

**ENVIRONMENTAL QUALITY COMMITTEE
MEETING MINUTES
JULY 9, 2012**

Committee Members

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

N/A = Necessarily Absent

Attendees

Kris Hughes, Planning Director
John Garvey, County Administrator
Darlys McDonough, Deputy County Administrator
Andrea Schoeneman, Assistant County Attorney
Robert Green, Bristol Town Supervisor
Lisa Phillips, Deputy Clerk

Guests Carla Jordan, Casella Waste Management

Chairman Baker called the meeting to order at 3:00 p.m., and welcomed Bristol Town Supervisor, Robert Green.

Approval of Minutes: *Minutes of the May 23, 2012 meeting were approved by motion of Supervisor Singer, seconded by Supervisor Huber and carried.*

Old Business

Solid Waste Activities Update:

Solid Waste Plan:

Mr. Hughes reported that they continue to wait for DEC to submit comments to the plan. He went on to say that he and Pat Pavelsky from Cornell Cooperative Extension had a very productive meeting with an individual at the Cornell Waste Institute on implementing some program suggestions, and possibly utilizing existing resources, to meet any requirements that DEC may put on the county. Chairman Baker inquired whether there was any indication when the DEC would be providing any comments. Ms. Jordan indicated that it is her understanding that a letter was sent by the Albany DEC to the local region office, and the region office does not agree with the comments provided by Albany, and until that gets ironed out, the county will remain in limbo.

Mr. Hughes pointed out during the meeting with the Director of the Cornell University Waste Institute they discussed the process for reviewing solid waste plans with DEC. She indicated that the Albany office tends to be focused more on the broader policy (ideological), and the local regions are more practical, understanding what has to occur to be implemented; that could be part of the nature of the variance within DEC.

Supervisor Huber inquired as to the purpose of there being a consensus on the comments between the regional DEC and Albany. Mr. Hughes indicated that the challenge is finding the point where Albany is comfortable enough with what the county develops as an acceptable plan, in order to move forward with the permit application and landfill expansion approvals. If Albany officials do not feel the county is doing enough within the Solid Waste Management Plan, they could hold up approval of that plan in order leverage the county to do more than what may be technically required.

360 Expansion Permit/DEIS: Comments were received from B&L, and a report will come to this committee by the next meeting. Mr. Hughes mentioned that the comments of B&L were partly dependent

on the decision made by the Board of Supervisors regarding the soil borrow area, and now that a resolution has been adopted, they are moving forward.

Soil Borrow Issues – Ms. Schoeneman referenced a recent memo she sent to Board Members indicating that Casella Waste Management is not agreeable, at this point in time, to amend the OML. Casella’s attorney indicates that the 80 acres is not something they will consider releasing for another two years.

Chairman Baker turned to Ms. Jordan to clarify the inconsistency of each parties understanding. Ms. Jordan pointed out that Casella does not have a concern with the Town of Seneca or the County owning the soil borrow parcel. However, the concern is the manner in which the town owns it and permits it, so that Casella can make it a soil borrow area and have operational control of that parcel. Until those details are clarified and an agreement is reached, there is some reluctance to give up the 80 acres of usable land. Supervisor Sheppard pointed out that the town is willing to agree to the terms Casella sets forth. It was his understanding that the intent was clearly set out in the resolution adopted by the Board of Supervisors. Ms. Schoeneman indicated that she has a meeting scheduled with Casella’s attorney and will get clarity on the matter and report back to this committee.

At 3:10 p.m., Supervisor Evangelista made the motion, seconded by Supervisor Huber to move into executive session to discuss proposed, pending or current litigation; said motion carried.

At 3:30 pm, motion was made by Supervisor Singer, seconded by Supervisor Huber to move out of executive session;’ said motion was carried.

Landfill Operations Update:

Ms. Jordan reported that Casella is building the last permanent cell, which includes waste excavation of the landfill that the county operated prior to Casella taking over, and that is why there are deodorizers. That excavating should be finished this week, and any odors associated with the excavating of the old trash will be over by then. Mr. Baker inquired if there have been any complaints with regard to the odors caused by the Suffolk County sludge, both Mr. Evangelista and Sheppard indicated no new complaints.

