

1 2/8/2024 - Saratoga Biochar Solutions - 5-4144-00187/00001

2 STATE OF NEW YORK

3 DEPARTMENT OF ENVIRONMENTAL CONSERVATION

4 D.E.C. Permit Application No.: 5-4144-00187/00001

5 - In the Matter of the Application for an Air

6 State Facility Permit, Pursuant to Title 6 of the

7 Official Compilation of Codes, Rules and

8 Regulations of the State of New York (6NYCRR Part

9 201-5) and a Solid Waste Management Facility

10 Permit, Pursuant to Title 6 of the Official

11 Compilation of Codes, Rules and Regulations of the

12 State of New York (6NYCRR Part 360) by Saratoga

13 Biochar Solutions, LLC, Applicant.

14 PUBLIC COMMENT HEARING

15 DATE: January 8, 2024 at 6:00 p.m.

16 LOCATION: South Glens Falls High School

17 42 Merritt Road

18 South Glens Falls, New York

19 BEFORE: A.L.J. MOLLY MCBRIDE

20  
21  
22 Reported by Danielle Christian

23

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2 (The hearing commenced at 6:00 p.m.)  
3 A.L.J. MCBRIDE: Good evening,  
4 everyone. Thank you for coming out this evening. My  
5 name is Molly McBride, I'm an Administrative Law  
6 Judge with the New York State Department of  
7 Environmental Conservation. I'll be presiding over  
8 this evening's public legislative comment hearing.  
9 Tonight's hearing is regarding the application of  
10 Saratoga Biochar Solutions L.L.C. The purpose of  
11 tonight's legislative public comment hearing is to  
12 provide an opportunity to comment on the pending  
13 application. Tonight is not a question-and-answer  
14 session and we welcome you to reach out to Saratoga  
15 Biochar or D.E.C. staff outside of this hearing if  
16 you have any questions for them.

17 In addition to tonight's hearing, last  
18 evening, we held the public comment hearing via Webex  
19 that began at six p.m. For those that are joining  
20 tonight who also were with us last night, I thank you  
21 very much for your participation.

22 The applicant proposes to construct  
23 and operate a new industrial facility to manufacture  
24 a carbon fertilizer product from biosolids and wood  
25 waste feedstock. The facility is designed to be

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2 constructed in three phases. This application is for  
3 the construction and operation of phase one. This  
4 application involves three D.E.C. permits, an Air  
5 State Facility permit, a Solid Waste Management  
6 Facility permit, and a Construction Stormwater  
7 General permit.

8 This proposal also requires a  
9 Beneficial Use Determination, commonly known as a BUD  
10 for the fertilizer product. Pursuant to the  
11 requirements of the Climate Leadership and Community  
12 Protection Act known as the C.L.C.P.A. the department  
13 has requested and received information regarding the  
14 facility's purported consistency with the C.L.C.P.A.  
15 While the department is making a draft Air State  
16 Facility permit available for the public review and  
17 comment, the department has not made a final or  
18 tentative determination to issue any final permit for  
19 this facility. I want to read that again, just so  
20 that I'm clear -- there is a clear understanding  
21 here. The department has not made any determination  
22 to issue any permit for this facility.

23 The department is still reviewing this  
24 application. A notice of complete application,  
25 notice of legislative public comment hearing, and

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2 public comment period was published on January 17th,  
3 2024 in the department's Environmental Notice  
4 Bulletin. A notice was also published in the Post-  
5 Star on January 24th and in the Times Union on  
6 January 18th, 2024.

7 As I indicated, this hearing is to  
8 provide an opportunity for the public to comment on  
9 the pending application, and tonight is not a  
10 question-and-answer session. The department will be  
11 accepting written and oral comments on the pending  
12 application and the comment period ends on March 4th,  
13 2024. Therefore, all comments must be sent by email  
14 on March 4th, 2024 or postmarked by March 4th, 2024,  
15 if you're submitting by mail.

16 The mail-in address and the email  
17 address are available at our sign-in table in the  
18 hallway right outside this room. Anyone who would  
19 like to make a comment tonight must fill out a  
20 speaker card and the cards are available at our sign-  
21 in table. If you have not yet filled out a card or  
22 if during the hearing you decide you would like to  
23 make a comment, you may go to the sign-in table and  
24 fill out a card for us and we'll call your name in  
25 the order that we have received the cards here this

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2 evening.

3 Again, you may submit a written  
4 statement and the department gives equal weight to  
5 written and oral comments. I will call all speakers  
6 in the order that you submitted your cards and each  
7 speaker will be limited to three minutes.

8 I would ask that you please be  
9 respectful of that three-minute time limit as we have  
10 quite a few people that are here tonight that would  
11 like to make a comment. Also, I would ask that you  
12 please show respect for all speakers while making  
13 their comment. Please show them the same respect  
14 that you would like when making your comment.

15 When you make your statement, please  
16 speak loudly, slowly, and clearly as we have a court  
17 reporter present this evening who will be making a  
18 record of this evening's public comment session.  
19 Again, as I indicated, if you do not wish to make a  
20 statement this evening on the record, you have until  
21 March 4th to submit a written comment.

22 I'm going to call the speakers back  
23 from my table and I don't have a working microphone,  
24 but I have a very loud voice, so if I don't have  
25 someone come down when I call your name, I'm going to

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2 shout it out again, so I apologize if I shout too  
3 loudly. Our first speaker though is Assembly Member  
4 Woerner.

5 MS. WOERNER: Good evening. I'm  
6 Assembly Member Carrie Woerner and I represent the  
7 Moreau, Fort Edward, Hudson Falls communities in the  
8 State Assembly. Over the last several years, I have  
9 met a number of times with the Saratoga Biochar  
10 owners and engineers and with the residents of Moreau  
11 regarding this project. I've read the permit  
12 documents and studied the materials provided  
13 previously to me by both the project developers and  
14 the residents.

15 Context matters. This is why the  
16 legislature established a definition for  
17 environmental justice communities and requires D.E.C.  
18 to give special consideration to the impacts of  
19 projects on communities previously impacted by  
20 environmental pollution. I'm grateful to you Judge  
21 McBride for your work here to listen to the feedback  
22 from the community and to summarize them for D.E.C.  
23 staff as they consider whether to issue the permits  
24 for this project.

25 The engineered solution outlined in

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2 the Saratoga Biochar permit application is the first  
3 of its kind at the scale that it is proposed. The  
4 system proposed to be sited at Moreau Industrial Park  
5 has never been built and operated around the clock  
6 and at the volume anticipated in the permit  
7 application. As with any first-generation system, I  
8 think it's reasonable to expect that this first of  
9 its kind system would experience problems and  
10 failures once it is operational, that will require  
11 some amount of re-engineering and course correction.  
12 This is just a realistic assumption of what happens  
13 in the real world.

14 My understanding of the system  
15 proposed is that it integrates component equipment  
16 from several manufacturers. The draft permit  
17 specifies numerous times that quote all equipment  
18 shall be installed and maintained in accordance with  
19 the manufacturer's instructions and specifications.  
20 Reliance on this statement implies assurance that the  
21 manufacturers of these various pieces of equipment  
22 have tested the integration of their equipment with  
23 all of the other pieces of equipment and that are  
24 components of -- that are components of the overall  
25 process, and also assumes that if each has been

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2 installed and maintained according to its  
3 manufacturer's instructions, then all will be well.  
4 D.E.C. in its capacity as regulator  
5 will verify that this first of its kind integration  
6 of component equipment into a single system is  
7 protective of human health through compliance  
8 testing. The compliance testing is going to happen  
9 between sixty and a hundred and eighty days after the  
10 system is operating at full production levels and  
11 rates. Stack test results have to be submitted sixty  
12 days later, then the test is not repeated for another  
13 five years.

14 This is standard practice for  
15 monitoring air quality permits. And if I'm correct  
16 in my assumption that any first-generation system  
17 will experience some number of problems and failures  
18 once it's operating in production, that would mean  
19 that if there are emissions that exceed the stated  
20 limits, that condition could exist for a number of  
21 years before detection.

22 In a healthy community perhaps this  
23 level of oversight is sufficient, but Moreau, Fort  
24 Edward, and Hudson Falls are not healthy communities.  
25 It pains me to say that so bluntly, but it is the sad



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2 truth. For thirty years ending in the late 1970s,  
3 the G.E. company discharged as much as one point  
4 three million pounds of polychlorinated bi --  
5 biphenyls, P.C.B.s into the Hudson River from its  
6 capacitor plants in Hudson Falls and Fort Edward.  
7 And despite -- despite what is considered to be the  
8 largest Brownfield cleanup ever, the latest five-year  
9 review indicates that P.C.B.'s still remain in the  
10 river. And on particularly hot days, these  
11 contaminants become vaporized, continuing to impact  
12 those who live in the communities on both sides of  
13 the river in Washington, Saratoga, and Washington  
14 Counties.

15 P.C.B. exposure is associated with  
16 higher risk of liver, stomach, intestinal, and  
17 thyroid cancers. It is associated with increased  
18 overall cancer in females and excess myeloma in  
19 males. It increases the risk of non-Hodgkin's  
20 lymphoma, gastrointestinal tract tumors,  
21 hepatocarcinoma, leukemia, lymphomas and pituitary  
22 tumors. A review of the New York Department of  
23 Health database of cancer rates by type and by county  
24 shows that Saratoga, Washington, and Warren Counties  
25 all have higher incidence rates than New York State

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2 as a whole and of all invasive malignant tumors,  
3 cancers rather of colorectal, thyroid, liver cancers,  
4 and of non-Hodgkin's lymphoma and higher mortality  
5 rates. And in my written comments, I have the data  
6 associated.

7 The people who live in Moreau, Fort  
8 Edward, and Hudson Falls all know this without seeing  
9 the data. As one resident shared with me, he  
10 accompanied his wife to a chemotherapy appointment  
11 and saw a room filled with people he knew from the  
12 town. Industrial pollution and the very real effects  
13 it can have on human health is a sad part of the  
14 lives of people who have called these communities  
15 home for decades. Their immune systems have been  
16 impacted by the exposure they have had and continue  
17 to have to P.C.B.s. And we see that in the elevated  
18 cancer incidences and mortality rates.

19 When the E.P.A. sets limits of  
20 exposure to harmful chemicals, such as might be found  
21 in biosolids to levels that -- levels that are  
22 considered protective of human health, the underlying  
23 assumption is that of a healthy human to start with.  
24 The E.P.A. doesn't and realistically it couldn't test  
25 the impact of exposure in a human -- human whose

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2 health has already been compromised by industrial  
3 pollutants.

4           These are the limits D.E.C. enforces  
5 through its permitting, and these are the limits  
6 against which the compliance testing will be  
7 conducted. And because of the overall health status  
8 of the communities, the D.E.C. can't know whether  
9 those limits are sufficient to protect the health of  
10 people who live in these communities specifically.

11           As I noted at the beginning of my  
12 remarks, context matters in the decision of where  
13 permitted projects should be sited. And the context  
14 of the Saratoga Biochar project is that it is  
15 proposed to be sited in an already health compromised  
16 community. These are the fundamental risks with  
17 issuing the requested air quality permit for a first  
18 of its kind system in the Town of Moreau.

19           The limits that D.E.C. relies upon to  
20 assure the community that the permitted entity is  
21 protective of human health may not, probably don't  
22 apply in the context of a community whose residents  
23 live with already compromised immune systems and that  
24 the compliance testing protocol specified in the  
25 permit would allow the system to run unchecked for

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2 five years. In considering the application by  
3 Saratoga Biochar for an air quality permit, I  
4 strongly urge that the D.E.C. give significant weight  
5 to the consideration of whether the risks associated  
6 with a first-generation system coupled with emissions  
7 limits that were not designed to account for  
8 potential impacts on an already unhealthy human is  
9 appropriate for this community. Thank you, Judge  
10 McBride again for the opportunities to submit my  
11 comments this evening.

12 A.L.J. MCBRIDE: Thank you. Thank  
13 you, Assembly Member Woerner for coming out this  
14 evening in your comments. I'm now going to start  
15 calling on the public. I'll call your attention to  
16 the timer that's in front of the podium here that  
17 will go off for each speaker. I'm going to ask that  
18 everyone try to keep track of your time. If you have  
19 not completed your remarks in three minutes, I'm  
20 going to ask you to conclude. We have about sixty  
21 speakers, so I want to make sure you all get home at  
22 a reasonable hour tonight. And our next speaker is  
23 Maureen Jackson.

24 MS. JACKSON: Your Honor, my name is  
25 Maureen Jackson and I'm from the Town of Moreau. I'm

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2 a licensed geologist and I've been in environmental  
3 consulting for over twenty-five years. Saratoga  
4 Biochar is a proprietary never tested business. No  
5 other type of business exists to this extent in the  
6 United States. A key point is that this type of  
7 process in innovative technology has never been  
8 tested outside of a laboratory setting. Mr. Apy  
9 stated at one of the public meetings that generic  
10 sewage sludge from a small town in Iowa and from  
11 Chicago was used to perform the pilot tests for  
12 designing the equipment and running the models.

13 So how can modeling of the  
14 contaminants be done effectively and correctly if  
15 they have not been -- if they did not use the sludge  
16 from the municipalities to which they will be hauling  
17 sewage sludge out of? From the research that I have  
18 done, I have found that each municipality has a  
19 characteristic sludge based on the residences and  
20 businesses that are contributing to that wastewater  
21 system. So if we do not know the exact types and  
22 concentrations of contaminants in the sewage sludge  
23 that will be brought here. How does the D.E.C.  
24 determine what is acceptable for release into the  
25 environment? I have seen several remediation systems

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2 designed by licensed engineers put into operation to  
3 clean up petroleum spills. Some of these systems  
4 have operational and or manufacturing issues.

5 So if the small systems that are  
6 designed by engineers to treat petroleum impacted  
7 soil and water do not always operate optimally, then  
8 how can Saratoga Biochar a much larger system, expect  
9 that their equipment will not have issues and or  
10 operate as proposed? There is nothing to compare the  
11 proposed Saratoga Biochar process and equipment to.  
12 Based on the pollute maps of the fallout from the air  
13 stacks that have been provided, a large area could be  
14 infected -- be affected by whatever is going to be  
15 released from the stacks. From what I have read, the  
16 permits do not require frequent monitoring of the  
17 systems. From what I can see, the draft permits or  
18 boilerplate standard permits that are issued testing  
19 should not be conducted every five years as proposed  
20 in the permits.

21 Testing should be required on a daily,  
22 if not hourly basis to determine the exact emissions  
23 from the plant. Saratoga Biochar is only going to do  
24 the minimum that D.E.C. requires of them as it costs  
25 them money and takes away from their bottom line.

