

**County of Franklin
Solid Waste Management Authority**

Proposed Landfill Expansion

**FINAL
ENVIRONMENTAL IMPACT
STATEMENT**

APPENDIX CC
*DEIS Public Hearing Transcript
and Written Comments*

February 26, 2009



Engineers • Environmental Scientists • Planners • Landscape Architects

Table of Contents

<u>Commenter</u>	<u>Date of Comment</u>
Section A: NYS Department of Environmental Conservation Comments	
Wagner, Denise	November 5, 2008
Section B: Town of Constable Comments	
Cantwell, Jr., Paul	December 1, 2008
Section C: Town of Westville Comments	
Rodrique, Lauzon	December 1, 2008
Section D: New York State Residents' Comments	
Gaggin, Warren	November 17, 2008
Gervais, Norman	November 26, 2008
Section E: Canada Residents' and Officials' Comments	
Blackburn, Félix	December 1, 2008
Bourdon, Serge	November 5, 2008
DeBellefeuille, Claude	December 1, 2008
De Martin, Albert	November 27, 2008
Dressel, Holly	November 30, 2008
Drummond, David	December 1, 2008
Gendron, Stéphane and Ronald Critchley	December 1, 2008
Hristova, Iliana	December 3, 2008
Lecluse, Ben and James Quinn	November 30, 2008
Proulx, Jean-Pierre	December 1, 2008
Stolecki, Amy	November 30, 2008
Section F: Transcript	
Copy of the stenographic transcript from the November 5, 2008 Proposed CFSWMA Landfill Expansion DEIS Public Hearing (136 pages)	

Section A

NYS Department of Environmental Conservation Comments

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

1115 NYS Route 86 – PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1234 . FAX: (518) 897-1394

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

November 5, 2008

Mr. George Eades, Executive Director
Franklin County Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

**Re: Draft Environmental Impact Statement
Franklin County Landfill Proposed Expansion
Westville/Constable (Towns), Franklin County**

Dear Mr. Eades:

The New York State Department of Environmental Conservation (Department) has completed a preliminary review of the County of Franklin Solid Waste Management Authority's (Authority) Proposed Landfill Expansion Draft Environmental Impact Statement (DEIS) dated September 25, 2008, prepared by Barton & Loguidice, P.C. The following comments are for your consideration.

In a letter dated May 22, 2008, the department submitted comments in response to the Draft Scoping Document for the above referenced proposal. It is the department's opinion that certain items identified in that letter were not adequately addressed in the DEIS and should be more thoroughly discussed. Those items are reiterated below in italics, under headings (in parenthesis) linked to the May 22, 2008 letter/Draft Scoping Document.

(Section 1.0) Project Description

Discuss factors that went into determining the acreage/capacity needed. The DEIS discusses the physical constraints that factored into defining the proposed expansion area; however, it lacks an analysis regarding the need for the specific acreage/capacity proposed.

(Section 5.4) Growth Inducing Impacts

Discuss economic benefits that long-term recycling and composting alternative/enhancements may have on the surrounding communities and Franklin County.

(Section 5.9) Preliminary List of DEIS Appendices

Provide the Executive summary and implementation schedule of the County's Local SWMP. The Department recommends that the DEIS provide information as to where the Plan can be accessed for review.

(Missing Elements) Re-Use and Recycling

Discuss the means by which recyclables will be excluded from out-of-county waste.

Mr. George Eades
Re: Draft Environmental Impact Statement
November 5, 2008
Page Two

In addition to the above, the department has the following specific comments relative to the DEIS:

1. The DEIS indicates that the initial 6 NYCRR Part 360 permit application will seek authorization for proposed landfill cells 5, 6 and 7. Pages 2 and 192 of the DEIS state that these three cells will add approximately 19 years of capacity at the current permitted tonnage rate; however, page 28 states that the anticipated life expectancy of cells 5, 6 and 7 is 12 years. This apparent discrepancy should be clarified.
2. Section 1.5.2 Landfill Expansion Area
The second sentence of paragraph 2 references the maximum build-out area as 142 acres. The next sentence refers to a 325 acre maximum build-out. This apparent discrepancy needs clarification. The Scoping Document also referred to a 325 acre build-out. The DEIS should provide discussion/clarification as to how/why the proposed build-out area has changed from 325 acres to 142 acres.
3. Section 3.2.7 Transportation Facilities and Traffic
This section states that the amount of waste being disposed of at the landfill will not increase, and references the analysis in the 2006 permit modification. The statement is misleading in that compared to the present quantity of 43,500 tons per year (TPY) of waste being taken in at the landfill, the amount may increase threefold if the facility begins taking in the currently permitted 125,000 TPY. Similarly, section 3.3 presents the same type of misleading information. These statements should be clarified.
4. Section 8.1.2 2006 Solid Waste Plan Modification and Implementation
The fourth paragraph indicates that users may seek lower cost disposal options. This is misleading since Franklin County has 'flow control'; thus options other than disposal at a county facility are prohibited.
5. Sections 8.2.1 Waste Exportation and 8.2.2 The No-Action Alternative
The DEIS states that "the private haulers that use the authority's regional landfill would have to find another facility to accept their waste" and "the County could also choose to provide no disposal services of any kind, thereby leaving it up to the municipalities and/or private sector to provide such disposal services". These are inaccurate statements since the County of Franklin Solid Waste Management Authority was created under the Public Authority Law of the State of New York to provide solid waste management services to the residents of Franklin County.
6. Section 8.2.4.2 Alternative Scale or Magnitude
The first paragraph on page 192 states that "the timing for construction of future stages of the proposed landfill expansion is also expected to be different than what is currently envisioned" [emphasis added]. This statement conflicts with the Proposed Action (i.e., 125,000 TPY, 142 acres, 94.8 year service life), and therefore requires clarification.

Mr. George Eades
Re: Draft Environmental Impact Statement
November 5, 2008
Page Three

The last sentence in the second full paragraph on page 192 states that "Other impacts associated with the proposed landfill expansion would ultimately occur under this scenario." This requires discussion/clarification.

Segmentation is not a valid reason for dismissing consideration of the Alternative Scale or Magnitude scenario presented in Section 8.2.4.2. Using the example presented in the DEIS, it is unlikely that a SEQR review for a future proposed expansion (i.e., forty years in the future) would be considered segmented. This section of the EIS should be re-written to fully consider an alternative scale/magnitude.

7. Appendix C Hydrogeologic Site Investigation Report The Hydrogeologic Site Investigation Report was attached to the DEIS for information purposes. The Department has not reviewed this report in any detail since the Authority's initial 6 NYCRR Part 360 permit application for the expansion must include a hydrogeologic report that addresses the specific criteria in section 360-2.11 of the regulations. Technical evaluation of site hydrogeologic conditions by the Department will take place during review of the permit application once it is submitted. The lack of any comments pertaining to Appendix C in this letter should not be construed as Department acceptance of the Site Investigation Report.

Thank you for the opportunity to provide comments on the DEIS. Should the Department have additional comments, they will be provided in writing by the December 1, 2008 deadline.

Sincerely,



Denise M. Wagner
Environmental Analyst 1

DMW:ppm

c: D. Steenberge
G. Carayiannis
D. Becker
H. Travers, Chairman CFSWMA
H. Phillips, Supervisor, Constable (T)
R. Lauzon, Supervisor, Westville (T)

Section B

Town of Constable Comments

Johanna E. Duffy

From: Dee Langdon [Cantwell1511@aol.com]
Sent: Monday, December 01, 2008 3:00 PM
To: Franklin County Landfill EIS
Subject: Response to EIS

Gentlemen:

I am writing as attorney for the Town of Constable, one of the host communities to the current landfill who would be affected by it's expansion. The Town believes that additional justification for the expansion should be provided as well as how the authority proposes to address the concerns raised by the Department of Environmental Conservation as well as the public comments regarding the potential adverse economic and environmental impact of the expansion.

The Town will incur additional expenses associated with the expanded site including a decrease in property values of adjoining real estate as well as increased contractual expense such as the Town incurs with the Constable Volunteer Fire Department in providing fire protection to the landfill. The current payment to the Town as a host community does not adequately compensate for the loss of revenue both for the impact the landfill has on real property taxes or the additional expenses incurred.

The testimony at the public hearing indicated that there is an additional need of testing of the stream that passes through the site as well as wells of adjoining property owners to insure that no toxic materials enter the water table or the stream and rivers that receive runoff. Such testing would help to mitigate the decline in property values in the Town that may occur due to the expanded site as well as laying the fears of the Town's Canadian neighbors.

A system should be developed to communicate with the Towns of Constable and Westville and their taxpayers so they have more complete information available to them as to what is occurring with respect to the landfill. All of the above concerns should be incorporated in to a written host agreement acceptable to the Towns. The Town of Constable looks forward to ongoing negotiations with respect to this agreement.

Sincerely,

Paul M. Cantwell, Jr.
Attorney for the Town of Constable

By Dee Langdon
Cantwell & Cantwell
14 Elm Street, Suite 2
Malone, New York 12953
(518) 483-1511
(Fax) 483-1530

Section C

Town of Westville Comments

Comments
of the
TOWN OF WESTVILLE

COUNTY OF FRANKLIN

SOLID WASTE MANAGEMENT AUTHORITY

Draft Environmental Impact Statement for the Proposed
Expansion of the Franklin County Landfill

Rodrique Lauzon, Supervisor, Town of Westville

SUMMARY STATEMENT

THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FAILS TO COMPLY WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA).

The County of Franklin Solid Waste Management Authority (the "Authority") failed its responsibility as Lead Agency under the State Environmental Quality Review Act (SEQRA) when it approved the Draft Environmental Impact Statement as complete and suitable for public comment. As discussed below, there are both procedural flaws and substantive deficiencies in the analysis of impacts and a failure to properly identify alternatives to the proposed action or to address opportunities to mitigate impacts of the project. Most importantly, the Authority illegally segmented its environmental analysis of this project in violation of law. A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT SHOULD BE PREPARED AND MADE AVAILABLE FOR PUBLIC COMMENT.

I. THE AUTHORITY HAS FAILED TO COMPLY WITH SEQRA.

A. THE ENVIRONMENTAL ANALYSIS OF ITS PERMIT MODIFICATION IN 2006 WAS INADEQUATE AND CONTRARY TO THE REQUIREMENTS OF SEQRA.

The Authority initiated a request in 2005-2006 for a modification of its permit from the Department of Environmental Conservation (the "NYDEC") seeking to expand the permitted disposal of municipal solid waste from 46,000 tons per year to 125,000 tons per year. The County of Franklin simultaneously modified its state-mandated Solid Waste Management Plan to explicitly authorize the importation of out of County wastes and authorize an expansion of the facility " in the future". The Authority, reviewing its own proposal because it declared itself lead agency under SEQRA, issued a "negative declaration" that there would not be any significant adverse environmental impacts from its decision to expand the facility and the tonnage cap for disposal.

The Authority clearly failed to contemplate the "growth inducing aspects" of this decision and the "cumulative impacts" of the action, a breach of SEQRA.

Correspondence between the NYDEC Region 5 staff and consultants to the Authority illustrate the concern of the Department staff that the vast expansion of the levels of permitted waste into the facility would either shorten the life-span of the permitted capacity of the existing facility or was an obvious prelude to a proposed expansion. (See Attachments) The failure of NYDEC to then object to the clearly inappropriate negative declaration adopted by the Authority and its issuance of the permit was a failure of its regulatory responsibilities as an Involved Agency under SEQRA.

B.THE AUTHORITY HAS SEGMENTED THE REVIEW OF THIS PROJECT IN VIOLATION OF SEQRA.

In 2006, the NYDEC granted the Authority its request to increase its NYDEC permit for disposal of municipal solid waste from 46,000 tons per year to 125,000 tons per year. This approval included permission to dump thousands of additional tons cover material and so-called beneficial use materials as well. This increase in the rate of disposal, if implemented, obviously fills prematurely the existing waste disposal capacity and shortens the life span of the approved waste disposal cells. An expansion of the site, the establishment of a new site or the exportation of Franklin County waste out of county would be a necessary to accommodate this increase.

The Authority, in this Draft Environmental Impact Statement, relies on the previously approved modification of its annual tonnage limit to justify its failure to now look at alternatives which would involve less than 125,000 tons per year. It also fails to properly analyze several significant environmental impacts.

It is well established in the guidance issued by NYDEC and in case law that one of the goals of SEQRA is to avoid the segmentation of projects and their review. It is also well established that the fact of segmentation of the project can become apparent well after the initial phase of the project, as it has here - where the initial action practically determines later decision-making. There is no doubt from reading the DEIS that the modification of the annual tonnage limit two years ago, was an effort to segment this project and avoid proper review under state law.

Attached to this testimony is the guidance from NYDEC posted on their website regarding segmentation and SEQRA.

C. ELEMENTS OF THIS PROJECT MAY HAVE BEEN PREMATURELY COMMENCED IN VIOLATION OF STATE LAW.

Beyond the public denials beginning in 2006, that its engineering consultants were conducting soil and water sampling for a possible expansion, which reflects poorly on the Authority, the agency may have taken other actions which could constitute an improper and illegal commencement of the project in advance of the SEQRA process.

These premature actions include but are not limited to:

- * Disposal of soils from the excavation of cell #4 onto private agricultural lands proposed for acquisition in the expansion.
- * Approaching adjacent landowners to entering into purchase agreements or land contracts for the expansion that have not been authorized or disclosed.
- * Obtaining agreements from agricultural land owners to allow the use of their lands for non-agricultural purposes pursuant to the Agricultural Districts Law.

D. THE AUTHORITY FAILED TO PROPERLY NOTIFY AND CONSULT THE TOWNSHIP AS REQUIRED BY SEQRA

The Town of Westville, as further discussed below, should properly be considered an involved agency in this project, since pursuant to its local law, the Town should be making a determination on a project application from the Authority. The Authority was required by SEQRA to notify all decision-making agencies of its intention to assume "lead agency" status. The Town of Westville was never notified of the lead agency determination by the Authority and never given an opportunity to respond, which is a violation of SEQRA.

II. THE AUTHORITY HAS FAILED TO MAKE APPLICATION TO THE TOWN BOARD OF WESTVILLE FOR THE CONSTRUCTION OF THE SANITARY LANDFILL AS REQUIRED BY TOWN LAW

The DEIS acknowledges the Town of Westville Local Law # 1 of 1986 which prohibits the construction of a sanitary landfill in the Town of Westville unless authorized by the Town Board. The Westville Town Law preceded the creation of the Authority by the State Legislature by at least two years.

The Authority to date has not make an application for the expansion of the facility into the Town of Westville or made application to the Planning Board for a variance, which is permitted.

The legal analysis provided in the DEIS has a number of deficiencies, but the most glaring is the assumption that all sanitary landfills are prohibited in the Town of Westville except for a town-owned landfill. Certainly, at the time the local law was written, the Town of Westville already operated a town-owned landfill. The local law gives considerable latitude to the Town Board, stating the Town may provide for a future sanitary landfill in the community if it so chooses.

At the time of the adoption of the local law, a town-owned facility was already operating. That facility was subsequently been closed in conformance with revised NYDEC regulations. The Westville Town Law does not specify that the facility be a town-owned facility.

A variance procedure was also established under the same local law. The notion advanced in the DEIS that the Westville Town Law conflicts with the enabling legislation of the Authority and therefore the Authority can ignore the local laws in its planning is a false and self-serving legal presumption.

III. THE DRAFT EIS FAILS TO ADEQUATELY DESCRIBE THE ENVIRONMENTAL SETTING OR TO PROPOSE MITIGATION TO KNOWN ENVIRONMENTAL IMPACTS.

A. EXISTING CONTAMINATION OF GROUNDWATER AND WETLANDS

Correspondence between Authority personnel and staff of the Department of Environmental Conservation, and test results from monitoring wells surrounding the facility, document that groundwater has been contaminated beyond the designated cells of the facility. The Department of Environmental Conservation has required the Authority to more intensively monitor some wells as levels of contamination have escalated.

Attached to this testimony are several examples of documents obtained through the New York State Freedom of Information Act that verify that contamination of groundwater has been documented for several years.

The presence of contamination of groundwater exceeding trigger levels for certain contaminants is ignored by the DEIS. The document instead focuses entirely on how future contamination from future construction and new waste cells will be minimized through the proposed environmental monitoring program. No action plan for reducing the increasing levels of contamination found in existing monitoring wells is proposed. There is no acknowledgement that the existing multilayer protection system has already failed.

This "head in the sand" approach leaves the surrounding residents, who depend on groundwater for drinking water and for watering their livestock out in the cold. The possible contamination of a residential well near the site is currently under investigation by the town of Westville.

At a minimum, the Authority should propose or be required to adopt a testing regimen for the water sources of adjacent or down gradient landowners conducted annually by or on behalf of the Authority. Similarly, the Briggs creek and wetlands adjacent to the landfill site should be subject to seasonal testing for water contamination. Contamination of the wetlands can also impact plants and fish and wildlife species.

B. THE MANAGEMENT OF THE FACILITY HAS BEEN CONSISTENTLY POOR

The Facility has routinely been found to be operating out of compliance with its Part 360 Permit on routine inspections by the staff of the Department of Environmental Conservation. Three enforcement actions were initiated by NYDEC over the course of three years. The Authority was cited by NYDEC for failure to control odors in 2003, and in 2004 for failure to maintain daily cover and allowing leachate to flow outside the landfill cell contaminating groundwater. The NYDEC found the Authority to be improperly spreading sludge outside of the approved containment areas in 2005.

In May of 2007, the United State Environmental Protection Agency discovered that the Authority was violating Underground Storage Tank regulations and the USEPA in May of this year proposed two fines for that failed inspection.

Blowing litter and inadequate use of cover material remain persistent problems. The persistent presence of large numbers of seagulls and turkey vultures hovering near the working face of the landfill has been repeatedly observed by both residents and the NYDEC in its infrequent inspections. The Authority proposes to greatly expand the amount of waste into the facility on a daily basis, but offers no improvements in its current and ineffective practice for dealing with this human health hazard.

Attached to this testimony are enforcement records obtained from the Department of Environmental Conservation which document some of these violations.

IV. THE DEIS FAILS TO FULLY EXAMINE PRACTICAL ALTERNATIVES AS REQUIRED UNDER SEQRA

There are not one but many practical or likely alternatives to the current proposal that are not examined at all or are given "lip service" in the analysis in the DEIS. They include, but are not limited to:

A. LANDFILLING ON SITE FOR ALTERNATE SCALE OR MAGNITUDE

The DEIS reveals that landfilling on adjacent areas with up to three new cells would provide approximately 19 years of additional capacity, without disturbing any wetland areas as the proposed massive expansion would do. This estimate of capacity is highly conservative since it is based on a yet to be achieved annual tonnage rate of 125,000 tons per year. The DEIS at page 192 acknowledges that increased recycling would also extend that capacity life.

B. LOWERING THE ANNUAL TONNAGE CAP

The DEIS fails to consider the practical alternative of simply lowering the annual tonnage cap to as low as 44,000 tons per year of municipal solid waste . This size cap would serve the needs of Franklin County residents and greatly extend the life capacity of the three new cells. Even with existing practices of accepting waste from Essex County and other sources, the tonnage of municipal solid waste disposed at the facility annually do not approach 125,000 tons. In 2007, annual tons disposed was less than 35,000 tons (See Table 1, DEIS) The May 2006 modification of the annual tonnage permit limit immediately before this Action was commenced distorts all

analysis in this document and inappropriately has been cited to justify a failure to do a comprehensive analysis.

C. INCREASED RECYCLING AND SOURCE SEPARATION

The DEIS acknowledges that the recycling rate in Franklin County is an anemic level of 6%. (Elsewhere the document asserts that this figure is 12.5%). This level of recycling is well below the average for other rural solid waste planning units in the State of New York, including regions with smaller populations.

Landfill capacity can be greatly expanded if appropriate portions of the waste stream are diverted by expanded recycling, composting and source reduction efforts.

The Franklin County Solid Waste management Plan, recently amended, acknowledges that recycling has suffered from the lack of a recycling coordinator and a budget.

The Authority and the County of Franklin now have flow control authority over all waste generated in Franklin County, which can require mandatory source separation by households and businesses using private haulers. The Authority can also demand comprehensive recycling in other communities utilizing the facility. The Authority should adopt a mandatory source separation program. The Department of Environmental Conservation has recently proposed an expanded program for Albany County which should be examined as a model.

The Authority can also promote increased composting of materials and other diversions from the waste stream, including household hazardous waste. The Authority now operates a household hazardous waste day once a year, alternating locations so that fully once half of Franklin County residents are too distant to participate except every other year. The diversion of household hazardous waste is an important public health and safety measure not only to divert small quantities of hazardous waste from the landfill and its leachate, but also to educate residents about alternatives to hazardous and toxic products in the market. This program should be operated a minimum of twice yearly in locations that are convenient for residents.

D. EXPORTATION OF WASTE

The DEIS does a poor job of examining the true economic benefits and drawbacks of exporting Franklin County waste to other sites outside the County. The adoption of the flow control law allows the County to direct waste to County operated facilities, including transfer stations. The cost estimate for a hypothetical first year of waste exportation (see p.175), asserts that County of Franklin residents would have to pay \$87-\$104 more per ton to export waste out of County based on the currently permitted 125,000 tons per year is completely fabricated, totally irrelevant and designed to bolster a flawed analysis. The DEIS refers to a 2006 analysis, which is not provided.

E. REDUCTION OF THE TONNAGE CAP

As previously stated, the previous adoption of an annual 125,000 ton cap should not and cannot justify the failure to examine alternatives that require the importation of less waste. The current tonnage far exceeds the legitimate needs of the residents of Franklin County, which the Authority estimates at 43,500 tons annually. The Authority presents no economic analysis that justifies the expansion it seeks . As stated previously, the Authority illegally relies on the previously authorized tonnage cap to avoid discussing other alternatives so obviously available.

The data presented in the DEIS show that the Authority has not significantly increased the tonnage into the facility even with the expanded limit in the tonnage cap. Failure to examine alternatives that involve the disposal of less waste at the site over time is a violation of SEQRA.

It is noteworthy that the representatives at the Department of Environmental Conservation at the public comment hearing also noted the failure to examine alternatives with a smaller tonnage cap.

F. THE NO ACTION ALTERNATIVE ANALYSIS

The No Action Alternative considered by the Authority is fatally flawed. The DEIS asserts that the landfill site will be at capacity by the year 2014. This calculation is based on an assumption of annual disposal of 125,000 tons per year of municipal waste and tens of thousands of tons of other wastes used for cover materials, which also have to be managed and consume landfill space.

The Authority concedes that the disposal requirements of Franklin County residents only consist of about 43,500 tons of material. The NO Action Alternative is a false choice. Accepting only waste from Franklin County would substantially lengthen the current life of the existing landfill.

The modification of the relevant permit two years prior to the Action now under review skews the results of the analysis. It is our contention that these actions were taken in concert to achieve a predetermined result, which is a violation of SEQRA.

G. ALTERNATIVE LANDFILL SITES

The discussion of alternative sites is also similarly and fatally flawed. The DEIS states that "a new landfill site could not be identified, permitted and built in time to meet Franklin County's need for new disposal capacity which is anticipated to be in the year 2014...".

This analysis presumes that 125,000 tons of municipal solid waste will be disposed on site annually. Since the request for a modification of the annual tonnage rate was approved in 2006, the Authority has barely increased the amount of municipal solid waste received at the site. The Authority controls the amount of waste actually disposed at the site annually.

Assuming disposal of 125,00 tons per year number is a false assumption that corrupts the analysis of this alternative. Reliance on the modified permit as the rationale not to look at viable alternatives is a violation of SEQRA, including but not limited to illegal segmentation of the project.

H. RECOVERY OF METHANE FROM THE SITE

The Authority, according to the DEIS, "plans to examine alternative beneficial uses for landfill gas", to mitigate its emissions. Elsewhere in the document, at 3.32, the Authority suggests that a means to offset and mitigate the impact of its additional use of electricity to power additional blowers and other equipment could be to produce electricity on site.

The Authority concedes that the existing permitted landfill emits at least an estimated 24% of its total emissions. While reducing the percentage of fugitive emissions, the proposed expansion is estimated to double the methane emissions from the site to the atmosphere. Methane is one of the more potent of greenhouse gases and the State of New York through the Department of Environmental Conservation is not only seeking to minimize emissions but also to promote the use of alternative fuels. Examination of alternatives is what is supposed to happen in this environmental analysis.

The Authority has identified an adverse impact to the environment from this project both for increased emissions of greenhouse gases and increased electricity use. It is required now to affirmatively propose a plan to mitigate that impact.

The DEIS also states that an aggressive composting program could reduce greenhouse gas emissions. This alternative is neither proposed nor further discussed. The Authority fails to describe how it will mitigate the increase in greenhouse emissions that would result from an expansion of the facility or how it will capture and control fugitive emissions from the expanded facility.

V. PROPOSED TESTING AND SAMPLING IS INADEQUATE TO PROTECT PUBLIC HEALTH AND SAFETY

The proposed expansion incorporates some improvements in ground water diversion within the cells themselves, but offers the minimum

measures for testing and sampling. Drinking water quality should be examined at adjacent residences on a regular protocol. Nearby wetland complexes should be tested regularly for contaminants. Briggs Creek as the identified down gradient drainage area should be regularly tested downstream before it ultimately flows into the lands of Canada.

VI. THE IMPACTS OF THE EXPANSION ON THE MALONE WATER TREATMENT FACILITY, ITS OPERATIONS AND THE DOWNSTREAM EFFECTS IN THE SALMON RIVER MUST BE MORE FULLY EXAMINED.

The cumulative impacts of the expansion of this facility not only include the need for added capacity to store and treat leachate, but also has significant implications for the operation of the Malone Facility as the prime leachate dilution and discharge site. The expansion of this facility cannot be done in a vacuum and comply with SEQRA.

The effect of this expansion on the current operations of the Malone facility, its need for new equipment or manpower, the capacity of the Malone facility and the effect of the significant increases in discharges into the Salmon River on the river ecology and downriver users must be considered in this DEIS as a logical outgrowth and effect of the expansion.

VI. THE IMPACTS ON AGRICULTURAL LANDS ARE SIGNIFICANT BUT NO EFFORT IS MADE TO MITIGATE THE IMPACT

By its own analysis, the Authority concedes that the proposed project will result in the loss of 110 acres of "agriculturally important soils" according to the 2008 New York Agricultural Land Classification, and the acquisition of 325 acres of land within a state designated agricultural district with an overall loss of almost 5% of all agricultural land in the Towns of Westville and Constable.

Agricultural districts receive legal protection under New York State law. The Authority states that it has obtained a signed agricultural district waiver from all the affected farmers in the agricultural district that are included in the expansion area, effectively waiving the Agricultural District impact review procedures otherwise applied by the NYS Ag Department.

The Authority fails to produce such waiver documents in the DEIS. Their inclusion is a necessity. The DEIS further fails to consider any alternatives to the proposed action that would mitigate the loss of agricultural lands and the permanent loss of agriculturally important soils, which is contrary to the requirement for examination of practical alternatives to the proposed project under SEQRA.

VII. OTHER PROBLEMS WITH THIS DEIS

1. THE DISCUSSION OF THE NO-ACTION ALTERNATIVE.

THE DEIS refers repeatedly to an analysis in Appendix B of the 2006 Solid Waste Plan of Franklin County. However, this analysis is not provided for review and its assumptions are merely summarized in the DEIS, making it impossible by reviewing this document to properly review the basis for the conclusions.

2. THE HISTORIC AND ARCHEOLOGICAL RESOURCES ANALYSIS.

This section concludes that the proposed expansion footprint was designed to minimize impacts to the farmstead site, which is eligible for inclusion in the state and national register of historic places. The DEIS contains no document from the NYS Office of Parks Recreation and Historic Preservation (OPRHP) indicating that there will be no impact.

3. THE LACK OF ANY ACCURATE LIST OF THE SOURCES FOR ALL WASTE DISPOSED IN THE FACILITY.

This is an obvious and curious omission from the documentation in the DEIS. The cursory statement on Page 14, citing an incomplete list of sources of both solid waste and beneficial use materials, is not adequate to provide any analysis of the regional impacts of the facility.

4. THE FAILURE TO DISCLOSE CURRENT CONTRACTS.

The DEIS also fails to disclose any current contracts between the Authority and sources of wastes. This is especially important if the Authority has entered into long-term contracts with municipalities or private haulers that extend beyond the Authority's own projected site life for the landfill of 6.4 years. An accurate assessment of the need for additional capacity cannot be made without this information.

5. MODIFICATIONS AND UPGRADES FOR CURRENT LANDFILL GAS MANAGEMENT ARE ANTICIPATED BUT THERE IS NOT ANY DETAIL.

Why are these modifications necessary? Will these modifications affect any future decision on landfill gas management if the facility is expanded. What modifications will be necessary if only three more cells are permitted? Blower upgrades will require upgrade to three phase power at the site. What actions will be necessary to accomplish a power upgrade? Will a new power line need to be established into the facility?

6. THE DEIS FAILS TO IDENTIFY ALTERNATIVES FOR LEACHATE DISPOSAL.

On page #49, the DEIS states that the Village of Malone Wastewater Treatment Plant will be the primary leachate disposal site. The DEIS fails to contain even a letter from the Village of Malone indicating their willingness to provide such capacity. The DEIS further states that "other wastewater treatment plants may also be utilized in the future, including at least one backup disposal site for leachate". No such sites are identified. The environmental impact of the proposed expansion of this facility and the significant increase in leachate cannot be evaluated if no one knows what facility it is going to and what the environmental impacts of the discharges to other water bodies may be. The failure to plan for the possibility that the Village of Malone site may not be available is particularly inappropriate.

7. THE DEIS STATES THAT THE PROPOSED EXPANSION IS NOT LOCATED OVER A PRIMARY OR PRINCIPAL ACQUIFER.

Internal documents at the NYDEC, dated December 10, 2007, indicate that drilling in a proposed well location hit flowing artesian conditions in the till at about 70 feet. Estimated flow was at 25 gallons per minute. Please explain this apparent error in your evaluation, which predicted the nearest aquifer area capable of 10 gallons per minute or more to be approximately 2 miles to the southeast. Additional investigation of the hydrology of the site should be considered.

8. RECENT PROBLEMS WITH CELL FOUR DESIGN INDICATE THAT THE SUBSURFACE IS NOT AS PREVIOUSLY ASSUMED.

Other documents at the NYSDEC indicate other problems in the engineering analysis, including the current construction of cell #4. The documents indicate that the estimated depth to bedrock for the expansion into the already permitted Cell Four were discovered to be in error, running the risk that cell design of exposed bedrock, and necessitating a change in cell design to maintain a minimum ten foot distance to bedrock as required by state regulations. Similar assumptions about the subsurface in the expansion area should be reconsidered.

9. THE ANALYSIS OF TRANSPORTATION FACILITIES AND TRAFFIC IS FATALLY FLAWED.

The DEIS asserts at section 3.27, that the amounts of waste going to the facility will not exceed the current tonnage cap, and therefore the number of trucks and traffic that could come to the facility would not change and no further analysis is required. This is a working fiction. Only 34,909 tons of municipal solid waste were disposed at the facility in 2007 (See table 1, DEIS).

An almost four fold increase in waste disposed at the facility will significantly increase truck traffic and must be considered in the DEIS. The notion that current traffic activity is representative of future activity

at the site is astonishing. A finding of no significant adverse impacts under a prior SEQRA review is irrelevant. The propriety of that past determination is clearly questionable. A reliance now on that determination also raises significant legal issues of segmentation and a failure to consider cumulative impacts as provided in the State Environmental Quality Review Act.

10. THE ANALYSIS OF FUEL USE AND CONSERVATION IS FATALLY FLAWED.

Section 3.3.1 of the DEIS states that " the development of the proposed expansion of the existing CFSWMA landfill would not result in a change in the permitted waste acceptance rate". The single paragraph that follows then concludes that there would not be any significant changes in activity at the site and no significant change in the amount of fuel consumed by trucks delivering waste.

This "analysis" is conclusory and based on the same working fiction that taints most of the DEIS. Waste disposal levels will increase four-fold from current levels with the expansion. It is contrary to SEQRA to fail to conduct an analysis of the impact on fuel and conservation.

11. THE VISUAL ANALYSIS CONCLUDES THAT THE LANDFILL EXPANSION WILL BE VISIBLE TO 31% OF THE LAND AREAS WITHIN A FIVE MILE RADIUS .

The analysis then offers a list of mitigative measures that would comply with NYDEC Program Policy for Assessing and Mitigating Visual Impacts. The document asserts that the Authority will use one or more of those measures, when appropriate. This is an empty promise. The mitigation measures that will be employed should be identified and drawing or simulations should be prepared to demonstrate that mitigation of visual impacts will be achieved by these measures.

CONCLUSION AND RECOMMENDATIONS

THE DEIS AS PRESENTED IS LEGALLY DEFICIENT AND DOES NOT COMPLY WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW, THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) AND PART 617 OF THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION GOVERNING THE PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS.

THE DEIS FAILS TO PROVIDE AN EVALUATION OF THE POTENTIALLY ADVERSE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION AT A SUFFICIENT LEVEL OF DETAIL. THE DEFICIENCIES INCLUDE BUT ARE NOT LIMITED TO THE FAILURE TO ADDRESS ISSUES IDENTIFIED IN THE SCOPING PROCESS, AS IDENTIFIED BY THE NYDEC, AND THE FAILURE TO ADEQUATELY DISCUSS CUMULATIVE IMPACTS, LONG-TERM IMPACTS, TRAFFIC IMPACTS, IMPACTS ON AGRICULTURALLY SIGNIFICANT SOILS IN AGRICULTURAL DISTRICTS AND IMPACTS ON USE OF CONSERVATION AND ENERGY, AMONG OTHER ISSUES. THE EVALUATION OF ALTERNATIVES TO THE PROPOSED ACTION IS INADEQUATE AND MITIGATION OPPORTUNITIES FOR KNOWN SIGNIFICANT ENVIRONMENTAL IMPACTS FROM THE PROJECT ARE MINIMIZED OR IGNORED.

