

US EPA ARCHIVE DOCUMENT

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

Martha's Vineyard Regional High School
Edgartown Road
Oak Bluffs, MA 02557

Wednesday
July 14, 2010

The above entitled matter came on for hearing,
pursuant to Notice at 5:09 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

(5:09 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 at the registration table, he works in my unit and is the Permitting Engineer for the Cape Wind Air permit, and Ronald Fein, sitting up here, 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

1 Project on Horseshoe Shoal in Nantucket Sound,
2 Massachusetts. The project includes the construction and
3 operation of a 130 wind turbine generators at the Nantucket
4 Sound location.

5 EPA has reviewed the information in the
6 application and other documentation and has issued a draft
7 OCS air permit for Cape Wind, along with an accompanying
8 fact sheet which explains the decisions made in the draft
9 permit.

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

13 Under Section 328 of the Federal Clean Air Act,
14 EPA must establish air pollution control requirements for
15 sources of air pollution located within 25 miles of the
16 State's seaward boundaries that are the same as the onshore
17 requirements. Under the Clean Air Act, the proposed Cape
18 Wind project is an outer continental shelf source, or OCS
19 source, subject to Section 328 of the Clean Air Act and
20 EPA's implementing regulations at 40 Code of Federal
21 Regulations part 55. Under these Federal regulations, when
22 developing an air permit for an OCS source, EPA applies
23 certain air pollution control regulations of the
24 corresponding onshore area which in this case is the
25 Commonwealth of Massachusetts.

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

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

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

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

25 Because Massachusetts is not currently attaining

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

6 Specifically, the draft permit requires Cape Wind
7 to obtain 285 tons of NOX emissions reductions before
8 beginning construction. This is actually 1.26 times as many
9 tons of NOX as Cape Wind is expected to emit during the
10 construction phase. These emission reductions would be
11 obtained according to the Massachusetts Air Pollution
12 Control Regulation including its offset 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
5 project's nitrogen oxides emissions during the construction
6 phase will be more than fully offset through emission
7 reduction credits.

8 Now, I'd like to explain the permitting process up
9 to this point. EPA released the 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 website 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 to submit written comments on the
2 proposed air permit. There will be no cross examination of
3 either the panel or the commenters. Any questions directed
4 to a commenter from a panel member will be for clarification
5 purposes only.

6 This public hearing is being recorded. The
7 transcription will become part of the official
8 administrative record for this permit.

9 However, in order to ensure the record's accuracy,
10 we encourage you to submit written statements in addition to
11 any comments you make 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 the 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 website 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 elected officials in that order. I will then request
11 comments from members of the public. I will use the
12 attendance cards to call on people who wish to comment. And
13 once we get past the government officials, the cards will be
14 called in the order they were submitted.

15 The speakers should come to the microphone to
16 speak 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 the written response to comments, not tonight.

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

12 Although the room looks fairly thin now, it is
13 possible that more people may trickle in. And in order that
14 as many participants as possible get a chance to express
15 their views, I ask that you limit your comments to five
16 minutes. To assist you in this, we will show cards that
17 indicate when you have two minutes left, then one minute
18 left, then, when it is time to wrap up.

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

25 If you have a written statement, you may read it

1 if it can be done in the time period allowed. And if not,
2 then I ask you to please summarize your statement. In
3 either case, I encourage you to submit the written comments
4 tonight.

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

8 Chris Fried.

9 MR. FRIED: Hi. My name is Chris Fried. And I
10 don't have any prepared statements, so, my statements will
11 be sort of like rambling comments, and I hope there is --
12 they join together in some understandable way.

13 I'm a mechanical engineer and for the past 30
14 years, I have been involved in researching and designing and
15 building renewable energy devices, most of them having to do
16 with residential heating. And so, I do have a pretty good
17 understanding of engineering and energy issues.