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2 Our area has a high constant rate -- cancer rate.  
3 That is a known fact. There is speculation, or you  
4 could say proof that these high cancer rates are due  
5 to existing environmental contamination from varying  
6 Superfund sites, existing mills, and plants and other  
7 environmentally compromised sites.

8 My family has been directly affected  
9 by cancer. My mother, who grew up in the Town of  
10 Moreau, has been diagnosed with a non-cancerous brain  
11 tumor and two different types of cancers. No one  
12 else in the family has had these cancers are tumors.  
13 The only thing I can wonder is if the cancer or brain  
14 tumor had anything to do with growing up in the Town  
15 of Moreau.

16 I do not want anyone else in my family  
17 or community to have to go through what we have gone  
18 through with the tumor and cancer. Too many empty  
19 promises have been made by companies in our area.  
20 Things are always wonderful and great until years  
21 later when we find out that these compounds and  
22 innovative technologies have contaminated the soil,  
23 air, water, they're -- then we are scrambling to fix  
24 it, to clean it up. The time to act is now. The  
25 time to question everything is now. Before we must

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2 ask ourselves what should we have done differently?  
3 What should we have done to protect those living  
4 around this facility? Learn from the past, learn  
5 from this -- the contamination we are already dealing  
6 with. Nothing is great, nothing is wonderful, and  
7 nothing is this good.

8 A.L.J. MCBRIDE: Thank you, Ms.  
9 Jackson.

10 MS. JACKSON: Thank you.

11 A.L.J. MCBRIDE: Thank you. I'm going  
12 to call -- I'm going to call the next five speakers.  
13 And I'm going to ask the first speaker to come here  
14 and I'm going to ask the rest of the speakers to come  
15 here and line up so that we can maybe cut down on the  
16 delay. And I'm going to ask you to hold your  
17 applause so that we can get the next speaker going.  
18 Our next speaker is Sue Lacy. Then we're going to  
19 have Ron Kowalski, Nancy Ellett-Crosby, Dan Collins  
20 and Hugh Phillips. Go ahead, Ms. Lacy.

21 MS. LACY: Okay. My name is Sue Lacy  
22 and I live at 308 Bluebird Road.

23 A.L.J. MCBRIDE: Can you speak into  
24 the microphone so the audience can hear you?

25 MS. LACY: Yes. My name is Sue Lacy



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2 and I live at 308 Bluebird Road, which fifty-five  
3 years ago when we moved there, it was 8574 Bluebird  
4 Road. We live within a half a mile of on the main  
5 road from the industrial park, and they actually come  
6 right to our backyard. We've put up with the  
7 P.C.B.'s and then in the -- the eighties there was  
8 coal tar between us and the industrial park. We've  
9 had enough of that and the cement, we have the cement  
10 truck, the cement company that our house is shook for  
11 fifty years from -- from that. We're not an isolated  
12 area anymore. We used to have -- it used to be what  
13 they called an isolated area. Now there's thousands  
14 more people between the apartments and the all the  
15 housing developments.

16 The trucks are going to go too close  
17 to the school. There's going to be too many of them.  
18 There's no benefit, no tax benefit to Moreau, my  
19 daughter, my granddaughter, grandson, great-  
20 grandchildren. I have another one on the way. And  
21 we used to be proud to live in the Town of Moreau,  
22 but not anymore. When I -- I've worked at Glens  
23 Falls Hospital for fifty-six years and the first day  
24 I remember the one thing they said was that there's  
25 more cancer in this area than any place else in the

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2 state. And this is a terrible project to start with  
3 and just, we don't want our kids hurt anymore. Thank  
4 you.

5 A.L.J. MCBRIDE: Thank you. Ron  
6 Kowalski. Ron Kowalski. Ron Kowalski. Is Ron here?  
7 Okay. Nancy Ellett-Crosby.

8 MS. ELLETT-CROSBY: Hi. I live in  
9 Fort Miller in town --

10 A.L.J. MCBRIDE: Can you speak right  
11 into the microphone?

12 MS. ELLETT-CROSBY: I live in Fort  
13 Miller in the Town of Greenwich. I turn to the  
14 D.E.C. to do the right thing, turn down this project.  
15 It is an oversized project. We have suffered, as  
16 other people have said, with cancer rates and other  
17 health problems in this area. I was in the area when  
18 the incinerator Wheelabrator was built. We were able  
19 to keep it out of Greenwich, but it came seven miles  
20 up the river and has had a devastating impact on the  
21 lives of the people who live nearby there.

22 I'm very concerned about this  
23 pyrolysis that the sys -- method that they will be  
24 using to essentially incinerate, although they have  
25 not called it, that it is incineration. And the

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2 result that soil will still contain PFAS. There's no  
3 proof whatsoever as yet that various chemical can be  
4 removed from the soil by heating it up to that high  
5 temperature.

6 And just look at our bee populations.  
7 Today, I heard research that says that the honey  
8 production is down severely in bee -- in honey  
9 production from the bees and that they relate it to  
10 quality of soil, the depletion of -- of our soil. So  
11 for many reasons, I ask the D.E.C. to turn this  
12 permit down.

13 A.L.J. MCBRIDE: Thank you. Dan  
14 Collins.

15 MR. COLLINS: Thank you. Good  
16 evening. Just wanted to talk. My name's Dan  
17 Collins. I've lived in Moreau for thirty-eight  
18 years. I'm approximately five miles, four and a half  
19 miles from the industrial site. My daughter and my  
20 granddaughter, where they just built a new house  
21 three years ago as the crow flies, is about zero  
22 point eight miles from the site. And Moreau  
23 Elementary School where about three hundred students,  
24 faculty reside or about one mile from the site where  
25 all the trucks will be going by on a daily basis.

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2 From what I've read and what I've  
3 seen, one of the questions I just have is in the  
4 Moreau Town Code. You know, Chapter 92 is an article  
5 that says processing waste and prohibited waste. And  
6 I just want to read a quick snapshot of what that  
7 code says, if I can get it on my phone here.

8 It says, prohibited waste at Section  
9 92.2, the definition of it on the bylaws in the Town  
10 of Moreau, any waste or waste material not  
11 originating within the borders and boundaries of the  
12 Town of Moreau and generated or by the source located  
13 outside the boundaries, irrespective of whether it's  
14 waste material or not, is defined and toxic  
15 ignitable, reactive, hazardous, corrosive by the  
16 United States Environmental Protection Agency is  
17 deemed illegal, including any commercial and or  
18 industrial waste.

19 So and then I spent probably the last  
20 month looking at an E.P.A. report rule -- on Rule  
21 503, which is a hundred and fifty-eight-page report  
22 that everybody in this room should look up. The  
23 amount of stuff in there is amazing, but that report  
24 was made and developed to protect the public health  
25 and environment from adverse effects on pollutants

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2 presented in biosolids, sewerage, and sludge.

3 It all deals with pathogens, metal  
4 levels, P.F.O.A.'s if you look on page thirty-five,  
5 the cancer risk level in humans, animals, and plants,  
6 the ecological risks to them on page forty-four. Who  
7 is at risk? The highly and most exposed individual  
8 on page thirty-three. The synergistic effects of  
9 biosolid metals on page one sixteen and pathogens.  
10 In a nutshell, it's just kind of mind boggling, but  
11 what sums it up is on page thirty-two, the  
12 incineration of biosolids says the E.P.A. should  
13 undertake and support research to determine the  
14 adverse health effects on the population that resides  
15 near an existing incineration facility.

16 And it says that they cannot do a risk  
17 assessment due to the uncertainties which are used  
18 with the biosolid incineration. That to me, just the  
19 amount of information in there, I found it hard to  
20 believe that they could build this in a populated  
21 area. This should be put out in the middle of  
22 nowhere's land, not in the middle of any type of  
23 community. That's all I have to say.

24 A.L.J. MCBRIDE: Thank you.

25 MR. COLLINS: Thank you.

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2 A.L.J. MCBRIDE: Okay. Our next  
3 speaker is Hugh Phillips, and I'm going to ask Joe  
4 Peranio, Ken Brooks, Gina LeClair, and Peter  
5 Bondzinski to come down. We have some seats up  
6 front. You'll be our next group of speakers. Go  
7 ahead, Mr. Phillips.

8 MR. PHILLIPS: Thank you. Obviously,  
9 I'm not a speaker.

10 A.L.J. MCBRIDE: Can you pull the  
11 microphone up a little bit so the crowd can hear you?  
12 Thank you.

13 MR. PHILLIPS: I'm not -- my name is  
14 Hugh Phillips. I live in Glens Falls. I own land in  
15 Washington County. I grew up in Washington County.  
16 My name is Hugh Phillips. All right. I live in  
17 Glens Falls. I grew up in Washington County. I have  
18 land in Warren County and Washington County. And the  
19 thing I find bizarre is where we are tonight. They  
20 do so many fundraisers here with the marathon for  
21 people that have problems. I think that speaks by  
22 itself. So I think we have enough hazards already  
23 here. I attended the meeting on Tuesday night that I  
24 found weird. They're saying that they have trouble  
25 finding out information. If you don't make something

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2 transparent in my world, that means you're hiding  
3 something.

4 So, you know, I -- I really hope that  
5 everybody takes into consideration of what they're  
6 trying to bring to the area. And if you wanted to  
7 build a shed in your backyard, I was told this  
8 Tuesday night at the meeting, their permits are  
9 inadequate. They're not fully completed, and the  
10 data they have is nowhere up to date, to today's date  
11 of the information they do put out. So that's all I  
12 have to say.

13 A.L.J. MCBRIDE: Thank you.

14 MR. PHILLIPS: Thank you.

15 A.L.J. MCBRIDE: Joe Peranio.

16 MR. PERANIO: Hi, my name is Joe  
17 Peranio, I'm from Glens Falls. I traveled here and  
18 inserted myself into the conversation because I  
19 believe that there's a lot of tension, ignorance, and  
20 distrust on both sides of the argument. Something  
21 that we should all be able to agree upon is that we  
22 need to take seriously act -- serious action in the  
23 effort of cleaning up our planet. I heard a lot of  
24 misinformation during yesterday's virtual comment  
25 periods. Stories about combustion gases going

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2 straight into the atmosphere, run off into the river,  
3 biosolid sludge to be spread on agricultural fields.  
4 And that Biochar production is not a valid source or  
5 sorry, solution for mitigating climate change.

6 Biochar is one small tool we have in  
7 our toolkit to ease those effects, but it is not a  
8 silver bullet nor a boogeyman. I agree with the many  
9 of the opponents of Saratoga Biochar. It's reckless  
10 of the town board to approve the facility without  
11 E.I.S. being conducted, though I'm kind of -- I'm  
12 kind of radical that thinks even a new car wash or a  
13 Wendy's should require an E.I.S. Every enterprise  
14 that that is extractive in nature, in my opinion,  
15 should fund a bond for its eventual destruction and  
16 remediation. In this way, corporations might think  
17 twice before taking all they can from the earth and  
18 leaving less money -- and I'm sorry, leaving the less  
19 fortunate to deal with the destruction.

20 People rightly complained that this  
21 facility was just out to make money and didn't have  
22 the community in mind. I would argue that most all  
23 companies in this country operate as such. While it  
24 is such -- while it's good that folks some folks are  
25 coming to that realization, the intention here by



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2 Saratoga Biochar, I believe, is meant to address a  
3 dire issue and to make money.

4 What other options do we have? Now  
5 that more biosolids from wastewater are no longer  
6 allowed to be incinerated due to lower allowable  
7 levels of mercury in the exhaust per the E.P.A.  
8 Instead, they will be left to decompose an  
9 increasingly full landfills while they burp  
10 greenhouse gases into the air and trickle those same  
11 PFAS into the watershed. I think Saratoga Biochar the  
12 D.E.C. and town officials are at fault for not doing  
13 more outreach, understanding, and thoughtfully  
14 addressing the resident's concerns before sallying  
15 forth.

16 It is apparent that this community has  
17 suffered immensely traumatic, ecological, and human  
18 health disasters, but we have to learn and heal from  
19 them instead of dwelling on them and using them as an  
20 excuse not to grow. Ideally, this facility could be  
21 located near a political office or near the richest  
22 most privilege of all of us, but that is not  
23 realistic. And the rich will never pay their fair  
24 share as long as we have money in politics and people  
25 consist -- consistently vote against their own

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2 interests.

3 I agree that if Biochar is produced,  
4 it is concentrated with -- if the Biochar is produced  
5 and is concentrated with PFAS or heavy metals, it  
6 should not be used on agricultural fields, but blah,  
7 blah, blah. One last quote. Voltaire said the  
8 perfect is the enemy of the good. So don't let the  
9 perfect be the enemy of the good.

10 A.L.J. MCBRIDE: Thank you.

11 MR. PERANIO: Thank you.

12 A.L.J. MCBRIDE: Ken Brooks.

13 MR. BROOKS: Hello, my name is Ken  
14 Brooks. I'm a licensed professional engineer and a  
15 chemical engineer. I don't -- hello?

16 A.L.J. MCBRIDE: Just be closer to the  
17 mic.

18 MR. BROOKS: Hello. Okay.

19 A.L.J. MCBRIDE: We can hear you now.

20 MR. BROOKS: I'm a -- I don't think  
21 the plant should be constructed because of the danger  
22 of per and polyfluorinated alkaline substances. They  
23 remain in the wastewater and the result in solids and  
24 pyrolysis is not a very effective way of getting rid  
25 of those.

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2 Couple things that I disagree with in  
3 the permit provisions, there aren't any per -- permit  
4 provisions in some things, stack testing every five  
5 years is completely inadequate. It should be done  
6 much more sooner after the start of the facility and  
7 use actual information, certainly within the first  
8 six months, and certainly more often than every five  
9 years. The protocols should be developed for the  
10 stack testing before the permit is issued. They  
11 should know what they're going to be doing.

12 Three, pyrolysis, I'm not sure what  
13 they mean. There's an in -- inconsistent references  
14 to low temperature and high temperature pyrolysis in  
15 the documents that I've looked at. At one point it  
16 says thousand degrees Fahrenheit and the other one it  
17 says low temperature pyrolysis. And it's not clear  
18 exactly what they want to do. It should be more  
19 clear. My biggest concern is that the permit  
20 provisions have no requirement for an environmental  
21 monitor or an environmental monitoring fund. In my  
22 past experience, almost every permit has a  
23 requirement that a usually a ten-thousand-dollar  
24 minimum fund be set up for environmental monitoring.  
25 And the D.E.C. monitor taps that fund as he is

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2 required to come out and inspect and review and then  
3 look at the facilities operations.

4 There's no provision for that and  
5 neither of the two permits. And I think that there  
6 should be, it's something I'm very much surprised  
7 that there isn't in the permits. And so those are my  
8 main comments. I have other ones. I'll be writing a  
9 letter with most of the remaining comments that I  
10 have.

