

**In The Matter Of:**

*Department of Natural Resources & Environmental Control  
Natural Minor Source Air Permits for Maintenance*

---

*Public Hearing  
January 10, 2019*

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STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL  
DIVISION OF AIR QUALITY

IN RE:  
Natural Minor Source Air  
Permits for Maintenance  
Upgrades of Red Lion and  
Brookside Energy Centers

Division of Air Quality  
391 Lukens Drive  
New Castle, Delaware

Thursday, January 10, 2019  
6:02 p.m.

TRANSCRIPT OF PUBLIC HEARING

BEFORE: LISA A. VEST, HEARING OFFICER

PRESENT:

-- -- -- --

(SEE SIGN-IN SHEET FOR ATTENDEES)

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1 THE HEARING OFFICER: Good  
2 evening. I want to thank everybody for  
3 taking their time to come out tonight. The  
4 date is Thursday, January 10th, 2019. And  
5 we are here this evening to provide a formal  
6 platform for the Department of Natural  
7 Resources and Environmental Control (DNREC)  
8 to receive public comment on the Regulation  
9 No. 1102 natural minor construction permit  
10 applications that have been submitted by  
11 Bloom Energy, or also known as Diamond State  
12 Generating Partners, to replace all fuel  
13 cells at their Red Lion site located at 1593  
14 River Road, in New Castle, Delaware, as well  
15 as at their Brookside site, located at 512  
16 East Chestnut Hill Road, in Newark,  
17 Delaware.

18 For those of you that may not  
19 know me, my name is Lisa Vest. And  
20 Secretary Garvin has appointed me to serve  
21 as the hearing officer for tonight's formal  
22 proceedings.

23 If by chance you've missed it  
24 and did not do so when you came in, I would



1 ask that you would sign the sign-in sheets  
2 that we have located in the hallway as you  
3 came in. Hopefully you have already done  
4 that. There is a spot on the sheet to let  
5 us know whether you want to offer comment at  
6 tonight's hearing. If you do wish to offer  
7 comment for the record, those persons will  
8 be given an opportunity to do so following  
9 the presentations that are going to be given  
10 by both the Department and the Applicant.  
11 When that portion of tonight's proceedings  
12 gets here, I will instruct accordingly.  
13 Even if you do not wish to offer comment,  
14 it's important that we have an accurate  
15 record of everybody that's here tonight.  
16 So, again, if you've missed that somehow,  
17 please take the opportunity to sign in.

18           Once I get done with these brief  
19 introductory remarks, I will be turning the  
20 hearing over to Department staff, and for a  
21 short time, the Applicant. Both are, as I  
22 said before, making brief presentations to  
23 kind of help everybody understand why we're  
24 here tonight and what the scope of the



1 hearing is.

2 As mentioned before, the permit  
3 applications currently before  
4 Secretary Garvin is the reason that we're  
5 here tonight. The order of commenters will  
6 be taken directly from the sign-in sheets.  
7 So, again, please make sure to sign in if  
8 you haven't already done so.

9 I have a few remarks with regard  
10 to protocol for the proceedings tonight. As  
11 is the case for all DNREC hearings, there  
12 are formal protocols which must be adhered  
13 to.

14 First, consistent with all  
15 public hearings held by DNREC, all comments  
16 tonight must be limited solely to the  
17 subject matter of tonight's hearing, which,  
18 again, are the pending Reg No. 1102 air  
19 quality permit application submitted to the  
20 Department by Bloom Energy. Pursuant to  
21 that subject matter, all comments given that  
22 are pertinent to these applications will be  
23 incorporated into the formal hearing record  
24 generated in this matter. As is also



1 DNREC's policy at these hearings, each  
2 person wishing to offer comment is asked to  
3 do so in as precise a manner as possible.  
4 In order treat everyone equally and fairly  
5 tonight, each person will be limited to a  
6 total of three minutes of time to offer  
7 their comments. To facilitate that protocol  
8 and also to ensure fairness with regard to  
9 the amount of time each person is given,  
10 we're going to have a visual timer in place  
11 to help everyone be aware of how much time  
12 is left as they're giving their comment.

13 I do want you all to be mindful  
14 that if you have already submitted written  
15 comment to me or to the Department via  
16 email, that information is automatically  
17 already in the record.

18 Keeping in mind the time  
19 restraints that we are under this evening,  
20 it isn't necessary to offer the same comment  
21 verbally if you've already given it to me in  
22 writing. If you do have any prepared  
23 written comments or statements that you've  
24 brought with you tonight, that's fine. I



1 would ask that when you're recognized, you  
2 give that documentation to me. I can mark  
3 it. I can make sure it's put into the  
4 record right now and then you can use your  
5 three minutes that are allotted to give the  
6 rest of the audience a brief summary of the  
7 documents that you've asked to be put into  
8 the record.

9           If you've come tonight just to  
10 kind of hear what other people say and you  
11 don't have any prepared comments, that's  
12 okay, too, because there is going to be an  
13 opportunity to give written comment  
14 subsequent to the close of tonight's  
15 hearing.

16           This three-minute time allotment  
17 will be strictly enforced to make sure that  
18 everyone is treated fairly and we get  
19 everybody that wants to speak an opportunity  
20 to do so.

21           There will be no yielding of  
22 time from one commenter to another. Again,  
23 to ensure fairness and equality for each  
24 person.



1                   Consistent with our policy at  
2                   our hearings and also consistent with  
3                   current Delaware law, all persons wishing to  
4                   offer verbal comment at the hearing tonight  
5                   must be physically present in order to be  
6                   recognized. Those unable to appear  
7                   personally tonight may submit their comments  
8                   in writing subsequent to the hearing, if  
9                   they so wish. That being said, any  
10                  commenter who is physically present at  
11                  tonight's hearing will be permitted to read  
12                  into the record comments of someone who is  
13                  absent provided that the commenter who is  
14                  present here tonight fully identifies the  
15                  absent person by name at the time the  
16                  comment is being given. If that instance  
17                  occurs, the speaker who is physically  
18                  present tonight, still only gets three  
19                  minutes to comment. No one will be granted  
20                  an additional three minutes for their own  
21                  views if they take three minutes to give  
22                  somebody else's views into the record.

23                                 In order to ensure that everyone  
24                                 who wishes to offer comment for the





1 Secretary's consideration is accommodated,  
2 the hearing record is going to remain open  
3 subsequent to the close of tonight's  
4 proceedings. DNREC will keep the record  
5 open through the close of business, which is  
6 4:30 our time, through Friday, January 25th,  
7 2019. The hearing record being left open  
8 for the receipt of comment will ensure that  
9 those not physically in attendance at the  
10 hearing tonight will still be able to  
11 provide comment for the record.

12 Also, there may be those who  
13 provide comment tonight and then wish to say  
14 some more after they've been here and  
15 they've heard what others say, with the  
16 record being kept open an additional 15  
17 days, you can supplement any comment that  
18 you've either given prior to tonight or  
19 maybe add on to what you say tonight.

20 Again, leaving the hearing  
21 record open through the 25th of this month  
22 will ensure that no member of the public was  
23 prevented in any manner from offering  
24 comment on these pending permit applications



1 and that the public has been given ample  
2 opportunity to offer comment for inclusion  
3 into the record.

4 For clarification purposes,  
5 there is only one authenticated record for  
6 tonight's hearing, and it is the transcript  
7 that will come from the official court  
8 reporter. The court reporter is doing a  
9 verbatim transcript to memorialize the  
10 proceedings tonight. I'd like to remind  
11 everyone she can only hear and accurately  
12 transcribe one voice at a time. So in order  
13 to ensure we have as accurate of a  
14 transcript as possible, please remember not  
15 to speak while anyone else is speaking and  
16 don't call out from the audience for any  
17 reason.

18 Members of the news media and  
19 others that are here tonight are not  
20 prohibited from audio or video recording of  
21 the proceedings, but we do ask that you use  
22 any equipment that you have in at way that  
23 is unobtrusive and would not interfere with  
24 the ability of others to hear what is being



1 said.

2                   Whether listening or speaking,  
3 we ask that everyone here be respectful and  
4 considerate of all comment offered with  
5 regard to these permit applications, even  
6 though some comment may differ in opinion  
7 from your own.

8                   Additionally, I would ask that  
9 all cellphones be muted so that we don't  
10 have ringing during the proceedings. The  
11 statutory purpose of tonight's hearing is to  
12 allow citizens to offer comment on these  
13 permit applications.

14                   To give you guys further  
15 understanding of how this works. There will  
16 be a hearing record generated from this  
17 matter. It will consist of the transcript  
18 of the verbal comments given tonight, the  
19 written comments that have come in, exhibits  
20 that may be offered for the Department and  
21 eventually a Hearing Officer's report that  
22 will be reviewed by the Secretary. The  
23 Secretary of DNREC then ultimately issues an  
24 order following his review process. That



1 order will contain his decision on the  
2 applications and the reasons for the same.

3           Myself and other DNREC staff  
4 members are present this evening to  
5 facilitate public comment and not to  
6 participate in these proceedings in any way.  
7 Please note, as is the case and policy with  
8 our hearings, there will be no  
9 question-and-answer session during the  
10 course of tonight.

11           Lastly, it is important to  
12 remind the public that no decision has  
13 already been made by the Department in this  
14 matter nor will any decision be made this  
15 evening with regard to these applications.  
16 The purpose of tonight's hearing is to  
17 provide a formal platform for the public to  
18 come and offer comment specifically related  
19 to these permit applications and for such  
20 comment to be incorporated into the formal  
21 hearing record that is generated.

22           Written comment may be received  
23 by the Department up through the close of  
24 business, as noted before, January 25th,



1 2019. All comments, whether offered  
2 verbally tonight at the hearing or received  
3 in writing either via email or U.S. mail by  
4 4:30 p.m. on January 25th, all bear the same  
5 weight and all will be considered equally by  
6 the Secretary prior to making a final  
7 decision in this matter.

8           Again, the ultimate decision  
9 with regard to these permitting matters is  
10 made by Secretary Garvin. We're here  
11 tonight in a formal proceeding to act as a  
12 mechanism to enable the Department to  
13 receive that comment.

14           That being said, I will now turn  
15 the floor over, I believe -- is the  
16 Department going first?

17           MS. MARCONI: Bloom Energy.

18           THE HEARING OFFICER: Okay.  
19 Proceed.

20           MR. BALLANTINE: Good evening.  
21 I'm Arnie Ballantine, Vice President -  
22 Systems Engineering at Bloom Energy.

23           I'm in my fourteenth year with  
24 the company. Like many of my colleagues



1 with the company, I'm a veteran. I served  
2 in the United States Navy aboard the USS  
3 Florida. I'm fortunate in my private life  
4 to serve in an unpaid capacity on the  
5 Utilities Advisory Commission in my hometown  
6 and on the Electrical Engineering, Computer  
7 Science Advisory Board for Rutgers  
8 University. I have a lifelong passion for  
9 working to find ways to achieve the highest  
10 possible efficiency in power generation and  
11 usage, water, heating, transportation, and  
12 thus, reducing harmful emissions and the  
13 impact of those emissions on the health and  
14 wellbeing of our society. For me, this is  
15 not a job alone or a paycheck, but a mission  
16 and a personal moral obligation.

17 With me tonight, my colleague,  
18 Pat McCormick, Vice President - Regulatory  
19 for Bloom and our counsel for this matter,  
20 Andy Levine. Pat works from our Bloom  
21 Manufacturing Center - Delaware, in Newark.

22 A number of our fellow employees  
23 who also work in our advance manufacturing  
24 facility in Newark have volunteered to be



1 here in the audience tonight out of their  
2 passion for our mission. Bloom is proud and  
3 grateful to be a growth company and  
4 corporate citizen in Delaware. Our  
5 employees are proud to be part of this  
6 community and contribute to Delaware.

7 In October 2018, Bloom applied  
8 on behalf of Diamond State Generation  
9 Partners, LLC, for the natural minor  
10 construction permits that are the subject of  
11 tonight's hearing. We appreciate the  
12 opportunity to participate tonight. The  
13 upgrade that prompts the minor permit  
14 applications under review will lower already  
15 low emissions, consume less natural gas and  
16 allow us to take the latest Bloom technology  
17 manufactured in Delaware and deploy here for  
18 the benefit of the Delaware community.

19 I want to briefly describe the  
20 Bloom Energy server and our persistent and  
21 continuous efforts to advance our fuel cell  
22 generation technology. Earlier generations  
23 of our technology have been reliably in  
24 service at the Brookside and Red Lion sites



1 for years now.

2           Shortly after the Brookside site  
3 went in service, that facility rode through  
4 Hurricane Sandy. In fact, the  
5 availability -- that is, the ability to  
6 generate power when it's needed -- of the  
7 Bloom Energy servers at Red Lion and  
8 Brookside has been above 99 percent, which  
9 is dramatically higher than the availability  
10 of other forms of clean energy and well  
11 exceeds the typical in-service availability  
12 of conventional power plants. We're proud  
13 that over the last four generations of Bloom  
14 servers, and in fewer than ten years, we've  
15 increased the amount of power we can pack  
16 into that same space with our product,  
17 roughly, fivefold. We've also improved the  
18 longevity of our fuel cells by a factor of  
19 four.

20           A powerful aspect of modular  
21 distributed generation, installations like  
22 Brookside or Red Lion, is that these can  
23 deliver power to the grid at locations where  
24 grid voltage may be most likely to sag or





1 droop as in brownouts or blackouts. In  
2 2018, the United States electrical community  
3 authorized a new standard, IEEE 1547, which  
4 calls on inverters, such as used in Bloom  
5 cell generators, to be more vigilant in  
6 working to hold the grid up during these sag  
7 or droop conditions which can lead to a  
8 power outage. This upgrade will bring the  
9 latest technology, including the IEEE 1547  
10 features, and enable Red Lion and Brookside  
11 sites to provide more value to the grid.

12 I believe DNREC will shortly  
13 summarize our permit applications. I would  
14 like to highlight a few features of the  
15 permit applications.

16 We continue to have extremely  
17 low emissions at both sites, improving on  
18 our best in class emissions profile for Red  
19 Lion and Brookside Energy Centers that  
20 produce always on power. We're always  
21 striving to improve, and the proposed  
22 upgrade is another step.

23 Measured in pounds per hour  
24 emitted, which is a metric called for by the



1 permit application, we expect all together  
2 approximately 25 percent NOx and VOC  
3 emissions, more than 65 percent less carbon  
4 monoxide, and 16 percent less CO2 emissions  
5 after the upgrade. Measured by megawatt  
6 hours generated, that's all together 20  
7 percent less NOx and VOCs and 65 percent  
8 less carbon monoxide and about 9 percent  
9 less CO2 after the upgrade.

10           The sites will deliver the same  
11 amount of electrical power. They'll just do  
12 so using the latest version of Bloom's  
13 technology. The applied-for permit is a  
14 natural minor construction permit, but the  
15 upgrade does not involve more space, more  
16 sites or even more pads. To be expedient,  
17 Bloom will simply place the smaller units  
18 onto the existing pads. Bloom will continue  
19 to service the energy servers at the sites.  
20 And receiving this air permit will enable  
21 Bloom to move forward with developing this  
22 project expeditiously and enable Delawareans  
23 to realize the benefits.

