

Comments on Climate Action Council Draft Scoping Plan

As a former National Park Service Law Enforcement Park Ranger and a criminal investigator with the US EPA's Criminal Investigation Division, I worked on numerous environmental crimes cases that covered the Clean Air Act, Clean Water Act, and the hazardous waste and hazardous materials laws. In retirement, I continue to work as a volunteer for Adirondack Mountain Club to protect Adirondack Park and other public lands and waters of New York State.

I applaud the State of New York for its efforts to take a leadership role in this country on climate change planning, research, and implementation. The state has stepped up to the plate when the federal government has dropped the ball over the last several years (particularly the previous administration).

Having read the plan several times over the course of months, I have several observations and comments that I would like to share.

The plan calls for community air monitoring in 10 separate disadvantaged communities within New York State. How will those communities selected be determined.

Can brownfield development sites that already haven't been re-developed within the state be used to generate non-GHG electricity via solar or wind farms. Can some of the money being used to cleanup these brownfields be diverted to clean energy development programs while capping these sites versus remediating them. The return on investment to reduce global warming exceed the cost of remediation and the benefits from commercial re-development. Capped landfills would also be another option for solar panel development but would be more difficult for wind turbines.

In my experience as a criminal investigator with the US EPA and working numerous complaints of environmental releases, exposures, etc., civil inspectors for both the US EPA and NYS DEC aren't proficient in conducting thorough industrial site inspections and understanding manufacturing processes, materials, and operations. The training provided to these civil inspectors is either inadequate or not effective. In addition, civil inspections are announced which allows companies to prepare and hide problems and/or deficiencies in self reporting, regulated self imposed inspection frequency, and equipment calibrations.

Wetlands are always discussed in this and other documents as effective storm water storage areas, groundwater recharge areas, diverse species habitat, and excellent water filtration systems. Knowing all these benefits provided by wetlands, why do we continue to destroy these areas through commercial and housing developments. Army Corps of Engineer and US EPA enforcement measures at the federal level have been dismantled through federal case law losses and the reluctance of the Department of Justice to prosecute offenders. Wetlands enforcement cases both civilly and criminally have been ground to a halt due to lack of priority within the DOJ and regulatory enforcement agencies. A 97 acre forested wetland property on Transit Road in western NY was

destroyed by a well known developer that was integral in providing flooding protection for local homeowners. This developer was slapped on the wrist for his illegal activities and still to this day owns the property and will most likely receive approval for commercial and residential development. The developer used the all too familiar farming exemption to illegally remove the trees and dig drainage channels to destroy the wetlands onsite.

Will a carbon emission tax be added to newly sold gasoline and diesel burning vehicles sold by dealerships and an additional carbon tax added at gasoline and diesel fuel pumps to encourage individuals and businesses to transition to lower and no emission vehicles faster.

How will the state transition to more efficient means of moving people and goods via mass transportation, railroads, and shipping? How much additional funding will be provided and how will it be allocated to assure just transition and equitability to disadvantaged communities? Europe has a much better mass transportation system in the form of high speed rails. We need to develop a high speed rail system within this state and the country as a whole.

On Figure #6, #7 and #8 on pages 72 and 73 of the Draft Scoping Plan, a reference is made for leak detection and repair (LDAR) and gas pipelines decommissioning. Who will be doing this leak detection and repair. If left to the pipeline companies to conduct self inspection and repair, it is my experience that the companies involved will do a poor or non-existent job of performing this function. To insure effective LDAR, the most up to date equipment must be used; the equipment must be properly maintained and regularly calibrated; and the people using the equipment properly trained. The US EPA and NYS DEC civil inspectors should conduct LDAR inspections as well to verify self-inspection/reporting integrity.

Having attended the Syracuse, NY public meeting on the draft scoping plan, it was clear to me that industry and business owners are very concerned about negative financial impacts on their operations. Without industry and business buy-in, efforts to convert to renewable and clean energy sources and systems will fail.

Private citizens that attended the public meeting voiced increased costs for electric only vehicles and large scale expenditures for new heating and cooling systems. Many of the private citizens present were elderly individuals on fixed incomes. What government grants and tax credits will be made available to the general public to upgrade/replace old fossil fuel heating systems in addition to replacing/refurbishing old windows and upgrading insulation to reduce energy needs. Additional fiscal support in the form of grants and loans should be allocated to the elderly and low income households and renters to complete much needed upgrades.

The State of New York and many of the government agencies referenced in this document need to provide educational resources to the general public, business and industry. Without buy-in from these constituencies, the state will not meet the goals laid

out in this scoping plan. The availability of vehicle charging facilities; reliable, accessible, safe, clean, and fast public transportation; public green space, and alternative transportation means such as bike lanes, multi-use trails, etc will speed up the transition from fossil fuel dependent transportation.

Does the state intend to invest in incubators that focus on energy storage, carbon sequestration, efficient energy transmission, etc. A ramp-up in research, model development, etc. will accelerate the effective use of renewable energy sources, battery storage technology, and reductions in CO2 emissions.

Rural and small communities lack the technical expertise, manpower and fiscal resources to make a smooth transition to renewable energy equipment and systems. Technical assistance needs to be made available for local government agencies, non-profit organizations, businesses, and private citizens. New York State's community colleges, colleges, and universities in the form of students and faculty should be utilized to educate entities; plan and design effective energy generation, storage, and distribution systems; inspect industrial and energy facilities for leaks that require repair, etc. Students would receive pay or a stipend that can be applied to pay for their education. Faculty can develop new research projects, publish papers on effective transition projects that would generate further research funding, and develop long standing relationships with other professionals in their fields.

Finally, on a trip to Pittsburgh, PA last June (2021), my wife and I used a multi-use trail to access the downtown area. While passing the city municipal offices or the county offices, I noticed the parking area contained individual car ports with solar panels located on the roof of the carport. The solar panels were then connected to electric vehicle charging equipment for the large electric vehicle fleet the government offices used. This seemed to be a very effective way of establishing renewal energy systems while integrating them into electric vehicle charging stations.

I look forward to participating in the further development of New York State's climate action planning and implementation. Allowing the public to participate and comment lies at the heart of operating a democratic governing system. Thank you for allowing me to comment on the draft scoping plan.

Sincerely,



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