18 It seems to me that what we are trying to
19 accomplish is find an acceptable way to generate electricity
20 for our present and future needs. And if we're smart, we
21 will choose the way or ways that cause the least problems.
22 And pollution happens to be I guess, one of the main focal
23 points, emissions.

24 So, it should be obvious to certainly engineers,
25 and I'm sure, to you, that every energy generated system has

1 an environmental impact, actually, everything that each of
2 us does every moment of our lives has an environmental
3 impacts. Even when we are sleeping, we are still expecting
4 our heating systems or our cooling systems to operate. So,
5 the trick is to choose the system or systems or approaches
6 that cause the least damage, because that's how we usually
7 recognize most of the pollutants from our electric
8 generating systems or other energy consuming devices.

9 We see the carbon dioxide, or whatever and we
10 often will find that it is damaging the earth's and our
11 living conditions.

12 So, we have before us a proposal to build a
13 relatively new type of energy electricity generating system
14 in the form of Cape wind. And the question is, how does it
15 compare to other systems that we presently have operating or
16 we could construct for future power. How does the Cape Wind
17 project rank as far as the pollutants it releases, or the
18 damage that it causes.

19 The -- well, as I was saying, all systems cause
20 problems or have environmental impacts. Coal fired systems
21 are probably the most notorious and most damaging. We know
22 that coal causes problems from the conception or from the
23 mining. It can be in the form of dust or it could be in the
24 form of visual pollution. It could be visual pollution like
25 the mountaintop leveling.

1 And we also know that coal takes energy and has
2 environmental impact during its processing and then it's
3 transportation and of course, there is energy and pollution
4 impacts for the construction of the machinery to do the
5 processing, and to do the transportation. And then, there
6 is energy to construct the power plant and energy used and
7 pollutants released during the operation of the power plant,
8 especially in the form of combusting the coal.

9 And there, of course, would be the disposal of the
10 coal wastes, the slag piles, the acid rain impact, and the
11 mercury going into our foods.

12 So, I guess, I'm just thinking that there is no
13 way in the world that this proposed wind turbine -- wind
14 farm is going to have nearly as much overall environmental
15 impact over its operating life span, since that's what we
16 need to look at, the impact of the operating life span of
17 whatever system we are considering.

18 So, because the wind turbines do not have most or
19 a large portion of the energy consumption and environmental
20 impacts during the fuel gathering, fuel processing and fuel
21 combustion process. True, there is a an environmental
22 impact from the construction of wind turbines, and the
23 manufacturing of the steel and other materials that goes
24 into it, and there will be some environmental impact during
25 the operation. But, the overall impact, I'm positive, will

1 be far less than with most of our existing competing energy
2 systems.

3 Thank you very much.

4 HEARING OFFICER MCDONNELL: Caroline Marshall.

5 MS. MARSHALL: Hello. My name is Caroline
6 Marshall. I am 16 years old and I've decided to speak at
7 tonight's hearing in support of Cape Wind.

8 The purpose of tonight's hearing is to discuss the
9 permitting process of the Cape Wind energy project by the
10 EPA. This hearing addresses the potential effects of the
11 construction of the wind turbines in Nantucket Sound.

12 In the long run, I believe that the numerous
13 positive outcomes of this project greatly outweigh the few
14 obstacles associated with the construction process.

15 The OCS air permit application submitted by Cape
16 Wind on December 17, 2008 states that Cape Wind would take
17 significant measures to meet Federal requirements. Cape
18 Wind will apply the lowest achievable emission rate for
19 nitrogen oxide emissions during the construction phase,
20 obtain nitrogen oxide emission reduction to offset nitrogen
21 oxide emissions, perform air quality analysis and comply
22 with all other State and Federal regulations.

23 As far as I'm concerned, the aforementioned
24 efforts on the part of Cape Wind to offset and reduce
25 potential effects of this project should satisfy the EPA.

