Final Generic Environmental Impact Statement
For the Draft Solid Waste Management Plan

Capital Region Solid Waste Management Partnership Planning Unit

CHA Project #: 19283

Prepared For:

Capital Region Solid Waste Management Partnership
Albany, NY

Prepared by:

CHA
III Winners Circle
Albany, NY 12205

February 2011

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For the Draft Solid Waste Management Plan

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LEAD AGENCY:
City of Albany Common Council
24 Eagle Street
Albany, NY

PROJECT SPONSOR:
City of Albany Department of General Services
1 Connors Boulevard
Albany, NY

CONTACT PERSON:
John C. Marsolais, City Clerk
City Hall, Room 202
24 Eagle Street
Albany, NY 12207
(518) 434-5090

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CHA Project #: 19283

PREPARED BY:
CHA
III Winners Circle
Albany, NY 12205

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Appendix A – Written Comments on the Draft SWMP/DGEIS
Appendix B – Transcript of the Public Hearing Held on October 25, 2010.

1.0 INTRODUCTION AND SUMMARY

This document is the Final Generic Environmental Impact Statement (FGEIS) for the Draft Solid Waste Management Plan (SWMP) for the Capital Region Solid Waste Management Partnership Planning Unit (formerly known as ANSWERS). Currently, the Planning Unit operates as an informal consortium with the City of Albany as the lead participant. As of January 2009, the Planning Unit included 2 cities, 7 towns, and 3 villages in Albany County, as well as the City of Rensselaer and the Town of East Greenbush, in Rensselaer County.

The SWMP for the Planning Unit defines the key elements of the future solid waste management program for the region, for the years from 2011 through 2030. It includes all the components of a full solid waste management plan as required by NYSDEC regulations. The major elements of the SWMP are:

- the continued utilization of existing solid waste management facilities and programs in the Planning Unit;
- the expansion of existing waste reduction and recycling programs throughout the Planning Unit; and
- the development of new capacity for both recycling and for the treatment of post-recyclable solid waste on a regional basis to provide the necessary economies of scale to support a more fully integrated solid waste management program.

A Steering Committee consisting of key stakeholders was appointed for purposes of the providing input and guidance assisting in the preparation of the SWMP. The Steering Committee included a representative from each community that is a member of the Planning Unit as well as other stakeholders. After its first meeting in November of 2008, the Steering Committee met on a monthly basis from January 2009 through March of 2010. These meetings were open to the public. The minutes and presentations of these meetings were posted on a website to provide for transparency and broad public access. At its meeting on February 9, 2010, the Steering Committee endorsed the preferred alternative of the SWMP that had been presented to it. At its final meeting on March 9, 2010, the Steering Committee reviewed the changes to the text of the draft SWMP that had been made as per the February meeting, and the SWMP was sent to the City of Albany Common Council. The Common Council is the Lead Agency for the review of the SWMP pursuant to the State Environmental Quality Review Act (SEQR) under Part 617 of the New York Compilation of Codes Rules and Regulations.

The Common Council initiated lead agency coordination for the SWMP on May 19, 2010 and declared itself Lead Agency for this action by adopting Resolution No. 81.71.10R on July 19, 2010. In its resolution of July 19, 2010, the Council also issued a Positive Declaration, determining that a Draft Generic Environmental Impact Statement (DGEIS) was needed for the SWMP. Upon this determination, the DGEIS documents were prepared and submitted to the Common Council on August 24, 2010. The Common Council accepted the SWMP/DGEIS as complete for purposes of SEQR by resolution 90.91.10R on October 4, 2010. The acceptance of the SWMP/DGEIS, its availability for review, and the opportunity to provide comment was noticed in the October 9, 2010 edition of the Albany Times-Union and the October 13, 2010

edition of the Environmental Notice Bulletin. A public hearing was conducted by the Common Council on October 25, 2010, and the public comment period closed on November 19, 2010.

This FGEIS has been prepared and accepted in accordance with the requirements of SEQR. The FGEIS consists of the Draft SWMP/DGEIS (which is incorporated by reference in its entirety), this introduction and summary (Section 1), the response to comments (Section 2), the revisions to the Draft SWMP (Section 3), all written comments on the Draft SWMP/DGEIS (Appendix A), and the transcript of the public Hearing held on October 25, 2010 (Appendix B).

The only change to the SWMP, as presented in Section 3 of this FGEIS, is a revised Figure 6-1 Implementation Schedule. The changes presented in this revised schedule do not have a material effect on the conclusions reached in the Draft SWMP/DGEIS.

As noted in the Draft SWMP/DGEIS, the elements of the SWMP, along with the preferred administrative structure and implementation schedule are intended to progressively reduce the amount of materials that require disposal through the year 2030. Overall, no significant adverse environmental impacts are anticipated to result from adopting and implementing this SWMP. Beneficial impacts to the community, the environment and the solid waste management system currently in place for the Planning Unit are anticipated.

There are several key beneficial impacts that will result from the successful implementation of this SWMP. This SWMP includes long-range plans and strategies that upon implementation will increase the recovery of the currently designated recyclable materials as well as add additional designated materials for mandatory recycling, among other measures, and is expected to result in an overall waste diversion rate of 65% by the year 2020. The development and operation of a regional solid waste treatment facility for post-recyclable solid waste would reduce the amount of waste requiring disposal at a landfill facility to 13.5% of total waste generation, or a landfill diversion rate of almost 87%.

Overall, the beneficial impacts related to the SWMP include the reduction in the need for new disposal infrastructure and associated impacts related to operations, job creation, the reduction of GHG emissions, and energy conservation. Less land will be necessary for disposal and therefore there will be a reduction in the potential for long-term environmental liabilities from these facilities. Enriched soil quality will result from the use of composting, along with reduced energy demands for manufacturing, as well as decreased demand for virgin materials and natural resources and the associated reduction in environmental impacts.

After reviewing the comments and respective responses, there are no substantive changes to the conclusions presented in the DGEIS with respect to the impacts anticipated to result from the SWMP. Therefore, this FGEIS concludes that no significant adverse environmental impacts are anticipated to result from adopting and implementing this SWMP.

2.0 RESPONSE TO COMMENTS

This section of the FGEIS presents a summary of the comments made on the SWMP/DGEIS by subject area. When multiple comments were made on a single topic, the substance of the comment has been summarized and excerpts of the individual comments are presented. Both the summarized and individual comments are presented in italic type. A response to each comment is presented after each comment.

For organization purposes the comments and responses have been numbered within each subject area. Each comment has been attributed to one or more individual commentator, also for organizational purposes. Table 2-1 presents an index of commentators.

TABLE 2-1 INDEX OF COMMENTATORS
ORAL COMMENTS
OC1: Tom Ellis
OC2: Russell Ziemba
OC3: Jim Travers
OC4: Greg Bell
OC5: Sally Cummings
WRITTEN COMMENTS
WC1: Andy Arthur
WC2: Tom Ellis
WC3: Sally Cummings
WC4: Barbara Warren
WC5: Timothy Truscott
WC6: Bertil K. Schou
WC7: James Travers

REDUCTION, REUSE AND RECYCLING

GENERAL

Comment RRR1: The Plan lacks sufficient detail on how to implement waste reduction and recycling programs.

"The plan lacks clear goals and processes for members of the loose coalition community of ANSWERS to effectively increase diversion rates." ***WC1***

"With respect to waste minimization, reuse, and recycling, the report is not really a "plan" as the word is usually understood, with specific strategies, targets and dates to achieve identified goals, but an outline or a series of ideas, often vague, planners can pick and choose from, or ignore as they see fit. If aggressive education, enforcement, waste reduction and recycling programs are going to be set up and utilized, why are precise details of these initiatives so skimpy or nonexistent in the report?" ***WC2***

Response: The SWMP includes all of the elements for both a Comprehensive Recycling Analysis and Local Solid Waste Management Plan as required by NYSDEC Regulations (see 6 NYCRR 360-1.9(f) and 6 NYCRR 360-15.9, respectively). In addition, the SWMP includes all of the waste reduction and recycling elements of the May 2009 SWMP Modification, which is incorporated by reference. Goals and objectives of the SWMP are presented in Section 1.3 of the Draft SWMP/DGEIS.

Comment RRR2: Government has an important role in promoting efficient markets, by fostering remanufacturing, recycling, and composting.

"Landfills and incinerators are most expensive way to dispose of most wastes. It's almost always cheaper to beneficially use waste and scrap products in the manufacturing of new products". ***WC1***

"Whenever it's not cost-effective for private businesses to engage in material recovery, government should step in using subsidies from taxes on waste disposal to increase material recovery." ***WC1***

"Transfer stations should remain publicly owned, especially for recycling, composting, and remanufacturing collection, although communities can choose to contract out their administration if it makes sense for them." ***WC1***

"Glass fines, when not marketable should be used for aggregate, road construction, and blasting materials." ***WC1***

"…glass is especially difficult to recycle once it is collected." Andela Products of Richfield Springs, New York is cited as a company which manufactures products using pulverized glass materials. ***WC5***

Response: The SWMP endorses the promotion of efficient markets for recyclable materials, remanufacturing, and the composting of source separated organic waste to meet its goals of maximizing waste reduction and recycling. The Plan includes an extensive discussion regarding the methods available to subsidize material recovery and recycling programs, which often cost more than programs which simply rely on waste disposal facilities.

With respect to comment on transfer stations, this seems to refer to existing convenience type transfer stations/recycling facilities that are currently operated by several of the municipalities that are members of the Planning Unit. The SWMP assumes that these sites would continue to operate as determined by their respective municipal owners.

Regarding the comment on the use of glass fines, this may refer to the glass residue from the processing of recyclable glass containers. Using this residue for a beneficial purpose, rather than being disposed of, is consistent with the intent of the SWMP.

Comment RRR3: The SWMP should include a state-of-the-art system for waste reduction re-use and recycling

"As far as I know the City of Albany has no formal waste minimization or reuse programs of any type at this time." ***OC1***

" ..the City of Albany has the opportunity to devise and implement a state-of-the-art system for waste reduction, re-use and recycling which will benefit its residents for decades to come. The City's leaders should seize the opportunity and lead Albany into a new era." ***WC5***

Response: The expansion of waste reduction and recycling programs is one of the central themes of the SWMP. Public education and outreach programs have been developed and are being implemented to help achieve the waste reduction and recycling goals of the SWMP (see response to Comment RRR16). Besides the continued expansion of existing programs for recycling and waste reduction, the SWMP also calls for the addition of new mandatory recyclable materials, and the establishment of one or more compost facilities to process source separated organic waste (SSOW). Finally, the SWMP also calls for the development of a regional solid waste treatment facility to further minimize landfill disposal requirements for post recyclable solid waste. With the successful implementation of all these programs and facilities, it is expected that only 13% of total waste generation would require landfill disposal, or a landfill diversion rate of about 87%.

WASTE REDUCTION

Comment RRR4: The SWMP provides few details about how, when, and if, the waste reduction programs it identifies will be implemented

"The CHA report has good ideas and others SPB opposes. For example, on pages 6-3 and 6-4 of the March 11, 2010 draft, there is a list of ten steps the planning unit can take to minimize residential waste generation. These include:

- *Promote PAYT [Pay As You Throw] system implementation;*
- *Educate consumers about how to consider waste reduction and product packaging when they are making purchasing decisions;*
- *Promote the use of existing programs that re-use or redistribute materials in the second-hand marketplace;*
- *Promote the concept of repair instead of replacement:*
- *Aggressive education and enforcement programs; and*
- *Aggressive waste reduction and recycling programs.*

These ideas are all excellent. However, the report provides very few details about how, when, and if, they could or would ever be implemented." ***WC2***

"*More emphasis should be placed on capturing materials discarded by university students*". **OC2**

Response: See Response to Comment RRR1.

Regarding PAYT, see Page 6-4 of the SWMP.

Consumer education on waste reduction and re-use is and will continue to be undertaken by the PURC through a number of media and venues. See Page 6-4.

Regarding capturing materials discarded by university students for re-use and recycling, as noted on Page 6-4, the PURC will seek to partner with organizations (which could include the local colleges and universities) to promote the use of the existing local reuse infrastructure.

Comment RRR5: Waste reduction measures should include both legislative measures and local programs.

"It is important to look at two approaches to Waste Reduction for our purposes.

1. *Legislative Measures Geared Toward Extended Producer Responsibility or Product Stewardship.*
2. *Reductions in Waste Collected for Disposal by Municipal Systems.*
   a. Backyard Composting
   b. Special Collections
   c. Requirements for Large Deliveries
   d. Web Exchanges and Public Information
   e. Demolition and Renovation
   f. Flea Markets & Backyard Sales
   g. Zero Waste Event promotional Materials" ***WC5***

"I ask you to look at a comprehensive approach, perhaps even outlawing some types of things, plastic bags, minor things like that create a hazard, you know, people will change their ways of doing things." ***OC2***

Response: The SWMP incorporates waste reduction measures already adopted in the 2009 SWMP Modification, and as such the Planning Unit Recycling Coordinator is already implementing many of the specific suggestions made by Commentator WC5.

The SWMP also includes a specific provision to support statewide legislative measures for Product Stewardship.

Comment RRR6: One commentator noted that long-term waste reduction policies may help address some fiscal challenges being experienced at various levels of government.

"*At the local government level, beneficial programs which are not optimally funded because of budget constraints will have more opportunity to serve the people they were designed to serve. At the state and national level, not as much of the governments' annual budgets will be consumed by the need clean up waste sites. Individual Citizens will have more money available in their household budgets to accomplish things which make their lives better.*

Government budgets at the local, state and national level are being seriously strained today. At all levels of government, ways need to be found to reduce operating costs.

"Long-range waste reduction policies are a logical, economically viable and important alternative to today's situation." ***WC5***

Response: The comment is noted. Reduction in the expenses associated with waste disposal are among the many benefits of waste reduction.

RE-USE

Comment RRR7: The SWMP should have more discussion of reuse programs.

Few details are provided to "promote the use of existing programs that reuse or redistribute materials in the secondhand marketplace…idea to minimize residential waste generation mentioned in the report is to promote the concept of repair instead of replacement, but where are the details on this? ***OC1***

"CHA's use of the word "detailed" is problematic. Where are the details? Reuse is barely discussed in the report." ***WC2***

There is ample infrastructure available to provide opportunities for the re-use of items. These opportunities simply need to be promoted, and the public needs to be educated about them.… Organizations Which Promote and Facilitate Re-use of Items:

-The Freecycle Network™
-AlbanyNYReUseIt Group
-Habitat Re-Store
-Historic Albany Foundation Parts Warehouse
-ElFun Society Computer and Peripherals Rehab
-Capital City Rescue Mission
-Goodwill
-Salvation Army ***WC5***

"Actively promote the organizations in the region which re-use goods and help publicize and promote the services these organizations provide." WC5

"The public needs to be educated as to the value of re-use and how to take advantage of these opportunities." WC5

Response: Re-use initiatives from the 2009 SWMP Modification are incorporated by reference. We are in general agreement with WC5's comment that there is ample infrastructure to provide opportunities for re-use, and would note that several of the organizations and facilities are already advertised and promoted on the Planning Unit Recycling website www.capitalregionrecycling.com . There are over 30 companies listed on the website for various reuse categories. More companies and facilities will continue to be listed as the Planning Unit Recycling Coordinator is made aware of them.

Comment RRR8: More emphasis should be placed on building deconstruction as a means of reducing waste by re-using salvaged building materials.

"*An emerging industry which has the potential for significantly reducing C&D in the waste stream is that of building deconstruction..….. This approach allows renovation projects to be undertaken using recycled materials and actually saves on total project costs. The rate of recycling in these projects may range from 75 percent to 97 percent, and thereby keeps large volumes of material out of landfills"* ***WC5***

"I would ask that this common council look at an ordinance that requires fifty percent of construction and demolition materials be salvaged." ***OC2***

Building rehab should be favored over deconstruction. ***OC2***

Response: The SWMP recognizes that waste minimization in the construction and demolition sector can be advanced by promoting policies which favor rehabilitation/reconstruction over demolition/new construction, and where building demolition is necessary, policies which favor building deconstruction and material recovery for reuse and recycling over more typical current practices of total teardown.

The City of Albany is leading the way in thus effort with its recently enacted Ordinance Number 68.102.09 (as amended) amending chapters 133 (Building Construction) and 375 (Zoning) in relation to demolition procedures. Among other things the ordinance now requires review by the Planning Board prior to the issuance of permits for building demolition. As part of the Board's review, consideration is given to whether building restoration is a more appropriate alternative. In addition, the ordinance requires a minimum of twenty-five percent (25%) of construction and demolition debris generated from applicable construction, remodeling, or demolition projects shall be diverted from disposal to landfills through recycling, reuse and diversion programs. Separate calculations, plans and reports are required for the construction portion and demolition portion of projects.

Comment RRR9: Local government should support and subsidize reuse operations and should pick up used furniture for re-use.

> *"Reuse operations can and should be supported by government assistance. Integrating reuse operations with other government programs can maximize the overall benefits to a municipality…Municipalities must overcome the idea that because they are in the waste business they cannot subsidize reuse. It may be useful to find the funds from different departments because of the multiple benefits. The reality is that, over time, small initial subsidizes can benefit the municipality into the future. This is very true of Urban Ore in Berkeley California. This was initially operated as a non-profit and Berkeley provided support. Now it is a profit-making enterprise with quite a few jobs. Yet Berkeley is provided with an outlet for goods that is less costly than trucking them for landfill disposal."* ***WC5***
>
> *"The City of Albany, as well as other municipalities in the region, could make pick-ups of used furniture and transport it to the Mission storage facility. One might ask, how can the City justify the expense of collections? The answer is that if the furniture is not re-used, the City will collect it anyway as part of its garbage collections and it will end up in the City landfill. Landfilling will be a more expensive solution to the disposal of used furniture than will collection for re-use." WC5*

Response: The commentator suggests that local government should support re-use infrastructure that he had previously noted were ample and adequate (see Comment RRR7). There is no explanation of how this support should be provided, nor is there a budgetary estimate of the amount of support that should be provided or a recommendation on a source of revenue that can be used to provide that support. Therefore, the comment is not substantive.

With respect to the comment about the City of Albany providing collection of used furniture, it should be noted that many of the facilities and organizations which accept reusable furniture donations will provide a pick-up service upon request. It is not reasonable to have the City incur this expense when this alternative is available.

RECYCLING

Comment RRR10: Residential recycling rates will not improve significantly unless organic materials are recycled.

> *"As much as we may try to improve the rate of residential recycling, it is impossible to significantly improve the overall recycling rate of the total non-organic portion of the solid waste stream by more than a few percent. This does not mean that the improvement of residential recycling should not be pursued, but we should recognize its limits in improving the overall recycling rate"* ***WC5***

Response: The comment is noted. Maximum recycling rates without the addition of new designated recyclables, including SSOW, was examined as part of Alternative Scenario #1. Under that scenario, the estimated maximum recyclable diversion rate is approximately 49%, about 16 percentage points lower than the estimated maximum diversion of 65% for the proposed SWMP.

Comment RRR11: More resources should be provided to education and enforcement aimed at increasing recycling in the commercial sector.

The city and towns should invest most of it's education money in putting new recycling bins and increasing recycling collection into new areas, such as large apartment buildings and commercial areas. ***WC1***

"There is great potential for recovering recyclable materials from the commercial sector of the solid waste stream. The commercial sector deserves as much of the educational and enforcement resources as the residential sector, and more." ***WC5***

"Mandatory source separation of recyclables from commercial, industrial and institutional sources was established when Section 313-16 was added to the City Code on October 1, 1990. … yet it has never been seriously enforced. In fact, there is not information available on what the recycling rate is for the commercial sector of the solid waste stream." ***WC5***

"In Albany, most of the public discussion about recycling seems to involve residential recycling. While residential recycling is important, that segment of the solid waste stream does not have the greatest potential for recovering significant volumes of discarded material. The largest volume of recyclable material is probably on the commercial recycling area (including multiple-unit dwellings), based upon the experience of other recycling programs" such as in Onondaga County, NY. ***WC5***

"While no formal study information is available, anecdotal evidence indicates that New York State government heavily to the problem of solid waste disposal in the Albany area. State employees do not receive enough recycling education and recycling is not enforced. As a consequence, many recyclable materials (especially paper) end up in the landfill when they could be recycled into new products. Similarly, large quantities of organic materials are landfilled when they could be composted." ***WC5***

Response: As part of the Inter-Municipal Agreement between the Planning Unit municipalities executed in connection with the SWMP Modification, all of the municipalities have enacted local laws or ordinances which mandate recycling from commercial establishments. The SWMP incorporates the SWMP Modification by reference.

In December 2009, the City of Albany sent a written notification to all commercial property owners reminding them of the mandatory source separation requirements. After that letter was circulated, the Department of General Services requested that the major commercial haulers in the City provide information about the number of new accounts for recycling collection at commercial establishments in the City since December 2009. Based upon the response from two commercial haulers, as of June 2010, an additional 175 commercial customers had added recycling services since December 2009

Regarding New York State Government recycling programs, these programs are managed by the New York State Office of General Services (OGS). The OGS issues an annual report on the results of its waste reduction and recycling programs, which can be accessed on the internet at http://www.ogs.state.ny.us/. Based on the most recent annual report, over 4,000 tons of recyclable materials are recovered and diverted from landfill disposal from the OGS state office complexes that are located in the Planning Unit. This most recent report does not include the tonnage of source separated food waste that is now being recovered in dining facilities in the Empire State Plaza. That program, which started in April 2009, is described on Pages 5-11 of the SWMP.

Comment RRR12: "Public space recycling should be standard.

Every public trash can in the SWMP must be next to a recycling bin – preferably larger and more visible then the trash can. WC1

Response: The City is in the process of installing recycling containers next to existing trash receptacles in public places and has already done this at 20 locations. More public space recycling containers have been earmarked in the City's 2011 budget.

RECYCLING GOALS

Comment RRR13: The SWMP's 65% recycling goal is not aggressive enough.

Plan identifies 65% as the maximum achievable reduction; a higher reduction is desirable but not pursued by the plan …. this is done to help justify a new waste disposal facility. ***OC1***

"…recycling goals to set and not to meet is just a terrible thing. We had a recycling goal several years ago but we really didn't pay any attention to it, there's no belief that we'll pay attention to it in the future." ***OC3***

Response: As noted in Section 6.1.1 of the SWMP, the waste diversion and recycling goals reflect both current goals (as set forth through 2011 in the SWMP Modification) and the maximum expected diversion that is achievable with the implementation of the expanded waste reduction and recycling elements that are part of the SWMP. Section 6.1.1 also notes that implementation of a continuous improvement process in connection with both current and future waste reduction and recycling program efforts could help achieve results beyond the stated goals. Discussion and analysis of the maximum expected diversions are presented in Sections 4.3 and 4.5 of the SWMP.

Comment RRR14: The SWMP should have recycling goals for the years 2021 through 2030.

"… the new plan defines the key elements of the future solid waste management program for the region for the years 2011 through 2030. On Page Executive Summary 5 this contains a timeline for each year from 2010 to 2020 for total waste diversion and recycling goals with a goal of 65 percent established for the year 2020 but no numbers are provided for the years 2021 through 2030, this is very a serious omission." ***OC1***

"On the one hand CHA insists the planning unit will pursue "aggressive education and enforcement programs" and "aggressive waste reduction and recycling programs," but then says it will be very difficult to get above a 65 percent rate even twenty years from now. In life we know that if you aim low you achieve low; aim high and you might achieve great things. "If, with "aggressive education and enforcement programs" and "aggressive waste reduction and recycling programs," a 65 percent diversion rate is to be achieved by 2020, then surely diversion rates far above 65 percent should be attainable by 2030?" ***WC2***

Response: Regarding waste diversion and recycling goals beyond the year 2020, there is no need to go beyond the 10 year time horizon at this time. Waste diversion and recycling goals beyond 2020 will be developed in the future as part of a SWMP update. It is worth noting that the new statewide SWMP (Beyond Waste) has proposed a change in the manner in which the achievement of waste reduction and recycling goals are measured. This new metric would look at both disposal and recycling tonnage on a per capita basis, and measure annual increases and decreases in per capita recycling and disposal.

EDUCATION

Comment RRR15: Recycling education should be started in the schools.

> *"I just wanted to say that this has been going on for a couple of years, solid waste management plan, and part of it is supposed to be education and I was wondering, since we now have a recycling coordinator, anything has been done about educating our children. This is where we're going to get our future cooperation of people to put all this in action and it seems to me that it should have been started. What is everyone waiting for?"* ***OC5***
>
> *"While it is important and even essential to have a recycling educational effort directed at all age groups in the population, it is especially important to begin recycling education in early grade school."* ***WC5***

Response: As noted by Councilman Sano in his remarks at the public hearing where this comment was made, City of Albany public schools have a recycling container in each classroom. In his school the recyclable material containers are emptied by designated students who collect the material from the classrooms every week.

Recycling has been introduced to all schools in the City of Albany, including public, private, charter and parochial schools. In addition, the Planning Unit Recycling Coordinator (PURC) has created several school models for demonstrations within the schools. Each model is geared toward an age group. To date, 5 demonstrations have been held at schools since the implementation of recycling in the schools in September of 2009. The City's school recycling program is summarized below:

- Purchased 1500 bins
- 35 schools are participating
- The City of Albany has invested $30,000.00
- Created and/or obtained educational material and curriculums and distributed them to all schools.
- Introduced the Magic of Recycling, a fun innovative magic show that promotes recycling to kids k-4th, in all elementary schools.

Introduced a waste reduction & recycling curriculum package to all schools, including a poster to be displayed throughout the school.

In addition all materials, models and information has been shared with the each local Recycling Coordinator in the Planning Unit so they my do the same in their municipalities. These materials, as well as information on starting a program in the schools, are located on the PURC's website.

Comment RRR16: Public education and outreach are important elements to the success of the recycling program.

> *"Recycling education should not make judgments on people's lifestyle, but give people straightforward information on how to recycle."* ***WC1***
>
> ***"****All of the new Recycling Initiatives are poorly defined and not matched by any information about what is happening within partnership communities. Since a new website with this information was supposed to be developed it would have been nice to mention it in the plan."* ***WC4***
>
> *"Continued enforcement of the local laws mandating source separation for recycling through a system of public education and outreach is essential to having a successful recycling program….A*

professional recycling team must be employed to spread the recycling message and bring technical assistance to the residents, schools, and businesses….. A professional recycling team must be employed to spread the recycling message and bring technical assistance to the residents, schools, and businesses...Recycling Specialists will visit any waste generator that may be in violation to determine the source of the problem and to assist in designing a recycling program which will capture the mandated recyclables." ***WC5***

Response: The SWMP recognizes the importance of public education and outreach to the success of waste reduction and recycling programs. The PURC along with recycling coordinators in each of the municipalities in the Planning Unit have been and will continue to engage in these education and outreach programs to meet the waste reduction and recycling goals of the SWMP.

The PURC and the local recycling coordinators meet frequently to exchange ideas and information. Most recently this group has formulated two new brochures. The first new brochure educates the public about the 4Rs of waste reduction, reuse, recycling, and refusing to buy products that are packaged in non-recyclable materials. The second new brochure promoted backyard composting and gives residents advice on how to get started and successfully compost their garden and kitchen wastes.

These new brochures are being printed for distribution and will also be available on the PURC's website www.capitalregionrecycling.com.

Comment RRR17: Extensive and frequent communication is necessary to maintain a high recycling rate.

"To keep the public informed of the recycling program, an ongoing and extensive public communication program must be established…In order to maintain a high recycling rate, frequent communications from the solid waste organization is necessary to advise those who recently moved to the area as to the local recycling rules, to remind current residents of what's recyclable, and to inform the public of special events." ***WC5***

Response: See response to Comment RRR16.

Comment RRR18: "The value of recycling education is overstated -- the most common reason people do not recycle is the lack of convenient recycling options. WC1

Response: We disagree with this commentator's opinion about the value of recycling education. See response to Comment RRR16.

ENFORCEMENT

Comment RRR19: The SWMP should provide additional information on enforcement of mandatory recycling.

"…there are no details provided in the report about enforcing recycling laws among residents of the partnership municipalities." ***OC1***

"The current plan lacks penalities or formal sanctions for non-compliance." ***WC1***

"Nothing was offered about how enforcement would occur in the residential sector even though the issue of vigorously enforcing existing recycling laws in Albany was raised at several meetings." ***WC2***

"Regulation and Enforcement regarding Commercial haulers is supposed to be an essential part of the new program but there are few details in the Plan and no evidence of a developed program for all of the partnership communities." ***WC4***

"When needed, Enforcement Officers must be available to supplement the efforts of the business and apartment Recycling Specialists. An Enforcement Officer would call on businesses and apartment buildings when it is determined that other approaches have not resulted in cooperation. Each enforcement officer would spend a significant portion of the week inspecting loads of solid waste at the solid waste district's tipping station(s) or disposal facility to ensure that those loads containing recyclables are issued warnings and/or violations." ***WC5***

Response: Increased education and enforcement of mandatory recycling requirements, especially for commercial, institutional, and industrial (CII) waste generators (including multi-family residential) are underway as part of the implementation of the SWMP Modification.

The SWMP also notes that random inspections are conducted at Rapp Road Landfill for loads with excessive amounts of designated recyclables. Haulers (and the waste generators they service) discovered to be delivering recyclable materials for disposal at the landfill are now and will continue to be subject to follow-up education and enforcement efforts. Failure to comply and repeated delivery of contaminated loads could result in loss of disposal privileges and imposition of fines. In addition, commercial waste haulers are now required to provide annual reports to the City regarding the nature of the recycling and waste recovery programs being implemented by them in each municipality in the Planning Unit.

The details of a municipality's enforcement of its mandatory recycling law, such as those suggested by commentator WC5 are beyond the scope of the SWMP. Those details are best left to local jurisdictions, which can determine what programs work in the context of local conditions and circumstances.

ZERO WASTE

Comment RRR20: Zero Waste should be a goal of the SWMP.

"The term "zero waste" is mentioned in the report although it receives little attention." ***WC2***

"I think that working towards zero waste and achieving very lower levels of waste are very possible." ***OC2***

"A plan that showed in detail that Albany and its partner communities could expand zero waste programs to reduce, reuse, recycle and compost the majority of the waste as a least cost option is not a plan that Albany's consultants wanted to produce. A plan that actually showed the environmental benefits of doing so and the social benefits including jobs would then require that the City pursue zero waste programs." ***WC4***

"If recyclables were recycled, this leaves 458 tons per day to be managed…If the compostables are composted this leaves just 259 tons per day… But this doesn't address the fact that yard waste was not properly counted… ***WC4***

…Waste reduction and Reuse have largely been left out of this plan and are essential zero waste programs. All zero waste programs in combination are the key to higher diversion rates and lower costs…. " ***WC4***

"… while it may seem impossible to achieve zero waste, it is a goal we should work toward." ***WC5***

Response: During the formulation of this SWMP, there has been some discussion about whether a "zero waste" goal should be adopted as part of this Plan. While this concept has various definitions in different places, zero waste typically refers to the minimization of waste that must be ultimately disposed of. Based on discussion that took place at the Steering Committee meeting on February 9, 2010, Section 6.0 and Section 6.1.1. of the SWMP now incorporate a discussion of the concept of zero waste as an aspirational goal, and the continuous improvement in waste reduction and recycling (beyond the 65% achievement already noted for the year 2020).

Comment RRR21: The SWMP should include the development of a Resource Recovery Park.

> *"A Resource Recovery Park would bring many jobs and putting into practice Zero Waste principles would be wiser than what this plan offers."* ***WC7***

Response: The commentator does not elaborate on how he defines a Resource Recovery Park, but it is assumed he is referring to an eco-industrial park where reuse reduction and remanufacturing facilities can be co-located. A recent study by CalRecycle referred to a Resource Recovery Park as the co-location of reuse, recycling, compost processing, manufacturing, and retail businesses in a central facility: a facility to which the public can bring all their wastes and recoverable materials at one time.

While it was not specifically referred to as a "Resource Recovery Park", the SWMP calls for the development of one or more drop-off facilities to provide residents and businesses with more complete selection of waste reduction and recycling opportunities. Such a facility would include a one-stop location to accept all designated recyclables, as well as for selected MSW components such as electronics, motor oil, fluorescent light bulbs, a swap shop to promote re-use of second-hand items, as well as a volume-based (PAYT) user charge for solid waste disposal.

The SWMP did not identify potential sites for this resource recovery park. Some existing resource recovery parks are co-located at landfill sites as part of an integrated solid waste management facility operation. Such a location may not be feasible at the Rapp Road landfill site because it may be precluded by the Pine Bush habitat restoration that is being implemented as part of that project.

It also worth pointing out that several private companies and non-profit organizations already provide many standard functions of a resource recovery park. For example, County Waste and Metro Paper, among others, already provide market outlets for recyclable materials in the Planning Unit. Another example is the Habitat for Humanity Re-Store in the City of Albany, which provides an outlet for the donation and sale of used furniture and salvaged building construction materials.

SOURCE SEPARATED ORGANIC WASTE

Comment RRR22: The SWMP should include the development of composting facilities for source separated organic waste.

> *"In-vessel composting of food, kitchen, and other organic wastes in urban areas is highly desirable. The composted product can be used as clean fill and other construction projects."* ***WC1***
>
> *"Paper wastes recovered through such a problem, if not marketable, should be used as a source of carbon, and shredded for composting at municipal composting facilities."* ***WC1***
>
> *"It is desirable to collect waste food and compost it in order to remove it from the larger waste stream, as it is one of the most active ingredients in generating methane in landfills and makes recycling other materials in the mixed waste stream more difficult. … After recycling, the*

amount of food waste disposed is approximately 37% of all waste disposed. … with a very strong residential collection program, we are talking about 37% multiplied by about 50% recovery which is approximately 15-20% of the disposed material. It is unknown how much Albany disposes each year." ***WC5***

"In some parts of the country, commercial composting of waste food from food processors, institutions and restaurants has been successfully undertaken. One of the most successful of these is Peninsula Compost Group, which operates a facility in the Port of Wilmington, Delaware. Peninsula's Wilmington facility has not yet operated a year and designed with a capacity of 600 tons per day.