11 A.L.J. MCBRIDE: Thank you. Gina  
12 LeClair.

13 MS. LECLAIR: I was impressed with  
14 last night's speakers.

15 A.L.J. MCBRIDE: I'm going to have you  
16 move the microphone down just a little bit. There  
17 you go.

18 MS. LECLAIR: I was impressed with  
19 last night's speakers. I'm not an expert on the  
20 science of all of this. I do know that I trust the  
21 E.P.A. the Sierra Club, Earthjustice, Cornell and  
22 many other accredited experts over the information  
23 from the men involved, the Saratoga Biochar. Our  
24 region's population consists of point zero zero four  
25 of New York State's total population. Saratoga want

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2 -- Saratoga Biochar wants us to be okay with them  
3 bringing in fifteen percent of New York State's total  
4 annual production of sewer sludge. That's two times  
5 what's produced in New York City every year. They  
6 want to burn it in the center of our neighborhoods.

7 We say no more, no more unhealthy  
8 emissions, no more diesel exhaust, heavy metals,  
9 ground pollution that will put our already impacted  
10 families health at even higher risks of cancer and  
11 other deadly impacts from industrial pollution. We  
12 already have problems with past polluters such as  
13 Sterigenics, who was recently featured by News 10,  
14 who states that the Kingsbury medical plant may be  
15 contributing to the high cancer rate. We have  
16 Wheelabrator Trash and Sewage Sludge Burning  
17 Facility, which is on the list of our nation's top  
18 twelve dirty dozen polluters. We had confidence at  
19 first with the E.P.A. and the dredging of the Hudson  
20 River approximately ten years ago. G.E. dumped one  
21 point two million pounds of forever chemicals into  
22 the Hudson.

23 And then in the last months, the Times  
24 Union comes out with an article and it's titled  
25 Environmental Groups called Dredging of the Hudson

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2 River, a failure in the new report. We don't test --  
3 we don't trust Saratoga's Biochar data at -- in one  
4 newspaper from Saratoga, it's called -- oh, what is  
5 it called? I'm not going to -- the Saratoga Business  
6 Report. It's quite a while ago. Saratoga Biochar  
7 has identified what Ray Apy who was one of the  
8 members of the Saratoga Biochar, an ideal location.  
9 The plant will be constructed on six vacant acres  
10 near the Hexion formaldehyde plant in the two hundred  
11 and forty-three-acre Moreau Industrial Park near Exit  
12 17 of the Northway. I don't know how near it is, but  
13 that's what they say.

14 There are no immediate adjacent  
15 neighbors who might worry about the trucks coming and  
16 going, and other industries might be drawn to this  
17 location to take advantage of the co-generation. I  
18 went out and I counted, I think the number was close  
19 to twenty-three hundred people that are on those  
20 trucking routes when you don't even include Route  
21 197. I don't know how he thought nobody ma -- maybe  
22 he thought nobody matters. Maybe that's what he  
23 meant.

24 Then down further, Ray Apy states we  
25 are eighty percent of the way with our beta site and

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2 we've learned a lot. From this point on, we'll be  
3 cutting and pasting, adapting and fine tuning for  
4 future sites what we are learning along the way.  
5 It's very scalable and transferable technology.  
6 Sounds like we're an experiment.

7 There's more information, but no time  
8 on those things like that, that in the end I would  
9 like to say, I know we have dis -- disadvantaged  
10 areas of our community -- oh, hell. I'm out of time.

11 A.L.J. MCBRIDE: You can submit longer  
12 comments in writing.

13 MS. LECLAIR: I will. Because I got  
14 tons of stuff for you.

15 A.L.J. MCBRIDE: Thank you.

16 MS. LECLAIR: Thank you

17 A.L.J. MCBRIDE: Peter Bondzinski. I  
18 am going to call down the next group too. We have  
19 Paula Hanchett, Chris Johnson, Lisa Ostrander, Marie  
20 McHugh-LaClair, and Harry Gutheil. If you could just  
21 come and sit in the seats in front. Go ahead, sir.

22 MR. BONDZINSKI: My name is Peter  
23 Bondzinski. I live at 57 Sisson Road, which means my  
24 backyard touches the Moreau Industrial Park. I also  
25 have property around the corner at 230 Bluebird Road,

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2 which is approximately a hundred feet to the entrance  
3 of the Moreau Industrial Park. Needless to say, that  
4 if this thing goes through our style of -- a  
5 lifestyle will be highly affected by traffic and  
6 noise and smell and -- and reduce property values.  
7 For not just me but -- but myself, my other family  
8 members, and neighbors. But this isn't just about  
9 me. I'm here representing the Town of Moreau, I  
10 feel, and we -- my -- my point is that this -- we  
11 shouldn't even be here tonight.

12 Saratoga Biochar was turned down by  
13 three other towns and they were turned down at the  
14 town board level. However, unfortunately, our town  
15 board threw us under the proverbial sewage sludge  
16 truck. We -- there was a minimal amount of  
17 notification by the time. The -- the community got  
18 aware of what was happening, two meetings had already  
19 gone -- had already passed. So we find out, we turn  
20 out in force and then they -- they promise us because  
21 of our presence, a third-party independent review.  
22 Well, and after that meeting in a closed-door  
23 session, they decide to rescind that and refused to  
24 do it. We then discovered things like -- that was  
25 mentioned a little earlier, that there was already a



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2 law on the town books that sewer -- sewage sludge  
3 that did not belong in Moreau, that didn't originate  
4 in Moreau was illegal to -- to go down the Moreau  
5 streets.

6 Amazingly, somehow a lawyer's -- a  
7 town lawyer's opinion was solicited to say that  
8 somehow it didn't apply to this circumstance. We  
9 also learned that our town supervisor who tried to  
10 distance himself from this situation had actually  
11 been in contact with them for three years and had  
12 initiated them coming to the Town of Moreau.

13 Now what -- what are we to do? We --  
14 we educate ourselves, we make signs, we protest, and  
15 then we vote and we voted out the -- the leadership  
16 that had turned us down to -- at this past election  
17 to a three -- three to one vote. And the reason I  
18 mention that is because what it says is that the Town  
19 of Moreau is against this project. Now, this isn't  
20 any just random town. This happens to -- to be one  
21 of the places where has been mentioned and probably  
22 everybody in this room has known, a young man or a  
23 young woman that has died of cancer because of the  
24 P.C.B. problem that we had in the past. But we --  
25 what we are -- this whole area is considered a

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2 disadvantaged community. What does it mean? What  
3 are the benefits of that? I hope it means that  
4 somebody will step up and protect us. Somebody like  
5 the D.E.C. and said this -- this area does not need  
6 to be a Guinea pig for another unknown proven --  
7 unproven project.

8 A.L.J. MCBRIDE: Sir, can you wrap up  
9 for me please?

10 MR. BONDZINSKI: Yes. And in  
11 conclusion, I would just like to say that there was a  
12 D.E.C. meeting in February of 2022 with the town  
13 board where the D.E. said -- D.E.C. said, we don't  
14 actually test anything. All they do is monitor the  
15 controls that Biochar has in place and take their --  
16 their word for it. So if -- if -- if even if there  
17 was something found, what -- what is the  
18 ramifications? What is -- what is the -- the --

19 A.L.J. MCBRIDE: I'm going to ask you  
20 to conclude sir, for us. Thank you very much.

21 MR. BONDZINSKI: Yes. I would just  
22 beg the D.E.C. to do the right thing and -- and say  
23 no to Biochar. Thank you.

24 A.L.J. MCBRIDE: Thank you. Paula  
25 Hanchett.

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2 MS. HANCHETT: Hi, my name is Paula  
3 Hanchett, and I've been a resident of South Glens  
4 Falls for thirty-five years. Biosolids are remains  
5 of what is left in wastewater treatment tanks. What  
6 is poured down drains and flushed into toilets from  
7 every home, business or indu -- industrial plant that  
8 will be -- and those products will be used to create  
9 this Biochar. Mr. Apy and his partners want to bring  
10 this contamination every day to a tune of seven  
11 hundred and twenty tons of it, every day, which will  
12 pollute our towns up to seven times more every day.  
13 In fact, creating Biochar from human waste has never  
14 been done in our country. This will be the first of  
15 its kind.

16 The land in which this plant will be  
17 built is within a -- was -- is within a mile radius  
18 of two known disadvantaged communities. Those being  
19 Hudson Falls and portions of Glens Falls and Moreau.  
20 Communities that still haven't recovered from the  
21 pollution of G.E. over fifty years ago. The po --  
22 the potential toxins released from Saratoga Biochar  
23 were -- will create an even larger health burden to  
24 the -- those people who live in these towns. Also,  
25 the toxins released will not be closely monitored as

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2 Saratoga Biochar claims. From my understanding,  
3 since New York State only requires the close  
4 monitoring of one P.F.A. that leaves fifteen thousand  
5 forever chemicals or P.F.A.S. left to - unmonitored.  
6 Let that just sink in for a minute.

7 That means fourteen thousand nine  
8 hundred and ninety-nine other harmful PFAS could  
9 potentially be released into our air, our land, and  
10 our waters. The smokestacks they claim will be  
11 monitored, that only has to be evaluated or inspected  
12 once every five years and will not be regularly  
13 monitored by our state's D.E.C. as our planning board  
14 would like us to believe. There is no other  
15 community in New York State that has allowed this  
16 type of industry into their town. So it begs the  
17 question, how and why are we being forced to accept  
18 Saratoga Biochar? Shouldn't there have been  
19 informational meetings, town hall meetings, full  
20 transparencies and at least a vote before this -- we  
21 came to this?

22 Why did our own planning board not  
23 move forward with any independent environmental  
24 impact study before approving? And why did our own  
25 planning board take the word of Saratoga Biochar for

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2 safety? It was a bias study. Saratoga Biochar has  
3 partnered with Casella Waste, Environmental Waste to  
4 transport the sludge of this human waste from other  
5 muni -- municipalities. By my research, I have found  
6 that Casella company has many pending environmental  
7 lawsuits. According to a 2018 article from Waste  
8 Today, Casella, "Casella has a track record of  
9 releasing harmful contaminants into the environment."  
10 And according to a '23 Post-Star article, in the last  
11 ten years, Casella Waste Systems and the businesses  
12 it owns have recruited at least seven point seven  
13 million in regulatory fines and lawsuit settlements  
14 from a slew of alleged environmental violations.

15 In fact, again, from a '23 Post-Star  
16 article, the New York State Department Environmental  
17 Conservation ordered sub -- a subsidy of Casella to  
18 pay a five-hundred-thousand-dollar civil penalty to  
19 address their air and water -- water quality and  
20 solid waste issues.

21 A.L.J. MCBRIDE: I'm going to ask you  
22 if you could conclude for us, please. Thank you.

23 MS. HANCHETT: In an environmental  
24 waste management company, there should never be any  
25 violations managing of waste products they handle.

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2 A.L.J. MCBRIDE: Thank you. Chris  
3 Johnson.

4 MR. JOHNSON: Good evening. My name  
5 is Chris Johnson. I'm a proud resident of Moreau.  
6 I'm not a PFAS expert. I'm not an environmental  
7 expert. There's plenty of speakers here tonight who  
8 will address those issues. I'm just a guy who works  
9 in a retail store. I'm a retail store that sells  
10 lawn and garden products. As such, I'm required by  
11 law to post a notice from the New York State D.E.C.  
12 I'd like to read that notice to you at this time,  
13 "Use phosphorus-free lawn fertilizer, it's the law.  
14 Most lawns in New York State do not need additional  
15 phosphorus for healthy growth. When you use  
16 fertilizer containing phosphorus for your lawn, the  
17 rain can wash it into streams, lakes, reservoirs.  
18 Fertilizer in water can create excess algae plant  
19 growth and green scum." Your words. "That though  
20 that interferes with boating and swimming, harms  
21 fish, degrades drinking water quality. How do you  
22 know if you're using phosphorus-free lawn fertilizer?  
23 Look for the zero. Check the fertilizer bag for the  
24 set of three numbers. They represent the percentage  
25 of nitrogen, phosphorus, potassium. The number in

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2 the middle should be zero. Phosphorus runoff poses a  
3 threat to water quality. Therefore, under New York  
4 State Law, effective January 1st, 2014, phosphorus  
5 containing fertilizer may only be applied to lawns or  
6 non-agricultural turf when a soil test indicates that  
7 additional phosphorus is necessary for the growth of  
8 lawn or non-agricultural turf, the fertilizer is used  
9 for newly established lawns or non-agricultural  
10 turf." Then the post sign concludes with your logo  
11 and your website address for further information.

12 The reason I bring this up, the  
13 finished product of Saratoga Biochar is a lawn  
14 fertilizer with a phosphorus content of six point  
15 five percent. Saratoga Biochar does not dispute this  
16 and has posted on their website. And a rhetorical  
17 question would be why then would you the D.E.C. give  
18 permits to a company that will produce a product that  
19 its intended use is illegal by your own environmental  
20 laws?

21 This product will endanger the lands  
22 and reservoirs, rivers, not just here in Town of  
23 Moreau, but statewide or more. I respectfully  
24 request that you deny their applications,  
25 particularly their request for a beneficial use

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2 permit as this product is far from beneficial. Thank  
3 you.

4 A.L.J. MCBRIDE: Thank you. Lisa  
5 Ostrander.

6 MS. OSTRANDER: I need a little stool.  
7 My name is Lisa Ostrander and for the last nineteen  
8 years, I've resided at 42 Fort Edward Road in the  
9 Town of Moreau on a property steeped in historical  
10 significance. Once belonging to founding father of  
11 Moreau, the Morgan Family Farm, my home once a vast  
12 estate that once extended from the banks of the  
13 Hudson River Bridge, connecting Moreau to Fort Edward  
14 all the way to the vicinity of South Glens Falls.

15 In the mid eighteen hundreds, two  
16 vital arteries connecting Fort Edward with Fort  
17 Schuylerville to south -- to the south, all the way  
18 to Fort William Henry to the north, traverse this  
19 fertile agricultural landscape. My residence lies  
20 along this ancestral northern road leading to Fort  
21 William Henry, known to longtime residence as Fort  
22 Edward Road or County Route 28.

23 Over the years, this road has  
24 unfortunately gained notoriety from numerous traffic  
25 accidents, many resulting in tragic loss. Since



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2 acquiring my home in 2005, I've witnessed five  
3 accidents, ink -- including taking out our telephone  
4 pole where vehicles veered off county Route 28 and  
5 onto my property requiring the intervention of tow  
6 trucks and sometimes even excavators along with  
7 emergency services.

8 In recent occurrence last Summer, a  
9 speeding motorist lost control near my home,  
10 careening off the road and through my yard before  
11 crashing into the neighboring property over their  
12 mailbox, nearly killing my neighbor and her young son  
13 tragically ending in a fatality. The frequency of  
14 such incidents combined with the proximity of vital  
15 community assets like the Fort Ed -- Fort Edward  
16 water reservoirs, recreational parks, and an  
17 elementary school raised profound safety concerns,  
18 particularly for the welfare of our children.

