PLANNING BOARD COUNTY OF ALBANY
TOWN OF COLONIE

****

MATHESON GAS
APPLICATION FOR FINAL SITE PLAN APPROVAL
15 GREEN MOUNTAIN DRIVE

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THE STENOGRAPHIC MINUTES of the above entitled public hearing BY NANCY STRANG-VANDEBOGART, a Shorthand Reporter, commencing on September 13, 2011 at 10:05 p.m. at the Public Operations Center 347 Old Niskayuna Road, Latham, New York 12110

BOARD MEMBERS:

PETER STUTO, Chairman
LOUIS MION
KATHLEEN DALTON
TIM LANE
PAUL ROSANO
TOM NARDACCI
MICHAEL SULLIVAN
ELENDA VAIDA, Esq., Attorney for the Planning Board

Also present:

Joseph LaCivita, Director, Planning and Economic Development

Chuck Voss, PE, Barton and Loguidice

Tom Andres, PE, ABD Engineers and Surveyors

Randy John, Project Engineering Manager, Matheson Gas

Joe Barnett, Director, Safety Engineering, Matheson Gas

Mike Muller, Northeast Operations, Matheson Gas

CHAIRMAN STUTO: Matheson Gas, application for final site plan approval, 15 Green Mountain Drive.

Joe, I'll let you make an introduction.

MR. LACIVITA: I'll just give you a brief history, Peter.

The project was before the Planning Department in November of 2010 with a DCC submission. It went through review at that point in time. In March of 2011 the Planning Board reviewed it and gave concept acceptance at that time.

As you said, the project is here before us tonight for final site plan approval. The applicants are here from Matheson Gas. Chuck Voss is our Town Designated Engineer.

CHAIRMAN STUTO: Okay, we'll hear from the applicant.

MR. ANDRESS: I'm Tom Andress with ABD Engineers and Surveyors.

As Joe had mentioned, this was back in February that we went through the concept review with this Board. The plan that we actually have before you is the same plan when we came to the Board in February. We had

actually completed all the details on the plan. So, other than a couple of minor little tweaks of details and things like that, everything that you see on the plan is the exactly same that you saw at concept.

Just a quick reminder of what the plan is – we have representatives that have come up from New Jersey and elsewhere, along with the project architect also in the audience who will do a quick presentation after this. Then, if the Board has any questions, we'll answer those.

There were some technical questions, I think, at the concept meeting. We were able to provide you with a lot of information about the site. We had a limited amount of technical information. Since that time, the Board has been provided with numerous studies for safety issues. We had a whole presentation that we were going to do with an overhead projector, but at this point in time it's a little too late at night to try to worry about that. Certainly, we'll be able to give you all the information that you need.

Again, this project is rehabilitating an

existing building at 15 Green Mountain Drive. Matheson Gas has rented the whole facility. They're going to be doing remodeling inside to use a portion of it for offices and some for some inside gas storage. We'd like to work on the outside to make it a little bit more presentable. It's a metal building and it's not quite attractive as it could be. We're going to do some work on that.

Then, we're creating an area that is shown here in blue (Indicating) that will be a fenced area that will be the control storage area for an outside kiosk.

We have approximately 3,200 square feet of outdoor storage building. Two of them are enclosed and one of them is actually an older lean-to. Those buildings are very sophisticated. As you go through the package, you'll see a copy of what one looks like and a lot of safety features. They have a full water system for fire protection – that's something that we're bringing in.

As far as the site improvements, we're utilizing the existing site. We're just adding a little bit more pavement so that when the

truck comes through, it has a little bit better turning motion as they unload the cylinders off the fork trucks and bring them to the storage area.

The site is currently on a sand filter system. It does have a current SPDES permit, but we are proposing as part of this project to bring it up to public sewer.

A number of years ago our firm designed a public sewer on the other side of the road as a binder system. We'll get this off the SPDES permit and get it into the sewer system where it should be.

The water system is being upgraded. We're bringing an 8-inch line into the building and that will service the fire protection systems for the small building to the rear. Then, we're updating a little from the stormwater management side to what is required with the new regulations.

This is a site that is under the one acre of disturbance so while we don't have to conform with all the SWPPP requirements of DEC, we're still obviously doing the stormwater management along with the erosion

control in the same manner.

So, that's sort of the overall view. What I'd like to bring up now is Mike Muller. He is the Northeast Operations Manager for Matheson Gas. He'd like to do a brief presentation to you and then we'll be open for some comments from the Board.

MR. MULLER: Thank you, Tom. There are three portions to the booklet that was handed to you earlier. We'd like to go through the first few slides to give you an overview of Matheson and then hand it off to Randy John who is the project engineer for the specific buildings. Then we'll hand it off to Joe Barnett, who is the President of Compliance and Safety Engineering to go through the safety aspects of the project.

Matheson is an old company. It was founded in 1929. It actually pioneered technology of gasses way back then.

On Page 3 there is a map of our footprint. You can see that we're pretty much covering the whole country – 200 locations and about 3,000 employees. You can see the dock in New York. That's a research center at Albany

Nano. We've been doing research for two or three years with IBM to try to develop the next phase of the silicon chips, the next size down.

Moving onto slide 4 – what we stand for. There a bunch of things there, but there are two that I want to point out; safety and environmental protection. In our type of business if we don't put safety number one, we're not in business very long. When you deal with gasses, we need to do it right. To do that, we empower all the employees to bring up the safety issues. We move forward and we actually have a right of refusal to do anything without ramifications of the company to identify something that is an issue. In our company sometimes the frontline guys will see something that the managers don't, so that's a really important value.

Page 5 just kind of shows the different things that we touch; welding, cutting, food, beverages, Co2, home heating propane, oil industry, medical, oxygen and of course the electronic business like Albany Med and Global Foundries.

The next page is a picture of our Nano bubbler which is over at Albany Nano with IBM. I've actually seen that and it's quite extensive. It's a pretty neat facility over there. One of the reasons why we're trying to establish a depot over here in Albany is presently we're servicing this area out of Boston. That's quite a ride. That's about four hours by truck. We don't have any other facilities close to this area. So, we're trying to support the technology and the type of companies that are in this area by having a depot right here that we could just distribute from and react quickly to our customers.

Slide seven is just a little bit on the safety culture again. Every employee is empowered to bring up a safety issue. The culture is what is key.

Page 8 is just some data on benchmarks in the industry. We have no recordable injuries. Those rates are calculated for every 200,000 man-hours of work. With vehicles it's every one-million miles of driving. Based on all this that is shown, we are big in our field. It's hard to compare because some businesses

only deal with the big tanker trucks that you see over the road, which tend to have less incidents than the small welding cylinder movement. When you compare apples to apples, we're right there.

Slide nine is just a picture of an example of some of the life safety systems that we have. Joe will talk more about that later. Basically, we do air monitoring. Any of the areas that are considered high hazard or toxic gasses. We monitor it down to two parts per billion, which is very, very fine. Way before an issue, we want to know what's going on. That's the lower right hand picture (Indicating).

The upper right hand picture is called taped detectors. That's basically like a Teflon tape that you can use up and around cylinders to detect leaks that are very, very fine. This is a system that we've been known to do for many years.

Moving onto slide 10 – this is just a vendor's letter to us.