As of June, 2010, they were receiving approximately 300 tons per day and growing. Peninsula receives waste food from a 100 mile radius of Wilmington. It attracts customers by offering tipping fees which are lower than what would be charged at commercial landfills, thereby saving the customers money on disposal. The finished compost, which takes eight weeks to process, is sold by the truckload for landscaping purposes. Peninsula employs the Gore method of composting, which utilizes the patented Gore fabric to cover the composting windrows while they age. The fabric retains the heat generated by the aerobic process, as well as the moisture in the composting material." ***WC5***

Response: The SWMP recommends the development of a compost facility for SSOW to service the existing planning unit (see Executive Summary page ES-9 and Section 6.1.1.4).

Comment RRR23: "When food waste/organic composting is rolled out to residential neighborhoods, it should occur in sealed containers that reduce fruit flies and other animals from getting into it, and keep smells in the containers." WC1

Response: As noted in Section 6.1.1.4, the development of SSOW processing capacity will require modifications to existing waste collection infrastructure and operations. This SWMP envisions an initial focus on large CII generators of food waste and other SSOW. These large SSOW generators will need to provide the critical impetus to support the development of initial SSOW processing capacity in the Capital Region Planning Unit. After that initial SSOW processing capacity is established, incremental expansions into the residential waste sector can be pursued, initially with pilot programs designed to determine the best approach for full scale residential sector implementation.

The details of the residential collection program for SSOW are beyond the scope of the SWMP, but it is likely that such a program would include the use of sealed containers, which have become standard practice in food waste collection.

Comment RRR24: One commentator suggested two locations to consider as sites for a source separated organic waste composting facility.

"The City of Albany should build a food waste and other organics composting plant at the site of their existing Erie Boulevard Composting Plant/former municipal landfill." ***WC1***

"The Town of Bethlehem should build a second food waste and other organics composting plant at the site of their existing composting site on Fuera Bush Road, in this industrial area. This could also be utilized by rural towns and farm businesses." ***WC1***

Response: The selection of site for the location for the SSOW facility is beyond the scope of this SWMP. Preliminary site determination is an early implementation item shown on the schedule on Figure 6-1, which has been updated as part of the SWMP/FGEIS.

Comment RRR25: "The SWMP should consider the views of the Albany County Farm Bureau and other farm businesses, food producers, and retailers such as grocery stores more carefully." WC1

Response: The comment is noted. As mentioned in response to Comment RRR24, large SSOW generators will need to provide the critical impetus to support the development of initial SSOW processing capacity in the Capital Region Planning Unit. It is also worth noting that an informal SSOW task force has been convened and has met on several occasions to promote progress in this area.

Comment RRR26: "The best way to implement waste food collection is to use an incremental approach, depending upon the sources of waste food." WC5

Response: We concur with the commentator. As noted in Section 6.1.1.4, the SWMP recommends that the initial focus of the SSOW program focus on large commercial and institutional generators of food waste and other SSOW. After initial SSOW processing capacity is established, incremental expansions into the residential sector can be pursued.

MUNICIPAL RECYCLABLES COLLECTION

Comment RRR27: One commentator suggested changes to the City of Albany's recyclables collection program.

> *"The City of Albany should continue to provide free pick up of recyclables, organic wastes, and consider free or low cost pick up of recyclables from all businesses and apartment buildings." WC1*
>
> *"The City of Albany should collect all plastic containers and seek to develop markets to sell them to, including subsidizing new businesses that would locate in city to proceed No 3-7 plastics into salable materials."* ***WC1***
>
> *"The City of Albany once a month should provide free pick up of electronic waste and household hazardous waste to all residents. City residents should be able to call a toll free number and schedule a pick up or schedule one online."* ***WC1***

Response: The SWMP is not intended to prescribe in detail how and from whom the City of Albany or other municipalities in the Planning Unit will provide collection services for recyclables, organics, electronic waste and HHW. Instead the SWMP is intended to provide a broad framework within which each community can develop its own curbside collection program details.

Collection of HHW and electronic waste is currently accomplished at various drop off locations around the Planning Unit, as described in the SWMP. In addition to continuing these programs, a new element of this SWMP will be the development of one or more drop-off facilities to provide residents and businesses with more complete selection of waste reduction and recycling opportunities. Such a facility would include a one-stop location to accept all designated recyclables, as well as for selected MSW components such as electronics, motor oil, fluorescent light bulbs, a swap shop to promote re-use of second-hand items, as well as a volume-based (PAYT) user charge for solid waste disposal.

In addition, the NYS Electronic Equipment Recycling and Reuse Act was signed into law on May 28, 2010. The law requires manufacturers to establish a convenient system for the collection, handling, and recycling or reuse of electronic waste. Manufacturers of covered electronic equipment will be responsible for implementing and maintaining an acceptance program for the discarded electronic waste, with oversight by the NYS Department of Environmental Conservation.

Comment RRR28: One commentator suggested changes to other towns' recyclables collection program, while another suggested that the SWMP should allow a more flexible approach.

"All other towns should provide free drop off of electronic waste and househould hazardous waste at least one Saturday and one weekday evening each month at their respective transfer stations." ***WC1***

"All other towns should be prohibited from charging any fees on their recycling, composting, or remanufacturing programs. They should instead obtain all revenues for running recycling programs through taxes on solid waste disposal." ***WC1***

"Allow different communities to have different resource recovery programs. Rural communities need not implement food waste collection, but instead should work to increase recycling of agricultural plastics and feed bags and similar waste. Suburban communities should put a priority on expanding e-waste materials." ***WC1***

Response: See response to Comment RRR27.

SINGLE STREAM RECYCLABLES

Comment RRR29: One commentator noted that single stream is the preferred method of recyclables collection. Other commentators questioned single stream was an appropriate method to collect and process recyclables.

"While it should not specify a method of collection of recyclables, single stream recycling in urbanized areas is preferable as it's simpler for residents, lowers collection cost." ***WC1***

"Single stream recycling does reduce the value of some materials, but it's accessibility to the every man and woman far offsets any lost." ***WC1***

"..(the) County Waste (single stream collection program) has a simple solution. Well, that's a terrible message for people to learn" ***OC4***

"While single-stream recycling may increase the tonnage of materials going into a MRF, or the percentage of the solid waste stream going into a MRF, that is not the same as the tonnage of sorted material coming out of the other end of the MRF. Potentially recyclable material is lost because of contamination created when paper and cardboard is mixed with the other materials…

These claims of contamination of paper and cardboard have been substantiated by paper and cardboard recyclers, as well as by a study conducted by CM Consulting on behalf if the Container Recycling Institute (CRI)…

The report finds that there are many negative downstream impacts of contaminated feedstock due to the mixing of materials through single-stream curbside collection…

So, the question is, "Are the Citizens being best-served by dual-stream or single-steam recycling?" While more research needs to be done, it appears that single-stream recycling does not have all the advantages claimed by proponents." ***WC5***

Response: The advantages and disadvantages of single stream recycling and dual stream recycling were presented to and discussed by the Steering Committee in their deliberations leading to the formulation of the SWMP.

Section 5.3.1.4 presents a summary of the advantages and disadvantages of single stream recycling. That section also notes that many of the nation's largest waste companies are developing single stream recyclables collection and processing capacity. This trend arrived in the Capital Region In January 2010, when County Waste announced its intention to develop a single stream MRF at its existing dual stream MRF on South Pearl Street in Albany (Sierra Fibers) and that it has begun to provide single stream recyclables collection to all of its residential customers in the Capital District. The single stream facility on South Pearl Street reportedly began operation in November 2010.

Single stream recycling is a recommended component of the SWMP. In Section 5.5.1 it is noted that maximizing the recovery of currently designated recyclables will also include the implementation of single stream recyclables collection along with a local MRF which can accommodate and process the single stream recyclables. It is assumed that the single stream MRF would be developed by the private sector as a commercial venture. While a single stream MRF would be available, communities would be free to continue their use dual stream recycling if they believe that method is maximizing material recovery and recycling.

SOLID WASTE FACILITIES AND TECHNOLOGIES

RAPP ROAD LANDFILL

Comment SWF1: Several commentators made specific comments about the City of Albany's Rapp Road Landfill.

"I'm very opposed to the expansion and continued use of Rapp Road as the Albany dump. It's in the Pine Bush aquifer in a very threatened ecosystem and even though the newer sections are lined, much of the landfill is unlined, there's a problem there." ***OC2***

"We believe the primary reason for this failure is that Albany has operated the landfill as a cash cow that pays for the City's operational expenses. Thus the City has little long term motivation to properly manage solid waste. Albany's need for current income always trumped the need to close the existing landfill." ***WC4***

"I am concerned about what the City of Albany intends to do about is growing Landfill debt for the following reasons: a.) Past and continued use of Landfill Revenues for the general operation of other City services rather than paying off the bonds issued for the landfill, and b.) the discussion at a City of Albany General Services meeting (recorded on videotape) for possibly transferring the (City of Albany's) landfill debt to a future Regional Landfill Authority such as discussed in the Solid Waste Management Plan update. The City of Albany should not be allowed to transfer its debt, it would be like someone reaping the benefits from credit card purchases, and then passing the debt onto someone else. The SWMP must be clear that all debt incurred by Albany in the operation/construction of the landfill shall be the sole responsibility of the City." ***WC6***

"If decisions were made to safeguard the remaining landfill space, enforce recycling and remove food and other organic wastes that could be composted, the current expansion would not have been necessary. The members of the Answers community did not benefit from the landfill revenues, rather they have been hurt by the revenue based decision-making by the City which owns and operates the current landfill." ***WC6***

"We need safeguards to prevent the selling off of valuable landfill space by taking in unprecedented volume as done in 2006 when combined ADC and PCS almost doubled the total waste tonnages. During the period when the stench from the current landfill that permeated our area was the highest generating thousands of complaints, there was a decision made to bring in as much revenue as possible by taking in the enormous and unnecessary amount of Alternative Daily Cover. The financial gain by the City of Albany, which received income for each ton of ADC, was at the expense of our health and welfare. Not to mention a profound impact on quality of life issues, especially for the residents, visitors and businesses of the Village of Colonie." ***WC6***

Response: These issues related to the financing, construction, and operation of the City of Albany's Rapp Road Landfill are beyond the scope of this SWMP. Furthermore, these issues were already fully addressed during the SEQR process associated with the issuance of the permits for the Eastern Expansion.

COEYMANS LANDFILL SITE

Comment SWF2: Several commentators made specific comments about the City of Albany's property in the Town of Coeymans that had previously been proposed as a landfill site.

"And I'm also opposed to the creation of the proposed landfill. I think it's a bad location." ***OC2:***

"If you are thinking of considering to build a waste center later on the parcel of land that Albany owns in Coeymans, you still have the same problems, sites with 25 national historic landmark status, slave cemetery, you have the Army Corp of Engineers to contend with trying to bridge a freshwater creek to gain access to this site or else you have the Thruway authority to build you off ramps to the site, and in these fiscal times I don't think any of this is feasible." ***OC3***

"The SWMP should detail how the City should dispose of the unneccessary Coeymans C-2 parcel that at one time was planned to be used for a municipal landfill for the SWMP.

- *The City of Albany should sell C-2 Coeymans property to NY State for the creation of a Coeymans Wildlife Management Area/Public Hunting Grounds.*
- *This parcel would provide excellent small game and large game hunting opporunities, along with quality trout fishing in Coeymans Creek.*
- *This purchase could be underwritten by Federal Aid in Wildlife Restoration* Fund P*rogram and Pittman-Robertson funds.*
- *The City should ask the DEC to fully fund the Division of Lands and Forests, to provide needed funds to administer the Coeymans Wildlife Management Area."* ***WC1****:*

"It seems that the City of Albany does not want to get out of the garbage business; otherwise they would have sold the Coeymans site after realizing a landfill cannot be built there. Are there plans to possibly build an incinerator and/or other infrastructure at the (Coeymans) site? Have the residents of the Town of Coeymans been adequately notified of the SWMP effort?" ***WC6***

Response: The SWMP does not propose the development of a landfill at the Coeymans site.

In Section 5.3.1.10 it is noted that there is insufficient landfill capacity is to justify the significant investment in new infrastructure that would be needed to establish a new landfill at this location. While it may be possible

for this site to be developed for one or more of the other waste management facility components that may be proposed by this SWMP, the widespread presence of wetlands and requirement of significant investment in new infrastructure will also make this difficult. Further study will be needed if one of these uses is contemplated at this site in the future.

Comments related to the City's disposition of this property are beyond the scope of this SWMP.

The Town of Coeymans has been notified as an interested party of the Common Council's SEQR determinations related to the SWMP and on the availability of the Draft SWMP and DGEIS.

WASTE TO ENERGY

Comment SWF3: Several commentators made specific comments expressing concerns about garbage incineration.

"I'm also very opposed to garbage incineration, it's the worst way of dealing with garbage because it -- yes, you can get some income from it but it's a very small percentage and the pollutants in the form of vapors and ash are very toxic." ***OC2***

Dioxin emissions are a source of public health concern. ***OC4***

At the May 19, 2009 steering committee meeting, I asked CHA and Bill Bruce what specifically would be burned in a mass burn waste-to-energy facility such as they had discussed at that meeting, and, despite a follow-up question from me, they could not identify any item or category of items that would be destroyed in such a facility. ***WC2***

"I believe that it does not make sense for the City to be saying that it is trying to improve its recycling reduce and reuse, if it is planning on using an incinerator to burn the trash. These are two conflicting objectives - i.e. if you are trying to reduce the amount of trash generated, and you also need to guarantee a certain amount to be burned/treated each day, it would be reasonable to suppose that they would use recyclable materials to make up the amount needed to keep the fires burning." ***WC3***

"Air quality would significantly be impacted by any incineration of wastes, especially on the scale which is referred to in the SWMP." ***WC6***

"For the Onondoga incinerator the Plan somehow manages to leave out payment on the capital costs. This change would make the cost per ton over $80, not $41. It is not a surprise to find that the cost analysis for scenario #3 shows the lowest cost per ton. Such pre construction estimates don't often reflect reality or future maintenance and repairs requiring millions of dollars in further investment…. incineration is the most expensive solid waste management method available and stories in the media are documenting the problems. …as we know from experience with incinerators built with excess capacity—shortfalls in tonnage are a real problem for the sponsoring community. This has caused Washington and Warren counties to pay for waste shortfalls at the Hudson Falls Incinerator and a similar situation at the Dutchess County Resource Recovery Incinerator" ***WC4***

Response: While the SWMP calls for the development of a regional solid waste treatment facility to further minimize landfill disposal requirements for post-recyclable solid waste beyond what would be achievable with the implementation of the waste reduction and recycling programs elements, it does not endorse conventional waste-to-energy technology over any of the other emerging technologies. The economic analysis that was performed as part of Alternative Scenario 3 was for a conservatively sized facility which would not have excess capacity.

A generic discussion of environmental impacts associated with a regional solid waste treatment facility is included in Section 5.6.6, and are summarized in Tables 5-14 and 5-15. Additional discussion is presented in

Section 6.4.3, where it is noted that many potential impacts will be facility specific and site specific and, as such cannot be fully examined at this time. However, this facility will be subject to the comprehensive regulations of the NYSDEC and as a result it is expected that any potential adverse environmental impacts associated with the development and operation of the facility would be minimized and mitigated to the maximum practical extent. Specific impacts related to construction and operation of such a facility will also be evaluated through the SEQR process.

Commentator WC4 is incorrect in her assertion that the amortization of capital cost is excluded from the data on the OCRRA facility presented on Page 5-14. The estimated solid waste treatment facility costs presented in Table 5-8 are include reasonable allowances (in excess of $1 million annually) for future equipment replacement and repairs.

ANAEROBIC DIGESTION

Comment SWF4: ***One commentator believes that anaerobic digestion (biogas) should have more representation in the SWMP and that anaerobic digestion is a more beneficial process than composting for organic waste disposal.***

> *"I didn't count how many pages are in this document but certainly a few hundred but in that I only found one, slightly less than one page, which mentioned anaerobic digestion. I believe that anaerobic digestion, also called biogas is a significant solution to the solid waste problem."* ***OC4***
>
> *"The problem is compost gives you as a result it gives you soil, I mean, that is a wonderful product but that's all it basically gives us."* ***OC4***
>
> *"We're the capital city why aren't we running our city buses on biomethane? We don't have the political will for it and that's why I'm here, to try to encourage political will. There's no reason why we can't be source separating our organic waste from hotels, restaurants, hospitals, from universities, from all the different sources for food waste, we can source separate that out, run it into the anaerobic digester, clean it up and run things like buses.*" **OC4**

Response: Anaerobic digestion is summarized in Section 5.3.2.2 and is compared to other alternative technologies in table 5-4. Anaerobic digestion is considered an emerging technology because it does not have widespread application for MSW management in the United States. This technology has been employed with MSW feedstock in Europe by companies that have responded to recent solicitations by other jurisdictions, such as New York City and Los Angeles, and it is also being employed in some European countries to process a source separated organic waste feedstock. The use of this technology is becoming more widespread in Europe because it is supported by waste management policies which ban the disposal of organic waste from landfills and by energy policies which provide economic incentives to generate energy from alternative fuels. The absence of these policies in the United States is likely inhibiting the emergence of this waste management technology in this country.

None of the respondents to the RFI proposed the use of anaerobic digestion technology.

Discussions with representatives of a New York based company, who did not respond to the RFI, and that is seeking to develop projects using anaerobic digestion indicated their interest in projects with organic waste feedstock, but not MSW feedstock.

ALTERNATIVES

Comment SWF5: ***"Scenario # 1 from the Alternative Implementation Scenarios section, which would retain the size of the existing planning unit, does not include designation of additional recyclable materials as called for in Alternative Scenarios # 2 and 3? Why not?" WC2***

Response: Alternative Implementation Scenarios were developed specifically for the purposes of comparative evaluation. Scenario #1 was intentionally developed as a base case against which the other scenarios could be compared.

Comment SWF6: ***Several commentators thought that different alternative scenarios should have been examined in the SWMP or that different alternatives should have been recommended for implementation by the SWMP.***

"Some variation of Scenario # 1 is the best option. It greatly minimizes financial risk to local governments and taxpayers, creates a powerful incentive to quickly and aggressively maximize recycling and reuse, and minimize waste generation. Scenario # 1 allows for the development of a variety of of small, low-cost facilities to reuse, exchange, repair, recycle, and compost discarded materials. Such facilities would stimulate economic development, build communities, be more flexible to changing needs, easier to establish and discontinue, generate many more jobs, be less risky financially, and save and/or recover far more energy than a centralized, large or giant-sized disposal (resources destruction) facility." ***WC2***

*"…we believe a more realistic scenario could have been constructed with more organic waste composting under For food scraps alone, the amount should be around 200 TPD, and a facility also doing yard waste should have been considered for Scenario #2 that would have shown substantial cost advantages over scenario #3."****WC4***

"It would seem to me that if the City could concentrate on reduction of trash that needs to be consumed/burned/landfilled or otherwise treated and eventually, with diligent work, reducing the amount left to 80% or more of total amount collected, it would only be necessary to "treat" a small percentage of the generated trash which could then be transported to another facility, and would eliminate the need for a "treatment facility" to be installed and save a huge amount being spent and huge amount of debit being incurred…Suggestions on how further reductions may be achieved include compost facilities, salvage centers for household items, collection centers for specific types of solid waste, building materials collection centers, and expanded hazardous waste pickup operations." ***WC3***

"Dr. Neil Seldman, President of the Washington DC based Institute for Local Self-Reliance offered at no cost his assistance in educating the steering committee and the Albany Common Council on how to establish an economy based in part upon "Waste To Wealth," but was rejected. All waste alternatives have not been explored and therefore the Plan is insufficient." ***WC7***

Response: The selection of the Alternative Scenarios to be evaluated and the preferred elements of the SWMP were based on the consensus opinion of the Steering Committee. The commentator's recommendation that Alternative 1 should be selected is not compelling. He presents no evidence as to how it would be superior to the proposed elements of the SWMP with respect to stimulating economic development, building communities, generating more jobs, and saving and recovering more energy.

Commentator WC4 miscalculates the food waste tonnage available for composting as 200 TPD. The commentator must realize that not all food waste that is generated is recoverable for composting. Considering that food waste represents 18.7% of the MSW delivered for disposal, assuming a very aggressive recovery rate of 75% of this food waste for composting, this would represent approximately 27,000 tons per year, or about 100 tons per day. The commentator is directed to Section 4.3 of the SWMP which includes a materials recovery analysis that indicates a likely maximum 36,700 tons of SSOW per year could be collected from the Planning Unit, which includes food waste, compostable non-recyclable paper, and the yard waste that is not already being recovered for composting. The economic analysis of the SSOW facility in Table 5-7 assumes an annual throughput of 40,000 tons per year.

The comment that Neil Seldman did not have the opportunity to present his alternative to the Steering Committee or the Common Council is without merit. See Response to comment PP1 and PP3.

MECHANICAL SEPARATION

Comment SWF7: ***One commentator noted that mechanized waste separation technologies still rely on combustion of their residuals to recover energy and that this combustion can result in harmful environmental impacts.***

> *"..it does admit that plastics go into the product which is burned and incinerated. Now I think it should be well known by now, we went through the burn plan over here on Sheridan Avenue, we should know by now what that means. When you burn plastics you get a 100 percent certain result this is -- other results may not be 100 percent certain but the 100 percent certain result is that you will get dioxins out of the system, this is a neurotoxin. We should not be creating a system for putting neurotoxins into the atmosphere, it's just bizarre, it's a total violation of human health.…any of these mechanized systems that purport to separate out everything after everybody throws everything, their combined, unseparated in one pile is wrong."* ***OC4***

Response: The commentator is referring to an emerging technology referred to as Mechanical Biological Treatment, which can result in the production of a refuse derived fuel which can then be combusted in a boiler or a cement kiln. See response to Comment SWF3.

MATERIAL RECOVERY FACILITIES (MRF)

Comment SWF8: ***One commentator noted that the arrangements for owning and operating the Material Recovery Facilities (MRF's) and the arrangements for the sale of the commodities recycled must be such that the taxpayers' interests are protected.***

> *"The arrangements for owning and operating the Material Recovery Facilities (MRF's) and the arrangements for the sale of the commodities recycled must be such that the taxpayers' interests are protected. The cost of accomplishing the recovery of materials must also be low enough to make this task feasible; contracting out the task of operating the MRF may provide the lowest cost of operation. At the same time, there must be sufficient incentive that the contractor is rewarded for his efforts, while the taxpayers interests are protected."* ***WC5***

Response: The SWMP does not have a provision for the public ownership or operation of a new MRF under the sponsorship of the existing Planning Unit or by the Regional Solid Waste Management Authority that is the recommended implementing agency for the SWMP. The Planning Unit communities currently rely on privately operated material recovery facilities to market the recyclable materials that are collected as part of their respective municipal programs.

RESPONSIBILITY FOR PLAN IMPLEMENTATION

GENERAL

Comment RPI1: Several commentators thought that the City of Albany should not be leading this planning effort or the Planning Unit.

"But as far as coordination between these fourteen communities, the consortium whatever you want to call it, there's not really the coordination you need to have Albany as lead agent in this matter because even though Albany has passed this comprehensive recycling law the other people dumping on Rapp Road don't have that same law in their communities, so there's not a coordinated effort to really oversee our waste management at our current landfill rather than on twenty years in the future." ***OC3***

"why is it Albany's responsibility, in these fiscally strapped times, to manage the capital district's garbage?" ***OC3***

"Absolutely nothing has been included in this waste plan that demonstrates the continued commitment of partnership entities to working together to implement a collective waste plan. The only document we are aware of is the Intermunicipal agreement, which has not been made available in the Plan. Because it has not been made available we cannot determine whether sufficient authority and accountability exists within the partnership currently." ***WC4***

"The City of Albany should not lead the solid waste planning effort." ***WC6***

"…it is clear the City of Albany should not be allowed to lead any waste programs outside the City based on the operation of its Landfill." ***WC6***

"Albany's only obligation is to plan for disposing appropriately the waste generated by its citizens, its businesses and its institutions. Albany need not plan for the waste disposal needs of anyone else. It is not their obligation to do so and should certainly not be done in any case without the consent of those their planning may impact upon." ***WC7***

Response: With approval of the Eastern Expansion of the Rapp Road Landfill and the 2009 SWMP Modification, the City is committed to being the lead member of the Capital Region Solid Waste Management Partnership Planning Unit. Special Condition #26 of the Part 360 permit for the Eastern Expansion requires the City to develop a new SWMP.

All of the members of the Planning Unit have executed an intermunicipal agreement which, among other things, commits them to enhance their waste reduction and recycling programs as set forth in the SWMP Modification. The intermunicipal agreement is included in the 2009 SWMP Modification which has been available for review on the Planning Unit's website since June of 2009.

Comment RPI2: Several commentators disagreed with the concept of an expanded Planning Unit as recommended by the SWMP.

"You want to gather everybody's garbage from nine counties around that's way beyond the scope of your responsibility. It's nice to plan on a reasonable basis but it's not for the politically appointed committee to determine where all of those counties are going to go in the future." ***OC3***

"The solid waste planning unit should be retained as is, allowing municipalities and individual citizens the ability to choose the most cost-effective form of solid waste disposal.

- *The current system allows towns and cities to define recoverable materials as makes sense for their community's disposal needs.*

- *Towns and cities should not be required to host any disposal facility or recycling facility that they do not desire within their limits.*
- *Individual towns and cities should have the right to site within their own borders disposal and recovery facilities as they see fit.*
- *No public authority should be created.*
- *No publicly owned or subsidized landfill, incinerator, or other disposal facility should ever be built."* ***WC1***

"all that is really needed for the consortium to work together on a long term waste management plan is to adopt matching municipal ***ORDINANCES****, which stipulate the solid waste plan and implementation for the consortium and clarify responsibilities, authorities for each partner and overall objectives."* ***WC4***

"And here is the major question- who is interested in this larger regional waste authority than (sic) encompasses several counties? Half of the partner communities in the current partnership have not showed much more than minimal interest in the proceedings." ***WC4***

"The SWMP recommends the expansion of the Planning Unit. Based on this and the early drafts of the SWMP, a significant expansion might include as many as 9 counties. Currently, there are eleven members of the current ANSWERS Consortium. The Capital District area consisting of Albany, Rensselaer, Saratoga and Schenectady Counties contain about 78 municipal and county jurisdictions. The Greater Capital District Region referred to in the SWMP update process, would encompass several more counties. The impact of this proposal alone would be a profound impact on the community or communities selected for handling the wastes. The truck traffic alone, from 78 or more than 100 municipal and county jurisdictions calls for an environmental review, including review under Environmental Justice. This Draft and Final Environmental Review does not take this into account, considering the implications of the proposed planning unit expansion, this review is incomplete." ***WC6***

"It would make much more sense to limit the wasteshed to only the County of Albany. The general public nor the many other entities being considered for the four counties of the Capital District, or the Greater Capital District referred to in the plan, have not been adequately apprised of the SWMP being considered. The SWMP should not be approved when most of those affected have not had a say in its development." ***WC6***

Response: DEC regulations governing the preparation of SWMPs encourage cooperation and dialogue between neighboring planning units. This has occurred throughout the process of formulating this SWMP. Representatives of neighboring planning units, including MOSA and Schenectady County, have attended and participated in Steering Committee meetings. Mayor Jennings convened a meeting of representatives with leaders from Albany, Rensselaer, Saratoga and Schenectady counties to discuss regional cooperation on future solid waste management issues.

Albany County is now in the process of conducting a feasibility study to determine the feasibility of a solid waste management authority for the region. This study will research the economics and viability of a solid waste management authority. Many of the individual comments are related to this study.

Comment RPI3: "The current partnership is too small to enable the building of a large solid waste facility." WC4

Response: Comment noted, although this is not the primary consideration for recommending a regional solution. A larger and more formally organized planning unit will allow for more effective waste reduction and recycling programs at a lower cost.

SOLID WASTE AUTHORITY

Comment RPI4: Several commentators were concerned that if a solid waste management authority were created it would assume the City of Albany's debt for the Rapp Road Landfill.

"I was wondering, if a waste authority is formed if the current debt that has been caused by the landfill is going to be inflicted upon all the communities that are going to be part of the authority." ***OC5***

"I feel strongly that the City of Albany should not entertain the idea of forming an authority with other communities to deal with the trash issue. Other communities should not have to burdon themselves with Albany's trash and the debts that have already been incurred." ***WC3***

"According to one Albany Common Council member, also a member of the SWMP steering committee, Albany could dump its huge landfill-related debt upon the Authority so all the communities involved would be responsible for paying for Albany's mismanaged landfill and Coeymans C-2 site debt. This is exactly the kind of abuse our Governor-elect is concerned with doing away with." ***WC7***

Response: See response to Comment RPI2 regarding the Albany County feasibility study for the regional solid waste management authority.

The SWMP does not propose that debts associated with Rapp Road Landfill would be absorbed by Planning Unit municipalities. The question of whether Albany's landfill debt will be assumed by the Authority is premature and outside the scope of this SWMP.

Comment RPI5: the State of New York that cannot afford to be responsible for the debt, in case the Authority is disbanded.

"The State of NY does not need more public authorities, together they account for over 90% of the entire New York State debt. It is the State that is ultimately responsible for the debt in case the Authority disbanded, and it is unlikely that the State of New York can afford, or even will honor the debt. Consider the problem of faced by the City of Camden whereby that State of New Jersey has indicated it will not help the City make payments on its incinerator debt." ***WC6***

Response: See response to comment RPI2. Debt of the existing solid waste management authorities created under New York's Public Authority Law is not the responsibility of the State of New York.

Comment RPI6: Several commentators expressed concern that creating an Authority will cede local control over solid waste management.

"For local governments, the combination of ceding local control and simultaneously being required to make up authority budget shortfalls will be problematic. In this era of tight budgets, such an obligation would make short- and long-term budgeting even more difficult than today." ***WC2***

"Among the problems with authorities are they tend to be anti-democratic and unaccountable. Sometimes they are established for precisely for this reason. Authority directors would likely be appointed by elected officials. The elected officials would then be able to deflect criticism of unpopular authority decisions from themselves, saying they - the elected officials - did not make the decision, the authority did. Authorities are sometimes created to site hugely expensive, controversial, and unnecessary facilities; authorities are convenient mechanisms for borrowing large quantities of money for difficult-to-site facilities. Some unlucky municipality, probably one that is rural and poorly

governed, would likely be targeted by the authority for a large treatment facility its residents strongly oppose." ***WC2***

This Plan is advancing an idea for a larger partnership by proceeding from the top down—calling for legislation to establish an authority—rather that by working from the bottom up to establish a basis of support in participating communities. Currently even those within the so-called partnership are uninvolved. ***WC4***

"One of the problems in creating a Waste Authority is that once it has been created, communities under its authority will lose control of regulating their own garbage disposal and they will be forever locked in to the Authority, always subject to its whims and cost increases. The only way for a municipality to be removed from such a formal quasi-governmental agency, would be through an act of the NYS Legislature, releasing them." ***WC7***

Response: The ceding of local control is one of the disadvantages of an authority that was presented to the steering committee and is discussed in Section 5.4.2 of the SWMP. Solid waste authorities are created when the community believes that the benefits of forming an authority will outweigh the disadvantages. For counties or municipalities to become members of such authority, each of their legislative bodies would have to enact home rule messages to the New York State Legislature requesting that they be included. Therefore, such an authority were it created, would not be forced upon unwilling local governments.

See also response to Comment RPI2.

Comment RPI7: One commentator said the consultants who prepared the plan had a hidden agenda.

"A hidden agenda and purpose for Albany's solid waste management planning effort was to establish another Cash Cow for Albany, a solid waste AUTHORITY and secondarily to build a large solid waste treatment facility that will provide large fees for engineering consultants. The public and taxpayers will not benefit from a $554 million solid waste facility (likely an INCINERATOR) which will saddle them with capital debt for 30 years.

So by calling for an authority Albany consultants are saying they don't like democracy and democratic processes. Once an authority is established any bad project and any amount of money can be spent on it without voter approval. Thus the entire Long Term Planning Effort was undermined by a hidden agenda, to advance a large solid waste facility for an expanded multi-county waste shed." ***WC4***

Response: This comment is without merit. See response to Comments PP1, PP2, and PP3.

Comment RPI8: Several commentators were opposed to the creation of a solid waste authority because they claimed it would lack accountability and transparency. However, one commentator had a favorable comment about the transparency of the Onondaga County Resource Recovery Authority.

"I'm opposed to the concept of creation of another authority. Authorities are often not democratic. They are not accountable. They're generally not elected. They're appointed and they're usually not transparent. So they -- I don't think they're the best type of body for this type of thing." ***OC2***

"At this time public concerns about the lack of public accountability associated with authorities is actually overwhelmed by financial concerns by well positioned public officials. So it remains at least somewhat surprising that this Solid Waste Plan continued to advance the idea of an Authority…." ***WC4***

"…the three municipalities cited above (Tompkins County, Onondaga County's OCRRA authority and Chittenden County, Vermont's Solid Waste District all provide transparency with regard to operational information and finances. Information is available on each of their websites as to total tonnages of solid waste, tonnages of recyclables received, revenue from the sale of recyclables and expenses. Transparency with the public helps to encourage public cooperation with regard to recycling and other aspects of the solid waste system." ***WC5***

"Public Authorities do not have sufficient oversight or public involvement. Authority Board members are appointed rather than elected which is another way of removing the public from decision-making. Further, the 90% plus New York State debt incurred by public authorities exemplifies the out-of-control debt with little oversight to control spending/issuing bonds. Every day there is a new article about a State, County or local government that is unable to pay its bills and raising taxes and fees." ***WC6***

Response: See response to Comments RPI2 and RPI6.

Comment RPI9: A large public authority which developed an incinerator would create a disincentive to waste reduction and recycling.

"I am concerned with the possibility of creating a very large public authority that would not effectively reduce wastes in order to run possible waste incinerators. A large guaranteed flow of garbage is needed for waste to energy facilities, were tipping fees insufficient for the operation of all the elements of this Solid Waste Management Plan, it would likely be the municipal members which would be required to fill the gap." ***WC6***

Response: The success of the OCRRA program proves that a waste-to-energy facility can be developed and operated without negative effect on waste reduction and recycling programs. Notwithstanding this misplaced concern of the commentator, the SWMP does not propose the development of a waste to energy as a preferred technology for solid waste treatment. Furthermore, the regional solid waste treatment facility recommended by the SWMP will be sized to accept only the post-recyclable waste stream, and as such will not result in the disincentive to waste reduction and recycling.

