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Re: Case 13-W-0303
United Water NY Long-Term Water Supply Source - October 2, 2013

**** Please note this is a Preliminary transcript, subject to later edits when reviewed by the
Administrative Law Judges assigned to the cases.**

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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Case No. 13-W-0303, Proceeding on the Motion
of the Commission to Examine United Water
New York, Inc.'s, Development of a New
Long-Term Water Supply Source.
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Public Statement Hearing
Haverstraw Elementary School
16 Grant Street
Haverstraw, New York

October 2, 2013
7:45 p.m.

PRESIDING:

KEVIN CASUTTO, ESQ.

Administrative Law Judge

ALSO PRESENT:

COMMISSIONER PATRICIA ACAMPORA

COMMISSIONER GREGG SAYER

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P R O C E E D I N G S

ALJ CASUTTO: All right, let's go on the record. May we come to order, please, please be seated.

I call case number 13-W-0303, United Water New York, Inc. proceeding on motion of the Commission to examine United Water New York's development of a new long-term water supply source in Rockland County. My name is Kevin Casutto. I'm an Administrative Law Judge with the New York State Department of Public Service. With me tonight we are honored to have Commissioner Patricia Acampora and Commissioner Gregg Sayer.

As you know, we had a very animated informational forum preceding this Public Statement Hearing. The Public Statement Hearing was scheduled to begin at seven. It's a quarter to eight now, so we are running late.

I'm sure many of you heard that the hearing yesterday evening in West Nyack went

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2 until the early hours of the morning. So
3 what I'm going to do tonight is I'm going to
4 limit speakers to five minutes each. And
5 that way I'm hoping that we'll hear from more
6 of you. About half the people who wished to
7 speak last night were not able to speak.
8 They left and went home before the hearing
9 ended. We did continue the hearing and
10 called each name, so that those who stayed
11 were afforded an opportunity to be heard. So
12 tonight I'm going to try something a little
13 bit different and we are going to limit
14 everybody to five minutes. The idea is that
15 this may be fairer in allowing us to hear
16 from more of you rather than hearing greater
17 length from fewer of you.

18 AUDIENCE MEMBER: Can we get a four
19 minute warning?

20 ALJ CASUTTO: Yes, I'll let you
21 know when you're getting close to your five
22 minutes.

23 AUDIENCE MEMBER: Thank you, your
24 Honor.

25 ALJ CASUTTO: Secondly, following

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2 on the same theme, we are interested in
3 hearing from people who haven't spoken. So
4 those of you who spoke last night and are
5 seeking to speak again, we're going to put
6 you at the back of the pile of cards. And we
7 have about 70 cards at this point, 70 people
8 who are seeking to speak tonight. I'd prefer
9 to hear from as many of those people as
10 possible. So if you already spoke last
11 night, you're going to have to wait until
12 later in the evening to be heard again.

13 It was mentioned during the
14 informational forum that the company filed a
15 report in August on the continuing need for
16 the new water supply. This hearing focuses
17 on need for a new water supply, not the
18 choice of which project should provide that
19 additional supply if it's needed. So I would
20 ask you to try to focus your comments on
21 whether there is continuing need or respond
22 to the company's report and the company's
23 position as stated in that report.

24 Again, during the informational
25 forum we had a little back and forth, some

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2 question and answer. The Public Statement
3 Hearing has a little bit different intent,
4 and the purpose is to hear your comments. So
5 it's not a question and answer. We'd like to
6 hear from you, but if you pose questions, we
7 are going to take them as rhetorical
8 questions and we won't be responding to them
9 tonight.

10 With that being said, we do have a
11 stenographer, who did a yeoman's service last
12 night, and we are grateful for her service.
13 A transcript will be produced from the
14 hearings last night and tonight, and the
15 transcripts will be posted on the Department
16 of Public Service Commission Web site. It
17 will be available for you to review.

18 So if you're giving statements,
19 please come up to the podium and speak loudly
20 and clearly into the microphone so that we'll
21 a good transcript, the stenographer will
22 record everything that you're saying.

23 To keep things moving as
24 efficiently as possible, I'm going to call
25 people two at a time, the first person to

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2 come up to the microphone, please, and the
3 second person please come to the front of the
4 aisle and wait to speak next. And that will
5 keep things moving as quickly as possible.

6 So we're very interested to hear
7 what you have to say. We're going to start
8 by comments from your elected
9 representatives. We have about eight or nine
10 elected representatives who wish to be heard.
11 And then we'll turn to comments from the
12 public.

13 So the first person to speak is
14 Alvin Wolfe, Rockland County Legislature.
15 Please come forward. After Mr. Wolfe, Joseph
16 Meyers, also from the County legislature.

17 VICE-CHAIR WOLFE: Hello. My name
18 is Alden Wolfe. I'm the vice-chairman of the
19 Rockland County Legislature. I also serve as
20 the chairman of the environmental committee,
21 which has taken an active role in advocating
22 for smart and effective stewardship of our
23 county's natural resources. I'd like to
24 thank the Public Service Commission and your
25 Honor for responding to our call to revisit

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2 the issue of need, and giving our community
3 the opportunity to be heard.

4 I recognize that this proceeding
5 isn't about the proposed desalination plant
6 per se. Rather, it's to determine the
7 threshold issue of need for additional
8 supply. As such, my comments tonight will be
9 focused on this threshold issue.

10 Although I consider myself to be
11 wonkier than most, and I take a keen interest
12 in the science surrounding our water supply,
13 I'm not a hydrologist or engineer, and I
14 respectfully leave those arguments to the
15 experts in the field. What I am, however, is
16 an advocate for common sense solutions.

17 Facts are facts. And all the spin
18 in the world can't change what is. And what
19 we've seen in the years since the PSC's last
20 determination regarding Rockland's water
21 supply are significant changes in
22 circumstances that I believe show that the
23 need for additional supply has been
24 overstated.

25 Now, I certainly don't want to take

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2 time away from the other interested members
3 of the community who want to be heard on this
4 issue, nor do I wish to simply repeat what
5 others have said. So I will limit my
6 comments tonight to highlight the primary
7 areas of concern.

8 From the outset, new data shows
9 that water usage in Rockland County has
10 decreased. The trend is toward downward.
11 And while of course I recognize that in the
12 long term perspective, demand will increase,
13 this change itself indicates that projections
14 previously relied on were inaccurate.

15 Additionally, the US Geological
16 Survey study, which was commissioned by the
17 County Legislature and released in final form
18 in 2011, showed that Rockland groundwater
19 supply is far healthier than previously
20 estimated. Faster recharge means lower
21 stress on the system, particularly during
22 times of peak demand.

23 United Water's report submitted in
24 conjunction with this proceeding seems to be
25 nothing more than a rehashing of outdated

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2 information and offers little in the way of a
3 reevaluation. Again, the facts speak for
4 themselves.

5 The report prepared by Al Appleton
6 on behalf of the Rockland Water Coalition is
7 much more instructive. It supports the
8 position that many of us have taken for
9 years. There is a viable demand side
10 solution to meet Rockland's long term water
11 needs. Put simply we can do better with what
12 with we already have.

13 United Water has a less than
14 stellar track record in managing its
15 infrastructure, which has led to higher than
16 average leakage rates in many communities
17 that it services, including Rockland County,
18 where the rate has been reported to be as
19 high as 25 percent. Even a modest
20 improvement in leakage rates through a
21 comprehensive management program would result
22 in additional supply at a reasonable cost.
23 In fact, it would be in United Water's best
24 interest to aggressively pursue a leak
25 management program because it would result in

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2 an increase in salable water.

3 We've already been made aware of
4 historical excess releases of water from Lake
5 DeForest to New Jersey, which skewed much of
6 the data emanating from United Water's
7 management of this important supply source.

8 Several years ago, the County
9 Legislature formally requested that the DEC
10 perform a historical audit of the operations
11 of Lake DeForest. In response, the DEC told
12 us that the issue would be dealt with in
13 conjunction with the desal permit
14 application.

15 I find it to be much more
16 appropriate that this issue be explored by
17 PSC in this proceeding, where the earlier
18 determination regarding need has been
19 reopened. And one cannot ignore the fact
20 that the required discharge of water to New
21 Jersey from Lake DeForest is currently being
22 renegotiated. Never mind that the
23 negotiations are between United Water New
24 York and United Water New Jersey. At
25 present, seven and a half million gallons a

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2 day are sent downstream every day from Lake
3 DeForest to serve New Jersey's needs. Every
4 drop of water less is another drop of water
5 retained for Rockland's exclusive use.

6 ALJ CASUTTO: One minute, please.

7 VICE-CHAIR WOLFE: Finally, as you
8 heard Chairwoman Harriet Cornell last night,
9 Rockland government is in the process of
10 creating a task force to take a comprehensive
11 look at long term sustainable water
12 management planning. We have adopted a
13 comprehensive plan that takes water usage
14 very seriously. And at present I'm working
15 on legislation that would create
16 non-emergency water use restrictions,
17 enhancing current conservation efforts in our
18 county that have been very successful.

19 (Applause)

20 VICE-CHAIR WOLFE: On their own,
21 none of these measures will solve Rockland's
22 long term water needs, but as a whole they
23 demonstrate that demand side solutions are a
24 viable means to address water needs in
25 Rockland County. I look forward to hearing

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2 your considered determination, and thank you
3 very much for your time and attention.

4 (Applause)

5 ALJ CASUTTO: Thank you.

6 Our next speaker is Joseph Meyers.
7 Following Mr. Meyers, Nancy Low Hogan, County
8 Legislator.

9 LEGISLATOR MEYERS: Thank you. I'm
10 Joseph Meyers. I'm a Rockland County
11 Legislator. I represent District 12, which
12 includes Suffern, Hillburn and Airmont. And
13 I previously represented Chestnut Ridge
14 before the redistricting of the legislature
15 last year.

16 I wanted to address the issue of
17 need in a very specific way. And that is
18 that I think it has been mentioned yesterday
19 that the growth that is projected in Rockland
20 County is really tied mostly to eastern
21 Ramapo and one segment of the population that
22 has been increasing exponentially over the
23 last couple of decades. And there's nothing
24 wrong with that. I mention it only because
25 when we look at need, we have to look at the

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2 needs and the focus of that community since
3 that's where the growth is coming from. That
4 tends to be a much poorer community, for
5 example. And therefore, United Water's
6 argument that demand for water is not
7 sensitive to cost probably is not true when
8 you're dealing with a poorer community. When
9 you're dealing with a poorer community,
10 probably water usage is sensitive to the
11 cost.

12 And I'll give us an example for
13 that. The fact that demand has actually gone
14 down in Rockland County, as has been
15 mentioned, over the last few years, even
16 though that population growth in Ramapo has
17 been increasing exponentially. So those
18 people do not use high volumes of water.
19 They tend to live in multi-family dwellings
20 on small plots of land, and they do not use
21 water to water their lawns, et cetera.

22 So when we look at demand, you
23 can't just simply look at population growth
24 and assume a certain level of usage. You
25 have to look at where the population growth

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2 is coming from. And what I would submit to
3 you is that the population growth is coming
4 in Ramapo, and it's coming from the growth in
5 the religious community, again, no
6 discrimination meant by that. I just want
7 you to focus on the needs of that community,
8 and then that will give you a better idea of
9 how to evaluate how that growth translates
10 into need.

11 One of the other points I want to
12 make is that that growth in Ramapo and the
13 development of Ramapo has really been based
14 on very irresponsible land use policies in
15 the Town of Ramapo. You may know that the
16 town --

17 (Applause)

18 LEGISLATOR MEYERS: You may know
19 that the town is under investigation by the
20 FBI, there's all sorts of turmoil going on in
21 the East Ramapo School District, that's
22 controlled by the religious community.
23 There's a lot going on in Ramapo that the
24 people of Rockland County are aware of that
25 you may not be aware of.

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2 It is conceivable that the
3 irresponsible growth policies in the Town of
4 Ramapo will be lessened or reversed in the
5 future, that is always possible. It is also
6 possible that the development that goes on in
7 the Town of Ramapo in the future will be
8 subject to extensive litigation, as is
9 already the case, delaying projects ten or
10 twelve years, indefinitely. For example,
11 there is a plan to develop a two hundred acre
12 patch of farm that sits on a major aquifer in
13 Rockland County. That has been tied up in no
14 less than four lawsuits for the last couple
15 of years and will continue into the future.

16 So as the more and more sensitive
17 parts of Ramapo are projected for development
18 by these irresponsible land use policies, the
19 amount of litigation and the amount of
20 resistance will increase exponentially. And
21 what you will have is you will not have the
22 growth in water demand that they're
23 projecting by these very simple lines in
24 demographics.

25 So I wish that the Public Service

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2 Commission will consider these factors and
3 not just look directly at, oh, the population
4 is going this way, therefore the demand is
5 going to go that way.

6 One other thing I just wanted to
7 mention, it will be my last comment.

8 ALJ CASUTTO: One minute, please
9 sum up.

10 LEGISLATOR MEYERS: Do I have one
11 minute?

12 ALJ CASUTTO: One minute.

13 LEGISLATOR MEYERS: Okay.

14 So Daniel Miller was quoted in
15 United Water's presentation summary as
16 saying, "So do we really need more supply
17 capacity, unless we, the big we, including
18 all our towns and villages, are ready to stop
19 growth, yes." He meant Ramapo. He meant New
20 Square, Kaser, and the unincorporated part of
21 Ramapo. That was more a comment of
22 exasperation on his part. That was not a
23 comment of yes, we need more water supply.
24 So it's interesting that United Water used
25 that quote, which they really took out of

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2 context and the wrong way, as half of their
3 argument for why the need exists.

4 Thank you and good night.

5 ALJ CASUTTO: Thank you.

6 (Applause)

7 County Legislator Nancy Low Hogan.

8 Following Legislator Hogan, Andy Stewart,
9 Supervisor of the Town of Orangetown.

10 LEGISLATOR HOGAN: Good evening,
11 Commissioners. My name is Nancy Low Hogan,
12 and I am a Rockland County Legislator,
13 representing District 17 in Rockland County,
14 which consists of Piermont, Palisades, Grand
15 View, South Nyack, parts of Blauvelt,
16 Sparkill, and Orangeburg in the Town of
17 Orangetown, and a portion of West Nyack and
18 Clarkstown.

19 Being an elected official myself, I
20 have tried to put myself in your shoes as
21 members of the Public Service Commission. If
22 I were a PSC member, and as a caring and
23 concerned public servant, which I am and I
24 know you are as well, right now after hearing
25 the testimony this evening and last night, in

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2 my own heart and in my own mind I would be
3 asking myself this question: Does Rockland
4 County really need this desalination plant,
5 or is this a request on the part of United
6 Water to solve a problem for United Water?
7 Is there enough evidence. Are there
8 alternatives. Have I seen or heard any new
9 information. Do I have any new insights into
10 the commitment of the people of this
11 community as a result of the quality of the
12 presentations I have heard, and the passion
13 that I have seen exhibited.

14 Rockland County is a very unique
15 county. We are environmentally friendly. We
16 are environmentally committed. We implore
17 the help of the PSC. We need you to take
18 another look at this issue. We do not want a
19 desalination plant.

20 (Applause)

21 LEGISLATOR HOGAN: One of your jobs
22 is to take into consideration new information
23 and new evidence. That was mentioned
24 tonight. The commitment of our residents is
25 evident. Citizens and elected officials have

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2 come together on this issue. There were
3 nearly a thousand people last night. Several
4 hundred tonight. By your own admission, with
5 thoughtful comments and extensive research.

6 Increased costs, energy intensive
7 technology, drinking water 3.5 miles
8 downstream from a nuclear power plant are all
9 reasons that I don't want this plant. But my
10 real concern has to do with fairness. I know
11 you've been listening to a whole lot of
12 people say a whole lot of things over the
13 past two nights. But if I were you, I'd be
14 saying to myself how in the world did we get
15 into this situation. I'd be asking myself,
16 should United Water's desires trump the water
17 rights of Rockland County residents.

18 (Applause)

19 LEGISLATOR HOGAN: Is there enough
20 evidence to prove this need. If desalination
21 is absolutely necessary, then why in the
22 world is it only necessary for Rockland
23 County --

24 (Applause)

25 LEGISLATOR HOGAN: -- and not

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2 Westchester, Ulster, Putnam, Manhattan,
3 Orange County, Bergen County. Why is it just
4 Rockland County?

5 (Applause)

6 LEGISLATOR HOGAN: And, finally, is
7 it fair, is it fair to give Rockland County's
8 water away. If I were you, and I were
9 sitting up there, I know how I'd answer. I'd
10 say no, it's not fair. And I'd do everything
11 I could to prevent it from happening.

12 I ask the PSC to adjust, update,
13 take into consideration the new information
14 you've heard, help us and support us.

15 Thank you very much.

16 (Applause)

17 ALJ CASUTTO: Thank you.

18 The next speaker is Andy Stewart,
19 Supervisor of the Town of Orangetown.
20 Following Supervisor Stewart, Catherine Grant
21 for Rockland County Legislator Michael Grant.

22 SUPERVISOR STEWART: Good evening,
23 and thank you to the members of the PSC and
24 everybody who is here tonight. I'm Andy
25 Stewart, Orangetown Town Supervisor. I'm

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2 also a member of the Rockland County Sewer
3 District and the Solid Waste Authority, which
4 comes with being a town supervisor. And all
5 these systems are connected.

6 Not long ago I led an effort in
7 Orangetown, which was supported by most of
8 the town board, to pass a resolution opposing
9 the rate hikes, opposing the desal plant.
10 And when we had a debate we had people come
11 into the town hall, we had Michael Pointing
12 and others, and we had really good
13 conversation. I think I can say that I'm
14 representing the majority of the people in
15 Orangetown, probably most of them, when I say
16 we do not believe that there is sufficient
17 need for a new supply to justify this
18 project. I would like to go beyond that and
19 just say another thing or two.

20 One is just a fact, that just the
21 town, the 28 or 29 percent increase on a one
22 million dollar water bill, we are looking at
23 a quarter million dollars. We don't have
24 that money. We just don't have it. And I
25 don't think the families of Orangetown and

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2 Rockland County have it either. We have to
3 look at alternatives.

4 What are the alternatives? I'm
5 thinking back 20 years ago when we found out
6 that we were all out of landfill space. Did
7 we raise the rates and ship our trash further
8 and further and further out into
9 Pennsylvania, Ohio and Upstate New York
10 looking, looking, looking for places to put
11 it, no. We discovered recycling. Okay.

12 (Applause)

13 SUPERVISOR STEWART: Not long ago,
14 the city of Syracuse and the county around it
15 were looking at a \$100 million expansion of a
16 sewer treatment facility because of all the
17 water that was getting in there from the
18 combined sewer overflows. They decided
19 instead of spending that money, which they
20 were going to be forced to by the DEC, to
21 invest in green infrastructure. They cut the
22 water off at the source, porous pavement, you
23 know, these little rain barrels that we see
24 around. Ways of saving the water. They
25 thought about it differently.

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2 So I don't think the question for
3 us tonight is what project do we need in
4 terms of technology. I think the question
5 that is being raised here is what kind of
6 political project do we need. I'm not sure
7 that we have the institutions to really
8 manage this problem effectively.

9 United Water is a wonderful expert
10 on both water production and waste water
11 treatment too. But the two aren't connected.
12 We are dropping about 14 billion gallons a
13 year of treated waste water into the Hudson
14 River, which just goes bye-bye, while over on
15 the Ramapo River the sewer district invested
16 in advanced waste water treatment that treats
17 the water to a level that it can be put back
18 in the Ramapo River, it can augment the
19 downstream supply, it can enable United Water
20 to pump harder from the wells in the Ramapo
21 well field. So that's thinking. That's the
22 kind of investment we need.

23 (Applause)

24 SUPERVISOR STEWART: I don't know
25 that the Public Service Commission, I

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2 certainly know that United Water doesn't, or
3 that anybody really has the authority or the
4 mandate, but what we need is what Harriet
5 Cornell has proposed, is we need to work on a
6 new plan for our water. And maybe that means
7 new institutions, ones that are accountable
8 to the public, ones that are transparent, and
9 ones that will invest in alternatives to very
10 expensive new supply. Which is essentially a
11 political problem; how do we get the
12 municipalities together. How do we deal with
13 over development over here.

14 ALJ CASUTTO: All right, one
15 minute.

16 SUPERVISOR STEWART: So these are
17 the things that I think are challenging,
18 they're not easy answers. But in the
19 meantime, we need to not go ahead with the
20 proposed solution.

21 Thank you very much.

22 ALJ CASUTTO: Thank you.

23 (Applause)

24 ALJ CASUTTO: The next speaker is
25 Catherine Grant for Rockland County

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2 Legislator Michael Grant. Catherine Grant?

3 (No response)

4 ALJ CASUTTO: Following Ms. Grant
5 we'll hear from Jeffrey Oppenheim, Mayor of
6 the Village of Montebello.

7 MAYOR OPPENHEIM: I guess Catherine
8 didn't want to wait for me.

9 ALJ CASUTTO: All right, are you
10 Michael Grant?

11 MAYOR OPPENHEIM: I'm Jeff
12 Oppenheim. She's not here.

13 ALJ CASUTTO: I see.

14 MAYOR OPPENHEIM: We're all
15 speaking for the Village of Montebello. My
16 name is Jeffrey Oppenheim.

17 ALJ CASUTTO: We'll call Ms. Grant
18 a little bit later.

19 MAYOR OPPENHEIM: Okay.

20 As I said, I'm Dr. Jeffrey
21 Oppenheim. I'm mayor of the Village of
22 Montebello. I'm also president of the
23 Rockland County Board of Health.

24 I couldn't help but noticing
25 tonight a little while ago the members of the

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2 Commission all had bottles of water, it
3 looked like Poland Spring. I'm willing to
4 bet that you wouldn't be drinking Hudson
5 River water up there.

6 (Applause)

7 MAYOR OPPENHEIM: That's just a
8 guess.

9 You know, I'm not going to be
10 redundant of what other people have said
11 here, but I can tell you as president of the
12 county board of health it has been years,
13 years since we have declared a drought
14 emergency in Rockland County. The only time
15 we have drought emergencies is in fact during
16 the summertime, and the reason for that
17 really has to do with people using their
18 sprinkler systems excessively. And by
19 limiting that we really don't have a problem.
20 There is not a problem with need.