THE TOWN OF WESTVILLE RECOMMENDS STRONGLY THAT THE LEAD AGENCY, THE COUNTY OF FRANKLIN SOLID WASTE MANAGEMENT AUTHORITY, PREPARE A SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT TO ADDRESS THE NUMEROUS SHORTCOMINGS OF THE ANALYSIS PRESENTED IN THIS DOCUMENT. THE PREPARATION OF A SUPPLEMENT WILL ALLOW A SECOND PUBLIC COMMENT PERIOD IN WHICH AN IMPROVED AND LEGALLY SUFFICIENT ANALYSIS CAN BE REVIEWED AND CONSIDERED BY THE INTERESTED PUBLIC AND INTERESTED AND INVOLVED AGENCIES.

THE TOWN OF WESTVILLE RECOMMENDS THAT A PROJECT APPLICATION FOR THIS ACTION BE SUBMITTED TO THE TOWN OF WESTVILLE FOR ITS REVIEW, AS REQUIRED UNDER LOCAL LAW.

##

LIST OF ATTACHMENTS

1. SEGMENTATION: DRAFT SEQRA HANDBOOK, NYDEC(www.dec.ny.gov)
Explaining segmentation of projects and SEQRA.

2. Quarterly Monitoring Reports, Prepared by Fagan Engineers for the Authority.

Documenting on-going contamination of monitoring wells.

3. Letter to George Eades from Dale A. Becker, Engineering Geologist, NYDEC dated September 30, 2003.

Indicating increasing trends in monitoring parameters and that the landfill may be having "some impact on groundwater" and noting the detection of Volatile Organic Compounds (VOC's).

4. Letter to George Eades from Dale Becker, NYDEC, Dated December 20,2005.

Indicating on-going detection of contaminants in monitoring wells, including increasing trends over two years at deep well.

5. Letter to Mr. George Eades,Executive Director, from Gus Carayiannis, PE Div. of Solid and Hazardous Materials, NYDEC, Dated Sept. 3, 2004.

Citing numerous violations at the facility.

6. Resolution #15, 2008,Town of Westville

Citing town residents concerns with the landfill operation, the apparent violation of local law and concerns regarding the potential impacts of the proposed facility on the region and in neighboring Canada.

7. Letter to George Eades from Dale A. Becker, Engineering Geologist, NYDEC. Dated November 27, 2007

Indicating that soil boring and monitoring wells were installed for the expansion before the NYDEC personnel could approve or even discuss the intent and location of the monitoring wells with the Authority.

8. Letter to George Eades from Denise Wagner, NYDEC, dated November 3, 2005.

Stating that the application for an tonnage cap increase was premature if an expansion of the landfill was contemplated.

9. Letter to George Eades from Daniel Steenberge, PE, NYDEC dated March 13, 2006.

Indicating that the Authority intended to expand the footprint of the facility as early as meetings with DEC personnel in September 2005, before the tonnage cap was increased.

10. Letter to Josee Taillefer, Town Manager of Elgin, Quebec, from Denise Wagner, Environmental Analyst, NYDEC dated May 23, 2006

Explaining the nature of the past enforcement actions against the Authority of the NYDEC, and stating, incorrectly, that the Authority had no plans to expand the landfill footprint.

11. Memo from Dale Becker, NYDEC to John Brusa, Senior Managing Engineer, Barton and Loguidice, dated January 22, 2008

Expressing concern that " bedrock could daylight" and excavation for cell four could not meet requirements for separation to bedrock in NYDEC regulations.

12. Letter to John Brusa, Barton & Loguidice, from Dale Becker, NYDEC, dated January 18, 2008

Rejecting revised subgrade plans submitted January 15, 2008 for proposed landfill cell #4, which were submitted after test borings indicated excavation associated with construction would likely have encountered bedrock in violation of Part 360 of NYDEC regulations.

13. Letter to George Eades from Michael McMurray, Deputy Regional Permit Administrator, NYDEC dated April 10, 2008

The letter modifies the permit to allow for the revised subgrade and leachate collection system in accordance with the plans revised in January 2008.

14. Letter to George Eades from Dennis McChesney, Chief, Groundwater Compliance Section, USEPA Region 2, dated April 7, 2008

Citing the Authority for 2 violations of Federal Underground Storage Tank regulations.

- Indoor Recreation
- Animals, Plants, Aquatic Life
- Chemical & Pollution Control
- Energy and Climate
- Fishes and Waters
- Education
- Permits and Licenses
- Public Involvement and News
- SEQR
- Draft SEQR Handbook
 - Table of Contents
 - Segmentation
- Regulations and Enforcement
- Applications, Forms, Maps
- Contact DEC

Segmentation

IN THIS CHAPTER YOU CAN LEARN:

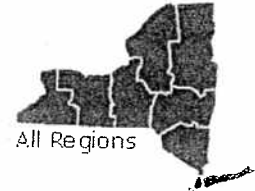
- what is meant by segmentation;
- how to deal with phases
- how to deal with different funding sources for the same overall project.

1. What is Segmentation?

In Part 617.2(ag), segmentation is defined as the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance. Except in special circumstances, considering only a part, or segment, of an overall action is contrary to the intent of SEQR.

There are two types of situations where segmentation typically occurs. One is where a project sponsor attempts to avoid a thorough environmental review (often an EIS) of a whole action by splitting a project into two or more smaller projects. The second is where activities that may be occurring at different times or places are excluded from the scope of the environmental review. By excluding subsequent phases or associated project components from the environmental review, the project may appear more acceptable to the reviewing agencies and the public.

Page Applies To:



All Regions

PDF Help:

For assistance with PDFs on this page, please call 518-402-9167.

Contact for this Page:

NYS DEC
 Division of Environmental Permits
 625 Broadway, 4th Floor
 Albany, NY 12233-1750
 518-402-9167
[email us](#)

2. What is meant by reviewing a "whole action"?

Agencies are often faced with the problem of how to address a complex action involving a number of related components that may not be presented or applied for at the same time. Typically, this may involve a series of **applications** for the same project (zone change, extension of sewer service, subdivision approval) or **phases** (residential or mixed use development to be constructed over a number of years). It also may involve separate project sites (for example, a resource recovery facility with bypass disposal at another location). Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action should be evaluated as one whole action.

Reviewing the "whole action" is an important principal in SEQR; interrelated or phased decisions should not be made without consideration of their consequences for the whole action, even if several agencies are involved in such decisions. Each agency should consider the environmental impacts of the entire action before approving, funding or undertaking any specific element of the action [see subdivision 617.3(g) regarding "Actions"].

3. What is the basic test for segmentation?

When trying to determine if segmentation is occurring agencies should consider the following factors. If the answer to one or more of these questions is yes, an agency should be concerned that segmentation is taking place.

- Purpose: Is there a common purpose or goal for each segment?
- Time: Is there a common reason for each segment being completed at or about the same time?
- Location: Is there a common geographic location involved?

- Impacts: Do any of the activities being considered for segmentation share a common impact that may, if the activities are reviewed as one project, result in a potentially significant adverse impact, even if the impacts of single activities are not necessarily significant by themselves.
- Ownership: Are the different segments under the same or common ownership or control?
- Common Plan: Is a given segment a component of an identifiable overall plan? Will the initial phase direct the development of subsequent phases or will it preclude or limit the consideration of alternatives in subsequent phases?
- Utility: Can any of the interrelated phases of various projects be considered functionally dependent on each other?
- Inducement: Does the approval of one phase or segment commit the agency to approve other phases?

4. Is segmented review ever acceptable under SEQR?

There are some limited circumstances where a segmented review may be justified. For example, the following circumstances, **when considered together**, may warrant segmentation when a project has several phases:

- information on future project phase(s) is too speculative;
- future phase(s) may not occur;
- future phase(s) are functionally independent of current phase(s).

If circumstances suggest that a segmented review is appropriate, such justification must be clearly noted in the determination of significance and in any subsequent EIS by providing supporting reasons and demonstrating that such review will be no less

protective of the environment. For example, functionally independent projects might be capable of segmented review.

5. Who is responsible for making the decision on proceeding with a segmented review?

The lead agency is responsible for making this decision. The project sponsor and other involved agencies may supply information to assist the lead agency, but ultimately it is the responsibility of the lead agency to make an independent assessment of the actual extent scope of the project and to document the decision to undertake a segmented review. Documentation is important because segmented reviews are susceptible to challenge.

6. Is an agency required to segment a review if the project sponsor shows that segmentation would be possible?

No. Segmentation is contrary to the intent of SEQRA. The decision to segment a review is at the discretion of the lead agency. The decision to segment a review must be supported by documentation that justifies the decision and must demonstrate that such a review will be no less protective of the environment [see Question 5 of this section for additional details]. However, the "separate" actions that a project sponsor may cite as being independent, unrelated activities needing individual determinations of significance, more often than not are linked either through application or proximity and therefore may be subject to legal challenge if a segmented review was to proceed

7. How might an agency address uncertainty about later phases?

All known or reasonable anticipated phases of a project should be considered in the determination of significance. If later phases are uncertain as to design or timing, their likely environmental significance can still be examined as part of the whole action by considering the potential impacts of

total build-out (for example, based on sketch plans or existing zoning). If, after completion of the review, it can be determined that the subsequent phases will cause no significant adverse impacts or that the impacts can be mitigated, initial phases can be approved and no further analysis under SEQR will be necessary.

If substantial changes to the project are proposed later, such changes should be evaluated and a new determination of significance made. If an EIS was produced for earlier phases, either a supplemental impact statement or revised SEQR findings statement may be needed.

8. If projects are linked but will have separate sources of funding can they be reviewed separately?

No. It is common in many projects to have a mix of funding sources (for example, local highway construction, affordable housing or economic development). If the various funding sources support the same project, or a group of projects that are part of the same overall action, then they should be examined in a single environmental review.

9. How does an agency determine if the proposed project is part of a larger plan?

Sometimes the project sponsor has a definite plan for future development, and other times the future projects are merely wishful thinking. It is up to the lead agency to determine if the project is the "whole action" or merely a part or segment of the action that should be reviewed. If there is evidence of a plan, then there is a strong presumption that the larger project is the "whole action" and should therefore be the subject of the environmental review. Some examples where the larger project is the "whole action" are: a proposed industrial park of which the instant project is just the initial tenant, a commercial strip mall development that allows for future expansion, a residential subdivision that

provides for internal road connections to additional lands under the control of the project sponsor, or a mining project that will prepare the site for a subsequent development proposal.

10. Why is the claim of segmentation frequently raised?

In promoting a project, sponsors frequently provide information and make claims regarding subsequent phases or related development that may follow the initial project. The sponsor's goal may be to convince the reviewing agency that their project will serve as an engine for further economic development in the an area or municipality, or that it will be only the first of several proposed developments that the sponsor will be constructing in the same area.

When it comes time for the project to be formally submitted to the reviewing agencies for approval, however, the project may not reflect the scope and scale of the initial public disclosures. The general public, especially project opponents, quickly pick up on this issue if the lead agency chooses to review the reduced proposal. The public may also want to know about plans for the expansion of the initial proposal, even though plans for expansion have never been discussed. An example of when this might happen would be when a proposal depicts the development of a 60 acre site and it is discovered that the applicant actually owns the adjoining 300 acres. In such cases, it is not unreasonable to question the plans for the adjoining acreage.

11. Examples of projects where courts have determined that segmentation was not justified.

Village of Westbury v. Department of Transportation, 75 NY 2d 62, 550 N.Y.S.2d 607 (1989) - DOT issued a negative declaration for the reconstruction of a highway interchange. The Court of Appeals found that the interchange reconstruction was closely linked to the widening of

the Northern State Parkway which was also in the planning process and ruled that the projects must be considered as one action for the purposes of conducting an environmental review since they were complementary components of a plan to alleviate traffic flow problems.

Karasz v. Wallace, 134 Misc. 2d. 1052, 1055, 513 N.Y.S.2d 950 (4th Dept. 1987) (Sup Ct, Saratoga County 1987). The town board considered the construction of a single building on a large lot separately from other construction planned by the developer for the same site. The court found that to allow piecemeal development of the site was impermissible segmentation. This situation is often found in the development of industrial parks where the instant case may involve only one tenant but it is clearly the developer's intent over time to develop the entire parcel. (Note: this case does not come from an Appellate Division, and so its broader applicability has not been tested.)

Citizens Concerned for the Harlem Valley Environment v. Town Board of the Town of Amenia, 264 A.D.2d 394, 694 N.Y.S.2d 108 (2nd Dept. 1999) - The town board issued a negative declaration for the rezoning of a parcel of land for mining and the development of a light industrial park. The negative declaration did not consider the environmental impacts of the mining. The court found that the rezoning was an integral part of the mining proposal and held that the impacts of the mining had to be considered at the same time as the environmental review of the rezoning for the industrial park.

Sutton v. Board of Trustees, 122 A.D.2d 506, 505 N.Y.S.2d 263 (3rd Dept. 1986) - Village board approved the rezoning of hospital property to allow the construction of two phases of additional facilities. The court overturned the negative declaration because the board considered only the impacts from the first phase of the project.

12. Examples of projects where the courts have found that segmentation was justified.

Stewart Park & Reserve Coalition v. New York State Department of Transportation, 157 A.D. 2d. 1, 555 N.Y.S.2d 481 (3rd Dept. 1990) affirmed 77 N.Y.2d 970 - A separate review of the development of commercial air service at Stewart Airport from the development of plans for the surrounding buffer area was determined by the court to be permissible based on the conclusion that the plans were not functionally inter-dependent.

Concerned Citizens for the Environment v. Zagata, 243 A.D.2d 20, 672 N.Y.S.2d 956 (3rd Dept. 1998) - The court found that DEC had justification to conduct a segmented review for a solid waste transfer station. The company submitted an application and a DEIS to DEC for a permit to construct and operate an integrated solid waste management facility consisting of an incinerator, a materials recovery facility and a solid waste transfer station. Later the company submitted a new application seeking a permit for the construction and operation of only the transfer station. The record was found to contain ample support for the position that the solid waste transfer station would have independent utility, separate from the larger project.

Schodack Concerned Citizens v. Town Bd. of Schodack, 142 Misc. 2d. 590, 537 N.Y.S.2d 1015, 1020 (Sup. Ct. Rensselaer Co.), aff'd, 148 A.D.2d 130, 544 N.Y.S.2d 49 (3rd Dept. 1989) - An EIS was prepared for the construction of a proposed supermarket warehouse distribution facility. The facility was designed to serve 23 retail supermarkets that were part of the long range plan of the sponsor. Project opponents felt that the lead agency had improperly segmented the review because it failed to consider the environmental impacts from the construction of the 23 supermarkets. The court ruled that to require the EIS to consider the environmental impacts from

each of these 23 individual stores was beyond the scope of the review for the distribution center and that each of the sites would be subjected to its own environmental review by the agency required to approve the location.

[Privacy Policy](#) | [Website Usage and Policies](#) | [Website Accessibility](#) | [Employment](#) | [Contact Us](#)
Copyright © 2008 New York State Department of Environmental Conservation



RECEIVED

NOV 28 2005

NYSDEC Region 5
Environmental Quality

November 21, 2005

Mr. Bruce Stowell
County of Franklin
Solid Waste Management Authority
828 County Route 20
Constable NY 12926

RE: Quarterly Environmental Monitoring Report
 Third Quarter August / September 2005

Dear Mr. Stowell:

Enclosed is the third quarter monitoring report for Franklin County Regional Landfill. This quarter was sampled for routine and contingency monitoring parameters for groundwater monitoring points. The Overburden wells of the deep aquifer show some increases, but these are probably attributable to the lesser dilution from precipitation this quarter. The Gray Till Aquifer results vary from some wells being relatively consistent or showing slight decreases to MW-17I, 34 and PPRS 1 possibly showing increased contamination. The complete conclusions can be found in Section 5 of the Report.

If you have any questions or comments or if you need additional information please call me and we can discuss any changes you may require.

Best Regards,

FAGAN ENGINEERS

Stan Criss

Encl.

Cc. Mr. Dale Becker w / Encl.®



RECEIVED

NOV 10 2006

NYSDEC Region 5
Environmental Quality

November 7, 2006

Mr. George Eades, P.E.
County of Franklin
Solid Waste Management Authority
828 County Route 20
Constable NY 12926

RE: Quarterly Environmental Monitoring Report
Third Quarter Baseline Monitoring

Dear Mr. Eades:

Enclosed is the third quarter monitoring report for Franklin County Regional Landfill. This quarter was sampled for baseline and contingency monitoring parameters for groundwater monitoring points. The Overburden wells of the deep aquifer remain consistent and may actually be showing a slight improvement. The Gray Till Aquifer results vary from some wells being relatively consistent to the MW-32, 34 and 35 showing slight improvement while MW-33 is still showing increases. The complete conclusions can be found in Section 5 of the Report.

If you have any questions or comments or if you need additional information please call me and we can discuss any changes you may require.

Best Regards,

FAGAN ENGINEERS

Rand J. Criss

for

Stan Criss

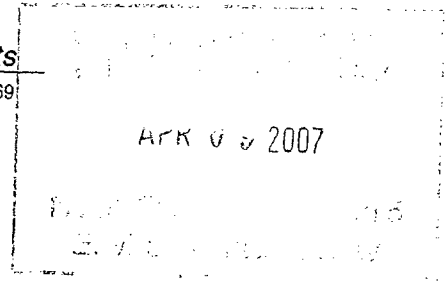
Encl.

Cc. ~~Mr. Dale R. ...~~



FAGAN ENGINEERS • Environmental Consultants

113 East Chemung Place • Elmira, New York 14904 • (607) 734-2165 • Fax (607) 734-2169



April 6, 2007

Mr. George Eades, P.E.
County of Franklin
Solid Waste Management Authority
828 County Route 20
Constable NY 12926

RE: Annual Environmental Monitoring Report
Fourth Quarter November 2006

Mr. Eades:

Enclosed is the fourth quarter monitoring report for Franklin County Regional Landfill. The lateness of this report is due Upstate Laboratory not providing the deliverables package until mid March. This quarter was sampled for routine and contingency monitoring and expanded (leachates) monitoring parameters for groundwater monitoring points. The Overburden wells of the deep aquifer show some reduced levels of contaminants. The Gray Till Aquifer results vary from some wells being relatively consistent or showing slight increases to MW-17I, 34, 35 and PPRS 1 and 2, possibly showing increased levels of contamination. The complete conclusions can be found in Section 5 of the Report.

If you have any questions or comments or if you need additional information please call me and we can discuss any changes you may require.

Best Regards,

FAGAN ENGINEERS

Randy Shetty

for
Stan Criss

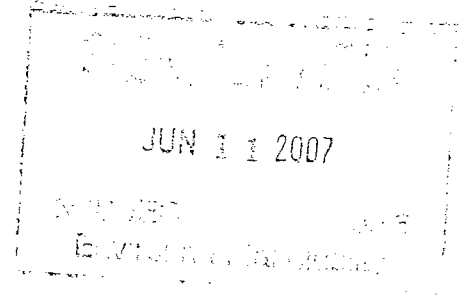
Encl.

Cc. Mr. Dale Becker w / Encl.



June 6, 2007

Mr. George Eades, P.E.
County of Franklin
Solid Waste Management Authority
828 County Route 20
Constable NY 12926



RE: Quarterly Environmental Monitoring Report
First Quarter February 2007

Mr. Eades:

Enclosed is the first quarter monitoring report for Franklin County Regional Landfill. This quarter monitoring wells were sampled for routine and contingency monitoring (baseline parameters). The Overburden wells of the deep aquifer show some reduced levels of contaminants. The Gray Till Aquifer results indicate groundwater has been impacted in MW-17I and MW-35 wells but appears to be remaining consistent with recent historical past and no indications of significant increases. The impact may be from previous conditions and may improve over time. The complete conclusions can be found in Section 5 of the Report.

If you have any questions or comments or if you need additional information please call me and we can discuss any changes you may require.

Best Regards,

FAGAN ENGINEERS

for
Stan Criss

Encl.

Cc. Mr. Dale Becker w / Encl.



FAGAN ENGINEERS • Environmental Consultants

113 East Chemung Place • Elmira, New York 14904 • (607) 734-2165 • Fax (607) 734-2169

April 16, 2008

RECEIVED

APR 21 2008

Mr. George Eades, P.E.
County of Franklin
Solid Waste Management Authority
828 County Route 20
Constable NY 12926

NYSDEC REGION 5
ENVIRONMENTAL QUALITY

RE: Annual Environmental Monitoring Report
Fourth Quarter November 2007

Dear Mr. Eades:

Enclosed is the fourth quarter monitoring report for Franklin County Regional Landfill. The lateness of this report is partially due Upstate Laboratory having to resample some parameters in January 2008 and because I was unable to complete the annual report when data was available due to previous commitments. This quarter was sampled for baseline and contingency monitoring parameters for groundwater monitoring points. The Overburden wells of the deep aquifer show some reduced levels of contaminants. The Gray Till Aquifer results vary from some wells being relatively consistent or showing slight increases to MW-17I, MW-34, MW-35 and PPRS-1 and PPRS-2, possibly showing increased levels of contamination. The complete conclusions can be found in Section 5 of the Report.

If you have any questions or comments or if you need additional information please call me and we can discuss any changes you may require.

Best Regards,

FAGAN ENGINEERS

Randy Sheple
for

Stan Criss

Encl.

cc. Mr. Dale Becker w / Encl.

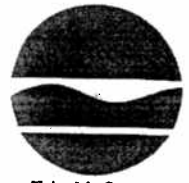
New York State Department of Environmental Conservation

Office of Environmental Quality, Region 5

Route 86 – P.O. Box 296, Ray Brook, New York 12977

Phone: (518) 897-1242/1243 • FAX: (518) 897-1245

Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

September 30, 2003

Mr. George Eades, Executive Director
County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

RE: Franklin County Landfill, Constable/Westville (T)

Dear Mr. Eades:

I have reviewed the 2001 third through 2003 second quarter **Environmental Monitoring Reports** for the subject facility. The following issues were noted during this review:

1. Significant Increases in Water Quality Parameter Concentrations

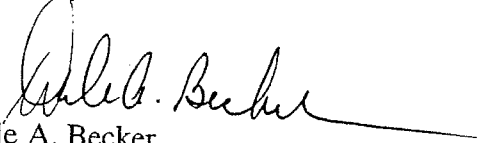
Pore pressure relief system monitoring point PPRS-2 and monitoring well MW-17I exhibit increasing trends in several parameters over the last three to four quarters. These increases are reflected by: (1) exceedances of established trigger values (Tables 4 and 5); and, (2) graphical trends evident in time-series plots of historical data. Affected parameters include, but are not limited to, conductivity, chloride, sulfate, total dissolved solids (TDS), calcium, magnesium, sodium, manganese and ammonia. The highest historical concentrations of several of these parameters were documented during 2003. The 2003 second quarter report acknowledges these trends and concludes that the landfill may be having "some impact of the groundwater". The report further states that the impacts may be attributable to leachate breakouts or onsite construction activities.

Since apparent groundwater impacts associated with the facility have been identified, contingency actions must be taken as prescribed by 6 NYCRR Part 360 and the Environmental Monitoring Plan (EMP). Specifically, monitoring points MW-17I, PPRS-2, MW-35 and PPRS-1 must be sampled and analyzed for a minimum of Part 360 baseline parameters for all subsequent quarterly monitoring events starting with the 2003 fourth quarter. Analysis of samples for Part 360 expanded parameters may be required dependent on the baseline parameter analytical results. Data from

Mr. George Eades
Page 3
September 30, 2003

Please do not hesitate to contact me at (518) 897-1253 if you have any questions regarding the preceding comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale A. Becker", with a long horizontal flourish extending to the right.

Dale A. Becker
Engineering Geologist 2

DAB:jh

cc: G. Carayiannis, P.E.
S. Criss, Fagan Engineers
B. Hart, Chairman CFSWMA
S. Menrath, P.E.

New York State Department of Environmental Conservation

Office of Environmental Quality, Region 5

Route 86 – P.O. Box 296, Ray Brook, New York 12977

Phone: (518) 897-1241 • FAX: (518) 897-1245

Website: www.dec.state.ny.us



Denise M. Sheehan
Commissioner

December 20, 2005

Mr. George Eades, Executive Director
County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

RE: Franklin County Landfill, Constable/Westville (T)

Dear Mr. Eades:

I have reviewed the 2003 third quarter through 2005 third quarter **Environmental Monitoring Reports** for the subject facility. The following issues were noted during this review:

1. **Contingency Monitoring**

Monitoring wells MW-17I and MW-35, and pore pressure relief monitoring points PPRS-1 and PPRS-2 are currently included in the contingency monitoring program consistent with my letter to you dated September 30, 2003. These monitoring points are sampled and analyzed for Part 360 baseline parameters during each sampling event. The following changes to the contingency monitoring program are warranted:

- Monitoring Point PPRS-2 may be removed from contingency monitoring. Water quality for this location has improved since 2003 to the degree that parameter concentrations are now essentially consistent with historical background conditions.
- Monitoring well MW-17D must be added to the contingency monitoring program. A number of parameters in this well exhibit increasing trends, beginning in late 2003 and continuing to present. The affected parameters are consistent with those that are elevated in well MW-17I; however, there was an apparent time lag before the impacts were evident in MW-17D since this is the deeper well in the cluster.
- The 2005 third quarter report notes a general increasing trend in several parameters at well MW-34. The report suggests that this trend may be due to either lower groundwater levels, or impacts associated with leachate outbreaks noted during 2003 and 2004. A third possible cause is impacts associated with construction of Cell 3. Well MW-34 was in close proximity to a large excavation for the Cell 3 leachate transfer manhole. Exposure and disturbance of unweathered till in this area may

have contributed to changes in the groundwater chemistry, as has been observed for prior construction events. Since there is some evidence that parameter concentrations in this well have stabilized or decreased during the last two to three sampling events, I agree with the report's recommendation to further evaluate this well following acquisition of additional data.

2. **Laboratory Issues**

The independent data validation reports typically note a number of deficiencies in the laboratory data packages, many of them recurring; however, no corrective actions appear to have been taken to address these problems. Examples include, but are not limited to, lack of a matrix spike/matrix spike duplicate (five occasions); unacceptable CRDL standard recoveries, particularly for certain metals (eight occasions); blanks prepared with tap water (two occasions); observed or suspected laboratory artifacts in volatile organic compound results (at least four occasions); holding time exceedances (two occasions); and incomplete analysis for nitrate (two occasions). In the case of the MS/MSD, the validation report stated that, "These checks are significant ASP requirements. The laboratory should be cautioned about such omissions." Where the validator identifies significant or recurring problems in the data package, the quarterly monitoring report must indicate the specific measures that were taken to resolve these issues.

3. **Evaluation of Water Quality Data**

With the exception of the 2005 third quarter monitoring report, recent reports have contained minimal evaluation of water quality data and trends. In accordance with the approved site Environmental Monitoring Plan and Part 360, the monitoring reports must not only list any significant increases, but also assess the causes of any changes in site water quality and make recommendations for additional monitoring and corrective actions as warranted. The narrative in the 2005 third quarter report was much better in this regard.

4. **Groundwater Contour Maps**

The groundwater contour maps have not been modified to reflect the installation of the pore pressure relief system in Cell 3. The system for this cell has been operational since late 2003.

5. **Historical Database Table**

The historical database table included with the annual (fourth quarter) monitoring report requires the following corrections:

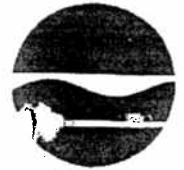
- hardness values prior to February 2003 were inaccurately transcribed - the values that are listed under hardness actually appear to be the bromide results;

**New York State Department of Environmental Conservation
Office of Environmental Quality, Region 5**

232 Hudson Street – P. O. Box 220, Warrensburg, New York 12885-0220

Phone: (518) 623-1238 • FAX: (518) 623-3603

Website: www.dec.state.ny.us



Erin M. Crotty
Commissioner

September 3, 2004

Mr. George Eades, Executive Director
County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

**Re: Regional Solid Waste Disposal Facility
DEC #5-1699-00003/00005
Facility I.D. #17S21
Westville/Constable (T), Franklin (Co.)**

Dear Mr. Eades:

This letter is being written as a follow-up to the inspection of your facility conducted on August 19, 2004. The findings of the inspection were discussed with you and a copy of the facility inspection report was left with you at the close of the inspection. The comments were finalized following receipt of your August 27, 2004 letters that discussed the violations noted during the inspection, as well as, the increase in the Cell 3 secondary flow rate.

During the inspection, several violations were noted, and detailed below as follows (Please note that some of the violations were not noted on the inspection report, but were cited after additional review of the Operation and Maintenance Report.):

1. Solid Waste, including blowing litter, is not sufficiently confined or controlled. 360-1.14(j).

During the inspection, a significant amount of trash was observed in the wetlands to the north and south of Cell 3; and in the woods to the east of Cell 3. This violation was also noted during the July 1, 2004 inspection, and the situation had not improved since that visit. The CFSWMA must take whatever steps necessary to clean up the trash. Installation of litter fences may significantly help reduce future amounts of litter.

Your August 27 letter states that you are "trying to put more manpower on this issue" and that you plan to have portable litter fences installed within the next three months.

2. On-site vector populations are not prevented or controlled. 360-1.14(l).

During both visits a large population of gulls was observed at and around the landfill. You indicated during our discussion on August 19 that you were reluctant to take measures to discourage the birds due to concerns over annoying your neighbors. CFSWMA must take some measures to attempt

Mr. George Eades
Re: Regional Solid Waste Disposal Facility
DEC #5-1699-00003/00005
Facility I.D. #17S21
Westville/Constable (T), Franklin (Co.)

September 3, 2004

Page 3

According to one of your August 27 letters, the secondary flow in Cell 3 became elevated on June 24 and the 30-day average exceeded 20 gallons per acre per day on July 16. While you acknowledge some problems with flow meters and calibrations, you indicate that manual readings confirm that a problem exists and that you will take appropriate action as detailed in the Contingency Plan and Part 360. One additional concern with this issue was the failure to notify the Department within seven (7) days of exceeding the 20 gpad 30-day average, as required by 360-2.10(b)(2)(i).

6. Storage of greater than 1,000 waste tires without a permit. 360-13.3(b).

During both inspections there were two piles of tires observed, one pile to the west of Cell 1 and the other east of Cell 3. It is our belief that the number of tires between the two piles exceeds 3,000. Your letter states that you believe the count to date is "just over 1,000."

7. Other Issues

During the inspection, you noted that records detailing secondary flow rates were not on-site, but rather in the possession of one of the landfill employees. These records, as well as all other operating records, required by Part 360 or the facility Operations & Maintenance Report (prepared by Stearns & Wheeler, revised June 1994), should be maintained at the landfill office at all times. It is troubling that you believed the secondary flows were zero, when in fact a situation in which flow exceeded the allowable levels had begun in June.

All violations noted above should be addressed immediately. In addition, please be advised that the violations will be forwarded to Department legal staff for review and legal consideration.

Should you have any questions, please contact me at (518) 623-1219.

Sincerely,



Gus Carayiannis, P.E.
Environmental Engineer 2
Division of Solid & Hazardous Materials

GC:sg

cc: B. Harte (CFSWMA)
ec: D. Steenberge
S. Menrath
C. Lacombe

TOWN OF WESTVILLE

Rodrigue Lauzon, Supervisor
Linda M. Jackson, Clerk
Kevin Nichols, Highway Superintendent
Darwin Fleury, Town Justice

936 County Route 19
Constable, New York 12926

Telephone and Fax: 518-358-4180

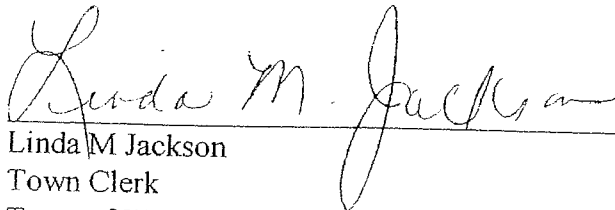
Town Council
Myron Brady
Vince Cartier
Michael Armstrong
Dean Fleury

CERTIFICATION

STATE OF NEW YORK
COUNTY OF FRANKLIN
TOWN OF WESTVILLE

This is to certify that I, the undersigned, Clerk of the Town of Westville, have compared the foregoing copy of **Resolution # 15 of 2008** with the original now on file in this office and which was passed on the **09th day of June 2008**, a majority of all the members elected to the Board voting in favor thereof, and that the same is a correct and true transcript of such original Resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the **TOWN OF WESTVILLE**, THIS the 9th Day of June, 2008.



Linda M Jackson
Town Clerk
Town of Westville

TOWN OF WESTVILLE

Rodrigue Lauzon, Supervisor
Linda M. Jackson, Clerk
Kevin Nichols, Highway Superintendent
Darwin Fleury, Town Justice

936 County Route 19
Constable, New York 12926

Telephone and Fax: 518-358-4180

Town Council
Myron Brady
Vince Cartier
Michael Armstrong
Dean Fleury

Resolution #15 of 2008

Whereas; Franklin County Solid Waste Management Authority Landfill (FCSWMA) is Located in the Towns of Westville and Constable and within two miles of an International Border with Quebec, Canada.

Whereas; The above is in violation of Local Law #1, 1986 of the Town of Westville, filed with the New York Department of State, Bureau of State Records, Albany, New York, September 11, 1987.

Whereas; FCSWMA has proposed expanding the Landfill 630 Acres in the Town of Westville from it's original footprint of four cells to 20 cells.

Whereas; FCSWMA manager, George Eades along with some Board Members attended the Town of Westville Board meeting on August 13, 2007 stating that there was no expansion being plan and no land acquisitions. Later FCSWMA Manager, George Eades explained that FCSWMA was Ground Water Sampling surrounding properties not Core Sampling that was the reason for the drillers being on surrounding properties.

Whereas; The above items shows inappropriate behavior for people in Public Office and shows the lack of integrity of the FCSWMA Board to allow this to continue and total disregard for Host Communities.

Whereas; FCSWMA Landfill is accepting garbage of unknown contents, dead animals, and contaminated soils, not checking contents for possible hazards such as Ground, Air and Water contaminates etc. This creates a hazardous condition especially when Local Volunteer Fire Departments respond to Fire Calls, to the employees working there and the residents living in the surrounding Communities both sides of an International Border.

Whereas; There are no Material Safety Data Sheets required by Federal Law on all materials being brought into the FCSWMA Landfill and handled by the FCSWMA Landfill Personnel available for Community Leaders, Fire Departments and Employees.