Supervisor Green inquired whether Casella Waste Management accepts filings from hydrofracking from any of the drilling in Pennsylvania. Ms. Jordan replied that filings are not accepted at Ontario County. If so, it would not be from the Marcellus drilling, and would only be from vertical drilling. Ms. Jordan indicated that she could check the records on past history, but to her knowledge nothing from drilling goes into Ontario County landfill. There may have historically been vertical drillings that have gone into Ontario County landfill, but it would be nothing from Marcellus, no horizontal, no fracking and no by-products of any of that sort have gone into Ontario County landfill.

Supervisor Sheppard inquired with regard to the Suffolk County sludge and whether Casella has ceased accepting that sludge. Ms. Jordan reported that the majority of the Suffolk County sludge goes to an incinerator; however, that incinerator had an emergency shutdown, and Ontario County is a backup to that incinerator. Some of the loads of sludge came from Suffolk County and most was from other municipalities. On Monday they had an issue with some of the municipalities’ truck loads that had bad odors, and they were told that it is not acceptable. They came back the next day and continued to have a bad odor, and were told that the landfill would not be accepting their sludge until they can prove to Casella that they have fixed their process for odor control. In answer to Supervisor Evangelista question, Ms. Jordan indicated that the reason they accepted the loads on Tuesday was because they reasoned that the odors could have been caused by the deodorizer used to treat the load could have dissipated after sitting over the weekend.

External Counsel Status - Hydrofracking Issues for Municipalities: Ms. Schoeneman reported that she had originally received support from seven municipalities and is now down to five (Bristol, Canadice, E. Bloomfield, Naples and Victor). The cost for outside counsel to assist with the writing of zoning laws on hydrofracking with five municipalities participating is \$1,300. Supervisor Huber indicated that she would need to go back to her town board now that the cost has increased. Discussion occurred on how to stress to the other towns the complicated issue with writing the zoning laws properly as this is a highly specialized field. It was also noted that NYS DEC has changed the rules with regard to high volume and low volume measures of water. Supervisor Green noted his frustration with town residents not understanding that they do not have control of the existing wells and this is why he feels the town needs assistance with writing the zoning laws. Supervisor Singer noted her frustration with the length of time it has taken to get to this point, and remarked that more municipalities may have been on board a year ago. Ms. Schoeneman indicated that Boylan Code has offered to make a presentation which may help to convince some of the other municipalities to come on board. It was suggested that Planning Board members, town board members, and any others be invited to hear this presentation. The committee agreed to offer a presentation at the August 2nd Board of Supervisor meeting under Privilege of the Floor. Ms. Schoeneman and Supervisor Singer will work on the details.

Chairman Baker understood that a letter was received from NYS DEC regarding the noise abatement variance wherein they are requesting additional information pertaining to the Environmental Assessment Form. They were given a time extension, and information is expected by the end of this month.

New Business: Supervisor Sheppard inquired from Ms. Jordan if there are any complications with Finger Lakes Zero Waste getting a grant identified for air sampling around the landfill. Ms. Jordan stated that it is her understanding that this is an EPA grant being administered through DEC. The concern that Casella does have is whether there are qualified people using the instruments to gather the samples. Casella has performed their own air quality analysis in response to the draft environmental statement so they have their own set of data.

Chairman Baker distributed an article that came out of the June *Economist* entitled "Talking Trash" regarding energy from waste.

The next meeting is scheduled for July 25, and Mr. Hughes indicated that the two main agenda items will be the response from Barton & Loguidice to the DEIS; as well as budget issues. Chairman Baker indicated he would be necessarily absent, and Supervisor Sheppard would be chairing that meeting.

There being no further business to come before the committee, motion was made by Supervisor Huber, seconded by Supervisor Singer to adjourn. The meeting adjourned at 3:50 p.m.

Respectfully submitted,

Lisa Phillips, Deputy Clerk
Board of Supervisors