19 My plea is simple, yet urgent. Does  
20 the Department of Environmental Conservation possess  
21 adequate assurance regarding the safety implications  
22 of introducing a business into our community that  
23 intends to utilize County Route 28 for transporting  
24 substantial volumes of sewage sludge?

25 Have comprehensive traffic assessment

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2 been conducted to ascertain the infrastructure's  
3 capacity to accommodate such heavy transportation  
4 loads? Furthermore, in the event of an accident  
5 along the corridor, how will potential biohazards  
6 from spilled sewage sludge be effectively contained?

7 These questions demand thorough  
8 consideration and transparent answers to safeguard  
9 the wellbeing of our community. I have spent fifty-  
10 two years minus four in the Town of Moreau, and I  
11 love my town, and I love my property, my organic  
12 gardens, my trees, my bumblebees, my bats, my  
13 wildlife. D.E.C. we urge you, please to carefully  
14 evaluate this project in our community. Considering  
15 its potential environmental impact. Our collective  
16 wellbeing is at stake, and we believe a thorough  
17 assessment is essential to protect our community from  
18 any adverse effects. Your careful consideration is  
19 crucial for the sustainable and healthy future of our  
20 area. Thank you for your time and consideration.

21 A.L.J. MCBRIDE: Thank you.

22 MS. MCHUGH-LACLAIR: Hello, my name is  
23 Marie McHugh-LaClair. I live within the one-mile  
24 radius of the Moreau Industrial Park.

25 A.L.J. MCBRIDE: I'm going to have you

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2 move a little closer to the microphone.

3 MS. MCHUGH-LACLAIR: Okay. I'm here  
4 to oppose the issuance of permits to Saratoga Biochar  
5 Solutions. The huge volume of sewage sludge that  
6 will be transported in the industrial park implies a  
7 higher probability of forever chemicals and heavy  
8 metals that may or may not be regulated by the D.E.C.  
9 The reason why Saratoga Biochar Solutions cannot  
10 provide peer review papers or studies providing this  
11 process is safe is because it isn't. The overall  
12 consensus is that there is not enough information to  
13 support S.B.S.'s claims that it's safe. They offer  
14 no data regarding the toxic chemicals in the sewage  
15 sludge that would be pyrolysis and their estimated  
16 emissions. Instead, they base their claims on  
17 studies conducted by the sewage sludge industrial  
18 lobbyists regarding PFAS.

19 Due to close proximity to the  
20 industrial park, I deem myself, my family, and all of  
21 my neighbors, extremely vulnerable to the cumulative  
22 health hazard that S.B.S. would inflict on us. We'll  
23 be exposed to high concentrations of particular  
24 matter, PM2.5 and PM10. This high concentration  
25 would more than likely get into our lungs and blood.

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2 We are also subjected to long-term exposure to  
3 nitrate oxides, sulfuric dioxide, mercury, hydrogen  
4 chloride, hydrogen fluoride, hydrogen sulfide,  
5 polylicic -- polysilicic, aromatic (unintelligible),  
6 methyl ethylene, and PFAS. All these hazardous  
7 emissions attack the respiratory system. Some cause  
8 renal failure and cardiovascular -- cardiovascular  
9 diseases.

10 The probability is great for us to  
11 experience severe health issues. My neighborhood  
12 consists of many elderly, children, and people that  
13 are ill. My immediate neighbors just had their first  
14 baby that is less than two months old. There is a  
15 family with five young children that get their  
16 drinking water from a private well. Bluebird  
17 Elementary is also within the one-mile radius. Going  
18 out for recess for fresh air will it even be  
19 possible? According to Denise Trabbic-Pointer, who  
20 is -- who is a toxics and remediation specialist, the  
21 anticipated emissions levels provides Saratoga  
22 Biochar is not supported by any data. Their  
23 hazardous index of one for the disadvantaged  
24 communities Hudson Falls and G.E. is unacceptable  
25 because these communities are already impacted by

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2 toxic emissions such as Wheelabrator.

3 How can we trust our health to these  
4 modern-day snake oil salesmen who guarantee PFAS will  
5 be destroyed and who deem themselves the world saviors  
6 of sewage sludge?

7 A.L.J. MCBRIDE: Ma'am, could you wrap  
8 up for us please?

9 MS. MCHUGH-LACLAIR: Yep.

10 A.L.J. MCBRIDE: Thank you.

11 MS. MCHUGH-LACLAIR: When they  
12 disregard the fact that this -- that this region,  
13 particularly Hudson Falls and Glens Falls are already  
14 greatly impacted by their missions. Despite S.B.S.  
15 claim, PFAS are incredibly persistent, never break  
16 down the environment and remain in our bodies for  
17 years.

18 In 1999, three scientists described  
19 PFAS as the most insidious pollutants since P.C.B.'s.  
20 They won't be destroyed and will be emitted into the  
21 air. When the PFAS are released into the air, they  
22 will drop on the land, surface water, groundwater,  
23 and drinking water. Those who live in my  
24 neighborhood know there are numerous underground  
25 streams is where the reservoir that supplies drinking

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2 water the village of Fort Edward is located.

3 In addition, New York State will only  
4 require air emission limits for only one PFA, but  
5 there are fifteen thousand PFAS. This alone poses an  
6 unacceptable threat to our health and our wellbeing  
7 in all nearby communities. Please do not create  
8 another disadvantaged community. Don't let Saratoga  
9 Biochar Solutions created another Superfund site.  
10 Deny their permits.

11 A.L.J. MCBRIDE: Thank you. I'm going  
12 to call down the next group. We have Mary Clear,  
13 Victoria Clark, Holly Johnson and Carrie Trzaskos.

14 MR. ITZO: All set? Hello.

15 A.L.J. MCBRIDE: Go right ahead.

16 MR. ITZO: Okay. Thank you. Hi, my  
17 name is Paul Itzo. I'm a resident at Town of Moreau.  
18 Scientists employed at the Department of  
19 Environmental Conservation work --

20 A.L.J. MCBRIDE: Get close to the  
21 microphone.

22 MR. ITZO: Oh, okay. Scientists  
23 employed at the Department of Environmental  
24 Conservation work for the taxpayers. Their role is  
25 to protect our health. They answer to us. The

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2 E.P.A. recently held a series of tests to determine  
3 if pyrolysis is safe -- is a safe procedure when  
4 processing sewage sludge. Does pyrolysis and air  
5 filtration safely remove adequate amounts of P.F.A.S.  
6 and other toxins from sewage sludge? Their answer is  
7 no. The results of the E.P.A. study refute Saratoga  
8 Biochar's data free exaggerated claims. So why are  
9 we here?

10 The employees of the New York State  
11 Department of Environmental Conservation, they work  
12 for us as well. They're also public servants. Our  
13 taxes pay for their salaries. Knowing this shouldn't  
14 the tax paying public who will be affected by the  
15 Saratoga Biochar ruling have a right to know who at  
16 the D.E.C. will be deciding our fate? Is it a person  
17 who decides, a committee? Who are the people? Will  
18 they debate? Will the decision process be provided  
19 online? Will taxpayers be allowed to attend these  
20 meetings? Will their decision process be transparent  
21 or held behind closed doors? Public servants are  
22 supposed to be accountable to we the people.

23 The Saratoga Biochar decision is so  
24 important to the health of the taxpayers who live  
25 here, that we have a right to demand that D.E.C.

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2 officials promote transparency and justify their vote  
3 by citing peer reviewed peer reviewed studies,  
4 something Saratoga Biochar was unwilling to do. And  
5 I hope everyone here agrees with me.

6 A.L.J. MCBRIDE: Thank you. Harry  
7 Guthiel.

8 MR. GUTHIEL: Good evening, and thank  
9 you for the opportunity to speak and -- and thank you  
10 to all you people for showing up. It's so important  
11 to our community. I'm going to be brief because I  
12 plan on submitting written comments. I do have a few  
13 things I'd like to mention, though. The Village of  
14 South Glenn Falls shows I believe on the -- on the  
15 C.E.J.S.T. map, if you go to their screening tool as  
16 a disadvantaged community.

17 On one of the percentiles, it shows  
18 us at seventy-nine percent proximity to hazardous  
19 waste facilities. Our proximity to risk management  
20 plan facilities in the ninety fourth percentile IN  
21 our proximity to Superfund sites in the ninety  
22 seventh percentile. And then we also qualified under  
23 the low income in the sixty sixth percentile.

24 So I -- I hope D.E.C. will take a look  
25 at that rather than just the New York State maps on



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2 those that are disadvantaged because it'll open up  
3 more avenues for our community if it's recognized. I  
4 think I want to go on record as -- as approve --  
5 disapproving it. I would hope that D.E.C. will take  
6 a real strong look at it. We depend on them. We  
7 hope that they will be the stewards of our air  
8 quality that we want to be. So my message here  
9 tonight is D.E.C. get it right. Thank you.

10 A.L.J. MCBRIDE: Mary Clear.

11 MS. CLEAR: Mary Clear, Ground Zero.  
12 Me and my family owns the computer dump site where  
13 many barrels of P.C.B.'s tainted waste oil from G.E.  
14 were dumped years ago. I know how contamination can  
15 devalue property. Just so you know, my grandfather  
16 bought the property after the P.C.B.'s had been  
17 dumped there before there were regulations for things  
18 of this nature. The surrounding area has since been  
19 developed, but we are left with a useless piece of  
20 property in the center of it. My home's property  
21 will be just seven hundred feet from the proposed  
22 Saratoga Biochar. We've come a long way since the  
23 seventies when people, including the town use that  
24 oil to pave roads and driveways to keep the dust  
25 down. But have we come far enough?

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2 The air we breathe is not healthy.  
3 Our water contains PFAS and many of the foods we eat  
4 are also tainted with the forever chemicals. The  
5 people in general in our communities are not healthy.  
6 Our area is a hotspot for pollution derived diseases  
7 and Saratoga Biochar stats are based on a healthy  
8 community. In September of last year, the New York  
9 State Comptroller -- Comptroller published a scathing  
10 report on D.E.C.'s monitoring of air quality.

11 Among other things, they found the  
12 department is not always taking action to enforce  
13 compliance for facilities operating without a valid  
14 permit. Some facilities, including a wastewater  
15 treatment plant, were found to not have a valid  
16 updated permit yet they were still being monitored by  
17 D.E.C. under their prior expired permit, meaning they  
18 are not in compliance with the most up-to-date air  
19 pollution control standards.

20 Key recommendations by the comptroller  
21 include, D.E.C. improve monitoring and enforcement of  
22 environmental justice requirements. Our  
23 disadvantaged communities to the eastern and north  
24 continue to be hammered by air pollution. D.E.C.  
25 needs to do better. The owners of this proposed

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2 facility said in the beginning that there are no PFAS  
3 and sewage sludge. When the E.P.A. published the  
4 report to the contrary, the owners changed the story  
5 stating a process eliminates some. They've been  
6 adamant from the start that they do not burn sewage  
7 sludge and pyrolysis is not a form of incineration.  
8 Again, the E.P.A. statement on pyrolysis says the  
9 contrary.

10 We've all read about a couple of the  
11 owners and the issues they caused yet deny in their  
12 home states out west. They've proven they can't be  
13 trusted. Until we get the pollution and  
14 contamination, we are inundated with under control.  
15 Please don't allow this experimental facility to  
16 proceed.

17 A.L.J. MCBRIDE: Thank you. Victoria  
18 Clark.

19 MS. CLARK: Good evening. My name is  
20 Victoria Clark and I am a resident of the Town of  
21 Moreau. Thank you for giving me the opportunity to  
22 submit my public comments today. In July of 1885,  
23 President Ulysses Grant suffering from respiratory  
24 illness and cancer and struggling to write his final  
25 memoirs, was advised by his doctors to travel to

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2 Northern Saratoga County believing that his health  
3 would benefit from the pristine air of this area.

4 Needless to say, no reputable doctor  
5 would advise their patient to do so today. Our area  
6 is oversaturated with industries that have polluted  
7 our air and water and caused illness and death in  
8 many of its residents.

9 And now Saratoga Biochar is asking to  
10 build a facility in our community, which would truck  
11 up to seven hundred and twenty tons of raw sewage  
12 sludge daily to its facility in the Moreau Industrial  
13 Park and turn it into charcoal to be sold as  
14 fertilizer. Sewage sludge is contaminated with  
15 everything we excrete or flush down the drains such  
16 as chemotherapy drugs, steroids, and household  
17 hazardous waste. Sewage sludge also contains PFAS,  
18 the forever chemicals, which include carcinogens that  
19 don't break down.

20 Just like the residents of the two  
21 towns in New York State where Saratoga Biochar  
22 previously attempted to build their facility, our  
23 residents are strongly opposed. The fact that this  
24 project was approved by our town government without  
25 an environmental review is ludicrous. And the

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2 collective outrage of our community is absolutely  
3 justified. It must be noted that if D.E.C. makes the  
4 decision to issue permits to Saratoga Biochar, it  
5 would be in direct violation of the environmental  
6 justice provisions of the Climate Leadership and  
7 Community Protection Act of 2019. The towns of  
8 Moreau, Hudson Falls, and Fort Edward are exactly the  
9 type of communities that the drafters of the law  
10 intended to protect. I know this because I was a  
11 staffer in the state legislature during the drafting  
12 process.

13 As my life's work has been in public  
14 service in state government for more than thirty  
15 years, it is my strongly held belief that the number  
16 one responsibility of government is to keep people  
17 safe. I respectfully request that D.E.C. officials  
18 honor their oath as public servants and protect the  
19 families and the future of the people of the Town of  
20 Moreau and its surrounding communities. Thank you.

21 A.L.J. MCBRIDE: Our next speaker is  
22 Jesse Fish.

23 MR. FISH: Good evening. I'm Jesse  
24 Fish. I'm the supervisor here in the Town of Moreau.  
25 I'm here to address D.E.C. and ask him to very

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2 seriously consider the long-range effects that this  
3 project may have on everybody in this community.  
4 This may not bother any of us as we sit here, but it  
5 may be our children and our grandchildren down the  
6 road that end up suffering from this. An unknown --  
7 an unknown process being done, not sure of the  
8 outcome, not sure of what it brings to the town.

9 There's five other communities besides  
10 ourselves that has joined in resolutions to ask for  
11 this not to be brought here, not to have seven  
12 hundred and twenty tons of sludge brought to our  
13 community every day for processing. Northumberland  
14 joined us tonight in this, along with Saratoga  
15 Springs, the Village of Fort Edward, the Village of  
16 Hudson Falls, and the Village of South Glens Falls.