Whereas; Independent and Commercial Haulers are using the streets and roads of Westville to haul there loads to the FCSWMA Landfill.

Whereas; There is a total disregard for Historical Homes and Land by the FCSWMA.

Whereas; There isn't a Host Community Agreement or PILOT in place to protect the Host Communities of Ground, Air, Water Pollution, decreasing property values, damage to streets,

roads and adverse affects on Tourism.

Whereas; Families who live around the Landfill are unsure if there water and air are safe due to the lack of testing.

Whereas; Seismic testing has not been done to determine if the cells can withstand earth quakes and not split open spilling harmful Ground Water contaminates into the Ground Water of the Chateauguay Valley Water Shed of Eldgin, Godmanchester, Dundee and Huntington, Québec, Canada and local Host Communities of Westville and Constable, New York since the Landfill is located in a fault region.

Whereas; Leachate is transported to the Village of Malone, N.Y. Sanitation Plant where it is treated and dumped into the Salmon River.

Whereas; The Salmon River passes through the Towns of Malone, Westville, Fort Covington, New York and Crossing an International Border with Dundee and Snye, Quebec, Canada emptying into the St Lawrence River.

Whereas; Leachate discharged into the Salmon River after treatment is not tested for heavy metals such as Mercury, Cadmium, Lithium, Beryllium, Arsenic, Lead, etc. on a daily bases thus leading towards the polluting of the Salmon River and contaminating the fish and possibly destroying the Eco-system and Tourism of the surrounding Communities, our only Industry. The only time this is done is when the DEC demand this from them.

Whereas; FCSWMA has not looked into alternative methods of handling waste in Franklin County including recycling and composting or other locations away from an International Border with Canada or shipping it out of the County.

Whereas; Gases from decaying garbage give off harmful gases which are detrimental to the ozone layer and contribute to greenhouse gases.

Now Therefore be it resolved; The Town Board of Westville does not support the expansion of the FCSWMA Landfill, and recommends a 1 year moratorium to do the above study.

Be it Further Resolve; That a copy of this Resolution be sent to the following:

Franklin County Solid Waste Management Authority Board
828 County Route 20, Constable, NY 12926

U.S. Environmental Protection Agency, Alan J. Steinberg Administrator Main Regional Office,
290 Broadway, New York, New York 10007-1866

NYS DEC Division of Environmental Permits, Denise Wagner, Region 5, 115 NYS Route 86,
PO Box 296, Ray Brook, New York 12977

DEC, Room 538, 50 Wolf Road, Albany, New York 12233-1750

David Patterson, Governor, State of New York, Executive Chambers, State Capitol, Albany, NY 12224

Elizabeth O'C Little, Senator 45th District, 903 LOB, Albany NY 12247

Janet Duprey, Assemblywoman, 114th District 937 LOB, Albany, NY 12248

Guy Smith, Chairman, Franklin County Legislature, 355 West Main Street, Suite 409, Malone, NY 12953

Harold Philips, Constable Town Supervisor, 1237 State Route 122, Constable, NY 12926

Saint Regis Mohawk Tribe, Environmental Division, 449 Frogtown Road, Hogansburg, NY 13655

U.S. Department of Labor, Occupational Safety and Health Administration,
200 Constitution Ave, Washington, D.C. 20210

OSHA, 401 New Korner Road, Suite 300 , Albany, NY 12205-3809

NIOSH, John Howard M.D. Director, 395 East Street S.W. Suite 9200
Patriots Plaza Building, Washington, D.C. 20201

Now Therefore, be it Further Resolved; this Resolution be entered into the minutes of the Westville Town Board Meeting on this the 9th Day of June 2008.

Rodrigue Lauzon, Town Supervisor

Myron Brady, Town Council

Michael Armstrong, Town Council

Vince Cartier, Town Council

Dean Fleury, Town Council

New York State Department of Environmental Conservation
Office of Environmental Quality, Region 5

1115 NYS Route 86, PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1241 • FAX: (518) 897-1245

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

November 27, 2007

Mr. George Eades, Executive Director
County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

Re: Franklin County Landfill, Westville/Constable (T)

Dear Mr. Eades:

Thank you for meeting with New York State Department of Environmental Conservation (Department) staff on November 21, 2007 to apprise us of the progress of investigations associated with a possible expansion of the subject facility. Although the meeting was beneficial to us in some respects, it has also left us with some reservations about the pre-application process that we wish to bring to your attention.

My letter to you dated June 12, 2007, which discussed the hydrogeologic site investigation plan, suggested an approach whereby an interim report would be submitted subsequent to the soil boring phase, but prior to installation of the proposed monitoring wells. It was anticipated that this report would present the results of the boring program, along with a potential landfill footprint(s) as refined by the information gained through the borings and other investigations. After reviewing this information, Department staff and the Authority's consultant could reach consensus on the intent and location of the monitoring wells prior to installation.

No documentation was actually submitted to the Department in advance of the November 21, 2007 meeting. It became evident during the meeting that the soil boring program had been completed and most of the monitoring wells had been installed. Three conceptual footprints with widely varying operational lifetimes were also presented; the largest potential footprint covered most of the roughly 275-acre expansion site.

Although we appreciated the efforts of your consultant to verbally summarize the site hydrogeology during the meeting, this is not a substitute for the ability to review the actual data and arrive at our own conclusions regarding the site's compatibility with the 6 NYCRR Part 360 requirements. The wide variation in the size of potential landfill footprints also makes it difficult to evaluate the intent and adequacy of the investigations. While it is the Authority's prerogative to proceed without substantive input from Department staff prior to submission of a permit application, it is our feeling that this approach may ultimately result in a submittal that does not

Mr. George Eades
Page 2
November 27, 2007

adequately address all of our concerns. Additionally, the lack of comments by staff at the November 21 meeting (due to having little detailed information about the project) should not be construed as tacit agreement with the Authority's approach.

Please do not hesitate to contact me at (518) 897-1253 if you have any questions regarding the preceding comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale A. Becker", with a long horizontal flourish extending to the right.

Dale A. Becker
Engineering Geologist 2

DAB:jh

c: G. Carayiannis
G. Mulverhill, CFSWMA
D. Wagner

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

1115 NYS Route 86, Ray Brook, New York 12977

Phone: (518) 897-1234 • FAX: (518) 897-1394

Website: www.dec.state.ny.us



Denise M. Sheehan
Acting
Commissioner

November 3, 2005

Mr. George Eades, Executive Director
County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

Re: Incomplete Notice
Dec #5-1699-00003/00005
County of Franklin Solid Waste Management Authority
Constable/Westville (Towns), Franklin Co.

Dear Mr. Eades:

Staff has reviewed the application to modify the existing 6 NYCRR Part 360 (Part 360) permit for the County of Franklin Solid Waste Management Authority (Authority) landfill. The intent of the proposed modification is to increase the permitted annual capacity from 43,500 to 125,000 tons. Please be aware that pursuant to 6 NYCRR Part 621.13(e)(1) and Part 360-1.8(e)(1)(ii) this request is being treated as a new application. In addition, we have determined that the application is incomplete, as described below, for the purposes of meeting the requirements of Part 360.

Based upon our review, it is unclear if the Authority's proposal to accept 125,000 tons per year is contingent upon eventual approval to expand the landfill beyond the currently entitled area, as indicated by the Draft Modified Solid Waste Management Plan. If the request is based upon future expansion, the application to modify the tonnage limit to this threshold is premature, particularly since there is no guarantee that a Department approval for expansion of the landfill will be forthcoming.

If the intent of the modification is to accept 125,000 tons per year in the currently entitled area (including Cell 4 which is authorized, but not yet constructed), additional information must be provided in order to evaluate the application in accordance with the requirements of Part 360. Since this modification request must be treated as a "new" application, consistent with 360-1.8(e)(1)(ii), the applicable portions of sections 360-1.9 and 360-2.3 must be addressed. As part of this response, an engineering report must be submitted that covers all infrastructure and operational changes that will need to occur as a result of the increase. At a minimum, the engineering report must address the following:

- The need to upgrade equipment to handle the maximum capacity should be discussed.

November 3, 2005

- Will staff need to be increased?
- The storage and use of alternate daily cover (ADC) should be discussed.
- Is there sufficient room within the current cell to handle the ADC if 125,000 tons per year of waste is received?
- Can the existing scales handle the added traffic?
- A revised fill progression plan should be provided that details all activities within the cell, including ADC storage.
- The fill progression plan should also include installation plans for gas collection piping.
- Will there be a need to modify any future components of the gas collection system?
- The Contingency Plan should be evaluated with the various components addressed to determine if any new approaches will be needed to deal with operational items such as litter, odors, etc.

Additionally, if it is the Authority's intent to incrementally increase acceptance of waste within the currently authorized area up to the maximum capacity, the time frames for increasing waste acceptance under these scenarios should be presented. Detailed information and calculations should be provided to depict site life consistent with these scenarios.

The pending application will remain incomplete until all applicable portions of sections 360-1.9 and 360-2.3, including the engineering report and items identified in this letter, have been satisfactorily addressed and submitted to this office. If you have any questions, please contact Gus Carayiannis at (518) 623-1238.

Sincerely,



Denise M. Wagner
Environmental Analyst

DMW:slq

- c:
- D. Steenberge
 - C. Carayiannis
 - D. Becker
 - S. Brewer
 - R. Susice, Vice Chairman CFSWMA
 - K. Voorhees, Barton & Loguidice, P.C.

New York State Department of Environmental Conservation

Office of Environmental Quality, Region 5

115 NYS Route 86 – P.O. Box 296, Ray Brook, New York 12977

Phone: (518) 897-1241 • FAX: (518) 897-1245

Website: www.dec.state.ny.us



Denise M. Sheehan
Commissioner

March 13, 2006

Mr. George Eades, Executive Director
County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

Re: Proposed Permit Modification for a Tonnage Increase - Technical Comments

Dear Mr. Eades:

Staff have reviewed your October 5, 2005 application to modify the subject permit, as well as the January 2006 Addendum to the Engineering Report prepared by Barton & Loguidice, P.C.

As we discussed during our January 25, 2006 meeting, there will be two separate response letters. This letter deals with the permit modification and the other will discuss the Comprehensive Solid Waste Management Plan (SWMP) modification. The permit modification on its own would be inconsistent with the existing or modified Franklin County SWMP in a number of areas, especially regarding facility life. The figures supplied in your report indicate that if the landfill receives waste at the maximum requested rate, the existing and entitled capacity would be exhausted sometime in 2008 or early 2009 - prior to the end of the current planning period. Therefore, staff cannot recommend approval until such time we feel that the facility will be able to comply with Part 360, and it is shown that the request is consistent with an approved modified SWMP.

As part of the Department's November 3, 2005 letter to the CFSWMA, questions were posed concerning your facility's ability to physically handle the greater flow of municipal solid waste requested. The January submittal addresses a number of concerns. An item not addressed was a maximum daily capacity for the facility. Please propose a maximum daily capacity and include supporting documentation and calculations.

The application documents discuss the use of Alternate Daily Cover (ADC) at the facility. While the facility's Operation & Maintenance Manual suggests the quantity of ADC be limited to less than 45 percent (by weight) of the MUNICIPAL SOLID WASTE waste stream, please note that regulatory limits on ADC are being considered in the current modifications to Part 360. While it is unknown what will end up being adopted, the CFSWMA should be aware that they will need to comply with whatever standards are adopted. It is our intent to propose a permit condition requiring compliance with the new Part 360 standards, once they are adopted.

During our meeting in January 2006, staff asked that site life calculations be revised to include soil cover material (in addition to ADC.) Please provide those calculations.

One of the items in your January response discussed the landfill gas collection system; however, it really did not note if the increased fill rate would necessitate changes to the system as currently planned. If the increased fill rate results in a greater short term volume of gas production, it is expected modifications to the collection system will be needed. Of further concern on this topic is the information

March 13, 2006

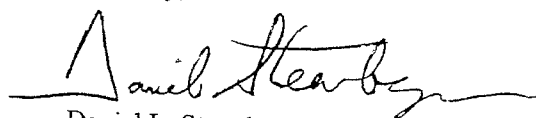
in the report noting that vertical wells will continue to be employed, as they are more reliable over time. While we do not disagree with that statement, it is our position that vertical wells are not as effective as horizontal wells in controlling odors at an operating landfill. The proposed regulations will require horizontal collection pipes at 100' centers and 30' vertical spacing to help address air and odor emissions from the active landfills. It is suggested you consider amending the fill progression plan to include the installation of horizontal lines once the waste mass reaches the top of the berm (prior to this, the collection system can draw on the primary leachate collection and removal system to maintain an inward gradient).

The addendum to the engineering report includes information discussing the impact of the tonnage increase relative to financial assurance. Financial assurance numbers, and associated payments to closure and post-closure accounts, should be revised to exclude contributions from NYSDEC landfill closure grants, as such grants are not guaranteed.

Finally, the supporting documentation clearly states that the tonnage increase proposal is not contingent on future approval to expand the landfill's footprint. However, statements by the Authority in the September 2005 draft modification to the SWMP and at meetings with Department staff, clearly indicate your intent to ultimately expand the footprint. In our experience, a generic "best case" time frame for permitting and constructing this type of landfill expansion is six years. Permit hearings and other site-specific factors could obviously extend this time frame. Since the Authority has not yet begun the permitting process for an expansion, we wish to reiterate our concern that careful management of waste acceptance at the site is necessary in order to ensure that the existing permitted capacity is not filled before a landfill expansion can be permitted and constructed. Additionally, with respect to this specific site, staff are aware of several potential technical and regulatory obstacles to permitting a landfill expansion, as we have previously discussed with the Authority. Consequently, it is our position that the premise of a lateral expansion to the existing landfill footprint is speculative. Our concern relating to waste acceptance rates is heightened by the fact that currently permitted landfill Cell No. 4 has not yet been designed. Considering the time required for design and construction, it does not seem that Cell No. 4 would be available for acceptance of waste until at least 2008. Although these issues will not affect the Department's determination with regard to the proposed permit modification, we feel they are germane to your overall planning process and raise them for your consideration.

If you would like to meet to go over this letter, please call me (518) 897-1275 or Gus Carayiannis at (518) 623-1219.

Sincerely,



Daniel L. Steenberge, P.E.
Regional Solid & Hazardous Materials Engineer

DLS:jh

c: R. Susice

cc: D. Becker
G. Carayiannis
D. Mt. Pleasant
D. Wagner

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

1115 NYS Route 86 - PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1234 • FAX: (518) 897-1394

Website: www.dec.state.ny.us



Denise M. Sheehan
Commissioner

May 23, 2006

MAY 23 2006

Mr. Josée Taillefer
Town Manager, Elgin
Municipalité du Canton de Elgin
933, 2^e Concession
Elgin (Quebec) J0S 2E0

Re: Response to Comment
County of Franklin Solid Waste Management Authority
Franklin County Regional Landfill
DEC #5-1699-00003/00005
Constable/Westville (Towns), Clinton Co.

Dear Mr Taillefer:

Thank you for your letter of February 9, 2006 regarding the County of Franklin Solid Waste Management Authority's (CFSWMA) request to modify the Franklin County Regional Landfill (landfill) Solid Waste Management permit. In that letter, you informed us that the Municipality of Elgin unanimously passed a resolution on February 6, 2006 opposing the expansion of the landfill. You state that "with its history of numerous problems we are gravely concerned about the adverse effects such a large expansion will have on the environment, the quality of water, and the health and well being of our citizens." While your letter expresses "grave concern" due to the "expansion," it should be pointed out that no physical expansion of the landfill footprint is being proposed with the above referenced request. The applicant has requested only an increase in the allowable fill rate. Should CFSWMA choose to accept waste at the maximum rate proposed, the landfill may actually be completely filled and closed within four years.

In your letter, you also mentioned past "problems at the site including ruptures in the leachate recovery system, methane fires, as well as odor problems." Please note that the past operational issues with the landfill have been primarily aesthetic in nature and have been corrected. These items did not result in an adverse effect on the environment. The issue with leachate involved releases from seeps in the side slope of cell number 2, not a rupture of the leachate recovery system. The release of leachate was small and confined to the immediate area of the landfill. Once identified, corrective action was taken. There was a fire at the landfill approximately ten years ago. Operation and maintenance procedures now in place should prevent this from re-occurring. There have been odor complaints from the immediate neighbors over the years. Aggressive action has been taken by the Authority to correct the odor problems and the odors have since been significantly mitigated.

Mr. Josée Taillefer

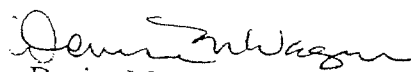
Page 2

May 23, 2006

You have asked to be kept informed of any steps taken to prevent future problems such as those that have occurred in the past. Please note that this office has vigorously enforced past violations of the New York State Solid Waste Management Regulations at this site. Three enforcement actions have been initiated by the department over the last three years. In September 2003, the Authority signed a Consent Order related to persistent odor problems. In May 2005, a second Consent Order was signed relating to a number of different operational violations that occurred in 2004. These violations included allowing leachate to flow outside the landfill cell, failure to control vectors (gulls), failure to control blowing litter, failure to place adequate daily cover material, allowing leachate to build up inside the landfill cell to a level higher than permitted by the regulations, and storing more than 1,000 tires on site. In November 2005, the Authority signed a third Consent Order for stockpiling wastewater treatment plant sludge outside of the containment area. As mentioned above, these past operational issues have been corrected and the landfill is now in compliance with the Consent Orders. The department continues to perform routine inspections and review of monitoring data and operational performance to assure compliance with New York State Solid Waste Management Regulations and prevent future problems at the site.

Although conditions have improved significantly over the past few years, we were also concerned with the Authority's ability to handle a larger quantity of waste given the operational problems of the past. Consequently, the Authority had to demonstrate during the application review process that they had adequate infrastructure and operational procedures in place to handle an increased fill rate. The New York State Department of Environmental Conservation has since reviewed the Authority's infrastructure and operational procedures and determined that both are appropriate and satisfactory. Enclosed is a copy of the approved, modified Solid Waste Management permit.

Sincerely,



Denise M. Wagner
Environmental Analyst

DMW:slq
enclosure

c: D. Steenberge
G. Carayannis
D. Becker
S. Menrath
G. Eades, CFSWMA

Dale Becker - Re: *DRAFT* CFSWMA Additional Cell 4 Borings - AGAIN

From: Dale Becker
To: Brusa, John
Date: 1/22/2008 11:53:53 AM
Subject: Re: *DRAFT* CFSWMA Additional Cell 4 Borings - AGAIN
CC: Brother, Michael R.; Carayiannis, Gus; Fr.Co.SWM; Phaneuf, Ryan W.

John,

I've only taken a quick look at this but I think it's enough to give you my preliminary impression. The separation isopach is based upon the October 2007 bedrock contours (which don't reflect PB-4 and -4A). When you first called me after getting the results back from these borings (1/14), I wasn't adamant about revising the bedrock contours in the northern half of the cell as long as the new bedrock to subgrade separation was great enough that it wasn't a critical factor. As I recall, our discussion largely focused on verification at the new sump. When I saw the latest subgrade subsequent to that call, I realized that you had gone deeper than I had expected, and that the bedrock surface had consequently become a factor at areas other than just the sump. I sketched in my own bedrock contours at that point (I imagine you've already done a similar exercise), which became the basis for my 1/18 letter. Based on my contours, I came up with an area (about 2/3 - 3/4 acre) in the east-central portion of the footprint where the projected separation is 10-12 feet. This is much larger than the area within the 12-foot isopach line on your most recent Fig. 1A-REV.

Of course, there will still be a good degree of uncertainty with any contours based upon the current data, due to the distance between the existing borings. For example, I think we're assuming a general maximum bedrock elevation around 220 based upon MW-14, PB-3 and PB-4 (220.4, 220.1 and 218.2, respectively), but there's no reason it couldn't be higher given the wide spacing (150-250 feet) between these points. Additionally, there's a tendency to assume a gradual and uniform drop-off in the bedrock surface to the south of PB-3, but the distance between PB-3 and the nearest data points in this direction is greater than 350 feet, and the bedrock surface could certainly change more abruptly (similar to in the vicinity of PB-4). Given the minimal projected separation between the current subgrade and bedrock, it wouldn't take much of an error in either of these assumptions to lead to a situation where bedrock could daylight in the subgrade excavation (let alone not come close to meeting the 10-foot regulatory separation).

The bottom line is that by continuing to deepen the subgrade, you have changed the game significantly from where we were in 1992, or even October 2007. The first thing that needs to happen is that the bedrock contours must be revised to reflect the existing data, and then areas must be delineated where the bedrock separation approaches 10 feet. Based on the relatively large area I think you will come up with, and the scarcity of data points, I anticipate that it will take several borings (in maybe more than one phase) to pin this down to our satisfaction.

Let us know your thoughts - I will be in first thing tomorrow but leaving for a meeting around 10:00.

Dale

>>> "John Brusa" <Jbrusa@bartonandloguidice.com> 01/18/08 4:36 PM >>>

Hi Dale-

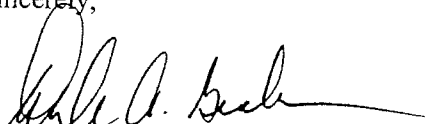
I know that you will be sending me a formal letter commenting on our PB-4 findings and revised grading plan but I wanted to get a jump on some additional borings. Attached please find a draft of the Cell 4 footprint showing two additional borings - PB-5 and PB-6. PB-5 is over the sump. PB6 is along the valley line where we are estimating minimal bedrock clearance (~12'). This is where we are headed. It sounds like the drill rig will not be able to start on Cell 4 until 1/23.

I don't plan on sending this out official until we receive your letter. I will call you to discuss further. Thank you.

- for certain parameters, results are listed both in mg/l and $\mu\text{g/l}$, even though the legend indicates all results are $\mu\text{g/l}$;
- trigger values for bedrock are listed for all wells, even if they are actually screened within the gray till unit.

The preceding comments should be addressed in future quarterly monitoring reports; it is not necessary to revised reports which have been already submitted. Please do not hesitate to contact me at (518) 897-1253 if you have any questions regarding these comments.

Sincerely,



Dale A. Becker
Engineering Geologist 2

DAB:jh

c: G. Carayiannis
S. Criss, Fagan Engineers

New York State Department of Environmental Conservation

Office of Environmental Quality, Region 5

1115 NYS Route 86 – P.O. Box 296, Ray Brook, New York 12977

Phone: (518) 897-1241 • FAX: (518) 897-1245

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

January 18, 2008

Mr. John F. Brusa, Jr., P.E.
Senior Managing Engineer
Barton & Loguidice, P.C.
290 Elwood Davis Road
Box 3107
Syracuse, NY 13220

Re: Franklin County Landfill, Westville/Constable (T)

Dear Mr. Brusa:

New York State Department of Environmental Conservation (Department) staff have reviewed your submission dated January 15, 2008, which presents a revised subgrade for proposed landfill Cell No. 4 of the subject facility. The subgrade was modified following investigations which indicated that excavation associated with construction of this cell would likely have encountered bedrock in the sump area. We have concluded that insufficient information has been provided to allow the Department to approve the most recent version of the subgrade for Cell No. 4.

As you are aware, 6 NYCRR Part 360-2.13(e) requires a minimum separation of 10 feet between the base of the constructed liner system and bedrock. The depth to bedrock presented in a typical permit application is established by extrapolating between borings that are advanced to bedrock. The density of borings necessary to establish compliance with Part 360-2.13(e) depends upon the amount of separation proposed in the application: sites which have a proposed separation significantly greater than 10 feet require fewer borings, while more borings are necessary at sites where the proposed bedrock separation approaches the 10-foot minimum. In the case of the Franklin County landfill, there were a relatively low number of bedrock borings in the vicinity of Cell No. 4 in the original permit application (1992) because the distance between the subgrade and bedrock was deemed adequate to assure the Department that there was a high likelihood the 10-foot separation requirement was satisfied.

In October 2007, you submitted a revised subgrade for Cell No. 4. The revised subgrade was deeper than the 1992 version, and the separation to the interpreted bedrock surface approached the 10-foot minimum in the sump area. Consequently, additional investigations were conducted in the vicinity of the sump to verify compliance with the required separation. These borings demonstrated that the bedrock surface was actually about nine feet higher than anticipated, essentially day lighting at the base of the sump. The borings also indicate that the bedrock surface at the site can change abruptly over relatively short distances. Since there is a tendency to project a linear bedrock surface between borings, these types of irregularities can result in unanticipated bedrock high points.

Mr. John F. Brusa, Jr., P.E.

Page 2

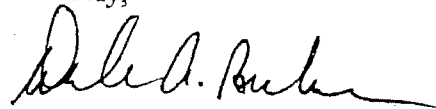
January 18, 2008

Because of the high bedrock identified in the recent borings, the subgrade for Cell No. 4 was again revised in the January 2008 submission. The cell was effectively rotated 180 degrees so that the sump is now at the south end. In addition, although not discussed in the submission, the subgrade appears to be deeper than the October 2007 version over much of the cell. An increase of 10,300 cy in the overall capacity of the cell (compared to the October 2007 capacity), as indicated in your recent e-mail to me, appears to confirm that the subgrade is now generally deeper. Updated bedrock contours were not included on Fig. 1A of your recent submission, but my evaluation of the new data indicates that there may be at least two locations where the projected separation between the latest subgrade and bedrock is in the 10 to 12-foot range. These locations are at the sump, and over a relatively large area in the east-central portion of the cell floor. Since there is only one boring located within the southern three-quarters of the cell footprint, any bedrock projection based on the current data is still somewhat speculative. Given the uncertainty in the bedrock surface within Cell No. 4, and the minimal separation from this surface in some areas brought about by the most recent cell enlargement, we are not confident of compliance with Part 360-2.13(e). Additionally, we are concerned that moving forward with the current design and bedrock data could lead to the very real possibility of encountering bedrock during cell excavation, resulting in significant cell redesign and/or the need for a variance to Part 360-2.13(e) during construction.

To address these concerns, additional information must be submitted in the form of further confirmation of the bedrock surface, significantly raising the subgrade to provide additional separation to bedrock, or a combination of these options. The Cell No. 4 subgrade design, with updated bedrock contours, must then be resubmitted for the Department's approval; this approval must be granted before we will review any additional engineering plans or specifications associated with construction of Cell No. 4.

Please do not hesitate to contact me at (518) 897-1253, or Gus Carayiannis at (518) 623-1219, if you have any questions regarding the preceding determination.

Sincerely,



Dale A. Becker
Engineering Geologist 2

DAB:IT

c: G. Eades, CFSWMA
G. Mulverhill, CFSWMA
S. Menrath
G. Carayiannis

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

1115 NYS Route 86, PO Box 296, Ray Brook, New York 12977

Phone: (518) 897-1234 • FAX: (518) 897-1394

Website: www.dec.ny.gov



Alexander B. Grannis
Commissioner

April 10, 2008

Mr. George Eades, Executive Director
County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

**Re: Regional Solid Waste Disposal Facility
DEC #5-1699-00003/00005
Fac. I.D. #17S21
Westville/Constable (T), Franklin Co.**

Dear Mr. Eades:

This letter hereby modifies the subject permit to allow for the revised subgrade, grading plan, liner system design and leachate collection and conveyance design. Further, pursuant to Special Condition 10 of your Part 360 permit, approval of the construction of Cell 4 is granted. Construction shall be in accordance with the plans (October 2007, revised January 2008) and the Contract Documents and Specifications (October 2007, revised January 2008) prepared by Barton & Loguidice, P.C.

Approval of Cell 4 includes approval of a variance from 6 NYCRR Part 360-2.13(j)(1)(I) by allowing elimination of the lower 12-inch structural fill layer of the liner system.

A revised permit will not be issued for this modification. Please attach a copy of this letter to your existing permit. If you have any questions regarding the above, please contact Gus Carayiannis, P.E. at (518) 623-1219.

Sincerely,

Michael J. McMurray
Deputy Regional Permit Administrator

MJM:DMW:slq

c: Henry Travers, Chairman CFSWMA

ec: D. Steenberge
G. Carayiannis
D. Becker
S. Menrath



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY
NEW YORK, NY 10007-1866

NYSDEC
RECEIVED
APR 22 2008

RECEIVED

APR 14 2008

APR 07 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Region 5
Warrensburg Env. Quality
NYSDEC
ENVIRONMENTAL QUALITY
REGION 5

Article number: 7005 3110 0000 5943 6554

George Eades
Executive Director
County of Franklin Solid Waste Management Authority
828 County Route 20
Constable, NY 12926

ENVIRONMENTAL CONSERVATION DEPT.

RECEIVED

APR 10 2008

REGIONAL DIRECTOR
RAY BROOK, NY

Re: Field Citation No. II-UST-FC-340EC
CFSWMA: Regional Solid Waste Disposal Facility
Trout River Westville Road
Constable, NY 12926

Dear Mr. Eades:

An Underground Storage Tank (UST) inspection performed at your facility on or about May 15, 2007 revealed that violations of federal UST regulations were present. The enclosed **PROPOSED EXPEDITED ENFORCEMENT COMPLIANCE ORDER AND SETTLEMENT AGREEMENT** provides a list of the identified federal UST violation(s), associated penalty amount(s), and instructions for submitting payment and submitting documentation that the UST violation(s) at the facility has been corrected. Please review the Proposed Expedited Enforcement Compliance Order and Settlement Agreement and accompanying instructions carefully, and respond as indicated in the instructions.

Note, while we have the documentation you subsequently provided the inspector showing that your spill buckets were repaired and properly lidded after the inspection, we require evidence that they have been kept clean and liquid free since then. We also require copies of monthly printouts from the electronic interstitial monitor since the inspection to show that it was repaired properly.

Please direct all correspondence to:

Chief, Ground Water Compliance Section
U.S. EPA Region 2
290 Broadway, 20th Floor
New York, NY 10007
Attn: Paul Sacker

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)

PROPOSED EXPEDITED ENFORCEMENT COMPLIANCE ORDER AND SETTLEMENT AGREEMENT

PART I: PROPOSED COMPLIANCE ORDER

COMPLIANCE ORDER NO. II-UST-FC-340EC

May 15, 2007

CFSWMA: REGIONAL SOLID WASTE DIS. FAC.

(Name of Facility)

TROUT RIVER WESTVILLE ROAD, CONSTABLE, NY 12926

(Address of Facility)

Facility Identification Number: 5-600203

Name of Owner, Operator or On-site Representative:

GEORGE EADES

EXECUTIVE DIRECTOR

CO. OF FRANKLIN SOLID WASTE MANAGEMENT AUTHORITY

828 COUNTY ROUTE 20

CONSTABLE, NY 12926

(Address of Owner, Operator, or On-Site Representative)

Duly designated representative of the United States Environmental Protection Agency (EPA) or a duly designated officer or employee of the State conducted an UST compliance evaluation inspection of this facility on May 15, 2007. EPA has reviewed the inspection report prepared as a result of this inspection to determine compliance with the underground storage tank regulations promulgated under Subtitle I of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6912 et seq.) and has identified the following violation(s) (with the corresponding penalty amounts):

Reg. No. §280.30(a)

Penalty: \$300

Violation: Failure to take necessary precautions to prevent overflow/spillage during the transfer of product

Reg. No. §280.43(g)

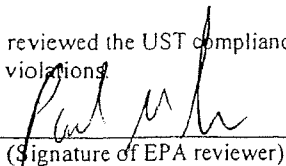
Penalty: \$300

Violation: Inadequate operation or maintenance of interstitial monitoring

Penalty Total: \$600

This Proposed Compliance Order is not an adjudicatory proceeding under 40 CFR Part 22, the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Annulment or Suspension of Permits, but is issued solely with reference to the Settlement Agreement in Part II of this form. If the penalty payment, this Agreement, and documentation of compliance with the signed Proposed Settlement Agreement are not returned in correct form by the Owner or Operator within 30 days of the date of signature below by the authorized Representative of EPA, this Proposed Compliance Order is hereby withdrawn, without prejudice to EPA's ability to file additional enforcement actions for the above or any other violations. This Proposed Compliance Order shall become final and enforceable upon signature by EPA in the Settlement Agreement in Part II of this form.

I have reviewed the UST compliance inspection report and identified the above violations.


(Signature of EPA reviewer)

Date: 4/1/08

PART II: SETTLEMENT AGREEMENT

The United States Environmental Protection Agency (EPA) offers this Settlement Agreement under its expedited enforcement procedures in order to settle the violation(s) found in the Proposed Compliance Order in Part I of this form subject to the following terms and conditions: The Owner or Operator signing below certifies, under civil and criminal penalties for making a false submission to the United States Government, that the Owner or Operator has corrected the violation(s) and enclosed a certified check for \$600 in payment of the full penalty amount, as described in the Proposed Compliance Order.

This Settlement Agreement will only become effective and the Proposed Compliance Order will only become final upon EPA's final approval. Upon EPA's final approval of this Settlement Agreement, EPA will take no further action against the Owner or Operator for the violation(s) described in the Compliance Order provided that the violations have been timely corrected. EPA does not waive any enforcement action by EPA for any violation(s) of the underground storage requirements not described in the Compliance Order or any other violations under any statute not described in the Proposed Compliance Order. Also, upon EPA's final approval of this Settlement Agreement, the Owner or Operator waives the opportunity for a public hearing pursuant to RCRA Section 9006.

This Settlement Agreement is binding on the EPA and the Owner or Operator signing below. The Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. This Settlement Agreement is effective upon EPA's final approval below. Upon final approval, EPA shall mail a copy of the approved Settlement Agreement to the Owner or Operator signing below.

Final approval of the Settlement Agreement is in the sole discretion of the Regional Administrator, Region 2, EPA, or authorized delegatee.

SIGNATURE BY OWNER OR OPERATOR:

Name (print) _____

Title (print) _____

Signature _____ Date: _____

FINAL APPROVAL BY EPA:

Name: Dennis McChesney

Title: Chief, Ground Water Compliance Section

Signature: _____

Date: _____

Section D

New York State Residents' Comments

Hazardous Waste

On page 25 of the document, it states in the last paragraph: “The Authority also updated its’ Household Hazardous Waste (HHW) Guide and held an HHW collection day at the landfill in June of 2004. Approximately 13 tons of HHW were collected from 128 persons who participated.”

