

UNITED STATES OF AMERICA  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

In the Matter of:

PUBLIC HEARING:

RE: OUTER CONTINENTAL SHELF AIR PERMIT TO  
CAPE WIND ASSOCIATES LLC, FOR THE CONSTRUCTION AND OPERATION  
OF THE CAPE WIND RENEWABLE ENERGY PROJECT ON HORSESHOE SHOAL  
IN NANTUCKET SOUND, MASSACHUSETTS

Mattacheese Middle School  
400 Higgins-Crowell Road  
West Yarmouth, MA 02673-2512

Thursday  
July 15, 2010

The above entitled matter came on for hearing,  
pursuant to Notice at 5:10 p.m.

BEFORE:

IDA McDONNELL, Manager  
BRENDAN McCAHILL, Permitting Engineer  
Air Permits, Toxics and Indoor Air Programs Unit  
RONALD FEIN, Counsel  
Office of Regional Counsel,  
U.S. Environmental Protection Agency  
New England Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109

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## P R O C E E D I N G S

(5:10 p.m.)

HEARING OFFICER MCDONNELL: Good evening, ladies and gentlemen. My name is Ida McDonnell. I am the Manager for the Air Permits, Toxics and Indoor Air Programs Unit with the New England Regional Office of the United States Environmental Protection Agency, also known as EPA Region 1. And I am the presiding officer for this hearing.

Joining me here tonight are Brendan McCahill, who is taking reservations out front, and he works in my unit as the Permitting Engineer for the Cape Wind Air permit, and Ronald Fein from EPA Region 1's office of Regional Counsel, who is the counsel for the Cape Wind Air permit.

I'd like to begin by setting the context for tonight's hearing. I will first summarize the draft air permit that is the subject of the hearing, then discuss the permitting process so far, the nature of tonight's hearing, and what happens after the hearing. Finally, I'll discuss the process for giving oral comments at tonight's hearing.

I will begin with a summary of the draft air permit. Tonight's hearing concerns the issuance of an outer continental shelf or OCS air permit to Cape Wind Associates LLC, which I will call Cape Wind for short, for the construction and operation of the Cape Wind Renewable Energy Project on Horseshoe Shoal in Nantucket Sound,

1 Massachusetts. The project includes the construction and  
2 operation of a 130 wind turbine generators at the Nantucket  
3 Sound location. EPA has reviewed the information in the  
4 application and other documentation and has issued a draft  
5 OCS air permit for Cape Wind, along with an accompanying  
6 fact sheet which explains the decisions made in the draft  
7 permit.

8 The legal and factual background for the draft air  
9 permit are explained in detail in the fact sheet. But, I  
10 will give you a short summary.

11 Under Section 328 of the Federal Clean Air Act,  
12 EPA must establish air pollution control requirements for  
13 sources of air pollution located within 25 miles of the  
14 State's seaward boundaries that are the same as the onshore  
15 State requirements. Under the Clean Air Act, the proposed  
16 Cape Wind project is an outer continental shelf source, or  
17 OCS source, subject to Section 328 of the Clean Air Act and  
18 EPA's implementing regulations at 40 Code of Federal  
19 Regulations part 55.

20 Under these Federal regulations, when developing  
21 an air permit for an OCS source, EPA applies certain air  
22 pollution control regulations of the corresponding onshore  
23 area which in this case is the Commonwealth of  
24 Massachusetts.

25 The emissions from the Cape Wind project are

1 emitted from the engines used on the equipment to construct  
2 and maintain the wind turbine generators and from the  
3 vessels that support the project and that operate within 25  
4 miles of the project. The wind turbine generators do not  
5 themselves emit any air pollutants, and Cape Wind does not  
6 intend to operate any stationary sources of air emissions at  
7 the project location.

8 EPA is proposing to issue an OCS air permit to  
9 Cape Wind that would cover the project's construction phase,  
10 which we call Phase 1, and its operational phase, which we  
11 call Phase 2. EPA's draft air permit requires Cape Wind to  
12 control air emissions from its vessel construction engines  
13 using two emission control technologies.

14 First, the draft permit requires Cape Wind to use  
15 engines that meet the new Federal requirements for internal  
16 combustion engines under EPA's standards of performance for  
17 stationary compression ignition internal combustion engines.  
18 Use of these engines will control emissions of nitrogen  
19 oxides which we abbreviate NOX or NOX, particulate matter,  
20 carbon monoxide and volatile organic compounds.

21 Second, the draft permit requires the construction  
22 engines to use only ultra low sulfur diesel oil which will  
23 control sulfur dioxide and particulate matter emissions.

24 Because Massachusetts has not currently attained  
25 the Federal ambient air quality standard for ozone, and

1 nitrogen oxides contribute to ozone formation, the draft  
2 permit also requires Cape Wind to obtain emission reductions  
3 of NOX from other sources so as to provide a positive net  
4 air quality benefit.

5           Specifically, the draft permit requires Cape Wind  
6 to obtain 285 tons of NOX emissions reductions before  
7 beginning construction. This is actually 1.26 times as many  
8 tons of NOX as Cape Wind is expected to emit during the  
9 construction phase. These emission reductions would be  
10 obtained according to the Massachusetts Air Pollution  
11 Control Regulation -- Regulation including its offset  
12 trading bank.

13           For the operations of the Cape Wind project  
14 referred to as Phase 2 in the permit, EPA is proposing to  
15 limit the emissions of nitrogen oxides to 49 tons per year.  
16 This allows Cape Wind the ability to conduct any necessary  
17 repair activities without the need to obtain a revised  
18 permit. Cape Wind would not be allowed to emit more than 49  
19 tons per year of nitrogen oxides without seeking a new  
20 permit.

21           EPA is also requiring Cape Wind to continue using  
22 the same emissions control technologies during Phase 2 as  
23 during Phase 1.

24           Finally, Cape Wind provided an air quality  
25 analysis that showed, when you take the background air

1 pollutant concentrations and add the emissions from the  
2 project, the resulting concentrations are well below State  
3 and Federal ambient air quality standards. The one  
4 exception is ozone. And as I mentioned before, the project  
5 nitrogen oxides emissions during the construction phase will  
6 be more than fully offset through emission reduction  
7 credits.

8           Now, I'd like to explain the permitting process up  
9 to this point. EPA released a draft permit for public  
10 notice on June 11, 2010 which opened the public comment  
11 period through July 16, 2010. The legal notice for this  
12 hearing was published in the Cape Cod Times and the Boston  
13 Globe on June 11, 2010. And copies of the public notice  
14 were sent to a list of known interested persons.

15           Since June 11, 2010, the draft permit, the fact  
16 sheet which explains the decisions made in the draft permit,  
17 and the supporting documents have been available for  
18 interested parties to review and to comment on at EPA's  
19 Boston office, and on the EPA Region 1 web site at  
20 <http://epa.gov/ne/communities/nsemissions.html>. Copies of  
21 the draft permit and fact sheet are available at this  
22 hearing as well as a short informational summary.

23           Tonight's hearing is part of that permitting  
24 process. This hearing is an informal non-adversarial  
25 hearing that gives interested parties the opportunity to

1 make oral comments and/or submit written comments on the  
2 proposed air permit.

3           There will be no cross examination of either the  
4 panel or the commenters. Any questions directed to a  
5 commenter from a panel member will be for clarification  
6 purposes only.

7           This public hearing is being recorded. The  
8 transcription will become part of the official  
9 administrative record for this permit. However, in order to  
10 ensure the record's accuracy, we encourage you to submit  
11 written comments in addition to any comments made tonight.

12           The public comment period will close at midnight  
13 on July 16, 2010. After the close of the public comment  
14 period, EPA will review and consider all comments received  
15 during the public comment period, both in writing and at  
16 tonight's public hearing.

17           EPA will prepare a document known as the response  
18 to comments that will briefly describe and address the  
19 significant issues raised during the public comment period,  
20 including comments submitted at tonight's hearing and what  
21 provisions, if any, of the draft permit have been changed  
22 and the reasons for those changes.

23           The response to comments will accompany the final  
24 permit for Cape Wind when the final permit is issued.

25           Notice of the availability of the response to

1 comments and the final permit will be mailed or e-mailed to  
2 everyone who commented on the draft permit. To save paper,  
3 we encourage you to provide an e-mail address if you have  
4 one, and are willing to receive notice through e-mail.