Comment RPI10: A solid waste authority is not the only mechanism available to establish waste flow control.

"The reason an Authority would be necessary, the Committee was told and the plan explains, was to be able to effortlessly institute Flow Control, a practice mandating all waste within a designated geographic area be directed to a certain governmental owned or operated regulated waste facility, regardless of whether or not another perhaps privately owned facility offered a more affordable option." ***WC7***

"The City of Albany's Environmental Counsel, Ruth Leistensnider, Esq. was asked to prepare a memo regarding flow control and possible implementing options. She presented those options at a meeting of the Solid Waste Management Committee. Unfortunately the Plan as written chose to selectively remove any reference to other options presented by the City's own counsel and to present only the option of an authority." ***WC4***

Response: There are several other mechanisms for establishing flow control besides the formation of a solid waste authority and these were the topic of extensive discussion at numerous steering committee meetings. The commentator WC4 is incorrect in asserting that references to other flow control options that did not involve the formation of an authority have been selectively removed from the discussion. The substance of Ms. Leistensnider's presentation on Flow Control to the Steering Committee is presented in Section 5.4.3.

The ability to enact flow control legislation is only one of the reasons in the SWMP to support the recommendation of the formation of a regional solid waste management authority. In addition to the discussions in Section 5.4 and Section 6.2, the commentators should review the comments and responses from the Steering Committee on this topic, as shown in Appendix A of Volume 2 of the Draft SWMP/DGEIS.

Comment RPI11: ***One commentator recommended that the SWMP should strike any provisions relating to the creation of a public authority or government agency to deal with residual, and instead rely on individual citizens and business contracting for private disposal of residual waste.***

"The SWMP should strike any provisions relating to the creation of a public authority or government agency to deal with residual, and instead rely on individual citizens and business contracting for private disposal of residual waste – materials that cannot be remanufactured, recycled, or composted.

- *The solid waste plan should not include residual waste except to say it will be handled by private haulers.*
- *There is more then adequate solid waste disposal facilities in our country, there no need for new incinerators or landfills.*
- *Disposal options may be locally limited within Capital Region and within the borders of NY State, however many other states in our country have an excess of disposal capacity.*
- *The Solid Waste Plan should not specify any solid waste disposal facility or authority, but instead leave the decision to private haulers and privately owned disposal facilities.*
- *It is immoral and wrong for government to be subsidizing waste disposal.*
- *The Solid Waste Plan should make it clear that there should be no government subsidies, no long-term government contracts, no government-backed debt, or any other subsidy for waste disposal.*
- *Landfills and incinerators are a blight on the landscape and produce dangerous toxins that cause cancer, and they should not receive any government support at all.*
- *The SWMP plan should specify waste exploration via private collection, haulers, and facilities as the proposed alternatives.*
- *Many solid waste management units have chosen the private/long haul disposal route for residual wastes, leading to significant savings to citizens."* ***WC1****:*

Response: This commentator's suggestion is similar to the no action alternative presented in Section 5.2 of the SWMP/DGEIS. That is, let the planning unit disband and have each municipality fend for itself in the provision of solid waste management services. The no action alternative was rejected because it did not meet the goals and objectives of the SWMP, particularly the objective of maintaining or expanding the Planning Unit.

Comment RPI12: ***At steering committee meetings I attended, CHA and Bill Bruce indicated that creation of a regional authority is necessary for construction for a large treatment facility because a disposal facility such as they envision would not be economical in the much smaller existing planning unit. WC2***

Response: The economy of scale associated with a larger planning unit would facilitate the development of a solid waste treatment facility, and this is one of the benefits of a regional solid waste authority that is presented in the SWMP.

ECONOMY/FUNDING

Comment RPI13: Several commentators thought that economic development and job creation were not adequately addressed in the SWMP.

Job creation through recycling and reuse is not adequately addressed in the SWMP. ***OC1***
"Given the economic climate, failing to seriously examine the opportunities for economic development is irresponsible to taxpayers but most of all for the many people currently unemployed in the region." ***WC4:***

Response: These comments imply the notion that more jobs are created as a result of waste reduction and recycling than are created from waste processing or disposal, but the commentators provide no data to support this notion.

Nevertheless, it should be noted that the primary purpose of the SWMP is to maximize waste reduction and recycling in a coordinated, practicable manner within the Planning Unit, so to the extent that there are preferential employment benefits associated with recycling and reuse, then the programs to be implemented as part of the SWMP will result in those benefits. The SWMP also calls for the continued development and enhancement of the solid waste management infrastructure in the region, and notes that this will require new investments in facility construction and operations. An economic analysis of each alternative was included in Section 5 of the SWMP/DGEIS.

Comment RPI14: Several commentators had alternative suggestions for how to finance waste reduction, recycling and composting programs.

"A new tax on solid waste disposal should be implemented to fund government subsidized remanufacturing, recycling, and composting programs.

- *Solid Waste disposal should be highly taxed to account for the extranalities and social costs.*
- *A $40 a ton tax on top of all tipping and disposal fees would provide a predictable source of government supported and/or run recycling, composting, and remanufacturing programs.*
- *I strongly support pay-as-you throw, especially for commercial dumpsters and large generators of waste.*
- *Pay-as-you-throw for low volume producers -- like those who throw out less than 30 gallons per week should not be implemented, but only reserved for larger producers of waste.*
- *Many pay-as-you throw programs are very regressive, as they over charge small producers of waste while exempting large producers of waste. The program must be progressively structured, so smallest generators pay less.*

Solid waste generation is ***NOT AN INDIVIDUAL PROBLEM*** *but a societal problem, we should be taxing large generators of waste and not harassing individuals."* ***WC1***

"In Tompkins County an annual ***solid waste fee*** *is levied on residents, businesses and institutions. This annual fee combined with revenues enables funding of an aggressive waste reduction and recycling program. However, the consultants determined that this would not be practical because every municipality would need to agree on an annual fee and a mechanism for collecting it.*

Apparently the consultants believe that this would represent an impossible task when the municipalities currently are supposed to be coordinating waste reduction and recycling programs, and enforcing recycling requirements. The question is – is it really easier to just cede complete control to an authority and agree to pay whatever bill and whatever shortfall that develops than to work on an agreement on a fee and collection mechanism?" ***WC4***

Response: The imposition of a $40/ton tax suggested by WC1 is not practical or feasible. Such a tax imposed on waste delivered to the Rapp Road Landfill would cause that waste to be redirected to other facilities which did not levy such a tax. For such a tax to achieve its intended purpose, it needs to be levied on a statewide basis and in such a way that it does not result in the diversion of waste to out-of-state disposal facilities.

Regarding the comment on PAYT, large commercial generators are already somewhat incentivized because typical large commercial disposal accounts involve separate charges for container rental and hauling and disposal of the full containers. The comment on PAYT as a regressive policy has some validity. It has been suggested by some that PAYT is discriminatory against low income households, particularly those with large families, and this is also a legitimate concern that must be addressed when considering the implementation of PAYT.

The annual waste fee levied by Tompkins County has been an effective mechanism for funding that County's waste reduction and recycling program and in ensuring that tax-exempt educational institutions pay their fare share of the cost of the County's solid waste management programs. Because the existing Planning Unit is not coterminous with a county government, it is not empowered to levy a solid waste fee similar to Tomkins County.

DEFICIENCIES IN THE SWMP

IMPLEMENTATION SCHEDULE

Comment DIS1: The implementation schedule provides insufficient detail.

"The following passage from Pages 6-12 of the SWMP provides insufficient detail: "A detailed implementation schedule for the SWMP is presented in Figure 6-1, through the year 2020. While it contains a detailed listing of activities, and allows for functional dependencies between tasks, the schedule is intended to be a generalized representation of SWMP implementation. The start dates and finish dates are not intended to be actual dates or deadlines, and all dates should be considered approximate. Many of the components of the existing SWMP components related to waste reduction and recycling will be ongoing throughout this period. Many of these activities will be conducted periodically rather than continuously, but for ease of presentation all are shown as a continuous line.

The above quoted sentences should be read a few times. How can something be simultaneously detailed and generalized? The matter of "for ease of presentation," is unacceptable. It allows the planners to avoid presenting precise, specific details about which, how, when, or if recycling programs will be improved. SPB want specifics." ***WC2***

Response: The rationale for the schedule is explained in the passage quoted by the commentator. More details on the implementation of the waste reduction and recycling measures that were also part of the SWMP Modification can be reviewed in that document.

Comment DIS2: The Detailed Implementation Schedule does not provide an up-to-date timeline as of the date of the report (March 11, 2010).

"The "Detailed Implementation Schedule" has other flaws. Why did CHA not present an up-to-date timeline as of the date (March 11, 2010) of the report? For example, the City of Albany's Pay As You Throw study is identified in the timeline as having been completed by the end of 2009. At the September 22, 2010, meeting of the ACC General Services Committee, Frank Zeoli, the city's recycling coordinator, said the city's consultant had nearly completed the report and "we should have it in a few weeks." Another flaw is the detailed implementation schedule only extends until the last day of 2020 despite CHA saying the plan runs through 2030." ***WC2***

Response: The timeline has been updated for the final Draft SWMP and FGEIS.

DURATION OF PLANNING PERIOD

Comment DIS3: Several commentators claim that the SWMP is deficient because the recycling goals and implementation schedule only cover a ten year period.

My question is, are there no waste diversion recycling goals for the year 2021 through 2030 and, if not, why not?" ***OC1***

"The SWMP as written is a ten year plan, falling far short of Part 360 statutory requirements for Solid Waste Plans. It must be expanded to fulfill the requirements of statue…".

- *"The current plan only includes 10 years of projected diversions.*
- *The plan should include goals through 2030, including a minimum target of 90% diversion rate by 2030."*
- *"While individual communities should be allowed maximize flexibility in how they obtain increased diversion of waste, the goal should be hard goals with clear timetables, set for review by the Solid Waste Management Committee.*
- *The Solid Waste Management Committee should have the power to review individual communities efforts at reaching their goals, and failure to comply should lead to sanctions up and including expulsion from the Planning Unit."* ***WC1***

"A major defect in the report is that while CHA asserts (page ES-1) it is a 20-year plan (2011-2030), waste diversion (from disposal facilities) data are provided (pages ES-5 and 6-2) for the years 2010-2020 only. No data for 2021-2030 is provided. Are there no goals for the third decade of this century? If not, why not? If goals for the 2020s have been established, why are they excluded from the report? How can it be a 20-year-plan without this information?" ***WC2***

"The failure of CHA to include projections for 2021-2030 is an enormous defect in the report and renders it incomplete. The ACC should not adopt the report, nor should it be forwarded to DEC in its present form." ***WC2***

"While it is said to be a 20 year plan, it really does not go beyond 2020. This is another reason it is incomplete. Is it a 10 year plan or a 20 year plan?" ***WC7***

Response: The SWMP has been prepared to cover the 20 year period from 2010 through 2030, but the implementation schedule and recycling goals only cover the ten year period through 2020. This appears to be a source of confusion for these commentators.

The 10 year implementation schedule is presented because all of the elements of the SWMP are expected to be implemented and operating by that time. Regarding the recycling goals, see response to Comment RRR14.

It is also worth noting that the Part 360 regulations specify a minimum 10-year time horizon for a local solid waste management plan, among other requirements. The Draft SWMP as written meets these requirements.

WASTE CHARACTERIZATION STUDY

Comment DIS4: The waste characterization study is inadequate.

> *"The waste characterization study if you can call it that was extremely limited and inadequate for any long term plan. A five day survey in February is not representative of all seasons for an entire year. It especially should not be used to represent the Yard waste for the Capital District, since yard waste is not collected in the middle of winter. The Plan only accounted for yard waste generated in the Town of Bethlehem-14,000 tons and the City of Albany- 5600 tons. In the absence of data the plan should have assumed that other jurisdictions are generating similar quantities and much of it entering the mixed waste stream unless there is evidence to the contrary. Appropriately treating yard waste would increase the maximum recycling possible from designated recyclables."* ***WC4***

Response: Because the waste characterization study was undertaken during the low-season for yard waste generation, CHA was also concerned that the yard waste composition might be underrepresented in this study. As noted in Section 2.2.1, CHA examined the as-discarded yard waste fraction in the context of documented yard waste composting in the Planning Unit, the USEPA estimates of as-generated yard waste and percentage of yard waste generation that is composted, and the comparable yard waste fractions found during the OCRRA waste composition study. This was done to determine whether an upward adjustment might be appropriate to reflect an annual average percentage of yard waste that is discarded.

Over 23,600 tons of yard waste composting was documented in the Planning Unit in 2008. If this were added to an assumed 1.2% fraction of yard waste in the discarded MSW stream, total annual yard waste generation would total about 25,936 tons, or about 10.3% of the total measured MSW stream (recycled plus discarded) attributed to the Planning Unit. Using this result, yard waste accounts for about 13 % of the total MSW generated. This is only slightly more than the USEPA estimate of yard waste at 12.7% of total MSW generated in year 2007. Based on these comparisons, it was determined that no adjustment to the as-discarded yard waste fraction observed during the field study is appropriate.

BIOSOLIDS MANAGEMENT

Comment DIS5: The SWMP does not address bio-solids such as sewage sludge.

> *"Management of biosolids is not addressed in the SWMP."* ***OC3***
>
> *"Although it was pointed out to the SWMP Steering Committee that certain wastes, such as Sludge from water treatment plants, had been omitted from being planned for, nothing was added to the Plan to correct this omission after learning of it."* ***WC7***

Response: BIosolids from waste water treatment facilities in the Planning Unit make up a minor fraction of the solid waste that is presently disposed of in the Planning Unit. Table 3-2 shows the annual amount of

waste accepted for disposal at the Rapp Road Landfill and notes that in both 2007 and 2008, approximately 1,600 tons of sludge were delivered to the landfill. This represents less than 1 percent of the total waste stream accepted for disposal. The primary sources of the sludge sent for disposal are the wastewater treatment plants in Bethlehem and Guilderland. A small amount of sludge is also accepted from the Albany County Sewer District, which disposes of most of its sludge through incineration.

The Albany County Sewer District operates the two largest wastewater treatment plants which service the Planning Unit. The North Plant is located in Menands, is designed to treat an average flow of 35 MGD, and serves the cities of Cohoes, Watervliet, and parts of Albany along with the villages of Menands, Green Island and Colonie, as well as parts of the towns of Guilderland and Colonie. The South Plant is located in the Port of Albany, is permitted for 29 MGD, and treats wastewater only from the City of Albany. Biosolids from each of these facilities are managed by sludge thickening, followed by dewatering with a filter press and combustion in a multiple hearth incinerator.

According the Sewer District's 2009 Annual Report, the incinerator at the north plant is being upgraded to recover waste heat for electricity generation. This $8.6 million upgrade is being funded with $7.9 million in grants from the state and federal governments and is expected to be completed in the summer of 2011. The project will have a long term environmental benefit by reducing greenhouse gas emissions and will provide significant economic benefit to the member communities through millions of dollars of energy cost savings.

In 2009, approximately 10,500 dry tons of sludge was incinerated at both the North Plant and the South Plant. Ash resulting from the incineration of this sludge is delivered to the Rapp Road Landfill where it is used as an alternative daily cover (ADC). Approximately 7,400 tons of ash from the Albany County Sewer District was delivered to the landfill for use as ADC in 2010.

PUBLIC PARTICIPATION/STEERING COMMITTEE

GENERAL

Comment PP1: ***The SWMP Steering Committee should have included members of environmental groups and should have asked more environmental organizations to participate.***

"None of the environmental groups were consulted at all as far as what they would think and we have statewide and national groups based right near Albany that's baffling." ***OC3***

"Albany desperately needs an economic development plan that creates jobs, and increased income for the city, while replacing the former cash cow that the landfill represents. We have offered to arrange for Neil Seldman of the Institute for Local Self Reliance to come and meet with City officials about the opportunities offered by preserving materials in the waste stream. He has worked for EPA and published numerous reports which are available on the website www.ilsr.org. He is a national leader on the issue of "Waste to Wealth." He has worked with a number of local communities to develop eco-industrial parks that maximize the recovery and use of materials in the waste stream for remanufacturing." ***WC4***

"So this plan was drawn together by several people, a steering committee without knowledge of waste management practices, many of whom sparsely attended, others not attending even one meeting, under the guidance of Clough Harbour. It is difficult to understand why no environmental organization was asked to participate in the planning process, especially Albany, New York's Capitol City, is home to many widely respected environmental organizations. Citizens' Environmental Coalition, Sierra Club, NYPIRG, Environmental Advocates of NY are all based in Albany, yet none were asked to share their vast expertise and understanding of sustainable waste management practices….It would be wise to

reject this plan and call for experts Dr. Paul Connett, Dr. Neil Seldman, Citizens' Environmental Coalition Executive Direct Barbara Warren, an Environmental Health expert, to help redraft it to assure it has achievable and sustainable goals and is wise economically. " ***WC7***

Response: The Steering Committee consisted of key stakeholders appointed by Mayor Jennings to provide input and guidance in the formulation of the SWMP. These key stakeholders included representatives of every municipality in the Planning Unit, two members of the City of Albany Common Council, two representatives from the NYSDEC, two representatives from the Council of Albany Neighborhood Associations (CANA), a representative of the private sector solid waste management industry, the Commissioner of Public Works of Albany County, and a citizen who is a member of a local environmental group called Save the Pine Bush.

After its first meeting in November of 2008, the Steering Committee met on a monthly basis from January 2009 through March of 2010. These meetings were well publicized and open to the public. Public comment was invited and provided at all meetings except that last two. The minutes and presentations of these meetings were posted on a website to provide for transparency and broad public access. This being the case, environmental groups in the capital district and elsewhere had ample opportunity to provide feedback and comment during the process of preparing the SWMP.

Comment PP2: One commentator notes that some members of the Steering Committee were absent from meetings, and claims that the draft SWMP was issued without the consensus of the Steering Committee.

"…CHA and the steering committee met fourteen times between November 2008 and March 2010. I attended thirteen of these meetings. Several steering committee members objected or strongly objected to parts of the report. About one-third of appointed steering committee members … either did not participate in the process or attended only one or two of the meetings. ***WC2***

"CHA continues to misrepresent the views of the steering committee. At both the September 22 ACC general services committee meeting and the October 25 public hearing, CHA asserted there was a "consensus" on the steering committee in favor of the report's major recommendation to establish a regional solid waste management authority. What CHA says is not true. At the February 9, 2010 CHA-Steering Committee meeting at which a vote was taken on the regional authority, eleven voted in favor, two voted no, and three abstained. Eight SC members were absent. … Several steering committee members attended no steering committee meetings for which minutes were recorded.

Less than half of the 24-member Steering Committee appointed by Mayor Jennings voted in favor of a regional authority; less than half of the existing planning unit's municipal partners have endorsed the authority." ***WC2***

Response: This comment is without merit. The Steering Committee was an ad hoc advisory body whose actions did not require a quorum of the majority of its members. As noted in the comment, the majority of the members in attendance at the Steering Committee meeting of February 9, 2010 voted to endorse the preferred elements of the Draft SWMP, including the formation of a regional solid waste management authority.

Comment PP3: Two commentators thought that the public participation process for the SWMP was too limited.

"The limited public participation of this Solid Waste Management Plan process, especially considering the scope of an expanded wasteshed, together with the implications for waste to energy (incineration), show that the planning process is flawed - the environmental review is incomplete." ***WC6***

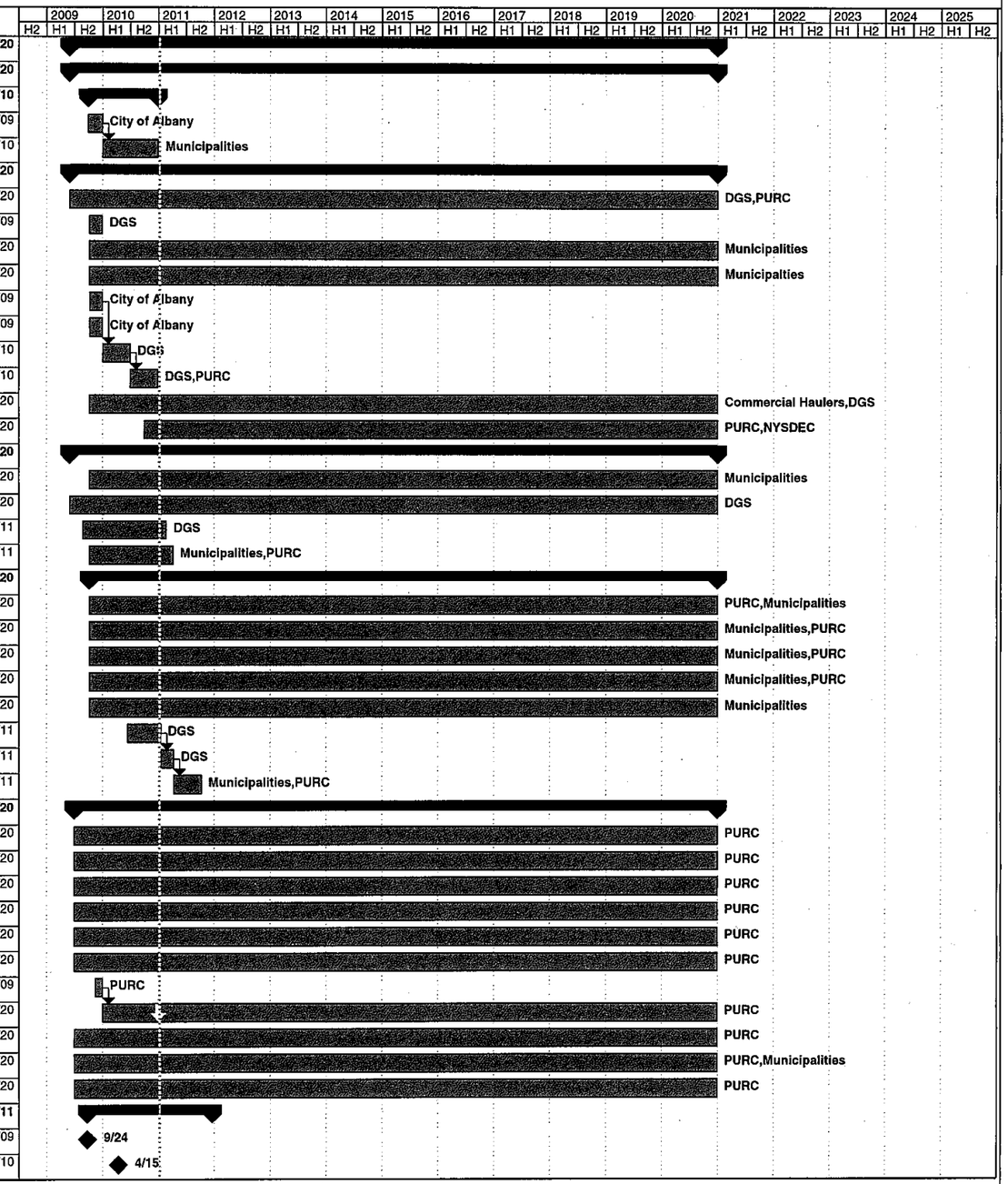
"Considering how vast an area is being considered as a wasteshed in the Plan, anywhere from 3 to 9 counties, (never clearly defined), one must consider the input from citizens to be affected by the plan, before approving it without their knowledge. No effort was made to inform these citizens that in Albany a panel of representatives chosen by Albany Mayor Jerry Jennings was planning their future. Nowhere throughout this plan's drafting process was feedback sought by the committee members from their home legislative bodies to share with the committee at large." ***WC7***

Response: These comments are without merit. The process of formulating the draft SWMP was open and transparent with multiple opportunities to accept input from interested parties and the general public. SEQRA notifications have been sent to the surrounding planning units, counties, and municipalities as interested agencies, as shown in Appendix B.

3.0 REVISIONS TO THE DRAFT SWMP

Revised Figure 6-1
Capital Region Solid Waste Management Plan
Detailed Implementation Schedule

ID	Task Name	Duration	Start	Finish
1	**Continue Existing SWMP Components**	**3024 days?**	**Mon 6/1/09**	**Thu 12/31/20**
2	**Waste Reduction and Recycling**	**3024 days?**	**Mon 6/1/09**	**Thu 12/31/20**
3	**Legislative Actions**	**326 days?**	**Thu 10/1/09**	**Thu 12/30/10**
4	Revise Ordinance to require public space Recycling	66 days?	Thu 10/1/09	Thu 12/31/09
5	Public Space Recycling Ordinances	260 days	Fri 1/1/10	Thu 12/30/10
6	**Education and Enforcement**	**3024 days**	**Mon 6/1/09**	**Thu 12/31/20**
7	Conduct Random Commercial waste inspections	3024 days	Mon 6/1/09	Thu 12/31/20
8	Update Recycling Website	60 days	Thu 10/8/09	Wed 12/30/09
9	Publicize municipal recycling programs	2931 days	Thu 10/8/09	Thu 12/31/20
10	Enforce municipal recycling programs	2931 days	Thu 10/8/09	Thu 12/31/20
11	Letter to notify commercial properties in City	60 days	Fri 10/9/09	Thu 12/31/09
12	Distribute commercial recyclable brochure and maintain o	60 days	Fri 10/9/09	Thu 12/31/09
13	Commercial property owners survey	128 days	Mon 1/4/10	Wed 6/30/10
14	Assemble report of commercial survey and hauler reports	128 days	Thu 7/1/10	Mon 12/27/10
15	Enforce commercial hauler recycling requirement	2931 days	Thu 10/8/09	Thu 12/31/20
16	Backyard Composting promotion	2675 days	Fri 10/1/10	Thu 12/31/20
17	**Local recycling Program Implementation**	**3024 days**	**Mon 6/1/09**	**Thu 12/31/20**
18	Municipal recycling program operation	2931 days	Thu 10/8/09	Thu 12/31/20
19	Public Space Recycling Program	3024 days	Mon 6/1/09	Thu 12/31/20
20	Albany provides Blue Bins to schools	390 days	Wed 8/26/09	Tue 2/22/11
21	School District Program Evaluations	390 days	Thu 10/8/09	Wed 4/6/11
22	**Develop recycling program improvements**	**2931 days**	**Thu 10/8/09**	**Thu 12/31/20**
23	Assess local programs	2931 days	Thu 10/8/09	Thu 12/31/20
24	Consider additional materials for recovery	2931 days	Thu 10/8/09	Thu 12/31/20
25	Consider ways to increase collection efficiency	2931 days	Thu 10/8/09	Thu 12/31/20
26	Consider new incentives for reduction and recycling	2931 days	Thu 10/8/09	Thu 12/31/20
27	Implement selected program improvements	2931 days	Thu 10/8/09	Thu 12/31/20
28	City of Albany PAYT Study	156 days	Mon 6/14/10	Mon 1/17/11
29	PAYT Recommendations	60 days	Tue 1/18/11	Mon 4/11/11
30	Implement PAYT if acceptable	130 days	Tue 4/12/11	Mon 10/10/11
31	**Local Program Coordination**	**3002 days**	**Wed 7/1/09**	**Thu 12/31/20**
32	Recycling Coordinator Meetings	3002 days	Wed 7/1/09	Thu 12/31/20
33	Develop Data and Prepare annual reports	3002 days	Wed 7/1/09	Thu 12/31/20
34	Promotional materials for local programs	3002 days	Wed 7/1/09	Thu 12/31/20
35	Promotional materials for Schools	3002 days	Wed 7/1/09	Thu 12/31/20
36	Coordinate local programs w/ local schools	3002 days	Wed 7/1/09	Thu 12/31/20
37	Identify and Pursue Grant Funding opportunities	3002 days	Wed 7/1/09	Thu 12/31/20
38	Establish Regional Recycling Website	34 days	Mon 11/16/09	Thu 12/31/09
39	Maintain Regional Recycling Website	2870 days	Fri 1/1/10	Thu 12/31/20
40	Promote shared use of existing yard waste compost facilit	3002 days	Wed 7/1/09	Thu 12/31/20
41	Set out Rate Analysis for municipal programs	3002 days	Wed 7/1/09	Thu 12/31/20
42	Make PAYT Info available to local programs	3002 days	Wed 7/1/09	Thu 12/31/20
43	**SSOW Composting**	**583 days**	**Thu 9/24/09**	**Mon 12/19/11**
44	Convene Organic Waste Task Force meeting	0 days	Thu 9/24/09	Thu 9/24/09
45	Task Force Meeting #2	0 days	Thu 4/15/10	Thu 4/15/10

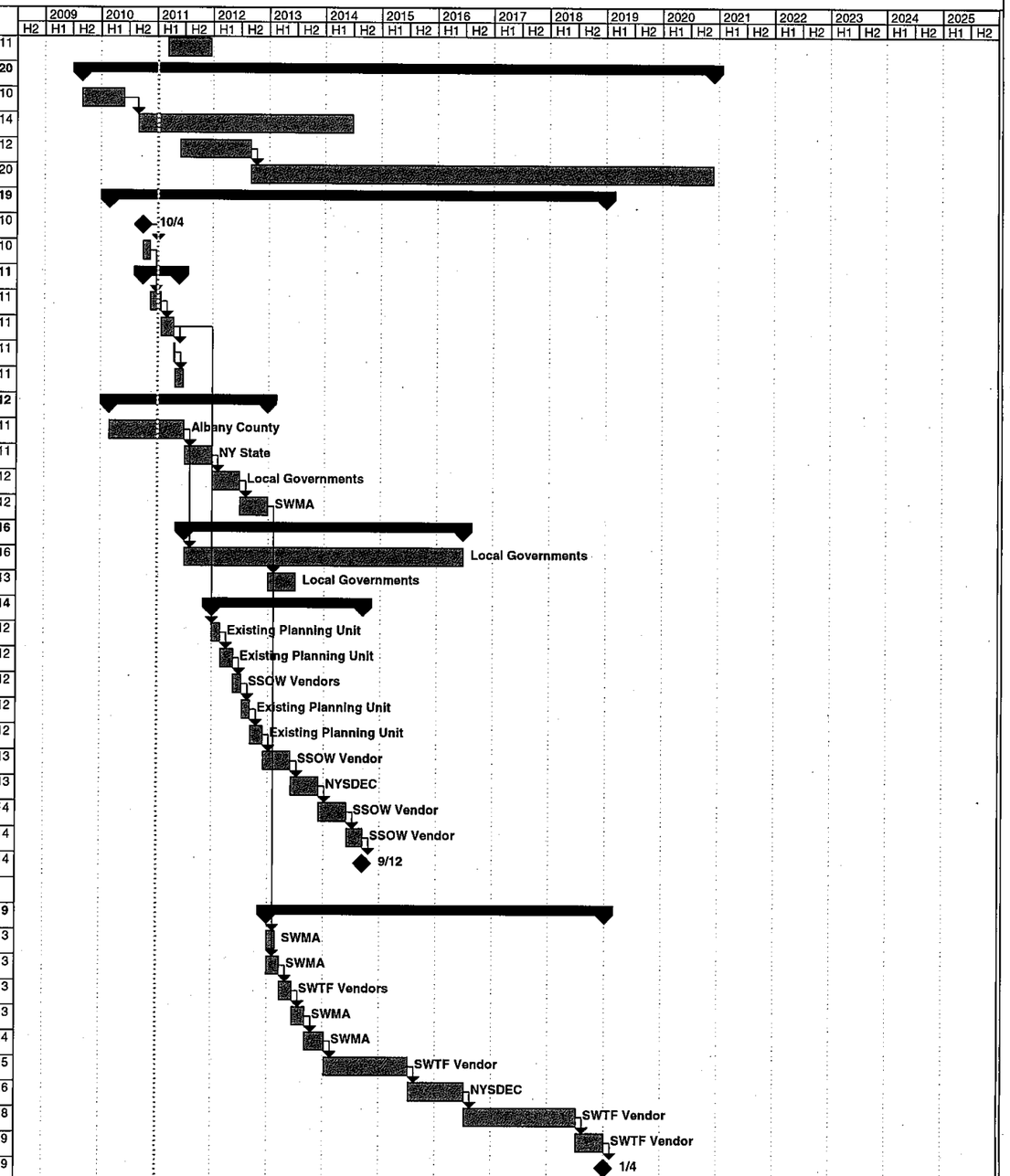


Project: SWMP Schedule for Section 6
Date: Tue 1/4/11

Task | Split | Progress | Milestone | Summary | Project Summary | External Tasks | External Milestone | Deadline

Revised Figure 6-1
Capital Region Solid Waste Management Plan
Detailed Implementation Schedule

ID	Task Name	Duration	Start	Finish
46	Future Task Force Meetings	200 days	Tue 3/15/11	Mon 12/19/11
47	**Current Solid Waste Disposal System**	**2936 days**	**Tue 9/1/09**	**Tue 12/1/20**
48	Construction of Eastern Expansion Cell 12	196 days	Tue 9/1/09	Tue 6/1/10
49	Operation of Eastern Expansion Cell 12	1000 days	Wed 9/1/10	Tue 7/1/14
50	Construction of Eastern Expansion Cell 12B	330 days	Wed 6/1/11	Tue 9/4/12
51	Operation of Eastern Expansion Cell 12	2150 days	Wed 9/5/12	Tue 12/1/20
52	**New SWMP Elements**	**2310 days?**	**Mon 3/1/10**	**Fri 1/4/19**
53	Issue Draft SWMP for Review and Comment	0 days?	Mon 10/4/10	Mon 10/4/10
54	Public Review and Comment Period	35 days	Mon 10/4/10	Fri 11/19/10
55	**SEQR Review**	**170 days**	**Mon 10/4/10**	**Fri 5/27/11**
62	Final SWMP/FGEIS accepted by Lead Agency	50 days	Mon 11/22/10	Fri 1/28/11
63	Secure Municipal Endoresement Resolutions	60 days	Mon 1/31/11	Fri 4/22/11
64	Submit Final SWMP for DEC approval	5 days	Mon 4/25/11	Fri 4/29/11
65	NYSDEC Review and Approval	40 days	Mon 5/2/11	Fri 6/24/11
66	**Institutional Measures**	**740 days**	**Mon 3/1/10**	**Fri 12/28/12**
67	Regional SWMA feasibility Study and Consensus Building	350 days	Mon 3/1/10	Fri 7/1/11
68	Enact Enabling Legislation for Regional SWMA	130 days	Mon 7/4/11	Fri 12/30/11
69	Establish SWMA and Appoint directors	130 days	Mon 1/2/12	Fri 6/29/12
70	Hire SWMA Staff and commence operations	130 days	Mon 7/2/12	Fri 12/28/12
71	**Local laws and Ordinances**	**1300 days?**	**Mon 7/4/11**	**Fri 6/24/16**
72	Designate additional Items for Mandatory Recycling	1300 days?	Mon 7/4/11	Fri 6/24/16
73	Enact Local Flow Control Laws as per SWMA	130 days	Mon 12/31/12	Fri 6/28/13
74	**SSOW Facility Implementation**	**705 days**	**Mon 1/2/12**	**Fri 9/12/14**
75	Preliminary Facility Site Determination	40 days	Mon 1/2/12	Fri 2/24/12
76	Prepare and issue RFP	60 days	Mon 2/27/12	Fri 5/18/12
77	Vendors prepare and submit proposals	40 days	Mon 5/21/12	Fri 7/13/12
78	Evaluate Proposals and select preferred vendor	40 days	Mon 7/16/12	Fri 9/7/12
79	Negotiate agreement with preferred vendor	60 days	Mon 9/10/12	Fri 11/30/12
80	Prepare and submit permit applications	130 days	Mon 12/3/12	Fri 5/31/13
81	Permits issued and construction commenced	130 days	Mon 6/3/13	Fri 11/29/13
82	Construction period	130 days	Mon 12/2/13	Fri 5/30/14
83	Start-up and Acceptance Testing	75 days	Mon 6/2/14	Fri 9/12/14
84	Commence Full Scale Operations	0 days	Fri 9/12/14	Fri 9/12/14
85				
86	**SW Treatment Facility Implementation**	**1570 days**	**Mon 12/31/12**	**Fri 1/4/19**
87	Preliminary Facility Site Determination	40 days	Mon 12/31/12	Fri 2/22/13
88	Prepare and issue RFP	60 days	Mon 12/31/12	Fri 3/22/13
89	Vendors prepare and submit proposals	60 days	Mon 3/25/13	Fri 6/14/13
90	Evaluate Proposals and select preferred vendor	60 days	Mon 6/17/13	Fri 9/6/13
91	Negotiate agreement with preferred vendor	90 days	Mon 9/9/13	Fri 1/10/14
92	Prepare and submit permit applications	390 days	Mon 1/13/14	Fri 7/10/15
93	Permits issued and construction commenced	260 days	Mon 7/13/15	Fri 7/8/16
94	Construction period	520 days	Mon 7/11/16	Fri 7/6/18
95	Start-up and Acceptance Testing	130 days	Mon 7/9/18	Fri 1/4/19
96	Commence Full Scale Operations	0 days	Fri 1/4/19	Fri 1/4/19



Project: SWMP Schedule for Section 6
Date: Tue 1/4/11

Task | Split | Progress | Milestone | Summary | Project Summary | External Tasks | External Milestone | Deadline

Appendix A

Written Comments on the Draft SWMP/DGEIS

Comments on the ANSWERS Solid Waste Management Plan and DGEIS Statement

Andy Arthur / 15a Elm Ave / Delmar NY 12054 / 518-281-9873 / andy@andyarthur.org

Point 1: The SWMP should strike any provisions relating to the creation of a public authority or government agency to deal with residual, and instead rely on individual citizens and business contracting for private disposal of residual waste – materials that can not be remanfuactured, recycled, or composted. *Private ownership of all disposal facilities is highly desirable.*

- The solid waste plan should not include residual waste except to say it will be handled by private haulers.
- There is more then adaquate solid waste disposal facilities in our country, there no need for new incinerators or landfills.
- Disposal options may be locally limited within Capital Region and within the borders of NY State, however many other states in our country have an excess of disposal capacity.
- The Solid Waste Plan should not specify any solid waste disposal facility or authority, but instead leave the decision to private haulers and privately owned disposal facilities.
- It is immoral and wrong for government to be subsidizing waste disposal.
- The Solid Waste Plan should make it clear that there should be no government subsidies, no long-term government contracts, no government-backed debt, or any other subsidy for waste disposal.
- Landfills and incinerators are a blight on the landscape and produce dangerous toxins that cause cancer, and they should not recieve any government support at all.
- The SWMP plan should specify waste exporation via private collection, haulers, and facilities as the proposed alternatives.
- Many solid waste management units have chosen the private/long haul disposal route for residual wastes, leading to significant savings to citizens.