We suggest there are two potential omissions:

1. Another HHW collection was made in 2007 at Lake Clear, more than 50 miles from the Westville/Constable Landfill.
2. Not included was a HHW collection required as part of a DEC penalty for the apparent contamination of parts of the Landfill area caused by the mixing of sludge with sand and storing it on the ground. Of further note, the Authority was uncooperative in the releasing of information as to the circumstances of this contamination and who participated in allowing this to occur.

It is the responsibility of the Authority to educate the public as to the proper disposal of contaminating materials. There is little evidence on an ongoing, systematic, transparent process for meeting this responsibility.

Finally, and most importantly, the questions of quality assurances remain and need to be addressed. How often and by what methods will the DEC monitor and enforce HHW safety laws and regulations? Are there supervised fail-safe inspection measures that will be regularly carried out and reported to the public?

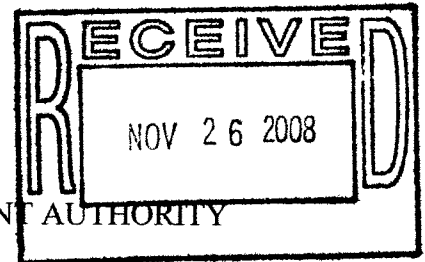
SUBMITTED BY:
WARREN GAGGIN
952 County Route 19
CONSTABLE, NY 12926

Page 14 of the report outlines a Contingency Plan. It states, in part, “in the event that the existing permitted landfill space becomes filled prior to having the new landfill disposal capacity permitted and constructed, the Authority’s contingency plan will be to export waste to out-of-county disposal facilities”.

This Contingency Plan action, if based on the solid waste material generated and received exclusively from the taxpayers of Franklin County, would likely occur as a result of poor management practices by the Authority. It has been often stated in previous reporting, (which, it should be noted, stands in contradiction to the concerns outlined in the Contingency Plan) that generation of Franklin County solid waste was insufficient and additional waste from areas outside of Franklin County was brought into the landfill as compensation for the shortfall. With proper management practices, this situation should not develop. If the Landfill is restricted to the sole use of Franklin County residents, there is no obvious reason to support Landfill expansion.

Submitted By:

WARREN GAGGIN
952 COUNTY ROUTE 19
CONSTABLE, NY 12926



TO: COUNTY OF FRANKLIN SOLID WASTE MANAGEMENT AUTHORITY
DATE: NOVEMBER 24, 2008
SUBJECT: QUESTIONS TO BE PASSED ON TO BARTON AND LOGUIDICE PC
FOR THE NEXT STEP IN THE PROCESS

Page 1 of 3

**QUESTIONS AND COMMENTS THAT THE AUTHORITY SHOULD ANSWER
TO THE TAXPAYERS OF FRANKLIN COUNTY**

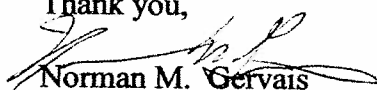
1. Why is the Cost Analysis –Landfill expansion sheet listed at 125,000 tons of MSW per year so inaccurate in cost per ton per year? The present figures do not really tally up, as you will not be receiving 125,000 tons per year at present according to your document
What is the truth about the number of tons of expansion per year starting in 2009?
2. If the Cost Analysis –Landfill expansion sheet listed at 43,500 tons of MSW per year is accurate, it does not say much for the management of the Landfill, as the cost will be exorbitant to the Taxpayers of Franklin County. At those rates, wouldn't it be better to close the Landfill in 2014 to 2017 and pay off our debt? The Taxpayers certainly could not afford the cost. Here again, it makes one wonder about who did the figures and why?
3. Why in your analysis of the above items mentioned is there no figures for the BUD that comes into the Landfill? In 2006, it was approximately 40,000 plus tons. Doesn't that produce income and lower the cost?
4. Based on #3 above what is the actual cost per ton at 43,500 tons taken into the Landfill? Why should the Taxpayers trust these figures in the document?
5. Why are the Taxpayers of Franklin County being kept in the dark about the cost of equipment that will be purchased in the next few years? What are they? The Taxpayers should be receiving the answer in writing. It is a valid and relevant question.
6. Why are the Taxpayers of Franklin County being kept in the dark about the cost of purchasing, renting, leasing or other ingenious methods of procuring the additional land, residences, and farms in the area? What are they? The Taxpayers should be receiving the answer to this in writing. It is a valid and relevant question.
7. According to the Document, all solid waste from another county must be received by the Authority in recycled methods. What portion of this material received was in actuality dumped into the Landfill as received? According to the regulations, you are responsible for records on this.
8. If you state that they were all recycled correctly, where are the records for comparison?
9. Essex County has records; do they match yours on the above question?
10. Why are you still receiving a cash flow each month of over \$444,000.00 and increasing to over \$500,000.00 from the Taxpayers of Franklin County?

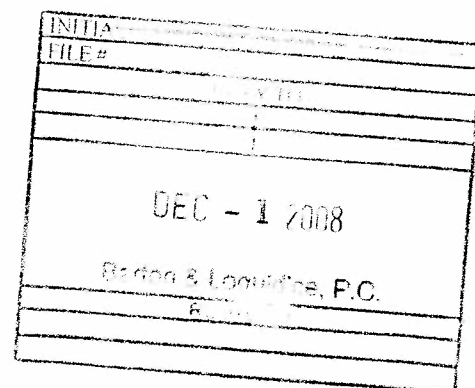
11. If you are so efficient why do you need the money for a 35-day period?
12. Other Landfills in the North Country do not need as many acres for a buffer zone. Why does this landfill need at least 3 to 4 times as much buffer zone?
13. The Taxpayers of Franklin County need to know in writing: How many times this Authority has received notices of violations from the DEC in writing and verbally? In addition, the cost originally assessed to the Authority by the DEC and how much actually was paid in settlement to the DEC for these violations?
14. The Taxpayers want to know why the “experiment of mixing sludge and sand was performed at the Landfill?
15. . Where was all the paperwork necessary for performing a study or “experiment”?
16. Why did the Board not talk to the Press about the “experiment?
17. Why did the Board feel they did not have a responsibility to the Taxpayers of Franklin County to inform the Public? These are all valid and relevant questions as they relate to the proposed expansion of the Landfill. The people need to know these answers in order to make appropriate decisions on informing the County Legislators of replacements for the present Board when the members of this Board's terms expire. At present, this Authority Board are “hear no evil, see no evil, speak nothing.”
18. In the year 2007 the minutes state that new equipment had to be purchased and the cost was way above what was expected. What type of planning do you have for replacement of equipment at today's and tomorrow's prices?
19. Has the Authority discussed thoroughly with the Village of Malone the anticipated amount of leachate that will be expected to be handled by the Sewage Treatment Facility?
20. If not, why Not?
21. Have you included this in your anticipated cost including an increase of payment to the Village for their handling the leachate?
22. Are you accepting responsibility for any potential contamination of the Salmon River by all the residual products released from the Sewage Treatment Plant after processing not limited to Mercury Cadmium, Nitrates, Lead and other Household Hazardous Waste (over 40 of them)?
23. The State of New York is presently suggesting changes to 6NYCRR part 360 which apparently will affect pollution from waste streams coming from Sanitary Landfills. What is the present Authority's plan for Briggs Creek based on these proposed changes?
24. Has the Authority made plans to comply with all the parts of 6NYCRR part 200 related to air quality standards that may affect the odors from the Landfill?
25. How many feet below the Landfills watershed is the Canadian watershed as it is significantly below the level of the Landfill?

26. What is the potential risk of contamination of the Canadian watershed level from the Landfill as water finds its own levels that the Authority cannot in any way control?
27. Are you in compliance with the Joint International Agreement of 1909 between Canada and the United States as it relates to Briggs Creek?
28. Are you in compliance with the many Commissions related to the "eco system" between the two countries? There are more then ten of them.
29. Why on page 14 of your report, "Contingency Plan" state "in the event that the existing permitted landfill space becomes filled prior to having the new landfill disposal capacity permitted and constructed, the Authority's contingency plan will be to export waste to out-of-county disposal facilities" is such a plan ever considered?
30. How could the above ever occur based on the solid waste from Franklin County?
31. Couldn't management see this at least 2 years ahead of time and prevent such an occurrence by limiting disposal and increase recycling? What is your plan and answer to this in writing
32. The document states you are possibly the most economical solid waste authority in the area. If that is the case, why does the St Regis Reservation transport their solid waste to Plattsburgh landfill?
33. Is it more economical and cheaper for them to transport it that much further?
34. There was an analysis of testing presented at the meeting about possible contamination near the landfill. Why hasn't the landfill conducted test on all areas surrounding the landfill to ensure non-contamination of the area and to ensure a level of public health to the citizens residing in the area?
35. Why isn't the number of complaints on strong odors coming from the Landfill recorded in the Document?
36. Why aren't the answers given by the Landfill to citizens who have called to the above, recorded in the document?
37. **Most important-Can the Taxpayers of Franklin County afford this expansion based on the present economics of the Federal Government, the State Government, the County Government, and the present Liabilities of the Authority?**

I believe these are all relevant questions that should be answered in the next review in order to inform the residents of Franklin County and the Province of Quebec pertinent data about the proposed expansion.

Thank you,


Norman M. Gervais
Resident of Westville.



Section E

Canada Residents' and Officials' Comments

Johanna E. Duffy

From: SCABRIC Félix Blackburn [f.blackburn@rivierechateauguay.qc.ca]
Sent: Monday, December 01, 2008 3:07 PM
To: Franklin County Landfill EIS
Subject: "Draft Environmental Statement Document" Comments

December 1st, 2008

Mr. George Eades
 CFSWMA
 828 County Route 20
 Constable, New York 12926

As comments are being solicited, this report contains comments regarding specific environmental issues of concern in the "Draft Environmental Statement Document" issued by the County of Franklin Solid Waste Authority.

Reservations and questioning expressed in the April 20th, 1993 public hearing are nowadays as crucial as they were then and have not been answered yet.

Serge Bourdon, President, "La Société de conservation et d'aménagement du bassin de la rivière Châteauguay (SCABRIC) – the Chateauguay Watershed Management Agency", express the very same concern today, about the expansion of the landfill, as he did in 1993, about the landfill site. The SCABRIC profoundly disagrees with the site expansion proposed for the landfill.

He noted the boundary between the U.S. and Canada was an imaginary line drawn for administrative purposes. Nevertheless, the topography of the region is such that the "Quebecers" are the ones most at risk from an accident at the landfill.

Three questions were brought up:

- How do DEC and the County foresee the restoration of groundwater and surface water if there is an accident?
- Have they determined exactly how they will compensate the affected property owners of some of the richest agricultural lands in Quebec, as well as ordinary citizens and municipalities?
- Have they considered the impact of an accident of the supply of drinking water and public health?

Even after our landfill visit on November 14th, those three questions remains unanswered and bring up the same concern about the Westville landfill expansion.

Rather than implement a project, which could have an irreversible effect, on the environment of their neighbours, the SCABRIC members are concerned by this expansion project and propose:

- The establishment of a protocol agreement
- Mechanisms for regional consultation
- An action plan
- A designated zone, free of all activity which could be harmful to the environment, on both sides of the border.

12/3/2008

We would like to take this opportunity to thank you for your invitation to submit our comments and for the consideration you will give to our concerns.

Félix Blackburn

Directeur général

f.blackburn@rivierechateauguay.qc.ca



15 ans déjà!

**Société de Conservation et d'Aménagement
du Bassin de la Rivière Châteauguay**

58, rue Saint-Joseph,

Sainte-Martine, QC, J0S 1V0

Téléphone : (450) 699-1771

Télécopieur : (450) 699-1781

Courriel: info@rivierechateauguay.qc.ca

Site web: www.rivierechateauguay.qc.ca

Sainte-Martine, November 5th, 2008



The County of Franklin Solid Waste Management Authority Office
828 County Route 20
Constable, New York 12926

Subject: Proposed Westville Landfill Expansion

Dear Sir or Madam,

The Proposed Westville Landfill Expansion, by the County of Franklin Solid Waste Management Authority, is unjustified and unjustifiable.

How can a society that proclaims itself modern and vanguard, allow the expansion of such a landfill? This society appears to be overwhelmed and admitting a growing waste production problem due to an unbridled consumption.

The ideology behind this process remains archaic even if the proposed technology is today's best.

How can we even speak of long term sustainable development when mankind's wisdom resumes itself as a monstrous reality that consists in hiding and burying its unbridled waste production?

We suppose, here, that the promoter's hidden agenda is to please their principal investors and in order to do so chose to establish their project where the next door neighbors will be the one with the whole risk. Is this the mandate that the American citizens have entrusted the County of Franklin Solid Waste Management Authority in order to solve there garbage problem?

The blind belief in the infallibility of this landfill project appears to be purely acrobatics. This grandiloquent technology is hiding great disasters.

My fellow citizens, American friends and I would be naïve to act with such blind assurance in these circumstances.

Reality is something else; I will not teach anything new by reminding you that bridges fall down, towers collapse, dykes burst and as for the economy, what a disillusion!

So for all of the above, we say NO, NO, NO and NO to the Westville Proposed Landfill Expansion.

Serge Bourdon
President

SB/mcl

Enclosure: Summary Report, April 20, 1993

Proposal to expand the Westville landfill site,
Franklin County,
New York State, the United States

Brief
Presented to the
County of Franklin Solid Waste Management Authority

December 1, 2008

Claude DeBellefeuille
Member for Beauharnois--Salaberry, House of Commons, and
Deputy Whip, Bloc Québécois

"We can't solve problems
by using the same kind of thinking we used
when we created them."

-Albert Einstein

TABLE OF CONTENTS

Presentation by the Member of Parliament.....	4
Background.....	4
Environmental and health consequences.....	4
More joint action by authorities and elected officials.....	5
A rigorous evaluation is recommended.....	6
References and consultation documents.....	8
APPENDIX A	
Questions.....	10
APPENDIX B	
List of environmental organizations, municipalities and institutions that have voiced their disagreement with the proposed expansion of the Westville landfill site.....	11

Presentation by the Member of Parliament

As the Member of Parliament for Beauharnois–Salaberry since 2006, I represent the citizens in my riding at the Parliament in Ottawa. I consider it essential to stay tuned to the needs of this large riding, which encompasses the regional county municipalities of Beauharnois–Salaberry, Haut-St-Laurent and Jardins-de-Napierville and includes part of the Akwesasne Reserve. The riding contains 106,856 citizens spread over 31 municipalities.

In the course of my work I have traversed this territory and met with the people and stakeholders of this community. Their concerns are my concerns, and they are important to me.

I have been involved in supporting regional development and promoting a community approach that is respectful and constructive. On the socioeconomic front, I mobilize people and work jointly with community members to achieve effective solutions for our beautiful region.

Background

In recent months, the proposed expansion of the Westville landfill has raised concerns and discontent among many citizens, organizations and municipal officials (see list in Appendix B) in the riding of Beauharnois–Salaberry and in Quebec. The Beauharnois–Salaberry riding shares a border with the United States, and several municipalities are located near the Westville landfill site in New York State.

The expansion proposed by the County of Franklin Solid Waste Management Authority (CFSWMA), the landfill site manager, in order to treat greater quantities of waste material has generated unrest among citizens, municipalities and organizations who fear that their drinking water will be contaminated because the dump connects with the Châteauguay River watershed. Quebec farmers are on the alert; could the food they produce be affected by an environmental disaster caused by an incident or accident?

Other potential repercussions have been documented in diverse studies conducted at other sites and in other areas, including psychosocial impacts, property devaluations, etc. (WHO, 2007).

Environmental and health consequences

I agree that waste management is a must! Nevertheless, we must not neglect to manage the attendant environmental impacts, as they are determinants of community health and well-being.

A request for a permit to expand the site has been filed with the New York State Department of Environmental Conservation (NYSDEC) along with an environmental impact study commissioned by the manager, and NYSDEC approval is expected.

These are heavy responsibilities that call for transparency so that the population, both American and Canadian, can be fully informed, because the site straddles the border and is built on land whose surface water and free groundwater flow into neighbouring lands. We must view any current and future site development with great caution due to the potential consequences, which should not be underestimated.

The municipalities adjacent to Westville, most of which are on Canadian soil (Elgin, Godmanchester and Dundee, among others) are already feeling the negative impacts of waste disposal operations: odours, noise, gulls, turkey vultures, loss of enjoyment and devaluation of their properties, deterioration of some of the most fertile farming lands in Quebec, risks of contaminated drinking water, human and animal health risks, etc.

More joint action by authorities and elected officials

There are many potential toxicologic risks for human health (Gélinas. J., 2000), which explains my concerns and those of my fellow citizens. Given the geographic location of the Westville landfill site, I feel that environmental impact studies should be conducted to gather independent expert advice. More joint action by environmental authorities and elected officials, both American and Canadian, would also be advisable.

However, I doubt whether intervention by the International Joint Commission would be relevant, because Canada and the United States share management responsibility for common waters in the Saint Lawrence River and Great Lakes watersheds as well as the Châteauguay River, Trout River and Little Salmon River that feed the Saint Lawrence River (MDDEPQ and USGS Water Resources, New York State).

In this perspective, I sent a letter in November to the Honourable Lawrence Cannon, Minister of Foreign Affairs, asking him to take explicit action with the American authorities so that compensatory measures could be claimed from the site management authority should problems occur down the road.

In addition, although I saw in a recent visit to the landfill site that leading-edge waste management technology is being employed, I share the same concerns as the members of the *Coalition pour contrer le projet d'agrandissement du dépotoir* (coalition against the landfill expansion). I am still very worried about the environmental balance and the health of citizens living near the site. Although the site manager is convinced that no such problems will occur, common sense compels all of us to consider the potential damage to the Canadian citizens and municipalities concerned and the compensations that could apply in case of an environmental incident.

Along with many citizens and Coalition members, I attended a recent hearing organized by the CFSWMA at Malone, where we raised legitimate questions that deserve answers. This brief constitutes a step forward in persuading the parties concerned and the elected officials to agree on responsible management in an activity sector where we clearly have to propose more sustainable and respectful environmental management methods, such as waste reduction, reuse and recycling.

A rigorous evaluation is recommended

As part of this issue, we must consider not only the physiological risks for citizens, but also the psychological and social risks associated with waste disposal (National Research Council (NRC), 2000). To explain, environmental contamination, whether real or unjustifiably perceived, can affect the psychological and social conditions of communities living near a waste landfill site. Many studies from around the world have corroborated this, for example, in Norway (Dalgard, O.S. et al., 1998) and Great Britain (Elliot, S. et al., 1998; Gee, G. et al., 2004).

Insofar as this rich field of research on psychosocial effects is still recent, the National Research Council, under the auspices of the National Academy of Sciences (NAS), has recommended that the political authorities account for and rigorously assess the psychosocial effects of implementation or the presence of a waste disposal site (NRC, 2000, p. 244).

Have you in fact accounted for these effects on the population of the Regional County Municipality of Haut-Saint-Laurent, Quebec?

What measures and compensations have been provided for in case of environmental disaster or health problems?

The citizens of my riding expect an answer.

I feel that an agreement between Canada and the United States is vital so that compensatory measures – technical and financial – will be provided for should an incident or accident occur at the landfill, regardless of the NYSDEC ruling on the request to expand the Westville landfill site. The current site is not yet at full capacity, and I fear an incident. Despite the *Environmental Cooperation Agreement* between the Government of Quebec and New York State, which provides for assistance in case of accident, there is no specific description of restorative or compensatory measures (Article 5 of the Agreement).

Finally, I am very aware of the fact that waste burial is sometimes a must, but we, the citizens of Quebec and the Beauharnois–Salaberry riding, should not have to suffer the repercussions of this development beyond our border.

We must choose not to mortgage our environment and health, but instead adopt solutions that stimulate sustainable development. I stand behind this choice and invite you to join my efforts to block the CFSWMA's request to expand the landfill site.



Claude DeBellefeuille
Member for Beauharnois–Salaberry
Deputy Whip, Bloc Québécois
House of Commons
38 Saint-Louis Street
Salaberry-de-Valleyfield
Quebec, Canada
J6t 3X4
Tel.: 450-371-0644
debelc@parl.gc.ca

References and consultation documents

Dalgard, O.S., & L.L. Haheim. 1998. *Psychological risk factors and mortality: A prospective study with special focus on social support, social participation, and locus control in Norway.*

Online at: <http://www.ncbi.nlm.nih.gov/pubmed/9876357>.

Consulted November 25, 2008.

Department of Environmental Conservation, New York State.

Solid Waste Management Act of 1988.

Online at: <http://www.dec.ny.gov/chemical/294.html>.

Consulted November 20, 2008.

Elliot S., S. Wakefield, M. Taylor, J. Dunn, S. Walter, A. Ostry, & C. Hertzman. 2004. *A comparative analysis of the psychosocial impacts of waste disposal facilities.*

Online at:

<http://www.ingentaconnect.com/content/routledg/cjep/2004/00000047/00000003/art00002>.

Consulted November 24, 2008.

Memorandum of Understanding on Environmental Cooperation between New York State and the Government of Quebec. Signed in Montreal on May 10, 1003 by Robert Bourassa, Premier, and Pierre Paradis, Minister of the Environment for the Government of Quebec; and Mario Cuomo, Governor, and Thomas J. Jorling, Commissioner of the New York State Department of Environmental Conservation.

Gee, Gilbert C., & Devon C. Payne-Sturges. 2004. *Environmental Health Disparities: A Framework Integrating Psychosocial and Environmental Concepts.*

Online at: <http://www.ncbi.nlm.nih.gov/pubmed/15579407>.

Consulted November 24, 2008.

Gélinas, Johanne. 2000. *Les principes directeurs et les lignes directrices de l'évaluation du risque toxicologique pour la santé humaine d'origine environnementale.* Québec. Institut national de santé publique du Québec.

Online at: <http://publications.msss.gouv.qc.ca/acrobat/f/documentation/2002/02-227-02.pdf>.

Consulted November 25, 2008.

Goldberg, Mark S., Jack Siemiatyck, Ron Dewar, Marie Désy, & Hélène Riberdy. 1999. *Risk of Developing Cancer Relative to Living near a Municipal Solid Waste Landfill Site in Montreal, Quebec, Canada*.

Online at: <http://www.ncbi.nlm.nih.gov/pubmed/10433189>.

Consulted November 25, 2008.

Groupe Ambioterra (Le). Brief presented at the public consultations of the Bureau d'audiences publiques sur l'environnement, *Le projet d'agrandissement du lieu d'enfouissement technique de Lachenaie : un cas d'injustice environnementale et sociale*, February 2008.

Online at: <http://www.bape.gouv.qc.ca/sections/mandats/LET-Lachenaie/documents/DM28.pdf>.

Consulted November 18, 2008.

Ministère du Développement durable, Environnement et Parcs du Québec. *Bassin versant de la rivière Châteauguay*.

Online at:

<http://www.mddep.gouv.qc.ca/eau/bassinversant/bassins/chateauguay/index.htm>.

Consulted November 26, 2008.

National Research Council (NRC), Committee on Health Effects of Waste Incineration, Board on Environmental Studies and Toxicology. 2000. *Waste Incineration and Public Health*. Washington: National Academy Press, 364 p.

Online at: http://www.nap.edu/openbook.php?record_id=5803&page=R11.

Consulted November 25, 2008.

USGS Water Resources, National Water Information System: Web Interface.

Online at:

http://waterdata.usgs.gov/ny/nwis/uv/?site_no=04270200&PARAMETER_cd=00065,00060.

Consulted November 26, 2008.

World Health Organization (WHO). 2007. *Population health and waste management: scientific data and policy options*.

Online at: <http://www.euro.who.int/document/E91021.pdf>.

Consulted November 20, 2008.

World Health Organization (WHO).

Online at: http://www.who.int/topics/mental_health/fr/.

Consulted November 20, 2008.

APPENDIX A

Questions

What measures and compensations have been provided for in case of environmental disaster or health problems?

Could an agreement be signed by the Government of Canada and the United States in order to establish compensatory, financial and technical measures should an incident or accident occur at the landfill, regardless of the NYSDEC ruling on the request to expand the Westville landfill site?

Could a study, conducted by independent experts, be done on the environmental impacts on Canadian soil?

Has the County of Franklin Solid Waste Management Authority considered the National Research Council's recommendations concerning the psychosocial effects on both American and Canadian citizens, particularly those living in the Regional County Municipality of Haut-Saint-Laurent?

APPENDIX B

List of environmental organizations, municipalities and institutions that have expressed disagreement with the proposed expansion of the Westville landfill site

- *Union des producteurs agricoles Saint-Jean-Valleyfield* (Saint-Jean-Valleyfield agricultural producers' union)
- Nostra Terra
- Régleau
- *Eau Secours !* (SOS Water! – Quebec coalition on responsible water management)
- Greenpeace – Quebec chapter
- Ambioterra
- Regional County Municipality of Haut-Saint-Laurent
- Regional Conference of Elected Officials of Vallée du Haut-Saint-Laurent
- *Coalition rurale du Haut-Saint-Laurent* (Haut-Saint-Laurent rural coalition)
- Albert DeMartin, elected Member of the National Assembly of Quebec
- *Société de Conservation et d'Aménagement du Bassin de la Rivière de la Châteauguay* (Châteauguay River watershed authority) (SCABRIC)
- Les Amis de la réserve faunique du Lac St-François (Lac St-François friends of wildlife).



November 27, 2008

County of Franklin
Solid Waste Management Authority
828 County Rt. 20
Constable NY 12926
U.S.A.

Speaking as a resident of the Municipality of Godmanchester in Quebec, Canada living beside the Chateauguay River and as the incumbent Action démocratique du Québec Member of the National Assembly for the electoral district of Huntingdon, I would like to go on record of asking the Franklin County Solid Waste Management Authority what written guarantees are being offered to the population of Quebec to ensure we will continue to have high quality water supplies in the future? As well, what will be done in terms of compensation if there's ever, unfortunately, a leak of waste contaminates, of any kind, into our water supplies from the County of Franklin Solid Waste Management Authority Landfill site located in Westville, New York?

The June 2008 Proposed County of Franklin Solid Waste Management Authority Landfill Expansion Final Scoping Document states, in part, "*The environmental performance of the current landfill demonstrates that there is no need to undertake a special or extraordinary consideration of potential impacts on Canada.*" However, a watercourse called Briggs Creek is located in the proposed expansion site in the United States and it flows into Beaver Creek that pours into Trout River that winds through the tiny Quebec farming community of Elgin, which in turn empties into the Châteauguay River that supplies water to 13 municipalities in the province of Quebec. There is also Salmon River that originates near the current landfill site location, and it travels through the fertile, rural agricultural region of Dundee, Quebec that eventually empties into Lac (Lake) St-Francis, Quebec. Therefore, the proposed future expansion of the Westville landfill site is of special and extraordinary concern to residents on the Canadian side of the border as the Canadian water supply is potentially at risk.

This past summer, Mr. George Eades, Executive Director of the County of Franklin Solid Waste Management Authority, informed us the Authority is governed by the New York State Environmental Quality Review Act (SEQRA), which requires it to take into account all

environmental impacts regardless of where they occur. The SEQRA, he wrote, includes “*no geographical or political limit.*”

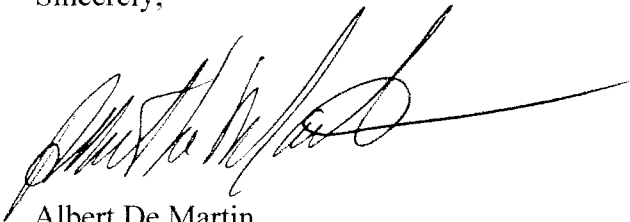
In addition, the November 5, 2008 public hearing presentation made by the engineering firm Barton & Loguidice in Malone, New York, offered technical information about the proposed long-term expansion of the Westville landfill site. The proposed expansion of the Westville landfill site, the engineers said, would include secondary and primary leachate collection systems, ground-water monitoring wells around the perimeter of every additional expansion phase, a landfill gas collection and a control system during future construction and operation of the proposed landfill expansion. The Draft Environmental Impact Statement (Draft EIS) for the proposed expansion of the Westville landfill site has plenty of detailed mapping information, as well as visual and noise assessments, information about the public participation plan and an evaluation of the Westville Local Law. Nevertheless, and this is what is important for residents of Huntingdon County, the Draft EIS does not include any proposals for protective agreements to be signed between the state of New York and the province of Quebec to guarantee future generations will always have access to a clean environment and the highest quality of drinking water.

We are neighbours and this is not a case of not wanting a landfill in our backyard. We realize garbage has to go somewhere. However, it’s a matter of not wanting to have to react hastily to any potential crisis in the future concerning the Westville landfill site. It’s about wanting to be prepared.

Better technological advances to prevent seepage of leachate into groundwater with the installation of proper landfill liners to minimize potentially adverse environmental impacts are promised to be in place at the Westville landfill expansion. But nothing can ever be considered 100% perfect. Therefore, as a Quebec resident and as a politician representing the interests of Huntingdon County in the province of Quebec, we are asking for a written guarantee, an agreement to be signed by the province of Quebec and the state of New York, that our natural water resources will be protected for future generations and proposed terms of compensation if our water resource is ever jeopardized.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Albert De Martin', with a long horizontal flourish extending to the right.

Albert De Martin
Incumbent MNA for Huntingdon County
Quebec, Canada

Westville Landfill liability questions for the County of Franklin's Solid Waste Management Authority

from Holly Dressel, member of the Haut St-Laurent Rural Coalition located in Elgin, Quebec, November 25, 2008

To sum up, our six liability questions can be phrased as follows:

Is there a designated budget to pay for monitoring the leak-detectable cover (mentioned below), or the liners planned for this facility, that takes into account not only monitoring costs for as long as the landfill is in the county, that is, in perpetuity, but mitigation costs of exhuming wastes in the case of a leak? In other words does the County of Franklin Solid Waste Management Authority have sufficient *designated funds* to monitor, operate and maintain this landfill site *in perpetuity*, which is normal, modern procedure in landfill design, as it is the only way to protect county ratepayers from tort lawsuits originating locally or in Canada?

Since monitoring means responding to a possible problem, where will the funds be found if a problem does arise? Franklin County taxpayers should be very clear on this. Mr. George Eades' recent statement to *The Gleaner* [Mary Leblanc, "Coalition against landfill expansion visits dump site," Nov 26, 2008, p.3] that CFSWMA has "two million dollars" in insurance for liability is simply laughable. Every farm in Quebec, however small, carries at least one million dollars in public liability by law. The liability charges to Franklin County in the event of landfill containment failure would be in the many hundreds of millions, likely billions of dollars, and they are almost surely inevitable, given the type of landfill and its history thus far.

Given all the legal opinions agree that all "dry tomb" landfills of this nature will eventually leak and contaminate groundwater, thus becoming liable to tort damages, why is there no mention of the normal economic protection, a Designated Trust Fund, that will protect Franklin County taxpayers against these suits?

Is the County of Franklin Solid Waste Management Authority prepared, both technologically and economically, to exhume whatever quantity of waste has been deposited in the landfill in order to take care of the inevitable leaks, which may happen either while in operation, or after closure? This is the only means of treating detectable leachate.

Since self-policing and monitoring is not acceptable to the many residents and businesses which may be damaged by the failure of the landfill in two countries and three counties, does the County of Franklin Solid Waste Management Authority agree to accept the findings of outside scientific bodies employed by Canadian municipal, provincial or federal governments regarding the presence of leachate in waters coming across the border? If not, why not?

Why does the County of Franklin Solid Waste Management Authority not get involved in much more ambitious recycling, as well as legislation to help stop pollution at source, such as Huntingdon's anti-plastic bag bylaw, instead of creating a time bomb of pollution and cost for its residents and neighbours?

Research details and more liability questions may be found below.

Please note that all experts agree: "*all of these types of landfill, no matter how thick or how many their layers, eventually fail.*" [see Lee and Jones-Lee, below] When they do, the economic basis of the entire area, particularly of Huntingdon County, one of the richest agricultural areas in Quebec, is at risk, since the landfill has been positioned to drain into Canadian territory over the international border. Dairy cows and apple trees require uncontaminated water for their production. The leachate from this dump, which, even if it does not do so immediately, *will eventually* find its way into wells, rivers and water systems of Quebec, will contain large amounts of heavy metals and cancer-causing petrochemicals, as well as medications like antibiotics, hormone residues and other pollutants from home waste like bi-phenol plastics. There is less than 12 percent recycling in this part of New York, and little oversight on industrial use of municipal waste services. Already there is some evidence of phenols, chemicals related to industrial and not farm waste, in the surface waters surrounding the existing dump [see testing done by Daniel Green, part of the submissions to the Draft Scoping Document]. It is therefore possible that the current dump is already leaking. An expansion will be catastrophic for individual families in the Westville area and in Quebec, nearly all of whom depend on private wells, and towns from Dundee to Ormstown, which take their water supplies from the Chateauguay River. It is fed by the Trout River, which is part of the watershed of this dump.