5 After the final permit has been issued, anyone who  
6 wishes to contest the final permit must file a petition for  
7 review, which is an appeal, with the Environmental Appeals  
8 Board, also known as EAB in Washington DC. Here are a  
9 couple of important things to remember if you are  
10 considering appealing the final permit.

11 First, the petition for review must be received by  
12 the EAB within 30 days of the date that the final permit is  
13 issued. More information on how exactly to calculate this  
14 period will be included in an attachment to the final  
15 permit.

16 Second, only persons who file comments on the  
17 draft permit during the public comment period or who  
18 provided comments during the public hearing may petition the  
19 EAB to review final permit conditions.

20 Third, any persons seeking review of a permit  
21 decision must raise all reasonably ascertainable issues and  
22 submit all reasonably available arguments supporting their  
23 position during the comment period, including any public  
24 hearing. Issues or arguments that are not raised during the  
25 comment period will not be considered by the EAB on appeal.

1           There is one exception to this rule. Any person  
2 who failed to file comments or failed to participate in the  
3 public hearing may petition the EAB only to the extent of  
4 the changes from the draft to the final permit. More  
5 information on the appeals process can be found on the EPA  
6 web site and at the time of the final permit decision.

7           Let's now talk about the process of the hearing  
8 itself. To begin hearing your comments, I will first  
9 request comments from Federal, Tribal, State and local  
10 officials in that order. I will then request comments from  
11 members of the public. I will use the attendance cards to  
12 call on people who wish to comment. And once we get past  
13 the government officials, the cards will be called in the  
14 order they were submitted.

15           Speakers should come to the microphone to speak  
16 and speak clearly. Even if you do not wish to speak  
17 tonight, you may want to fill out a card and include your  
18 contact information so that you will be notified of our  
19 subsequent final permit decision.

20           To help make tonight's hearing as smooth as  
21 possible, I ask the following. First, before you begin your  
22 statement, please identify yourself and your affiliation, if  
23 any, for the record. Second, please speak clearly into the  
24 microphone for the transcript. And when you use your own  
25 name or anyone else's, or any abbreviations, please spell

1 them out loud for the benefit of the transcript.

2 Third, please focus your comments on EPA's  
3 proposed air permit and issues related to this air permit.  
4 Fourth, please remember that this is an opportunity for you  
5 to state your comments and that EPA will carefully consider  
6 everyone's comments after the close of the public comment  
7 period. This means that EPA's responses to your comments  
8 will come in a written response to comments, not tonight.

9 Fifth, I ask that members of the audience to  
10 please not interrupt or make excessive noise while someone  
11 is speaking.

12 In order that as many participants as possible get  
13 a chance to express their views, I ask that you limit your  
14 comments to five minutes. To assist you in this, we will  
15 show cards that indicate when you have two minutes left,  
16 then one minute left, then, when it is time to wrap up.

17 At any time, if you are asked to stop and you have  
18 not finished, I will ask that you defer the remainder of  
19 your comments until each person has had an initial  
20 opportunity to comment. Then, if there is time at the end  
21 of the evening, we will give you a short opportunity to  
22 finish your comments.

23 If you have a written statement, you may read it  
24 if it can be done in the time period allowed. And if not,  
25 then I ask you to please summarize your statement. In

1 either case, I encourage you to submit the written comments  
2 tonight.

3 With that, let's begin with the comments and I  
4 will call out the names based on the cards in the order I  
5 discussed before.

6 Chuckie Green.

7 MR. GREEN: Good evening, everyone. Thank you for  
8 coming here tonight to talk to us. My name is Chuckie  
9 Green. I am the Natural Resources Assistant Director for  
10 the Mashpee Wampanoag Tribe, and I am also the Tribal  
11 Historic Preservation Officer.

12 I am here tonight to offer some insight hopefully  
13 to the EPA, and some thoughts. My first comment is that  
14 Horseshoe Shoals and Nantucket Sound is not the outer  
15 continental shelf. If you look, it is completely surrounded  
16 by land. That has been a mistake that has been redundant.  
17 Every agency has done this.

18 My next comment is that, I see this as a check the  
19 box. I have already spoken with EPA. And I am concerned  
20 that EPA should have been here earlier and if not, why are  
21 they here now.

22 EPA has given up their rights to the sections of  
23 this comment period, discussions of all the issues. They  
24 gave those up to MMS. Why did you not give these up to MMS.  
25 This is just a check box. The secretary has already

1 determined.

2           We all understand that, if they exceed the air  
3 standards, that it's write a check. You confirmed that just  
4 now about the NOX and the credits that would need to be  
5 purchased to offset. So, we are in a position where is  
6 nothing that EPA can offer the Cape Cod communities. As EPA  
7 and NOAA also gave up their rights to comment to take a  
8 stand on things, to protect our environment, which is their  
9 goal, which is their charge.

10           We are in a position now where we are facing this  
11 construction of this property that is public land, that is  
12 sacred land to my Tribe, that is a major part of Cape Cod.

13           An air permit -- I could oppose an air permit,  
14 but, it makes no sense at all. It's just a check the box.  
15 The secretary has made a decision. I can't do anything  
16 about that.

17           EPA, I am disappointed. EPA has always been  
18 strong in my heart. I am extremely disappointed in EPA.

19           We see on the news today about the horseshoe  
20 crabs. If we go to the record, we find out that the  
21 Wampanoag Tribe brought up that this would wipe out a  
22 juvenile class of the horseshoe crabs, and part of it will  
23 be about the air permit. It will be about them going out  
24 and anchoring these devices to build this unit to the ground  
25 and causing turbulence that will eliminate the juvenile

1 class of the horseshoe crab.

2 Now, the horseshoe crab is something that is very  
3 important, especially to the people of the Cape with lyme  
4 disease.

5 But, there is not enough that I can say about how  
6 disappointed I am in our government and our agencies. And I  
7 don't know how we can make this right.

8 The Creator has come forth and he has closed off  
9 half of South Cape Beach. He has brought up stumps that are  
10 600 years old, confirming what the Tribes had said, that  
11 this ground is sacred.

12 I don't know how EPA, and the rest of my  
13 government is going to justify that when they get their day.  
14 But, I am extremely disappointed. And I worked for the EPA.  
15 So, I am extremely disappointed in the response, and I do  
16 not understand why you are here now. You gave up your  
17 rights and I've already addressed that with RA and with  
18 Stephen Perkins. You gave up your rights, so why now. It  
19 just doesn't make any sense.

20 Thank you very much.

21 HEARING OFFICER MCDONNELL: Peter Kenney.

22 MR. KENNEY: Good evening. My name is Peter  
23 Kenney, K-E-N-N-E-Y. I am here as a citizen and I live  
24 right down the road.

25 I am not, for the record -- well, I'm poor. So,

1 I'm not a billionaire shore front owner. I'm not a coal  
2 executive. I just want to make this clear, because there's  
3 this blind opinion that says those are the only people who  
4 oppose this project.

5 I would like to suggest to begin with that, your  
6 -- the draft application, which was presented -- appeared to  
7 be presented by ESS and dated April 23, 2010, on page A2,  
8 gives us a curious illustration. And I think this is  
9 relevant to the permit, because it is relevant to the  
10 construction sequence. We are presented on page A2 with an  
11 illustration in -- and front and side view of this section,  
12 of a modifier (phonetic) with a rotor mounted to it,  
13 penetrating the sea floor by up to, we are told, roughly 80  
14 feet.

15 There is nowhere in this illustration a scour mat.  
16 There is nowhere in this illustration any of the pilings or  
17 fastenings that will be used to secure the scour mat to the  
18 sea bed.

19 There is no indication, although, there's clearly  
20 a flat bottom. If you have ever been out on Nantucket  
21 Sound, most people who go out couldn't even find Nantucket  
22 Sound, so, forget that.

23 Those of us who have been out there understand  
24 that, to put it mildly, the bottom undulates. It can go  
25 from 4 feet to 35 feet of depth in the space of 31 feet.

1           So, am I missing something? I didn't -- dredgers?  
2 Dredging? I don't see how it is possible to quantify  
3 emissions based on the omission of the complete class of  
4 vessels, large deep draft, heavy horsepower vessels.