Point 2: The solid waste planning unit should be retained as is, *allowing municipalities and individual citizens the ability to choose the most cost-effective form of solid waste disposal.*

- The current system allows towns and cities to define recoverable materials as makes sense for their community's disposal needs.
- Towns and cities should not be required to host any disposal facility or recycling facility that they do not desire within their limits.
- Individual towns and cities should have the right to site within their own borders disposal and recovery facilities as they see fit.
- No public authourity should be created.

- No publicly owned or subsidized landfill, incinerator, or other disposal facility should ever be built.

Point 3: The SWMP as written is a ten year plan, falling far short of Part 360 statutory requirements for Solid Waste Plans. *It must be expanded to fulfill the requirements of statue.*

- The plan lacks clear goals and processes for members of the loose coalition community of ANSWERS to effectively increase diversion rates.
- The current plan only includes 10 years of projected diversions.
- The plan should include goals through 2030, including a minimum target of 90% diversion rate by 2030.
- Diversion rate should not include materials discarded in the remanfacturing, composting, or recycling process.
- The current plan lacks penalities or formal sanctions for non-compliance.
- While individual communities should be allowed maximize flexibility in how they obtain increased diversion of waste, the goal should be hard goals with clear timetables, set for review by the Solid Waste Management Committee.
- The Solid Waste Management Committee should have the power to review individual communities efforts at reaching their goals, and failure to comply should lead to sanctions up and including expulsion from the Planing Unit.

Point 4: *A new tax on solid waste disposal should be implemented* to fund government subsidized remanfacturing, recycling, and composting programs.

- Solid Waste disposal should be highly taxed to account for the extranalities and social costs.
- A $40 a ton tax on top of all tipping and disposal fees would provide a predictable source of government supported and/or run recycling, composting, and remanufacturing programs.
- I strongly support pay-as-you throw, especially for commerical dumpsters and large generators of waste.
- Pay-as-you-throw for low volume producers -- like those who throw out less then 30 gallons per week should not be implemented, but only reserved for larger producers of waste.
- Many pay-as-you throw programs are very regressive, as they over charge small producers of waste while exempting large producers of waste. The program must be progressively structured, so smallest generators pay less.
- Solid waste generation is **NOT AN INDIVIDUAL PROBLEM** but a societial problem, we should be taxing large generators of waste and not harrassing individuals.

Point 5: Government has an important role in promoting efficent markets, *by fostering remanfacturing, recycling, and composting.*

- Landfills and incinerators are most expensive way to dispose of most wastes. It's almost always cheaper to beneficially use waste and scrap products in the manfacturing of new products.
- Whenever it's not cost-effective for private businesses to engauge in material recovery, government should step in using subsidies from taxes on waste disposal to increase material recovery.
- Transfer stations should remain publicly owned, especially for recycling, composting, and remanufacturing colletion, although communities can choose to contract out their administration if it makes sense for them.
- While it should not specify a method of collection of recycables, single stream recycling in urbanized areas is preferable as it's simplier for residents, lowers collection cost.
- Single stream recycling does reduce the value of some materials, but it's accessibility to the every man and women far offsets any lost.
- Glass fines, when not marketable should be used for aggregate, road construction, and blasting materials.
- Paper wastes recovered through such a problem, if not markable, should be used as a source of carbon, and shredded for composting at muncipal composting facilities.
- In-vessel composting of food, kitchen, and other organic wastes in urban areas is highly desirable. The composted product can be used as clean fill and other construction projects.
- When food waste/organic composting is rolled out to residential neighboorhoods, it should occur in sealed containers that reduce fruit flies and other animals from getting into it, and keep smells in the containers.
- The City of Albany should continue to provide free pick up of recycables, organic wastes, and consider free or low cost pick up of recycables from all businesses and apartment buildings.
- The City of Albany should collect all plastic containers and seek to develop markets to sell them to, including subsidizing new businesses that would locate in city to proceed No 3-7 plastics into salable materials.
- The City of Albany once a month should provide free pick up of electronic waste and househould hazarodous waste to all residents. City residents should be able to call a toll free number and schedule a pick up or schedule one online.
- All other towns should provide free drop off of electronic waste and househould hazardous waste at least one Saturday and one weekday evening each month at their respective transfer stations.

- All other towns should be prohibited from charging any fees on their recycling, composting, or remanfacturing programs. They should instead obtain all revenues for running recycling programs through taxes on solid waste disosal.
- The City of Albany should build a food waste and other organics composting plant at the site of their existing Erie Boulevard Compsting Plant/former municipal landfill.
- The Town of Bethlehem should build a second food waste and other organics composting plant at the site of their existing composting site on Fuera Bush Road, in this industrial area. This could also be utilitized by rural towns and farm businesses.
- The SWMP should consider the views of th Albany County Farm Bureau and other farm businesses, food producers, and retailers such as grocery stores more carefully.

Point 6: *The SWMP should not penalize hard working individuals and small businesses,* but instead encourage material recovery.

- We are an over-regulated society. We should make the recycling program as simple, easy, and desirable to use.
- While it should not specify a method of collection of recycables, single stream recycling is preferable as it's simplier for residents, lowers collection cost.
- The city and towns should invest most of it's education money in putting new recycling bins and increasing recycling collection into new areas, such as large apartment buildings and commerial areas.
- Public space recycling should be standard. Every public trash can in the SWMP must be next to a recycling bin – preferably larger and more visible then the trash can.
- The value of recycling education is overstated -- the most common reason people do not recycle is the lack of convient recycling options.
- Recycling education should not make judgements on people’s lifestyle, but give people straightforward information on how to recycle.
- Ask the DEC to recind the open burning regulations they implemented in 2009. They have no benefit to the public besides appeasing to special interest groups, and hurt rural residents and farmers, and increase the amount of waste that has to be disposed of in urban facilities.
- Allow different communities to have different resource recovery programs. Rural communities need not implement food waste collection, but instead should work to increase recycling of agricultural plastics and feed bags and similar waste. Suburban communities should put a priority on expanding e-waste materials.

Point 7: The SWMP should detail how the City should dispose of the unneccessary Coeymans C-2 parcel that at one time was planned to be used for a municipal landfill for the SWMP.

- The City of Albany should sell C-2 Coeymans property to NY State for the creation of a Coeymans Wildlife Management Area/Public Hunting Grounds.
- This parcel would provide excellent small game and large game hunting opporunities, along with quality trout fishing in Coeymans Creek.
- This purchase could be under written by Federal Aid in Wildlife Restoration Fund Program and Pittman-Robertson funds.
- The City should ask the DEC to fully fund the Division of Lands and Forests, to provide needed funds to administer the Coeymans Wildlife Management Area.

I feel strongly that the City of Albany should not entertain the idea of forming an authority with other communities to deal with the trash issue. Other communities should not have to burdon themselves with Albany's trash and the debts that have already been incurred.

I believe that it does not make sense for the City to be saying that it is trying to improve it's recycling reduce and reuse, if it is planning on using an incinerator to burn the trash. These are two conflicting objectives - i.e. if you are trying to reduce the amount of trash generated, and you also need to guarantee a certain amount to be burned/treated each day, It would be reasonable to suppose that they would use recyclable materials to make up the amount needed to "keep the fires burning".

It would seem to me that if the City could concentrate on reduction of trash that needs to be "consumed/burned/landfilled or otherwise treated" and eventually, with diligent work, reducing the amount left to 80% or more of total amount collected, it would only be necessary to "treat" a small percentage of the generated trash which could then be transported to another facility, and would eliminate the need for a "treatment facility" to be installed and save a huge amount being spent and huge amount of debit being incurred.

My suggestions to reduce amount of trash to be "treated", would be:

1. to use the composting method whereby all foodstuff and lawn and garden refuse is composted together, as well as wood and anything else that could be composted in a facility to be built using the same method as the in vessel facility Peninsula Compost in Wilmington. Sell the end product for income. **Income producing.**

2. Operate several salvage centers where household items that can be reused, can be taken to and sold and or repaired to be sold. Sell end product for income or provide useful furnishings for charitable organizations to distribute. Have people make appointments for pick up with amounts set for each type of item. **Income producing.**

3. Make a collection Center for mattresses, rugs, appliances, tires glass (windows). These items can be picked up by the City on an appointment and pay per item schedule. If these items can be reused, the City can take take them to a salvage center and if not, they can be taken to a collection center where they can be picked up by companies that can dismantle them and make other useful products with them .These items should be taken to centers that are designed to dismantle and salvage the various materials. **Income producing or just saving on "treatment" if they can be collected but no payment received at this time.**

4. Make Building Materials Collection Centers. Make building contractors separate wood waste from sheet rock waste, and roofing shingles, and bricks/stone. These items must be delivered and deposited in separate containment areas at the collection centers in order to be accepted. These items can be sold. **Income producing**. Check the Delaware site to see how they collect and separate these materials.

5. Currently hazardous waste is not available to all constituents because some of these people work and do not have access to automobiles to transport this waste to a site for proper disposal. Special pick ups should be made, on a quarterly basis or by appointment by people who have no way of complying.

Respectfully submitted by:

Sally Cummings
Gardener and friend of the earth.

John Marsolais
marsoj@ci.albany.ny.us
Albany City Clerk
Albany City Hall
24 Eagle Street
Albany, NY 12207

Re: draft EIS on proposed draft solid waste management plan for the Capital Region Solid Waste Management Partnership

Dear Mr. Marsolais:

Below are comments regarding the above-referenced matter. I offer these on behalf of Save the Bush (SPB). Please forward these comments to members of the Albany Common Council. Please confirm receipt of these comments. Thank you.

Tom Ellis

Dear members of the Albany Common Council,

Early this year, the City of Albany's solid waste consultant, Clough Harbour & Associates (CHA), completed a draft long range solid waste management plan for the Capital Region Solid Waste Management Partnership (the planning unit of Albany and the dozen or so municipalities who now dump trash in the Rapp Road landfill). CHA worked for 16 months with a 24-person "Steering Committee" appointed by Albany Mayor Gerald Jennings. CHA and the steering committee met fourteen times between November 2008 and March 2010. I attended thirteen of these meetings. Several steering committee members objected or strongly objected to parts of the report. About one-third of appointed steering committee members (the mayors or supervisors of mostly Albany County municipalities that use the dump) either did not participate in the process or attended only one or two of the meetings.

The Albany Common Council (ACC), as lead agency, voted October 4 to accept the report as complete and opened up a 45-day public comment period that ends November 19. The ACC held a public hearing October 25 at which five spoke after CHA made a presentation.

A major defect in the report is that while CHA asserts (page ES-1) it is a 20-year plan (2011-2030), waste diversion (from disposal facilities) data are provided (pages ES-5 and 6-2) for the years 2010-2020 only. No data for 2021-2030 is provided. Are there no goals for the third decade of this century? If not, why not? If goals for the 2020s have been established, why are they excluded from the report? How can it be a 20-year-plan without this information?

The CHA report has good ideas and others SPB opposes. For example, on pages 6-3 and 6-4 of the March 11, 2010 draft, there is a list of ten steps the planning unit can take to minimize residential waste generation. These include:

* Promote PAYT [Pay As You Throw] system implementation;
* Educate consumers about how to consider waste reduction and product packaging when they are making purchasing decisions;
* Promote the use of existing programs that re-use or redistribute materials in the second-hand marketplace;
* Promote the concept of repair instead of replacement:
* Aggressive education and enforcement programs; and
* Aggressive waste reduction and recycling programs.

These ideas are all excellent. However, the report provides very few details about how, when, and if, they could or would ever be implemented. Nothing was offered about how enforcement would occur in the residential sector even though the issue of vigorously enforcing existing recycling laws in Albany was raised at several meetings by one - a CANA representative - steering committee member. At the January 13, 2009 meeting, he said, "The Melrose

Neighborhood Association would like to see strict enforcement of existing laws with penalties for people who never put out blue bins with their six trash bags."

In the two-page "Detailed Implementation Schedule" (Figure 6-1) that immediately follows page 6-13, it is clear what the real priorities of CHA are. Precise short timelines are presented for each phase of "Institutional Measures" which concerns establishing and staffing the proposed regional waste authority:

* Regional SWMA feasibility study and Consensus Building: March 1, 2010 - February 25, 2011
* Enact Enabling Legislation for Regional SWMA: February 28, 2011 - August 26, 2011
* Establish SWMA and Appoint directors: August 29, 2011 - February 24, 2012
* Hire SWMA Staff and commence operations: February 27, 2012 - August 24, 2012

Compare that to the "Develop recycling program improvements" section timeline:

* Assess local programs: October 8, 2009 - December 31, 2020
* Consider additional materials for recovery: October 8, 2009 - December 31, 2020
* Consider ways to increase collection efficiency: October 8, 2009 - December 31, 2020
* Consider new incentives for reduction and recycling: October 8, 2009 - December 31, 2020
* Implement selected program improvements: October 8, 2009 - December 31, 2020
* City of Albany PAYT Study: July 1, 2009 - December 29, 2009
* PAYT Recommendations: December 31, 2009 - March 23, 2010
* Implement PAYT if applicable: March 24, 2010 - September 21, 2010

Notice the language: With respect to the authority, the planners will "enact," "establish," and "hire." For recycling, the planners will "assess," "consider," and "if applicable."

On page 6-12, the report states: "A detailed implementation schedule for the SWMP is presented in Figure 6-1, through the year 2020. While it contains a detailed listing of activities, and allows for functional dependencies between tasks, the schedule is intended to be a generalized representation of SWMP implementation. The start dates and finish dates are not intended to be actual dates or deadlines, and all dates should be considered approximate. Many of the components of the existing SWMP components related to waste reduction and recycling will be ongoing throughout this period. Many of these activities will be conducted periodically rather than continuously, but for ease of presentation all are shown as a continuous line."

The above quoted sentences should be read a few times. How can something be simultaneously detailed and generalized? The matter of "for ease of presentation," is unacceptable. It allows the planners to avoid presenting precise, specific details about which, how, when, or if recycling programs will be improved. SPB want specifics.

With respect to waste minimization, reuse, and recycling, the report is not really a "plan" as the word is usually understood, with specific strategies, targets and dates to achieve identified goals, but an outline or a series of ideas, often vague, planners can pick and choose from, or ignore as they see fit. If aggressive education, enforcement, waste reduction and recycling programs are going to be set up and utilized, why are precise details of these initiatives so skimpy or nonexistent in the report?

The "Detailed Implementation Schedule" has other flaws. Why did CHA not present an up-to-date timeline as of the date (March 11, 2010) of the report? For example, the City of Albany's Pay As You Throw study is identified in the timeline as having been completed by the end of 2009. At the September 22, 2010, meeting of the ACC General Services Committee, Frank Zeoli, the city's recycling coordinator, said the city's consultant had nearly completed the report and "we should have it in a few weeks." Another flaw is the detailed implementation schedule only extends until the last day of 2020 despite CHA saying the plan runs through 2030.

CHA's use of the word "detailed" is problematic. Where are the details? Reuse is barely discussed in the report. I recall one steering committee member - the CANA representative - spoke during at least two steering committee meetings urging CHA and Bill Bruce to be make reuse a formal goal to be extensively discussed and analyzed. At the second steering committee meeting on January 13, 2009 - the meeting where the establishment of goals was discussed - he said, "We need to explore reuse programs. For example, bicycle parts, furniture. We need to explore this seriously, make it a formal goal...Almost everything is reusable somewhere in the world." Bill Bruce and CHA declined to adopt his recommendation and judging from the incredibly skimpy discussion of reuse in the report, they

are not interested in pursuing reuse in a serious or systematic manner.

The report asserts that by the end of 2020 (ten years from now), 65 percent of what residents, businesses, institutions, and governments discard can be minimized, recycled, composted or reused in some way, compared to 45 percent predicted for 2010. The report states 65 percent is the "maximum expected diversion that is achievable with the implementation of the expanded waste reduction and recycling program elements that are put forth in this SWMP [solid waste management plan]. However, implementation of a continuous improvement process in connection with both current and future waste reduction and recycling program efforts could help push beyond these above-noted waste reduction and recycling goals." (page ES-6)

On the one hand CHA insists the planning unit will pursue "aggressive education and enforcement programs" and "aggressive waste reduction and recycling programs," but then says it will be very difficult to get above a 65 percent rate even twenty years from now. In life we know that if you aim low you achieve low; aim high and you might achieve great things. If, with "aggressive education and enforcement programs" and "aggressive waste reduction and recycling programs," a 65 percent diversion rate is to be achieved by 2020, then surely diversion rates far above 65 percent should be attainable by 2030?

The failure of CHA to include projections for 2021-2030 is an enormous defect in the report and renders it incomplete. The ACC should not adopt the report, nor should it be forwarded to DEC in its present form.

Failure to include projections for the third decade of this century, fuels speculation that CHA, Steering Committee Chairman Bill Bruce, and Mayor Gerald Jennings do not want highly successful waste diversion rates because achieving rates of 85, 90, or 95 percent shatters the justification for the large disposal facility they so clearly desire to have built and operating by the end of 2018. The first (December 15, 2009) version of the CHA report (page ES-11) called for a disposal facility "with a nominal capacity of 1500 TPD" [tons per day]...assuming a 65 percent recyclable material diversion rate is achieved."

The term "zero waste" is mentioned in the report although it receives little attention.

CHA continues to misrepresent the views of the steering committee. At both the September 22 ACC general services committee meeting and the October 25 public hearing, CHA asserted there was a "consensus" on the steering committee in favor of the report's major recommendation to establish a regional solid waste management authority. What CHA says is not true. At the February 9, 2010 CHA-Steering Committee meeting at which a vote was taken on the regional authority, eleven voted in favor, two voted no, and three abstained. Eight SC members were absent.

Less than half of the 24-member Steering Committee appointed by Mayor Jennings voted in favor of a regional authority; less than half of the existing planning unit's municipal partners have endorsed the authority. My review of the CHA-produced and supplied minutes of the first thirteen steering committee meetings - no minutes were produced for the fourteenth and final meeting - showed that steering committee members:

* Robert Conway, Mayor, Village of Voorheesville, attended two meetings;
* Thomas Dolin, Supervisor, Town of New Scotland, attended zero meetings;
* Daniel Dwyer, Mayor, City of Rensselaer, attended zero meetings;
* James Gaughan, Mayor, Village of Altamont, attended two meetings;
* Mike Hammond, Supervisor, Town of Knox, attended one meeting;
* Jost Nickelberg, Supervisor, Town of Rensselaerville, attended zero meetings;
* Richard Rapp, Supervisor, Town of Westerlo, attended zero meetings;
* Ken Runion, Supervisor, Town of Guilderland, attended zero meetings.

At steering committee meetings I attended, CHA and Bill Bruce indicated that creation of a regional authority is necessary for construction for a large treatment facility because a disposal facility such as they envision would not be economical in the much smaller existing planning unit.

At the May 19, 2009 steering committee meeting, I asked CHA and Bill Bruce what specifically would be burned in a mass burn waste-to-energy facility such as they had discussed at that meeting, and, despite a follow-up question from me, they could not identify any item or category of items that would be destroyed in such a facility.

Among the problems with authorities are they tend to be anti-democratic and unaccountable. Sometimes they are established for precisely for this reason. Authority directors would likely be appointed by elected officials. The elected officials would then be able to deflect criticism of unpopular authority decisions from themselves, saying they - the elected officials - did not make the decision, the authority did. Authorities are sometimes created to site hugely expensive, controversial, and unnecessary facilities; authorities are convenient mechanisms for borrowing large quantities of money for difficult-to-site facilities. Some unlucky municipality, probably one that is rural and poorly governed, would likely be targeted by the authority for a large treatment facility its residents strongly oppose.

The CHA report (page 5-24) identifies four disadvantages of an authority: These are:
* "Cedes local control of solid waste management to another layer of government;
* Potentially increases costs through this additional layer;
* Municipalities subject to shortfalls in Authority budget; and
* Financing of facilities is complex and more costly because Authority facilities cannot be financed through general obligation bonds - to be credit-worthy, Authority would likely need to do facility revenue bonds with the municipalities agreeing to guarantee any shortfall."

For local governments, the combination of ceding local control and simultaneously being required to make up authority budget shortfalls will be problematic. In this era of tight budgets, such an obligation would make short- and long-term budgeting even more difficult than today.

The "Alternative Implementation Scenarios" discussion beginning on page 5-27 is written to make Scenario # 3 appear the best. Scenario # 1, which would retain the size of the existing planning unit, does not include designation of additional recyclable materials as called for in Alternative Scenarios # 2 and 3? Why not?

The CHA report states that Scenario # 1 would include implementation of Pay As You Throw. The report also states an advantage of Scenario # 1 is the minimization of future capital costs because no new disposal facilities would need to be constructed. "After the Rapp Road Landfill is at capacity, it is anticipated that disposal cost will increase, perhaps significantly, due to the need for waste exportation. While this cost increase is by itself a disadvantage, it will create a greater avoided cost incentive to increase recycling and waste reduction even further." (page 5-29)

Some variation of Scenario # 1 is the best option. It greatly minimizes financial risk to local governments and taxpayers, creates a powerful incentive to quickly and aggressively maximize recycling and reuse, and minimize waste generation. Scenario # 1 allows for the development of a variety of of small, low-cost facilities to reuse, exchange, repair, recycle, and compost discarded materials. Such facilities would stimulate economic development, build communities, be more flexible to changing needs, easier to establish and discontinue, generate many more jobs, be less risky financially, and save and/or recover far more energy than a centralized, large or giant-sized disposal (resources destruction) facility.

Tom Ellis
43 North Pine Avenue
Albany, NY 12203

November 19, 2010

John Marsolais, City Clerk
City Hall Room 202
Albany, NY 12207

Re: Comments to the Draft Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership

1. Current Albany Landfill Debt
   I am concerned about what the City of Albany intends to do about is growing Landfill debt for the following reasons: a.) Past and continued use of Landfill Revenues for the general operation of other City services rather than paying off the bonds issued for the landfill, and b.) the discussion at a City of Albany General Services meeting (recorded on videotape) for possibly transferring the (City of Albany's) landfill debt to a future Regional Landfill Authority such as discussed in the Solid Waste Management Plan update. The City of Albany should not be allowed to transfer its debt, it would be like someone reaping the benefits from credit card purchases, and then passing the debt onto someone else. The SWMP must be clear that all debt incurred by Albany in the operation/construction of the landfill shall be the sole responsibility of the City.

2. Proposed creation of a public authority.
   The State of NY does not need more public authorities, together they account for over 90% of the entire New York State debt. It is the State that is ultimately responsible for the debt in case the Authority disbanded, and it is unlikely that the State of New York can afford, or even will honor the debt. Consider the problem of faced by the City of Camden whereby that State of New Jersey has indicated it will not help the City make payments on its incinerator debt. Public Authorities do not have sufficient oversight or public involvement. Authority Board members are appointed rather than elected which is another way of removing the public from decision-making. Further, the 90% plus New York State debt incurred by public authorities exemplifies the out-of-control debt with little oversight to control spending/issuing bonds. Every day there is a new article about a State, County or local government that is unable to pay its bills and raising taxes and fees.

3. Planning Unit Area.
   The SWMP recommends the expansion of the Planning Unit. Based on this and the early drafts of the SWMP, a significant expansion might include as many as 9 counties. Currently, there are

eleven members of the current ANSWERS Consortium. The Capital District area consisting of Albany, Rensselaer, Saratoga and Schenectady Counties contain about 78 municipal and county jurisdictions. The Greater Capital District Region referred to in the SWMP update process, would encompass several more counties. The impact of this proposal alone would be a profound impact on the community or communities selected for handling the wastes. The truck traffic alone, from 78 or more than 100 municipal and county jurisdictions calls for an environmental review, including review under Environmental Justice. This Draft and Final Environmental Review does not take this into account, considering the implications of the proposed planning unit expansion, this review is incomplete.

It would make much more sense to limit the wasteshed to only the County of Albany. The general public nor the many other entities being considered for the four counties of the Capital District, or the Greater Capital District referred to in the plan, have not been adequately apprised of the SWMP being considered. The SWMP should not be approved when most of those affected have not had a say in its development.

4. Alternative Daily Cover and Petroleum Contaminated Soils.
   Whatever the technology, some level of land filling will be needed. We need safeguards to prevent the selling off of valuable landfill space by taking in unprecedented volume as done in 2006 when combined ADC and PCS almost doubled the total waste tonnages. During the period when the stench from the current landfill that permeated our area was the highest generating thousands of complaints, there was a decision made to bring in as much revenue as possible by taking in the enormous and unnecessary amount of Alternative Daily Cover. The financial gain by the City of Albany, which received income for each ton of ADC, was at the expense of our health and welfare. Not to mention a profound impact on quality of life issues, especially for the residents, visitors and businesses of the Village of Colonie.

5. Waste to Energy.
   I am concerned with the possibility of creating a very large public authority that would not effectively reduce wastes in order to run possible waste incinerators. A large guaranteed flow of garbage is needed for waste to energy facilities, were tipping fees insufficient for the operation of all the elements of this Solid Waste Management Plan, it would likely be the municipal members which would be required to fill the gap. The Albany area sits in a geographic bowl with the Heldeberg/Catskills to the south, the Adirondacks to the North and the Taconic Range to the east. Air quality would significantly be impacted by any incineration of wastes, especially on the scale which is referred to in the SWMP. It seems that the City of Albany does not want to get out of the garbage business; otherwise they would have sold the Coeymans site after realizing a landfill cannot be built there. Are there plans to possibly build an incinerator and/or other infrastructure at the site? Have the residents of the Town of Coeymans been adequately notified of the SWMP effort?

6. Lastly, it is clear the City of Albany should not be allowed to lead any waste programs outside the City based on the operation of its Landfill. The impact on the public's health, safety and welfare from years of odorous emissions, decisions to place revenues ahead of the public by filling up the landfill early by accepting enormous volumes of Alternative Daily Cover and Petroleum Contaminated soils along with reducing tipping fees to bring in more garbage from outside the ANWERS communities when space was at a premium, the decision to not mitigate the current leachate plume polluting the aquifer and nearby 6 Mile Reservoir, the sale/lease of 6 Mile Reservoir (Rensselaer Lake) to a Water Authority for use as an emergency water supply it cannot use also created most of the Water Authority's debt, are only a few of the many reasons the City is not the entity to lead the Solid Waste Management effort. If decisions were made to safeguard the remaining landfill space, enforce recycling and remove food and other organic wastes that could be composted, the current expansion would not have been necessary. The members of the Answers community did not benefit from the landfill revenues, rather they have been hurt by the revenue based decision-making by the City which owns and operates the current landfill. The limited public participation of this Solid Waste Management Plan process, especially considering the scope of an expanded wasteshed, together with the implications for waste to energy (incineration), show that the planning process is flawed - the environmental review is incomplete.

Sincerely yours,

Bertil K. Schou
11 Norwood Street
Albany, NY 12203

From: James Travers [mailto:jatrav@yahoo.com]
Sent: Friday, November 19, 2010 4:30 PM
To: John Marsolais
Subject: SWMP Comments

John C. Marsolais
Albany City Clerk & Clerk of the Council
City Hall - Room 202
518-434-5088
marsoj@ci.albany.ny.us

Dear Mr. Marsolais,

Please find attached my comments on the Capitol Region Solid Waste Management Partnership Planning Unit Draft Solid Waste Management Plan Draft Generic Environmental Impact Statement.

While there are some interesting ideas raised in the plan which I support, such as organic waste diversion for composting, unfortunately, it is at the same time far over-reaching in its scope territorially and yet inadequate and incomplete.

Considering how vast an area is being considered as a wasteshed in the Plan, anywhere from 3 to 9 counties, (never clearly defined), one most consider the input from citizens to be affected by the plan, before approving it without their knowledge. No effort was made to inform these citizens that in Albany a panel of representatives chosen by Albany Mayor Jerry Jennings was planning their future. Nowhere throughout this plan's drafting process was feedback sought by the committee members from their home legislative bodies to share with the committee at large.

One of the objectives set as a goal is the concept of the creation of a Waste Management Authority. The reason an Authority would be necessary, the Committee was told and the plan explains, was to be able to effortlessly institute Flow Control, a practice mandating all waste within a designated geographic be directed to a certain governmental owned or operated regulated waste facility, regardless of whether or not another perhaps privately owned facility offered a more affordable option.

But the City's own legal counsel on waste management, Nixon Peabody Attorney Ruth Leistensnider explained in her memo of February 3, 2010, an Authority does not need to be created for a consortium of communities or planning unit to establish Flow Control.

One must consider the body that drafted this plan, its history and the history of the consortium of communities formerly known as ANSWERS, Albany New York Solid Waste Energy Recovery System, now known as the Capital Region Solid Waste Management Partnership Planning Unit.

The consortium of ANSWERS communities was formed in order to gather together

enough garbage to feed the ANSWERS Waste Incinerator on Sheridan Ave. in Albany. Wisely, this poisonous incinerator was closed in 1994. After its closing, the communities, continued to dump their waste in Albany at the City's Rapp Road Landfill, but ANSWERS as a consortium of representatives meeting regularly no longer existed. No meeting since had been held nor had any official representative from any community been appointed to serve in this capacity, until Mayor Jennings made his appointments to the steering committee in the Fall of 2008.

So this plan was drawn together by several people, a steering committee without knowledge of waste management practices, many of whom sparsely attended, others not attending even one meeting, under the guidance of Clough Harbour.

It is difficult to understand why no environmental organization was asked to participate in the planning process, especially considering Albany, New York's Capitol City, is home to many widely respected environmental organizations. Citizens' Environmental Coalition, Sierra Club, NYPIRG, Environmental Advocates of NY are all based in Albany, yet none were asked to share their vast expertise and understanding of sustainable waste management practices.

Dr. Neil Seldman, President of the Washington DC based Institute for Local Self Reliance offered at no cost his assistance in educating the steering committee and the Albany Common Council on how to establish an economy based in part upon "Waste To Wealth," but was rejected. All waste alternatives have not been explored and therefore the Plan is insufficient.

