

Urging The New York State Department Of Environmental Conservation (DEC) To Take Immediate Action To Ensure The Safety Of Communities Along The Routes Of Crude Oil Shipments And Address Potential Impacts Of A Crude Oil Spill In The Hudson River Affecting Ulster County Shoreline Property, Environmental Resources And Drinking Water

Referred to: The Energy and Environment Committee (Chairman Bartels and Legislators Greene, Parete, Ronk, and Wawro)

Chairman of the Energy and Environment Committee, Tracey A. Bartels, and Legislators Archer, Greene, Gregorius, Loughran, Provenzano, and Wishnick offer the following:

WHEREAS, crude oil is increasingly being transported along railroads from production fields in the west to ports including Albany, New York for transfer to barges and ships to be transported on the Hudson River to East Coast refineries, particularly from the Bakken shale oil formation of North Dakota and heavy tar sands oil fields of Alberta, Canada; and

WHEREAS, the nationwide volume of crude oil transported by rail has increased to more than 400,000 carloads in 2013 compared to 9,500 carloads in 2008, a more than 40-fold increase; as much as 20% of the highly volatile crude oil extracted from the Bakken formation is transported through New York State communities and ecosystems; and

WHEREAS, crude oil from the Bakken shale deposits has been proven to be more explosive and more corrosive than typical crude oils, and heavy, sinking oils from tar sands formations have been found to be much more viscous than typical crude oils, making the protection of public safety and environmental health from these particular types of oils, as well as spill response and remediation, more difficult and more dangerous; and

WHEREAS, crude oil is mainly transported in class DOT-111 rail tank cars designed for general purpose liquid transport, not for hazardous cargos, despite the fact that these railcars lack even the most basic safety measures (such as shields, pressure vents, or double hulls) despite repeated recommendations from the National Transportation Safety Board over the past thirty years, most recently in March 2012 and January 2014, that they not be used for crude oil transport; and

WHEREAS, class DOT-111 railcars are unacceptably dangerous, particularly in light of the woeful state of railroad enforcement, inspection, oversight, and safety, highlighted by the testimony of the Chair of the Surface Transportation Board testified in April, 2014, that “no community is prepared for a worst-case scenario” for crude oil-by-rail disasters; and

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WHEREAS, there have been a series of crude oil train derailments in the United States and Canada that have led to loss of life, loss of property, and significant economic and environmental damage, including the loss of 47 lives in Lac-Megantic, Quebec, in July 2013; and

WHEREAS, there have been at least four oil train derailments in New York State since December 2013, including those in West Nyack, Town of Ulster, Selkirk, and Cheektowaga; and

WHEREAS, CSX Corporation was fined \$10,000 for failing to timely report its two February 2014 oil train derailments in Ulster and Selkirk, New York; and

WHEREAS, a train carrying crude oil blocked access to about 60 homes in the Town of Saugerties on March 31, 2014, for approximately 90 minutes without notifying local emergency responders; and

WHEREAS, joint state-federal "inspection blitzes" have identified dozens of train and rail car safety defects requiring corrective action in rail yards in Albany and Buffalo, highlighting the chronic, widespread and acute risks facing our communities and environment, but no such inspections have been performed on tracks in Ulster County; and

WHEREAS, the NYS Department of Environmental Conservation has granted numerous permits to subsidiaries of Global Partners LP and Buckeye Partners LP allowing for the transfer of up to 2.8 billion gallons per year of crude oil from train to barge or ship in the Port of Albany, for transport down the Hudson River; and

WHEREAS, the *Stena Primorsk*, the first tanker carrying crude oil on the Hudson River, ran aground and pierced its outer hull just six miles downstream of the Port of Albany in December 2012, though none of the 12 million gallons of oil it carried were spilled; and

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WHEREAS, recent barge accidents resulting in petroleum spills in the Mississippi River and Galveston Bay have shown that even double-hulled vessels are not protective in all accidents; and

WHEREAS, approximately two crude oil unit trains per day currently travel through Ulster County, including the city of Kingston, Towns of Saugerties, Ulster, Esopus, Lloyd and Marlborough, as well as near critical public infrastructure including hospitals, municipal buildings, water and sewer treatment plants, public education facilities, and private businesses; and

WHEREAS, approximately one articulated barge per day carrying 4 million gallons and one tanker per week carrying 7 million gallons currently pass Ulster County on the Hudson River; and

WHEREAS, Global Partners LP through its subsidiary Global Companies LLC (Global) has proposed expanding its oil terminals in the Town of New Windsor to handle between 1.3 billion and 1.8 billion gallons of crude oil per year, and the expanded facility could double the number of trains and marine vessels carrying crude oil that pass through or near Ulster County; and

WHEREAS, there have been no spill response drills in Ulster County waters; and

WHEREAS, Ulster County shorelines include private residences and businesses, public parks, and critical public infrastructure including drinking water intakes for Port Ewen and Town of Lloyd that would be at significant risk in the case of a crude oil spill; and

WHEREAS, tourism based on a clean environment is an important part of Ulster County's economy; and

WHEREAS, Ulster County includes several state-designated "significant habitats" deemed "irreplaceable" that could be severely degraded in case of an oil spill, including Black Creek, Esopus Estuary, Esopus Meadows, Kingston Poughkeepsie Deepwater, Rondout Creek and the Flats; now, therefore be it

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RESOLVED, the Ulster County Legislature finds the transport of crude oil, especially Bakken and heavy crudes, by rail and marine vessel through our community presents an immediate, significant risk for the people, environment, and economy of our region; and, be it further

RESOLVED, the members of the Ulster County Legislature urge the New York State Department of Environmental Conservation (DEC) to immediately order a full environmental impact study of the proposed expansion of Global's oil terminal in New Windsor, including the potential impacts of increased crude oil transport by train, barge, or ship through Ulster County; and, be it further

RESOLVED, the Ulster County Legislature additionally urges the DEC to immediately rescind its Notice of Complete Application and Negative Declaration of Significance for Global's proposed expansion of crude oil shipments at its Albany Terminal to include the ability to heat heavy crude oil, to allow it to be transloaded from rail to vessel and shipped down the Hudson River along the Ulster County shoreline, pending Global's submission of complete responses to DEC's March 24, 2014 information requests; and, be it further

RESOLVED, the Ulster County Legislature seeks the DEC's action to immediately rescind permits granted to Global and Buckeye allowing for the transport of up to 2.8 billion gallons per year of crude oil on the Hudson River, order full environmental impact studies, including the potential impacts of a crude oil spill in the Hudson River affecting Ulster County shoreline property, environmental resources and drinking water; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall send copies of this Resolution to New York State Governor Andrew Cuomo, New York State Department of Environmental Conservation (DEC), New York State Senators John Bonacic, William Larkin, James Seward, and Cecilia Tkaczyk, and New York State Assembly Members Kevin Cahill, Peter Lopez, Frank Skartados and Claudia Tenney; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall send a copy of this resolution to each Town Clerk in Ulster County and to the Clerk of the City of Kingston for their memorialization,