24           Finally, as we see it, because



1 there is a reduction in emissions while  
2 maintaining the same general operations,  
3 there's no legal basis for denying the  
4 permit, and we respectfully request that it  
5 be granted promptly.

6 Thank you for your consideration  
7 and attention.

8 MS. MARCONI: My name is Angela  
9 Marconi. I'm with the Division of Air  
10 Quality. I'm going to give a short  
11 presentation, and I also have some exhibits  
12 to enter for the record. They are: The two  
13 applications that we received; the legal  
14 notices for those applications; the hearing  
15 request from the Caesar Rodney Institute;  
16 all notices of the hearing, including the  
17 paper notices and on the online calendar;  
18 notices of the hearing which were sent to  
19 the company and to the Caesar Rodney  
20 Institute; and public comments received to  
21 date.

22 So we're here today to talk  
23 about two applications. They came in for  
24 two different facilities, both operated by



1 Diamond State Generating Partners, or  
2 colloquially, I guess, Bloom Energy. They  
3 are the Red Lion facility and Brookside.  
4 And the addresses were already noted. We  
5 received these applications on October 24th.  
6 They were publicly noticed on November 11th.  
7 And we're here on January 10th for the  
8 hearing.

9           Things to note about the  
10 facilities is that they are currently  
11 existing and operating; the proposed  
12 construction would replace the existing  
13 units with upgraded units; the emissions  
14 will decrease from current levels; and that  
15 the overall generation capacity is also  
16 proposed to decrease.

17           The emissions from the fuel  
18 cells include: nitrogen oxide; carbon  
19 monoxide; sulfur dioxide; VOCs, or volatile  
20 organize compounds; and carbon monoxide.

21           So this slide just shows what's  
22 currently installed at both facilities and  
23 what is proposed in the application.  
24 Currently installed at Red Lion is 134 units



1 totalling 27 megawatts. And in the  
2 application, it would be reduced to 110  
3 units with 24.9 megawatts. At Brookside,  
4 currently installed is 15 units generating  
5 3 megawatts, and in the application, 13  
6 units at 2.6 megawatts.

7 I wanted to just explain briefly  
8 what it means when you hear something  
9 identified as "a natural minor facility."  
10 Both the Brookside and Red Lion facilities  
11 are considered natural minor facilities  
12 because their potential to emit is below the  
13 major source threshold for New Castle  
14 County. And the table shows what the major  
15 source threshold is. For NOx and VOCs, it's  
16 25 tons. Carbon monoxide, sulfur dioxide,  
17 PM10 as well as other air pollutants  
18 generally is a hundred tons. And hazardous  
19 air pollutants would be 10 of any one  
20 pollutant or 25 total. So that is why if  
21 you hear we're here talking about a natural  
22 minor, this is what it means. It's the  
23 facility status based on the total  
24 emissions.



1                   This table shows the potential  
2                   to emit for what's currently installed and  
3                   what's in the application for both  
4                   facilities. The potential to emit for the  
5                   pollutants does decrease in both cases for  
6                   Red Lion and for Brookside. These emissions  
7                   are calculated based on fuel usage. And  
8                   natural gas is the fuel that's used in the  
9                   units.

10                   So tonight we're at a public  
11                   hearing. Public comments can be received in  
12                   writing or in person at the hearing, and  
13                   then they're entered into the formal record  
14                   and will be responded to as such. The  
15                   Division of Air Quality (DAQ) will draft a  
16                   technical response memo to address the  
17                   comments that are pertinent to air quality  
18                   considerations related to the proposed  
19                   changes at the facility. The technical  
20                   response memo may also recommend issuance of  
21                   a construction permit; and if that is the  
22                   case, the construction permit would be  
23                   submitted to the Hearing Officer and then  
24                   the Hearing Officer will draft a report and



1 an order for the Secretary's consideration.

2 A little bit about our  
3 permitting. If the Secretary approves the  
4 permit, then the Division of Air Quality  
5 will issue construction permits that will  
6 meet the air quality standards required by  
7 federal and Delaware State regulations,  
8 permits that are supported by a detailed  
9 technical review and that may contain permit  
10 conditions that address concerns raised at  
11 the public hearing or throughout the public  
12 hearing process.

13 If the construction permit is  
14 issued, DAQ would conduct a  
15 construction-to-operation inspection  
16 following completion of construction. And  
17 then if the inspection is successful, the  
18 company would receive an operating permit.  
19 Following that, DAQ performs periodic  
20 compliance inspections of facilities.

21 I think it's important in this  
22 case to note that if no construction permit  
23 is issued, the facilities can continue to  
24 operate the existing equipment in accordance



1 with the existing permits.

2           Some examples of conditions that  
3 we normally include in permits are:  
4 recordkeeping and record retention for a  
5 minimum of five years; reporting of all  
6 deviations from permitted conditions; and  
7 additional reporting as required or deemed  
8 necessary.

9           DAQ issues permits for the  
10 construction and operation of equipment  
11 which has the potential to discharge air  
12 contaminants into the atmosphere. These  
13 permits contain operational limits that  
14 ensure proper operation of the equipment.  
15 They do not contain requirements that are  
16 not pertinent to air emissions.

17           And that's all I have. Thank  
18 you.

19           THE HEARING OFFICER: Thank you,  
20 Angela.

21           A little recordkeeping, briefly,  
22 before we get to the comment portion. Let  
23 the record reflect that the exhibits  
24 identified by Department staff are hereby





1 entered into the formal hearing record being  
2 generated in this matter.

3 (DNREC Exhibits, previously  
4 described, received in evidence.)

5 THE HEARING OFFICER: So what  
6 we're going to do now is we're going to open  
7 the floor to comment. And I just wanted to  
8 give a little, brief scenario of what this  
9 is. In order to help the commenter gauge  
10 their time and how much is left, there is  
11 going to be three bars. We'll start this  
12 visual at the beginning of your three  
13 minutes. As you talk, the bar will slowly  
14 begin to color in. You will go through the  
15 first one. That's the end of one minute.  
16 Second bar is yellow. It goes through the  
17 second minute. The third bar at the bottom  
18 is red. When that bar is fully saturated in  
19 red, that is the end of your three minutes.  
20 And I would ask then that if you're still  
21 talking, to kind of just sum it up.

22 And we thank you for your  
23 comments. They're immediately incorporated  
24 into the record because the court reporter



1 is taking down a verbatim transcript, like I  
2 said.

3 We want everybody to be mindful  
4 and respectful of each other's opinions.  
5 And I hope that when your time is up, you'll  
6 be respectful and return to your seat. If  
7 you're not, I will remind you that your time  
8 is up. But we have to keep everybody to  
9 three minutes.

10 That being said, in no  
11 particular order, just going by the sheets,  
12 Mr. Stevenson, you are up.

13 And although you have a fine  
14 last name, I don't think we'll need that  
15 spelled just as an apology in advance, if I  
16 mess up anybody's name, I'm super sorry, and  
17 if I can't read clearly the way you're  
18 spelling your last name, I may ask you to  
19 spell it for the benefit of the court  
20 reporter. But you're good.

21 MR. STEVENSON: Okay. I will be  
22 the Guinea pig with the new timer.

23 THE HEARING OFFICER: You may  
24 begin, sir.



1 MR. STEVENSON: Are both of  
2 these on?

3 THE HEARING OFFICER: They  
4 should be.

5 MR. STEVENSON: My name is David  
6 Stevenson with the Caesar Rodney Institute.  
7 I requested this hearing because I believe  
8 the permit application is incomplete and  
9 should be denied and started over again.

10 While the air quality portions  
11 of this seem to be complete, there are also  
12 concerns about solid waste, HAZMAT, what's  
13 coming out of the decoking process.

14 In addition to the air quality  
15 permit, there needs to be a Coastal Zone  
16 permit for these same issues because  
17 hazardous waste was never considered in the  
18 original permit, as Bloom did not disclose  
19 it.

20 New permits need to go through  
21 the normal review process along with an  
22 additional public hearing.

23 So some of the issues in the  
24 permit application.



1                   Number 1. The AQM 3.1  
2 submission needs these changes:

3                   Line 9.1 states no by-products  
4 are produced. That needs to be changed to  
5 show the products produced by the  
6 desulfurization process.

7                   Line 12.13 checks no boxes for  
8 pollution controls. It's clear that the  
9 desulfurization process is reducing SOX. So  
10 that box should be checked. We know that  
11 these hazardous wastes are being completed  
12 largely because of a letter from the  
13 Environmental Protection Agency September 8,  
14 2015. And there are also fines by other  
15 states for improper control of hazardous  
16 waste. Natural gas contains some sulphur  
17 dioxide or sulphur that can interfere with  
18 the fuel cell process. So the sulfur is  
19 removed, stored in stainless steel  
20 canisters, but also contains benzene and  
21 hydrosulfide, lead, chromium, arsenic, and  
22 other materials that are considered  
23 hazardous. So these need to be controlled.  
24                   So we'd like to see how much



1 hazardous waste material is being produced  
2 annually, what's its composition. Will  
3 there be warning placards attached to the  
4 Bloom boxes for first responders? Will  
5 material handlers receive HAZMAT training?  
6 Where and how will waste be disposed?

7           Also, the solid waste, there's  
8 going to be -- if you're going to replace  
9 the entire boxes, you're looking at  
10 6 million pounds of waste. How is that  
11 going to be disposed? A lot of it is also  
12 electronic waste. So how is that going to  
13 be disposed? Is it going to be sent to a  
14 landfill in Delaware, recycled somehow.  
15 What's going on with that?

16           There are actual limits in  
17 hazardous waste waste that can be removed  
18 according to the original Coastal Zone  
19 permit.

20           So with that, I will sign off  
21 and say adieu for tonight.

22           THE HEARING OFFICER: Thank you,  
23 Mr. Stevenson.

24           And for the record, I have your



1 documentation, which is basically what you  
2 summarized.

3 MR. STEVENSON: I added a few  
4 lines.

5 THE HEARING OFFICER: That's  
6 fine. Let the record reflect  
7 Mr. Stevenson's documentation is entered  
8 into the record formally as Stevenson  
9 Exhibit 1.

10 (Stevenson Exhibit 1 received in  
11 evidence.

12 THE HEARING OFFICER: Thank you,  
13 again, Mr. Stevenson.

14 Next up, Amy Roe.

15 MS. ROE: Good evening. My name  
16 is Amy Rowe. I live in Newark. It's my  
17 privilege to deliver to you a printed copy  
18 of the written comments submitted by Lindsay  
19 Leveen, who lives in California and unable  
20 to appear at this hearing in person.  
21 Mr. Leveen is an award-winning chemical  
22 engineer and journalist. For the sake of  
23 time, I will summarize Mr. Leveen's  
24 testimony.



1           Bloom provides false information  
2 on each application and has repeatedly  
3 misrepresented greenhouse gas emissions to  
4 DNREC since 2012.

5           The way that Bloom has  
6 calculated CO2 emissions per megawatt hour  
7 is not how the US EPA calculates emissions  
8 for natural gas. Bloom is therefore  
9 underestimating its greenhouse gas emissions  
10 in a manner that is lower than what the EPA  
11 would calculate, and Bloom uses this  
12 underestimated figure throughout the  
13 application.

14           Bloom also appears to be  
15 underestimating the emissions of volatile  
16 organic compounds because it relies upon  
17 statistically insignificant data points from  
18 three tests with widely varying emissions  
19 levels. DNREC should disregard any claims  
20 by Bloom it will lower emissions.

21           Bloom seemingly ignores SO2  
22 emissions in the application, even though  
23 SO2 is a natural byproduct of its energy  
24 production process. This could be



1 interpreted to mean that Bloom will remove  
2 all of the sulfur from the natural gas via  
3 their desulfurization tanks. Yet Bloom is  
4 silent in the application on the handling of  
5 this waste, and the fate of which should be  
6 described.

7 Blooms uses a capacity factor of  
8 100 percent for all the megawatts installed  
9 to calculate its natural gas consumption.  
10 100 percent capacity factor is not possible  
11 in the real world, which raises questions  
12 about the actual consumption that the  
13 facility will need.

14 As reported to Delaware's Public  
15 Service Commission, Bloom's capacity factor  
16 has been low due to their need to "decoke"  
17 the units 3 to 4 percent of the time. The  
18 process of "decoking" creates air emissions,  
19 yet these emissions are not quantified in  
20 the air permit application.

21 The amount of waste generated is  
22 limited by its Coastal Zone Act permit. How  
23 will the waste products generated by Bloom  
24 be categorized by DNREC and how can this be





1 done by violating their Coastal Zone Act  
2 permit?

3 We ask DNREC to do the  
4 following:

5 Require Bloom to provide  
6 accurate and statistically meaningful data  
7 on air emissions.

8 Require Bloom to provide a  
9 detailed demolition plan with full  
10 disclosure of the mass of solid waste and  
11 the method of disposing of the solid waste.

12 Require Bloom to provide public  
13 assurance that they will not claim  
14 investment tax credits for this maintenance.

15 Require Bloom to provide details  
16 of their agreement with Credit Suisse on how  
17 funds will be disbursed.

18 And require Bloom to justify why  
19 they are installing fewer megawatts of  
20 nameplate capacity for this upgrade than  
21 were installed in 2012.

22 Thank you for the opportunity to  
23 speak. As noted, I have a written copy of  
24 Mr. Leveen's full testimony for the hearing



1 record.

2 THE HEARING OFFICER: Thank you.  
3 Thank you, Amy.

4 Again, for the record, the  
5 documentation provided to me just now by  
6 Ms. Roe is hereby entered into the hearing  
7 record as Roe Exhibit 1.

8 (Roe Exhibit 1 received in  
9 evidence.)

10 THE HEARING OFFICER: Thank you.  
11 Next up, Britni Kriner.

12 MS. KRINER: Good evening. I  
13 had the opportunity to start with Bloom in  
14 October of 2014, and this is my first  
15 experience in the manufacturing industry.  
16 Being I had absolutely no experience, I  
17 pushed myself to learn everything I could to  
18 show that I would be a valuable asset. Many  
19 growth opportunities presented themselves to  
20 me in different ways. For instance, Bloom  
21 offers its employees for professional growth  
22 computer and Microsoft Office training,  
23 clean, modern manufacturing, mechanical and  
24 electrical assembly training, metal work and



1 welding. Bloom has given me the opportunity  
2 to advance my career through training and  
3 development, having become more versatile  
4 and earning two promotions as a result.

5 In 2016, I joined the Bloom  
6 women's leadership initiative with the  
7 mission to support empowering women in a  
8 male-dominated industry while preparing  
9 employees for professional growth. This  
10 opportunity has challenged me to be more  
11 confident in myself, public speaking  
12 included.

13 To say Bloom is involved in the  
14 community is an understatement. Every year  
15 we host a blood drive for our employees. We  
16 donate foods and vegetables to the Delaware  
17 Food Bank. We conduct CPR programs. We  
18 invite schools to our facility to educate  
19 students about STEM and have them be a part  
20 of hands-on STEM activities. These are a  
21 just a few examples.