G. Fred Lee and Anne Jones-Lee, in "Recommended Design, Operation, Closure and Post-Closure Approaches for Municipal Solid Waste and Hazardous Waste Landfills" of 1995 [G. Fred Lee, Ph.D. and Anne Jones-Lee, Ph.D., G. Fred Lee & Associates, El Macero, CA] recommend that engineers and project directors should not only have the double-composite liners of the Westville landfill project, but must require that that "when the owner/operator cannot stop leachate from occurring in the leak detection system between the two composite liners, that the wastes in the landfill must be removed from the landfill." They also require closure with "leak-detectable covers," "to be operated and maintained as long as the landfill exists" (forever). They demand "*an adequate dedicated trust fund be developed* from disposal fees to ensure funds will in fact be available when needed for perpetual monitoring, maintenance, care and to meet any plausible worst-case contingencies that could occur at a landfill including waste exhumation and clean up of polluted groundwaters." They recommend strongly that engineers allow only *in situ* treatment of leachate from double-composite lined landfills. Finally, and this was fully twelve years ago, they state: "Because of the very high perpetual, *ad infinitum* costs associated with 'dry tomb' landfilling that provide for true protection of public health, groundwater resources and the environment, *it is recommended that the 'dry tomb' landfilling approach be abandoned as soon as possible*

in favor of a waste-treatment approach that produces residues that do not represent long-term threats to groundwater quality, public health and the environment.” This also makes it clear that as well as its unexplained size, location on an international border in the middle of a wetland, lack of proper maintenance funding and of modern recycling methods, the Westville dump is a primitive, undesirable and unworkable approach to modern solid waste disposal and *is therefore highly likely to come under toxic tort review.*

We cannot repeat too often that *this type of landfill, it is fully understood by all experts, will eventually leak*, and the engineers presenting the project undoubtedly know that. Nowhere in the Draft Scoping Document, however, is there mention of the only known method of mitigating these breaks, a “leak-detectable cover,” to be placed on the landfill once cells are closed, only the “double-composite liner,” used while open, and “a plastic cover” is mentioned. The presence of both needs to be clarified. A leak-detectable cover is considered the only technical means so far discovered that has the ability to mitigate against the certainty of the landfill eventually polluting groundwater. That is, it can mitigate some of the damage, not prevent it. The law firm Lee and Jones-Lee, involved in ascertaining liability dangers in California landfill operations in the late 1990s, states that “Installing a leak-detectable cover and its *ad infinitum* operation and maintenance can create a true ‘dry tomb’ [the type of landfill we are being told is used here] that will prevent leachate formation; *however, these covers must be operated and maintained forever.*” [see <http://www.gfredlee.com/msw-hw11.htm>, accessed 24 Nov, 2008] There is no mention of having legislated the very large budget that will be required for operating and maintaining the liners and the covers “forever.” As Lee and Lee-Jones mention, it has long been concluded by landfill researchers, “all ‘dry tomb’ type landfills will fail, and if there is an interest in protecting groundwater resources hydraulically connected to the landfill from pollution by landfill leachate, *it would be necessary to exhume the wastes from the landfill.*”

Therefore, can we assume that the County of Franklin Solid Waste Management Authority has the funds for monitoring and maintaining the cover in perpetuity, and for exhuming the 125,000 yearly tons that would have to be dug out in case of a liner or cover failure? After a mere 2 decades, that would be 2.5 million tons of wastes to be exhumed and re-treated (Where? How?) in a probably vain attempt to salvage the area’s groundwater. We are told by George Eades, the project engineer, that the CFSMA has only \$2 million in “insurance,” a risible amount considering the possibility of serious harm to a very wide area.

Who will determine damage and liability if, or rather, when, there is a failure of the double-composite liner or the plastic cover on closed cells at the proposed new Westville, NY landfill? According to the current management plan, the body that will be held liable for damages, that is, the County of Franklin Solid Waste Management Authority, is also the body that will test and decide if any leakage is going on. Since that is obviously an unacceptable conflict of interest, residents both of New York and of Quebec will be using the services of independent scientists, who will test both surface and groundwater for tell-tale substances that could be coming from Westville leachate, both in New York and in

Canada. The town of Huntingdon, Quebec, whose municipal water supply depends entirely on a river that the landfill would drain into, has formally announced its intention to drill its own test wells on the Quebec side of the border in order to monitor any leakage of leachate from the Westville landfill. This may complicate liability proceedings, when, over the many decades to come, the liners eventually fail; but multiple and independent samplings are bound to provide clear scientific data that any tort judge would be forced to consider. The answer is that Franklin County will not be the sole body to determine leakage and damage to surrounding ecosystems.

Who will be responsible for any failure of the proposed Westville Landfill project, should it ever, either while open, or after closure in a few decades, contaminate the groundwater of people or communities in the immediate area? The answer to this question is fairly clear: Franklin County, New York and its taxpayers must deal with what will eventually be unimaginable costs, while Huntingdon and Hitchenbrooke residents in Canada will have to cope with contaminated wells and water supplies and the legal costs of taking Franklin County to court. This scenario would seem to be inevitable, according to the toxic tort research on the long-term viability of “dry tomb” landfills like Westville.

Where will liability funds come from? Since Franklin County has a small population and is far from wealthy, it is probable that, while its landowners and taxpayers will labor under many lawsuits and suffer crippling tort payments in years to come, the amount of funding they will be able to provide for clean-up and mitigation will not begin to pay for the necessary work. Both Canada, as a country with responsibility for cross-border pollution events, and Quebec, as a province responsible for water quality, will also likely have to shoulder the vast expenses of trying to mitigate the slow, long-term disaster this kind of landfill is certain to have on the groundwater of the region.

Who will suffer if these criteria are ignored? The project has made no economic provision for these certain future costs. As Lee and Jones-Lee conclude, “while it could be argued that the additional funding that will be needed after [landfill] closure will become available, the likelihood of this being the case is small.” Already, “there are many tens of thousands of dumps and landfills across the U.S. that are polluting groundwaters, that have not been addressed with respect to stopping this pollution, primarily because the local communities responsible for the landfills claim they do not have the funds available,” for proper closure or clean up requirements. In other words, Westville is ready to join the “tens of thousands” of other leaking waste dumps around the U.S., with the important exception that it will be leaking its waste into another country, Canada.

The only sure way out of the future-financing problem in terms of liability, both legal firms with experience in this kind of tort say, is a “dedicated trust fund” that is established when the landfill is created, with large amounts of funding being deposited and invested for eventual and perpetual maintenance and control. The Draft Scoping Document for the Westville Landfill has absolutely no mention of future funds of any kind, much less a “dedicated trust fund,” in any of its provisions. Back in 1995, the Executive Director of the Solid Waste Association of North America stated, “I think that

what we have done, in those instances where these landfills do not have a dedicated trust fund, is to build another generation of ticking time bombs that will go off after we have gone. When that occurs, sometime in the future, another generation of Americans will be left with a bill to pay that we should be paying now.” [Hickman, 1995, “Ticking Time Bombs?”] Except in this case, it won’t be just Americans who are left with the liability and legal costs; Canadians will have to shoulder nearly a enormous burden of destroyed drinking water and contaminated ecosystems, both in terms of private wells and entire municipal systems.

Regarding the design of this landfill, it is a basic principle that the “dry tomb,” of which the Westville project is an example, has to drastically “minimize the liquid entering the facility, to preclude leachate from exiting the facility....To the extent such a design prevents the escape of pollution from the facility, cleanup and third-party liability that may occur due to pollution should be minimized.” It is not possible, however, in the Franklin County site, surrounded by streams, rivers and wetlands and situated in a high-snow area directly below drain-off from the Adirondack mountain system, to “minimize the liquid entering the facility.” Such a basic design flaw opens the possibility of serious “toxic tort liability” to both the engineering firm and the County of Franklin Solid Waste Management Authority. “Toxic tort liability” is defined by the law firm Porter Hedges, specialists in long-term liability issues [<http://www.porterhedges.com>] as, “claims by third parties for personal injury or property damage arising out of negligence, nuisance, trespass or other tort theories.” These damages may include cancer, contamination of wells or municipal water services and so on, and depend very much on the initial viability of the project, which in this case is severely compromised by the lack of a budget for maintenance, by the site, and by the lack of a designated trust. Porter & Hedges note, “where toxic tort plaintiffs prevail, the recoveries can be enormous.” We are also told that if leachate occurs, it will be run through the water treatment plant in Malone. What will be done with the toxins thus removed? Will they be re-buried in Westville to start the process all over again, or will Malone have to deal with them? But in facilities like this, *in situ* treatment utilizing clean water has been considered the necessary standard for at least a decade, and the transport of leachate to the overburdened water treatment of a town like Malone is yet another serious design flaw in this project.



Coalition Against the Westville Landfill Site Expansion

The Coalition Against the Westville Landfill Site is opposed to the proposed expansion of the landfill site. Our number one concern is the future of our water resources. 100,000 people in the Chateauguay Valley depend on surface and ground water from the Chateauguay River water shed. Because the site sits very near to the Quebec border and the fact that ground and surface water flows north we do not feel that a proper environment impact study has been done to show potential impacts on our water resources on this side of the border.

When this site was chosen in 1993 a similar group of Quebec citizens voiced concerns that we feel were never fully addressed. An agreed upon structure for ongoing mutual consultation was not honoured. We are now faced with a landfill site that is expanding well beyond its initial scope. What started out as small regional landfill is now turning into a major landfill site. The citizens of South Western Quebec are justified in being alarmed. In 25 years we could have a landfill site on our border that continues to expand in scale and therefore the environmental risk continues to grow as well.

A contingent representing members of our coalition along with two federal members of parliament visited the Westville site on November 14 of this year. We were given a tour of the facility by George Eades, the administrator of the site. When I pressed him on why more wasn't being done to recycle materials going into the landfill, which would slow down the rate at which it is being filled, he revealed that he didn't believe in recycling. In Quebec municipalities, are mandated by the provincial governments to implement improved recycling programs to drastically reduce the amount of waste going into landfill sites. The goal is to achieve a 60% reduction by 2008. According to figures we have obtained, the recycling rate for Northern New York state is currently at 12%. We, as Quebecers have a vested interest in seeing this figure increased because if it isn't we will be dealing with a rapidly expanding potential environmental problem on our border. The landfill in Westville is referred to as a "state of the art" facility. This is an oxymoron. How can a facility be referred to as state of the art when vast quantities of recyclable materials are being buried in the ground. That is an approach to waste treatment that belongs to the last century.

We do not believe that the expansion plans for the Westville Landfill site can be approved unless the whole issue of responsibility is resolved in the event of a major environmental disaster. If the surface and ground water in the Chateauguay Valley become polluted as a result of a failure in the protection system employed at the landfill site who will pay the costs to fix the problem? When asked about this by a journalist from The Gleaner newspaper George Eades replied that the site had an insurance policy for "environmental liability coverage" for 2 million dollars. Does this coverage extend to Canadian territory? If so do you really think this sum is anywhere near adequate, given the scale of the project? It is our position that we are being asked to mortgage our water, farmland, environment and public health to a foreign country and this is unacceptable.

A handwritten signature in black ink, appearing to read "David Drummond".

David Drummond
Municipal Councillor, Elgin
chokesman



HUNTINGDON

Huntingdon, November 27th, 2008

Franklin Country Solid Waste Management Authority

828 Country Route 20
Constance, NY 12926
USA

INITIALS
DEC 11 2008
Barton & Loquidice, F.C.

To Whom It May Concern:

The Council of the Town of Huntingdon, Quebec, unanimously opposes the expansion of the Westville "Landfill".

We do not understand why the dump must be enlarged to a point beyond which local garbage is accommodated.

We do not understand why Canadian authorities, in concert with our American neighbours, have not been advised to put in place an infrastructure monitoring potential risk.

We do not understand how the expansion can take place without forethought for corrective measures in case of disaster affecting the Canadian side of the border.

Yours sincerely,

The Mayor

Stéphane Gendron

The Counsellor

Ronald Critchley

TOWN OF HUNTINGDON

www.villehuntingdon.com

23, King Street, Huntingdon, Quebec, Canada J0S 1H0
Tel. : (450) 264-5389 • Fax: (450) 264-6826 • E-mail : mairie@villehuntingdon.com

Johanna E. Duffy

From: Iliana Hristova [iliana.hristova@mrchsl.com]
Sent: Wednesday, December 03, 2008 9:21 AM
To: Franklin County Landfill EIS
Subject: Westville landfill expansion
Attachments: Memoire-MRC-anglais.doc

Hi,

Please, see the enclosed file in regard of the Westville landfill expansion. The original letter will be mailed to you shortly.

Thanks,

*Iliana Hristova
Coordonnatrice au PGMR
MRC du Haut-Saint-Laurent
10, rue King, Huntingdon
Québec, J0S 1K0
Tél.: 450-264-5411
Fax: 450-264-6885*



*Avant d'imprimer, pensez à l'environnement
Économisez une feuille, sauvez une branche*

George Eades, Executive Director

County of Franklin Solid Waste Management Authority

828 County Route 20, Constable, New York 12926

Subject: Brief on the Westville landfill expansion

Dear Sir:

The MRC du Haut-Saint-Laurent strongly objects to plans to expand the Westville landfill. The proposed site is six times the size of the current site. Geological surveys of the area date back to the 1950s. The proximity of a number of small water basins and the Salmon River that flow into the Châteauguay watershed raises the possibility that it could easily be contaminated by leachate from buried garbage. This watershed is the source of drinking water for people in the MRC du Haut-Saint-Laurent. The proposed landfill will endanger the health and environment of more than 100,000 people, including farmers and residents of the Montérégie Ouest region who get their drinking water directly from groundwater or nearby rivers.

The *Indice de qualité bactériologique et physico-chimique* (IQBP) (Hébert, 1997) found that the Châteauguay River is already polluted when it enters Quebec because of high-intensity farming, particularly dairy farming, south of the border. This causes elevated concentrations of phosphorus and chlorophyll **a** (MDDEP, 2001–04). Water is a fragile resource, so co-operation and collaboration on both sides of the border to protect it are all the more important.

The MRC opposes the expansion for the following reasons:

- (1) The environmental impact report was done by the same company that drew up the plans and the estimate for the project—not by an independent organization such as the BAPE in Quebec.
- (2) New York State has no laws regulating the disposal of household hazardous waste or computer equipment.
- (3) No Canadian organization has the authority to oversee the sampling or monitoring of the water table in New York State. In 1993, when the Westville landfill was built, Franklin County officials promised to monitor the quality of groundwater and water sources nearby, but this data was never given to Canadian environmental groups.
- (4) Since the mechanics of groundwater flow are still not fully understood, any risk of contamination will be borne by the users of the Quebec part of the

Châteauguay watershed. Once leachate has entered the system, decontamination is impossible.

(5) Franklin County has an inadequate recycling program: its recovery rate is around 12%, or 60 kg of recycled materials per household per year. If a good recycling program were put in place, this figure could reach 200 kg.

(6) Garbage trucks are not inspected when they arrive at the landfill.

The Council of the MRC du Haut-Saint-Laurent

Ben Lecluse and James Quinn, Municipal councillors, Elgin, Quebec J0S 2E0
450 264 4567; 450 264 9380

Questions to CFSWMA re EIS on proposed landfill expansion

Table 3 on page 22 of the EIS indicates that recycling in 2000 was 241 tons and in 2007, 67 tons, an approximate 350% reduction in recycling. Current recycling at the dump is at about 6%. At the same time, tipping has increased from 43,500 tons per year to 125,000 tons per year. At a recent tour of the landfill your manager, Mr. Eades, was quoted as saying “Come on, you know recycling is ‘b.s.’ as well as I do”. On page 24 you state that you are complying with New York State’s Solid Waste Management Plan focussing on waste reduction and recycling.

- In the light of CFSWMA’s dismal track record when it comes to recycling and the poor attitude of the landfill manager, how can your commitment to recycling be defended?
- How can you be seen as in compliance with the New York State Solid Waste Management Plan?

On page 25 of the EIS you mention that the current landfill accepts materials such as sewage sludge, asbestos, and petroleum contaminated soils as “cost-saving and revenue generating measures”. Your landfill manager has been quoted as saying that expansion of the dump is necessary if profitability is to be achieved.

- How are you addressing the inherent tension between environmental risks and bottom-line considerations?
- What sort of trust fund is being set aside to deal with future lawsuits?

On page 27 the EIS indicates that the expanded landfill would have an approximate 95 year operating life at the 125,000 ton per year rate.

- Why is the landfill being planned for such an extremely long time line?
- What if new technologies are introduced over the next 95 years that could reduce or eliminate the need for this type of landfill?
- Are you aware of the work being done with plasma incinerators? How would they be used to eliminate the use of sewage sludge as a component in the landfill cover?
- Can the D.E.C. rescind a permit once emitted?
- Has the CFSWMA considered the option of selling the landfill to private concerns?

In section 8.22 the ‘no-action option’ is briefly discussed.

- In view of the fact that many jurisdictions in North America and Europe have achieved 60% recycling and higher, if the CFSWMA were to increase recycling and restrict the importation of garbage to Franklin County, how long would it take to fill the existing landfill?
- With the new assumptions of aggressive recycling combined with a greatly reduced tipping rate how can you justify the need to expand the existing facility if the existing facility can be demonstrated to have an expected life-span extending decades into the future?

Johanna E. Duffy

From: MUNICIPALITE DE ELGIN [munelgindir.gen@targo.ca]
Sent: Monday, December 01, 2008 4:18 PM
To: Franklin County Landfill EIS
Attachments: Westville1dec2008.eml

As a Quebec community that sits on the American border in close proximity to the Westville Landfill site we are strongly opposed to the proposed expansion. All of our residents rely on groundwater as a water source for human and livestock needs. It is essential that an independent environmental impact study be done on the proposed expansion that would include impacts on the Canadian side of the border.

As a small community with a small tax base, how will we be compensated for a decrease in property values or for having to supply water to our residents in the event of a disaster related to the site? These questions have never been adequately addressed even though they have been brought up at both public hearings.

As a Quebec municipality we are mandated by the Provincial government to reduce the amount of garbage going into landfill sites. We encourage our citizens to recycle and are proud of those efforts. Why is there not a stronger recycling component in the proposed project. If there was, it would seem logical that the landfill would not have to expand to the proposed size. There are other alternatives to burying mountains of waste and in reviewing the DEIS we do not feel they have been adequately explored.

Jean-Pierre Proulx mayor

Johanna E. Duffy

From: Amy S [h2oalliance@gmail.com]
Sent: Sunday, November 30, 2008 9:15 PM
To: Franklin County Landfill EIS
Subject: Questions to CFSWMA re EIS on Proposed Landfill Expansion
Attachments: Rural Coalition's Questions to CFSWMA re EIS on Proposed Landfill Expansion.doc

The Rural Coalition of the Haut-Saint-Laurent is a regional citizens' group in South-western Quebec concerned with preserving the rural quality of our lives. Specifically, we are opposed to bringing integrated industrial operations to our rural communities as well as any other operations that adversely and significantly affect residents and the environment.

Please find below (and attached in Word document) our questions to the County of Franklin Solid Waste Management Authority regarding the proposed landfill expansion in Westville NY.

Rural Coalition of the Haut-Saint-Laurent
c/o Amy Stolecki, member of the Board of Directors
Dundee, Quebec

Questions to CFSWMA re EIS on Proposed Landfill Expansion

1. Members of the Rural Coalition of the Haut-Saint-Laurent have serious concerns about the nature of the waste that is currently being deposited at the Westville NY landfill site.
 - a. What substances get deposited in the landfill?
 - b. How does the CFSWMA monitor the contents of the landfill, what inspection measures are in place?
 - c. How can the CFSWMA prove that prohibited substances are not deposited?
 - d. Is the CFSWMA aware of any eyewitness accounts of prohibited substances being deposited? If so, how does the CFSWMA respond?

2. According to the EIS, up to 125 000 tons of waste could be deposited annually at the proposed expanded landfill. Given these extremely large amounts:
 - a. Where is the CFSWMA planning to get all this waste?
 - b. How will the CFSWMA monitor all waste entering the site to ensure that no unpermitted substances get deposited?
 - c. What budgets will be allocated for inspections and other monitoring mechanisms?

3. Preliminary test results taken by a biologist from surface water adjacent to the current landfill indicate that the dump may be leaking toxins into the surrounding watershed. The CFSWMA has no discharge permit. If this is indeed the situation:
 - a. How does this impact the plans to expand the landfill, given that the expanded landfill will use the same technology which may currently be polluting?

- b. What steps are being taken to guard against the inevitable lawsuits which will be launched to force the CFSWMA to act within its permits?
4. Using 'access to information' CFSWMA test results from monitoring wells have been obtained. Preliminary analysis indicates that the existing dump may be having an adverse effect on groundwater.
 - a. Are you aware of any test results which call into question the stellar report you give the existing test wells?
 - b. If the test data in question does indeed indicate leakage from the existing cells, how will this affect the proposed expansion, given that it will be using the same technology?
 - c. What funds have been allocated to defend Franklin County against the inevitable lawsuits that will be launched should test wells show groundwater contamination?
 - d. Why is there no mention in the EIS of the establishment of a Designated Trust Fund which is the normal economic protection against such legal suits?
 5. Given that the Westville dump is located directly adjacent to an international border, and that almost half of the five mile radius around the dump which is under study is in Canada:
 - a. Why is there no data in the EIS on the potential effects of the expansion on this area within Canada?
 - b. Should there be contamination of Canadian water and soil as a result of the expansion, what funds have been allocated to defend Franklin County against the international lawsuits that will certainly follow?
 - c. What designated funds does the CFSWMA have to monitor, operate and maintain this landfill site in perpetuity, which is the only way to protect the county from tort lawsuits originating locally or in Canada?
 6. At the first public meeting it was mentioned that should the two-membrane system leak and the test wells begin to show leachate contamination, as a safeguard the groundwater could be pumped.
 - a. How is this possible and with what technology?
 - b. What volumes of water would be involved if such a pumping were undertaken?
 7. How is the CFSWMA prepared, both technologically and economically, to exhume whatever quantity of waste has been deposited in the landfill in order to take care of any leaks which may happen either while in operation, or after closure?
 8. In the draft environmental impact study you mention that the nearest aquifer is located uphill from the landfill site. In a catastrophic event in Mercier, Quebec, several years ago, contaminated products leached into an aquifer and they have been found to be migrating up the aquifer because their density is less than water.
 - a. In what way have you taken a situation such as this into account in your assertion that the aquifers in the area are out of harms way?

9. Given Canada's proximity to the landfill:
 - a. What access to test wells will Canada have?
 - b. What other kinds of supervisory, monitoring or inspection access will be granted to Canada?
 - c. Does the CFSWMA agree to accept the findings of outside scientific bodies employed by Canadian municipal, provincial or federal governments regarding the presence of leachate in waters coming across the border? If not, why not?

10. Austria, Denmark and Belgium dispose of between 60 and 70% of their solid trash through composting and recycling. Montreal, only 60 miles north of Westville, has recycling and composting programs that deal with 60% of the garbage produced. The tables in the DEIS indicate that current rates of recycling at the Westville landfill average between 6 and 10% and very little is said about recycling in the plans for the proposed expansion.
 - a. How does the CFSWMA explain such woefully low recycling rates?
 - b. What will the CFSWMA do to correct this situation? Why does the CFSWMA not get involved in much more ambitious recycling, as well as legislation to help stop pollution at source?
 - c. What recycling, composting or other waste-reducing initiatives such as Huntingdon's anti-plastic bag bylaw, were considered before resorting to this landfill expansion plan, which is clearly the least desirable option?

11. What guarantees can the CFSWMA make against any future sale and privatization of the landfill?

12. In 1993 citizens were assured that the then new Westville landfill would be closed once it was full. Less than 20 years later, we are faced with this expansion project.
 - a. Why will the 1993 commitment to close the existing landfill once full not be respected?
 - b. Should this proposed expansion of the Westville landfill go through, what assurances are there that there won't be yet more land purchased, and more cells opened in the future?

13. Why should concerned citizens believe any assurances that will be made regarding the proposed expansion given that 1993 promises were broken?

Section F

Transcript

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

FRANKLIN COUNTY

SOLID WASTE MANAGEMENT AUTHORITY

PROPOSED LANDFILL EXPANSION PROJECT

DRAFT ENVIRONMENTAL IMPACT STATEMENT

NOVEMBER 13, 2003

1 PANEL FROM BARTON LOGUIDICE, P.C.:
2 Kevin Voorhees
John Brusa
3 Michael Brothers
Johanna Duffy
4

5 PUBLIC SPEAKERS

PAGE:Line

6	Rodrique Lauzon	23: 10
7	Denise Wagner	30: 5
8	Betsy Buchanan	36: 7
9	Fran Moore	39: 16
10	Elaine Clary	41: 6
11	Dean Fleury	41: 20
12	Rondald Jarvis	45: 3
13	Bernard Melewski	50: 3
14	Sara Evett	53: 2
15	Claude Debellefeuille	55: 14
16	Daniel Green	58: 11
17	Holly Dressel	63: 13
18	Norm Rennie	66: 16
19	Guillaume Perron-Piche	67: 16
20	Rodrique Lauzon	72: 11
21	Ann Brady	74: 3
22	Vince Cartier	75: 20
23		

1	Ron Critchley	80: 23
2	Mathieu Ferland	83: 13
3	Robert Hart	85: 14
4	Charles Glenn	87: 5
5	Dave Vangolick	88: 14
6	Jack Fleury	90: 7
7	Leslie Ann Hine	92: 18
8	Iliana Hristova	94: 18
9	Gerry Leroux	96: 9
10	Serge Bourdon	102: 14
11	Amy Spelicki	105: 4
12	Mireille Theoret	106: 19
13	Susanne Brown	109: 19
14	Marilyn Partridge	111: 6
15	Norm Jarvis	114: 22
16	Elaine Cleary	117: 4
17	Mireille Theoret	125: 13
18	Serge Bourdon	126: 13
19	Dave Drummond	128: 3
20	Sara Evett	131: 15
21	Jack Fleury	133: 8
22	Guillaume Perron-Piche	134: 3
23		

1 MR. VOORHEES: Good evening and
2 welcome. I appreciate everybody coming out
3 tonight to this public hearing. This is the
4 public hearing for the Draft Environmental
5 Impact Statement for the proposed landfill
6 expansion for the County of Franklin Solid
7 Waste Management Program. The main purpose
8 of tonight is to receive comments from the
9 public at this hearing.

10 We will receive your comments. We have
11 a court stenographer up front here who is
12 going to be recording everything that's said
13 here tonight. What we'll do after the
14 meeting, is review the transcript and go
15 through it and any issues and comments that
16 come in from you tonight, we are obligated to
17 provide written responses, which will go on
18 the Final Environmental Impact Statement. So
19 there will be written responses to these
20 comments that will go in another document
21 that will made available on the website as
22 well as at the libraries where a Draft
23 Environmental Impact Statement is currently

1 also available. We have a brief
2 presentation. Probably ten or fifteen
3 minutes to just cover a few key issues. And
4 then we'll get right to the public comments.

5 Right now we have about 35 people who
6 have signed up to speak. We'd like to try to
7 limit everybody to five minutes. That would
8 keep it, even at five minutes a piece, that's
9 roughly a three-hour hearing. So we would
10 appreciate it if you could get to the point
11 if you do have something that you want to say
12 when you come up to speak.

13 With that brief introduction I'd like
14 to turn it over to John Brusa from Barton
15 Loguidice. My name is Kevin Voorhees and
16 I'll be presiding over tonight's hearing.
17 We're all from Barton Loguidice, the
18 engineering firm that wrote the draft EIS
19 that's up for public review. John.

20 MR. BRUSA: Thank you, Kevin. Tonight
21 I want to talk about -- excuse me for a
22 second -- a double composite landfill liner
23 system, which is the key to -- the primary

1 defense to groundwater contamination at the
2 landfill, what's being proposed at the county
3 of Franklin Solid Waste Management Expansion.

4 The schematic you see here on the
5 screen, I also have it to scale, a version of
6 it here on the board. It's figure 2.1 out of
7 Draft Environmental Impact Statement.

8 In New York State we have what's called
9 a double composite liner system, that exceeds
10 the requirements that US EPA has for
11 landfills. It also exceeds requirements of
12 what Quebec just issue in their new
13 regulations for engineered landfills. And it
14 really has a great track record here in New
15 York State and at the Franklin County
16 landfill over the last 14 years of operation.

17 So I'm going to go through the
18 different layers of the liner system. I'm
19 going to start at the bottom and work my way
20 up, because that's the way we construct it.
21 I have some further samples of the actual
22 materials. It's a lot of information to take
23 in the short period I have to explain this,

1 but after the presentation, or excuse me,
2 after the hearing, if you'd like to talk
3 further on materials or get additional
4 information, I'd be more than happy to go
5 through it with you.

6 So to start at the bottom. Start with
7 the landfill subgrade. It's shown down here
8 in brown. The landfill subgrade is the
9 natural soil at the site. Mike Brothers is
10 going to be on after to talk a little bit
11 more about the geology of the site. But it
12 typically involves you excavate down
13 typically to the landfill subgrade to the
14 designed landfill grades for proper slope for
15 leachate and collection. We compact the
16 soil, make sure they're stable on a solid
17 foundation for the landfill facility.

18 The next layer is what's called a poor
19 water drainage layer. Sometimes you'll hear
20 it called a groundwater suppression layer.
21 It's very similar to the underdrain that you
22 built for your house. It's going to be stone
23 lined trenches. Above that it's also coupled

1 with what's called a composite geomat, which
2 is a geosynthetic drainage layer. And again
3 I have samples over there. But it's a
4 geosynthetic layer between two geotextile
5 fabrics to protect it from clogging.

6 The purpose of that layer is just to
7 prevent the groundwater from coming up onto
8 the landfill system and affecting the liner
9 system. And that slope, like I said, with
10 the landfill subgrades at a low point, where
11 we actually pump that out. Where we can
12 monitor it. We can meter it to get the
13 quantity. We can also monitor the quality of
14 the groundwater from beneath the landfill.
15 Above that layer, the poor water layer, we
16 have what's called the secondary composite
17 liner. And a composite liner simply is, its
18 a composite, it's clay and a HDP geomembrane.
19 You have two-foot low permeability secondary
20 soil liners it's called. And that's a low
21 permeability soil which prevents downward
22 migration of liquids.

23 That's coupled with a secondary

1 geomembrane, sixty mil in thickness and
2 polyethylene is very resistant to chemicals
3 and landfill leaching fields. A great proven
4 track record.

5 Above that layer we have the secondary
6 collection layer. We use one foot of clean
7 collection sand. And that layer, again, is
8 sloped to a low point where we can pump it
9 out and monitor the quality and quantity of
10 the liquid in that layer.

11 Above that layer, the secondary
12 collection layer, we have a primary composite
13 liner, which is the second part of the double
14 composite liner, and that is, again, the same
15 type of membrane, 60 mil HDP geomembrane.

16 And that's coupled with what's called
17 geosynthetic clay liner, which is a bentonite
18 material that's manufactured. It's a natural
19 clay between two geotextiles.

20 Above that we have what's called a
21 primary collection layer. We use two feet,
22 24 inches, of clean collection stone. We
23 put -- before we put that down, we put a geo

1 textile cushion layer above the membrane to
2 make sure the geo membrane is not damaged
3 during the stone placement. On top of the
4 stone is where the waste is deposited.

5 As the leachate comes down through the
6 waste, it comes down to this primary
7 collection layer. It hits this first primary
8 barrier. The barrier is sloped to the low
9 point, like I said. And to the low point
10 where we can pump out the leachate to storage
11 for final disposal. And then we can also
12 monitor the quality and the quantity from
13 that layer.

14 Now if it gets through this layer, this
15 barrier here, both the geomembrane and the
16 geosynthetic clay layer, it has to come down
17 to this collection sand layer. It hits this
18 second membrane. It gets retained on that
19 layer. Again, it's sloped where we can
20 collect it. We can monitor the quality and
21 quantity. And it's all reported to the DEC
22 the different layers and the quantity and
23 quality.

1 If by chance any defects in that, it
2 has to get through two feet of this clay and
3 it would end up in the poor water drainage
4 layer. Which is the groundwater.

5 Now, our 2007 99.8 percent of the
6 leachate generated at the landfill was
7 retained in this primary collection layer.
8 Point two percent was collected in this
9 secondary collection sand. There's been
10 no -- out of 14 years of operation of the
11 Franklin County landfill, there's been
12 nothing detected in the poor water drainage
13 layer -- leachate contamination in the poor
14 water drainage layer. So that sort of shows
15 the effectiveness of the liner system.
16 Again, it's a lot of information to take in
17 in a short time. I'd be happy to show you
18 the different materials after the hearing.

19 With that I'm going to turn it over to
20 Mike Brother and we'll talk further on the
21 geology and groundwater for a second.

22 MR. BROTHER: Thank you, John and thank
23 you everyone for coming out on this beautiful

1 November evening. I'm sure there's lots of
2 places you'd rather be. I want to spend just
3 a few minutes introducing the geologic, the
4 geologic setting of this site to you. As a
5 starting point, this is a perspective view of
6 the site with County Route 20 running east to
7 west. The Westville-Constable town line
8 running through this area here. And the
9 current site sits about on this area of
10 slightly higher elevation. Most of the areas
11 of higher elevation that you see here on this
12 map, reflect areas that are underladen by
13 glacial till. Glacial till is the deposit
14 that was formed beneath the ice sheet.
15 Several thousand feet of ice that passed
16 through this area, some roughly 15 - 20,000
17 years ago. Those deposits are of a primary
18 basis for where the landfill is developing,
19 both the current landfill and the projected
20 landfill.

21 And the second aspect of the formation
22 of the soil deposits the site, was a period
23 following the glaciation. As the glaciers

1 retreated when an arm of the sea entered up
2 the St. Lawrence Valley and the Champlain
3 Valley, that arm of the sea was known as the
4 Champlain Sea. And then the area, roughly
5 10,000 years ago this is pretty much what it
6 would have looked like.

7 The areas in blue representing the
8 areas that were covered by water at that
9 time. And you'll note that the current site
10 sat as a peninsula and was part of what
11 actually was an island surrounded by salt
12 water. I point that out because, as we start
13 to understand the geology of the site, where
14 we find deposits that are representative of
15 the Champlain Sea episodes, correspond to the
16 elevation that this lake was present at about
17 10,000 years ago.

18 When we look at the site in cross
19 section, we have a thick sequence of glacial
20 till. We've got it divided into an upper
21 glacial till, which is here in brown. We
22 have a lower glacial till that's here and
23 that sequence over lies the Ogdensburg yellow

1 stone bedrock. You'll note on either end of
2 the cross section, the green hatched area
3 represents those Champlain Sea deposits.
4 They only occurred at elevations that are
5 roughly around 240 feet around the site. If
6 you're above that evaluation, you're
7 essentially looking at glacial till soil.

8 As John indicated, our primary means of
9 defense is the liner system. The primary
10 liner, the secondary liner, the two
11 collection systems and the poor water
12 pressure system. But in landfill siting,
13 what you want to find as additional backup to
14 that engineered system, is a favorable
15 geologic environment. And that favorable
16 geologic environment very often is where you
17 can locate thick sequences of the glacial
18 till. That's precisely what we find here at
19 the Franklin site.

20 The overall thickness, this is a fairly
21 complex looking map but I show it to you just
22 to demonstrate, we've got anywhere from 30
23 feet of the overburden soils down to more

1 than 75 feet of the overburden soils in
2 particular areas. So that's what you're
3 looking for when you're looking to select a
4 site for a landfill.