1 I live in Central New York. During the summer, I
2 am fortunate enough to live with my grandparents in their
3 home on Cape Cod. There are two wind farms near my home in
4 New York. The wind farms, Fenner and Madison, are of a
5 significantly smaller scale than Cape wind would be. Fenner
6 contains 20 turbines and Madison contains only seven.

7 Though arguments opposing wind projects state the
8 construction of wind turbines would decrease tourist appeal
9 of an area, I feel otherwise. In my community, the
10 windmills are a majestic symbol of clean power. Classes in
11 school districts from all over the county take field trips
12 to the windmills which are viewed as beautiful and necessary
13 additions to the rural landscape. Local citizens take pride
14 in the windmills.

15 Though these wind farms in New York were built
16 with a progressive state of mind, their combined output only
17 supplies 42 megawatts of energy. Cape Wind, however, would
18 supply 454 megawatts of energy, enough for 75 percent of
19 Cape Cod.

20 The interesting promising part of Cape Wind is the
21 scale of the project. The dream of clean energy that could
22 actually make a big difference in our environment and world
23 has become realistic.

24 During the summer, I run on the Cape Canal bike
25 path. The beautiful historic canal is marred by the

1 presence of an unsightly, yet necessary, power plant. The
2 pollution being emitted from the power plant is a further
3 reminder to me of why Cape Wind needs to come to fruition.
4 With the energy from Cape Wind powering three-fourths of
5 Cape Cod, power plants like this would not be needed.

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

11 Windmills are not an eyesore. They are a symbol
12 of the future of energy. And I believe that, when windmills
13 exist in the windiest places, off the shores of our entire
14 country, we will finally be heading in the direction of true
15 sustainability.

16 The topic of this hearing is somewhat ironic, due
17 to the fact that the windmills are the essence of clean
18 environmentally safe energy.

19 My generation is the future. And energy is a
20 problem. Though you may not be able to see past the
21 temporary obstacles at hand, the numerous long-term positive
22 outcomes cannot be ignored.

23 Thank you for listening.

24 HEARING OFFICER MCDONNELL: Audra Parker.

25 MS. PARKER: Thank you for the opportunity to

1 comment. My name is Audra Parker. I'm the President and
2 CEO of the Alliance to Protect Nantucket Sound.

3 The EPA has long been involved in the permitting
4 process for Cape Wind and has been critical of other
5 agencies' review of this controversial project. The EPA has
6 called the Army Corp's review of Cape Wind inadequate, and
7 has criticized the Department of the Interior for rushing
8 its review process to meet an arbitrary deadline and
9 compromising review of this large and complex project. The
10 Alliance appreciates EPA's continued diligence in its
11 review.

12 Generating clean energy is not an all or nothing
13 choice. It is not limited to Cape Wind's controversial
14 project or no clean energy at all. It is about finding the
15 right place to build with the least amount of negative
16 impact overall. Clearly that place is not Nantucket Sound.

17 During construction, Cape Wind would operate
18 equipment powered with diesel compression ignition engines
19 which would emit nitrogen oxides, carbon monoxide,
20 particular matter, sulfur dioxide and other pollutants.
21 Cape Wind would also emit pollutants during operations and
22 maintenance in the environmentally sensitive Sound. New air
23 quality emissions standards for nitrogen oxide emissions, as
24 well as sulfur dioxide emissions have been issued, but have
25 not been applied to Cape Wind. EPA needs to monitor Cape

1 Wind's compliance with these new air quality standards.

2 In addition, EPA needs to conduct its own analysis
3 of alternatives including energy efficiency and land based
4 wind that would have far fewer impacts in the proposed
5 project and be far less expensive for rate payers.
6 Previously, the EPA has criticized both the Army Corp as
7 well as Interior's analysis of alternatives. In 2008, EPA
8 noted that the draft environmental report, "did not provide
9 enough information to fully characterize baseline
10 environmental conditions and environmental impacts of the
11 proposed project, and did not adequately consider
12 alternatives to avoid or minimize impacts."

