

ENVIRONMENTAL QUALITY COMMITTEE
February 29, 2012, MEETING MINUTES

Committee Members

David Baker
Ralph Angelo
Charles Evangelista
John Sheppard
Kristine Singer
Dodie Huber - NA

N/A = Necessarily Absent

Attendees

County: John Garvey, Darlys McDonough, Kris Hughes, Linda Frasca, Andrea Schoeneman

Others: Katie Bennett-Roll, Mark Thorn, David Shaw – Finger Lakes Times, Carla Jordan – Casella Waste Management, Larry Schiller – Casella Waste Management

Consultants:

CALL TO ORDER: Chair David Baker called the meeting to order at 4:02 p.m.

Approval of Minutes:

Motion made by Supervisor Singer to approve the 2/8/12 minutes with recommended revisions, seconded by Supervisor Sheppard. Motion carried

OLD BUSINESS:

Solid Waste Activities and DEIS, Phase III, State VIII and IX Landfill Expansion Update: Mr. Hughes reported that approximately 105 comments on DEIS have been received from the public and requested that Carla Jordan (Casella Waste Management) give a breakdown summary on the comments that have been received. Ms. Jordan reported as follows:

“A total of 105 individuals, groups or municipalities (“commenters”) provided comments on the Ontario County Landfill Draft Environmental Impact Statement (DEIS) over the course of the public comment period between December 22, 2011 and February 21, 2012. This includes both written comments received either via letter or email and verbal comments received at the January 26, 2012 Public Hearing. Of these 105 commenters, 97 were individuals within Ontario County, and the remaining 8 were representatives commenting on behalf of the following organizations or municipalities: New York State Department of Environmental Conservation (DEC), Town of Seneca, CHA - Clough Harbour & Associates (on behalf of the Town of Seneca), Town of Geneva, League of Women Voters, Finger Lakes Zero Waste Coalition, City of Canandaigua, and City of Geneva. Additionally, of the 105 commenters, 15 commenters provided both written and verbal comments. Duplicate comments received by the same commenter were included as one comment in the listing below. There is one written comment showing support to the Landfill Expansion project.

The comments included an array of categories, and were referenced as follows;

- Air Quality/Odor Control – 65 comments
- Public Health Concerns – 41 comments
- Out of County Waste/Contents of Material in Landfill – 32 comments
- Detriment to Tourism and/or Economy – 30 comments
- Truck Traffic/Traffic Related Concerns – 25 comments
- Groundwater, Surface Water or Leachate Quality and/or Management – 25 comments
- Lack of Waste Reduction Strategies (Reduce, Reuse, Recycle) – 24 comments
- Visual Concerns – 18 comments

- Property Values – 17 comments
- Monitoring Requirements (Closure/Post-Closure Responsibility) – 17 comments
- Use of Agricultural Land for Soil Borrow Area – 13 comments
- Issues with SEQR Process and/or Ontario County as Lead Agency – 10 comments
- Height Increase Concerns – 8 comments
- Noise Concerns – 6 comments
- Liner Integrity/Engineering Controls – 5 comments
- Dust Control – 4 comments
- Ecology/Wetlands – 3 comments
- Environmental Justice – 2 comments
- Fire Prevention/Safety – 2 comments
- Support of the Landfill Expansion – 1 comment
- Blowing litter – 1 comment

In addition, there were also some non-substantive general comments which have not been included in the above listing.”

Ms. Jordan stated that it will take approximately a month to draft up a response to all the comments received and will present it to the committee for their review before sending it out.

Mr. Hughes reviewed the revised Summary of Projects Schedules timeline (on file with Clerk to the BOS) provided by Barton and Loguidice and clarified the original overall project estimated completion dates and the time needed (actual or estimated) beyond original estimated completion dates. Next step in the process is to draft the FEIS and present it to the EQC at the April 11th meeting for their review. As soon as the committee is comfortable with the completed draft FEIS it will then be submitted to the BOS at their May 10th meeting for review and subsequent action. Mr. Hughes stated that under SEQR there is a requirement for a minimum ten (10) day public comment review period, which is substantially extended beyond the ten (10) day review period due to the three (3) week meeting cycle of the committee. Expected adoption date by the BOS of the SEQR findings and authorization to submit application of the 360 permit is May 23, 2012; and will be the official development of the 360 permit application. Chairman Baker queried that at this time we are at a halt with proceeding with the SWMP until we receive the DEC comments back and at a halt with proceeding with the landfill expansion plan as well until the SWMP has been approved and adopted by the BOS. Mr. Hughes confirmed Chairman Baker’s query, and explained that one of the requirements of the 360 permit application is that a SWMP must be approved and in place before the landfill master plan can go forward – a draft of the landfill expansion plan can be done but it cannot be submitted until the SWMP is completed and approved by the BOS.