5           And there is also, although, there is ample  
6 mention throughout the documentation of armory that will be  
7 accomplished by placing stones, probably on -- but they are  
8 big enough so that they won't blow away, but they're not so  
9 big that you can't handle them. We'll place them by clamp  
10 shell or by chute (phonetic).

11           But, there is, in this illustration, no armory.  
12 So, you have a defective document here. If the purpose of  
13 this document, among other things, is to provide an accurate  
14 representation of what the damn things look like, then,  
15 that's what it should do. But, it does not.

16           In the history of EPA's involvement, there has  
17 been, to put it politely, selective review and selective  
18 enforcement. You pick and choose. We don't want to talk  
19 about whales and we don't want to talk about two bird  
20 species. And we won't say anything while that bird expert  
21 in New Hampshire has his career and reputation destroyed  
22 because he would not change designs.

23           But now, all of a sudden, EPA's involved.

24           We have in the United States, and I'm sure you're  
25 well aware, the Jones Act, a quaint little law. It goes

1 back to the administration of Woodrow Wilson. I have been  
2 unable to find anything, including in James (phonetic) a  
3 description or inventory of the types of equipment that  
4 would be necessary to accomplish this project's  
5 construction. A 500 ton lift crane on a jacked up dump  
6 truck. Haven't found one.

7 So, I guess, I'm asking myself, how do you know if  
8 you're being presented with an accurate profile, an accurate  
9 description of the project, and the work that would be  
10 necessary to accomplish it, and therefore, the emissions.  
11 How many horse power. Where are these vessels. What about  
12 the dredging.

13 And finally, you know, all Jim Gordon -- that's  
14 G-O-R-D-O-N, although I pronounce it, Gordon. All he has to  
15 is a Steinbrenner. He'll pull a George. He'll write a  
16 check and everything is okay.

17 Now, for us billionaire coal miners in our shore  
18 front properties, it's not. I encourage you to approve this  
19 application. I think, you should get it squared away so  
20 that it's accurate. But, I encourage you to approve it.

21 So, that when we stand before the law, we can say,  
22 every single Federal agency has blown it. Not one of them  
23 has done it right, followed rule, regulation or law.

24 Thank you.

25 HEARING OFFICER MCDONNELL: Caroline Marshall.

1 MS. MARSHALL: Hello. My name is Caroline  
2 Marshall. I am 16 years old and -- can you hear me? I am  
3 16 years old and I decided to speak at tonight's hearing in  
4 support of the Cape Wind project.

5 I understand the purpose of tonight's hearing is  
6 to discuss the permitting process of the Cape Wind energy  
7 project by the EPA. This hearing addresses the potential  
8 effects of the construction of the wind turbines in  
9 Nantucket sound. In the long run, the numerous positive  
10 outcomes of this project greatly outweigh the few obstacles  
11 associated with the construction process.

12 I live in central New York. During the summer,  
13 however, I am fortunate enough to live with my grandparents  
14 in their home in Cape Cod. There are two wind farms near my  
15 home in New York. The wind farms, Fenner and Madison are of  
16 a significantly smaller scale than Cape Wind will be.  
17 Fenner contains 20 turbines and Madison contains only seven.

18 Though arguments opposing wind projects state the  
19 construction of wind turbines would decrease tourist appeal  
20 to an area, I feel otherwise. In my community, the  
21 windmills are a majestic symbol of clean power. Classes in  
22 school districts from all over the county take field trips  
23 to the windmills which are viewed as beautiful and necessary  
24 additions to the rural landscape. Local citizens take pride  
25 in the windmills which have now become a critical aspect in

1 our communities.

2           Though these wind farms in New York were built  
3 with a progressive state of mind, the output of these wind  
4 farms combined only supplies 42 megawatts of energy. Cape  
5 Wind, however, would supply 454 megawatts of energy, enough  
6 to power 75 percent of Cape Cod.

7           The interesting promising part of the Cape Wind  
8 project is the scale of the project. The dream of clean  
9 energy that could actually make an enormous difference in  
10 our environment and world has become realistic.

11           A few concerns and misconceptions about the  
12 windmills have arisen. The windmills are not loud. The  
13 sound coming from the windmills is a harmonious and natural  
14 whooshing sound.

15           The windmills will be constructed far apart.  
16 About six to nine football fields between them. The  
17 windmills harness clean, natural wind to create energy.

18           During the summer, I run on the Cape Canal bike  
19 path. The beautiful historic canal is marred by the  
20 presence of an unsightly, yet necessary, power plant. The  
21 pollution being emitted from the power plant is a further  
22 reminder to me of why Cape Wind needs to come to fruition.  
23 With the energy from Cape Wind powering three-quarters of  
24 Cape Cod, unclean power plants like this would no longer be  
25 needed.

1           Given the current state of our environment, and  
2 our dependency on foreign oil, it is difficult for me to see  
3 any fault with the Cape Wind project. With BP oil  
4 continuing to spill into the Gulf of Mexico, clean energy is  
5 a necessity now more so than ever before.

6           Windmills are not an eyesore. They are a symbol  
7 of the future of energy. And I believe that, when windmills  
8 exist in the windiest places, off the shores of our entire  
9 country, we will finally be heading in the direction of true  
10 sustainability.

11           The topic of this hearing is somewhat ironic, due  
12 to the fact that the proposed windmills are the essence of  
13 clean environmentally safe energy.

14           My generation is the future. And energy is a  
15 problem. Though you may not be able to see past the  
16 temporary obstacles at hand, the numerous long term positive  
17 outcomes of this innovative project cannot be ignored.

18           Thank you for listening.

19           HEARING OFFICER MCDONNELL: James Liedell.

20           MR. LIEDELL: My name is Jim Liedell. And that's  
21 spelled L-I-E-D-E-L-L. I reside in the town of Yarmouth.  
22 And I am a registered, retired professional engineer. I  
23 have career long experience in managing and engineering,  
24 manufacturing the servicing of large electrical generation  
25 equipment and sites of electricity generation.

1           By using wind power to generate electricity, the  
2 numerous harmful emissions from other methods of utility  
3 scale electricity generation are avoided. The record  
4 established by the many prior in depth evaluations of the  
5 Cape Wind project proves that, using wind power creates  
6 fewer detrimental air and other emissions than any other  
7 presently used alternative process and equipment.

8           Using wind power provides many urgently needed  
9 benefits. Fossil fuels are providing regular headlines of  
10 disaster, including workers deaths in mines and on oil rigs.  
11 And pollution beyond our previous national experience are  
12 all harmed, humans, birds, sea life and other creatures and  
13 plants.

14           The published government reviews of Cape Wind  
15 build a strong case for why Cape Wind is needed now. Not  
16 only on its own, but, because of the US offshore wind  
17 industry. Regarding health, the veritable studies return  
18 that the health costs caused by burning oil -- burning coal,  
19 oil and other fossil fuels will be reduced by \$53 million  
20 annually by Cape Wind going into operation.

21           Saying it another way, Cape Wind's reduction in  
22 harmful emissions is the equivalent of removing 175,000  
23 vehicles from our roads, as long as Cape Wind is in  
24 operation.

25           Let me turn now to the effect of emissions created

1 during the construction of the Cape Wind project, the  
2 subject of this hearing, primary subject. Examples include  
3 emissions from boats delivering Cape Wind's component parts,  
4 to the individual turbine locations, and emissions created  
5 while driving the 130 steel towers into Horseshoe Shoal  
6 sand. It is important for you to understand that, because  
7 Cape Wind's turbines are larger, and in a windier location  
8 than exists on nearby land, the number of towers installed  
9 will be many times fewer than if the same electrical output  
10 were produced by land turbine wind, land-based wind  
11 turbines.

12           And particle emissions of Cape Wind's construction  
13 will be far less than emissions would be for construction of  
14 fossil fuel or nuclear power plants capable of generating an  
15 equal amount of electricity. I believe, the above factors  
16 are important aspects in your analysis to minimize harmful  
17 emissions for Cape Wind's constructions.

18           Thank you for taking your time to conduct these  
19 local areas this week on this important subject. I believe,  
20 your careful review of prior official reports, and the  
21 testimony of those, which are factors, will lead you to  
22 conclude that Cape Wind is the best choice to meet this  
23 region's projected electricity needs with a minimum of  
24 harmful emissions. Thank you.

