 23 Next bullet, we recommend a final --. 2.4 A.L.J. McBRIDE: Mr. Gilmour?

MR. GILMOUR: Yes.

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1	Disadvantaged Communities Criteria - 6/30/2022
2	A.L.J. McBRIDE: Mr. Gilmour. I'm
3	just going to say, since you've indicated you're
4	going to submit your longer comments in writing, I'm
5	going to ask you to wrap up now because I do have
6	some other people who've raised their hands to make
7	their comments. Thank you.
8	MR. GILMOUR: Okay. And did I use up
9	the time allotted?
10	A.L.J. McBRIDE: Yes, but go ahead.
11	I'll let you wrap up.
12	MR. GILMOUR: We recommend applying a
13	rating of two to the premature death indicator
14	because it's a known impactor of impacts the
15	population and health environmental health and
16	environmental vulnerabilities. We offer that the
17	Draft criteria should include a measure of the
18	community's financial capacity to meet its water/
19	sewer transport infrastructure needs. Its
20	recommended a per miles traveled per capita
21	variable. And finally our community is homogenous,
22	and while two of our census tracts qualify as
23	disadvantaged under the Draft criteria two do not.
24	We look forward to continuing to work together to
25	ensure Kiryas Joel's unique and underserved

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1	Disadvantaged Communities Criteria - 6/30/2022
2	population can seek assistance community wide.
3	Thanks for this opportunity to speak
4	today.
5	A.L.J. McBRIDE: Okay, Mr. Gilmour.
6	Our next raised hand is Douglas Champ. If Mr. Champ
7	could be unmuted, we'll let him begin his comments.
8	Go ahead, sir. Mr. Champ, you've been unmuted,
9	I hope you're
10	MR. CHAMP: Thank you.
11	A.L.J. McBRIDE: Go ahead.
12	MR. CHAMP: Okay. I just wanted to
13	clarify, can you hear me?
14	A.L.J. McBRIDE: Yes.
15	MR. CHAMP: Okay. I'm a former
16	utility manager on all types of energy issues,
17	primarily thermal development. And I've spoken all
18	over the country in years past about community energy
19	systems. The real problem associated with what
20	you're launching here is the criteria of costs in
21	terms of conversion of electrification in tracks,
22	numeration districts that are very well associated
23	with poverty. Now specifically the muni systems in
24	the State of New York are not eligible because they
25	do not pay system benefit charges. Therefore and I

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1	Disadvantaged Communities Criteria - 6/30/2022
2	a formula for allowing perhaps uses of variations
3	of how buildings can be converted, especially in low
4	income areas that are identified across Western New
5	York. The cost to electrify these individual houses,
6	going from the combined energy use of natural fuel
7	versus electric and going all electric on the systems
8	that they have. Now remember, we have
9	infrastructure, the inside houses and we have it
10	delivered to us for the infrastructure outside. The
11	conversion cost of any of these older homes. Many of
12	them built before 1940 are not in the position to
13	afford any electrification whatsoever. If you were
14	to convert a home, wherever it is, under these
15	criteria, you might be looking at twenty-five
16	thousand or more. Of people who don't have enough
17	money sometimes to pay their utilities, so how are
18	you going to handle electric transfer and conversion
19	over to the residential community that is
20	impoverished and unable to benefit from the existing
21	NYSERDA programs because eligibility is established
22	by system benefit charges.
23	So are you going to make available to
24	the municipality utilities that can't take advantage
25	of these programs an opportunity to help finance

