

STATE OF NEW YORK : COUNTY LEGISLATURE
COUNTY OF ONONDAGA

WAYS AND MEANS COMMITTEE and
ENVIRONMENTAL PROTECTION COMMISSION

In the Matter of

Draft Scoping Document as Part of Proposed
REGIONAL SOLID WASTE PARTNERSHIP
Between Onondaga and Cortland Counties

PUBLIC HEARING in the above matter, conducted
at the Dewitt Town Hall Court Room, 5400
Butternut Drive, East Syracuse, New York before,
JOHN F. DRURY, CSR, RPR, Notary Public in and for
the State of New York, on June 9, 2014, 6:30 p.m.

A p p e a r a n c e s :

DAVID KNAPP,	Chairman Ways & Means
MICHAEL PLOCHOCKI	Chair of Envl Protection.
J. RYAN McMAHON	Chair Ond Cnty Legislature
JIM CORI	3rd District
KATHLEEN RAPP	5th District
PEGGY CHASE	9th District
KEVIN HOLMQUIST	10th District
PATRICK KILMARTIN	11th District
DEREK SHEPARD, JR	13th District
CASEY JORDAN	14th District
MONICA WILLIAMS	16th District
LINDA ERVIN	17th District
DEBORAH MATURO	Clerk, Ond Cnty Leg.

Reported By:
John F. Drury, CSR, RPR
Court Reporter 471-7397

Chairman Knapp

CHAIRMAN KNAPP: Good evening. I
would like to call the meeting to order
please if everyone could take their
seats. I would like to call to order
the Special Joint Meeting of the Ways
and Means and Environmental Protection
Committees to receive public comment on
the Draft Scoping Document that has been
prepared as part of the Proposed
Regional Solid Waste Partnership between
Onondaga and Cortland Counties.

There is a few housekeeping things
we need to do before we get started.
Number 1, please make sure you notice
where the exits are, just in case.
Remind everyone please turn off their
cell phones.

My name is Dave Knapp and I'm
Chairman of the Ways and Means Committee
for the County Legislature and I'm
joined with by Mike Plochocki, who is
the Chairman of the Environmental
Protection Committee. And this is, as I
mentioned, a joint meeting of those two

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Chairman Knapp

committees.

We have several speakers, people who
would like to speak tonight. So if we
could keep our comments to three to five
minutes that would be great so we can
make sure everyone gets an opportunity
to be heard, get their thoughts out and
but keep the evening moving along.

If possible, if you are speaking if
you have a copy of your comments it
would be great if you could give them to
Debbie Maturo, the clerk of the
Legislature over at the table so that we
can make sure they get put in as part of
the record. We do have a stenographer
(court reporter) here, so we will get
everyone's comments. If you don't have
a written copy of your comments then
that's okay, we'll still, it's
considered part of the evening. But
it's great if you have the written
comments.

Just a few comments from me before
we get started. Again, welcome to

<p>5</p> <p>1 Chairman Knapp</p> <p>2 everyone for coming tonight. This was a</p> <p>3 public information hearing that was</p> <p>4 enacted by the entire Legislature, at my</p> <p>5 request to really, you know, we're at</p> <p>6 the very beginning of this process and</p> <p>7 we want to hear from you, the folks in</p> <p>8 the community here that surround the</p> <p>9 waste energy facility.</p> <p>10 This is a long process, this is</p> <p>11 where we're at at the very very</p> <p>12 beginning of it, and that's why we</p> <p>13 wanted to hear from everyone. There</p> <p>14 will be other opportunities as the</p> <p>15 environmental process moves forward for</p> <p>16 meetings like this where we can get your</p> <p>17 input or ask questions to us. Tonight</p> <p>18 though is primarily for us to listen to</p> <p>19 you. We have folks from OCRRA who are</p> <p>20 going to be here, again, to listen. We</p> <p>21 have well over half the Legislature,</p> <p>22 County Legislature, besides these two</p> <p>23 committees we have a few other folks if</p> <p>24 they're not here already will be here</p> <p>25 shortly to hear your comments. So</p>	<p>7</p> <p>1 Chairman Plochocki</p> <p>2 and not enough listening. And so</p> <p>3 tonight we would really want to hear</p> <p>4 from you guys. We're not here to have a</p> <p>5 debate, we're not here to answer</p> <p>6 questions.</p> <p>7 There will be more meetings like</p> <p>8 this. There certainly will be</p> <p>9 opportunities to ask questions of us,</p> <p>10 there certainly will be opportunities to</p> <p>11 debate and there certainly will be a</p> <p>12 point at which we take a vote on this</p> <p>13 matter. But none of that is what</p> <p>14 tonight's purpose is. So I ask</p> <p>15 everybody everyone to keep that in mind,</p> <p>16 I certainly look forward and I think all</p> <p>17 the legislators do too, hearing what you</p> <p>18 have to say. Thank you.</p> <p>19 CHAIRMAN KNAPP: Are there any</p> <p>20 comments from any other Legislators</p> <p>21 before we get started? Okay, at this</p> <p>22 time as I mentioned, David Coburn is</p> <p>23 here from Onondaga County Department of</p> <p>24 the Environment, and he's going to give</p> <p>25 us just a brief overview of the process.</p>
<p>6</p> <p>1 Chairman Knapp</p> <p>2 again, we really want to hear your</p> <p>3 thoughts on the scoping of the</p> <p>4 environmental review.</p> <p>5 I'm going to introduce David Coburn</p> <p>6 in a couple minutes, who is the Director</p> <p>7 of the Environment for the County, where</p> <p>8 he's going to explain more specifically</p> <p>9 the process and where we are. But I</p> <p>10 just wanted to give a quick overview of</p> <p>11 the evening. Again, we wanted to do</p> <p>12 this out away from the Legislature,</p> <p>13 where it was convenient for all of you</p> <p>14 to come and talk; and much easier than</p> <p>15 going downtown. So anyway, with that,</p> <p>16 Mike, would you like to say a few words?</p> <p>17 CHAIRMAN PLOCHOCKI: Yes, thank you.</p> <p>18 I wanted to emphasize and expand upon</p> <p>19 something that Dave Knapp just said, and</p> <p>20 that is why we're here and why we're not.</p> <p>21 What we're here for is to listen. All</p> <p>22 of us Legislators here, we have the</p> <p>23 right to make comments and to talk but I</p> <p>24 think many of the public would say that</p> <p>25 politicians do a little too much talking</p>	<p>8</p> <p>1 Coburn</p> <p>2 Again, where we are and what the next</p> <p>3 couple of steps are.</p> <p>4 DAVID COBURN: Good evening I feel</p> <p>5 like I should turn the podium around a</p> <p>6 little bit, I'm intending to speak to</p> <p>7 the audience but there is so many</p> <p>8 microphones up here.</p> <p>9 CHAIRMAN KNAPP: It's on wheels, but.</p> <p>10 DAVID COBURN: Just the process here</p> <p>11 so forgive me for sort of facing</p> <p>12 partially away from you. I'm going to</p> <p>13 be explaining the SEQR process for any</p> <p>14 of you who aren't familiar with that.</p> <p>15 If you're new to the SEQR process, the</p> <p>16 basic purpose of SEQR is to incorporate</p> <p>17 consideration of environmental factors</p> <p>18 into the decision-making process by</p> <p>19 local governments and by the state</p> <p>20 government.</p> <p>21 SEQR begins with the establishment</p> <p>22 of lead agencies for a proposed action.</p> <p>23 And in this case Onondaga County and</p> <p>24 Cortland County have decided to act as</p> <p>25 co-lead agencies under SEQR. And the</p>

9

1 Coburn
2 lead agencies, once they're established
3 they then complete Environmental
4 Assessment forms. These are forms that
5 are developed by the state to determine
6 if a proposed project might have a
7 significant impact on the environment.
8 In this case the co-lead agencies
9 determined that the proposed projection
10 might have a significant impact on the
11 environment, and have called for the
12 development of a Draft Environmental
13 Impact Statement to assess those
14 potential impacts.
15 One option available to lead
16 agencies in preparing a Draft
17 Environmental Impact Statement under
18 SEQR is to include something called
19 Scoping. And the purpose of scoping is
20 to help lead agencies make sure they've
21 identified all of the potentially
22 significant environmental issues and
23 impacts associated with the proposed
24 project to make sure that they become
25 addressed in the Draft Environmental

10

1 Coburn
2 Impact Statement.
3 Onondaga County and Cortland County
4 have decided to exercise that option.
5 So they have started scoping. They've
6 been accepting public comments on scopes
7 since May 14th, and will be accepting
8 comments through June 14th. And as part
9 of scoping both counties have elected to
10 take the additional step of having
11 public hearings on the scope, which is
12 obviously the focus of tonight's public
13 hearing.
14 Once scoping is completed the Draft
15 Environmental Impact Statement will be
16 prepared. And then that too will be
17 released for public comment as Chairman
18 Knapp had mentioned. The tentative
19 schedule is to hold a public hearing
20 some time in August. I would add as an
21 aside that we also expect to have a
22 separate public hearing on the
23 Comprehensive Solid Waste Management
24 Plan Update for Onondaga County.
25 After the close of the public