13 Neither Cape Wind nor Interior provided the
14 requested information. Nor did Interior provide additional
15 analysis of alternatives.

16 EPA needs to obtain the additional information
17 needed to fully characterize the baseline environmental
18 conditions and conduct its own independent analysis of
19 alternatives rather than accept and rely on Interior's
20 flawed findings.

21 The EPA also needs to independently comply with
22 two key statutes, the National Historic Preservation Act and
23 the Endangered Species Act. To date, EPA has
24 inappropriately used Interior's consultations to satisfy
25 EPA's own obligations under the National Historic

1 Preservation Act. EPA needs to independently consult with
2 the Mass State Historic Preservation Officer, as well as the
3 Tribal Historic Preservation Officers. It also has the
4 responsibility to respond to the recommendations of the
5 Advisory Council on Historic Preservation which strongly
6 recommended that Cape Wind be denied or relocated to a
7 better alternative site because of the permanent and
8 pervasive damage this project would cause to Tribal and
9 cultural resources.

10 Unlike Interior which ran roughshod over historic
11 preservation concerns, EPA should adopt the Advisory
12 Council's position and recommendations.

13 EPA also has an independent duty to comply with
14 the Endangered Species Act. This means EPA must initiate
15 consultations for the effects of its action on both bird and
16 whales. The biological opinions issued to date are
17 defective. And both Interior and the Fish and Wildlife
18 Service have been sued for their failure to comply with the
19 Endangered Species Act.

20 For example, neither agency questioned Cape Wind's
21 erroneous and self-serving claim that a temporary project
22 shut down required to detect birds would destroy project
23 viability.

24 EPA should not allow Cape Wind or political
25 interference to perpetuate this error and therefore, must

1 initiate a new ESA, new Endangered Species Act, Section 7
2 compliance and formal consultation with the Fish and
3 Wildlife Service. This is particularly important because,
4 without the EPA permit, under the Clean Air Act, there can
5 be no Cape Wind project. All species impacts are
6 attributable to the actions of the EPA.

7 Given EPA's unrelenting integrity in the Cape Wind
8 permitting process, I urge you to continue to review this
9 project critically and follow these recommendations rather
10 than succumb to political pressure as has been the case with
11 so many of the other agencies involved in the review of this
12 flawed project.

13 Thank you.

14 HEARING OFFICER MCDONNELL: Megan Ottens-Sargent.

15 MS. OTTENS-SARGENT: Good evening. My name is
16 Megan Ottens-Sargent and I live in the town of Aquinnah.

17 And I actually don't have any prepared statement.
18 I just wanted to be on the record and write my comments. Is
19 that possible? And have those considered? Do I have to
20 actually make a statement?

21 HEARING OFFICER MCDONNELL: No. You do not have
22 to make a statement. You can just submit written comments.

23 MS. OTTENS-SARGENT: Okay. One thing I will say
24 is that I was hopeful that the EPA will have a comprehensive
25 overview of the whole project and will look at some of the

1 concerns that Ms. Parker just raised with respect to the
2 Endangered Species Act and the significance of the resource
3 area as a cultural Native American site.

4 Thank you.

5 HEARING OFFICER MCDONNELL: Bettina Washington.

6 MS. WASHINGTON: Good evening. Thank you for
7 coming to the Vineyard. I welcome you to my homeland.

8 My name is Bettina Washington. And I am the
9 Tribal Historic Preservation Officer for the Wampanoag Tribe
10 of Gay Head Aquinnah. And I am honored to issue these
11 comments on behalf of my Tribe.

12 My first question or comment is, I do not
13 understand how this draft got done without coming to speak
14 to the Tribe and its cultural department before it was
15 issued. There is no the other entity that can speak on
16 behalf of our culture.

17 And what brings that to light is, on page 2 of
18 your draft permit, "an analysis of alternative sites,
19 production processes and environmental control techniques
20 for the proposed source demonstrates that benefits of the
21 proposed source significantly outweigh the environmental and
22 social costs imposed as a result of this location of
23 construction."