22 Working for Bloom is important  
23 to me and family. I have two beautiful  
24 children. My son, Robbie, is 2-years old,



1 and my daughter Lexy is 10-years old. As a  
2 single mother, it is important to me to live  
3 in an environment with clean air. My son  
4 was born at Christiana Hospital premature,  
5 coming seven weeks early, and he can get  
6 very sick very easily. He's been diagnosed  
7 twice already within the past six months  
8 with respiratory syncytial virus, also known  
9 as RSV. At the age of only 2-years old, my  
10 son has two inhalers for asthma, and he has  
11 to take breaks between playing to receive  
12 this medicine to be able to continue his  
13 activities in a normal fashion. Knowing  
14 that he can grow up and say, hey, my mom  
15 made a difference or that Bloom is  
16 positively influencing the future not just  
17 for us, for our children, is important to  
18 me.

19                   Lastly, I've made so many  
20 amazing relationships at my company,  
21 including friends and mentors, most being in  
22 this room. It is this simple. The people  
23 are caring, professional, and they are  
24 leaders that I look up to. Being a part of



1 the amazing technology is another reason.

2 We are the leading fuel cell  
3 manufacturer in the world providing clean  
4 ecological energy to our customers. This is  
5 important for you, our friends, our family,  
6 our children so that we can all move forward  
7 in creating a cleaner environment. And  
8 Bloom is absolutely the way to go. You have  
9 seen the face of Bloom Energy as we are all  
10 here on our own time investing in what we  
11 believe to be the future. Please approve  
12 the permit and join us in the new innovative  
13 world Bloom is creating. Be the example.  
14 Thank you.

15 THE HEARING OFFICER: Thank you,  
16 Ms. Kriner.

17 John Nichols.

18 MR. NICHOLS: My name is John  
19 Nichols. I live in Middletown, Delaware.  
20 Like Mr. Stevenson, I request the Coastal  
21 Zone permit application be made part of the  
22 record.

23 And I'd like the Department to  
24 inquire of Bloom Energy what the following



1 words mean: replacement, and repair, and  
2 upgrade. These are three words that have  
3 been used to refer to the proposed project.  
4 Each one has a specific meaning. And it's  
5 important that Bloom identify exactly what  
6 it is that they're doing, whether replacing,  
7 repairing or upgrading. These definitions  
8 would determine whether or not the proposed  
9 project would qualify for a 30 percent  
10 investment tax credit. That's a very  
11 expensive proposition if they do qualify for  
12 that, costing millions of dollars.

13 A new word that was introduced  
14 tonight to my lexicon is "natural minor  
15 facility." I'm not familiar with that.  
16 That could be a DNREC word, but it's not  
17 covered under the Uniform Development Code  
18 of New Castle County.

19 New Castle County issued permit,  
20 the fellow's name, Ken Barry or Ari, to  
21 allow Bloom to site and protect the Delaware  
22 Coastal Zone. But it's pretty clear under  
23 the Uniform Development Code you may not  
24 site a major utility in S zoning



1 classification. To the best of my  
2 knowledge, that zoning classification still  
3 exists.

4 UDC, Uniform Development Code,  
5 goes on to specify that: "Any facility for  
6 the regional generation, transmission,  
7 distribution, treatment, disposal or storage  
8 of power, water, sanitary sewer, waste  
9 management is not permitted." These are UD  
10 Section 40.03.110, UD Sections 40.33.270 F  
11 and G.

12 I don't know how they got their  
13 permit in the first place, but they're  
14 asking that this application be approved  
15 under the same ruling that I believe was  
16 incorrectly made by New Castle County.

17 The last point I want to make.  
18 I'll be brief. Bloom is a generator, known  
19 generator of hazardous waste. I'm  
20 introducing into the public record two  
21 manifests. Excuse me.

22 THE HEARING OFFICER: Thank you.

23 MR. NICHOLS: Mm-hmm. Two  
24 manifests, the only two that I've been able



1 to acquire, that indicate they do transport  
2 hazardous solid waste. As Mr. Stevenson  
3 indicated, in their Coastal Zone  
4 application, which will be part of the  
5 public record, they indicated they do not  
6 generate hazardous waste. That seems to be  
7 demonstrably false.

8 Furthermore, I tried to acquire  
9 additional permits beyond those that are  
10 listed there, and I believe that date is  
11 2016.

12 And I have another email from  
13 Marjorie Crofts. She's no longer with  
14 DNREC. She was a director of the Division  
15 of Hazardous Solid Waste. And she tells me  
16 in her email dated April 30th Bloom Energy  
17 did not issue any more manifests for 2017  
18 and 2018, which is why there were no  
19 responsive documents to my FOIA. That is  
20 for the transportation of hazardous solid  
21 waste. That's from Marjorie. This is also  
22 part of the public record.

23 And if I may, because I sort of  
24 had to give up time to hand up those





1 documents, last view. Ten seconds.

2 Secretary Garvin indicated in a  
3 November 21st interview with Delaware Online  
4 that Bloom was issuing the manifests that  
5 were necessary in order to transport  
6 hazardous waste interstate/intrastate. That  
7 is the November 21 article from the News  
8 Journal. That directly contradicts  
9 Mrs. Crofts' email to me that says that they  
10 don't issue manifests any longer. Thank you  
11 very much.

12 THE HEARING OFFICER: Thank you,  
13 Mr. Nichols.

14 For the record, the two  
15 manifests that you've provided are hereby  
16 entered into the hearing record as Nichols  
17 Exhibit 1. The photocopy of the email that  
18 you referenced will be Nichols Exhibit 2.  
19 And the article printed off of Delaware  
20 Online will be Nichols Exhibit 3.

21 (Nichols Exhibits 1, 2 and 3  
22 received in evidence.)

23 THE HEARING OFFICER: And thank  
24 you, again, Mr. Nichols.



1 MR. NICHOLS: Thank you.

2 THE HEARING OFFICER: I think  
3 I'm saying the name right. Wayne Mulford.

4 MR. MULFORD: Madam, I will  
5 defer to someone else if they want to go.  
6 I'll go after them.

7 THE HEARING OFFICER: Okay.  
8 Clint Laird.

9 MR. LAIRD: My name is Clint  
10 Laird. For the record, the decoking process  
11 that was referred to earlier has been  
12 changed. After DNREC was made aware of the  
13 decoking process, which they were not aware  
14 of, the decoking process was changed to be  
15 called "process improvements," which is a  
16 much better term, of course.

17 We believe that Bloom's waste is  
18 being transported out of state, which is  
19 against the law of Delaware. We know that  
20 they're -- we think they send to landfills,  
21 other places in other states and determined  
22 to be hazardous waste when they arrive. So  
23 what Mr. Nichols just said is  
24 demonstratable.



1           The original tariff discussions  
2 on the Bloom boxes said they were to be  
3 upgraded every three to five years with new  
4 fuel cell stacks rather than being replaced.  
5 We note Delmarva Power monthly reports to  
6 the PSC will show the original Bloom boxes  
7 are producing power at the rate of about  
8 227,000 megawatts hours a year, which is  
9 under 1 percent less than in 2014 when the  
10 Bloom boxes were new.

11           We'd like to know why the old  
12 boxes are being completely replaced with new  
13 boxes. They'll cost hundreds of millions of  
14 dollars. And it just doesn't make any sense  
15 for this replacement.

16           Of course, we talked about the  
17 ITC. And that's about it.

18           I would like to make another  
19 spontaneous comment.

20           I don't mean to personalize  
21 this, but I want to introduce a term called  
22 "cost for Britini." Now, I enjoyed hearing  
23 what Britini said in her remarks. And the  
24 cost for Britini have been gothic, hundreds



1 of millions of dollars for Delawareans. And  
2 she has a job. And I'm happy. I'm happy  
3 they've trained her to do public speaking.  
4 And I'm delighted that she's doing well.  
5 But the cost for Britini is unreasonable.  
6 And I think that needs to be looked at.

7 Bloom promised 900 jobs. They  
8 delivered 300. Something like that. Less  
9 than a third. We believe those jobs were  
10 shipped off to India where they created two  
11 plants after the Delaware facility was made.  
12 So I think that ought to be looked into  
13 also. Thank you.

14 THE HEARING OFFICER: Thank you,  
15 Mr. Laird.

16 Mr. Mulford.

17 MR. MULFORD: Thank you. Good  
18 evening. My name is Wayne Mulford. Thank  
19 you for the opportunity to speak here  
20 tonight.

21 I've worked for Bloom Energy for  
22 five years now as a Solid Fuel Cell and  
23 Stack Column Manufacturer Manager.

24 In 2001, I settled in Northern



1 Delaware after returning to the United  
2 States upon my retirement from the U.S. Army  
3 after 21 years. All in, I've worked on  
4 behalf of the U.S. Government for 25 years  
5 in various capacities. And I can tell you  
6 firsthand the need for new types of energy  
7 technologies is paramount to our future.

8 I have two sons and a daughter.  
9 My oldest son currently serves as a  
10 policeman for New Castle County. My  
11 youngest son works for Jet and has been  
12 recently accepted in the next Homeland  
13 Security academy class.

14 My daughter, 12, attends Tally  
15 Middle school and is in the IB and Avid  
16 Program. She is a passionate softball  
17 player for both Claymont and Brandywine  
18 softball. My wife, an OR nurse, works at  
19 Alfred I. duPont Children's Hospital. She  
20 and I are both very active in our daughter's  
21 school activities as well as within our  
22 church at St. David's. We are active  
23 members of the Delaware German Club where we  
24 organize and help run the Oktoberfest each



1 year.

2 I am a member of Post 10  
3 American Legion and Post 475 of the VFW in  
4 Newark, Delaware, and I am proud to help  
5 lead Bloom's support for veteran communities  
6 both internally and externally.

7 When returning back to the  
8 United States, I found it hard to find a job  
9 here in Delaware, as I suspect other people  
10 were during that time period. I found the  
11 need to go back to school to refresh my  
12 engineering degree and enroll in a second  
13 master's program. As the economy began to  
14 improve, I was offered five positions, one  
15 of them being for Bloom.

16 I chose Bloom because of their  
17 mission statement. And also Bloom is the  
18 only company that truly sees its employees  
19 as its greatest resource, and veterans were  
20 not only welcome, but sought after.

21 I also choose Bloom because of  
22 the unique product. I wanted to be part of  
23 a company that works to improve our  
24 environment and equally important, the



1 energy security of the United States.

2           During my tenure with Bloom, I  
3 have had an opportunity to build a  
4 manufacturing team that, as of today, 25  
5 percent are veterans, two of which are  
6 active currently in the Delaware National  
7 Guard.

8           So to summarize. The national  
9 community is important to me as well as the  
10 local Delaware community. My family, much  
11 like Bloom, leads by setting an example for  
12 others. It is disheartening to see the  
13 opponents of this permit because they appear  
14 to have a political axe to grind, but what  
15 is really being done is an attack on me and  
16 my fellow coworkers.

17           Clean air is vital to my family  
18 and vital to our society. Advanced  
19 technologies like Bloom's fuel cells have  
20 the potential to help secure the U.S.  
21 energy's independence. Delaware being The  
22 First State should be proud of the project,  
23 a project which serves as a national example  
24 of how advanced energy technologies can be



1 applied. Upgrading to an even more  
2 efficient system with less carbon footprint  
3 makes sense. And doing that with systems  
4 manufactured right here in Newark, Delaware,  
5 by Delawareans, you should be proud of.

6 Please pass the permit. Thank  
7 you.

8 THE HEARING OFFICER: Thank you,  
9 Mr. Mulford.

10 Okay. I've gone through the  
11 list of people that indicated a desire to  
12 speak by saying yes initially. Is there  
13 anyone other than those who have spoken  
14 already that maybe their no has changed to  
15 yes, and they'd like to offer comment?

16 Okay. Let the record reflect  
17 that that is not the case.

18 As I said at the beginning of  
19 the proceedings tonight, the Department  
20 wants to know and wants to be able to  
21 receive any comments that may wish to be  
22 offered by the public regarding this matter  
23 regardless what opinion those comments have.  
24 That being said, the record will remain open





1 for receipt of comment through close of  
2 business, which is 4:30 Delaware time on  
3 Friday, January 25th, 2019.

4 If you would like to have my  
5 email address, I have business cards up  
6 here. You may feel free to come and get  
7 one. You can also feel free to contact the  
8 Department if you would like to see  
9 anything, perhaps a copy of the presentation  
10 that they did tonight. And maybe, you know,  
11 in a couple days, you might formulate some  
12 comments. That's fine, as long as they are  
13 received on or before close of business on  
14 January 25th. They all bear the same  
15 weight. They're just as important to the  
16 Department as if they've been given tonight  
17 verbally. And we'd love to hear from you if  
18 that's the case.

19 There being no additional  
20 comments wishing to be given right now,  
21 we're going to go ahead and conclude the  
22 proceedings. I want to thank everybody for  
23 coming out this evening. The hearing is  
24 adjourned.



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(Mulford Exhibit 1 received in  
evidence.)

(Hearing concluded at 6:50 p.m.)

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1	I N D E X	
2	SPEAKERS	PAGE
3	ARNIE BALLANTINE	12
4	ANGELA MARCONI	18
5	DAVID STEVENSON	26
6	AMY ROE	29
7	BRITNI KRINER	33
8	JOHN NICHOLS	36
9	CLINT LAIRD	41
10	WAYNE MULFORD	43
11	DNREC EXHIBITS	REC'D
12	The two applications that we received;	24
13	legal notices; the hearing request	
14	from Caesar Rodney Institute; all	
15	notices of the hearing; notices of the	
16	hearing, sent to the company and to Caesar	
17	Rodney Institute; and public comments	
18	received to date.	
19	INDEX TO INDIVIDUAL EXHIBITS	
20	EXHIBITS	REC'D
21	Stevenson Exhibit 1 Submission by	
22	Mr. Stevenson.....	29
23	Roe Exhibit 1 Submission by Ms. Roe....	33
24		



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2  
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I N D E X, cont'd

EXHIBITS	REC'D
Nichols Exhibit 1 Copy of Two manifests	40
Nichols Exhibit 2 Copy of email from Marjorie Crofts.....	40
Nichols Exhibit 3 Article from Delaware Online.....	40
Mulford Exhibit 1 Submission by Mr. Mulford.....	49

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State of Delaware )  
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CERTIFICATE OF REPORTER

I, Lucinda M. Reeder, Registered  
Diplomate Reporter, Certified Real-time  
Reporter and Notary Public, do hereby  
certify that the foregoing record is a true  
and accurate transcript of my stenographic  
notes taken on January 10, 2019 in the  
above-captioned matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand and seal this 20th day of  
January 2019 at Wilmington, Delaware.