DEC's website offers a wealth of information providing assistance to communities engaged in solid waste management planning:
http://www.dec.ny.gov/chemical/47861.html

To the right at the top of the page first listed under "Related Links" is a .pdf power point presentation that clearly outlines the steps a community must take in preparing a SWMP. It is entitled "NYSARO 2008 Conference Presentation on Preparing a LSWMP" (Local Solid Waste Management Plan) Here is a direct link to the 83Kb file:
http://www.dec.ny.gov/docs/materials_minerals_pdf/nysaroct08.pdf

It doesn't take highly paid legal or engineering consultants to learn this information and every member of the steering committee should have been made aware of this helpful website, yet I was never mentioned by the consultants. The above cited power point presentation references Sludge several times.

Although it was pointed out to the SWMP Steering Committee that certain wastes, such as Sludge from water treatment plants, had been omitted from being planned for, nothing was added to the Plan to correct this omission after learning of it. Williard Bruce asked the DEC representative if this was true, that sludge must be planned for and included in the Plan and was told that it was true and needed to be included. Because of this omission, the Plan is incomplete.

Albany's only obligation is to plan for disposing appropriately the waste generated by its citizens, its businesses and its institutions. Albany need not plan for the waste disposal needs of anyone else. It is not their obligation to do so and should certainly not be done in any case without the consent of those their planning may impact upon.

It would be wise to reject this plan and call for experts Dr. Paul Connett, Dr. Neil Seldman, Citizens' Environmental Coalition Executive Direct Barbara Warren, an Environmental Health expert, to help redraft it to assure it has achievable and sustainable goals and is wise economically.

One of the problems in creating a Waste Authority is that once it has been created, communities under its authority will lose control of regulating their own garbage disposal and they will be forever locked in to the Authority, always subject to its whims and cost increases. The only way for a municipality to be removed from such a formal quasi-governmental agency, would be through an act of the NYS Legislature, releasing them.

According to one Albany Common Council member, also a member of the SWMP steering committee, Albany could dump its huge landfill-related debt upon the Authority so all the communities involved would be responsible for paying for Albany's mismanaged landfill and Coeymans C-2 site debt.

This is exactly the kind of abuse our Governor-elect is concerned with doing away with.

A Resource Recovery Park would bring many jobs and putting into practice Zero Waste principles would be wiser than what this plan offers.

Zero Waste International Alliance (ZWIA) defines Zero Waste as:

"Zero Waste is a goal that is ethical, economical, efficient and visionary, to guide people in changing their lifestyles and practices to emulate sustainable natural cycles, where all discarded materials are designed to become resources for others to use.

Zero Waste means designing and managing products and processes to systematically avoid and eliminate the volume and toxicity of waste and materials, conserve and recover all resources, and not burn or bury them.

Implementing Zero Waste will eliminate all discharges to land, water or air that are a threat to planetary, human, animal or plant health."

http://www.zwia.org/joomla/index.php?option=com_content&view=article&id=56:zw-definition&catid=31:general&Itemid=64

While it is said to be a 20 year plan, it really does not go beyond 2020. This is another

reason it is incomplete. Is it a 10 year plan or a 20 year plan?

Some good ideas, but this plan is unsatisfactory and does not meet the criteria set by DEC for a LSWMP and therefore it must be rejected and redrafted.

Jim Travers
587A Blodgett Hill Road
Ravena, NY 12143

NIXON PEABODY LLP
ATTORNEYS AT LAW

677 Broadway, 10th Floor
Albany, New York 12207-2996
(518) 427-2650
Fax: (518) 427-2666

Ruth E. Leistensnider
Direct Dial: (518) 427-2655
Direct Fax: (866) 947-1299
E-Mail: rleistensnider@nixonpeabody.com

Memorandum

TO: Willard A. Bruce, Chair
Capital Region Solid Waste Management Partnership
Solid Waste Management Plan Steering Committee

FROM: Ruth E. Leistensnider

DATE: February 3, 2010

RE: ***Proposed Solid Waste Management Plan***
Mechanisms for Flow Control in Absence of Authority Legislation

---

You have asked for a short memo outlining potential mechanisms which might be available to municipal members of the Capital Region Solid Waste Management Partnership to implement the equivalent to flow control, should legislation establishing a solid waste management authority not be established. This memo is intended to provide a short outline of the mechanisms which might be available to municipalities.

1. Undertake collection of solid waste as a municipal function. This option would entail each municipality to collect solid waste itself, and transfer the cost of managing solid waste within the municipality to the tax rolls. Property taxes could then be used to pay for all costs of collection, recycling, and disposal of residue.

2. For towns with a population in excess of 25,000, those towns can elect to become a suburban town pursuant to Article 3-A of the Town Law, and create special improvement districts for the management of solid waste. Both Babylon and

Smithtown on Long Island created special improvement districts for residential and/or commercial solid waste. The Towns essentially took control/ownership over all of the solid waste generated within the districts, bid out the right to collect solid waste within those districts, and required as a condition in the contract with the successful bidder that the waste be handled at designated facilities. This method of flow control was upheld by the federal courts on the grounds that the Towns were acting as market participants rather than market regulators.

3. Counties have the ability to create a county-wide solid waste district, and can act similar to suburban towns in mechanism #2.

4. Create a permit system within each municipality for the right to collect solid waste. Permits could require either (a) an accounting of waste, with a potential revocation of the permit if demonstration of recycling not made (something akin to what Bethlehem has); or (b) use of a specified facility, where the tip fee at the facility covers both recycling and disposal (something akin to what Onondaga's system looks like).

Methods 1 through 3 result in solid waste management costs being added to tax bills, or separate district bills. Method #4 does not, but has a greater potential for challenge. The creation of a franchise is theoretically possible, but the use of a franchise for the collection of solid waste (and bidding out the franchise) is untested as a legal matter, and may be questionable.

You have also asked whether municipalities could accomplish, through an inter-municipal agreement ("IMA") something akin to flow control. General Municipal Law § 119-*o* authorizes municipalities to enter into IMAs for solid waste collection and disposal. However, such contracts are only authorized for a term of five years, unless a project involves issuance of debt by the participating municipalities. In that case, GML § 119-*o* authorizes such contracts for a term no longer than the useful life of the project under Section 11.00 of the Local Finance Law. In addition, in order to survive a challenge on either state or federal antitrust grounds, specific state legislation should be sought to authorize such agreements, as they could be construed as being in restraint of trade, depending upon the scope of the agreement. *See, e.g.*, *Waste Stream Management*,

Inc. v. St. Lawrence County, et al., 156 A.D.2d 111 (3d Dept. 1990) (because St. Lawrence County had specific state legislation authorizing local laws in restraint of trade, the local law was immune from challenge on antitrust grounds).

Please let me know if you have any questions.

/rel

Timothy C. Truscott
131 Jay St.
Albany NY 12210-1805
(518) 449-8450 phone
(518) 689-5923 fax
empirestate@att.net

November 19, 2010

John Marsolais, City Clerk
City of Albany
City Hall
Albany, NY 12207

& Members of the Albany Common Council

Re: Proposed Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership

Dear Mr. Marsolais and Members of the Albany Common Council:

Please find below my comments which I trust you will thoughtfully consider and find useful in adopting and implementing a Solid Waste Plan for the City of Albany and the Capital Region.

Best regards,

Timothy C. Truscott
empirestate@att.net

What is Waste?

A simple definition of waste is that it is anything we no longer need or use.

Why Do We Want to Reduce or Eliminate Waste?

By reducing or eliminating waste, we conserve our resources. We conserve not only our natural resources (which is important to do), but we conserve our financial resources. Waste costs money, whether it be by way of our local governments, direct individual Citizens or by other government entities many years in the future. The economic consequences of waste may be short-term or immediate, or they may be long-term and difficult to calculate.

The economic consequences of taking action now are both real and compelling. Garbage collection and disposal costs will continue to rise. The avoided costs associated with an annual community-wide waste reduction will be large and will affect the Citizens in many ways, both directly and indirectly.

At the local government level, beneficial programs which are not optimally funded because of budget constraints will have more opportunity to serve the people they were designed to serve. At the state and national level, not as much of the governments' annual budgets will be consumed by the need clean up waste sites. Individual Citizens will have more money available in their household budgets to accomplish things which make their lives better.

Government budgets at the local, state and national level are being seriously strained today. At all levels of government, ways need to be found to reduce operating costs.

Long-range waste reduction policies are a logical, economically viable and important alternative to today's situation.

On a broader scale, what are the implications for our planet if we do not reduce our waste?

For every ton of waste buried in municipal solid waste landfills, about 71 tons of manufacturing, mining, oil and gas exploration, agricultural, coal combustion and other wastes are produced along the way (Brenda Platt and Neil Seldman, *Wasting and Recycling in the United States 2000*, prepared by the Institute for Local Self-Reliance for the GrassRoots Recycling Network, page 13).

If materials are buried in a landfill or burned in an incinerator, industry must extract and process new virgin materials to make new products. It's as if there is a long shadow of depleted resources and wastes left over for every product and package used that is much larger than the product or package itself.

What Is Zero Waste?

The Zero Waste Alliance International broadly defines Zero Waste as:

"A philosophy and visionary goal that emulates natural cycles, where all outputs are simply an input for another process. It means designing and managing materials and products to conserve and recover all resources and not destroy or bury them, and

eliminate discharges to land, water or air that do not contribute productively to natural systems or the economy."

Humans are not perfect. And while it may seem impossible to achieve zero waste, it is a goal we should work toward.

What Methods Are Available for Solving Our Solid Waste Disposal Problem?

A. Waste Reduction or Prevention is at the top of the Waste Hierarchy.

It is the most efficient, least wasteful option, and it saves the most money for municipalities and residents. However, the savings and efficiencies can be difficult to quantify. Often local jurisdictions believe this method is not part of their responsibility and can only be dealt with at the state or national level. That is not true.

It is important to look at two approaches to Waste Reduction for our purposes.

1. Legislative Measures Geared Toward Extended Producer Responsibility or Product Stewardship. Such measures will likely be supported by the new State Solid waste Plan. While some measures might be examined locally, this area is best handled under state or federal governments. It will probably take a number of years before product stewardship programs are fully implemented. However, in 2010 New York State enacted an electronics product stewardship law which has been embraced by the electronics manufacturing industry and is well on its way toward becoming successful.

2. Reductions in Waste Collected for Disposal by Municipal Systems. This includes several kinds of local government measures that divert waste before it gets put out at the curb for disposal. The Collection of Waste is usually around 2/3 of the cost of an entire waste management system. Reducing waste at the curb can be very important for lowering costs for municipal collection systems. (Private collection systems charge households through fees, so savings to municipalities are less available here; however, the individual household may save money.)

a. **Backyard Composting -** Backyard Composting Devices can serve most households even with minimal yard space. New designs limit vermin and food scraps and yard materials can degrade quickly. Households need only a small amount of training.

b. **Special Collections** - Municipalities can facilitate special collections by working with non-profits to sponsor clothing pick up days and allowing non-profits to conduct pickups of specially marked bags.

c. **Requirements for Large Deliveries** - Some municipalities require used appliances, carpets and furniture to be picked up at the time of delivery of new purchases.

d. **Web Exchanges and Public Information** - Web exchanges and public information about where to take quality used goods in your area can facilitate the diversion of

materials to higher and better uses—books, magazines, furniture, toys, metal, etc. People must know about these options to be able to utilize these resources.

e. **Demolition and Renovation** - Some municipalities require a fee for all renovation or demolition projects. The deposit fee is returned upon documentation of the amount of material reused and recycled from the project. This stimulates the recycling of construction and demolition debris.

f. **Flea Markets & Backyard Sales** - Municipalities can encourage flea markets and backyard sales.

g. **Zero Waste Event promotional Materials** - Municipalities can prepare Zero Waste Event promotional materials and require all special events to aim for zero waste goals.

B. Re-use is at the second level in the hierarchy of waste management.

Re-use also has significant environmental, economic and social benefits. Like waste reduction, reuse is a method of waste reduction which the City of Albany has ignored. Reuse is the second most neglected resource/waste management method. Reuse is different from recycling in that with reuse we are talking about complete products or goods being reused, not just the materials. Because of the important opportunity for the social benefits attended to reuse, reuse must be measured by transferred value, not just tonnage removed from the waste stream. Avoided collection, and disposal costs should be used to identify appropriate levels of financial support.

Re-use can be done informally and effectively. For example, empty egg cartons can be taken to local farmers' markets and given to egg farmers for re-use. A single egg carton can be used many times, and does not need to be disposed of with garbage which is un-re-usable.

Reuse operations can and should be supported by government assistance. Integrating reuse operations with other government programs can maximize the overall benefits to a municipality. Transferring furniture and other goods to families as they are placed in subsidized housing is just one example. Job training is another. Reuse operations can also be an outlet for commercial "seconds" that are still perfectly useable, just not saleable. People love bargains and flock to flea markets. This attraction can help Reuse centers serve important educational functions for recycling as well as providing drop off locations for books, magazines, clothing, furniture, etc. and also serve to provide recycling and composting information.

Municipalities must overcome the idea that because they are in the waste business they cannot subsidize reuse. It may be useful to find the funds from different departments because of the multiple benefits. The reality is that, over time, small initial subsidizes can benefit the municipality into the future. This is very true of Urban Ore in Berkeley California. This was initially operated as a non-profit and Berkeley provided support.

Now it is a profit-making enterprise with quite a few jobs. Yet Berkeley is provided with an outlet for goods that is less costly than trucking them for landfill disposal.

Organizations Which Promote and Facilitate Re-use of Items:

The Freecycle Network™:

The Freecycle Network™ is made up of 4,885 groups with 7,017,000 members across the globe. It's a grassroots and entirely nonprofit movement of people who are giving (& getting) stuff for free in their own towns. It's all about reuse and keeping good stuff out of landfills. Each local group is moderated by a local volunteer or volunteers. Membership is free. The Albany Freecycle group is part of Yahoo! Groups.

Membership:

Albany 8310
Rensselaer County 1654
Schenectady 395
Schoharie County 1097
Montgomery County 1144
Saratoga County 1071
Columbia County 2861

Total: 16,532

AlbanyNYReUseIt Group:

The Albany, NY ReUseIt group is an online forum that serves as a tool to make connections between community members who want to help each other, themselves, and their environment. In a disposable society where many items are discarded long before they have actually outlived their use, the ReUseIt Network helps get things from people who have them but don't want them to people who want them but don't have them.

Our goal is to find new uses for unwanted items that would otherwise be thrown into the trash. The ReUseIt Network also provides an opportunity for those looking for an item to ask for it. Requests for items may jog the memory of someone who has an unused item stashed in the garage or basement waiting to be used. It is a great way to help get rid of those things we may have forgotten, giving every member the chance to ReUseIt! AlbanyNYReUseIt is also part of Yahoo! Groups.

Total Membership: 1,635

Habitat Re-Store:

The Albany Habitat Re-Store, 454 North Pearl St. in Albany, is operated by Habitat for Humanity, a national non-profit organization. The Habitat Re-Store accepts new and used donated building materials and supplies, as well as some furniture and other usable items. The items are then sold at a nominal price to individuals for re-use. Information is not available at this time as to the number of items or the number of transactions performed

annually by the Albany Habitat Re-Store. This excellent method of re-use is not mentioned in the Albany SWMP.

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Historic Albany Foundation Parts Warehouse:

The AHP Parts Warehouse, located at 89 Lexington Ave. in Albany, is operated by the Historic Albany Foundation, a local non-profit. The Parts Warehouse accepts donations of mostly used (and some new) architectural items such as doors, windows, interior wood trim, plaster ceiling medallions, doorknobs, door locks and many other items. These items are then sold at a nominal price to individuals renovating historic buildings in the Capital Region. Information is not available at this time as to the number of items or the number of transactions performed annually by the Albany Habitat Re-Store. This excellent method of re-use is not mentioned in the Albany SWMP.

ElFun Society Computer and Peripherals Rehab:

The ElFun Society, a non-profit group comprised of General Electric retirees in Schenectady, accepts the donation of used computers, printers and other peripherals. The Society's volunteers then evaluate and refurbish the equipment and in turn donate it to schools and other non-profits in the Capital Region. The ElFuns rehab and donate approximately 600 computers per year, as of 2010. This excellent method of re-use is not mentioned in the Albany SWMP.

Capital City Rescue Mission:

The Capital City Rescue Mission, as one of its social service activities, accepts used furniture and clothes and makes them available to families and individuals in need. Clothes are inspected for suitability and either distributed, if suitable, or recycled as rags. The Mission has abundant storage capacity for used furniture. However, the Mission does not have the capability of collecting used furniture and moving it to its storage facility. The Mission is tied into an extensive network of social service agencies and does an excellent job of distributing to those individuals and families who need them the most.

Goodwill:

Most people are familiar with Goodwill as a charity which will reuse unwanted clothes and shoes. Goodwill has local shops where goods can be dropped off, and there are many drop-off boxes located in the region.

Salvation Army:

The Salvation Army is another charity which accepts clothes, shoes and furniture for distribution to needy citizens. The Salvation Army has local shops where goods can be dropped off, and, like Goodwill, there are many drop-off boxes located in the region.

What Can Be Done to Increase Re-use in the Capital Region?

As can be seen from the above list of organizations, there is ample infrastructure available to provide opportunities for the re-use of items. These opportunities simply need to be promoted, and the public needs to be educated about them.

1) Actively promote the organizations in the region which re-use goods and help publicize and promote the services these organizations provide.

2) The public needs to be educated as to the value of re-use and how to take advantage of these opportunities.

3) The City of Albany, as well as other municipalities in the region, could make pick-ups of used furniture and transport it to the Mission storage facility. One might ask, how can the City justify the expense of collections? The answer is that if the furniture is not re-used, the City will collect it anyway as part of its garbage collections and it will end up in the City landfill. Landfilling will be a more expensive solution to the disposal of used furniture than will collection for re-use.

C. Recycling is at the third next level of the waste management hierarchy.

The concept of recycling is not new and should not be unfamiliar to most people. However, like other forms of solid waste reduction, it will take a great deal of education of the public to maximize this method of solid waste reduction. Many people simply do not have the habit of recycling anything, while others do not think about all the items which could be recycled. On the other hand, some people are very conscientious about recycling.

We are all familiar with recycling plastic, metal and glass beverage containers by returning them to the supermarket or beverage center and receiving the five-cent deposit. These containers are returned and their deposits collected because consumers recognize that they have a monetary value. The container deposit system not only helps to reduce the waste stream, it helps to reduce litter in our communities. Non-deposit containers made from glass, metal and plastic go into the “blue bin” for collection with household trash. Paper and cardboard are also collected.

Metal cans (both steel and aluminum) and plastics are commodities which have a value, though their value fluctuates over time, depending upon global market conditions. Once they are collected within a municipality, there is the opportunity to generate revenue from the sale of these commodities, and to use that revenue to further the goals of waste reduction. In order to accomplish that, the metal, plastics, paper, cardboard and glass are processed at a materials recovery facility (MRF), where they are sorted, prepared for shipment and sold. The business model used by municipalities for operating MRF’s and selling the commodities is very important.

Why Should the Arrangement for Processing and Selling Recyclables be Carefully Designed?

The purpose of recycling is to remove from the waste stream materials which have some value and which can be re-used in some fashion. These materials are known as commodities, and may consist of ferrous metals, aluminum, various types of plastics, glass, cardboard and paper. Some commodities are worth more than others. Commodities

also fluctuate in value over time, depending upon world markets for individual commodities.

The commodities which are collected through recycling programs come from the citizens, the taxpayers. The programs are operated for the benefit of the citizens and taxpayers. In essence, the commodities belong to the citizens and taxpayers.

Therefore, how these commodities are disposed of are of interest to the citizens and taxpayers. It is the responsibility of the government to look out for the interests of the citizens and taxpayers, as those interests are not necessarily the same as the interests of private parties involved in processing and selling the commodities. As is the case with most areas of government, it is the government's responsibility to provide the taxpayers with the best return possible on their tax dollar investment.

The arrangements for owning and operating the Material Recovery Facilities (MRF's) and the arrangements for the sale of the commodities recycled must be such that the taxpayers' interests are protected. The cost of accomplishing the recovery of materials must also be low enough to make this task feasible; contracting out the task of operating the MRF may provide the lowest cost of operation. At the same time, there must be sufficient incentive that the contractor is rewarded for his efforts, while the taxpayers interests are protected..

There are specific arrangements or business models which accomplish this. Tompkins County (New York) and Chittenden Solid Waste District (Vermont) use these models very successfully. The Onondaga County Resource Recovery Agency (OCRRA) was operated this way a few years ago and may still be operating this way, though I am not certain at this point.

The arrangement works this way:

The municipality/solid waste organization owns the MRF and contracts with an experienced private firm to operate it for a negotiated flat fee. The municipality/solid waste organization always has at least one person on-site to monitor operations and to act as the municipality's/solid waste organization's on-site representative in day-to-day operations.

Recovered materials (commodities) are sold by the municipality/solid waste organization for the best price they can get. The commodities must be aggressively marketed and these sales must be conducted thoughtfully.

The municipality/solid waste organization and the contractor split the profit after expenses are paid.

This arrangement has the checks and balances necessary to protect the interests of the two parties involved (municipality/solid waste organization and the operating contractor) and provides the necessary incentives for both parties to do the best job they can do. The risks are shared by both members of the venture, and the rewards are likewise shared. The model is fair for both parties.

The other part of the model which helps it to be successful is transparency with regard to all information. Once again, the three municipalities cited above (Tompkins County, Onondaga County's OCRRA authority and Chittenden County, Vermont's Solid Waste

District all provide transparency with regard to operational information and finances. Information is available on each of their websites as to total tonnages of solid waste, tonnages of recyclables received, revenue from the sale of recyclables and expenses. Transparency with the public helps to encourage public cooperation with regard to recycling and other aspects of the solid waste system.

Recycling Glass

But glass is especially difficult to recycle once it is collected, as uses for it are not widely known and therefore has little monetary value at this point. Most of it is landfilled. However, progress is being made in finding new uses for recycled glass.

Andela Products of Richfield Springs, New York, has developed a patented method for pulverizing glass into different grades so that it can be used for other purposes. Fine grades of pulverized glass can be used as play sand, as well as a medium for sandblasting.

Pulverized glass can also be used as an aggregate to replace sand and gravel in drainage applications, as well as in concrete. In addition, pulverized glass, with a size of 3/16-inch or less, can be used to replace sand in the manufacture of asphalt for the base layer of asphalt paving in an amount of between five and ten percent by weight of the total asphalt product.

Andela also has developed a patented method of pulverizing laminated glass windshields, which should be useful in disposing of waste from autoglass shops.

Andela has developed a second glass collection and pulverizing facility at the Port of Coeymans, on the Hudson River south of Albany. (Contact Cynthia Andela, President, Andela Products, 493 State Route 28, Richfield Springs, NY; 315-858-0055; candela@andelaproducts.com; http://www.andelaproducts.com/)

Dual-stream vs. Single-stream Recycling

There are two basic methods for collecting and processing recyclable materials at a Materials Recovery Center (MRF): Dual-stream and single-stream.

Under the dual-stream recycling scheme, the citizen separates paper and cardboard from the cans, plastics and glass, either by using two recycling bins, by placing the papers in a paper bag on the top of the other recyclables in the recycling bin, or by simply placing the papers loose on top of the other recyclables in the recycling bin. The two categories of recyclables are kept separate as they are placed in two separate compartments in the truck picking them up, and the two categories of recyclables are dumped separately at the MRF.

Under the single-stream recycling scheme, all of the recyclables (paper and cardboard, plastic, metal and glass) are mixed in one bin by the citizen, the bin is dumped into a truck with one compartment when they are picked up, then dumped into one pile at the MRF. The MRF then sorts these materials into paper, metals, plastics and glass.

While it is true that single-stream recycling decreases the cost of collection of recyclables and makes the collection more convenient for the hauler, advocates of single-stream recycling also claim that the convenience of this method increases the recycling rate, i.e. that citizens recycle more and throw less recyclable material in the trash. However, there

is clear evidence that single-stream recycling results in contamination of paper and cardboard by residual liquids from bottles and cans, as well as by broken glass which becomes embedded in the cardboard and paper. The net result is that the paper and cardboard is less useful to paper and cardboard recyclers at the mills and there fore less valuable financially.

While single-stream recycling may increase the tonnage of materials going into a MRF, or the percentage of the solid waste stream going into a MRF, that is not the same as the tonnage of sorted material coming out of the other end of the MRF. Potentially recyclable material is lost because of contamination created when paper and cardboard is mixed with the other materials.

These claims of contamination of paper and cardboard have been substantiated by paper and cardboard recyclers, as well as by a study conducted by CM Consulting on behalf if the Container Recycling Institute (CRI).

CRI selected Clarissa Morawski, principal of CM Consulting, to research this issue. Ms. Morawski is a leading expert on Extended Producer Responsibility (EPR), and has authored numerous reports on beverage container recovery systems. For this study, Ms. Morawski reviewed 60 previously-published studies, reports and articles in trade magazines. Ms. Morawski was interested to find that, as a result of the struggling economy and plunging market prices for recyclables, she is seeing increased market sensitivity to quality issues.

"End markets are really starting to quantify their economic losses from poor quality of material, and from a qualitative perspective, they feel this problem is very serious indeed and could have an impact on any future investments of capital to increase capacity of secondary feedstock."

The report finds that there are many negative downstream impacts of contaminated feedstock due to the mixing of materials through single-stream curbside collection.

"Basically, the report confirms that you can't unscramble an egg," explains CRI Executive Director Susan Collins. "Once the materials are mixed together in a single-stream recycling system, there will be cross-contamination of materials and significant glass breakage. Those cross-contamination and breakage issues then result in increased costs for the secondary processors."

The CRI report attempts to quantify those costs, but the study acknowledges that there is a need for more comprehensive data.

"Nor are costs calculated on an apples-to-apples basis, because the tons that are handled through various recycling systems are not necessarily the same as the tons recycled" Collins observed. "If you take the contaminants out of the equation, the cost per ton recycled increases. With such high contaminant levels, some of these recycling systems are merely shifting costs to the paper mills, aluminum manufacturers, glass beneficiation facilities and glass manufacturers, and plastics recyclers."

"To date, the impacts on various collection methods—source-separated curbside, commingled curbside, deposit/return—on the quality of materials destined for recycling have not been formally researched and documented. In fact, rarely is "material quality" or

the "end-destination" of the material considered by government decision-makers when choosing an appropriate recycling system."

The report ("Understanding economic and environmental impacts of single-stream

collection systems") is also available for viewing on the Container Recycling Institute's website: http://www.container-recycling.org/

So, the question is, "Are the Citizens being best-served by dual-stream or single-steam recycling?" While more research needs to be done, it appears that single-stream recycling does not have all the advantages claimed by proponents.

D. Composting is at the fourth level of the waste management hierarchy.

Composting or organic waste can be performed with yard waste (such as grass clippings, hedge trimmings, leaves, etc.) and with food waste. Collection of yard waste for composting is a common practice nowadays, though no municipalities in New York State currently collect waste food for composting. It is desirable to collect waste food and compost it in order to remove it from the larger waste stream, as it is one of the most active ingredients in generating methane in landfills and makes recycling other materials in the mixed waste stream more difficult. The percentage of waste food which can be collected and composted seems to vary widely, depending upon who is doing it.

After recycling, the amount of food waste disposed is approximately 37% of all waste disposed. (From Beyond Recycling

http://beyondrecycling.org/pdf_files/FinalReport.pdf)

The big question is, what is a reasonable percentage of recovery of the food waste to composting or other organics recycling system. San Francisco, which most of us think of as so progressive, recovers about 40% of residential food waste. Toronto, Canada recovers about 70%! See 'Beyond Recycling' for more information.

So with a very strong residential collection program, we are talking about 37% multiplied by about 50% recovery which is approximately 15-20% of the disposed material. It is unknown how much Albany disposes each year.

Commercial Composting of Waste Food - In some parts of the country, commercial composting of waste food from food processors, institutions and restaurants has been successfully undertaken. One of the most successful of these is Peninsula Compost Group, which operates a facility in the Port of Wilmington, Delaware. Peninsula's Wilmington facility has not yet operated a year and designed with a capacity of 600 tons per day.

As of June, 2010, they were receiving approximately 300 tons per day and growing. Peninsula receives waste food from a 100 mile radius of Wilmington. It attracts customers by offering tipping fees which are lower than what would be charged at commercial landfills, thereby saving the customers money on disposal. The finished compost, which takes eight weeks to process, is sold by the truckload for landscaping

purposes. Peninsula employs the Gore method of composting, which utilizes the patented Gore fabric to cover the composting windrows while they age. The fabric retains the heat generated by the aerobic process, as well as the moisture in the composting material.

(Contact: Scott Woods, CEO, Peninsula Compost Group, (917)678-6947;

scott.woods@peninsula-compost.com; http://www.peninsulacompostcompany.com/)

Collection of residential waste food (as opposed to institutional and commercial food processors) is the most difficult part of composting. But, it is being done in metropolitan areas like San Francisco and Toronto, so it is possible to do. It just requires more organization and better management than ordinary recycling or trash disposal.

Incremental Implementation of Waste Food Collection – The best way to implement waste food collection is to use an incremental approach, depending upon the sources of waste food:

1) **Food Processors and Supermarkets** – Food processors, distributors of fresh fruits and vegetables, as well as supermarkets, may provide the easiest opportunity for diversion of organic waste. They generally produce fairly large volumes, the waste has not been cooked and therefore will not putrify as readily during transportation and handling, and the producers have a distinct financial incentive to divert it from the rest of the solid waste stream. Collection from supermarket chains should be fairly easy to organize. Perhaps the largest supplier of food waste to Peninsula Composting at this time is the food processing industry.
2) **Institutional Sources of Waste Food** – Since institutions, such as colleges, universities, hospitals, jails and prisons are sources of large volumes of waste food and have a distinct financial incentive to lower their solid waste disposal costs, they should be the next highest priority in implementing a waste food collection program. These sources may also provide some fairly large quantities of organic waste.
3) **Restaurants and Bars** – Restaurants and bars also have a distinct financial incentive to lower their solid waste disposal costs, and they should be the next highest priority in implementing a waste food collection program. These sources will probably provide a modest, though important, source of organic waste reduction.
4) **Residential Food Waste** – Residential food waste, while it may provide a very large aggregate volume of organic waste, is the most difficult to collect. Each residence provides a fairly small volume of organic waste each week, and the environment in which it is collected is more difficult to control. Because of the large numbers of individual collections of small quantities of organic waste, there is more opportunity for undesirable odors to be created, and more opportunity for the odors to escape into the environment.

What is Composting – Composting is a natural biologic process whereby organic material deteriorates into simpler carbon materials because of the action of microbes. Composting is an aerobic process, which means it requires the presence of oxygen and does not produce methane as a byproduct. In contrast, what occurs inside a landfill is anaerobic, i.e. it is a process which does not use oxygen, and its byproduct is methane.

Methane is also produced in a controlled environment in an "anaerobic digester", a device used to generate methane which, in turn, is used as an energy source.

How Compost is Processed – Producing a mature or "finished" compost from organic waste requires careful monitoring of conditions inside the compost pile, or windrow. The monitoring can be accomplished using electronic probes which reach into the center of the windrow and record the temperature and humidity of the material. Maintaining a record of the temperature and humidity during the course of the composting process will also be useful in documenting its quality when it is sold.

The temperature of the center of the windrow should be maintained in a range of 120-150 degrees Fahrenheit. This temperature range not only promotes the biologic processes of composting to proceed expeditiously, it kills pathogens in the composting material. If the temperature at the core of the windrow gets too high (i.e. about 150 degrees F), there is a danger of fire ("spontaneous combustion") and the temperature should be lowered. The temperature of the material is lowered by turning the windrow so that the hotter, inner material is on the outside and exposed to air, and the cooler outer material is moved to the center of the windrow.

The composting windrow can be additionally aerated by forcing air through the windrow using various arrangements. This will also help to maintain a constant, desirable temperature.

Categories of Compost – There are two distinct categories of compost, defined by the sources of the organic materials which are composted:

1) Class I Compost – is derived from food waste and yard waste only.
2) Class II Compost – is derived from food waste and yard waste, but also includes sewage sludge.

Class II Compost is prohibited from being used for any kind of agricultural purposes. Common uses for it are on golf courses and other landscaping applications. One of the principle reasons Class II compost is prohibited from being used in agriculture is that it may include heavy metals, commonly found in sewage systems.

The Value of Compost - Like recyclable commodities, mature or "finished" compost has an economic and socially beneficial value. Compost can be used for agricultural purposes, for landscaping, for erosion control and, if sold in small quantities on the retail market, for individual backyard gardens. It may be sold by the truckload (60-70 cubic yards), or it may be sold by the 20-lb. bag. Depending upon what applications it qualifies for (i.e. is the compost a Class I or a Class II Compost), it may have various monetary values.

Delaware County reports that they sell their Class II compost at their facility for around $10 per cubic yard, but offer volume discounts for truckload sales for perhaps $5 per cubic yard. The Cornell University Waste Management Institute, which collects information on compost sales and pricing, reports that Class I compost may range from $7 per cubic yard (for immature compost) to $50 per cubic yard (a value-added product which would have fertilizer value). Cornell also reports that the highest-value compost is

vermicompost (compost produced by worms), which may sell for as much as $300 per cubic yard. The majority of Class I compost sells for $12-25 per cubic yard.

Compost also has a beneficial environmental value which is not easily quantifiable. Our soils, over time, erode because of human habitation and rainwater. These soils also lose their ability to retain water, as well as minerals and other nutrients needed for plant growth. By applying quality compost to areas appropriately, these desirable qualities are returned to the soil.

Public Education, Program Outreach, and Enforcement of Recycling Laws

Continued enforcement of the local laws mandating source separation for recycling through a system of public education and outreach is essential to having a successful recycling program.

A. The Recycling Team

A professional recycling team must be employed to spread the recycling message and bring technical assistance to the residents, schools, and businesses.

Depending upon the size of the solid waste district, several Recycling Specialists must be employed to explore inquiries and complaints about business, apartment, and institutional recycling. These personnel visit local businesses, apartment complexes, and schools to offer assistance in designing recycling programs as well as free recycling containers and decals. In addition, a large solid waste district should employ a New York State certified teacher, who should speak to thousands of students in hundreds of classrooms each year.