24 I don't see the word culture at all. And
25 unfortunately, EPA has made the same misstep as nearly every

1 other Federal agency through the Cape Wind project. You
2 have ignored us.

3 Now, the analysis of the alternatives. If you are
4 talking about this analysis that was in the FEIS, I am here
5 to tell you that it is bogus. Because, we were not part of
6 the analysis on the alternative site.

7 Where it says culture, under south of Tuckernuck,
8 could have been us. So, I don't know where you were getting
9 that information from.

10 On the other hand, when it was at one of our
11 consultation meetings over on the Cape, and we were
12 discussing this chart, it was so convoluted even MMS could
13 not make heads or tails of it.

14 So, this is my original. And you can see how beat
15 up it is. I use it as a coaster. I keep it in front of me
16 to remind me how poor this consultation was done.

17 Now, I am a little bit confused about the letter
18 sent to MMS from EPA in December, because, I am not sure, as
19 I'm reading this, that you're going to use the previous
20 consultation done by MMS, which we all know is faulty and
21 poorly done.

22 So, I know that I will keep consulting with EPA on
23 this.

24 My other question is, who is doing the clean water
25 permit for this project? I am under the assumption that it

1 would be EPA. But, I have not been able to verify this.

2 The siltation caused by the drilling and the
3 blasting over two years, this will wipe out that nursery,
4 that is so fragile not only for our cultural concerns,
5 economic for this island and the Cape area.

6 I will go into detail with the EPA consultant our
7 cultural concerns, because I could be here all night with
8 that.

9 I look forward to working with EPA and asking that
10 you deny this permit to our traditional cultural property.

11 Thank you.

12 HEARING OFFICER MCDONNELL: Is there anyone else
13 who would like to speak at this time?

14 If not, we will take a 15 minute recess, and if
15 anyone shows up, we will have them speak next.

16 MS. OTTENS-SARGENT: During this period, is it
17 possible to ask questions?

18 HEARING OFFICER MCDONNELL: It's not a dialogue or
19 a question and answer period. We are just here to hear your
20 comments.

21 MS. OTTENS-SARGENT: Well, I understand that, but
22 in commenting, one can ask questions and then you will
23 respond in an e-mail?

24 HEARING OFFICER MCDONNELL: In the written
25 response to comments, we will respond, yes.

1 Do you want an opportunity to speak again?

2 MS. OTTENS-SARGENT: Well, I have a very simple
3 question. Should I get to the mike or just --

4 HEARING OFFICER MCDONNELL: Yes, please.

5 MS. OTTENS-SARGENT: I'm just wondering if --

6 HEARING OFFICER MCDONNELL: We need your name
7 again.

8 MS. OTTENS-SARGENT: Oh, yeah. Megan
9 Ottens-Sargent.

10 I had a really difficult time finding out about
11 this hearing. I know you said you advertised it in the Cape
12 Cod Times. I didn't see it there. I heard it through word
13 of mouth. I thought our regional planning commission would
14 know about it. They weren't aware of it.

15 And I just wondered what are the legal
16 requirements for noticing the public about something that is
17 coming out of the Federal Government.

18 That's one of my questions.

19 I probably have more, but I will leave it at that.

20 Thank you.

21 HEARING OFFICER MCDONNELL: Would you like to
22 speak?

23 MS. CHURCH: Yes, I would.

24 HEARING OFFICER MCDONNELL: Could you fill out a
25 card?

1 MS. NICKERSON: I did.

2 AUDIENCE MEMBER: She probably just didn't mark
3 down that she was going to speak.

4 HEARING OFFICER MCDONNELL: Oh, what is your name?

5 MS. CHURCH: My name is Olga Church. And I just
6 want to follow up on the question that you just got.

7 The Cape Cod Times is not one that people on the
8 Vineyard necessarily read. There was nothing in the MV
9 Times. And there was nothing in the Vineyard Gazette. And
10 I also would like to know why that is -- that.