21 I wanted to address the issue,
22 though, of cost, if I could, because cost is,
23 as Mr. Gally (phonetic) has pointed out, is
24 related to need. As cost goes up, need goes
25 down. But I want to point out that there are

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2 other things than just direct costs, the
3 price of water. There are indirect costs.
4 Our taxes, our property taxes, which we know
5 are going to go up.

6 There are also costs called
7 external costs. That's something that
8 congress referred to when they talk about a
9 third-party effect on us. Like, for example,
10 if your next door neighbor doesn't mow his
11 lawn, he saves money but the value of your
12 house might go down. There are external
13 costs here that we have to consider that are
14 tied to the issue of need.

15 One of those external costs is
16 environmental. If the solution to this
17 problem, if it's perceived to be a problem by
18 the PSC is to utilize Hudson River water,
19 there's an issue of pollution. Like Andy
20 Stewart, I serve on the Solid Waste
21 Authority. And there's still a question,
22 what would happen to all the sludge waste
23 that a treatment plant like this would
24 produce. Would it be dumped back into the
25 river to make it more saline and bad for the

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2 fish. Would it be transported in Rockland
3 County to the Solid Waste Authority spots?
4 What would happen to it? That's an
5 environmental question.

6 As president of the Board of Health
7 I want you to also consider that there are
8 costs in terms of public health. We don't
9 know what we don't know. There are thousands
10 of organic chemicals in existence that could
11 be in that river. And I'm certain United
12 Water would like to test for all of them, but
13 it's not possible to test for what you don't
14 know. And we all know there's Strontium-90,
15 there's a radioactive debris that comes off.
16 That is a concern of public health and as a
17 member of the Board of Health I'm concerned.

18 Lastly --

19 (Applause)

20 MAYOR OPPENHEIM: Thank you.

21 Lastly, I want to also say that we have an
22 external cost that's a little different than
23 that, and that is property values, and that's
24 based on perception. Because while it might
25 be that a reverse osmosis system is perfectly

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2 safe, we know they use it elsewhere, it might
3 be the case that the water is safe, we don't
4 know. It's also possible, though, that we
5 are going to have to deal with the perception
6 of people who feel that they don't know. And
7 the reality is that property values are tied
8 to this perception. And when young families
9 are thinking about whether they should move
10 to Rockland County or Bergen County or
11 Westchester County, when Rockland is the one
12 that's drinking Hudson River water, if the
13 perception is that that's not safe, they
14 won't come here.

15 (Applause)

16 MAYOR OPPENHEIM: And I want to
17 just say one other thing. You know, in
18 Montebello we have about 4,000 residents,
19 about 1,500 homes or so. The property value
20 of Rockland County aggregate of all those
21 homes is over a billion dollars. We're a
22 small piece of Rockland. Rockland,
23 therefore, you know, is a hundred billion or
24 more. If this perception causes property
25 values in this county to decline just by ten

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2 percent, ten percent, that could cost us \$10
3 billion. The cost of this plant, the cost of
4 the alternative proposals that could be
5 looked at if there really were a need --

6 ALJ CASUTTO: One minute.

7 MAYOR OPPENHEIM: -- is a fraction
8 of that.

9 I'm just about done.

10 So what I'm imploring you to
11 consider is that there are externalities.
12 Those are legitimate costs, not just the
13 direct costs. And as a member of the Board
14 of Health, as a member of the Solid Waste
15 Authority, and as the representative of 4,000
16 citizens in the Village of Montebello, I urge
17 you to consider that we do not have a
18 pressing need and we cannot afford these
19 costs.

20 Thank you very much.

21 (Applause)

22 ALJ CASUTTO: The next speaker is
23 Brett Yager, mayor of the village of Pomona.
24 And then we'll hear from Rita Louie, trustee
25 of the village of Pomona.

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2 Good evening.

3 MAYOR YAGER: Good evening. Thank
4 you for the opportunity to speak here at this
5 hearing. As you know, I'm the mayor of the
6 village of Pomona. I am also the president
7 of the Rockland County Conference of Mayors,
8 who overwhelmingly oppose.

9 AUDIENCE MEMBER: What's your name?

10 AUDIENCE MEMBER: We can't hear
11 you.

12 MAYOR YAGER: Brett Yager, mayor of
13 the village of Pomona, president of the
14 Rockland County Conference of Mayors. As I
15 indicated, not only does the village of
16 Pomona oppose this but the vast majority of
17 the villages in the county oppose this.

18 AUDIENCE MEMBERS: We can't hear
19 you.

20 MAYOR YAGER: While we realize that
21 our municipal boundaries are fixed, we are
22 ever cognizant, as is the DEC, that
23 environmental boundaries do not recognize
24 municipal boundaries, and thus introducing a
25 man made solution into the environment must

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2 always be carefully weighed.

3 Aruba, Bahrain, Cypress, Israel,

4 Oman, Saudi Arabia, United Arab Emirates.

5 These represent some of the countries where

6 desalinization plants have been constructed

7 and are in use. Most plants are located in

8 the Middle East or in North Africa. Which

9 use their petroleum resources to limit --

10 offset the limited water resources where

11 water stressed environments exist. When and

12 why did Rockland County achieve this

13 designation?

14 (Applause)

15 MAYOR YAGER: President John F.

16 Kennedy once stated that the great enemy of

17 the truth is very often not the lie,

18 deliberate, contrived and dishonest, but the

19 myth, persistent, persuasive, unrealistic.

20 In speaking with numerous

21 individuals on both sides of the issue, the

22 vast majority of United Water's existing

23 customers in this county are overwhelmingly

24 opposed to this plant. And that the only

25 groups that are in favor of this project are

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2 United Water New York, the town of
3 Haverstraw, and the construction company
4 building the plant. Reams of documentation
5 have been developed regarding this proposal.
6 Listed among the reams are the reasons cited:

7 Peak capacity;

8 Supply and demand issues;

9 Long range planning for exponential
10 growth;

11 Costs associated with the Ambreys
12 Pond that they bought in the sixties;

13 Tax ratables; and,

14 That the Hudson River is a healthy
15 source of water and a water supply source in
16 existence that is a better alternative to
17 building a new reservoir or waste water
18 reuse.

19 What still needs to be vetted and
20 expounded upon are not currently addressed in
21 this. The amount of energy to produce
22 potable water, coupled with the eventual and
23 sometime exponential increase of fuel
24 required to produce potable water.

25 (Applause)

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2 MAYOR YAGER: The carbon thermal
3 footprint. The additional measures that
4 United Water is going to implement in the
5 short term to address their capacity issues.

6 The reason why United Water is
7 allowed to continue to issue willingness to
8 serve letters, especially on some of the
9 largest proposed development projects in
10 recent history, without enacting more
11 stringent water conservation and consumption
12 plans as a cost being borne by the
13 developers.

14 (Applause)

15 MAYOR YAGER: As we all know, over
16 the last several seasons there have been
17 catastrophic weather events. In August 2001
18 (sic) we saw Hurricane Irene and Tropical
19 Storm Lee. Last year it was Hurricane Sandy.
20 As the DEC will note in their records, the
21 level of turbidity in the Hudson River did
22 not return to normal for over seven months in
23 each of those instances. The weather events
24 were catastrophic.

25 The effects of this plant that it's

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2 going to have on Haverstraw Bay. You know,
3 recent court rulings under the United --
4 under the Clean Water Act, the U.S. Clean
5 Water Act, have limited the type of water
6 intakes. It's kind of interesting. The
7 intakes that they're proposing were at one
8 time similar to the intakes over at Indian
9 Point. You know, what we all come to realize
10 is that man made circumstances, that is, the
11 excess release of water from the Lake
12 DeForest Reservoir and the covering up of
13 such led to this proposed desalinization
14 plant.

15 I respectfully request as the
16 president of the Conference of Mayors and the
17 mayor of Pomona that you seriously weigh this
18 desalinization plant, you hear what your
19 constituents are saying, and that you'll rule
20 against it.

21 Thank you.

22 (Applause)

23 ALJ CASUTTO: Thank you.

24 Rita Louie, trustee of the village
25 of Pomona. And then we'll hear from

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2 Stephanie Hausner.

3 MS. LOUIE: Okay, I'm going to make
4 this brief.

5 You're going to hear tonight that
6 this process is seven years in the making.
7 Mr. Pointing in his presentation stated that
8 he wants to do the right thing for the
9 community, and that they've been seven years
10 deciding what to do about this need.

11 When I went to Albany a couple of
12 years ago with members of the coalition to
13 first present a petition with over 25,000
14 signatures on it against the desalination
15 plant, the Governor's environmental chairman
16 had never heard of any of the communities'
17 concerns. So even though United Water might
18 say this is seven years in the making and you
19 mandated them seven years ago to find a new
20 water source, Albany had not heard from this
21 community up until about three years ago.
22 They had only been hearing about how much we
23 needed this water, and how great this project
24 was going to be for the community from United
25 Water and from Tony Burgos, the lobbyist for

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2 United Water, who I referenced earlier, and
3 they had not heard at all from the community
4 and the people of Rockland County.

5 So no, this project has not been
6 going on for seven years for the people of
7 Rockland County. It has only been going on
8 for a couple of years for us. And gaining
9 information about it has been painstakingly
10 slow. But thanks to the Rockland Water
11 Coalition and elected officials and other
12 people in the community, we have been getting
13 the information and we have been getting it
14 out to the community. And that is why we're
15 here today and able to speak with some
16 intelligible facts to the Public Service
17 Commission this week.

18 United Water wants to do the right
19 thing. What about the village of the
20 Haverstraw community? This summer I had the
21 honor of being a candidate for election in
22 Haverstraw.

23 (Applause)

24 MS. LOUIE: Thank you.

25 As a candidate, I was able to get

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2 to know dozens and dozen of people
3 personally, who live in the Latino and
4 Hispanic communities here in the village of
5 Haverstraw. It has been reported by United
6 Water that if the need is established and
7 they go ahead and build a desal plant, that
8 new water will be serving the village of
9 Haverstraw community, the Latino and Hispanic
10 community first, that that water will be
11 pumped directly into that community.

12 Even if there are trace -- if there
13 are, like some people have said and like some
14 reports have said and like United Water has
15 said, that there may be trace elements of
16 Tritium or Strontium-90 in the water, even if
17 they are below the alleged EPA standards, as
18 was so eloquently and carefully stated by
19 United Water's very high paid attorney, this
20 community will be getting the first
21 concentrations of those radionuclides. I
22 consider that nothing less than environmental
23 abuse of a minority community. And in
24 determining whether we actually need
25 additional water, the method of how we get

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2 that water and the plight of this community
3 must be taken into account.

4 (Applause)

5 MS. LOUIE: Mr. Alessio, the high
6 priced attorney that comes with United Water,
7 eloquently also said that United Water did
8 not handle the valve situation very well or
9 as well as they could have. Well, you know
10 what, United Water didn't handle the Toms
11 River situation where children got cancer as
12 well as they should have.

13 (Applause)

14 MS. LOUIE: United Water did not
15 handle the Camden, New Jersey situation,
16 which they were fined highly for, as well as
17 they could have. United Water did not handle
18 the reporting of the arsenic in our water
19 last year as well as they should have.

20 United Water did not handle
21 reporting of turbidity, which turned out to
22 be excess amounts of copper sulfide in our
23 Lake DeForest water this past summer as well
24 as they should have.

25 So why should you Commissioners and

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2 your Honor of the Public Service Commission
3 believe that they have handled the preparing
4 of the report that they submitted to you in
5 August or their real need for water Rockland
6 County as well as they should have.

7 (Applause)

8 ALJ CASUTTO: All right. The next
9 speaker is Stephanie Hausner. And following
10 Ms. Hausner, Ted Arin.

11 MS. HAUSNER: Hi. I'm Stephanie
12 Hausner. I'm a councilwoman in the town of
13 Clarkstown. Clarkstown is a town of about
14 85,000 people. I'm a life-long Rockland
15 resident and I'm here because I have
16 concerns, like many of you.

17 First I want to thank the PSC.

18 ALJ CASUTTO: Please speak into the
19 mike.

20 MS. HAUSNER: Sorry, sorry.

21 First I want to thank the PSC for
22 hosting these hearings. Tonight we are here
23 to discuss the current and future supply of
24 our water.

25 After the Rockland County 2006

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2 study where the potential water shortage was
3 discussed, and then again in Rockland
4 County's 2011 comprehensive plan,
5 recommendations were made to develop a
6 comprehensive water policy and promote water
7 conservation. As the county implements these
8 recommendations, water demand will continue
9 to decrease.

10 I seem to remember that also at
11 these times United Water was encouraged to
12 start conservation promotional campaigns.
13 Earlier we heard about educational campaigns;
14 however, they never focused on conservation.
15 I brought this up at a hearing with United
16 Water over two years ago that the town board
17 of Clarkstown hosted. And in terms of
18 conservation efforts, it seems that maybe,
19 you know, that might have helped a little
20 bit. But I don't know that it mattered that
21 United Water never spent the energy on the
22 conservation efforts because our demand in
23 Rockland has dropped in recent years.

24 United Water has not proven that
25 there's in fact a water shortage. Data

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2 suggests that demand will not exceed
3 availability until at least 2025, which
4 considers potential growth that may never
5 happen and may not have the tremendous impact
6 on water supply.

7 Earlier this evening we heard from
8 United Water, and one of the projects or a
9 couple of the projects they spoke about was
10 the new Bloomberg data center in Orangetown
11 and other data centers coming into our
12 county. Now, the thing about data centers
13 and the reason why it's such a great ratable
14 from a town's perspective is because it
15 doesn't -- yes, it involves energy
16 consumption, but it doesn't involve a lot of
17 traffic, we're not talking about a lot of
18 employees. So I just don't really understand
19 how a data center or a couple of data centers
20 are going to increase water demand when there
21 are going to be very few employees there.

22 I also find it remarkable that so
23 many of Rockland's eateries participated in
24 Water Week this past week and this coming
25 week --

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2 (Applause)

3 MS. HAUSNER: -- raising awareness
4 and concern for this desalination project. I
5 question how demand will change from these
6 local businesses, the bread and butter of our
7 county's economic development, should this
8 desalinization plant be built. Will they
9 seek other sources of water, will they bring
10 in Poland Spring or, I don't know, from where
11 else. What impact will this have on the
12 proposed increase in demand.

13 How can we take the word of just
14 the utility company that only stands to
15 benefit from this project about our water
16 needs, when independent scientists you've
17 heard from tonight and you've heard from last
18 night and the county have shown that these
19 needs are not there.

20 Additionally, I have significant
21 issues or questions about the cost, and I
22 know we're focusing on the supply, but, like
23 other speakers, I think they're related. The
24 proposed desalinization plant would raise
25 Rockland County's water rates to among the

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2 highest in the nation. United Water is
3 already seeking to raise water rates 29
4 percent. What happens to our water bills?
5 What about our property values, as another
6 speaker just mentioned. Are people going to
7 start choosing to move to Bergen or
8 Westchester or Orange County, where they
9 wouldn't have to drink Hudson River water,
10 instead of coming right here to Rockland
11 County, to the community that we all love?
12 We have a demographic challenge in this
13 community. We have an aging population. We
14 need young families to want to move into this
15 county and stay in this county. What happens
16 then. What happens to our community, our
17 towns, our villages, our schools. We in
18 local governments and our schools especially
19 are doing our best to keep taxes low and
20 within the Governor's tax cap. But there's
21 been little relief from Albany. And our
22 taxpayers do not need to face an additional
23 burden of the tripling of their water bills.
24 We are asking the PSC to do their
25 due diligence and determine the need for

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2 greater water -- whether there is in fact a
3 need for greater water supply, and to take
4 all the comments given by the public into
5 consideration. Legislator Nancy Low Hogan
6 spoke about being in your shoes. And I'm
7 asking you to please think about what if you
8 were in our shoes, would you want a
9 desalination plant in your backyard.

10 (Applause)

11 ALJ CASUTTO: Thank you.

12 The next speaker is Ted Arin.

13 Following Mr. Arin, Jadyn Turner.

14 MR. ARIN: My name is Ted Arin.
15 I've been a resident in Rockland County for
16 over 40 years.

17 AUDIENCE MEMBERS: We can't hear
18 you.

19 MR. ARIN: Get closer, that's
20 better?

21 AUDIENCE MEMBERS: Yes.

22 MR. ARIN: Okay. Anyway, I'm the
23 chairman of the Rockland -- chapter -- of
24 Rockland County. And I'm deeply troubled
25 about the proposed desalinization project

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2 that United Water is proposing to build in
3 Rockland County. There are many issues
4 concerning this project, including costs to
5 retirees, those living on fixed incomes, and
6 justifications for the project.

7 Based upon United Water's own
8 calculations, when the project is completed,
9 their water bills will increase by more than
10 three hundred dollars per year. A more
11 realistic cost would be probably five hundred
12 dollars per year per customer and so forth.
13 This steep rate increase will cut disposable
14 income substantially. Considering the fact
15 that there are many retirees and people on
16 fixed incomes in Rockland County, I could
17 expect the economy to be seriously impacted.

18 As far as providing jobs is
19 concerned, and while I know that this is not
20 a PSC issue, it is one for our folks living
21 in the county. Once the desalinization plant
22 is completed, it will provide only ten to 20
23 permanent jobs. However, if United Water
24 were to use the money to fix infrastructure
25 on an ongoing basis, expert Professor

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2 Appleton is confident that there will be
3 added more jobs in the long run and there is
4 plenty of work here.

5 Let's talk about leaky pipes, okay.
6 There is a report in The Record, New Jersey
7 newspaper, and this is the article here -- I
8 save lots and lots of papers there, okay --
9 and according to the article, it said United
10 Water of New Jersey could not account for 26
11 percent of the water it treated and pumped.
12 This amounts to 10.6 billion gallons of
13 water, enough to fill the Oradell Reservoir
14 three times over. United Water New Jersey
15 has a lot of leaks in their system. It is
16 one of the leakiest systems I know, said
17 Robert Kecsckes, a retired water supply
18 expert for the state Department of
19 Environmental Protection.

20 For those people who don't know, is
21 that United Water of New Jersey and United
22 Water of New York are one and the same for
23 the most part. One is the parent of the
24 other. The bottom line is that their
25 managing skills really need to be improved as

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2 far as leaky pipes are concerned.

3 (Applause)

4 MR. ARIN: And as far as jobs are
5 concerned, there's a lot of work to be done
6 considering all the leaks they have there.
7 We're talking about 25 or 26 percent of loss
8 of water.

9 Now, as a side note, why should we
10 be giving New Jersey water, if they're losing
11 water at the rate of 26 percent? I mean
12 shouldn't they fix their pipes first before
13 we give them water?

14 (Applause)

15 MR. ARIN: I think there has to be
16 some change in the management, frankly. All
17 right.

18 And then there's the question of
19 Tritium. I am a retired chemistry teacher.
20 I went to my textbooks and I looked up
21 Tritium. Tritium is an isotope of hydrogen.
22 And it lasts 12 years. That's the -- excuse
23 me, that's the half life. It keeps on going
24 and giving and giving every 12 years and so
25 forth. Bottom line, it lasts a long time in

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2 the system that we have here.

3 The question here -- and then
4 there's the question of Tritium in the Hudson
5 River. How can anyone justify drinking water
6 containing Tritium --

7 ALJ CASUTTO: All right, Mr. Arin,
8 one minute, please, please sum up.

9 MR. ARIN: All right.

10 -- you cannot remove, when there
11 are other alternatives. Okay.

12 The PSC's mandate is to ensure
13 access to safe, reliable utility service at a
14 just and reasonable rate. It is difficult if
15 not impossible to determine if United Water's
16 proposal rate is justified if they don't
17 provide the necessary information. It's
18 most -- for the most recent information
19 available, including all rates to ratepayers,
20 particularly retirees on fixed incomes, it is
21 critical that United Water be required to
22 revise their proposal so it meets all of
23 our -- your criteria for just and reasonable
24 rates before this -- before a decision is
25 rendered.

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2 Thank you.

3 (Applause)

4 ALJ CASUTTO: Thank you.

5 The next speaker is Jadyn Turner.

6 Following Ms. Turner is George Klein. And

7 thank you for assisting Ms. Turner.

8 MS. TURNER: If I were living in a
9 place like Egypt, I could understand
10 desalination because they need water. A
11 place like Rockland County does not need
12 water. We have a lot of flooding that is a
13 good example of why we do not need
14 desalination. If United Water could find a
15 way to use that water and clean that water
16 and leave it clean and healthy drinking
17 water, that would be okay.

18 A lot of people are leaving the
19 county because of desalination because the
20 water will be undrinkable. I am nine, and I
21 do not want to be drinking this water
22 forever. And I do not want my six month old
23 sister to drink it either.

24 We have plenty of water, and if
25 people conserve water we will have more. I

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2 want to know why my parents will pay bigger
3 bills for me to drink unhealthy water.

4 (Applause)

5 ALJ CASUTTO: Just a moment, could
6 you leave us a copy of that or would you like
7 to submit it? It would be helpful for the
8 stenographer it get it in the record. Can
9 you do that? All right.

10 MRS. TURNER: Do you want me to do
11 that now?

12 ALJ CASUTTO: What's that?

13 MRS. TURNER: Should I do that now?

14 ALJ CASUTTO: No, but let's get a
15 copy of it and you can provide it to me
16 during the break and we'll give it to the
17 stenographer. Okay?

18 MRS. TURNER: Okay.

19 ALJ CASUTTO: All right, the next
20 speaker is George Klein. Following
21 Mr. Klein, Dan Duthie.

22 MR. KLEIN: Hi. I'm George Klein,
23 and I'm representing thousands of Sierra Club
24 members in Rockland, Westchester and Putnam,
25 Commissioner Sayer, Commissioner Burman (sic)

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2 and Judge Casutto. I want to talk about what
3 I call the tactical asymmetry in the --

4 AUDIENCE MEMBER: Can you speak
5 louder?

6 MR. KLEIN: -- presentation of the
7 need discussion.

8 ALJ CASUTTO: You have to speak
9 right into the microphone.

10 MR. KLEIN: Okay, I'm sorry.

11 I want to talk about what I call
12 the tactical asymmetry in the presentation of
13 the need discussion among some parties. And
14 I'm going to talk particularly about United
15 Water on the one hand, and the citizenry and
16 the Rockland Water Commission on the other.
17 I'm not going to talk about public officials,
18 okay.

19 So on the one hand, United Water
20 has a PR and an ad budget. The Rockland
21 Water Coalition has to fund raise, and has
22 raised a few thousand dollars.