Lucinda M. Reeder, RDR, CRR



A			
	<b>activities (3)</b> 34:20 35:13 44:21	<b>against (1)</b> 41:19	25:13
<b>ability (2)</b> 9:24 15:5	<b>actual (2)</b> 28:16 31:12	<b>age (1)</b> 35:9	<b>always (2)</b> 16:20,20
<b>able (4)</b> 8:10 35:12 38:24 47:20	<b>add (1)</b> 8:19	<b>Agency (1)</b> 27:13	<b>amazing (2)</b> 35:20 36:1
<b>aboard (1)</b> 13:2	<b>added (1)</b> 29:3	<b>agreement (1)</b> 32:16	<b>American (1)</b> 45:3
<b>above (1)</b> 15:8	<b>addition (1)</b> 26:14	<b>ahead (1)</b> 48:21	<b>amount (4)</b> 5:9 15:15 17:11 31:21
<b>absent (2)</b> 7:13,15	<b>additional (6)</b> 7:20 8:16 23:7 26:22 39:9 48:19	<b>air (18)</b> 4:18 17:20 18:9 20:17,19 21:15,17 22:4,6 23:11,16 26:10, 14 31:18,20 32:7 35:3 46:17	<b>ample (1)</b> 9:1
<b>absolutely (2)</b> 33:16 36:8	<b>Additionally (1)</b> 10:8	<b>Alfred (1)</b> 44:19	<b>Amy (3)</b> 29:14,16 33:3
<b>academy (1)</b> 44:13	<b>address (3)</b> 21:16 22:10 48:5	<b>allotment (1)</b> 6:16	<b>Andy (1)</b> 13:20
<b>accepted (1)</b> 44:12	<b>addresses (1)</b> 19:4	<b>allotted (1)</b> 6:5	<b>Angela (2)</b> 18:8 23:20
<b>accommodated (1)</b> 8:1	<b>adhered (1)</b> 4:12	<b>allow (3)</b> 10:12 14:16 37:21	<b>annually (1)</b> 28:2
<b>accordance (1)</b> 22:24	<b>adieu (1)</b> 28:21	<b>alone (1)</b> 13:15	<b>another (5)</b> 6:22 16:22 36:1 39:12 42:18
<b>according (1)</b> 28:18	<b>adjourned (1)</b> 48:24	<b>along (1)</b> 26:21	<b>anyone (2)</b> 9:15 47:13
<b>accordingly (1)</b> 3:12	<b>advance (4)</b> 13:23 14:21 25:15 34:2	<b>already (10)</b> 3:3 4:8 5:14,17,21 11:13 14:14 19:4 35:7 47:14	<b>anything (1)</b> 48:9
<b>accurate (3)</b> 3:14 9:13 32:6	<b>Advanced (2)</b> 46:18,24	<b>also (22)</b> 2:11 4:24 5:8 7:2 8:12 13:23 15:17 18:11 19:15 21:20 26:11 27:14,20 28:7, 11 30:14 35:8 39:21 43:13 45:17,21 48:7	<b>apology (1)</b> 25:15
<b>accurately (1)</b> 9:11	<b>Advisory (2)</b> 13:5,7	<b>although (1)</b>	<b>appear (3)</b> 7:6 29:20 46:13
<b>achieve (1)</b> 13:9	<b>after (10)</b> 8:14 15:2 17:5,9 41:6,12 43:11 44:1,3 45:20		<b>appears (1)</b> 30:14
<b>acquire (2)</b> 39:1,8	<b>again (10)</b> 3:16 4:7,18 6:22 8:20 12:8 26:9 29:13 33:4 40:24		<b>Applicant (2)</b> 3:10,21
<b>act (3)</b> 12:11 31:22 32:1			<b>application (16)</b> 4:19 17:1 19:23 20:2,5 21:3 26:8,24 30:2,13,22 31:4,20 36:21 38:14 39:4
<b>active (3)</b> 44:20,22 46:6			

<b>applications (16)</b> 2:10 4:3,22 8:24 10:5,13 11:2,15,19 14:14 16:13,15 18:13, 14,23 19:5	38:14 <b>aspect (1)</b> 15:20 <b>assembly (1)</b> 33:24	5:11 41:12,13 <b>axe (1)</b> 46:14	14:8 44:4 <b>being (21)</b> 7:9,16 8:7,16 9:24 12:14 24:1 25:10 27:11 28:1 33:16 35:21,24 41:18 42:4, 12 45:15 46:15,21 47:24 48:19
<b>applied (2)</b> 14:7 47:1	<b>asset (1)</b> 33:18	<b>back (2)</b> 45:7,11	<b>believe (8)</b> 12:15 16:12 26:7 36:11 38:15 39:10 41:17 43:9
<b>applied-for (1)</b> 17:13	<b>assurance (1)</b> 32:13	<b>BALLANTINE (2)</b> 12:20,21	<b>below (1)</b> 20:12
<b>appointed (1)</b> 2:20	<b>asthma (1)</b> 35:10	<b>Bank (1)</b> 34:17	<b>benefit (2)</b> 14:18 25:19
<b>appreciate (1)</b> 14:11	<b>atmosphere (1)</b> 23:12	<b>bar (4)</b> 24:13,16,17,18	<b>benefits (1)</b> 17:23
<b>approve (1)</b> 36:11	<b>attached (1)</b> 28:3	<b>Barry (1)</b> 37:20	<b>benzene (1)</b> 27:20
<b>approved (1)</b> 38:14	<b>attack (1)</b> 46:15	<b>bars (1)</b> 24:11	<b>best (2)</b> 16:18 38:1
<b>approves (1)</b> 22:3	<b>attendance (1)</b> 8:9	<b>based (2)</b> 20:23 21:7	<b>better (1)</b> 41:16
<b>approximately (1)</b> 17:2	<b>attends (1)</b> 44:14	<b>basically (1)</b> 29:1	<b>between (1)</b> 35:11
<b>April (1)</b> 39:16	<b>attention (1)</b> 18:7	<b>basis (1)</b> 18:3	<b>beyond (1)</b> 39:9
<b>AQM (1)</b> 27:1	<b>audience (3)</b> 6:6 9:16 14:1	<b>bear (2)</b> 12:4 48:14	<b>bit (1)</b> 22:2
<b>Ari (1)</b> 37:20	<b>audio (1)</b> 9:20	<b>beautiful (1)</b> 34:23	<b>blackouts (1)</b> 16:1
<b>Army (1)</b> 44:2	<b>authenticated (1)</b> 9:5	<b>become (1)</b> 34:3	<b>blood (1)</b> 34:15
<b>Arnie (1)</b> 12:21	<b>authorized (1)</b> 16:3	<b>before (6)</b> 3:22 4:2,3 11:24 23:22 48:13	<b>Bloom (61)</b> 2:11 4:20 12:17,22 13:19,20 14:2,7,16,20 15:7,13 16:4 17:17,18, 21 19:2 26:18 28:4 30:1,5,8,11,14,20,21
<b>arrive (1)</b> 41:22	<b>automatically (1)</b> 5:16	<b>began (1)</b> 45:13	
<b>arsenic (1)</b> 27:21	<b>availability (3)</b> 15:5,9,11	<b>begin (2)</b> 24:14 25:24	
<b>article (2)</b> 40:7,19	<b>Avid (1)</b> 44:15	<b>beginning (2)</b> 24:12 47:18	
<b>asked (2)</b> 5:2 6:7	<b>award-winning (1)</b> 29:21	<b>behalf (2)</b>	
<b>asking (1)</b>	<b>aware (3)</b>		

31:1,3,23 32:5,8,12, 15,18 33:13,20 34:1,5, 13,22 35:15 36:8,9,13, 24 37:5,21 38:18 39:16 40:4 42:2,6,10 43:7,21 45:15,16,17, 21 46:2,11	42:22,23,24 43:5 <b>Britni (1)</b> 33:11 <b>Brookside (11)</b> 2:15 14:24 15:2,8, 22 16:10,19 19:3 20:3, 10 21:6 <b>brought (1)</b> 5:24 <b>brownouts (1)</b> 16:1 <b>build (1)</b> 46:3 <b>business (5)</b> 8:5 11:24 48:2,5,13 <b>byproduct (1)</b> 30:23 <b>by-products (1)</b> 27:3	<b>calls (1)</b> 16:4 <b>came (3)</b> 2:24 3:3 18:23 <b>canisters (1)</b> 27:20 <b>capacities (1)</b> 44:5 <b>capacity (6)</b> 13:4 19:15 31:7,10, 15 32:20 <b>carbon (6)</b> 17:3,8 19:18,20 20:16 47:2 <b>cards (1)</b> 48:5 <b>career (1)</b> 34:2 <b>caring (1)</b> 35:23 <b>case (6)</b> 4:11 11:7 21:22 22:22 47:17 48:18 <b>cases (1)</b> 21:5 <b>Castle (6)</b> 2:14 20:13 37:18, 19 38:16 44:10 <b>categorized (1)</b> 31:24 <b>cell (6)</b> 14:21 16:5 27:18 36:2 42:4 43:22 <b>cellphones (1)</b> 10:9 <b>cells (4)</b> 2:13 15:18 19:18 46:19 <b>Center (1)</b> 13:21	<b>Centers (1)</b> 16:19 <b>challenged (1)</b> 34:10 <b>chance (1)</b> 2:23 <b>changed (4)</b> 27:4 41:12,14 47:14 <b>changes (2)</b> 21:19 27:2 <b>checked (1)</b> 27:10 <b>checks (1)</b> 27:7 <b>chemical (1)</b> 29:21 <b>Chestnut (1)</b> 2:16 <b>children (3)</b> 34:24 35:17 36:6 <b>Children's (1)</b> 44:19 <b>choose (1)</b> 45:21 <b>chose (1)</b> 45:16 <b>Christiana (1)</b> 35:4 <b>chromium (1)</b> 27:21 <b>church (1)</b> 44:22 <b>citizen (1)</b> 14:4 <b>citizens (1)</b> 10:12 <b>claim (1)</b> 32:13 <b>claims (1)</b> 30:19
<b>Blooms (1)</b> 31:7 <b>Bloom's (5)</b> 17:12 31:15 41:17 45:5 46:19 <b>Board (1)</b> 13:7 <b>born (1)</b> 35:4 <b>both (12)</b> 3:10,21 16:17 18:24 19:22 20:10 21:3,5 26:1 44:17,20 45:6 <b>bottom (1)</b> 24:17 <b>box (1)</b> 27:10 <b>boxes (8)</b> 27:7 28:4,9 42:2,6, 10,12,13 <b>Brandywine (1)</b> 44:17 <b>breaks (1)</b> 35:11 <b>brief (5)</b> 3:18,22 6:6 24:8 38:18 <b>briefly (3)</b> 14:19 20:7 23:21 <b>bring (1)</b> 16:8 <b>Britini (4)</b>	<b>C</b> <b>C02 (2)</b> 17:4,9 <b>Caesar (3)</b> 18:15,19 26:6 <b>calculate (2)</b> 30:11 31:9 <b>calculated (2)</b> 21:7 30:6 <b>calculates (1)</b> 30:7 <b>calendar (1)</b> 18:17 <b>California (1)</b> 29:19 <b>call (1)</b> 9:16 <b>called (3)</b> 16:24 41:15 42:21		



<b>clarification (1)</b> 9:4	43:23	<b>completion (1)</b> 22:16	22:15
<b>class (2)</b> 16:18 44:13	<b>come (6)</b> 2:3 6:9 9:7 10:19 11:18 48:6	<b>compliance (1)</b> 22:20	<b>consume (1)</b> 14:15
<b>classification (2)</b> 38:1,2	<b>coming (3)</b> 26:13 35:5 48:23	<b>composition (1)</b> 28:2	<b>consumption (2)</b> 31:9,12
<b>Claymont (1)</b> 44:17	<b>comment (32)</b> 2:8 3:5,7,13 5:2,12, 15,20 6:13 7:4,16,19, 24 8:8,11,13,17,24 9:2 10:4,6,12 11:5,18, 20,22 12:13 23:22 24:7 42:19 47:15 48:1	<b>compounds (2)</b> 19:20 30:16	<b>contact (1)</b> 48:7
<b>clean (5)</b> 15:10 33:23 35:3 36:3 46:17		<b>Computer (2)</b> 13:6 33:22	<b>contain (4)</b> 11:1 22:9 23:13,15
<b>cleaner (1)</b> 36:7		<b>concerns (2)</b> 22:10 26:12	<b>contains (2)</b> 27:16,20
<b>clear (2)</b> 27:8 37:22	<b>commenter (4)</b> 6:22 7:10,13 24:9	<b>conclude (1)</b> 48:21	<b>contaminants (1)</b> 23:12
<b>clearly (1)</b> 25:17	<b>commenters (1)</b> 4:5	<b>concluded (1)</b> 49:3	<b>continue (4)</b> 16:16 17:18 22:23 35:12
<b>Clint (2)</b> 41:8,9	<b>comments (19)</b> 4:15,21 5:7,23 6:11 7:7,12 10:18,19 12:1 18:20 21:11,17 24:23 29:18 47:21,23 48:12, 20	<b>conditions (4)</b> 16:7 22:10 23:2,6	<b>continuous (1)</b> 14:21
<b>close (6)</b> 6:14 8:3,5 11:23 48:1,13		<b>conduct (2)</b> 22:14 34:17	<b>contradicts (1)</b> 40:8
<b>Club (1)</b> 44:23	<b>Commission (2)</b> 13:5 31:15	<b>confident (1)</b> 34:11	<b>contribute (1)</b> 14:6
<b>CO2 (1)</b> 30:6	<b>communities (1)</b> 45:5	<b>considerate (1)</b> 10:4	<b>Control (2)</b> 2:7 27:15
<b>Coastal (7)</b> 26:15 28:18 31:22 32:1 36:20 37:22 39:3	<b>community (6)</b> 14:6,18 16:2 34:14 46:9,10	<b>consideration (3)</b> 8:1 18:6 22:1	<b>controlled (1)</b> 27:23
<b>Code (3)</b> 37:17,23 38:4	<b>company (8)</b> 12:24 13:1 14:3 18:19 22:18 35:20	<b>considerations (1)</b> 21:18	<b>controls (1)</b> 27:8
<b>colleague (1)</b> 13:17		<b>considered (4)</b> 12:5 20:11 26:17 27:22	<b>conventional (1)</b> 15:12
<b>colleagues (1)</b> 12:24	<b>complete (1)</b> 26:11	<b>consist (1)</b> 10:17	<b>copy (3)</b> 29:17 32:23 48:9
<b>colloquially (1)</b> 19:2	<b>completed (1)</b> 27:11	<b>consistent (3)</b> 4:14 7:1,2	<b>corporate (1)</b> 14:4
<b>color (1)</b> 24:14	<b>completely (1)</b> 42:12	<b>construction (11)</b> 2:9 14:10 17:14 19:12 21:21,22 22:5, 13,16,22 23:10	<b>cost (4)</b> 42:13,22,24 43:5
<b>Column (1)</b>		<b>construction-to-operation (1)</b>	<b>costing (1)</b> 37:12
			<b>could (3)</b> 30:24 33:17 37:16