"They handled disposal of cylinders in a proper way"

One of the cultures that we created at Matheson is a lot of people in our type of industry can take cylinders that are kind of not right and stuff them in a corner. They don't know what it is. Maybe it was in a fire and they all collect. We made it a point to collect all of those cylinders in our facilities, or in our customer's facilities, and properly dispose of them. This is just a letter saying that we are by far the leader in that industry. It's just an indication of the safety culture that we have at Matheson. It's expensive to do that, but it's worse when one of those cylinders have an issue.

Slide 11 is just a reiteration of the technology that we're trying to support here in Albany. Creating a depot and distribution is really key to that. Again, for the IBMs, the Global Foundries and the Rensselars and places like that.

That slide is some of our competition on Page 12. Air Gas and Air Products are all here. They're here with their trucks and they deliver to their customers. So, some people have some depots close by. We're hoping to

level the playing field and have one of our own.

With that, I'd like to pass it off to Randy John who is the Project Engineer that will tell you all about the buildings.

MR. JOHN: Thanks, Mike.

I'd like to first review the project scope in a little bit more detail than what Tom talked about.

The scope of the project is to modify a leased building and site located on a 3.2 acre parcel at Green Mountain Drive. The purpose of this is to store gas cylinders in support of the local electronics industry. Basically, what we're going to do is add some office space in the existing building in this corner of the building here (Indicating) and enhance the southside of the existing building and make it look more presentable. That would be along this wall of the building here (Indicating) and that would be by replacing siding, windows, doors, sidewalks, landscape and so forth.

The next portion of the project is to add two special purpose enclosed HPM buildings.

=These are specially built buildings. They have a 2R fire rating and there are four compartments in each one of these buildings. They're totally enclosed. I'll talk more about that in a minute. There is also an open lean-to structure here that is used to store gas cylinders (Indicating). These are a different type of gas cylinder. These are the flammable gas cylinders that store out here under a sprinklered enclosure (Indicating). We propose to connect to the city water and sewer systems, as Tom has talked about. There will be development of the site in adding pavement and fencing the perimeter of the property. We'll be adding security, gas detection systems, fire detection systems, sprinkler systems and special purpose abatement systems. We'll talk more about that. We'll also be making the building ADA compliant.

I've included in slide 14 some pictures of the existing site just for reference purposes.

We skip Page 15 which is a depiction of this slide here (Indicating). We'll talk about

some of the safety systems that we propose to install in this project.

There are different types of gas cylinders that are stored here. Some contain an inert product. We'll have oxidizers, pyrophorics, flammables and toxic gas systems. There are different types of gas products, which we will inventory here. The facility design meets the 2010 Building Code of New York and the 2010 Fire Code of New York and the NFPA standards, as adopted by the Town of Colonie.

Gas cylinders will be stored and then redistributed from this proposed depot. They will not be filled or opened at this facility. So, there is no handling of the actual gasses. They are handling the cylinders, but there will not be any transfilling or opening of these cylinders.

The gas cylinders are leak checked prior to being transported to this proposed depot. The valves are then wired shut and a cylinder cap installed. The inert cylinders – this would be things like helium and nitrogen – would be stored in this bay of the

existing building. Flammable cylinders will be stored in the open flammable dock right in this area here which is a sprinklered structure (Indicating). All other cylinders will be stored in these two HPM Buildings that I talked about before, which are special purpose buildings that are constructed by US Chemical Storage Systems. These are ventilated buildings which means that we're drawing ventilation of air through these compartments to special purpose scrubbers. So, if there were a leak in any of these cylinders, which is highly unlikely, it would go through these scrubbers and be abated. We also have gas detection systems in these eight compartments of these two buildings so that we can detect any kind of leakage of part per million or part per billion basis. We also monitor the exhaust of the scrubbers to make sure that there is no particular matter coming through those scrubbers. These buildings are sprinklered. They have fire detection systems in so it's a very specialize building to control and maintain these cylinders.

All of these life safety systems such as

the ventilation systems and so forth are backed up by a secondary power system. That would include the gas detection systems, security systems and abatement systems.

The security features that we are installing at this site – we're putting a seven-foot high barbed wire fence around the perimeter of the storage area with three strands of barbed wire. We're installing a personnel badge and entry system. We're continually monitoring this site with motion detectors and a security camera. Also, we're continually monitoring the fire detection and gas detection systems remotely. As I mentioned before, everything will be backed up with an emergency power supply system.

I'll talk a little bit about the abatement system. In the remote chance that one of these cylinders would have a bubble leak, the gas would be routed through one of these three scrubbers that would be installed that would neutralize the gas (Indicating).

I talked about the gas detectors. If there were any leakage of any one of these cylinders that would activate a gas detector

in one of compartments – we'd know about it instantly and respond to it. Joe is going to talk a little bit more about our response in a situation like that.

I'm going to turn it over to Joe Barnett, the Vice President of Safety Engineering for our company. He's going to talk about some of the emergency response and hazard reduction plans that we have developed for this facility.

MR. BARNETT: Good evening. My name is Joe Barnett. I'm with Matheson.

As Randy mentioned, we have put together a plan for storage and distribution of gasses to the electronics industry in this area. We have developed a couple of items that are actually quite extensive documents; one of which is an Emergency Response Plan. The Emergency Response Plan is required by our company. It's also required by OSHA and we have a procedure that we follow when we put together an Emergency Response Plan. It takes us through all the steps and makes sure that we are in compliance with the regulations so that we include all the elements.

The Fire Chief has reviewed our Emergency Response Plan and found it to be acceptable. I'd like to go over a few items on there. The people have designated responsibilities and it calls out the things that we do in the unlikely event of an emergency. It's not just a gas release kind of emergency. It would be theft.

I don't know if this area has tornados. I know that you've had a lot of rain recently.

Any event that we would consider an emergency is covered in the Emergency Response Plan; phone numbers, Police, Fire Department people to contact and that type of thing.

Also, another document that we prepared that is quite extensive is called the Hazard Reduction Plan and that goes through and follows the Fire Code. Also, we follow the International Fire Code. Also, the cities and so forth have the right to make amendments or add things to the Fire Code and in this case, we would also follow those recommendations.

The Hazardous Reduction Plan goes through and looks at the Code and makes sure that we have put all the things in place that minimize

the hazards for storing gasses in this particular location. Life safety systems, gas detection systems and things that Randy has already talked about - scrubbers, emergency power - all of those things are included in the Hazard Reduction Plan. It's an engineering activity to minimize the risk of storage of the gasses.

Also in the Hazard Reduction Plan we have an engineering consultant. We use a Professional Engineer who has looked this over and had his input into that plan, as well. He's a well respected engineer in the industry. He does this kind of thing all the time so we like to have him look at our plans and make comments and make sure that we're in compliance with the Code.

Are there any questions?

MR. ROSANO: You used the phrase emergency power. Can you expand upon that?

MR. BARNETT: They're emergency generators.

MR. ROSANO: How is that powered?

MR. BARNETT: Diesel.

MR. ROSANO: How long can you keep that

power on?

MR. JOHN: We'd have to check on that. It's 24 hours.

MR. ROSANO: Just for the record. I'd like to know that.

MR. JOHN: We'll get back with you on that.

MR. LANE: We've had power off for longer than that.

