

1 PLANNING BOARD COUNTY OF ALBANY
2 TOWN OF COLONIE

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5 MATHESON GAS
6 APPLICATION FOR FINAL SITE PLAN APPROVAL
7 15 GREEN MOUNTAIN DRIVE

8 *****

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

15 BOARD MEMBERS:

- 16 PETER STUTO, Chairman
- 17 LOUIS MION
- 18 KATHLEEN DALTON
- 19 TIM LANE
- 20 PAUL ROSANO
- 21 TOM NARDACCI
- 22 MICHAEL SULLIVAN
- 23 ELENDA VAIDA, Esq., Attorney for the Planning Board

24 Also present:

- 25 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

1 CHAIRMAN STUTO: Matheson Gas,
2 application for final site plan approval,
3 15 Green Mountain Drive.

4 Joe, I'll let you make an introduction.

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

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

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

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

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

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

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

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

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

25 Again, this project is rehabilitating an

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

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

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

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

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

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

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

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

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

1 control in the same manner.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Moving onto slide 10 - this is just a
23 vendor's letter to us.

24 "They handled disposal of cylinders in a
25 proper way"

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

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

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

1 level the playing field and have one of our
2 own.

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

6 MR. JOHN: Thanks, Mike.

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

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

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

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

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

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

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

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

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

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

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

25 All of these life safety systems such as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Are there any questions?

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

21 MR. BARNETT: They're emergency
22 generators.

23 MR. ROSANO: How is that powered?

24 MR. BARNETT: Diesel.

25 MR. ROSANO: How long can you keep that

1 power on?

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

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

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

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

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

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

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

18 MR. BARNETT: Yes.

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

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

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

25 MR. BARNETT: The buildings that they're

1 going into will have docks.

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

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

8 MR. BARNETT: Yes.

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

12 MR. BARNETT: That's correct.

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

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

20 MR. BARNETT: We follow the OSHA
21 guidelines.

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

1 needed? How does that work?

2 MR. JOHN: There would be a schedule to
3 be worked out - a resupply schedule. There
4 probably would be a truck once a week that
5 would be coming up from our main supply
6 facility in Tennessee to resupply this
7 facility, or there would be a truck that would
8 be coming over from our Gloucester facility.

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

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

13 MR. ROSANO: What about on the shipping
14 side?

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

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

20 MR. BARNETT: I'd like to touch on slide
21 20 - Training. We have procedures and guides
22 on training. We have OSHA regulations that we
23 comply with. We have emergency response
24 training. We have a system in place that is a
25 computerized system which is called Your

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

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

13 MR. LANE: These are what the outdoor
14 facilities will look like - the storage?

15 MR. BARNETT: Yes.

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

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

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

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

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

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

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

17 MR. LANE: How big are the cylinders?

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

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

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

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

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

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

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

24 MR. BARNETT: I could train your guys.

25 MS. DALTON: That was one of my

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

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

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

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

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

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

1 in a containment vessel with trained people
2 and we would put that cylinder in the
3 containment vessel, which is DOT approved for
4 transport, and we'd transported to a
5 facility -

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

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

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

17 MR. BARNETT: The Risk Management
18 Plan - you have to exceed certain threshold
19 quantities for particular gasses.

20 MR. LANE: For storage, you mean?

21 MR. BARNETT: Yes.

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

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

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

6 MS. DALTON: Does that include an
7 evacuation plan?

8 MR. BARNETT: Absolutely.

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

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

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

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

3 MR. LACIVITA: I honestly don't know.

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

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

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

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

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

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

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

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

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

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

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

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

20 MR. LANE: It was a curiosity question.

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

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

3 MS. DALTON: March.

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

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

14 MR. BARNETT: It's customer based.

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

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

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

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

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

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

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

20 MR. ROSANO: Yes, I saw that.

21 MR. BARNETT: They're relatively small
22 containers.

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

25 MR. BARNETT: Yes, they're relatively

1 small containers.

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

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

11 MR. LANE: They were incidents that I
12 found -

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

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

25 MR. BARNETT: There are battery back-ups

1 for the computers.

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

6 MR. ROSANO: Thank you.

7 MR. BARNETT: And just to follow up,
8 quickly on the design of this building - this
9 outdoor storage building - the design of that
10 building came about as a result of that
11 incident in '96. If you look at the Compressed
12 Gas Association and go into their publication
13 areas, there is a publication G13 that's like
14 70 pages long just on the storage of sylene. A
15 good portion of the recommendations came as a
16 result of that incident. We don't want to have
17 those things happen.