<b>counsel (1)</b> 13:19	<b>D</b>	14:4,6,17,18 22:7	<b>desulfurization (3)</b> 27:6,9 31:3
<b>County (5)</b> 20:14 37:18,19 38:16 44:10		<b>DAQ (4)</b> 21:15 22:14,19 23:9	28:14 34:16 36:19 37:21 40:3,19 41:19 43:11 44:1,23 45:4,9 46:6,10,21 47:4 48:2
<b>couple (1)</b> 48:11	<b>data (2)</b> 30:17 32:6	<b>Delawareans (3)</b> 17:22 43:1 47:5	<b>details (1)</b> 32:15
<b>course (3)</b> 11:10 41:16 42:16	<b>date (3)</b> 2:4 18:21 39:10	<b>Delaware's (1)</b> 31:14	<b>determine (1)</b> 37:8
<b>court (4)</b> 9:7,8 24:24 25:19	<b>dated (1)</b> 39:16	<b>delighted (1)</b> 43:4	<b>determined (1)</b> 41:21
<b>covered (1)</b> 37:17	<b>daughter (3)</b> 35:1 44:8,14	<b>deliver (3)</b> 15:23 17:10 29:17	<b>developing (1)</b> 17:21
<b>coworkers (1)</b> 46:16	<b>daughter's (1)</b> 44:20	<b>delivered (1)</b> 43:8	<b>development (4)</b> 34:3 37:17,23 38:4
<b>CPR (1)</b> 34:17	<b>David (1)</b> 26:5	<b>Delmarva (1)</b> 42:5	<b>deviations (1)</b> 23:6
<b>created (1)</b> 43:10	<b>David's (1)</b> 44:22	<b>demolition (1)</b> 32:9	<b>diagnosed (1)</b> 35:6
<b>creates (1)</b> 31:18	<b>days (2)</b> 8:17 48:11	<b>demonstrably (1)</b> 39:7	<b>Diamond (3)</b> 2:11 14:8 19:1
<b>creating (2)</b> 36:7,13	<b>decision (5)</b> 11:1,12,14 12:7,8	<b>demonstratable (1)</b> 41:24	<b>differ (1)</b> 10:6
<b>Credit (2)</b> 32:16 37:10	<b>decoke (1)</b> 31:16	<b>denied (1)</b> 26:9	<b>difference (1)</b> 35:15
<b>credits (1)</b> 32:14	<b>decoking (5)</b> 26:13 31:18 41:10, 13,14	<b>denying (1)</b> 18:3	<b>different (2)</b> 18:24 33:20
<b>Crofts (1)</b> 39:13	<b>decrease (3)</b> 19:14,16 21:5	<b>Department (15)</b> 2:6 3:10,20 4:20 5:15 10:20 11:13,23 12:12,16 23:24 36:23 47:19 48:8,16	<b>dioxide (3)</b> 19:19 20:16 27:17
<b>Crofts' (1)</b> 40:9	<b>deemed (1)</b> 23:7	<b>deploy (1)</b> 14:17	<b>directly (2)</b> 4:6 40:8
<b>current (2)</b> 7:3 19:14	<b>defer (1)</b> 41:5	<b>describe (1)</b> 14:19	<b>director (1)</b> 39:14
<b>currently (8)</b> 4:3 19:10,22,24 20:4 21:2 44:9 46:6	<b>definitions (1)</b> 37:7	<b>described (2)</b> 24:4 31:6	<b>disbursed (1)</b> 32:17
<b>customers (1)</b> 36:4	<b>degree (1)</b> 45:12	<b>desire (1)</b> 47:11	<b>discharge (1)</b> 23:11
	<b>Delaware (26)</b> 2:14,17 7:3 13:21		<b>disclose (1)</b> 26:18
			<b>disclosure (1)</b> 32:10

<b>discussions (1)</b> 42:1	21:15,24	<b>efforts (1)</b> 14:21	17:19 19:2 30:23 36:4, 9,24 39:16 43:21 44:6
<b>disheartening (1)</b> 46:12	<b>dramatically (1)</b> 15:9	<b>either (2)</b> 8:18 12:3	46:1,24
<b>disposal (1)</b> 38:7	<b>drive (1)</b> 34:15	<b>Electrical (4)</b> 13:6 16:2 17:11	<b>energy's (1)</b> 46:21
<b>disposed (3)</b> 28:6,11,13	<b>droop (2)</b> 16:1,7	33:24	<b>enforced (1)</b> 6:17
<b>disposing (1)</b> 32:11	<b>due (1)</b> 31:16	<b>electronic (1)</b> 28:12	<b>engineer (1)</b> 29:22
<b>disregard (1)</b> 30:19	<b>duPont (1)</b> 44:19	<b>else (2)</b> 9:15 41:5	<b>Engineering (3)</b> 12:22 13:6 45:12
<b>distributed (1)</b> 15:21	<b>during (5)</b> 10:10 11:9 16:6 45:10 46:2	<b>else's (1)</b> 7:22	<b>enjoyed (1)</b> 42:22
<b>distribution (1)</b> 38:7	<b>E</b>	<b>email (7)</b> 5:16 12:3 39:12,16 40:9,17 48:5	<b>enroll (1)</b> 45:12
<b>Division (4)</b> 18:9 21:15 22:4 39:14	<b>each (8)</b> 5:1,5,9 6:23 25:4 30:2 37:4 44:24	<b>emissions (24)</b> 13:12,13 14:15 16:17,18 17:3,4 18:1 19:13,17 20:24 21:6 23:16 30:3,6,7,9,15, 18,20,22 31:18,19 32:7	<b>ensure (7)</b> 5:8 6:23 7:23 8:8, 22 9:13 23:14
<b>DNREC (15)</b> 2:7 4:11,15 8:4 10:23 11:3 16:12 24:3 30:4,19 31:24 32:3 37:16 39:14 41:12	<b>Earlier (2)</b> 14:22 41:11	<b>emit (3)</b> 20:12 21:2,4	<b>enter (1)</b> 18:12
<b>DNREC's (1)</b> 5:1	<b>early (1)</b> 35:5	<b>emitted (1)</b> 16:24	<b>entered (5)</b> 21:13 24:1 29:7 33:6 40:16
<b>documentation (4)</b> 6:2 29:1,7 33:5	<b>earning (1)</b> 34:4	<b>employees (6)</b> 13:22 14:5 33:21 34:9,15 45:18	<b>entire (1)</b> 28:9
<b>documents (3)</b> 6:7 39:19 40:1	<b>easily (1)</b> 35:6	<b>empowering (1)</b> 34:7	<b>environment (3)</b> 35:3 36:7 45:24
<b>dollars (3)</b> 37:12 42:14 43:1	<b>East (1)</b> 2:16	<b>enable (4)</b> 12:12 16:10 17:20, 22	<b>Environmental (2)</b> 2:7 27:13
<b>donate (1)</b> 34:16	<b>ecological (1)</b> 36:4	<b>end (2)</b> 24:15,19	<b>EPA (2)</b> 30:7,10
<b>done (5)</b> 3:3,18 4:8 32:1 46:15	<b>economy (1)</b> 45:13	<b>Energy (19)</b> 2:11 4:20 12:17,22 14:20 15:7,10 16:19	<b>equality (1)</b> 6:23
<b>down (1)</b> 25:1	<b>educate (1)</b> 34:18		<b>equally (3)</b> 5:4 12:5 45:24
<b>draft (2)</b>	<b>efficiency (1)</b> 13:10		<b>equipment (4)</b> 9:22 22:24 23:10,14
	<b>efficient (1)</b> 47:2		<b>Even (5)</b> 3:13 10:5 17:16 30:22 47:1

<b>evening (10)</b> 2:2,5 5:19 11:4,15 12:20 29:15 33:12 43:18 48:23	<b>expect (1)</b> 17:1	<b>false (2)</b> 30:1 39:7	28:4 33:14 38:13 46:22
<b>eventually (1)</b> 10:21	<b>expedient (1)</b> 17:16	<b>familiar (1)</b> 37:15	<b>firsthand (1)</b> 44:6
<b>Every (2)</b> 34:14 42:3	<b>expeditiously (1)</b> 17:22	<b>family (4)</b> 34:23 36:5 46:10,17	<b>five (4)</b> 23:5 42:3 43:22 45:14
<b>everybody (7)</b> 2:2 3:15,23 6:19 25:3,8 48:22	<b>expensive (1)</b> 37:11	<b>fashion (1)</b> 35:13	<b>fivefold (1)</b> 15:17
<b>everyone (6)</b> 5:4,11 6:18 7:23 9:11 10:3	<b>experience (2)</b> 33:15,16	<b>fate (1)</b> 31:5	<b>floor (2)</b> 12:15 24:7
<b>everything (1)</b> 33:17	<b>explain (1)</b> 20:7	<b>features (2)</b> 16:10,14	<b>Florida (1)</b> 13:3
<b>evidence (5)</b> 24:4 29:11 33:9 40:22 49:2	<b>externally (1)</b> 45:6	<b>federal (1)</b> 22:7	<b>FOIA (1)</b> 39:19
<b>exactly (1)</b> 37:5	<b>extremely (1)</b> 16:16	<b>feel (2)</b> 48:6,7	<b>following (6)</b> 3:8 10:24 22:16,19 32:4 36:24
<b>example (3)</b> 36:13 46:11,23	<b>F</b>	<b>fellow (2)</b> 13:22 46:16	<b>Food (1)</b> 34:17
<b>examples (2)</b> 23:2 34:21	<b>face (1)</b> 36:9	<b>fellow's (1)</b> 37:20	<b>foods (1)</b> 34:16
<b>exceeds (1)</b> 15:11	<b>facilitate (2)</b> 5:7 11:5	<b>few (4)</b> 4:9 16:14 29:3 34:21	<b>footprint (1)</b> 47:2
<b>Excuse (1)</b> 38:21	<b>facilities (8)</b> 18:24 19:10,22 20:10,11 21:4 22:20, 23	<b>fewer (2)</b> 15:14 32:19	<b>formal (9)</b> 2:5,21 4:12,23 11:17,20 12:11 21:13 24:1
<b>Exhibit (8)</b> 29:9,10 33:7,8 40:17,18,20 49:1	<b>facility (11)</b> 13:24 15:3 19:3 20:9,23 21:19 31:13 34:18 37:15 38:5 43:11	<b>figure (1)</b> 30:12	<b>formally (1)</b> 29:8
<b>exhibits (5)</b> 10:19 18:11 23:23 24:3 40:21	<b>fact (1)</b> 15:4	<b>final (1)</b> 12:6	<b>forms (1)</b> 15:10
<b>existing (5)</b> 17:18 19:11,12 22:24 23:1	<b>factor (4)</b> 15:18 31:7,10,15	<b>Finally (1)</b> 17:24	<b>formulate (1)</b> 48:11
<b>exists (1)</b> 38:3	<b>fairly (2)</b> 5:4 6:18	<b>find (2)</b> 13:9 45:8	<b>fortunate (1)</b> 13:3
	<b>fairness (2)</b> 5:8 6:23	<b>fine (4)</b> 5:24 25:13 29:6 48:12	<b>forward (2)</b> 17:21 36:6
		<b>fines (1)</b> 27:14	<b>found (2)</b> 45:8,10
		<b>First (7)</b> 4:14 12:16 24:15	

<p><b>four (2)</b> 15:13,19</p> <p><b>fourteenth (1)</b> 12:23</p> <p><b>free (2)</b> 48:6,7</p> <p><b>Friday (2)</b> 8:6 48:3</p> <p><b>friends (2)</b> 35:21 36:5</p> <p><b>fuel (11)</b> 2:12 14:21 15:18 19:17 21:7,8 27:18 36:2 42:4 43:22 46:19</p> <p><b>full (2)</b> 32:9,24</p> <p><b>fully (2)</b> 7:14 24:18</p> <p><b>funds (1)</b> 32:17</p> <p><b>further (1)</b> 10:14</p> <p><b>Furthermore (1)</b> 39:8</p> <p><b>future (3)</b> 35:16 36:11 44:7</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>Garvin (4)</b> 2:20 4:4 12:10 40:2</p> <p><b>gas (8)</b> 14:15 21:8 27:16 30:3,8,9 31:2,9</p> <p><b>gauge (1)</b> 24:9</p> <p><b>general (1)</b> 18:2</p> <p><b>generally (1)</b> 20:18</p>	<p><b>generate (2)</b> 15:6 39:6</p> <p><b>generated (7)</b> 4:24 10:16 11:21 17:6 24:2 31:21,23</p> <p><b>Generating (3)</b> 2:12 19:1 20:4</p> <p><b>generation (6)</b> 13:10 14:8,22 15:21 19:15 38:6</p> <p><b>generations (2)</b> 14:22 15:13</p> <p><b>generator (2)</b> 38:18,19</p> <p><b>generators (1)</b> 16:5</p> <p><b>German (1)</b> 44:23</p> <p><b>gets (2)</b> 3:12 7:18</p> <p><b>give (8)</b> 6:2,5,13 7:21 10:14 18:10 24:8 39:24</p> <p><b>given (12)</b> 3:8,9 4:21 5:9,21 7:16 8:18 9:1 10:18 34:1 48:16,20</p> <p><b>giving (1)</b> 5:12</p> <p><b>goes (2)</b> 24:16 38:5</p> <p><b>going (17)</b> 3:9 5:10 6:12 8:2 12:16 18:10 24:6,6,11 25:11 28:8,8,11,12,13, 15 48:21</p> <p><b>gone (1)</b> 47:10</p> <p><b>Good (6)</b> 2:1 12:20 25:20</p>	<p>29:15 33:12 43:17</p> <p><b>gothic (1)</b> 42:24</p> <p><b>Government (1)</b> 44:4</p> <p><b>granted (2)</b> 7:19 18:5</p> <p><b>grateful (1)</b> 14:3</p> <p><b>greatest (1)</b> 45:19</p> <p><b>greenhouse (2)</b> 30:3,9</p> <p><b>grid (4)</b> 15:23,24 16:6,11</p> <p><b>grind (1)</b> 46:14</p> <p><b>grow (1)</b> 35:14</p> <p><b>growth (4)</b> 14:3 33:19,21 34:9</p> <p><b>Guard (1)</b> 46:7</p> <p><b>guess (1)</b> 19:2</p> <p><b>Guinea (1)</b> 25:22</p> <p><b>guys (1)</b> 10:14</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>hallway (1)</b> 3:2</p> <p><b>hand (1)</b> 39:24</p> <p><b>handlers (1)</b> 28:5</p> <p><b>handling (1)</b> 31:4</p>	<p><b>hands-on (1)</b> 34:20</p> <p><b>happy (2)</b> 43:2,2</p> <p><b>hard (1)</b> 45:8</p> <p><b>harmful (1)</b> 13:12</p> <p><b>hazardous (14)</b> 20:18 26:17 27:11, 15,23 28:1,17 38:19 39:2,6,15,20 40:6 41:22</p> <p><b>HAZMAT (2)</b> 26:12 28:5</p> <p><b>health (1)</b> 13:13</p> <p><b>hear (6)</b> 6:10 9:11,24 20:8, 21 48:17</p> <p><b>heard (1)</b> 8:15</p> <p><b>HEARING (61)</b> 2:1,21 3:6,20 4:1, 17,23 6:15 7:4,8,11 8:2,7,10,20 9:6 10:11, 16,21 11:16,21 12:2, 18 14:11 18:14,16,18 19:8 21:11,12,23,24 22:11,12 23:19 24:1,5 25:23 26:3,7,22 28:22 29:5,12,20 32:24 33:2, 6,10 36:15 38:22 40:12,16,23 41:2,7 42:22 43:14 47:8 48:23 49:3</p> <p><b>hearings (5)</b> 4:11,15 5:1 7:2 11:8</p> <p><b>heating (1)</b> 13:11</p>
--	---	--	--