MR. ROSANO: We just went through a lengthy outage period. It's important to us.

I do have a couple of questions and I don't know if you can help me with it.

When you receive a delivery, I imagine that it's on a rack truck because you're saying that you're going to be using a fork lift.

MR. BARNETT: Yes.

MR. ROSANO: You're going to unload these cylinders outside?

MR. BARNETT: They'll be unloaded onto a dock.

MR. ROSANO: The docks that are facing the north side?

MR. BARNETT: The buildings that they're

going into will have docks.

MR. JOHN: Depending on the type of cylinder, yes. They would either go inside the existing structure, into one of these special purpose HPM buildings or on the exterior dock.

MR. ROSANO: When they come in they're palletized?

MR. BARNETT: Yes.

MR. ROSANO: Everything is palletized and basically you're just taking it off with the forklift?

MR. BARNETT: That's correct.

MR. ROSANO: Is that of concern when you're talking about a forklift unloading a pallet? I've worked in a lot of places and sometimes the operators don't quite hit the pallet correct.

MR. JOHN: That's really the standard in our industry for handling these things.

MR. BARNETT: We follow the OSHA guidelines.

MR. ROSANO: Okay. Your deliveries – are they random deliveries? I'm not talking about shipping. I'm talking about receiving. Are they random or done in the day, night or as

needed? How does that work?

MR. JOHN: There would be a schedule to be worked out – a resupply schedule. There probably would be a truck once a week that would be coming up from our main supply facility in Tennessee to resupply this facility, or there would be a truck that would be coming over from our Gloucester facility.

MR. ROSANO: So, we're not talking about daily deliveries?

MR. JOHN: No, it probably would be one to two trucks a week.

MR. ROSANO: What about on the shipping side?

MR. MULLER: It depends on the market. I can foresee this being three days a week to start. Hopefully, it will go to five days.

MR. ROSANO: That would be the goal, right? Thank you.

MR. BARNETT: I'd like to touch on slide 20 – Training. We have procedures and guides on training. We have OSHA regulations that we comply with. We have emergency response training. We have a system in place that is a computerized system which is called Your

Safety and everyone that has a need to know certain trained topics - that information comes out on the computer. A person goes through that material and in some cases they take a test. We have the monthly safety meetings and we also have toolbox talks every morning for five to ten minutes of safety training. We do a lot of training.

The next is just pictures showing the installation in our Colorado facility. There are some types of the buildings that we talked about.

MR. LANE: These are what the outdoor facilities will look like – the storage?

MR. BARNETT: Yes.

MR. LANE: Will the tanks be sitting on the ground?

MR. BARNETT: No, not on the ground. It will be paved concrete.

MR. LANE: As far as moisture – I guess what I'm saying is that these tanks are made of carbon steel, so that they can't rust.

MR. BARNETT: They could rust if they were setting in water. I think that's where you're going.

MR. LANE: Yes. It's my understanding that they should be off the ground so that they can't have contact.

MR. BARNETT: They're going to be sitting on concrete. When you do the construction, you do it so that the water flows away.

MR. ANDRESS: Let me help to answer that question. All the tanks are actually stored in these buildings, but in front of those buildings there is an elevation down so that when the pallets come in, they're put down on those pads. Those are actually being leveled with the concrete that goes into the building because these cylinders are so small and you actually transfer from the pallet by just rolling the cylinder in.

MR. LANE: How big are the cylinders?

MR. JOHN: They're all shoulder high or knee high. There are some that are a little fatter or some thinner.

MR. BARNETT: The average size cylinder is 44 liters. If you've seen a helium cylinder or oxygen cylinders – that's the kind.

MR. ANDRESS: So, to answer that, everything is on concrete. We've designed

everything so that this sits up higher (Indicating). It pitches down and this is a concrete area where that pitch is further down in the catch basin. There would be no water issues.

MR. LANE: Some of the types of gasses that you have – hydrogen fluoride, chlorine, hydrogen chloride, propane, acetylene, and ethylene – some are explosive and some are toxic. You have different storage areas, but we have Volunteer Fireman in the Town of Colonie. It's not a city. All the towns in New York State only have volunteer firefighters. So, the level of training in dealing with these types of issues may be excellent or they may not be. How do we know that if we have an event, they could handle it? What's to tell them what's there and how to handle that particular item?

MR. BARNETT: The Fire Department is going to know what we have. We train people -

MR. LANE: You train your guys, but not ours.

MR. BARNETT: I could train your guys.

MS. DALTON: That was one of my

questions. Do you have any training modules that you could use for our Volunteer Firefighters?

MR. BARNETT: I do. Let me explain a little bit about our Emergency Response System.

We train our people to handle the different events that might occur. Again, they're unlikely.

MR. LANE: But you have had them. You had a sylene release in 1997. You had hydrogen chloride in Colorado. There have been events.

MR. BARNETT: Absolutely. Events have occurred. Again, we train people to respond on whatever the leak might be and we have again, the scrubber system in place for this facility. We also have the capability to come in and contain a cylinder if we want to pick that cylinder up and transport it.

For instance, Randy mentioned our facility in New Johnsonville, Tennessee. That's where we manufacture some of our gasses that are toxic. If we have an event with one of those gasses, certainly our scrubber system would handle it, but what we would do is bring

in a containment vessel with trained people and we would put that cylinder in the containment vessel, which is DOT approved for transport, and we'd transported to a facility –

MR. LANE: If you had an event like that which was pretty much contained on site, would people still be notified? Would the Town of Colonie Emergency Services here still know?

MR. BARNETT: Absolutely, yes. That's part of our Emergency Response Plan.

MR. LANE: Is the Emergency Response Plan it says the EPA requires a worse case scenario plan for risk management. Is that something that is separate and aside from your emergency response?

MR. BARNETT: The Risk Management Plan – you have to exceed certain threshold quantities for particular gasses.

MR. LANE: For storage, you mean?

MR. BARNETT: Yes.

MR. LANE: So, you're saying that this facility is not large enough to require –

MR. BARNETT: It does require risk management. It does require PSM process safety

management. We have all the elements for that and it does require an Emergency Response Plan. Either risk management, which is EPA or PSM, which is OSHA – either one requires an Emergency Response Plan.

MS. DALTON: Does that include an evacuation plan?

MR. BARNETT: Absolutely.

MS. DALTON: Again, are our people going to be trained in the emergency response?

MR. BARNETT: We also have a commercial response company called SRS; Specialized Response Solutions. They are located in Texas, which is where I'm from. They also have a network of subcontractors. They do actually have one in Albany. What we will do as we get further along with the project - we'll come up and it will probably be me. I'll go through some of the emergency response activities that might need to take place. I'll bring in the containment vessel that we use and I'll not only train our people, but I'll train these emergency response people in the use of this containment vessel.

MR. LANE: We do have, I believe, in the

Town -- which department has the Haz Mat Team? Do you know which one?

MR. LACIVITA: I honestly don't know.

MR. LANE: One of the Departments has their own -- it's West Albany which is way on the other side. That's good to know, though.

MR. JOHN: I just want to mention that we've met with the Fire Chief, Peter Lattanzio.

MR. LANE: I was going to mention that. I didn't see anything here from Peter that he had reviewed the plan.

MR. LACIVITA: During the original concept there were some comments.