5 We have two groundwater systems that
6 are monitored. The overburden groundwater
7 system which occurs in primarily those
8 glacial till materials. We have in general a
9 southerly direction of flow for most of the
10 system, that ultimately ends in this Briggs
11 Creek tributary that's down here. So flow
12 moves from the slightly higher areas of
13 evaluation generally towards the creek.

14 We have a similar pattern in the
15 bedrock where it's semi radial around the
16 higher areas, generally moving southward
17 towards the creek. One component of this
18 system, this is a local flow system. So
19 water enters the groundwater system due to
20 precipitation that falls on the high area,
21 works its way through the soil, infiltrates to
22 the groundwater. It moves laterally through
23 the glacial till soil to the bedrock. And

1 then comes back up from the bedrock through
2 those overburden soils and discharged in the
3 creek. So it's, again, an out system here on
4 a local basis.

5 And just as a final note, what we see
6 here right at our existing facility, is these
7 arrows represent the directions of
8 groundwater flow in the bedrock, which are
9 converging towards the existing facility.

10 That is occurring because of that poor water
11 pressure relief system. That essentially
12 acts as a drain that draws water towards the
13 landfill. So rather than the potential for
14 leachate contaminated groundwater to move
15 away from the landfill, when that poor water
16 pressure system is constructed, it actually
17 acts as a sink and that water is drawn into
18 the poor water pressure system. That water
19 is monitored and recorded to the DEC on a
20 regular basis, quarterly and annually. And
21 as John indicated, that poor water pressure
22 system for the existing facility meets water
23 quality standards. And in fact, we're

1 authorized by the DEC to use the water from
2 that system as drilling water during our
3 investigation. And I'll turn it over to
4 Johanna to discuss the next steps.

5 MS. DUFFY: As I indicated, my name is
6 Johanna Duffy. I also work for Barton
7 Loguidice. I'm just going to go through a
8 brief explanation of the SEQRA process that
9 we've gone through on this project. SEQRA.

10 UNIDENTIFIED SPEAKER: Slower please
11 and louder. Thank you.

12 MS. DUFFY: SEQRA is a State
13 Environmental Quality Review Act. This act
14 is actually implemented by the DEC, the New
15 York State Department of Environmental
16 Conservation. It's a state wide act in New
17 York State. The slide behind me actually
18 outlines the steps that we have taken so
19 far -- that this project has taken so far in
20 this process, this SEQRA process, and future
21 steps that we see undertaking in order to
22 complete this the environmental review.

23 SEQRA requires all projects to take a

1 look at possible environmental impacts. It
2 requires that environmental impacts also be
3 taken into consideration at the same level as
4 the virtual economic impact. So it's a way
5 basically to do an environmental review of
6 the projects. The first step that we
7 completed in this process was to fill out the
8 environmental assessment form, an EIS. It's
9 basically identifying areas of environmental
10 concern right off the bat. The significant
11 determination is made by the lead agency.

12 The lead agency in this case is the County of
13 Franklin Solid Waste Management Authorities,
14 the F.S.W.M.A. They made a significant
15 determination on this project based on the
16 environmental information that was put into
17 the EAF, the environmental assessment form.
18 They actually positively declared that this
19 project may have the potential to impact
20 environmental resources. And that is why we
21 continue to review this project and continue
22 the steps in this Act. After that, the draft
23 the scoping document. This document was put

1 together to look at areas of concern that
2 would be included in the DEIS, Draft
3 Environmental Impact Statement, which is the
4 document we are here to discuss today.

5 The draft of the document outlines all
6 the areas of concern. Once we put that
7 document together, we held a public review
8 meeting. At this meeting the public was
9 invited or were able to make comments about
10 the rest of the document if they thought that
11 there should be additional areas that should
12 be looked at, additional comments that should
13 be made, that was their chance to voice those
14 comments. We took those comments into
15 consideration, made edits and revised the
16 draft scope of the document and a final
17 scoping document was issued.

18 After the final scoping document, which
19 basically outlined all the issues and all the
20 topics that were going to be outlined in the
21 DEIS, the DEIS is actually put together,
22 which is the report we're discussing today,
23 the Draft Environmental Impact Statement.

1 After this is put together, we invited you
2 all here to come and once again voice your
3 opinions, provide comments. And that is what
4 the public comment, the public hearing is
5 down at the bottom. And that's the current
6 step as highlighted on the slide.

7 I would like to remind everybody that
8 December 1st is the deadline to submit
9 comments. You're welcome to submit written
10 comments. And there's a link on the County
11 of Franklin's website where you can submit
12 electronic comments via e-mail as well. So
13 just to make sure that everybody's aware of
14 the December 1st deadline. Once all of those
15 comments are received and the deadline is
16 ended, we put together responses to all
17 comments. And we add them to what is called
18 the Final Environmental Impact Statement and
19 that was based on all the potential impacts
20 that this project may have into one document.
21 And then after that a SEQRA, final statement
22 is issued by the lead agency, C.F.S.W.M.A.
23 They basically make a decision. Looking at

1 all the impacts that were put into the DEIS
2 and FEIS and they make a determination about
3 the project.

4 And another thing I just want to remind
5 everyone about that even once this SEQRA
6 environmental review process is completed, we
7 still, the landfill still needs to go through
8 a permit process, permit review process for
9 the New York State Department of
10 Environmental Conservation, because the New
11 York State DEC agency provide the
12 C.F.S.W.M.A. permits still in order to get
13 approval for this project.

14 So there is whole another review
15 process that is undertaken once this process
16 is completed. And I'm going to turn it back
17 over to Kevin Voorhees.

18 MR. VOORHEES: We'll begin now the
19 public comment period. As part of this
20 hearing, I will ask that you state your name
21 for the stenographer and where you live. If
22 you do have a written statement that you're
23 reading from please hand it to the

1 stenographer, if you would, so that she can
2 have a copy of it. If you don't mind doing
3 that, that would help her quite a bit.

4 I would also like to clarify something.
5 The comments that do come in for this project
6 at this point should go to the authority.
7 The address for that is in the draft EIS
8 which is in the libraries. They were in the
9 public notice. I think there are three
10 libraries Canada and five in Franklin County
11 where the document is available. As well as
12 the entire document is on the County of
13 Franklin website. That address for the
14 County of Franklin is 828 County Route 20, in
15 Constable, Constable New York. Zip code
16 12126. Any written comments you submit are
17 given the same consideration as any oral
18 comments that are presented tonight at the
19 hearing. So if any of you are too shy to
20 speak up, you certainly can put it in writing
21 and it'll be given the same consideration.

22 In terms of speaking tonight, we do
23 have two microphones up at the front. I

1 would ask you to use those. I'll call on one
2 speaker who's going to come up and then I'll
3 indicate who the next speaker is, so that you
4 could get positioned near the next available
5 microphone. The first speaker tonight is Rod
6 Lauzon. Sir, if you could come up and on
7 deck will be Denise Wagner. Denise, if you
8 want to make your way near the other
9 microphone.

10 MR. LAUZON: Good evening. My name is
11 Rodrigue Lauzon. I'm supervisor of the Town
12 of Westville. A portion of the current
13 landfill and almost all of the proposed
14 expansion will also be in the Town of
15 Westville.

16 The authority landfill has brought the
17 Town of Westville and Constable significant
18 new truck traffic, odors so bad that local
19 residents have had to complain to a federal
20 pollution hotline, swarms of seagulls and
21 turkey vultures, and for the surrounding
22 residents and adjoining landowners of the
23 Town of Westville and Constable, real concern

1 about the future of their drinking water.
2 The water they give their livestock, and the
3 air they breathe and the future of their
4 property values. Our firefighters who are
5 the first responders to major events at the
6 landfill, are literally afraid for their
7 health.

8 The purpose of this landfill was and
9 remains, according to the Draft Environmental
10 Impact Statement in the County of Franklin
11 Solid Waste Plan, to meet the needs of
12 Franklin County residents.

13 Instead, the authority has steadily
14 moved toward a merchant facility, taking all
15 comers in exchange for tipping fees. The
16 authority acknowledges taking material from
17 several other counties, including Essex,
18 Franklin Counties [sic], incinerator ash from
19 Washington County, and even materials from
20 Ontario. The authority failed to acknowledge
21 other materials coming from outside sources,
22 including out of state, such a truck from a
23 Vermont firm clearly marked and were document

1 by CBC television only a few months ago.

2 The authority has only one new cell
3 left to build and fill. Rather than
4 protecting and extending the life of this
5 existing landfill, the authority has instead
6 accelerated the rate in which it fills in the
7 permitted landfill space we have. Franklin
8 County produces about only 25,000 tons per
9 year of municipal solid waste that needs
10 landfilling. For years now, the authority
11 has also been depositing in our limited
12 landfill space up to 10,000 more tons per
13 year from other sources.

14 Recycle rates in the county have fallen
15 in the last five years and the recycling
16 coordinator position was eliminated. Even at
17 its best efforts today, Franklin County is
18 diverting much less from its waste stream
19 than other solid waste planning units.

20 In May of 2006, the authority quietly
21 asked a change in their permit from the New
22 York State Department Environmental
23 Conservation Department. The authority

1 raised the limit on the amount of municipal
2 waste to be dumped in Westville each year
3 from 43,000 tons, which has never exceeded to
4 this day, to more than three times that
5 amount to 125,000 tons per year. That permit
6 also allows thousands of tons of other
7 material such as ash, oil-soaked soils and
8 sludge to be depositing every year at the
9 landfill each year as well. The County of
10 Franklin also modified its solid waste
11 management plan at the same time to
12 "explicitly incorporate the acceptance of
13 waste from out-of-county sources."

14 Now the authority, despite adopting a
15 flows control law that guarantees on all
16 waste produced in Franklin County must come
17 to this landfill, proposes an unprecedented
18 massive expansion. There is no need for this
19 expansion to meet the size -- there is no
20 need of an expansion of this size to meet the
21 needs of Franklin County residents.

22 This proposal can only be misguided
23 effort to create a cash cow for the County of

1 Franklin. Taking more waste from
2 out-of-county sources for additional tipping
3 fees revenues or get a state permit for a
4 massive expansion and then sell off the
5 landfill to the highest private bidder. The
6 opportunity to obtain a 98 years permit
7 capacity will be attractive for any bid
8 private waste firm.

9 Either way, the Towns of Westville,
10 Constable and Franklin County become the
11 dumping grounds for the North Country. The
12 drafted environmental impact statement says,
13 the sale of the landfill is not currently
14 contemplated. And that the use of rail to
15 haul waste has been considered, but in the
16 authority's circumstance, is not economical.
17 But a private operator who buys the landfill,
18 expanded landfill, will definitely be taking
19 a hard look at literally railroading our
20 community by hauling downstate and
21 out-of-state waste to Franklin County.

22 As supervisor of the Town of Westville
23 it is my responsibility, along with other

1 members of the town board to protect the
2 health and welfare of our residents. The
3 authority needs take initiatives to reassure
4 its neighbors both in the Towns of Westville,
5 Constable and in Canada their health is
6 protected.

7 First, the authority should agree to
8 test the drinking water supplies of
9 surrounding residents twice a year to ensure
10 the health of the residents is protected.
11 Results should be shared with the homeowners
12 and the State Department of Health.

13 Second, the authority should sample air
14 quality regularly. The results should be
15 shared with the health department and the
16 conservation department.

17 Third, millions of gallons of highly
18 polluted leachate or contaminated water from
19 the landfill is proposed to be trucked to
20 Malone treatment facility, diluted into other
21 discharge is often being dumped into the
22 Salmon River that flows into Canada. If
23 there was pollution of groundwater from this

1 facility, the authority says it would flow
2 into Briggs Creek and the Trout River, which
3 also flows into Canada.

4 We need to be good neighbors. Out of
5 respect for the concerns of our Canada
6 friends, and frankly out of respect for
7 border pollution treaties and agreements that
8 we have already signed, the authority should
9 volunteer to monitor these waterways both at
10 the point of discharge and downstream on a
11 regular basis, and to share this information
12 with Canadian and state officials regardless
13 of whether this expansion is permitted.

14 We will be submitting detailed comments
15 on the Draft Environmental Impact Statement
16 in the weeks to come. But I want to repeat,
17 this expansion is not necessary. It far
18 exceeds the true needs of Franklin County
19 residents. It is an unlawful intrusion in
20 the Towns of Westville and Constable. Thank
21 you.

22 MR. VOORHEES: At the microphone now to
23 speak and offer comments is Denise Wagner and

1 the next to speak after Denise is Betsy
2 Buchanan. So Betsy, if you could come near
3 one of these microphones that will help speed
4 things along.

5 MS. WAGNER: I'm with the New York
6 State Department of Environmental
7 Conservation and these comments are on behalf
8 of the DEC.

9 In a letter dated May 22nd, 2008, the
10 department submitted comments in response to
11 the draft scoping document for the above
12 referenced proposal. It is the department's
13 opinion that certain items identified in that
14 letter were not adequately addressed in the
15 draft EIS and should be more thoroughly
16 discussed. Those items are reiterated below.
17 I'll read them now.

18 One of the items, discuss factors that
19 went into determining the acreage/capacity
20 needed. The draft EIS discusses the physical
21 constraints that factored into defining the
22 proposed expansion area; however, it lacks an
23 analysis regarding the need for the specific

1 acreage or capacity proposed.

2 Discuss economic benefits that
3 long-term recycling and composting
4 alternative enhancements may have on the
5 surrounding communities and Franklin County.

6 Number three, provide the executive
7 summary and implementation schedule of the
8 county's local solid waste management plan.
9 The department recommended that the draft EIS
10 provide information as to where this plan can
11 be accessed for review.

12 Number four, discuss the means by which
13 recyclables will be excluded from
14 out-of-county waste.

15 In addition to those comments we also
16 have the following comments relative
17 specifically to the draft EIS.

18 The draft EIS indicates that the
19 initial Part 360 permit application will seek
20 authorization for proposed landfill cells
21 five, six, and seven. Pages 2 and 192 of the
22 Draft EIS states that these three cells will
23 add approximately 19 years of capacity at the

1 current permitted tonnage rate; however, Page
2 28 states that the anticipated life
3 expectancy of cells five, six and seven is 12
4 years. This apparent discrepancy should be
5 clarified.

6 The second sentence of Paragraph 2 in
7 Section 1.5.2 references the maximum
8 build-out area as 142 acres. The next
9 sentence refers to a 325 acre maximum
10 build-out. This apparent discrepancy needs
11 clarification. The scoping document also
12 referred to a 325 acre build-out. The Draft
13 EIS should provide a discussion or
14 clarification as to how and why the proposed
15 build-out area has changed from 325 acres to
16 142 acres.

17 Under transportation facility and
18 traffic, this section states that the amount
19 of waste being disposed of at the landfill
20 would not increase and references the
21 analysis at in the 2006 permit modification.
22 The statement is misleading in that compared
23 to the present quantity of 43,500 tons per

1 year of wasting being taken in at the
2 landfill, the amount may increase threefold
3 if the facility begins taking in the
4 permitted 125,000 tons per year. Similarly
5 Section 3.3 under this section presents the
6 same type of misleading information. These
7 statements should be clarified.

8 Under this solid waste plan
9 modification and implementation section, the
10 fourth paragraph indicates that users may see
11 lower cost disposal options. This is
12 misleading since Franklin County has flow
13 control. Thus options other than disposal at
14 the county facility are prohibited.

15 Under the waste exportation and the no
16 alternative -- no action alternative
17 sections, the draft EIS states that "the
18 private haulers that use the authority's
19 regional landfill would have to find another
20 facility to accept their waste" and "the
21 county could also choose to provide no
22 disposal services of any kind. Thereby
23 leaving it up to the municipalities and/or

1 private sector to provide such disposal
2 services." These are inaccurate statements
3 since the County of Franklin Solid Waste
4 Management Authority was created under the
5 Public Authority Law of the state of New York
6 to provide solid waste management services to
7 the residents of Franklin County.

8 Under the alternative scale or
9 magnitude section, the first paragraph on
10 Page 192 states that "the timing for
11 construction of future stages of the proposed
12 landfill expansion is also expected to be
13 different that what is currently envisioned."
14 This statement conflicts with the Proposed
15 Action of 125,000 tons per year, 142 acres
16 and a 94.8 year service life, and therefore
17 requires clarification.

18 The last sentence under that section in
19 the second full paragraph on Page 192 states
20 that "Other impacts associated with the
21 proposed landfill expansion would ultimately
22 occur under this scenario." This also
23 requires discussion and clarification.

1 Segmentation is not a valid reason for
2 dismissing consideration of the alternative
3 scale or the magnitude scenario that's
4 presented in 8.2.4.2. Using the example
5 presented in the draft EIS, it is unlikely
6 that a SEQR review for a future proposed
7 expansion such as 40 years into the future,
8 would be considered segmented. This section
9 of the EIS should be rewritten to fully
10 consider an alternative scale or magnitude.

11 And lastly the hydrogeologic site
12 investigation report was attached to the
13 draft EIS for information purposes. The
14 department has not reviewed this report in
15 any detail since the authority's initial part
16 360 permit application for the expansion must
17 include a hydrogeologic report that addresses
18 specific criteria in section 360-2.11 of the
19 regulations. Technical evaluation of the
20 site hydrogeologic conditions by the
21 department will take place during review of
22 the permit application once it is submitted.
23 The lack of any comments pertaining to

1 appendix C in these comments and in this
2 letter should not be construed as department
3 acceptance of the site investigation. And I
4 have extra copies if anyone is interested.

5 MR. VOORHEES: The next speaker is
6 Betsy Buchanan followed by Fran Moore.

7 MS. BUCANNAN: Common sense indicates
8 that the larger the landfill the greater the
9 environmental impact. The air, water, and
10 soils in the area around the landfill are at
11 risk. The people who live in the area
12 surrounding the landfill are also at risk.
13 This risk increases as the landfill mushrooms
14 in size. Limiting the size of the landfill
15 will somewhat mitigate the extent the
16 pollution which it causes.

17 Although permitted for 125,000 tons,
18 actual usage records show that the landfill
19 has never received anywhere near that amount
20 of trash. In fact, the trash collected has
21 averaged about at 43,0000 tons per annual.
22 This includes garbage from Franklin County,
23 Essex County, Vermont and other areas. The

1 landfill can adequately meet the needs of
2 both Franklin and Essex counties with less
3 than the 125,000 tons permitted tonnage. Any
4 expansion should be based on actual tonnage
5 and usage and not on the permitted tonnage.
6 Doing this would effectively reduce the
7 expansion by more than 50 percent. Limiting
8 the tonnage to trash only from Franklin
9 County would reduce it even further.

10 Included in the 43,000 tons of trash
11 collected each year, are many items which
12 should have been recycled. In fact the
13 authority has actually reduced its efforts to
14 recycle. On Page 169 of the DEIS, the
15 following is stated, over the last decade
16 recyclables diversion and collection in
17 Franklin County has doubled. On Page 22 of
18 the same document, is a table which shows
19 that in 1995 the landfill accepted 139 tons
20 of recyclables. And in 2007 it accepted 69
21 tons recyclables. Now folks, I may not be
22 smarter than a fifth grader, but I think most
23 fifth graders can tell that 69 is about half

1 of 139. Not doubled. An article published a
2 few years ago states that plastics account
3 for eight percent of the municipal solid
4 waste by weight, but more than 21 percent by
5 volume. Using these figures simply recycling
6 all the plastic would result in a 21 percent
7 increase of space in each cell. Add this
8 about 20 percent to the 50 percent saved by
9 using actual tonnage figures and you get
10 about a 75 percent decrease in the amount of
11 space needed to be requested.

12 The best option for the community and
13 for our Canadian neighbors is for the
14 landfill to be closed when cell four is
15 completed and the refuse sent out of the
16 county. The children who live in the area
17 can't play outside because of the seagull
18 droppings and the disgusting toxic stench
19 from the poorly covered landfill. Instead of
20 beautiful pristine farmland, mountains and
21 wetlands, the residents views are now of
22 mountains of garbage teeming with rats and
23 legions s of turkey vultures. Adding

1 hundreds of acres of even higher trash
2 mountains to the existing environmental
3 destruction is unconscionable. The statement
4 has dismissed the alternative of sending the
5 trash out of the county as too expensive.
6 Although it appears that no in-depth study
7 has been undertaken to support this position.
8 I believe that the DEIS needs to do further
9 research and provide more hard data regarding
10 closing the landfill and shipping the garbage
11 to other landfills. Thank you.

12 MR. VOORHEES: The next speaker is Fran
13 Moore and calling Fran and Elaine Clary
14 (phonetic spelling). If you could be ready
15 at the next microphone following Fran.

16 MS. MOORE: I have reviewed the draft
17 EIS for the proposed landfill expansion. No
18 consideration, that I could find, has been
19 given to completing only Phase I of the plan.
20 This would add three cells to the four
21 currently in existence. The document
22 indicates that these additional three cells
23 should provide 19 more years of life for the

1 landfill. If the volume remains at 43,000
2 tons of waste material currently accepted,
3 the amount of out-of-county waste decreased,
4 the recycling program greatly improved, it
5 would seem feasible that these three cells
6 planned for phase one could provide adequate
7 capacity for 40 to 50 years. Completing only
8 this Phase I could address the authority's
9 concerns from more than the 19 years you
10 estimate and provide other benefits as well.
11 Fewer acres of land would be need to be
12 acquired. Only one small wetland would be
13 effected. The overall cost of the budget
14 would be reduced. Public perception of the
15 proposal would certainly be enhanced.

16 Tax payers are anxious about the
17 economy currently. Our state budget is in
18 deficit. Our county leaders are waiting to
19 see what the state does before they complete
20 their budget and here we are talking about
21 more debt. Planning for 94 years into the
22 future is not necessary at this time. I
23 respectfully urge the authority to consider

1 the alternative of embarking on a much
2 smaller project. Thank you.

3 MR. VOORHEES: The next speaker is
4 Elaine Clary and following Elaine on the list
5 is Dean Fleury. Dean you'll follow Elaine.

6 MS. CLARY: Hello. My name is Elaine
7 Clary and I live at Route 30, three thousand
8 feet away from where the final boundary will
9 be of the dump. I have a question that if
10 the dump is on high ground and you say the
11 flow of water travels south to Bries Creek,
12 where does Bries Creek drain into to? And I
13 believe that's the little Trout River which
14 goes by our house. Correct me if I'm wrong.

15 UNIDENTIFIED SPEAKER: Goes back to
16 Canada.

17 MS. CLARY: Which flows into Quebec.

18 MR. VOORHEES: The next speaker is Dean
19 Fleury.

20 MR. FLEURY: I have a few statements to
21 make about the DEIS. First is on landfill
22 findings. In the present economy and the
23 foreseeable economic times, is it appropriate

1 for any authority of Franklin County to begin
2 a process of expanding and borrowing millions
3 of dollars over the years that will add to
4 the tax burden of the county. We would
5 request a special meeting to held with the
6 residents of Franklin County where all the
7 financing and additional costs associated
8 with the landfill would be spelled out in
9 layman's terms. Your comprehensive review in
10 the proposed scope is great for a class in
11 Economics, but is insufficient for the tax
12 payers to understand. A meeting is usually
13 held to help the taxpayers understand most of
14 the material. However, your presentation
15 does nothing for the average taxpayer. We
16 want to know. We believe the state of New
17 York and the Franklin County Legislature
18 would agree with us on this issue. From a
19 layman's perspective it appears that if the
20 landfill were to close on its original date,
21 2014, there would still be a great deal of
22 debt that Franklin County, the taxpayers,
23 would be the responsible for. There is very

1 confusing and should be explained. Again, in
2 simple understandable terms during a public
3 information meeting.

4 Concerning Page 14 of the report,
5 contingency plan. The written statement, "in
6 the event that the existing permitted
7 landfill space becomes filled prior to adding
8 a new landfill disposal capacity permitted
9 and constructed the authority's contingency
10 plan will be to export waste to out-of-county
11 disposal facilities."

12 This contingency plan as written is an
13 insult to the intelligence of the residents
14 of the county that are served by the
15 landfill.

16 If such a situation should occur based
17 on the solid waste material received from the
18 taxpayers of Franklin County, it would occur
19 because of poor management practices by the
20 authority. It has been stated in the past
21 that there is insufficient solid waste in
22 Franklin County for the landfill, and that is
23 why solid waste is brought in from Essex

1 County other sources. With proper management
2 practices, this situation should never occur.
3 The DEC and other regulatory agencies should
4 not permit this as written. There's no
5 acceptable excuse for the landfill capacity
6 to be completely filled. All they have to do
7 is limit their collection from the county, as
8 was the original purpose.

9 Concerning Page 24 of the document,
10 Recyclable Collection Process, as written it
11 appears that there is a great deal of
12 recycling going on at the landfill. That's a
13 laugh. The DEC and other agencies should
14 compare the amount of recycling of these
15 projects at the landfill located in Westville
16 and Constable with other landfills that do
17 recycle. The results will show a very
18 significant difference. As mentioned by
19 someone else, recycling at this landfill is
20 almost not existent. We want to know when
21 are they going start the process of
22 recycling?

23 MR. VOORHEES: The next speaker is

1 Ronald Jarvis. Following Mr. Jarvis will be
2 Harold Phillips.

3 MR. JARIVS: Hi, I'm Ron Jarivs. I'd
4 like to welcome all our Canadian friends here
5 tonight. Thank you for coming.

6 I just have a couple of comments about
7 the review here. The scope response Page 24,
8 six lines down it says, "this review process
9 is not limited to geographic boundaries." I
10 agree. However, there is a small stream on
11 the landfill property that flows into Briggs
12 Creek. Briggs Creek flows into our neighbors
13 to the north, Quebec, Canada. In the DEIS
14 Paragraph 3.1.1.2 states that the Class D
15 waters are not included in the definition of
16 a protected stream. Does that mean that the
17 landfill could then contaminate and pollute
18 Briggs Creek? I really wonder about that.

19 During this past summer we've had a
20 great deal of rain. And I kind of feel that
21 some contaminants and pollution would flow
22 into the Briggs Creek area and then into
23 Canada. However, no one did any testing.

1 Tests should be performed on the landfill
2 site with the waters going down there. I'm
3 sure when it overflows its banks it's a
4 normal reaction. And also at the border we
5 have to protect other Canadian neighbors.
6 And of course, if the landfill does
7 contaminate Briggs Creek and in my estimation
8 it's a violation of the joint international
9 agreement of 1909 and possibly other
10 international agreements between the U.S. and
11 Canada that have been initiated since then.
12 Why hasn't this creek been tested? That's
13 only the first one.

14 The second one I believe that this is
15 in the scope of the DEIS Page 18 of the
16 document, third paragraph, seventh line. The
17 document states and I quote, "the authority's
18 solid waste management system is financially
19 self-supporting and not subsidized by tax
20 revenues." I agree with the DEC, it's kind of
21 misleading what they say. In fact I'll tell
22 you why it is very misleading. The cost of
23 the taxpayers of the 18 towns of Franklin

1 County, is the monthly cash flow amount
2 received from the treasurer's office from
3 Franklin County. At the present time the
4 check is written at the beginning of each
5 month in the amount of, and listen to this,
6 \$444,830.19 of your taxpayers' money made out
7 to the authority. They have to pay it back
8 in two or three weeks. If you know someone
9 who wants to let me borrow a couple thousand
10 for ten days, I'll give them a thousand ten
11 dollars back. But they don't even give you
12 the ten dollars back there.

13 The landfill has been in operation for
14 some time. Why should the taxpayers permit
15 the authority to have this amount of cash at
16 the beginning of each month. I don't
17 understand this. We, as taxpayers, could be
18 receiving interest on this and reduce the
19 county budget slightly. I hope the
20 legislators are here tonight to hear that.

21 And in addition the taxpayers would
22 like to why on June 30th, 2006, the
23 authority did not reimburse the county in the

1 amount of \$313,358. And why the authority
2 did not reimburse the amount of \$407,948 on
3 June 30th, 2007. The amount for June 30th,
4 2008 is unknown at this time, because we
5 don't have a copy of that audit. If the
6 authority received these funds at the
7 beginning of the month, why weren't they paid
8 back within the two-week period. And I
9 understand they aren't always paid back on
10 time. This total issue should be clarified
11 to the taxpayers including the amount
12 borrowed from the county since the landfill's
13 inception. I think it was about \$20 million
14 dollars then. But why should the taxpayers
15 of Franklin County withstand this monthly
16 cost. That's our cost. We should be paying
17 for it. So therefore I think the statement
18 in the DEIS is wrong.

19 I just have one other quick item I
20 noticed today, and make you aware of this. I
21 notice in the cost analysis the landfill
22 expansion for the 125,000 tons M.S.W. for
23 years for county landfills. The sheet made

1 up by your concern and I'm not a statistician
2 or mathematic person. It seems kind of funny
3 that if they go to 125,000 tons, that we've
4 been paying about \$2,500,000 debt per year
5 off. But in 2010 if they go to 125,000 tons,
6 we're going to have a lot of expenses as
7 mentioned elsewhere. Our cost or their cost
8 to pay off debt would be over \$4 million a
9 year. And it goes from \$4 million in 2011,
10 2012, 2013. Goes up from \$4 million to
11 \$574 million in 2014. That's a lot of money
12 for the county and the taxpayers to worry
13 about because we have debt in the state. We
14 have debt in the federal and we have debt in
15 the county. I think we should close the darn
16 landfill. Thank you.

17 MR. VOORHEES: Mr. Phillips you want to
18 speak?

19 MR. PHILLIPS: I do, but I yield to the
20 next speaker.

21 MR. VOORHEES: Thank you, sir. The
22 next speaker on the list is Bernard Melewski.
23 And after Mr. Melewski and is Sarah, who's

1 last name I can't read, from Quebec. Thank
2 you.

3 MR. MELEWSKI: Thank you very much.
4 I'm going to be very brief in consideration
5 of the other people speaking behind us. I
6 want to commend the conservation department
7 for saying most of what I was going to say
8 and doing a good job and providing some
9 guidance on this environmental analysis. My
10 opinion as an environmental lawyer working
11 for the Town of Westville, is that at the
12 present time the document fails to meet the
13 standards of the State Environmental Quality
14 Review Act in several ways. Most pronounced
15 in its failure to do a good job other than a
16 cursory job of reviewing the alternative
17 analysis. It does not take much
18 investigation to learn that Franklin County
19 has one of the worst recycling rates in
20 upstate counties. Many times less than
21 counties with smaller populations. It
22 doesn't take much investigation to learn that
23 the state solid waste management plant in

1 which the Franklin County solid waste
2 management plant is based makes reduction and
3 recycling the top priority for waste
4 management in New York State. So the
5 alternative analysis has to beefed up
6 considerably or when you get to the findings
7 point, but as lead agency under this law, you
8 will not be able to take a hard look at this
9 issue and you will fail the legal standard
10 for review of the project.

11 Similarly the DEC mentioned and I
12 commend them for mentioning this, the 125,000
13 ton per year level. Two years ago the
14 authority sought from the DEC a rate increase
15 as we have heard, from 43,000 to 125,000 tons
16 per year. The department expressed some
17 considerable concern about why the agency was
18 going forward with that with limited landfill
19 space and asked repeatedly whether the
20 authority had considered what the impact
21 would be on filling up your existing
22 capacity. And the authority went forward
23 with a negative declaration, in other words a

1 determination that there would be no
2 environmental impact, cumulative impact,
3 growth inducing impact, at all from this
4 decision to increase your permit. I think
5 that was a flawed decision. I think it was
6 inappropriate and illegal. Fortunately for
7 the authority and probably the conservation
8 department the statute of limitations has
9 passed on that.

10 However, this decision to, this chicken
11 and egg decision, of getting the 125,000 ton
12 per year permit in advance of any proposals,
13 creates the dilemma that the conservation
14 department has mentioned and taints your
15 analysis throughout this document. You
16 simply have to look at alternatives other
17 than taking 125,000 tons per year. Thank
18 you.

19 MR. VOORHEES: The next speaker is
20 Sara, who will spell her last name for the
21 stenographer.

22 MS. EVETT: E. V. E. T. T.

23 MR. VOORHEES: And following Sara will

1 be Joann Rotell is next after Sara.

2 MS.EVETT: First of all, I would like
3 to thank the DEC for pointing out the few
4 things that they pointed out. And that I
5 would ask that those items that the DEC
6 referred to be addressed in such a way that
7 we all have the response from this
8 organization that's requesting to enlarge the
9 landfill. And also I would also like to
10 request that there would be transparency for
11 both sides of the border in terms of this or
12 any other project such as this, that has
13 anything to do with our water resources
14 because they are not to be taken for granted.
15 And I have spoken with Mr. Lamonte (phonetic
16 spelling), the chief hydrogeologist of Quebec
17 and he has told me that there is really no
18 way that we can really understand
19 groundwater. Where it is and how it, who we
20 infiltrate it, how it infiltrates us to a
21 certain point. And with that in mind, and
22 the fact that Quebec already has had one
23 project in the Town of Mercea (phonetic

1 spelling), where they said it was fine to put
2 a dump or burn these things or whatever, and
3 it ended up being a huge environmental
4 disaster. They misplaced thousands of people
5 and had to reassess their own thinking on
6 that project such as that. I can't stress
7 how important it is that there is
8 transparency. And when this project says
9 that they're going to have a review annually
10 or four times a year, what does that mean?
11 What's a review? Who's looking at it? Who's
12 checking it? Who's doing the testing? Is it
13 their tester or are they independent testers?
14 And I would, I would request also that the
15 independent testers on any project that has
16 to do with anything environmental, would be
17 to the advantage of the population of the
18 earth in general, because once a corporation
19 gets involved of course they're going to have
20 their other interest at stake. So the whole
21 process of how to address any kind of
22 environmental management project such as this
23 in the future, requires a lot deeper thinking

1 than what I gathered from what has been said
2 tonight. And I would certainly hope that we
3 take this a lot more seriously than something
4 that requires the DEC to do the kind of
5 presentation that they did tonight. That
6 scares the living day light out of me.

7 MR. VOORHEES: The next speaker is
8 Joann Rotell.

9 MS. ROTELL: She said exactly what I
10 was going to say. Same exact concerns.

11 MR. VOORHEES: Then the next speaker
12 would be Claude from Ormstown. Could you
13 spell your last name?

14 MS. DEBELLEFEUILLE: D-E-B-E-L-L-E-F-E-
15 U-I-L-L-E. Debellefeuille. Good evening.
16 I'm Claude Debellefeuille. I am the member
17 of Canadian Parliament, representing the
18 riding of Beauharnois Salaberry just across
19 the border. I'm very proud to be here
20 tonight with sixty citizens the riding to say
21 no to the proposed County of Franklin Solid
22 Waste Management Authority Landfill Expansion
23 in Westville.

