

Testimony of a Public Hearing of the Town of Union Planning Board held relative to an Aquifer Permit for Crysta-Lyn, LLC, located at 2601 Wayne Street, on September 12, 2023, at 8:15 p.m.

PRESENT: Members present: L. Miller, Chairman
M. Jaros
S. McLain
C. Bullock
T. Crowley
G. Ksenak
N. Sarpolis

Others present: Marina Lane
Frank Goroleski
Brad Galusha
Chris Lynch
John Perricone
Charlie Arbuiso
Michael Heide
Bob Potochniak
Lily Ann Mortenson
Sharon Mortenson
Aishia Mortenson
Maria Galindo
Michael Casale

MS. MILLER: We will open the Public Hearing, and I will read the public notice.

The Town of Union Planning Board will conduct a public hearing relative to an application by Crysta-Lyn LLC for an aquifer permit associated with a proposed chemical manufacturing facility at 2601 Wayne Street (Tax Map #141.20-8-10). The property is zoned Industrial and the manufacturing facility is a permitted use. An aquifer permit is required for the aboveground storage of greater than 25 gallons or 220 pounds per month of hazardous or toxic materials in the primary aquifer district.

The public hearing will take place on Tuesday, September 12, 2023, at 7:00 PM or thereafter in the Town Board Meeting Room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. The application is available for review in the Town of Union Planning Department during normal business hours.

Individuals with special needs requiring accommodations may contact the Planning Department at (607) 786-2926 at least 24 hours prior to the scheduled public hearing.

Lisa B. Miller Chairperson

MS. LANE: Could I first ask Brad or Frank to give a little bit of information that might show your credentials and experience and knowledge of working with these chemicals? Like you said, you have been doing this for forty years and you have worked with Binghamton University.

MR. GALUSHA: Frank has a Master's degree in Chemistry from Binghamton University and I have a Bachelor's degree in Chemistry from Binghamton University. I started in this business in 1983 with Anitech Industries. We make photographic dyes used in the coating process for photographic papers. Frank's two sons and my sons work for us, so we are very concerned about health and safety and everything else because it's our family and our grandkids. We have been doing this since 1983 and when Anitech closed, they started this business and I came in 2000. They had started this a long time ago in Johnson City and then moved to a bigger place; then we moved to Emma Street in Binghamton and we have been there twenty years doing this. Right now in that building, there are one hundred apartments that are over the top of us because we are on the first floor and the apartments are above us. We have never had a complaint and the DEC comes and looks at us on a regular basis. We get reviewed by the Binghamton and Johnson City Joint Sewage Treatment Plant; they come in and inspect us once a year. We have samplings done twice a year for any water problems and we don't. We don't put anything down the drain; everything goes into drums. We don't have any bulk storage chemicals. It is all in 55 gallon drums and we send it out in 55 gallon drums also. So every bit of waste goes into a 55-gallon drum and it sent out for offsite service.

MS. LANE: Thank-you.

MS. MILLER: If you are going to speak, please give your name and address and limit your comments to three minutes.

MS. LANE: Do you have a question? Can you tell us your name?

MS. MORTENSON: My name is Lily Ann Mortenson. I am not going to say my address because my mommy said not to. (laughter)

MR. SARPOLIS: That's okay.

MS. LANE: That is a smart thing to do, especially to a bunch of grown-ups.

MS. MORTENSON: My worry is that this company produces the smoke or pollution that comes out of the chimney. In my book, acid rain had a huge impact on the health of humans and it damaged humans, according to the scientists.

MR. SARPOLIS: She's talking about a book she read and in the book they talk about acid rain, and they show the difference between a tree that has been affected by acid rain and one that hasn't.

MRS. MORTENSON: Do want to show them the book?

MS. MORTENSON: Healthy tree branch. Damaged tree branch. (She holds the book up)

MS. LANE: That looks like a great big factory in the back there, doesn't it?

MS. MORTENSON: Yes.

MRS. MORTENSON: What do you enjoy doing in our neighborhood?

MS. MORTENSON: I enjoy taking walks in the fresh air and every morning when I get out of the house to go to school, and sometimes I go out at night with my dad to look at the stars. If they build this building, the smoke will block the sky and I won't be able to see stars anymore.