MR. LANE: Okay, I wasn't here for the first meeting. I'm sorry.

MR. JOHN: We reviewed the Code with him and the Hazard Reduction Plan and so forth.

Just to inform the Board: this project has actually gone before the Building Department and the Building Department has done a complete review. It's gone through all of the Departments. That was one of the questions that I think the TDE had brought up. It actually has gone through that. The

Building Department is actually ready to issue us the building permit. The only item that we have remaining is actually action from this Board and actual permits.

MR. LANE: Just for my edification, why this particular site? Why this location?

MR. JOHN: It's the proximity and the availability. It's in an industrial area.

MR. LANE: There are quite a few in the area, though.

MR. NARDACCI: How many times have we said it? I'll say it again. Here we are in between Global Foundries and CNSE – the Nano College - and this corridor along Route 9 is prime for providers that ship. We want to embrace pushing more that we can place there. Not just the corporate folks that want to be in the headquarters, but when the zone is right –

MR. LANE: It was a curiosity question.

MR. NARDACCI: No, but it's exactly what I've been thinking. Part of the frustration on my part -- why did this take so long to come back? We had no problems on the night of the concept.

MR. LANE: This was back in February, right?

MS. DALTON: March.

MR. NARDACCI: It's an issue that's near and dear to my heart because I want to see the Town properly positioned so that we're getting those companies that want to take corporate space in that corridor. Also, companies like this - these down shoot suppliers – we're the first stop. We should be number one. We're right in the middle.

MR. LANE: There's nothing particularly special about this warehouse, is there?

MR. BARNETT: It's customer based.

MR. MULLER: When we did a study in the area, we looked at several sites and we looked at neighbors. On one side is safety clean and the other side is a little road. We really don't have any other neighbor. We have a neighbor beyond that. Across the street – there really isn't anything there. This is a decent sized lot for industrial use.

MR. BARNETT: Semi-conductor customers – when they want something, they usually want it right away. They don't want us

to say, well, we'll have it for you from Tennessee in a week. They want it tomorrow or the very same day.

MS. DALTON: How many jobs will be created here?

MR. JOHN: We'd like to say 50, but we're probably going to start with four. I've seen depots go up to twice that amount. It depends on how much we get into other types of business.

MR. ROSANO: How long before this building will outlive itself size-wise? That's my concern. To me, when Lou and I went up there, the first thing that I said was, it's an awful small building.

MR. JOHN: We're going to use one-third of it. So, we still have two-thirds there and that's a decent amount of what we need. We have some are in the back.

MR. ROSANO: Yes, I saw that.

MR. BARNETT: They're relatively small containers.

MR. ROSANO: It just seemed like a small building.

MR. BARNETT: Yes, they're relatively

small containers.

If you go to the next page, go down to paragraph three. I wanted to call that to your attention. The Compressed Gas Association – we've been a member and so forth.

You mentioned a couple of incidents and yes, we've had incidents. What we try to do is learn from those incidents. You mentioned one in California back in the 90's.

MR. LANE: They were incidents that I found –

MR. BARNETT: That's fair, but I want to point out that when something like that happens, you learn from it. You go back and you do an analysis and you make the changes that prevent it from reoccurring.

MR. ROSANO: I have a question. You monitor this building with computers. Inside the building, do you have battery back-ups for just the computers in case the power goes out, or are you going to rely on your main power source? We all know that computers can shut down.

MR. BARNETT: There are battery back-ups

for the computers.

MR. JOHN: There will be gas detection, fire detection, security systems and abatement systems. They're all backed-up, whether by generators or assisted systems.

MR. ROSANO: Thank you.

MR. BARNETT: And just to follow up, quickly on the design of this building – this outdoor storage building - the design of that building came about as a result of that incident in '96. If you look at the Compressed Gas Association and go into their publication areas, there is a publication G13 that's like 70 pages long just on the storage of sylene. A good portion of the recommendations came as a result of that incident. We don't want to have those things happen.

MR. LANE: I don't know what the actual proximity is to the neighborhood.

Joe, what would the nearest residential property be to these folks?

MR. ROSANO: It's Fonda Road.

MR. LACIVITA: It's a good distance. During the concept plan, I actually gave an aerial.

MR. LANE: I saw that, but I couldn't judge the distance that well.

MR. VOSS: About 1,600 feet.

MR. BARNETT: One more thing that I wanted to add is the activity in Matheson is very active in the Compressed Gas Association. A lot of the information that goes into these publications actually gets adopted by the regulatory agencies. So, if you look in your DOT and OSHA regulations, when they call it incorporated by reference, IBR – we're kind of proud of that.

MR. LANE: I don't have anything else. Thank you.

MR. BARNETT: Thank you. Any other questions?

MS. DALTON: The last time, we asked some questions about the monitoring and the regulatory agencies that were involved in oversight. I wondered if you could give us a little bit of information and explain.

MR. BARNETT: There is no one agency that looks over the Compressed Gas Association. However, like any industry, we have to comply with the EPA regulations. We have to comply

with OSHA regulations and because we're transporting our goods on a public highway, we have to comply with the DOT regulations. There are several that govern our activities.

MS. DALTON: We talked about the fact that you have onsite security.

MR. JOHN: We'll be monitored 24/7.

MS. DALTON: What are your response times if there is an event for someone to actually be there and deal with it?

MR. JOHN: Typically, what I've seen is the Police are typically the first on the site unless somebody lives right there and then they're there in like five minutes. Typically, we have one or two people that are there in like 20 minutes.

MS. DALTON: So, the Police are some of the first responders that you have in your training, or are you assuming that our Police are trained in this?

MR. JOHN: Well, there is Fire Services and the Fire Department, of course. They would be notified. Any one of those agencies would be first –

MS. DALTON: Right, so my question is:

Are you familiar with what the procedure was for those first responders and what the training procedures are? Do you need to step in and make sure that they are trained with what's going on in any facility in particular, or are you certain that whatever training that they've got before you get here is just fine?

MR. JOHN: What we have found in the past is that with a break-in, the Police usually check outside to make sure that nobody is in there. If there is a fire, depending on what's going on – if it's an actual flame, they try to push down the flame, but they usually don't go in until it's stabilized.

What we do with the Fire Departments is on a yearly basis we invite them in as part of our fundamental business to show them what we're doing and to educate them in what's going on. If they have turn over, we'd like to offer a sort of training that they may ask for along with some of the specials.

MS. DALTON: And if we ask for additional training, do you guys bear the cost of that or are we expected to pay for that?

MR. JOHN: In the past we have done the

training.

MR. BARNETT: I'd be glad to do any training you would need.

MR. JOHN: We've never seen it get costly. We don't buy any new equipment. They should have all that. We do all the informational stuff onsite; show them what's going on, videos and stuff that can be done. over the year. We have found that we have a real good communication, if something does happen, they're prepared.

MR. BARNETT: What I've done is when we start hiring people and have people come on board to do the training, I will bring in the subcontractor for SRS in this area and I'll have those guys come in and assist in the training. If there is any emergency response group that would like to sit in on it, they're more than welcome to. We'd be glad to have them.

MR. LANE: That would be strongly encouraged because as I said, our departments are volunteer. You will have turn over.