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1	Disadvantaged Communities Criteria - 6/30/2022
2	these conversions from fossil to electric? That's my
3	question. I want to make sure you understand what
4	I'm trying to tell you.
5	A.L.J. McBRIDE: Thank you very much,
6	Mr. Champ. Mr. Champ, I'd ask you to press this
7	the hand icon again to lower your hand and Mr.
8	Gilmour, I'd ask you to press star three on your
9	phone again, to lower your hand. And at this time
10	I'd welcome anyone else who would like to raise their
11	hand to make a comment. If you've joined us by phone
12	again, if you would like to make a comment, please
13	raise your hand by pressing star three on your phone.
14	And if you've joined us by the internet, the
15	instructions for raising your hand are on the screen.
16	Anyone else would like to make a
17	comment here before we conclude the hearing, please
18	raise your hand and we'll unmute your line.
19	Again, If you joined by phone, please
20	press star three on your phone. Otherwise the
21	instructions are on the screen to raise your hand.
22	We have a raised hand from Jacqueline Drechsler, D-R-
23	E-C-H-S-L-E-R.
24	If we can unmute that line, please.
25	Go ahead.

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Disadvantaged Communities Criteria - 6/30/2022 running out of hydro energy and will not even be able to supply their own customers in Canada by 2027, because of this, it is very likely that peaker plants will be put back into action in the very disadvantaged communities in New York City area that you are trying to help.

Then there are the other disadvantaged communities in Upstate New York, which will be bearing the financial brunt of the Hydro-Quebec supply into New York City. And two of the commissioners at the public service commission were really trying to bring that to the attention of everyone. I also would like to say that indigenous first nations in Canada, where this hydro energy is produced, have been and are being seriously harmed from hydro power plants, which emit large amounts of — of greenhouse gases and methyl mercury built on their lands without their permission or compensation. We need to take into account the harms that we create for others because of our own energy needs, whether it's in State, out of State, or out of our Country.

So thank you very much. I appreciate everything that this council is doing. And I do hope that the definition of disadvantaged communities can

Page 33 1 Disadvantaged Communities Criteria - 6/30/2022 2 be expanded. And also that there may be an extension 3 for people to really wrap their heads around this because as someone said earlier, there has not been a 4 5 lot of outreach unless you're already kind of a climate activist. 6 So there needs to be better outreach to the communities that are impacted. Thank you very much. Thank you, Ms. 10 A.L.J. McBRIDE: Is there anyone else who would like to 11 12 make a comment today? If you've joined by phone, 13 please press star three on your phone. If you've 14 joined by the internet, there's a small hand icon on 15 your screen. You can click on that hand icon to 16 raise your hand and we'll know to unmute your line. 17 Anyone else who's joined us today that would like to 18 make a comment, please raise your hand. 19 And again, if you've joined by phone, you can press star three on your telephone to raise 20 21 your hand, and if you have joined us by the internet, the slide on the screen has the instructions for how 22 to do that. 23 2.4 If there's anyone else that would like 25 to make a comment, please raise your hand at this

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Okay, I'll note that at this time, I do not have any other raised hands. This is a last call. If anyone else would like to make a comment here today, please raise your hand by pressing star three on your phone or clicking on the hand icon on your The instructions for how to do that are on screen. the screen right now. Okay, I'll note that no one has raised their hand. On behalf of the D.E.C. and NYSERDA, I thank everyone who's joined us here today. This is an important process and we value your comments. We thank you for taking the time to join us today. And please remember that the comment period is until July 7, 2022. To submit comments in writing, you can submit them by e-mail daccomments, daccomments@dec.ny.gov or written comments by mail to the New York State, D.E.C. Draft, DAC Comments, Office of Environmental Justice, 625 Broadway, 14th floor Albany, New York 12233. And again, the information is available on the

website@climate.ny.gov, climate.ny.gov. Thank you

again for joining us today and we'll stand in recess.

(The hearing concluded at 12:47 p.m.)

Disadvantaged Communities Criteria - 6/30/2022

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Page 35 Disadvantaged Communities Criteria - 6/30/2022 STATE OF NEW YORK I, HOWARD HUBBARD, do hereby certify that the foregoing was reported by me, in the cause, at the time and place, as stated in the caption hereto, at Page 1 hereof; that the foregoing typewritten transcription consisting of pages 1 through 34, is a true record of all proceedings had at the hearing. IN WITNESS WHEREOF, I have hereunto subscribed my name, this the 14th day of July, 2022. HOWARD HUBBARD, Reporter 

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