

ENVIRONMENTAL QUALITY COMMITTEE
February 8, 2012, MEETING MINUTES

Committee Members

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

N/A = Necessarily Absent

Attendees

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

Others: Katie Bennett-Roll, Cynthia Hsu, David Shaw – Finger Lakes Times, Carla Jordan – Casella Waste Management

CALL TO ORDER: Chair David Baker called the meeting to order at 4:00 p.m.

Approval of Minutes:

December 14, 2011 Minutes: Motion made by Supervisor Sheppard to approve the 12/14/11 minutes with the revision of wording in paragraph 2, page 1 regarding the manifold looping, seconded by Supervisor Singer. Motion carried with Supervisor Huber abstaining.

January 26, 2012 – Special Meeting: Motion made by Supervisor Huber, seconded by Supervisor Sheppard to approve the 1/26/12 Special Meeting Minutes as presented. Motion unanimously carried.

OLD BUSINESS:

Solid Waste Activities Update (Kris Hughes): Mr. Hughes briefly reviewed the Summary of Project Schedules flow chart prepared by B&L.

DEIS, Phase III, Stage VIII and IX Landfill Expansion: Mr. Hughes reported that the scheduled public hearing was held on January 26, 2012. DEIS comments from the public continue to be received on a daily basis. Comments will be accepted until February 21, 2012. A summary of all comments received will be available for the next EQC meeting.

Supervisor Sheppard requested clarification on the time period for the 360 permit process and questioned whether the County was in danger of not receiving revenue if delay. Carla Jordan with Casella Waste Management provided further explanation of the 360 permit process clarifying the critical path items needed, which are indicated in the SWMP. Supervisor Evangelista questioned whether there was any state consistency in the solid waste plans being submitted – how does Ontario County’s plan interface with other county plans? Mr. Hughes reported that the State plan had been recently adopted and that state standards create consistent policy steps for all local plans being reviewed across the State.

Chairman Baker reviewed that discussion had previously taken place regarding having Planning staff put together a draft model ordinance for the towns for the town to adopt in regards to the hydrofracking matter and turned the floor over to County Administrator John Garvey for an update. Mr. Garvey reported that some of the ordinances in the state have been challenged and are heading towards court appeals etc. Mr. Garvey shared that he is concerned that the County Planning Department does not have the expertise needed as the matter has entered the arena of “legal” discussion more than land use. Mr. Garvey is recommending, along with Financial Management, that the County consider investigating outside counsel to advise the County. However, if a resident(s) challenged an ordinance it could become very costly if it goes all the way through the courts. Mr. Garvey has discussed the matter with County Attorney John Park who has agreed that special counsel be retained. Chairman Baker recommended the EQC request that the County Attorney’s office look in to the matter and obtain some cost estimates (quotes) for possible services to be rendered. Supervisor Singer shared concerns regarding quickly passing ordinances and the problems that could be

caused; she further stated that not all towns have the resources to meet the cost to get legislation on the books. Supervisor Sheppard stated that we need to step back and figure out how it would be paid for especially when we have no say, and feels that the County should not foot the bill. Chairman Baker stated that the County Attorney's office would look into the matter and report back to the committee.

Update on Action to Correct Odor Issues at Landfill: Carla Jordan reported that thirteen (13) gas wells are now completely hooked up and that there is now a 1,500 foot collection pipe around the perimeter of the landfill. A third flare is connected with a capacity of 1,200 cu. ft. per minute, and the methane concentration is down. Casella's next steps are to look at more cover and access roads matters to make sure all is good before drilling additional wells. Supervisor Evangelista stated that he is still concerned that the odor problem still exists as he is still receiving complaints from residents. The odor is not as pungent as in the past but is still there at times.

Seneca resident, Katherine Bennet-Roll shared that she is continuing to assess the matter – although not as bad, some days the smell is there and other days there is no smell at all.

Mr. Garvey questioned how often DEC personnel are on site at the landfill within the last three (3) months. Ms. Jordan reported that they are on site 2 to 3 times a week.

New Business:

Discussion of January 26, 2012 Public Hearing: Mr. Hughes stated that all comments that are received would be reviewed and that all issues/concerns would be identified for review by the Committee. Supervisor Evangelista stated that the odor problem is not the only issue. Truck traffic to and from the landfill and where trash is coming from is also another major concern. Feels the majority of the BOS is going towards the expansion but feels strongly that there should be remediation for the minority being affected by the odor and truck traffic issues. Chairman Baker stated he feels that the County is moving in the right direction and that all areas would be thoroughly looked at.

Authorizing Resolution – Equipment Noise Variance-Part 360 Application: Mr. Hughes reviewed the initial permit application and reported that the original resolution is sufficient authorization for the County to go forward. As adopted, the resolution gives the county administrator authorization to go forward and act on behalf of the Board of Supervisors to obtain the permit. Ms. Jordan shared that the revised 360 regulations which are consistent with this minor permit modification are expected to be in place within the year.

Supervisor Huber questioned the noise and the EAF and how the County was monitoring noise created by landfill (trucks, etc). Using a sketch, Carla Jordan showed the different areas monitored and the allowable mandated noise decibels and explained that we are within the allowed range.

Additional Discussion: Discussion continued regarding reserving ten percent (10%) of funds from the landfill to help fund unfunded (“unbudgeted”) programs; groups could make recommendation/proposals. EQC will think on the matter and come back with thoughts/ideas on the matter at the next meeting. County Administrator and Deputy Administrator will meet with the Finance Director on how the existing budget is done and will report back to the committee at the next meeting.

Executive Session: Motion made by Supervisor Evangelista to enter in to executive session, seconded by Supervisor Sheppard. Motion unanimously carried. The 2/8/12 meeting of the EQC entered in to Executive Session at 4:56 pm.

Motion to exit executive session made by Supervisor Evangelista, seconded by Supervisor Huber. Motion unanimously carried. The 2/8/12 meeting of the EQC exited Executive Session at 5:25 p.m.

No action required.

Adjournment: There being no further business to come before the committee, **motion was made by Supervisor Huber, seconded by Supervisor Sheppard to adjourn. The meeting adjourned at 5:25 p.m.**

Respectfully submitted,

Linda R. Frasca
Sr. Clerk
Ontario County Planning