Ontario County ENVIRONMENTAL QUALITY COMMITTEE MINUTES August 17, 2016

Committee Members: RUSSELL, Baker, Evangelista, Singer, Venuti, and Wickham

Attendees: Supervisors Russell, Baker, Evangelista, Venuti, and Wickham

Staff: Mary Krause, Brian Young, Tom Harvey, Tim Jensen, Linda Frasca, Regina Connelly, Art James, Mary Gates and Nellie Puma

Consultants/Guests: From Casella - Jerry Leone, Matt East, Larry Schilling, Shelly Field and Andrea Calarco, Joyce Marthaller –Town of Canandaigua Environmental Conservation Board

<u>Call to Order</u>: Chair Russell, called the meeting to order at 3:30 p.m., and declared all members present except for Supervisor Singer who was necessarily absent.

<u>Approval of Minutes</u> (7/6/16): Supervisor Wickham made a motion that was seconded by Supervisor Evangelista to accept and approve the 7/6/16 EQC minutes as presented.

Motion unanimously carried.

Solid Waste Management Plan

2A. SWMP 2016 Implementation Strategy Update – Staff gave a quick update and stated there were no significant changes to report. Things continue to go forward and remain on track. County Administrator Mary Krause asked what the date of the County Symposium on Waste Reduction and Diversion was. Mr. Jensen stated it is 10/14/16 (editor's note: The correct date for the symposium is October 13th) to be held in the FLCC Main Campus Auditorium. Supervisor Venuti requested that staff provide committee members with a draft agenda of the symposium. Mr. Jensen will circulate one to them.

2B. Staff Presentation on Organics Diversion – Tim Jensen gave a twenty (20) minute presentation on the Organics Diversion Composting conference, hosted by Cornell Cooperative Extension, he and Regina Connelly had recently attended, and answered questions presented by the committee. Chair Russell requested that staff work with Casella to set up a date/time that EQC, staff, and Casella staff could meet to discuss Casella's organic division further. Staff will follow up and get back to the committee with final details.

Staff reported that the county website page on Planning – Recycling/Waste Division is a robust website – real information for people to use not just go and look at. It provides information that can be used to help people correctly recycle their waste. Staff will forward the link to EQC members. Mary Krause reported that website upgrading will be coming by year-end, and congratulated all that worked on get the getting the site up and running, everyone's efforts brought together a great product.

2C. Solid Waste Local Law Update – No update at this time.

Landfill – Operations and Expansion –

- 3A. Operations and Expansion Update Jerry Leone reported the following:
 - 1. Two (2) new staff members have been hired by Casella. They are Russell Anderson Landfill Manager of Compliance. He will be based out of the northeast area but will be active working with the Ontario County team to ensure that compliance is being maintained and operational support; and Josh Thompson, a young engineer who recently

- graduated from RPI, who has come on staff in Casella's Managerial Training Program and is a great addition to the team.
- 2. On Friday, 8/12/16, he, Larry Schilling, and Russ met with the folks from DEC Region 8. Great opportunity to introduce Russ to them and for them to meet Greg McClean who has taken over as engineer in the Division of Solid Waste Management and Materials as Scott Foty who was formerly in that position has been promoted to regional engineer running all the divisions for Region 8. Discussed Casella's gas system with them. The final cover has been removed and removed components of the gas systems. As previously discussed new gas wells were installed to replace old or abandoned gas wells and they spoke openly with the DEC folks about Casella's plans to add new infrastructure in the future. In line with that, he has previously mentioned there are two (2) new flares on site and are in the process of being commissioned, and they are happy to have that behind them.
- 3. BUD opportunities Casella is working with two industries in an attempt to find a home for material (recycled glass) that might otherwise be used at the landfill as alternative cover or road base. The opportunities are possibly converting them to agricultural applications as well as possibly another opportunity in the near future that he will report more on at a future meeting.
- 4. The next Household Hazardous Waste Event is set for September and it will be held in the western section of Ontario County. Coordination of the event continues with CCE doing a great job getting everything arranged. State approval has been sought for the event and is expected at any time in the week to come.
- 5. Casella has been very active is working on the comments to the Part 360 regulations. Routine meetings have been held with a number of Casella staff scouring through the regulations attempting to provide comments to the DEC before the September 13th due date arrives.
- 6. Jensen Parcel Update Future Borrow Area: Last week, Mr. Jensen executed the subdivision plans to proceed with the Town of Seneca on the approval of the subdivision. We are now in the final throws of finalizing a purchase and sale agreement with Mr. Jensen and anticipate a closing date to occur sometime around the end of next month in September.
- 7. Casella continues to be involved with Guardian Glass and Zotos on diverting waste materials, and are working on an agreement with another company in the county and are in the final steps of processing said agreement and hopes to be able to report more on it at the next meeting.
- 8. Casella recently participated in a Habitat for Humanity event held locally. Casella provided disposal and transportation of construction and demolition debris which led to Habitat for Humanity housing to be built.
- 9. Received some accolades Solid Waste Collation for the educational tours Casella has been giving to schools/colleges, etc. Very happy to see that. Now that school/college is restarting tours will begin again with Hobart William Smith one of the first on the schedule for 9/22/16.
- 10. Recently participated in the Ontario County Fair by providing collection boxes throughout it, as they have done in the past.

11. Andrea Calarco shared that Casella is in the early stages of planning an Open House Event scheduled for October 22nd. The event will be to educate the public on waste recycling and will be a fun day with tours, how it is all done, etc.