<b>held (1)</b> 4:15	15:4	<b>including (3)</b> 16:9 18:16 35:21	<b>inspection (2)</b> 22:15,17
<b>help (6)</b> 3:23 5:11 24:9 44:24 45:4 46:20	<b>hydrosulfide (1)</b> 27:21	<b>inclusion (1)</b> 9:2	<b>inspections (1)</b> 22:20
<b>hereby (3)</b> 23:24 33:6 40:15	<b>I</b>	<b>incomplete (1)</b> 26:8	<b>installations (1)</b> 15:21
<b>hey (1)</b> 35:14	<b>IB (1)</b> 44:15	<b>incorporated (3)</b> 4:23 11:20 24:23	<b>installed (6)</b> 19:22,24 20:4 21:2
<b>higher (1)</b> 15:9	<b>identified (2)</b> 20:9 23:24	<b>incorrectly (1)</b> 38:16	<b>installing (1)</b> 32:19
<b>highest (1)</b> 13:9	<b>identifies (1)</b> 7:14	<b>increased (1)</b> 15:15	<b>instance (2)</b> 7:16 33:20
<b>highlight (1)</b> 16:14	<b>identify (1)</b> 37:5	<b>independence (1)</b> 46:21	<b>Institute (3)</b> 18:15,20 26:6
<b>Hill (1)</b> 2:16	<b>IEEE (2)</b> 16:3,9	<b>India (1)</b> 43:10	<b>instruct (1)</b> 3:12
<b>hold (1)</b> 16:6	<b>ignores (1)</b> 30:21	<b>indicate (1)</b> 39:1	<b>interfere (2)</b> 9:23 27:17
<b>Homeland (1)</b> 44:12	<b>immediately (1)</b> 24:23	<b>indicated (4)</b> 39:3,5 40:2 47:11	<b>internally (1)</b> 45:6
<b>hometown (1)</b> 13:5	<b>impact (1)</b> 13:13	<b>industry (2)</b> 33:15 34:8	<b>interpreted (1)</b> 31:1
<b>hope (1)</b> 25:5	<b>important (11)</b> 3:14 11:11 22:21 34:22 35:2,17 36:5 37:5 45:24 46:9 48:15	<b>influencing (1)</b> 35:16	<b>interstate/intrastate (1)</b> 40:6
<b>Hopefully (1)</b> 3:3	<b>improper (1)</b> 27:15	<b>information (2)</b> 5:16 30:1	<b>interview (1)</b> 40:3
<b>Hospital (2)</b> 35:4 44:19	<b>improve (3)</b> 16:21 45:14,23	<b>inhalers (1)</b> 35:10	<b>introduce (1)</b> 42:21
<b>host (1)</b> 34:15	<b>improved (1)</b> 15:17	<b>initially (1)</b> 47:12	<b>introduced (1)</b> 37:13
<b>hour (2)</b> 16:23 30:6	<b>improvements (1)</b> 41:15	<b>initiative (1)</b> 34:6	<b>introducing (1)</b> 38:20
<b>hours (2)</b> 17:6 42:8	<b>improving (1)</b> 16:17	<b>innovative (1)</b> 36:12	<b>introductory (1)</b> 3:19
<b>hundred (1)</b> 20:18	<b>include (2)</b> 19:18 23:3	<b>inquire (1)</b> 36:24	<b>inverters (1)</b> 16:4
<b>hundreds (2)</b> 42:13,24	<b>included (1)</b> 34:12	<b>in-service (1)</b> 15:11	<b>investing (1)</b> 36:10
<b>Hurricane (1)</b>		<b>insignificant (1)</b> 30:17	<b>investment (2)</b>

32:14 37:10 <b>invite (1)</b> 34:18 <b>involve (1)</b> 17:15 <b>involved (1)</b> 34:13 <b>issuance (1)</b> 21:20 <b>issue (3)</b> 22:5 39:17 40:10 <b>issued (3)</b> 22:14,23 37:19 <b>issues (4)</b> 10:23 23:9 26:16,23 <b>issuing (1)</b> 40:4 <b>ITC (1)</b> 42:17	29:22 <b>justify (1)</b> 32:18	<b>latest (3)</b> 14:16 16:9 17:12 <b>law (2)</b> 7:3 41:19 <b>lead (3)</b> 16:7 27:21 45:5 <b>leaders (1)</b> 35:24 <b>leadership (1)</b> 34:6 <b>leading (1)</b> 36:2 <b>leads (1)</b> 46:11 <b>learn (1)</b> 33:17 <b>leaving (1)</b> 8:20 <b>left (3)</b> 5:12 8:7 24:10 <b>legal (2)</b> 18:3,13 <b>Legion (1)</b> 45:3 <b>less (9)</b> 14:15 17:3,4,7,8,9 42:9 43:8 47:2 <b>letter (1)</b> 27:12 <b>Leveen (2)</b> 29:19,21 <b>Leveen's (2)</b> 29:23 32:24 <b>levels (2)</b> 19:14 30:19 <b>Levine (1)</b> 13:20 <b>lexicon (1)</b> 37:14 <b>Lexy (1)</b>	35:1 <b>life (1)</b> 13:3 <b>lifelong (1)</b> 13:8 <b>likely (1)</b> 15:24 <b>limited (3)</b> 4:16 5:5 31:22 <b>limits (2)</b> 23:13 28:16 <b>Lindsay (1)</b> 29:18 <b>Line (2)</b> 27:3,7 <b>lines (1)</b> 29:4 <b>Lion (10)</b> 2:13 14:24 15:7,22 16:10,19 19:3,24 20:10 21:6 <b>Lisa (1)</b> 2:19 <b>list (1)</b> 47:11 <b>listed (1)</b> 39:10 <b>listening (1)</b> 10:2 <b>little (3)</b> 22:2 23:21 24:8 <b>live (3)</b> 29:16 35:2 36:19 <b>lives (1)</b> 29:19 <b>LLC (1)</b> 14:9 <b>local (1)</b> 46:10 <b>located (3)</b>
<b>J</b>	<b>K</b>		
<b>January (7)</b> 2:4 8:6 11:24 12:4 19:7 48:3,14 <b>Jet (1)</b> 44:11 <b>job (3)</b> 13:15 43:2 45:8 <b>jobs (2)</b> 43:7,9 <b>John (2)</b> 36:17,18 <b>join (1)</b> 36:12 <b>joined (1)</b> 34:5 <b>Journal (1)</b> 40:8 <b>journalist (1)</b>	<b>keep (2)</b> 8:4 25:8 <b>Keeping (1)</b> 5:18 <b>Ken (1)</b> 37:20 <b>kept (1)</b> 8:16 <b>kind (3)</b> 3:23 6:10 24:21 <b>Knowing (1)</b> 35:13 <b>knowledge (1)</b> 38:2 <b>known (3)</b> 2:11 35:8 38:18 <b>Kriner (3)</b> 33:11,12 36:16	<b>L</b>	
	<b>Laird (4)</b> 41:8,9,10 43:15 <b>landfill (1)</b> 28:14 <b>landfills (1)</b> 41:20 <b>largely (1)</b> 27:12 <b>last (5)</b> 15:13 25:14,18 38:17 40:1 <b>Lastly (2)</b> 11:11 35:19		

2:13,15 3:2	<b>make (6)</b>	27:22	32:19 42:8
<b>locations (1)</b>	4:7 6:3,17 38:17	<b>matter (9)</b>	<b>member (2)</b>
15:23	42:14,18	4:17,21,24 10:17	8:22 45:2
<b>long (1)</b>	<b>makes (1)</b>	11:14 12:7 13:19 24:2	<b>Members (3)</b>
48:12	47:3	47:22	9:18 11:4 44:23
<b>longer (2)</b>	<b>making (2)</b>	<b>matters (1)</b>	<b>memo (2)</b>
39:13 40:10	3:22 12:6	12:9	21:16,20
<b>longevity (1)</b>	<b>male-dominated (1)</b>	<b>may (15)</b>	<b>memorialize (1)</b>
15:18	34:8	2:18 7:7 8:12 10:6,	9:9
<b>look (1)</b>	<b>management (1)</b>	20 11:22 15:24 21:20	<b>mentioned (1)</b>
35:24	38:9	22:9 25:18,23 37:23	4:2
<b>looked (2)</b>	<b>Manager (1)</b>	39:23 47:21 48:6	<b>mentors (1)</b>
43:6,12	43:23	<b>maybe (3)</b>	35:21
<b>looking (1)</b>	<b>manifests (6)</b>	8:19 47:14 48:10	<b>mess (1)</b>
28:9	38:21,24 39:17	<b>McCormick (1)</b>	25:16
<b>lot (1)</b>	40:4,10,15	13:18	<b>metal (1)</b>
28:11	<b>manner (3)</b>	<b>mean (3)</b>	33:24
<b>love (1)</b>	5:3 8:23 30:10	31:1 37:1 42:20	<b>method (1)</b>
48:17	<b>manufactured (2)</b>	<b>meaning (1)</b>	32:11
<b>low (3)</b>	14:17 47:4	37:4	<b>metric (1)</b>
14:15 16:17 31:16	<b>manufacturer (2)</b>	<b>meaningful (1)</b>	16:24
<b>lower (3)</b>	36:3 43:23	32:6	<b>Microsoft (1)</b>
14:14 30:10,20	<b>Manufacturing (5)</b>	<b>means (2)</b>	33:22
<b>M</b>	13:21,23 33:15,23	20:8,22	<b>Middle (1)</b>
	46:4	<b>Measured (2)</b>	44:15
<b>Madam (1)</b>	<b>many (3)</b>	16:23 17:5	<b>Middletown (1)</b>
41:4	12:24 33:18 35:19	<b>mechanical (1)</b>	36:19
<b>made (9)</b>	<b>MARCONI (3)</b>	33:23	<b>might (1)</b>
11:13,14 12:10	12:17 18:8,9	<b>mechanism (1)</b>	48:11
35:15,19 36:21 38:16	<b>Marjorie (2)</b>	12:12	<b>million (1)</b>
41:12 43:11	39:13,21	<b>media (1)</b>	28:10
<b>mail (1)</b>	<b>mark (1)</b>	9:18	<b>millions (3)</b>
12:3	6:2	<b>medicine (1)</b>	37:12 42:13 43:1
<b>maintaining (1)</b>	<b>mass (1)</b>	35:12	<b>mind (1)</b>
18:2	32:10	<b>meet (1)</b>	5:18
<b>maintenance (1)</b>	<b>master's (1)</b>	22:6	<b>mindful (2)</b>
32:14	45:13	<b>megawatt (2)</b>	5:13 25:3
<b>major (3)</b>	<b>material (2)</b>	17:5 30:6	<b>minimum (1)</b>
20:13,14 37:24	28:1,5	<b>megawatts (7)</b>	23:5
	<b>materials (1)</b>	20:1,3,5,6 31:8	<b>minor (8)</b>



2:9 14:9,13 17:14 20:9,11,22 37:14 <b>minute (2)</b> 24:15,17 <b>minutes (8)</b> 5:6 6:5 7:19,20,21 24:13,19 25:9 <b>misrepresented (1)</b> 30:3 <b>missed (2)</b> 2:23 3:16 <b>mission (4)</b> 13:15 14:2 34:7 45:17 <b>Mm-hmm (1)</b> 38:23 <b>modern (1)</b> 33:23 <b>modular (1)</b> 15:20 <b>mom (1)</b> 35:14 <b>monoxide (5)</b> 17:4,8 19:19,20 20:16 <b>month (1)</b> 8:21 <b>monthly (1)</b> 42:5 <b>months (1)</b> 35:7 <b>moral (1)</b> 13:16 <b>more (11)</b> 8:14 16:5,11 17:3, 15,15,16 34:3,10 39:17 47:1 <b>most (2)</b> 15:24 35:21 <b>mother (1)</b>	35:2 <b>move (2)</b> 17:21 36:6 <b>Mrs (1)</b> 40:9 <b>much (6)</b> 5:11 24:10 27:24 40:11 41:16 46:10 <b>Mulford (7)</b> 41:3,4 43:16,17,18 47:9 49:1 <b>must (3)</b> 4:12,16 7:5 <b>muted (1)</b> 10:9 <b>Myself (3)</b> 11:3 33:17 34:11	<b>needed (1)</b> 15:6 <b>needs (4)</b> 26:15 27:2,4 43:6 <b>never (1)</b> 26:17 <b>New (15)</b> 2:14 16:3 20:13 25:22 26:20 36:12 37:13,18,19 38:16 42:3,10,12 44:6,10 <b>Newark (6)</b> 2:16 13:21,24 29:16 45:4 47:4 <b>news (2)</b> 9:18 40:7 <b>Next (3)</b> 29:14 33:11 44:12 <b>Nichols (12)</b> 36:17,18,19 38:23 40:13,16,18,20,21,24 41:1,23 <b>nitrogen (1)</b> 19:18 <b>nor (1)</b> 11:14 <b>normal (2)</b> 26:21 35:13 <b>normally (1)</b> 23:3 <b>Northern (1)</b> 43:24 <b>note (4)</b> 11:7 19:9 22:22 42:5 <b>noted (3)</b> 11:24 19:4 32:23 <b>noticed (1)</b> 19:6 <b>notices (4)</b>	18:14,16,17,18 <b>November (3)</b> 19:6 40:3,7 <b>NOx (3)</b> 17:2,7 20:15 <b>number (2)</b> 13:22 27:1 <b>nurse (1)</b> 44:18
<b>O</b>			
	<b>N</b>		<b>obligation (1)</b> 13:16 <b>occurs (1)</b> 7:17 <b>October (3)</b> 14:7 19:5 33:14 <b>off (3)</b> 28:20 40:19 43:10 <b>offer (12)</b> 3:5,6,13 5:2,6,20 7:4,24 9:2 10:12 11:18 47:15 <b>offered (5)</b> 10:4,20 12:1 45:14 47:22 <b>offering (1)</b> 8:23 <b>offers (1)</b> 33:21 <b>Office (1)</b> 33:22 <b>OFFICER (22)</b> 2:1,21 12:18 21:23, 24 23:19 24:5 25:23 26:3 28:22 29:5,12 33:2,10 36:15 38:22 40:12,23 41:2,7 43:14 47:8