25           HEARING OFFICER MCDONNELL: Audra Parker.

1 MS. PARKER: Thank you for the opportunity to  
2 comment. My name is Audra Parker. I'm the President and  
3 CEO of the Alliance to Protect Nantucket Sound.

4 We all support renewable energy. But, generating  
5 clean energy is not a choice between Cape Wind's  
6 controversial project and no clean energy at all. It is  
7 about finding the right place to build with the least amount  
8 of negative impact.

9 Clearly that place is not Nantucket Sound, an  
10 unparalleled body of water and national treasure. The Sound  
11 has been designated a traditional cultural property and has  
12 been deemed eligible for listing on the National Register of  
13 Historic Places by the National Park Service. The Federal  
14 Advisory Council on Historic Preservation recognized that  
15 the Sound should be off limits to industrialization and  
16 recommended to the Department of the Interior to deny Cape  
17 Wind because it would cause permanent and pervasive damage  
18 to the historically and tribally significant Sound.

19 During construction, Cape Wind would operate  
20 equipment powered with diesel compression ignition engines  
21 which would emit nitrogen oxides, carbon monoxide, sulfur  
22 dioxide and other pollutants. Cape Wind would also emit  
23 pollutants during operations and maintenance in the  
24 environmentally sensitive Sound. New air quality emissions  
25 standards for nitrogen oxide and sulfur dioxide have been

1 issued, but have not been applied to Cape Wind. EPA needs  
2 to go back and monitor Cape Wind's compliance with these new  
3 air quality standards.

4 In addition, EPA needs to conduct its own analysis  
5 of alternatives including land based wind projects that  
6 would have far fewer impacts and be far less expensive to  
7 rate payers. The EPA has consistently expressed concern  
8 over the flawed analysis of alternatives by both the Army  
9 Corp and Interior. In 2008, EPA noted that the draft  
10 environmental report did not adequately consider  
11 alternatives to avoid or minimize impact. But, Interior did  
12 not provide the complex information or additional analysis  
13 of alternatives.

14 Under the National Environmental Policy Act,  
15 Federal agencies must develop alternatives to any proposal  
16 which involves "unresolved conflicts concerning alternative  
17 uses of available resources". This proposal is full of  
18 conflicts, including economic impacts to commercial  
19 fisherman and rate payers throughout Massachusetts, dangers  
20 to public safety, threats to endangered species, destruction  
21 of Tribal and historic values, and the oil spill that could  
22 hit the shore lines of the Cape and Islands in as little as  
23 five hours.

24 Rather than accept and rely on Interior's flawed  
25 findings, EPA needs to conduct its own independent analysis

1 of alternatives, including less damaging land based wind  
2 projects that are abundantly available at a fraction of Cape  
3 Wind's price.

4           Neither Cape Wind nor Interior provided the  
5 requested information. Nor did Interior provide additional  
6 analysis of alternatives.

7           In addition, since the record of decision was  
8 issued by Interior, Cape Wind has made significant changes  
9 to the proposed project that must be considered. According  
10 to recent testimony of the Board of Massachusetts Department  
11 of Public Utilities by National Grid, the utility that wants  
12 to buy Cape Wind's power at an outrageously high price  
13 compared to other available renewable energy, Cape Wind has  
14 not planned a single stage build out. Rather the seller  
15 intends to undertake phase development that was rejected in  
16 the Interior's review as being too environmentally harmful.

17           This needs to be addressed as it deviates  
18 substantially from the proposed project as approved by  
19 Interior. And Cape Wind's own representations to the  
20 Federal Government and the public.

21           Finally, the EPA also needs to independently  
22 comply with the National Historic Preservation Act and  
23 Endangered Species Act. EPA must consult with the State and  
24 Tribal Historic Preservation Officers and respond to the  
25 recommendations of the Advisory Council to deny or relocate

1 Cape Wind.

2           Unlike Interior which ran roughshod over historic  
3 preservation and Tribal concerns, EPA should adopt the  
4 Advisory Council's position.

5           EPA also has an independent duty to comply with  
6 the Endangered Species Act and initiate consultations for  
7 the effects of its action on both birds and whales. The  
8 biological opinions issued to date are defective. And both  
9 Interior and the Fish and Wildlife Service have been sued  
10 for their failure to comply with the Endangered Species Act.

11           EPA must initiate a new Endangered Species Act  
12 compliance and formally consult the Fish and Wildlife  
13 Service.

14           Given EPA's integrity in the Cape Wind permitting  
15 process to date, the Alliance urges you to continue to  
16 review this project critically and follow these  
17 recommendations, rather than succumb to political pressure,  
18 as has been the case with so many other agencies involved in  
19 the review of this flawed project.

20           Thank you.

21           HEARING OFFICER MCDONNELL: Cliff Carroll. I  
22 probably butchered your last name. I apologize. Could you  
23 please spell it for us?

24           MR. CARROLL: It's C-A-R-R-O-L-L.

25           Is it okay to start now?

1           First of all, the only good news that I've heard  
2 tonight is that we can appeal this within 30 days of your  
3 predicted actions.

4           The Environmental Protection Agency, or EPA, I  
5 understand are basically ending all protective actions. I  
6 wish Mr. Timmermann was here tonight, because, for the last  
7 five or six years, Tim Timmermann guaranteed me that he  
8 would into the different issues of pollution from this  
9 project, which, at this time, have been completely ignored.

10           In the middle of this project, and if the notes  
11 will show, I am holding up a picture of the proposed 40,000  
12 gallons of oil going in the middle of Nantucket Sound which,  
13 as of this date, the EPA has still not identified the  
14 toxicity levels of this. They have not identified where  
15 it's going to go into the shorelines. And they have not  
16 identified the type of risk that it will do to our  
17 environment, which is what you are supposed to actually be  
18 protecting.

19           This is an oil spill chart provided by the  
20 developers themselves. This is as good as they could make  
21 it look obviously. Cape Wind's own oil spill chart shows  
22 that the oil will hit our shores in as little as 4.8 hours.  
23 There's a greater than 90 percent chance that it will hit  
24 our shorelines. They've mapped out where it will hit. And  
25 EPA never used the sensitivity index maps that are put out

1 by NOAA to show what is going to happen to our marshes, just  
2 like Louisiana, our fishing grounds, ancient Indian burial  
3 grounds, and basically, the economy of the Cape. When you  
4 are weighing the benefits, you haven't done your homework.

5           This project isn't a clean renewable project.  
6 This is probably the dirtiest, most destructive renewable  
7 project in the United States. It's going to dredge 130  
8 miles into our fishing grounds a high voltage cable. They  
9 are going to be plowing into our fishing beds. They are  
10 going to be introducing this oil into a pristine  
11 environment, which will absolutely devastate us. Not as  
12 great a scale as Louisiana, but, on a similar scale when you  
13 look at the square footage.

14           You have ignored the emissions that will be  
15 increased by the airplanes that are going to have to fly  
16 around this 25 square mile footprint. You have ignored the  
17 increased toxins coming out to the ship that have to run the  
18 ferries around this 25 square footprint.

19           What is even more blatant is, the EPA shows that  
20 project area, which goes all the way down to Newport, which  
21 is pretty close to where this project is going to ship the  
22 parts from. That's 65 miles from this project. It is a 130  
23 mile trip. You are only taking your calculations to 25  
24 miles.

25           The omission is going to be -- emission is going

1 to be 5 times what you're putting into your calculation.  
2 So, you are ignoring five times the travel time for these  
3 ships.

4 Your next guideline talks about, you only have to  
5 talk about ships that are attached to a stationary source.  
6 30 percent of this footprint is four to seven feet of water.  
7 130 miles of cable, that means that these dredging ships  
8 that take up to 15 to 20 feet of water, are going have to  
9 dredge almost 50 miles of canals. Your calculations do not  
10 include the dredging that has to go into that.

11 Mr. Kenney pointed out that your application is a  
12 lie, because they don't show the armoring and the other  
13 impacts to our sea base. You are basing this on supplied  
14 information from the developer, the same developer which we  
15 now find, nine years later, we knew, but they have to admit  
16 now that the electricity is twice as much, that they lied  
17 about the electrical rates, they are lying about their  
18 emissions.