17 I think it's -- I think it's very  
18 important -- I think it's very important that we  
19 understand that the groundwater and the things that  
20 may happen around this site is something that'll  
21 affect us. The air quality is something that we're  
22 never going to be sure of, and they can promise you  
23 anything they want, but they have no proof that this  
24 is a -- a -- a failsafe thing that they can do. And  
25 I hope that the -- everybody joins us in the -- in

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2 the fight to stop what's going on here. Thank you.

3 A.L.J. MCBRIDE: Holly Johnson.

4 MS. JOHNSON: My name is Holly  
5 Johnson. I reside here in the Town of Moreau. I  
6 oppose the issuance of Saratoga Biochar permits.  
7 I've said before that while the product itself is  
8 indeed concerning, even more concerning is the  
9 process. The process has only been lab tested and  
10 the owners have never conducted such a project in --  
11 anywhere. The -- it's not a con -- consolation that  
12 the owners claim that the D.E.C. will determine if  
13 the project can do what it claims, nor does it -- nor  
14 does it let -- nor does it let us see approach help.  
15 That should have been done with a full E.I.S. instead  
16 the planning board handed that football off to the  
17 D.E.C.

18 The E.P.A. states that pyrolysis  
19 requires more testing regarding the elimination of  
20 PFAS, we aren't interested in being a test subject.  
21 Our area is a known cancer hotspot. So tonight, I'm  
22 here speaking for the many friends who have battled  
23 and some who have lost their lives to cancer. One of  
24 whom is a young man who graduated from this school  
25 who at seventeen years old began his fight with a

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2 rare form of cancer that took his life just seven  
3 years later, at twenty-four years old. Every person  
4 in this room knows someone who has fought that  
5 battle. Because of the already large burden we bear  
6 from industry, I am asking the D.E.C. to flip that  
7 script and say no to the requested permits.

8 A.L.J. MCBRIDE: Thank you.

9 MS. JOHNSON: Thank you.

10 A.L.J. MCBRIDE: Carrie Trzaskos. And  
11 the next group of speakers that can come forward.  
12 Joseph Wagner, Mary-Beth Wagner, Eric Poust, and  
13 Bruce Candiano. Go ahead.

14 MS. TRZASKOS: My name is Carrie  
15 Trzaskos. I live about two miles from the proposed  
16 Biochar site. I have a bachelor of science degree  
17 and have served in the healthcare field locally for  
18 about twenty years. Our community experiences very  
19 high health burdens. For example, I have treated a  
20 very high volume of patients with an inflammatory  
21 lung disease known as C.O.P.D. My mother recently  
22 passed away a few months ago from cancer, and as I  
23 sat locally here at Glens Falls Hospital in the  
24 cancer center, I would observe more patients sitting,  
25 waiting for their chemo and radiation treatments than



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2 I would at the grocery store.

3 I have a major concern with this  
4 project further putting the health of our community  
5 at risk, given the lack of studies on a scale the  
6 size of this proposal. My son asked me this morning  
7 on the way to school, mom of all the places in New  
8 York State, why here? He went on to pull up his  
9 phone and showed me a New York State map, and he  
10 pointed to various locations without residential  
11 settings near them, without rivers near them or  
12 without water sources. Contrary to this site,  
13 sitting over our primary aquifer and next to the  
14 Hudson River. My response to him was, the only thing  
15 that I could think of is that our area already has  
16 sustained so much pollution that perhaps it's  
17 perceived as a perfect test location.

18 I am only aware of one sewage sludge  
19 biochar plant operating in the United States out in  
20 California. I reminded him though that the process  
21 tonight with the D.E.C. is our chance to stop the  
22 pattern of pollution. I told him that in Article 1,  
23 Section 19 of the New York State Constitution, we  
24 have the right to clear air and water and a healthful  
25 environment. I am urging the D.E.C. to be reminded

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2 of our right while reviewing this application. Thank  
3 you.

4 A.L.J. MCBRIDE: Thank you. Joseph  
5 Wagner.

6 MR. WAGNER: Hi. Joseph Wagner, Glens  
7 Falls. I live about seven miles north of all this.  
8 I moved here ten years ago from Florida where they  
9 have no E.P.A. controller devices. They just  
10 defunded them. So they're always in compliance for  
11 air quality in Florida, by the way.

12 A.L.J. MCBRIDGE: Get closer to the  
13 mic.

14 MR. WAGNER: I was amazed --

15 A.L.J. MCBRIDGE: Get to the mic.

16 MR. WAGNER: Sorry. I'm amazed to  
17 see all the science that has come from the community  
18 out here. All these people have done so much  
19 research on this. I just -- like twelve meetings all  
20 promoted by the Clean Air Action Network and Sara--  
21 and the Biochar people too. There's laws against  
22 this already on the books from what I've heard  
23 tonight, the people realize their property values are  
24 going to be seriously impacted.

25 I find it offensive that we're going

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2 to be built -- burning the sludge and poop from other  
3 parts of the state in a little town that I retired  
4 to, what yards, hundreds of yards, quarter mile from  
5 the Hudson River that was already destroyed forever  
6 through General Electric. I think everybody's got  
7 G.E. Appliance this day still. I hope that you take  
8 that all into account when you rule hopefully against  
9 this. We don't want it. We're afraid of what it's  
10 going to do to us. Nobody wants cancer. I'm almost  
11 seventy years old, so if I get it this time, I can't  
12 pin it at anything, but there's all kinds of young  
13 people here. We're really fighting for them.

14 Okay. So I hope that you vote  
15 against this. And I certainly want to see the  
16 records as to who decided which way to go on this  
17 when it's all over. Thank you so much.

18 A.L.J. MCBRIDE: Thank you. Mary-Beth  
19 Wagner.

20 MS. WAGNER: I'm Mary-Beth Wagner and  
21 that's my husband Joe. And we live up in Glens  
22 Falls, and I can't believe that we had to come out  
23 tonight, all of us to address this. I kind of sat on  
24 the sidelines and wrote letters, but I can't believe  
25 this is still an issue. We have a right to clean

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2 air, water, and soil as per the New York State  
3 Constitution. Biochar cannot use our roads, water,  
4 and resources in exchange for an unproven product and  
5 increased pollution. That's not a fair exchange.

6 Just as an example of one person who  
7 may be affected, my brother is developmentally  
8 disabled. He does not have much choice in where to  
9 live. We are currently looking at a group home in  
10 Hudson Falls an area that will definitely be affected  
11 by new air pollution sources and is already affected  
12 by air pollution. Some of the Hudson Falls is a  
13 disadvantaged community. We do not want to add to  
14 that burden to the people living in Hudson Falls in  
15 particular. The D.E.C. should work to reduce the  
16 pollution that already creates health problems in our  
17 area, not expand on the pollution problem. And I  
18 just cannot believe that the draft proposal for the  
19 permit is emission testing every five years. That's  
20 hard to believe and it's not acceptable.

21 I understand that in Glens falls, we  
22 won't escape either because maps in the Biochar  
23 applications show the possibility of naphthalene  
24 emissions reaching Glens Falls, just as one example.  
25 And of course, that chemical can lead to liver or

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2 neurological damage, for instance.

3 Of course, pollutants in the sludge  
4 vary daily. I think it's a very difficult thing to  
5 have to deal with their product. Prescription drugs,  
6 heavy metals, it's very variable product. I know  
7 that we all create sewage sludge. We are all part of  
8 that problem, and I'm sure they're desperate looking  
9 for solutions, what to do with sewage sludge. But it  
10 is not a solution to create a new problem in an  
11 effort to desperately treat an old problem.

12 I read that our publicly owned Glens  
13 Falls sewage treatment plant will be used to process  
14 the truck wash and wastewater generated from the  
15 sewage transportation, tens of thousands of gallons  
16 of water. What happens when this wastewater is  
17 discharged into the already imperiled Hudson River?  
18 Everything ends up back in the -- I guess it all  
19 flows downhill back to once it came.

20 A.L.J. MCBRIDE: Ma'am, can you wrap  
21 up for please?

22 MS. WAGNER: Yeah. I want to the  
23 D.E.C. to deny these permits. We have a right to  
24 clean air and water. Thank you.

25 A.L.J. MCBRIDE: Thank you. Eric.

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2 MR. POUST: My name is Eric Poust. I  
3 live at 9 Sisson Road, ground zero 2.0. They plan on  
4 building this facility approximately sixteen hundred  
5 feet behind my house. My concern is I'm well within  
6 their so-called facts of just one-mile radius.

7 It is my understanding that the D.E.C.  
8 would just like to hear facts to -- facts are, no  
9 SEQR was done. Facts are public was not aware of  
10 this project before it was pushed to this point.  
11 Facts are this is a health depleted area. Facts are  
12 my grandchildren live less than half a mile away on  
13 the other side of the river from where I live. The  
14 facts are I do not want my grandchildren growing up  
15 next to this facility.

16 When I asked a question to the company  
17 hired by Saratoga Biochar, who is going to be  
18 monitoring their emissions, a very simple question.  
19 I asked him, are there going to be PFAS emitted into  
20 the air from their facility? His answer to me when I  
21 asked is the number zero? He said, no. Facts, no.  
22 Is it less than zero? He said, no. I said, well,  
23 then, is the number of PFAS going to be released into  
24 the atmosphere greater than zero? He said, yes. And  
25 I said this the last time, and I'll say it again. I

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2 don't think anybody in this room, including myself  
3 and especially Your Honor, D.E.C. should not be okay  
4 with a number greater than zero. Thank you.

5 A.L.J. MCBRIDE: Thank you. Bruce.  
6 I'm going to call down the next group. We're going  
7 to have Summer Downing, Maureen Dennis, Branden Aird,  
8 Anna P. and James Burleigh, if you want to come sit  
9 in the front row. I'm sorry. Go right ahead, sir.

10 MR. CANDIANO: Sure. Good evening.  
11 Bruce Candiano residing here in the Town of Moreau.  
12 The State of Maine is one of the epicenters dealing  
13 with P.F.A.S. in their farmland soil, which had been  
14 traced back to the biosolid based fertilizer used  
15 during the eighties and nineties. This has resulted  
16 in high level of PFAS in the milk and meat from the  
17 animals raised on the treated farmland. This gets  
18 passed on to humans when we can sue them -- consume  
19 them. Now much of the farmland is no longer able to  
20 be utilized due to this P.F.A. contamination. You  
21 also may remember an issue with P.F.O.A. water  
22 contamination not too far from here down in Hoosick  
23 Falls. The town's water source was contaminated and  
24 health of many residents has been permanently  
25 affected.

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2 Part of the settlement is a new water  
3 system for the town and long-term medical monitoring  
4 of the property owners and residents due to this  
5 potential health issues. The point here is PFAS are  
6 a health issue to humans in the air, in the water, in  
7 the ground. From a March, 2023 interview with the  
8 second largest water -- wastewater treatment plant in  
9 the U.S. Deer Island in Boston Mass, we know that  
10 PFAS and heavy metals are indeed in the wastewater  
11 that these -- this plant treats every day, millions  
12 of gallons. This facility doesn't eliminate the PFAS  
13 or heavy metals during the treatment. Just passes  
14 them along to the biosolids that the plant produces.  
15 This is no different for any other wastewater  
16 treatment plant.

17 There's every reason to believe that  
18 the biosolids that are going to be sent here to  
19 Moreau facility will indeed contain PFAS and heavy  
20 metals. This is in contrast to the claims made by  
21 Saratoga Biochar Solutions that they said there's no  
22 PFAS in the biosolids. And by the way, there's no  
23 requirement to test any of these biosolids coming  
24 into the Moreau facility. So how do you know what  
25 hazardous materials you're even processing?



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2 To date, studies have shown the  
3 ability to remove a portion of some PFAS from  
4 biosolids in a controlled lab setting. A controlled  
5 lab setting. A common conclusion from various  
6 studies indicates that additional research on  
7 biosolid pyrolysis is justified. So the sign hasn't  
8 been proven yet.

9 There needs to be additional research  
10 and testing. Also, the E.P.A.'s stand is that  
11 pyrolysis does not remove PFAS or heavy metals from  
12 the biosolids in production of biochar. Nowhere in  
13 the world has a pyrolysis method been used on  
14 biosolids anywhere close to the scale of this current  
15 proposal. And the chemical makeup of these biosolids  
16 being shipped in every day, will always vary  
17 depending on where and -- where and when it comes  
18 from. Not exactly a controlled lab setting. So  
19 where's the data showing that this process can be  
20 used safely at this scale? Answer, there is none.

21 So now S.B.S. wants to use pyrolysis  
22 as a method to convert bio cells to biochar, which is  
23 intended as a fertilizer on farmlands. This process  
24 requires the contaminated bio cells to be heated with  
25 emissions going up the stack. My understanding is

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2 there's not going to be any continuous monitoring of  
3 these emissions.

4 A.L.J. MCBRIDE: Sir, can you wrap up  
5 for us please?

6 MR. CANDIANO: Yeah.

7 A.L.J. MCBRIDE: Thank you.

8 MR. CANDIANO: And what about the end  
9 product, the biochar? This isn't getting tested for  
10 PFAS or heavy metals as well. So how are you, the  
11 D.E.C. ensuring that no PFAS or heavy metals are  
12 being released from the atmosphere or out the door as  
13 of fertilizer to farmland and gardens? Remember what  
14 your mission is as per your website to conserve,  
15 improve, and protect New York's natural resources and  
16 environment, and to prevent abate and control water,  
17 land, and air pollution in order to ensure the  
18 health, safety, and welfare of the people of the  
19 state and their overall economic and social  
20 wellbeing. Please don't approve this project. Thank  
21 you.

22 A.L.J. MCBRIDE: Thank you. Summer  
23 Downing. Summer.

24 MS. DOWNING: Hi. My name is Summer  
25 Downing. I live in Hudson Falls. I'm here because

1 2/8/2024 - Saratoga Biochar Solutions - 5-4144-00187/00001  
2 I'm a hundred percent against the opening and  
3 building of Saratoga Biochar. Hudson Falls is  
4 subject to disproportionately high pollution burdens.  
5 The D.E.C. should be working to reduce health and  
6 pollution burdens in Hudson Falls. Instead, they're  
7 considering putting our health at further risk by  
8 allowing another corporation to further pollute our  
9 environment. Modeling in Saratoga Biochar air permit  
10 application indicates that the facility will release  
11 numerous co-pollutants into our community. Some  
12 examples, nepheline emissions, P.F.O.A.s, and  
13 mercury. All of these have serious negative health  
14 effects.

15 Hudson Falls is a state designated  
16 disadvantaged community. Does D.E.C. think my  
17 community is expendable? I hope D.E.C. will not  
18 contribute to our burdens by permitting this project.  
19 Lastly, under Article 1, Section 19 of the New York  
20 State Constitution, I have a right to clean air and  
21 water in a healthful environment. Please do not  
22 approve the Saratoga Biochar permit.