MS. LANE: I am wondering who told you all of that.

MS. MORTENSON: She read all of it on her own, and she insisted that we come here today.

MR. SARPOLIS: You did a nice job.

MS. LANE: I am an environmentalist and I studied forest biology at the College of Environmental Science and Forestry, so I understand what you are saying. I am also concerned, that's why I am in this job to make sure that when something is approved, it is being done safely. So you don't need to worry about that with this little tiny company. Okay? I promise you. It is much different than the IBM facility that you probably would know. So this is a very tiny company and I promise you that you don't need to worry about it from these people. But you keep on researching; good job. (Clapping)

MR. PERRICONE: My name is John Perricone and I live at 310 Norton Avenue and I had the honor of teaching at Maine-Endwell for thirty years. I am heartened to see one of my former students and one of my former colleagues here tonight. I am going to be much calmer. I am just giving you a heads up. I have long maintained that I don't need to be an engineer to see that a bridge is about to collapse. I can make that observation and bring it to the attention of people who are professionally trained to fix it. So, I did bring an expert tonight and he gets very, very emotional because he is a very passionate man. And I don't think that we can remove emotion from what we are talking about tonight; we are human beings. I am here, hoping as you weigh this decision, that you keep two words in mind. Flint, Michigan. Those people were assured that all the testing would be done. We

don't want that to happen in our community; I don't think any of us want this to happen. We live here; we love our children; we love our grandchildren, as you said. This is an emotional issue and we can't remove our emotions from our humanity. My father died of inoperable brain tumor at the age of 61 and he was part of the IBM plume, and I could never prove that until the day I die, but that's what he died from and so many of his friends died from the same thing. So forgive us for being emotional. This matters and we just need the reassurance that we are going beyond the company that is doing this in the testing that has been done. We need reassurance that goes beyond that. Thank you.

MS. LANE: Thank-you. The one thing, am obviously I am not the expert in this, I did get a Master's degree in forest biology, and I did take organic chemistry, and chemistry and physics and all of that a number of years ago, but I still remember a bit. One of the most important parts of their safety measures is the secondary containment. The containers are not that big; like they said, 55-gallons. It is in secondary containment; we require it and the DEC is going to require that. When we met with the Wellhead Committee, which is responsible for ensuring the safety of the aquifer and the water, they summarized in the end that they [Crysta-Lyn] were following all the correct procedures. And, I believe you said that many of your chemicals are heavier than air, so they are not volatile for the most part, going up into the air. Some will be, I am sure, and those are controlled, like we said like in a chemistry lab, and again I don't go to their facilities to check out their facilities over on Emma Street. But who is not using a hood? I don't care for hoods personally. I worked with xylene, toluene and benzene in an electron microscopy lab for a year and a half and I got allergies.

MR. PERRICONE: We just want to ensure that we don't repeat the nightmare and tragedy of other communities that were reassured that everything was up to code, and it was not. That's all.

MR. SARPOLIS: Question; you mentioned secondary containment. Maybe you guys could explain that to these guys and it might give them something to chew on.

MR. LYNCH: So, on the site plan you will see that there is actually a floor plan overlay for the interior of the building. So, the building, based on the quantities of chemicals being used and if they are hazardous or flammable, we have to provide physical barriers to control it, so that if there was a fire, the fire would be contained. So we have four areas that are controlling the chemicals and if there is a breach in one area, it's not going to breach another area causing a domino effect, if you

will, in the other spaces. In the main processing plant where they do the bulk of their work, we are actually providing an interior concrete curb. If anything was spilled, it would be contained again in that area and address with a protocol. They use something similar cat litter to clean up the spill into solids, and then it is disposed of correctly in a hazardous waste process. So ultimately there is a concrete bathtub and no floor drains, that if anything is spilled, it is contained within that room and that space.

MR. PERRICONE: Can you explain, relative to the use of the term “aquifer,” why that should be sending up flags for everyone in this community?

MR. LYNCH: Because there is no penetration into the ground. The building sits up about three feet above grade. There are no foundational or structural issues that our engineering firm discovered as we were investigating the building and designing the project, so we had no concern that something was going to seep through. We are providing additional protective coatings on that concrete floor so, again, it doesn’t absorb through. So we have fulfilled all the requirements prescribed in the building code and the fire code.