19 How are you going to govern Spanish companies?  
20 That's what they're looking to hire to come in here and do  
21 the work. It is probably who they are going to sell this  
22 company to.

23 You have never asked for bonds for the oil spill  
24 damage. You have never calculated the amount of damage that  
25 it will do to our environment under the Clean Waters Act.

1 You have passed the buck.

2           The EPA should absolutely be ashamed of itself.  
3 Tim Timmermann, on behalf of the EPA, guaranteed that he  
4 would get into the toxicity level of this oil. You have  
5 completely ignored it. You have also completely ignored  
6 three-quarters of the emissions that will be done by this  
7 project.

8           I think the EPA should be absolutely ashamed of  
9 itself. And Nantucket Sound is not renewable and this  
10 project is a boondoggle for a private developer on public  
11 land. You -- I can't say it enough. EPA should be ashamed  
12 of itself.

13           Thank you.

14           HEARING OFFICER MCDONNELL: Mr. Carroll, would you  
15 like to enter those posters into the record?

16           MR. CARROLL: I plan on getting the grid market  
17 (phonetic) in, so that I have quite a bit of information in.  
18 And from what I understand, tomorrow is the deadline for  
19 submitting written documents.

20           Are you able to do that online?

21           HEARING OFFICER MCDONNELL: Yes. You can submit  
22 comments online.

23           MR. CARROLL: I will be putting together a very  
24 in-depth package so that when we do enter into a court of  
25 law, I have a very wide area to be able to go after.

1 So, thank you very much.

2 HEARING OFFICER MCDONNELL: Ariel Walcutt.

3 MS. WALCUTT: Good evening. My name is Ariel  
4 Walcott and I am a student at U Mass Amherst. I went to  
5 Barnstable High School and I have lived in Barnstable my  
6 whole life.

7 And I believe that the projected annual emissions  
8 set forth by Cape Wind are agreeable and well justified by  
9 the advantages of the Cape Wind project.

10 The impacts on species and the quality of the air  
11 are far outweighed by the fact that, once completed, the  
12 turbines will emit virtually no air pollution.

13 I understand that the Cape Cod Sound needs  
14 protection. But, I believe that once installed, these  
15 turbines will be a symbol of America's new relationship with  
16 renewable energy and as an important precedent as America's  
17 first offshore wind farm.

18 Thank you for letting me make my comments.

19 HEARING OFFICER MCDONNELL: Mark Rodgers.

20 MR. RODGERS: Good evening. My name is Mark  
21 Rodgers, Communications Director of Cape Wind.

22 I think it's useful in tonight's subject to  
23 briefly consider the context of why the construction  
24 operations are needed, and that is, of course, to construct  
25 what will be America's first offshore wind farm which will,

1 every time the winds are blowing on Horseshoe Shoal, be  
2 contributing to reduce air emissions of the very pollutants  
3 that we are discussing tonight.

4           So much so -- oh, and I wanted to also mention  
5 that, while those reductions in emissions will take place by  
6 resulting in reduced fossil fuel power plant operations in  
7 power plants that are located across New England, the  
8 greatest -- the greatest single regional effect will be in  
9 backing off power plants in southeast Massachusetts because  
10 of how the power dispatch system works in New England during  
11 times that there is any transmission in the distribution  
12 system for electricity.

13           So, that's going to be good news for air quality  
14 on Horseshoe Shoal, Nantucket Sound, the Cape and Islands.

15           Just to put it in context in another way, the  
16 largest amount of pollution identified during the  
17 construction activities looked at in this permit concerned  
18 nitrogen oxide. In the first three months of operation of  
19 Cape wind, we will have reduced as much carbon dioxide going  
20 into the air as was created during the construction period,  
21 leaving the balance of the 24 plus nine months of commercial  
22 operations will be an absolute reduction of air pollution.

23           In the case of sulfur dioxide, those -- those  
24 emissions would be offset within just early on the first day  
25 of commercial operations of the wind farm.

1 I heard a question asked about dredging on  
2 Horseshoe Shoal and why there wasn't any depiction of those  
3 activities. It's quite simple really. The reason there  
4 isn't any depiction in the plans is because there will be no  
5 dredging on Horseshoe Shoal. What is in the plans is, the  
6 boats will be laying the cables using a high speed water  
7 jet, which is how the cables will be installed and those are  
8 part of the plans.

9 As to the foundations of the turbines, they are  
10 either going to be mats or armoring. The air emissions  
11 effects would be far greater if we go armoring. So, that's  
12 why we used armoring in the plans to be conservative. If we  
13 go with mats, the emissions would be less.

14 And just briefly, I want to touch on, while it is  
15 not -- I'm reticent to get into it, because it's really not  
16 the subject before you, but, as with regard to what we've  
17 heard about oil spills, there have been, in fact, several  
18 reports produced on that subject over the nine year review  
19 of Cape Wind. I think what wasn't mentioned was that the  
20 oil spill referred to was the event of a catastrophic total  
21 spill of all of the oil in the electric service platform,  
22 the likelihood of which happened is extremely remote.

23 As to the toxicity of the oil there, I can only  
24 tell you that the market place for that type of highly  
25 refined oil, it ranges from low toxicity on one end of the

1 continuum to non-toxic edible on the other end of the  
2 continuum. So, we are going to be in that range.

3 And as for the unfortunate characterization of the  
4 EPA and that you should be ashamed of yourself, I would only  
5 point out that that particular speaker, you have joined  
6 other fine agencies in getting that same characterization by  
7 that individual, including the United States Coast Guard.  
8 So, you can wear that as a badge of honor.

9 Thank you. Good night.

10 HEARING OFFICER MCDONNELL: Erica Brown.

11 Erica Brown.

12 Cynthia Cole.

13 MS. COLE: I'm Cynthia Cole. I live in  
14 Barnstable. I don't have a view of the turbines. I like to  
15 fish out there. I did that today actually.

16 I just wanted to make that young girl speaking,  
17 and I commend her for getting up here to speak, but, she  
18 needs to know and understand that this project will not  
19 supply much to Cape Cod.

20 I have a concern for the emissions during the  
21 construction period, the dredges, etcetera. I do also have  
22 concern for the extended or the increase in the shipping  
23 channels that will go on honestly forever if this factory --  
24 it's not a farm. It's a factory, will be built.

25 And I'm also concerned about the emissions and

1 whatever else is going to happen when and if -- well, when  
2 it's abandoned and decommissioned.

3 All of this could be resolved if the project  
4 wasn't built, obviously, and we bought our renewable power  
5 from the many land generation facilities in New England and  
6 in Canada that would like to service our area. And some of  
7 them are not being allowed to serve us thanks to the Green  
8 Communities Act.

9 So, I think, what we need to do is to be looking  
10 at buying wind, but, buying it from places where we could be  
11 using it right now, not whenever this project could be  
12 built, because, it's still got a long ways to go. We could  
13 be buying that power now. We could be buying it for less  
14 than half the price that you will be -- that the Cape Wind  
15 is proposing to sell it for.

16 And I was glad to hear that we -- this oil that  
17 you saw on the pictures is so safe that we actually could  
18 eat it when it gets to the beach. That's great news. Thank  
19 you.

20 HEARING OFFICER MCDONNELL: Erica Brown.

21 Does anyone out there, would you like to speak,  
22 when you had said no originally? We want to work with those  
23 people first, that now maybe you would like to comment?

24 There is somebody else walking in.

25 MR. BAXTER: How long do I have?

1 HEARING OFFICER MCDONNELL: Excuse me. Your name  
2 first? Lincoln Baxter?

3 MR. BAXTER: Yes.

4 THE REPORTER: One more time, please?

5 MR. BAXTER: Lincoln Baxter. How long do I have?  
6 Do I have two minutes? Three minutes?

7 HEARING OFFICER MCDONNELL: Five minutes.

8 MR. BAXTER: Five minutes. Great.

9 My name is Lincoln Baxter. I am from Centerville.  
10 And I'd like to start off by thanking the EPA for pushing  
11 back against the political pressure that the MMS and other  
12 Federal and State agencies have yielded to.

13 There are much better green alternatives with far  
14 fewer negatives than the Horseshoe Shoal site for Cape Wind.  
15 Cape Wind's benefits do not outweigh its costs at the  
16 current location. It is not strictly money.