1 All around the world, many countries
2 are searching for solutions to reduce their
3 waste through recycling, reduction,
4 reclamation and management for residual
5 materials for sustainable development. Those
6 countries and many other are investing a lot
7 of money for the good of our planet. I hope
8 you United States could be one of them.

9 Tonight I hope you will a change your
10 decision because I truly believe that if the
11 project of the expanding the landfill in
12 Westville goes on, it is like mortgaging,
13 with great interest, the health and the
14 future of Quebecers.

15 And I have many concerns and many
16 questions, but for tonight, I would like to
17 ask you to these questions: The main reason
18 for the opposition is that, given the
19 topography, any incident at the landfill site
20 would put residents of Quebec and especially
21 those of the Haut-Saint-Laurent, at risk.
22 Such a major expansion of a landfill site on
23 the "administrative" border of our two

1 countries requires consultation not only with
2 the American citizen but also with their
3 next-door neighbors. We are right to be
4 concerned, because we have never been able to
5 get answers to questions like "In the event
6 of an incident, who would be accountable for
7 cleaning up the ground and surface water?

8 What financial compensation would there
9 be for owners of agricultural land that is
10 among the best in Quebec, and for neighboring
11 residents and municipalities?

12 Has there ever been any consideration
13 of the landfill site's potential impact on
14 public health and on the availability of
15 drinking of water?

16 In the event of an incident, what
17 arrangements have been made for cleaning up
18 ground and surface water?

19 What compensation would be paid if the
20 owners of some of the Quebec's most fertile
21 farmland plus ordinary citizens and
22 municipalities, were adversely affected by
23 the landfill site?

1 Has risk assessment been done of the
2 possible repercussions on the drinking water
3 supply and on public health in this region of
4 Quebec? Has a memorandum of understanding
5 been established between the governments of
6 Quebec and State of New York to cover any
7 incident? Thank you.

8 MR. VOORHEES: The next speaker is
9 Daniel Green and after Daniel is Holly
10 Russell. So Daniel first and then Holly.

11 MR. GREEN: My name is Daniel Green. I
12 was asked by citizens to investigate the
13 existing landfill site. I work for Sierra
14 Club of Canada and Societe Pour Vaincre La
15 Pollution.

16 Just to let you know the first thing
17 that I decided to do was I decided to look at
18 the existing facility and to see its
19 compliance and how it's operating. What I
20 usually do when I'm asked by citizens to
21 investigate a site, go see the sites and
22 sample the drainage of the site. And this is
23 what I've done at the existing landfill site.

1 In July of this year I come with my
2 interns. I did a series of sampling at the
3 southern drainage of the Westville landfill
4 site. I have the results with me with this
5 evening and I will be leaving you some
6 copies, also be giving the DEC some copies of
7 my sampling results.

8 Now this -- I just want to make
9 everybody understand here, this is
10 preliminary results and these are based on, I
11 could say best professional judgment about
12 the drainage of the site. And we sampled a
13 panel of chemicals usually associated with
14 leachate from the site.

15 Now, I'm not saying that our sampling
16 results indicate that the current landfill is
17 polluting the environment. All I'm saying is
18 that the preliminary results seem to indicate
19 a grading in pollution. The closer I sample,
20 the highest the pollution. The further I
21 sample, the lowest pollution. Is this
22 pollution coming from the landfill site? I
23 don't know. Is it not coming from the

1 landfill site? I don't know either. But I
2 do have concerns.

3 I'll be asking the DEC to investigate
4 my findings. I'll be asking the county to
5 investigate my findings.

6 Surely the operator of the site should
7 also look at my data. It will be very
8 important at this juncture of permitting of
9 the expansion of the site to clear the air on
10 the current operations of the landfill site.
11 If I am wrong, and I hope I am wrong. I hope
12 that my findings can be explained another
13 way. I hope that my findings show that the
14 current landfill site is not polluting the
15 environment. But if I'm right, and if my
16 data can raise red flags, then I believe in
17 my personal opinion before any expansion is
18 authorized, that a full audit of the existing
19 operation of the landfill site be done. It
20 be should for the citizens of the county. It
21 should be done for the citizens of the state.
22 And certainly because the flow enters
23 Canadian waters, it should be done for the

1 piece of mind of Canadians, and Quebecers
2 along the border.

3 In addition, and I haven't had the time
4 to look at this, hopefully documentation
5 provided by the operator of the site and by
6 the state will give me information on the
7 type of the physical parameters of leachate
8 now being generated from the site. My
9 understanding is that the leachate is trucked
10 to the Malone sewage treatment plant and is
11 treated. We will also be looking at
12 discharges from the Malone sewage treatment
13 plant as it relates to the chemicals it
14 receives and treatment. And how the
15 expansion of the proposed site and the
16 pressure it might cause on the Malone sewage
17 treatment facility.

18 Again, the water and the discharge of
19 the Malone treatment plant flows ultimately
20 in Canadian waters. And will be important
21 and I really hope that the county and the
22 people writing the EIS will be looking at the
23 impacts of the treatment of the leachate with

1 the expansion and the impact of that
2 treatment on the discharge at the Malone
3 sewage treatment plant.

4 What we would like to do now and this
5 is what we're asking, both the county
6 authority and the New York DEC, to clear the
7 air, we would like to have access all
8 information dealing with the current
9 operation of the site. We would like to have
10 access to all the monitors, all surface water
11 monitors. We would like to have access to
12 the data on the physical qualities of the
13 current leachate being produced. The
14 quantity of leachate being proposed. Also we
15 would like to have data, maybe the DEC can
16 provide this to us, the current discharge of
17 the Malone sewage treatment plant that is
18 receiving water.

19 Once we have all this information it
20 would be easier for me to gauge if the
21 current expansion should be permitted, by
22 looking at the current operations of the
23 site.

1 Very clearly, and this is no secret, if
2 we do demonstrate that the current operation
3 of the site do not meet the highest
4 environmental standards as they laid out in
5 the permit and operating procedure, then it
6 would be very difficult for me to even
7 contemplate expansion of existing solid waste
8 facility when the environment today might be
9 harmed by it. Thank you very much.

10 MR. VOORHEES: Holly is next to speak
11 and then following Holly would be Norm, I
12 believe it's.

13 MS. DRESSEL: I'm on the board of the
14 Sierra Club Canada and I'm also an author and
15 I write on health issues as well as
16 environment issues. And I just want to say,
17 I want to make sure that everyone knows that
18 Daniel Green is one of the best toxicologists
19 on the eastern seaboard. He has done a great
20 deal of work for a great number of people and
21 has been able to take that work to court
22 because he does extremely careful science.

23 Now, he has found, he tells me, I don't

1 understand it as well as he does, but he has
2 found evidence of more pollution closer to
3 your landfill. Now we are told to have
4 confidence in an expansion because of all
5 these layers and clay bits and glacial till
6 bits. But it is already leaching substances.
7 And the other thing I would say, even if it
8 isn't, if it's perfect, if somehow for the
9 first time in the history of humanity, you
10 have figure out how to, at least for a while,
11 enclose these dangerous substances, which by
12 the way cause cancer and birth defects and
13 really, really terrible things for the people
14 who live anywhere near them. I spend a lot
15 of my life working with communities near
16 waste dumps and it is a hideous tragedy for
17 them to be there. So let's pretend that what
18 you're telling us is true and we can just
19 relax. And that even though there's all the
20 birds flying over all the rats on the top,
21 that somehow it's not getting into the water
22 on the bottom. Now, the life of the dump is
23 about, what? 20 years we're told. Maybe

1 even a little more. And then what happens to
2 the landfill is that it's closed. And who
3 takes responsibility for a closed landfill?
4 The local taxpayers, that's who.

5 And how long will you have to be
6 testing this and mitigating it and trying to
7 contain toxic material? Well, probably to
8 the end of time. At any rate, for several
9 hundred years. These small village
10 agricultural communities, this is what you're
11 expecting them to do. This is what you're
12 asking. And on top of this, there is the
13 rather shall we say, unmannerly act of
14 locating it on a border where the drainage
15 goes into another country. I would just say
16 that, you know, this is, whoever is
17 responsible for giving the permits, I hope
18 you're here tonight. I hope you're listening
19 to every single person who has spoken so far.
20 We cannot get rid of these compounds. One of
21 the reasons we have to redesign solid waste,
22 and why they already have in many parts of
23 the world, in Europe and in places like

1 Edmonton and Halifax, because you can't get
2 rid of these compounds by just dumping them
3 on the ground. You have to control them at
4 the source. You have to get them back into
5 the industrial stream or have you to stop
6 using them. This is an anti-diluvian method
7 of dealing with solid waste that we're
8 talking about here. And it's coming in here
9 because it is a small area with not a lot of
10 people that can resist it, but I think maybe
11 people are finding tonight there are quite a
12 lot of people that can resist it.

13 MR. VOORHEES: The next speaker is Norm
14 and after Norm, and I apologize for the
15 pronunciation. Guillaume Perron-Piche.

16 MR. RENNIE: My name is Norm Rennie.
17 R-E-N-N-I-E. And I live in Dundee, Quebec.
18 The technical and material aspects of your
19 project are not the only aspects that need to
20 be considered. The province of Quebec and
21 the United States of America are neighbors
22 and so there is a social, moral, spiritual
23 aspect that must not be ignored.

1 There is an ancient law which is still
2 on the books about how neighbors should
3 regard their neighbor. This law is shared by
4 every culture and belief system on the globe.
5 The history of man is loaded with disastrous
6 results of ignoring this law. Decisions must
7 not be made as if this law did not exist,
8 anymore than you would proceed with your
9 project as if the physical laws of gravity
10 did not exist. Maybe the wise decision and
11 dispose of your waste where it will not
12 offend your neighbor.

13 MR. VOORHEES: Guillaume is the next
14 speaker and following Guillaume will be
15 Warren Gaggin.

16 MR. PERRON-PICHE: Thank you very much.
17 My name is Guillaume Perron-Piche. I come
18 from Valleyfield so north of the border. So
19 as I said I'm Guillaume from Valleyfield. I
20 came with a lot of people tonight. You might
21 see their placards around the room over here.
22 We are a coalition that is opposing the
23 landfill expansion as it was previously said

1 by a member of the Parliament Debellefeuille.

2 Why the landfill expansion?

3 Considering that the President elected
4 yesterday as well as his opponent spoke
5 clearly in favor of carbon cap and trade.

6 Considering that the prices of commodities
7 and therefore recyclable materials are
8 soring, considering that the energy prices
9 are skyrocketing and that the energy supplies
10 are everyday lowered, the odds are that the
11 proposed landfill won't be profitable for
12 long. Is there any assessment how many jobs
13 would be created by significantly increasing
14 recycling rates and implementing an
15 innovative, safer waste disposal method.

16 This landfill is likely to be a financial
17 burden for the citizens of Franklin County,
18 while moving early to better waste management
19 policies would better protect the environment
20 and could become a significant source of
21 wealth and expertise.

22 Let me give you a few examples. For
23 instance in Germany, more than 65 percent of

1 the waste generated is recycled and zero
2 percent is landfill. What are the
3 fundamental differences between Germany and
4 the United States that forced the Franklin
5 County to landfill 88 percent of its waste
6 and recycle only 12 percent. Should these
7 differences be identified? Why would there
8 not be a review of possible manners to
9 overcome them rapidly. The 30 percent by
10 2020 recycling target is not a very ambitious
11 target.

12 For example a study of Baltimore,
13 Washington, D.C., and Richmond, found that
14 every 100,000 tons of waste collected and
15 sorted will create 79 jobs when it is
16 recycled, and processing this amount will
17 require another 162 jobs. These 241 jobs
18 were tens time as high as other disposal
19 alternatives, re landfill. Other smaller
20 examples showed that landfilling 10,000 tons
21 of waste creates 6 jobs. Recycling 10,000
22 tons of waste creates 36 jobs.

23 Has an economic assessment of jobs

1 creation by this landfill expansion showed
2 that it would surpass the jobs creation that
3 better waste management policies would give?
4 And does the expertise gained through this
5 expansion outweigh the expertise that could
6 be developed and exported out of the county
7 by the implementation of better waste
8 management policies?

9 As you can see recycling can really
10 change the face of waste management in the
11 county. Let's go to another example. Once
12 you recycle the largest amount you can, you
13 still have some residual waste to handle.
14 There is one example just north of the border
15 in Valleyfield. In Valleyfield a waste to
16 energy plant using a plasma torch was
17 recently built to treat four tons of waste
18 per hour. This provides a 96 ton per day
19 operational capability that is not cost
20 prohibited. This is very pretty different to
21 what we have seen in the draft environmental
22 document. The plant is self-sufficient in
23 energy and can have a net output in the case

1 of process heat. The bottom ashes are
2 recovered as construction material and the
3 fly ash is only a little percentage of the
4 treated waste.

5 Now this is a whole different approach
6 to the waste management that we have seen
7 that was proposed for the county. By
8 significantly increasing recycling rates and
9 implementing, for instance, a small waste
10 energy plant in the county, there will be
11 little or no need for the landfill expansion.
12 It would reduce drastically the greenhouse
13 gas emissions associated with landfilling and
14 with the soaring energy crisis, the gate fee
15 of waste to energy would become increasingly
16 more competitive than landfilling. Plus the
17 neighboring counties would find an interest
18 in using the existing waste to energy plot
19 when carbon cap and trade will enter into
20 force.

21 The examples I've been giving here are
22 only a small amount of what could be done for
23 the county. There are examples that work

1 very well in many countries regarding the
2 composting of waste, regarding the source
3 reduction of waste, regarding the reuse of
4 waste, better recycling policies and energy
5 recovering from the waste. You do not need a
6 landfill in this county.

7 MR. VOORHEES: Next we have a statement
8 that I believe will be read from that Warren
9 Gaggin wrote following that will be Ann
10 Brady.

11 MR. LAUZON: (Reading Warren Gaggin's
12 statement) On Page 25 of the document it
13 states in the last paragraph, the authority
14 also updated its household waste guide. It
15 held household waste collection day at the
16 landfill in June of 2004. Approximately 13
17 tons of household waste was collected from
18 128 people who participated. We suggest
19 there are two potential omissions. One,
20 another household waste collection was made
21 in 2007 in Lake Clear. Lake Clear is a 50
22 mile drove from Malone. Not included was a
23 household waste collection required as part

1 of a DEC penalty for the apparent
2 contamination of parts of the landfill area
3 caused by mixing of sludge with sand and
4 storing it on the ground. On further note,
5 the authority was uncooperative in releasing
6 of the information as to the circumstances of
7 this contamination and who participated in
8 allowing this to occur.

9 It is the responsibility of the
10 authority to educate the public as to the
11 proper disposal of contaminating materials.
12 There is little evidence of this going on.
13 Transparent process for meeting this
14 responsibility. Finally, and most
15 importantly, the question of quality
16 assurances be made and need to be addressed.
17 How often and by what method will the DEC
18 monitor and enforce household waste safety
19 laws and regulations? Are there supervised
20 fail-safe inspection measures that will be
21 regulated, carried out and reported to the
22 public? Thank you.

23 MR. VOORHEES: Ann Brady is the next

1 speaker and following Ann will be Vince --
2 it's either Carter or Cartier.

3 MS. BRADY: Hi Mary Beth. Ann Brady
4 from Westville. The environmental impact
5 statement discussed the acquisition of
6 properties necessary for the expansion of
7 this landfill. However, lacking in the
8 document is any detailed information about
9 any of the process or processes that have
10 previously begun or are in progress, either
11 verbally or in writing, with the owners of
12 the property to be acquired. Do you propose
13 to purchase or have you already purchased
14 this property? What is the financial impact
15 on the authority that eventually affects the
16 taxpayers of Franklin County?

17 As mentioned before, this is really
18 taxpayers' money. As the taxpayers pay
19 indirectly through fee, loss of property
20 values, decrease in tax base et cetera for
21 this landfill.

22 At this time we are formally
23 petitioning the County of Franklin Solid

1 Waste Management Authority Board of Directors
2 which represent the people of this county, to
3 meet with all the interested parties and
4 provide any and all information related to
5 purchases, leases, rent, et cetera, that are
6 in any way related to the expansion of the
7 landfill on properties not owned by the
8 authority prior to 2006.

9 We feel that this is essential as the
10 taxpayers will be paying the bill one way or
11 another for the cost of the landfill
12 expansion.

13 On a personal note, when is it
14 appropriate for a 16-year-old girl to
15 apologize for the odor that is coming from
16 her home? Thank you.

17 MR. VOORHEES: Next speaker is Vince
18 Cartier and after Vince will be Michael
19 Armstrong.

20 MR. CARTIER: My name is Vince Cartier.
21 I reside in Westville. At the previous
22 public hearing the taxpayers involvement was
23 discussed. It was the contention of the

1 parties representing the landfill that the
2 taxpayers are not paying for the landfill.
3 Where does this revenue come from? The
4 people of Westville and Constable interpret
5 this in a different manner. In reality the
6 authority is from the county and receives its
7 approval from the county and some direct
8 finances from the taxpayers of Franklin
9 County. In addition, the people in this
10 county contribute indirectly to a majority of
11 the revenue for the operation of the
12 landfill. As taxpayers we pay for the
13 garbage and send it the landfill, so we are
14 involved. Should there ever been a rebellion
15 by the taxpayers for unfairness in this
16 county because the present variable rates
17 paid by some, there is no question that
18 generally the people could decrease the
19 amount going to the landfill by easily 50
20 percent and still comply with the county flow
21 control regulations. In addition it is
22 impossible -- it is possible in the future
23 that the taxpayers of this county are not

1 treated fairly, a new legislative body could
2 repeal the present regulation requiring all
3 of our solid waste to be taken to the county
4 landfill. Could it happen? Just get the
5 taxpayer upset enough and it could happen.
6 This is why we refer to the taxpayers in the
7 county as the true responsible people for the
8 revenue of the landfill.

9 In summary, we believe that this
10 document presented to the residents of this
11 county and the regulatory agency, we never
12 intended to be a document -- it was never
13 intended to be a document that the average
14 resident and taxpayer would understand. In
15 our opinion it is a document that fulfills
16 the bureaucratic justification for continuing
17 the extension of the landfill by the
18 authority without any consideration of the
19 citizens, the taxpayers of Franklin County.
20 Many items skirt this issue in a very
21 pleasant way. In addition there is no way
22 that the average citizen can be expected to
23 understand some of the complexities that are

1 required in the landfill document. The reply
2 to some of the items that were raised at the
3 June meeting on the scoping document were
4 washed away as irrelevant to the issues. We
5 are well aware that your role is to present a
6 glowing picture of how this landfill had
7 operated in the past and how its potential
8 great role is in the future. You forget that
9 some of our citizens are aware of some of the
10 mismanagement appearances at the landfill and
11 have no confidence in its management. We
12 certainly do not have confidence in some of
13 the board members who we feel have a definite
14 conflict of interest.

15 It is our opinion that the taxpayers of
16 Franklin County would be better off not
17 having a landfill and begin transporting the
18 solid waste out of the county, it would be
19 cheaper in the long run. And that way our
20 children and grandchildren will not be
21 burdened with a future debt to pay in
22 addition to the huge debts of the state and
23 federal governments.

1 MR. VOORHEES: The next speaker is
2 Michael Armstrong and after him would be
3 Ronald something.

4 MR. ARMSTRONG: In the final scoping
5 documents at, that pages 1 through 37 on page
6 23, 6.2, comment. Multiple comments were
7 made regarding the absence of a host
8 community agreement between the Solid Waste
9 Management Authority and the towns of
10 Westville and Constable. Response. New York
11 State does not currently mandate host
12 compensation for the process of siting
13 expansion or transferring ownership of a
14 landfill within a community jurisdiction, et
15 cetera. Last sentence, discussions on the
16 topic are best served if they occur directly
17 between the authority and the two towns.

18 Interesting that all communities with
19 sanitary landfills we spoke with do have a
20 satisfactory host agreement between the
21 parties. The landfill becomes a real loss as
22 properties in the immediate area decline in
23 value. Homes located near landfills are more

1 difficult to sell because potential buyers
2 fear the prospect of odors, possible
3 contaminations, et cetera.

4 In addition there is a loss of tax
5 revenue from land that is now considered
6 nonprofit and taken of the tax role.

7 We the residents of Westville, feel
8 that definitely a moral and ethical
9 responsibility of the authority board who is
10 supposed to represent the taxpayers to
11 provide equitable and satisfactory host
12 agreement with they effected communities.
13 The most honorable and best solution is to
14 have the town supervisor in those towns where
15 the landfill is located, meet and establish a
16 host agreement between the parties. This
17 should include adequate compensation for the
18 undesirable consequences of the landfill
19 location.

20 MR. VOORHEES: The next speaker is
21 Ronald Critchley. And following him would be
22 Mathieu Ferland.

23 MR. CRITCHLEY: I'm Ron Critchley. I'm

1 the councilor from the Town of Huntingdon
2 with a mandate to talk to you this evening
3 and represent the Town and it's efforts to
4 understand the expansion of the landfill
5 site.

6 I just want to point out that the town
7 of Huntingdon considers this an important
8 issue. So important that they sent me
9 tonight along with the manager of our water
10 filtration plant, and that's you Mathieu
11 Ferland and to his right the manager of our
12 waste water facility, Robert Hart. And of
13 course a concerned citizen accompanied us,
14 Leon Rabideau. And I thank them for coming
15 out tonight.

16 Basically it boils down to three things
17 as far as we're concerned in Huntingdon. The
18 question of necessity, risk, and correction.
19 As for necessity, we were astonished when we
20 realized that the size -- the proposed size
21 of the dump will be roughly equivalent to the
22 size of the Town of Huntingdon. We are also
23 kind of awe struck by the notion that there

1 would be expansion at a time when recycling
2 is at the very heart of our town's policies.

3 This is at a time when we became one of
4 the first towns in Canada to ban of use the
5 plastic bags. After a minimal disruption
6 it's now normal to carry a cotton bag into a
7 store and come out with your strawberries or
8 your asparagus or something. We depend on
9 the Chateaugay River. The Chateaugay River
10 gives me a shower in the morning. The
11 Chateaugay River gives me spaghetti at six
12 o'clock at night. Water is at the heart and
13 sole of our existence as you all know. The
14 problem is we see risks coming and we don't
15 understand the dimension of the risks. We're
16 scared. We're scared enough to tell our
17 firemen be careful if you go to Westville, be
18 careful if you go to the dump because you
19 might not have the apparatus to deal with
20 hazardous waste. And we told them in a sense
21 not to go.

22 What further troubles us is that the
23 question of correction. What happens if

1 there's a disaster? What happens if there's
2 a problem? How do you correct it? When do
3 you correct it? And what really troubles us
4 is nobody seems to be asking for more test
5 wells on our side of the border or close to
6 the border so that we can monitor this
7 effectively. And if I can encourage you to
8 do anything tonight, it's establish
9 monitoring facilities as fast as you can.

10 Thank you.

11 MR. VOOHEES: Next speaker is Mathieu
12 Ferland. Following him will be Robert Hart.

13 MR. FERLAND: Okay. Hello, to
14 everyone. I'm Mathieu Ferland and I'm the
15 water filtration plant manager of Town of
16 Huntingdon. You will thus understand that my
17 questioning concerns the quality of water.
18 Moreover, you have environmental impact study
19 prove a risk of danger as is evaluation on
20 the deterioration of the quality of water.
21 Here thus, some questions concerning about
22 this subject.

23 Number one, I believe to understand

1 that your leachate is sent to the Malone
2 wastewater treatment plant. So can we have a
3 copy of the recess results of the analysis of
4 the affluent and the effluent of this station
5 of treatment? Moreover, we would like to
6 note that it is the maximum loading of design
7 of the treatment plant of used water. Its
8 current load and the load which you envision
9 to add to if following the finalization of
10 the enlarging of the landfill site.

11 Number two. That brings us to my
12 second question, which is the degree of
13 contamination of the leachate at present. We
14 would like to have the analysis in laboratory
15 and if possible, of the accredited
16 laboratory.

17 Number three. We would like you to
18 make public the results of your sampling on
19 the tributary of the Trout River as well as
20 Briggs Creek. We want once again, all the
21 parameters analyzed in laboratory.

22 Number four. Do you have, in a radius
23 of two miles to the site of hiding some

1 analysis of the groundwater, and which are
2 the results?

3 Please receive my thanks for this
4 public consultation, which is extremely
5 interesting. We would be more grateful if
6 you could offer to us written answers to our
7 various questions. Good evening.

8 MR. VOOHEES: The next speaker is
9 Robert Hart and following him is somebody
10 whose signature I can't make out. Looks like
11 they live at 3648 State Route 34 in
12 Constable. That would be you, ma'am. You're
13 after Robert.

14 MR. HART: Good evening. My name is
15 Robert Hart. I was 23 years of manager of
16 water filtration plant of Huntingdon and 13
17 years of the sewage system. What I'm
18 wondering about this is all the water that is
19 taking in the town of Huntingdon and their
20 well water comes from the Trout River. So
21 that make us dealing what is the possibility
22 of contamination coming down to our plant.
23 Second thing too, in August I was in a

1 meeting at the town hall in Huntingdon. They
2 were talking about the spreading of sludge on
3 the special property of a person to have
4 experience. I know that in Huntingdon and
5 not, if we take some sludge, us, before we
6 could do anything with it, we have to test
7 it. Test it for heavy metal, mercury, lead,
8 how many P.P.M. there is and they have two
9 other tests we have to do is dioxin and
10 fluran (phonetic spelling). So those things
11 are very cancerous. So if we have to test
12 those, that means that there's a possibility
13 that in the sludge there is those particles.
14 And if they put sludge on the property
15 without testing, I think even if you're an
16 engineer, you're not looking at it not very
17 good. The other thing too, I work to try to
18 go do in the pumping station to, to be sure
19 that we don't send the raw sewage to the
20 Chateaugay River. And I think I'm privileged
21 to have this job that every time I go to bed
22 at night time that when I said I did
23 something to save the Chateaugay River for

1 the next generation. Thank you.

2 MR. VOORHEES: After this next
3 gentleman, the next speakers is Dave
4 Vangolick.

5 MR. GLENN: My name is Charles Glenn
6 G-L-E-N-N. I live in Westville. I'm not for
7 the landfill. I agree with everyone that's
8 talked here tonight. I want to borne out a
9 few facts about the landfill. The engineers
10 should be well aware of the fact and in
11 Buffalo, New York, they had a landfill there
12 and after 70 or 90 years, apartment building
13 were built on top of the landfill. No one
14 knew about it when the apartment building
15 were built. People moved in and they became
16 sick. You go back and check the news you'll
17 find it in the news.

18 To me, I don't feel as though -- we
19 have to do something with our garbage.
20 That's a must. But I don't think the
21 landfill is the way to go. I believe if the
22 county, through the engineers, would build an
23 incinerator that they could take in all the

1 garbage from the surrounding counties, be
2 profitable. Don't let private concerns run
3 it. Let the county run it. They can
4 generate electricity by burning the garbage.
5 They can sell the residue to the public, but
6 which is safe. If we can -- if the county
7 and engineers and the legislators would go
8 that route or look into it, we wouldn't have
9 a Love Canal like they had in Buffalo. Thank
10 you.

11 MR. VOORHEES: The next speak is Dave
12 Vangolick (phonetic spelling) next following
13 him is Jack Fleury.

14 MR. VANGOLICK: We have a farm located
15 one road over from the landfill it's called
16 County Route 40 the road we are on. Over the
17 years I have made over fifty phone calls
18 reporting the odor and never got a response.
19 Agents spoke of coming to our farm and
20 putting monitors on our property to help
21 monitor the air quality. I called as far as
22 Warrensburg, even Albany. The odor seem to
23 creep into the home even though windows are

1 shut. It wakes you up from a sound sleep
2 causing severe headache and nausea at the
3 least. It happens mostly on holidays and
4 weekends. Evidently the personnel is not
5 there to maintain it properly.

6 The people that used to come and visit
7 us. They don't come anymore. The visits are
8 cut very short and usually the statements
9 they make are and I quote "What the hell is
10 that stink?" So we can tell that the odor is
11 not very pleasant.

12 We also had talked to other neighbors
13 and friends in the area, they talked about,
14 is there a possibility that raw sewage is
15 also spread on the landfill? And trucks that
16 come in through the open gate at the night
17 time -- that doesn't sound too kosher to me,
18 I don't know why? Maybe it should be
19 investigated.

20 Anyway my wife is home suffering with a
21 lung disease permanently directly or
22 indirectly from the landfill, don't know.
23 But it could very well be from the toxic

1 gases. I would say it's not run correctly as
2 it stands now. Don't expand it. Maybe you
3 should investigate it. Thank you.

4 MR. VOORHEES: The next speakers is
5 Jack Fleury and following him would be Leslie
6 Ann Hine.

7 MR. FLEURY: I'm Jack Fleury. I'm a
8 resident of Westville. I'd like to thank our
9 Canadian neighbors for coming down tonight,
10 for putting out such an effort, bringing down
11 such good speakers. They brought out a lot
12 of interesting facts. I must apologize to
13 them. I'm because I am a native of Westville
14 and we are forcing this down your throats.
15 I'm sorry, but our hands are tied. We're
16 just neighbors. We are not doing it. I do
17 apologize.

18 The landfill over the years is claimed
19 about recycling. I had several family
20 members that own and manage and work at a
21 large management company that manages
22 landfills, compost plants. They understand
23 how to operate and how to run a good

1 facility. And in talking with them, they
2 said that they made money from recycling when
3 they are managing these plants.

4 From what I've talked to a couple of
5 members of the solid waste they said we can't
6 make any money. We can't do it. We have to
7 put it into a landfill, raise our tonnage,
8 expand the landfill. We got to buy more
9 land, spend \$2 million and hire engineering
10 companies like this here to develop more.

11 They love it, because we have to build
12 more cells. But we could get by -- even if
13 we have to have a landfill -- we have waste.
14 We could get by with probably 40 percent of
15 what we're putting in there now. We wouldn't
16 have to bring waste from out of town if they
17 would hire a good management company to come
18 in and management for them.

19 They said where they have contracts
20 now. They have host community contracts.
21 They run a good landfill and they said they
22 can do it and make money.

23 If they can make money doing it, why

1 not hire them to do something like this or
2 hire a company like them. I'm not saying
3 hire my relatives. Just hire a company. Put
4 it out to bid. See what can be done instead
5 of having to buy \$2 million worth of land
6 that not necessary, taking it off the tax
7 roll. This is terrible.

8 We're trying to get through an economic
9 crisis and we're out buying \$2 million of
10 land for no reason at all. Why not buy 10
11 acres or 20 acres of adjacent land. Let it
12 last for the next 30 years but recycle and
13 build it the way it's supposed to be done.
14 That's all I have to say.

15 MR. VOORHEES: The next on the list is
16 Leslie Ann Hine. Following her is Lizzette
17 Gilbert (phonetic spelling).

18 MS. HINE: H-I-N-E. My name is Leslie
19 Ann Hine and I'm a neighbor from across the
20 border, Alviston (phonetic spelling), Quebec.
21 Listening to the opening presentation about
22 all the layers and I quote that "great track
23 record" that you claim to have in New York

1 State for your liner system and then it seem
2 to be -- I understand in the presentation
3 that it was 14 years you're basing that on,
4 doesn't make me feel very secure for a dump
5 that's going to be open for -- I'm not
6 actually -- I've heard a few different
7 things. Ninety-eight years and 94 and
8 someone else made reference to 30, but either
9 way, even when it is closed it's going to be
10 sitting there for a long time. I also know
11 that plastics leach their own toxin that
12 aren't good for help and are very
13 carcinogenic and we don't need those. And
14 you're proposing to lay through acres, 200
15 acres, of plastic, doesn't make me feel very
16 safe either, so my question is about the
17 track record of how long you are basing these
18 standards that you are proposing here.

19 The second question I have has to do
20 with trucking the leachate of the sludge
21 that's going to be coming out of here. I
22 would like to know exactly when you get that
23 sludge the number of toxins, chemicals that

1 are in there. The names of what comes out of
2 there and exactly how they are handled and
3 treated because I know they are not able to
4 be removed from -- regular water treatment
5 plants do not treat this. So is there a
6 special facility that these go to manage
7 this? Because I haven't heard any in-depth
8 talk about that. So if you could clarify
9 that, please.

10 MR. VOORHEES: I think the next two
11 speakers may have said they don't want to
12 speak but let me verify that. Lizette
13 Gilbert (phonetic spelling). You said you
14 don't want to speak and then James Quinn
15 you're also declining? That's fine. Then we
16 have Iliana Hristova. Following her next on
17 the list is Gerry Leroux.

18 MS. HRISTOVA: Thank you. Hristova
19 H-R-I-S-T-O-V-A. Iliana I-L-I-A-N-A. I come
20 from Valleyfield. I'm solid waste manager
21 for the region across the border. This is
22 the region of that is described here
23 Haut-Saint-Laurent H-A-U-T Saint Laurent.

1 Thank you.

2 I'm very concerned about this project
3 because in New York State there is no -- any
4 law which puts in for the citizen to manage
5 safety of their hazardous waste. I mean old
6 paint, used oil and all these commodities we
7 have in our houses which are toxic. The
8 participation in the safe collection is
9 voluntarily. There is no inspection of it
10 into the domestic garbage so could it contain
11 paints and all this stuff I mentioned already
12 which is dangerous and which is in the
13 landfill. Even with the membrane the danger
14 sinks into the ground and this jeopardizes
15 our underground water and there is no action
16 against disaster. How do you mean to prevent
17 this? You need something to prevent this and
18 I think also that all these fundamental, the
19 grading, are rather to be put to increase the
20 recycling rate, the hazardous waste and
21 recyclable which are at this point are below
22 20 percent. I hope you take it from
23 Department of Environmental Conservation of

1 the state. So that's all I have to say.

