

Ontario County
ENVIRONMENTAL QUALITY COMMITTEE
MINUTES
February 27, 2013

Committee Members

Attendance:

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

N/A = Necessarily Absent

Attendees

John Garvey, County Administrator
Darlys McDonough, Deputy County Administrator
Andrea Schoeneman, Assistant County Attorney
Linda Frasca, Sr. Clerk
Supervisor Vedora

Guests: Larry Schilling, Casella Waste Management

Observers: Chris Costello Dave Shaw (FLT), Julie Sherwood (MPN)

CALL TO ORDER: Chair Baker called the meeting to order at 4:00 p.m., and stated all committee members were present.

APPROVAL OF MINUTES:

Motion made by Supervisor Huber to approve the *February 6, 2013 meeting minutes* as presented, seconded by Supervisor Angelo. Motion unanimously carried.

Solid Waste Activities Update: Solid Waste Management Plan- At the request of Chair Baker, Deputy County Administrator Darlys McDonough updated the EQC on status of the SWMP. Ms. McDonough reported that the County had, in today's mail, received DEC comments on the SWMP. She has not yet had a chance to read through the entire document. Chair Baker requested the committee members send their questions/comments to Ms. McDonough and stated that discussion on the matter will take place at the next EQC meeting.

360 Expansion Permit: Schedule Update – At Chair Baker's request, Larry Schilling of Casella reviewed the Ontario County Landfill Summary of Project Schedule. Mr. Schilling reported that the projects are a few months behind the originally anticipated completion dates and answered questions.

Consideration of additions to tabled Resolution 601-12: Acceptance of Findings, SEQR, Ontario County Phase III, Stage VII and IX Landfill Expansion

- Chair Baker stated that it is not the intent of the committee to take action at this meeting on Resolution 601-12 which was tabled on 11/15/12. The Acceptance of Findings resolution had been tabled in order to identify additional methods to mitigate problems such as odor. Chair Baker stated he anticipates that the committee will discuss the matter at the next meeting, possibly taking action on it at that time.
- Ms. McDonough reviewed the proposed changes:
 - Whereas 16 – inclusion of additional phrase – “including the Responsiveness Summary”;
 - The addition of Whereas 17, 18, and 19 describing the additional work the committee has done, and the additional mitigation measures offered by Casella;
 - Second Resolved – made verbiage in item 3 consistent with the entire document

A Summary of Additional Controls Put in Place Control Odors from Casella was included and a copy would be included on file with Clerk of the Board of Supervisors.

Chair Baker asked about the process to revise the tabled resolution. Ms. McDonough stated she had discussed the matter with Karen DeMay, Clerk to the Board of Supervisors. To avoid confusion, Ms. DeMay suggested allowing the original resolution to remain on the table and offer a new resolution with the revised verbiage. Supervisor Baker would then present the new one.

Supervisor Sheppard questioned whether the resolution should include as a supplement to “Whereas # 18 and 19” stating exactly what mitigation measures had been taken by both Casella and the County. Committee decided that the list of all measures taken as summarized would be on file with the Clerk to the Board of Supervisors.

Landfill Operations-Casella Waste Management: Mr. Schilling reported things had been going well at the landfill; they are using the new cell but have not gotten the well cap installed yet as they are still waiting on the weather. As soon as the weather breaks they will complete the installation.

Chair Baker asked committee members if they had, other than the past weekend, received any complaints over the last few weeks regarding odor issues. Supervisor Sheppard stated he had received two complaints via email as recently as today. One complaint acknowledged the nasty stench indentified in a Finger Lakes Times article as a dead-fish smell over the past weekend. The other was a recommendation to not proceed with any legislative action on the FEIS or the Statement of Findings short of complete compliance with no odors.