MS. DALTON: Are there requirements for you to coordinate with - like your evacuation

plan with anything like the National Guard or Department of Naval Military affairs or any of those?

MR. BARNETT: The National Response Center – if a certain amount of gas leaves the property for any reason, you have to contact the National Response Center, which is the Coast Guard –

MS. DALTON: What I'm trying to get here is I understand that our first line of defense is to make sure that nothing happens. But if something does happen, then every minute that something has gone on and someone is not there to deal with it is a minute that increases our risk. I understand that you have laid out very nicely that your company is all about mitigating risk. I understand that. Outside of your employees and your companies, it's us that have to figure out how to respond to the risk. I want to know if there are requirements for communicating with us and letting people know that -- the people that should know that you're there – letting them know that you're there and being engaged with them. Not just when you first arrive so that as we have

turnover, the first responders know the evacuations folks, whoever they may be. I don't actually know who they are, but they will know.

I've said this before. I'm really excited about this project. I think that, like Tom, I'm very excited about the economic development that can go on here. It needs to be in a planned and mindful manner.

MR. BARNETT: That's exactly what the Emergency Response Plan does. It lays it out.

MR. JOHN: The other point here that might be of interest is the likelihood of having several of these cylinders leak out is very, very unlikely; one let alone several. You can hit these things with a hammer, drop them -- they're very, very rugged. They're designed that way. These cylinders are built to do what they're supposed to do.

MR. LACIVITA: I'd like to ask one question. I'd like to piggyback off of where Kathy is going on the safety component.

If there is an event that happens in these bunkers, or whatever you want to call them - do you release a certain chemical? I'm

assuming that it's a powder chemical to whatever it might be to suppress whatever may come out.

MR. BARNETT: It depends on the gas, of course. If there is a leak, the gas is going to come out. There is a ventilation system that runs continuous and it takes the air from the storage area -- it's specified in the Code. It takes it through a hood, if you will, and then applies it into the scrubber system. Then, depending on the gas, we refer to the scrubber system which is a tank that has carbon and it actually absorbs the leaky gas onto the surface of the carbon.

If it's acid gas, it's going to be some type of material that's going to neutralize the gas so that the result of the air that's going out the stack is that there is no leaking gas because it's been contained in the scrubber system.

MR. LACIVITA: So, that was the layman explanation that I was looking for. Now the question becomes in transporting. Where it's going to be stored? What happens if you had an event there and it's outside the scrubber

component, how does that then work?

MR. BARNETT: That would also apply to any kind of transportation emergency. We're going to be loading these things on trucks all over the country. I keep mentioning Tennessee because that's where our main plant is. We're going to be transporting these gasses to all over the country, but some of them are coming right here to this specific facility; assuming we get approval. That's what we call an event in transportation.

That's where the ChemTrack comes into play. It senses or detects a leaking gas in transportation. There is an 800 number and that's ChemTrack. ChemTrack is in Washington, DC and they're manned 24/7 and they're going to get back in touch with the shipper. That's their goal. Matheson has a list of people with ChemTrack that are capable of dealing with emergencies in transportation. I say capable and that means that they in turn have names and numbers and people that they can get in contact with that can get the emergency response equipment to the site to detain the leaking cylinder.

Our leak check is very sensitive. Once that cylinder is packaged and the valves closed and leak checked, then we actually have a valve outlet cap that is a gas tight closure that we put on the outlet before it's shipped. So, it's a well designed and well contained package. Again, if something were to happen in transportation, we have a mechanism in place. All the chemical companies use ChemTrack. It's all the same. ChemTrack will get back in touch with the shipper.

ChemTrack is very good at finding the shipper, by the way. I've received their phone calls from all over the place. They will almost always find the shipper. If per chance they weren't able to get in contact with the shipper, we have another organization. It's part of the CGA. It's called CGEAP; Compressed Gas Emergency Action Plan. There is a book that goes along with CGEAP. Again, it's a list of phone numbers and people and emergency response equipment – ChemTrack has that same book. They have that same list of people. If they do get in contact with the shipper, they're going to go to that book and they're

going to find the closest emergency response team to the incident and they're going to call them. They're going to get somebody in touch with the people that they need to get in touch with to handle the incident.

CHAIRMAN STUTO: Do you have more to your presentation?

MR. BARNETT: No, sir. Do you have any questions?

CHAIRMAN STUTO: We'll have our Town Designated Engineer make his comments.

MR. VOSS: Essentially, when we looked at the project early on, we're looking at the site analysis and the site development pieces. It's a pre-existing building. The building was in an industrial use. We looked at it more in term of: Does the building need work? They have sewer and they have water.

If you look at our earlier concept review letter, we just listed some general items of concern. There was nothing critical with the site. The stormwater management area seemed to have some consistencies that we felt were adequate. Overall from a site plan standpoint and site plan, the project seems to work. The

site fits. Circulation is fine. Parking is fine.

We didn't address the actual contents of the building with the gas issues. That was more for the applicants to address and we felt that they probably did that pretty well tonight. Again, from a pure site plan standpoint, it seems to work. There are existing sewer connections and existing water connections. We had some minor stormwater comments on the old septic area in the back, but I think that Tom has been able to look at that and address those as they move forward. So, all things considered, the site from purely a site planning standpoint, it seems to be adequate at this point, anyway.

CHAIRMAN STUTO: Did you have concerns about dispersion study?

MR. VOSS: That was one of the questions early on that I think this Board mentioned. That's where some of our communications with the applicant and certainly with Joe's office I think led us to having them do a more detailed presentation to the Board.

If you remember early on, the Board had

questions about what happens off site? What happens if there is a catastrophic release? What if some of these components do get out? The Emergency Response Plan addresses how they deal with those things. This Board was, I think, asking for early on is what we're calling an offsite consequence analysis. What happens in the surrounding area if there is a release? How do you deal with that? How do you model that and where does that go? I think that the applicant's point of view was the level of material that they're having onsite didn't trip the federal requirements for an OCA. As this Board knows, it's certainly well within your purview to request special studies for any kind of project that you look at. This project seemed to rise a little bit of concern with some of the Board Members early on about what happens off site if there is a release? That's an issue that we have raised with the applicants. They have not supplied an OCA, although we've discussed it several times. That's kind of up for the Board to determine if you want to take it one step further and ask them for that information or proceed with

the information that they gave tonight, which was very thorough.

MR. NARDACCI: As far as the level that requires a federal study, what is that level versus what you have onsite?

MR. BARNETT: I'm showing him a sheet that we use to determine requirement for offsite consequence analysis. What we do is we look at our inventory total with the different chemicals. As you can see here, we have the quantity listed in pounds and then we look at the RMP. We're below the RMP, which indicates for this management plan which requires OCA -- we're below that so we don't require it.

MR. SULLIVAN: Who monitors those levels? If you happen to be below 1,000 pounds and you say you have 550, how do we know that?

MR. BARNETT: We'd be glad to let you see that. We would show you our inventory. We're not going to lie about that.

MR. NARDACCI: What are your consequences? Are there federal consequences if you're over that requirement?

MR. BARNETT: Of course, absolutely. We'd

be in violation of the law – there would be no way -- if we're over RMP levels, we're going to follow RMP to the letter.