11 HEARING OFFICER MCDONNELL: Is there anyone else
12 who would like to speak?

13 We will take a 15 minute recess.

14 (Off the record from 5:42 p.m. to 5:58 p.m.)

15 HEARING OFFICER MCDONNELL: We will be resuming
16 the public hearing.

17 Suzanna Nickerson.

18 MS. NICKERSON: Hi. This is on?

19 HEARING OFFICER MCDONNELL: Yes.

20 MS. NICKERSON: Yes. I am Suzanna Nickerson from
21 Edgartown. And I'm going to take it slowly because I'm a
22 little disheveled.

23 First, I'd like to say that I think this is like a
24 giant experiment. And I don't know why they have chosen
25 such a beautiful pristine place, so unspoiled, to make an

1 experiment that might be very messy and very disruptive to
2 our way of life here.

3 My, you know, forefathers are from the Cape. And
4 I know that the fishermen are totally opposed to this. And
5 you have to stop and say, they are the people who know the
6 waters as well as anyone can, and why are they opposed to
7 this.

8 It's not -- I mean, I part of it is their way of
9 life too, that the fishing ground that is going to be
10 desecrated by this power plant. Why have they chosen this,
11 in all of the East Coast, to be the big experiment?

12 When the oil spill happened down in Louisiana, you
13 know, I kept hearing about the change of lifestyle there.
14 Well, this wind farm will mark the change of a lifestyle
15 here.

16 Our industry -- our biggest industries are fishing
17 and tourism. We depend on our beautiful beaches. We depend
18 on the natural wild life and fishing. And all of those
19 things are going to be dramatically affected by this power
20 plant right off our shores.

21 So, basically, what this power plant is going to
22 do is going to alter our way of life in a huge and
23 destructive way. And what I've looked at, I mean, first,
24 the idea of the sand, the shifting sands of the Cape and
25 islands, this is not a place to put in those windmills.

1 It's not a good place. When it the sands -- you know,
2 because it's all sand and it all shifts constantly. And
3 that's why, there were hundreds of shipwrecks around the
4 Cape and islands when boating was big, when we depended on
5 boating to bring in our supplies and for trade and commerce.

6 And what those wind farms are going to do is going
7 to affect all of the beaches and all of the sand on the
8 island. And the way it moves, and that's going to affect
9 the boating to some extent. But, I'm more concerned about
10 the wildlife, how it's going to affect the wildlife on the
11 beaches and around the beaches and in the marshes and around
12 the marshes.

13 And there is no way to really know. I mean, I
14 know in my heart that it will affect the way the shoaling
15 happens around those bases that are set in water. And but,
16 we don't know how dramatically it will affect wildlife until
17 it happens.

18 And the second thing that I think will be very
19 dramatic and horrible is the bird population. They are
20 right on the shore.

21 Do I have time? Am I supposed to --

22 HEARING OFFICER MCDONNELL: You have one minute
23 left.

24 MS. NICKERSON: Oh, okay. Sorry.

25 You know, all the migrating birds pass over here,

1 millions of them. And they have to go through the wind
2 farm. They're not, I mean, you could send them an e-mail,
3 but they're not going to get it, you know, as to whether
4 they should change their routes that they've had for
5 millions of years.

6 Let's see. What are my other points quickly.

7 I think, another thing that's going to change
8 dramatically is our night sky. We will no longer have that
9 dark night sky. We're going to have hundreds of lights.

10 And the sound of the windmills.

11 So, thank you very much.

12 HEARING OFFICER MCDONNELL: Charles Carlson? Do I
13 have your name right?

14 MR. CARLSON: Yes, you do. As you can see, I was
15 enjoying cocktails when I found out about this hearing. And
16 as you can tell, very few other people did.