When needed, Enforcement Officers must be available to supplement the efforts of the business and apartment Recycling Specialists. An Enforcement Officer would call on businesses and apartment buildings when it is determined that other approaches have not resulted in cooperation. Each enforcement officer would spend a significant portion of the week inspecting loads of solid waste at the solid waste district's tipping station(s) or disposal facility to ensure that those loads containing recyclables are issued warnings and/or violations. Recycling Specialists will visit any waste generator that may be in violation to determine the source of the problem and to assist in designing a recycling program which will capture the mandated recyclables.

B. Communications

In order to maintain a high recycling rate, frequent communications from the solid waste organization is necessary to advise those who recently moved to the area as to the local recycling rules, to remind current residents of what's recyclable, and to inform the public of special events.

To keep the public informed of the recycling program, an ongoing and extensive public communication program must be established. This communication program may consist of an advertising campaign focusing on humor and basic recycling rules, or it may use other approaches.

It has been shown that it is important to provide a public message that promotes the "why" of recycling and the difference one person can make in preserving natural

resources for future generations. The advertising/educational campaign should emphasize the solid waste organization's website as a community resource.

C. The Value of Early Childhood Recycling Education

While it is important and even essential to have a recycling educational effort directed at all age groups in the population, it is especially important to begin recycling education in early grade school. This is the period during which children form their habits of life, including healthcare habits, dental care habits, nutritional habits and so forth. If children are taught the importance of recycling and the basic principles of recycling during this period, what they learn will stick with them for the rest of their lives. It will be important to remind these people of the importance of recycling and the principles of recycling, as they grow and mature, but this will only require reminders. It won't be case of educating them "from scratch".

The Importance of Commercial Recycling

In Albany, most of the public discussion about recycling seems to involve residential recycling. While residential recycling is important, that segment of the solid waste stream does not have the greatest potential for recovering significant volumes of discarded material. The largest volume of recyclable material is probably on the commercial recycling area (including multiple-unit dwellings), based upon the experience of other recycling programs. The Onondaga County (OCRRA) recycling program is a case in point:

For the calendar year 2009, OCRRA calculated a recycling rate of 64 percent. That is, 64 percent of the solid waste stream was recycled, while 36 percent was disposed of in some other fashion.

In addition, OCRRA provides the following breakdown of recycling for residential vs. commercial sources of material:

Curbside recycling (primarily residential recycling)	42, 014 tons
Commercial recycling (primarily business recycling)	539,467 tons
Total	581,481 tons

42,014 tons/581,481 tons = 7 percent

539,467 tons/581,467 tons = 93 percent

So, for the OCRRA recycling program, which is a decidedly ambitious recycling program, only seven percent of the recycled materials are the result of residential recycling, while 93 percent of the recycled materials are the result of commercial recycling.

To look at this situation in terms of the overall solid waste stream, 581,481 tons is 64 percent. Therefore, OCRRA's total solid waste stream for 2009 was 908,564 tons, of which 42,014 tons was residential recycled material while 539,467 tons was commercial recycled material.

Residential recycled material accounted for 42,014 tons/908,564 tons = 4.6 percent, while commercial recycled material accounted for 539,467 tons/908,564 tons = 59.4 percent of the total solid waste stream. Meanwhile, 327,083 tons was disposed of in some other way.

While there may be some variation from community to community in terms of the percentage of the solid waste stream which is recyclable, the proportions are probably very similar to OCRRA's.

There are conclusions which may be drawn from the above information:

1) As much as we may try to improve the rate of residential recycling, it is impossible to significantly improve the overall recycling rate of the total non-organic portion of the solid waste stream by more than a few percent. This does not mean that the improvement of residential recycling should not be pursued, but we should recognize it s limits in improving the overall recycling rate.
2) There is great potential for recovering recyclable materials from the commercial sector of the solid waste stream. The commercial sector deserves as much of the educational and enforcement resources as the residential sector, and more.

Mandatory source separation of recyclables from commercial, industrial and institutional sources was established when Section 313-16 was added to the City Code on October 1, 1990. Multiple-unit dwellings of more than four units are considered commercial buildings and are subject to this section of the recycling ordinance. Multiple-unit dwellings of four or fewer units are subject to the same provisions of the recycling ordinance which applies to individual residences.

So, Albany's ordinance covering commercial recycling (Section 313-16 of the City Code) has been in effect since 1990 (20 years ago!), yet it has never been seriously enforced. In fact, there is not information available on what the recycling rate is for the commercial sector of the solid waste stream.

When Are the Benefits of Recycling the Greatest?

While the materials recovered by recycling and sold are in fact commodities which have value, there is more to the equation that just the value of the commodities. If there are added costs involved in recycling, these detract from the net value of the individual commodities:

1) If the commodities coming out of the MRF are of poor quality because of contamination or some other similar factor, the commodities will not bring as good a price when they are sold.
2) If the recycled materials need to be shipped a significant distance for processing at a MRF, the costs involved in that shipping will affect the net value of the commodities. Transportation of low-grade materials over long distances can add significant costs for recycling and solid waste.

The conclusion can be made that recycling's benefits are strongest when the recycling process is local.

Reduction of Construction and Demolition Waste (C&D)

Construction and demolition waste accounts for a very significant portion of the solid waste stream. An emerging industry which has the potential for significantly reducing C&D in the waste stream is that of "building deconstruction". There are now firms which specialize in deconstructing (rather than demolishing) buildings, i.e. the buildings are taken apart carefully and as many parts of the buildings as possible are re-used. While some of these projects involve the deconstruction of entire buildings, others involve partial deconstruction of buildings for the purpose of renovation. Building sizes range from residences to large office and university buildings.

One such firm, Institutional Recycling Network (IRN), plans and manages deconstruction projects, and finds end-users for the recycled materials. Some of the items recycled by IRN follow:

Furniture and Furnishings	Architectural Salvage, Casework, Cabinetry
Formed Concrete (including rebar)	Ferrous Scrap (Structural Steel, Rebar, Steel Framing)
Brick and Block	Non-Ferrous Scrap (Plumbing, HVAC, Electric)
Asphalt Pavement	Gypsum Wallboard
Dimensional Lumber and Plywood	Commercial (Membrane), Metal, and Slate Roofing
Engineered Wood Products	Asphalt Roofing Shingles
Treated Wood	Wood and Metal Doors and Windows
Ceramics (sinks, toilets)	Universal Wastes (Fluorescent Lamps, Ballasts, Batteries)
Mixed Construction Debris	

This approach allows renovation projects to be undertaken using recycled materials and actually saves on total project costs. The rate of recycling in these projects may range from 75 percent to 97 percent, and thereby keeps large volumes of material out of landfills.

The Role of State Government in Recycling and Composting

While no formal study information is available, anecdotal evidence indicates that New York State government heavily to the problem of solid waste disposal in the Albany area. State employees do not receive enough recycling education and recycling is not enforced. As a consequence, many recyclable materials (especially paper) end up in the landfill when they could be recycled into new products. Similarly, large quantities of organic materials are landfilled when they could be composted.

Summary

In summary, the City of Albany has the opportunity to devise and implement a state-of-the-art system for waste reduction, re-use and recycling which will benefit its residents for decades to come. The City's leaders should seize the opportunity and lead Albany into a new era.

Main Office: 33 Central Ave, 3rd Floor, Albany, New York 12210
Phone: (518) 462-5527 ◆ Fax: (518) 465-8349 ◆ E-mail: *cectoxic@igc.org*

Websites: www.cectoxic.org ◆ www.ecothreatny.org ◆
www.toxicfreefuture.org

November 19, 2010

John Marsolais
City Clerk
City of Albany
Albany City Hall
Albany, NY 12207

& Members of the Albany Common Council

Re: Proposed Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership

Dear Mr. Marsolais and Members of the Albany Common Council,

We urge the Common Council to reject this Solid Waste Management Plan and call for specific amendments. First we will delineate some of the most egregious problems with the draft Solid Waste Management Plan.

Background
Albany has operated with an informal consortium, known as ANSWERS for a long time. Now the name is being changed to the Capital Region Solid Waste Partnership but little about this arrangement has changed substantively. Albany has operated a landfill under several modified enforcement agreements that have allowed increased capacity for waste disposal. At the same time the consortium was supposed to be making other long term arrangements including another landfill while simultaneously increasing recycling programs. All of Albany's long term planning for another landfill and for creating a waste authority starting in 1989 has failed. Instead as the deadlines for landfill closure loomed, there was always a new "crisis" to justify extending the landfill's life.

We believe the primary reason for this failure is that Albany has operated the landfill as a cash cow that pays for the City's operational expenses. Thus the City has little long term motivation to properly manage solid waste. Albany's need for current income always trumped the need to close the existing landfill. And so we now enter a new phase in which the state is saying you

must change the way you are managing waste and Albany's need for current income has worsened.

Current Economic Setting

The national and global economic crisis has been felt severely at the state level, particularly given the significant role Wall Street plays in New York State's economy. New York State is witnessing deficits never seen before and simultaneously local governments at every level are suffering. The City of Albany needs lower expenses and jobs and economic development now.

Albany desperately needs an economic development plan that creates jobs, and increased income for the city, while replacing the former cash cow that the landfill represents. We have offered to arrange for Neil Seldman of the Institute for Local Self Reliance to come and meet with City officials about the opportunities offered by preserving materials in the waste stream. He has worked for EPA and published numerous reports which are available on the website www.ilsr.org. He is a national leader on the issue of "Waste to Wealth." He has worked with a number of local communities to develop eco-industrial parks that maximize the recovery and use of materials in the waste stream for remanufacturing.

This clearly was not one of the alternatives that was studied in this solid waste management plan. Given the economic climate, failing to seriously examine the opportunities for economic development is irresponsible to taxpayers but most of all for the many people currently unemployed in the region. We include our Jobs Factsheet for information on jobs in reuse, recycling and remanufacturing in the Attachments.

Serious Long Term Solid Waste Planning Is Undermined by a hidden agenda

The mandates of state law and implementing regulations were designed to create a situation where careful and transparent analysis of a community's solid waste situation and the various options would help guide future long term decisions.

Such planning requires careful analyses based on accurate information, honesty and transparent presentation of information to the public and their public officials so that they can make decisions about solid waste management. . Albany's case is a particularly egregious example of how planning can go through the motions, but in the end subvert the entire intent of the law.

A plan that showed in detail that Albany and its partner communities could expand zero waste programs to reduce, reuse, recycle and compost the majority of the waste as a least cost option is not a plan that Albany's consultants wanted to produce. A plan that actually showed the environmental benefits of doing so and the social benefits including jobs would then require that the City pursue zero waste programs.

A hidden agenda and purpose for Albany's solid waste management planning effort was to establish another Cash Cow for Albany, a solid waste AUTHORITY and secondarily to build a large solid waste treatment facility that will provide large fees for engineering consultants. The public and taxpayers will not benefit from a $554 million solid waste facility (likely an INCINERATOR) which will saddle them with capital debt for 30 years.

While the consultants may be telling the City that they will get a Cash Cow, the reality is far different and we refer you to recent news stories regarding the Harrisburg, PA incinerator and the Camden, NJ incinerator. See Attachments to this letter.

Albany's consultants knew at the outset that the public opposed incineration, and newer types of similar thermal technologies- gasification, pyrolysis and plasma arc. They also knew that the public fully supported zero waste programs. So if they wanted to actually build some type of thermal technology, the only way to do so was to propose a Solid Waste Authority. An authority has two unique characteristics—once established it is completely unaccountable to the public. The public gets no say in future decisions and none of their financial dealings are open to the public.

So by calling for an authority Albany consultants are saying they don't like democracy and democratic processes. Once an authority is established any bad project and any amount of money can be spent on it without voter approval.

Thus the entire Long Term Planning Effort was undermined by a hidden agenda, to advance a large solid waste facility for an expanded multi-county waste shed.

Advancing Two Proposals the Public does not want: **A Solid Waste Authority and a likely Incinerator**

There has been a great deal of focus on authorities in New York State in recent years. The legislature has supported reform measures. In August of 2010 NYS Comptroller DiNapoli issued a report on public authorities in New York State. Outstanding public authority debt totals over $214 billion. Even more astounding is the fact that 94% of all state-funded debt was issued by public authorities without voter approval, reflecting an average increase of 9% per year since 1985.

At this time public concerns about the lack of public accountability associated with authorities is actually overwhelmed by financial concerns by well positioned public officials. So it remains at least somewhat surprising that this Solid Waste Plan continued to advance the idea of an Authority. Although in this case the Plan does admit that municipalities are on the hook for any budget shortfalls created by authorities. But when viewed in the context of what the consultants really want to propose—a massive incinerator-- it is understandable. The Albany public having succeeded in closing down the terribly polluting ANSWERS incinerator in 1994 would not want to repeat that mistake. If the consultants want to build an incinerator in Albany, they must advance an authority.

Advancing a Plan that the Public fundamentally does not want and that proposes to exclude the public about future decisions requires misrepresentation of the facts.
The first major lie in the Solid Waste Plan is that the only way to proceed with any long term management plan is through a Solid Waste Authority.

The City of Albany's Environmental Counsel, Ruth Leistensnider, Esq. was asked to prepare a memo regarding flow control and possible implementing options.
She presented those options at a meeting of the Solid Waste Management Committee. Unfortunately the Plan as written chose to selectively remove any reference to other options presented by the City's own counsel and to present only the option of an authority.

We wish to emphasize that all that is really needed for the consortium to work together on a long term waste management plan is to adopt matching municipal **ORDINANCES**, which stipulate the solid waste plan and implementation for the consortium and clarify responsibilities,

authorities for each partner and overall objectives. This could be accomplished in as little as 6 months if the partners have the interest.

As the Plan does detail the Towns of Smithtown and Huntington have created **Solid Waste Districts** and exercise contractual flow control to ensure that waste is delivered to designated facilities to ensure that waste reduction and recycling are fully funded. **Solid waste districts** are also used in Vermont.

In Tompkins County an annual **solid waste fee** is levied on residents, businesses and institutions. This annual fee combined with revenues enables funding of an aggressive waste reduction and recycling program. However, the consultants determined that this would not be practical because every municipality would need to agree on an annual fee and a mechanism for collecting it.

Apparently the consultants believe that this would represent an impossible task when the municipalities currently are supposed to be coordinating waste reduction and recycling programs, and enforcing recycling requirements. The question is – is it really easier to just cede complete control to an authority and agree to pay whatever bill and whatever shortfall that develops than to work on an agreement on a fee and collection mechanism?

And here is the major question- who is interested in this larger regional waste authority than encompasses several counties? Half of the partner communities in the current partnership have not showed much more than minimal interest in the proceedings.
Absolutely nothing has been included in this waste plan that demonstrates the continued commitment of partnership entities to working together to implement a collective waste plan. The only document we are aware of is the Intermunicipal agreement, which has not been made available in the Plan. Because it has not been made available we cannot determine whether sufficient authority and accountability exists within the partnership currently
.
This Plan is advancing an idea for a larger partnership by proceeding from the top down—calling for legislation to establish an authority—rather that by working from the bottom up to establish a basis of support in participating communities. Currently even those within the so-called partnership are uninvolved.

The Second Problem for any serious solid waste plan is that you have to present factual information and careful analysis.

Now the Consultants have a serious problem because incineration is the most expensive solid waste management method available and stories in the media are documenting the problems. Please see attachments for these stories Here we list just some of the factual problems with the analyses presented in the Plan.

Total Recycling 118, 645 tons (2008)
Total Disposal 202,727 tons or **664 TPD, tons per day**

31% of garbage delivered for disposal was designated recyclables or 206 tons.
Another 30 % has been estimated by this plan to constitute food waste and other paper, all of which is compostable.
If recyclables were recycled, this leaves 458 tons per day to be managed.

If the compostables are composted this leaves just 259 tons per day. But this doesn't address the fact that yard waste was not properly counted. The current partnership is too small to enable the building of a large solid waste facility.

Yard waste was not properly accounted for.
The waste characterization study if you can call it that was extremely limited and inadequate for any long term plan. A five day survey in February is not representative of all seasons for an entire year. It especially should not be used to represent the Yard waste for the Capital District, since yard waste is not collected in the middle of winter. The Plan only accounted for yard waste generated in the Town of Bethlehem-14,000 tons and the City of Albany- 5600 tons. In the absence of data the plan should have assumed that other jurisdictions are generating similar quantities and much of it entering the mixed waste stream unless there is evidence to the contrary. Appropriately treating yard waste would increase the maximum recycling possible from designated recyclables.

Regulation and Enforcement regarding Commercial haulers is supposed to be an essential part of the new program but there are few details in the Plan and no evidence of a developed program for all of the partnership communities. 25% of Albany's housing stock is in multifamily buildings with 4+ units that are picked up by private carters.

All of the new Recycling Initiatives are poorly defined and not matched by any information about what is happening within partnership communities. Since a new website with this information was supposed to be developed it would have been nice to mention it in the plan.

Maximize Recycling. The Plan says it believes that the maximum that can be reached is 65%. San Francisco is already above 75% recycling. The major element to changing the rate is to target 100% of the waste stream for recycling. But Waste reduction and Reuse have largely been left out of this plan and are essential zero waste programs. All zero waste programs in combination are the key to higher diversion rates and lower costs.

Cost Distortions in the Analysis

For the Onondoga incinerator the Plan somehow manages to leave out payment on the capital costs. This change would make the cost per ton over $80, not $41. It is not a surprise to find that the cost analysis for scenario #3 shows the lowest cost per ton. Such pre construction estimates don't often reflect reality or future maintenance and repairs requiring millions of dollars in further investment.

However, there is always an advantage to economies of scale and we believe a more realistic scenario could have been constructed with more organic waste composting under For food scraps alone, the amount should be around 200 TPD, and a facility also doing yard waste should have been considered for Scenario #2 that would have shown substantial cost advantages over scenario #3.

However, as we know from experience with incinerators built with excess capacity—shortfalls in tonnage are a real problem for the sponsoring community. This has caused Washington and Warren counties to pay for waste shortfalls at the Hudson Falls Incinerator and a similar situation at the Dutchess County Resource Recovery Incinerator.

Lastly, we have included the New Yorkers for Zero Waste Platform, which indicates the level of support Zero waste currently has. It also call for a moratorium similar to the one that Massachusetts has and includes newer thermal technologies.

Thank you for your attention.

Sincerely,

Barbara J. Warren
Executive Director

Attachment #1 Harrisburg's Incinerator leads toward bankruptcy

Harrisburg's Failed Infrastructure Project

A new incinerator was supposed to earn Harrisburg, Pa., $1 billion. Instead, it's a cautionary tale for what happens when an infrastructure project goes bad. John Buntin | November 2010

Standing atop Market Square Plaza, an 18-story skyscraper that opened in 2005 in downtown Harrisburg, Pa., former Mayor Stephen Reed surveys the city he built.

"That's Harrisburg University," he says, pointing north to an impressive 16-story building that houses the university he almost single-handedly created five years ago. Restaurants and bars stretch west to the state Capitol. Virtually every one was built on his watch. "Three-quarters of the lots on this street were vacant -- unused," says Reed of one restaurant-filled artery. Vacancies lined many other streets too. Things were so desperate in Harrisburg when he took office in 1982 that on his first day as mayor, he found on his desk a plan for declaring municipal bankruptcy. He ignored it and today Harrisburg is a city transformed. Upscale hotels, Class A office buildings, bars and restaurants fill the streets near the Capitol building. The old Holiday Inn, which was on the cusp of being transformed into a complex with a strip club on the bottom two floors and subsidized housing above, is now a Crowne Plaza, one of the city's two convention hotels. Lawyers and lobbyists occupy the historic federalist townhouses that look out over the Susquehanna River. Bicycle-riding hipsters and state employees walking to work share the narrow sidewalks of the historic district. The renaissance is Reed's legacy.

Yet despite the outward signs of prosperity, all is not well in Harrisburg. Last year, after 28 years as mayor, Reed was turned out of office. Several things contributed to his downfall, among them a rising dissatisfaction with Reed's autocratic management style and an economy gone sour. But what really doomed Reed's bid for an eighth term in office was an infrastructure project gone bad.

In 2003, the Harrisburg Authority, a public entity charged with providing solid waste management services and whose board was handpicked by the mayor, approved a plan to retrofit Harrisburg's incinerator for $120 million. Today Harrisburg, a city of about 49,000, owes more than $280 million on the project and has amassed a per capita debt burden more than three times the second most indebted city in the state, Philadelphia.

Harrisburg isn't alone in piling up debt. Over the past five years, state and local governments have been on an epic borrowing binge, bringing outstanding debt to a formidable $2.4 trillion -- that's a 35 percent increase since 2005.

There's nothing inherently wrong with borrowing money, particularly to build infrastructure. Done properly, it's one of the best tools governments have to boost productivity and by extension, raise incomes. Done improperly, there's no better way to destroy a balance sheet. And

that's where Harrisburg is today. Pennsylvania's capital is teetering on the edge of bankruptcy, a prospect that has spooked bond markets and worried Gov. Ed Rendell, who recently warned that "If Harrisburg fails, every other municipality in Pennsylvania is in danger."

The story of Harrisburg's debt-driven downfall is a cautionary tale of how a city -- even one run by a mayor who considers himself a builder -- can fall prey to the vagaries of a large-scale project. It also raises provocative questions about the context in which key decisions are made: Is Harrisburg the victim of fraud and malfeasance? Or is it the victim of a political climate so poisonous as to make problem solving impossible?

Harrisburg Gambles on a Resource Recovery Facility

For more than three decades, the city incinerator's lone smokestack has stood in the center of south Harrisburg. Technically it's not an incinerator at all, but a waste-to-energy resource recovery facility that burns garbage and uses the heat released to generate electricity. When it opened in 1972, the plant was seen as a way to convert what is a municipal expense -- garbage disposal -- into a profitable product -- electricity. But the project seemed troubled from the beginning. Breakdowns were frequent. Tests established that the dark plumes of smoke that occasionally wafted over the city were rich in mercury and dioxins, two highly toxic materials. By the time Reed took office, the incinerator was actively losing money.

Reed managed to stabilize operations and return the incinerator to the black by bringing in more professional management. In the early 1990s, the city sold the facility to the Harrisburg Authority. Doing so provided a cash infusion into the city coffers and moved the politically sensitive task of raising trash disposal rates out of elected officials' hands. But the incinerator soon encountered a new problem -- more stringent emissions standards of the newly amended Clean Air Act. At first, the city scrambled for a loophole: It sought to be "derated" by reducing its burn rate to no more than 500 tons a day. But one of its two boiler units continued to struggle to meet U.S. Environmental Protection Agency dioxin guidelines. In December 2003, environmental regulators shut the facility down until standards could be met.

Local environmentalists, worried about the potential health problems associated with the facility, argued for leaving it shuttered. But there was a problem with that approach. The city still owed $104 million on it. As a result, the city's elected leaders faced a choice. They could shutter or sell the facility at a loss, a course of action that would cause city leaders budgetary pressures. They would either have to reduce spending or increase taxes. Or they could double down on the incinerator, issuing $120 million in new debt to retrofit and expand the facility in order to generate new revenues that would cover both the old and new notes.

The city decided to double down.

In 2004, the Harrisburg Authority awarded the contract to retrofit the incinerator's two existing boiler trains and build a third unit to Barlow Projects Inc., based in Fort Collins, Colo. Barlow Projects had developed a patented boiler and stoker technology that minimized moving parts (a common cause of breakdowns) and provided innovative pollution controls. But what made Barlow's offer most compelling was its price: The company was willing to build the new facility for $77 million -- about one-third less than other major players in the industry.

To Reed, Barlow checked out. True, it had never built a project as large as the one Harrisburg envisioned, but the company had a good track record with smaller projects. Its founder and CEO, James Barlow, an electrical engineer and ordained minister, was a man of impressive conviction. Engineering firms hired by the city, authority and county signed off on the technology and certified it at that price, modernizing the incinerator and expanding its capacity would cover the note's costs.

Not everyone was smitten with Barlow's offer. Fred Clark, a Reed protégé and a member of the Harrisburg Authority, was worried by the low-ball bid. "It was $40 million less than the other bids," says Clark. "You don't have to be a rocket scientist to think, 'What the hell?'"

Another Reed protégé, newly elected councilwoman Linda Thompson, who is now Harrisburg's mayor, was worried too. When the Harrisburg Authority went to the City Council with a request for the city to guarantee a $120 million bond for the retrofit, Thompson hesitated. Ultimately though, Barlow's bid seemed to offer the only affordable way for the city to proceed. "I kept coming to the conclusion that there was no way we could pay for this, particularly if we had to ask the taxpayers to pay for it," Thompson says.

In short, Harrisburg's residents were simply too poor to pay a higher price. If the plant cost more, the authority wouldn't be able to pay off the note. So despite her reservations, Thompson joined five of her seven colleagues on the City Council in voting "yes." The county signed on too, as a secondary guarantor for some $95 million in debt. Responsibility for overseeing the retrofit fell to the Harrisburg Authority and its five-member board. But de facto responsibility resided with the mayor, who appointed all of the board members.

By 2005, Reed had become the capital's indispensable man, the Richard Daley of Harrisburg. But the arbitrary nature of his reign was put on display when Reed used Harrisburg Authority money to purchase items for a rather exotic economic development initiative: a Wild West museum that would include a replica of Tombstone, Ariz., on the day of the famous shootout at the OK Corral. Unbeknownst to the public, Reed had spent more than $7 million purchasing such items as the gates of the OK Corral and gambler Doc Holliday's dentist chair for the museum, using funds provided by the Harrisburg Authority. But even such extravagant rule bending failed to dent Reed's popularity or reputation for competence. A May 2005 editorial in the local Patriot-News described Reed as "practically a legend in his own time" and asked where Harrisburg would be "without the juggler in chief?"

Meanwhile, the incinerator retrofit was falling apart.

The Missing Performance Bond

There are numerous ways state and local governments seek to ensure that contractors perform their work correctly on large infrastructure projects. One is to hire a project manager. Unfortunately for Harrisburg, Barlow Projects was its own project manager. From the beginning, it struggled to oversee local subcontractors and manage a project far larger than any it had ever done before.

Another means is to write a contract that fines companies for failing to meet deadlines. Harrisburg's contract with Barlow included provisions of this sort, but there was a problem the city had not anticipated: The company was too financially shaky to pay such fines.

A third provision is to withhold a retainage fee, typically 10 percent of the total cost of the project, until the job is completed. The Harrisburg Authority's contract included a provision that left $7 million in its hands. But in late 2005, the authority released the money to the struggling company as part of a desperate effort to help it complete the project.

A fourth provision that most municipalities insist upon -- and probably the most important -- is for a performance bond, which protects against loss in case the contract's terms aren't filled. It was here that the Harrisburg project went terribly wrong. Barlow didn't qualify to be bonded. Rather than stop the process altogether, city officials and the authority devised a workaround. Instead of a performance bond that a bank or insurance company would guarantee up to the bond limit in the event of a default, the city cobbled together a series of less impressive guarantees.

According to Thompson, the City Council never knew the performance bond was missing. "Countless hours of tapes prove that the council went through very intensive public hearings," she says. "How that got away from us is mind-boggling to me." But Clark says the lack of a performance bond was something discussed, and that even though the city's legal counsel OK'ed it, it should have been a red flag. "It didn't have a performance bond, 'Hello!'" he says.

By late 2006, the project's construction was not going well. On-site problems at the incinerator could no longer be ignored. That December at Reed's behest, the board voted to fire Barlow

Projects and bring in a major national player, Covanta Energy, to take over the project. When the Covanta team arrived at the site, it was shocked by what it found.
“I don’t want to say I was scared,” says Covanta Vice President Jim Klecko, “but I had reservations about physically going through the facility.” Streams of water flowed through the facility, amidst piles of ash. Worse of all, the all-important third boiler had been “completely scavenged” to maintain the two existing boiler units. The third boiler was the linchpin of the plan to pay the note by expanding burning capacity from roughly 530 to 800 tons a day. But with the third boiler incomplete, the facility was operating at about two-thirds capacity and losing roughly $1 million dollars a month.
Rather than address the problem, the City Council and mayor went to war.
Indentifying the Root of the Incinerator's Failure
To Reed, the failure of the incinerator retrofit was a regrettable but unforeseeable engineering failure. When asked, “What went wrong?” Reed demures, saying, “to this day, I must tell you candidly, I have yet to hear a rational explanation.”
The City Council, led by Thompson, who later became the council president, and then-Councilmember Dan Miller, identified a different root problem -- the mayor’s leadership style. To Thompson and Miller, Reed had built a house of cards. “Everybody was so impressed with the new buildings and additional restaurants, and the excitement in the main downtown corridor,” Thompson says. “No one was checking the facts.”
In January 2007, the City Council, acting on a legal opinion provided by the city solicitor, passed a resolution that stripped the mayor’s authority to appoint the Harrisburg Authority’s board. Reed vetoed the measure, but the following month, another councilmember came over to the majority, providing a veto-proof majority. A new board was installed. Reed sued. Three years of legal battles followed, which led to the seating and unseating of several boards. (Earlier this year, the state supreme court finally ruled in the mayor’s favor.)
Meanwhile, Reed was trying to solve the problem. As a step toward paying off the incinerator debt, he proposed leasing the city-owned garages downtown (which serve state government agencies) for 75 years, a step that would have netted the city around $100 million. The City Council rejected the measure out of hand. Nor could the mayor and council agree on a new board for the Harrisburg Authority. What had been an engineering project management failure became something more serious -- a political debacle.
In February 2009, Thompson announced that she was running for mayor against Reed. Emboldened by 3,000 new voters who had registered one year earlier to vote for President Barack Obama, and by a skillful campaign that targeted Harrisburg’s ministers and African-American majority, Thompson won the Democratic primary. With a 4-1 Democratic-to-Republican advantage in voter registration, Thompson’s election should have been ensured. Instead, she defeated the Republican candidate, a lobbyist, by just more than 800 votes.
As mayor, Thompson slipped with alarming speed into the same groove that had frustrated her successor. An early attempt to sell or lease assets and raise property taxes and water rates was rejected by the City Council. After Thompson vetoed the council’s modified version, the budget reverted to what Reed had proposed instead. The City Council expected the mayor to return with a new plan after her initial rejection. She didn’t. The city then hired a consulting firm to prepare a detailed plan that outlined the city’s options, which went nowhere. Soon councilmembers were openly questioning the new mayor’s ability to do the job. It was a skepticism that the mayor herself sometimes seemed to share, noting on at least one occasion, “This is above my pay grade. It’s above the City Council’s pay grade or the controller’s pay grade too.”
Meanwhile, the debt payments keep adding up. Harrisburg owes $34 million on Dec. 14. For the past year, however, the city and authority have failed to make payments on the $288 million debt, and that has forced its other guarantors, notably Dauphin County and bond insurer Assured Guaranty Municipal Corp., to make millions of dollars in payments on its behalf. Earlier this fall,

Dauphin County commissioners, furious about Harrisburg's failure to craft a solution to the crisis, authorized Assured Guaranty Municipal to file a lawsuit against the city.
A majority of Harrisburg's City Council has reacted with defiance, criticizing Wall Street for lending Harrisburg "excessive" sums of money. So dysfunctional has the relationship between the mayor and City Council become that when the state offered to provide the mayor with $850,000 to hire financial consultant Scott Balice Strategies to advise the city, the City Council rejected the money, infuriating Rendell. In an appearance with Thompson after the vote, Rendell, the man who saved Philadelphia from fiscal failure in the 1990s, attacked the City Council for saying that an outside consultant would want to pay off bondholders first.
"That's what cities do," Rendell said, in a hastily called press conference. "They borrow money, and they meet their obligations: They pay off the bondholders. If you don't do that, a city will have no long-term or short-time viability. The city will crumble."
Indeed, one of the most notable things about Harrisburg's crisis is how little pain the city has endured. Trash disposal rates have been raised. At $200 per ton, they're now considerably higher for the city than the county. But property taxes haven't gone up, service cuts have been slight and no assets have been sold. And yet, the city owes bondholders more than it can afford to pay. The original $120 million project has ballooned to more than $280 million in debt, thanks to the $104 million the city already owed on the old incinerator, $25 million for the new operator to complete the incinerator and an additional $31 million that was borrowed to pay maturing debts and restructure some of the remainder.
A declaration of bankruptcy is one talked about solution to the debt problem. As Thompson sees it, that ought to be "our last option," and she's criticized the City Council for treating it as a first option instead That ultimately may be Harrisburg's true tragedy. The incinerator's problems are the result of bad choices and bad luck. But the problem's persistence has been caused by poor leadership, including an unwillingness to confront citizens with the reality of the problems Harrisburg faces.
"With [Reed] going down, no one knows how to deal with politics in Harrisburg," says former Councilmember Dan Miller, now the city controller. "He was it. He was the kingmaker."
Sitting in his office off Front Street in the upstairs parlor of a historic home where both former President Abraham Lincoln and Confederate Gen. Thomas "Stonewall" Jackson once slept, Reed sits, wreathed in cigarette smoke. Shades are drawn as Reed, dapper with a pencil thin mustache and wearing an enormous, diamond-encrusted Mason ring, shakes his head in disgust. "Yes, it is frustrating," he says of the city's plight and the criticism directed at him. "But I have moved on."
As for the criticism that the closely held way in which decisions were made under his tenure contributed to the problem, Reed dismisses it out of hand.
"Closed door?" he says in response to a question about his management style. "I wouldn't say closed door. 'Autocratic' would be the word. It's an autocratic style based on a certain level of impatience. I am not one who is fond of, 'let's have formal committees and study this problem for the next three years and let's have a hundred people serve on this committee.'"
Reed may not be dwelling on the enormous financial problems wrought by the failed incinerator project -- or on the breakdown in government that has thus far prevented Harrisburg from addressing the issue -- but the rest of the city is. Along with his many accomplishments, these too are Reed's legacies.
This article was printed from: http://www.governing.com/Harrisburgs-failed-infrastructure-project.html

Attachment #2 Camden Incinerator. NJ will no longer subsidize it.

New Jersey pulls plug on Camden trash authority debt support. New Jersey won't pick up a $26.1 million payment due Dec. 1 on the Camden County Pollution Control Financing

Authority's incinerator bonds after covering payments since 1999, a spokesman for Treasurer Andrew Sidamon- Eristoff said. Bloomberg News. 13 November 2010.