2 Thank you.

3 MR. VOORHEES: Next on the list after
4 Gerry Leroux will be Terry Moss. Will Terry
5 speak? Do you want to speak? No?

6 UNIDENTIFIED SPEAKER: No.

7 MR. VOORHEES: Then after Gerry will be
8 Serge Bourdon.

9 Mr. Leroux: Hi, I'm Gerry Leroux. I
10 live on the Ridge Road in Godmanchester. It
11 about five mile of south -- north of the
12 border. I'm also a council member of -- on
13 the council of Godmanchester. My concerns
14 are as a citizen. We talked about recycling.
15 We talked about composting tonight, but
16 again, at the end of the day we're still
17 going to need landfill. So okay, we need a
18 landfill site. Is the choice of Westville
19 being 1.5 miles from the border and being
20 uphill from the border is a very poor site in
21 my estimation. There is a risk of
22 contamination. We talked about the river.
23 The risk of contamination of the underground

1 water aquifer is real. It could happen. And
2 it's a concern to myself and to other
3 citizens that live near the border. It's
4 also a problem if it does occur it can't be
5 fixed. There's no way to clean up an
6 underground water aquifer.

7 So I have a few comments on the
8 document that I read. The first one is about
9 the liner. We have talked a lot about the
10 liner. The weak point of any liner system is
11 the joint, because the liner is not one
12 piece. So it's either glued or welded and if
13 it's not properly tested it could leak. And
14 that is a real concern. And no where in the
15 document have I seen any procedure or even
16 assurances that it would be tested; that the
17 basin would be tested to make sure that it is
18 leak proof.

19 The landfill site, has a permit for
20 125,000 tons a year of municipal solid waste.
21 The last 14 years the average has been about
22 43,000 ton a year. So why do we need 125,000
23 ton a year. It seems to me it's like

1 overkill.

2 If you are generating and putting into
3 the site 45,000 ton a year, you don't need
4 125,000 tons. We've talked about 94 years
5 life for the dump. Again, that's overkill.
6 I mean none of us are going to be here in 94
7 years, that's for sure. So if the permit is
8 for solid municipal waste why is there
9 asbestos or why has asbestos been stored in
10 the existing site? Why has cleanings from
11 lake bottoms been accepted? I guess my
12 question is that's fine to put the stuff in
13 there, but do we have any analysis for this
14 stuff. Do we know what it is? Do we know
15 what's in it. We talked about heavy metals
16 leaching into the system. That's right.
17 There's also, because there is municipal
18 waste there is some really nasty organic
19 things that can leach into the system.

20 So we don't seem to have any analysis
21 for these things. I'm not sure we've got
22 the -- even if we had the analysis if we got
23 the necessary infrastructure to manage the

1 information and disseminate. It's good to
2 have information. But a certain amount of
3 transparency is necessary to the people that
4 live on both sides of the border to know what
5 is happening. I don't see anything in there
6 about that.

7 Just following up on what is going into
8 the dump, we have concerns as Rod mentioned
9 it a while ago, for the firemen. Firemen are
10 part of our mutual aid system. It's a good
11 system. It works well and the fireman from
12 Godmanchester will come to Westville if
13 necessary, but we have a real concern about
14 what is burning, because we don't know. And
15 that, you know, we keep coming back to that
16 and I'll keep coming back all the time. We
17 don't know what is in there. There's no
18 transparency.

19 So I guess the question is, are there
20 any plans to identify what is coming in there
21 and keep some kind of a register of what is
22 in there so we can know, if cell number sixty
23 is on fire what we're facing -- what the

1 firemen are facing, what kind of gases are
2 coming off.

3 There's some rumor circulating. I have
4 to mention it because I was asked to. One is
5 the BCP from St. Zasilé Le Grand (phonetic
6 spelling) ended up in Westville. It's
7 probably not true. But you know, somebody
8 mentioned it to me and I said well, I'll ask
9 the question. The other rumor that I'm
10 hearing is that garbage from New York City is
11 coming into Westville. That's why they need
12 the 125,000 ton a year permit so they can
13 accept garbage from New York City. Probably
14 not true, but I bring it up.

15 There's talk about aerobic and
16 anaerobic decomposition. Aerobic is when
17 there is lots of air and things rot really
18 good. And anaerobic is when it is covered
19 and it doesn't rot very well and one of the
20 options of anaerobic decomposing one is the
21 generation of hydrogen sulfide gas, the stuff
22 that smells like rotten eggs. Everybody says
23 it smells like rotten eggs, well it's

1 hydrogen sulfide. And hydrogen sulfide gas
2 is a very intoxicated gas. I can kill you.
3 It can kill firemen. I don't see anywhere
4 except that it's mentioned that there's
5 hydrogen sulfide gas, what level is
6 anticipated and what plans if any are in
7 place to handle it?

8 We've read in the papers about the
9 quality of Trout River being better on the
10 American side and then it gets worse as it
11 crosses the border into Huntingdon. That's
12 fine. But has there been any such studies on
13 the Briggs Creek or Salmon River. Are there
14 any plans for such a study. It would seem
15 that the true test that the dump is
16 effectively sealed is if the water quality
17 doesn't change and to do that it has to be
18 monitored. I didn't see anything about that.

19 Is the monitoring of the Trout River
20 going to continue and are there any plans to
21 monitor the Salmon River?

22 Getting near the end. The water
23 treatment plant from Malone is going to be

1 released into the Salmon River and that's
2 ultimately going to make its way into Canada
3 and into the St. Lawrence River. Is the
4 quality of this effluent going to be
5 monitored? Are the results of the monitoring
6 going to be transparent? Are Canadian
7 citizens, Canadian authorities going to know
8 about it?

9 So I guess summing up, transparency
10 seems to be a big issue in this whole thing.
11 Thank you.

12 MR. VOORHEES: The next speaker is
13 Serge Bourdon. Following him is Kim Moss.

14 MR. BOURDON: S-E-R-G-E B-O-U-R-D-O-N.
15 Good night. I won't be asking questions
16 tonight because in '93 we asked all the
17 questions we wanted. The DEC never answered
18 any of those questions. They just filled up
19 the landfill. That's all. We now are stuck
20 with it. So I would like to read to you what
21 we think.

22 I represent the Chateaugay Watershed
23 Management Agency. I'm president of

1 organization, so we are really concerned of
2 that. In '93 we're working about on that and
3 so tonight. The proposed the landfill -- the
4 proposed Westville landfill expansion by the
5 County of Franklin Solid Waste Management
6 Authority is unjustified and is
7 unjustifiable. How can a society that
8 proclaims itself modern and vanguard allow
9 the expansion of such a landfill? This
10 society appears to be overwhelmed and
11 admitting a growing waste production problem
12 due to unbridled consumption.

13 The ideology behind this process remain
14 archaic. Even if the proposed technology is
15 today's best.

16 How can we even speak of a long term
17 sustainable development when mankind's wisdom
18 resumes itself as of monstrous reality that
19 consist in hiding and burying it unbridled
20 waste production?

21 We suppose, here, that the promoter's
22 hidden agenda is to please their principal
23 investors and in order to do so chose to

1 establish their project where next-door
2 neighbor will be the one with the whole risk.
3 Is this the mandate that American citizen
4 have entrusted the County of Franklin Solid
5 Waste Management Authority in order to solve
6 the garbage problem?

7 The blind belief in the infallibility
8 of this landfill project appears to be purely
9 acrobatic. This grandiloquent technology is
10 hiding great disasters.

11 My fellow citizen, American friends and
12 I would be naive to act with such blind
13 assurance in these circumstances.

14 Reality is something else; I will not
15 teach anything new by reminding you that
16 bridge fall down, tower collapse, dykes burst
17 and as for the economy what is disillusion.

18 So for all of the above we say no, no,
19 no, and no to the Westville proposal
20 landfill. Thank you.

21 MR. VOORHEES: I think the next speaker
22 has declined, Kim Moss. Kim does not want to
23 speak? Okay. The next one on the list would

1 be Amy Spelecki (phonetic spelling) and after
2 Amy would be a name that I'm going to
3 embarrass myself with Mireille Theoret.

4 MS. SPELECKI: I'm from Dundee in
5 Quebec, north of the border. And my question
6 is what exactly goes into this dump? We've
7 heard about trucks rolling in in the middle
8 of the night, trucks coming in from Vermont,
9 sewage sludge, which may contain any number
10 of toxins and possibly 125,000 tons going in
11 every year for God knows how many years.
12 Obviously, it's well and good to say only
13 domestic waste will be going there, but
14 exactly what kind of domestic waste and how
15 exactly can you guarantee that to us?

16 Any law or rule has to have an
17 effective enforcement measure for it to be
18 effective; so unless there's incredible
19 amount of inspection and monitoring of the
20 trucks going into the dump, there is no way
21 that you can assure us that what's in the
22 dump is actually safe, and will be held in by
23 your very fancy liners and layers of God

1 knows what.

2 Can you guarantee local residence or
3 Canadian's across the border that they will
4 be safe from the tons and tons of garbage
5 that will be flowing into this dump for
6 decades to come? What are your inspection
7 methods? Exactly how are you going to
8 guarantee what is going through there? And
9 if anything that shouldn't be in there gets
10 in there, how are you going to get it out?
11 Are your liners going to be effective in
12 keeping out certain kind the chemicals and
13 toxic waste. If there's a leak at the very
14 bottom of that how are you going to deal with
15 that? I guess it's up for us in Westville
16 and Canada to find out.

17 MR. VOORHEES: The next young lady will
18 announce herself.

19 MS. THEORET: Mireille Theoret,
20 M-I-R-E-I-L-L-E, T-H-E-O-R-E-T. And people
21 here tonight didn't believe me that we were
22 going to be sixty from Quebec. So I would
23 like everyone from Quebec to raise up there's

1 little signs. You at Westville, you are not
2 alone.

3 I'm working for Mr. Belfora (phonetic
4 spelling) I'm his political advisor and I'm
5 also a concerned citizen. I have some
6 questions that are very simple about this
7 liner.

8 How long is the guarantee for these
9 twin liners? Who is liable in case of
10 failure, the supplier or the operator? Who
11 would remedy?

12 Again, on the barrier, how efficient is
13 this barrier to contain toxins contained in
14 the ground? Could some pollutants be smaller
15 than the interstice within the plastic and
16 escape the surface.

17 And there's also some questions here
18 about the sludge. The sewage sludge from the
19 Malone wastewater treatment plant is then
20 landfill, in the Westville landfill. The
21 circle is the sewage sludge from Malone will
22 be processed transported and landfilled in
23 Westville, the leachate from this very

1 landfill will be collected, stored,
2 transported to the Malone wastewater
3 treatment plant, which will process the
4 leachate and evacuate its sludge again
5 towards Westville, looks like you got
6 invented perpetual cycle.

7 There are a lot of questions. A lot of
8 people asked those questions tonight.

9 There's one question I would like to ask, we
10 know that there's some storms and all this
11 stuff and there are storms every year, every
12 10 years, every 25 years. I wonder if this
13 means that at least every 10 years residents
14 downstream of the landfill have to expect
15 water having been in contact with the
16 landfill to flow into their surface water?

17 Even if it's not technically and economically
18 feasible to contain a 10-year storm, this is
19 a danger that people would have to live with,
20 The people is us from Quebec and people from
21 Westville. Probably not people from Essex
22 County and Saranac Lake but us from Quebec
23 from Canada, we have to live with this. And

1 this is something that I cannot accept, that
2 we cannot accepted. And that's why we are
3 here tonight.

4 If a landfill expansion were not
5 required by increasing recycling rates,
6 composting and energy recovery of the waste
7 no such large scale storm water runoffs would
8 occur. So tonight we're here to say no to
9 the expansion and there's a waste from it and
10 we are sure we are going to be here and we're
11 going to stay as long as we don't have any
12 answers from you guys. Thank you.

13 MR. VOORHEES: It's 9:25 now and we've
14 actually got our way through the entire list
15 of people that signed up. If there's
16 somebody that I haven't called on that does
17 want to speak, please come to the microphone
18 and introduce yourself?

19 MS. BROWN: My name is Susanne Brown.
20 I'm a political attache speaking on behalf of
21 Albert DeMartin provincial government
22 representative for Huntingdon County across
23 the border in Quebec.

1 You have mention tonight you have a
2 successful track record of engineered liners,
3 suitable geology of soils at your landfill
4 site. But by whose authority are they safe?
5 By whose authority are they suitable; the
6 company operating the site or an independent
7 agency?

8 Huntingdon County has some, if not the
9 best agricultural soil in the province of
10 Quebec. It is considered the bread basket of
11 the province. Our land in Huntingdon County
12 is rich thanks in part by the water that's
13 flows directly from Franklin County, the site
14 where your landfill is located. So what
15 guarantee can you provide Huntingdon County
16 residence that their land, their water will
17 not be polluted in the coming 15 years let
18 alone 20, 25 years after you have enlarged
19 your landfill site when your records of
20 landfill are simply not that long. Thank
21 you.

22 MR. VOORHEES: Is there anybody else
23 who hasn't had a chance to speak, but would

1 like to offer some comment tonight?

2 MS. PARTRIDGE: I'm not a great public
3 speaker --.

4 MR. VOORHEES: Could you let the
5 stenographer know who you are.

6 MS. PARTRIDGE: My name is Marilyn
7 Partridge and I'm a concerned citizen because
8 my farm backs on upper New York State. What
9 I don't understand here is we're all sort of
10 letting off steam. We are talking. We're
11 asking questions. There's no nobody
12 answering anything. But I mean, are you
13 going to personally sign that this will not
14 pollute? I don't know who you are. Really.
15 I'm from the other side, but I mean we are
16 all talking. We are all concerned, but I'm
17 sort of saying, well, maybe we're just
18 talking to nobody. Is somebody going to
19 answer these questions? I don't know your
20 protocol. I don't know your policies.

21 MR. VOORHEES: I'd be happy to explain
22 it.

23 MS. PARTRIDGE: What I saw here tonight

1 I said, Hey, come on a six-year-old could
2 maybe design that and put a few whatevers.
3 But I mean like to me your citizens are not
4 -- your country is not listening to my
5 country. You as a citizen, I don't know
6 where you live, but I'm sure you wouldn't
7 want this in your backyard, uphill. I'm
8 quite sure.

9 Do you represent a corporation? Are
10 you getting money from this or are you
11 representing the citizens honestly and
12 fairly?

13 UNIDENTIFIED SPEAKER: I'd like to hear
14 an answer.

15 MS. PARTRIDGE: To me you're allowing
16 everybody to blow off steam and there is
17 nobody of importance or authority who's going
18 to respond. It's just that we're here. And
19 this is this nice little get-together and
20 maybe we might answer some of your questions.
21 We're not scholars or geologists. We're just
22 citizens who are concerned about our water.
23 I mean would you personally sign all these

1 papers? I mean all you ever hear about, in
2 the States is everybody loves to sue. So
3 what, would your company be completely
4 responsible and held accountable and would
5 there be money put aside? Nobody -- I don't
6 know your protocol. I will admit that, but
7 what's the point of having a meeting if there
8 is nobody here of authority who can answer us
9 or does it work that way? I don't know.

10 MR. VOORHEES: I didn't want to
11 interrupt you, but I'd be happy to let you
12 know the next step in the process after
13 tonight's hearing and after the comments come
14 in in writing by December 1st. The next step
15 of the process is to actually prepare written
16 responses to the comments that we've heard
17 tonight as well as the comments that we
18 receive in writing and all of those responses
19 will be put in another document that will be
20 made available to all of you to read. That's
21 called the Final Environmental Impact
22 Statement. So those written responses will
23 be there for you to look at and to review.

1 It's something that has to be published and
2 made available for everybody to look at.

3 MS. PARTRIDGE: But will you make a
4 point that our members of Parliament will get
5 something really in writing or do we have to
6 go on some sort of site and find it? I think
7 our member of Parliament have come here
8 sincerely and I don't know, maybe you can put
9 pressure on Mr. Harper, but I really think we
10 should look at this very, very seriously.

11 MR. VOORHEES: We will be closing the
12 hearing soon, the formal part of the hearing.
13 We will be sticking around for anybody that
14 wants to come up and talk informally. We'll
15 be happy to talk to you. But before we close
16 the hearing I want to make sure there's
17 nobody else that wants to come up and offer a
18 comment or ask a question as part of the
19 hearing itself.

20 If you do want to talk, please come up
21 to the microphone and re-introduce yourself.

22 MR. JARVIS: I'm Norm Jarvis from
23 Westville. And I forget one of my sheets. I

1 I'm sorry. I apologize. I want to talk
2 about leachate. Leachate of course is a
3 liquid generated as a result of percolation
4 of water and other liquid with landfill waste
5 itself -- you can't hear me? I'm sorry.

6 We know that leachate is liquid
7 generated as a result of the percolation of
8 water and other liquid with landfill waste.
9 We also know that it's contaminated liquid.
10 The landfill leachate was sent to village of
11 Malone water treatment plant for processing.
12 According to the local manager of the
13 treatment plant about 25,000 gallon of
14 leachate is processed each day which is part
15 of approximately two million gallons of water
16 going through plant each day. My problem
17 according to the Telegram is the outflow of
18 the plant -- treatment sewage plant was
19 tested over 10 years ago. It was apparently
20 safe then, but the metals not eliminated
21 through the plant process did not meet the
22 standard for concern. Probably in those days
23 the leachate was a maximum between 1,000 to

1 1500 gallons per day.

2 Want to know whose checked for the
3 safety of contaminated metals like mercury,
4 cooper, lead et cetera these past 10 years at
5 the treatment plant? No one. It must be
6 coming down the Salmon River because these
7 things are the result of the fact that they
8 are not processed through the sewage
9 treatment plant.

10 Whose responsibility is it, the
11 village? The landfill? Or the county? I'm
12 not sure. In your report, DEIS, you
13 mentioned we won't be alive then, but
14 20,395,000 gallons plus of leachate by 2066.
15 Have you consulted with the village to
16 determine the limit the present sewage
17 treatment system can handle? And how much
18 contamination might come through there from
19 mercury? Have you discussed with the village
20 the potential harm that these metals that
21 pass through the sewage treatment system can
22 have on a living -- on people living north of
23 the plant? Have you discussed potential

1 contamination of the river by these metals.

2 I hope you can answer all those questions

3 truthfully. Thank you.

4 MS. CLARY: Hi, Elaine Clary and I live

5 in Constable.

6 For the benefit of the people who

7 weren't at the scoping meeting in May, would

8 you please introduce yourselves and tell us

9 what your part is in this plan? Also I think

10 it would be helpful to put the slide up that

11 you have concerning the process that this

12 goes through. Do you still have that

13 available to put up so that people can see

14 that? I think there's need to be

15 clarification because a lot of folks from

16 Huntingdon weren't in the initial meeting, so

17 they haven't got that background that we

18 already have.

19 MR. VOORHEES: The four us that are up

20 at the front of the room all work for Barton

21 and Loguidice, consulting engineers. We have

22 been hired by the Solid Waste Authority to

23 work on their landfill expansion, to look at

1 the environmental issues as well as the
2 engineering issues.

3 In terms of the next steps in the
4 process, the very next step is for you to
5 continue to have the opportunity to submit
6 comments. There's a deadline to submit
7 written comments which is December 1st and
8 you can submit those comments by regular mail
9 to the Solid Waste Authority's office at 828
10 County Route 20 in Constable, New York. The
11 zip code is 12926. You can also do so
12 online. Go to the County of Franklin website
13 and you'll see information there that will
14 not only allow you to e-mail comments in
15 before December 1st, you can also review the
16 draft EIS online if you would prefer to do it
17 that way.

18 The draft EIS, copies of it are also
19 available at the authority's office at the
20 landfill site as well as public libraries in
21 Chateaugay, Hogansburg, Malone, Saranac Lake
22 and Tupper Lake and then there are three
23 libraries in Quebec where it's been available

1 for review. It still is there. That would
2 be Valleyfield, Ormstown, and Huntingdon.

3 Also the draft EIS was mailed to around
4 a dozen municipalities in Quebec in addition
5 to being mailed of the towns of Constable and
6 Westville. But the entire document is
7 available online for you to review. And the
8 very next step in the process is written
9 comments that will get submitted by
10 December 1st.

11 And then following that it's our role
12 to help prepare the written responses to all
13 the substantive comments that have come in
14 from you, the public, and from any agency
15 that may comment. Written responses will get
16 prepared and will get published in a final
17 environmental impact statement document.
18 Again, that will be circulated. It will be
19 made available to people to look at in these
20 libraries as well as online.

21 Following the final environmental
22 impact statement then, the authority's board
23 of directors for the Solid Waste Authority

1 has the responsibility to review all of the
2 information on the potential environmental
3 impact statements and balance environmental,
4 social and economic considerations before
5 deciding whether to go forward with the
6 proposed landfill expansion. And their
7 decision is the last step in the
8 environmental impact statement review process
9 and it's reflected in another written
10 document, which is statement of findings
11 under the State Environmental Quality Review
12 Act procedure, which is a New York State
13 procedure.

14 That would be the last document in the
15 environmental impact statement review
16 process, but if the authority decided to go
17 forward with the landfill expansion, it will
18 then be starting another environmental review
19 process. This time it would be in front of
20 the New York Department of Environmental
21 Conservation, which is a separate process.

22 And at that point, if there are any
23 public comment -- there will be public

1 comment opportunities. There could
2 potentially be a public hearing opportunity
3 as well through that state permitting review
4 process. Any hearings, any public comment at
5 that point would be directed to the State
6 Department of Environmental Conservation
7 officials. They would make the ultimate
8 decision on whether to issue a construction
9 permit for the proposed landfill expansion.

10 But at this point, the next steps are
11 the written comments by December 1st. Those
12 go to the Solid Waste Authority and then it's
13 for the Solid Waste Authority to get written
14 responses prepared, published, made available
15 and then decide through this Environmental
16 Impact Statement review process if on balance
17 to make sense to go forward with the proposed
18 landfill expansion. There's a question in
19 the back.

20 UNIDENTIFIED SPEAKER: I have a
21 question for you. The question that DEC
22 presented to you tonight, maybe this is DEC
23 person also, when will you be answering those

1 questions and will you be --.

2 MR. VOORHEES: Yes, the woman in the
3 back of the room was wondering when will we
4 be answering questions that the State
5 Department of Environmental Conservation is
6 asking. We'll be answering and responding to
7 those question at the same point in time that
8 we respond to all of yours. The DEC's
9 comments will be blended in to all the
10 comments that you make and there will be
11 written responses to those in the Final
12 Environmental Impact Statement. They
13 actually don't get any special treatment, if
14 you will, in terms of responding. They will
15 see the response when you see the response.

16 UNIDENTIFIED SPEAKER: Will they be
17 made public outside of list of people that
18 are here today and the agency?

19 MR. VOORHEES: Anybody who is on the
20 mailing list right now, by signing up and by
21 giving us either your mailing address or
22 e-mail address, assuming we can read your
23 writing, and some of them it's a challenge as

1 you can tell tonight, but you will get a
2 notice saying when the documents are
3 available, which will have all the responses
4 in it. And you will be advised as to where
5 you can go to review those responses which
6 will be in the final EIS. It will be online
7 as well as at various libraries. Yes.

8 UNIDENTIFIED SPEAKER: You mentioned
9 that you would responding to question which
10 were substantive.

11 MR. VOORHEES: Yes.

12 UNIDENTIFIED SPEAKER: I'm wondering
13 are you going to pick and chose, and I'm not
14 sure what criteria you're going use to what
15 questions you're going to respond to.

16 MR. VOORHEES: It's a judgment call we
17 have to make as to whether or not the
18 comments are relevant to potential
19 environmental impacts related to the proposed
20 landfill expansion.

21 UNIDENTIFIED SPEAKER: So you're just
22 going to respond to environmental so there
23 are a lot that we raised that were also

1 social issues like people talking about the
2 odor, that's environmental also, but so those
3 wouldn't necessarily be involved in the
4 response?

5 MR. VOORHEES: Odor impacts will
6 addressed. Yes.

7 UNIDENTIFIED SPEAKER: So will it be
8 clear, all the questions be in this report
9 and you will state why you have not responded
10 to one or you have chosen not to?

11 MR. VOORHEES: What we will do is we'll
12 actually make available for everyone to
13 review all the written comments that come in
14 and then we'll also make available you to
15 review the entire transcript of tonight's
16 hearing. And then, if we haven't answered
17 something that you think we should have
18 you --.

19 UNIDENTIFIED SPEAKER: Coming to
20 another one these and --?

21 MR. VOORHEES: We wouldn't be having
22 another one these. What happens is if
23 somebody thinks we've missed something we

1 hear about it. And we usually hear about it
2 in writing. And the other place it typically
3 happens is at the authority's board meetings.
4 They are opened to the public. They do meet
5 typically once a month. People can certainly
6 go there if they think there's an issue that
7 has not been addressed to their satisfaction.
8 But that's how it's done. The comments are
9 there. Responses are there for you to look
10 at as well as the original source material
11 which is the written comments as well as the
12 transcript of tonight's hearing.

13 MS. THEORET: Mireille Theoret. In
14 1993 people from here tonight asked questions
15 and there was no answer. So how can we be
16 sure that this time answers will be given?
17 The same thing in 1993 Mr. Bourdon was here,
18 and he asked a lot of questions and nothing
19 were answered. And there were very good
20 questions about like liabilities and who is
21 going to pay for -- if there's an incident
22 environmental incident. I just want to make
23 sure. Is it the same thing tonight that

1 happened in 1993? Did you know or --?

2 MR. VOORHEES: I'm not sure what
3 happened in '93. I wasn't here.

4 MS. THEORET: The creation of landfill.

5 MR. VOORHEES: I know what happened. I
6 just don't know -- I'm not sure if the DEC
7 actually was holding the hearing at the time
8 or if it was the authority. I don't know.

9 MR. BOURDON: The DEC was over there
10 This is the summary of April 20th, '93.

11 MR. VOORHEES: Could you let the
12 stenographer know who you are again.

13 MR. BOURDON: Serge Bourdon, S-E-R-G-E
14 B-O-U-R-D-O-N. So this a summary report that
15 was proposed by the DEC and it was -- and all
16 these comments were presented in front of
17 Mr. Robert D. O'Connor administrative law
18 judge. So, but the comment are in there.
19 There were promises made, there was committee
20 proposed, treaties sign up, but never on the
21 question we asked about what will happen if
22 there's a spill. What will happen if there's
23 a fire in the dump. What will happen -- that

1 there is nothing -- they just maybe they
2 dropped it in the dump.

3 MR. VOORHEES: Now it's 15 years later
4 and all I can tell you is what we do now. In
5 2008, we will be reviewing these comments and
6 providing a written responses that you are
7 going to have a full opportunity to review
8 and assess on your own.

9 MR. BOURDON: At the end of the process
10 you all be hearing everybody all the
11 questions, but at the end what we can
12 understand how they are going to make the
13 rule and go get with the permit. This is
14 what I understand. They will go right
15 through the list, right through the list,
16 everything will be done. They try maybe give
17 some answers, but the risk -- you know, we
18 learn in the document that they can't make
19 landfill sites in the Adirondack Park.
20 There's law like this. They can't make --
21 there's a buffing zone around the park where
22 they can't build. Why can't they have a
23 buffing zone in between the two countries?

1 So that's what -- these are my comments, the
2 answer we were suppose to have.

3 MR. DRUMMOND: Hello, I'm Dave Drummond
4 (phonetic spelling), Elgan (phonetic
5 spelling), counsel from Elgan, will you
6 actually respond to the questions on the
7 impact in Canada's environment or do you not
8 consider that part of your --?

9 MR. VOORHEES: We will, yes.

10 MR. DRUMMOND: In your scoping document
11 you say you won't.

12 MR. VOORHEES: I think that what we
13 were say is that there's no distinction
14 between the environmental impact. We don't
15 distinguish between borders and countries.

16 MR. DRUMMOND: Well, I attended the
17 meeting in May and you said that you'd
18 respond to all of your questions. And in the
19 final scoping document you state it clearly
20 there is no need to undertake special or
21 extraordinary consideration of potential
22 impacts on Canada. So is that going to
23 happen again? We asked good questions

1 tonight and we asked good questions in May as
2 well.

3 MR. VOORHEES: And the answer I think
4 is the same, and that is, that the
5 environmental impacts that are identified and
6 asked about will be addressed in writing.

7 MR. DRUMMOND: But not Canada's
8 environment?

9 MR. VOORHEES: That was specifically
10 asking I believe about a special procedure.

11 MR. DRUMMOND: It's the only place that
12 Canada is mentioned in the whole document.
13 Two lines.

14 MR. VOORHEES: That was in the scoping
15 document?

16 MR. DRUMMOND: Right.

17 MR. VOORHEES: I don't know if you had
18 a chance to look at the draft EIS or not. I
19 couldn't tell you if Canada is mentioned
20 specifically or not. But what we do
21 address --

22 MR. DRUMMOND: You can't tell me --
23 have you read it?

1 MR. VOORHEES: I edited the document.
2 I wrote sections of it.

3 MR. DRUMMOND: So you can't say whether
4 or not Canada's concerns are in there?

5 MR. VOORHEES: The concerns regarding
6 the environment are definitely in there.

7 MR. DRUMMOND: Canada's environment?
8 We are going to receive all this stuff.

9 MR. VOORHEES: I'm just as concerned
10 about impacts in the United States as I am in
11 Canada. I'm not distinguishing between the
12 two.

13 MR. DRUMMOND: I feel like Madam
14 Theoret said, there were some very good
15 questions asked on this. A lot of them from
16 Quebecers. I'm really worried that in your
17 final document we are going to get two
18 sentences again.

19 MR. VOORHEES: No, you will be
20 responded to.

21 MR. DRUMMOND: On impacts on Canada's
22 environment for all the questions that are
23 asked?

1 MR. VOORHEES: Any thing -- other than
2 asking about the color of my tie,
3 unfortunately nobody did, but yes, we will.

4 MR. DRUMMOND: You think this is funny.
5 We don't think this is funny.

6 MR. VOORHEES: No, we will address the
7 comments.

8 MR. DRUMMOND: What is that?

9 MR. VOORHEES: We will address the
10 comments in writing.

11 MR. DRUMMOND: Not two sentences again,
12 I hope?

13 MR. VOORHEES: There will be a lot of
14 sentences.

15 MS. EVETT: Sara Evett, E-V-E-T-T.
16 maybe this might clarify something. This is
17 mandated for you to have this hearing tonight
18 by New York State; right? This is part of
19 the -- who is it that actually requires this?

20 MR. VOORHEES: Technically it's not
21 mandated. It's optional to hold the
22 hearings. The authority decided to hold the
23 hearing. Public comment is taken. Public

1 comment is required. Holding hearing is
2 optional, like holding the scoping meeting is
3 optional. But the authority decided to do
4 this.

5 MS. EVETT: But it helps.

6 MR. VOORHEES: It's part of the state
7 process, yes.

8 MS. EVETT: Is there anybody from New
9 York State here tonight?

10 MR. VOORHEES: Yes.

11 MS. EVETT: There is?

12 MR. VOORHEES: They often comment early
13 in the meeting.

14 MS. EVETT: There is somebody from New
15 York State? I don't need to know who they
16 are, but what I would like to say publically
17 is if there is somebody from New York State
18 here and this is part of a typical process
19 and procedure for approving some major
20 project like this, I would just like to
21 request along with that person from New York
22 State and the DEC that they make sure that
23 certain things get included and that, you

1 know, we are taken into account and some of
2 those questions are answered, because I would
3 think it would be good for you.

4 MR. VOORHEES: It's five minutes to
5 ten. We're pretty close to wrapping this up.
6 There's another gentleman that wants to
7 speak.

8 MR. FLEURY: I'm Jack Fleury. I think
9 for the people from Canada if you would get a
10 hold of some of our state and federal such as
11 Betty Little, Janet Duprey. They are our
12 state representatives for this area. I think
13 you also ought get ahold of Hilary Clinton.
14 I would get ahold of Hilary, tell them how
15 you've been -- not answered your questions
16 this evening and that you would like to have
17 some representation and have them get a hold
18 of Franklin County. I think you will get a
19 lot further then just asking them because
20 that's their own group. So I would suggest
21 to you to get a hold of Betty Little, Janet,
22 Duprey. I would also send a notice to our
23 governor and ask him for some help; okay.

1 MR. VOORHEES: Go ahead, sir, there's
2 another gentleman who wants to talk.

3 MR. PERRON-PICHE: I'm Guillaume
4 Perron-Piche you can find my name from
5 earlier. If I get it straight, the public
6 hearing that we have tonight is not meant to
7 answer our questions, which I understand
8 because it's not your job to specifically
9 answer them right now. One thing I seem to
10 understand, however, is that after this first
11 idea of the project there will be a hearing
12 from New York State. Is there in anyway a
13 political side that would be involved in the
14 decision of permit granting? This is very
15 important, because whatever the project is
16 proposed it still needs a permit. We will
17 need to know if it is possible inside the
18 document that will give us even if you cannot
19 answer all the questions that were formulated
20 today, even if some of the comments that were
21 give tonight are maybe irrelevant, it would
22 be very good if your company could direct us
23 to the decision-making people that us, on

1 both sides of the border, can try to
2 influence in order to make sure that this
3 project does not get done. Thank you very
4 much.

5 MR. VOORHEES: Thank you everybody for
6 coming and taking the time to come out
7 tonight to the hearing. I know a number of
8 you traveled quite a ways. It's a couple of
9 minutes before 10:00. We will formally close
10 the record for this public hearing to the
11 draft EIS. I appreciate again everybody
12 coming out to offer your comments. We will
13 be here for a little while longer and be
14 happy to talk to any of you if you want to
15 come up to the front of the room, but the
16 hearing is officially closed. Thank you.

17

18

19

20

21

22

23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

STATE OF NEW YORK)
COUNTY OF ST. LAWRENCE)

I, Mary Elizabeth Burnham, a Notary Public in
the state of New York, do hereby certify that the
foregoing publick hearing was taken before me, in the
cause, at the time and place, as stated in the caption
hereto, at Page 1 hereof; that the foregoing
typewritten transcription of the public hearing,
consisting of pages number 2 to 135, inclusive, was
produced to the best of my ability of all proceedings
had at the session at which said public hearing was
taken.

IN WITNESS WHEREOF, I have hereunto subscribed
my name, this the 28TH day of November 2008.

Mary E. Burnham, Notary Public
State of New York
County of St. Lawrence
My commission expires: 6/15/11