23 A.L.J. MCBRIDE: Thank you.

24 MS. DOWNING: Thank you.

25 A.L.J. MCBRIDE: Maureen.

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2 MS. DENNIS: My name is Maureen  
3 Dennis. I'm here on behalf of myself, my family, my  
4 friends, and the company I work for Schermerhorn  
5 Residential. I noticed in the report provided by  
6 Saratoga Biochar Solutions, Environmental -- Sterling  
7 Environmental Engineering, they give a report of  
8 potential sensitive -- sensitive receptors and the  
9 definition of potential sensitive receptors are  
10 children, elderly, asthmatics, and others who are at  
11 the heightened risk of negative health outcomes due  
12 to occurrence of air pollution. So obviously they  
13 believe there's air pollution that's going to happen.  
14 They can say that the -- the P.F.O.A.s are -- their  
15 concept is just that it's a concept. It's  
16 theoretical, so they can't tell you it's not going to  
17 happen.

18 I have great grand -- or I have great  
19 nieces that live two miles from this plant potential  
20 location. I work for a company that has eight  
21 hundred and seventy-one apartments. That's just one  
22 apartment. You have to take that and multiply it by  
23 the number of residents that live in these. These  
24 are families, these are children. Moreau Elementary,  
25 Harrison Avenue Elementary are within a mile walking

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2 distance of this property. Moreau Rec, school  
3 districts. I mean, the schools play the sports teams  
4 come from all over to play in these fields. They  
5 don't know the consequences. I live in Hoosick  
6 Falls, my P.F.O.A. level or the P.F.O.A. I'm in that  
7 medical study that this gentleman referenced. My PFOA  
8 -- P -- oh, P.F.O.A. level was twenty-seven point  
9 six, six years ago.

10 I'm a cancer survivor. I don't want  
11 this for anybody, anybody in this room, anybody to  
12 have to go through what people who live in those  
13 disadvantaged areas have gone through, especially  
14 with G.E. with anybody. I -- there's a lot of things  
15 that I've read online through the planning board  
16 agenda links. They have thirty-two links associated  
17 with Biochar. Several of them -- one says they have  
18 sewer approval. I have not seen anything that says  
19 they have a sewer approval. They have a letter from  
20 the Glens Falls sewer District that says they'll be  
21 required to meet the City of Glens Falls City Code  
22 177, Article 7.

23 They also have ref -- make reference  
24 to a letter from Mike Mooney, who is the water  
25 superintendent for the Town of Moreau, who's also the

1 2/8/2024 - Saratoga Biochar Solutions - 5-4144-00187/00001  
2 Director of Water and Sewer for the Town of Wilton.  
3 He's also the treasurer for the I.D.A. and in a July  
4 meeting and the I.D.A., he said to them, you cannot  
5 say that you are going to eliminate all the P.F.O.A.s  
6 and all the metal and all the other thing because all  
7 of your machinery, your equipment is all theoretical.  
8 It hasn't even been built yet. And the other thing I  
9 wanted to say was as far as they're working off a  
10 twenty-five-year-old traffic study for this project -  
11 - oh, I'm out of time.

12 All right, Your Honor, thank you for  
13 your time. I would really appreciate your thoughtful  
14 consideration in denying any sort of concept coming  
15 to the Town of Moreau. Have a good day.

16 A.L.J. MCBRIDE: Branden.

17 MR. AIRD: My name is Branden Aird.  
18 I'm just going to wing this, so. I think this  
19 project's a joke. I think it is like a fart, if  
20 we're trying to push it through, it's going to be  
21 crap. I got some advice for Saratoga Biochar they  
22 should change the name of the fertilizer to  
23 constipation because this crap's never coming out.  
24 You know, it's not a joke is the D.E.C. mission  
25 statement. They say they're going to stand up and be

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2 our voice, but we have thirteen remediation sites in  
3 rural already and we're trying to make it fourteen.  
4 Misinformation, Biochar says. I stood up in Hudson  
5 Falls last year and asked Mr. Apy about his Twitter  
6 account and how come he wasn't putting information  
7 out. He didn't even have say Saratoga Biochar listed  
8 on his Twitter account. He said after he promised he  
9 would update that, still not done today. That's  
10 where his promises get you. He doesn't want that  
11 information out. He has it availability to put it  
12 out.

13 To me, this project and their whole  
14 process is like wiping before you poop and we're the  
15 underwear. Thank you.

16 A.L.J. MCBRIDE: Thank you. Anna P.

17 MS. ANNA: Hi. My name is Anna and  
18 I'm a resident of the Town of Moreau, and this is my  
19 statement regarding Saratoga Biochar. So part of the  
20 D.E.C.'s mission statement is to conserve, improve,  
21 and protect New York State's natural resources and  
22 the environment. This obviously includes the  
23 wildlife as well. According to them, New York made  
24 remarkable progress in reducing air, land, and water  
25 pollution. And the D.E.C. takes pride in assisting

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2 the recovery of the bald eagles in New York State.  
3 However, according to the D.E.C. the bald eagle is  
4 still a threatened species in New York State.

5 According to the U.S. Fish and  
6 Wildlife Services and various New York State sources,  
7 this area of the Town of Moreau and the surrounding  
8 Hudson River is a confirmed breeding territory for  
9 bald eagles. This is evidenced by the various bald  
10 eagle nest platforms along the Hudson River, the New  
11 York State Birding Trail and the Moreau Lake State  
12 Parks, various bald eagle watching programs  
13 throughout the year. The New York State D.E.C. has a  
14 conservation plan for bald eagles, and one of their  
15 strategies is restricting human activity next to  
16 nesting sites to decrease the mortality of young  
17 eagles. Another threat category, according to them,  
18 is contaminants in the area, including P.C.B.s and  
19 P.F.A.S.

20 This leads to reduced reproductive  
21 success for the eagles and displacement and reduced  
22 survival. Thus, the P.C.B.s and the PFAS from  
23 Biochar will find their way into the environment and  
24 not only devastate the bald eagle community  
25 population and the prey of the bald eagles including



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2 the fish in the Hudson River.

3 Since 2017, the D.E.C. and the  
4 Department of Health of New York have collaborated to  
5 collect fish samples from various bodies of water,  
6 including the Hudson River, to test for PFAS  
7 contamination. This means that the D.E.C. still  
8 thinks the PFAS are a concern, and they have various  
9 public outreach programs to promote this message to  
10 the people public, including not eating fish from  
11 South Glens Falls Dam to Federal Dam in Troy and the  
12 D.E.C.'s own catch and release regulations for this  
13 area.

14 If and when any environmental  
15 regulations occur from Saratoga Biochar will various  
16 entities involved in approving the project, including  
17 the D.E.C. be able to answer to various state and or  
18 federal regulators, including the U.S. Fish and  
19 Wildlife Service, the E.P.A. and the Borough of Land  
20 Management, why a project was approved that  
21 potentially violates regulations and doesn't protect  
22 the environment and the bald eagle in the nearby  
23 environment.

24 In addition, Moreau and the  
25 surrounding communities are already a location of

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2 various Superfund sites. Why is the D.E.C. willing  
3 to approve another factory for this area that will  
4 set back its own progress and federal progress to  
5 clean up this area? Biochar will place an  
6 unnecessary burden on the surrounding community to  
7 monitor and potentially clean up the area, not just  
8 for the people, but for the environment as well.  
9 Thank you.

10 A.L.J. MCBRIDE: Jamie Burleigh.  
11 After Mr. Burleigh, we have Rob Wargo, Therese  
12 Gillis, LaDelle Dautremont, Albert Carden, and Kim  
13 Fonda. Go right ahead.

14 MR. BURLEIGH: My name is Jamie Burley  
15 and my wife and I have lived in Moreau for eighteen  
16 years, and along with our two daughters, have been  
17 happy to call South Glens Falls our home. We have  
18 serious concerns regarding the Saratoga Biochar  
19 proposal. Bringing waste containing P.F.A.S. into  
20 our community should give -- give everyone pause.  
21 Even low levels of exposure to PFAS is linked to  
22 cancer, liver damage, decreased fertility, low birth  
23 rate, increased risk of asthma, and lowered immune  
24 function. In spite of the assurances of Saratoga  
25 Biochar, the research is ongoing as to the effects of

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2 different levels of P.F.A.S. on human health.

3 I also have concerns about the use of  
4 carbon fertilizer being produced. I'm not sure I  
5 want this brand-new product being spread around town  
6 as fertilizer. Other potential well-meaning  
7 companies have produced fertilizers derived from  
8 biosolids that end up -- ended up making people sick.  
9 I, like many other residents in the area, am not  
10 willing to be a Guinea pig. Living in this area, we  
11 have seen firsthand the harm to health, property  
12 values and divisiveness caused by environmental  
13 pollution.

14 P.C.B. pollution in the Hudson River  
15 is an issue that all these years later still has not  
16 been resolved. We have a Superfund site here, inau  
17 polluted with TCE, P.C.B.s and other industrial race  
18 -- industrial waste that will deemed currently safe  
19 to residents in the short term must be continually  
20 treated and monitored for years and years to come.

21 We smell noxious odors on a regular  
22 basis when driving downtown in South Glens Falls. Do  
23 we really need to be the testing ground for an  
24 unproven technology that has the potential to produce  
25 more pollution locally, processing fifteen percent of

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2 the sewage produced in New York State. The idea of  
3 fifty trucks a day carrying sewage through town is  
4 also concerning. From an environmental perspective,  
5 even if everything goes according to plan, is  
6 trucking fifteen percent of the sewage from across  
7 the state here to a facility that will need to  
8 generate temperatures around a thousand degrees to  
9 mitigate the PFAS risk, really the best path forward?  
10 Plenty of pollution will be generated from those two  
11 things alone. Is it really worth it? As long-term  
12 residents of South Glens Falls, we say no and do not  
13 want to see this project go forward. Thank you.

14 A.L.J. MCBRIDE: Thank you. Rob  
15 Wargo. Rob Wargo. Is Rob here? Therese Gillis.

16 MS. GILLIS: I'm short. My name is  
17 Therese Gillis, an affected citizen residing at 24  
18 East Road in Fort Edward. I was an original member  
19 of CEASE beginning in 1985, which fought against the  
20 dredging of the Hudson River. We won the first time,  
21 we lost the second time, and now that project has  
22 proven to have not done what it was expected to do.  
23 I co-founded Hands Off the Hudson, otherwise known as  
24 HOTH over concerns regarding new industrial  
25 development along the shores of our majestic Hudson

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2 River and Champlain Canal Corridor. It is important  
3 to recognize that HOTH is not an environmental group  
4 against all future development in growth.

5 Our mission statement explains that  
6 our intent is to research, document science driven  
7 facts, and share information regarding revitalization  
8 in non-polluting industrial growth of this region.  
9 We feel the recent approval of the Moreau Biochar --  
10 Biochar plant as an environmental justice issue.  
11 Alanah Keddell-Tuckey, Director of D.E.C.  
12 Environmental Justice Department confirmed that fact  
13 that further review was in order. This region is at  
14 risk for being a target to site additional waste  
15 recycling facilities. We have long borne the weight  
16 of previous industrial pollution with widespread  
17 contamination of air, soil, and water. It has  
18 impacted our communities far too long.

19 Presently, we are forced to tolerate  
20 the Wheelabrator Burn Plant in Hudson Falls, Clean  
21 Earth recently renamed Dirt Burn or recently renamed  
22 Dirt Burner in Fort Edward and an ever-growing paper  
23 sludge landfill in Northumberland just south on the  
24 Hudson River and multiple P.C.B. encapsulation sites  
25 from previous dredging of our Hudson in the late

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2 seventies. Most recently, we all became aware of our  
3 exposure to E.T.O. emissions from Sterigenics in  
4 Kingsbury, and have been directly affected by losses  
5 of people in our communities. We've been devastated  
6 by pollutants longstanding our high rates of cancer  
7 demonstrate this.

8 The recent designation of New York  
9 State D.E.C. -- D.A.C. is our newest claim to fame  
10 for Hudson Falls. And I didn't realize South Glens  
11 Falls was included in that. G.E. is making great  
12 strides along the shores of the Hudson with its  
13 revitalization reclamation project at their former  
14 Hudson Falls plant. This project lies just across  
15 the -- with -- the river from this Biochar site. How  
16 can we now be expected to bear the weight of an  
17 attempt to solve a statewide sewer sludge problem? I  
18 would encourage that we revisit the SEQR negative  
19 declaration that was on Saratoga Biochar application.  
20 When it's fully operational, it'll be three lines.  
21 Emissions of ammonia and sulfur dioxides put them  
22 over the limit for a negative impact on air.

23 Biochar had simply mitigated the  
24 initial phase by raising their stack height and  
25 adding more filters.

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2 A.L.J. MCBRIDE: Ms. Gillis, can you  
3 wrap up your remarks please?

4 MS. GILLIS: Okay. I -- I -- I am  
5 going to send this off to you. I do thank you for  
6 your time and your consideration.

7 A.L.J. MCBRIDE: Thank you very much.

8 MS. GILLIS: Yeah.

9 A.L.J. MCBRIDE: LaDelle Dautremont.

10 MS. DAUTREMONT: Good evening. My  
11 name is LaDelle Dautremont. I live and work as a  
12 nurse in Glens Falls. Given the known health outcome  
13 disparities and historic environmental injustices  
14 that have been visited upon the people in landscapes  
15 of Hudson Falls, Glens Falls, Moreau, and Fort  
16 Edward. These communities deserve and should have  
17 continuous air quality monitoring, even reparations,  
18 not another polluting for-profit waste management  
19 industry site.

20 Already Hudson Falls and Glens Falls  
21 are outliers for health disparities. Already Hudson  
22 Falls and Glens falls live with the noxious smells,  
23 noises, and toxic emissions of multiple polluting  
24 industries, including the Wheelabrator Incinerator  
25 already burning garbage and sewage sludge. Its

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2 smokestack already looms over the historic village of  
3 Hudson Falls, spreading known toxins through the air  
4 of our communities and local farmlands, over our  
5 senior housing, over our nursing homes, over our head  
6 start playground and our elementary schools.

7 The very young and the very old are  
8 exactly the people most vulnerable to the health  
9 effects of this kind of air pollution. I would like  
10 to ask the D.E.C. currently, where is the nearest air  
11 quality monitor? Because I know it is nowhere near  
12 Glens Falls or Hudson Falls. Already we have too  
13 much pollution and too little air quality monitoring.

14 And yet, despite the fact that our  
15 community is already home to one of the largest and  
16 most infamous Superfund sites in the country, despite  
17 the fact that we already live with acres, acres of  
18 polluted Superfund land in our midst. Despite the  
19 fact that much of this area already meets the New  
20 York State D.E.C. disadvantaged community criteria,  
21 Saratoga Biochar chose this location for its business  
22 plan. Saratoga Biochar has a business plan and  
23 however they greenwash their bold and incredible  
24 claims of safety and efficacy, their business plan is  
25 ultimately about making money. Saratoga Biochar has



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2 a business plan that externalizes their substantial  
3 environmental and health risks onto the lives and  
4 landscapes of our communities.