11

1 Coburn
2 comment period on the Draft Environmental
3 Impact Statement, if it's necessary
4 based on the comments we received, there
5 will be revisions made to the
6 Environmental Impact Statement and then
7 a Final Environmental Impact Statement
8 will be prepared. And that too will be
9 made available to the public for review.
10 And once the Final Environmental
11 Impact Statement is prepared the lead
12 agencies will adopt findings. And the
13 lead agencies then considers the
14 proposed action in light of the
15 information that was provided through
16 the SEQR process.
17 So tonight's hearing, as already
18 noted, is specifically for accepting
19 public comments on the draft scoping
20 document for the DEIS that has been made
21 available since May 14th.
22 **CHAIRMAN KNAPP:** If you would like
23 to make comments, I already have several
24 cards that folks signed in, and signed
25 up to speak. If you decide you would

12

1 Hunter
2 like to make a few comments just go over
3 to the table and they will just get your
4 name for the record to get to me. So I
5 just have these cards basically in the
6 order the folks signed in. So at this
7 time I would like to declare the public
8 comment period opened and we will start
9 off with Ian Hunter.
10 **IAN HUNTER:** I've got a financial
11 question here. We're talking about
12 bringing garbage in from Cortland
13 County. How stupid are the people in
14 Cortland County when they would send
15 garbage to Onondaga County for \$79 a ton
16 when they can take it down to Seneca
17 Meadows for \$22 a ton. Explain that to
18 me. I don't know why we're here talking
19 about this. This is insanity. Can you
20 tell me?
21 Let's put it this way, you had a
22 truck load of garbage, 30 tons in a
23 truck, you're sitting in Onondaga County.
24 You can dump it here for \$79 a ton or
25 drive it down the road 70 miles and dump

1 Hunter

2 it for around \$22 a ton. What are you
3 going to do? That's what you've got to
4 think about.

5 Last year I ran for the mayor of the
6 city of Syracuse and I needed some
7 issues and I needed something that
8 people would, you know, grasp onto. And
9 the big problem that Syracuse has like a
10 lot of other municipalities, they don't
11 have any money, they're broke. And I
12 took a look at the tipping fees that are
13 a result of what they call flow control
14 in Onondaga County and I worked out the
15 numbers. And I determined that Syracuse
16 can save \$18,000 a day if flow control
17 didn't exist.

18 I wrote a letter to Mr. McMahon
19 there, and I asked him to give it to the
20 other legislators. I don't know if he
21 did it or not, I don't think he did
22 because he never answered my letter.
23 And when I saw him on Election Day I
24 asked him why he didn't answer my
25 letter, you know, we're all in this

1 Hunter

2 business of making this a better
3 community, elevating the human
4 conditions with public policies that we
5 advocate. And he told me, he says, I
6 don't agree with your numbers. So I
7 says, well, Ryan, what are the numbers.
8 Tell me what the numbers are? When I
9 asked, they told me that, you know, get
10 a Freedom of Information Act, they just
11 don't give it to you.

12 But now we have the numbers. We've
13 got the numbers because there has been a
14 report by the County comptroller that
15 was, that I pushed very hard to do the
16 first audit OCRRA ever had. They never
17 had an audit before. In fact
18 Mr. Antonacci told me that, when he
19 first told them he was going to audit
20 OCRRA, they told him you can't do that,
21 we're a state authority. The local
22 government can't audit a state authority.

23 What happened though is when they
24 passed flow control, part of the Flow
25 Control Law gave the comptroller the

1 Hunter

2 authority to audit them. So they had
3 the first audit in twenty years.

4 Now, the first thing I think
5 Onondaga County should do before we talk
6 about what they're going to do for the
7 next twenty years. They tell us or I've
8 been told they value the facility at \$90
9 million. The first thing they should do
10 is put out a request for proposals.
11 There might be somebody who wants that
12 facility. Then we could send our
13 garbage down to Seneca Meadows for \$22 a
14 ton. Seneca Meadows has a permit now
15 that will last for another nine years.
16 Nine years we can save each household,
17 could save \$53 a year if we just send it
18 down there. It would be an easy
19 transition because most of the garbage
20 is picked up by private haulers and most
21 of them have walk in type trailers.
22 They take stuff in Seneca Meadows that
23 isn't covered by the Flow Control Laws.
24 They take C&D down there all the time,
25 it's really not a problem.

1 Hunter

2 The best thing we can do with OCRRA
3 with the burning plant is just get rid
4 of it. We just simply don't need it.
5 And if somebody wants to buy it and
6 generate electricity with natural gas I
7 think that would be a great idea,
8 because we're sitting on 200 years of
9 natural gas. If we ever get past the
10 ban on fracking, you know, it might be
11 something viable in the future.

12 The reality though is electricity is
13 not much in demand. There is a 30
14 megawatt plant right on the corner of
15 Burnet Avenue and Thompson Road, they
16 start it seven days a year. That's all
17 they use it for. There is no demand for
18 electricity. And that's the problem we
19 had here.

20 If Covanta buys the plant, we all
21 know that it will cost them a dollar.
22 But that isn't true. They have to pick
23 up what remains of the bonding. And if
24 we spend all the reserves before that
25 would take place, the price wouldn't be

Hunter

one dollar, it would be \$42 million plus a dollar. That's what they would have to pay for. And the only way it would work for them is if Onondaga County is dumb enough to pass or renew the Flow Control Act. Because they tell us that people will come from outside the County and drop their garbage if Covanta takes it. They can do that, because the Supreme Court says they take it any way they want. But again who's going to bring it to them for \$79 a ton? They go to Seneca Meadows or High Acres.

CHAIRMAN KNAPP: Wrap it up, thank you.

IAN HUNTER: In the event that Covanta doesn't take it we are stuck \$42 million. I worked out the numbers and amortized it. If there is a surcharge on all the garbage and the recyclables that are picked up in the County it would cost \$8.82 a household per year. And that would pay off -- or a ton, I'm sorry, and that would pay off the \$42

Hunter

million.

The other problem we've got with OCRRA, OCRRA tells us they're doing other things, they're composting. Well, I'm in the composting business. I want to tell you something, I produce a yard of compost equal to what they have if not better for \$6 a yard. What do you think OCRRA, it costs them to make one yard of compost? For \$55.60 a yard. They lost \$420,000 in 2012. Mr. Antonacci tells me he's going to do the 2013 audit, and that's going to be much much worse because they spent two and-a-half million dollars upgrading their facilities. We've got to watch these people, we've got to watch these people as citizens because they're sucking the blood out of us.

CHAIRMAN KNAPP: Thank you, Ian. Next we have Dennis Payne.

DENNIS PAYNE: My name is Dennis Payne, I'm a resident of Jamesville. Member of JAMPAC, that is the Jamesville

Payne

Positive Action Committee, the Jamesville Chamber of Commerce, a former member of the Citizens Advisory Committee on the Incinerator and a retired teacher.

When the incinerator was being planned and built, against by the way the strong opposition of the residents of Jamesville, the County Legislature created some safeguards to protect and placate us. A program of continuous off site monitoring and Citizens' Advisory Committee on the incinerator were initiated by the Legislature. Most importantly, legislation was written that banned the importation of garbage from outside Onondaga County to the incinerator.

Since that time the County Legislature has slowly removed all of the safeguards that was put in place during the initial process. The Citizens' Advisory Committee was ended, and then the Off-Site Monitoring Committee. So that

Payne

now we must rely on Covanta's yearly air quality test to confirm the purity of the emissions from the incinerator.

And now, in what is a potentially unprecedented act of betrayal, the Legislature is deciding whether to shrug off the health and safety and concerns of the County residents who live downwind of the incinerator and allow the importation of garbage.

So I have a question for the members of the County Legislature who are here tonight, and I know it was indicated that you were here to listen and not to answer questions or to debate, but I do have a question that I think deserves, and I think we all need the courtesy of a response. And here is the question. I also have a suggested answer.