MR. PERRICONE: Thank you.

MR. SARPOLIS: Did that help you guys better understand?

MR. ARBUISO: No, I want to talk. My name is Charlie Arbuiso, and I live at 6 Redwood Road in Endwell, and I am in my twentieth year teaching chemistry at Vestal. I have a fume hood and I never bring methanol or acetone with DMF into my classroom because they are unsafe for high school kids. And this sounds wonderful, and what you said is actually pretty good (directed towards Mr. Ksenak), and I recognize you from somewhere, and I like you. And you are probably a nice guy too, and I am sure that their children that work there are also pretty nice. But these chemical are poisonous; these are outright undrinkable; you can’t talk during my time (directed towards an unknown person). They are poison. And the last one it can affect fetuses; it can cause genetic defects in children. We have had a lot of problems here. Many communities in the world have problems with spills. Problems happen. There is insurance for my car, even though I am the best driver in town, I have to have insurance because accidents happen. I am concerned that this is just, “surprise, we are gonna let these guys come in”, and they seem nice and they seem to have a good plan, but how does the public get assured that chemicals that cause birth defects could leak into the ground if something happens, if it is a mistake? Nobody plans for a mistakes, but what if on the way into the building they tip the can over, and it’s not on this

concrete, what assurances does the public have? When we get our hydrochloric acid in school, it gets delivered after 4 p.m. because it comes in so concentrated that children aren't even allowed in the building when they wheel it in. How do we know that this is really going to be all safe? Maybe the building is safe; is the truck safe? Is anybody with insurance going to crash into the truck in front of the building before he gets the door opened and is that stuff going to go in the sewer? Do we need more chemicals? Nine jobs is good. I never had nine people in the bagel store. Nine jobs is good, but the potential downside is fantastic. And it sounds like a degree in forestry is making the decision.

- MR. KSENAK: We have chemical engineers...
- MR. ARBUISO: We need to be sure. It sounds like it is a done deal.
- MS. MILLER: There are laws that...
- MR. ARBUISO: But don't you guys get to vote "No?" Is a "no" vote even possible, and should you not consider that? What if my children, or your grandchildren or somebody-you-don't-even-know's children? A lot of these chemicals cause cancer; you won't know it for a long time. John's father lived for a very long time and then he got cancer. Are they really safe and do we really want more chemistry in Endwell?
- MS. LANE: You made your point. Now please let someone else speak. You have had more than your three minutes.
- MR. ARBUISO: I'll be quiet. I am done.
- MS. LANE: If somebody has something new to say...
- MR. ARBUISO: Are you always so rude to everybody?
- MS. LANE: Now, onto the two gentlemen in the back, who have waited very patiently, and both of you wanted to speak. Does one of you want to speak next?
- MR. CASALE: I don't need to say a whole lot but I am here for information because I live right behind the building. I know that he addressed possible spillage; what kind of exhaust is coming out of the building and into the air? I don't think anyone has spoken about that or if that is a concern.
- MS. LANE: I think that is a good question. Can you answer that (to Mr. Galusha)?
- MR. GALUSHA: So we talked to the DEC about the Air Registration and we gave them a list of all the chemicals that could possibly go up. There are chemicals like acetone, methanol, isopropyl which is rubbing alcohol,

and ethanol, and those are the bulk of the solvents that we use that would be going up into the air.

MS. MILLER: Thank-you. Anyone else?

MRS. MORTENSON: My name is Aishia Mortenson and I live at 2723 Crescent Drive in Endwell. And I am here because my daughter feels very passionately about this, and I supported her, and that's why our whole family came, because it was very last minute. We saw the posting and we wanted to advocate for what we believe. That being said, I am concerned as a resident, living in that neighborhood, about potential accidents that are beyond the control of the facility. I agree that it sounds like you guys have a great plan in place. I will say that coming down Harding, it is a very steep grade. There is a stop sign at the end of Harding there, and almost everyone runs it when the weather is great. I have seen plows go through the hill and slide down the hill and take out the fire extinguishers. So those are the types of things that I think that, as a town and as a community, that we should think about before we put those kinds of chemicals into place. And all of those things are beyond your control, so what as a community are we able to do to safeguard the community? So that's what I would implore upon.