Update on actions to correct odor issues at landfill (Casella): Supervisor Sheppard reported that he had been receiving less calls from residents in regards to the foul odor from the landfill and feels that it is less noticeable as well. Katie Bennett-Roll, an area resident, stated that since the 2/8/12 EQC meeting she noted the following: On 2/9/12 the odor was very strong between the hours of 4:00 p.m. through 10:00 p.m.; the following two (2) days she did not smell a thing. The next week until 2/18/12 the foul odor smell was absolutely horrible – very strong. Last week and up to today it has been barely noticeably. Ms. Bennett-Roll stated that today was very good with no odor smell at all – this usually occurs when the wind blows from the south but it is extremely vile when blowing from the west. Overall, she feels there has been a small improvement since the 2/8/12 meeting. Larry Schiller (Casella Waste Management) briefly reviewed that the third flare is up and running and that thirteen wells are now installed and that header work is being done. They are still looking for the remaining few hot spots left. As of today they were digging trench and will have it buttoned up by tonight and hope remaining odor will then be under control. Mr. Schiller reported that they have been working with the State for a fourth (4th) flare to further control the odor issue. This process will take approximately one month to complete. He also shared that the wet weather at this time is not helping the odor issue as it causes more build up of gases. Supervisor Evangelista reported that he had received calls from residents in his area stating that on 2/18/12 the foul odor was extremely foul and strong. Ms. Jordan reported that on 2/18/12 the landfill had lost power which may be what caused the problem. Casella expects to and will continually work on the odor issue – digging up road, installing flares, cover, etc. to help keep the odor under control. They are looking in to setting up a web page where the public can comment or let them know when there is a strong odor issue. Supervisor Evangelista

questioned when the engines would be completed. Ms. Jordan reported that Casella does not own them but hopefully C&S will have them completed by the end of the summer.

4th Flare: The County has submitted an application for the 4th flare. Casella has spoken to the State requesting the timeline be bumped up – hopefully before June. Flare capacity will be 1200 cubic ft/min.

Update on Minor Permit Modification for Noise -Part 360 Application: An application has been submitted and Casella will assist the DEC upon request.

NEW BUSINESS:

Continued discussion on reserving unbudgeted landfill revenues for landfill reduction activities (Darlys McDonough): Darlys McDonough, Deputy County Administrator, provided a breakdown of the landfill lease revenue for the committee and reviewed it for clarification of incoming revenue available to fund unfunded (“unbudgeted”) County programs. All questions presented were answered by Ms. McDonough. Additional updates on the matter will be provided as needed.

Status of drafting an RFP for outside legal assistance to draft hydrofracking regulations for model town ordinance (John Garvey): John Garvey, County Administrator, requested that Assistant County Attorney Andrea Schoeneman explain to the committee the importance of the concept in hiring outside legal assistance in regards to the hydrofracking regulation for a model town ordinance. Ms. Schoeneman reported that a draft request for proposal for outside counsel has been done for the County to hire outside legal counsel to draft legislation for the towns to put in place model town ordinances in regards to the issues raised due to the hydrofracking matter. The concept would be to find out the cost to draft the legislation, who would share in the cost of the services to be rendered, and how would the towns share in the covering the costs – i.e. intermunicipal agreement between the towns and county to pay for services rendered. Mr. Garvey circulated the draft RFP and stated that an intermunicipal agreement would be drafted up as well and provided for committee review. A balance needs to be found first between the towns and the County in order for draft legislation to be drawn up. Chairman Baker stated that he is looking for the County to be ‘lead’ in the matter and that those towns that wish to participate can and those that don’t wish to participate don’t have to. Supervisor Singer feels that something need to be done but should be consistent across the board. Feels putting out the RFP is the way to go in order for us to look out for the County’s interest – not just individual municipalities. Next step in the process is to obtain the cost for legal services to be rendered drafting up the needed legislation. EQC recommended the County proceed with RFP.

Consent Agreement with Comerica Bank regarding Seneca Energy Lease (Andrea Schoeneman): Ms. Schoeneman reported that she had received a request from Seneca Energy, who is financing their operations/assets through Comerica Bank, requesting that the County consent to sign an agreement with Comerica Bank which basically acknowledges that we (the County) are aware that they are putting their operations/buildings/assets up as collateral in order to obtain a loan for a possible expansion. The agreement states that in the event that a foreclosure takes place on any of the collateral put up by Seneca Energy the County would accept whoever takes Seneca Energy’s place as the tenant (whether it be the bank or someone else) on the lease. The agreement specifies that the lease would not change at all – the tenant would still be obligated to the lease agreement as is. The only problem Ms. Schoeneman sees with the agreement is that it states that the County affirms there are not any disputes between us and Seneca Energy which there are. Further discussion tabled until committee enters in to executive session.

Additional Discussion:

Suffolk County Sludge Update: The Suffolk County sludge matter has been raised regarding whether or not we (Ontario County) have to accept any sludge containing hydrofracking matter from Suffolk County. Ms. Schoeneman stated that Casella Waste has stated they would not at any time accept any waste involved with hydrofracking matter – this includes sludge, drillings, brine, etc.

Update on Accident at Landfill 2/27/12: Ms. Jordan reported that one of the truck drivers at the landfill had an accident on Monday, 2/27/12 around 9:00 a.m. The driver of the truck backed up too far while placing

more cover and tipped over in to the trench. He was mercy flighted out but is doing okay. County personnel have been at the scene reviewing the accident – everything was functioning as it should be and they feel that it was just an accident and not due to faulty equipment. OSHA was on site as well.

Executive Session: Motion made by Supervisor Sheppard to enter in to executive session to discuss legal matters, seconded by Supervisor Singer. Motion unanimously carried. The 2/29/12 meeting of the EQC entered in to Executive Session at 4:59 pm.

Motion to exit executive session made by Supervisor Evangelista, seconded by Supervisor Singer. Motion unanimously carried. The 2/29/12 meeting of the EQC exited Executive Session at 5:21 p.m.

No action required.

Adjournment: There being no further business to come before the committee, motion was made by Supervisor Sheppard, seconded by Supervisor Evangelista to adjourn. The meeting adjourned at 5:21 p.m.

Respectfully submitted,

Linda R. Frasca
Sr. Clerk
Ontario County Planning