The question is: In light of the County Legislature's ongoing betrayal of the basic needs of County residents why should the people of the County trust any of you on any issue, not just the

<div>21</div> <div>1 Loew</div> <div>2 incinerator or importation, but any</div> <div>3 issue that involves the well-being of</div> <div>4 the people. For example, of Clay or</div> <div>5 Van Buren, Manlius, Skaneateles or</div> <div>6 Tully? That's my question, and here's</div> <div>7 my recommended solution. You can pass</div> <div>8 legislation that bans now and forever</div> <div>9 the importation of garbage by any</div> <div>10 private, public or other entity into</div> <div>11 this County. That would renew people's</div> <div>12 trust in the Onondaga County Legislature.</div> <div>13 Thank you.</div> <div>14 CHAIRMAN KNAPP: Thank you. Next is</div> <div>15 Martha Loew.</div> <div>16 MARTHA LOEW: My name is Martha Loew.</div> <div>17 First off I want to thank the Town of</div> <div>18 Dewitt for having this space available</div> <div>19 for you all to do this and to both of</div> <div>20 your Committees for holding this</div> <div>21 hearing. That being said, here I go.</div> <div>22 I limited my comments strictly to</div> <div>23 the Draft Scoping Document, but my</div> <div>24 initial comment is asking everybody to</div> <div>25 please extend the time period for this</div>	<div>23</div> <div>1 Loew</div> <div>2 waste programs? Do they come here? In</div> <div>3 other words that needs to be more fully</div> <div>4 described and if you're going to use it</div> <div>5 as a reason to implement this program</div> <div>6 you have to show how it's going to</div> <div>7 happen.</div> <div>8 Then in the Draft Scoping Document,</div> <div>9 3-4, Transportation, Waste Transportation</div> <div>10 it's essential that the estimate of the</div> <div>11 amount of transportation, CO₂ etc.,</div> <div>12 include the trucks that will still haul</div> <div>13 incinerator residue to Rochester. There</div> <div>14 is a leftover residue and that cannot go</div> <div>15 into the Ash For Trash program. It will</div> <div>16 still have to go to Rochester because</div> <div>17 it's got to go to a landfill or to any</div> <div>18 other landfill. So in the summary of</div> <div>19 waste hauling vehicles of truck trips</div> <div>20 it's essential to include that</div> <div>21 transportation to Rochester, which would</div> <div>22 still have to happen, not as much as now</div> <div>23 but would still have to happen.</div> <div>24 4.1.2 and 3 had energy conservation</div> <div>25 and air resources. Again, include all</div>
<div>22</div> <div>1 Loew</div> <div>2 comment period to at least September</div> <div>3 1st. You've been working on this plan</div> <div>4 for two years, and one month from the</div> <div>5 announcement date is not adequate nor</div> <div>6 reasonable.</div> <div>7 Okay, specific problem, the project</div> <div>8 description on page 4 paragraph 4, and</div> <div>9 the bullets with it, says: To assess</div> <div>10 public benefits (all financial) as "can</div> <div>11 be considered as mitigation measures for</div> <div>12 potentially significant adverse</div> <div>13 environmental impacts" is not a</div> <div>14 responsible statement. You cannot</div> <div>15 mitigate environmental impacts with</div> <div>16 money. And that is essentially what</div> <div>17 that whole paragraph says. This needs</div> <div>18 to be addressed and corrected. Money</div> <div>19 for environmental damage is not a</div> <div>20 benefit.</div> <div>21 Paragraph 4 of the same description</div> <div>22 is a statement that: Cortland will</div> <div>23 benefit from Onondaga's special waste</div> <div>24 programs needs explanation. How can</div> <div>25 Cortland benefit from our hazardous</div>	<div>24</div> <div>1 Loew</div> <div>2 trips not just those to Cortland.</div> <div>3 4.1.4: Unacceptable materials. How</div> <div>4 would Cortland trash be screened? Will</div> <div>5 it use the Onondaga County rules for</div> <div>6 household trash, which is clear plastic</div> <div>7 bags or will it ignore the rule as is</div> <div>8 done in Onondaga County? Onondaga</div> <div>9 County has a rule that says all</div> <div>10 household waste is supposed to be in</div> <div>11 clear plastic bags. It has never been</div> <div>12 enforced. Most people use black bags.</div> <div>13 And so I never have understood why we</div> <div>14 couldn't implement that. Without the</div> <div>15 clear plastic bags there is no way to</div> <div>16 tell how many batteries or whatever</div> <div>17 things are in this waste that is going</div> <div>18 into the incinerator, which is going</div> <div>19 into the air, which is coming to us.</div> <div>20 And then finally the Full</div> <div>21 Environmental Assessment Form, it's</div> <div>22 included in the documents that I got,</div> <div>23 and it's been modified, the language, to</div> <div>24 state that this form will only deal with</div> <div>25 Cortland County. The form says it must</div>

Loew

1. deal with all aspects of this plan. And
 2 so that's not in keeping with the
 3 purpose of the form. Onondaga County is
 4 also affected by this project and so you
 5 cannot arbitrarily eliminate it from the
 6 form. But the form that has already
 7 been written up, it says right, they
 8 just sort of amended it, right below
 9 where it says it is to include everybody,
 10 they amended it to say it will only
 11 include Cortland County. So Onondaga
 12 County must be included within the
 13 Environmental Assessment form there
 14 because there are things that happen
 15 here from the incinerator that affect
 16 all of us too. And so it should be
 17 assessed along with everything else that
 18 goes on in Cortland. Thank you very much.

20 **CHAIRMAN KNAPP:** Thank you. Next is
 21 Geraldine Aird.

22 **GERALDINE AIRD:** Good evening. I'm
 23 Geraldine Aird and live at 41 Ely Drive
 24 in the Town of Dewitt. And that is
 25 right close to probably one of the

Aird

1 busiest intersections in Onondaga
 2 County. I've been concerned about air
 3 pollution there for a long time because
 4 the traffic keeps getting heavier and
 5 heavier. And as we talk about the waste
 6 incinerator I think about more air
 7 pollution. And until I looked at the
 8 public health, 4.3.3 public health part
 9 of the Draft Scoping Document, that's as
 10 far as I've gotten. I mean this is a
 11 really hurried up job, right? We need a
 12 lot more time to work on all this.

14 The public health part of it, and
 15 the increase in air pollution, I think
 16 that Onondaga County really needs to
 17 take a very good look at adding any
 18 more, any more air pollution to the area.
 19 And certainly burning garbage and the
 20 waste incinerator will do that if it
 21 gets expanded and if it gets extended.

22 So I did have some prepared
 23 information here but there are a lot of
 24 other people who want to speak, so I
 25 think I just will speak as a resident of

Baker

1 the area and say please, no more air
 2 pollution.

4 **CHAIRMAN KNAPP:** Thank you. If you
 5 want to give those the written comments
 6 to the clerk we can make sure they're
 7 part of it.

8 **GERALDINE AIRD:** I don't really have
 9 them.

10 **CHAIRMAN KNAPP:** Next up is Vicki
 11 Baker.

12 **VICKI BAKER:** I want to thank you
 13 for coming and hearing our concerns.
 14 And also I want to point out that this
 15 is not a Jamesville issue, it's not a
 16 Dewitt issue, we're all on the same
 17 planet. We all generate trash, we all
 18 should be responsible for what we do
 19 with it. So I think the problem I have
 20 with just thinking of this area, I'm
 21 hopeful that we can get you to think
 22 outside the box and think about other
 23 issues that are important.

24 First of all, the process. I've
 25 been involved in SEQRA and Draft

Baker

1 Environmental Impact Statements for
 2 years. And this has been the most
 3 confusing convoluted process I've seen.
 4 Where we all, oh, yeah, send your
 5 comments to Cortland. Oh, no, now we're
 6 going to have our own. Oh, no, it's
 7 like okay, so if we submitted comments
 8 do we resubmit them again? Or just add
 9 a little to whatever you want to add to
 10 whatever we've already sent?

12 A lot of people are not even aware
 13 this is happening. They don't have a
 14 clue. And I'm just disappointed. I
 15 would like to see the public be more
 16 aware of issues.

17 I guess I want to say that there are
 18 great concerns, after hearing that the
 19 people in the Cortland County Legislature
 20 say this is a done deal, that you have
 21 the votes, you know who can get away
 22 with voting against it because of your
 23 constituency. And in fact have assured,
 24 well the County Executive signed an
 25 agreement in principle on this whole

Baker

1 issue in August of 2013. August of
2 2013. And I don't think anybody in the
3 public was really on board with this.
4 And here we are now, the process is
5 starting, and we get you know, a few
6 weeks. And they got, they had 12 years
7 to decide that they were even going to
8 sell the plant or whatever they're going
9 to do with Covanta and importation.

10 It concerns me about the lack of
11 truthfulness about the incinerator,
12 about the pollution it generates, about
13 the tipping fees and how they were kept
14 artificially low for years so people
15 would come there. The false claims that
16 they are renewable energy. They're not
17 renewable energy, they create a lot of
18 toxins, dioxins, mercury, lead. That's
19 not renewable energy.

20 And you can certainly read the
21 A.G.'s report if I haven't already sent
22 it. By the way I have tried my best and
23 I hope you're not tired of me but I
24 tried to educate you on what I've been
25

Baker

1 involved in since Day One. And my
2 little pin is because we would let
3 little balloons go from that incinerator
4 site and five hours later I got a call
5 from Harrisburg, Pennsylvania telling me
6 they got my balloon and the card and why
7 didn't I put my area code on it? And I
8 had no idea. But it did tell me the
9 issues about thinking globally and
10 acting globally.

11 I know that the opinions of your
12 legal force or your legal team just
13 depends on, you know, who you ask. And
14 in 1994, being there, I asked and got a
15 response from lawyer Tarolli, the
16 discussion about commerce clause. And
17 the fact that you have rights as a
18 community. Publicly owned facility
19 still has the right to restrict the
20 acceptance of non-local waste. This is
21 referred to as the market participation
22 exception to the commerce clause. And
23 I'm sure attorneys love this kind of
24 stuff but most people don't understand
25

Baker

1 that.

2 This was about importation of sludge
3 as well. The County sludge management
4 agreement prohibits the processing of
5 non-County sludge without explicit
6 legislative approval.