New Jersey Pulls Plug on Camden Trash Authority Debt Support

November 12, 2010, 4:33 PM EST

By Dunstan McNichol

Nov. 12 (Bloomberg) -- New Jersey won't pick up a $26.1 million payment due Dec. 1 on the Camden County Pollution Control Financing Authority's incinerator bonds after covering payments since 1999, a spokesman for Treasurer Andrew Sidamon- Eristoff said.
"We have been and remain willing to work with the authority to come up with a way to restructure the debt," said Andrew Pratt, the treasurer's spokesman. "However, there is not money in the budget to make a $26 million-plus payment for them."

Standard & Poor's today lowered its rating on the authority's series 1991A-1991D revenue bonds to CC, the third- lowest, from CCC. The firm warned of "the increased likelihood that the authority will default on its last payment Dec. 1," according to a report explaining the downgrade.

New Jersey has scheduled a special meeting of the Local Finance Board in Trenton on Nov. 23 to review options for managing the Dec. 1 balloon payment, which the authority says cannot be covered without state aid. The board must approve all borrowing by the state's municipal and school agencies.

The authority operates a landfill in Pennsauken, where it is based, and a trash-to-energy incinerator in Camden, a city where more than one-third of the residents live in poverty, according to the U.S. Census Bureau.

Tough Competition

Since 1999, New Jersey has made almost $150 million in debt-service payments for the authority, according to S&P. The agency can't charge trash haulers enough to meet its financing costs, due to competition from neighboring Pennsylvania, said David Luthman, deputy executive director of the authority.

The operation generated $36 million in operating revenue in 2008 against $28 million in annual costs, according to the most recent annual financial report filed for bondholders. Since at least 2007 it has received $6 million annually in state aid to cover debt-service expenses, the reports show.

The authority doesn't have enough cash on hand this year to cover the full $26.1 million that comes due Dec. 1, Luthman said in a telephone interview today from the Pennsauken headquarters.

"We have issued a continuing series of public notices that evidence our concern that without significant state aid we are going to have a problem," he said. Regarding prospects for restructuring the debt he said, "Your guess is as good as mine."

--Editors: Stephen Merelman, Mark Schoifet.
To contact the reporter on this story: Dunstan McNichol in Trenton, New Jersey, at dmcnichol@bloomberg.net

Attachment #3

Dutchess County Resource Recovery Agency: Inefficient, expensive & in debt

Obligations, costs exceed 13 other NY, Conn. plants

BY MARY BETH PFEIFFER • POUGHKEEPSIE JOURNAL • MAY 10, 2009

The Dutchess County trash-burning plant needs milions from taxpayers to break even each year, costs 46 percent more to operate than 13 other plants in New York and Connecticut and has debts stretching years beyond all of them.

The findings come from a Poughkeepsie Journal analysis of the finances and functioning of the 22-year-old Town of Poughkeepsie facility on the Hudson River. In almost every respect, the waste-to-energy plant, which burns about 150,000 tons a year and generates enough electricity to power 10,000 homes, fares poorly when compared to other plants, the Journal found. One bright spot is that it meets state emission limits for seven key pollutants.

"This burn plant uses obsolete technology, and it's very expensive," said R. Stephen Lynch, a newly appointed board member of the Dutchess County Resource Recovery Agency, which oversees the plant. Lynch, a solid waste consultant who is administrator for two of the plants in the Journal's analysis, said the Dutchess facility has been "mismanaged from a financial and taxpayer point of view for many years."

Officials of the trash agency, a public authority whose board is appointed by the county executive and Legislature, defended the plant and said its fiscal picture had been influenced by expensive environmental upgrades, competition for waste from cheaper alternatives and less waste delivered by haulers in a down economy. They questioned whether figures provided by other plants reflected the true cost of waste processing and whether the comparison was "apples to apples."

"This business is full of variables," said William Conners, board chairman. "It all depends on what you're looking at, what number you come up with."

The Journal analysis raises questions about the economics of the trash plant at a time when county leaders have seen revenues decline and have made frequent calls for austerity. Among the findings:

• While the Dutchess plant receives a multimillion-dollar county subsidy every year - one that's grown 250 percent since 2001 - seven other facilities are self-sufficient, operating almost entirely on the sale of electricity and trash-dumping fees. The Dutchess facility receives that money and then some. In 2008, it brought in $11.1 million in "tipping," or dumping, fees and $4.2 million in electricity revenues - but still needed a $3.5 million county subsidy to break even.

The subsidy added $24.50 to each ton of trash burned, bringing the plant's total per-ton processing fee to a little less than $102. The 13 other plants averaged $70 a ton. As significantly, Dutchess' cost will likely rise about a fifth this year.

• Four other plants are supported by taxes paid to governments that arrange trash pickup, while one, in Hudson Falls, Washington County, gets a municipal subsidy as in Dutchess. However, all five operate far more economically than the Dutchess facility and

cost taxpayers far less. Westchester County's plant, for example, costs $72 to burn a ton of waste in 2008; with its subsidy, the Washington plant cost $75.

• Though older than 12 other plants, the Dutchess plant has debt extending years beyond every other facility in the two states. Among the 14 plants, four have paid or will pay their debt by the end of 2009, six more will be debt-free by 2019, as will three more by 2023. The Dutchess plant's debt extends to 2027 - with $49 million in bond payments remaining.

• The plant also lags behind others in "availability," namely the percentage of hours annually that it operates and thereby produces revenue. The 13 other plants operated an average of 91 percent in 2007 or 2008; Dutchess' figure was 86 percent for 2007 and 85.3 percent for 2008; 85 percent is the lowest acceptable level under state environmental regulations.

Operating deficit grows

The Journal inquiry was prompted by the plant's growing operating deficit, which the county is obligated to cover in the form of a subsidy or "net service fee." In 2001, the facility received $1.1 million in county support; by last year, the figure had more than tripled to $3.5 million. For 2009, the county has budgeted $6.3 million to cover agency deficits, which promise to continue and perhaps worsen as competition for trash intensifies in a slowing economy.

Dutchess County Executive William Steinhaus deferred to agency officials on questions about the burn plant.

"Without looking at the numbers, I can't tell you why" other plants function without subsidies, said Conners, the agency chairman.

William Calogero, the Resource Recovery Agency's executive director, estimated the cost to burn a ton of trash at the plant was $76 to $79.

"The comparisons being made can be misleading without complete system understanding and need to be clearly presented to be understood properly," he wrote in an e-mail. However, he acknowledged his figure did not include the additional $24.50 per ton paid by taxpayers in the form of the county subsidy.

One reason the plant may be costlier than others is its relatively small size, burning 450 tons a day, Calogero said. Indeed, Neil Sheehan, the overseer of a 900-ton-per-day plant in Huntington, Suffolk County, said there are "economies of scale" in trash burning. Both plants have about the same staffing - 44 at Dutchess and a little less than 50 at Huntington - a prime expense.

On another point, Calogero said the Dutchess plant operated less time than other plants because of difficulty obtaining waste, while also noting other plants may overstate their operating time by measuring it in a different way.

"When we're shut down because we don't have fuel … that's why our numbers are lower," said Calogero, who was a board member for eight years before becoming director in 2006.

Landfill fees drop

Indeed, the plant seldom comes close to operating at its maximum capacity of 164,000 tons per year because there are cheaper places, primarily upstate landfills, for haulers to dump their trash. In 2008, the plant, which takes about half the county's waste, processed its lowest tonnage since at least 2000 - 142,800 - as tipping fees elsewhere dropped.

Ulster County, for example, transports its trash to landfills at a cost, including dumping and transportation, of $70 a ton. The Ulster County Resource Recovery Agency also receives a government subsidy to offset tipping fee shortfalls but, unlike Dutchess', it is dropping, from an average of $4 million from 2000-03 to $1.3 million this year.

While acknowledging that dumping trash in a landfill is cheaper, officials of the Dutchess agency maintained waste-to-energy technology was environmentally superior, a point of debate among environmentalists.

"This whole plant is the most socially responsible approach to waste management this county could have," Conners, a Republican appointee, said. "I personally do not believe putting waste in a truck and hauling it 250 miles and burying it is a solution. It may be cheaper but it's garbage-be-gone."

Conners, who is also an outdoor sports columnist for the Poughkeepsie Journal, estimated 850,000 gallons of diesel fuel were saved annually by not having to truck Dutchess' waste to landfills. If the plant closed, its waste would likely go 245 miles away to Seneca Meadows Landfill in Waterloo, Seneca County, which takes 85 percent of Ulster's 125,000 tons a year of trash. (It should be noted the Dutchess plant produces about 50,000 tons of ash yearly, which is trucked to landfills.)

The Dutchess facility - built with $40 million in bonds and a $13.4 million state grant - has been troubled virtually since the agency entered into a construction agreement with Pennsylvania Resource Systems Inc. in 1984. Pennsylvania went belly up in 1988 and construction was completed in 1989 by Westinghouse Electric Corporation. Westinghouse operated the plant until 1998, when it sought to get out of its contract, and Montenay Duchess LLC, now Veolia Environmental Services Dutchess LLC, was hired to take over. The parent company of Veolia operates 10 waste-to-energy plants in the United States; its Dutchess contract expires in 2014.

Standard industry practice is for plants to structure loan payments so debts are paid off simultaneously with the expiration of long-term contracts with plant operators - on the assumption that plants will at least operate through that time. But Dutchess' debt, due largely to $16.1 million in bonds issued in 2007, will extend to 2027. The bonds were issued in order to pay off short-term notes from 2005, which in turn had funded modifications to the plant's emission-control systems required under the federal Clean Air Act.

"Everything was extended when it were reissued," Calogero said about the bonds.

'Dinosaur' tied to county

Roger Higgins, D-New Hamburg and chairman of the county Legislature, said the findings point "to what appears to be mismanagement" of the facility, which he called a "dinosaur with tremendous implications to the taxpayers."

Dutchess essentially guarantees the plant's debt under its agreement with the agency, extended in 2007, to pay operating shortfalls and assure delivery of 140,000 tons of waste a year.

Based on its current budget, the Dutchess plant's per-ton processing cost will rise 20 percent this year, according to a separate analysis by Lynch, the board member and solid waste consultant. Lynch, a registered independent who was appointed by the Democrat-controlled Legislature in January, compared the Dutchess facility to two similarly sized plants he is contracted to manage as part of his Millbrook-based waste planning and administration business.

He found Dutchess' 2009 per-ton cost will be $121, based on its adopted budget, compared to $74 and $84 for the two other facilities, located in Lisbon, Conn., and Hudson Falls. Significantly, if the Dutchess plant's debt were structured to be paid off in tandem with the expiration of Veolia's contract in 2014, as other plants' do, the cost would be an "astronomical" $147 per ton, he noted.

Lynch is also a member of the Higgins-appointed Green Ribbon Solid Waste Management Task Force, which began meeting this spring and poses a clear threat to the future of the Resource Recovery Agency. The task force's mandate, along with recommending ways to expand recycling and waste reduction, is to "complete a review of the need and feasibility of continuation of the Resource Recovery Agency."

At the same time, the agency recently hired its own consultant, at a cost of $60,000, for a mission seemingly at cross purposes with the task force's: to study waste-generation in the county and suggest ways to manage it - ideas that "may include expansion of the Resource Recovery waste-to-energy facility, the construction of an additional facility, the construction or leasing of transfer stations and requiring all carters to bring a percentage of their collected waste to DCRRA," according to an agency document.

Given the plant's cost and performance, any proposal for a new or expanded burn plant would likely be highly controversial.

Shabazz Jackson, president of Greenway Environmental Services in Newburgh and a task force member, said, "It's not sustainable. We're seeing the technology, the mass-burn technology, nearing the end of its life."

"It would be met with resistance - that's a good word," said Higgins, who blamed the agency's poor performance on "lack of oversight by the previous Republican-controlled Legislature of this agency. That's what happens when you have a one-party government."

Conners maintained Dutchess residents pay only $21 per capita for solid waste disposal while Westchester County residents, who also have a burn plant, pay $108 per capita in their county taxes.

He acknowledged, however, the $21 is the taxpayer cost of the Dutchess plant's subsidy alone and does not reflect private trash collection bills paid by most Dutchess residents, generally about $300 a year for a household. In Westchester, Conners' figure of $108 per capita pays for municipal trash collection in 36 of 43 communities, although some additional amount may be paid in town or village taxes.

In addition to burning trash, the Resource Recovery Agency manages a recycling center on Fulton Street in the Town of Poughkeepsie - which may exacerbate the agency's fiscal straits this year. While the agency broke even on recyclables last year and made $650,000 in 2007, Calogero said the agency expects to lose money in 2009 as recycling markets collapse in the economic downturn.

"Right now we're losing money every month," he said.

The economy has also prompted trash volumes to plunge - by about 10,000 tons since 2006 - a constant worry for plant operators. The biggest user of the plant is Royal Carting, which is contracted to deliver 115,000 tons of waste a year in exchange for a discounted tipping fee. The City of Poughkeepsie delivered about 12,000 tons last year - its total output - and Waste Management, another private hauler, delivered about 6,800 tons.

Royal officials defended the plant.

"It's a stable, reliable, locally controlled facility," said James Constantino, general counsel. While asserting there is a "phenomenal amount" of landfill capacity with disposal costs in the mid-20s per ton, he added: "That's what it is today. We don't know in five years … We have clear recollection of what it was like when we had no place to bring it."

Reach Mary Beth Pfeiffer at 845-437-4869 or mbpfeiff@poughkeepsiejournal.com

Attachment # 4

Reuse & Recycling GROWS JOBS Locally!

Factsheet

National Estimates

The Reuse and Recycling Industry has had sustained growth for over 30 years nationally.
In 1967, there were 8,000 companies employing 79,000 people with sales of $4.6 billion.
As of 2000, the industry had grown to 56,000 public and private sector facilities with 1.1 million people and $236 billion in gross sales. A total growth of 1300%!

The growth in employment in this sector was 5 times the growth in total employment nationwide.

The "Indirect" effects of this industry on supporting businesses were estimated to provide an additional 1.4 million jobs and $173 billion in receipts.

(U.S. Recycling Economic Information Study, prepared by RW Beck for the National Recycling Coalition, July 2001, available on the Web at: http://www.epa.gov/waste/conserve/rrr/rmd/rei-rw/index.htm)

Waste Reduction, Reuse, Recycling and Composting offer the most direct economic development tools available to local communities. Not only are resources and energy saved in the process, but there are new jobs created in the process. Discarded materials provide the local resource to increase local revenues, create jobs, and attract new businesses to the ready supply of materials.

Simply the sorting and processing of recyclables provides 5 to 10 times more jobs than landfilling or incineration. But Reuse and remanufacturing can provide many times more jobs, between 28 and 296 jobs for each one in disposal. (Wasting and Recycling in the US, 2000, Grassroots Recycling Network citing ILSR.)

Manufacturing from locally collected discards adds value by producing finished goods. This picture is more sustainable economically and environmentally that exporting raw materials and importing finished goods.

According to the Institute for Local Self-Reliance, "Closing the loop locally" -- by recovering more materials and developing local remanufacturing, reuse, and composting businesses as markets for these materials -- is the key to maximizing recycling-based economic development.

Consider Philadelphia. This story is provided by the Institute for Local Self-Reliance and available at www.grrn.org Since implementing curbside recycling, between 1986 and 1993, Philadelphia attracted 46 new recycling-related businesses interested in locating in and around the city (with a potential to create 2,000 new jobs). Between 1993 and first of half of 1994 (latest figures available), eight new businesses were established that created 81 jobs, and another 7 businesses, slated to create 284 jobs, were considering locating or expanding in and around the city.

In New York State 2009 Data

Businesses and Jobs associated with the REUSE, RECYCLING AND REMANUFACTURING INDUSTRY.

3,948 businesses
32,240 employees
$1.39 billion in payroll
$10.1 billion in total receipts
(Northeast Recycling Council Economic Study for the Northeast, Sept. 2009).

The DEC estimates that the NEW State Solid Waste Plan would create more than 74,000 new jobs as the result of DEC's proposed major expansion of material recovery efforts.

Not Yet Adequately Quantified

Jobs in some areas are not adequately quantified yet. Recycling educators and outreach workers, those involved in oversight, and planning tasks, and those that utilize compost materials in nursery businesses, farms and greenhouses are not regularly included in job estimates. We do know however that the supply of compost runs out in the early summer, while there is a demand for this valuable soil amendment for 3-4 more months.

Tons vs. Value

Solid Waste is most often measured in Tons. Yet when we purchase goods at a store, we are paying in dollars. Remanufacturing sells products for dollars. Where this gets tricky is in the

REUSE arena. Too often former solid waste managers want to count reusable goods as tons diverted rather than for value- added goods sold and the benefits provided. The overall social benefits of reuse to schools, charitable organizations and those on fixed incomes can be extraordinary. For Reuse operations- Count Value Not Tons!

Prepared for NY Zero Waste Alliance, managed by Citizens' Environmental Coalition, 33 Central Ave. Albany, NY 12210, 518-462-5527. Contact Barbara Warren also at 845-754-7951 or warrenba@msn.com

Attachment #5

New Yorkers for Zero Waste Platform 2010

The N.Y.S. Department of Environmental Conservation (DEC) has prepared a new State Solid Waste Plan that recognizes that materials in our waste stream are valuable and need to be preserved. We strongly endorse its preference for waste reduction, reuse, recycling and composting over disposal. The less waste we dispose of the more environmental, economic and social benefits that we will enjoy.

Unfortunately, millions of tons of garbage are still being wasted through disposal in landfills or incinerators. The DEC estimates New York's recycling rate to be only 20%, far short of the 50% reduction and recycling goal that was to be met by 1997 under the State Solid Waste Management Act of 1988. A large portion of waste headed for disposal is recyclable (50%) or compostable (30%).

To achieve the goals of the Plan, we must stop trashing our resources through disposal!

- Incinerators emit toxic air emissions and produce toxic incinerator ash that needs landfilling. They also emit more CO_2 than coal burning plants per MWh. Incinerators must have burnable materials and therefore compete with recycling.

- Recycling saves 4-5 times the energy an incinerator recovers.[1] Incineration is not renewable energy.

To address climate change we must address waste in our society!

- For every trash bag we put at the curb, 70 bags of trash were generated by industry to make the products we buy. The production of products and packaging is associated with 44% of all greenhouse gas emissions.[2]

- Biodegradable materials in landfills emit methane, a gas that has 72 times the global warming potential of CO_2, over a 20 year period.[3] Landfill gas collection systems capture only about 20% of landfill gas.[4]

- The best strategy is to divert biodegradable organic material away from landfills and incinerators to composting. Compost provides nutrients for healthy soils and plants.

Burning and burying garbage wastes money, energy, and natural resources; it contributes to climate change and places an unfair pollution and health burden on nearby communities. Diversion saves energy and resources, and creates many more jobs in collection, processing, reuse of goods and remanufacturing of materials.

Maximizing waste reduction and diversion will dramatically decrease waste sent for disposal over time by 70%, 80%, 90% and more, enabling New York to achieve the significant benefits of a more sustainable system. The ultimate goal should be Zero Waste being sent to Disposal or very close to it.

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[1] EPA's WARM Model.
[2] A recent EPA report found that non-food products are associated with 37 percent of U.S. greenhouse gas emissions. Joshuah Stolaroff, PhD worked on the EPA report and subsequently extended the analysis to include products produced abroad and consumed in the US. This white paper states total GHG emissions of products and packaging is 44%. Both reports can be accessed at www.productpolicy.org
[3] IPCC, 4th Assessment Report.
[4] Ibid., Working Group III, Mitigation, 10.4.2.

We call on the Governor, the NYS DEC and the NY State Legislature to support a new, sustainable direction for reducing waste, recovering resources and growing jobs as well as obtaining other benefits for New Yorkers by doing the following:

- Establish a moratorium on construction of all new waste incinerators or combustors as well as expansions of existing incinerators. This would include newer, commercially unproven thermal technologies such as gasification, pyrolysis and plasma arc.

- Ban waste haulers and municipalities from sending recyclable materials for disposal, and instead require recyclables to be source separated and transported to recycling processing facilities.

- Halt all increases in capacity at the state's largest landfills.

- Require all local solid waste planning units and haulers sending garbage for disposal to demonstrate the presence of adequate programs of waste reduction, recycling and composting in the service area.

- Rapidly implement organics collection programs and develop the needed composting and anaerobic digestion infrastructure. Ban yard trimmings from disposal now and ensure the ban's enforcement. Establish a statewide ban on the disposal of food scraps by 2013.

- Require all communities to adopt incentive/disincentive programs, such as Pay-As-You-Throw, which are proven to increase diversion rates.

- Adopt Extended Producer Responsibility (EPR) legislation (also known as product stewardship) to engage manufacturers and importers in the design of products and packaging to reduce waste and toxicity and remove the burden from government and taxpayers. Producers of products and packaging must be part of the solution. Ten to fifteen percent of the waste stream should be reduced through EPR measures.

- Regulate solid waste generated by all sectors – residential, commercial, institutional and industrial. Bring waste haulers and transporters under the jurisdiction of the DEC through licensing, requiring reporting of all waste and recyclable collections and disposal, and providing for oversight and compliance.

- Require local solid waste planning units to prepare implementation plans that increase waste reduction and diversion and decrease disposal. State and local plans must decrease disposal by 50% by 2015, and 85% by 2020 for all waste streams. The implementation plans must be enforceable by DEC.

- Ensure accurate measurements of diversion and waste quantities in order to measure progress toward goals. Plan to reassess goals and progress and adjust programs under a revised 2020 statewide plan.

- Ensure that Zero Waste Programs and their greenhouse gas benefits become a substantial part of the new state Climate Action Plan and its implementation.

- Establish a secure funding stream to fund more sustainable solid waste programs over the long term and achieve job benefits and needed greenhouse gas emission reductions. Licensing fees, facility permit fees and surcharges on disposal should all be used to provide dedicated funding. A surcharge of at least $20 per ton of MSW generated could provide $5 per ton to the state for solid waste activities and $15 to local planning units to support needed recycling and composting facilities as well as educational programs.

To support this platform or for more information, contact: Barbara Warren, NY Zero Waste Alliance, project of Citizens Environmental Coalition, warrenba@msn.com or 845-754-7951/ 518-462-5527.

Organizational Supporters Listed Below

New York Statewide Organizations

Atlantic States Legal Foundation
Citizens' Environmental Coalition
Clean New York
Clearwater
Environmental Advocates of New York
New York Public Interest Research Group
Sierra Club Atlantic Chapter

Local and Regional Organizations

Adirondack Communities Advisory League
Capital District Branch of NY Apollo Alliance
Concerned Citizens of Seneca County, Inc.
Concerned Citizens of Cattauragus County
Concerned Residents of Portland, NY + People Like Us (Crop Plus)
Finger Lakes Citizen's for the Environment
Finger Lakes Zero Waste Coalition, Inc.
Freshwater Future
Greenwich Citizens Committee, Inc.
Jamesville Positive Action Committee
NYC Apollo Alliance
people's Environmental Network of NY
Residents For the Preservation of Lowman and Chemung (RFPLC, Inc)
Save the Pine Bush
Selkirk, Coeymans, Ravena Against Pollution
Sure We Can
Sustainable Flatbush

Sustainable South Bronx
The Solidarity Committee of the Capital District
Village Independent Democrats
Washington County Democratic Committee

National
American Environmental Health Studies Project
Center for Health, Environment & Justice
Institute for Local Self-Reliance

Appendix B

Transcript of the Public Hearing Held on October 25, 2010.

P R O C E E D I N G S

PUBLIC HEARING

CITY OF ALBANY COMMON COUNCIL
Albany, New York

****

A Public Hearing

- in the matter of -

Part 617 of Article 8

State Environmental Quality Review Act

Of the Environmental Conservation Law

****

October 25, 2010
7:00 p.m.

Common Council Chamber
City Hall - Second Floor
Eagle Street
Albany, New York 12204

REPORTED BY: LAUREL STEPHENSON

PRESENT:

FOR THE ALBANY COMMON COUNCIL:

CAROLYN McLAUGHLIN
President

RICHARD R. CONTI
President Pro Tempore

DANIEL HERRING
Majority Leader

DOMINICK CALSOLARO
Ward 1

RONALD E. BAILEY
Ward 3

CATHERINE M. FAHEY
Ward 7

JAMES P. SANO
Ward 9

LEAH GOLBY
Ward 10

ANTON A. KONEV
Ward 11

MICHAEL O'BRIEN
Ward 12

JOSEPH IGOE
Ward 14

FRANK COMMISSO, Jr.
Ward 15

ALSO PRESENT:

KENNETH G. GALLAGHER, PP, AICP
Clough Harbour Associates

BILL BRUCE
Chairman of Steering Committee

MEMBERS OF THE PUBLIC:

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PRESIDENT McLAUGHLIN: I'd like to welcome the public to this public hearing on the Draft Solid Waste Management Plan, Draft Environmental Impact Statement for the Capital Region Solid Waste Management Partnership Planning Unit. Will the clerk, please, call the roll.

(The roll was called)

MR. MARSOLAIS: We have eleven present, at the moment, four absent.

PRESIDENT McLAUGHLIN: Good evening, thank you. My name is Carolyn McLaughlin. I'm the common council president. The common council has been designated the lead agency for the review of this Draft Solid Waste Management Plan pursuant to the State Environmental Quality Review Act, Part 617 of the New York Compilation of Law Rules and Regulations. And the common council accepted the draft solid waste management plan draft and generic environmental impact statement as complete for purposes of state environmental quality review.

This hearing was noticed in the October 9th, 2000 [sic], addition of the Times Union and October 13th, 2010, of the Environmental Notice Bulletin. Tonight we are here to receive your comments on the plan and the impact statement.

We will start the hearing with a brief

summary of the solid waste management plan which will be presented by Bill Bruce, the chairman of the steering committee which formulated the plan and by Ken Gallagher of Clough Harbour and Associates who compiled the documentation and analysis of the plan. This will be followed by comments of anyone who asked for the opportunity to speak.

Were these individuals required to submit a registration card or anything?

MR. MARSOLAIS: I have two and there may be two more speakers.

PRESIDENT McLAUGHLIN: We have two that are signed up to speak, if there are any others, please submit your cards at this time. When your name is called, please come forward to the podium, state your name and address and speak slowly and distinctly so that the court reporter can take your testimony verbatim.

I would ask that your comments be limited to five minutes so that as many people as possible have the opportunity to speak. Comments may also be presented in writing and they will have equal weight with any that are given orally this evening. Written comments may be submitted until November 19th to John Marsolais, City Clerk, City Hall, Room 202, 24 Eagle Street.

Like to start now by calling on Mr. Bruce and Mr. Gallagher to provide their summary of the plan, thank

you.

MR. BRUCE: Carolyn, I'm going to defer to Ken Gallagher to do the presentation because he did the PowerPoint presentation for tonight. It's a scaled down version of the one that we have presented before to the whole council and to the committee meetings. So for the sake of brevity so that you can get to the public comment which is why we are really here tonight, I'm going to let Ken do a very brief presentation.

PRESIDENT McLAUGHLIN: Thank you.

MR. GALLAGHER: Thank you, Bill. Thank you, Madam Chairman. I hope everyone can see the presentation adequately. It's a very brief presentation, should take no more than ten minutes. Basically I'll present a background and overview of the solid waste management plan process, the goals and objectives of the plan, the alternatives that are examined and the majority of the presentation will focus on the elements of the draft solid waste management plan.

By way of background, this solid waste management plan was prepared as a condition of the New York State DEC Part 360 Permit for the Rapp Road Landfill Expansion. The draft plan was prepared with extensive input from the steering committee, appointed steering committee, which consisted of 24 members from the communities throughout the planning unit and also other stakeholders in

the process. Fourteen meetings were held from November 2008 to March 2010 and all members were invited to comment on the preliminary draft of the plan and the resulting final draft represents the group's consensus.

There were two primary goals of the solid waste management plan, these goals and objectives were worked out in connection with the steering committee. The first goal was to continue to provide reliable and reasonably priced solid waste management services through the year 2030, and the plan intended to do that by maintaining and expanding membership in the planning unit, maintaining and building on existing infrastructure and by identifying new infrastructure and programs and administrative structures to continue to provide that reliable service.

The second goal of the solid waste management plan was to minimize the amount of solid waste requiring land disposal in the future and to do that by maintaining and expanding reduction and reuse and recycling programs; increasing the effectiveness of public education and enforcement by placing more emphasis on the reuse alternatives and pay as you throw and single stream recycling, as well as food waste composting; also by considering alternatives that recover energy from waste. And as a final point to note, all of these objectives are

consistent with this concept of zero waste that's getting a lot of consideration lately.

We looked at a wide range of alternatives as part of this planning process. We looked at alternative technologies, both proven technologies and emerging technologies. We looked at institutional alternatives including the aforementioned of the solid waste management authority and waste flow control. And pursuant to state environmental quality review, we also looked at the no action alternative.

Based on those alternative technologies and those alternative institutional arrangements we structured a series of three alternate scenarios that were examined in some detail. The first scenario consisted of retaining the current planning unit membership as it is, supporting New York State product stewardship legislation to encourage waste reduction, maximize recovery of currently designated recyclable materials and no new landfill capacity to be developed after the Rapp Road landfill reaches capacity.

By way of footnote that would mean post-recyclable waste that requires disposal will be need to be exported from the planning unit to some commercially available disposal capacity.

Alternative Scenario Number 2 consisted of all of those elements of the first alternative scenario but

in addition also involved the establishment of a mechanism for waste flow control, the designation of additional mandatory recyclable materials such as Plastics Numbers 3 through 7 and source separated organic waste, and it also develops source separated organic waste processing facility or capacity for both commercial, industrial and institutional waste and for residential source separated organic waste.

Now, Alternative Scenario Number 3 incorporated all of those alternatives in Scenario Number 2 components, supporting product stewardship, maximizing recyclable recovery, designating additional recyclables and developing the SSOW capacity but in addition that Alternative Number 3 was different in that it considered the expanded size of the planning unit to establish a regional solid waste management authority, also with waste flow control, develop a regional facility to process or treat mixed municipal solid waste to recover additional materials, energy or byproducts so that landfill could be further minimized and finally landfill disposal of treatment facility residue and any other waste at available disposal facilities either inside or outside the planning unit, the expanded planning unit.

Now the rest of the presentation I will highlight some of the key elements of the draft solid waste

management plan. They are highlighted here, waste reduction and recycling measures, a solid waste treatment facility, land disposal elements, implementing agency, interim measures, new laws and regulations and implementation schedule of key elements.

With respect to waste reduction and material recovery, the plan calls for promoting waste minimization in all sectors, commercial, residential, institutional, industrial; supporting products stewardship initiatives at the state level, continuing to promote and expand the local recycling infrastructure, developing the source separator organic waste processing capacity and a designation of additional mandatory recyclables. All of these were components of that Alternative Scenario Number 3.

With respect to waste diversion and recycling goals the implementation of the measures that are called for in this draft plan are expected to result in an increase of recycling from a 45 percent goal in the year 2010 which is our current goal from our existing plan to a 65 percent diversion recycling goal in ten years, in the year 2020.

The development of source separated organic waste processing capacity would involve both development of the facility and development of collection infrastructure to supply that facility. So the facility, we estimate, would need a nominal capacity of about 40,000 tons per year from

the existing planning unit and that facility, if developed, would be developed incrementally to allow for the program to grow as it comes into -- these programs typically do not come into effect all at one time.

The source separated organic waste collection program would initially focus on large commercial and institutional generators, supermarkets, colleges, the state office of general services, generators like that. Pilot programs for residential solid waste -- residential source separated organic waste collection, excuse me, would need to be started up and fine tuned before full-scale residential programs could get rolled out.

The plan also calls for designating additional mandatory recyclable materials. City of Albany has already designated Numbers 3 through 7 of part of its program but not all the communities in the planning unit have done that. Film plastics are another material that the plan considers for designation as it does source separated organic waste and electronics and household hazardous waste.

Solid waste treatment facility component of the draft solid waste management plan would recover additional materials, energy bio-fuels and or other byproducts from the post-recyclable waste stream. Important to note that the term post-recyclable waste stream means the waste that's available after the full implementation of the

recycling programs; it's not to compete with the recycling programs.

The facility would also reduce the amount of the post-recyclable waste which requires land disposal that's the primary purpose. The draft solid waste management plan does not endorse conventional waste-to-energy technologies over any other emerging technology for this facility. And finally the facility would need to be sized based on the size of the regional waste shed and developed as part of the regional arrangements that I'm discussing in a minute.

With respect to land disposal, the Rapp Road landfill expansion is expected to provide capacity at least through the year 2016, maybe a year longer depending on waste flows. No new landfill capacity is proposed for the planning unit as part of this new solid waste management plan. After the Rapp Road landfill closes it will be necessary to use commercial solid waste disposal capacity outside of the planning unit. Now, because this alternative involves expanding the planning unit into other jurisdictions that surround us there is the opportunity for continued use of some of that regional disposal capacity if any of those other surrounding planning units decide to join with us.

The implementation model called for by the

plan is a regional solid waste management authority. This would involve the consolidation of several existing planning units. The participants in that expanded planning unit would be determined by ongoing discussions and further studies. My understanding is the counties are currently undertaking a study of the feasibility of regional solid waste management authority and engaged input of most of the surrounding planning units and will be completing that study sometime in the next six months or so.

That regional solid waste management authority, however it gets formulated, will manage the development and operation of the regional facility and programs that are called for by this plan. Local governments, however, will retain their jurisdiction over local solid waste collection and recycling programs.

Quickly, just to note, the advantages of the proposed implementation model, the regional solid waste management authority would create a sustainable business model for providing these solid waste services and the waste reduction and recyclable programs have a funding mechanism for that. Economies of scale will be provided by a larger service area and that will result in reduced user fees, and waste flow control will provide an effective mechanism to finance capital expenditures as well as to subsidize the programs that don't pay for themselves like the waste

reduction, reuse and recycling programs.

The plan also -- the solid waste management plan also includes interim measures, three are shown here: One is the existing planning unit will continue to function until a regional solid waste authority becomes operational, the existing planning unit will continue to implement waste reduction and recycling by incrementally increasing enforcement and diversion rates, and the procurement of the source separated organic waste facility capacity will occur or commence in advance of the formulation of the regional solid waste management authority.

The implementation of the draft solid waste management plan will require new laws and regulations enabling legislation by the state legislation to establish a regional solid waste management authority. Localities would need to enact flow control pursuant to that enabling legislation. Localities will need to revise the local laws to designate additional mandatory recyclable materials, and state and federal governments will need to enact product stewardship legislation.

