

RESOLUTION 66 OF 2016

RESOLUTION IN OPPOSITION TO COMPRESSOR STATION IN NEIGHBORING HIGHLAND

WHEREAS, in order to preserve its rural character and protect the health, welfare, and safety of its residents, each of the Towns of Highland and Lumberland amended its zoning laws in 2012 to expressly prohibit compressor stations and other high-impact industrial uses, as those terms are defined in each respective Town Code; and

WHEREAS, in December 2015, Millennium Pipeline Company, LLC, (“Millennium”) purchased 80 acres of property in the neighboring Town of Highland (the “Property”); and

WHEREAS, on January 19, 2016, Millennium filed an application with the Federal Energy Regulatory Commission (“FERC”), to construct and operate a 22,400 HP compressor station on the Property (the “Highland Compressor”); and

WHEREAS, the Property is approximately 2 miles from the Town of Lumberland border; and

WHEREAS, compressor stations are significant sources of air pollutants, emitting volatile organic compounds such as propene, toluene, ethylbenzene, and acetone, and fine particulate matter, as well as methane; and

WHEREAS, a University of Albany research team found high levels of formaldehyde, a known human carcinogen, exceeding health-based risk levels near compressor stations; and

WHEREAS, to the extent that air contaminants are emitted by the Highland Compressor, they will not be confined within artificial town borders and therefore are of regional concern; and

WHEREAS, Sullivan County is currently ranked 61st out of 62 New York State counties with regard to the overall health of its residents; and

WHEREAS, Sullivan County is reported by the United States Environmental Protection Agency’s (U.S. EPA) Environmental Justice Screening Tool to have a population where nearly 75% is low income (less than two times the national poverty level), significant numbers of senior citizens and children under five years of age and 50 percent minority population, all of which are combined indicators of an environmental justice “sensitive and disadvantaged community”; and

WHEREAS, U.S. EPA defines environmental justice to mean that all people, regardless of race, color, origin or income, receive fair treatment and equal environmental protection, and have the opportunity for meaningful involvement in decisions that will affect the environment and/or health of their communities; and

WHEREAS, the American Medical Association and the Medical Society of the State of New York have adopted resolutions entitled “Protecting Public Health from Natural Gas Infrastructure,” which recognize the potential impact on human health associated with natural gas infrastructure and call for a government assessment of risk associated therewith; and

WHEREAS, compressor stations have both accidental and planned “blowdowns” to control gas pressure, which can create a 30- to 60- meter high gas plume, last as long as three hours, and cause high levels of contaminant release; and

WHEREAS, the Towns of Highland, Bethel, Tusten and Lumberland, will be forced to rely on volunteer first responders in the event of a fire, explosion, or other incident at the Highland Compressor and such municipalities may bear the associated costs of emergency training and special equipment; and

WHEREAS, the Town of Lumberland tax base could be negatively impacted due to the likelihood of declining property values, and the inability to promote future development, in areas near the Highland Compressor; and

WHEREAS, less than two years after completion of the Hancock Compressor, Millennium's application with FERC includes constructing a second, 22,400 HP compressor station in Hancock, compounding concern about future, undisclosed expansion plans for the 80-acre Property; and

WHEREAS, the Town of Lumberland has been a long-standing member of the Upper Delaware Council, Inc., an organization that works with the National Park Service to oversee administration of the River Management Plan for the Upper Delaware Scenic and Recreational River, which the United States Congress designated in 1978 as a unit of the National Wild and Scenic Rivers System in recognition of its outstandingly remarkable values; and

WHEREAS, the Town of Lumberland, like the neighboring Town of Highland, pledged to be a NYS "Climate Smart Community," taking numerous steps to reduce its greenhouse gas emissions and reliance on fossil fuels in accordance with this State program; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan summons towns to be less energy and fossil fuel intensive while strengthening the regional economy and expanding renewable energy generation; and

WHEREAS, the construction and operation of the Highland Compressor is contrary to these State and regional goals and will undermine the commitments and ongoing efforts of the Town of Lumberland and the County to reduce greenhouse gas emissions and improve the overall health and well-being of its residents.

NOW THEREFORE BE IT:

RESOLVED that the Town expresses its opposition to the Highland Compressor station;

RESOLVED that the Board urges that a full environmental review as well as an air emissions baseline assessment be conducted by independent experts acceptable to Millennium, local Highland, Lumberland, Bethel and Tusten officials, advocates and the public and funded by industry in the areas that will be directly impacted by the Highland Compressor; and it is further

RESOLVED that the Board urges that a comprehensive and transparent Health Impact Assessment, as outlined by the Centers for Disease Control and the National Academy of Sciences, be conducted by an independent entity acceptable to Millennium, local Highland, Lumberland, Bethel and Tusten, officials, advocates and the public, and funded by Millennium; that this Health Impact Assessment cover cumulative short- and long-term impacts, including fugitive emissions and blowdowns, with an analysis of all materials and contaminants transiting through the compressor station, such as radium precipitate, radon, and decay products; and it is further

RESOLVED that FERC is requested to direct that the following occurs:

- (1) Include in its environmental impact studies opinions from public health experts who are "independents, credible and free from conflicts of interest".
- (2) Create a panel of independent experts to review "current federal exposure standards around compressor stations: standards which could now be obsolete.
- (3) Ensure that any approvals of compressor stations meet any new health standards that are created.

(4) Work with local and county officials to address residents' concerns about compressor stations; and it is further

RESOLVED, that the Town Board directs the Town Clerk to forward copies of this resolution to: the County of Sullivan, Town of Highland, Town of Bethel, Town of Tusten, Town of Forestburgh, Federal Energy Commission (FERC), Governor Andrew Cuomo, Congressman Chris Gibson, Senator Charles Schumer, Assemblywoman Aileen Gunther, Senator Kirsten Gillibrand, Senator John Bonacic, Bureau of Oil and Gas Regulation - Division of Mineral resources, NYS Department of Environmental Conservation, Millenium Pipeline.

Motion to Waive the 5-day rule

Motion by Councilwoman Gingold

Secoded by Councilman Akt

Motion carried – 5 - 0

MOTION ON THE RESOLUTION BY: Councilman James Akt

SECOND BY: Councilman Joseph Carr

ROLL CALL VOTE: Councilwoman Gingold YES

Councilman Sherman YES

Councilman Akt YES

Councilman Carr YES

Supervisor Mellan YES

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LUMBERLAND

Dated: March 9, 2016

Virginia Horn, Town Clerk