MR. SULLIVAN: The reason that I ask is that there was a memo where we were talking about Arsene and various numbers were thrown around. There was 2,647 pounds, but there was a 1,000 pound threshold. Later on in the memo, it said that you believe that you can service your customers with 550 pounds stored onsite. In doing so, you no longer need the Risk Management Plan. To me, that seems rather odd that you said well, we'll get underneath 1,000 pounds and we won't do a Risk Management Plan. That kind of threw up a red flag to me. I was concerned that you could be under 1,000 pounds. No offense, but how do we know that you don't have 1,200 pounds? I guess that's my question.

MR. BARNETT: I guess the only way that I could answer is that obviously we're not going to falsify our records. If something were to happen and we were audited by a regulatory agency and they found that we had exceeded our limit and did not follow the regulations, we'd

be in big trouble.

MS. DALTON: Are those additional plans extremely expensive to have?

MR. ANDRESS: Let me sort of answer the question here. That was brought up with the amount of poundage of storage and we did have that discussion with Matheson Gas. They determined that they could keep the smaller amount in inventory and just be able to bring additional inventory as they needed it. As they said they are replenishing on almost a weekly basis. That's why we looked at it and they said we don't want to go to that threshold. The other question that I think was just brought up was that we're looking at a couple months study and potentially in the area of $10,000. It's a very detailed study because it's at the next level of storage. Again, we had a lot of e-mail correspondence back and forth. I don't think that it was ever resolved so hopefully we can answer the questions regarding storage.

Of course, as you know, and it was mentioned in the very beginning – Matheson Gas is one of the many suppliers. Those other

suppliers are here. I'm not even sure. They may be in the Town of Colonie, but even if they're not, most of these products are at the manufacturing companies that are in the Town of Colonie, as well as all the other towns around. You have to remember that it's a distribution warehouse. They're just taking this product and putting it in someone else's inventory for the manufacturer. So, these same gasses and stuff are there and are probably handled very carefully, but I'm sure that not at the same level of care for the storage that Matheson Gas takes. The industry is obviously very concerned and they do a lot of storage for their gas.

MR. LACIVITA: To the point that you're talking about and Mike is talking about as well - is your building permitted and then you have to monitor it based on the volume that you're storing? Am I trying to make it too simplistic? If you have 10 bottles of this and this is the volume of it, does your permit allow you a cap on a given item? Do you carry XYZ component in a cylinder? Does your building have a permit that says that you can

only carry so many pounds of this?

MR. BARNETT: I don't think that the building has a permit. There are these numbers that are on the sheet –

MR. LACIVITA: Under the federal licensure?

MR. BARNETT: Yes.

MR. LACIVITA: So, that's where you monitor it? You have to keep track of what you have in inventory.

MR. JOHN: And we do that and report that against these thresholds that you see. If we trigger, they'll give us a call and say you're over and you have to reduce that.

MR. BARNETT: And as he mentioned, there is a cost associated with it and then a permit application from the EPA and so forth. It can be done. If we can get by with the amount that we've got, then why go through that?

The other thing to think about is that the OCA is going to track the IDLH from release. We're not going to have a release of IDLH. Our scrubber system is going to contain the product, if we were to have any kind of leak.

MR. SULLIVAN: I have another question. The Arsene terribly concerns me. I've read up on it. It kind of concerned me that it was considered as a chemical weapon in World War I. I'm concerned that as Joe alluded to, what happens outside of the scrubber system. What if it's a transportation accident and it's in the truck on its way up from Tennessee or it's from you facility going to Saratoga or if it's dropped in the parking lot? You said that we can call a 1-800 number, but what happens while the container is sitting there leaking?

MR. BARNETT: You're going to have to evacuate a specified area that's specified in your first response guidebook.

MR. SULLIVAN: That's why I was wondering would the risk management plan add to that? I want to make sure that is clearly defined and people know that you need to evacuate in a one-mile radius or –

MR. BARNETT: It's clearly defined in the emergency response guide.

MR. SULLIVAN: My concern is that if we have Volunteer Firefighters with a turn over, I want to know that if there is a leak that

people know what to do.

MR. BARNETT: If they call in and report that the Arsene truck is leaking, that report gets to me or anyone else in the ChemTrack at Matheson - if they don't know it, we're going to tell them. We're going to the emergency response book. In fact, you can pull if off the Internet as well and say, you need to evacuate a radius of this distance.

MR. SULLIVAN: My concern is that is going to take five or ten minutes and that cylinder is leaking.

MR. BARNETT: You're talking about a very, very, very remote possibility.

MR. JOHN: These cylinders are actually being transported right now and they're being transferred by Matheson Gas from their facility over in Massachusetts. They may not be unloading them at this site, but they're unloading them at some of the users in the area, as the other competitors of Matheson Gas are doing. While it's always nice to make a lot of scenarios, all those gas cylinders are floating around and sitting in different facilities right now.

MR. SULLIVAN: But if we're going to be headquartering it in Cohoes New York -- that's my problem. We're going to be a distribution center –

MR. JOHN: I think that the thrust of this presentation to you is the storage of the cylinders there. Other than the unloading that is an issue, what we're showing you is the storage of those cylinders. The scenarios that you're brining up – if it's dropped or if it falls off a truck or something – that can happen anywhere in transportation.

MR. MULLER: These cylinders are designed for that.

MR. SULLIVAN: For vehicle impact?

MR. JOHN: Yes. They have threads on the top that protect the valve. That's all capped up. They can take abuse. They've been designed just for those reasons.

MR. SULLIVAN: I don't mean to single you out. I'm not saying that your facility is the only one transporting Arsene, but my concern is bringing it into the community and at a distribution center where you're taking it in and storing it and you're traveling on roads

through this Town. That's why I want to make sure that everyone knows what to – it concerns me that if it did happen -- say a semi T-bones you at an intersection. It's not your fault.

MR. JOHN: Yes, it will take that abuse. If we feel that this is not good, it's going to go to ChemTrack, but we're going to call them. We're going to say, hey, we think that you should evacuate the building. We're not sure, but we think that you should. The quick response that we're talking about is to get people away from our facility right away.

MR. BARNETT: It probably doesn't answer your question, but these are issues usually when you're opening and closing valves.

MS. VAIDA: Does the report that we were talking about before - is that the report that I've seen when I was doing a little research where they talk about the worse case scenario and they sort of lay out what could happen?

MR. BARNETT: The worse case scenario is the Hazardous Reduction Plan. We have the scrubber system and it's designed to handle release of any of the containers.

MR. JOHN: They are designed to absorb

all that material and keep the exhaust below a level that would be threatening to a human being.

MS. VAIDA: Aren't there studies that sort of show you in your particular community what the worse case scenario could be? An accident while you're bringing the stuff in? How far the gasses could spread?

MR. BARNETT: You're talking about the plume study?

MS. VAIDA: Yes, and then how you would respond to it. That might give people more of a comfort level to see it.

MR. BARNETT: I don't know it necessarily tells you how to respond to it, but you can do a plume study and the central portion of the plume is going to be the IDLH. That's part of the offsite consequence analysis. Again, our intension is to never have IDLH levels of gas leave our facility because of the scrubber system and the ventilation.