Supervisor Evangelista stated that the article that had appeared in the Finger Lakes Times was an actual reflection of what had occurred. His concern is that it all could have been avoided because something as foul as what was taken in to the landfill arrived, it should have been automatically rejected. Casella’s spokesperson was quoted in the article that the material hadn’t been buried deep enough, causing an awful stench, and that should not have happened either. These are the type of things that give constituents concern over the landfill. It is the reality that in some ways these things should have been avoided yet they aren’t, and at times Casella is its own worst enemy. He understands there are things that happen that cannot be avoided, but in this particular case, what took place over the past weekend shouldn’t have happened at all; instead it became a big odor issue with complaint calls coming in as the stench was extremely foul.

Chair Baker asked Mr. Schilling to provide information about what had happened. Mr. Schilling reported that the sludge is an approved item to be taken in at the landfill. The sludge has been brought to the facility before without incident, but this time the sludge had been stored and it became extremely ripe. As soon as Casella staff realized what had been delivered, they called the company and informed them that Casella would not accept this type of sludge in the future. Mr. Schilling said he will discuss with staff why the sludge was not buried deep enough.

Supervisor Sheppard stated that a notice using the Casella Global Connect Reverse Call System should have gone out to area residents.

Supervisor Huber stated she is concerned and disappointed to hear this even happened, and that residents were not notified.

Chair Baker commented that the County is looking for Casella to have a more proactive not reactive approach to odor problems before they arise.

Casella Annual Report Update – Ms McDonough stated that the Casella annual report had been received today. Mr. Schilling said that Ms. Jordan will be attending the next meeting and will review the report with the committee.

Landfill Gas to Energy: IES Regarding Easement for NYSEG – Assistant County Attorney Andrea Schoeneman reported that an agreement had been worked out with all parties. The Public Works Committee meeting approved recommending the resolution to the full Board of Supervisors to authorize the agreement.

Supervisor Evangelista informed the committee that the NYSEG pole and wires are already installed and to get generator engines up and running as soon as possible, in the interest of helping to alleviate the odor problem, the Public Works Committee voted to allow IES proceed with the start up of the generator engines. The vote was 5 ayes and 1 nay.

Mr. Garvey made it clear that IES and NYSEG have been notified that the resolution still needs the final vote of approval of the Board of Supervisors. If it is defeated, IES will have to shut down immediately, and NYSEG will have to remove the pole already put in place.

Other:

Work scope for odor consultant Request for Proposal. One of the items listed on Casella's Summary of Additional Controls included \$10,000 to be given to the County to secure services of a separate consulting firm to assist with the identification and control of odors. Two different engineering firms, which are not currently working for either the County or Casella on this issue, have been identified. The County will need to write a work scope for an RFP. Ms. McDonough is seeking committee members input and indicated elements that could be included:

- identify components deemed important
- determine methods to sample for the various components
- determine what are noticeable, offensive, and hazardous levels of the components identified
- determine the odor source
- identify methods to be used to mitigate

Chair Baker requested EQC members to get their recommendations to Ms. McDonough, who will draft an RFP work scope. At the committee's request, Mr. Shilling indicated that Casella can affirm its commitment to the payment in a format on letterhead with an appropriate signature.

Summary of Landfill Revenues Regarding Tax Levy – Chair Baker reported that the summary has been brought up to date to 2013 for committee information.

Proposed Resolution for Transfer of 45 Acres of Land to the Town of Seneca: Chair Baker informed the committee that Supervisor Sheppard has prepared a resolution for the transfer of 45 acres of County owned land to the Town of Seneca, for review and discussion, and reminded members that the Board committee with jurisdiction in such matters is the Public Works Committee.

Two previous resolutions have been presented to PWC and have been voted down. Although EQC does not have the authority to accept or reject the proposed plan, Supervisor Sheppard requested permission to present a new proposed resolution to them. Supervisor Sheppard briefly provided the history of his plan and stated that the Town of Seneca is now seeking authorization for the transfer of ownership of approximately 45 acres of land from Ontario County to the Town of Seneca. Supervisor Sheppard asked EQC to contemplate the substantial consequences of not merely a transfer of property, but the landfill operation in itself as well, under the realm of EQC. He requested EQC consider voting on his proposed resolution that seeks to transfer of the wooded acreage as mitigation to the Town of Seneca.