And finally that concludes my presentation on the draft plan. This last slide is just showing, highlighting, the public review process as it sits now. As Council President McLaughlin noted the public comment period on this draft plan is open until November 19th of this year

after which time a final solid waste management plan and generic environmental impact statement will be prepared to address any comments from the public and then a final solid waste management plan/DGEIS will be submitted, upon approval by the council, will be submitted to the DEC for its approval and to the member municipalities for endorsement. Thank you very much.

PRESIDENT McLAUGHLIN: Thank you. Will the clerk please call our first speaker.

MR. MARSOLAIS: Tom Ellis.

MR. ELLIS: Good evening. My name is Tom Ellis.

I welcome this opportunity to discuss the Draft Generic Environmental Impact Statement on the proposed solid waste management plan for the Capital Region Solid Waste Management Partnership. I will also submit written comments.

The plan is incomplete in parts. While the document provided considerable details on its authors' recommendations to establish a regional solid waste management authority, a disposal facility and a source separator organic waste facility, it provides few, if any, details about some of the other recommendations.

Few details are provided about how people will be educated to minimize waste generation or to maximize

reuse and recycling programs and services. As far as I know the City of Albany has no formal waste minimization or reuse programs of any type at this time.

On Pages 6-3 and 6-4 in a section on waste minimization a list of ten items to minimize residential waste generation includes: One of them is to promote a pay as you throw system but few details are provided in the report.

Second of them -- these are good recommendations -- the second one is to educate consumers about how to consider waste reduction and product packaging when they are making purchasing decisions. Again, few details are provided.

A third one is to promote the use of existing programs that reuse or redistribute materials in the secondhand marketplace, again few details.

I recall one steering committee member at at least two steering committee meetings urging Clough Harbour and Bill Bruce to make reuse a formal goal to be extensively discussed and annualized without any success. At a second steering committee meeting on January 13th, 2009, the same meeting where Clough Harbour proposed capital district waste authority, the steering committee member stated: "We need to explore reuse programs, for example bicycle parts and furniture. We need to explore this seriously, make this a

formal goal. Almost everything is reusable somewhere in this world."

The fourth idea to minimize residential waste generation mentioned in the report is to promote the concept of repair instead of replacement, but where are the details on this?

A fifth one, aggressive education and enforcement programs, there are no details provided in the report about enforcing recycling laws among residents of the partnership municipalities. This issue of enforcement came up during many steering committee meetings I attended. I attended thirteen of the fourteen meetings from beginning to end. At the same January 13th, 2009, steering committee meeting the same steering committee member referred to a minute ago said, "Melrose Neighborhood Association would like to see strict enforcement of existing laws with penalties for people who never put out bins with their six trash bags."

The sixth item mentioned in the report, aggressive waste reduction and recycling programs but very few details. If something is going to be performed or pursued aggressively why are the details so skimpy or absent all together?

Page Executive Summary 1 states the new plan defines the key elements of the future solid waste

management program for the region for the years 2011 through 2030. On Page Executive Summary 5 this contains a timeline for each year from 2010 to 2020 for total waste diversion and recycling goals with a goal of 65 percent established for the year 2020 but no numbers are provided for the years 2021 through 2030, this is very a serious omission.

My question is, are there no waste diversion recycling goals for the year 2021 through 2030 and, if not, why not? If there are goals, why are they not included in the report. The report Executive Summary Page 6 states a 65 percent goal is the "Maximum expected diversion that is achievable with the implementation of the expanded waste reduction and recycling program elements that are put forth in this solid waste management plan."

After considerable pressure from the interested citizens and three steering committee members that December document, December 2009, was modified so that the final version which you have added a new sentence which says: "However -- this is quote -- "However, implementation of a continuous improvements process in connection with both current and future waste reduction and recycling program efforts could help push beyond these above-noted waste reduction and recycling goals."

So there's a contradiction here, on the one hand the plan authors say the planning unit will pursue

aggressive education and enforcement programs and aggressive waste reduction and recycling programs and on the other they tell us that they don't think we can ever make it beyond 65 percent or much beyond it.

In life we all know that, if you aim low, you achieve low and that, if you aim high, you may possibly achieve great things. I tell my students that 65 is a passing grade but it's hardly a good grade. If you aim for 100, you may get 90 or 85; aim for a 65, you'll be lucky to get 65. I believe that Clough Harbour and Bill Bruce and probably Mayor Jenkins do not want to have highly successful waste diversion rates because, if the diversion rates of 85 percent or 90 or 95 percent can be achieved, it reduces the need for and possibly shatters the justification for the recommended waste disposal facility, and they made it perfectly clear they want a large disposal facility.

As you recall the December 15th, 2009, draft of the report being discussed tonight, the first draft, called for -- this is on Page Executive Summary 11 of the original report -- "A disposal facility with a nominal capacity of 1,500 tons per day assuming a 65 percent recyclable material diversion rate is achieved."

Another weakness with the report is the lack of the details about the employment impact of the various alternatives. The Beyond Waste: A Sustainable Materials

Management Strategy for New York, a draft report released by the DEC earlier this year, states on Page 18, this is a quote, "The state can also fuel economic development and job creation using the materials that are not currently recycled but ultimately could be with new programs and policy. In general terms, on a per-ton basis, for every job required to operate a landfill or municipal waste combustor, ten jobs can be created to process recyclable materials and prepare them for market. In the case of organics, four jobs can be created in composing those materials for every one job in disposal. Once recycled materials are used in manufacturing, the jobs ratio becomes even greater and the quality and pay scales of those jobs is higher. Remanufacturing industries are the most significant job creators, with between 28 and 296 jobs depending on the type of remanufacturing for every one disposal."

So while a discussion of employment impacts may not have be required by DEC for inclusion in the report job creation should be a key concern for city planners. Thank you very much, I appreciate that you gave me a little extra time here.

PRESIDENT McLAUGHLIN: Thank you, Mr. Ellis. Next speaker -- are there any questions from council members? Mr. Calsolaro?

MR. CALSOLARO: Mr. Ellis, this plan it's

supposed to be a twenty-year, right, solid waste management plan? It's supposed to be twenty years yet you quoted recycling numbers are only going to 2021, so it was only a ten-year plan.

MR. ELLIS: The plan was providing ten years only, so the second half is a time period we don't have any numbers.

MR. CALSOLARO: I just want to be clear because I thought it was a twenty-year plan and as you know I voted against it for being complete. I didn't think it was complete.

Now, they brought up the number -- the plan brings up a number of proposals, increasing recycling and composting and things but I don't remember hearing or reading the phrase resource recovery parts, total just about zero waste processed for our waste. I know they're doing it in Alameda, California, and they have created, you know, hundred of jobs. They have cut their rates and the whole goal is to go zero waste.

MR. O'BRIEN: Madam President, is there a question?

MR. CALSOLARO: Yes, Mike. I wanted to know did you, in your reading of this proposal, come across references or studies on establishing resource recovery?

MR. O'BRIEN: Madam President, my point of

order is this is not a draft plan for the State of California zero waste and I see no document of that.

PRESIDENT McLAUGHLIN: You are supposed to be asking for any comments -- you're not supposed to be making comments. You are supposed to be asking questions that either Mr. Ellis can answer or maybe Mr. Gallagher.

MR. CALSOLARO: Right. I just asked a question, was there any references in this document that you saw that references creating a resource recovery park?

MR. ELLIS: Possibly there were a few sentences in there which could be interpreted along those lines but there were no details about it.

MR. CALSOLARO: Thank you.

PRESIDENT McLAUGHLIN: Any other questions?

(There was no response)

PRESIDENT McLAUGHLIN: Again, thank you, Mr. Ellis.

MR. ELLIS: Thank you.

PRESIDENT McLAUGHLIN: The next speaker -- Mr. Gallagher, did you have a comment?

(There was no response)

PRESIDENT McLAUGHLIN: Thank you.

MR. MARSOLAIS: Russell Ziemba.

MR. ZIEMBA: Good evening. My name is Russell Ziemba. I live at 1813 Highland Avenue in the City

of Troy. I work in Albany and I live in the capital district and was a student at Albany State, so I'm fairly familiar with the garbage situation in the capital district and the City of Albany.

Garbage is very complicated because it consists of everything as a society that we discard and mix together and throw away and that's a problem. We need to look at garbage more comprehensively than on the back end. So much is disposable, one-use -- one-use items, things that can't be fixed and or planned obsolescence and it's very hard to avoid that.

Just in recording music I can think of at least a dozen different forms and all of the other -- some people collect the other ones but generally they get rid of them and go to the next form, so it's difficult. But I think the key is keeping the components separate.

I'm opposed to the concept of creation of another authority. Authorities are often not democratic. They are not accountable. They're generally not elected. They're appointed and they're usually not transparent. So they -- I don't think they're the best type of body for this type of thing.

I'm also very opposed to garbage incineration, it's the worst way of dealing with garbage because it -- yes, you can get some income from it but it's

a very small percentage and the pollutants in the form of vapors and ash are very toxic.

And I'm very opposed to the expansion and continued use of Rapp Road as the Albany dump. It's in the Pine Bush aquifer in a very threatened ecosystem and even though the newer sections are lined, much of the landfill is unlined, there's a problem there.

When I go by there on the Thruway, I don't have to open my eyes. I know where I am without opening my eyes and that's a very bad way to become familiar with Albany to be noted for something that foul. When I pass by, this is years ago, I could smell the bag plant from miles away. And even though Savannah is -- I come from Savannah, it's a very wonderful place, full of both interesting and beautiful historic buildings, my first impression was a very bad one and I don't think we should do that with Albany.

And I'm also opposed to the creation of the proposed landfill. I think it's a bad location. Landfills, yeah, there is a need for a very small landfill but landfilling is a very poor concept. One way of getting away from garbage is promotion of local economy. I work in a grocery business and a local dairy, they use reusable bottles, there's very little waste connected with that and that was the model up until 1960's when plastic bottles came into use because the bottling industry became regionalized.

If we went back to making more use of the local economy, reusing bottles may be feasible.

I'm very much -- I'm a member of Save the Pine Bush. I'm very much for the concept of zero waste. I think this plan -- I confess, I haven't read the DGEIS yet but I will but just listening to the presentation I think there are some improvements, looking at expanding the recycling program more aggressively, municipal composting program are very good ideas but I'd like to make some further suggestions.

Recycling is good but reuse or not using, not -- recycling is still a process. You have to collect it, treat it in some way, ship, it has to go through some heating or, you know, there are number of processes involved and there's energy used and toxins emitted, so it's much better if you can reuse something.

Albany is a college town. I went to school here and when college students move out, generally in the middle of May sometimes in the middle of December, all kinds of apartments -- everything that filled their apartments, many of them, ends up on the street and that happens, you know, every year sometimes twice a year, and there's no effort made to try to capture any of that.

And the same stuff, furniture, some white goods, some carpets in the dormitories, when I was at Albany

State, we tried to -- back in the early 70's as part of an environmental studies program -- tried to analyze and capture the reusables from the dormitory. We did a pretty good job of it. But, you know, composting is good, municipal system is good idea but it should allow for also household composting and neighborhood composting.

But getting back to reuse I think that furniture and all those things there should be some program to try to capture those and give them back to the students, sell them back to the students and keep them out of the waste stream and the money involved isn't a big thing, it's the waste stream. And I would suggest using -- well, if it's possible the old storage building that -- it may be still be burning but if we put the fire out and I don't know if it's possible but it's built, has huge timbers and made to hold fantastic loads, and there are other vacant buildings of that nature, even if it's not that one, those would be places to store these things.

In California and the State of Iowa many of the municipalities require fifty percent of construction and demolition waste be either reused or salvaged. We have no requirement for that, I believe, in Albany or in the City of Troy. I'm trying to promote it there.

Years ago I was involved in taking apart buildings and, you know, if you are willing to take the

time, you can salvage ninety percent of the building, fifty percent isn't that hard. Usually there all the woodwork, framing lumber, foundation that's made of brick the brick can be reused, the roofing material, the copper. We all know copper is being taken out of buildings. So I would ask that this common council look at an ordinance that requires fifty percent of construction and demolition materials be salvaged.

But more important than that, Albany and many of the cities, wonderful cities I love in upstate New York, have many vacant buildings and rather than salvaging components of the building, much more important rehabilitating those buildings, allowing opportunities for people, for first-time home owners to buy those, to become parts of neighborhoods because the buildings, many vacant lots are created and will never be built on, not within our lifetime, so the buildings that are built now, yes, they meet energy efficiency and getting rid of that asbestos, lead but often made of better materials, virgin forests are in these buildings that once covered New York and the types of materials that we find are not available these days.

So, you know, I ask you to look at a comprehensive approach, perhaps even outlawing some types of things, plastic bags, minor things like that create a hazard, you know, people will change their ways of doing

things. I think that working towards zero waste and achieving very lower levels of waste are very possible. Thank you.

PRESIDENT McLAUGHLIN: Thank you very much. Questions for Mr. Ziemba?

PRESIDENT PRO TEMPORE CONTI: Yes. I just wanted to ask, Mr. Ziemba, are you familiar with the demolition ordinance that the common council passed earlier this year?

MR. ZIEMBA: No, I'm not.

PRESIDENT PRO TEMPORE CONTI: Then you're not familiar with the construction waste provision that's in there?

MR. ZIEMBA: No. I will take a look at it.

PRESIDENT PRO TEMPORE CONTI: Okay.

PRESIDENT McLAUGHLIN: Are there any other questions?

(There was no response)

PRESIDENT McLAUGHLIN: If not, we'll go on with the next speaker.

MR. MARSOLAIS: Jim Travers.

PRESIDENT McLAUGHLIN: Mr. Travers is the last speaker that is signed up. Is there anyone else who wishes to be heard after?

(There was one hand raised)

PRESIDENT McLAUGHLIN: I've been very lenient with the time because I knew that there were only a few speakers so I was allowing people to get their full statement out.

MR. TRAVERS: Thank you. My name is Jim Travers. I live in Ravena, New York. I said at the last common council meeting, when the vote was taken to decide to consider this plan complete, I said that the plan was not complete. It doesn't contain waste management for biosolids which is the sewage sludge, is not included in there. And as I said -- this was asked of -- by Bill Bruce if it needed to be included and he said, yes, it did.

Now, afterward Mike O'Brien had a comment that I couldn't respond to at that point in time. He said that the fellow from the DEC who also sat on this steering committee said it did not need to be included. Well, recently it's been revealed that that man's superior, and I think that considering that she's the author, the primary author of Beyond Waste: The State Solid Waste Plan, she knows what she's talking about. So the plan is not complete, it doesn't deal with biosolids.

Again, it's almost a misnomer to call it a plan. It's a bunch of good ideas. It's not all good ideas, believe me, but there are a couple of really good ideas. The separation of organic waste was something that was

decided upon by the steering committee beforehand, they weren't going to, so that's really to be admired.

But as far as coordination between these fourteen communities, the consortium whatever you want to call it, there's not really the coordination you need to have Albany as lead agent in this matter because even though Albany has passed this comprehensive recycling law the other people dumping on Rapp Road don't have that same law in their communities, so there's not a coordinated effort to really oversee our waste management at our current landfill rather than on twenty years in the future.

So that brings up the other question, why is it Albany's responsibility, in these fiscally strapped times, to manage the capital district's garbage; it's not. Your only responsibility is to your own taxpayers. As I said 93.26 percent of the state's debt has been incurred upon the tax payers by public authority and, yes, there are good public authorities, power company, but there are many failures in this plan and quite frankly it does a lot of steering towards ideas but what are the goals.

Can't somebody please rattle off five goals for this plan, I mean, we've been working on it for two years, can anybody here do that? I don't know. It's a bunch of ideas. Let's create a waste authority, let's defer all decision-making to this as yet uncreated waste

authority. No, it's your job to take care of the garbage and you want to be lead agent for these fourteen communities you have to do it responsibly.

A lot of you look at me as an adversary, I'm just trying to help you do this the most economical way that you can do this and a way you can actually profit off of, through resource recovery, through reuse and comprehensive recycling and waste reduction. Pay as you throw is a component of that that's another admired thing that they've mentioned but recycling goals to set and not to meet is just a terrible thing. We had a recycling goal several years ago but we really didn't pay any attention to it, there's no belief that we'll pay attention to it in the future.

So I'll have more extensive comments in my written comments, but I have to say too that it is not all that much different from the prepared draft plan that was submitted to Clough Harbour before this steering committee set out and with this final project.

If you are thinking of considering to build a waste center later on on the parcel of land that Albany owns in Coeymans, you still have the same problems, sites with national historic landmark status, slave cemetery, you have the Army Corp of Engineers to contend with with trying to bridge a freshwater creek to gain access to this site or else you have the Thruway authority to build you off ramps

to the site, and in these fiscal times I don't think any of this is feasible. As I said many, many years ago to you, drive by the Saratoga dump, you know, the Glens Falls or the Hudson Falls incinerator is up for sale you might want to buy that.

You have a mandate from the state to reduce waste and what do you want to do, you want to increase it. You want to gather everybody's garbage from nine counties around that's way beyond the scope of your responsibility. It's nice to plan on a reasonable basis but it's not for the politically appointed committee to determine where all of those counties are going to go in the future.

So I have to say that I'm very disappointed with this plan that it didn't go nearly far enough and although the free expert advice was offered it wasn't sought out and that's really a shame. You would have had a much stronger plan; you would have had a plan.

So whatever happens here with this I don't see how the DEC could possibly consider this a completed plan. If you remember early in the process a couple of years ago the DEC kept throwing things back on the landfill expansion and they finally put their foot down and this plan is a reaction to it and part of the modification of the landfill and, again, trying to kill two birds with one stone. Really you need to really think this out, really

need to research this stuff by going to a few different industries to see what is out there.

None of the environmental groups were consulted at all as far as what they would think and we have statewide and national groups based right near Albany that's baffling. Even people who are building incinerators ultimately come to the environmentalists and say how can we work with you, you know. Anyway, that's all I have to say, thank you very much.

PRESIDENT McLAUGHLIN: Thank you. Any questions -- Mr. Calsolaro has a question for you, Mr. Travers.

MR. CALSOLARO: Mr. Travers, are you familiar with the Dutchess County Resource Recovery Agency?

MR. TRAVERS: Yes, I am.

MR. CALSOLARO: Are you aware that just this month alone that they -- the meeting -- Dutchess County and the legislative branches there are meeting to impose a fee on residents to help cover the costs of running that facility now, the facility that was supposed to at one time take care of all the garbage problems in Dutchess County?

MR. TRAVERS: Yes, I am.

MR. CALSOLARO: Thank you.

MR. TRAVERS: Yes, I'm familiar with the legislator, he's asked me to come down to speak to him on

those issues, Joel Tyner.

PRESIDENT McLAUGHLIN: Thank you, Mr. Travers.

MR. TRAVERS: Thank you very much.

PRESIDENT McLAUGHLIN: Yes, we have one other speaker, one other person wanted to speak. Please come forward, state your name and address for the record.

MR. BELL: Good evening. My name is Greg Bell. I live at 536 Providence Street in Albany. I would like to -- well, first before I make any real comments let me just disclose for those who might be concerned that until recently I did actually work for a company which was promoting anaerobic digestion. I do want to talk about that tonight but I'm not here representing that or any other company. I'm going to represent what I believe to be a solution to the organic portion of the waste stream but not any specific company's technology to do that.

I believe that the plan is, like the previous speaker said, it's deficient and yet in a different way. I didn't count how many pages are in this document but certainly a few hundred but in that I only found one, slightly less than one page, which mentioned anaerobic digestion. I believe that anaerobic digestion, also called biogas is a significant solution to the solid waste problem. It does not solve a majority of the content of the landfill,

but it does solve a pretty problematic portion of the waste stream that is anything that, you know, any kind of food waste, things like that that can decay. They cause much of the problem in a landfill.

Now there's lots of problems with landfill, this does not solve all of those but does solve that one. The decay of food waste is what caused most of the smell, also caused most of the Methane which escapes directly into the atmosphere. Methane is a greenhouse gas which is generally described as having an impact of about 23 times the negative impact as carbon dioxide as a global warming agent. In reality, if you look at the decay rates over a twenty-year period instead of a hundred-year period, the impact of Methane coming out of a landfill is actually more like seventy times the impact, the negative impact, of carbon dioxide. So Methane needs to be taken out of the landfill.

You can do it partly by putting pipes in like we're doing out there and flaring but that's really not going to do the trick. It captures a relatively small portion, maybe ten to fifteen percent, of what's coming out of there that is not really a solution. It's part of the solution and it looks good but it doesn't solve the problem. The way to solve the problem is to keep the organic portion of the stream from going into the landfill.

Now, as quite a lot of things, technical, Europe is well ahead of us on this topic. In all of Europe there is roughly 8,000 commercial scale anaerobic digesters. Within that 8,000 4,000 roughly are located in Germany alone. Germany has a population of about one fifth of the United States and yet 4,000 of these digesters, some of which deal with waste from municipalities, most of which deal with farm waste but anaerobic can be used for both, either or a combination of both those types of waste streams.

In comparison to 4,000 anaerobic digesters commercial scale ones, in the relatively medium-sized country of Germany, you want to know how many in the United States we have? We have 125 operating anaerobic digesters compared to 8,000 in all of Europe and 4,000 in Germany alone.

Now anaerobic digestion, this is a little bit of background, is the process basically like composting only one difference, with composting the material is exposed to the air and specifically oxygen within the air. Anaerobic means no oxygen; aerobic means with oxygen, anaerobic means without oxygen. So you can't do composting in the open air with no oxygen so you have to put the same materials into this big tank, and basically there's various control systems and temperatures and all kinds of balances and which

microbes go in but basically it's a way to breakdown food waste, things like cow manure, sewer treatment sludge that create Methane.

Now the gas which comes out of -- the raw biogas which comes out of the anaerobic digester is roughly 65 percent Methane that 65 percent mixture -- and then about 30 percent carbon dioxide -- that mixture by itself can be burned in an internal combustion engine which creates both heat and electricity that electricity can be fed into the grid. It can be fed into nearby houses, nearby businesses, whatever, there are various grid connection issues which are a problem under our regulatory system here which they don't have in Europe that's why we don't see it here because we don't pay enough to get the electricity into the grid but there are ways to get around that.

There's also another route to using this gas -- now, for those of you who don't happen to know the gas composition of natural gas. Let me just explain that natural gas is basically Methane, it's about 95 to 97 percent Methane. Raw biogas is 65 percent Methane so it isn't really natural gas as it's coming out of an anaerobic digester, however, it can be brought up to that standard by removing various things. Basically, if you take out the 30 percent carbon dioxide and there's also hydrogen sulfide which also has to be taken out and then you can use it for

certain purposes.

Now, if you do those two steps after producing the gas, and there's well-known technology on how you do that but, if you clean up the gas to a higher Methane standard, you're going to get the chemical equivalent of natural gas. We don't use the word natural gas for this because it's not coming out of the ground. Natural gas is a fossil fuel it's finite, it's going to be used up, there are all kinds of problems of extracting that.

This is called within the field, particularly within Europe, it's called biomethane. It's just a different way to describe it. You get the bio is the root from which you derive the biomethane, so biomethane basically means an anaerobic digester derives Methane. Now, if you clean up the biogas to a point where it is chemically equivalent to natural gas, what can you do with that.

Now turns out you can do some other things besides just make heat and electricity. I brought along some things that I want to just give to the secretary to hand out to the common council. Just as an example, I just received today an e-mail from the Baltic Biogas Bus Project. I have been familiar with these folks for about a year. And the Germans really are ahead and are doing the best anaerobic digester technology for producing the gas. Now the Swedes have taken that a step further and making the

fuel. They're cleaning up the biogas and the City of Stockholm is now running many of its city buses on biogas. A city in Sweden has about 70 to 75 buses in the entire system and about 70 percent of those buses, probably around 15 of their buses are running on 100 percent biomethane.

Now this is a way to show the world leadership. We're the capital city why aren't we running our city buses on biomethane? We don't have the political will for it and that's why I'm here, to try to encourage political will. There's no reason why we can't be source separating our organic waste from hotels, restaurants, hospitals, from universities, from all the different sources for food waste, we can source separate that out, run it into the anaerobic digester, clean it up and run things like buses.

Linkoping in Sweden also runs taxis and cars on it, they even run a train, a commuter train. These are things that are totally vacant, absent from the few hundred pages of this report, so I really -- I really feel that this should be looked into more.

Now there was a vague sort of mention that there was outreach to one company and they wanted to do other kinds of anaerobic digestion but, if the common council wants -- and there was a comment in the report that there was no company that responded for the request for

proposals.

Now there is now an organization called American Biogas Council and I was at one of the -- there were two, two groups decided to form a national coalition of biogas companies and within about a month last year I was at one of the conferences in Syracuse and within that group is now about fifteen or twenty companies as members, there are a lot of other companies that are not members yet but, if the council actually wants some proposals then all they have to do is go to AmericanBiogasCouncil.com [sic] and you'll find yourself at least fifteen companies right there. Just send them a letter, see if they are actually interested in it, most of them probably have no clue that there was any of these request for proposals.

I want to just turn briefly to another part which is in the plan and that's this whole idea of mechanical separation. There is mention of the Delaware County mechanical separation system, there is also a video on the web page, sort of background web page, about the city's solid waste draft plan and I don't know if anybody has looked at that video or not but I would certainly recommend that you look at it. It's a very interesting -- yet again, another German technology but this is a German technology that I think is a bad idea, the other, the anaerobic, I think is a good idea.

Now this was one on the video, I'm not sure why it's on this website exactly but it's your website as well as the DEC's site about your plan, and it's a razzle-dazzle, high-technology source separation system which basically crushes up everything. They have all kinds of machines that glow and light stuff materials, even has electric eyes to separate out the green glass from clear glass, it's really razzle-dazzle stuff. Now I really -- this sort of technology, that type on the website and the Greene County -- not Greene -- the Delaware County site which is less sophisticated but very similar, these are not good systems and I want to explain why.

First off, especially the German one, millions of dollars to make possible for people not to take their bottles out of their food waste and not to take their newspapers out of food waste, not to do any separation, I mean, this is one of the problems we have in the first place. Americans are taught in numerous ways -- and these systems are technological ways of enforcing this idea -- they're taught just throw everything away. Now humans have to be responsible and these systems teach people to not be responsible.

County Waste right now is advertising on local television their new system when everyone can have one can, now it's easier to throw away everything in one can. I

think this goes to the Colonie landfill which is not part of the Rapp Road landfill which is I think that's where they're aiming at but they don't explain that. The people of the City of Albany and all the other twelve municipalities going to the Albany landfill are seeing the same advertisements the people in Colonie see and they're being taught that it's hard to separate and County Waste has a simple solution. Well, that's a terrible message for people to learn.

PRESIDENT McLAUGHLIN: Mr. Bell, I have given you ten minutes. I have given everybody else twelve minutes, so I'm going to --

MR. BELL: All right. Very good. So I think it's really a bad message. Also, I think it's just sort of technology gone awry, just way too crazy.

Now on the German video, you know, the website for this plan it does actually give a little chart that talks about the final residue material that they then burn. In that chart it does admit that plastics go into the product which is burned and incinerated. Now I think it should be well known by now, we went through the burn plan over here on Sheridan Avenue, we should know by now what that means. When you burn plastics you get a 100 percent certain result this is -- other results may not be 100 percent certain but the 100 percent certain result is that you will get dioxins out of the system, this is a

neurotoxin. We should not be creating a system for putting neurotoxins into the atmosphere, it's just bizarre, it's a total violation of human health.

So any of these mechanized systems that purport to separate out everything after everybody throws everything, their combined, unseparated in one pile is wrong, so that's all I have to say. I would like to hand out the Biogas Bus newsletter for today. If there's any questions.

PRESIDENT McLAUGHLIN: Mr. Calsolaro?

MR. CALSOLARO: Mr. Bell, are you -- is biogasification, is that different than what you're talking about?

MR. BELL: Yes, yeah, unfortunately there is about three or four different words and it gets all very confused. Gasification is not biogas, it's different technology and it's also not bio-fuels. Biogas -- in Europe they use the word biogas just to mean anaerobic digestion and it's the process as I explained. Here in the United States the technology is not known well enough, so people do confuse these words. Gasification is a totally different technology making gas by heat. The biogas product is not a heat process, these digestive tanks do generate their own heat, usually 120 degrees, not hundreds and hundreds of degrees that creates this vaporization.

MR. CALSOLARO: The reason I asked is I saw Orange County may be building a hundred million dollar gasification plant to turn solid waste.

MR. BELL: Gasification is another what I call a pretty bad technology.

MR. CALSOLARO: Thank you.

MR. BELL: These are all these high-tech space-aged things which sound cool but are really kind of crazy.

PRESIDENT McLAUGHLIN: Ms. Fahey?

MS. FAHEY: Are you familiar with any biogas facilities in New York State or this area?

MR. BELL: There are biogas facilities in New York State but they are agricultural based, they're not the solid, municipal waste. There's only 125 biogas facilities in the entire United States. This is not counting sewer treatment plants, sewer treatment plants, actually, there's quite a few -- several hundred, I don't know how many, three or four found in the United States that do have biogas plants.

MS. FAHEY: Sewage?

MR. BELL: Sewage treatment plants, yes, so they basically take the Methane out of the sewer system and make it into usable Methane.

MS. FAHEY: Do you have any estimate of the

cost of this process, the composting process?

MR. BELL: Well, it's a little hard to know exactly, depending on the scale, but a typical biogas plant is in the range of about $3 million, these would be smaller than probably what we would need. Depending on the degree of source separation we achieve we probably need three of those, you know, but a $3 million or $4 million biogas plant will generate usually one to two megawatts of electricity, plus an equal amount of one to two megawatts, that's an electric measure but taking that same energy equivalent in heat that generates approximately an equivalent amount of heat. So a lot of times people will just look at electric output but if you vent off the heat, you throw away half the energy. In fact, you can use that heat for other things, for running, heating houses, heating factories, greenhouses, there's all kinds of things.

In terms of composting, I'm sorry you asked about composting, yes composting is the cheapest of all these things, there's no question about it, but composting doesn't really -- I'm a big believer of compost. I don't know, I've given talks on this and people think I'm somehow anti-compost. I'm absolutely not anti-compost. Compost is wonderful as far as it goes, the problem is it doesn't go very far.

You can do a compost facility, you know, in

your backyard and it cost nothing but, you know, there's a speaker here in Albany Public Library about a company running a brand new compost plant from municipal compost in Wilton, Delaware, don't remember what that cost, I think it was in the range of $15 or $20 million, there are people here who were at that same presentation and probably know that answer. The problem is compost gives you as a result it gives you soil, I mean, that is a wonderful product but that's all it basically gives us.

An anaerobic digestion process gives heat, it gives Methane which can be used for various things, and I didn't even mention this but it also produces a compost as well, so out of that process does become a product that is essentially the same as compost and is actually a higher grade than regular compost that's been through this process around 120 degrees of self-generated heat that kills the pathogens which regular compost often does not, so that's why it's a higher grade compost. And somehow it manages to retain it's nutrient values of the stuff that went in there, the same as compost does.

MS. FAHEY: Thank you.

PRESIDENT McLAUGHLIN: Thank you. Yes ma'am.

MS. CUMMINGS: Would it be possible to speak for less than one minute?

PRESIDENT McLAUGHLIN: Yes, ma'am. I'm going

to ask for the last time is there anybody else who wants to speak?

(There was no response)

PRESIDENT McLAUGHLIN: So this will be our last speaker for the evening, and she has said she has just a minute or two to speak her comments. Please give us your name and your address, please.

MS. CUMMINGS: Yes, my name is Sally Cummings and I live in West Menands, within smelling distance of the current landfill. I just wanted to say that this has been going on for a couple of years, solid waste management plan, and part of it is supposed to be education and I was wondering, since we now have a recycling coordinator, anything has been done about educating our children. This is where we're going to get our future cooperation of people to put all this in action and it seems to me that it should have been started. What is everyone waiting for?

We still need to recycle even if you put in all these different plans that you have. I just think it should be -- a lot more should be done. And also I was wondering, if a waste authority is formed if the current debt that has been caused by the landfill is going to be inflicted upon all the communities that are going to be part of the authority.

PRESIDENT McLAUGHLIN: Thank you. Questions,

Mr. Sano?

MR. SANO: I can only speak to the question of what was being done in my school, I believe it's true for all the public schools, is that each classroom now has a recycling container and maintenance people do not empty those, there are kids, certain kids, that are designated to come around with larger bins and take the paper and the other recyclable goods every week, in my school, and that's all new and all been done by the city.

MS. CUMMINGS: And --

MR. SANO: And that's the new --

MS. CUMMINGS: Are they being taught not just to recycle in the class but what to do at home?

MR. SANO: I believe so.

MS. CUMMINGS: Okay.

PRESIDENT McLAUGHLIN: Mr. O'Brien.

MR. O'BRIEN: I was going to suggest she should contact her school ask to be invited to one of the training classes that is given on a regular basis.

MS. CUMMINGS: That is great, thank you.

PRESIDENT McLAUGHLIN: Mr. Calsolaro.

MR. CALSOLARO: Were you a member of the solid waste planning group?

MS. CUMMINGS: Yes, I was.

MR. CALSOLARO: This is kind of a question

that I think you answered, can you just give a quick opinion on the needs, you know, of perhaps, you know, those water bottles and canned soda and putting promoting and marketing to try to get the students to start recycling --

MR. O'BRIEN: Madam President --

MR. CALSOLARO: -- do you think that could be part of the education program, something like marketing, you know, a proposal program not to just the elementary or secondary schools but on the university level?

MS. CUMMINGS: I think it would be great, I mean, everything. I think it should be started now. It is the future. We can't go on having landfills filling up all the time. We need to do something about reducing and recycling and reusing, there's lots of groups now that will do -- they have swaps and this recycle and Craig's List where they have recycle and lots and lots of stuff that's still usable is exchanged and given away and we need to make that in the schools as well and -- and let's get our children very much involved.

PRESIDENT McLAUGHLIN: Thank you, Ms. Cummings.

This concludes the public hearing. Thank you very much.

(Whereupon at 8:23 p.m. the proceedings in the above-entitled matter were concluded.)

C E R T I F I C A T I O N

I, LAUREL STEPHENSON, a Court Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing record taken by me at the time and place as noted in the heading hereof is a true and accurate transcript of same, to the best of my ability and belief.

_____

Laurel Stephenson

Date: _____