23 United Water has water managers,
24 hydrologists, engineers, statisticians and
25 attorneys on staff. The Rockland Water

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2 Commission must find and hire water managers,
3 hydrologists, engineers, statisticians and
4 attorneys, and each of them has a learning
5 curve for the Rockland water case.

6 United Water can choose to not hire
7 as consultants hydrologists and engineers who
8 take positions independent of United Water.
9 So Rockland Water Commission must find and
10 hire water managers, hydrologists and
11 engineers who are not beholden or potentially
12 beholden to United Water.

13 United Water probably knows the
14 Public Service Commission and its staff. The
15 Rockland Water Commission does not know the
16 Public Service Commission and its staff.

17 United Water can enforce message
18 discipline with its staff. The Rockland
19 Water Commission and its citizenry have
20 limited or no message discipline.

21 United Water has an ad budget that
22 can be spent on local media. The Rockland
23 Water Commission has no ad budget for local
24 media.

25 United Water is part of Suez

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2 Environnement, a global organization. The
3 Rockland Water Commission is about a six year
4 old citizen group.

5 United Water has a formal command
6 structure and a hierarchy. The Rockland
7 Water Commission has no formal structure.

8 United Water uses PowerPoint
9 visuals to support its presentations. And so
10 far the Rockland Water Commission has not
11 used such visuals.

12 United Water is run by full time
13 paid professionals. On the other side, the
14 citizenry and the Rockland Water Commission
15 are almost all civilians and non
16 professionals, volunteers, but admittedly
17 does have the assistance of some
18 professionals in River Keeper and Scenic
19 Hudson.

20 United Water has a professional
21 lobbying capability. The Rockland Water
22 Commission has no professional lobbying
23 capability.

24 United Water has a brand, but the
25 Rockland Water Commission has no brand.

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2 And I thank you.

3 (Applause)

4 ALJ CASUTTO: Thank you very much.

5 Dan Duthie. Following Mr. Duthie,
6 Patsy Wooters.

7 MR. DUTHIE: Good evening,
8 Commissioners. Can everyone hear me?
9 Commissioner Sayer, Commissioner Acampora,
10 and Judge Casutto.

11 I want to hand out some factual
12 information that was appended to -- you've
13 heard about Christopher St. Lawrence and the
14 Town of Ramapo tonight. Obviously a
15 noncontroversial fellow in the town. So I
16 want to provide you with some facts that are
17 appended to his testimony that he submitted
18 yesterday if I might.

19 And I'm going to leave the rest for
20 anyone who wants them. As the prior speaker
21 said, we don't have a large budget or
22 visuals.

23 So let me make sure everybody
24 understands why I'm here tonight. I am here
25 tonight solely on behalf of the Town of

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2 Ramapo. I am also the attorney that's
3 fighting the rate increase on behalf of the
4 Municipal Consortium, which includes all the
5 towns, Rockland County, the Sewer District,
6 the Solid Waste Management Authority, a
7 couple of villages in the Nyack school
8 district. And I would invite any of the
9 mayors that are here that have not joined,
10 and you know who you are, to get in touch
11 with me after this and we'll make you members
12 of the Municipal Consortium.

13 What I just handed out is
14 information that we put in tabular and
15 graphic form from the United Water August
16 report. These are all their numbers, and I
17 would like them to fact check this and tell
18 me if we've made any mistakes in the
19 preparation of this exhibit.

20 What it shows is that in 2005 to
21 2007, the average daily demand in Rockland
22 County peaked at about 31 million gallons a
23 day. And it's hard to get your head around a
24 number that big, but 31 million gallons a
25 day. Over time until today that number

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2 dropped to 28.3 million gallons a day.

3 Now, United Water has done a
4 fabulous job in my view. They have complied
5 fully with the 2006 Joint Proposal. They
6 have been slowly but surely adding capacity
7 to their system. Not in big amounts but
8 small amounts. And they have been very
9 effective in doing that. And so today we are
10 looking at a capacity of 34 MGD on an average
11 daily demand basis. So if you guys are doing
12 the math, we are looking at a five to six MGD
13 surplus.

14 We didn't stop there. In the rate
15 case we asked an interrogatory, where is the
16 additional demand coming from. And you've
17 heard the term willingness to serve. United
18 Water gives a willingness to serve letter
19 when projects are fully developed, at least
20 from an engineering perspective, but they
21 know pretty much how much water they're going
22 to use. They go to United Water, United
23 Water says yup, we are going to serve you,
24 here's a letter, you can take that to your
25 financier, you can take that to your planning

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2 boards and you can move the project forward.

3 They have another category called
4 known. Not yet fully along, but announced
5 and they're known.

6 So we took all of that information.
7 And together, between 2014, next year, and
8 2017, we are looking at 1.3 million gallons a
9 day of additional capacity. By 2015 United
10 Water is going to have another half a MGD.

11 So we show this in the graph, we
12 show a slight increase in demand. We show
13 also a continuing increase and a leveling off
14 of capacity. But we're looking at average
15 surplus until 2017, and that's as far as the
16 information that we have goes, of five MGD.

17 Now, as Michael Gorbachev said to
18 Ronald Reagan as the Cold War was ending,
19 "This information we are presenting is
20 depriving you of an enemy, and I do apologize
21 for that."

22 And that's all I have to say.

23 (Applause)

24 ALJ CASUTTO: Thank you.

25 Patsy Wooters. Following Ms.

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2 Wooters we'll hear from Stony Point Town
3 Supervisor Geoff Finn.

4 MS. WOOTERS: I speak as a citizen
5 and a layperson at this hearing. I know that
6 we're considering the need for water. But I
7 want to frame the question with cost and to
8 take that liberty. I take this liberty
9 because the Public Service Commission
10 provides fiscal oversight, cost benefit
11 issues responsibility.

12 United Water current rates, which
13 came into effect in 2012, are among the
14 highest in the United States according to a
15 survey by Circle of Blue. Of 30 major cities
16 in the United States, only three cities have
17 higher water rates. Applying United Water
18 New York's pricing to this hypothetical
19 family -- sorry -- as a basis of comparison,
20 Circle of Blue creates a hypothetical
21 family's monthly water rates. I know United
22 Water doesn't bill monthly, it bills
23 quarterly. But there's this hypothetical
24 family, I applied that hypothetical family to
25 their rates, and that's where I came up with

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2 the cost, for a hypothetical family of four
3 in Rockland County, of 44 dollars and 83
4 cents for its Rockland customers. Only three
5 other cities whose rates were surveyed by
6 Circle of blue charged more than that: Santa
7 Fe, San Diego and Seattle. It appears that
8 the cost of water in Rockland County today is
9 already at the very high end for the entire
10 country.

11 With the burden of desalination,
12 United Water would increase substantially
13 rates for water, sending the cost of water in
14 this county well beyond the price paid in all
15 the cities that were surveyed by Circle of
16 Blue. Desalination would lead to what is
17 essentially a water tax that would cripple
18 the economy of the county in the long run.

19 Rockland County does not have an
20 extreme need for additional water. It lies
21 in the wet part of the world. In fact, it
22 receives over four feet of rain a year.

23 In addition, Rockland receives
24 additional flow from the Ramapo and from
25 Orange County. So we would need to have an

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2 extreme need to justify such an extreme
3 increase in cost.

4 And I want to just say from an
5 observation yesterday, the members of the
6 coalition, those who spoke for the coalition
7 talked about altering the passing flow from
8 Lake DeForest to increase the water that is
9 retained and used in Rockland County rather
10 than sending it to Bergen County. And one of
11 the reasons that we are here today is because
12 supposedly we would reach a point where there
13 would have to be a moratorium on development.
14 The sky would fall. Well, actually, the sky
15 has already fallen in Bergen County. There
16 was a moratorium in the township of Mahwah
17 five or ten years ago. There was a
18 moratorium in three boroughs in Bergen County
19 in the last 18 months. I don't know if it
20 continues. This is the sky falling. Who
21 serves those counties, those boroughs.
22 United Water New Jersey.

23 We also learned that United Water
24 New Jersey is the parent company for United
25 Water New York. I see a problem. I see a

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2 problem when the parent needs the water more
3 than the child. How is this going to work
4 for us? So I am asking you --

5 ALJ CASUTTO: One minute.

6 MS. WOOTERS: -- Commissioners, and
7 your fellow Commissioners, to ensure that the
8 needs of Rockland County are protected to the
9 fullest extent of the law.

10 I know rivers have to flow. I know
11 that there are bi-state agreements. But
12 Rockland County should not be providing water
13 to a company that has -- they've already sold
14 this water. Because you saw what happened
15 with the excess flow. You're not going to
16 tell me that they didn't know excess water
17 was flowing to New Jersey.

18 Thank you.

19 ALJ CASUTTO: Thank you.

20 Supervisor Geoff Flynn. Excuse me,
21 Supervisor Geoff Finn.

22 (No response)

23 ALJ CASUTTO: Not present.

24 Mike Shilale. Following
25 Mr. Shilale, Bill Madden.

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2 MR. SHILALE: Thank you, your
3 Honor, members of the Commission and my
4 fellow Rockland County residents. My name is
5 Michael Shilale. I've been a Rockland County
6 resident for over 40 years after graduating
7 from Rensselaer Polytechnic Institute with an
8 architectural degree. I chose to marry my
9 high school sweetheart and raise my family
10 here. I started my business here in 1991,
11 and I've been an architect for over 25 years.

12 I bring an environmental passion
13 and focus to all of our work. I'm licensed
14 in New York and New Jersey and Florida. I've
15 been a LEED accredited design professional
16 since 2005. I chair the Green Council and I
17 serve on the board of directors of the
18 Rockland Business Association. I have served
19 on many community boards, including the
20 Rockland Housing Action Coalition, where we
21 built affordable housing for our residents,
22 and the Rockland County Art and Public Places
23 Committee, where we place our public art
24 around the county. I also recently served on
25 the task force that helps develop the next

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2 version of the LEED building rating system,
3 the most recognized standard for evaluating
4 environmental impacts of our building and our
5 developments.

6 I've been working with United Water
7 since 2007 on this project and on others. I
8 also work for many local school districts,
9 not-for-profit organizations such as Kid
10 Adventure and Jawonio, municipalities, and
11 many other clients here in Rockland. We help
12 all our clients design and build sustainable
13 schools for our children, housing for
14 disabled individuals and veterans, offices,
15 and many other places where our residents
16 live, learn, work and play.

17 I can say over the time I have
18 worked with United Water that I've found
19 their people to be among the most talented
20 and expert clients we have ever served. They
21 are people of high character and integrity.
22 The team members assembled by United Water
23 for this project are some of the best and
24 brightest in their fields, and I have never
25 worked for a more dedicate and talented team

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2 over these many years.

3 While we here in Rockland have
4 some of the lowest water use per capita in
5 the nation, our water needs, even by many of
6 the different numbers you have heard, are
7 increasing. I believe it is clear that we
8 need the growth and economic development here
9 in Rockland to maintain our quality of life,
10 our standard of living, and keep our taxes
11 reasonable.

12 Rocklanders do well in
13 conservation. However, I do not believe we
14 can conserve enough water to eliminate the
15 need of an additional, diverse, scalable and
16 resilient water supply at some time in the
17 future. We have direct experience in that in
18 our office. Every year we direct millions of
19 dollars of construction work that is funded
20 primarily through energy savings achieved.
21 Many of our projects achieve significant
22 gains in energy, water and waste reduction.
23 We not only talk the talk but at our own
24 office here in Rockland we are literally
25 walking the walk. Over the last two years we

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2 have been able to reduce our energy use over
3 50 percent, divert over 60 percent of our
4 waste from landfills, and achieve an almost
5 60 percent reduction in potable water use.
6 This was not easy. While many of the
7 strategies --

8 ALJ CASUTTO: One minute.

9 MR. SHILALE: While many of the
10 strategies we use have reasonable pay back
11 periods, our rate with a harvesting system
12 has an over 40 year pay back period. We
13 sometimes have trouble convincing clients to
14 adopt ten year pay backs on some of our
15 strategies, even with the incentives out
16 there.

17 So I'll leave my full comments with
18 you. But I would like to end that we need to
19 balance the economic and environmental
20 concerns of our water issues as well as our
21 energy waste and transportation concerns.
22 But I believe, based on my experience and my
23 knowledge of this project, that we need to
24 have a strong water supply project. It adds
25 diversity, scalability and resiliency to this

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2 most important critical resource for our
3 economic and our environmental well-being. I
4 believe the Haverstraw water supply project
5 is the most cost effective and sustainable
6 solution to Rockland's long term water needs.

7 Thank you.

8 ALJ CASUTTO: Thank you. All
9 right, the next speaker is Bill Madden. Bill
10 Madden. Following Mr. Madden, Gil Hawkins.

11 MR. MADDEN: Well, thank you. My
12 name is Bill Madden. I live in Stony Point,
13 where I raised -- my wife and my family -- my
14 wife and I raised my family here for 20
15 years. I do want to thank you for having the
16 two hearings, one in the southern part of
17 Rockland and one in North Rockland so you
18 could hear from homeowners like me.

19 I'm surprised, we've been here for
20 three hours but we haven't spoke (sic) about
21 the painful tax crisis that we've endured
22 here in North Rockland for the last five
23 years because of the Mirant settlement. Most
24 of our tax bills have doubled in five years.
25 And that's been an extraordinary burden on

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2 our community.

3 So we need tax relief. We need
4 economic development. And that's why I ask
5 you, the PSC and your Honor, to look at this
6 project. That United Water has submitted
7 1,500 pages of research. They've had 70
8 experts review it. And in my view, they have
9 demonstrated the need for this project and
10 this long term solution.

11 The other situation and the other
12 dynamic here in Rockland, which I'm again
13 surprised you haven't heard from tonight,
14 especially since we had ten or 12 elected
15 officials, we have \$150 million debt here in
16 Rockland County. We have the highest
17 property taxes in the country. Some of our
18 towns have the highest tax bill in the United
19 States. So we need tax relief. We need
20 solutions.

21 So what I'm asking you is, I need,
22 we need, the homeowners of North Rockland, I
23 live here in North Rockland, many people here
24 don't. We need you to be the independent
25 source, we need the science and the experts

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2 to determine the validity of this project.

3 Not 50 people who clap and come to two

4 meetings, the same people come to two

5 meetings. That's not who decides --

6 (Audience participation)

7 MR. MADDEN: -- this project.

8 So you asked -- I'm glad this is a

9 transparent process, but there's something --

10 there's something -- there's something --

11 you've heard the silent majority. The silent

12 majority.

13 I'll just give you my final

14 thought. My sixth grade basketball team last

15 year had -- and, you know, social media is

16 supposed to be a measurement of engagement,

17 of community engagement -- my sixth grade

18 basketball team last year had 600 people on

19 friends on their Facebook page. This

20 Rockland Coalition group has 400 likes on

21 their Facebook friends. So my son --

22 (Audience participation)

23 ALJ CASUTTO: All right, please

24 let's be quiet, let Mr. Madden complete his

25 statement. Let's let everybody be heard.

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2 MR. MADDEN: I'm trying to put
3 things in perspective.

4 ALJ CASUTTO: Let's let everybody
5 be heard, please.

6 MR. MADDEN: I'm trying to put
7 things in perspective. The silent majority
8 exists. So please, we need your group to be
9 an independent authority and to judge this
10 project. And I believe it should be
11 approved.

12 Thank you.

13 ALJ CASUTTO: Thank you.

14 All right, the next speaker is Gil
15 Hawkins. Following Mr. Hawkins, Steve
16 Horton.

17 MR. HAWKINS: Good evening. My
18 name is Gil Hawkins. I live in Leonia, New
19 Jersey. And I'm an environmental director
20 and vice president of the Hudson River
21 Fishermen's Association.

22 The Hudson River Fishermen's
23 Association is a group of 350 recreational
24 fishermen who make active use of the Hudson
25 River and the surrounding water system. And

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2 I'm concerned with the present and future
3 state of the fisheries. Our objectives are
4 to encourage the responsible use of aquatic
5 resources and protection of the habitat. We
6 are members of the Rockland Coalition. And
7 thank you for providing me with the
8 opportunity to speak tonight.

9 I will present a few short examples
10 of an overall longer testimony that concerns
11 the river in regard to this total project.
12 Parts are attributed to other members of the
13 coalition, and I will name them as Laurie
14 Seeman and Margie Turrin.

15 United Water in the DEIS stated
16 that the Hudson River provides an unlimited
17 supply for Rockland's water needs. When one
18 asks at any cost to the environment or the
19 consumer, the statement is seen in a
20 different light.

21 Any debate about Rockland County's
22 need for water must include the supply of
23 that need. Previous testimony included
24 aquifers and reservoirs, traditional methods
25 of supplying the source water to the user.

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2 Traditional, because gravity has been used to
3 supply water to civilizations since the
4 beginning of time. And it hasn't failed yet.
5 I'm categorizing sources of water as passive
6 and active for the following example.

7 Passive water, like the reservoir
8 system that supplies New York City, feeds the
9 users through gravity fed tunnels. The water
10 flows from the watershed into the reservoirs
11 and downhill to the city. Active systems,
12 for my example, use man made mechanical
13 interventions to pump water to the user or
14 intermediate storage systems, like wells and
15 water towers. Using the Hudson River as a
16 source of water is an active endeavor. There
17 is no point in the Hudson River that is
18 lower -- sorry. Than the Hudson River.
19 There is no point in Rockland County that is
20 lower than the Hudson River. The Hudson,
21 unlike the watershed, feeds -- excuse me --
22 the Hudson, unlike the watershed reservoirs,
23 from the Hudson must be pumped 24/7, water
24 from the Hudson must be pumped to reservoirs
25 24/7, a costly and less reliable delivery

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2 method.

3 Hudson River water and Haverstraw
4 Bay is a far cry from the water that United
5 Water is proposing to supply through a
6 desalination process. The company states in
7 the DEIS that it needs 10 million gallons of
8 water a day to produce seven million gallons
9 of desalinated water. What happens to the
10 rest of the three million gallons of water.

11 Fifth grade science students know
12 that one drop of Hudson River water contains
13 vital ingredients needed to support the chain
14 of life. From amoeba to sturgeon, the
15 brackish water of the estuary defines the
16 Hudson River.

17 I'm sorry, I've got something in my
18 eye.

19 ALJ CASUTTO: One minute.

20 MR. HAWKINS: Thank you.

21 The desalination process strips
22 water of all its life, and leaves behind a
23 concentrated salty waste of unusable fluid.
24 The three million gallons a day of super
25 salted water -- I'm sorry, I've got -- sorry

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2 for that -- the three million gallons of
3 water a day of super salted water will be
4 mixed with water from a sewage treatment
5 plant that is devoid of life and is sent back
6 to the river, creating a plume of lifeless
7 fluid in the bay.

8 The Indian name for the Hudson
9 River is Mahicantuck or literally, the river
10 that flows two ways. In the early 1900s laws
11 were established to keep rotting draft
12 animals from being dumped in the river
13 because they stayed put for weeks on end.

14 ALJ CASUTTO: All right,
15 Mr. Hawkins, please sum up.

16 MR. HAWKINS: I will sum up.

17 Do we know of any utility that
18 pollutes both the intake and the outflow of
19 the source at the same time?

20 (Applause)

21 MR. HAWKINS: Is there a
22 definition -- is this their definition of
23 unlimited supply.

24 Thank you.

25 (Applause)

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2 ALJ CASUTTO: Thank you.

3 Steve Borton. Following

4 Mr. Borton, Joe Lagana.

5 MR. BORTON: Thanks. My name is
6 Joe Borton. Thanks for coming out. I know
7 it's kind of hard.

8 I just wanted to start that, you
9 know, I'm feeling a little uncomfortable with
10 the format, and I've been in these cases
11 before, where it seems like a decision has
12 been made prior to this meeting, that things
13 have been going on, that these meetings with
14 United Water are more justification this is
15 why we've decided to do something, instead of
16 a planning meeting, that we are planning, you
17 know, this is an issue and now we are
18 planning to do it. And in this county we are
19 full of creative people to handle that kind
20 of planning meeting.

21 And there's a kind of a story, when
22 John Glenn did his circle around the earth in
23 the first space ship, they asked him, they
24 said what was it like up there. And he said
25 well, to be honest with you I was a little

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2 bit nervous riding around the earth in a
3 vehicle that was built by the lowest bidder.

4 And it reminded me that the whole
5 process with United Water for me, you know,
6 having been in business, I was talking to a
7 friend of mine, Dan, out in the hallway, it's
8 like somebody coming to you and saying here's
9 what we need, justify what we need, and don't
10 worry about the cost, you know, we'll pass it
11 on. And it's more of a justification. It's
12 not a bid, it's not a fact finding kind of
13 thing, it's that we've decided that Rockland
14 needs water, now, you know, give us a
15 proposal to help that.

16 And, you know, no offense to United
17 Water, but they are a for-profit company.
18 They're not the Peace Corps, you know,
19 they're not here to deliver us a solution
20 along those lines.

21 And I wanted to enter into the
22 record a letter from Australia. And you'll
23 see why.

24 (Reading:) This is Greetings from
25 Wonthaggi, which is by Perth, the site of the

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2 largest reverse osmosis desalination plant on
3 the planet. It saddens us greatly -- and
4 this was sent September 25th, 2013 -- it
5 saddens us greatly to hear that the same
6 corporation, Suez Environnement, which is the
7 parent corporation of the worldwide United
8 Water -- which has tied a \$1.8 million a day
9 millstone around the neck of Victorian water
10 users, is now using similar tactics to
11 justify tying your community into dependence
12 on the most extensive, expensive, financially
13 and environmentally, method of producing
14 water known. Our state government never
15 realized a business case for this project,
16 comparing desalination to other water saving
17 methods, and tied us into a 27 year contract,
18 which will cost us \$18 billion, even if the
19 plant never produces a single drop of water.
20 And, as we have heard, we don't need the
21 water in Rockland County. The environmental
22 costs in our precious marine life, including
23 the world famous Penguin Parade in adjacent
24 marine national parks have been swept under
25 the carpet. I am certain that your marine

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2 resources are just as special.

3 And they are. I'm personally the
4 race director for the Hook Half Rockland
5 Marathon, and we run along the Hudson River
6 for five miles in that particular race. And
7 we race along the river all the time. We had
8 to change course when Floyd hit.

9 ALJ CASUTTO: One minute.

10 MR. BORTON: Okay. And we had to
11 change course for Sandy that just came in.

12 I have included several recent
13 articles for your attention. And real
14 quickly I'm just going to read one part of
15 this article.

