



Thank you for attending tonight's Kingston Common Council meeting!

Tonight, our Council will vote on two resolutions regarding Niagara Bottling Company's proposal to build a facility in Town of Ulster that would use up to 1.75 million gallons per day from Kingston's Cooper Lake reservoir in Woodstock. The resolutions state Kingston's position supporting a call for NYS Department of Environmental Conservation to reconsider declaring itself Lead Agency, and for the City of Kingston to declare itself an Involved Agency in this critical decision.

WHAT KINGSTON CITIZENS BELIEVES:

Kingston Common Council has shown outstanding leadership for transparency and civic involvement in bringing forward these resolutions and maintaining open dialogue with Kingston residents concerning the Niagara Proposal. The Niagara Bottling Company proposal must be thoroughly evaluated for environmental and economic impacts on Kingston and all our communities before our representatives agree to the sale of our water. Kingston can build on what we've learned from this Niagara misstep to forge an economic development strategy that builds on our community's strengths and resources and achieves optimum economic growth.

NYSDEC Should Become "Lead Agency" for the Niagara Proposal SEQR Review.

- The impacts of the action (proposal) are likely to be regional, affecting at least 6 municipalities in Ulster County, as well as New York City watershed and the Hudson River.
- The DEC has the greatest capability to provide the most thorough environmental assessment of the proposal.
- A 1954 NY State government decision requires that the sale of water must have DEC consent and approval.

The Kingston Common Council Should be an "Involved Agency" in the SEQR Process.

- Kingston's Water Board rushed to issue a "will serve" letter that would give Niagara 25% of our daily water capacity for private profit without adequate evaluation of the impacts on our Cooper Lake water supply, including contributing to drought. The Water Board is not accountable to the public.
- Town of Ulster is not acting in good faith. It submitted an Environmental Assessment Form to the Department of Environmental Conservation that overlooks items that would trigger complete review.

WHAT YOU CAN DO:

Demand a transparent process that considers all of the impacts that could affect our water supply and economy.

The Niagara project would have significant environmental impacts. These impacts require a “Positive Declaration” for SEQR.

- A Positive Declaration is required when an action may result in one or more significant environmental impacts. Positive Declaration will require an Environmental Impact Statement before agency decisions may be made regarding the Niagara proposal.
- Cooper Lake's capacity was last evaluated in 1961 (53 years ago). A new evaluation, using up-to-date science, is needed to determine whether Cooper Lake currently has the capacity to meet our current needs and business growth in Kingston, and still safely sell 25% for private profit.
- Niagara has a history of illegal dumping violations; the fines are a tiny fraction of their profits.

WHAT YOU CAN DO:

*Tell your representatives and neighbors that the risks are too high.
Demand detailed scientific studies.*

The Niagara Bottling project can result in higher costs to taxpayers.

- The “Start-Up New York” program would give Niagara a 10-year tax exemption, including NYS income, property and school taxes. The bottling plant would be in the Kingston School District.
- Niagara Bottling has a track record of suing communities, resulting in increased water rates and higher taxes.
- Niagara Bottling Company jobs pay 33% less than the manufacturing industry standard. The average Niagara job pays \$10,000 less than the national manufacturing industry average.

WHAT YOU CAN DO:

Ask your Mayor, Common Council, and elected representatives to pursue real economic development and quality, high paying jobs with responsible, respectful companies.

What’s next?

Wednesday, November 12, 3 pm. City of Kingston Water Department Board Meeting, 111 Jansen Avenue Kingston, NY. We must continue to attend Kingston Water Board meetings each month as they contemplate a water sale to Niagara Bottling Company. On November 12, they will have a final draft of the Engineering Analysis. An earlier draft was used to provide a 'Will Serve' letter to Niagara Bottling Company.

Town of Ulster has the most to gain from this project. If allowed to serve as Lead Agency it could short circuit the process and quickly issue a “**Determination of Significance**” that serves ToU interests at high cost to Kingston. All Kingston residents and businesses must continue to urge NYDEC that a “Positive Declaration” is critically necessary to ensure that all impacts of this project are evaluated. Please contact **Martin Brand**, DEC Region 3 Director at 845-256-3000 or write to **Joe Martens**, DEC Commissioner at joe.martens@dec.ny.gov.

Glossary and Background Information

Visit KingstonCitizens.org and “like” us on facebook.com/KingstonCitizens for more information.

State Environmental Quality Review Act (SEQRA): Requires projects of a certain size by law that significant environmental impacts are evaluated before development is permitted.

New York State Department of Environmental Conservation (NYSDEC) Agency charged with ensuring the safety and security of our environmental resources, including oversight of the SEQRA process. **Environmental Assessment Form (EAF):** Initial SEQRA review document submitted regarding a proposed project, called an “action.” The EAF includes a checklist for systematic analysis by category to identify potential impacts.

Lead Agency: Government entity responsible for determining whether full environmental review, called an **Environmental Impact Statement (EIS)**, will be required, as well as for preparing and filing the EIS, if required. The Lead Agency is required by law to look at the “**whole action**,” considering all components, phases or aspects of a proposal.

Coordinated Review: one agency serves as Lead Agency to conduct the review although there may be multiple Involved Agencies.

Involved Agency: A public body that has jurisdiction by law to fund, approve or directly undertake an action.

Interested Agency: A public body that does not have jurisdiction in a project, but wishes to participate in the process because of its expertise or specific concern.

Type 1 Action presumes that there may be at least one significant adverse impact, and that the action is more likely to require preparation of an EIS.

Positive Declaration: Occurs when the Lead Agency determines that the action has the potential to cause or result in at least one significant adverse environmental impact and defines content of the EIS, known as “**scoping**.”

Negative Declaration: Occurs when the Lead Agency concludes that project as proposed will have no significant adverse environmental impacts, because: no likely impacts were identified, no identified impacts are significant, or identified significant impacts are mitigated. Written determination must include reasons behind these conclusions.

The Niagara Bottling Company Proposal calls for the construction of a 414,800 square-foot bottling facility on a 57-acre parcel on Boices Lane across from Tech City in the Town of Ulster. The company is seeking the right to draw up to 1.75 million gallons from Kingston’s water system fed by Cooper Lake in Woodstock, NY. The system currently consumes 3.5 million gallon each day, including 700,000 gallons per day purchased by Town of Ulster. **The 6 million gallon per day “safe yield” was last evaluated in 1961.** The proposed plant would run 24 hours a day, 363 days a year. An estimated 260 trucks — or one every 10 minutes — would enter and leave the facility around the clock, each day. The company claims that it will employ up to 120 people at “full build-out” starting with 40 jobs. Research shows that most of these would be very low-paying, dangerous jobs: \$10,000 lower than other manufacturing jobs and 33% below the industry’s standard compensation.

Start-Up New York: A new NYS program designed to help “qualified businesses” start, expand or relocate to “tax-free” zones in New York State. For businesses with 100% of their operations (assets and payroll) in a tax-free area, Start-Up NY eliminates all tax liability. ***The Niagara project would be located in Kingston School District, and would make no contribution to Kingston's already heavy tax burdens.***