17 Let me establish my credentials. I'm a
18 professional engineer in the Commonwealth of Massachusetts.
19 I have also been registered in the state of Wisconsin and
20 New York.

21 I was a former managing director of Hearst
22 McLellan (phonetic) one of the 10 largest electrical
23 engineering consulting firms based in Newcastle in the UK.
24 I was the former deputy director of the Big Dig in Boston,
25 in the senior vice president of Parsons, Brinckerhoff,

1 former deputy commissioner of transportation for New York
2 State.

3 I'm well acquainted with the public hearing
4 process, and let me address that first.

5 The idea that an advertisement is only --

6 THE REPORTER: I'm sorry. Could I ask you to back
7 off of the microphone?

8 MR. CARLSON: Right. The idea that an
9 advertisement is only placed in the Cape Cod News, and with
10 just a handful of people present here shows that there was
11 no real intention on the part of your organization to
12 encourage people to participate. Therefore, I insist that
13 your hearing is fraudulent. And it was probably -- I hope
14 not, but possibly, done in conjunction with Cape Wind to
15 make sure that there was very little participation from the
16 people within Martha's Vineyard to offer testimony.

17 I'd like to talk about the product itself. Aside
18 in holding this fake hearing, this fraudulent hearing, the
19 project itself is a good project. But it is absolutely in
20 the wrong place.

21 At the most, Cape Wind will generate about 400
22 megawatts of power. Maybe a little bit more than that.
23 They'll have 130 towers. Each of those towers will be
24 anywhere from 440 to 500 feet high. That's a 50 story
25 building or a 45 story building.

1 As you go from Somerville into Boston, there is
2 only a handful of buildings, I think there's only three
3 really, that are taller than that.

4 So, what you're doing is that you are putting 130
5 skyscrapers, 130 skyscrapers in this pristine area, which I
6 think is outrageous.

7 Now, what do you get for that? Well, you get the
8 power plant that's about 400 megawatts. Let's see what a
9 400 megawatts power plant does. If I can think of one along
10 the Hudson River, I spent six months of the year here and
11 six months of the year in Albany, New York. There is a
12 power plant along the Hudson River. If you look at it, the
13 plant is there. There are a couple of towers, not too many.

14 There -- there's no cooling towers. And the power that is
15 produced by that plant is somewhere about 400 megawatts.

16 So, what you're doing is, you are putting 130
17 skyscrapers in this pristine and beautiful area, where you
18 could have something on the shore, a clean power plant,
19 clean coal, clean natural gas, that would produce the same
20 amount of power.

21 The other thing, what you're doing is that you are
22 making connections to the grid in Barnstable. Once that
23 happens, you are not only looking at 130 skyscrapers, but
24 you're looking at perhaps hundreds more that will be
25 connected to the grid.

1 Now, I've built power plants. I've built a lot of
2 very, very big power plants that our troops in Kuwait are
3 now enjoying the use of.

4 So, one of the things that we look at whenever we
5 build a power plant is our access to the grid. Once you
6 have that access to the grid, there is an infinite number of
7 other power plants that can be added to it.

8 So, what you're looking at is not 130 skyscrapers.
9 What you're looking at is hundreds of more skyscrapers.

10 What the previous speakers spoke about, what it
11 meant to the birds, what it meant to fishing, what it to the
12 fishermen, multiply that many times over.

13 So, besides having a fraudulent public hearing
14 with improper notice to the public, I think, the whole
15 process is really quite deceptive because you're not only
16 looking at the 130 Cape Wind power plant, but, you are
17 looking at hundreds of more that are already on the grid for
18 development.