16 The Victorian Minister for Water,
17 Peter Walsh, has called the bluff of United
18 Water, which is seeking a one billion dollar
19 compensation. United Water heads the
20 consortium, the \$5.7 billion Wonthaggi
21 desalination plant, which is two years behind
22 contract, to sell 150 gigaliters of water per
23 year. The so-called private public
24 partnership was used by the biggest financial
25 time bomb intended. The contract provides

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2 for the supply of -- this contract has to be
3 broken if Victoria needs to meet its needs
4 for schools, hospital, public transportation
5 infrastructure, and to paid some competitive
6 other professionals for information.

7 Thank you.

8 ALJ CASUTTO: Thank you.

9 (Applause)

10 ALJ CASUTTO: Joe Lagana. Joe
11 Lagana. Following Mr. Lagana, John Dalo.

12 MR. LAGANA: Good evening, Judge.
13 Good evening, Commissioners. Thanks for
14 having us here. Thanks for allowing us this
15 time.

16 I've been a resident of Rockland
17 for almost 50 years, and also have a
18 business -- had a business here for almost 50
19 years. I'm not a politician, I don't run for
20 officer, I've never had an office. I'm not
21 on any boards -- I am on not-for-profit
22 boards, but I'm not on any boards regarding
23 this issue.

24 I don't have any relationship with
25 United Water except I pay my bill. I don't

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2 have any stock with the company, I don't have
3 any relationship with the company other than
4 that. I'm just a citizen just coming to show
5 my -- express my feelings about it. And I
6 think I blew out my feelings a little
7 earlier, about an hour ago.

8 All I want to say is that in being
9 here for that many years in the county
10 there's been a lot of growth and a lot of
11 progress. Roads, utilities, all kinds of
12 resources that have been done to make the
13 county accommodate for the population growth.
14 And there was always adversity at it and
15 somehow it always got through so that the
16 improvements were made and the residents
17 ultimately benefited from it.

18 I'm not going to get into the weeds
19 about this project because it's not my
20 expertise and I don't know enough about it.
21 What I do believe after hearing everybody
22 here is that the Commission, the DEC and all
23 the other agencies that you have, have to be
24 capable of making the assessment of this
25 project.

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2 I also believe from what I've heard
3 that United Water has qualified and very
4 effective and very talented people to make
5 the case and to present it to you folks. So
6 my feeling is, without getting into the
7 documents and other weeds, I think you need
8 to make a decision based on what's the best
9 thing for the county in the long run. And
10 based on that -- and the informed information
11 that you have access to or have access to
12 people that can evaluate that. And that's
13 all I would ask of a decision, that it would
14 depend on you and the state, the people with
15 the state, and the utility company, which the
16 state has authorized to work here, and come
17 to a reasonable conclusion on it.

18 I think it's a good project. I
19 think we're going to need the additional
20 water without a question. The county has
21 grown and will continue grow. But I think
22 that having the emotion out of it and having
23 you folks evaluate it, have them make the
24 case, I think the right answer is going to
25 happen. But all in all, I'd be supportive of

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2 it if the answer is positive.

3 Thank you.

4 ALJ CASUTTO: Thank you.

5 The next speaker is John Dalo.

6 Following Mr. Dalo, Larry Montroy.

7 MR. DALO: Good evening, everyone.

8 My name is John Dalo. I'm a student at Pace
9 Law School. And I'm here to represent the
10 Pace Environmental Litigation Clinic, who in
11 turn represents Riverkeeper. And just as a
12 preliminary matter I'd just like to say for
13 the record that I would like to adopt and
14 incorporate all the statements that were made
15 by Mr. Paul Valet on behalf of Riverkeeper,
16 as well as the statements made yesterday by
17 Scenic Hudson, by Riverkeeper, and by all the
18 experts who have testified on behalf of the
19 Rockland Water Coalition.

20 So tonight we are here to focus on
21 need. And as the PSC is well aware and as
22 your Honor is well aware, the regulations
23 that govern need is section 503. And under
24 the regulations, demand projections must
25 consider two things, two main things:

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2 Projected number of users, and projected
3 system usage. None of the demands forecast
4 to date have taken into account the effect of
5 higher rates on system usage.

6 Now, tonight United Water sat up
7 here for a half hour and had every
8 opportunity to address that issue. You heard
9 them talk about 9/11, you heard them talk
10 about Sandy, but those issues are neither
11 here nor there. They've left out a key
12 component of what system usage should be
13 based on, and that has to take into account
14 the effect of higher rates.

15 Now, we've already heard from
16 experts like Al Appleton that water, like
17 other commodities, is subject to elasticity.
18 And basically what that means is that as
19 price goes up, demand is going to go down.
20 And just by a show of hands, you know, if
21 your prices on water went up, would your
22 demand go down.

23 (Show of hands in the room)

24 MR. DALO: I'd like the record to
25 reflect that most of the people in this room

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2 raised their hand. And with the anticipated
3 rate rises, people are going to use less.
4 And the Commission should take note of that.

5 And the bottom line is that none of
6 the reports to date which we're here about,
7 none of the reports to date address the
8 effect of rate rises on overall system usage.
9 And I submit that any study that does not
10 take rises into account when determining
11 system usage is insufficient under the
12 statute.

13 So you may be asking what's the
14 take-away. If the plant is built and rates
15 rise, demand will drop. And if demand drops,
16 the plant becomes useless. And if you want
17 an example of this, just look south to New
18 York City. Al Appleton, who implemented a
19 lot of changes in New York City, showed that
20 as rates rise, New York City was able to save
21 and have an excess of 400 million gallons a
22 day of water. So that's a real life example
23 of the effects of elasticity. And in light
24 of all the uncertainty that we've heard
25 tonight and all the uncertainty that we've

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2 heard with Mr. Appleton's reports as well as
3 Mr. McLane's reports that were presented last
4 night, I strongly urge and respectfully
5 request that the Commission opens an
6 adjudicatory hearing to further evaluate the
7 issue of need.

8 Thank you.

9 (Applause)

10 ALJ CASUTTO: Thank you.

11 The next speaker is Larry Montroy.

12 Following Mr. Montroy, Sheryl Lerner.

13 Is Mr. Montroy present?

14 (No response)

15 ALJ CASUTTO: Sheryl Lerner, is
16 Sheryl Lerner present? Please come up then.

17 MR. TORMEY: Your Honor, what
18 number are you on?

19 ALJ CASUTTO: I'm on Number 15.

20 MR. TORMEY: Okay.

21 MS. LERNER: Okay. First of all, I
22 think we should all take a little stretch
23 because our ages determine how long we can
24 sit.

25 ALJ CASUTTO: Okay, we can take a

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2 break --

3 MS. LERNER: So you should take

4 a --

5 ALJ CASUTTO: -- if people would
6 like a break now.

7 MS. LERNER: -- stretch break so
8 you can understand what we're saying because
9 it's hard for all of us as educators -- I'm
10 an educator.

11 ALJ CASUTTO: We'll take a brief
12 break after your statement, ma'am.

13 MS. LERNER: Okay.

14 ALJ CASUTTO: I was going to wait a
15 little bit while longer.

16 MS. LERNER: You've been sitting a
17 long time, you can't take in so much.

18 ALJ CASUTTO: We can do that.

19 MS. LERNER: Okay.

20 So according to common core
21 standards, which we are developing now and
22 we're working on, and I'm sure you've looked
23 at if, you look at the common core standards,
24 it's critical thinking that they are trying
25 to develop in this country, that we are

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2 lacking in. And this example of these people
3 coming out that have been working for, at
4 least with me I'm going into this for about a
5 year now. And the people I have met are
6 amazing. They are well educated, they have
7 facts and figures that I don't have at my
8 hand, nor do I need them to make a point.

9 But the truth can change is what
10 I'm saying. Pluto is no longer a planet,
11 which it was when you were in school and when
12 I was in school, without a doubt. And it is
13 no longer a planet. So truths change and the
14 things that we know change. And tonight we
15 have been pointing out to you how much the
16 truth about the population here may change,
17 and you have to investigate that before you
18 go forward with any decision about need.

19 We are aging. We are using less
20 water. The development I'm in has 60 homes.
21 Very few of them have children. We are
22 getting older. And we are an example. We
23 just lost a school to crumbling
24 infrastructure where I live in Clarkstown,
25 New City. And the parents were told about a

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2 week before the school was condemned that
3 their children couldn't go to that school.
4 So they filtered them into other schools in
5 our -- in New City. And they said that they
6 were being underutilized and it was fine that
7 they could move them into these other
8 schools.

9 And then the parents of course
10 protested because their local school got shut
11 down and they were told a week before school
12 started. So then they found a new school for
13 them, which is a vacated Catholic school
14 which has closed because it doesn't have
15 enough population. So they're renting that
16 space.

17 My point is that the truth changes
18 is what I really wanted to say, and I hope
19 you will examine further what the truth is.
20 Because based upon that truth, something will
21 occur, and we're going to be affected by it.

22 And I don't blame United Water at
23 all for coming up with a plan that's going to
24 be profitable. They're doing their job very
25 well. I just hope that government does their

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2 job as well as they are doing their job.

3 That's all I ask as a citizen. And we have

4 been volunteering and working for a year.

5 And the Sierra Club, which I

6 recently joined, but I was in on their

7 meetings and working with them, has so

8 impressed me by the level of commitment they

9 have to our environment. And our government

10 doesn't seem to have it. With the shutdown

11 now and the furlough, 95 percent of the EPA

12 has been shut down. Only five percent of

13 that agency is left working. So that says

14 where our government is at when it comes to

15 environment, and how much the citizens have

16 to fight for it, how educated we have to be.

17 And people like me, I'm going to

18 hopefully live for a long time, another 30

19 years hopefully, and I'm going to be fighting

20 all the way on these issues, because I can't

21 sit back anymore and watch my government do

22 to me instead of helping me. And that's all

23 I have to say.

24 And before I -- one more thing,

25 if -- do you see anymore Hummers on the road,

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2 right? Our government said buy a six
3 thousand pound car and we will give you a tax
4 credit. I never saw so many single drivers
5 with Hummers, as if they were going into a
6 military, you know, academy. And now there's
7 none on the road. So government policy
8 matters, what you do matters. Please do the
9 right thing.

10 (Applause)

11 ALJ CASUTTO: Thank you.

12 Yes, ma'am.

13 AUDIENCE MEMBER: I just wanted to
14 suggest before we take a break, I have a
15 feeling that if we do, we are going to lose a
16 certain portion of our audience --

17 MR. TORMEY: I second that.

18 AUDIENCE MEMBER: -- and I think we
19 should continue.

20 (Chorus of yeses from the audience)

21 MR. TORMEY: I second that.

22 ALJ CASUTTO: All right, we'll
23 continue for a few minutes more before we
24 take a break.

25 AUDIENCE MEMBER: We can take a

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2 break while they're speaking.

3 ALJ CASUTTO: Okay, I'll note for
4 the record that people are opposed at this
5 time and requested that if others need a
6 break that they can step outside for a few
7 minutes. People are concerned that others in
8 the audience will leave if there's a break,
9 so we are going to continue for a while
10 longer without a break.

11 MR. TORMEY: Thank you.

12 ALJ CASUTTO: All right. The next
13 speaker is Jordan Christensen.

14 (Applause)

15 MS. CHRISTENSEN: Hello. And don't
16 worry, I'll be really brief. I think that my
17 colleagues from the Rockland Water
18 Coalition --

19 ALJ CASUTTO: Please speak into the
20 microphone.

21 MS. CHRISTENSEN: So my colleagues
22 on the Rockland Water Coalition have covered
23 a good chunk of what I was about to say, so I
24 don't want to repeat myself. And I'll be
25 submitting written comments as well.

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2 My name is Jordan Christensen. I'm
3 the Hudson Valley program coordinator for the
4 Citizens Campaign for the Environment. We're
5 an 80,000 member non-profit, non-partisan
6 organization. And for the last five years we
7 have been educating residents of Rockland
8 County on the importance of water
9 conservation and informing the public of the
10 desalination proposal.

11 During this time, CCE has collected
12 over 24,000 signatures of residents of the
13 county who oppose this desalination proposal
14 and support the increased water conservation
15 methods as an alternative. Thousands of
16 these residents have submitted testimony to
17 state and agency officials, have attended
18 public education meetings, and have written
19 personalized letters to both elected and
20 agency officials.

21 The public has continuously
22 expressed concern over this desalination
23 proposal, due in large part to the fact that
24 there has not been enough focus on
25 conservation and sustainable water use, which

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2 is more environmentally and economically
3 beneficial to the county. For these reasons,
4 CCE and its members believe the proposed
5 desalination facility will negatively impact
6 the region, and that with proper conservation
7 and water management practices, there's no
8 need for desalination or any long term
9 sustainable water -- or sorry, supplemental
10 water option.

11 In 2006 it was projected Rockland
12 County would soon be facing a drinking water
13 shortage, and that the currently available
14 water would not suffice as Rockland's
15 population grew and development occurred.
16 Despite United Water's goal to get a
17 supplemental drinking water source running by
18 2015, it's now projected we won't need that
19 water until 2025 or 2030.

20 Over the last seven years, contrary
21 to the projected increases in water use,
22 water use has decreased and the initial
23 projections have been proven inaccurate.

24 (Applause)

25 MS. CHRISTENSEN: Lastly, United

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2 Water failed to thoroughly consider the
3 alternatives to desalination, such as:

4 County-wide conservation measures;

5 Utilizing green infrastructure;

6 and,

7 Reducing water loss through leaking
8 pipes when considering the alternative
9 drinking water sources.

10 The Rockland Comprehensive Plan
11 recommends a comprehensive water management
12 plan, which we heard about a lot yesterday,
13 to be implemented. It's obviously not been
14 completed. And United Water has put some
15 conservation efforts into effect. I think
16 that a couple of experts went through
17 yesterday how they could be doing more.

18 But more than that, the county is
19 in a better position to put in conservation
20 measures. They have the ability to offer
21 incentives for water conservation and
22 implementation --

23 ALJ CASUTTO: One more minute.

24 MS. CHRISTENSEN: Okay, thanks.

25 -- of green infrastructure;

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2 They can update building codes to
3 require efficient water use; and,

4 Zoning codes to limit impervious
5 surfaces;

6 They're better positioned to
7 publicize information on conservation
8 measures; and,

9 Better educate the public on
10 sustainable water alternatives.

11 United Water is capable of
12 implementing these proven water conservation
13 strategies, which have not been thoroughly
14 considered.

15 At this time, fixing the failing
16 grey infrastructure, which is less expensive
17 and environmentally harmful than
18 desalination, could save the county enough
19 water to, combined with the conservation
20 measures, meet Rockland's future water needs.
21 Rockland's a water rich area. We do not need
22 Hudson River desalination. We need
23 sustainable water management practices.

24 Thank you.

25 (Applause)

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2 ALJ CASUTTO: Alex Margolis. Alex
3 Margolis?

4 (No response)

5 ALJ CASUTTO: Ron Olori.

6 (No response)

7 ALJ CASUTTO: Laurie Seeman.

8 (Applause)

9 ALJ CASUTTO: Following Ms. Seeman,
10 Lynn Teger.

11 MS. SEEMAN: Good evening, Judge
12 Casutto and Commissioner Sayer and
13 Commissioner Acampora. My name is Laurie
14 Seeman, and I'm a resident of Rockland. I'm
15 a member of the Rockland Water Coalition, the
16 director of the Sparkill Watershed Alliance,
17 and as my profession I'm an artist and long
18 time environmental educator in Rockland and
19 the Lower Hudson Valley, specializing in
20 water education, both outdoors and in school.

21 I care about this place where we
22 live. You heard last night Tom O'Reilly give
23 the most beautiful description of why he
24 wants to live here. It's a beautiful place,
25 it's unique, it's incredibly positioned. And

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2 I care about this place, its people. And I
3 especially care about the children that are
4 the nature of my work here for so many years,
5 helping to raise this generation. So right
6 now while we're here making big decisions,
7 the children are sleeping. So if you'll
8 permit me, everything I'm about to speak on
9 is on their behalf.

10 Everything about what we are
11 talking about tonight and where we are going
12 with it has to do with who we answer to. And
13 I answer to the children. There's something
14 about working with children that makes
15 absolutely clear what's right and what's
16 wrong. It's a very complex issue, or I would
17 have had the children come in and speak for
18 themselves, but I wanted to respect them and
19 not put them up here like stage hands.

20 As you examine the factors to
21 determine need, it is important that we take
22 into consideration the following. We must
23 make sure that we do not sell the future out
24 from beneath our children while they are in
25 school learning about water conservation,

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2 water cycles, and sustainability. It's
3 important to know that, as the New York state
4 curriculum mandated, children have second to
5 twelfth grade learn these things. Their
6 curriculum builds year from year.

7 I work actively in the schools
8 also. I not only run an outdoor summer
9 waterway education inspiration camp, but my
10 partner, Joanna Dickey and I, from Strawtown
11 Garden Studio, work in the schools teaching
12 watershed education. We also lead stream
13 buffer plantings and stream monitoring
14 projects with the DEC.

15 And I can tell you first hand,
16 Rockland County is not the county that it was
17 in 2006 when this started. I can provide you
18 five pages of lists of environmental
19 organizations, and I could show you endless
20 pictures of people out in our waterways,
21 including our electeds in waders out in the
22 streams and waterways. We are incredibly
23 prepared to take on this task of managing our
24 water resources in partnership with this
25 public-private partnership. We need you to

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2 help with the partnership and to enter this
3 relationship.

4 Everybody has spoken so well, I
5 don't want to go into the issues. But it is
6 important that you know that right now every
7 year thousands of Hudson Valley high school
8 graduates are heading into environmental
9 sciences. There's over 30 colleges in this
10 valley. They're in environmental sciences,
11 they're going into sustainability design.
12 And as United Water projects trends, I don't
13 hear any of this. I hear data. And what is
14 data but people. And who's talking to the
15 people.

16 I really would welcome anybody
17 who's a commissioner or United Water to call
18 the colleges and ask what's happening in ten
19 years, in 30 years on a people perspective.
20 They're going to find out incredible things.
21 They're going to find out that the world is
22 changing, while we're all in our old school
23 thinking. The children right now, they don't
24 even want to have cars, a lot of them. It's
25 remarkable. The world is changing. They're

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2 living small, sustainable.

3 And I took the Pace Land Use
4 Leadership Alliance training last December,
5 Patsy Luters and myself, it was sponsored by
6 the county. We specialized in water. They
7 talked to us about water trends. I didn't
8 hear any of that in United Water's report.
9 Pace is right across the river. We are in
10 like the think tank capital of the world in
11 terms of sustainability planning. You heard
12 from Al Appleton last night and the other,
13 you know, world leaders. Where is this
14 thinking?

15 There's something right now that
16 amuses me, it's called tiny house dot-com,
17 it's a blog. But young people find it
18 interesting to live small. They're going to
19 think these absurd unlimited water users that
20 want to come in and have endless water are
21 just not right. That's not a goal that the
22 next generation shares. I'm calling upon you
23 to become informed in this, and to plan for
24 this world accordingly, please. I think it's
25 very important.

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2 ALJ CASUTTO: All right, please sum
3 up.

4 MS. SEEMAN: I have one more thing
5 to say. It wouldn't be right for me to be
6 here without speaking on behalf of the very
7 grave matter at hand that's pinning on this
8 decision to be made, which is the future of
9 Haverstraw Bay. As an outdoor educator who
10 takes young people there, who knows very
11 precisely the importance of Haverstraw Bay
12 and the Hudson River Valley, it's one of the
13 most top-rated, significant habitats, it's a
14 coastal fisheries, and it should not be a
15 water mine. This bay needs to be protected.
16 And there's no secret here. If this is
17 determined to be that we need water and
18 United Water wants a desalination plant, that
19 would be a crime against this waterway. This
20 waterway needs to be protected. This issue
21 of need has not been determined. It is
22 perfectly clear to anybody who's been here
23 the last two nights what the deal is.

24 So I'm going to close. But I
25 really appreciate it, you've been such

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2 attentive listeners. You've been listening
3 to the speakers, looking at them, taking
4 notes. It's extraordinary. I really
5 appreciate that.

6 (Applause)

7 ALJ CASUTTO: Thank you. Thank you
8 very much.

9 MS. SEEMAN: And I'd like to just
10 close by asking you if you would please go
11 back and tell the Governor you were here.
12 Tell the Governor you heard Rockland County.
13 Tell the Governor that Rockland County has
14 made it perfectly clear we have water, we
15 need water management, we want a voice in the
16 public-private partnership, we will not drink
17 radioactive water, not now and not ever.

18 (Applause)

19 ALJ CASUTTO: Thank you.

20 All right. The next speaker is
21 Lynn Teger. Lynn Teger. Is Lynn Teger
22 present?

23 (No response)

24 ALJ CASUTTO: Susan Filgueras.

25 MS. FILGUERAS: First off, let me

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2 say thank you for coming and for allowing
3 this unprecedented hearing. We appreciate
4 that here in Rockland County.

5 (Applause)

6 MS. FILGUERAS: I'd like to submit,
7 I'm just going to hand you the letter, from
8 the town of Stony Point town engineer, where
9 he shows that clearly broken water mains
10 infiltrated our sewer system in some part of
11 our town, and caused great difficulty to
12 those residents. I'm going to just hand that
13 to you and ask that it be put in the
14 testimony.

15 ALJ CASUTTO: Thank you.

16 MS. FILGUERAS: I have listened to
17 everybody pour their heart out.

18 I grew up here. My father was born
19 in the dirt in the town of Haverstraw. My
20 grandfather goes back to the early 1900s by
21 the Elks Club. And I'm frightened. And I'm
22 getting my home ready for sale. Let me tell
23 you why. There was inference as to lobbyists
24 and the relationship between the Governor and
25 United Water. Is the Governor supporting

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2 this project?

3 I mentioned in my prior question
4 there are four main projects here in Rockland
5 County, right here in this tiny little
6 microcosm of New York state:

7 The Tappan Zee Bridge, which we did
8 not get light rail on;

9 Two, the CSX \$26 million expansion.
10 Oh, by the way, they told us to mind our own
11 business, they will do what they want. That
12 was in print.

13 We have the Champlain Hudson Power
14 Express, which is financed by Blackstone
15 Group. They are the financial company that
16 managed Mirant's bankruptcy of our Bowline
17 and Lovett power plants. They took checks
18 for the payment of that service through March
19 of 2007. They purchased CHPE, supposedly, in
20 2008. Are we deregulated? It's a really
21 interesting question.