Supervisor Huber stated that she has tremendous respect for Supervisor Sheppard's abilities to represent his town, but felt that the entire Board of Supervisors was not interested in discussing this matter any further, noting that Public Works Committee voted the matter down two times. She further stated that none of the Board members understand the urgency or his adamancy to pursue this matter. Supervisor Huber stated that, with no disrespect to Supervisor Sheppard, she would make motion that the matter should be put to bed as the BOS has been considering the it for fifteen months now, and, at this point, she is beginning to think that it is becoming a tactic for delay of the 360 expansion. Supervisor Huber stated that Supervisor Sheppard has gone on record stating that if the transfer of acres does not occur the Town of Seneca will sue Ontario County. Supervisor Huber respectfully stated that if this is the case, the Town of Seneca should to go ahead and sue the County.

Chair Baker reminded all that motions have to be in the positive not negative. Supervisor Huber revised her motion to move the resolution for discussion. Chair Baker requested a second. Motion seconded by Supervisor Evangelista. Supervisor Sheppard responded to Supervisor Huber's comments, stating he felt that Supervisor Huber did not speak for the entire Board of Supervisors and that he took offense that she would assume that she does. Mr. Sheppard stated he respects the committee process that is in place, but felt that this matter is of such consequential importance that for the issue to die in a committee does not do justice to the full Board. He stated that this committee is a subcommittee of

the full Board and felt that to deny the Board a debate on an issue of this magnitude is wrong; he requested that the EQC acknowledge that importance and forward it to the full Board of Supervisors.

Chair Baker asked each EQC member for their comments on the matter. Supervisor Singer reiterated that the EQC has no authority regarding land deals. As a member of the EQC she is not willing to endorse a land transfer that is not within the authority of the committee to do so.

Supervisor Evangelista stated he is supporting Supervisor Huber and Singer on this matter. It has been presented twice to the full Board before and voted down, and is the only resolution to be rescinded at a subsequent meeting and then was sent back to the PWC which spent a lot of time talking about it. There is no support from the PWC other than for ultimate ownership of the borrow area by the Town of Seneca. He stated he did not support transfer of the County land before and cannot support it now.

Supervisor Angelo stated his opinion is that the matter has been beat to death and he would not even consider it.

Supervisor Sheppard clarified the difference between the initial proposal and this proposal. To Supervisor Huber's comment on suing the county, he stated the Town of Seneca would be defending home rule and their town law, and it would not be them suing the county but defending themselves.

Supervisor Huber questioned Supervisor Sheppard as to whether the current landfill violated the Town of Seneca's code as it sits. Supervisor Sheppard responded that the current landfill in combination with their town law and the host agreement does not violate the code. Supervisor Huber suggested that the only area of issue would be the 40 acre borrow area, and that the Board members have gone on recording stating they do not care who has ownership. If it falls through that the Town of Seneca does not obtain ownership or that the County doesn't take it, then she noted that the alternative is to truck cover material in to the landfill. The Board has spent the past fifteen months discussing the matter, hence the frustration. She stated that it is time to put the matter to bed for once and for all and she will not revisit the matter at anytime in the future, and feels there is no further discussion to be had.

Supervisor Baker stated he would vote no on the resolution simply because the EQC does not have the authority to receive or get rid of county land. If Supervisor Sheppard introduces it the Board of Supervisors, Supervisor Baker stated he will second the motion so that the Board can vote on the matter one way or the other.

Chair Baker took vote on the resolution as follows:

All in favor – 1 Aye All opposed – 5 Nays

5 against 1 – resolution voted down.

ADJOURNMENT: There being no further business to come before the committee, ***motion made by Supervisor Angelo to adjourn, seconded by Supervisor Singer. Motion unanimously carried.*** The 2/27/2013 EQC meeting adjourned at 4:50 p.m.

Respectfully submitted,

Linda R. Frasca

Sr. Clerk
Ontario County Planning