17 One of my biggest concerns as a local citizen is  
18 that Cape Wind would threaten public safety to mariners and  
19 pilots. The Coast Guard has already stated flat out that  
20 they will not fly any search and rescue missions in or  
21 adjacent to the 24 square mile proposed complex, when the  
22 ceiling is low, which means, when there is inclement  
23 weather.

24 That is exactly when mariners are most likely to  
25 be in need of Coast Guard assistance. The Coast Guard

1 commissioned a \$100,000 computer generated radar to  
2 determine if the wind farm would present a hazard to  
3 navigation during low visibility, which, by the way, is the  
4 condition for more than half of each calendar year, more  
5 than half the time. How can that be? Well, guess what, it  
6 gets dark every night. And then, we have dozens and dozens  
7 of hazy and foggy days throughout the year, all of which  
8 necessitate the use of marine radar.

9           Ask any boat captain, they will tell you the exact  
10 same thing. So, back to the study.

11           The Coast Guard had invited stakeholders to see  
12 how they had spent their \$100,000 giving a demonstration of  
13 the study. During this demonstration, which was intended to  
14 prove that there would be no significant hazard to  
15 navigational safety, the Coast Guard's own representative  
16 lost track of one of the boats it was focusing on for  
17 several moments. He simply could not find it.

18           I would not want to be on that boat. A highly  
19 skilled technical representative of the US Coast Guard and  
20 he lost track of the target. How does that bode for less  
21 experienced radar operators on both recreational and  
22 commercial vessels?

23           I would like to a quote from the executive summary  
24 of MITRE Corporation, a study on radar and wind farms.  
25 MITRE Corporation is a longtime government contractor, very

1 high tech. And this excerpt is as follows, "wind farms  
2 interfere with radar. This interference had led the FAA,  
3 DHS and the DOD to contest many wind turbines in the line of  
4 sight of radar stalling development of several thousands of  
5 milliwatts to wind energy. A large number of such denials  
6 is a serious impediment to the nation's mandated growth of  
7 sustainable energy. The nation's aging long range radar  
8 infrastructure significantly increases the challenge of  
9 distinguishing wind farm signatures from airplanes or  
10 weather."

11 "There is great potential for the mitigation  
12 procedures, though there is currently no source of funding  
13 to test how proposed mitigations work in practice."

14 So, in closing, do we exchange public safety for  
15 overpriced electricity from a poorly located, ill-conceived  
16 private developer's moneymaking scheme disguised as the  
17 answer to our present and future energy needs? I don't  
18 think so.

19 The Government needs to seriously, and I mean  
20 seriously, consider moving the project south. Sure, Jim  
21 Gordon won't make as much money building it out there, but,  
22 it isn't supposed to be about that; is it? It isn't  
23 supposed to be about just building it now. So, the current  
24 administration can stick a feather in their cap and show it  
25 off.

1           It's all about us, the locals, we the people. And  
2 especially those who would be most affected by such a  
3 project.

4           Move it south where we can all feel proud about  
5 the fact that we made this dream come to pass in the most  
6 sensible, safe and forward looking manner.

7           Thank you very much. I appreciate the time.

8           HEARING OFFICER MCDONNELL: Is there anyone that  
9 already spoke that would like to speak again? We will try  
10 to do the same order. And if you could give us your name  
11 again.

12           MR. KENNEY: Peter Kenney, K-E-N-N-E-Y.

13           By way of, I guess, rebuttal. I hope -- I'll try  
14 to stay on the specific topic. We always get involved in  
15 creation and apple pie and motherhood.

16           From what Mr. Rodgers was saying, the possibility  
17 of something ugly happening out there is just so remote it's  
18 not worth considering. And by the way, this crude grade  
19 oil, which the EPA has steadfastly either failed or refused  
20 to identify, I have a quart of it at home. And it's got a  
21 skull and cross bones on it put there by another Federal  
22 agency, OSHA. To quote the deputy fire chief of the Hyannis  
23 fire district, "I don't care if you spill 40,000 gallons of  
24 skim milk out there, it'll kill the Sound." You can spill  
25 40,000 gallons of a lot of things that you could eat or

1 drink and kill the Sound, destroy the capacity of the  
2 shellfish to absorb oxygen, or the fin fisherman to get it.

3 So, this nonsense about, well, it's only mineral  
4 oil is nonsense. And it has to stop now.

5 If your agency is considering this project, and  
6 this particular application, in a context, then, let's talk  
7 about context. This electricity isn't coming to Cape Cod.  
8 I don't know where people get that information. Last time I  
9 checked, NSTAR doesn't want to do business with Jim Gordon.  
10 National Grid serves only Nantucket Island. All their other  
11 customers are off Cape.

12 It does not, will not, cannot come to Cape Cod.  
13 That simple.

14 We have been promised, starting early in 2001, on  
15 that stage, in this room, standing room only, by Jim Gordon  
16 himself, that this project would save us money. Nobody has  
17 been able to explain to me why 20.7 cents trumps 8. Nobody.

18 That's context.

19 The chief fireman of the Massachusetts Steam Ship  
20 Authority said that -- on the record at two Coast Guard  
21 festivities, that they estimate they will have to spend \$1.2  
22 million additionally on fuel annually to account for the  
23 alteration of their ferry routes, which by the way, account  
24 for something like 4400 vessel trips a year. And that's  
25 just one of the two ferry companies operating. Forget about

1 commercial traffic. Forget about one of the busiest pieces  
2 of water on the Atlantic coast for recreational boating.

3 Well, \$1.2 million. Let's see. Can we translate  
4 that into something like, oh, how about 400,000 gallons of  
5 diesel. Are these numbers recognized by EPA? Because I  
6 haven't seen them.

7 Well, what happens when something ugly happens out  
8 there. On a typical night, for half the year, when it is  
9 dark, foggy, windy, rainy or snowy, wind driven tides,  
10 treacherous currents, and the radar doesn't function,  
11 because you've got 130 nacelles, the container at the top of  
12 the mast, the 3.6 megawatts turbine inside, 1333 horsepower  
13 per megawatt.

14 Do you know what kind of magnetic field that sets  
15 up?

16 At the radar hearing, a man named Eli Brookner  
17 (phonetic), Eli Brookner, Ph.D., 46 years of service with  
18 Raytheon. He is the global dean of radar. Said to the  
19 presenter of the Coast Guard study, I don't know where you  
20 got those illustrations, but that's not how radar works.

21 You heard another gentleman who was here say they  
22 lost a boat in the array. They presented five scenarios.  
23 One of them had a tug with a barge coming down one way, a  
24 high speed ferry coming in the other way, and a Boston  
25 Whaler in the array. They couldn't find the Boston Whaler

1 in their own radar illustration. That's context.

2 We are not going to shut down any power plants  
3 really. We may back some off.

4 454 megawatts is nonsense. Nonsense. Nobody in  
5 the world operates offshore wind turbines at even 30 percent  
6 capacity. Nobody.

7 Cape Wind says -- they started off saying 39.7  
8 percent. They got that down to 37.7 percent. Nobody can  
9 say.

10 30 percent of 454 megawatts is a little over 90  
11 megawatts. We are not talking about as much power as we are  
12 being told.

13 So, if you relate the emissions during the  
14 construction phase, plus all of the other hazards that have  
15 never been addressed by your agency or by anybody, to the  
16 actual expected capacity, suddenly, the numbers are very  
17 different. Suddenly, this changes a little bit. Change a  
18 lot. How about 25 percent? Or 20 percent? Those are the  
19 reasonable expectations. And those are the numbers you will  
20 find everywhere in the world where we have been operating  
21 wind farms, including most recently, one built by Siemens,  
22 we were told the supplier of turbines out here, the very  
23 same wind turbines.

24 We are not going to shut down the Sandwich plant.  
25 There is always this hint. That plant operated one day last

1 year just to keep their license. So, we can forget about  
2 that.

3 In the recent dog days here, Sunday, Monday,  
4 Tuesday of this week, there wasn't enough wind for the for  
5 those turbines. How do I know? I checked with the Coast  
6 Guard and checked with the FAA and I looked at the trees,  
7 the dead, still trees.