5 Well, the people of our communities  
6 have life plans, life plans that include caring for  
7 each other, and this place, this particular place  
8 that we call home. In my opinion, this community has  
9 had more than enough, more than our fair share of  
10 environmental health burdens and risks already. We  
11 do not need to be Saratoga Biochar pilot project,  
12 their Guinea pig in this venture.

13 And the State of New York should not  
14 disregard and overrule the very valid concerns of our  
15 community by supporting Saratoga Biochar project,  
16 despite the fact that their venture is not wanted  
17 here. New York State should not permit Saratoga  
18 Biochar to happen to our communities. And where is  
19 our air quality monitoring? Enough already.

20 A.L.J. MCBRIDE: Thank you. Albert.

21 MR. CARDEN: My name is Albert Carden.  
22 I was taught to address the chairperson. Thank you,  
23 Your Honor, for having the time to talk to you. I am  
24 against this thing. I want to state that right up  
25 front. I've lived in the area for a long time. I

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2 was brought up from Troy when I was fourteen years  
3 old, and I've lived in Town of Fort Edward, and then  
4 I moved into the Glens Falls area. And now I live in  
5 the circle of the Village of South Glens Falls,  
6 affected. My point is, when I became of age to work  
7 after getting out of the Navy, I witnessed my  
8 classmates, my coworkers and my friends work at G.E.  
9 and the paper mills, and they all have now died as a  
10 result of no regulations. No regulations.

11 G.E. what happened? P.C.B.s were  
12 dumped. The capacitors were allowed for a while to  
13 be dumped into the river. Then they said, oh no, we  
14 better not dump them in the river anymore. And then  
15 they started burning them down on Patterson Road and  
16 they said, oh no, we better not do that. And then  
17 they started finding some other places to -- to deal  
18 with it. The reason -- and result was pollution,  
19 pollution, pollution, sickness, sickness, sickness.  
20 These people are dying left and right around Fort  
21 Edward from G.E. around Hudson Falls, all the paper  
22 mills breathing in all that paper dust, the chemicals  
23 and things.

24 Since 1998, there's been no update on  
25 the D.E.C. We need to talk to Kerry Werner, Paul

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2 Tonko, and get them involved to get that updated and  
3 changed so that we don't have to have a five-year  
4 visit to somebody like Biochar. Thank you so much.

5 A.L.J. MCBRIDE: Thank you. Kim  
6 Fonda. Is Kim Fonda here?

7 MS. FONDA: Yes.

8 A.L.J. MCBRIDGE: And then after  
9 Kim, we have Cynthia Roberts, Tracy Frisch, Cheryl  
10 Robinson-Hoffman, and Claudia Braymer. You can come  
11 forward sit in the seats in front. Thank you.

12 MS. FONDA: Hi, my name is Kim Fonda.  
13 I'm relatively new to the area. I've lived in Moreau  
14 for about two years. My background is in regulatory  
15 affairs and I broke my glasses on the way here. So  
16 bear with me. I listened to the meeting yesterday.  
17 I was impressed by the passion and the knowledge of  
18 all the participants.

19 Briefly to summarize a couple of the  
20 points. There is no history of safety for this  
21 processing plant and it has not been established by  
22 the applicant. The data submitted for review is  
23 incomplete and questionable. No third party will be  
24 conducting monitoring on the safety of emissions,  
25 waste, or transportation, including trucks and road

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2 safety. To elaborate briefly, there is no direct  
3 evidence that the facility will have any -- will not  
4 have any in -- negative impact, and in fact has  
5 substantial potential for adverse environmental  
6 impacts.

7 A majority of the documentation relies  
8 on hypothetical implementation of similar processes  
9 or facilities with no risk analysis on the missing  
10 pieces. Therefore, the data that you have received  
11 is generated with significant variables. And so the  
12 validity and the scientific rigor is to be questioned  
13 by you, compromised data equals compromised results.

14 And I am not sure I heard correctly.  
15 The D.E.C. was not given some documentation necessary  
16 for the full review because Biochar claimed  
17 proprietary processes? This information is directly  
18 related to the health and safety of the general  
19 public, but it was not received because Biochar  
20 claims it is top secret? This is unacceptable. I  
21 would imagine they have a couple of lawyers who know  
22 about non-disclosure agreements.

23 We urge that the application -- this  
24 application be rejected as it has insufficient  
25 information and variable information. No objective

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2 third party, according to them would -- right now  
3 would monitor ongoing safety. Trusting Biochar  
4 itself to self-monitor is ridiculous. It's like  
5 giving the security contract to the fox for the  
6 henhouse, which would be funny if we weren't the  
7 chickens.

8 This is a company who was rejected  
9 three times before and they are desperate. They're  
10 desperate to get those profits rolling in. Desperate  
11 companies sometimes have a little trust issue. We  
12 would have no way of knowing if we were subjected to  
13 danger. This is unacceptable as well. Who will be  
14 monitoring the equipment as it ages the truck  
15 maintenance road and safety?

16 A.L.J. MCBRIDE: Can you complete your  
17 remarks for us, please?

18 MS. FONDA: Sure.

19 A.L.J. MCBRIDE: Thank you.

20 MS. FONDA: A couple other  
21 observations. The few speakers who supported this  
22 were not from this area, they were all talking about  
23 theoretical, it should work. It looks like it would  
24 work on paper.

25 To summarize, the D.E.C. has been

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2 given compromised documentation with invalid data,  
3 has not been given all of the information, hidden  
4 behind trade secrets that went unchallenged. The  
5 public is vehemently opposed to this, especially  
6 people whose health and safety would be impacted.

7 Finally, urge D.E.C. to reject this  
8 application. Let them come back later with something  
9 else. But this application should be rejected until  
10 all documentation is available and until we know that  
11 the data is valid. I urge D.E.C. to reject this  
12 based on the potential impact of the health and  
13 safety of the general public in this room. And as a  
14 last note, I'm voting for you.

15 A.L.J. MCBRIDE: Cynthia Roberts.

16 MS. ROBERTS: Hi, my name is Cynthia  
17 Roberts. I'm a resident of Hudson Falls, New York.  
18 I respectfully and vehemently state my position is  
19 against the issuance of a permit to Saratoga Biochar  
20 in Moreau, New York. I'm a retired professor of art.  
21 I convinced my husband to move here so we could be  
22 with our family as our parents age and our extended  
23 family and enjoy the incredible natural beauty, the  
24 glowing light and the scenic farmlands. Beautiful  
25 things that have historically since the Hudson River

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2 School of Painting been something that's been  
3 treasured by the state and the wider global cultural  
4 community.

5 We're familiar already with the seven  
6 hundred and twenty tons daily that have -- of sewage  
7 sludge, which is based on the processing of human  
8 excrement, urine, anything that can go down the  
9 drains. We're already familiar with that story. We  
10 know that the number of trucks that would be pulling  
11 this material up eighty -- Route 87, the Northway is  
12 just already a regular danger to -- to anyone on the  
13 Northway itself, not to mention all the residents in  
14 this room in Hudson Falls, et cetera. The proposed  
15 plant would generate thirty thousand gallons of  
16 wastewater per day that would conceivably go through  
17 a local wastewater treatment plant and ultimately  
18 discharge into the Hudson River.

19 We know this story. The list of  
20 chemicals and other co-pollutants is available in  
21 Saratoga Biochar own materials. They include things  
22 like nepheline, mercury, P.F.O.A.s. we know that,  
23 arsenic, cadmium, hydrogen fluoride, def -- dimethyl  
24 sulfide, acetic acid, dimethyl trisulfide. Even as a  
25 painter, I'm not a chemist, but even as a painter, I

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2 know that to use cadmium red or cadmium yellow or  
3 cadmium orange, you need to put on gloves. You need  
4 to protect yourself from the contact with those kinds  
5 of materials. I'll include more in my written  
6 statement, but I respectfully ask Your Honor and the  
7 D.E.C. to sincerely consider denying this permit.

8 Under Article 1, Section 19 of the New  
9 York State Constitution, I and everyone in this room  
10 has a right to clean air, water, and a healthful  
11 environment. In addition, we have witnessed bald  
12 eagles in our area. I have multiple photographs and  
13 footage of these bald eagles, the symbol of those  
14 rights and freedoms whose protection is guaranteed  
15 under the Bald and Gold Eagle Protection Act, 16  
16 U.S.C. 668 - 668(d), which prohibits anthropogenic  
17 actions, which such -- where such alterations,  
18 agitate or bother an eagle to the degree that it  
19 interferes with or interrupts normal breeding,  
20 feeding, et cetera.

21 The area surrounding Moreau, Hudson  
22 Falls is not only made up of people who care about  
23 our health, our children, our community, the area  
24 also has soil and farmland where our food is grown  
25 and raised, and that is rated -- the soil is rated



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2 some of the highest arable land around. In the face  
3 of the changing climate, our state and country will  
4 need this kind of land for safe food production. I'm  
5 in love with this area. I don't want to leave  
6 because of this. I want to stay and fight for our  
7 community and our right to have health and freedom in  
8 this area.

9 A.L.J. MCBRIDE: Thank you.

10 MS. ROBERTS: Thank you very much for  
11 your time.

12 A.L.J. MCBRIDE: Tracy Frisch. Tracy.

13 MS. FRISCH: Good evening. I'm Tracy  
14 Frisch and I reside in the Town of Argyle. I'm the -  
15 - I'm the Chair of the Clean Air Action Network of  
16 Glens Falls, a three-county grassroots organization  
17 dedicated to preventing and reducing all types of  
18 pollution. I'm also the lead author of the State  
19 Sierra Club Report that came out last year opposing  
20 the use of sewage sludge as a fertilizer due to PFAS.  
21 So I'm very familiar with problems of contamination  
22 of this material.

23 Our group opposes D.E.C. granting of  
24 any permits to Saratoga Biochar, a company that has  
25 never built or operated anything. This would be the

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2 first sewage sludge biochar plant in New York. And  
3 processing up to fifteen percent of the state sewage  
4 sludge would be a grave injustice for the residents  
5 of Moreau and the surrounding area, particularly the  
6 disadvantaged communities. But many communities in  
7 this area should be -- would -- should be considered  
8 disadvantage because of all the pollution.

9 Few pyrolysis plants of any kind have  
10 successfully operated. We have only been able to  
11 identify one sewage sludge biochar plant, currently  
12 operating in the U.S. in Redwood City, California in  
13 Sew -- Silicon Valley -- Silicon Valley. A 2017 NBC  
14 story about that plant stated that whiffs of  
15 thousands of tons of sewage sludge are unmistakable  
16 from the lunch patio at BioForceTech Corporation  
17 located just steps from the new plant.

18 The company's engineers and  
19 specialists are from Italy, where this type of plant  
20 is not allowed. The European Union has banned sewage  
21 sludge bar -- biochar due to the hun -- the hundreds  
22 of pollutants in sewage sludge. All biochar is  
23 contaminated with polycyclic aromatic hydrocarbons -- poly --  
24 polycyclic aromatic hydrocarbons, which are  
25 carcinogenic and mutagenic. The U.S.D.A. National

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2 Organic Standards prohibit certified organic farmers  
3 from using sewage sludge product -- products on their  
4 land.

5 Interestingly, the Redwood City sewage  
6 sludge biochar company planned to pyrolysis seven  
7 thousand tons of sewage sludge in its second year.  
8 Saratoga Biochar is aiming to initially pyrolysis  
9 almost seventy-five thousand tons in its first year  
10 and up to two hundred and twenty-five tons at full  
11 build out.

12 I have a lot more. So I will be  
13 submitting comments, written comments. I just want  
14 to say that in its -- in a notice of incomplete  
15 application, D.E.C. asked Saratoga Biochar to list  
16 the sources of sewage sludge it would use and provide  
17 test data for each source. Saratoga Biochar failed  
18 to provide this information and D.E.C. issued draft  
19 permits anyway. How can D.E.C. determine whether  
20 pollution from Saratoga Biochar threatens local  
21 communities in the environment, if it does not have  
22 lab tests for this sewage sludge? It cannot.  
23 Therefore, and among many other reasons, it is  
24 irresponsible to give the company a pass.

25 To conclude. Experience teaches us

1 2/8/2024 - Saratoga Biochar Solutions - 5-4144-00187/00001  
2 that we cannot count on D.E.C. to protect us when  
3 pollution wreaks havoc on our communities. Take the  
4 example of Petersburg, New York residents with PFAS  
5 contamination from the Taconic Plastic Factory, which  
6 contaminated numerous wells with PFOA. D.E.C.  
7 entered into a consent order with the company in  
8 2016. D.E.C. finally tested soil in residence  
9 vegetable gardens last Summer, seven years later, a  
10 January, 2024 news story stated that the residents  
11 still had not received the lab results.

12 A.L.J. MCBRIDE: Can you wrap up for  
13 us, please?

14 MS. FRISCH: Yes. Two more sentences.  
15 This is alarming as plants take up PFAS, eating  
16 vegetables grown in contaminated soil or -- or with  
17 contaminated irrigation water threatens a person's  
18 health. We know a lot about PFAS enough to be very  
19 cautious. So in conclusion, D.E.C. must, absolutely  
20 must deny the permits. Thank you very much.

21 A.L.J. MCBRIDE: Thank you. Cheryl  
22 Robinson?

23 MS. ROBINSON-HOFFMAN: I'm Cheryl  
24 Robinson-Hoffman. I'm from Queensbury, and my  
25 concern is the air quality. I don't think that

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2 Biochar's air pollution is going to stay in one  
3 place. I think it's going to cover the whole  
4 community, meaning Queensbury and Washington County.  
5 I'm concerned about Washington County because I did  
6 farm work there. I also came to this community  
7 thirty-eight years ago because of the cancer rates.  
8 There were no oncologists in this area at that time.

9 I want to say that what comes down is  
10 going to go in the fields, even if the biochar is not  
11 put on the farmer's fields, and it's going to have a  
12 negative effect on our milk and our meat quality and  
13 the lives of our livestock. And that's my comments.

14 A.L.J. MCBRIDE: Thank you. Claudia  
15 Braymer. Claudia Braymer. Doug Niles. Is Doug  
16 Niles here? And then after Mr. Niles, we have  
17 William Brender, Richard Goldy, Priscilla Cassidy,  
18 and Jeanne Kozloski. If you'd like to come forward  
19 to the seats in front here. Are you Mr. Niles?

20 MR. NILES: Yes.

21 A.L.J. MCBRIDE: You can go right  
22 ahead up. Thank you.

23 MR. NILES: Thank you for allowing  
24 outsiders to speak. I don't live in your town.

25 A.L.J. MCBRIDE: Move the microphone

1 2/8/2024 - Saratoga Biochar Solutions - 5-4144-00187/00001  
2 up a little bit so everyone can hear you.