7 Our floor leader at the time was Sid
8 Oglesby, who I always respected and
9 thought he was very articulate. He had
10 sent a letter about the importation laws
11 being called a ban. And I will get
12 these letters to you. But the
13 prohibition of 1989 and 1992 legislation
14 was not relative to isolated case
15 scenarios but rather was absolute.

16 While it's true that the Legislature
17 may generally rescind the legislation
18 prohibiting waste or ash importation it
19 is a stretch of logic to induce (sic)
20 that what was intended was a possible
21 series of isolated dependence,
22 independent decisions relative to
23 whether or not to allow this importation
24 of waste. Indeed the potential
25

Baker

1 cumulative effects of the discrete
2 allowances would so weaken the law that
3 the public would perceive that no law
4 exists.

5 So you kind of really undo what we
6 had intended to do when we passed that
7 law years ago. And it was certainly to
8 be protective of human health and the
9 environment. And I see this proposal as
10 a direct threat to our environment and
11 our health. Not to mention carbon
12 dioxide and the big headlines in the
13 paper locally, that reducing CO₂, yet
14 we're going to put all of our trash in
15 the air. It just doesn't make sense
16 from any point of view, whether it's
17 environmental, health or whatever.

18 I'm concerned that your attempt or
19 your discussion about overturning that
20 law makes the public believe how can we
21 believe that this will end with
22 Cortland? What if next year you get an
23 offer you can't refuse? New York City
24 waste, at double the rates? That might
25

33

1 Baker
2 be good, especially if we're hurting for
3 money or if we're up for reelection and
4 we don't want to raise the taxes. I've
5 been there, done that. I think though a
6 lot of the issues, perhaps you're not
7 considering the total package.
8 I would think that you would also be
9 very concerned about predictability of
10 needs and growth projections for this
11 community. How can you sign a 15, 20
12 year contract giving away the last
13 percentage of this plant that shouldn't
14 have been built in the first place? But
15 who has looked at those numbers? I
16 haven't seen any kind of reports or any
17 kind of information that you've received
18 saying we're good for twenty years, keep
19 taking Cortland.
20 So we really haven't seen anything
21 on finances and I wonder what will it
22 take to make this issue go away? Should
23 we start doing bake sales? Is there
24 anything we can do to look at another
25 direction to get you to think outside

34

1 Baker
2 the box? When I was a citizen I was
3 involved with Recycle First, which was
4 an organization that came up with the
5 County's alternatives. And we talked
6 about costs and hazardous waste and air
7 emissions and low recycling goals. And
8 it discourages recycling. That one of
9 the sentences in our information was
10 once the large incinerator is built it
11 has to be fed for it to be economical.
12 County Legislators vote to impose --
13 that is the County trash agency will
14 have control over where all the trash
15 goes. It's more than likely that if a
16 large incinerator is built and we are
17 and we are very successful with the
18 recycling program the County will have
19 to import waste to keep the plant
20 running. And remember that the
21 hierarchy of DEC and EPA, they're saying
22 incinerate over land-filling but above
23 that is reduce the amount of trash
24 generated; recycle, repair, compost.
25 That's where our emphasis should be.

35

1 Baker
2 And we should be looking at
3 alternatives. I saw no other alternatives
4 in the scoping document other than no
5 action. What alternatives are we
6 looking at? Can we bring people to town
7 that will give us some options about
8 creating jobs from the recycling program?
9 Have we looked at them? Are we going to?
10 There is no information in this
11 SEQRA document that really gives us the
12 financials or the workable solutions.
13 There is not a permit limit for 2.5.
14 That's the fine fine particulates, and I
15 believe, I hope that I sent you the
16 magazine that talked about the PAH's and
17 the black hole and the ways to monitor
18 this stuff. This will not be regulated
19 in this plant. The plant is an old
20 plant with an old CEM monitor following
21 an old health risk assessment and old
22 ideas.
23 We look to you for leadership and
24 fresh sustainable solutions. The only
25 thing between us and toxic pollution is

36

1 Baker
2 this Legislature. And I do see this as
3 a threat to our health and environment.
4 While we're burning up here they're
5 learning to take out toxic waste, so we
6 become the guinea pigs? How many years
7 does it take to develop a good hazardous
8 waste program in the community? I don't
9 think I want to be the guinea pig to
10 find out.
11 I'm asking that you extend the
12 comment period at least through
13 September. We'd like more information
14 on this scoping because we don't believe
15 that there is enough information. We
16 need to explore alternatives, investigate
17 cancer rates and respiratory illnesses,
18 ask that we regulate 2.5 PM particles
19 and ban forever importation. I think I
20 covered everything I hope.
21 Again, I want to thank you for
22 listening. When we were also part of
23 the citizens who made recommendations to
24 the County instead of burning we wanted
25 to do the other things, the three R's.

<p>37</p> <p>1 Baker</p> <p>2 But in response to those citizens the</p> <p>3 Solid Waste Management Team at the</p> <p>4 County and City together said the</p> <p>5 waste-to-energy plant is composed of</p> <p>6 three totally separate units. Should a</p> <p>7 decrease in the supply of trash become</p> <p>8 long term it is possible to shut down</p> <p>9 one of the plants three combustion units.</p> <p>10 Thereby allocating more trash for the</p> <p>11 other two. Having less trash is less of</p> <p>12 a problem than having too much trash.</p> <p>13 Wouldn't want to hold you to that.</p> <p>14 We want you to phase out this</p> <p>15 incinerator over a five year period. We</p> <p>16 want you to create jobs from recycling.</p> <p>17 We want you to protect our health and</p> <p>18 environment. Thank you.</p> <p>19 CHAIRMAN KNAPP: Thank you. Next is</p> <p>20 Phillip Rothschild.</p> <p>21 PHILIP ROTHSCHILD: Good evening</p> <p>22 members of the Legislature, thank you</p> <p>23 for coming to hear our concerns. I was</p> <p>24 here in another place 20 years ago when</p> <p>25 you were deciding on whether to build</p>	<p>39</p> <p>1 Rothschild</p> <p>2 believe it would be prudent for the</p> <p>3 contract renewal with Covanta Energy to</p> <p>4 be much further along prior to</p> <p>5 commencing the SEQR process. The</p> <p>6 current options are not only the status</p> <p>7 quo of the proposed OCRRA-Cortland</p> <p>8 County partnership. From OCRRA's</p> <p>9 Executive Summary Item 8, in 2013,</p> <p>10 Covanta Energy, the group that operates</p> <p>11 the facility has the contractual ability</p> <p>12 to buy the plant and assume \$45 million</p> <p>13 worth of bond payments on the facility.</p> <p>14 For close to 20 years OCRRA and</p> <p>15 Covanta have had a successful, public/</p> <p>16 private service contract in place. Both</p> <p>17 parties are working towards an extension</p> <p>18 of that contract etc., etc. If a</p> <p>19 service contract is not reached and</p> <p>20 Covanta buys the plant it becomes a</p> <p>21 private facility and our Legislature has</p> <p>22 no say in where the trash comes from.</p> <p>23 This means trash could be imported</p> <p>24 from Cortland or any other location of</p> <p>25 Covanta's choosing. Trash beyond</p>
<p>38</p> <p>1 Rothschild</p> <p>2 this thing or not. There were a number</p> <p>3 of promises made, not the least of which</p> <p>4 was that there would be monitoring,</p> <p>5 there would be oversight of this thing</p> <p>6 and this thing would be self sustaining</p> <p>7 and it would be making money. And the</p> <p>8 chief among those promises was that we</p> <p>9 would not be importing any garbage.</p> <p>10 Now these other promises have fallen</p> <p>11 by the wayside and looks like as though</p> <p>12 this one is going to fall by the wayside</p> <p>13 again. I'm just concerned that the</p> <p>14 County is basically doubling down on a</p> <p>15 process which seems to be falling out of</p> <p>16 favor across the country. I believe it</p> <p>17 is doing so for very shortsighted</p> <p>18 reasons. And I would ask this</p> <p>19 Legislature to reconsider and provide</p> <p>20 more time for comment regarding this and</p> <p>21 to look at it more closely. And that's</p> <p>22 it.</p> <p>23 CHAIRMAN KNAPP: Thank you. Next is</p> <p>24 Brian Solomon.</p> <p>25 BRIAN SOLOMON: Thank you. I</p>	<p>40</p> <p>1 Solomon</p> <p>2 typical household trash, which brings</p> <p>3 higher revenue and likely higher</p> <p>4 emissions could be imported. This is on</p> <p>5 OCRRA's website. So if a service</p> <p>6 contract is not reached the scope of</p> <p>7 this environmental review under SEQR</p> <p>8 will be considerably limited to the</p> <p>9 detriment of the citizens of Onondaga</p> <p>10 County. Would we ever have the ability</p> <p>11 to consider an unbiased environmental</p> <p>12 review of impacts from Covanta Energy's</p> <p>13 likely activities if they were to</p> <p>14 proceed with their contractual ability</p> <p>15 to purchase the waste to energy facility</p> <p>16 and accept various municipal solid waste</p> <p>17 and other wastes at their discretion.</p> <p>18 Covanta Energy necessarily needs to</p> <p>19 be included in this SEQR process to</p> <p>20 assess the potential environmental</p> <p>21 impact of the waste to energy facility</p> <p>22 under their ownership and operation.</p> <p>23 Per page 1 of the DSD, SEQR and it's</p> <p>24 implementing regulations establish a</p> <p>25 process for the consideration of</p>