<b>Officer's (1)</b> 10:21	<b>opinions (1)</b> 25:4	<b>own (3)</b> 7:20 10:7 36:10	47:11
<b>official (1)</b> 9:7	<b>opponents (1)</b> 46:13	<b>oxide (1)</b> 19:18	<b>per (2)</b> 16:23 30:6
<b>Oktoberfest (1)</b> 44:24	<b>opportunities (1)</b> 33:19	<b>P</b>	<b>percent (13)</b> 15:8 17:2,3,4,7,7,8 31:8,10,17 37:9 42:9
<b>old (4)</b> 34:24 35:1,9 42:11	<b>opportunity (12)</b> 3:8,17 6:13,19 9:2 14:12 32:22 33:13 34:1,10 43:19 46:3		<b>pack (1)</b> 15:15
<b>oldest (1)</b> 44:9	<b>order (11)</b> 4:5 5:4 7:5,23 9:12 10:24 11:1 22:1 24:9 25:11 40:5	<b>pads (2)</b> 17:16,18	<b>performs (1)</b> 22:19
<b>Once (1)</b> 3:18	<b>organic (1)</b> 30:16	<b>paper (1)</b> 18:17	<b>perhaps (1)</b> 48:9
<b>one (10)</b> 6:22 7:19 9:5,12 20:19 24:15,15 37:4 45:14 48:7	<b>organize (2)</b> 19:20 44:24	<b>paramount (1)</b> 44:7	<b>period (1)</b> 45:10
<b>online (3)</b> 18:17 40:3,20	<b>original (4)</b> 26:18 28:18 42:1,6	<b>part (7)</b> 14:5 34:19 35:24 36:21 39:4,22 45:22	<b>periodic (1)</b> 22:19
<b>only (7)</b> 7:18 9:5,11 35:9 38:24 45:18,20	<b>other (10)</b> 6:10 11:3 15:10 20:17 27:14,22 41:21, 21 45:9 47:13	<b>participate (2)</b> 11:6 14:12	<b>permit (37)</b> 2:9 4:2,19 8:24 10:5,13 11:19 14:13 16:13,15 17:1,13,14, 20 18:4 21:21,22 22:4, 9,13,18,22 26:8,15,16, 18,24 28:19 31:20,22 32:2 36:12,21 37:19 38:13 46:13 47:6
<b>onto (1)</b> 17:18	<b>others (4)</b> 8:15 9:19,24 46:12	<b>Partners (3)</b> 2:12 14:9 19:1	<b>permits (9)</b> 14:10 22:5,8 23:1,3, 9,13 26:20 39:9
<b>open (7)</b> 8:2,5,7,16,21 24:6 47:24	<b>other's (1)</b> 25:4	<b>pass (1)</b> 47:6	<b>permitted (3)</b> 7:11 23:6 38:9
<b>operate (1)</b> 22:24	<b>ought (1)</b> 43:12	<b>passion (2)</b> 13:8 14:2	<b>permitting (2)</b> 12:9 22:3
<b>operated (1)</b> 18:24	<b>out (6)</b> 2:3 9:16 14:1 26:13 41:18 48:23	<b>passionate (1)</b> 44:16	<b>persistent (1)</b> 14:20
<b>operating (2)</b> 19:11 22:18	<b>outage (1)</b> 16:8	<b>past (1)</b> 35:7	<b>person (7)</b> 5:2,5,9 6:24 7:15 21:12 29:20
<b>operation (2)</b> 23:10,14	<b>over (4)</b> 3:20 12:15 15:13 26:9	<b>Pat (2)</b> 13:18,20	<b>personal (1)</b> 13:16
<b>operational (1)</b> 23:13	<b>overall (1)</b> 19:15	<b>paycheck (1)</b> 13:15	<b>personalize (1)</b> 42:20
<b>operations (1)</b> 18:2		<b>pending (2)</b> 4:18 8:24	
<b>opinion (2)</b> 10:6 47:23		<b>people (4)</b> 6:10 35:22 45:9	

<b>personally (1)</b> 7:7	44:10	5:22 6:11	16:20
<b>persons (2)</b> 3:7 7:3	<b>policy (3)</b> 5:1 7:1 11:7	<b>preparing (1)</b> 34:8	<b>produced (3)</b> 27:4,5 28:1
<b>pertinent (3)</b> 4:22 21:17 23:16	<b>political (1)</b> 46:14	<b>present (5)</b> 7:5,10,14,18 11:4	<b>producing (1)</b> 42:7
<b>photocopy (1)</b> 40:17	<b>pollutant (1)</b> 20:20	<b>presentation (2)</b> 18:11 48:9	<b>product (2)</b> 15:16 45:22
<b>physically (4)</b> 7:5,10,17 8:9	<b>pollutants (3)</b> 20:17,19 21:5	<b>presentations (2)</b> 3:9,22	<b>production (1)</b> 30:24
<b>pig (1)</b> 25:22	<b>pollution (1)</b> 27:8	<b>presented (1)</b> 33:19	<b>products (2)</b> 27:5 31:23
<b>placards (1)</b> 28:3	<b>portion (2)</b> 3:11 23:22	<b>President (2)</b> 12:21 13:18	<b>professional (3)</b> 33:21 34:9 35:23
<b>place (3)</b> 5:10 17:17 38:13	<b>portions (1)</b> 26:10	<b>pretty (1)</b> 37:22	<b>profile (1)</b> 16:18
<b>places (1)</b> 41:21	<b>positions (1)</b> 45:14	<b>prevented (1)</b> 8:23	<b>Program (2)</b> 44:16 45:13
<b>plan (1)</b> 32:9	<b>positively (1)</b> 35:16	<b>previously (1)</b> 24:3	<b>programs (1)</b> 34:17
<b>plants (2)</b> 15:12 43:11	<b>possible (4)</b> 5:3 9:14 13:10 31:10	<b>printed (2)</b> 29:17 40:19	<b>prohibited (1)</b> 9:20
<b>platform (2)</b> 2:6 11:17	<b>Post (2)</b> 45:2,3	<b>prior (2)</b> 8:18 12:6	<b>project (5)</b> 17:22 37:3,9 46:22, 23
<b>player (1)</b> 44:17	<b>potential (5)</b> 20:12 21:1,4 23:11	<b>private (1)</b> 13:3	<b>promised (1)</b> 43:7
<b>playing (1)</b> 35:11	46:20	<b>privilege (1)</b> 29:17	<b>promotions (1)</b> 34:4
<b>please (6)</b> 3:17 4:7 9:14 11:7 36:11 47:6	<b>pounds (2)</b> 16:23 28:10	<b>Proceed (1)</b> 12:19	<b>promptly (1)</b> 18:5
<b>pm (2)</b> 12:4 49:3	<b>power (11)</b> 13:10 15:6,12,15, 23 16:8,20 17:11 38:8 42:5,7	<b>proceeding (1)</b> 12:11	<b>prompts (1)</b> 14:13
<b>PM10 (1)</b> 20:17	<b>powerful (1)</b> 15:20	<b>proceedings (10)</b> 2:22 3:11 4:10 8:4 9:10,21 10:10 11:6 47:19 48:22	<b>proper (1)</b> 23:14
<b>point (1)</b> 38:17	<b>precise (1)</b> 5:3	<b>process (13)</b> 10:24 22:12 26:13, 21 27:6,9,18 30:24 31:18 41:10,13,14,15	<b>proposed (7)</b> 16:21 19:11,16,23 21:18 37:3,8
<b>points (1)</b> 30:17	<b>premature (1)</b> 35:4	<b>produce (1)</b>	<b>proposition (1)</b> 37:11
<b>policeman (1)</b>	<b>prepared (2)</b>		<b>protect (1)</b>

37:21	<b>Q</b>	2:8 12:13 22:18	<b>refer (1)</b>
<b>Protection (1)</b>		28:5 35:11 47:21	37:3
27:13	<b>qualify (2)</b> 37:9,11 <b>quality (8)</b> 4:19 18:10 21:15, 17 22:4,6 26:10,14 <b>quantified (1)</b> 31:19 <b>question-and-answer (1)</b> 11:9 <b>questions (1)</b> 31:11	<b>received (12)</b>	<b>referenced (1)</b>
<b>protocol (2)</b>		11:22 12:2 18:13, 20 19:5 21:11 24:4	40:18
4:10 5:7		29:10 33:8 40:22	<b>referred (1)</b>
<b>protocols (1)</b>		48:13 49:1	41:11
4:12		<b>receiving (1)</b>	<b>reflect (3)</b>
<b>proud (6)</b>		17:20	23:23 29:6 47:16
14:2,5 15:12 45:4		<b>recently (1)</b>	<b>refresh (1)</b>
46:22 47:5		44:12	45:11
<b>provide (9)</b>		<b>recognized (2)</b>	<b>Reg (1)</b>
2:5 8:11,13 11:17		6:1 7:6	4:18
16:11 32:5,8,12,15	<b>recommend (1)</b>	<b>regard (5)</b>	
<b>provided (3)</b>	21:20	4:9 5:8 10:5 11:15	
7:13 33:5 40:15	<b>R</b>	<b>record (39)</b>	12:9
<b>provides (1)</b>		3:7,15 4:23 5:17	<b>regarding (1)</b>
30:1	<b>raised (1)</b>	6:4,8 7:12,22 8:2,4,7, 11,16,21 9:3,5 10:16	47:22
<b>providing (1)</b>	22:10	11:21 18:12 21:13	<b>regardless (1)</b>
36:3	<b>raises (1)</b>	23:4,23 24:1,24 28:24	47:23
<b>PSC (1)</b>	31:11	29:6,8 33:1,4,7 36:22	<b>regional (1)</b>
42:6	<b>rate (1)</b>	38:20 39:5,22 40:14, 16 41:10 47:16,24	38:6
<b>public (21)</b>	42:7	<b>recording (1)</b>	<b>Regulation (1)</b>
2:8 4:15 8:22 9:1	<b>rather (1)</b>	9:20	2:8
11:5,12,17 18:20	42:4	<b>recordkeeping (2)</b>	<b>regulations (1)</b>
21:10,11 22:11,11	<b>read (2)</b>	23:4,21	22:7
26:22 31:14 32:12	7:11 25:17	<b>recycled (1)</b>	<b>Regulatory (1)</b>
34:11 38:20 39:5,22	<b>real (1)</b>	28:14	13:18
43:3 47:22	31:11	<b>Red (12)</b>	<b>related (2)</b>
<b>publicly (1)</b>	<b>realize (1)</b>	2:13 14:24 15:7,22	11:18 21:18
19:6	17:23	16:10,18 19:3,24	<b>relationships (1)</b>
<b>purpose (2)</b>	<b>really (1)</b>	20:10 21:6 24:18,19	35:20
10:11 11:16	46:15	<b>reduced (1)</b>	<b>reliably (1)</b>
<b>purposes (1)</b>	<b>reason (3)</b>	20:2	14:23
9:4	4:4 9:17 36:1	<b>reducing (2)</b>	<b>relies (1)</b>
<b>Pursuant (1)</b>	<b>reasons (1)</b>	13:12 27:9	30:16
4:20	11:2	<b>reduction (1)</b>	<b>remain (2)</b>
<b>pushed (1)</b>	<b>receipt (2)</b>	18:1	8:2 47:24
33:17	8:8 48:1		<b>remarks (3)</b>
<b>put (2)</b>	<b>receive (6)</b>		3:19 4:9 42:23
6:3,7			<b>remember (1)</b>

9:14	23:15	<b>ringing (1)</b>	5:20 11:2 12:4
<b>remind (3)</b>	<b>resource (1)</b>	10:10	15:16 17:10 18:2
9:10 11:12 25:7	45:19	<b>River (1)</b>	26:16 38:15 48:14
<b>remove (1)</b>	<b>Resources (1)</b>	2:14	<b>Sandy (1)</b>
31:1	2:7	<b>Road (2)</b>	15:4
<b>removed (2)</b>	<b>respectful (3)</b>	2:14,16	<b>sanitary (1)</b>
27:19 28:17	10:3 25:4,6	<b>Robbie (1)</b>	38:8
<b>repair (1)</b>	<b>respectfully (1)</b>	34:24	<b>saturated (1)</b>
37:1	18:4	<b>rode (1)</b>	24:18
<b>repairing (1)</b>	<b>respiratory (1)</b>	15:3	<b>saying (2)</b>
37:7	35:8	<b>Rodney (3)</b>	41:3 47:12
<b>repeatedly (1)</b>	<b>responded (1)</b>	18:15,19 26:6	<b>scenario (1)</b>
30:2	21:14	<b>Roe (5)</b>	24:8
<b>replace (3)</b>	<b>responders (1)</b>	29:14,15 33:6,7,8	<b>school (3)</b>
2:12 19:12 28:8	28:4	<b>room (1)</b>	44:15,21 45:11
<b>replaced (2)</b>	<b>response (2)</b>	35:22	<b>schools (1)</b>
42:4,12	21:16,20	<b>roughly (1)</b>	34:18
<b>replacement (2)</b>	<b>responsive (1)</b>	15:17	<b>Science (1)</b>
37:1 42:15	39:19	<b>Rowe (1)</b>	13:7
<b>replacing (1)</b>	<b>rest (1)</b>	29:16	<b>scope (1)</b>
37:6	6:6	<b>RSV (1)</b>	3:24
<b>report (2)</b>	<b>restraints (1)</b>	35:9	<b>seat (1)</b>
10:21 21:24	5:19	<b>ruling (1)</b>	25:6
<b>reported (1)</b>	<b>result (1)</b>	38:15	<b>Second (3)</b>
31:14	34:4	<b>run (1)</b>	24:16,17 45:12
<b>reporter (4)</b>	<b>retention (1)</b>	44:24	<b>seconds (1)</b>
9:8,8 24:24 25:20	23:4	<b>Rutgers (1)</b>	40:1
<b>reporting (2)</b>	<b>retirement (1)</b>	13:7	<b>Secretary (8)</b>
23:5,7	44:2		2:20 4:4 10:22,23
<b>reports (1)</b>	<b>return (1)</b>	<b>S</b>	12:6,10 22:3 40:2
42:5	25:6	<b>sag (2)</b>	<b>Secretary's (2)</b>
<b>request (3)</b>	<b>returning (2)</b>	15:24 16:6	8:1 22:1
18:4,15 36:20	44:1 45:7	<b>said (11)</b>	<b>Section (1)</b>
<b>requested (1)</b>	<b>review (4)</b>	3:22 7:9 10:1 12:14	38:10
26:7	10:24 14:14 22:9	25:2,10 41:23 42:2,23	<b>Sections (1)</b>
<b>Require (5)</b>	26:21	47:18,24	38:10
32:5,8,12,15,18	<b>reviewed (1)</b>	<b>sake (1)</b>	<b>secure (1)</b>
<b>required (2)</b>	10:22	29:22	46:20
22:6 23:7	<b>right (4)</b>	<b>same (9)</b>	<b>Security (2)</b>
<b>requirements (1)</b>	6:4 41:3 47:4 48:20		44:13 46:1

seem (1) 26:11	3:4	17:17	speaker (1) 7:17
seemingly (1) 30:21	sheets (3) 3:1 4:6 25:11	SO2 (2) 30:21,23	speaking (4) 9:15 10:2 34:11
seems (1) 39:6	shipped (1) 43:10	society (2) 13:14 46:18	43:3
sees (1) 45:18	short (2) 3:21 18:10	softball (2) 44:16,18	specific (1) 37:4
send (1) 41:20	Shortly (2) 15:2 16:12	solely (1) 4:16	specifically (1) 11:18
sense (2) 42:14 47:3	show (3) 27:5 33:18 42:6	solid (8) 26:12 28:7 32:10, 11 39:2,15,20 43:22	specify (1) 38:5
sent (2) 18:18 28:13	shows (3) 19:21 20:14 21:1	somebody (1) 7:22	spell (1) 25:19
September (1) 27:13	sick (1) 35:6	somehow (2) 3:16 28:14	spelled (1) 25:15
serve (2) 2:20 13:4	sign (4) 3:1,17 4:7 28:20	someone (2) 7:12 41:5	spelling (1) 25:18
served (1) 13:1	sign-in (2) 3:1 4:6	something (2) 20:8 43:8	spoken (1) 47:13
server (1) 14:20	silent (1) 31:4	son (5) 34:24 35:3,10 44:9, 11	spontaneous (1) 42:19
servers (3) 15:7,14 17:19	simple (1) 35:22	sons (1) 44:8	spot (1) 3:4
serves (2) 44:9 46:23	simply (1) 17:17	sorry (1) 25:16	St (1) 44:22
service (4) 14:24 15:3 17:19	single (1) 35:2	sort (1) 39:23	Stack (1) 43:23
session (1) 11:9	site (5) 2:13,15 15:2 37:21, 24	sought (1) 45:20	stacks (1) 42:4
setting (1) 46:11	sites (6) 14:24 16:11,17 17:10,16,19	source (2) 20:13,15	staff (3) 3:20 11:3 23:24
settled (1) 43:24	six (1) 35:7	SOX (1) 27:9	stainless (1) 27:19
seven (1) 35:5	slide (1) 19:21	space (2) 15:16 17:15	standard (1) 16:3
sewer (1) 38:8	slowly (1) 24:13	speak (5) 6:19 9:15 32:23 43:19 47:12	standards (1) 22:6
sheet (1)	smaller (1)		start (2) 24:11 33:13
			started (1)