3 MR. NILES: A little bit more. I've  
4 been told I'm too loud in most situations like this.  
5 I grew up in Warrensburg eighteen years, left there,  
6 whatever, forty-five years ago. SUNY grad -- SUNY  
7 graduate, came back to the area of Saratoga. I live  
8 in the Town of Saratoga and we've had several  
9 situations there that are similar to yours.

10 What you've got here is an outside  
11 group that is watching you very close. The activism  
12 that you have showed here tonight, people are  
13 watching statewide and even nationally as this thing  
14 continues to go along. Give you a couple of quick  
15 examples that we were involved with, I was involved  
16 with. About twenty years ago, basically, the City of  
17 Saratoga came in and said, we're going to use your  
18 lake as a public water supply. Public water supply,  
19 we're just going to do it. It came very, very close,  
20 but an active citizen situation like yours resulted  
21 in the city being rejected. And we in fact said,  
22 it's not going to happen.

23 Some of you, Washington County folks  
24 probably will remember some time ago in Whitehall,  
25 there was a move to basically have the farmers change

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2 their behavior and stockpile their manure in their  
3 fields so the runoff wouldn't go into Lake Champlain.  
4 The behavior, the citizen response, the farmers, God  
5 bless them, were then required to put their manure in  
6 the fields. And they were fine. They didn't like it  
7 at first, but they did it and it worked.

8 I mean, as an outsider here, I -- I --  
9 I've got all these notes. You guys have said the  
10 facts and figures. Ironically, I have one brother  
11 who's an engineer for (unintelligible). I -- I've  
12 met a lot of people over my career, my thirty-four  
13 years. I was a science editor for a book publisher.  
14 The area has always had a -- a -- a nearness in my  
15 heart. Keep up the good work. If there's anything I  
16 can do to help at all, keep going, you guys are the  
17 best.

18 A.L.J. MCBRIDE: William Brender.

19 MR. BRENDER: Hi, I am William Brender  
20 or Dr. Brender. I am a board-certified physician.  
21 I'm still have an active license, though I've  
22 retired. I've lived in Glens Falls area for the last  
23 forty years. I came up from New York City because I  
24 wanted to live in an area where I could breathe clean  
25 air, drink clean water, and live a healthier life. I

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2 was very surprised to learn about the P.C.B. and  
3 benzene pollution around this bend of the river going  
4 from Hudson -- Fort Edward, Hudson Falls, and through  
5 Glens Falls, et cetera.

6 Every day I get up and I see the  
7 plumes of smoke going up in the air, and I watch them  
8 go in various directions. Someday it's going east.  
9 Someday it's going west, someday it's going south,  
10 but it affects everyone. When you burn things in the  
11 air, it goes up. The particulates do come down.  
12 Unfortunately, they come down on us. They come down  
13 in the farm area, they come down in populated areas.

14 And I complained about this over a  
15 decade ago, and I was told that Glens Falls was an  
16 industrial district. And every time that they would  
17 inspect the air pollution, they would inform them  
18 that they would inspect these facilities.  
19 Particularly Lehigh Cement, which is belching out all  
20 -- between Lehigh and Wheelabrator, they belch out  
21 about two hundred pounds of lead in the air. Now if  
22 you wonder if your kids are getting a little slow, I  
23 would test your soil to see if you have lead there.  
24 But I would go deep down because this has been going  
25 on for many, many years.



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2 Again, heavy metals go up, the rains  
3 wash it down, it comes down. Unfortunately, we live  
4 here. We want to live. We don't want our children  
5 to be slow. We want them to have the same  
6 achievements and goals and life that we had when we  
7 were young. And I don't see that in the future.  
8 Thank you very much.

9 A.L.J. MCBRIDE: Thank you. Richard  
10 Goldy.

11 MR. GOLDY: Hello, my name is Richard  
12 Goldy. I'm a professional engineer. I was involved  
13 with several Greenfield plants that made basically  
14 glass mat had a similar process, similar concept,  
15 similar issues as this process have. I spent the  
16 last few weeks reviewing all the data that has been  
17 supplied to D.E.C. that I -- that was available  
18 publicly. And I have found that there is  
19 insufficient information in there to make a judgment  
20 on this project.

21 The -- on the issue of P.F.A.S. they  
22 say the highest temperature will be nine hundred and  
23 eighty-two in their kilnator. And the minimum  
24 temperature for complete destruction is a thousand  
25 degrees Fahrenheit and needs some sources say eleven

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2 hundred degrees centigrade.

3 Also, the incomplete combustion is  
4 worse because it causes the development of shorter  
5 length P.F.A.S. which can be potential hazard. There  
6 is nothing in their -- in their present -- in their  
7 paperwork that actually describes what's going to  
8 happen in that thermal treatment process area.  
9 There's no. There's got to be pumps, there's a --  
10 there's got to be a -- there's a hammer mill.  
11 There're all sorts of equipment in there, which is  
12 not covered. Reflecting on noise, there's at least  
13 four or five fans. And the -- the size of this  
14 project, they're going to be big fans and high  
15 pressure and noisy.

16 They say that that room was going to  
17 be under vacuum or so the odors in particulate will  
18 stay in. However, that room is filled with two huge,  
19 like nine-foot diameter, fifty-foot-long devices  
20 filled at nearly a thousand degrees centigrade and  
21 there's no ventilation in that room. So they're  
22 going to have to have another emission point to allow  
23 that room to stay cool, so people can go in.

24 The next issue, the -- the pollution  
25 control equipment, their scrubbers. They have I

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2 think five or something like that. All those  
3 scrubbers -- scrubbers are valved so that they can be  
4 bypassed. You can bypass one or you can bypass all  
5 of them so that -- you know, if they really want to  
6 improve their bottom line, all they have to do is  
7 close some valves and open some other ones and they  
8 can save some money.

9 I've -- in the process of going  
10 through this, I am going to send a letter to D.E.C.  
11 and unlike the Biochar, I will document all my  
12 sources, which they don't, and their assumptions.  
13 And I'll show all my calculations in my letter.  
14 Thank you.

15 A.L.J. MCBRIDE: Thank you. Priscilla  
16 Cassidy. Priscilla Cassidy.

17 MS. CASSIDY: Hi my name's Priscilla  
18 Cassidy and I'm a resident of Glens Falls which  
19 apparently has two, if you look at the map, actually  
20 two disadvantaged zones as part of it. And while I'm  
21 here, I'm just going to second the prior speaker's  
22 request for an air pollution monitor in Glens Falls.

23 But I -- I would specifically request  
24 that D.E.C. specifically explain how the Biochar  
25 project will promote the goals of the Climate

1 2/8/2024 - Saratoga Biochar Solutions - 5-4144-00187/00001  
2 Leadership and Community Protection Act, not just how  
3 it would slip through the cracks. And that would  
4 also go for the Environmental Bill of Rights. How  
5 does this encourage and promote the goals of the  
6 Environmental Bill of Rights?

7 I've heard some mention tonight of  
8 contamination of the farms and the food chain.  
9 That's something I was going to mention tonight.  
10 Glens Falls again, that disadvantaged community has a  
11 farmer's market, and this week from the farmer's  
12 market, from these local farms that would be impacted  
13 by Biochar, I've eaten chicken, potatoes, carrots,  
14 onions, and lettuce. So I'm very concerned about the  
15 pollution of the -- the landscape in Washington  
16 County, Saratoga County.

17 I'm also very concerned about the  
18 cost and the impact of the industrial wastewater  
19 treatment on the Glens Falls water treatment plant,  
20 where I'm told that would go. I feel that that would  
21 likely create a burden of industrial waste on our  
22 area, based on imported waste from outside the area.

23 And also last year there were  
24 numerous episodes of brown water around the Glens  
25 Falls area where the source was never identified. So

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2 I am not confident that if that happened again with  
3 the Biochar project, how would we ever know where it  
4 was coming from or what was even in it. And Glens  
5 Falls again, being the disadvantaged community, has  
6 also been the recipient of a New York State Downtown  
7 Revitalization Grant, which appears to be quite  
8 successful.

9 So in the downtown area, there is --  
10 there are tourism facilities, there's the Warren  
11 County bike path, there's the Hyde Museum, there's a  
12 hospital, there's a hotel, there's low income  
13 housing, there's senior housing. And so what would  
14 the impact of this be on all those aspects? So  
15 that's -- those are my main comments for now.

16 A.L.J. MCBRIDE: Thank you. Jeanne  
17 Kozloski. And after Ms. Kozloski, we have Dennis  
18 Davall and George Padron.

19 MS. KOZLOSKI: Thank you. Can you  
20 hear me? So I have comments to submit in writing,  
21 but I decided to say a little bit. After listening  
22 to all my neighbors tonight -- okay. I'll try to be  
23 really loud. Okay. There we go.

24 So my name is Jeanne Kozloski. I  
25 live in the Town of Moreau. I've lived here for

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2 thirty-four years. Sorry. I didn't think this would  
3 happen. My husband passed away five years ago this  
4 week from health problems. He, his cardiologist, his  
5 endocrinologist, and his pulmonologist suspected were  
6 due to his decades working in Hoosick Falls. I  
7 encourage D.E.C. to listen carefully to what my  
8 neighbors' comments have been tonight and to the many  
9 comments that you'll be receiving by mail and email  
10 in the days ahead.

11 Our area is already negatively  
12 impacted by poor outcomes by past business ventures.  
13 We don't need another business that is likely to  
14 cause the loss of life that myself and my children  
15 have had to endure. Thank you.

16 A.L.J. MCBRIDE: Thank you. Dennis  
17 Davall.

18 MR. DAVALL: Thank you. I spoke  
19 virtually last night on a webinar, but I wanted to  
20 just say a couple words tonight to reinforce how I  
21 feel that we as a community do not want this project.  
22 We have a right to vote. We have a right to  
23 assemble, and we are here. We have spoken loudly and  
24 we hope that D.E.C. will listen to us. Thank you.

25 A.L.J. MCBRIDE: Thank you. George

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2 Padron. George Padron.

3 MR. PADRON: Judge McBride, my name is  
4 George Padron. I live at 19 Sisson Road in the Town  
5 of Moreau. I'd like to share with you some facts  
6 tonight relative to the applicant, Saratoga Biochar  
7 Solutions and their application for an air permit as  
8 well as a draft permit. I'm a father of four  
9 children, moved to Moreau in November of 2021.

10 I was dismayed and angered, did our  
11 planning board approve this project knowing how much  
12 Moreau has been impacted negatively, the history of  
13 pollution, the impacts on human health, high cancer  
14 rates, long lasting impacts that have openly been  
15 talked about, discussed, felt, and seen. We even  
16 have a well-known Superfund site not too far from  
17 here that you've heard mentioned today a couple of  
18 times. How ironic it is that this project would land  
19 here.

20 My home, the physical structure is  
21 identified on the site plan document filed by the  
22 applicant with the Town of Moreau Planning Board as  
23 their closest neighbor, nine hundred and sixty-five  
24 point three one feet to be exact. You can imagine my  
25 surprise and horror when I found out. Please note

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2 that this was left out of their application to the  
3 D.E.C. I feel I should have been made part of it. I  
4 also feel that the New York State D.E.C. should have  
5 required a map with a five-mile radius showing  
6 residents people within the radius. You would have  
7 found that there are not one but three disadvantaged  
8 communities based on your own potential environmental  
9 justice area maps online. And that's as of today.

10 Those maps were found in the  
11 applicant's application. And it's frightening.  
12 Those thirty-seven maps that showed those justice  
13 areas also showed the dispersion cloud or -- or data  
14 that suggests what metals would be coming out of --  
15 of those stacks in -- in -- in terms of -- of their  
16 modeling. If you look for and find the red zone on  
17 those maps, that's where my residence is in that  
18 danger zone. My family and some neighbors would be  
19 immediately impacted.

20 A fact confirmed the other night by  
21 one of the experts at the community meeting sponsored  
22 by the Clear Air Action Network and not Moreau two  
23 groups I'm a member of and who have officially  
24 opposed the building of this facility in the Town of  
25 Moreau. I too oppose this facility. The building of



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2 this facility. These maps depict data and -- and  
3 other dispersion and it indicates heavy metals,  
4 mercury, P.F.A.S. things that we've also -- that  
5 you've also heard tonight and known to harm human  
6 health and disrupt quality of life. These maps and  
7 data were not shared with the Town of Moreau Planning  
8 Board.

9 In addition to the technical odor and  
10 pollution mitigation methods the applicant discussed  
11 in the -- in their application, they authored a good  
12 neighbor policy as part of their application. That  
13 good neighbor policy is left out of the application  
14 to D.E.C.

15 The -- the Title 6 C.R.R 2011.10,  
16 public access to record keeping and 211.2, visible  
17 emissions limited are included in their application  
18 and cited only 211.1 air -- air pollution prohibited  
19 was not, which in short states that no person shall  
20 cause or allow emissions of air contaminants to the  
21 outdoor atmosphere of such quantity characteristic or  
22 duration, which are injurious to human, plant, animal  
23 life, or property which interfere with the  
24 comfortable enjoyment of life or -- or property. At  
25 a minimum, there should be other criteria that this

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2 facility should be forced to follow. And I will mail  
3 that information to your office for review as part of  
4 further comments.

5 I'd like to thank you for your time  
6 and for -- and for this forum to present facts to  
7 you. Special note; thank you to the following  
8 people, members of our own community who worked so  
9 hard to bring this project here and subsequently  
10 approve of it. Todd (unintelligible) and the  
11 following members of the Moreau Planning Board,  
12 entering planning board Chairman John Arnold, who  
13 voted yes. Meredith Mattias voted yes. Adam  
14 (unintelligible)] voted yes. Eric Bergman voted yes.  
15 Two planning board members resigned from the board.  
16 The rest of us are here fighting to stop it,  
17 supporting opposition to it. That's all I have to  
18 say. Thank you.

19 A.L.J. MCBRIDE: Thank you. Mr.  
20 Padron was our last registered speaker. I would like  
21 to thank everyone that took the time last evening and  
22 again tonight to come out. This is a very important  
23 process. On behalf of the D.E.C, I thank you all  
24 very much for taking the time and coming out here and  
25 giving us your comments. Have a safe trip home this

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2 evening.

3 (The hearing concluded at 8:15 p.m.)  
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2 STATE OF NEW YORK  
3 I, DANIELLE CHRISTIAN, do hereby certify that the  
4 foregoing was reported by me, in the cause, at the time  
5 and place, as stated in the caption hereto, at Page 1  
6 hereof; that the foregoing typewritten transcription  
7 consisting of pages 1 through 107, is a true record of all  
8 proceedings had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto  
10 subscribed my name, this the 20th day of February, 2024.

11

12 DANIELLE CHRISTIAN, Reporter

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