MR. JOHN: The IDLH level is the level at which it's a threat to a human being. The exhaust of the scrubbers is designed in the worse case scenario that it would never exceed

one-half of that level at the exhaust of the scrubber. So, if it were to go out beyond the bounds of the property, there would be many, many times below that level. So, you can see that it wouldn't be a threat to a human.

MS. VAIDA: That would then depend on whether or not the scrubber system is fully operable.

MR. JOHN: That's why we designed a number of features there. We have the gas detection system in the compartments. We also have the gas detection system on the exhaust of the scrubber being monitored so we would know if anything broke through the scrubber. We also talked about the emergency back-up systems with power and so forth to make sure that ventilation is running all the time.

MS. VAIDA: Have you ever had any of your facilities undergo a hurricane or tornado to see what happens?

MR. BARNETT: Yes.

MS. VAIDA: What happens?

MR. BARNETT: Well, being in Houston, I managed that facility for 16 years there. The standard practice for hurricanes is to secure

the cylinders with ropes, nested in groups of 25 or 30, a couple rows – one on the top and one on the bottom. Then, you go home and take care of your family. Actually, Alicia in 1981 – I don't think that we had any cylinder in the plant that was compromised.

MS. VAIDA: What is the worse accident your company has experienced?

MR. BARNETT: Since I've been with the company, the one that got a lot of press and really concerned us was the event that occurred in California in 1997. Fortunately, no one was hurt. No one was injured, but the fact that we had to have that happen was disturbing to us. We did a lot of investigation to determine the causes of it. Since I've been with the company in 1981 – that's 30 years that there have been no fatalities. We probably have more OSHA recordable injuries related to handling the product - lifting and back injuries and things of that nature than we do gas explosion.

CHAIRMAN STUTO: I apologize for the lateness of this, but I do want to go back to our Town Designated Engineer.

Can you go over the reasoning why we would want an OCA? I need your recommendation. I'm not a chemist here.

MR. VOSS: I'm not a chemist here.

The other question that I had was were any of your other facilities required to have an OCA as part of your site plan approval process? If so, what were those thresholds or why?

MR. JOHN: I've been involved in two recent projects; one out in Colorado and Albuquerque, New Mexico. The answer to that is no.

MR. VOSS: I know typically – I think that the Board has been a little nervous about what if scenarios. Certainly with a project of this nature, it steps outside of the normal bounds of the typical industrial product that we would see. Just because of the potential hazardous nature. The Board on many occasions has asked for special studies for many different projects of many different types. It's a routine thing that most Planning Boards in New York State ask for. Whether it's an OCA, or whether it's a traffic analysis that's

major, or it's an enhanced wetlands study; those types of studies are routine for Boards to ask for.

My recommendation would be to ask for the OCA, as a matter of due diligence. It's up to the Board to make the final decision. Again, it's another piece to help you make an informed decision about the potential issues associated with a facility like this.

MR. NARDACCI: I'm just going to make a comment. It's September.

MR. JOHN: We did submit the plan two days after – we submitted February 17th for the final plan.

MR. NARDACCI: Let's be honest here. It's September. We met in February. Are we just requesting this? In the e-mail, it seems like it's just requested last week.

MR. LACIVITA: No. It was requested right from the get-go, Tom – right through concept plan.

MR. JOHN: That's not true. We had e-mails through the correspondence and at one point in time we provided a lot of information and then all the sudden I believe that the TDE

came back looking at the inventory and said, you meet the requirement for this. That was a number of months into it.

MR. NARDACCI: Maybe I stand alone in this, but I'm going to express my opinion. I just don't see the necessity. I think the fact that February to September - I mean, what was the delay? We approved this unanimously at concept and then here we are. We're trying to work up against moving these projects forward. For us to say we should have this study and no one else requires it - the EPA doesn't require it, but we're the Town of Colonie Planning Board and we're going to require it? I just don't get it. It doesn't make sense to me. I think that it's onerous and it's unnecessary. I think that it sends the wrong message. I think that it sends the wrong message to Tech Valley that Colonie isn't a place to do business and I'm afraid of that. I think that we need to do a better job with companies that come to us that are downstream suppliers.

There are gasses listed on there that I've never heard of. I guarantee 100 percent that those gasses travel through this Town

every day, somehow, and you've never thought about it.

MR. JOHN: They're actually in the buildings of this Town.

MR. NARDACCI: We never thought about them and we've never cared about them, but now we want to have additional studies that aren't required by the EPA or that Albuquerque, New Mexico or Silicone Valley don't require.

MR. ANDRESS: We did note though when we submitted back to the Board - we submitted those two sites and we did the proximity of nursery schools and daycares.

MR. NARDACCI: This is an industrial zone. Industrial use in an industrial zone that's right next to the landfill – where else in the Town of Colonie would you put this thing? It's a stone's throw from this landfill. If I lived on that end of Town you know what I'd be concerned about? The landfill. That's what the residents should be more concerned about.

We all have propane cylinders on our back porches. When you have an emergency response, do you notify your neighbors if something

happens? If a tree falls on your propane cylinder do you notify the neighbors?

MR. SULLIVAN: Tom, did you read about Arsene online?

MR. NARDACCI: Yes.

MR. SULLIVAN: I disagree with you.

MR. NARDACCI: Well, you know what? We can agree to disagree. The fact is how many buildings does the Town have Arsene in?

MR. SULLIVAN: I don't know, but how many buildings have 550 pounds of it sitting in it like them?

MR. ANDRESS: That is used in the electronic industry, so it's sitting over at SUNY Nanotech and it's sitting over at RPI.

MR. SULLIVAN: My problem is that we're going to have trucks coming up three to five days a week from Tennessee –

MR. NARDACCI: They're already coming through Colonie.

MR. SULLIVAN: They don't go to Fonda Road every day. That's my problem.

MR. NARDACCI: Do they travel the Northway every day to go to Global Foundries? Does that cut through the Town? Yes.

MR. SULLIVAN: You can guarantee that everyone is safe in the Town?

MR. NARDACCI: I'm not going to guarantee anything. What I'm saying is that there are federal regulations that they are in compliance with.

MR. ANDRESS: The Fire Department has looked at it and signed-off on all our plans including those studies. They're not concerned about it. Obviously, they're always concerned about it, but they signed-off to allow us to build a building. The only thing that we have is obviously the concerns that this Board has because we need the approval, or we can't build the building.

MR. LACIVITA: Tom, even up to yesterday, I asked Mr. Lattanzio to give me the same conversations or the same things in writing that he supplied to you and I've yet to get them. One of the things that we can't do to act on the project is - Chuck and I weren't able to actually finalize SEQRA because I've yet to get from Mr. Lattanzio -- I've asked him several times for the conversations that he's had specifically with you guys. I've yet

to get something in my file. And you can look at it as it stands here. I've yet to get anything from him that allows us to complete SEQRA.

MR. ANDRESS: We provided you an e-mail from the Building Department showing that –

MR. LACIVITA: The Building Department is one thing. I was asking for Fire Safety, specifically.

MR. ANDRESS: The Building Department will not issue a building permit until Fire Safety has looked at it. We all know that. So the Building Department gave the list of the items that were remaining on there. It was the approval from this Board, and water and sewer. Those were the three items that the Building Department is waiting for to release. They won't release anything until they've gone through Fire Safety. We can't force someone to provide that to us, but at the same time I'm thinking that we've provided certainly adequate information for this Board to be able to act on an EAF for storage.