Matt East reported that they are still under construction and are in the final stages. Cell 9 is complete and they are in the final stage of the waiting period from the DEC. The front lagoon is completed as well. The riser house that pumps the water/waste is being tested tomorrow. Once tested it will be able to diverted from the existing lagoon to the front lagoon – they will be able to then continue on section 8 of the landfill space. Everything is now covered – there is no exposed trash. That is pretty much it until they start getting going in section 8. Variance is good through October to work on Sundays. As of now they have not had to with all the great weather but coming in to the fall he may have to come back and ask the committee to approve working on Sundays again – depends on the weather, etc.

- 3B. Casella Quarterly Update At the request of the EQC, Shelley Field (Casella) provided a quarterly report on the company and answered all questions presented by committee members and staff. Additional questions by committee members will be directed to Ms. Krause who will follow up with Ms. Fields.
- 3C. DEC Inspections Reports No questions at this time.
- 3D. Seneca Energy II Title V Petition Order Tom Harvey reminded the committee that this was the Zero Waste petition, the EPA, to be able to contest or object to the separate Title V Permit for the landfill energy consortium. Mr. Harvey reported that the DEC denied the petition and that Art James, Assistant County Attorney, could report on the timeframe for an appeal. Mr. James reported that Zero Waste has sixty (60) days to file an appeal from the date that the decision was handed down which would make it approximately the beginning of October.
- 3E. Casella Quarterly SEC Filing Informational Tom Harvey reported that the County signed up to receive Casella's Quarterly SEC Filing which we review and it looks as if everything is looking good. Anyone who would like to receive a copy of the quarterly report please let him know and he will see that they are added to the distribution list.
- 3F. Proposed Resolution Authorizing the Submission of the 6NYCRR PART 360-369 Regulations Comments – Tom Harvey reported that the DEC had extended the deadline and that we responded by cleaning the language up a bit and organizing comments into an analysis section and then a position statement for each section. There is not much different material other than providing a clearer position for every section. The one thing that was of considerable discussion was the financial assurance section (360.22-Paragraph C1-VII – Page 5). That section would require a private operator of a municipally owned landfill that would turn over the postclosure funds to the municipal owner upon closure of the landfill. Our OML requires Casella to provide the financial surety and to perform those post-closure operations. That creates a crazy situation where you have a bond in place guaranteeing the money and then Casella would have to provide those funds in their entirety to the County and we'd have to manage them at the same time that Casella would still have to do the activities that are called for in post-closure (monitoring, landscape upkeep, etc.). Staff worked with the County Attorney's office to understand better what the process is under the regulations and how the bond works. This is something staff would like to share with the EQC so that we all understand what happens. In the case of default by Casella, the only entity that can declare the default is the DEC as the bond is issued to them. If that happens the County would actually receive the funds on the bond from the bond company. If the bond company contested it they would be fighting with the DEC and not the County. The County would have to take those funds and place them in a special dedicated

account and we could not spend them without the permission from the DEC. Therefore, the DEC would be watching over our shoulder but the County would have access to the post-closure funds to engage in the necessary activities, so obviously we would do what the DEC requires and the DEC would approve our expenditures. The County may wish to pursue a more interactive relationship with the bond company to try to avoid a default or protect our rights. Staff could continue said discussion and would bring analysis and proposals back to the committee but the way staff worked to draft the County's position staff feels it can forward as drafted and it doesn't impact this committee desire to further protect the County's interests. It was noted that in the fourth Whereas the comment due date needs to be changed to 9/13/16.

Supervisor Wickham stated that he felt staff did a great job working on the County's position and made motion to accept the resolution with said comments, motion seconded by Supervisor Baker. Supervisor Venuti stated that looking at it objectively he wondered why we wouldn't want money when closure starts to occur versus hoping they will have the money. He stated he continues to disagree with that point in the document.

Chair Russell took a vote.	Baker – Aye	Venuti – Nay
	Wickham – Aye	•
	Evangelista – Aye	
	Russell - Ave	

Motion carried.

Budgets – Chair Russell dismissed all those who did not need to be there at this time. Nellie Puma (DPW) presented the following 2017/2018 Budgets for committee approval and answered all questions presented:

A8160 – Solid Waste Management – Motion to approve the A8160 - 2017/2018 Budget as presented made by Supervisor Baker, seconded by Supervisor Venuti.

A8161 – Recycling - Motion to approve the A8161-2017/2018 Budget as presented made by Supervisor Baker, seconded by Supervisor Wickham.

A8162 – Landfill Lease – Motion 1- Supervisor Baker made a motion for purpose of discussion of the budget as presented, seconded by Supervisor Wickham

Supervisor Baker stated that he thought it had yet to be resolved as to how the success payments were to be expended and yet it now shows in the proposed draft budget to be used. Mary Gates, Director of Finance, and Ms. Krause stated that staff needed to budget some proposed figures and provided a breakdown of the budget as presented. The Committee requested that succession payments be budgeted for use to fund personnel for the SWMP and the remainder be budgeted to place in a designated fund balance until such time as the administration is prepared to present options for specific uses of the funds to the Environmental Quality and Financial Management Committees for their discussion and ultimate recommendation to the full Board of Supervisors. Planning and Finance staff will work on a resolution and will revise the proposed budget to accurately reflect the committees' recommendations, and the revised A8162 and A8189 budgets to the committee within the next week as requested.

Motion 2 – Supervisor Wickham made a motion to approve the A8162 and A8189 - 2017/2018 Budget as amended above, seconded by Supervisor Baker.

Other

5A. Privilege of the Floor – None at this time.

<u>Adjournment</u> – There being no further business before the committee, at 4:55 pm a motion was made by Supervisor Venuti and seconded by Supervisor Baker to adjourn; motion carried unanimously.

Respectfully submitted,

Linda R. Frasca

Senior Clerk