<p style="text-align: right;">41</p> <p>1. Solomon</p> <p>2 environmental impacts in the planning</p> <p>3 stages of actions that are directly</p> <p>4 undertaken, funded or approved by local</p> <p>5 regional state agencies, etc.</p> <p>6 So since the contract negotiations</p> <p>7 between OCRRA and Covanta will</p> <p>8 necessarily impact the environment, and</p> <p>9 OCRRA is a regional agency, the impact</p> <p>10 from Covanta's sole ownership and</p> <p>11 operation of gnd facility must be</p> <p>12 considered as part of this renewal, this</p> <p>13 review. It strongly suggests that the</p> <p>14 SEQR process is tabled until after a set</p> <p>15 of contract alternatives between OCRRA</p> <p>16 and Covanta Energy is put forth, which</p> <p>17 will allow for the environmental impacts</p> <p>18 of those alternatives to be considered</p> <p>19 concurrently.</p> <p>20 So right now it seems like there is</p> <p>21 one option on the table that OCRRA</p> <p>22 presents, this partnership with Cortland</p> <p>23 County or else the status quo or what</p> <p>24 else is there? There needs to be</p> <p>25 dialogue with Covanta that needs to be</p>	<p style="text-align: right;">43</p> <p>1 Solomon</p> <p>2 industrial and domestic, and to escape</p> <p>3 into the environment via exhaust gases</p> <p>4 from incinerators.</p> <p>5 In 2005 OCRRA contracted for a waste</p> <p>6 quantification and characterization</p> <p>7 study. The DSD should likely include a</p> <p>8 provision for such a study to be</p> <p>9 conducted to assess the composition of</p> <p>10 Cortland County's MSW, which will help</p> <p>11 to quantify the additional mass of</p> <p>12 plastic that would be incinerated at the</p> <p>13 Rock Cut Road facility under this</p> <p>14 partnership, and better gauge the</p> <p>15 potential for additional dioxins to be</p> <p>16 emitted.</p> <p>17 So right now Cortland County says</p> <p>18 that they recycle more plastics than we</p> <p>19 do but informal conversations have led</p> <p>20 me to believe that they're not as good</p> <p>21 at recycling them as Onondaga County is.</p> <p>22 So we really have no idea what the</p> <p>23 composition of their municipal solid</p> <p>24 waste is. Does it contain more plastic</p> <p>25 than ours? Does it contain less? We</p>
<p style="text-align: right;">42</p> <p>1 Solomon</p> <p>2 transparent and part of this process.</p> <p>3 And I believe the two entities should</p> <p>4 come together and develop a series of</p> <p>5 alternatives, not one alternative.</p> <p>6 So I have two other shorter</p> <p>7 comments. Cortland County recycling</p> <p>8 information in the case of the County's</p> <p>9 program provides for the acceptance of</p> <p>10 all plastic containers. Plastic, 1</p> <p>11 through 7, even better than what we do</p> <p>12 here.</p> <p>13 If recycling rates weren't high in</p> <p>14 Cortland County as they are in Onondaga</p> <p>15 County, Cortland County's MSW</p> <p>16 composition would necessarily be</p> <p>17 expected to contain a lower quantity of</p> <p>18 plastics than found in Onondaga County's</p> <p>19 MSW on a per math basis. This is due to</p> <p>20 OCRRA's more limited acceptance of</p> <p>21 plastics, only bottles number 1 and 2,</p> <p>22 and Number 5 containers. So as you</p> <p>23 probably know some research has</p> <p>24 indicated that dioxins are known to be</p> <p>25 formed during the combustion of</p>	<p style="text-align: right;">44</p> <p>1 Solomon</p> <p>2 need to assess that before we can</p> <p>3 estimate what the pollution will be by</p> <p>4 burning that extra MSW.</p> <p>5 One more comment. In considering</p> <p>6 the proposed OCRRA-Cortland County</p> <p>7 partnership the DSD should have said, it</p> <p>8 is appropriate, unbiased, to review only</p> <p>9 OCRRA's current contract for disposal of</p> <p>10 incinerator ash at the High Acres</p> <p>11 landfill in Fairport. That is as</p> <p>12 recently as 2011 incinerator ash from</p> <p>13 the Rock Cut Road facility was sent to</p> <p>14 Seneca Meadows' landfill in Waterloo,</p> <p>15 New York.</p> <p>16 The current contract with High Acres</p> <p>17 landfill having been established in the</p> <p>18 second half of 2011. OCRRA periodically</p> <p>19 reviews, renews and rebids ash disposal</p> <p>20 contracting with various facilities. It</p> <p>21 so happens that the current contract is</p> <p>22 with the High Acres landfill. So in</p> <p>23 reporting the potential greenhouse gas</p> <p>24 reductions due to the proposed</p> <p>25 partnership between OCRRA and Cortland</p>

Gershaw

County, this current contract with High Acres landfill potentially skews the benefit in greenhouse gas emissions. If this was only a few years ago that we were having this conversation OCRRA wouldn't be able to put on the website all the huge reductions in greenhouse gases, because Seneca Meadows may even be closer to Syracuse than Cortland County is. So that's it, thank you.

CHAIRMAN KNAPP: Thank you. Next is Jane Gershaw.

JANE GERSHAW: I'm kind of new to this process, I haven't spoken in any kind of a public comment period. So you'll excuse me if I don't have all the right language. The first I ever heard about Trash to Ash and about Covanta was about a year ago. And it took a while for me to understand all of this. Most of the people I've listened to tonight have been involved in this process for many years. But I try very hard to educate myself, and I find that the

Gershaw

trash to ash technology is 30 years old. Whatever benefits it may bring to both counties it locks us into a method of dealing with trash that is already being rethought and fazed out in other places.

The Draft Scoping Document that we're discussing was poorly publicized and hastily written. It was distributed just quite by accident to me through an e-mail from a friend. It's a document for continuing a method of waste disposal that is no longer viable. But if we don't accept this proposal we put our counties in a position worse than where we find ourselves now.

Written into the first contract Covanta will be able to take possession of the incinerator for one dollar in 2015 and operate with no oversight and no regulation over what they can do. They can import trash from as far away as Puerto Rico.

I copied and put together a number of articles about Covanta in other

Gershaw

places as far away as, I think one of them is from Scotland, on how they have, the public has suffered with the kinds of activities that Covanta has engaged in. I asked the Cortland County Legislature during their public comment period to put those articles, newspaper articles on their website, which they do, did. And I'm going to distribute them or I'm going to give them to you this evening because obviously I can't go through them.

Covanta is a New York Stock Exchange publicly traded corporation. I believe that they will do almost anything to make money for their stockholders. It is to them that they are responsible, not the communities where they work. They act like the good guys who donate time and energy to the Boy Scouts, Hospice and other popular local charities. They make political donations to Republicans and Democrats alike. In the end they're a corporation. They can go

Gershaw

into bankruptcy, which they once did. They can be bought by another corporation, which once happened.

To believe that they care about you or me is to engage in a fantasy that has no foundation. Their CEO and other officers make millions of dollars a year to keep that fantasy alive and not to better our community in any way. As a concerned resident of Onondaga County I ask the Legislature to both Cortland and Onondaga to limit the length of any new contract to no longer than five years.

First, to include an update to current standards of monitoring.

Second, to increase the frequency and scope of monitoring of incinerator emissions and the content of ash residue from the current incinerator.

And finally, during these five years to engage in serious exploration of alternatives to incineration. Thank you.

CHAIRMAN KNAPP: Thank you. Next is Dr. Michael Wolfson.