8 When people were experiencing brown outs because  
9 of the peak demand caused by the extreme combination of heat  
10 and humidity, Cape Wind wouldn't be generating. Not clean  
11 energy, not dirty energy, not any energy. They don't hear  
12 that.

13 We don't hear that the peak production will likely  
14 be at night when the winds are higher and more stable and  
15 everybody is asleep and the lights are out. We don't hear  
16 that. That's context.

17 And if you're going to consider this project,  
18 within any context, whether it is economic, whether it is  
19 actual capacity, whether it is environmental, this is what  
20 context you should be considering.

21 Not one single fire chief, harbor master, or  
22 Department of Natural Resources chief in any of the Cape's  
23 15 towns, or any of the five towns of Martha's Vineyard, or  
24 anybody on Nantucket has ever been consulted about planning  
25 for emergencies that will happen. Oh, sure, they're

1 separated by six to nine football fields.

2 If you're going 35 knots on a high speed ferry in  
3 the fog, you eat up a lot of territory in a heartbeat. And  
4 bumping into a 16 or 18 foot diameter solid steel wall, is  
5 probably not recommended practice. That's context. That's  
6 when pollution happens. That's when the tanks rupture and  
7 the engine room catches fire. That's context.

8 Can we please, no matter what decision you make,  
9 can we please, at least, base your review on fact, simple  
10 available undeniable fact. And let's stop all this nonsense  
11 about motherhood and apple pie and clean energy for  
12 everyone. It is not what is being represented by Cape wind.  
13 It is far from it.

14 It is a 2 1/2 billion dollars boondoggle. But,  
15 they need your permit. They must have your permit.

16 Think about that, please.

17 HEARING OFFICER MCDONNELL: Audra Parker.

18 MS. PARKER: Thank you. I just wanted to draw  
19 your attention to one point that was made and that fact is,  
20 with regards to additional emissions that would be caused by  
21 air traffic.

22 Some time, not too long ago, the FAA also  
23 succumbed to political pressure and issued a determination  
24 of no hazard for Cape Wind's proposed turbines. The  
25 mitigation that was included in the determination of no

1 hazard starts with technical upgrades, basically radar  
2 upgrades.

3           The FAA acknowledges that those may, in fact, not  
4 work. And if they don't work, the mitigation's last resort  
5 is to restrict the airspace. That means, you will have  
6 airplanes basically circumnavigating a 25 square mile area  
7 of Nantucket Sound, altering their courses, compressing air  
8 traffic, and ultimately, resulting in additional emissions.

9           I am sure, given the timing of the FAA's  
10 determination of no hazard, and the timing of your permit,  
11 that those additional emissions were probably not reviewed  
12 and not included in the calculation. And assuming that that  
13 is the EPA's responsibility as well.

14           In a similar fashion, we have the same situation  
15 as has been raised few times with navigation. If the  
16 ferries need to adjust their routes to accommodate the  
17 private developer's footprint, you'll also have additional  
18 emissions. And while the intent of the Coast Guard Maritime  
19 Transportation Act was to not put additional burden on  
20 mariners, that's, in fact, what the Coast Guard has done  
21 with politically motivated decision.

22           So, again, you have increased traffic for the  
23 ferries and for other traffic that needs to avoid that  
24 footprint. So, again, I assume that EPA would want to  
25 calculate those additional emissions that are perhaps not

1 directly affected by the construction of Cape Wind, but, are  
2 the indirect result of changes in traffic patterns, both at  
3 air and at sea.

4           And finally, the other point, in just looking at  
5 your fact sheet in terms of the calculation of emissions  
6 during construction, I note that there has been some debate  
7 and some changes in Cape Wind's plans on whether or not the  
8 staging will occur in Quonset, Rhode Island or New Bedford.  
9 Fairly certain that there is a different distance from the  
10 construction vessels travel patterns depending on where, in  
11 fact, that construction activity will take place. And I  
12 don't know what your assumption was, but, I request that the  
13 EPA also look at emissions that would result from different  
14 locations for that construction activity, Quonset, Rhode  
15 Island or New Bedford.

16           Thank you.

17           HEARING OFFICER MCDONNELL: Cliff Carroll.

18           MR. CARROLL: Is this good? How about now?

19           THE REPORTER: That should work. Thank you.

20           MR. CARROLL: First of all, I think, that if  
21 you're taking stats, Mark on his cheap shot. It wasn't so  
22 cheap. I am actually proud to have told the Coast Guard  
23 that they should be ashamed of themselves.

24           If you do permit to this as it is right now, you  
25 should also join them.

1           The same person who's up here is the guy that's  
2           been peddling cheap rates to us for seven years. He's the  
3           one who refused to even tell us what kind of oil has been in  
4           here for seven years.

5           If you want to know the honesty of this group, go  
6           back to the original application that was submitted to the  
7           Army Corps. They didn't even disclose the fact that there  
8           were 40,000 gallons of oil in the electric transformer  
9           platform. They drew a box, gave the height, and that was  
10          it.

11          So, this has been, an easier to apologize, than it  
12          is to ask the permission of the developer from day one, and  
13          it still is. Every time we get them on a regulation, he  
14          gets in bed with the dirty politics of the State. And they  
15          end up actually changing laws to get out of it that way.

16          Nantucket Sound used to be Massachusetts Ocean  
17          Sanctuary, which specifically prohibited the generation of  
18          electricity in these waters. It was designed to protect the  
19          historic values of this area.

20          As far as the oil spill plan goes, they didn't  
21          even disclose that there was oil on their project. He is  
22          lying when he says that the oil is not toxic. And I'll tell  
23          you why.

24          If you go to the EPA's own Clean Water Act, in  
25          your charter, you actually use an example of an oil spill in

1 Vancouver harbor of oil, but it is a vegetable oil. It's  
2 actually called grape seed oil. In your EPA's own Clean  
3 Water Act language and description, they use that spill, and  
4 they even say that any oil introduced into a marine  
5 environment is considered toxic.

6 In addition to that, you don't have to shop  
7 around. He said, oh, it will be in the range of this  
8 toxicity, just like its electric rates will be in this  
9 range. It's real easy.

10 Off of Denmark, there's Horns Rev. They have a  
11 transformer platform, that picture I showed you is the  
12 actual transformer in Horns Rev.

13 The oil that they use is NYNAS-X10. It's  
14 N-Y-N-A-S-dash-X-10. It is manufactured in Canada. Their  
15 own safety data sheet, which is not part of your -- states  
16 that that oil, when introduced into the environment, is  
17 harmful to water, soil, and earth.

18 It is a toxic chemical. You're supposed to use  
19 gloves when you do it.

20 We have seen plans here. You haven't done  
21 anything as far as protecting our environment goes. And  
22 again, if you continue this, you should be ashamed. We will  
23 see you in court.

24 There's also a casual thing about armoring,  
25 whether they are armoring or not armoring. They are talking

1 about tons and tons of stone being introduced into our  
2 environment, into our fishing grounds, and being placed on  
3 top of Indian burial grounds.

4 We don't take it so casually as the paid mouth  
5 piece for Cape Wind who didn't have the guts to stick around  
6 for these comments. We don't take it so casually. And we'd  
7 appreciate it if the EPA doesn't either. You're supposed to  
8 be protecting our environment.

9 Ms. Parker talked about the airplanes. That's  
10 400,000 flights a year. Calculate that. 400,000 flights a  
11 year that are going to have to go around an area the size of  
12 the island of Manhattan, New York. You have not done that  
13 calculation.

14 As far as the US Coast Guard goes, Captain Perry,  
15 who was working with the fishermen, and was very involved  
16 with the community, especially the fishing community who is  
17 going to be put out of business in Nantucket Sound as a  
18 result of this, Captain Perry, who also told the president  
19 of Mass Fisherman Partnership, you're going to have to find  
20 someplace else to fish once this project is built, invited  
21 people, from as far as Virginia and Washington DC, to a  
22 hearing in Falmouth, to go over the video of the radar  
23 interference which Mr. Baxter so eloquently described.

24 In between his invitation, in the beginning of  
25 that hearing, Captain Perry received a call from the

1 Commandant of the Coast Guard. And at that point, the Coast  
2 Guard flew in -- the Coast Guard Adjutant from Washington  
3 DC, Captain Perry was not even allowed to speak, other than  
4 or one minute at his own hearing. In addition to that, the  
5 only person that was allowed to speak was his little right  
6 hand man and the Adjutant Attorney from the Coast Guard.