MS. LANE: I think that you made a really valid and good point. So could you gentlemen explain how your materials are either delivered or removed?

MR. GALUSHA: It's all done on tractor trailers. Typically when we receive drums in, it will be one to three drums that will come in at a time. And many times it is an LTL, so it could be Yellow or Old Dominion truck and they have other things on them. That is all controlled by the DOT; the DOT is very strict about what they will allow on roads and how it is dealt with. If there were to be an accident and it had our materials on it, each driver has a manifest of what they have, and if it is a hazardous material, their manifests states that it is a hazardous material. So if there were to be an accident, the DOT would be notified immediately; because of that, the DEC would be called, and the response team would come in and deal with that. I have never been involved with that.

MRS. MORTENSON: I totally get that. My question is to the Town. What have we done to safeguard the community, specifically to that intersection, because it is really nasty in the winter?

MR. SARPOLIS: What would be the proposed fix?

MRS. MORTENSON: I don't even know.

MR. SARPOLIS: So when a tractor trailer approaches this building, presumably they are going to come over the railroad tracks and take that very wide commercial or industrially zoned street that goes straight down a level area. They are not going to come down Watson Boulevard or they are not going to come down Harding.

MRS. MORTENSON: So I know they will, but it's the other people, like the plows that slid down.

MR. SARPOLIS: So now we are in "what-if" land. And I understand what you're saying. It's just, we can't make a decision based on "what ifs."

MRS. MORTENSON: But it is in a residential neighborhood.

MR. SARPOLIS: But we can't make a decision based on a "what-if" scenario.

MR. GOROLESKI: I guess the road that comes down doesn't go into our facility. It actually goes into the creek if it does, it wouldn't go into our facility. And there are two huge concrete planters there for a reason. I guess people go pretty fast up that hill because they want to make that cut, so that's why the planters are there to make sure that they don't go into the building. So that's all that I can see right there that could happen. Because we know that the tractor trailers come right down that road, like you said.

MR. SARPOLIS: Do the tractor trailers go down Harding? All I know is that BAE goes down there all the time.

MRS. MORTENSON: It is not a residential road there, per se, there, but the rest of it.

MS. MILLER: Anyone else? Would you like to say something, honey?

MS. LANE: Just a minute, honey, because we have someone who hasn't spoken, and everyone gets a turn first if they want.

UNKNOWN: I have seen the sign for aquifer storage, and I was just attracted by the sign.

MR. GALUSHA: We are already, our facility right now is over the Binghamton First Ward Aquifer, and so we are very familiar with dealing with it, and what the state requires of it and how we have to approach it. You have to understand that I drink the same water that you guys do. I have lived here my whole life; I was born and raised here. We already deal with the First Ward Aquifer in Binghamton and I have dealt with it my whole life; Anitec was built over it. And they were built over it because that aquifer because it had a great supply of water and they never ran out of water. So we understand what New York State wants, we understand what the Town wants, and how they want us to deal with the primary containment and secondary containment. So as far as the aquifer is concerned, we definitely have that under

control and we will take care of that. And any spills, we have to call them in and report them.

UNKNOWN: Well, participating in the process is a civic duty for all of us, and people want to feel heard. I appreciate you talking about it here. I think maybe the conversation about the chemistry could have been happening during the environmental impact statement. Maybe you could have invited Mr. Arbuiso to participate in the statements regarding the air quality; maybe that could have satisfied some of the people. Is there an opportunity to review that environmental impact statement?