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1 Wolfson
2 **MICHAEL WOLFSON, M.D.:** Like to join
3 the others who have thanked the
4 Legislature for convening this meeting.
5 I think it's very important that the
6 views of members of the public be heard
7 regarding this particular plant, which I
8 find abhorrent. The idea of importing
9 trash when it was one of the principles
10 that were laid down over 20 years ago
11 before the incinerator opened was that
12 we would never import trash. That was
13 the way that this was sold to the
14 citizens of Onondaga County.
15 Now I'd like to note my credentials
16 because I think that's important in
17 talking about the main issues that I'm
18 concerned about tonight, which are the
19 public health and the environment;
20 individual and public health and the
21 environment.
22 I did my medical training here,
23 graduated in 1981, I have a master's
24 degree in pharmacology, I'm fellowship
25 trained at Harvard with an MPH from the

50

1 Wolfson
2 Harvard School of Public Health. And my
3 fellowship training is in occupational
4 and environmental medicine. I would
5 venture to say, well I think what should
6 be noted is that everyone here is
7 entitled to an opinion about what should
8 be done regarding the incinerator and
9 this plan to import trash. Everyone is
10 not entitled to his or her version of
11 facts.
12 And when you're looking at the
13 issues of health, public health and the
14 environment, then I think that one of
15 those issues for me is that I've not
16 received adequate response from any of
17 the regulatory agencies, including the
18 Onondaga County Health Department, the
19 DEC, the State Health Department or the
20 EPA regarding my concerns about the
21 public health and the impact that this
22 incinerator has had since it opened.
23 And I would suggest to you that the
24 only individuals who can adequately
25 address those questions in a factual

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1 Wolfson
2 manner are those individuals who are
3 noted to be or have been certified as
4 experts who can testify in either New
5 York State court, a federal court or
6 other state courts, which I've done for
7 the last 20 to 25 years. So when there
8 are individuals who make statements
9 about the fact that there are no health
10 impacts or health impacts are minimal,
11 etc., you have to take that with a grain
12 of salt. And it has to be taken with
13 the understanding of what the source is.
14 And to my knowledge there is no one
15 else in this County, and I don't believe
16 anyone in Cortland County at this point,
17 with maybe one exception, who has either
18 the training or the qualifications to
19 determine what the health risks are. So
20 let's talk for a minute about the health
21 risks, and I would actually like to
22 refer to the Scoping Document first.
23 I would refer you back to the
24 meeting at Jamesville elementary school
25 approximately 12 to 15 years ago, I

52

1 Wolfson
2 can't remember the date and I don't have
3 the papers with me now. When the DEC
4 was quite ready to permit the burning of
5 tires at the incinerator. And hundreds
6 of people showed up at Jamesville
7 elementary school, and probably 99 out
8 of a hundred of us who came were opposed
9 to this.
10 One of the things that I mentioned
11 in my comments was that the DEC provided
12 us with test results for a Hudson River
13 Valley incinerator that was burning
14 tires. They probably thought that we
15 were either too stupid or too lazy to
16 read the report. But the report showed
17 that burning tires would increase the
18 emissions of cancer causing chemicals as
19 well as other hazardous chemicals by
20 somewhere from 5 to 10 times.
21 Those included dioxins and PCB's and
22 dioxin -- PCB's which have the chemical
23 formula similar to dioxin are also
24 considered carcinogens. Polychlorinated
25 dienzofurans or PCDF's, arsenic,

Wolfson

1. mercury, lead, cadmium. All those
2 except mercury are recognized
3 carcinogens. Lead was not recognized as
4 cancer causing agent when the first
5 health risk assessment was first done.
6 And I've written comments for the last
7 15 years, the last time I believe was in
8 2009 when the incinerator was up for
9 another permit renewal, indicating that
10 the original health risk assessment for
11 this incinerator showed that there would
12 be a risk of 9.9 excess cancer deaths
13 per million population if the
14 incinerator were allowed to be permitted.

15 Now, the DEC has informed me
16 directly in discussions that at 10
17 cancer deaths per million or one per a
18 hundred thousand, a facility like this
19 incinerator could not be permitted. Now
20 the DEC, the Department of Health, have
21 refused and have been aided in that
22 refusal by the EPA to conduct a new
23 health risk assessment.

24 I have papers from comments that I
25

Wolfson

1 last wrote I believe in 2009, indicating
2 that there should have been another
3 health risk assessment done in 2003; it
4 was not. If that health risk assessment
5 had been done even before the
6 incinerator was built, using the
7 knowledge that was available then, it
8 could not have been opened.

9 The information that was used in the
10 health risk assessment that allows this
11 facility to continue to operate is data
12 from before 1985. The incinerator
13 opened in 1994. So we need an entirely
14 new health risk assessment. That was
15 one part of this Scoping Document that
16 was not mentioned at all. We absolutely
17 need a totally new health risk
18 assessment by a group of individuals who
19 have no financial or other considerations
20 related to this incinerator.

21 Now in the Scoping Document there
22 are some curious things that are
23 included, which again, maybe that we
24 were expected not to be able to, since
25

Wolfson

1 we hadn't had this for very long, to
2 read and understand what was being said.
3 Now I will say that the one thing that
4 was noted is that at least for Onondaga
5 County, where I'm a resident, I live in
6 the Town of Dewitt, an action that must
7 be taken in order for this plan to go
8 through is that Onondaga County has to
9 allow for importation of Cortland County
10 waste to be burned at the incinerator.

11 Now again, I would ask you to stand
12 by the original guarantees made by the
13 Legislature over 20 years ago that there
14 would be no importation of waste. There
15 is clearly an increase in hazard every
16 time there is a burn. Dioxins are so
17 toxic that any increase in exposure in
18 the environment, whether it's by,
19 through the air or in the soil, which is
20 the only off-site monitoring that's
21 being done now are soil levels, any
22 increase in the emissions of dioxins
23 increases risks of cancer.

24 I would note to you that in my
25

Wolfson

1 comments before and in my discussions
2 with the DEC and the County Health
3 Department I pointed out that off-site
4 monitoring tests results showed, as long
5 as 10 or 12 years ago at least, that
6 there are increased levels of dioxins in
7 soils above the "acceptable" level for
8 the EPA, at City Lights, above the
9 Jamesville Penitentiary. There are also
10 unacceptable levels, increased levels of
11 arsenic on the south campus of Syracuse
12 University. There is no other source
13 for these increased levels of cancer
14 causing toxins.

15 If you've noted, there was a news
16 story in the last week quoting the Wall
17 Street Journal. We are 9th from the
18 bottom in over 2,700 counties in the
19 country in the production of
20 manufacturing jobs over the last either
21 5 or 10 years. So there are no other
22 facilities putting out these toxins it's
23 only the incinerator.

24 The increased levels of mercury in
25

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1. Wolfson

2 the Clark Reservation Lake are very

3 likely a result of emissions from the

4 incinerator. The dioxins in City

5 Lights, from the incinerator. Arsenic

6 on the SU campus, the incinerator. And

7 all the other toxins that are being

8 tested for or not being tested for are

9 coming from the incinerator.

10 Now, there is also information that

11 shows that we have an increased

12 incidence of breast cancer in Onondaga

13 County that coincides with the time that

14 the incinerator has been opened. And

15 that's particularly noted, notable in a

16 few zip codes, including, there are two

17 zip codes one in Marietta, one in Nedrow

18 with very small numbers. But the

19 largest number which is I believe 60

20 when the expected number is around 40,

21 is in 13078. The zip code that includes

22 Jamesville and is the zip code that is

23 in fact most impacted downwind of the

24 incinerator by any emissions that are

25 coming from the facility.

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1 Wolfson

2 So I would refer you to the EPA's

3 own scientists who have been publishing

4 peer-reviewed material for the last 20

5 years, indicating that the dioxins are

6 in fact a breast cancer risk, that the

7 risk is greatest when, greatest to the

8 fetus, it slowly decreases as an

9 individual gets older but it's still

10 there for a lifetime. So that means

11 that pregnant women and their offspring

12 in this County, particularly those down

13 wind from the incinerator are greater

14 risk for breast cancer as well as most

15 other cancers.

16 The National Academy of Sciences,

17 the arm of the CDC, called ATSDR, IAR,

18 the International Agency for Research on

19 Cancer, which is part of the World

20 Health Organization, all have noted that

21 the materials that are being emitted

22 from the incinerator, dioxins, dioxin

23 like PCB's, arsenic, lead, cadmium, are

24 all cancer causing materials and they're

25 all toxic. There is no question about

59

1 Wolfson

2 this. These are known human

3 carcinogens.

4 So I would suggest to you that what

5 our goal should be at this point is to

6 phase out and close this incinerator.

7 Short of that at this point it's to

8 reject any plan to import trash, to keep

9 the faith with the people of Onondaga

10 County who expected that this would

11 never happen; and to reject this plan

12 out of hand.

13 Now, there are a couple of other

14 things I would note for you. Even in

15 the very conservative review of the

16 effects of dioxins by the publication

17 called Veterans in Agent Orange. And as

18 many of you may know, veterans exposed

19 to Agent Orange during the Vietnam war

20 are now recognized as having service

21 connected disabilities when they were

22 exposed in areas that were sprayed with

23 Agent Orange. Now, the contaminant in

24 Agent Orange that causes those various

25 problems is in fact dioxins.

60

1 Wolfson

2 Even in this very limited document,

3 which is published now for twenty years

4 I believe, there are certain cancers

5 that are recognized as being related as

6 well as Type 2 diabetes I should

7 mention, arsenic is also a cause of Type

8 2 diabetes, as well as vascular disease

9 that is not cancer related.