22 GDF Suez was formed when Blackstone
23 negotiated the deal with the French
24 government.

25 CSX has supposedly issued

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2 rights-of-ways to allow an electric line to
3 travel their right-of-way. The only problem
4 is, they have to use eminent domain to get
5 the right-of-way. CHPE has to buy the 550
6 megawatts short of electric from the GDF Suez
7 plant in Queens.

8 Blackstone, Blackstone, Blackstone.
9 United Water, CSX, and CHPE.

10 The hard part of this is, someone
11 just said to me, Susan, CHPE didn't get
12 approved based on it will create jobs. The
13 Commission's report specified the study was
14 woefully inadequate, it was not done.

15 ALJ CASUTTO: One minute, please.

16 MS. FILGUERAS: Oh, I'm going.

17 They then stated, the savings are
18 only to the developer, Blackstone. It was
19 based on the Commission's legal definition of
20 need.

21 This is based on the Commission's
22 legal definition of need. The problem with
23 that is, you're hearing us, you're looking me
24 dead in the eye, thank you, I know you're
25 interested, I know you're engaged. But it's

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2 the legal definition of need. You take our
3 information, you hear us, you hear our cries
4 to help us and stand next to us. And the
5 next thing that will come out is our hands
6 are tied because United Water has met the
7 legal definition of need. There is no
8 precedent, there is no law, there is no
9 reason to bring United Water back before the
10 Public Service Commission.

11 And I ask you --

12 ALJ CASUTTO: All right, please sum
13 up now. Your five minutes is up.

14 MS. FILGUERAS: Mm-hmm.

15 If we look at this, the
16 desalinization plant provides no jobs for
17 Rockland County, with the exception of the
18 building. They're not interested in the
19 investment of people and culture, although
20 they tried to do that tonight. The question
21 is, has Albany sold Rockland County out by
22 not hearing and not looking. This project
23 will sit on the town lines of Stony Point and
24 Haverstraw. They will store dangerous
25 chemicals next to the rail line, which will

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2 have a thousand megawatts of high power.

3 ALJ CASUTTO: Ms. Filgueras, please
4 finish up.

5 MS. FILGUERAS: Two football fields
6 from the West Haverstraw Elementary School.
7 What happens to our children, sir.

8 Thank you.

9 ALJ CASUTTO: Thank you.

10 (Applause)

11 The next speaker is Laurie Kahn.

12 (Inaudible question from the
13 audience)

14 ALJ CASUTTO: You want to go later?

15 (Audience participation)

16 ALJ CASUTTO: Laurie Kahn, are you
17 Laurie Kahn?

18 MS. KAHN: I'm Laurie Kahn.

19 ALJ CASUTTO: All right, please
20 come up then. Thank you.

21 MS. KAHN: I'm Laurie Kahn. I'm a
22 resident of Rockland County. And sometimes I
23 need to lure my Manhattan friends to come up
24 here.

25 And I'm not an expert, I don't have

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2 a lot of statistics to give you. I did
3 campaign with Rita Louie to stop the
4 desalination plant. And I will start, try to
5 stay within the parameters that you stated.
6 But I just wanted to add one thing that's
7 outside of that, which is, you know, who has
8 done a study on acute -- I know that when you
9 take a glass of water there's bacteria in all
10 water. And there will be trit -- I don't
11 even know how to pronounce it --

12 (Audience participation)

13 MS. KAHN: Tritium in that water
14 that's within a safety level. But who has
15 done a study on what is the cumulative effect
16 of that over the next 20 years if you stay in
17 Rockland for another 20 years and start
18 drinking desalinated Hudson River water.
19 Somebody here who knew about it talked about
20 it having a half life of 12 years. Think
21 about how many glasses of water, you know, I
22 drink a lot of water a day. People will have
23 to do what I do already, which is buy my
24 water at Shop Rite.

25 Okay, so that's outside of what you

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2 talked about, about the need of the
3 additional water. And I'm not here to argue
4 whether or not we need additional water. I
5 will even take it as a given that perhaps we
6 do, that perhaps more water than we have a
7 supply of is needed.

8 But we live in a water rich part of
9 the country with sufficient rainfall. I wish
10 that people were taking the time and the
11 trouble that they are taking to build this
12 desalination plant to perhaps find a location
13 to build another reservoir where the water
14 will not be as questionable.

15 (Applause)

16 ALJ CASUTTO: Thank you.

17 The next speaker is Keith Cartnick.

18 MR. CARTNICK: Good evening. As
19 you said, my name is Keith Cartnick. I have
20 lived here in the Rockland County for over 25
21 years with my family, three girls and most
22 recently a new granddaughter. I'm the senior
23 director of water quality for United Water.
24 I've been involved in ensuring compliance
25 with water quality standards for over 25

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2 years.

3 In my current role with United
4 Water I'm responsible for over 70 water and
5 waste water companies throughout the U.S.
6 I've also worked with the Environmental
7 Protection Agency and the American Water
8 Works Association on matters associated with
9 safe drinking water.

10 As a resident of Rockland I can
11 remember significant droughts and the
12 associated restrictions and concerns over the
13 past decades. I can also recall the impact
14 that the droughts had on our customers, on
15 Rockland residents and on businesses.

16 I think Rockland needs more water
17 to be prepared for droughts, and it needs
18 more water to meet the everyday needs of
19 owners of homeowners, firefighters and
20 businesses. As a Rockland County resident,
21 this is all important to me.

22 Also, as someone who has public
23 health responsibilities, as I do, water
24 quality is also important. So it's not just
25 about more water, it's also about quality

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2 water. As thousands of tests we did at the
3 Haverstraw pilot facility demonstrated that
4 the technology produces excellent quality
5 water, and those results have been provided
6 to the health department and to other
7 agencies.

8 As a water quality professional, I
9 know that the Haverstraw water supply project
10 will meet or surpass all safe drinking water
11 standards, which, by the way, are based on
12 very stringent health calculations and
13 sometimes cumulative calculations. And I
14 believe it's the best solution to Rockland's
15 water needs.

16 So that was my written statement
17 for tonight, and I'd just like to take a step
18 back for a minute if I could.

19 It's all true what I said, but I'm
20 just thinking about years like 1999, if we
21 could just think about '99, 2002, 2005, and
22 I'm sure there are others. These were years
23 of pretty significant drought. And my
24 concern is we kind of struggle through these
25 drought episodes. You know, with all the

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2 concerns and the worries and the
3 inconveniences, and on both sides, right, not
4 only on our side, the United Water side and
5 on our customers' side, we struggle through
6 these, winter comes along or the next year
7 comes along, and we tend to kind of forget
8 and lose sight of what we were really dealing
9 with and the issues we had.

10 We're just -- United Water is
11 simply proposing a safe, reliable source of
12 drinking water, consistently reliable, right?
13 It's the Hudson River, so it's a source
14 outside of what we have. It will provide
15 safe, reliable drinking water. We're not
16 going to be drinking, I can assure you, we
17 are not going to be drinking PCBs, we're not
18 going to be drinking Strontium, we're not
19 going to be drinking Tritium, we're not going
20 to damage the Hudson River. It's just a
21 safe, reliable source of drinking water. So
22 again, if we could just all take a step back
23 and at least listen or think about the few
24 last things I said, that's all I have to say.

25 ALJ CASUTTO: Thank you.

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2 (Applause)

3 ALJ CASUTTO: All right. We have
4 been in hearing now for about two hours. We
5 are going take a recess for ten minutes and
6 give our stenographer a break, and then we'll
7 come back on the record and resume. Thank
8 you very much.

9 (Recess taken)

10 ALJ CASUTTO: All right, let's go
11 back on the record, please. The next speaker
12 is Lynn Teger. Lynn Teger or Teger.
13 Following Ms. Teger, Margaret Grace.

14 MS. TEGER: Hi. My name is Lynn
15 Teger. I'm a resident of Haverstraw for the
16 past 20 years. I've also worked as a
17 commercial real estate broker for the past 20
18 years. And as someone who's lived in this
19 community for the past 20 years, it was very
20 surprising to me when I found out that we
21 supposedly had a lack of water, because all I
22 could remember were all of these floods
23 constantly happening. So I don't think it's
24 a matter of us not having enough water,
25 especially if we get 40 to 50 inches of rain

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2 a year. I think it's a matter of us not
3 properly managing our water.

4 For instance, I walk along the path
5 many times from Haverstraw to Nyack, there's
6 a path along the Hudson River, and if you
7 look in that area, you will see that all of
8 the drain pipes take all of the water down
9 from the road and pour it into the toxic
10 Hudson River. And this is just an example of
11 mismanagement of our water and how Rockland
12 has been structured.

13 So in terms of need, I don't think
14 we need a desalination plant. I think what
15 we need to do is manage properly the water
16 that we have.

17 In addition, we have had a history
18 of many terrible storms here, one after the
19 other. In the last storm we had houses
20 floating away. So I could just imagine if
21 one day the desalination plant could float
22 away. Do we have a plan B? So I don't think
23 it's in the best interests of the public.
24 And that's why we need to look for another
25 alternative.

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2 Now, as I mentioned, I am a
3 commercial real estate broker, so I have a
4 perspective that most people don't
5 necessarily see. One gentleman got up here
6 and he talked about the high taxes that we
7 are facing in this area. North Rockland is
8 particularly affected by the high taxes.
9 It's the worst part of the county with this
10 issue.

11 For instance, I have a building
12 here in West Haverstraw, it's a 9,000 square
13 foot warehouse building, the taxes are
14 \$65,000 a year. I'm not joking. When I
15 moved to this area in 2003 from New City, I
16 bought a house and my taxes were \$1,800 a
17 year. They're now \$5,000 a year.

18 In 2010, I looked up my water bill,
19 it was 64 dollars quarterly. My most recent
20 bill is \$177.26 quarterly. My utility bill
21 is \$200 a month. My house, I paid \$207,000
22 for it in 2003. It's currently valued at
23 \$117,800. I have a house that's 900 square
24 feet on .15 acres of property.

25 Businesses in North Rockland, they

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2 cannot -- they're all struggling. I help
3 small business owners find locations for
4 their business, and they are barely just
5 holding on.

6 If we build this desalination plant
7 then the water -- the cost of water goes up
8 the way that we know it's going to go up, how
9 are people going to continue to live here.
10 There are people on fixed incomes. There are
11 people who are not well. There are people
12 who are out of work. These people are losing
13 their homes. And I just checked with one of
14 the foreclosure agencies in this county, and
15 I was told that foreclosures right now in
16 Rockland County are higher than they were in
17 2008 when we had the economic meltdown.

18 ALJ CASUTTO: Okay, one more
19 minute.

20 MS. TEGER: So anyway, so I think
21 that this needs to be taken into
22 consideration. Not only the fact that we
23 need to manage and not build this thing, but
24 how it's going to affect people economically.

25 Thank you for listening.

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2 ALJ CASUTTO: Thank you.

3 (Applause)

4 ALJ CASUTTO: Margaret Grace.

5 Margaret Grace?

6 (No response)

7 ALJ CASUTTO: Darren Suarez.

8 Darren Suarez?

9 (No response)

10 ALJ CASUTTO: Jane Courtney.

11 MR. SUAREZ: No, I'm Darren Suarez.

12 ALJ CASUTTO: Darren Suarez, please
13 come forward, Mr. Suarez.

14 MR. SUAREZ: Your Honor and
15 Commissioners, thank you for the opportunity
16 and your time this evening to hear from me.
17 My name is Darren Suarez. I am with the
18 Business Council of New York State. The
19 Business Council of New York State urges the
20 Commission quickly review the evidence --

21 AUDIENCE MEMBER: Speak up.

22 AUDIENCE MEMBER: You're talking
23 too fast, go slower.

24 ALJ CASUTTO: And slow down a bit
25 for the stenographer, please.

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2 MR. SUAREZ: All right, sorry about
3 that.

4 The Business Council of New York
5 State urges the Commission quickly review the
6 evidence and determine again that there is a
7 need for United Water, United Water of New
8 York, to develop a new water supply source to
9 satisfy Rockland County's long term water
10 supply requirements. The Business Council is
11 the leading business organization in New York
12 state. It represents the interests of large
13 and small firms throughout the state. Many
14 of these businesses are located right here in
15 Rockland County.

16 The Business Council of New York is
17 just one of many organizations representing
18 over 310,000 people who believe that there is
19 a proven need for this project. This is
20 crucial -- this is a crucial jurisdiction --
21 junction for the Haverstraw water supply
22 project in Rockland County.

23 The project needs to move forward
24 soon, as the most recent data confirms that
25 there is a need for the long term water

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2 supply project to meet the county's projected
3 population growth. And my understanding is
4 that development costs may now run the risk
5 of exceeding actual construction expenses.
6 Escalating costs due to unnecessary delays
7 are bad for customers and businesses alike.

8 As you know, the need for water
9 became so urgent that in 2006 state officials
10 ordered United Water to build a new water
11 supply, setting strict milestones along the
12 way. County officials not only concurred
13 with the decision, but urged the PSC to at
14 that time -- urged the PSC to issue the 2006
15 order, which was renewed four years later in
16 2010, that urged the need -- that urged the
17 need for the water remains.

18 The head of the Rockland County
19 Water Supply Bureau reiterated the need for
20 more water at a public meeting not just a few
21 months ago. It is time to act and to follow
22 the plan that was laid out by the PSC in 2006
23 and again in 2010. With the new Tappan Zee
24 Bridge on the way, and the possible effects
25 of climate change more apparent, it cannot be

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2 underestimated how critical it is for
3 Rockland County to have a new long term
4 drought-tolerant water supply in place. The
5 economic importance of a reliable and stable
6 water supply cannot be overstated.

7 A good source of water is one of
8 the criteria many facilities demand before
9 locating in a region. Without such a water
10 source, many business site selection --
11 selectors will not seriously consider an area
12 for possible economic investment. Simply,
13 the investment in economic growth that could
14 have been, will go somewhere else.
15 Minimizing the high economic cost of the key
16 to chronic water shortages should be the goal
17 of any community. And in Haverstraw's water
18 supply project, this community has a properly
19 designed and vetted water supply for today
20 and in the near future.

21 On a global level, the value of a
22 reliable water supply is increasing. Growth
23 and water demand over time has produced
24 shortages in certain areas, and climate
25 change threatens to exasperate (sic) those

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2 changes.

3 The Business Council believes that
4 the Haverstraw water supply project has been
5 planned in such a manner to provide the
6 people of Rockland County with a needed water
7 supply in a manner that will be a model for
8 the development of a sustainable water supply
9 project in the future. This new water supply
10 will employ the development of the best
11 technologies available to minimize the impact
12 to the water supply. In addition, the
13 project is designed in a manner that is
14 sensitive to the natural and cultural scenic
15 values of the Hudson River and the Haverstraw
16 Bay.

17 United Water and the public,
18 through the use of conservation programs and
19 small water supply projects and
20 rehabilitations have stretched the current
21 resource. As successful as those efforts
22 have been, the need for additional supply has
23 been proven again and again. Multiple
24 credible studies validate previous findings
25 by the PSC and the DEC and other government

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2 agencies, confirming Rockland's urgent need
3 for more water.

4 Since the order was issued seven
5 years ago, this has been one of the most
6 thoroughly studied projects in the state.
7 The project has been subject to a remarkably
8 thorough comprehensive review process,
9 including a peerless and transparent
10 evaluation under the SEQRA process, numerous
11 environmental impact reviews, and countless
12 public comments and hearings. The conclusion
13 of all the study is that the Haverstraw water
14 supply project is the most cost effective,
15 drought-tolerant, environmentally responsible
16 option to meet Rockland's long term water
17 supply needs. Not only will the businesses
18 and the residents benefit from the superior
19 quality water and an environmentally
20 sensitive and sustainable water supply, but
21 the project is half the cost to construct,
22 and will be the least to operate of the
23 viable alternatives. This is why the
24 Business Council of New York state expresses
25 our support of the project.

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2 Thank you again for your time this
3 evening.

4 ALJ CASUTTO: Thank you.

5 Jane Courtney. Following
6 Ms. Courtney, Tom Vetter.

7 MS. COURTNEY: Thank you so much
8 for letting me speak. I'm not an expert and
9 I'm not wearing dark suits and I don't have
10 pre-written comments, so I hope you'll pay
11 attention to what I have to say. It may be
12 repetitious, but a lot of the things that are
13 important are worth saying more than once.

14 So I am almost a 50 year resident
15 of Rockland County, and I have raised our
16 family here and we are products of North
17 Rockland High School. And we love Rockland
18 County and we love living in Stony Point.

19 I'm against the water desalination
20 plant. It seems to me, and this is just my
21 perception, that it's a profit making project
22 for Suez, a French global water management
23 corporation. Their primary objective is to
24 make money for their shareholders. I think
25 what we need, and I don't know if it's even

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2 in existence anymore, is a not-for-profit
3 municipal water management system that would
4 not have profit as one of their main motives.

5 (Applause)

6 MS. COURTNEY: And I'd like our
7 water company to be cognizant that they do
8 not own our water in this area, they're just
9 supposed to manage it.

10 (Applause)

11 MS. COURTNEY: It seems to me also
12 that this company does not spend a penny that
13 is not charged back to the ratepayers, with
14 the approval of the PSA (sic), including
15 charging us extra fees for the cost of their
16 publication and PR efforts and the building
17 of their model desalination plant. That is
18 really nerve to ask us -- to make us pay for
19 something we don't need and we don't want and
20 is not even, you know, approved yet, but
21 we're paying for it in our bills.

22 We don't need it. The water demand
23 is down. Water conservation could save a
24 tremendous amount of water. And our aquifers
25 are replenishing at a faster rate than Suez

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2 United Water had projected. And I don't
3 trust their technology to be able to clean
4 out all of the contaminants in the Hudson
5 River.

6 PCBs from GE cleanup efforts
7 upriver;

8 Tritium and Strontium from Indian
9 Point;

10 Sewer leakages that happen
11 sporadically;

12 Fertilizer runoff and oil and
13 sludge from the roadways.

14 And an added insult to how their
15 proposed desalination plant would work would
16 be that the concentrated contaminants of
17 salts and minerals would be discharged back
18 into the Hudson River. One insult after
19 another.

20 The bottom line is, we don't need
21 it, we don't want it, it's too expensive, and
22 our water rates will skyrocket, putting lots
23 of profit in the pockets of the Suez United
24 Water company.

25 We don't trust the technology. We

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2 need to concentrate instead on conservation
3 and our re-working the New Jersey-Rockland
4 water sharing agreement, which lets too much
5 water go to New Jersey.

6 We need to upgrade and repair our
7 water systems.

8 So I'm sorry if my reflections and
9 impressions and perceptions have been
10 repetitious, but the message is that we don't
11 want it and we don't need it. Please take
12 our testimony and our feelings seriously, and
13 conclude that the desalination plant is not
14 needed.

15 Thank you for your time.

16 ALJ CASUTTO: Thank you.

17 Tom Vetter. Tom Vetter?

18 (No response)

19 ALJ CASUTTO: Arthur Taub, T-a-u-b,
20 Arthur Taub?

21 (No response)

22 ALJ CASUTTO: Mel Post?

23 (No response)

24 ALJ CASUTTO: Ed Berry. And
25 following Mr. Berry, Carol Vericker.

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2 MR. BERRY: I'd like to -- all this
3 time I was sitting here and I didn't clear my
4 throat until I got up here. I'd like to
5 thank the Judge and the Commissioners for
6 their time and attention to hear this matter.
7 My name is Ed Berry. I'm not from Rockland
8 County, I'm from Yonkers, New York, the other
9 side of the river. I'm here representing the
10 Sierra Club tonight. And I just want to read
11 a brief part of the resolution that we passed
12 for the state-wide Sierra Club, which we'll
13 be submitting in writing.

14 Whereas, 7.28 million gallons per
15 day of drinking water currently supplied by
16 United Water New York to the Rockland
17 distribution system is being lost through
18 leaks before it reaches consumers, compared
19 to 7.5 million glasses per day, which would
20 be the peak output for the desalinization
21 plant; therefore, repairing the leaks is a
22 necessary first step before any other changes
23 are made in the county's drinking water
24 regime;

25 And, Whereas, Rockland can supply

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2 its water needs sustainably with smart growth
3 planning, water conservation and efficiency,
4 water reuse, rainwater collection and other
5 low water impact sources;

6 And, Whereas, desalination will
7 impact the habitat of Haverstraw Bay, an
8 officially recognized, and I quote,
9 significant coastal fish and wildlife habitat
10 in the Hudson River estuary, irreplaceable,
11 not only as a nursery for certain Hudson
12 River species but also for the federally
13 endangered Atlantic coastal species, such as
14 the Atlantic Sturgeon;

15 And, Whereas, instead of making the
16 Rockland community more climate resilient,
17 this proposal sites essential water supply
18 right on the river, where it will be far more
19 vulnerable to future storm surges and storm
20 related leaks through Indian Point.

21 And, in summation: Whereas,
22 reverse osmosis technology cannot remove from
23 the water Tritium and Strontium-90,
24 radioactive substances leaking into the water
25 from the aging 3.5 mile upstream nuclear

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2 power plant, Indian Point;

3 And, Whereas, the long term public
4 health impacts of Tritium are unknown in any
5 concentration,

6 Therefore, the Sierra Club Atlantic
7 Chapter of New York state opposes the
8 desalinization plant.

9 Thank you very much for your time.

10 ALJ CASUTTO: Thank you.

11 (Applause)

12 ALJ CASUTTO: Carol Vericker?

13 (No response)

14 ALJ CASUTTO: Clayton Adams.

15 (No response)

16 ALJ CASUTTO: Susanne Kernan.

17 MS. KERNAN: Thank you,

18 Commissioners and your Honor, for hearing me
19 speak. I am a resident of Pomona, here in
20 the Town of Haverstraw in North Rockland. So
21 I'm personally and my husband are deeply
22 familiar with the tax ramifications of the
23 Mirant debacle.

24 I am trained as an economist
25 actually, and I work with companies, brands,

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2 trying to make their way at retail. I spent
3 a lot of time this summer looking at economic
4 development here in North Rockland, and here
5 in North Rockland we desperately need jobs
6 and economic development.

7 I would invite you to take a second
8 look at a document that was submitted by
9 United Water a few years ago, that is a list
10 of the top ten industrial and commercial
11 users of water here in the county. This was
12 touched on a little bit a little earlier
13 tonight, but I ask you to take a look at it
14 systematically. As you go through the list
15 of the top ten industrial users, compare this
16 list to our current situation today.

