

June 22nd, 2016
Slate Hill, NY

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

NY Attorney General Eric Schneiderman
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Gentlemen:

As you are the state's highest elected officials, we write requesting an audience. Citizens created our organization to stop an unneeded and environmentally destructive power plant now under construction in the Town of Wawayanda by Competitive Power Ventures (CPV). For over a year, we have supported demonstrations and lawsuits aimed at both dramatizing the reasons we oppose the plant, and at gaining legal redress. In recent weeks, we have become increasingly concerned that the process which has allowed the project to go forward may have been tainted by corruption and pre-judgment. We explain some of the bases for our concerns below:

1. Public revelations have exposed monetary improprieties in CPV's chief lobbyist's relation to the Governor's closest aide. Such actions do not occur without a desired return. We understand that federal and state investigations continue into this chain of events; we strongly believe that the project's state approvals should therefore be suspended and re-reviewed in light of the plain appearance of corruption. If the approval process was corrupted, CPV should not be permitted to benefit.
2. In April 2015 the Town of Wawayanda refused to require CPV to conduct a SEIS after the company sought approval for an amended site plan. We strongly advocated for an updated review: The company had received conditional environmental approvals six years earlier, and in the intervening years an expansive scientific literature has demonstrated the health and environmental risks of fracking. Operation of the CPV plant would induce fracking by its dependence on fracked gas. During this same period, the state has banned fracking. We felt that these factors, combined with the newfound presence of endangered species at and adjacent to the development site, warranted new environmental reviews under the SEQRA. The town Planning Board scoffed at the public, shut down public discussion in a rude manner and requested that CPV lawyers respond to the public comments made in April

2015. CPV told the Planning Board that the citizens' comments were largely irrelevant and the Planning Board then approved the amended site plan. When citizens challenged this approval in court, CPV abandoned its amended site plan and claimed to revert to its prior plan -- though the town zoning ordinance forbids such reversions. The local court refused to intervene, allowing the project to proceed.

3. There is a fundamental incongruity inherent in a state government banning fracking as dangerous to our health and environment and then allowing the construction of a huge fracking-dependent plant (in bucolic Orange County, immediately abutting a low-income voting district). Not only is the production of fracked gas dangerous, but so is its transportation/distribution and use. We believe it likely that this incongruity can be explained by a corrupt process – because if corruption did not lead to this, then it displays a lack of simple logic which we trust is beneath the abilities of our lawmakers.

To explore these issues we want to meet with each of you. Mr. Governor, we need to understand your statement that the CPV Valley Energy Project only has conditional state approvals; apprised of the potential corruption of the approval process, we believe you should withdraw all state approvals pending re-review. Mr. Attorney General, we need to discuss what your office can do to actually bring justice in our courts to people in our county; we also need to understand the scope of your investigation and to explain to you why local officials, too, need to be made the subject of investigation.

Kindly advise us of dates when we can travel to Albany and meet with you.

Sincerely,

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(Chairs: Tom Denny and Naomi Miller)

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