MS. LANE: If you would like to review that, yes. So, on that sign-in sheet, either you can put your email address or make sure that I can read your phone number, or anybody, and then we will contact each other and I will send you the environmental assessment form. And some of you probably know what the aquifer district means, and some of you might not know. There are three areas within an aquifer. There are the immediate well recharge zones, so the Ranney Well in Endicott and there is a well in Johnson City, so those wells are zone one; they are the immediate recharge for our drinking water. Then there is the secondary, which covers probably about half of the Town of Union, where if something were to seep into the ground, like the Endicott plume, that would reach the second layer of the aquifer district. The remainder of the Town, the whole area really, is in the Clinton Ball Street Aquifer district, that's not the right name...; and that is where water sheet flows from the mountains down to get to what we are in, which is zone two, the intermediate area. They are right at the edge of zone two. Byrne Dairy is similarly right at the edge of zone two. Byrne Dairy had to go through the same procedure for their gas tanks buried underground. Do you know that all the chemical companies on Dickson Street never went through this? All the gas stations that were built before the Code was established never went through any of this. Nobody reviewed whether any of those tanks were leaking. Nobody looked at TruGreen, or whatever it is down on Dickson Street. They are all doing it; there are a lot of chemicals in this area. These guys are very tiny compared to IBM or any of those; they are very, very tiny. A spill is going to stay in the building.

We went through this with National Pipe and Plastic in 2012. We had to have police here. Seriously, we had the police come; we had similar meetings and the room was packed. But our job is to look at what is permitted and what is not permitted. Manufacturing companies are permitted in Industrial zoning. So then our job is to say, okay, any industry probably has potential for some kind of

damage or secondary impact. So what are the measures that we are going to take to minimize any negative impact? And these gentlemen have worked closely with the DEC; they have met all the requirements. So it sounds scary, but when you have only nine employees and the volume of chemicals is not that much, fifty-five gallons. You know even an auto repair business has to come through for an aquifer permit for the storage of used oil. Yes, if that used oil spills, do you know how many little car repair businesses have registered with the DEC? I bet not most of them. We are trying to be progressive here. The people who are on the Wellhead Committee are experts in their area, and these gentlemen are obviously experts in their area. Chris is hired specifically to make sure that the structural capability of the building will prohibit spilled chemicals. A car could be hit on the street, hit the gas tank, and have an explosion. Yes, accidents happen, but we have to look at the significance of the negative impacts. If you compare this to IBM, you can speak to that, Gary, this is so significantly smaller that the potential for negative impacts is very small.

MR. KSENAK: If I can add a caveat to that? Even though it is extremely less, they have to go through the same standards as the big guys. They go through the same groups, the same laws, the same reviews and the same forms. We are really trying to do our best to ensure that they know what they are doing. We have met with them multiple, multiple times. They have an established process. They have people living above where they have their facility now, and based on comments that we received, there have been no issues. Now if somebody came to us and said "I am glad these guys are leaving, every other day there is smoke coming up through my house," okay, what's going on? We are not afraid to ask those questions. This has been months in planning the review, so we are not trying to push anything through or bypass anyone. I promise you that.

MRS. MORTENSON: May I just ask what would happen if the aquifer was compromised? So what would the plan be?

MR. KSENAK: Well there isn't a plan because you can't go down to the aquifer, hence no fracking. So right now it is contained above the ground level, therefore it is not an issue below ground. If everything is captured above ground, you don't have an issue there. They have to follow stringent guidelines in preparation of that. The holding capacity by regulation has to be one-hundred and twenty percent of the maximum volume. So if he has one hundred gallons, it has to hold at least one hundred and twenty. Everything is overkill. Everything is extra money for them. And not once has that ever come up; what else do

I have to do, or do I have to add this, do I have to add that, is it really necessary, I am trying to maintain employment and keep jobs. That has not been an issue here. The issue has been the continuation of a proven process with a great track record, and trying to do the best we can with the technology we know as of today. Could things be better? They are a lot better than they were twenty-five years ago. And I am just hoping in another twenty-five we will get there based on the evolution of the technology, but I can assure you that there is no certain time, none.

MR. PERRICONE: I just wanted to say that I came here tonight with two goals: one was to be educated and the other was to express my concerns. I am grateful that I got to do both.

MR. ARBUISO: I'll leave too. I wish you had spoken more.

MR. KSENAK: Do you want to talk to my wife? (Laughter)

MS. LANE: Thank you gentlemen.

MS. MILLER: If there is nothing else, we will close the Public Hearing.

Public Hearing concluded: 8:47 p.m.

I, CAROL M. KRAWCZYK, do hereby certify that the foregoing transcript of a Public Hearing of the Town of Union Planning Board is a true, accurate, and complete transcript of my stenographic notes/tape taken at the above time and place.

CAROL M. KRAWCZYK