

**Ontario County**  
**ENVIRONMENTAL QUALITY COMMITTEE**  
**MINUTES**  
**September 25, 2013**

**Committee Members:** *BAKER, Angelo, Huber, Evangelista, Sheppard, and Singer*

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**Attendees:** All committee members (except Supervisor Evangelista and Supervisor Angelo); Darlys McDonough, Linda Frasca, Andrea Schoeneman, Tim Jensen

Carla Jordan and Bob Walls (**Casella Waste Management**); Dominick Vedora (**Geneva City Supervisor**); David Shaw (**Finger Lakes Times**); Ms. Katie Bennett-Roll

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Chairman Baker called the meeting to order at 4:00 p.m., and declared Supervisor Evangelista and Supervisor Angelo necessarily absent

**Approval of Minutes:** *Motion was made by Supervisor Singer, seconded by Supervisor Huber to approve the minutes of the September 4, 2013 meeting as presented. Motion carried.*

**Solid Waste Management Plan:**

- *Update:* Ms. McDonough reported that there are no updates at this time; still waiting on a response from the state.

**360 Expansion Permit**

- *Next Steps:* Ms. McDonough reported that staff is in the process of putting the application together to be sent in to the Department of Environmental Conservation.

**Landfill Operational Update:**

*Casella Waste Management:* Ms. Jordan reported that heavy construction is ongoing as the green membrane on the south side of the landfill and the 18 inch collection header are being expanded as part of the landfill gas containment and collection system, as reported at the 9/4/13 EQC meeting. Since this work will take up to nine weeks to complete and during the work more odors than usual may be released, Casella has decided to call the people who signed up to receive notification on landfill matters. Casella also will be sending out a postcard by the end of this week to Town of Seneca residents informing them of the project schedule and the possibility that at times there may be some odor.

*Upstate Labs report:* Ms. Jordan reported that a letter had been sent from Zero Waste to the DEC in regards to Upstate Labs, which had previously provided lab testing services for the landfill. Zero Waste stated in the letter that Upstate Lab had recently pled guilty to a number of things, and Zero Waste is questioning why Casella would use/uses a company that does not comply with required standards. Ms. Jordan shared that Casella has used Upstate Lab in the past, with the last report being received from them in the last quarter of 2011. Ms. Jordan stated that the entire time Casella used Upstate Lab they were fully certified by the NYS Department of Health, which is a requirement part of the 360 permit. When Upstate Labs lost their certification, Casella immediately switched to a different certified lab, ALS from Rochester, for their sample analysis testing and reporting. ALS has performed all lab testing/reports for

the Ontario County Landfill since the beginning of 2012. Ms. Jordan pointed out that the ALS report results are consistent with historical results received previously from Upstate Labs. There does not seem to be any significant differences in the results, so Casella feels that Upstate Lab's reporting is ok. Because Upstate Labs has pled guilty to charges, Ms. Jordan thought it important that the committee know that Upstate Lab had contracted with Casella for testing at the landfill. Casella was the client and during that time period that Upstate Labs was used, neither the EPA nor the U.S. Attorney's Office ever contacted Casella in regards to this matter.

Tim Jensen stated that according to the U. S. Attorney, in 2008 there was a single work order at Upstate Labs that referenced work for Ontario County. Tom Harvey was contacted in July by the U.S. Attorney's Office and told that an investigation/lawsuit was ongoing and about the one work order. Mr. Harvey checked with the Finance Department who could find no record of a contract or any payment to Upstate Labs by Ontario County since before Casella took over operations of the Ontario County Landfill. During the entire time that Upstate Labs has admitted guilt concerning lab testing, to the best of Mr. Jensen's knowledge, Ontario County had no contract with Upstate Labs and no payment was made directly to Upstate Labs. Ontario County did contract directly with Upstate Labs when Ontario County operated the landfill prior to the lease agreement with Casella.

Supervisor Sheppard questioned whether the Casella was using Upstate Lab when the draft environmental impact statement was first reviewed in the 4<sup>th</sup> quarter of 2011, and wanted to know if the Casella was using Upstate at any time during the environmental review process for the landfill expansion, including the preparation of the EAF, DEIS, and FEIS. Ms. Jordan responded that Casella began using ALS in early 2012. At that time, if Casella had seen anything that was alarming to them they would have raised a red flag and would have gone back and reviewed the EAF or other documents. Ms. Jordan also noted that all the data collected is from a wide range of years, not just a one year report.

Katie Bennett-Roll questioned quality control at the landfill.

Supervisor Vedora questioned why we had to receive notification about the matter in the newspapers.

Chairman Baker responded that the entire BOS had just been notified of the matter last week, as apparently Upstate Labs has just entered a guilty plea.

Ms. McDonough stated that since no one from the county has been involved in the investigation or the litigation, and the County could find no record of any test results it paid Upstate Labs directly for, there really hasn't been anything to report up until now.

***Adjournment:*** There being no further business to come before the committee, ***motion was made by Supervisor Singer, seconded by Supervisor Huber, to adjourn.*** The meeting was adjourned at 4:15pm.

Respectfully submitted,

Linda R. Frasca, Sr. Clerk  
Planning Department