10 The cancers that the veterans of

11 Agent Orange publications recognize, and

12 this is a limited number, are soft

13 tissue sarcomas, non-Hodgkin's lymphoma,

14 chronic leukocytic leukemia, which

15 includes hairy cell leukemia, and other

16 B cell leukemias.

17 And by the way, those of you who use

18 Round Up on your lawns, I testified in a

19 federal case about the risk of hairy

20 cell leukemia and multiple myeloma are

21 related to the use of Round Up. Dioxins

22 are far more toxic than anything in

23 Round Up. Hodgkin's lymphoma and chlor

24 acetin, and again what was not included

25 because these are not cancers are Type 2

Wolfson

1 diabetes at the very least.
 2 Now, the World Health Organization
 3 says that PCB waste, and that would mean
 4 both non-dioxin like and dioxin like
 5 PCB's should be treated as hazardous
 6 waste. Now, we have not treated the ash
 7 from this incinerator as hazardous waste
 8 from the beginning. The DEC and the
 9 Department of Health claim that it's not
 10 hazardous waste because they use what is
 11 a discredited, in my view, my opinion, a
 12 discredited method called PCLP or toxic
 13 characteristic leaching procedure to
 14 determine whether or not there is a risk
 15 from the material that the incinerator
 16 produces in land-filling that in an
 17 unlined non-regulated landfill, which is
 18 what we've done at Seneca Meadows, at
 19 the other landfill that's being used
 20 now, and what will be done in Cortland
 21 if this plan goes through.

22 The fact is this is hazardous waste.
 23 If you look at the results of the
 24 monitoring of the ash there are tens of
 25

Wolfson

1 thousands of units of dioxins per unit
 2 of ash. And that stuff is being dumped
 3 in a place where it can't be monitored.
 4 And I would also suggest to you members
 5 of the Legislature that there is no
 6 immunity on the part of Onondaga County
 7 if people who are exposed to this ash
 8 and become ill, at a later date decide
 9 they want to take legal action against
 10 us. So those of us who live in Onondaga
 11 County could be financially responsible
 12 for the these actions, these unacceptable
 13 actions of allowing this incinerator to
 14 continue to operate for the last 20
 15 years. Now my last --

16 **CHAIRMAN KNAPP:** We're about 15
 17 minutes now, so if you could wrap it up
 18 appreciate it.

19 **MICHAEL WOLFSON:** I'll wrap it up.
 20 Again, I would refer you to comments
 21 that I wrote and I just have my draft
 22 with me, the comments that I wrote
 23 regarding the incinerator on multiple
 24 occasions. Yes, stack sampling of the
 25

Wolfson

1 incinerator emissions only provides a
 2 two to three hour snapshot of individual
 3 toxic emissions each year, and that's
 4 not sufficient. The operators are
 5 informed of the stack sampling time well
 6 in advance and this may allow the
 7 recharacterization of what's being
 8 burned at the time that the sampling is
 9 done. I'm not saying that is done, but
 10 it's my opinion that it's possible to do
 11 that. You don't inform regulated
 12 entities that they're going to be tested
 13 or inspected in advance.

14 The last thing I would note to you
 15 is that off site monitoring program
 16 which has been gutted over the last
 17 dozen years. 13, 12 or 13 years ago
 18 several of us who were in this room
 19 today met with then current Onondaga
 20 County Health commissioner, the local
 21 head of the DEC, DEC representatives
 22 from Albany and representatives from the
 23 Department of Health in Albany from the
 24 Toxics Division. And we pointed out
 25

Wolfson

1 that we had found out inadvertently that
 2 the off-site monitoring program had not
 3 been carried out properly between 1993
 4 and 1999. In other words, samples of
 5 all of the media that were to be tested,
 6 eggs, water, soil, had all been either
 7 contaminated, thrown out or in some way
 8 they had been improperly handled.

9 Those test media should have been
 10 tested within 42 days; that's the state
 11 law. The state knew that this law was
 12 being violated and these representatives
 13 of these regulatory agencies chose to do
 14 nothing. So what you're getting when
 15 you get off-site test monitoring results
 16 are comparisons with initial baseline
 17 testing that grossly over-estimates how
 18 much toxic material was in the soil;
 19 because that's all we're testing now.
 20 Grossly over-estimates the toxics in the
 21 soil at the time that those original
 22 samples are taken in 1993.

23 And the reason is a process that
 24 could be compared to freezer burn. In
 25

<p style="text-align: right;">65</p> <p>1 Wolfson</p> <p>2 other words, those samples sitting in a</p> <p>3 freezer that were not contaminated or</p> <p>4 lost, over six years, became dehydrated.</p> <p>5 So the level of toxics in those original</p> <p>6 samples before the incinerator opened</p> <p>7 were much higher than they would have</p> <p>8 been if they had been tested properly.</p> <p>9 So this off-site monitoring program</p> <p>10 has been a problem. We need to</p> <p>11 reinstitute off-site monitoring at the</p> <p>12 levels that was originally recommended</p> <p>13 before 1994. And again, it's my opinion</p> <p>14 that the Health Commissioner in 1995 was</p> <p>15 forced out, was forced out because of</p> <p>16 his support for the off-site monitoring</p> <p>17 program. We need to beef up the</p> <p>18 program, we need to wind down this</p> <p>19 incinerator. A new health risk</p> <p>20 assessment will undoubtedly show that</p> <p>21 this incinerator should not be operating</p> <p>22 at all. So any plan to take in any</p> <p>23 outside waste and burn it is just going</p> <p>24 to be a further risk to the health and</p> <p>25 the environment of people in this County</p>	<p style="text-align: right;">67</p> <p>1 Hughes</p> <p>2 disposal, it's not hazards, those were</p> <p>3 important arguments but the Number 1</p> <p>4 reason was it was too big. And guess</p> <p>5 what, it is too big. So now we're faced</p> <p>6 with trying to fill a hole, a gap about</p> <p>7 30 to 35,000 tons a year. That's why</p> <p>8 we're here, that's why we're negotiating</p> <p>9 with Cortland. This is the problem with</p> <p>10 incinerators. You have to feed them.</p> <p>11 They have a certain capacity and they</p> <p>12 have an appetite. It's a beast. You've</p> <p>13 got to feed the beast.</p> <p>14 I would offer to you that we're</p> <p>15 facing a junction here, we either try to</p> <p>16 make the best deal we can with Covanta</p> <p>17 and keep the incinerator going or we</p> <p>18 break ties with it. I would like you to</p> <p>19 entertain the thought of breaking ties</p> <p>20 with the incinerator. Let it go. There</p> <p>21 is a landfill down the street, you can</p> <p>22 throw out the trash for \$40 a ton or you</p> <p>23 can pay \$70 a ton here, maybe more.</p> <p>24 So I would also implore you to</p> <p>25 extend the period for public comment.</p>
<p style="text-align: right;">66</p> <p>1 Hughes</p> <p>2 as well as the people in Cortland</p> <p>3 County. Appreciate the time.</p> <p>4 CHAIRMAN KNAPP: Next is Don Hughes.</p> <p>5 DON HUGHES: Thank you, thank you</p> <p>6 for having this hearing. And I promise</p> <p>7 to be a little more concise. So my name</p> <p>8 is Don Hughes, I've been a member of the</p> <p>9 Sierra Club for many years. I've lived</p> <p>10 in the city of Syracuse since 1985. I</p> <p>11 served on the OCRRA board for about six</p> <p>12 years, 2003 to 2008, if memory serves.</p> <p>13 Those were the good years when OCRRA was</p> <p>14 making money. We had high electricity</p> <p>15 prices, we had lots of trash.</p> <p>16 And, but prior to that I worked with</p> <p>17 a group, you've heard of it Vicki Baker</p> <p>18 mentioned it, Recycle First. We were</p> <p>19 trying to stop the construction of the</p> <p>20 incinerator. We thought it was a bad</p> <p>21 deal for the community. Bad from an</p> <p>22 environmental point of view but also bad</p> <p>23 from an economic point of view. In fact</p> <p>24 one of our primary reasons to oppose the</p> <p>25 plant was not air emissions, was not ash</p>	<p style="text-align: right;">68</p> <p>1 Hughes</p> <p>2 This DEIS was released only thirty days</p> <p>3 ago or not even, we have a thirty day</p> <p>4 public comment period, that's not enough.</p> <p>5 This is a major community decision.</p> <p>6 This is like Interstate 81. It's a big</p> <p>7 deal. We need more time, okay? So</p> <p>8 extend the public time period to at</p> <p>9 least September. We need to have that.</p> <p>10 And I would reiterate the comments</p> <p>11 of Brian Solomon who said that we need</p> <p>12 transparency. And we're looking at one</p> <p>13 alternative here, this agreement ash to</p> <p>14 trash, ash for trash, but really what we</p> <p>15 need to do is look at the many</p> <p>16 possibilities that are in front of us.</p> <p>17 There is all kinds of permutations of</p> <p>18 how the relationship between OCRRA and</p> <p>19 the County is with Covanta. So we need</p> <p>20 more time. We need more indemnity. And</p> <p>21 I appreciate the fact that you're having</p> <p>22 this public hearing here.</p> <p>23 So on the economics, \$40 a ton</p> <p>24 versus \$70.00 a ton. A differential of</p> <p>25 \$30 a ton. We get rid of about 330,000</p>