26:9	<b>students (1)</b>	<b>suspect (1)</b>	<b>ten (2)</b>
<b>State (6)</b>	34:19	45:9	15:14 40:1
2:11 14:8 19:1 22:7	<b>subject (3)</b>	<b>syncytial (1)</b>	<b>tenure (1)</b>
41:18 46:22	4:17,21 14:10	35:8	46:2
<b>statement (1)</b>	<b>submission (1)</b>	<b>system (1)</b>	<b>term (2)</b>
45:17	27:2	47:2	41:16 42:21
<b>statements (1)</b>	<b>submit (1)</b>	<b>Systems (2)</b>	<b>testimony (2)</b>
5:23	7:7	12:22 47:3	29:24 32:24
<b>States (8)</b>	<b>submitted (5)</b>	<b>T</b>	<b>tests (1)</b>
13:2 16:2 27:3,15	2:10 4:19 5:14		30:18
41:21 44:2 45:8 46:1	21:23 29:18	<b>table (2)</b>	<b>their (18)</b>
<b>statistically (2)</b>	<b>subsequent (3)</b>		20:14 21:1
30:17 32:6	6:14 7:8 8:3	<b>taking (2)</b>	7:7,20 14:1 20:12
<b>status (1)</b>	<b>successful (1)</b>	2:3 25:1	24:10 31:3,16 32:1,16
20:23	22:17	<b>talk (2)</b>	38:12 39:3 45:16
<b>statutory (1)</b>	<b>Suisse (1)</b>	18:22 24:13	47:14
10:11	32:16	<b>talked (1)</b>	<b>themselves (1)</b>
<b>steel (1)</b>	<b>sulfur (4)</b>	42:16	33:19
27:19	19:19 20:16 27:18	<b>talking (2)</b>	<b>There (19)</b>
<b>STEM (2)</b>	31:2	20:21 24:21	3:4 4:11 6:12,21
34:19,20	<b>sulphur (2)</b>	<b>Tally (1)</b>	8:12 9:5 10:15 11:8
<b>step (1)</b>	27:16,17	44:14	18:1 24:10 26:11,15
16:22	<b>sum (1)</b>	<b>tanks (1)</b>	27:14 28:3,16 39:10,
<b>Stevenson (12)</b>	24:21	31:3	18 47:12 48:19
25:12,21 26:1,5,6	<b>summarize (3)</b>	<b>tariff (1)</b>	<b>therefore (1)</b>
28:23 29:3,8,10,13	16:13 29:23 46:8	42:1	30:8
36:20 39:2	<b>summarized (1)</b>	<b>tax (2)</b>	<b>theses (1)</b>
<b>Stevenson's (1)</b>	29:2	32:14 37:10	27:11
29:7	<b>summary (1)</b>	<b>team (1)</b>	<b>they (29)</b>
<b>still (4)</b>	6:6	46:4	7:9,21 18:12,23
7:18 8:10 24:20	<b>super (1)</b>	<b>technical (3)</b>	19:2,6,10 23:15 26:3
38:2	25:16	21:16,19 22:9	32:13,19 35:23 37:11
<b>storage (1)</b>	<b>supplement (1)</b>	<b>technologies (3)</b>	38:12 39:1,5,5 40:9
38:7	8:17	44:7 46:19,24	41:5,13,20,22 42:2
<b>stored (1)</b>	<b>support (2)</b>	<b>technology (6)</b>	43:7,10 46:13 48:10,
27:19	34:7 45:5	14:16,22,23 16:9	12,14
<b>strictly (1)</b>	<b>supported (1)</b>	17:13 36:1	<b>Things (1)</b>
6:17	22:8	<b>tells (1)</b>	19:9
<b>striving (1)</b>	<b>sure (3)</b>	39:15	<b>think (6)</b>
16:21	4:7 6:3,17		22:21 25:14 41:2,

20 43:6,12	5:6 20:20,23	44:6	13:8
<b>third (2)</b>	<b>totalling (1)</b>	<b>typical (1)</b>	<b>unobtrusive (1)</b>
24:17 43:9	20:1	15:11	9:23
<b>though (2)</b>	<b>trained (1)</b>	<b>U</b>	<b>unpaid (1)</b>
10:6 30:22	43:3		13:4
<b>three (12)</b>	<b>training (4)</b>	<b>UD (2)</b>	<b>unreasonable (1)</b>
5:6 6:5 7:18,20,21	28:5 33:22,24 34:2	38:9,10	43:5
24:11,12,19 25:9	<b>transcribe (1)</b>	<b>UDC (1)</b>	<b>up (14)</b>
30:18 37:2 42:3	9:12	38:4	11:23 16:6 24:21
<b>three-minute (1)</b>	<b>transcript (5)</b>	<b>ultimate (1)</b>	25:5,8,12,16 29:14
6:16	9:6,9,14 10:17 25:1	12:8	33:11 35:14,24 39:24,
<b>threshold (2)</b>	<b>transmission (1)</b>	<b>ultimately (1)</b>	24 48:5
20:13,15	38:6	10:23	<b>upgrade (8)</b>
<b>throughout (2)</b>	<b>transport (2)</b>	<b>unable (2)</b>	14:13 16:8,22 17:5,
22:11 30:12	39:1 40:5	7:6 29:19	9,15 32:20 37:2
<b>Thursday (1)</b>	<b>transportation (2)</b>	<b>under (6)</b>	<b>upgraded (2)</b>
2:4	13:11 39:20	5:19 14:14 37:17,	19:13 42:3
<b>thus (1)</b>	<b>transported (1)</b>	22 38:15 42:9	<b>upgrading (2)</b>
13:12	41:18	<b>underestimated (1)</b>	37:7 47:1
<b>timer (2)</b>	<b>treat (1)</b>	30:12	<b>upon (2)</b>
5:10 25:22	5:4	<b>underestimating (2)</b>	30:16 44:2
<b>today (2)</b>	<b>treated (1)</b>	30:9,15	<b>usage (2)</b>
18:22 46:4	6:18	<b>understand (1)</b>	13:11 21:7
<b>together (2)</b>	<b>treatment (1)</b>	3:23	<b>use (2)</b>
17:1,6	38:7	<b>understanding (1)</b>	6:4 9:21
<b>tonight (33)</b>	<b>tried (1)</b>	10:15	<b>used (3)</b>
2:3 3:15,24 4:5,10,	39:8	<b>understatement (1)</b>	16:4 21:8 37:3
16 5:5,24 6:9 7:4,7,14,	<b>truly (1)</b>	34:14	<b>uses (2)</b>
18 8:10,13,18,19 9:10,	45:18	<b>Uniform (3)</b>	30:11 31:7
19 10:18 11:10 12:2,	<b>turn (1)</b>	37:17,23 38:4	<b>using (1)</b>
11 13:17 14:1,12	12:14	<b>unique (1)</b>	17:12
21:10 28:21 37:14	<b>turning (1)</b>	45:22	<b>USS (1)</b>
43:20 47:19 48:10,16	3:19	<b>United (5)</b>	13:2
<b>tonight's (11)</b>	<b>twice (1)</b>	13:2 16:2 44:1 45:8	<b>Utilities (1)</b>
2:21 3:6,11 4:17	35:7	46:1	13:5
6:14 7:11 8:3 9:6	<b>two (13)</b>	<b>units (9)</b>	<b>utility (1)</b>
10:11 11:16 14:11	18:12,23,24 34:4,	17:17 19:13,13,24	37:24
<b>tons (2)</b>	23 35:10 38:20,23,24	20:3,4,6 21:9 31:17	<b>V</b>
20:16,18	40:14 43:10 44:8 46:5	<b>University (1)</b>	
<b>total (3)</b>	<b>types (1)</b>		



<b>valuable (1)</b> 33:18	<b>violating (1)</b> 32:1	9:22 11:6 25:17 30:5 36:8	<b>work (2)</b> 13:23 33:24
<b>value (1)</b> 16:11	<b>virus (1)</b> 35:8	<b>Wayne (2)</b> 41:3 43:18	<b>worked (2)</b> 43:21 44:3
<b>various (1)</b> 44:5	<b>visual (2)</b> 5:10 24:12	<b>ways (2)</b> 13:9 33:20	<b>working (3)</b> 13:9 16:6 34:22
<b>varying (1)</b> 30:18	<b>vital (2)</b> 46:17,18	<b>weeks (1)</b> 35:5	<b>works (5)</b> 10:15 13:20 44:11, 18 45:23
<b>vegetables (1)</b> 34:16	<b>VOC (1)</b> 17:2	<b>weight (2)</b> 12:5 48:15	<b>world (3)</b> 31:11 36:3,13
<b>verbal (2)</b> 7:4 10:18	<b>VOCs (3)</b> 17:7 19:19 20:15	<b>welcome (1)</b> 45:20	<b>writing (4)</b> 5:22 7:8 12:3 21:12
<b>verbally (3)</b> 5:21 12:2 48:17	<b>voice (1)</b> 9:12	<b>welding (1)</b> 34:1	<b>written (7)</b> 5:14,23 6:13 10:19 11:22 29:18 32:23
<b>verbatim (2)</b> 9:9 25:1	<b>volatile (2)</b> 19:19 30:15	<b>wellbeing (1)</b> 13:14	
<b>versatile (1)</b> 34:3	<b>voltage (1)</b> 15:24	<b>what's (6)</b> 19:21 21:2,3 26:12 28:2,15	<b>Y</b>
<b>version (1)</b> 17:12	<b>volunteered (1)</b> 13:24	<b>widely (1)</b> 30:18	<b>year (4)</b> 12:23 34:14 42:8 45:1
<b>Vest (1)</b> 2:19	<b>W</b>	<b>wife (1)</b> 44:18	<b>years (7)</b> 15:1,14 23:5 42:3 43:22 44:3,4
<b>veteran (2)</b> 13:1 45:5	<b>wanted (3)</b> 20:7 24:7 45:22	<b>wish (5)</b> 3:6,13 7:9 8:13 47:21	<b>yellow (1)</b> 24:16
<b>veterans (2)</b> 45:19 46:5	<b>wants (3)</b> 6:19 47:20,20	<b>wishes (1)</b> 7:24	<b>yielding (1)</b> 6:21
<b>VFW (1)</b> 45:3	<b>warning (1)</b> 28:3	<b>wishing (3)</b> 5:2 7:3 48:20	<b>youngest (1)</b> 44:11
<b>via (3)</b> 5:15 12:3 31:2	<b>waste (24)</b> 26:12,17 27:16 28:1,6,7,10,12,17,17 31:5,21,23 32:10,11 38:8,19 39:2,6,15,21 40:6 41:17,22	<b>within (2)</b> 35:7 44:21	<b>Z</b>
<b>Vice (2)</b> 12:21 13:18	<b>wastes (1)</b> 27:11	<b>women (1)</b> 34:7	<b>Zone (7)</b> 26:15 28:18 31:22 32:1 36:21 37:22 39:3
<b>video (1)</b> 9:20	<b>water (2)</b> 13:11 38:8	<b>women's (1)</b> 34:6	<b>zoning (2)</b> 37:24 38:2
<b>view (1)</b> 40:1	<b>way (5)</b>	<b>word (2)</b> 37:13,16	
<b>views (2)</b> 7:21,22		<b>words (2)</b> 37:1,2	
<b>vigilant (1)</b> 16:5			

<b>1</b>	40:18,21	34:24 35:9	17:3,7
	<b>2.6 (1)</b>	<b>3</b>	<b>8</b>
<b>1 (9)</b> 27:1 29:9,10 33:7,8 40:17,21 42:9 49:1	20:6 <b>20 (1)</b> 17:6	<b>3 (4)</b> 20:5 31:17 40:20,21	<b>8 (1)</b> 27:13
<b>10 (2)</b> 20:19 45:2	<b>2001 (1)</b> 43:24	<b>3.1 (1)</b> 27:1	<b>9</b>
<b>100 (2)</b> 31:8,10	<b>2012 (2)</b> 30:4 32:21	<b>30 (1)</b> 37:9	<b>9 (1)</b> 17:8
<b>10th (2)</b> 2:4 19:7	<b>2014 (2)</b> 33:14 42:9	<b>300 (1)</b> 43:8	<b>9.1 (1)</b> 27:3
<b>10-years (1)</b> 35:1	<b>2015 (1)</b> 27:14	<b>30th (1)</b> 39:16	<b>900 (1)</b> 43:7
<b>110 (1)</b> 20:2	<b>2016 (2)</b> 34:5 39:11	<b>4</b>	<b>99 (1)</b> 15:8
<b>1102 (2)</b> 2:9 4:18	<b>2017 (1)</b> 39:17	<b>4 (1)</b> 31:17	
<b>11th (1)</b> 19:6	<b>2018 (3)</b> 14:7 16:2 39:18	<b>4:30 (3)</b> 8:6 12:4 48:2	
<b>12 (1)</b> 44:14	<b>2019 (4)</b> 2:4 8:7 12:1 48:3	<b>40.03.110 (1)</b> 38:10	
<b>12.13 (1)</b> 27:7	<b>21 (2)</b> 40:7 44:3	<b>40.33.270 (1)</b> 38:10	
<b>13 (1)</b> 20:5	<b>21st (1)</b> 40:3	<b>475 (1)</b> 45:3	
<b>134 (1)</b> 19:24	<b>227,000 (1)</b> 42:8	<b>5</b>	
<b>15 (2)</b> 8:16 20:4	<b>24.9 (1)</b> 20:3	<b>512 (1)</b> 2:15	
<b>1547 (2)</b> 16:3,9	<b>24th (1)</b> 19:5	<b>6</b>	
<b>1593 (1)</b> 2:13	<b>25 (5)</b> 17:2 20:16,20 44:4 46:4	<b>6 (1)</b> 28:10	
<b>16 (1)</b> 17:4	<b>25th (6)</b> 8:6,21 11:24 12:4	<b>6:50 (1)</b> 49:3	
<b>2</b>	48:3,14	<b>65 (2)</b>	
<b>2 (2)</b>	20:1 <b>2-years (2)</b>		