19 Thank you very much.

20 HEARING OFFICER MCDONNELL: Has anyone else come
21 in that would like to speak?

22 Is there anyone that didn't have enough time that
23 would like to raise a few more comments?

24 And can you please restate your name?

25 MS. NICKERSON: Susanna Nickerson from Edgartown.

1 I think, the only thing I really didn't -- wasn't
2 able to say -- well, I guess, the sound of the wind farm or
3 the power plant, I've had friends that have been -- visited
4 the on land wind farm in California, and she said that the
5 wind farm -- the windmills, once they get going, they make a
6 very big sound when they are moving through the air and
7 that, in concert with other windmills, they all kind of make
8 this huge hideous pulsing noise that is excruciating to the
9 head and ears. And I don't know what that will do to the
10 fish population. And since it really hasn't been tested in
11 a shallow waters, I think, ever, I don't know how that is
12 going to affect our fish population as well, especially our
13 whale population.

14 And as you probably know, that the right whales
15 that haven't been heard or seen from for many years, were
16 just around our Cape and Islands two months ago I think.
17 And they are like the last pod left on the planet, the right
18 whales.

19 And so, it's just another thing to think about how
20 this is going to affect the fish, especially, you know, the
21 larger fish. I can't even think of the name of it -- the
22 whales and other non -- let's see. That's one thing.

23 The safety is another. This concern that I have
24 is for boaters, that that area is going to be a big safety
25 issue. Not only when it's during storms, and rough weather,

1 but also, that it could be a safety issue for just, you
2 know, in a fog, because we have a lot of fog, white outs.
3 You can't see in front of your nose.

4 So, there is also a sound surrounding that. It's
5 going to be loaded with fog horns, but also, it's going to
6 be a safety issue for boaters, a constant ongoing safety
7 issue.

8 And again, I just don't know why -- I mean, I know
9 why, because they got in a loophole as far as why Cape Wind
10 wants to develop there. But, I really don't know why the
11 process has gotten this far.

12 I can't see anything, not even one thing that
13 would be a positive about having a wind farm at this
14 location.

15 Thank you.

16 HEARING OFFICER MCDONNELL: Is there anyone else
17 that didn't have enough time that would like to speak again?

18 We have committed to stay here until at least 7:00
19 o'clock. So, if more people -- we will be here. So, if
20 more people want to speak, please let us know. And right
21 now, we'll take a recess, unless somebody -- until somebody
22 else comes in. Thank you.

23 (Off the record from 6:14 p.m. to 6:30 p.m.)

24 HEARING OFFICER MCDONNELL: We will be resuming
25 the public hearing.

1 Richard Toole.

2 MR. TOOLE: I am very much in favor of Cape Wind.
3 I can't believe that it's taken this long. And I can't
4 possibly believe that it could have a negative impact on the
5 air quality in Massachusetts. And I believe that this can
6 only be a positive.

7 The whole idea is to reduce the carbon dioxide
8 emissions and the generation of electricity, and producing
9 energy with wind power is what that's all about.

10 There are no emissions from a turbine that I'm
11 aware of. Between that and solar energy, I mean, this is
12 what we've got to go with. We've got to reduce the
13 emissions. We've got to reduce our carbon footprint. We've
14 got to reduce the impact that this is causing global -- or
15 climate change. It's not going to cause global warming,
16 because it doesn't seem to be always warm. But, we are
17 changing our climate. And the way to do that is to stop
18 burning coal and stop burning oil and to produce more clean
19 renewable energy.

20 And I think that this project has a very high
21 probability of doing just that. And I can't imagine it
22 having a negative impact on air quality.

23 I appreciate your coming out to the Vineyard today
24 to take testimony.

25 Thank you.

1 HEARING OFFICER MCDONNELL: We will be taking
2 another recess.

3 (Off the record from 6:32 p.m. to 7:00 p.m.)

4 HEARING OFFICER MCDONNELL: Since no one else is
5 here and ready to speak, we will be adjourning this meeting.

6 (Whereupon, at 7:00 p.m., the proceedings were
7 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: Oak Bluffs, Massachusetts

Date: July 14, 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

07/14/10

Reporter

Date

M. Rossi

08/03/10

Transcriber

Date