<div data-bbox="695 44 740 77" data-label="Page-Header">69</div> <div data-bbox="34 79 727 1031" data-label="Text"> <p>1 Hughes</p> <p>2 tons a year. You're looking at \$10</p> <p>3 million a year potential savings. Think</p> <p>4 about that. There is also this debt</p> <p>5 tied to the incinerator of I think the</p> <p>6 number was 45 million bond that has to</p> <p>7 be paid off.</p> <p>8 Another consideration. Some</p> <p>9 environmental aspects, this is the</p> <p>10 Environmental Impact Statement so let's</p> <p>11 not forget about that. Mercury</p> <p>12 emissions are a major issue with trash</p> <p>13 incinerators, always have been. What's</p> <p>14 going to happen when we start bringing</p> <p>15 in Cortland trash? Does Cortland have</p> <p>16 any kind of thermometer, mercury</p> <p>17 thermometer program, mercury recovery</p> <p>18 from thermostats? We can see a big</p> <p>19 increase in mercury coming into the</p> <p>20 plant if Cortland gets imported.</p> <p>21 There is also the matter of C&D</p> <p>22 waste, construction and demolition</p> <p>23 waste, that can have mercury from old</p> <p>24 thermostats and other stuff.</p> <p>25 Greenhouse gases. Let's talk about</p> </div>	<div data-bbox="1474 44 1520 77" data-label="Page-Header">71</div> <div data-bbox="808 79 1495 1031" data-label="Text"> <p>1 Hughes</p> <p>2 around here. 80 percent is the</p> <p>3 statistic that I heard. And that's from</p> <p>4 someone you should know, that's folks</p> <p>5 over at the Regional Planning</p> <p>6 Development board.</p> <p>7 The other aspect of greenhouse gas</p> <p>8 emissions has to do with generation of</p> <p>9 methane from landfills. A highly</p> <p>10 variable factor. And I'll leave it at</p> <p>11 that. There may be a benefit from</p> <p>12 burning compared to land-filling but</p> <p>13 there is a lot of assumptions that goes</p> <p>14 into that.</p> <p>15 Finally, I want to talk about</p> <p>16 transportation of the ash. I would like</p> <p>17 you strongly to consider the fact that</p> <p>18 we're going to be putting lots of trucks</p> <p>19 on Interstate 81, sending ash up the hill.</p> <p>20 And by my calculations it's going to</p> <p>21 come to something like 3,300 or more</p> <p>22 trips per year. You're going to have</p> <p>23 about a dozen trucks a day on the road.</p> <p>24 And I don't know if you've driven 81 in</p> <p>25 the winter time but it sure is prone to</p> </div>
<div data-bbox="695 1041 740 1075" data-label="Page-Header">70</div> <div data-bbox="34 1077 727 2016" data-label="Text"> <p>1 Hughes</p> <p>2 greenhouse gases for a little bit. I</p> <p>3 believe that the benefits of burning</p> <p>4 trash compared to land-filling have been</p> <p>5 greatly exaggerated. For one thing when</p> <p>6 you move the ash up to Cortland we're</p> <p>7 looking at a major elevation increase.</p> <p>8 I don't have the exact number but it's</p> <p>9 over 400 feet and it may be well over</p> <p>10 that. So having these trucks go up</p> <p>11 there is, you're going to have much less</p> <p>12 fuel economy.</p> <p>13 Another more important factor is the</p> <p>14 electricity generation. When you</p> <p>15 generate electricity from the</p> <p>16 incinerator it has been, OCRRA is fond</p> <p>17 of saying however, replacing fossil fuel</p> <p>18 generated electricity. But that's not</p> <p>19 actually true. Because almost all the</p> <p>20 electricity in these parts comes from</p> <p>21 nuclear or hydropower. There is a</p> <p>22 little bit more that comes from wind,</p> <p>23 there is a tiny bit that comes from</p> <p>24 coal, a little bit from gas, but really</p> <p>25 nuclear is the big source of electricity</p> </div>	<div data-bbox="1474 1041 1520 1075" data-label="Page-Header">72</div> <div data-bbox="808 1077 1583 2016" data-label="Text"> <p>1 Hughes</p> <p>2 accidents. And God help us if we have</p> <p>3 an accident with an ash truck, because</p> <p>4 that's happened before. We had, when I</p> <p>5 was on the board at OCRRA, we had an ash</p> <p>6 truck that just leaked, didn't spill out</p> <p>7 its guts it just leaked some ash on the</p> <p>8 road surface of 81 and it turned into</p> <p>9 this greasy slimy condition. And only</p> <p>10 by the grace of God no one got killed.</p> <p>11 That ash is also, as you heard, rather</p> <p>12 toxic.</p> <p>13 So I would urge you to consider the</p> <p>14 big picture here. Should we keep our</p> <p>15 relationship, our tight relationship</p> <p>16 with this incinerator or just let it go?</p> <p>17 I strongly suggest to you let it go.</p> <p>18 Thank you.</p> <p>19 CHAIRMAN KNAPP: Thank you. That</p> <p>20 was the last speaker that we've had</p> <p>21 signed in. Is there anyone else who</p> <p>22 would like to? Please state your name</p> <p>23 and address.</p> <p>24 DEBBIE GATES GAFFNEY: Hi, my name</p> <p>25 is Debbie Gates Gaffney and I live at</p> </div>

Gaffney

1
2 6034 Single Tree Lane in Jamesville. I
3 really don't speak at these things and
4 I'm speaking because I've had a couple
5 of days notice about this.

6 My first point is that I strongly
7 believe it's absolutely imperative that
8 we have time to educate ourself and form
9 an educated opinion. I also want you to
10 all think about this in a human way too.
11 I'm wondering specifically how many of
12 you have children or grandchildren? I
13 have two small children that I left
14 tonight to be here. I have a 21 month
15 old and a 9 year old. The concerns that
16 have been raised already are of great
17 concern to me.

18 I think we need to have a baseline
19 study of what kinds of substances,
20 toxins, metals are being emitted into
21 the air, the soil and the water. And I
22 want to see some research studies about
23 what is considered to be safe and what
24 is considered to be dangerous, what the
25 risks are. I want to know what the

Gaffney

1
2 relative risks are for myself and my
3 children. And I think not only do we
4 need more time for this and we need to
5 find out really what are the risks that
6 we're taking? The health risks and
7 environmental risks relative to the
8 monetary gain?

9 And to keep my comments short I
10 would say and I would ask each of you to
11 think what your choice would be. I
12 think it's important to be fiscally
13 sound and for us to be able to survive
14 in an economic and monetary fashion.
15 However, given the choice between
16 developing cancer or one of my children
17 developing cancer and dying from cancer
18 or even the extreme measure of having
19 Onondaga County go bankrupt. My choice
20 would be for Onondaga County to go
21 bankrupt rather than me dying of a toxin
22 related to this incinerator or having
23 one of my children die from that.

24 And I would encourage each of and
25 every single one of you sitting here

Wolfson

1
2 tonight to think about this. To think
3 about what is more important, is it more
4 important that we pass this agenda here
5 and let Covanta go ahead with this?
6 What would be most important to each and
7 every one of you sitting here? What
8 would your choice be?

9 **CHAIRMAN KNAPP:** Thank you. Is
10 there anyone else? Yes, doctor?

11 **MICHAEL WOLFSON:** I believe members
12 of the Legislature are aware when this
13 facility was built there were I believe
14 guarantees built into the process by the
15 state Legislature that guaranteed that
16 the citizens of Onondaga County would
17 not be on the hook financially for any
18 expenses if this facility were to go
19 belly up. Then the citizens of the
20 County would not be paying, would not be
21 paying anything as a result of that. It
22 would be the bond holders and the owner
23 of the facility that would be on the
24 hook for that.

25 **CHAIRMAN KNAPP:** Thank you.

Wolfson

1
2 Anything else? I now declare the public
3 comment period closed. Are there any
4 comments from either committee?

5 **VICKI BAKER:** David, can I ask when
6 you might make a decision about
7 extension of the comment period or does
8 it end on the 14th?

9 **CHAIRMAN KNAPP:** Chairman, do you
10 want to say something?

11 **CHAIRMAN McMAHON:** That's the first
12 time we heard this request and we'll
13 consider the request and make it public.

14 **VICKI BAKER:** Will it be before June
15 14th?

16 **CHAIRMAN McMAHON:** It will be before
17 June 14th.

18 **CHAIRMAN KNAPP:** Okay, doctor, last
19 one.

20 **MICHAEL WOLFSON:** I would just
21 second that request to extend the
22 comment period.

23 **CHAIRMAN KNAPP:** Thank you any other
24 comments from the Legislators? Again, I
25 would like to thank everyone for coming,

Knapp

thank you to Supervisor Michalenko and
the entire Dewitt Town Board too for
making the space available to us. And
have a nice evening and drive safely.

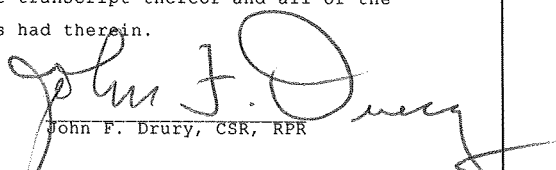
Thank you.

[Conclusion of public hearing at 8:05 p.m.]

* * * *

C E R T I F I C A T E

This is to certify that I am a Certified.
Shorthand Reporter and Notary Public in and
for the State of New York, that I attended and
reported the above entitled proceedings, that I
have compared the foregoing with my original
minutes taken therein and that it is a true
and correct transcript thereof and all of the
proceedings had therein.


John F. Drury, CSR, RPR

Dated: June 11, 2014