17 Top user, Pfizer. While their
18 administrative offices do remain here, their
19 manufacturing capacity moved out of the
20 county and it's not coming back. The new
21 tenants are not high water users in those
22 facilities.

23 Top user, Mirant, Bowline now as
24 it's called, powered way down. That's why
25 they're not paying the taxes anymore, they're

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2 not generating the power. Lovett, shut down,
3 closed, torn down.

4 Top user, Avon. This was of
5 particular interest to me. They're on track
6 with their long term sustainability efforts
7 to achieve a 40 percent reduction in the
8 their use of water. They'll meet that
9 milestone in 2016. They're in the top ten
10 list.

11 So my point is that looking
12 systematically at not only residential needs
13 as described by Legislator Joe Meyers but
14 also looking at the changing character of our
15 industrial and commercial needs, there is a
16 changing need of profile. And that's what we
17 have to look at. Stephanie Hausner referred
18 to it, she touched on it when she mentioned
19 the data centers that are coming to Rockland.
20 That is the kind of business that we feel
21 very fortunate to be able to get to come to
22 Rockland, but unfortunately those are low
23 employment opportunities and not high users
24 of water. And we are lucky to get those.

25 So I'd like to just finish -- yes,

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2 by thanking you for your attention.

3 ALJ CASUTTO: Thank you very much.

4 Laurie Evans. All right, Ms. Evans
5 is coming forward. The speaker after
6 Ms. Evans will be Patty Coughlin.

7 MS. EVANS: Hello. Thank you for
8 this opportunity. My name is Laurie Evans,
9 and I'm director of Westchester Safe. I've
10 lived in Westchester County for 26 years, and
11 New York City before that.

12 ALJ CASUTTO: What is Westchester
13 Safe? I'm not familiar with that.

14 MS. EVANS: Seeking alternatives
15 for the environment. I've been an
16 environmental health advocate for 25 years.
17 And we collaborate on issues to stop the harm
18 and to create solutions that are friendly
19 growth to the environment and to our health.

20 ALJ CASUTTO: Thank you.

21 MS. EVANS: You're welcome.

22 As a neighbor, we need to work on
23 our stewardship of the Hudson together. We
24 don't want to impact the irreplaceable
25 fisheries that are in Haverstraw.

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2 I was very concerned before by
3 United Water's response to the radioactive
4 material in the water. I have followed the
5 Indian Point issue for decades now. And I
6 have no assurance -- first of all, no level
7 of radiation is safe. There's actually a
8 group on Long Island, Keep A Breast,
9 Prevention is the Cure, and it says to avoid
10 pesticides, plastics, and radiation. But the
11 levels that they mention today that might be
12 acceptable to the government doesn't mean
13 they're safe for us. But I have no assurance
14 that those levels will be the same tomorrow.

15 As a matter of fact, right now
16 Indian Point is operating without a license.
17 And with the underground pipes and the
18 leakages and the problems there, there's no
19 assurance that what exists today will be
20 remedied, the problems will be remedied or
21 the leaks will be remedied.

22 The other point I would like to
23 make is that the proposed process is energy
24 intensive and detracts us from proper land
25 use and water conservation. With an ever

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2 increasing world population affecting both
3 air and water, now is the time to focus our
4 research and expertise and invest our money
5 in renewable solutions. It is time for our
6 generation to switch from pollution harm and
7 overuse to life enhancing solutions.

8 Some of these might include:

9 Collecting rainwater from rooftops
10 and rain barrels;

11 Implementing systems based on John
12 Todd's Eco-Living machine, which uses plants
13 and rocks to filter waste water;

14 Dual flush and low flush toilets;

15 Widespread educational outreach,

16 Including: Xeriscaping,

17 Planting native species which do
18 not require excess irrigation; and,

19 Turning grass to edible lawns.

20 We can have public service
21 announcements, watching people shut off the
22 tap while they're shaving and brushing their
23 teeth. Educating children. We could have
24 them create posters.

25 What I want to say, someone

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2 mentioned that the children today, many
3 people are downsizing. I would like to see
4 our system change, where we're sitting in a
5 circle where it's not a profit driven company
6 making choices for our health, that we are
7 brainstorming the best of what we can come up
8 with.

9 And I'll just end by saying we are
10 against this project. And I'll say my
11 favorite quote. Only when the last tree has
12 died and the last river has been poisoned and
13 the last fish has been caught will we realize
14 that we can't eat money. I hope you think
15 about that when you're making your decision.

16 Thank you.

17 (Applause)

18 ALJ CASUTTO: Thank you.

19 Pat Coughlin. Patty Coughlin?

20 (No response)

21 ALJ CASUTTO: Laurie Cozza.

22 (No response)

23 ALJ CASUTTO: Bob Stien?

24 (No response)

25 ALJ CASUTTO: Sherry Coplon.

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2 (No response)

3 ALJ CASUTTO: Connie Coker?

4 (No response)

5 ALJ CASUTTO: Ron Wish?

6 (No response)

7 ALJ CASUTTO: Suzanne Barclay? All
8 right, Ms. Barclay is present.

9 MS. BARCLAY: Good evening. My
10 name is Suzanne Barclay. I'm a Rockland
11 resident. Thank you for the opportunity to
12 provide comment on the need for water -- a
13 new water supply for Rockland.

14 Last night we saw in United Water's
15 PowerPoint presentation a graph that depicted
16 projected water demand. If you recall, it
17 was a straight line projection which, if
18 extrapolated, would go off into infinity.
19 But the data that is shown on that graph is
20 not our destiny.

21 Thirty years ago communities in
22 eastern Massachusetts faced a similar
23 decision regarding a new water supply. The
24 Metropolitan District Commission, referred to
25 as the MDC managed the water supply for

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2 Boston and 59 surrounding communities. For
3 20 years the MDC exceeded the safe yield of
4 their reservoirs on a daily basis, and they
5 saw annual increases in water. In their 1983
6 master plan, they projected the need for a
7 new water supply of about 70 million gallons
8 per day by the year 2020. And one of the
9 options they came up with to provide this new
10 water supply was to divert the Connecticut
11 River to the Quabbin Reservoir. This was an
12 enormously unpopular idea. And because of
13 overwhelming opposition, the MDC was
14 dissolved and reorganized into the
15 Massachusetts Water Resource Authority. From
16 its inception the MWRA, as it is called, the
17 overarching priorities of this agency have
18 been water resource protection, conservation,
19 and control of customers' rates.

20 The MWRA chose not to build new
21 infrastructure to meet the new water demand.
22 But instead they embarked on improving system
23 management and conservation. They allocated
24 staff, time and money to these efforts. So
25 what did they achieve?

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2 Over the past 30 years, since they
3 have been at the helm, water demand in the
4 MWRA service area has decreased from 325
5 milligrams -- 325 million gallons per day to
6 around 200 million gallons per day, even
7 though their service area has increased as
8 well as the population they serve. So I
9 repeat, they went from 325 million gallons
10 per day to 200.

11 And it continues to decline even as
12 they add service area. Reductions of
13 approximately three million gallons per year,
14 or about 1.8 percent annually. They have not
15 exceeded the safe yield of withdrawals from
16 their reservoirs since 1989.

17 So what specifically did they do?
18 They did all of the best management practices
19 that you have heard tonight and last night.

20 They did a vigorous leak detection
21 and repair program;

22 They did water pipeline replacement
23 and rehab projects;

24 They did meter replacement and
25 improvements;

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2 They retrofitted 370,000 homes with
3 low flow fixtures;

4 They developed a water management
5 plan for businesses and municipalities and
6 nonprofits; and,

7 They did an extensive public
8 outreach and education campaign, including
9 school improvements.

10 But the real question is how did
11 they do that. After all, the MWRA is a large
12 bureaucracy, they serve 60 municipalities.
13 Their mission, their mind set, the agency
14 culture is all about resource protection,
15 conservation, and keeping down rates.

16 And I have to tell you I don't
17 believe that is true of United Water. This
18 mind set may be the fundamental difference
19 between a public utility and a private
20 utility.

21 (Applause)

22 ALJ CASUTTO: The lesson from
23 Massachusetts is simple. We don't have to
24 move mountains to extract salt from brackish
25 water. We need to be responsible stewards of

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2 the adequate supply we have.

3 Thank you.

4 (Applause)

5 ALJ CASUTTO: Thank you.

6 Alan Levin.

7 (No response)

8 ALJ CASUTTO: Laurie Smyla.

9 Laurie Smyla?

10 (No response)

11 ALJ CASUTTO: Jonathan Rucker.

12 (No response)

13 ALJ CASUTTO: James Kraus.

14 (No response)

15 ALJ CASUTTO: Don DiStante.

16 Mr. DiStante is coming forward.

17 MR. DiSTANTE: Thank you, your

18 Honor and Commissioners. Good evening,

19 ladies and gentlemen. My name is John

20 DiStante, and I'm a resident of Rockland

21 County. I've been a resident for 25 years.

22 I live in the town of Blauvelt. I work for

23 United Water, and I'm the director of

24 planning for the company, and I also

25 coordinate our research center.

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2 I've been employed with United
3 Water for more than 15 years. And much of
4 that time have worked on water supply issues
5 in New York and New Jersey and development of
6 long term plans. I'm also a professional
7 engineer in the state of New York.

8 I'd like to comment on some items
9 that have been in the news and that were
10 discussed last night and tonight as solutions
11 to Rockland's water needs.

12 First of all, on the subject of
13 Lake DeForest. I think there's been a lot of
14 ideas thrown around, and I want to try and
15 clarify some of these things.

16 Regarding the claims that there's
17 four or four and a half MGD of additional
18 supply that can be taken out of Lake
19 DeForest, there's a couple of things to
20 understand. It sounds simple, it's easy to
21 grasp, it makes a real nice headline. But
22 the devil is in the details, as you may well
23 know.

24 First of all, there would surely be
25 a very, very strong response from our

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2 colleagues to the south in New Jersey. New
3 Jersey DEP has a very strong environmental
4 staff, and they will surely oppose such a
5 proposal.

6 Furthermore, there's been a lot of
7 talk about this 125,000 gallons per day per
8 square mile number, that that's the number
9 that the release should be based on, rather
10 than the current number, which is 290,000
11 gallons per square day (sic). You multiple
12 those numbers by the drainage area and you
13 come up with the minimum release, subtract
14 the two, you get somewhere between four and
15 four and a half MGD.

16 The problem is the 125,000 gallon
17 per day number that is referenced by several
18 people goes back to a study done in the
19 1890s. And it's a default value that's used
20 in certain cases but not in all cases.

21 Passing flows are set for a variety
22 of reasons, such as:

23 Water quality;

24 Preservation flow;

25 Riparian rights; and

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2 Ecology. And it's fairly complex.

3 The idea that 125,000 could be used
4 for the DeForest release is an assumption
5 that will certainly be challenged in a very
6 major way.

7 And also there's always unintended
8 consequences. We also share a river with New
9 Jersey to the west, called Ramapo River. And
10 on the Ramapo River we also have a minimum
11 release requirement of eight million gallons
12 per day. Now, it happens that that eight
13 million gallons per day, when you divide out
14 by the drainage area, is actually less than
15 125,000 gallons per day per square mile. So,
16 in other words, if it were even possible to
17 succeed to remove the water from the DeForest
18 watershed, New Jersey would very likely
19 request that the minimum flow on the New
20 Jersey side be increased. That would have a
21 dramatic effect on our water supply from the
22 Ramapo Valley well field, which is totally
23 dependent on that well.

24 So unintended consequences are
25 something that clearly has not been thought

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2 about by the various experts, and should be.
3 So it seems like a quick win is very likely
4 not. And it's certainly not doable to meet
5 the projected needs in a timely manner.

6 ALJ CASUTTO: One more minute.

7 MR. DiSTANTE: One more minute.

8 On the claims of too much release.
9 In my opinion, and this is my honest opinion
10 as an engineer, there's too much was made of
11 the broken valve in 2007. These types of
12 problems are not uncommon in dams of this
13 size. Again, it makes for a good story line,
14 but it's really not relevant to the current
15 discussion. A larger, complicated valve that
16 weighs over a ton was located in the dam, it
17 was fixed. It's not too useful to dwell on
18 this.

19 United Water very carefully
20 monitors and releases through DeForest every
21 day. These rates are checked by the DEC and
22 the Rockland DoH. I have personally spoken
23 with the regulators about this and they're
24 satisfied with the operation.

25 We often hear claims like the one

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2 made last night that 19.75 MGD is sent to New
3 Jersey and we profit from this. Again, it
4 makes for a good story line, but the truth is
5 more sobering. Most of the water is simply
6 water that naturally spills over the top of
7 the dam due to rainfall. We're required to
8 release a regulated flow from Nyack, down
9 through the river. United Water New Jersey
10 pays their fair share of this.

11 On the subject of wells, the short
12 term water supply projects in 2007-2013
13 focused primarily on wells. We added one MGD
14 of average supply, and about 4.2 MGD of peak
15 supply. The vast majority of the highly
16 productive well sites have already been
17 taken. Some small opportunities exist, and
18 we can pursue these, but they're few and far
19 between. Existing wells lose capacity, some
20 of which is not recoverable. And the bottom
21 line is there is not enough groundwater to
22 meet the projected need.

23 On the subject of recent demands,
24 yes, recent demands have been down. Claims
25 have been made that this is permanent and

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2 representing long term issue-wide declines in
3 per capita demand. However, such changes
4 occur gradually. We have seen a more sudden
5 drop that is due to sudden socioeconomic
6 conditions, namely, the recession. As a --

7 ALJ CASUTTO: Time is almost up.

8 MR. DiSTANTE: I'll finish, thank
9 you.

10 As the economy improves, we expect
11 to see a recovery in demand.

12 And finally, I'll be quick, on the
13 subject of conservation. Folks, well-meaning
14 folks are grasping at any figure showing
15 conservation, concluding that we can do the
16 same. It's more complicated than that. The
17 New York City reduction of 40 percent was due
18 mostly to metering. They didn't have meters
19 on their systems. When they added meters,
20 the water demand went down. We've had meters
21 forever in this county.

22 In Rockland water use and
23 conservation have been on people's mind for
24 years. Decades ago we implemented
25 conservation programs and demand side

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2 management. That's why our average use is at
3 66 gallons per person per day, compared to
4 the U.S. average of a hundred, compared to
5 New York City's average of 130. We continue
6 to communicate our conservation plans, our
7 users have reacted favorably in progressive
8 communities in the country. And further
9 conservation is always possible, I would
10 definitely not deny that, but --

11 ALJ CASUTTO: All right, thank you
12 very much.

13 MR. DiSTANTE: Okay.

14 ALJ CASUTTO: I'd like you to
15 finish up.

16 MR. DiSTANTE: I hope this clears
17 up some of the issues. Thank you very much.

18 ALJ CASUTTO: Thank you.

19 Kevin Leyden. Are you Mr. Leyden?

20 MR. LEYDEN: Yes.

21 ALJ CASUTTO: Very good.

22 MR. LEYDEN: Thank you, your Honor,
23 thank you, Commissioners. My name is Kevin
24 Leyden. I've been living in the county
25 for --

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2 ALJ CASUTTO: Please speak up and
3 speak into the microphone. Thank you.

4 MR. LEYDEN: Okay.

5 I'd like to start out with Rockland
6 United Water is owned by New Jersey United
7 Water, which is owned by U.S. United Water.
8 Which has to adhere to Suez Environmental
9 (sic), which itself has to adhere to GDF
10 Suez, which is a major owner and operator of
11 nuclear power plants in France. This makes
12 me very incredulous as a recipient of the
13 water that is produced in Rockland about what
14 they would state actually is occurring with
15 the reverse osmosis that they're talking
16 about building with this plant. Especially
17 being that my understanding is that the
18 Japanese have refused to allow reverse
19 osmosis into their country to be used because
20 it takes all the nutrients out of the water.
21 And, to my understanding, reverse osmosis
22 does not take out the titranium (sic) that is
23 released from Indian Point nuclear power
24 plant that has been in service since the
25 sixties. Which should be of major concern.

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2 Another step that doesn't seem to
3 be taken by the water company is in regards
4 to looking to increase productivity from the
5 water resources that they now have. I've
6 never seen any signs in all the years of them
7 looking to dredge any of the reservoirs that
8 they own, be it the three reservoirs that
9 they purchased from Letchworth Village, from
10 the state itself because they did own them,
11 nor from Lake DeForest. Which could increase
12 capacity more than likely quite a bit. I
13 don't understand that at all.

14 Another point of interest is their
15 pipes. They haven't presented any factual
16 evidence to my knowledge as when they are
17 actually replacing these pipes. We know that
18 many of these pipes were installed before
19 even the fifties, or in the fifties. Decades
20 and decades old. We live in Rockland. We
21 would have a good idea of when a lot of these
22 pipes are actually being replaced, because
23 they have to alter the traffic, they alter
24 all of our traffic plans.

25 And what bothers me more than

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2 anything else is the way our water company,
3 our water resource that was created here in
4 Rockland has become our problem based on the
5 needs of New Jersey residents.

6 (Applause)

7 MR. LEYDEN: That they want to take
8 our water from Rockland County, this water
9 company, that as far as I'm concerned has its
10 headquarters over in Paris, France is saying
11 we know what's best for you. I honestly feel
12 that this is smoke and rhetoric. Everything
13 they presented last night I felt was
14 completely and totally disingenuously
15 presented to us as we're going to do the best
16 thing for you.

17 I remember very well how Alan
18 Greenspan, who was the chairman of the
19 Federal Reserve Board, presented the same
20 notions about how the market could regulate
21 itself on Wall Street. We all know how that
22 turned out after Clinton repealed the
23 Glass-Steagall Act. Now, the replacement of
24 the Glass-Steagall Act, that worked for 65
25 years, has been replaced with the Dodd-Frank

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2 Act that's over 4,700 pages long, and they're
3 still fighting over this. Yet, many of us
4 are suffering based on the economic calamity
5 that took place. It's not always necessarily
6 the people that are evil, it's the rules and
7 the regulations that are completely removed
8 so that people can go in the directions that
9 unfortunately us as mankind we cannot help.
10 It's like a sexual drive. Some people cannot
11 help grabbing that big button off the guy's
12 coat because it's made of gold.

13 And that is the way I truly feel
14 this plant is for that company. It's a gold
15 mine, and I don't really feel they truly care
16 about Rockland County residents. If they
17 truly cared about Rockland County residents,
18 they would be telling us how much water is
19 being sent into Rockland County from New
20 Jersey. They're not telling us that.

21 ALJ CASUTTO: One more minute.

22 MR. LEYDEN: One more minute.

23 I would like to talk about eminent
24 domain as my last comment. Based on federal
25 and local governments taking private property

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2 or regulating it by exercising police power.

3 Because a private enterprise or a private
4 owner of property is not doing what is best
5 for the people by the people, just because
6 they feel they can. The French declaration
7 of the rights of man and its citizens, which
8 reads, quote, "Property being an invaluable
9 and sacred right, no one can be deprived of
10 it, unless the public necessity plainly
11 demands it, and upon the condition of a just
12 and previous indemnity."

13 I would like to see you, your
14 Honor, and this whole body of the state of
15 New York take this company away from the
16 French and give it back based on eminent
17 domain to the people of Rockland County so
18 that New York state and Rockland County can
19 do it. I'm sure with the precious value of
20 water that is going to be in the coming
21 decades it can help Rockland County get out
22 of the financial crisis that it's in.

23 Thank you very much.

24 ALJ CASUTTO: Thank you.

25 (Applause)

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2 ALJ CASUTTO: Joel Goldstein. Joel
3 Goldstein?

4 (No response)

5 ALJ CASUTTO: Jacquelyn Drechsler.

6 MS. DRECHSLER: Hello. And thank
7 you for this opportunity. And thank you --

8 AUDIENCE MEMBER: Louder.

9 MS. DRECHSLER: Thank you for
10 staying late. I know last night was a very
11 late night, and so hopefully tonight won't be
12 so long.

13 It seems that Mr. Samuels who spoke
14 last night is speaking from the Rockland
15 Business Association that he has spoken for
16 all businesses in Rockland County. What
17 seems clear right now is that already --

18 AUDIENCE MEMBER: Louder.

19 MS. DRECHSLER: -- existing
20 businesses will be paying --

21 ALJ CASUTTO: Please speak into the
22 microphone so everybody can hear you. Thank
23 you.

24 MS. DRECHSLER: What seems clear
25 right now is that already existing businesses

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2 will be paying for the excesses of new
3 businesses unless there are:

4 Checks and balances for smart
5 building;

6 Use of conservation measures;

7 Smart technologies to protect and
8 strengthen our aquifers instead of depleting
9 them; and,

10 A cooperative plan that uses our
11 resources wisely and fairly, such as the
12 honorable Harriet Cornell is proposing.

13 I have recently been part of a
14 project called Water Week in Rockland
15 Restaurants. After polling as many
16 restaurants as we could, we found that many
17 of the restaurant owners and chefs in
18 Rockland County were, one, not very much very
19 much aware of the desalination project, while
20 they're very busy running their businesses
21 and not reading the paper;

22 Two, they were disgusted with the
23 thought of serving Hudson River water to
24 their patrons; and,

25 Three, they were in shock when they

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2 understood the financial impact the
3 desalination project would have on their
4 business, the much higher rates they will
5 have to pay to water rates and electric
6 rates, which will of course have to be passed
7 on to the consumer.

8 We directed them to the sustainable
9 Rockland Web site as well as to United
10 Water's Web site so they could be more
11 informed through their own investigation. We
12 then asked them to get back to us if they
13 wanted to participate in this project. There
14 was an overwhelming positive response, and
15 many restaurant owners wanted to take the
16 lead in this.

17 Now, I will not be speaking to the
18 need for water in Rockland because I'm not an
19 expert and there's been so much expert
20 testimony. But the issue of need is totally
21 tied up with the issue of money, water
22 quality, health, and the potential of damage
23 to the Hudson River's ecosystem.

24 So, regarding money. The cost to
25 the ratepayers of Rockland is staggering.

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2 Many businesses and homeowners will not be
3 able to afford their bills if this goes
4 through. How are new homeowners and
5 businesses to contend with the staggering
6 cost?

7 As far as restaurants go, they
8 might be considered the backbone of
9 communities. And all the little shops that
10 line our different communities' main streets
11 feed the restaurants. The cost of this plant
12 will harm our already existing businesses, as
13 consumers will not have the extra spare money
14 to go out for dinner and do a little window
15 shopping that may lead to a purchase, because
16 they will be saving their money to pay their
17 water bills.

