

RESOLUTION NO.: 27 - 2015

OF

FEBRUARY 11, 2015

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF NEWBURGH OPPOSING THE PILGRIM PIPELINE

WHEREAS, Pilgrim Pipeline Holdings, LLC is proposing to build a 178 mile bi-directional pipeline in close proximity to the NY State Thruway, through Rockland, Orange, Ulster, Greene, and Albany counties, that would transport crude oil and refined petroleum products between Albany, NY and Linden, NJ; and

WHEREAS, two (2) lateral offshoots from the proposed pipeline are planned to travel east from the NY State Thruway right-of-way to the Hudson River, north and south of the City of Newburgh; and

WHEREAS, the proposed northern-most lateral will travel east through the Town of Newburgh, along existing electric transmission line right-of-way, to the Buckeye Oil Storage Facility on the Hudson River in the Town of Newburgh, NY; and

WHEREAS, the proposed southern-most lateral will travel in a north-easterly direction from the NY State Thruway right-of way near the New Windsor Cantonment and the National Purple Heart Hall of Honor, along the CSX rail line right-of-way, through the Town of New Windsor and the City of Newburgh, to the New Windsor Global Oil facility at the mouth of the Quassaick Creek; and

WHEREAS, it has been difficult to ascertain a clear indication from Pilgrim Pipeline Holdings, LLC as to the type of crude oil that is being proposed for transport in the south-bound pipeline, it is highly likely that there are plans to transport Bakken Shale crude oil; and

WHEREAS, crude oil from the Bakken Shale region of North Dakota, extracted through a process of hydraulic fracturing, or "fracking," has been found to contaminate clean water resources, create toxic air emissions and radioactive waste, and release large quantities of methane gas into the atmosphere; and

WHEREAS, data collected by the Capline Pipeline in Louisiana, which tested crude from 86 locations worldwide, indicates that crude oil from Bakken Shale has a far higher vapor pressure than crude from dozens of other locations, making it much more likely to throw off combustible gases; and

WHEREAS, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a safety alert on January 2, 2014, to the general public, emergency first responders, and shippers and carriers regarding the particular flammability of Bakken crude oil; and

WHEREAS, according to PHMSA, pipeline operators reported 1,880 crude oil spills nationwide between 2003 and 2013, or nearly one spill every other day, resulting in over 44 million gallons of oil

being spilled; and the most recent spill, which occurred in the Yellowstone River in Montana, poured some 50,000 gallons of crude oil into the river, the second occurrence in the Yellowstone in 4 years; and

WHEREAS, 80 percent of these spills were the result of corrosion, equipment failure, incorrect operation or material and weld failures; and

WHEREAS, according to Public Employees for Environmental Responsibility, PHMSA only has 135 inspectors to oversee 2.6 million miles of pipeline, and only a fifth of that pipeline system has been inspected by PHMSA or its state partners since 2006; and

WHEREAS, any rupture or compromise of the pipeline, even without an explosion or fire, will require extraordinary cleanup efforts, could force residents from their homes, and place a large number of residents in close proximity to hazardous materials; and

WHEREAS, City of Newburgh residents depend on ground water and public community water systems for potable water supplies, the integrity and safety of which may be jeopardized by the pipeline; and

WHEREAS, the Pilgrim Pipeline is proposed to be laid in areas containing sensitive aquifers upon which residents depend for drinking water; and

WHEREAS, the Pilgrim pipeline also threatens important surface water resources, including Gidneytown Creek, Chadwick Lake and the Quassaick Creek on the northern-most lateral line; and Muchattoes Lake and Quassaick Creek on the southern-most lateral line; and

WHEREAS, the pipeline will carry a large volume of Bakken crude oil through residential areas in the Towns of New Windsor and the City of Newburgh, which will place residents in harm's way should an explosion or spill occur; and

WHEREAS, the City Council of the City of Newburgh finds that the proposed Pilgrim Pipeline potentially threatens the health, safety, and welfare of the community; could decrease the values of homes located along its route and in surrounding neighborhoods; and could negatively impact future development in the City of Newburgh; and

WHEREAS, the City of Newburgh qualifies as a Potential Environmental Justice Area in accordance with the NY State Department of Environmental Conservation Commissioner Policy 29 on Environmental Justice and Permitting (CP-29), as an area that had populations that met or exceeded at least one of the following statistical thresholds:

1. At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level; and

WHEREAS, Environmental Justice is defined as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies; and

WHEREAS, Environmental Justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.”; and

WHEREAS, the Mid-Hudson Regional Sustainability Plan calls for becoming less energy and fossil fuel intensive while strengthening the regional economy, expanding renewable energy generation exponentially across the Region, and improving the resilience of the energy delivery system; and

WHEREAS, construction of the Pilgrim Pipeline to support and expand markets for fossil fuels is directly contrary to these clean energy goals;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Newburgh, New York, that the City Council formally objects to and opposes the proposed Pilgrim Pipeline project; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh, New York calls upon the New York State Thruway Authority to reject use of its right-of-way for the purpose of transporting oil or gas by pipeline; and further calls upon the New York State Department of Transportation (DOT) to deny an exception to its Accommodation Plan for said purpose; and

BE IT FURTHER RESOLVED, that the City Council of the City of Newburgh, New York urges Governor Cuomo and the State Legislature to oppose construction of the Pilgrim Pipeline in New York State; and

BE IT FURTHER RESOLVED, that the City Clerk of the City of Newburgh, New York forward copies of this resolution to the NYS Thruway Authority Chair Howard P. Milstein, NYS DOT Commissioner Joan McDonald, U.S. Senators Charles Schumer and Kirsten Gillibrand and U.S. Representative Sean Patrick Maloney, Governor Andrew Cuomo, N.Y. Public Service Commission Chairwoman Audrey Zibelman, N.Y. Assembly Member Frank Skartados, N.Y. Senator William Larkin, and NY State DEC Commissioner Joseph Martens.

I, Lorene Vitek, City Clerk of the City of Newburgh, hereby certify that I have compared the foregoing with the original resolution adopted by the Council of the City of Newburgh at a regular meeting held 2/11/15 and that it is a true and correct copy of such original.

Witness my hand and seal of the City of Newburgh this 13 day of Feb. 2015



City Clerk