CHAIRMAN STUTO: I think that it's time to bring this to a head. I'm in favor of the

OCA. I don't think that we can finish SEQRA without it.

MR. JOHN: Can I make a comment about the OCA study, itself? The basis of the OCA would be the exhaust from the scrubbers and the exhaust in itself is one-half the IDLH level. That's what their designed for. That's the worse possible point coming out of that when you have the level that's a threat to a human being. So, any kind of dispersion study beyond that is going to be much much less than that in the boundaries of the property. By definition, we can go through the dispersion study, but by definition it's not going to be a threat beyond the exhaust of the scrubber.

MR. VOSS: Your starting premise is inaccurate because I think what they're concerned about is not a release out of your scrubber building; it's the release that's outside of that containment. If something pops off a truck or if someone backs into you in the parking lot and cracks a cylinder.

MR. JOHN: That's not part of that study so that wouldn't be included.

MS. VAIDA: Maybe you could explain

exactly what the study would cover so that we can understand what we're asking for?

MR. VOSS: If you have a catastrophic release on site, an OCA should technically cover that - if I'm not mistaken - based on my research. If you had a release in the building or if you had a release in one of the containment buildings that are scrubbered, or if you had a release in the parking lot, an OCA should be able to map that and show that, correct?

MR. JOHN: Yes.

CHAIRMAN STUTO: Okay, well we can't complete SEQRA tonight. I think that's correct. We can't take final action, so it's either a motion to adjourn or before that to inform the applicant that we'd like to have an dispersion study.

Is there any discussion on that matter?

I'm in favor of asking for a dispersion study.

MR. MION: I agree with Tom. I think that they've done everything else that we've asked. They meet all the rest of the standards. This is just one more additional thing. If we

wanted it, we should have asked for it back in February or March.

CHAIRMAN STUTO: Well, we did ask for it in March.

MS. VAIDA: I don't know if the Board has enough information at this point to even know what questions to ask.

We can say like if there was a leak outside the plant, what is the furthest or how far it could go - so that if we had that information and it shows that it would stay outside of the residential areas, maybe the Board wouldn't be as concerned. Is there a way to describe that?

MR. BARNETT: There would have to be a point in which we would assume that a release would occur.

MS. VAIDA: It probably depends on the type of gas.

MR. BARNETT: Well, it does. It depends on the gas and it depends on the weather conditions. It depends on a lot of things. They do a worse case scenario which is like you have a gas release and you have a dispersion study and then they do another one.

They do another modeling. I don't know the exact terminology, but it's a more realistic type of a release scenario. You do have a point and it will computer model generate a plume.

MR. ROSANO: You've done all those studies, but it would depend on which way the wind was blowing.

MR. BARNETT: I know.

MR. ROSANO: You don't have too much product. We're going to go above federal regulations? I think that we're going too far with this. I have to agree with Tom. We're over regulating ourselves to death here. We don't know which way the wind is going to blow.

MR. BARNETT: You're absolutely right.

MR. ROSANO: So, we're talking about something that may never happen. Now we're going to ask them to do a study on it? I'm sorry.

MS. VAIDA: I think that the Board needs to understand – I think what started the whole discussion was that the original application, in and of itself, triggered the federal

regulation requiring this offsite test. Once that was brought to their attention, they then decided to reduce the amount that was being stored there so that they wouldn't have to do the study. It's not like something that we just came up with.

CHAIRMAN STUTO: I think that we're at a point where we can make a decision. The engineer recommended it. Other people have had arguments against it.

We have a motion to require the OCA?

MR. SULLIVAN: I'll make the motion.

CHAIRMAN STUTO: Do we have a second?

(There was no response.)

CHAIRMAN STUTO: I'll second it.

All those in favor?

MR. SULLIVAN: Aye.

CHAIRMAN STUTO: Aye.

All those opposed?

MR. NARDACCI: Nay.

MR. ROSANO: Nay.

MS. DALTON: Nay.

MR. MION: Nay.

MR. LANE: Nay.

CHAIRMAN STUTO: Okay, the nays have it.

We can't go forward with SEQRA right now until we get more information from Fire, is that right?

MR. ANDRESS: I guess we would like an explanation of that. Irregardless, we have a comment letter from Fire for DCC. They had all of this information. They have a comment letter saying that they have no issues.

MR. LACIVITA: DCC was when?

MR. ANDRESS: It was probably in November or December?

MR. LACIVITA: We had these two plans after DCC; that's my understanding.

MR. ANDRESS: I guess my question is if we provided this every time and everyone has copies of those -

MR. LACIVITA: Tom, I'm trying to give you a timeline and not be argumentative.

These two reports came after DCC and I've been after Mr. Lattanzio as to a report. He shared it with Matheson and he shared it with you. He never gave it to the Planning Department in order for us to finalize SEQRA. I asked him as of yesterday to get the report. If we can finalize SEQRA we can vote on the

project.

MR. ANDRESS: I don't see how we can be held responsible that he's not providing that. I think that you have enough information that you can act on SEQRA.

MR. NARDACCI: We need it in order to move forward.

MR. LANE: Our guys dropped the ball.

MR. NARDACCI: It's not your fault.

MR. LACIVITA: You said that you had correspondence.

MR. ANDRESS: We provided you the e-mail. I got an e-mail from the Building Department saying that these were the items remaining for the two –

MR. LACIVITA: And maybe I'm not being specific enough. Do you have comments from Fire Safety? I think that when we spoke about it on the phone, you said that it already went through with Peter Lattanzio on the project and everything is okay. I need something concrete that he studied the plans from Peter Lattanzio – not Building. Building is not the one issuing any permits here. I want to see something from Peter Lattanzio saying that

these plans have been reviewed. I know that the Board has reviewed them. Then, we can do the SEQRA on it.

MR. ANDRESS: I understand what you're saying, but the Building Department is the only one that issues the permit; Fire doesn't.

MR. LACIVITA: Correct, but I need something from Peter. I've asked and asked and asked and I don't have it. If I can get that from you or from Peter that says that they've looked at it –

MR. JOHN: The only documentation that I have is I sent copies of the Hazard Reduction Plan or the Emergency Response Plan to Peter. I've documented it in the letter and I have that correspondence.

MR. LACIVITA: The thing is that I'm cc'ed with those e-mails that I get it and I ship them off to Chuck to review. Yet, we've yet to receive a comment that he's reviewed it. I will push him again tomorrow so that we can move forward on the SEQRA to see if I can get this done.

CHAIRMAN STUTO: We'll get that done and we'll call this project back.

MR. NARDACCI: I have just a comment. I know that it's getting late. I just think that as a Board and as a Town, a Department, elected officials, we really should pay close attention to what's happening in the region with regards to high tech and who is coming down the pike. I think that this is the first of many that are going to be looking to Colonie. I would just like to see a quicker process for these reviews.

(Whereas the proceeding concerning the above entitled matter was adjourned at 11:57 p.m.)

CERTIFICATION

I, NANCY STRANG-VANDEBOGART, Shorthand Reporter, New York State Approved Transcriber and Notary Public in and for the State of New York, hereby CERTIFY that the record taken by me at the time and place noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

NANCY STRANG-VANDEBOGART

Dated September 22, 2011