18 This desalination plant will also
19 contribute to global warming, being one of
20 the most energy intensive and expensive ways
21 of getting water, which is in direct
22 opposition to new mandates regarding energy
23 use.

24 Now, regarding water quality, the
25 fellow that spoke right before the break said

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2 that he wanted to assure us that we would be
3 drinking, and I just -- I think it's a pretty
4 good quote exactly, that we would be drinking
5 safe clean water with no PCBs or Tritium.
6 Now, this is an impossible statement. We
7 know that Tritium cannot be removed by the
8 reverse osmosis process. And it is also
9 clear that although PCBs in small
10 concentrations can be removed, between the
11 building, between the dredging of the Tappan
12 Zee, between everything that is going on in
13 this poor Hudson River, there are high levels
14 of PCBs in the Hudson River. And that's too
15 much for the reverse osmosis process to
16 remove.

17 Now, Dr. Oppenheimer (sic) of the
18 county board of health, who's with the county
19 board of health, he's also the mayor of
20 Montebello, I'm so glad that he spoke to some
21 of the health issues because no one has
22 really brought that up. We talked about
23 fear. But fear is something that I am
24 concerned about and I must mention.

25 There has not been a long term

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2 study on what small amounts of Tritium can do
3 to a person's health over the long term. I
4 did have a conversation with Mr. Daniel
5 Miller of the Rockland County Health
6 Department approximately two weeks ago. And
7 he said that the Rockland County Health
8 Department follows the state Department of
9 Health's guidelines on the radiated water
10 issue, and that according to the state
11 Department of Health, and therefore the
12 Rockland County Department of Health, the
13 amounts are insignificant.

14 Well, there is no such thing as
15 insignificant when you may be talking about
16 pregnant women, babies, persons with
17 compromised immune systems. And it is a
18 scientific fact that all radiation is
19 cumulative. No radiation is safe.

20 He also stated that it was true
21 that there would be PCBs in the water, some,
22 that the concentration is too great to remove
23 such amounts of PCBs.

24 So do I still have a minute left or
25 am I getting too close?

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2 ALJ CASUTTO: You have a minute
3 left.

4 MS. DRECHSLER: Okay.

5 Okay. So regarding our ecosystem,
6 the damage to our ecosystem, it's a very
7 fragile system in Haverstraw in particular,
8 and the damage may be permanent and it may
9 not be able to be mitigated. The coastal
10 fisheries will suffer consequences.

11 The planning of a plant of this
12 magnitude on the Haverstraw Bay has to be one
13 of the stupidest site plans ever. You heard
14 from the experts about our global warming
15 patterns of more frequent and severe storms.
16 When storms are in coastal waterways they
17 destroy. They destroy homes, businesses,
18 they just destroy anything in their path.

19 In closing, I go back to the
20 question of need. There is no true need for
21 a plant of these dimensions at this time.
22 And we, the homeowners, renters, business
23 owners, restaurant owners and residents of
24 Rockland County don't need to pay up front
25 for a white elephant. What we need is for

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2 United Water to stop sending our water to New
3 Jersey. What we need is to manage our water
4 more creatively and efficiently, through
5 stewardship that is transparent, open,
6 credible and equitable. Although United
7 Water's responsibility is being accountable
8 to shareholders and to a bottom line, they
9 must be held accountable to the public that
10 they serve, the Rockland County residents.

11 Thank you very much for your time.

12 (Applause)

13 ALJ CASUTTO: Ana Peguero.

14 (No response)

15 ALJ CASUTTO: Jose Munoz.

16 (No response)

17 ALJ CASUTTO: Peter Kick.

18 (No response).

19 ALJ CASUTTO: Terry Thal. All
20 right, Ms. Thal is coming forward.

21 MS. THAL: It's been a fascinating
22 two nights, from freezing to sweating. I
23 admire all of us.

24 I'm with the West Branch
25 Conservation Association, which is Rockland

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2 County's land preservation, preserving open
3 space and protecting waterways and the
4 ecology. And of course I'm a member of the
5 Rockland Water Coalition. My first comment,
6 however, is personal.

7 I live in a house with a private
8 well. There are between -- sorry. According
9 to Rockland County's Department of Health, in
10 2006 there were between 6,000 and 8,000
11 private wells in Rockland. I don't know what
12 the number is now. I would assume the number
13 has increased. My entire community and a
14 four mile -- about a three to four mile
15 stretch of the road that I live off comprises
16 private wells. And everyone there is very
17 happy with that.

18 In -- during the past ten or
19 fifteen years I've gotten a lot of calls from
20 people who used to ask whether the wells were
21 safe, whether they gave off enough water,
22 whether the water was testable, and whether
23 they should consider moving into houses with
24 private wells, especially if they had
25 children. During the past year or two,

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2 however, those calls have stopped. Now we
3 get calls from people saying I'm moving
4 into -- in someplace, somewhat nearby, is the
5 United Water desal plant going to go through,
6 is my house going to be subject to it, is it
7 possible to build a private well, is it legal
8 to replace United Water, hook up a private
9 well, is it practical, how do I get
10 information. That's not an enormous number
11 of people but it represents -- it represents
12 the thinking of people who before might have
13 been demanding be hooked up to the water
14 company.

15 Similarly, in my very little
16 community, about 30 some odd or 40 people on
17 one of those community wells, which is
18 regulated by DoH. Members wells, the pipes
19 are aging, they're really old, and there are
20 constant breakages. For many years, people
21 who used that well talked about the
22 possibility of hooking up with United Water.
23 For the past year, they have simply gone
24 about resolving to spend as much as they can
25 to keep the aging pipe, to repair the aging

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2 pipes, to keep the little well, to keep the
3 little community well going, and to avoid
4 becoming part of the United Water system.
5 Again, this represents -- it's a little sign
6 on demand.

7 My second point. And this is as a
8 member of West Branch and the Rockland Water
9 Coalition. In chapter one of the United
10 Water DEIS, United Water says -- shows that
11 the connected load of the treatment plant at
12 full build-out is projected at about 6.6
13 megawatts, and the demand load is projected
14 at five point or five megawatts. In section
15 11.4.4.1 of that DEIS, it says that that
16 intake site will get electricity from Orange
17 & Rockland's Stony Point substation, and that
18 the treatment plant site will get energy from
19 the West Haverstraw substation. However,
20 according to Orange & Rockland's DEIS, for a
21 larger power substation that it proposes to
22 put in Clarkstown, along our row of wells,
23 well, along the houses, there isn't any power
24 available for the Haverstraw water project.
25 What Orange & Rockland says is, quote, "In

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2 this region of Rockland County, demand is
3 outpacing the capabilities." Orange &
4 Rockland goes on to say that, talking about
5 the nearby New Hempstead and Congers
6 substations, as well as about the West
7 Haverstraw substation, quote, "The existing
8 substations can no longer supply their local
9 loads."

10 The -- I'm sorry, this is a heavily
11 edited document.

12 ALJ CASUTTO: Okay.

13 MS. THAL: The --

14 ALJ CASUTTO: Actually, you need to
15 sum up.

16 MS. THAL: Okay.

17 The Orange & Rockland DEIS says
18 that if Tilcon's transformer were to stay at
19 West Haverstraw -- Tilcon is a -- anyway,
20 Tilcon, at the West Haverstraw substation,
21 electrical service reliability in the area
22 would decrease. And even if Tilcon and local
23 residential load is shifted to the proposed
24 Little Tor Substation on South Mountain Road,
25 and replaced by the water treatment plant,

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2 there still would be a need for more
3 substation capacity.

4 New York state's environmental law,
5 SEQRA, says that if one project is dependent
6 on another, now or in the future, or if
7 they're from a functional standpoint only one
8 project, even if portions are owned by
9 separate companies, they should be subject to
10 a joint review.

11 I have one more line.

12 The Little Tor substation project,
13 which is Orange & Rockland's proposed larger
14 substation, on South Mountain Road, and the
15 Haverstraw water project should be merged.
16 They should be jointly reviewed as one
17 project since one clearly is dependent on the
18 other. Otherwise, both Orange & Rockland and
19 United Water must demonstrate how the
20 Haverstraw water project can move forward if
21 the West Haverstraw substation doesn't have
22 enough capacity to meet the current and
23 future needs of existing companies unless it
24 builds the Little Tor substation. If these
25 projects were merged, they should be assessed

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2 as one, not as two.

3 Thank you.

4 (Applause)

5 ALJ CASUTTO: Thank you.

6 Mark Horowitz. Mark Horowitz?

7 (No response)

8 ALJ CASUTTO: Jocelyn DeCrescenzo.

9 Are you Ms. DeCrescenzo?

10 MS. DeCRESCENZO: I'm

11 Ms. DeCrescenzo.

12 ALJ CASUTTO: Please speak into the
13 mike.

14 MS. DeCRESCENZO: Yes, I'm Jocelyn
15 DeCrescenzo.

16 ALJ CASUTTO: And who is
17 accompanying you?

18 MS. DRECHSLER: I'm Jackie
19 Drechsler.

20 ALJ CASUTTO: Okay. So only
21 Ms. DeCrescenzo will be speaking?

22 MS. DeCRESCENZO: Actually, I'm
23 going to sing part of a little song. I'm
24 going to sing part of a little song.

25 Asking -- Michael Pointing wanted to know if

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2 I was going to be singing a song, so it's
3 part of a new song that speaks to some of
4 these issues.

5 ALJ CASUTTO: All right. You have
6 five minutes, either way.

7 MS. DeCRESCENZO: The whole song is
8 five minutes. This is just a little snippet.

9 (Sung a cappella by Ms.
10 DeCrescenzo and Ms. Drechsler:) At
11 Indian Point, let's close down that
12 leaking joint. 20 million tons of
13 spent fuel rods will have a leaking
14 date with fate. No matter how deep or
15 wide the concrete that is poured, all
16 that radium will leak into our Hudson
17 River and its shores. Three miles
18 across the bay in Haverstraw, we don't
19 need no desal, French-owned United
20 Water will make us drink this toxic
21 mud somehow. This river's got
22 Strontium-90, Tritium and PCBs and
23 more. Reverse osmosis can't get rid
24 of those, our precious river has many
25 woes. So at our own added cost and at

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2 the cost to our own health, we'll be
3 the Walking Dead and United Water will
4 get all of our wells. So Riverkeeper,
5 just keep on plying your trade on this
6 noble Hudson River. What a wretched
7 mess we've made of our Hudson River,
8 well, it once was pure and clean, it
9 once was blue and green, let's clean
10 it up right now.

11 Thank you so much.

12 ALJ CASUTTO: Thank you.

13 (Applause)

14 ALJ CASUTTO: Ira Reiss. Ira
15 Reiss?

16 (No response)

17 ALJ CASUTTO: Dorothy Peteet.

18 (No response)

19 ALJ CASUTTO: Martin Granirer,
20 Granirer.

21 MR. GRANIRER: I'll pass.

22 ALJ CASUTTO: Joseph Lagana.

23 AUDIENCE MEMBER: He left, he
24 already spoke.

25 ALJ CASUTTO: All right, thank you.

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2 John Cavuoto. No relation to me.

3 Close but no relation.

4 (No response)

5 ALJ CASUTTO: Steven Klein.

6 MR. KLEIN: I want to thank the
7 Commission for being here and listening to
8 what has to be said about this, okay.

9 So I find it stunning that this
10 international multi-billion dollar
11 corporation would foist this project upon the
12 citizens of Rockland County and then tell
13 them oh, by the way, guess what, you're going
14 to pay for it as well, while we profit.

15 The public safety issue, the
16 environmental issues, are stunning. And no
17 one can guarantee that there is technology to
18 keep radioactive isotopes out of the drinking
19 water as this project has been proposed.

20 And the other thing I want to say
21 is that, and it's something that the
22 Commission really needs to hear, that if this
23 issue was placed on a ballot for a
24 county-wide vote, there is no way that it
25 would pass.

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2 (Applause)

3 MR. KLEIN: No way.

4 Thank you.

5 ALJ CASUTTO: Thank you.

6 Jerome Muhlenberg.

7 (No response)

8 ALJ CASUTTO: Jonathan Robins.

9 (No response)

10 ALJ CASUTTO: Eve McCormick

11 Millard.

12 (No response)

13 ALJ CASUTTO: Ann Putko.

14 (No response)

15 ALJ CASUTTO: Elliot Becker.

16 MR. BECKER: Yes.

17 I don't know if the following
18 comment was made earlier tonight, I could not
19 be present for the whole evening. It's my
20 understanding that when the nuclear power
21 plant in Buchanan was and wanted to release
22 their radioactive isotopes, they had to get
23 at the very least the permission of the state
24 of New York. It suggests that the state of
25 New York was not happy with the release of

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2 Tritium and Strontium-90.

3 They were given that permission,
4 though, after an application process. And in
5 that process they told the state of New York
6 this really isn't the problem, after all, the
7 Hudson is not used as a source of drinking
8 water. But it would be now, wouldn't it?

9 (Applause)

10 MR. BECKER: We have a conflict of
11 interest. We can't have a nuke plant and a
12 desal plant within 1.6 miles of each other.

13 I'm not going to blame United
14 Water. I think the state of New York has to
15 give better ideas to United Water on
16 alternative methods of acquiring more water,
17 if we even need more water.

18 A question that I have, which I
19 don't expect an answer for right now, I know
20 we have to release a certain amount of water,
21 interstate environmental issues for the state
22 of New Jersey, a minimum must be released.
23 But when there's heavy rain, and this is an
24 issue of supply, which I know you all wanted
25 us to stick to in this discussion, when

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2 there's heavy rain, more water has to be
3 delivered to New Jersey or it will fill up
4 Lake DeForest and overflow the banks. We
5 have a dam. We don't let water go over the
6 dam. If we have that quantity of extra water
7 through the year, why can't we just pipe that
8 up to our aquifers and help to regenerate
9 them? Why can't we use what God is already
10 giving us? Why let so much water go into the
11 ocean down in the Staten Island area?
12 Because that's where it's all going, it has
13 to go all the way to the ocean, but how much.
14 There is no representation that I know of in
15 the country that says it has to go out to the
16 ocean. It just has to go all the way through
17 the river system, and it is. But when you
18 have a big storm, you have extra water.
19 Let's keep that water. Let's not send it to
20 the Atlantic. Let's send it back to our well
21 systems and back to the aquifers.

22 Thank you.

23 (Applause)

24 ALJ CASUTTO: Paula Clair. Paula
25 Clair?

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2 (No response)

3 ALJ CASUTTO: Lorinda Hill.

4 MS. CLAIR: I'm here.

5 ALJ CASUTTO: Oh, Paula Clair is
6 coming forward.

7 MS. CLAIR: I'm not a Rockland
8 resident. I live in Putnam County across the
9 river. But I have friends in Rockland and I
10 am concerned about them.

11 The question whether Rockland
12 County needs more water has been debated
13 tonight, and there are many different ideas
14 on that. But I have a problem believing that
15 all of the Strontium and Tritium released
16 into the Hudson River from Indian Point will
17 be successfully filtered by the proposed
18 reverse osmosis process. I think it is
19 not -- I think it is extremely inadvisable to
20 import water for residential use from a water
21 source near a nuclear plant. I would not
22 want to drink that water. And I don't think
23 the citizens of Rockland County should drink
24 it either.

25 I also understand that the

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2 desalination plant will compromise
3 tributaries and habitats for fish spawning
4 areas. And that's a big problem for the
5 state. And I would think that that would be
6 something that DEC would have vetoed this
7 project alone on, just on the basis of that.

8 I have listened to all the speakers
9 this evening, and it seems to me that the few
10 speakers that have spoken in favor of the
11 project have a connection to United Water,
12 either directly by business or indirectly.
13 Whereas the people opposed are primarily
14 people who will be drinking Rockland's water.
15 In view of that, who do you think you should
16 listen to?

17 In conclusion, if this project goes
18 forward, I believe Rockland County would
19 receive questionable water, instead of their
20 current healthier water, at an exorbitant
21 price. If this occurs, I have one piece of
22 advice to Rockland County property owners,
23 and that would be: Dig a well.

24 (Applause)

25 ALJ CASUTTO: Thank you.

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2 Lorinda Hill.

3 (No response)

4 ALJ CASUTTO: All right. The
5 following speakers spoke at yesterday
6 evening's hearing. I have about seven or
7 eight additional speakers here. I am going
8 to allow them to make a second statement, but
9 I'm asking them to be very brief because
10 they're getting a second bite at the apple
11 here.

12 So, that being said, the next
13 speaker is John J. Tormey III, an
14 attorney-at-law.

15 Mr. TORMEY: Thank you, your Honor,
16 Commissioner Acampora, Commissioner Sayer,
17 and your Honor, Judge Casutto. I am pleased
18 to address this tribunal of the honorable New
19 York Public Service Commission.

20 I have a simple legal proposition.
21 I'm asking the PSC to simply apply the legal
22 doctrine of unclean hands to United Water's
23 claim of need. What I believe is, paring
24 away the layers of United Water's duplicity,
25 United Water is simply saying it needs our

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2 \$186 million desal plant dollars and it needs
3 a 28.9 percent proposed rate increase.
4 United Water's claimed need is actually their
5 need for more cars and more upscale
6 vacations, as I see it. They decided they
7 need to make an adverse claim against our
8 current and future health, so they can get an
9 exorbitant profit, what I believe is
10 exorbitant, off of our backs. But their
11 pretextual claim of need is legally barred by
12 the doctrine of unclean hands.

13 Unclean hands is the doctrine
14 that's a defense to a claim. It says the
15 claimant, here United Water, is undeserving
16 of the help of this tribunal if United Water
17 has done anything unethical or otherwise
18 wrong in relation to the subject of their own
19 claim. That's what unclean hands means to
20 lawyers.

21 By analogy, a guy contracts with me
22 to paint his house. He can't sue me for non
23 payment today if he burned his house down
24 last night. The unclean hands defense
25 prevents him from getting a judgment against

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2 me because if there was a breach, it was his
3 own misconduct that caused the breach.

4 Your Honors, whether we're talking
5 about the 18-month Lake DeForest leak caused
6 by United Water's own negligence,
7 recklessness or willfulness, what I believe
8 is willfulness, or else United Water's
9 manifold other failures to conserve and
10 protect our most valuable public asset,
11 water, the undisputed collective testimony
12 adduced at these hearings last night and
13 tonight conclusively establishes United Water
14 maintained an unrebutted water leakage rate
15 of at least 17 percent, according to
16 Professor Appleton. At least 25 percent
17 according to Mr. Potanovic's estimate about
18 hidden leakage. I heard 26 percent related
19 to New Jersey tonight. And if you believe
20 Camden, up to as much as 45 percent. We
21 don't know, because that leakage has never
22 been fully and properly investigated.

23 If and when United Water rebuts
24 their leakage rate, if they deny it, my
25 belief is they're probably going to lie to

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2 you and me about it. What we need,
3 therefore, is not to coddle the French by
4 buying them more truffles than their
5 consumption. We need an independent
6 investigation by some of your New York state
7 enforcement colleagues, just like Camden, New
8 Jersey did, to find out why, why United Water
9 is leaking out so much of our water, why they
10 are spoliating our public asset, our Rockland
11 County water, determining exactly what
12 percentage and quantity of water United Water
13 is spilling, exactly how many dollars United
14 Water has been billing us for for their own
15 waste, and exactly why these Francophiles are
16 so cheap that they can't fix basic
17 infrastructure essential for water delivery
18 to American people whose lives depend on it.

19 You heard testimony last night
20 they've misdirected our water to New Jersey,
21 for money. That's an outrage.

22 In fact, you heard uncontroverted
23 testimony in West Nyack last night they
24 leaked out millions of gallons of water every
25 day for 18 months, unaccounted for. That's

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2 unclean hands. We never would have found out
3 about it until we discovered it. That's
4 unclean hands. Of course technology could
5 monitor it. Of course they had technology.
6 That's unclean hands.

7 Worse yet, they get a double
8 windfall. They concocted a desal need with
9 the spill over at DeForest, while charging
10 Bergen for the spill, as I understand it.
11 That's not a water company. That's a work of
12 con men, in my estimation.

13 You heard testimony last night that
14 their meteorological and climatological
15 prognostications were self-serving and wrong.
16 You heard testimony last night in the
17 experience of many of us, United Water could
18 care less if an individual like me conserves
19 water. They don't even care if institutions
20 conserve water. The school last night, 1976,
21 you heard the testimony and I did too. And
22 why should they conserve. We already know
23 their sole objective is self-dealing profit,
24 to the exclusion of our health. We already
25 know they're just going to bill us for

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2 non-conserved waste and run off, anyway.

3 So the need for water, to which
4 United Water has testified, is pretextual,
5 your Honors. It's contrived. It's
6 concocted. It's premeditated. It's
7 self-serving. It's disingenuous. It's
8 unclean hands. It should have been seen and
9 heard as perjurious. And it's the oldest
10 marketing and advertising trick in the book,
11 and I know marketing and advertising. You
12 fake a need. You convince consumers that
13 they need something. And then, as a
14 profit-maximizer, which they are admittedly
15 such, you make money off of that publicity
16 balloon that you just floated. Well, tonight
17 is the night that the people of Rockland
18 County pop United Water's publicity balloon.
19 Tonight is the night when we say United
20 Water's so-called need is fiction, made of
21 whole cloth, and full of what the Hudson
22 River itself is full of.

23 I respectfully thank you for your
24 time and thank you for this opportunity to
25 supplement my comments last night. Thank

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2 you.

3 (Applause)

4 ALJ CASUTTO: Thank you.

5 Tom O'Reilly. Tom O'Reilly?

6 AUDIENCE MEMBER: He's right here.

7 ALJ CASUTTO: After Tom O'Reilly,
8 Robert Dillon.

9 MR. O'REILLY: Good evening, folks.
10 Thanks again for being here for us, okay.

11 Hello. My name is Tom O'Reilly,
12 and I've been in Rockland County for 57
13 years. I'm a metallurgical engineer. I'm an
14 environmental engineering professor at SUNY.
15 And a volunteer environmental defender since
16 1976. Yes, that's over 37 years. And yes,
17 I've been a member, a proud member of the
18 wonderful Rockland Water Coalition for the
19 last six years, from the beginning. And a
20 member of the Orangetown Environmental
21 Committee for the last seven years. And I've
22 been a member of the Sierra Club since 1976.

23 So last night's marathon session
24 was excellent, and now this wonderful
25 evening. I sincerely thank you folks and

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2 commend you for your time and your diligence.