7           They shut the hearing down early. They would not  
8 allow us to ask questions. They showed us the video of  
9 complete radar interference. And then, at the conclusion,  
10 they said, oh, there's no problem.

11           You are doing the exact same thing. You've got a  
12 lot of charts from the developer. You now know about the  
13 400,000 flights a year you've ignored. You now know about  
14 the 3200 ships a year that are going to have to be re-routed  
15 around this area.

16           And as far as the ferrying ships go, and Mark,  
17 again, you know, he leaves, but, he's cute about that, 30  
18 percent of that area is four to seven feet deep. These  
19 installation ships draw 10 to 15 feet. You cannot get any  
20 type of ship, unless they're planning on using hover drafts,  
21 into 30 percent of that area.

22           Look at the footprint. Look at the cable layout.  
23 It's 130 miles of cable. Take 25 percent of that, take the  
24 shallow area, it's 50 miles of dredging. That's like  
25 dredging a highway halfway from here to Boston.

1           You have not calculated the heavy equipment that's  
2 going to have to dredge that equipment -- or dredge that  
3 area. And that is high pollution producing equipment. I'm  
4 fully aware of it.

5           Three weeks ago, a boat caught fire just off  
6 Popponeset. I have a property up in West Barnstable. It  
7 is probably 10 to 15 miles from where it was. It was a very  
8 calm day like Mr. Kenney was describing. You could smell  
9 the melting fiberglass from that man's boat.

10           And in addition to that, Mr. Kenney talked about  
11 the heat zone and the heat area that we just came through.  
12 He went to the Coast Guard site and he went to several other  
13 sites, probably so he could get honest information.

14           Well, on the day that it was about 95 degrees, and  
15 I think it was a couple of Sundays ago, I went to the Cape  
16 Wind site at about 11:00 o'clock in the morning. And on  
17 their own site, it said the amount of megawatts being  
18 produced was zero.

19           You haven't calculated the cost of backup power  
20 for this. Wind is intermittent. Those turbines that are  
21 running inside these power plants, they cannot automatically  
22 jump online and kick up to 150 megawatts. They have to run  
23 at about a 40 to 50 percent capacity.

24           Peter talked about the canal plant. We get most  
25 of our power from the clean renewable nuclear plant. The

1 canal power plant, just like you said, ran like once or  
2 twice last year so that they could keep their permit. That  
3 plant is going to have to crank up to about a 40 percent  
4 capacity so that it can come online in the event of the wind  
5 dropping. You have not done that calculation either.

6           So, you have omitted five times the travel  
7 distance for the ships by limiting it to 25 square miles.  
8 You have omitted the additional emissions that will come  
9 from the backup online power that just happens to sit there  
10 ready to go on for this intermittent power. You have  
11 omitted the rerouting of the 400,000 flights per year. You  
12 have omitted the 3200 boat trips a year that are going to  
13 have to travel around this area.

14           You have ignored the oil spill chart provided to  
15 you by the developer. You have not backed out the critical  
16 areas. You have not done the sensitive index path.

17           From what I understand by the regulation, by the  
18 way, you are responsible for the State side inside of the  
19 three mile boundary, from the edge of the coast out to the  
20 Federal footprint. You have completely ignored that  
21 responsibility.

22           We have marshes. We have sanctuaries. This oil  
23 will travel for miles and suffocate our marshes in the exact  
24 same way, kill our economic zones that develop 75 percent of  
25 our income, and absolutely devastate this area, its history,

1 its cultural sources, ancient Indian grounds, our travel.  
2 For the EPA to go ahead and permit this at this point is  
3 practically criminal.

4 This has been the dirty politics of clean power.  
5 And again, I'll say it. When you look at the steel, the  
6 stone, the destruction of fishing grounds, ancient burial  
7 grounds, our air, our views, our -- the underwater high  
8 voltage cable, and the politics, 40,000 gallons of oil, this  
9 is the dirtiest so-called clean renewable project in the  
10 United States.

11 I hope you do the right thing. Please check with  
12 Mr. Timmermann. He didn't follow through in his promises to  
13 us in showing the toxicity of this oil. Again, it is  
14 NYNAS-X10 manufactured in Canada. All you have to do is  
15 look it up. It is a real world example of how toxic it is.

16 And thank you for the extra time. I do appreciate  
17 it.

18 HEARING OFFICER MCDONNELL: Would you like to  
19 speak? Have you filled out a card?

20 MR. MORIARTY: I did. I'll have to give it to  
21 you. Or should I give it to the guy over there?

22 HEARING OFFICER MCDONNELL: David Moriarty.

23 MR. MORIARTY: Do you want me to spell it?  
24 M-O-R-I-A-R-T-Y.

25 Thank you for coming tonight. The truth is sharp

1 sometimes. And I feel for you, but, I think you got a good  
2 dose of it tonight.

3 My name is David Moriarty. I am a lifelong  
4 resident of Falmouth, Massachusetts. It has been my home.  
5 I'm connected to the land as I am connected to the sea. And  
6 us folks here on Cape Cod, we love our community. We love  
7 our environment. And we fight for our environment. And we  
8 protect our environment. And that's why we are here  
9 tonight. And we hope that our message will get --

10 THE REPORTER: I'm sorry. You need to back off a  
11 little from the microphone.

12 MR. MORIARTY: I hope that our message will get  
13 out tonight that we know what's going on. We think abroad.  
14 It's like a bad comic strip really.

15 And it's obvious, and here's the chance. You guys  
16 have a chance to protect them. Not only to protect the Cape  
17 and Islands beautiful, pristine environment, but you have an  
18 opportunity to protect the citizens like me and (inaudible).

19 I don't live on the ocean. I can barely pay my  
20 taxes. I make a living off the beauty of Cape Cod. I make  
21 a living off the tourists coming here. I make a living off  
22 of people coming here to retire.

23 You know, we have serious problems here on the  
24 Cape. Our drinking water is threatened. Not only was it  
25 threatened by the air base, but now, it is threatened by

1 over developing.

2           You've -- you're going to have to boil your water  
3 on the Cape now. Did you know that?

4           We have serious issues on land. And now, to  
5 devastate our towns and to -- it's just, you know, here's an  
6 opportunity for an agency to stand up and, say to your  
7 bosses, your government, and take a message from the  
8 citizens back to them and say, hey, we can read the writing  
9 on the wall. When you run the numbers, it's just not  
10 practical. It's just going to hurt so many people. It's  
11 going to devastate us.

12           I just want you to think about us when you make  
13 your decision. Thank you very much.

14           HEARING OFFICER MCDONNELL: Is there anyone else  
15 who would like to speak that has not spoken yet?

16           If not, we'll take a 15 minute recess, and then we  
17 will resume.

18           (Off the record from 6:24 p.m. to 6:51 p.m.)

19           HEARING OFFICER MCDONNELL: Hello. We would like  
20 to resume the public hearing.

21           Is there anyone in the audience who hasn't spoken  
22 that would like to speak?

23           We will remain here until 7:15. So, if anyone  
24 either would like to speak, or somebody else comes in, we  
25 will definitely take their comments. Thank you.

1 (Off the record from 6:51 p.m. to 7:17 p.m.)

2 HEARING OFFICER MCDONNELL: It is 7:17 p.m. and  
3 everyone has left, so the hearing is now adjourned.

4 (Whereupon, at 7:17 p.m., the hearing was  
5 concluded.)

CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings  
before: U.S. ENVIRONMENTAL PROTECTION AGENCY  
in the Matter of:

RE: OUTER CONTINENTAL SHELF AIR PERMIT TO  
CAPE WIND ASSOCIATES LLC, FOR THE CONSTRUCTION AND OPERATION  
OF THE CAPE WIND RENEWABLE ENERGY PROJECT ON HORSESHOE SHOAL  
IN NANTUCKET SOUND, MASSACHUSETTS

Place: West Yarmouth, Massachusetts

Date: July 15, 2010

were held as herein appears, and that this is the true,  
accurate and complete transcript prepared from the notes  
and/or recordings taken of the above entitled proceeding.

M. Rossi 07/15/10  
Reporter Date

M. Rossi 08/03/10  
Transcriber Date