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

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

22 MR. ROSANO: It's Fonda Road.

23 MR. LACIVITA: It's a good distance.

24 During the concept plan, I actually gave an
25 aerial.

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

3 MR. VOSS: About 1,600 feet.

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

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

15 MR. BARNETT: Thank you. Any other
16 questions?

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

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

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

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

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

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

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

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

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

25 MS. DALTON: Right, so my question is:

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

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

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

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

25 MR. JOHN: In the past we have done the

1 training.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 component, how does that then work?

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

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

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

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

Legal Transcription

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

6 CHAIRMAN STUTO: Do you have more to your
7 presentation?

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

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

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

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

1 site fits. Circulation is fine. Parking is
2 fine.

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

17 CHAIRMAN STUTO: Did you have concerns
18 about dispersion study?

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

25 If you remember early on, the Board had

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

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

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

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

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

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

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

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

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

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

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

1 be in big trouble.

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

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

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

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

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

1 only carry so many pounds of this?

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

5 MR. LACIVITA: Under the federal
6 licensure?

7 MR. BARNETT: Yes.

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

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

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

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

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

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

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

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

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

1 people know what to do.

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

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

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

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

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

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

13 MR. MULLER: These cylinders are designed
14 for that.

15 MR. SULLIVAN: For vehicle impact?

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

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

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

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

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

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

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

25 MR. JOHN: They are designed to absorb

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

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

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

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

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

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

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

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

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

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

21 MR. BARNETT: Yes.

22 MS. VAIDA: What happens?

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

1 the cylinders with ropes, nested in groups of
2 25 or 30, a couple rows - one on the top and
3 one on the bottom. Then, you go home and take
4 care of your family. Actually, Alicia in
5 1981 - I don't think that we had any cylinder
6 in the plant that was compromised.

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

9 MR. BARNETT: Since I've been with the
10 company, the one that got a lot of press and
11 really concerned us was the event that
12 occurred in California in 1997. Fortunately,
13 no one was hurt. No one was injured, but the
14 fact that we had to have that happen was
15 disturbing to us. We did a lot of
16 investigation to determine the causes of it.
17 Since I've been with the company in
18 1981 - that's 30 years that there have been no
19 fatalities. We probably have more OSHA
20 recordable injuries related to handling the
21 product - lifting and back injuries and things
22 of that nature than we do gas explosion.

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

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

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

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

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

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

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

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

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

12 MR. JOHN: We did submit the plan two
13 days after - we submitted February 17th for the
14 final plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 MR. NARDACCI: Yes.

6 MR. SULLIVAN: I disagree with you.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 MS. VAIDA: Maybe you could explain

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

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

12 MR. JOHN: Yes.

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

19 Is there any discussion on that matter?

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

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

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

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

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

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

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

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

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

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

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

9 MR. BARNETT: I know.

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

17 MR. BARNETT: You're absolutely right.

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

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

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

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

11 We have a motion to require the OCA?

12 MR. SULLIVAN: I'll make the motion.

13 CHAIRMAN STUTO: Do we have a second?

14 ***(There was no response.)***

15 CHAIRMAN STUTO: I'll second it.

16 All those in favor?

17 MR. SULLIVAN: Aye.

18 CHAIRMAN STUTO: Aye.

19 All those opposed?

20 MR. NARDACCI: Nay.

21 MR. ROSANO: Nay.

22 MS. DALTON: Nay.

23 MR. MION: Nay.

24 MR. LANE: Nay.

25 CHAIRMAN STUTO: Okay, the nays have it.

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

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

9 MR. LACIVITA: DCC was when?

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

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

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

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

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

1 project.

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

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

8 MR. LANE: Our guys dropped the ball.

9 MR. NARDACCI: It's not your fault.

10 MR. LACIVITA: You said that you had
11 correspondence.

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

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

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

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

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

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

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

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

1 MR. NARDACCI: I have just a comment. I
2 know that it's getting late. I just think that
3 as a Board and as a Town, a Department,
4 elected officials, we really should pay close
5 attention to what's happening in the region
6 with regards to high tech and who is coming
7 down the pike. I think that this is the first
8 of many that are going to be looking to
9 Colonie. I would just like to see a quicker
10 process for these reviews.
11
12
13

14 ***(Whereas the proceeding concerning the above***
15 ***entitled matter was adjourned at***
16 ***11:57 p.m.)***
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CERTIFICATION

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3
4 **I, NANCY STRANG-VANDEBOGART, Shorthand**
5 **Reporter, New York State Approved Transcriber**
6 **and Notary Public in and for the State of New**
7 **York, hereby CERTIFY that the record taken by**
8 **me at the time and place noted in the heading**
9 **hereof is a true and accurate transcript of**
10 **same, to the best of my ability and belief.**

11
12
13
14 -----
15 **NANCY STRANG-VANDEBOGART**

16
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18 **Dated September 22, 2011**