3 Six and a half years now in our
4 Rockland Water Coalition, it is very
5 gratifying and relieved to finally be getting
6 a public forum such as this. It's been a
7 long road for us, all of us volunteers. And
8 there's 34 organizations in our coalition
9 now. All of them started 12 years ago when
10 the black bear came in Nyack. So it's been a
11 long road. And we are getting to the end
12 now, okay.

13 I can't read my little tiny
14 writing.

15 As far as the issue of the need for
16 the desal, this is just a little side note
17 here. I've been watering my lawn in Pearl
18 River for ten years now. I have not been
19 watering my lawn for over ten years now. I
20 stopped watering my lawn. I'm an old Boy
21 Scout, you know, just very prudent, very
22 stingy. And I just wanted to see how it
23 would work. And my lawn is always green, I
24 mean as far as droughts. And I think you
25 heard me say last night I lived in Santa

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2 Barbara, where we had a five year drought, it
3 didn't rain one drop for five years, 90
4 degrees every day in January. Santa Barbara
5 built a desal, and then it rained, and they
6 held it on idle for eight years. Wealthy
7 Santa Barbara said we can't even afford to
8 keep this thing just sitting there on idle,
9 the reverse osmosis equipment is too
10 expensive to maintain on idle. And they
11 dismantled it and sold it to Saudi Arabia,
12 where they actually have droughts.

13 This is ridiculous. We get ten
14 inches -- Southern California, Santa Barbara,
15 gets ten inches of rain a year. We get 50
16 inches, almost 50, like the state of
17 Washington. And whenever I hear the word
18 drought, I lived in droughts in Southern
19 California. This is -- so my lawn is fine.

20 And I bought two rain barrels a
21 couple of years ago, plastic little rain
22 barrels, you can buy them online, put them
23 under my gutters, and I use all that water
24 for feeding the household pets and the house
25 plants. And I have all of these barrels of

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2 extra water left. What am I going to do with
3 all this fresh, pure, clean water.

4 So this year I didn't even use the
5 rain barrels. Last year I only used one out
6 of two. This year I didn't use it at all, I
7 still have water from a year ago, which I put
8 in sealed five gallon containers in my
9 garage. I have all this great water.

10 So anyway, and Austin, Texas is the
11 model for water conservation on the planet.
12 Austin, Texas. Ellen Jaffee, Assemblywoman
13 Jaffee said last night San Antonio. And I
14 told Ellen, Austin is the model for water
15 conservation on the planet. Okay.

16 Anyway, I'm running out of time
17 here. So I wish I could read this, I wrote
18 so small. Okay, one more minute.

19 ALJ CASUTTO: Please sum up.

20 MR. O'REILLY: What?

21 ALJ CASUTTO: A minute.

22 MR. O'REILLY: Okay, then I have to
23 skip some.

24 Oh, yeah. I'm just going to have
25 to skip a couple -- but United Water gets

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2 like a 19 percent return on their investment.
3 Wall Street, it's like a ten percent return
4 for a hundred years, with risk. Nineteen
5 percent, that's why they have the most
6 expensive process, okay.

7 I'm going to wade through my notes
8 here. I'm just tired from last night, I
9 didn't recover, I didn't get much sleep last
10 night because I had to work.

11 And the other thing I was going to
12 say was -- well, God forbid if this thing is
13 built, this ludicrous monstrosity is built
14 against the wishes of the people, and then
15 Rockland will be super overdeveloped, just
16 like in the movie Chinatown, the story of Los
17 Angeles, and then Rockland will be super
18 over-built because we have all this unlimited
19 water, and none of our water conservation
20 measures were put in place, you know, no
21 recycling, no cisterns, no rain barrels,
22 okay, and then God forbid there's an incident
23 at Indian Point, not a meltdown or anything,
24 just a major release of water into the
25 Hudson, so much radioactive water with

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2 Strontium-90, Cesium-137 and iridium, if
3 something happens with the Indian Point water
4 cooling system where they have a major
5 release of radioactive water, and then it
6 goes into the desal plant and we've got to
7 shut down the desal plant, then Rockland will
8 have super over-built with no water. Talk
9 about ludicrous insanity.

10 ALJ CASUTTO: Thank you.

11 (Applause)

12 ALJ CASUTTO: Robert Dillon. After
13 Robert Dillon, Kara Cressman.

14 MR. DILLON: First I would like to
15 say, Judge and Commissioners, that I truly
16 appreciate the job you've done over the last
17 two nights and for giving us the opportunity
18 to come in and give testimony in this case.

19 As I told you last night, I am a
20 party to this case. And I have some
21 information that I'm going to give you when I
22 get done speaking.

23 I want to address two things. I
24 want to address first the passing flow issue.
25 And United Water's expert a little while ago

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2 talked to the issue of passing flow and
3 pointed out that there might be some
4 difficulties because of New Jersey's pushing
5 back against changing the flows.

6 We have a conflict of interest here
7 because not only would the state of New
8 Jersey want to push back, but United Water of
9 New Jersey would want to push back because
10 this would impact United Water and the flow
11 into their reservoirs.

12 As to the issue of this being
13 something that goes back to the 1800s as far
14 as the passing flow calculations, I'm not a
15 hydrologist or an engineer, I have a bachelor
16 of science degree in accounting. But from
17 what I understand in talking to hydrologists
18 is that many of the laws that control
19 hydrology were first brought about by Sir
20 Isaac Newton a hundred years earlier. So I
21 wouldn't discount those passing flows that
22 are still on the books today in New Jersey.
23 It would be politically maybe something that
24 would be difficult to achieve, but something
25 that, as the water coalition expert said last

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2 night, needs to be studied. It's something
3 that has some real possibilities.

4 The second thing is on the issue of
5 the Lake DeForest releases. I discovered
6 these releases in the summer of 2007,
7 independently of anyone else. The Rockland
8 County Health Department takes credit for it.
9 I discovered these releases through Phil
10 Bosco. The Health Department was notified.
11 There was no -- at that time there was no
12 information from them saying oh, we already
13 know about it.

14 I also contacted William Jankovite
15 (phonetic), the former DEC regional director,
16 by email, and notified him of it.

17 I have here a document that goes
18 from 1959 to 2010. It covers releases from
19 the -- from the passing flows from Lake
20 DeForest, and shows periods when the
21 reservoir was not spilling and releases, or I
22 should say passing flows, were excessive, and
23 I say that not every gallon is under the
24 control of United Water. There is a
25 tributary that flows in. But I think this

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2 demonstrates the case that there were
3 excessive releases.

4 And as a party I'm going to
5 circulate these documents to the other active
6 parties, and I'm going to make a formal
7 request that the Public Service Commission
8 staff take this issue up immediately because
9 I think it's crucial, and I hope that you
10 will be able to relay that information along
11 to staff and look for it. I'm not going to
12 send it out tonight or tomorrow, I have sleep
13 to catch up on. So I'm going to give you the
14 document.

15 ALJ CASUTTO: I just urge you to
16 file the material electronically.

17 MR. DILLON: Yes, I will. I'm
18 going to give it to you tonight because I
19 just want to get it on the record, but it's a
20 three hundred page document with an Excel
21 spreadsheet, and, you know, it does have to
22 be for obvious reasons filed electronically.

23 But I thank you again very much.

24 ALJ CASUTTO: Thank you.

25 (Applause)

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2 MR. DILLON: And one other thing.
3 I'm going to give you another document and I
4 just want to get this on the record, because
5 it's a summary of three cases that are now
6 before the Public Service Commission. It's
7 case 13-W-0295, which is a \$21.3 million rate
8 increase request. It's this instant case
9 that we're dealing with tonight. And it's
10 also the case 13-W-2, I'm sorry, 0246, which
11 is the surcharge, because together these come
12 to rate increases of 55 to 73 percent. And I
13 wanted to get the document on the record so
14 that we have all three in one place.

15 Thank you.

16 (Applause)

17 ALJ CASUTTO: All right, Kara
18 Cressman.

19 MS. CRESSMAN: Hello again. And
20 thank you for staying late another night to
21 hear all of our concerns.

22 The one thing that I'm really
23 curious about, and nobody has pointed out, is
24 that nobody from Haverstraw's county
25 government has come to argue in favor of the

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2 very thing they made a partnership with
3 United Water for. Why is that? It makes no
4 sense to me that they would not be standing
5 in front of you with this opportunity to
6 argue passionately for their town and for the
7 reasons that they set this whole thing in
8 motion.

9 Perhaps the reason Haverstraw is
10 not here is because they know, as does most
11 of the citizenship of Rockland County, that
12 nobody, no matter how much money you're going
13 to make off the deal, no matter how much
14 money you're going to make, it is not worth
15 drinking water three miles downstream from a
16 nuclear power plant that is operating without
17 a license as we speak and who has absolutely
18 been completely flagrant when it came to
19 paying their fines and acknowledging any of
20 their shortcomings, et cetera. I think
21 Haverstraw knows no matter what, this is a
22 bad deal. And they made this deal for all of
23 us in Rockland County.

24 And I know for myself this is not a
25 deal that I am supporting. And I know that

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2 most people in Rockland are not supporting
3 that. And I hope that you take that into
4 deep consideration.

5 Thank you.

6 (Applause)

7 ALJ CASUTTO: Thank you.

8 Peggy Kurtz. Peggy Kurtz. And
9 following Ms. Kurtz is Liliana Connor.

10 MS. KURTZ: Good evening. I was --
11 I had much longer comments, but I feel like
12 much of it has been said in some form or
13 another. So I'm going to skip over my
14 comments. I will skip over my comments that
15 were responding to the comment about
16 Draconian measures, the comments about
17 exhaustive water conservation, and I'll put
18 that into my written comments.

19 I just want to address one issue
20 that I haven't heard addressed, and that is,
21 you've heard about the most cost -- that many
22 of the conservation measures are not within
23 United Water's authority. And that's true,
24 not all of them are. Their policies do
25 belong -- but you've heard also the

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2 willingness of the county and the towns to
3 move ahead with conservation.

4 I want to point out, though, that
5 there are quite a few of the most -- of the
6 conservation measures that are entirely
7 within the authority and ability of not only
8 United Water but the Public Service
9 Commission. And here are just a few, and I'm
10 sure there are many more than just the few I
11 wrote down.

12 Changes in the rate structure.
13 Entirely within your authority.

14 Reversing the current discounts for
15 large business water users and other changes
16 in the rate structure to make it more
17 effective.

18 Water audits for large water users.

19 A truly effective vigorous
20 education and outreach program. I'm not
21 going to go into detail about why the current
22 program is nowhere near what we are talking
23 about.

24 Rebates for efficient fixtures.

25 Upgraded repair of leaks and

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2 replacement of water mains.

3 None of this is Draconian, and none
4 of these measures are merely theoretical.
5 All of this is done within United Water's
6 capability, but it's within your authority as
7 the Public Service Commission.

8 Finally, I just want to say to
9 everyone, thank you for reopening this case.
10 We understand full well that that's unusual,
11 and we really want to thank you.

12 We also want to thank you for
13 coming in person to hear this case, all three
14 of you. And we want to thank you for your
15 extraordinary patience, all of you. I was
16 here until three a.m. last night. And I
17 really want to thank you for your patience.

18 This is -- I understand why you
19 might want to reopen this case. This is a
20 significant case. It's a foothold for an
21 extremely energy intensive policy of a water
22 source in the water rich northeast. And
23 that's why I'm involved with it, because it's
24 a climate change issue, it's the nexus of
25 water and energy. It's just such a terrible

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2 mistake at the point when climate change is
3 so urgent.

4 I want to thank you for reopening
5 the case, and I'm here to ask you to put a
6 halt to this expensive, unproductive and
7 divisive process, and to allow the county and
8 United Water to move ahead productively in a
9 process that is impartial, objective, and
10 starts with the kind of analysis and modeling
11 that should have been done back at the start.

12 Thank you very much.

13 ALJ CASUTTO: Thank you.

14 (Applause)

15 ALJ CASUTTO: Liliana Connor.

16 Following Ms. Connor, Rachel Hiller.

17 MS. CONNOR: Thank you so much.

18 And thank you for letting me add other
19 comments to what I said yesterday.

20 What I am extremely concerned about
21 is the fact that yesterday not only myself
22 but other speakers presented evidence of the
23 fact that the report that was shown to us in
24 slides, charts yesterday, was full of
25 inaccuracies. I presented, myself, evidence

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2 of the inaccuracy of the declining
3 precipitation. There were a number of
4 experts and a number of members of the public
5 that also spoke about other inaccuracies in
6 this report they did August 19.

7 Now, if that is what you're going
8 to work with, I think that's unacceptable.
9 Like having worked with governments,
10 inter-governmental organizations and other
11 governmental organizations, if anybody
12 presented for consideration a document that
13 has more than one inaccuracy, that is an
14 unacceptable document to work with. So I
15 think it should be returned, ask them to
16 revise their data and present accurate
17 information in that report.

18 (Applause)

19 MS. CONNOR: This report, I mean
20 it's unacceptable.

21 Anyway, what I didn't show
22 yesterday is the actual FEMA map, which shows
23 most -- the eastern half of Rockland is now
24 in the flood zone areas.

25 I also mentioned to you that the

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2 cost to New York environs by 2015 would be \$2
3 billion, that it would be increasing -- this
4 is per year -- of the flood zone areas that
5 we will have. I also showed you that the
6 precipitation was, in the United Nations
7 report released last Friday, between 1951 and
8 2010 increasing in the northeast here by 50
9 percent, and that in some areas in the map
10 within this northeast area were increasing up
11 to 100 percent. I also showed you that the
12 projection for precipitation between 2016 and
13 2035 would be 50 percent more than what it is
14 at this moment.

15 And then with regard to the other
16 comments that I made about Tritium and PCBs,
17 there are people here that mentioned, you
18 know, the fact that scientists reported
19 Tritium cannot be separated really from water
20 because of the molecular composition.
21 However, some people said that the effects of
22 Tritium in the body have not been studied.

23 Well, there is a fact sheet from
24 the Health Physics Society that deals with --
25 they're specialists in radiation safety. And

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2 they say that the biological and health
3 effects of Tritium can potentially be
4 hazardous to human health because it emits
5 ionizing radiation, exposure to which may
6 increase the probability that a person will
7 develop cancer during his or her lifetime.
8 For this reason, it is very important that
9 human exposure to any radioactive material
10 such as Tritium is minimized.

11 It also says that in order to
12 detect Tritium in the body, the most reliable
13 and widespread method is liquid scintillation
14 counting. And this is done by collecting
15 urine samples. The measurement is known as
16 bioassay. Now, I imagine that if this plant
17 operates, a lot of people will be having
18 these tests frequently to find out if there's
19 Tritium in their body.

20 We also discussed the fact that it
21 is a common occurrence for all utilities to
22 have broken pipes due to pressure or, you
23 know, age of the pipes, broken in the ground,
24 and what would happen if all these particles
25 of PCBs and Tritium come into Rockland

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2 County, and with broken pipes or
3 broken valves --

4 ALJ CASUTTO: All right, one more
5 minute, please sum up.

6 MS. CONNOR: Right. -- will
7 contaminate the aquifers. And I said that if
8 that happened, that we wouldn't look at
9 United Water to find who is responsible but
10 New York state for allowing a company that
11 performs with such a dangerous technology
12 that cannot filter radioactives or
13 carcinogens from the water to potentially
14 contaminate all the aquifers of Rockland
15 County.

16 And finally what I wanted to say is
17 that the report that I mentioned before that
18 is from the Hudson River Trustees, it says
19 that this widespread contamination of PCBs
20 throughout the 200 miles of the Hudson, that
21 because of that they have decided to continue
22 with the dredging and cleanup efforts up to
23 Manhattan. And that this plant where sited
24 would interfere with that cleanup and
25 restoration process that the trustees are

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2 involved with. And I got personal
3 testimonies about that. However, you know,
4 the PCBs, as it was said, scientists that
5 have done tests on reverse osmosis say that
6 only the PCBs can be removed when they're at
7 commonly found concentrations. With the --

8 ALJ CASUTTO: Okay, please finish
9 up now.

10 MS. CONNOR: Yeah. So with the
11 millions of particles that have been found
12 throughout the 200 miles of the river, that
13 will not be possible.

14 And then there are other things
15 that are not removed by reverse osmosis,
16 like:

17 Benzene;

18 Chlorine;

19 Fuels. Like if you have fuels from
20 boats and whatever, because they're solvents,
21 and solvents are not removed by reverse
22 osmosis.

23 Mercury. And where the plant is
24 going to be built they found a lot of mercury
25 in the soil, the soil where the plant is

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2 going to be built. It says reverse osmosis
3 does not remove methylmercury.

4 Pesticides. Most of them cannot be
5 removed.

6 Sand. If you get sand from the
7 river, that will destroy the membranes.

8 And toluene and Tritium cannot be
9 removed by reverse osmosis.

10 So this is very dangerous, and we
11 rely on New York state to defend its citizens
12 that we cannot be exposed to this. And
13 especially you cannot approve receiving a
14 report that is full of inaccuracies. You
15 cannot work like that.

16 Thank you.

17 (Applause)

18 ALJ CASUTTO: Thank you.

19 Rachel Hiller. And after

20 Ms. Hiller, John Moolick.

21 AUDIENCE MEMBER: I thought I was.

22 ALJ CASUTTO: No, Rachel Hiller.

23 AUDIENCE MEMBER: Sorry.

24 ALJ CASUTTO: That's okay.

25 MS. HILLER: Thank you so much for

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2 being here. We so appreciate it.

3 I wanted to point out, the U.S.
4 Congressional Review of Desalination from
5 2012 emphasizes that sufficient external
6 review and accountability mechanisms are
7 necessary, especially when there are private
8 developers involved.

9 And I wanted to also make sure that
10 it was completely clear to you, United
11 Water's top lobbyist here in New York state
12 is a gentleman named Tonio Burgos. That's
13 B-u-r-g-o-s, of Tonio Burgos Associates.
14 Mr. Burgos is, according to the New York
15 Times, a top fundraiser for Governor Andrew
16 Cuomo, and he was also a member of the
17 administration of Governor Mario Cuomo. So
18 we have grave concerns here in Rockland
19 County that this process may have been
20 short-circuited by that fact, in light of
21 somebody saying that the Governor's office
22 didn't know there was any kind of opposition
23 to this desalination plant and thought it was
24 a wonderful thing until about three years
25 ago.

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2 So we just want to make sure that
3 there's the proper accountability and
4 transparency and a real hard look at the need
5 for this. This would be a wonderful way to
6 stop something that would be a horrible thing
7 for myself and my neighbors here in Rockland.

8 Thank you so much.

9 ALJ CASUTTO: Thank you.

10 (Applause)

11 Is John Moolick present?

12 MR. MOOLICK: Thank you. My name
13 is John Moolick. I'm a life-long resident of
14 Clarkstown, Rockland County. My wife and I
15 are raising our three young children in the
16 county.

17 I'm a licensed professional
18 engineer in the state of New York with 16
19 years of professional experience. And I am
20 United Water New York's manager of
21 transmission and distribution. So I've taken
22 a particular interest in many of the comments
23 related to our pipe network, and I think I
24 might be able to put forth some information
25 that maybe hasn't come out yet in some of

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2 what we've heard so far.

3 There are a number of performance
4 indicators for a distribution network, and
5 some numbers have been put forth that I think
6 might be maybe unintentionally misrepresented
7 or misunderstood regarding certain percents.

8 ALJ CASUTTO: Can you speak into
9 the microphone?

10 MR. MOOLICK: I'm sorry. Certain
11 percents that were represented as leakage.
12 And I think there might be just some
13 confusion about that.

14 I think those percents that were
15 put forth were really related to more a
16 complicated calculation that includes
17 apparent and real losses in which leakage is
18 only a component. So I don't want to get too
19 much into that because there's another part
20 that I wanted to put forth this evening.

21 One measure of performance of the
22 distribution system is known as the
23 infrastructure leakage index, or the ILI.
24 The American Water Works Association
25 considers the ILI to be a highly effective

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2 indicator for comparing the performance of
3 utilities and operational management of real
4 losses or leaks. The nearer that ILI is to
5 one, the better a system is performing.

6 In 2011, the AWWA Water Loss
7 Control Committee performed a water data
8 collection initiative. Twenty-one utilities
9 across the United States and Canada provided
10 data to the AWWA. This initiative concluded
11 that the average ILI for systems with 50,000
12 or more service connections was 3.62. United
13 Water has approximately 73,000 customers, and
14 its ILI in 2012 was 1.21.

15 Our distribution and construction
16 personnel consists of a dedicated group of
17 hard working men and women who take great
18 pride in what is a well-maintained
19 distribution system. The system consists of
20 over 1,000 miles of water mains, over 6,000
21 fire hydrants, and over 14,000 valves. Just
22 to put some context around what that means,
23 if our pipe network were laid out linearly in
24 a southerly direction from the auditorium and
25 along I-95, it would end up somewhere around

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2 Jacksonville, Florida.

3 Maintaining a system of that
4 magnitude is a rewarding job, and our staff,
5 many of our whom are my neighbors in Rockland
6 and the neighbors of many of the folks who
7 participated in these hearings the last two
8 days, does it very well.

9 In addition to a continuous leak
10 survey program, it's standard procedure for
11 all distribution system personnel to sound
12 for leaks any underground infrastructure
13 asset they work on throughout the course of
14 their day. Thus, the system is constantly
15 monitored.

16 Lastly, I'd like to commend the PSC
17 for approving in 2006 an underground
18 infrastructure replacement program, with an
19 annual outage investment of \$5.5 million.
20 This is a progressive measure that was put
21 forth, United Water has made that investment.

22 Thank you.

23 ALJ CASUTTO: Thank you.

24 All right, that concludes the
25 comments for this evening. I want to thank

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2 you for your attendance. It's been a long
3 evening, but I think --

4 (Applause)

5 ALJ CASUTTO: Thank you.

6 I want to remind you that public
7 comments can still be filed in this matter.
8 And the notice advertising these hearings
9 requested comments by October 18th, 2013.

10 Thank you very much. We'll go off
11 the record and then I'll answer your question
12 off the record. Let's go off the record at
13 this time. Thank you very much, and good
14 evening.

15 (Time noted: 11:45 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

I, KARI L. REED, a Registered
Professional Reporter (Stenotype) and Notary
Public with and for the State of New York, do
hereby certify:

I reported the proceedings in the
within-entitled matter and that the within
transcript is a true record of such
proceedings.

I further certify that I am not
related, by blood or marriage, to any of the
parties in this matter and that I am in no
way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 10th day of October, 2013.

KARI L. REED, RPR